
Comment and Translation by Douglas Carman

Abstract: The Doctrine of Information Security of the Russian Federation was one of the first policy documents issued by President Vladimir Putin’s Security Council. The Doctrine, ostensibly drafted as a security policy document, was severely criticized by the Russian press and civil libertarians for its undue attention to the mass media and the prominence of politicized symbols of identity. The document extends the conventions of security policy discourse into the domain of information, thus legitimizing state intervention in the production of social knowledge. The Doctrine’s textual representation of threat, or “discourse of danger,” delimits the boundaries of national identity and legitimizes the exercise of control over the principal agent of the cultural production—the mass media. Employing identity politics in the service of a “strong state,” the Kremlin has intensified its regulation of the communications infrastructure to ensure the uniformity and stability of the nation’s locus of meaning. This translation provides selected sections of the Doctrine to reveal the discursive strategies employed to legitimatize the role of the state in the reproduction of identity, and the accompanying analysis seeks to demonstrate the Kremlin’s active performance of this role by subsuming “independent” television under the charge of the state.

I. INTRODUCTION

In 1991, the Soviet Union dissolved, with its constituent republics breaking up into fifteen independent, sovereign states. At that moment, the Russian Federation came into being as a nation for the first time in history, assuming the legacy of the administrative and ideological center of a failed empire.¹ A decade of constitutional reforms have led to disappointing results, as the abuse of power on both federal and regional levels has eroded

¹ “Russia,” in fact, has never existed as a nation-state. Robert Sharlett, Development of the Democratic Institutions and Rule of Law in the Former Soviet Union: Reinventing the Russian State: Problems of Constitutional Implementation, 28 J. MARSHALL L. REV. 775 (1995). Under the tsars, the Russian Empire was merely an extension of the monarchy’s territorial ambitions, with the word “Russia” representing more of a philosophical—spiritual concept than a nation with distinct geographical boundaries. See generally NICOLAS BERDIAEV, THE RUSSIAN IDEA (1948). Deposing the tsarist regime, the Bolsheviks created the Russian Soviet Federated Socialist Republic as one of the constituent republics of the Soviet Union. Though commonly perceived as the metropole of an empire subject to near absolute control from the center, many see the period of history from 1917-1991 as a time when Russia was “occupied” by the Communist Party. See generally ALEKSANDR SOLZHENITSYN, “RUSKII VOPROS” K KONTSU XX VEKA [THE RUSSIAN QUESTION AT THE END OF THE XX CENTURY] (1995).
peoples’ confidence in democracy. Economic growth in Russia has been consistently poor, and it has become clear that the transition to a free market economy will require a drastic transformation in business management and culture. Moreover, society has lost even the affects and symbols of its national identity, which makes the systemic problems mentioned more difficult to endure, and inhibits the capacity of the people to reach a common unity of purpose.

It is in this context that Vladimir Putin, a relative outsider to the Kremlin, ascended to the presidency of the Russian Federation. Though little was known about his agenda as presidential candidate, Putin was elected in March 2000, thanks in large part to an expertly crafted media campaign. After only a few months in office, Putin’s principal strategy for promoting Russia’s recovery became clear: to rebuild a “strong state.”

Presumably, this policy objective would precipitate an improvement of the federal government’s capacity to fulfill its basic functions and help foster the development of a unified state in the service of its citizenry. In addition to

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2 Putin refused to participate in any televised debates during the presidential campaign, and did not produce any campaign commercials to explain his platform. Michael Gordon, Putin Running “Uncampaign” On the Way To Election, N.Y. TIMES, Mar. 8, 2000, at A9.

3 Predicting a Putin victory, David Remnick suggested that the presidential campaign was over before it even began. David Remnick, The Black Box: Vladimir Putin may be Russia’s Next President, but Who’s Really in Charge? NEW YORKER, Mar. 27, 2000, at 40. Boris Berezovsky, one of Russia’s new “oligarchs” (a small circle of industrialists, bankers, and government officials who became rich following the collapse of the Union by snatching up state properties at criminally low prices) had a number of media holdings, most importantly a controlling interest in ORT, the largest state television network. Id. Berezovsky orchestrated a propaganda campaign for Putin that dominated the airwaves for a three-month period leading up to the election. Id. In an interview at a time when the polls predicted an overwhelming victory for Putin, Berezovsky said, “For me, mass media is a political instrument, but, now that politics have been decided, we’re not moving backward. Mass media will be good business.” Id. at 42. Berezovsky subsequently fell into disfavor with Putin when, reacting against Putin’s crusade to dethrone the “oligarchs,” he began to speak out against the Kremlin. Berezovsky was then investigated for financial improprieties, accused of supporting Chechen terrorists, and demonized for his political opportunism. (When he was being investigated for financial improprieties, he decried the implications as politically motivated and an attempt to stifle his right to free speech.) He was forced to relinquish his shares in ORT to his partner Roman Abramovich. Abramovich promptly submitted to the Kremlin, allowing it to appoint all eleven members of the channel’s board. Valeriia Sycheva, ORT Bez Berezovskogo [ORT Without Berezovsky], SEGODNIA, Jan. 11, 2001. Berezovsky is now in exile.

4 Stephen Hanson, Putin and the Dilemmas of Russia’s Anti-Revolutionary Revolution, 307 CURRENT HISTORY 333 (2001). See also M. Steven Fish, Putin’s Path, JOURNAL OF DEMOCRACY, Oct. 2001, at 72. “Putin’s political project stands on four pillars: centralizing state power, formulating a practical ideology, restoring state control of communication, and structuring political competition.” Id. Fish elaborates by indicating that, “[r]ecentralizing state power is the centerpiece of the Putin agenda.” Id.

5 As a means to an end, the centralization of authority may serve to neutralize destabilizing forces that threaten the very existence of a country. For example, some claim that “central authoritarianism is better than regional authoritarianism,” because a strong federal government can keep authoritarian local rulers in check. Recentralization in Center-Periphery Relations, EASTWEST INSTITUTE-RUSSIAN REGIONAL REPORT 23, June 19, 2001. In Putin’s Russia, centralization of political authority is being achieved by administrative means, such as the appointment of representatives of the executive branch to
sound policies and practices, realizing state priorities depends in large part on the ability of the government to formulate and exercise authority with a sense of conviction and resolve with which its citizenry can identify. Vladimir Putin, wishing to solicit a national unity of purpose, has engaged in the exercise of discursive power to this end.

Historically, states that have brutally manipulated ideological discourse to generate an enduring consensus and a consistent social identity have perished. The decay of the Soviet state ideological apparatus and subsequent collapse of the Union is clearly the most relevant example. The Communist Party of the Soviet Union ("CPSU") found that methods of constructing social knowledge, such as the criminalization of dissent or the censorship of ideologically unacceptable ideas, were susceptible to subversion and ultimately proved destructive. Incorporating the collective will of a diverse, multiethnic nation-state into coherent policy demands genuine consensus. To ensure the legitimacy of state authority, the

seven newly created federal districts. See generally Gordon M. Hahn, 10 EAST EUROPEAN CONSTITUTIONAL REVIEW (2000). The establishment of the post of governor-general was intended to strengthen the vertical system of power and to rein in Russia's more independently minded governors and regional legislatures. Id.


Speaking to chief editors of the mass media, Putin said that "[w]hen we talk about the unity of the Russian state, we should not forget that unity begins with words, from the formulation of the idea of unity, and the media bears responsibility for promoting that." Putin Says He's for a Free Press, But..., RFE/RL NEWSLINE SECURITY WATCH, at http://www.rferl.org/securitywatch/2001/01/3-220101.html (Jan. 22, 2001).

Reality and relative values are represented in the ideological state apparatus, whose material form exists in institutions such as the political system, the family, the law, and the system of mass communication. See generally LOUIS ALTHUSSER, LENIN AND PHILOSOPHY (Ben Brewster trans., Monthly Review Press 1971).

