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The fragile nature of Russian liberalism: what does the Russian liberal opposition stand for?
The emergence of the mass anti-Putin protests

• The blatant disregard for the will of people during the December Duma elections brought the tens of thousands peoples demanding the ‘honest elections’ on the streets.

• During the presidential elections in March, thousands and thousands of people became ‘electoral observers’.

• From the December to June the protests received more and more radical anti-Putin character.

• The anti-Putin protestors came out in force at the eve of Putin’s inauguration 6 May (ending in the street fights with the police special forces) and, recently, on 12 June.

• The protests reflect the growing longing of the Russian society to live in the rule of law state.
Proclamation 12 June

• Отставка В.В. Путина как символа системы.
• 2. Разработка проекта нового закона о выборах в парламент, обеспечивающего избрание парламента на честных, прозрачных, конкурентных выборах. В этих проектах необходимо учесть требования, выдвинутые на массовых акциях протеста.
• 3. Принятие этого законопроекта действующим парламентом. Это станет его последней и единственной функцией.
• 4. По новому закону проводятся новые выборы в парламент.
• 5. Вновь избранный парламент рассматривает и выносит на референдум проект новой Конституции, существенно ограничивающий полномочия и срок пребывания во власти президента (один срок на 6 лет или 2 срока по 4 года) и расширяющий полномочия парламента в формировании правительства и проведении парламентских расследований.
• 6. Вновь избранный парламент принимает новый закон о выборах на пост президента и назначает дату выборов. Принимаются законы, гарантирующие местное самоуправление и прямые выборы губернаторов.
• 7. Вновь избранный парламент рассматривает и принимает закон о преобразовании суда, прокуратуры, следствия и полиции, предполагающий очищение их от лиц, запятнавших себя преступлениями. Также он принимает закон о референдуме, значительно облегчающий процедуру его проведения.
Growth of opposition to Putin’s regime: quest for the rule of law: 

Pastuchov *The true Russian Constitution* (April 2012)

- All power in Russia belongs to the strong. This power is limited only by force.
- The law exists for the weak. The strong makes the law.
- The weak is always guilty. The presumption of innocence exists only for the strong.
- The strong has the rights, the weak has the duties. The weak can violate the law only when it does not harm the strong.
- The strong cannot use the law against the more strong.
- Only when the strong violates the rights of the more strong, the strong can be held responsible for the offence.
- The weak can be held responsible for his/her own offences, for the offence committed by the strong and for no offence whatsoever.
- The attempt of the weak to defend him/herself against the strong is an offence.
- The property belongs to the strong. The strong has the property by the sanction of the most strong. The right of the strong to the property is protected by the State.
Pastuchov The true Russian Constitution

• Only the strong holds the real citizenship. The strong is either born of the strong or accepted as the strong by the other strong.

• The disputes between the strong are resolved by the conventions among the strong. If the convention is contrary to the law, the law will apply to the extent of its non-contradiction to the convention.

• The power of the strong is from God. The Church, as the State, belongs to the strong. The weak must go to the Church.

• The strong are under the control of the most strong. The most strong is not elected or appointed but exercises a self-determination. The elections confirm a priori known result.

• The local strong deals with the local weak at his/her discretion. When the strong resolve their differences, the weak should not to interfere.

• The law of the strong is in force through the whole territory of Russia. The weak can leave while it is not too late to leave.

• The law of the strong is in force until the weak is not strong.
Growth of opposition to Putin’s regime: quest for the rule of law:

• 6 June 2012 Ivan Davydov (Lenta.ru) on the infamous changes in the Law On Meetings, which introduced the fines which could bankrupt ordinary citizens and created a new offence of ‘public gathering’.

• The Law:

• The presence of the Russian citizen on the territory of the Russian Federation is an offence. The leaving of the Russian Federation by the Russian citizen is an offence.

