

# STIFLING THE PUBLIC SPHERE

Media and Civil Society in Russia



# STIFLING THE PUBLIC SPHERE: MEDIA AND CIVIL SOCIETY IN RUSSIA

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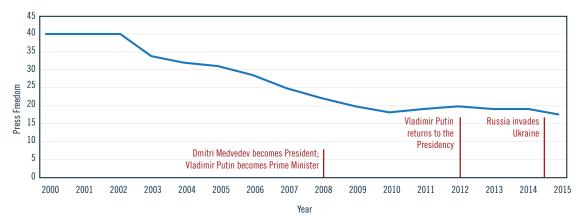
## I. Overview

The expectations of the "end of history" that appeared after the Third Wave of global democratization, which culminated in the collapse of the Soviet Union in 1991, are now understood to have been premature. According to the most recent edition of Freedom House's *Freedom in the World* report,¹ democratic ideals today are under the greatest threat they have faced in 25 years. The countries with declines in freedom have outnumbered those with gains in each of the past nine years. But 2014, the year covered by the 2015 report, was particularly grim: political rights and civil liberties declined in 61 countries, and improved in only 33.

Russia has played an important role in these democratic setbacks. According to Freedom House, the country has been on a downward spiral since the early 2000s. It has received a Not Free status each year since the 2005 edition of *Freedom in the World*,<sup>2</sup> and over the last 15 years, its civil liberties indicators have deteriorated due to expanded state control over the media, a dramatically increased level of propaganda on state-controlled television (which remains the primary source of information for 90 percent of Russians),<sup>3</sup> and new restrictions on the ability of some citizens to travel abroad, among other factors.

However, the most radical changes arguably occurred during the summer of 2012, following large antigovernment protests that began in late 2011 and Vladimir Putin's return to the presidency in May 2012. Significant developments included the enactment of the "foreign agents" law, which stigmatized civil society organizations, and a crackdown on Russia's few remaining independent media outlets. Internet freedom was also attacked more severely starting in 2012, with increasingly restrictive legislative measures, expanded content blocking, and enhanced state surveillance capabilities.

#### Media Freedom in Russia 2000-2015



Data from Freedom House, Freedom of the Press (New York: Freedom House), editions 2000 through 2015. Scores have been inverted so that a score of one hundred is "most free" and a score of zero is "least free."

#### Use of News Sources in Russia 2014



Television 90%



Acquaintances **25%** 



Online Publications **24%** 



Newspapers 19%



Radio 18%



We know



Data from the Levada Center in March 2014, "Российский Медиа-Ландшафт: Телевидение, Пресса, Интернет," [Russian Media Landscape: Television, Press, Internet] (Moscow: Levada Center, 2014).

Another threshold was crossed in 2014, when Russian forces invaded Ukraine. The attack symbolized an open abandonment of the quasi-democratic camouflage that had allowed electoral autocracies like Russia to survive in the post–Cold War world. The military action was accompanied by an unprecedented wave of propaganda and growing suppression of dissent within Russia.

The scale of the propaganda campaign is evident in the increased state spending on official media enterprises. Despite international sanctions, falling oil revenues, and a weakening currency, the Kremlin raised allocations to its array of outlets for the 2015 budget, in some cases by as much as 30 percent over the amount for 2014.<sup>5</sup>

### II. Three Distinctive Features of Russia's Media Control

The pattern of media control in Russia has three distinctive features: selectivity and strategic uncertainty in the censorship regime, the use of propaganda tools to reshape rather than completely control the media narrative, and an emphasis on legal and economic methods to suppress or co-opt independent voices.

#### A. SELECTIVITY AND STRATEGIC UNCERTAINTY IN THE CENSORSHIP REGIME

Although some analysts have attempted to do so,<sup>6</sup> censorship in today's Russia cannot be compared to the totalitarian practices of the Soviet Union. The Putin regime tends to implement repression on a selective basis, targeting certain media outlets or individuals in order to motivate self-censorship among the rest.

The contemporary Russian regime is hardly alone in taking this approach. In the changing environment of the late twentieth century, mass repression became extremely costly for dictators and thus unlikely to be employed against a docile population. In addition, overreliance on the armed forces and the security apparatus to sustain autocratic rule made dictators increasingly vulnerable to coups. As a result, "aside from outliers such as Cuba, North Korea, and Turkmenistan, today's authoritarian regimes don't seek total media domination. Instead they opt for 'effective media control'—enough for them to convey their strength and puff up their claims to legitimacy while undermining potential alternatives."