"Agitation or propaganda carried out with the purpose of subverting or weakening the Soviet state or of committing particularly dangerous crimes against the state, the dissemination for the said purposes of slanderous inventions that defame the Soviet political and social system, as well as the dissemination or production or harboring for the said purposes of literature of similar content, are punishable by imprisonment for a period from six months to seven years with or without exile from two to five years." Ugolovniy Kodeks RF [RSFSR Criminal Code] art. 70, § 1, cited in JOHN & CAROL GARRARD, INSIDE THE SOVIET WRITERS' UNION 137-38 (1990).


"Genuine consensus" is rather difficult to identify, as it rarely takes the form of the embodiment of the popular will as it is commonly understood. For example, Walter Lippmann sees consensus as something that must be constructed by the media and other institutions that can influence public opinion, rather than a collective will translated by the state into coherent policy. He sees the persuasive techniques employed by modern democracies, or "manufacture of consent," as a positive force and a "regular organ of popular government." WALTER LIPPMANN, PUBLIC OPINION 248 (1922). For a contemporary analysis and
government must align itself with the consensus by "rely[ing] on symbols and accounts of national identity compatible with [state] institutions." The discursive power of such representations of identity is particularly apparent in Putin's Russia. Yuri Levada, Director of the All-Russia Center for the Study of Public Opinion, notes that, "[t]he fewer real successes there are (in the economy, international affairs, the Chechen war), the greater the significance acquired by such symbolic actions as the pushing through of the 'Aleksandrov-Mikhailkov' national anthem and the 'subjugation' of NTV."14

Though common to all societies, employing the politics of identity can pose significant risk to democratic values. Levada's examples of the "new" national anthem and the de facto nationalization of NTV represent two very different consequences of the state's interest in promoting consensual identity. The national anthem, though contrived, seems to be a genuine attempt to fashion a symbol with which the people can identify. Appropriating the largest independent television network in Russia, though, is a rather extreme method of seizing control of the primary means of identity production.

In the case of NTV, as with the cases of other television networks discussed later in this comment, the Putin administration justified its intervention by demonizing the network owners and employing rhetoric to suggest that only the state has the resources available to protect the media industry from exploitation by the oligarchs or against financial insolvency.15 By stepping in to seize control of the airwaves, the state reinforces its capacity to secure familiar categories of meaning and privilege values in

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13 This anthem is composed of the music of the Soviet national anthem with new, non-ideological lyrics. See Hanson, supra note 4, at 333.

14 Yuri Levada, Actions and Symbols: The Success or Failure of the Ruling Team's Endeavors Has Virtually No Effect on the President's Rating, NEZAVISIMAYA, May 16, 2001, at 9-10. NTV, the first independent national television network in Russia, was founded by Vladimir Gusinsky, a self-styled oligarch with connections to the Yeltsin family. See generally A.A. MUKHIN, INFORMATSIONNAIA VOINA V ROSSI: UCHASTNIKI, TSELI, TEKHNOLOGII [INFORMATION WAR IN RUSSIA: PARTICIPANTS, OBJECTIVES, TECHNOLOGY] (2000). In summer 2000, Gusinsky was arrested on charges of fraud, beginning an assault that ended with the transfer of ownership of NTV to the state-controlled gas monopoly, Gazprom. Id. NTV was the first target in a two-year Kremlin campaign to extinguish independent television in Russia.

15 Putin explains that, "a free press is, in effect, only emerging" in Russia, and that it is necessary "to build an economic foundation upon which a free and independent press could exist in its own right." Putin Promises Non-interference in Russian TV6 Row, Denounces "Oligarchs," BBC Worldwide Monitoring, Jan. 15, 2002, at http://www.monitor.bbc.co.uk/index.shtml. A crucial element of Putin's program to strengthen the state has been to discredit and disempower the oligarchs who owned and exercised editorial control over electronic and print media. Id.
alliance with its objectives. The government takes part in defining social institutions such as the mass media by means of regulatory practices and the public policy that informs these practices. This piece offers a translation of a policy document that extends the state’s purview into domains of meaning that may have a substantial effect on the state’s relationship with the mass media. The discursive practices of identity construction and invention of threat employed in the “Doctrine of Information Security of the Russian Federation” (the “Doctrine”) will be analyzed in order to understand its implications for free speech in Russia.

Part II offers a survey of the Doctrine’s content and the political context in which it was issued. Part III applies methods of “policy discourse analysis” to selections of translated text with special attention to the way in which cultural codes reinforced in political discourse can be enlisted in the service of the state. Part IV provides an overview of how the Putin administration’s objective of promoting the growth of a “strong state” can be understood in the terms of discursive mechanisms of information policy. It will also include an analysis of the Kremlin’s administrative harassment of the major television networks, and indicate how this practice is likely to affect the operation of independent broadcasting in the near future.

II. THE DOCTRINE OF INFORMATION SECURITY

The Security Council of the Russian Federation began drafting the Doctrine in 1994, but due to a series of political and economic crises and changes in leadership, no initiative had been taken to finalize and adopt the policy before Vladimir Putin was elected. Putin’s professional background, especially his work in Yeltsin’s Security Council and

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16 The effect of these discursive practices employed by the state is that “boundaries are constructed, spaces demarcated, standards of legitimacy incorporated, interpretations of history privileged, and alternatives marginalized.” DAVID CAMPBELL, WRITING SECURITY: UNITED STATES FOREIGN POLICY AND THE POLITICS OF IDENTITY 68 (1992).
19 The Council’s function is to provide economic, military, information, ecological and other forms of security, and to protect the interests of individuals, society, and state against internal and external threats. Zakon RF o Bezopasnosti ot 22 Dekabria 1992, No. 4235-1 [RF Law on Security 22 Dec. 1992, No. 4235-1]. The Council’s decisions are not legally binding, but are frequently used as a basis for presidential decrees, which do not need legislative approval.
20 In the early 1990’s, after a 15-year career in the KGB, Putin began to work in the St. Petersburg local government. In 1996, he was brought to the Kremlin by Boris Yeltsin’s inner circle as deputy chief Kremlin administrator. By 1998, he had been appointed head of the Federal Security Service, assigned to
subsequent election as president, facilitated the completion and execution of the policy document. The document received significant public attention immediately after it was released, with both the Kremlin and the independent media seeking to promote their respective interpretations of the policy document’s genuine aims. Putin insisted that the policy’s objective was to guarantee the protection of “strategically important” information, while members of the press charged that the Doctrine devoted a disproportionate amount of attention to the mass media. When questioned by reporters about the policy’s impact on the media, Anatoly Streltsov, Deputy Head of the Department of Information Security of the Security Council, answered that it should serve as a guideline for programming for the state-owned media, as it should bear the responsibility of providing a clear, unambiguous picture of government policy.

Former Security Council Secretary Sergei Ivanov, in an interview with the newspaper Nezavisimaya Gazeta, indicated that the Doctrine’s provisions regarding the mass-media were intended to remedy the lack of “truthful information [citizens] need about the activity of the state authorities and these authorities’ plans and intentions.” This pronouncement has done little to the position of Secretary of the presidential Security Council in March of that year, then made acting president on December 31, 1999. See generally VLADIMIR PUTIN ET. AL., FIRST PERSON (Catherine A. Fitzpatrick trans., 2000).

Speaking at a Security Council meeting on June 23, 2000 about the purpose of introducing new information security policies, Putin emphasized that Russia’s dependence on foreign producers of computers and telecommunications systems represents a serious threat to national security. Oleg Vladykin, Instrument Gosudarstvennoi SMikhalki [Instrument of State Cunning], OBSCHAIA GAZETA, June 29, 2000, at 2. Three days after the Doctrine’s adoption, the FSB (successor to Soviet era KGB) Public Relations Center circulated a report about the arrest of a double agent of U.S. and Lithuanian secret services who had been attempting to penetrate the FSB’s computer network. Id. On the same day, the FSB released news about the capture of an audio-cassette from Chechen separatists containing information about the difficulties Chechen leaders were having in controlling their field commanders. Id. Some interpreted the timely release of the reports as an orchestrated attempt to garner support for stricter security measures. Id.

