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Andrey Semenov: Institutionalization of the Public Sphere in Post-Soviet Regimes

About the author:

After graduating from Tyumen State University magna cum laude in 2006, Andrey Semenov received a specialist degree in political science and accepted a position teaching political philosophy and political theory at the Institute of History and Political Sciences. For more than six years he has been involved in different kinds of public activities as a freelance journalist, the head of the Tyumen Youth Department of the Russian Association for Political Science, and a Youth Human Rights Movement (YHRM) regional correspondent. As a member of the Independent Social Research Center, he studies the development of civil society institutions in the Tyumen region. He is occupied with the theory of democratization, new institutional methodology, the public sphere and civil society theory. Now he is a third-year Ph.D. student, and the topic of his Ph.D. thesis is 'Institutionalization of the Public Sphere in Russia: the case of the Tyumen Region'. This paper is a project for future postdoctoral research.

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Abstract

The transition process in post-Soviet regimes is not yet over but the results are obvious: most of these countries have headed straight to autocracy rather than to democracy. Using Jürgen Habermas's concept of the 'public sphere' and an institutional perspective, this article compares post-Soviet developmental paths in terms of Freedom House's Nations in Transit ratings. The results are very similar to what Habermas described as the 'representative public sphere', which existed in pre-modern European states. The main obstacles to establishing a vital public sphere are the lack of public support for its institutions and the highly consolidated resistance of major political actors to the establishment of a genuinely open and active civil society.

1. Introduction

Besides its multiplicity of meanings, democracy has always faced both conceptual and practical challenges. In 1975 prominent scholars Michel Crozier and Samuel Huntington published a report called 'The Crisis of Democracy' in which they outlined some of the current dysfunctions of democracy: the delegitimation of authority, the overloading of the government, the disaggregation of interests and the parochialism in international affairs.¹ Another famous scholar, Robert Dalton, has recently written that the number of threats to democracy has increased dramatically and the main challenge 'comes from democracy's own citizens, who have grown distrustful of politicians, sceptical about democratic institutions, and disillusioned about how the democratic process functions.'² External factors are no less dangerous: an unfriendly international environment in which democracies have to deal with dictatorships for a better trade-off, globalization with an increasing number of risks and invisible and unaccountable centres of power, and national governments unable to control the world's financial markets. Consider all these features and you will become a pessimist about the future of democracy. Nevertheless, the twentieth century has shown us that the number and quality of democratic polities has permanently risen.³ What we should discuss is the possibilities and sources of democratization in the new century, especially in the countries that lack democratic experience, institutions and traditions. In this article I would like to argue that the public sphere and its institutional dimension are interesting phenomena both for research and the practice of democratization.

2. Civil society and Habermas's normative concept of the public sphere

The revival of the 'civil society' concept in the 1980s had strong links with the transformations taking place in the Soviet countries at that moment. Social scientists used this concept to explain the appearance of the Solidarity movement in Poland as well as protest actions in Hungary and what was then known as Czechoslovakia. Nowadays in Russia and some other post-Soviet countries, 'civil society' has been colonized by official discourse; it is thus hard to talk about this issue both in the sense of its relevance to ongoing political processes and its 'neutrality'. It seems we have to widen our theoretical

¹ Crozier, Michel / Huntington, Samuel: *The Crisis of Democracy*, New York/NY: New York University Press, 1975.

² Dalton, Robert: *Democratic Challenges, Democratic Choices. The Erosion of Political Support in Advanced Industrial Democracies*, Oxford: Oxford University Press, 2004, p. 1.

³ Jensen, Peter / Paldam Martin: *The pattern of democracy in the twentieth century. A study of the Polity index*, in: Pardo, Jose / Schwartz, Pedro (eds): *Public Choice and the Challenges of Democracy*, Cheltenham: Edward Elgar, 2007, pp. 255–276.

framework for the analysis of civil society; doing so will provide us with a more comprehensive view of civil society's role in the process of democratizing post-Soviet regimes. In this respect, I would like to use Jürgen Habermas's concept of 'the public sphere'.

Habermas's important book 'The Structural Transformation of the Public Sphere' has been widely criticized since its publication in 1962 in Germany and especially after its translation into English in 1989. Recent contributions to the concept of the public sphere elaborate this topic from a number of perspectives, and thus it is crucial to understand the underlying schema of the public sphere in Habermas's writings and add some insights from his critics.