The existence of the "effective media control" strategy in Russia is apparent from the fact that multiple civic freedoms persist, though with constraints. The Internet is still relatively free, even after the Kremlin took a series of steps to increase control over the online sphere in 2012, in advance of the Sochi Olympic Games in February 2014, and throughout the ongoing crisis in Ukraine. Similarly, several independent media outlets—such as the television channel Dozhd (TV Rain), the radio station Ekho Moskvy, and the business daily *Vedomosti*—continue to convey viewpoints that differ from those of the Kremlin.

In the past, periods of state pressure on alternative media have come after military conflicts, like those with Georgia and Ukraine, or unfavorable domestic developments for the regime, such as antigovernment protests or worsening economic conditions.<sup>11</sup>Typically, after a crackdown passes, the surviving media continue to operate and some new enterprises emerge to replace those that were destroyed. Nevertheless, the overall trend is clearly negative, with fewer and fewer independent outlets emerging from each round of repression.

The strategy of selective repression was pioneered decades ago by the Chinese Communist Party as it sought to build a more open economy while maintaining political control.<sup>12</sup> Rather than engaging in Soviet-style mass repression, China's rulers deliberately used selective enforcement to create uncertainty as to the boundaries of acceptable speech and media coverage, prompting journalists and activists to curb their own criticism of the authorities. Russian authorities might have learned the idea of selective censorship from their Chinese counterparts, who practice erratic punishment of individuals and corporations.<sup>13</sup> For example, if two publications publish articles criticizing the same corrupt authorities, Chinese censors may ban one publication rather than both of them and thereby foster uncertainty in the minds of journalists.

Examples of strategic uncertainty in contemporary Russia include the recent case of Svetlana Davydova. A housewife from the town of Vyazma, she was initially detained in January 2015 on charges of high treason for informing the Ukrainian embassy that troops based in her town might be deployed to Ukraine. The charges were eventually dropped, but the high-profile case likely served its purpose as a deterrent to others who opposed Russia's military involvement in Ukraine. That the Kremlin hoped to suppress such views was later confirmed by Putin's May decree declaring that information on all Russian military deaths—even during peacetime—would be considered a state secret. The move meant that journalists and activists who discussed casualties in eastern Ukraine could face up to seven years in prison.

Similarly, a number of prohibitive laws adopted by the State Duma in recent years feature deliberately vague wording, which allows for multiple interpretations and gives the authorities freedom to inflict punishment at their discretion. In the above example, Davydova was charged on the basis of November 2012 amendments to the criminal code, which broadened the definition of "high treason" to include the "provision of financial, material, advisory and other assistance" to a foreign state or international or foreign organization. But under such a definition, even a mundane newspaper interview may constitute "high treason." Other broadly worded pieces of legislation include recently adopted laws on extremism, inciting hatred, offense to religious feelings, distortion of World War II history, and the registration of "foreign agents." While systematic enforcement of such laws is unlikely, their selective application enables the authorities to apply severe and discretionary punishments to opponents of the system. For instance, the Kremlin has avoided jailing the well-known opposition leader Aleksey Navalny, while issuing harsh prison sentences to his brother and other, less prominent regime opponents.

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The system of selective repression and strategic uncertainty provides several clear advantages over traditional mass repression. First, as noted above, it is much less costly: mass repressions require the maintenance of a pervasive security apparatus to effectively eliminate all public dissent. Under contemporary economic conditions, which require societies and international borders to remain relatively open, mass repression might be almost impossible to implement fully. By contrast, the arbitrary jailing of a single person can intimidate hundreds of thousands of others into controlling their own words and actions. Second, a complete clampdown on critical viewpoints, even it were possible, would endanger the regime by cutting off important safety valves for the expression of public frustrations. Third, strategic uncertainty allows the authorities to backtrack in case of overreach. This benefit is especially obvious in Russian policy on Ukraine. By not acknowledging the presence of the Russian troops in the country, the Kremlin allows itself (and its opponents) a greater number of exit options, whereas admitting to Russian involvement could force international institutions to impose more severe punishments and even lead to full-scale war.<sup>15</sup>