Mikhail Fedotov, Pravo na Informatsiu i (ili) Bezopastnost' [Right to Information and (or) Security], INDEKS/DOS’E NA TSENZURU, Apr., 2001, at 54. Mikhail Fedotov (Secretary of the Writer’s Union of the Russian Federation and one of the authors of the Russian Mass Media Law) points out that the word “defense” is used in the Doctrine twenty times, while the phrase “mass-media” is used twenty-seven times. Id.

Sergei Ivanov, explaining the relevance of the Doctrine to the mass media, asserts that the independent media does not provide “sufficiently truthful information about the actions of the state, its plans, its intentions.” David Hoffman, KGB Comes in From the Cold, WASHINGTON POST, Dec. 8, 2000, at A1.

Ivanov was replaced by Vladimir Rushailo in March of 2001 and appointed Minister of Defense. Valerii Volkov, Putin Transfers Members of Security Council into Cabinet, IZVESTIIA, Mar. 29, 2001, at 1.

Rol’ i Mesto Soveta Bezopasnosti RF v Sisteme Upravlenia Gosudarstvom [The Role of the Security Council of the Russian Federation in the Administration of the State], NEZAVISIMAYA, Nov. 29, 2000. Ivanov, expounding on the administration’s concern about increasing criticism from the press, explains that “society is judging the authorities’ intentions on the basis of random, fragmented, contradictory information. This has become a serious obstacle to communication between the authorities’
relieve the unease of journalists whose work may not correspond with the government's interpretation of the "truth."

A few months later, shortly after the Doctrine was signed by the President, journalists were greatly alarmed by Press Minister Mikhail Lesin's announcement that amendments to the Mass Media Law were being considered in light of the new Doctrine. The potential danger to press freedom was magnified by the fact that it represents the work of the Security Council of the Russian Federation. A. Simonov points out that the Security Council's involvement in the drafting of the Doctrine is especially troubling due to the fact that the document addresses not only threats to but also from the mass-media.

representatives and the population. A graphic example is the fundamental provisions of social reform and in particular the reform of education. After numerous statements and subsequent denials, it is scarcely possible to understand what the state intends to do in spheres affecting the vital interests of virtually every Russian." Id.

Press Minister Mikhail Lesin had already earned a reputation as an official with little concern for freedom of the press. In an interview on the subject, he is reported to have said, "I do not agree with the thesis that the state is more dangerous to the media than the media is to the state. I believe quite the opposite." Robert Coalson, A Civil Society Or A "Dictatorship Of Law?," GLOBAL BEAT SYNDICATE, at http://www.nyu.edu/globalbeat/syndicate/Coalson03l300.html (Mar. 13, 2000).


The full text of the Russian Federation Law on Mass Media [hereinafter Mass Media Law], signed by President Boris Yeltsin on Dec. 27, 1991, is available in translation in the appendix to Monroe Price, Comparing Broadcast Structures: Transnational Perspectives and Post-Communist Examples, CARDOZO ARTS & ENT. L.J. 11 app. 625-55, (1992). See also MONROE PRICE, TELEVISION, THE PUBLIC SPHERE, AND NATIONAL IDENTITY (1995). Evaluating the Mass Media Law's detailed provisions for the protection of an independent press, he qualifies the law as a "breakthrough," and an example of the move towards law to protect democratic principles. However, his enthusiasm is tempered by the pervasive presence of the state in the statutory language. Though journalists are given an array of affirmative rights, they are also burdened with substantial liability. Some examples include a penalty of being stripped of accreditation for distributing false, defamatory information about a state organ (Article 48), and list of potential sanctions for those who misuse their journalistic privilege of access to information (Articles 59, 60). Id. at 114.

In fact, it has been called by some, the "new Politburo." Richard F. Staar, Russia's New Politburo, Perspectives, at http://www.bu.edu/scip/voll2/staar.html (last visited Mar. 9, 2002). (The Politburo was a Soviet-era bureaucratic organ established to manage the affairs of the Communist Party in between plenary sessions of the Central Committee. It quickly evolved into the supreme executive and legislative body of the Soviet Union under Stalin. Nominally elected by members of the Central Committee, the Politburo remained a government body held accountable only to the Party elite.) Since Putin has taken office, the Security Council has been dominated by former officers of the KGB and its subordinate agencies. Id. The experience and training of these intelligence officers are quite suited to the production of truths, or to "the creation of a phantom delusive space . . . [by] . . . a process of fabrication of a certain legend, a myth, a way of life." Les Tanyuk, KGB: Creation of Phantom Space or the Dead Man Catches the Living, in 3 E. OZNOBKINA ET AL., KGB YESTERDAY, TODAY, TOMORROW 27 (1995). The author adds that the reorganization of the Soviet KGB into the FSB of the Russian Federation has done little to change the culture of the secret service agencies. Id.

"[T]here is a very clear trend of an increasing presence of the secret services in the information sector. The Doctrine of Information Security could be seen as harmless document—after all, it is only a policy. However, if the Doctrine exists as policy in a country that has never known freedom of information, it will only lead to a situation resembling an old joke. The joke goes like this: A worker in a
Specifying the field of information that a policy document intends to address is necessarily an exercise in interpretation, but laws on information security generally provide definitive terms to indicate the scope of information being regulated. For example, the Russian Federation Federal Law on Information, Informatization, and the Protection of Information extends the protection of information to areas in which the state has an interest in protecting classified, commercial and proprietary, or personal information. The Doctrine, however, does not explicitly define “information,” yet the doctrine purports to include forms of information not normally conceived of in terms of security issues. Categorized as threats to national security or vulnerable to threat, these forms of information become subject to surveillance by the state. Reviewing an outline of the policy’s contents and its preamble should provide a general idea of the scope of the Doctrine. The headings and subheadings translated below can serve as a broad topography of the information space under regulation.

**Doctrine of Information Security of the Russian Federation**

*The Doctrine of Information Security of the Russian Federation represents a synthesis of official positions on the objectives, tasks,
principles, and principal measures for ensuring information security of the Russian Federation.
This doctrine serves as a basis for:
Development of state policy for maintaining information security of the Russian Federation;
Preparation of proposals for the improvement of the legal, systemic, engineering, and logistic support of information security of the Russian Federation;
Development of programs for the support of information security in the Russian Federation;
This doctrine elaborates the Concept of National Security of the Russian Federation as applied to information sector.

OUTLINE OF DOCTRINE

I. Information Security of the Russian Federation
   1. National interests of the Russian Federation in the information sector and protection of these interests
   2. Types of threats to information security of the Russian Federation
   3. Sources of threats to information security of the Russian Federation
   4. Condition of information security of the Russian Federation and main problems of its protection

II. Methods of ensuring information security of the Russian Federation
   1. Primary methods of ensuring information security of the Russian Federation
   2. Particular features of ensuring information security of the Russian Federation in various areas of public life
      - Economic
      - Domestic policy
      - Foreign policy
      - Science and technology
      - Spiritual life
      - State information and telecommunication systems
      - Defense
      - Law and law enforcement
      - States of emergency
3. International cooperation of the Russian Federation in ensuring information security

III. General principles of state policy on ensuring information security of the Russian Federation and immediate measures for its realization

1. General principles of state policy on ensuring information security of the Russian Federation
2. Immediate measures for the realization of state policy on maintaining information security of the Russian Federation

IV. Organizational basis of the system of ensuring information security of the Russian Federation

1. Principal functions of the system of ensuring information security of the Russian Federation
2. Principal elements of the organizational basis of the system of information security of the Russian Federation

III. ANALYSIS OF POLICY DISCOURSE IN THE DOCTRINE

A. Information Sovereignty and External and Internal Threats

In the last decade, the increased recognition of the importance of information and communication technology to the prosperity and security of nations has prompted the development of a body of literature on the theory of "information sovereignty."\(^{34}\) In the broadest terms, the principle of sovereignty can be understood as "the legal expression of the character and

