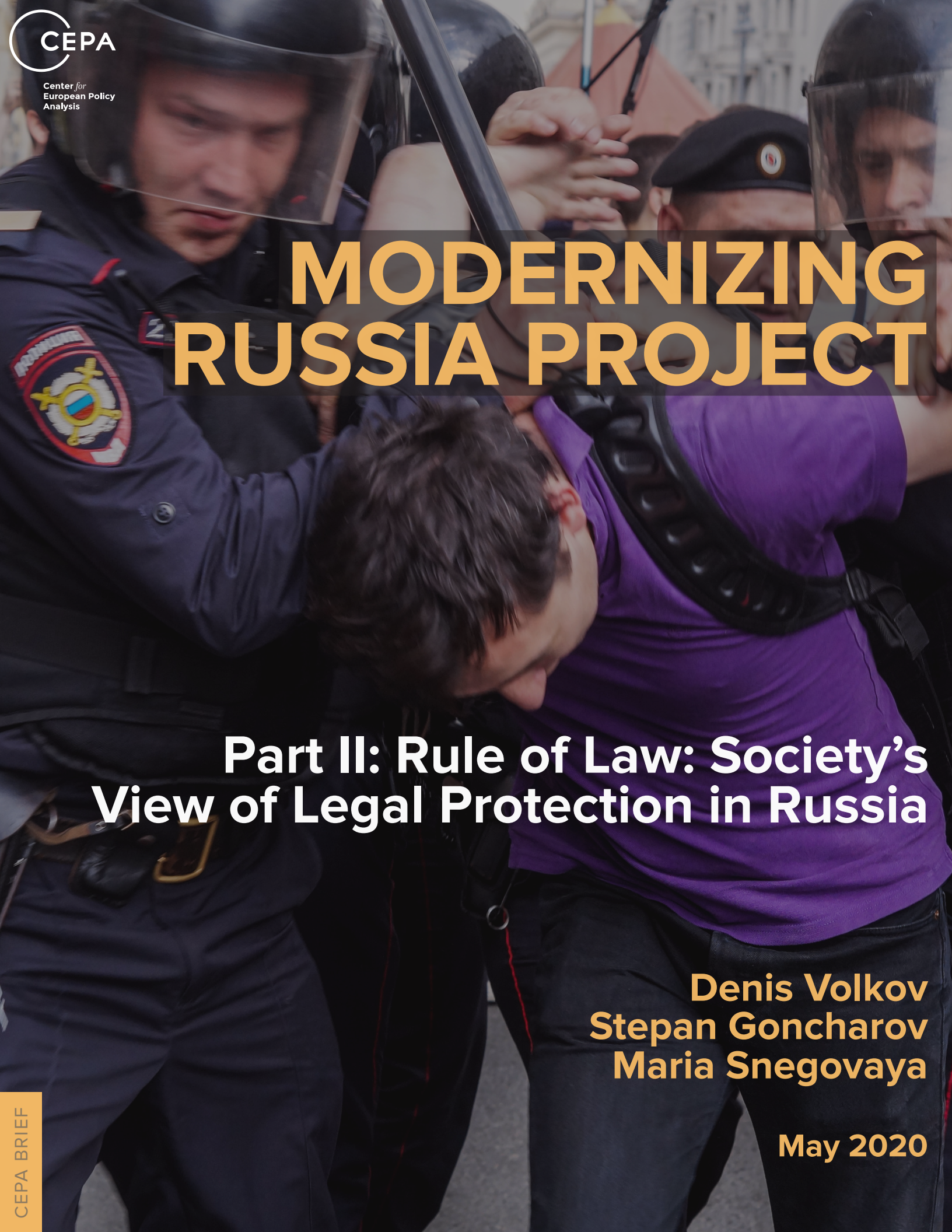




MODERNIZING RUSSIA PROJECT

Part II: Rule of Law: Society's View of Legal Protection in Russia

**Denis Volkov
Stepan Goncharov
Maria Snegovaya**

May 2020



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Part II

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European Policy
Analysis

The Issue

Myths abound about Vladimir Putin's Russia. The country is portrayed all too often, by cheerleaders and critics alike, as a monolith. CEPA is proud to present this thought-provoking analysis by our own Maria Snegovaya and her colleagues Denis Volkov and Stepan Goncharov, drawing on opinion research carried out by the renowned Levada-Center.

It highlights several important points. One is that the Russian Federation, despite its dismal standing in international rule-of-law rankings, is not a judicial black hole. A significant and increasing number of Russians do feel protected by the law. That will come as a surprise to those who believe that all state activity there is characterized by limitless corruption, repression and incompetence. Though the positive sentiments towards the legal system are most strongly held by those who do not have direct experience of its workings, it would be interesting to know in more detail which bits of the civil and criminal justice structures work best, and least well, and to try to identify the reasons for this variation.