In the encyclopedic article Habermas defines the public sphere as

a realm of our social life in which something approaching public opinion can be formed. A portion of the public sphere comes into being in every conversation in which private individuals assemble to form a public body [...] Citizens behave as a public body when they confer in an unrestricted fashion ... about matters of general interest.⁴

It is important to note here that the German term 'Öffentlichkeit' originally used by Habermas was translated into English and then into Russian as 'the public sphere' rather than 'the sphere of the public' and thus lost its 'agency' characteristic. In established tradition 'the public sphere' became known as a space for communication rather than an active public, with more similarities to 'public policy' than to 'public opinion'. At the same time, the settled translation allows us to avoid some negative meanings inherent to the term 'public' in Russia, as in 'the official public' that was widespread in the Soviet culture and is definitely reviving now.

Based on an extensive interdisciplinary analysis, Habermas's account of the public sphere begins with the statement that it was a unique socio-historical phenomenon rooted in the seventeenth- and eighteenth-century transformations in Europe. Originating in Ancient Greece, the public-private divide began to transform at the end of the seventeenth century (first in England, then in France and Germany). In the Middle Ages, 'private' referred to all that was 'partial' and 'concrete' while 'public' designated feudal authority. Feudal lords 'represented' official authority to the same extent that the monarch represented the authority of the Almighty. The pre-modern feudal public sphere was therefore connected with the existence of the concrete governor or his or her representatives, with no mention of 'public', 'people', 'citizens', etc. The later disintegration of traditional authorities, the Reformation and the rise of the bourgeoisie diminished this older meaning of the word 'public' and led to the formation of myriad independent communities that were organized into clubs, lodges, literary assemblies, etc. and acted as mediators between the public and officials. The next development was the emergence and spread of the printing press and publishing industry. Reading and discussions, especially on the issues of general concern (war, fiscal policy, taxation, etc.), became a part of everyday life.

At the same time, concepts like 'individual rights' and 'private autonomy' emerged as the ideology of the third strata: the bourgeoisie. In the beginning of the nineteenth century, the model of a liberal, bourgeois public sphere was created. The treatment of individuals (more precisely, 'citizens', i.e. the bourgeoisie) as private persons henceforth meant the freedom to own property, which served as a firm guarantee of a private life, had finally been affirmed. 'Public' referred to a specific mode of executing

⁴ Habermas, Jürgen: The Public Sphere. An Encyclopedia Article, in: New German Critique, 1974, No. 3, pp. 49–55, here p. 49.

'voice' and characterized discussions opened to all through the channels of the media and assemblies. 'Private' was the realm upon which the official authority would never encroach, and it was treated not as something 'egoistic' but as a principle of control over life, a guaranteed universal character of demands and the integration of the public sphere. Initially integrated due to the unity of its subjects (the bourgeois society) as a result of the consecutive development of liberal ideas, the public sphere has experienced a period of disintegration since the middle of the nineteenth century. The bourgeoisie became the ruling class; the state had been 'socialized' to the extent that the interests of the citizens were identified with the interests of the state. The society, in turn, was encroached upon by the state – many public issues appeared to be unsolvable within the limits of the private sphere, and thus demanded intervention from the machinery of the state. The state's intervention into private life consisted of initiating labour market regulation, increasing public expenditures, creating state enterprises, etc. Hence, 'the public sphere remained "advertising" functions. The more it was used as the machine for political and economic propagation, the more it was depoliticized as a whole and became pseudo-private.'⁵ The public sphere was transformed from an extension of the private sphere into an element of the government and the source of the ruling class's legitimation. In such circumstances it was necessary 'to erect a democratic dam against the colonizing encroachment of the system imperatives on areas of the lifeworld.'⁶