\(^{34}\) Though the concept of information sovereignty is not recognized in international law, it has been an issue of dispute since as early as the late 1970s. In 1977, the Director-General of UNESCO appointed an International Commission for Study of Communication Problems (MacBride Commission) to formulate "ways through which a freer and more balanced international flow of information and a more just and effective new world information order (NWICO) might be fostered." \textit{William G. Harley, Creative Compromise: The MacBrude Commission} 8 (1993). The Soviet Union led a coalition of the socialist bloc and third world nations with proposals on methods to combat the "cultural imperialism" resulting from the dominance of ideas and information from the West because of its greater technological capacities. \textit{id.} The industrialized West insisted that any regulation of communication would be contrary to the principle of the "free flow of information," but an overwhelming majority of nations contended that the free flow concept is simply a pretext for commercial exploitation of the media and incursion into national sovereignty. \textit{id.} Differences were never resolved, the United States and the United Kingdom withdrew from UNESCO, and NWICO was eventually abandoned. \textit{id.} \textit{See also} Hisham Nazer, \textit{Power of a Third Kind: The Western Attempt to Colonize the Global Village} (1999). "What is happening in many developing countries today is not so much the absence of cultural sophistication as the absence of modern instruments to implement that sophistication," making even nations with long cultural traditions susceptible to cultural extinction. \textit{id.} at 136.
legitimacy of the state. Historically, the concept of sovereignty has been applied to various features of the nation-state, the most widely accepted being territorial sovereignty. Applying this physical metaphor of legal doctrine to a conceptual landscape, or "information space," this contemporary interpretation of sovereignty suggests the ultimate authority of the nation-state to regulate its information and media networks.

The literature on foreign policy discourse analysis offers an instructive model for interpreting the relationship between security policy documents and the boundaries of state sovereignty. This approach rests on the premise that the external referents of national security policies are expressed in terms of the outside threats to the nation and its peoples. This characterization of how the state positions itself against these threats, or the "discourse of danger," serves to crystallize an identity that functions as a nation's locus of meaning. Explicit dangers are typically enumerated in security policy documents as part of an aggregation of real and imagined threats to military and civilian objects and to a community's overall sense of security.

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35 R.B.J. Walker, Inside/Outside: International Relations as Political Theory 165 (1993). A definition from a leading dictionary may be useful in appreciating the range of independent, but not mutually exclusive, understandings of the concept of sovereignty: "[t]hat public authority which commands in civil society, and orders and directs what each citizen is to perform to obtain the end of its institution." Ballentine's Law Dictionary (3d ed. 1969).

36 Though "information sovereignty" is not recognized in international law, it is commonly invoked by governments to support domestic policies on mass communication. Media and Globalization: Why the State Matters (Nancy Morris & Silvio Waisbord eds., 2001). A variety of policy models have been applied in different countries to advance the interests of both state and society. Some governments, such as Mexico's and Brazil's, have a "statist policy" to protect domestic media producers from international media centers like Hollywood. France, for example, also subsidizes its film industry, and Ireland supports Gaelic language media for the purpose of protecting national communities or "shaping real or imaginary cultural borders." Id. at xiii.


38 Foreign policy (conventionally understood as the external orientation of pre-established states with secure identities) is thus to be re-theorized as one of the boundary-producing practices central to the production and reproduction of identity in whose name it operates." Campbell, supra note 16, at 68.

39 The post-Enlightenment nation-state, Campbell asserts, having divorced itself from the ecclesiastical authority of the Church, and consequently severing the direct link to God, needed a new paradigm for grounding its identity and strengthening its legitimacy. To fill this void, the state relied on the fear of (very real) external threats, to "provide a new theology of truth about who and what 'we' are by highlighting who or what 'we' are not, and what 'we' have to fear." Id. at 48.

40 This is not to say that the elaboration of a security policy is a purposeful exercise of conjuring an "identity," nor is it necessarily coextensive with identity formation. Security policies are simply one of an ensemble of practices to inscribe, externalize, and totalize dangers and mobilize people to neutralize these dangers, "all in the name of a social totality that was never really present and that is never more than an effect of the practices by which total dangers are inscribed." Richard K. Ashley, Living on Border Lines:
Information security and sovereignty, however, are closely interrelated concepts, and it is rather simple to conflate concrete measures for protecting information with drawing boundaries to protect an artificially constructed sovereignty. A substantial proportion of the Doctrine consists of hypothetical threats to the information space of the Russian Federation. In fact, there are two entire sections that expound upon a litany of potential threats and their sources. Much of the text in these sections is remarkably incongruent with the stated policy objectives, and as pointed out earlier, reveals a preoccupation with the mass-media. The following selection is an example of some of the extraordinary language of the text:

2. Types of threats to information security of the Russian Federation

According to their general targets, the threats to information security of the Russian Federation are subdivided into the following types:

- Threats to constitutional rights and individual liberties in spiritual life and information activity, to individual, group and public consciousness, and to the spiritual rebirth of Russia;
- Threats to the preservation of information about the state policies of the Russian Federation;
- Threats to the development of the domestic information technology industry, including the mass media, telecommunications, and post, to sustaining demand for domestic products and export of these products to the world market, as well as to the collection, preservation, and efficient use of domestic information resources;
- Threats to the security of information and telecommunication media and system, including those already established, as well as those to be introduced on the territory of Russia.

Threats to the constitutional rights and individual liberties in the area of spiritual life, to individual, group, and collective

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RUSSIA'S INFORMATION SECURITY DOCTRINE

consciousness, and to the spiritual rebirth of Russia can materialize as:

- Adoption of laws by federal or regional governments of the Russian Federation that violate constitutional rights and individual liberties in the area of spiritual life and information activity;
- Creation of monopoly on the formation, reception and dissemination of information in the Russian Federation, as well as by means of telecommunication systems;
- Obstruction by criminal structures of the realization of citizens' constitutional rights to privacy of personal information, correspondence, telephone conversations, and other forms of communication;
- Excessive restriction of access to information vital to the public interest;
- Unlawful use of subliminal messages and other methods of influencing collective consciousness;
- Non-execution by federal, regional, and municipal governments of federal laws regulating the information sector;
- Unlawful restriction of citizens' access to open information resources of federal, regional, and municipal government agencies, to public archives, and to other socially important information;
- Disintegration of the system of collecting and archiving of national treasures;
- Displacement of Russian information agencies and mass media from the domestic market and increasing the spiritual, economic, and political dependency of Russia on Western information structures;
- Degradation of spiritual values, propaganda of models of mass culture based on the cult of violence, and on moral values contradictory to values accepted in Russian society.
- Weakening the spiritual, moral, and creative potential of the Russian peoples, which substantially complicates the training of the work force for the introduction and use of new technologies such as information technologies;
- Manipulation of information (disinformation, concealment or distortion of information).
Threats to information security of state policy of the Russian Federation can materialize as:

- Monopolization of the Russian information market, and its partitioning into domestic and foreign information sectors;
- Obstruction of the state mass-media’s efforts to inform Russian and foreign audiences;
- Ineffectiveness of information security of the state policy of the Russian Federation as a consequence of a deficit in qualified professionals, and an absence of a system for developing and realizing state information policy.

3. Sources of threats to information security of the Russian Federation.

The sources of threats to information security of the Russian Federation can be categorized as foreign and domestic. The foreign sources include:

- Activities of foreign political, economic, military, surveillance and information structures directed against the interests of the Russian Federation in the information sector;
- The intent of a number of countries to dominate the global information infrastructure, encroaching upon Russia’s interests and displacing Russia from foreign and domestic markets;
- Intensification of international competition for control of information technologies and resources;
- Activities of international terrorist organizations;
- Growth of disparity in the level of technology of leading world powers and the escalation of their ability to inhibit Russia’s development of competitive information technology;
- Activities of space, air, sea, and land, technical and other methods of surveillance of foreign states;
- Development of concepts of information warfare by a number of states that would lead to the creation of a dangerous influence on information sectors of other countries, the violation of normal functioning of information and telecommunication systems, safety of information resources, and the reception of unsanctioned access to these resources.