More broadly, the survey shows that Russia is changing as the Soviet legacy of fear, and the traumatic memories of the 1990s, recede into history. Old paternalistic attitudes are still entrenched and dominant. But they are slowly giving way to more demanding expectations about the duties the state owes to the individual, and vice versa. Russians increasingly prioritize political liberty, such as freedom of speech, over social stability.

That does not herald a different country tomorrow. But it does suggest a different long-term future, which is of interest not only to Russia but to the many outsiders whose fates this giant country shapes. Whether the coming changes are nuanced or dramatic, we at CEPA will be there to identify and interpret them.

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KEY TAKEAWAYS

- ② Although the Russian Federation continuously ranks low in international rule-of-law rankings, Russians are split on whether they feel protected by the law and whether courts hand down fair sentences. **The number of Russians who feel protected by the law has grown slowly over the past 14 years.** These results may reflect a declared social norm (respondents' tendency to provide answers that they believe are expected of them). When asked more specific questions about the state of Russia's judicial system, the number of positive responses dropped dramatically
- ② **Personal experience fuels negative views.** Respondents whose rights had been violated were twice as likely to not feel protected by the law, compared with those whose rights had not been violated. Those whose rights had not been violated also had more positive opinions of law enforcement agencies and the political system as a whole.
- ② Despite lingering paternalistic sentiments, **Russians now care more about free speech.** On average, respondents were more concerned about violations of their social rights (such as the right to medical care, social protection, fair wages) than political rights or civil liberties. While violations of political rights were the least frequently mentioned, the importance of these rights has increased over the last few years.
- ② **Around 60% of respondents disagreed with the claim that "Russian authorities are accountable to society."** The majority also said Russians are too passive to hold authorities accountable. As for the mutual obligations of the state and society, most respondents said while citizens fulfill their part of this peculiar social contract, the state does not.

INTRODUCTION

The rule of law is the notion that state authorities exercise their power within a framework of established legal norms rather than in an arbitrary or discretionary manner.* During the Soviet era, Russia's legal system operated on the notion of "legality," i.e., "law abidingness," rather than that of the Western concept of the "rule of law."¹ When the ruling party's directives clashed with legal norms it was party instincts and "telephone justice" that usually prevailed.²

It was not until the perestroika period that then Soviet leader Mikhail Gorbachev started promoting the idea of the construction of a socialist rule-of-law state.

Following the collapse of the USSR in 1991, then Russian President Boris Yeltsin announced a goal of building a new rules-based state. He took several important steps to reconnect the country with general norms and practices of the continental civil law tradition. The results were contradictory.

The far-reaching legal reforms launched under Yeltsin's rule — founding of constitutional jurisprudence, the expansion of private law, increased transparency through the publication of law, and signing up for the Convention for the Protection of Human Rights and Fundamental Freedoms — moved the Russian Federation closer to Western consensus positions on the separation of powers and human rights.³

At the same time, Russia's 1993 constitution, which enshrined strong institutional authority and granted the president sweeping powers to issue decrees, was a cause for concern. The Constitutional Court of Russia extended and strengthened these powers in a series

of decisions. In addition, Russia's legislation and legal system remained cumbersome, contradictory and unpredictable, with multiple loopholes and a lasting imprint of the Soviet era.

While statutory reform of Russia's civil, political, economic and legal institutions took place at an extraordinary pace, society's attitudes and norms of behavior changed more slowly. Despite the obvious success of judicial reform in the 1990s, many Russian judges continue to have a Soviet-era mindset.⁴

Yeltsin's legacy of reforms continued in the early days of Vladimir Putin's presidency. Several important legal advances were introduced. Among other changes, these reforms streamlined the appellate process, promoted a more unified vision of Russian federalism and reestablished the principle of *res judicata* (finality of judgments).⁵ This lasted until 2004, when the reformist cabinet was dismissed.

A year earlier, in 2003, Russia's legal system had taken a turn for the worse with the arrest of Mikhail Khodorkovsky, the billionaire chairman of Yukos Oil Company and a critic of Putin's, on charges of fraud. The case became the first and most infamous example of the "telephone law," a practice by which legal outcomes were allegedly dictated over the phone by those with political power rather than through the application of law.⁶ In 2013, Khodorkovsky was freed after spending a decade in prison.