Habermas's concept has evoked broad criticism both from the historical and sociological fields.⁷ He was accused of idealizing early bourgeois liberal society, exaggerating the degree of consensus-like politics, and ignoring the 'plurality of publics', especially with respect to the actors excluded from the public sphere (women, the disadvantaged, the poor and so forth). At the same time, the concept of 'public sphere' can be useful in democratization studies. First, it reflects the interdependence between the formation of the public sphere and social/political division, which is indirectly connected with the ideas behind pluralistic democracy: the presence of plurality at the centres of authority and an opportunity for dialogue between them should become the basis of the process of democratization. Society's abilities to democratize rely on what Albert Hirschman called the 'private-public cycle'⁸. Too wide a private sphere is a threat to civil and republican virtues, undermining solidarity, reciprocity and other integrative values. Too wide a public sphere can turn into a dictatorship of the majority, undermining autonomy and individual initiative. Secondly, the normative theory of the public sphere assumes a scale on which the institutionalization of the public sphere can be estimated. The criteria include universal access, openness to all; autonomy from the state and the market; eschewing a hierarchy in communications in favour of the rational argument; leadership of the law as an arbitrary instance. Thirdly, Habermas specifies that the responsibility for an embodiment of opinions circulating in the public sphere should be based on democratic political institutions rather than discourse itself; it is thus crucial to understand the interconnectiveness of the institutional political order and deliberative practices. Finally, Habermas emphasizes that a

⁵ Habermas, Jürgen: *The Structural Transformation of the Public Sphere*, Cambridge/MA: The MIT Press, 1991, p. 175.

⁶ Habermas, Jürgen: *Further Reflection on the Public Sphere*, in: Calhoun, Craig (ed.): *Habermas and the Public Sphere*, Cambridge/MA: The MIT Press, 1992, pp. 421–461, here p. 444.

⁷ For the recent critiques see Calhoun, Craig (ed.): *Habermas and the Public Sphere*, Cambridge/MA: The MIT Press, 1992; Crossley, Nick / Roberts, John (eds): *After Habermas. New Perspectives on the Public Sphere*, Oxford: Blackwell, 2004; Gestrich, Andreas: *The Public Sphere and the Habermas Debate*, in: *German History*, 2006 (Vol. 24), No. 3, pp. 413–430; Goode, Luke: *Jürgen Habermas. Democracy and the Public Sphere*, London: Pluto, 2005; McKee, Alan: *The Public Sphere. An Introduction*, Cambridge: Cambridge University Press, 2005; Roberts, John: *The Aesthetics of Free Speech. Rethinking the Public Sphere*, Houndmills: Palgrave Macmillan, 2003.

⁸ Hirschman, Albert: *Shifting Involvements. Private Interest and Public Action*, Princeton/ NJ: Princeton University Press, 1982.

plurality of ‘publics’ is an integral attribute of the public sphere, that is, a plurality of opinions constitutes its essence.

How can we measure institutionalization of the public sphere? We can divide the public sphere into three institutional dimensions. First there is the pre-institutional level, which describes the multiplicity of social interactions in which issues of public matter arise. This level is ‘pre-institutional’ not because it has no stable institutional features (it can be the most stable in the sense of social patterns of behaviour), but because these features often are not explicit to actors. It is the level on which a different form of ‘sociability’ can be found within its historical, cultural and social context. The next level is ‘semi-institutional’, with formal law-enforced rules but with greater freedom in opinion formation. Political parties, mass media and voluntary-based organizations fall into this category. All of them are both places and initiators of public discussions. The third level is the highly institutionalized environment of the legislative branch of power. Opinion formation and discussion at this level are very restricted by the plethora of procedural and formal rules; furthermore, it consists not only of discussion groups but of a state and administrative body with its own internal (often bureaucratic) logic.