Domestic sources of threat include:

- Critical condition of national branches of industry;
- The adverse criminal environment, accompanied by a tendency towards convergence of state and criminal structures in the
Inadequate coordination of the activity of federal and regional agencies of the Russian Federation for the development and realization of a unified state policy for maintaining information security of the Russian Federation;

Inadequate elaboration of a normative legal foundation for regulating relations in the information sector, as well as inadequate enforcement;

Underdevelopment of institutions of civil society and insufficient state control over the development of the information market of Russia;

Inadequate funding of measures for the maintenance of information security of the Russian Federation;

Inadequate economic strength of the state;

The decline in effectiveness of the educational system, an insufficient quantity of qualified personnel in the area of protection of information security;

Insufficient activity of federal and regional agencies of the Russian Federation in informing the public about their activity, in explaining decisions, in forming government information resources, and development of an open system for citizens to access these resources;

The disparity between Russia and leading world powers in the level of informatization of federal agencies, regional agencies of the Russian Federation and agencies of local self-administration, credit-financial sector, industry, agriculture, education, health, services, and everyday life of citizens.

In Reading the Postmodern Polity: Political Theory as Textual Practice, Michael J. Shapiro analyzes the “politics of fear” in security policies and examines the discursive effects of textual representations of nation, community, and individual. Explaining the relatively recent phenomenon of the “nation-state,” he cites Michel Foucault’s observation that the eighteenth century brought about the displacement of the sovereign
as the primary signifier of the nation. In the sovereign’s place, the relatively new concept of “the population” as a collective identity emerged. External threats, then, become a pervasive danger that circulates throughout the entire population. This dynamic becomes an “integral part of the grammar of modern ‘security.’”

Articulating external threat in these terms, then, leads to an enclosure that distinguishes the community from the outside world “with the paradigm of sovereignty exceed[ing] a simple geographic partitioning: it results in a conception of divergent moral spaces.” The state exercises its authority to establish the conceptual boundaries that separate the community from the “Other” by means of discursive strategies ranging from the espousal of official ideologies to the institutionalization of normative codes through the legal and economic systems. In the development of national security policies, employing the politics of identity is a powerful tool for strengthening the state.

B. The Politics of Identity

The concept of "national identity" is typically mythologized as an immortal constant existing in the spirit of the people. Identity, however, does not have a prediscursive existence. Rather, it is through the “production of truth” that this social construct upon which society depends for order and meaning is generated. Louis Althusser suggests that the discourse of the state ideological apparatus is the mechanism that

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42 SHAPIRO, supra note 37, at 125.
43 Id.

One of the great innovations in the techniques of power in the eighteenth century was the emergence of 'population' as an economic and political problem: population was wealth, population as manpower, or labor capacity, population balanced between its own growth and the resources it commanded. Governments perceived that they were not dealing simply with subjects, or even with a 'people,' but with a 'population.'

Id. (citing MICHEL FOUCAULT, THE HISTORY OF SEXUALITY 25 (Robert Hurley trans., Pantheon Books 1978)).
44 Id.
45 CAMPBELL, supra note 16, at 73.
46 Habermas, supra note 6, at 116. Habermas warns that, "the artificiality of national myths, both in their learned origins and their dissemination through propaganda, makes nationalism intrinsically susceptible to misuse by political elites." Id.
48 Reality and relative values are represented in the ideological state apparatus, whose material form exists in institutions such as the political system, the family, the law, and the system of mass communication. ALTHUSSER, supra note 8.
constitutes us as subjects. Accepting the legitimacy of the state, we are
summoned by ideologies that recast us as their "authors."49 The scope of our
narrative is confined to a space defined by the parameters of ideology and its
authenticity is reinforced by the historical and cultural sources from which
the narrative is derived. The degree of public involvement in the elaboration
of this narrative is certain to have a profound effect on the development of
the society's democratic values.50 Commenting on Russia's transition to
democracy, Monroe Price asserts that society "will not achieve cohesion
without substantial public involvement in defining, organizing, and
propounding a credible and pluralistic national identity."51

Philosophical constructs that are not entirely congruent with the
democratic concept of public involvement in defining social order are fairly
common in Russian political thought. The "Eurasianists," for example, were
a prominent school of thinkers who claimed the distinctiveness of Russia
from the West.52 They argued that Russian society and politics is founded
on the idea of a "Government of Truth" unlike the "Government of Law"
characteristic of the West.53 "Heroes" ruled in the Government of Truth, and
people would be guided by the moral foundation idealized in the sovereign.
The Eurasianists assert the superiority of Russia to other cultures precisely
because its value system transcends, rather than submits to the rational-
legalistic paradigm of liberal democracies. In line with the Hegelian concept
of ultimate freedom resting in the priority of collective liberty over
individual autonomy, the Eurasianists assert that the nation-state, as it

51 Id.
52 Positions of public and political figures in Russia that may be characterized as "Eurasianists"
range from fairly moderate to quite radical. Moderates generally hold that the West would prefer that
Russia remain a marginal player in the international arena, but willing to enter into pragmatic relationships
with Western countries in order to advance its own interests. See generally Andrei P. Tsygankov, *From
International Institutionalism to Revolutionary Expansionism: The Foreign Policy Discourse of
Contemporary Russia*, 41 MERSHON INT'L STUD. REV. 247 (1997). Extremists/Nationalists see the West as
intent on global hegemony, and believe that Russia has the unique capacity, and obligation, to prevent the
emergence of a unipolar world order. Id. Sergei Baburin is an example of this school of thought, as he
charges that "the West is foisting its 'anti-national' democracy [on Russia], using it as a tool to atomize and
dismantle Russian civilization." ILYA PRIZEL, *NATIONAL IDENTITY AND FOREIGN POLICY: NATIONAL
LEADERSHIP IN POLAND, RUSSIA AND UKRAINE* 256 (1998) (citing interview with Sergei Baburin, MOSCOW
53 I.A. ISAIEVA, ED., PUTI EVRAZII: RUSSKAIA INTELLIGENTSIIA I SUDBY ROSSI (THE RUSSIAN
represents the collective will of the people, is the only institution that can guarantee true freedom. It is interesting to note that Vladimir Putin promoted this idea in his February 2000 "Open Letter to Russian Voters," asserting that, "the stronger the state, the freer the individual."

Identity seems to take on greater importance in times of instability. The crisis of representation in Russia is especially acute as the country emerges from a period of its history in which the community was defined by the state. The 1996 presidential election, for example, offered the Russian electorate a particularly troubling choice between the past and the future. The ailing Boris Yeltsin and the candidate from the Communist Party, Gennadii Zyuganov, were the only serious contenders, and they both advanced competing notions of identity as elements of their campaigns. Deciding to directly address the question of national identity, President Boris Yeltsin and the Russian Parliament arranged a public forum. The Parliament's newspaper, Rossiiskaia Gazeta, started a public discussion and competition to compose a "national idea" representative of the future of contemporary Russia, in light of its past. Over approximately a year, it published more than 200 articles, essays, and letters addressing this problem, to little effect.

The conflicts in Chechnya have also weakened the public's trust in the government, as Moscow has been unable to bring closure to its campaign against separatist movements in the region. Viacheslav Polosin's survey, Mif, Religia, Gosudarstvo [Myth, Religion, State], offers a striking example of contemporary Russia's active engagement with the politics of identity to legitimize state policies. After losing the "information war" in Chechnya, a

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54 ALAN PATTEN, HEGEL'S IDEA OF FREEDOM 135 (1999).

The capacity for freedom is not something that every human being automatically has, but is developed and sustained only in the context of a community of mutual recognition: it is the recognition of other free agents that reinforces the idea of oneself as free that is essential to being free.

Id.


56 Id.

57 Sergei Stankevich, in a paper calling for the formulation of a national idea, wrote, "There is no great idea . . . and [consequently] smuta sets in." Smuta was the period of anarchy in the 17th century of revolts, foreign intervention, and false pretenders to the throne. Carey Goldberg, Russia's Identity Crisis, L. A. TIMES, Sept. 22, 1992.