Putin's public statements reveal a legalistic view of the law. He has referred to the supremacy of statutes, as opposed to the law-based state, as his ultimate objective. This implies that the organs of state power

* "The Rule of Law," Stanford Encyclopedia of Philosophy, <https://plato.stanford.edu/entries/rule-of-law/>.

and Russian citizens should uphold the letter of the law but not necessarily its spirit. Law enforcement practices have increasingly returned to the Soviet tradition of relying on the state's coercive powers and using the courts to punish the state's political opponents. For example, opposition figures — politically active oligarchs, independent politicians, activists, journalists and commentators critical of the government — are increasingly prosecuted by the state. The use of the law has become arbitrary and expedient rather than predictable and principled, contradicting the ideals of a rules-based society.⁷

Amendments to the Russian Constitution in 2020 further weakened the judiciary by allowing the president to initiate the removal of judges from the Constitutional Court, Supreme Court and appellate or cassation courts.⁸

The lack of judicial independence is compounded by a criminal justice system that favors the prosecution, contradicting the principle of equality of arms.⁹ The number of acquittals in criminal cases has steadily declined in post-Soviet Russia; in 2018, it was at a historic low of 0.235%.¹⁰

While Russian courts can be highly politicized, the interference of the state in their work is selective and arbitrary. The everyday legal system has preserved a certain degree of independence to deal with a spectrum of cases that are not perceived to be a challenge to the state or the powerful actors within. This phenomenon is known as the duality of law in Russia.¹¹

Russians tend to seek help from the courts when they get into disputes with those who

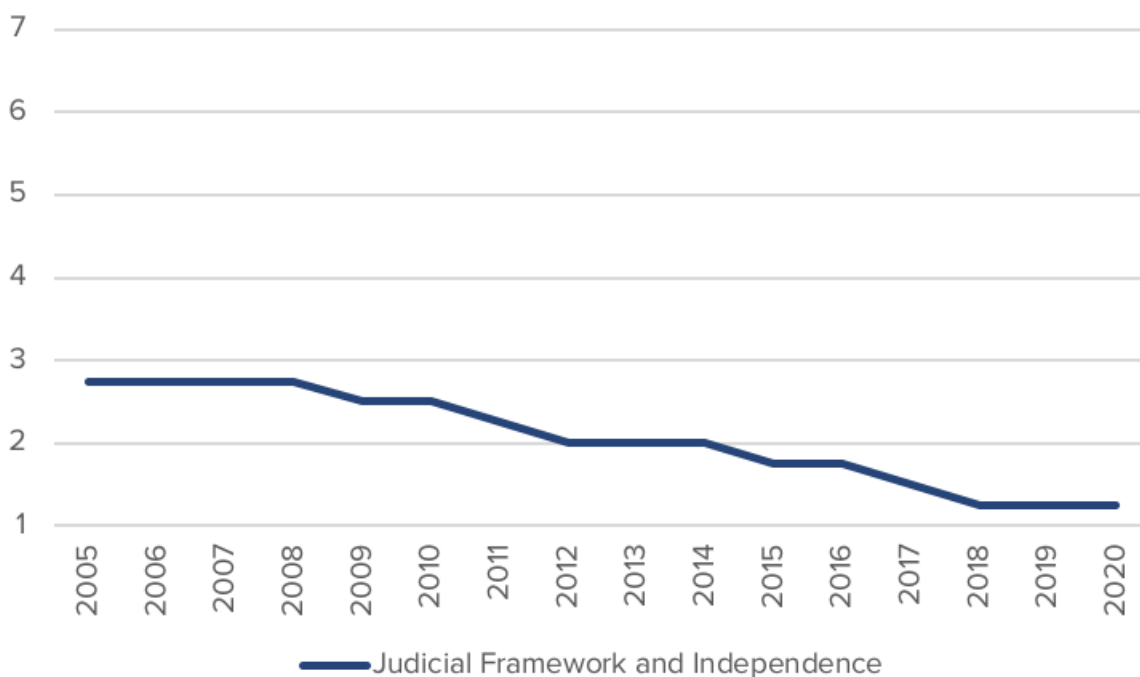


Figure 1. Russia's Judicial Framework and Independence Score. Freedom House's Judicial Framework and Independence score assesses constitutional and human rights protections, judicial independence, the status of ethnic minority rights, guarantees of equality under the law, treatment of suspects and prisoners and compliance with judicial decisions. Countries are rated on a scale of one to seven, with one representing the lowest and seven the highest level of progress. Source: Freedom House Nations in Transit data 2005-20 at https://freedomhouse.org/sites/default/files/2020-04/All_Data_Nations_in_Transit_NIT_2005-2020_for_website.xlsx.

are similarly situated, but shy away from the courts when they tangle with anyone more powerful.¹² In addition, where the legal system is not politicized, it tends to be corrupt.¹³ The dual legal system that has evolved in Russia is a far cry from the rule-of-law-based state that the original reformers had envisioned.