3. Comparing public spheres in post-Soviet regimes

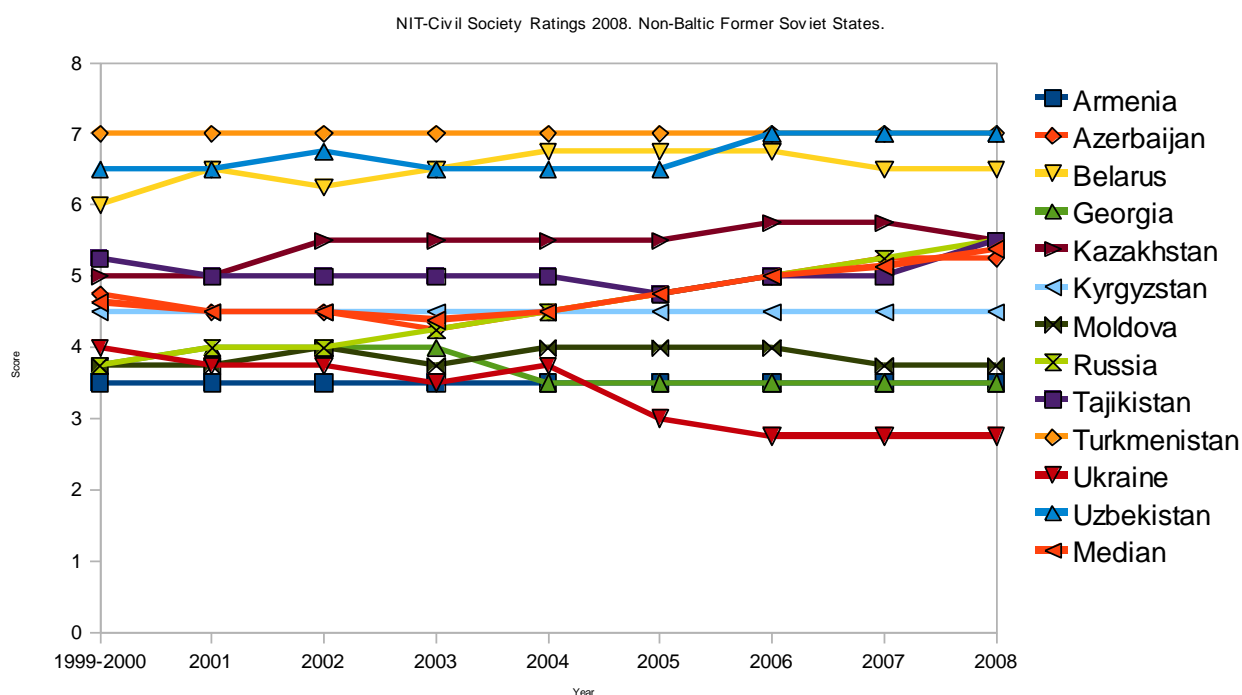
It is now clear that post-Soviet regimes have already chosen different developmental tracks. Some of them (the Baltic and Eastern European countries) joined the European Union recently and have thus become a part of the democratic world; others, according to Freedom House’s Nations in Transit rating, have mutated into hybrid and authoritarian regimes. The 2008 Nations in Transit (NIT) report counted two hybrid regimes (Georgia and Ukraine), four semi-consolidated authoritarian regimes (Armenia, Moldova, Kyrgyzstan, Russia) and six consolidated authoritarian regimes (Azerbaijan, Tajikistan, Kazakhstan, Belarus, Uzbekistan, Turkmenistan) in the post-Soviet space⁹ with only Ukraine showing a democratization trajectory.¹⁰

What do the Freedom House ratings reveal about the public spheres’ establishment in these countries? We can use the civil society rating to measure the pre-institutional level: for vital discussions it is necessary to have a convenient environment with plenty of voluntary and non-commercial organizations providing what Robert Putnam calls ‘social capital’. We can suppose that the higher a civil society’s development is, the higher the rationality, openness, autonomy and equality of the public sphere will be. Figure 1 shows us that only Ukraine has progressed in civil society development, Moldova and Georgia oscillate between a score of 3.5 and 4, while in other countries civil society is weakening from a ten-year perspective.

⁹ Freedom House: Democracy Score 2008 Rankings by Regime Type. 2008 edition, <http://www.freedomhouse.org/template.cfm?page=438&year=2008>, accessed 12 April 2009.

¹⁰ Freedom House: Democracy Score Year-To-Year Summaries by Region 2008, <http://www.freedomhouse.org/template.cfm?page=437&year=2008>, accessed 12 April 2009.