#### B. MODIFYING RATHER THAN CONTROLLING THE NARRATIVE

As Peter Pomerantsev has stressed,<sup>16</sup> today's Russian regime also differs from the Soviet system in that it does not attempt to quash unfavorable information by completely eliminating the source, preferring instead to reshape the narrative. Again, the change is related to the new global conditions that followed the Third Wave of democratization. Autocrats perceived a need to boost their domestic and international support by selling their political systems at home and abroad, guided by "the belief that whose story wins may be more important than whose army wins."<sup>17</sup>

Pomerantsev quotes from a Russian manual called "Information-Psychological War Operations: A Short Encyclopedia and Reference Guide," which emphasizes the importance of information warfare and summarizes its key principles. These include the notion that information weapons should act "like an invisible radiation" upon their targets, so that the population is not aware of the effect and "the state doesn't switch on its self-defense mechanisms." Moreover, unlike in a "normal war," victory in information war can be partial, as "several rivals can fight over certain themes within a person's consciousness."

Indeed, on the international level, Russia's state media outlets often portray themselves as merely providing an "alternative" viewpoint on world events. Margarita Simonyan, editor in chief of both RT and the Rossiya Segodnya media group, has been quoted as saying that "there is no such thing as objective reporting." Rather than completely dominating the information space, the Kremlin's propagandists appear content to muddy the waters.

The logic is as follows: When fake news is created, many journalists who are taught to report both sides will have to repeat the assertion, and public opinion will shift toward the false reality, as the audience typically believes that "there is no smoke without fire." In one notorious example of this process, Russia's Perviy Kanal (First Channel) broadcast a fake report claiming that a boy in the Ukrainian town of Slovyansk had been

crucified by the Ukrainian army. The piece featured a supposed interview with the child's mother.<sup>19</sup> Although investigations by other outlets found no evidence to support the story, Perviy Kanal never acknowledged its mistakes or apologized for fabricating the report.<sup>20</sup> Even if such stories are methodically debunked, news consumers are not always aware of the corrections, and the falsehoods have a cumulative effect on public perceptions.

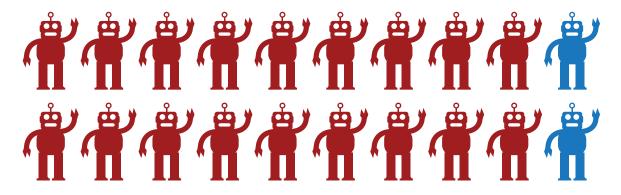
Importantly, however, the "shaping narratives" approach is directed primarily toward foreign audiences. It works particularly well in the democratic world, not only due to the fact that journalists are expected to acknowledge alternative (including official Russian) views, but also because it fits some domestic political sentiments, including skepticism about the objectivity of mainstream media. Within Russia, meanwhile, the Kremlin goes to greater lengths to control the narrative by drowning out or silencing independent voices.

Analysts describe Russia's current disinformation campaign as the 4D approach: "dismiss," as Putin did for over a month regarding the obvious fact that Russian soldiers had occupied Crimea; "distort," as with the fabricated story about the crucified boy; "distract," as Russian media did with alternative theories about the destruction of Malaysia Airlines Flight 17 over eastern Ukraine; and "dismay," as Russia's ambassador to Denmark did in March 2015 when he threatened to aim nuclear missiles at Danish warships if Denmark joined NATO's missile defense system. While Pomerantsev emphasizes the novelty of such disinformation strategies, they are hardly different from the doctrine utilized in the West by the Soviet Union, and fairly consistent principles can be traced through the work of Soviet and post-Soviet scholars on the subject.

Arguably, the main difference between the Soviet and contemporary disinformation strategies is the emergence of the Internet, which provided wider and faster access to different audiences and allowed the state to multiply the variety of its disinformation approaches. Paid Internet "trolls" and "bots" play a unique role in this area. The first term refers to people in online discussion forums who try to derail conversations with indecent comments, spread misinformation, and steer online discourse with pro-Kremlin rhetoric. By contrast, "bots" are people or programs that engage in mass distribution of short, sometimes identical, messages.