58 Sociologist Sergei Oushakine rated the results of this competition as ranging from "the obsessive aphasic reproduction of the already familiar to the metonymic cataloguing of the already available and articulated ideas." Sergei Oushakine, In the State of Post-Soviet Aphasia: Symbolic Development in Contemporary Russia, 52 EUROPE-ASIA STUDIES 991, 1004 (2000).
Special Commission prepared a report entitled, “Mythology of the Chechen Crisis as an Indicator of the Problem of the National Security of the Russian Federation.” The report attributed the failure of the Chechen military campaign partly to the state’s inability to “develop a coordinated structure of state authority in [creating] a ‘symbolic reality’ that corresponds to public opinion and ideology.”

The following translated selection from the Doctrine is particularly representative of the discursive practices employed to invoke historical identity:

6. Particular features of ensuring information security of the Russian Federation in various areas of life

- Information security is one of the components of national security of the Russian Federation and it has a bearing on the protection of national interests of the Russian Federation in various areas of the society and state. Threats to information security of the Russian Federation and methods for its protection are consistent across these areas.

- Within each area, there are particular features of the maintenance of information security connected to specific security objects, to the degree of their vulnerability to threats to information security of the Russian Federation. In each area of society and state life in combination with general methods of preserving the information security of the Russian Federation, particular measures can be implemented that are relevant to specific factors affecting information security of the Russian Federation.

In the area of spiritual life

- Protection of information security of the Russian Federation in the area of spiritual life aims to defend constitutional rights and individual liberties related to individual development and social conduct, press freedom, the maintenance of cultural and moral heritage, historical traditions and social norms, the preservation of the cultural heritage of all the peoples of Russia, protection of constitutional limits of individual rights and liberties in the interests of the preservation and strengthening of moral values of society, traditions and humanism, health of its citizens, cultural

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60 Id.
and scientific potential of the Russian Federation, and maintaining the defense capabilities and security of the state. The following are objects of protection of information security of the Russian Federation:

- Personal dignity, freedom of conscience, including the right to choose, (have) and propagate religious and other beliefs and act in accordance with these beliefs, freedom of thought and speech (with the exception of propaganda or agitation inciting social, racial, national, or religious hatred and hostility), as well as freedom of literary, artistic, scientific, technical and other forms of creation and instruction;
- Freedom of the press;
- Inviolability of personal life, personal and family privacy;
- The Russian language as a factor of spiritual unity of the peoples of a diverse Russia, the common language of international discourse of the peoples of the states of the Commonwealth of Independent States;
- Languages, moral values and cultural heritage of the peoples and nationalities of the Russian Federation; [and]
- Objects of intellectual property.

The following threats to the information security of the Russian Federation present the greatest danger to [the nation's] spiritual life:

- Degradation of the mass media as a result of its monopolization, and from the uncontrolled expansion of the foreign mass media in the domestic information sector;
- The deteriorating condition and gradual decay of articles of Russian cultural heritage, including archives, museums, libraries, and architectural monuments due to insufficient funding of relevant programs and events;
- The potential disruption of public stability, causing harm to the health and lives of people as a consequence of activities of religious associations proselytizing religious fundamentalism, as well as totalitarian religious sects;
- The use of media by foreign special services mass media broadcasting on the territory of the Russian Federation to compromise the defense capabilities of the country and state security, and the spread of disinformation; [and]
The inability of Russia's modern civil society to ensure the young generation's development of constructive moral values, patriotism, and civic responsibility for the fate of the country.

The primary methods in ensuring information security of the Russian Federation in spiritual life are:

- Development of civil society in Russia;
- Creation of socio-economic conditions for the realization of artistry and the functioning of cultural institutions;
- Development of civilized forms and methods of social control over the formation of spiritual values in society, addressing the interests of the country, cultivation of patriotism and civic responsibility for the country's future;
- Development of legislation of the Russian Federation regulating the relationship in the domain of constitutional limits of individual rights and liberties; [and]
- State support of measures for the preservation and rebirth of cultural heritage of the peoples and nationalities of the Russian Federation;
- Formation of legal and institutional mechanisms for protecting constitutional rights and individual liberties, raising people's legal consciousness in the interests of preventing the intentional or inadvertent violation of these constitutional rights and individual liberties in the area of spiritual life;
- Development of effective institutional and legal mechanisms for access of citizens and the mass media to public information about the activities of the federal government and civic organizations, protecting the accuracy of information circulated by the mass media about socially important events;
- Development of special legal and institutional mechanisms for guarding against unlawful psychological influence on mass consciousness, uncontrolled commercialization of culture and science, as well as the preservation of national and historical treasures of the peoples and nationalities of the Russian Federation, rational use of society's information resources that represent national treasures;
- Introduction of regulations prohibiting the use of broadcast time in the electronic media for the sale of programs propagating violence, cruelty, or antisocial behavior;
• Prevention of negative influence of foreign religious organizations and missionaries.

Sergei Oushakine conducted a sociological survey to examine possible causes of the Russian peoples' 'weak social identification.' Prompting the respondents to characterize Russia as a nation and then relate the individual qualities of its citizens that contribute to its identity, he found that many referred to the traditional concept of the dichotomy between "material" (or "West") and the "spiritual" (or "East") to distinguish their homeland. One respondent said, in reference to the flood of American pop culture media that has poured into Russia in the last decade, "the new Russia is a battle-field between the material and the spiritual." Oushakine concludes that Russia, "instead of being involved in the production of new mythical narratives able to encompass the ongoing changes and to embrace individuals in a collective entity," is mired in a nostalgic reproduction of "parasitic" mythologies. Oushakine asserts that the use of the "undetermined signifier of 'the spiritual'" represents society's "state of general confusion." It is precisely this "confusion" that facilitates the assumption of mythological identities offered to the people through political discourse.

This form of discourse is manifest in both policy documents and the media. In an interview with Anatoly Streltsov and writer Aleksandr Zinoviev on then independently owned NTV, Zinoviev praised the recently issued Doctrine as an instrument for protecting the people from corruption, charging that, "our country has been brought to a state of collapse. It has been overcome by what they call information from the West. Totally and

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61 Oushakine, supra note 58, at 993.
62 Id. at 1004.
63 Id. at 998.
64 Id. at 1004.
65 It is important to note that this identity is not simply an ideological fabrication of the state, but that political discourse also shapes familiar historical mythologies. The widely held belief of Eastern Christendom was that the Orthodox kingdom of Muscovy should assume the role of protectorate of the Byzantine heritage. HAROLD BERMAN, JUSTICE IN RUSSIA (1950). This conception "gave a spiritual character to the Muscovy tsardom which has no parallel. Tsar Ivan the Terrible, for all his barbarism, taught that a tsar must not only govern the body politic, but must also save souls." Id. at 133. This mythological discourse has been elaborated, recontextualized, and reproduced in Russian literature and philosophy as a faith that Russian people will bring about the ethical transformation and "spiritual hegemony of mankind." G.P. FEDOTOV, SUD'BA I GREKHI ROSSI [FATE AND SINS OF RUSSIA] 79 (1991). Some attribute the character of spirituality to the Soviet Union as well. "The Soviet state is not a secular but a religious state, in the sense that it is founded on an idea and a mission." BERMAN, supra note 65, at 16. According to Berman, secular Marxism had been "Russified," and "converted from a science of society into a dogma, and has in turn become ritualized." Id.
utterly. And we are in that mire. A recently adopted program of the Ministries of Defense and Education serves as an example of the Kremlin's active role in securing the identity of the state. In March of 2001, the Kremlin drafted a program to exploit the state mass-media in order to foster patriotic values and improve the well-being of society. The preface of the program sets out the purpose to remedy "the growing poverty gap and the loss of spiritual values: that have led 'to a gradual loss of traditional Russian patriotism.' It intends to enlist state television to develop and increase the presence of programming drawn from heroic portrayals of the Soviet era and Slavic folklore.

A conference addressing post-Soviet national security issues organized by a coalition of political parties offers an example of how identity politics become intimately associated with the security of the state. The participants' concept of national security is quite similar to that of the definition propounded by the Doctrine: "National security is [composed of] factors that maintain positive conditions for Russia's development, vitality of the state, expedient development and preservation of its fundamental values and traditions, natural relationship between the individual and the state, [and] ability to effectively overcome any foreign threats . . . . The conference participants noted that Russia should draw lessons from its history, reminding readers that the nation has undergone periods of accelerated modernization and Westernization that ultimately led to tragic consequences.