Figure 1: NIT Civil Society Rating 2008

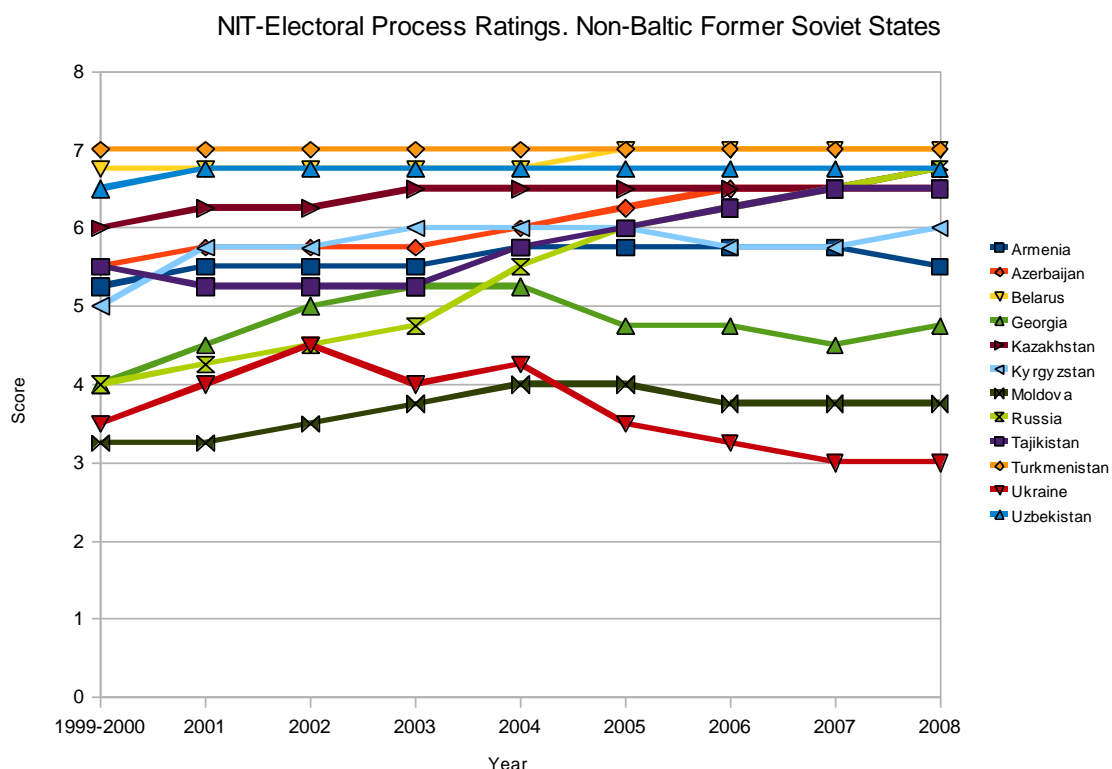


Source: Freedom House Web Site, www.freedomhouse.org

However, there are different trajectories in civil society development even among authoritarian regimes: while Russia and Tajikistan exert their pressure on the non-governmental sector, Kazakhstan and Kyrgyzstan have made some progress in supporting civic organizations. Nevertheless, the overall conditions and costs of public participation remain unstable and strongly restricted.

The semi-institutional level of the public sphere, which consists of political parties and mass media, can be measured by the Electoral Process Ratings (EPR) and Independent Media Ratings (IMR). The EPR shows us the structure of political opportunities for political parties to win electoral battles through fair, just and free elections, i.e. through competition of public positions rather than other recourses. From Figure 2 we can see that elections in most of the post-Soviet regimes are quite far from being fair and free and thus provide no incentive for 'public' participation. Again, only Ukraine shows improvement. The EPR also shows the degree of national parliamentary autonomy; the higher the level of autonomy, the more likely it is that the parliament will be controlled by the ruling elite.

Figure 2: NIT Electoral Process Ratings 2008



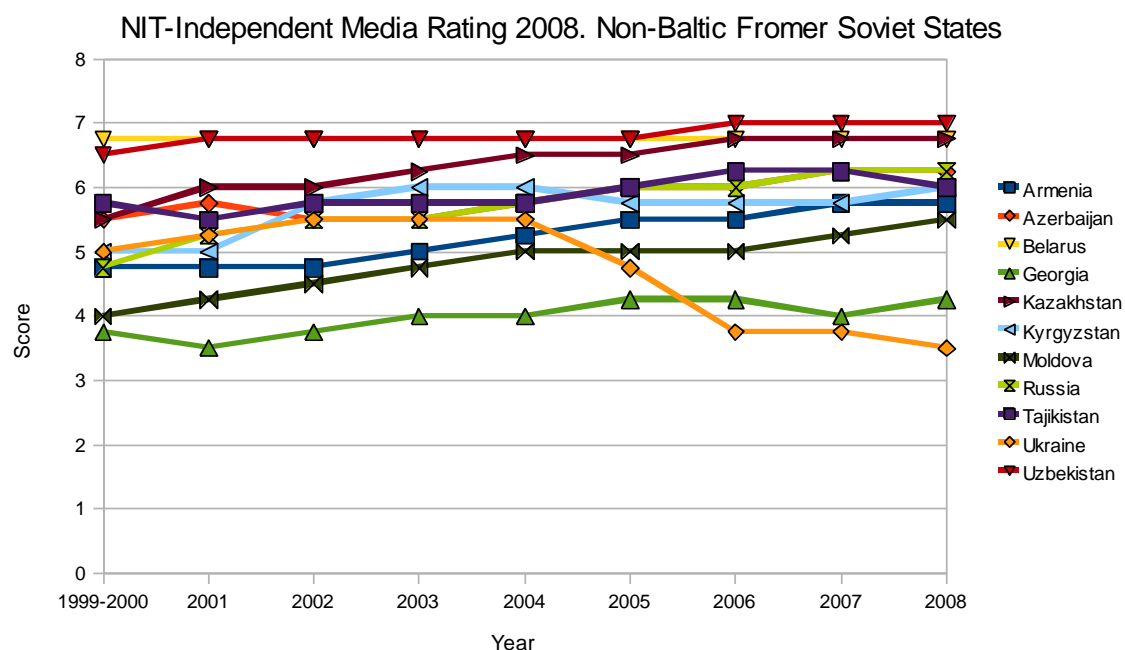
Source: Freedom House Web Site, www.freedomhouse.org