According to investigations by several independent Russian and foreign journalists, one of the major suppliers of Russian trolls is a firm called the Internet Research Agency, based in a St. Petersburg suburb, that employs hundreds of people across Russia. Each person hired by the company is expected to leave dozens of comments daily on various online publications, articles, and blogs, pushing views on a shifting range of topics

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depending on the news agenda.<sup>23</sup> The campaign is allegedly orchestrated by the Kremlin. The fake user accounts rarely if ever interact with other users through replies or mentions, and the quality of the posts is often poor, with many trolls using recognizable nicknames and making typical Russian mistakes when writing in foreign languages. At the same time, the effort is massive. Internet researcher Lawrence Alexander this year uncovered an apparent bot network of 17,590 pro-Kremlin Twitter accounts, over 90 percent of which had no registered location, time-zone information, or Twitter favorites.<sup>24</sup>

#### C. LEGAL AND ECONOMIC METHODS OF CONTROL

Another distinctive characteristic of the Kremlin media control strategy is the importance of legal and economic methods in co-opting or weakening independent media outlets. In their book on Putin,<sup>25</sup> Fiona Hill and Clifford Gaddy stress his tendency to use formal documents to justify his actions, and there is some truth to the observation that the Kremlin often tries to hide behind legal rules while pursuing its political agenda. In what could be viewed as an extension of this pattern, whenever possible the leadership attempts to buy and tame independent media outlets rather than engaging in a direct crackdown.

An independent outlet typically comes under threat as soon as it reaches over one or two million people, though the threshold was probably tightened after the 2011–12 opposition protests. The authorities' assessment of the threat fluctuates as each wave of repression comes and goes.

The regime occasionally perpetrates direct attacks on the journalists it finds particularly troublesome. For example, in 2014 Pskov journalist Lev Shlosberg was severely beaten after his paper reported about the burials of Russian soldiers allegedly killed in Ukraine, <sup>26</sup> and BBC journalists were attacked and had their camera equipment smashed in Astrakhan while investigating a similar story. <sup>27</sup> More than two dozen journalists have been killed in connection with their work during Putin's rule, according to the Committee to Protect Journalists. Still, the regime tends to avoid direct violence if it can accomplish its aims by utilizing some mix of legal and economic pressure.

First, each wave of repression is preceded by the emergence of increasingly restrictive laws, such as the "foreign agents" law or new penalties for "extremism." Second, if an outlet fails to self-censor in the face of such legal threats, the Kremlin attempts to replace the editor in chief or director with a more loyal figure. This strategy has been tried with major news outlets including RIA Novosti, Gazeta.ru, *Kommersant*, Lenta.ru, Ekho Moskvy, RBC, and *Nezavisimaya Gazeta*. Yandex, a homegrown Internet search engine, might also come under pressure.<sup>28</sup>

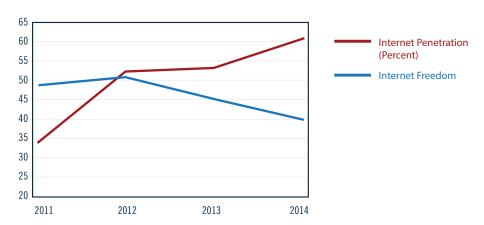
Third, the authorities can engineer the purchase of the targeted outlet by a more loyal owner—a tactic used repeatedly since the 2001 crackdown on then independent television station NTV. Later victims included *Izvestiya*, *Kommersant*, St. Petersburg's Fontanka.ru, and now potentially *Vedomosti*, as the Finnish company Sanoma recently sold its stake in the paper to a Russian businessman, Demyan Kudryavtsev. The move came after the October 2014 passage of a law limiting foreign ownership stakes in Russia media to 20 percent by 2017, which could lead the remaining foreign owners of *Vedomosti* and other outlets, like *Forbes Russia*, to sell. Even social-media companies have been subjected to co-optation through forced ownership changes. Mail.ru, owned by pro-Kremlin billionaire Alisher Usmanov, increased its stake in the popular social network VKontakte after the original owner, Pavel Durov, left Russia under pressure in 2014.

Only when replacing the editor or buying off the outlet is not an option does the Kremlin attempt to cripple its actual operations. Such was the case with TV Rain, whose audience reached the "red zone" of one to two million people in the wake of the 2011–12 opposition protests. TV Rain was owned by its director and an independent Russian businessman, making it difficult to co-opt. Instead, in 2014 TV Rain was cut off from its main cable audience through what seemed to be a Kremlin order. The pretext was an online poll conducted by the channel in early 2014 on the 70th anniversary of the lifting of the siege of Leningrad, in which 800,000 people had died. It asked whether the Soviets should have surrendered Leningrad to the invading Germans in order to save hundreds of thousands of lives. The editors later removed the poll and apologized in the wake of a furious and coordinated attack by pro-Kremlin deputies, who called on the general prosecutor's office to investigate the station for alleged extremism. Putin's press spokesman, Dmitriy Peskov, said the channel had crossed a moral redline. Soon afterward, cable providers started pulling it from the air, <sup>29</sup> and it remains cut off from most cable television viewers. Moreover, to limit the channel's ability to earn advertising revenue, in July 2014 the State Duma passed a law that prohibited television channels from carrying advertising if they also earned money through subscriptions—a rule that would also harm many local channels across Russia. (It was later revised to focus on stations carrying foreign content.)<sup>30</sup>