Identity discourse is necessarily a practice of exclusion, and it is this practice, rather than the character of the constructed identity that is under
The text of the Doctrine, by allocating responsibility for the spiritual integrity of Russia to mass media, draws both into the domain of national security. Symbols of identity themselves, even those with little genuine substance, have some potency if they are confronted with danger. The threat to identity, whether it be an actual, material threat or just convincingly fabricated, is more credible in today’s Russia because of the growing anxiety about its future. The values of “spirituality” and “community” resonate with the public because they correspond to mythological representations of the nation, and the Putin administration is willing to exploit this. The discursive practices employed in the text of the Doctrine serve to confirm the substance of identity, reveal its vulnerability to external and internal threats, and justify protective measures. However, the power of political discourse to reconstruct a centrality of meaning could distort the lens of the mass media in Putin’s Russia, and may ultimately prove to compromise the viability of democracy.

IV. THE MEDIA

Cultural anthropologist Benedict Anderson argues that print technologies and the corresponding growth in literacy in the nineteenth century were the driving forces in the emergence of the concept of “national consciousness.” The pluralistic democracies of the modern nation-state became possible through the leveling qualities of print technologies. These new technologies allowed people to feel a part of a cohesive “imagined community,” as they were able to experience past and current history from a finite set of sources. The sources of information could represent a range of ideological persuasions and political associations, but they would necessarily position themselves within the same cultural referents. In print, and more recently in electronic form, these sources became widely accessible to a

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72 Grigory Yavlinsky, a prominent liberal in the State Duma, warns against engaging in identity politics of exclusion. He maintains that a “pseudo-intellectual attempt to excuse the government’s actions by invoking the myth that Russia is unlike any other country,” could be a destabilizing force in society. Grigory Yavlinsky, Going Backwards, JOURNAL OF DEMOCRACY, Oct. 2001, at 83.


74 Anderson argues for the liberating quality of “print capitalism,” noting that the vertical hierarchy of meaning attributed to autocratic rule is transformed into a horizontal order that would promote the evolution of citizens according to a social order whose meaning could largely be determined by the people themselves. Id. at 21.

75 Anderson’s allusion to Hegel’s concept that “newspapers serve modern man as a substitute for morning prayers” evokes an image of a ritualized ceremony that offers a spiritual connection amongst citizens of one nation that may otherwise have very diverse religious and cultural backgrounds. Id. at 35.
literate society, thus securing the distinctiveness and stability of the state through the medium of identity.

In the last few decades, electronic media has supplanted print as the primary source of information, but Anderson's metaphor is still relevant. In his book examining the intersection of law, media, and identity, Monroe Price pays special attention to television as an instrument and subject of state power. Accounting for the particular interests of government in regulating the airwaves, he remarks:

States will affect reception and reorganize the space in which information can flow. Television will be seen as the facilitator of new regimes and as the engine for the retention of power. These are contradictions inherent in concepts of national identity, underscoring the complexity of harmonizing the state's narrative with aspirations of freedom.76

A. "Independent" Television: The Cases of NTV & TV-6

The financial and political capital necessary to maintain an independent television network in the Russian Federation has been a prohibitive factor in establishing a viable private broadcasting industry for all but a few wealthy, well-connected oligarchs. In 1993, Vladimir Gusinsky created NTV, the first independent national television network in Russia.77 For the first two years, it gained notoriety for its uncompromising coverage of the first Chechen war and other politically sensitive topics.78 This infuriated Boris Yeltsin, but by 1996 Gusinsky had managed to placate him by slanting news coverage and providing resources for Yeltsin's reelection campaign.79 In 1999, foreseeing Yeltsin's impending resignation, Gusinsky shifted his alliance to prospective candidate Yuri Luzhkov, and began to air very critical commentaries about the Kremlin.80 The Yeltsin administration, with the help of Boris Berezovsky's ORT, destroyed Luzhkov as a candidate for presidency in 2000 in favor of Vladimir Putin.81 Only a few days after Putin's inauguration, Gusinsky was arrested on

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76 PRICE, supra note 28, at 58-59.
78 Id.
79 Id.
80 See generally MUKHIN, supra note 14.
81 Remnick, supra note 3.
charges of fraud, beginning an assault that ended with the transfer of ownership of NTV to the state-controlled gas monopoly, Gazprom.  

In late 2001, TV-6, the last independent television station in Russia with national reach (and staffed by refugee journalists from NTV), was liquidated by court order. A subsidiary of the Russian oil giant Lukoil, Lukoil-Garant pension fund, had been a shareholder with a fifteen percent stake in the television station. Lukoil-Garant, claiming that the station’s debts exceeded its assets for more than two years in a row, filed suit to liquidate the company and recover its assets. In January of 2002, a Moscow higher arbitration court ordered that TV-6 be shut down, “bring[ing] to an end a Kremlin campaign to bring independent television stations to heel.” The future of TV-6 is uncertain at the moment, but it is clear that it will be reconstituted as a channel more willing to appease the Kremlin.

B. Television & Radio Broadcasting Networks

Now that independent television in Russia has been forced off the air, Putin is likely to step up the reorganization of information space by following through on the amendments he introduced regarding the regulation of television broadcast facilities. In September of 2000, he issued a decree that transferred the right to appoint the heads of the regional State Television and Radio Companies (“GTRK”) from the elected governors to the “governor-generals” of the seven administrative districts. According to First Deputy Press Minister Mikhail Seslavinskii, the decree was in response to the alleged abuse of the media by regional officials for re-election.

82 See generally MUKHIN, supra note 14.
84 Ben Aris, Court Closes Russia's Last Independent TV Station, DAILY TELEGRAPH, Jan. 12, 2002, at 18.
85 This was not the first time that Lukoil has used its leverage to appease the Kremlin. Four years ago, the newspaper Izvestiia printed an article about then Prime Minister Viktor Chemomyrdin's $5 million fortune. Valery Yakov, Trying to Complete Their Seizure of the Country's Information Space, the Authorities Begin an Attack on TV-6, NOVYE IZVESTIIA, Sept. 29, 2001, at 1-2. Chemomyrdin took offense, and Lukoil, which owns a large block of Izvestiia shares, fired much of the newspaper’s staff. Id.
86 O Formirovani E dinogo Proizvodstvenno-Tekhnologicheskogo Kompleksa Gosudarstvennykh Sredstv Massovoi Informatsii [On the Formation of a Unified Technical Infrastructure for the State Mass Media], ROSS. GAZETA Sept. 23, 2000. These representatives of the executive branch were personally appointed by Vladimir Putin to run seven federal districts. See generally Hahn, supra note 5. The establishment of the post of “governor-general” was intended to strengthen the “vertical” system of power and to rein in Russia’s more independently minded governors and regional legislatures. Id.
purposes. This measure, in effect, means that the presidential administration, rather than the electorate, will choose governors. The transfer of control over the administration of regional broadcasters to Moscow has not garnered the same degree of attention as the three episodes involving NTV, ORT, and TV-6, but its impact may be far greater.

The Kremlin has also shown an increased interest in creating and administering new regional networks to extend its reach. For example, Press Minister Mikhail Lesin and the head of the All-Russian State Television and Radio Company ("VGTRK"), arranged to establish a television station that would broadcast throughout the Siberian Federal Administrative District.

Yakov London, the general director of the proposed network, said that the channel’s main aim was to "correct discontinuities in Siberia’s informational area." Apparently, this will be a model for further growth of federal administrative district TV channels, allowing the Kremlin to have more influence on regional programming.