• The violation of this law is punishable, at discretion of the court, by any penalty, including no penalty, capital punishment or any fine from nil to one hundred billion rubbles.

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Amended Law on Meetings

• Статья 20.2.
"1. Организация не являющегося публичным мероприятием массового одновременного пребывания и (или) передвижения граждан в общественных местах, публичные призывы к массовому одновременному пребыванию и (или) передвижению граждан в общественных местах либо участие в массовом одновременном пребывании и (или) передвижении граждан в общественных местах, если массовое одновременное пребывание и (или) передвижение граждан в общественных местах повлекли нарушение общественного порядка или санитарных норм и правил, нарушение функционирования и сохранности объектов жизнеобеспечения или связи либо причинение вреда зеленым насаждениям либо создали помехи движению пешеходов или транспортных средств либо доступу граждан к жилым помещениям или объектам транспортной или социальной инфраструктуры, за исключением случаев, предусмотренных частью 2 настоящей статьи,
- влекут наложение административного штрафа на граждан в размере от десяти тысяч до двадцати тысяч рублей или обязательные работы на срок до пятидесяти часов; на должностных лиц - от пятидесяти тысяч до ста тысяч рублей; на юридических лиц - от двухсот тысяч до трехсот тысяч рублей.

2. Действия, предусмотренные частью 1 настоящей статьи, повлекшие причинение вреда здоровью человека или имуществу, если эти действия не содержат уголовно наказуемого деяния,
- влекут наложение административного штрафа на граждан в размере от ста пятидесяти тысяч до трехсот тысяч рублей или обязательные работы на срок до двухсот часов; на должностных лиц - от трехсот тысяч до шестисот тысяч рублей; на юридических лиц - от пятисот тысяч до одного миллиона рублей."
From the history of the rule of law movement in Russia

• 5 December 1965: ‘the meeting of glasnost’ with the demand of the open process for Daniel and Sinyavskii.

• About 200 hundred peopled gathered in the Pushkin square in Moscow with twenty people detained including the organiser Esenin-Vol’pin, who held the poster ‘Respect the Soviet Constitution’.

• September 1966 года: art 190-3 of the Criminal Code – organisation and active participation in a group acts in breach of public order or in defiance of lawful demands of the authorities or in interference with a work of public transport, state or public institutions or enterprises (3 year of imprisonment)
From the history of the idea of the rule of law

• The idea of *Rechtsstaat* was first promulgated by Robert Mohl in *Die deutsche Polizeiwissenschaft nach den Grundsätzen des Rechtsstaates* (1832).

• In Russia, probably, the first mentioning of *Rechtsstaat* was by Bezobrazov during the late 1850s debates on the commune on the eve of the peasant emancipation of 1861.

• The lack of legal consciousness in Russia was long lamented (Bogdan Kistyakovskii in *Vekhi*). [but it was also praised - the Slavophiles, Bakunin]

• *Нашей правды идеал*
• *Не влезает в формы узкие*
• *Юридических начал*
• *(K. Aksakov)*
The Russian liberalism of the 1990s


- **Private Property:**

  - A private property of any person is inviolable, and this inviolability could be breached only by the publicly known procedure set by the law.

  - A private property cannot be expropriated for the state or public needs.

  - The disputes in relation to the limited good which is private property (for example, air or water) of no one are resolved by converting the common rights
The pitfalls of 1990s economic liberalism

• The chaotic and non-transparent privatisation of 1990s brought immense wealth to a few and very little to the rest.

• It was based on the belief that the main task was to create the private property rights by any means. This belief was hardly congenial to the idea of the rule of law (the hope was that once the property rights were created, everybody would have a long-term interest in the protection of the property rights system)

• No working system of local self-government, no tradition of ‘impartial’ elections, no independent court system, no ‘clean’ police forces came to life in the 1990s
From the history of Russian liberalism:

Boris Chicherin (1828-1904)

Andrzey Walicki once called Chicherin 'the only liberal on the east of Germany'.