Some independent outlets that operate exclusively online and cannot be reached effectively through legalistic or economic means are simply shut down or blocked in Russia by federal or local authorities, as has occurred with Grani.ru, Kasparov.ru, EJ.ru, and Navalny's LiveJournal blogging account.

The cumulative effect of these tactics is that very few independent media survive: among television channels, TV Rain and RBC, neither of which are widely available; among the print media, *Novaya Gazeta*, *Vedomosti*, *New Times*, and *Forbes Russia*; among online outlets there are more examples due to the Kremlin's inability or unwillingness to seize greater control of the Internet, though blocking and buyouts have increased in recent years.

#### Internet Freedom and Penetration in Russia 2011-2014



Data from Freedom House, Freedom on the Net (New York: Freedom House), editions 2011 through 2014. Scores have been inverted so that a score of one hundred is "most free" and a score of zero is "least free." Internet penetration data is from Freedom on the Net, which cites International Telecommunications data from the year preceding Freedom on the Net's release.

When faced with official pressure, most media are inevitably forced to accept some set of compromises or exchange of favors with state authorities in order to survive. For example, *Novaya Gazeta* published a report on claims by Russian military experts that Malaysia Airlines Flight 17 was shot down by a missile fired from government-held territory in Ukraine. For its part, Ekho Moskvy devotes about half or a third of its time to pro-Kremlin pundits and publications, a compromise that allows it to continue carrying independent and opposition viewpoints.

An increasing number of independent, cross-border Internet projects have been launched by Russians, such as the Latvia-based news site Meduza and the Estonia-based television service Aru.tv,<sup>31</sup> but their reach remains relatively limited. Most Russians continue to rely on the state-dominated broadcast networks for news and information.

## III. A Similar Approach to Control of Civil Society

The regime's management of nongovernmental organizations (NGOs) generally follows the pattern observed with the media, particularly with respect to the promulgation of multiple, prohibitive laws with vague definitions that allow the authorities to selectively persecute independent groups. And as with the media, the current crackdown on NGOs began in 2012 following Putin's return to the presidency and related opposition protests.

The most notorious of the NGO laws passed in this period is N121-FZ, known as the "foreign agents" law. Adopted in July 2012 but actively enforced only in 2014, it requires NGOs that receive foreign funding and are involved in loosely defined "political activities" to register as "foreign agents." At the time of writing, the Ministry of Justice's website listed nearly 90 groups as "foreign agents." The ministry has interpreted the "political activities" component to apply to organizations that "influenced public opinion," organized protests, participated in events outside of Russia, reported to the United Nations about Russia's human rights problems, or possessed politics-related literature in their offices. Consequently, the "foreign agents" list includes such diverse organizations as the Soldiers' Mothers Committee of St. Petersburg, the election-monitoring agency Golos, the human rights center Memorial, and the Chelyabinsk environmental group For Nature. Moreover, the law did not provide any clear procedure for securing removal from the list.

Although the application of the "foreign agent" label has not led to overt persecution, only three NGOs registered voluntarily. Most refused to do so, suspecting that the law would open the door to future prosecutions, bans, or funding restrictions. For example, the Moscow School of Civic Education chose to close in December 2014 following its inclusion on the list. The Levada Center, Russia's only independent polling agency, has repeatedly stated that it may have to close rather than register under the law. The discretionary nature of the law was revealed when the Dynasty Foundation, one of the largest charity foundations in Russia, was added to the list in May 2015. Dynasty's Russian founder, Dmitriy Zimin, used his own money—earned

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in Russia but kept abroad—to fund the organization. Nonetheless, the Ministry of Justice ruled that Dynasty received "foreign" funding.<sup>34</sup> The foundation subsequently shut down.