It is also important to note here that rather than constituting a source of alternative policy programmes, political parties in most of the CIS countries are used as an instrument of governmental control over their legislatures. For example, the New Azerbaijan Party in Azerbaijan captured 58 out of 125 seats in its National Assembly; United Russia, Just Russia and the Liberal Democratic Party in Russia won 393 out of 450 seats in the State Duma; Nur Otan in Kazakhstan took all 98 seats in the lower house of parliament, as no other party was able to pass the 7% electoral threshold; and the People's Democratic Party in Tajikistan holds 52 of 63 seats in the Council of Representatives. As Boris Gryzlov, Russia's State Duma speaker and representative from the United Russia political party, observed in 2005: 'Parliament is not a place for discussions'. Thus, legislatures have dropped out of the public sphere: their decisions do not garner wide attention, and none of their vital debates is shown by the broadcast media.

The IMR rating (see Figure 3) leaves no doubt that if something called the 'public sphere' has been institutionalized, it is a far cry from its 'normative' model. The media in most countries except Ukraine are under governmental pressure, with journalists facing numerous threats in their profession, from unjust imprisonment to being murdered. The Freedom House IMR rating is little different from the 2007 annual Reporters Without Borders 'World Press Freedom Index'. Table 1 shows us the CIS countries' ranking. Armenia obtained the highest ranking, while the situation in Ukraine was worse than in Georgia and Moldova. Other CIS countries were situated at the end of the list. Another issue that should be addressed is governmental attempts to violate freedom of expression in the Internet. In Russia and Kazakhstan representatives initiated bills aimed at limiting access to certain web sites, while in some Russian regions cases of governmental pressure on Internet providers to block access to certain web sites

were reported. For instance, in Ingushetia there were a few attempts by regional authorities to limit or block access to the independent web site Ingushetia.Ru. If traditional media have many restrictions, Internet blogs and social networks remain uncensored, but the arrest of bloggers makes e-deliberative practices troublesome even if not necessarily dangerous.

Figure 3: NIT Independent Media Rating 2008



Source: Freedom House Web Site, www.freedomhouse.org

From an institutional perspective, all these accounts mean that the relative costs of public activity in most of the post-Soviet regimes are much higher than its benefits. The political attitude towards the development of an 'active citizenry' in the public sphere and its institutions is hostile and the future is highly unclear.

Table 1: Freedom of the Press Worldwide 2007. Reporters Without Borders 'World Press Freedom Index'

Country	Rank (out of 169)	Country	Rank (out of 169)
Georgia	66	Kazakhstan	125
Armenia	77	Azerbaijan	139
Moldova	81	Russia	144
Ukraine	93	Belarus	151
Kyrgyzstan	110	Uzbekistan	160
Tajikistan	115	Turkmenistan	167