Another example of the Kremlin’s intrusion into regional affairs concerned the Republic of Bashkortostan, which had maintained its own independent broadcasting company for a number of years. In May 2001,
however, after a great deal of pressure from Moscow, Republic authorities agreed to have the station incorporated into the federally controlled VGTRK. Controversy over control of regional broadcasting erupted in the nearby Republic of Udmurtia, as well. VGTRK had named Vera Kadyrova as new director for the Udmurtia branch in Izhevsk. The old director, however, refused to relinquish his position, and was supported by the regional legislature. A compromise was eventually reached by having a temporary director assigned to this position until the Izhevsk mayoral elections, when Kadyrova would be named as the new director. These examples demonstrate the intense struggle between Moscow and the regions for ultimate sovereignty over the means of knowledge production and the capacity to exercise their discursive power.

Perhaps the most important change in the regulation of broadcast networks in Russia arose from an August 2001 presidential decree. Vladimir Putin ordered a reorganization of VGTRK, creating a new state owned Russian Television and Radio Broadcasting Network ("RTRS") to be in charge of maintaining transmission facilities for both state and private broadcasters. VGTRK had needed substantial investment just to sustain its infrastructure, and there had been talk about privatizing it to attract investment, but this idea was abandoned in favor of de facto nationalization. The provision prohibiting the privatization of transmission facilities was instituted in order to halt the regional broadcasters' practice of lending equipment and licenses to private companies, which had become a relatively common method of obtaining much-needed capital. The decree empowered the federal government to void such agreements, effectively bringing the entire television broadcast infrastructure under state control.
The prominent writer and political activist Yevgenia Albats, writing about the RGTRK in her last column as a journalist in Russia, compared Putin's centralization of control over the electronic media with Gosteleradio, the state monopoly that controlled all national networks and broadcasting facilities in the Soviet era. The eighty-nine different subjects of the Russian Federation, having been subsumed under Putin's seven federal administrative districts, have found that Moscow's relationship with local government will not be subject solely to bureaucratic centralization. The centralization of authority will be exercised in the cultural sphere as well, with the Kremlin as the single voice on the airwaves from Moscow to the Far East.

V. CONCLUSION

The anticipated surge of restrictive amendments to the Mass Media Law in line with the new Doctrine did not materialize, but the textual representation of identity, values, and threat propagated by the Kremlin seems to correspond to a distinctive trend in the relationship between the

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99 Yevgenia Albats, No Longer Fitting into the Picture, MOSCOW TIMES, Aug. 28, 2001, in LEXIS, News Library, Moscow Times File. Explaining why she cannot bring herself to work for the Moscow Times any longer, she laments, "I need to take a break now in order to distance myself from the everyday of Russian politics, to think about what happened and why. I need to think about what happened to people like me, people who 10 years ago were willing to lay down their lives for democracy. I need to think about what happened to Russian journalism, to which I no longer belong." Id.

100 Some objectionable amendments have been passed, though not nearly as many as feared. For example, on the eve of UN's International Day Against Drug Abuse and Illicit Trafficking, an amendment was adopted to the law on news media prohibiting certain drug-related information to be published. Marina Latysheva, Ne Slova o Narkotikakh [Not a Word About Drugs], SEGODNIA, June 26, 2000, at 1-2. Journalists are still permitted to write about drug-related issues in general, but they are prohibited from writing about where drugs are distributed, making it impossible, for example, for the media to report where and under what circumstances drug dealers are arrested. Id. Another likely consequence of this amendment is that journalists could not write about various medical programs for drug addicts designed to inhibit the spread of HIV. Id. A number of laws proposed for discussion and bills submitted to the Duma that never made it through the legislature are worth noting, as many analysts contend that they were designed to measure public response towards very restrictive legislation. A few notable examples include the following proposed amendments to the Mass Media Law of 1991: changes in the text of a section that prohibits open calls for riots to language that implies instigation of riots, removal of an article establishing the status of journalists and granting them the rights to protect their sources and to have access to areas closed to civilians. Valeria Korchagina, Proposed Media Law Restricts Reporters, MOSCOW TIMES, Jan. 30, 2001, in LEXIS, News Library, Moscow Times File. Another proposed amendment was to ban the use of the media for the purpose of "defiling or being disrespectful" towards the state flag, coat of arms, anthem, or other symbols. Svetlana Korkina, Bill Seeks to Protect Anthem, MOSCOW TIMES, Dec. 11, 2001, in LEXIS, News Library, Moscow Times File.

101 There are those, though, that continue to press for changes in the Mass Media Law. State Duma representative Konstantin Vetrov asserts that the current law is "outdated," because there is a "different understanding of freedom of speech" now than ten years ago. Dmitry Chernov, Forgotten New Law, VREMYA MN, Jan. 29, 2002, at 3.
state and its citizens as mediated by television. Despite the popular sentiment that freedom of information is a fundamental right, opponents of the Kremlin's treatment of the press do not enjoy a great deal of popular support. The indifference of the general public to the plight of the major television channels that were subsumed under the state can be explained by the lack of credibility of their owners. Some also attribute this attitude to the historical/cultural precedent that leads both journalists and the public to assume the subjectivity of the press.

Capitalizing on the public's low opinion of the integrity of the independent media, and asserting administrative control over the national television networks, the Kremlin has virtually monopolized the instruments of truth production. The dominant presence of the state in the media landscape has arguably already had a significant effect on public consciousness already. For example, Yuri Levada observes a remarkable discrepancy between Putin's approval ratings and evaluations of his performance according to specific criteria or actions in particular situations. His approval rating has consistently remained at about 70%. Month after month, however, evaluations of his achievements and directed questions about significant events are comparatively bleak. Examples from 2000 include: 50% of the respondents felt that he has been unable to establish order in the country, 63% did not recognize any improvement in the economy and people's well being, and 71% saw no possibility resolving the conflict in Chechnya. Levada suggests that Putin's consistently high general approval rating can be associated with "hopes for the future," but this seems to be an unsatisfactory conclusion. It is more likely that the discrepancies in the ratings can be attributed to the dramatic success of the Kremlin's appropriation of the airwaves.

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102 This is mainly because the only privately owned television networks with national reach were controlled by "oligarchs," whom most Russians considered opportunists and crooks. Floriana Fossato, The Russian Media: From Polarity to Distrust, 307 CURRENT HISTORY 344 (2001). Some argue that this distrust is a result of a perceived bias towards the interests of network owners and the politicians with whom they are connected. Id.

103 Id. According to Iosif Dzialoshinskii, a Moscow University journalism professor, "in most Western countries, news media developed in parallel with a trading class willing to make decisions based on information. Historically, this was not the case in Russia. 'The press in Russia developed, from the beginning, among thinkers. They were writers, they were opposition activists, or... they were people close to the government. These people started publishing newspapers, writing in newspapers, not because they wanted to disseminate information, but because they wanted to influence the situation. [Since then,] a journalist in Russia cannot simply act as an informer. It is an accepted fact that a journalist [is somebody who] must teach how to live." Id.

104 Levada, supra note 14.

105 Id.

106 Id.
There is little sign that the pervasive voice of the state will be challenged in the near future, as the broadcast industry is consistently subjected to “administrative harassment” and centralization of technical and editorial control. If executive power goes unchecked, and there are no state or public institutions in place through which the public can express its discontent, this trend may bring about serious, destabilizing conflict in the public and private spheres. Recent Soviet history can attest to the imperative of free speech for peaceful transformation. The policy of glasnost, though some blame it for the demise of the U.S.S.R., was surely a significant factor in the relatively peaceful collapse of an empire. Stifled by a “protective” government exerting its power to secure state-sanctioned information and contain authentic meaning and identity, Russia could very well endure more profound disturbances in its social fabric than heretofore expected. Like Kafka’s creature in “The Burrow,” which digs an intricate labyrinth of underground tunnels to escape the beasts it imagines lurk outside, but in the end cannot tell the difference between the noises outside and the noises created by its own digging, the nation could become disoriented and go astray of the path to democracy and the realization of a civil society.

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107 Putin has brought all of Russia’s national television stations under state control, and “if current trends hold, criticism of the president in the electronic media may become as scarce as it is in full-blown autocracies like Belarus and Kazakhstan.” Fish, supra note 4.

108 SHAPIRO, supra note 37, at 124.