A more recent law, N129-FZ, adopted in May 2015, allows officials to declare foreign and international organizations "undesirable" and close their operations in Russia. Organizations, employees, and subcontractors that fail to comply are subject to high fines and significant jail time. The criteria for labeling an organization undesirable are unknown. The law simply targets foreign and international groups that "threaten the foundations of the constitutional system of the Russian Federation, its defense capabilities, and its national security." In July, the National Endowment for Democracy became the first organization to be officially blacklisted under the legislation.

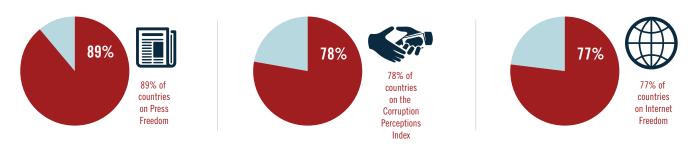
## IV. Prospects and Challenges for the Future

The smothering of media and civil society further weakens the Russian system's ability to tackle the country's already-rampant corruption and will shrink incentives to reform the economy. That, in turn, is likely to create even more favorable ground for lawlessness and provide more impunity for corrupt officials. Given the unfavorable climate for the operation of independent media and grassroots organizations in Russia, the available courses of action are limited. However, there are a number of strategies that have shown some promise and should be pursued in the future.

Investigative organizations such as Navalny's Fund to Fight Corruption (FBK) have been effective in exposing the Kremlin's corruption and played an important role in inspiring the 2011–12 opposition protests. However, such groups face substantive obstacles in reaching the general public and disseminating their work within Russia. Even international social-media services like Facebook and Twitter have proven to be overly compliant with Kremlin requests to block opposition content. Democratic governments and international civil society could do more to assist in this area.

The Magnitsky Act, a U.S. law that imposes travel bans and asset freezes on Russian officials suspected of committing human rights abuses, has proven to be quite painful for Russian elites, as have similar penalties imposed by democratic governments in connection with the invasion of Ukraine. Opposition activists led by Mikhail Kasyanov and Vladimir Kara-Murza have called for sanctions to be extended to Russian journalists and media managers who are most actively engaged in the Kremlin's propaganda campaign.

#### In 2014, Russia Performed Worse than...



Press Freedom data from Freedom House, Freedom of the Press 2014 (New York: Freedom House, 2014). Corruption rankings from Transparency International, Corruption Perceptions Index 2014 (Berlin: Transparency International, 2014). Internet Freedom data from Freedom House, Freedom on the Net 2014 (New York: Freedom House, 2014).

Most independent media in Russia are cut off from major funding sources, leaving them completely outmatched by heavily subsidized state media. Democratic governments and foreign NGOs could respond with increased funding for their own Russian-language news services, such as Radio Free Europe/Radio Liberty's Svoboda.org, and support for foreign-based, Russian-founded projects like Meduza, Open Russia, Free Russia Foundation, and the Committee for Russian Economic Freedom. However, more expert discussion is required on how to reach the domestic Russian audience on a large scale.

Important opposition potential is concentrated in Russia's professional class, which is more educated and connected to the outside world. Until 2012, many Russian lawyers, economists, academics, and reformers attempted to change the regime "from within," but later developments have illustrated the futility of such attempts, and large segments of this community have now participated in opposition protests or moved abroad. The Kremlin, meanwhile, has been actively persecuting them. However, Russia's cadre of independent-minded politicians, scholars, journalists, and activists is likely to survive due to its significant size, and future assistance should include measures that help it to grow and strengthen.

Finally, Russophone communities outside of Russia are particularly vulnerable to the Kremlin's propaganda. Such audiences are especially large in the Baltic States and other Eastern European countries, are often poorly assimilated, and receive their information from predominantly Kremlin-friendly channels. Moscow's influence over these communities represents a potential danger to their countries of residence.<sup>36</sup> Hence, new, independent Russian-speaking media should be launched in those countries to compete with Kremlin-funded initiatives.

After the annexation of Crimea, the Russian public seemed satisfied with the patriotic propaganda produced by the state-controlled television channels, but this is unlikely to last. The 2011–12 protests revealed a latent societal demand for open media and independent information that is bound to increase in the coming years given Russia's deepening corruption and worsening economic conditions.

The views expressed in this paper represent the opinions and analysis of the author and do not necessarily reflect those of the National Endowment for Democracy or its staff.

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- <sup>7</sup> Mark Lichbach, "An economic theory of governability: Choosing policy and optimizing performance," *Public Choice* 44, no. 2 (1984).
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