Source: Reporters Without Borders Web Site, www.rsf.org

In most of the post-Soviet countries, the public sphere remains pseudo-feudal: it represents official authorities and is characterized by a low level of autonomy, high costs and restricted conditions for political participation, and an absence of law-mediated arbitration. The 'publicness' refers to the presence of officials but not to specific institutional features that could facilitate rational discussions on issues of general interest. Peter Evans states three possible challenges for the establishment of deliberative institutions: the social sustainability problem, the political economy problem and the growth problem. The first problem refers to the number of ordinary citizens 'willing to invest their own time and energy in the decision-making opportunities that such institutions offer and to provide electoral support for the parties and political leaders that advocate them.'¹¹ The second is linked with 'the opposition of powerholders who have vested interests in existing decision-making structures'¹² and thus do not stand to gain from the development of the public sphere. The last problem concerns the public sphere's economic efficiency. Regarding the situation in most post-Soviet regimes, it is becoming obvious that the main challenge is coming from the political economy level. Major actors in most of the CIS countries are strongly affiliated with financial or clan networks and thus have no incentive to initiate deliberative institutions; in fact, they do their best to undermine institutions that facilitate public activity. Under such circumstances, it is hard to establish self-sustaining public institutions and organizations.

4. Conclusions. Prospects for the development of the public sphere in Russia

Today it is hard to consider the collapse of the USSR as democratization per se.¹³ Even the 'coloured' revolutions in Ukraine, Georgia and Uzbekistan have not achieved much success in promoting democracy. Nevertheless, in the last three or four years, Ukraine and Georgia have witnessed a revival of public life as manifested in mass participation in political rallies and campaigns, decreasing censorship and real political competition. On the other hand, Russia, which still has a lot of influence in political and economical matters in the post-Soviet space, showed little interest in supporting public sphere institutions during Vladimir Putin's presidency. Today there is a certain consensus among scholars that Russia has completely abandoned its path to democracy and is now becoming an autocracy under the rule of theocrats and oligarchs. A recent article by Joel Ostrow, Georgiy Satarov and Irina Khakamada states that 'Russia has no short-term or medium-term prospects for democracy'¹⁴; thus, debates over what 'democratization' means are still the focal point in the political sciences. Indeed, the failure to establish democracy in post-Soviet countries has again underscored the fragile character of this kind of political order. If democratization means 'movement toward broader, more equal, more protected, and more binding consultation', it is necessary to understand how institutions and practices of consultation can be established under certain conditions.¹⁵

In Russia we have witnessed the revival of Soviet-style manufactured publicity with imitation democratic institutions hiding discussions among major political actors rather than exposing them to public scrutiny. Some of these sham institutions include the Federal Public Chamber, which is supposed to speak on

¹¹ Evans, Peter: Development as Institutional Change. The Pitfalls of Monocropping and the Potentials of Deliberation, in: *Studies in Comparative International Development*, 2004 (Vol. 38), No. 4, pp. 30-52, here p. 38.

¹² *Ibid.*, here p. 38.

¹³ Gel'man, Vladimir: Out of the Frying Pan, into the Fire? Post-Soviet Regime Changes in Comparative Perspective, in: *International Political Science Review*, 2008 (Vol. 29), No. 2, pp. 157-180.

¹⁴ Ostrow, Joel: The consolidation of dictatorship in Russia. An inside view of the demise of democracy, Westport/CT, London: Praeger Security International, 2007, p. 134.

¹⁵ Tilly, Charles: *Democracy*, Cambridge: Cambridge University Press, 2007, p. 14.

behalf of Russia's civil society; the Public Councils established in many ministries, regional and municipal legislatures, which ostensibly advocate citizen's demands; political parties, which operate as an 'electoral machinery' for administrative and business elites rather than as sources of alternative political projects and public debates. Lacking a vital public sphere, Russia's media and public officials' speeches are infused with hostile nationalist or imperialistic discourses, pseudo-patriotic symbols and anti-western and anti-American rhetoric. There are only a few institutions nowadays that can help people to make better informed choices.

Russia has not gone much further in democratization than its neighbours in the CIS, while others, like Ukraine, Georgia and Armenia, have faced numerous obstacles on their way to democracy. In most CIS countries, public sphere institutions have imitative characteristics and their impact on political decisions and public opinion remains low. We can suppose that while public sphere institutions in post-Soviet regimes have generally been colonized by the ruling elite, there must be a number of semi-public institutions where people can gather to discuss public matters. These institutions would not be able to propagate some of the values that are crucial for civil society, like trust or general reciprocity, but nevertheless some of them would provide better conditions for active citizenry. In my opinion, Russian political scientists should strive to understand which features facilitate public sphere development; thus, Ukraine's and Georgia's experiences ought to occupy centre stage in the civil society research agenda.