Chicherin, in his 1882 book 'Property and the State', was first to compare ‘equality’ under socialism with slavery, anticipating Hayek for more than 60 years.

Peter Struve, important left liberal of the pre-revolutionary period, in his speech (already in emigration) on the century of Chicherin's birth, defined him as a conservative liberal.

Chicherin saw the foundation of liberalism in the civil rights of private law protecting private property and personal liberties, with the political rights served as a safeguard of the civil rights.
From the history of Russian Liberalism

• Boris Chicherin took for granted the necessity of the framework supporting the civil rights, such as independent court system and local self-government which came into being in Russia during the Great reforms of 1860s.

• In his last work “The Russia on the eve of 20th century” Chicherin named the move to the popular political representation in Russia as a main task for a new century.

• But could the popular political representation bring the end of the basic civil rights, such as a right of property?
From the history of Russian Liberalism

• The relationship between the political and civil rights was one of the contentious issue in the pre-revolutionary Russia, ideologically dividing the two main liberal parties: the Party of Narodnoi Svobody (Kadets) and the Party of 17 October (Oktyabrists).

• For the Kadets, the political rights were paramount, while for the Oktyabrists the civil rights were.

• The Kadets were in favor of the land redistribution reform with compulsory acquisition of the gentry land with compensation and did not oppose the peasant communal ownership.

• In contrast, the Oktyabrists opposed the compulsory acquisition and supported the Stolypin's reforms aimed at destruction of the communal ownership and establishing the private property rights among the peasants.
Modern Russian Liberal Opposition: Piontkovsky vs Novodvorskaya & Borovoi

• Piontkovskii: May be the most important lesson of the Russian history is that freedom, social justice, private property and patriotism are meant to complement each other and the attempt to sacrifice one of these values led to the loss of all.

• The real tandem of these 12 years was the union of ‘systemic liberals’ and the people from the former KGB (and similar ministries). Together they have built bandit nomenclature capitalism, where private property has merely relative character, depending from the loyalty to the authority.

• Putin’s ‘systemic liberals’, just as non-systemic liberals of the mould of Novodvorskaya & Borovoi, shared the view that the elections could not be left to the free choice of the ‘backward’ population, which could bring to power the people who would undermine the course for the market reforms.
Modern Russian Liberal opposition

- Borovoi
- Fight against Putin with Udal’tsov and Naval’nyi is madness which would end in strengthening of Putin’s power or in civil war.
- What we are protesting for? To get rid of Putin and to return the country to democracy or to return into USSR or to build the country without non-Russians

- Novodvorskaya:
- To fight for democracy with the communists and nationalists is as senseless as to fight the plague by means of cholera.
Should liberal opposition to work together with non-liberals to bring a downfall of Putin’s regime?

- 7 June on grani.ru one former dissident called for the union of all anti-Putin forces as it was in the Soviet dissident movement. This is an advice of tactical union.
- In the pre-revolutionary times, the leader of Kadets Milyukov once said: ‘we don’t have enemies on the left’.
- It is this position is resisted by Novodvorskya:
- Could one unite in the fight for democracy with the ones who did not consider it as a value?
Could there be a consensus on some ‘minimal’ ‘society-building’ framework among all anti-Putin opposition?

The program of the Left Front of Udaltsov (and even the program of Another Russia of Limonov) seemed to recognised several basic ‘liberal’ values:

Honest elections (and the change of the government through elections)

Local self-government

Independent judiciary

[However, the position of left forces on private property is still ambiguous... But the crucial issue is the acceptance of the change of government.]

On the above values (as well as ‘clean’ police forces and non-corrupt bureaucracy) there seem to be a consensus amidst the wide spectrum of the Russian society.

This consensus framework means, in some sense, a ‘return’ to the program of the reform of 1860s, now in conjunction with the old Kadet ideal of responsible government.