Despite this dynamic, the Yeltsin-era legal reforms continue to influence how Russians understand and use everyday law. For example, according to a 2017 Levada-Center survey, 47% of respondents said citizens should be allowed to fight for their rights even if their rights are against the interests of the state, and 13% thought that an individual's rights are always more important than those of the state. Only 10% were willing to put the state's interests above their own rights.¹⁴ Fundamental changes in attitudes and behavior on the part of both the state and society will be required to build the rule of law in Russia. In particular, Russians will have to shake off their traditional passivity vis-à-vis the state.¹⁵

Have the legal setbacks in Putin's Russia undermined the prospects for a rules-based society? Few in-depth empirical surveys have attempted to answer this question. CEPA and the Levada-Center sought to do so through a survey of Russians that was designed to explore how they view the legal situation in their country and what factors they consider to be key obstacles to the development of the rule of law.

METHODOLOGY

In 2019, CEPA and the Levada-Center developed a joint public opinion survey to gauge the state of civil society in Russia. Three questions were designed together, and then fielded in Russia. Topics included attitudes of the Russian population toward entrepreneurs, the rule of law and civic activism among Russian youth. This study is based on the results of a nationwide representative survey of the country's adult population in November 2019. One thousand six hundred and ten

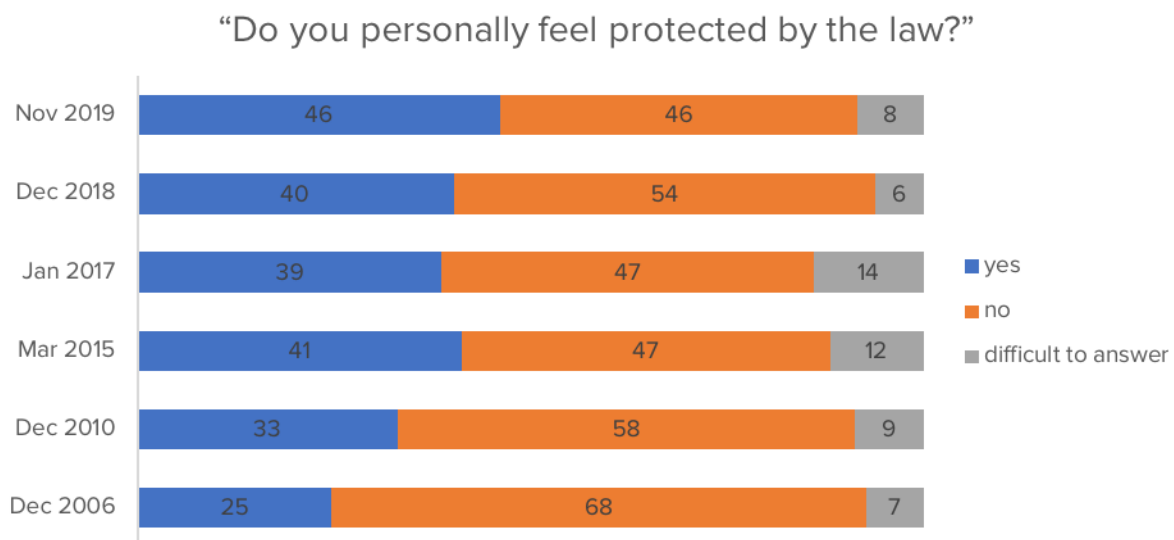


Figure 2. Confidence in the Law in Russia. Source: Levada-Center and CEPA.

people were interviewed. The margin of error does not exceed 3.4 percentage points. Many questions are a continuation of regular studies by the Levada-Center.

This analysis is complemented by results from earlier Levada-Center and VTsIOM surveys.

WHOM THE LAW PROTECTS

Over 13 years of polling by the Levada-Center, from 2006 to 2019, the number of Russians who feel protected by the law has almost doubled from 25% to 46% (Figure 2). This growth is particularly pronounced in comparison with the early 2000s. In recent years, however, this positive dynamic has slowed down. In 2018, the number of Russians who did not feel protected by law grew.

Attitudes toward law enforcement agencies follow a similar trajectory. They had been

improving between 2010 and 2017, but declined slightly in 2018 and 2019. This decline probably reflects the impact of the 2018 pension reform, an unpopular increase of the retirement age in Russia. After it was announced, approval of authorities and the overall public mood plummeted. A harsh crackdown by authorities on protests across the country in the summer and fall of 2019 may have further eroded confidence in Russia's law enforcement agencies. This crackdown was one of the most noticed events in August-September 2019, and even some Kremlin supporters condemned the brutality of the Moscow police.

In recent years, Russia's position in global rule-of-law rankings has stagnated or declined. For example, Russia fell four places from 2019 to rank 94th out of 128 countries on the World Justice Project Rule of Law Index 2020.¹⁶ In Freedom House's rankings, Russia received between zero and one on indicators of rule of law (on a scale from zero to four).¹⁷ Why

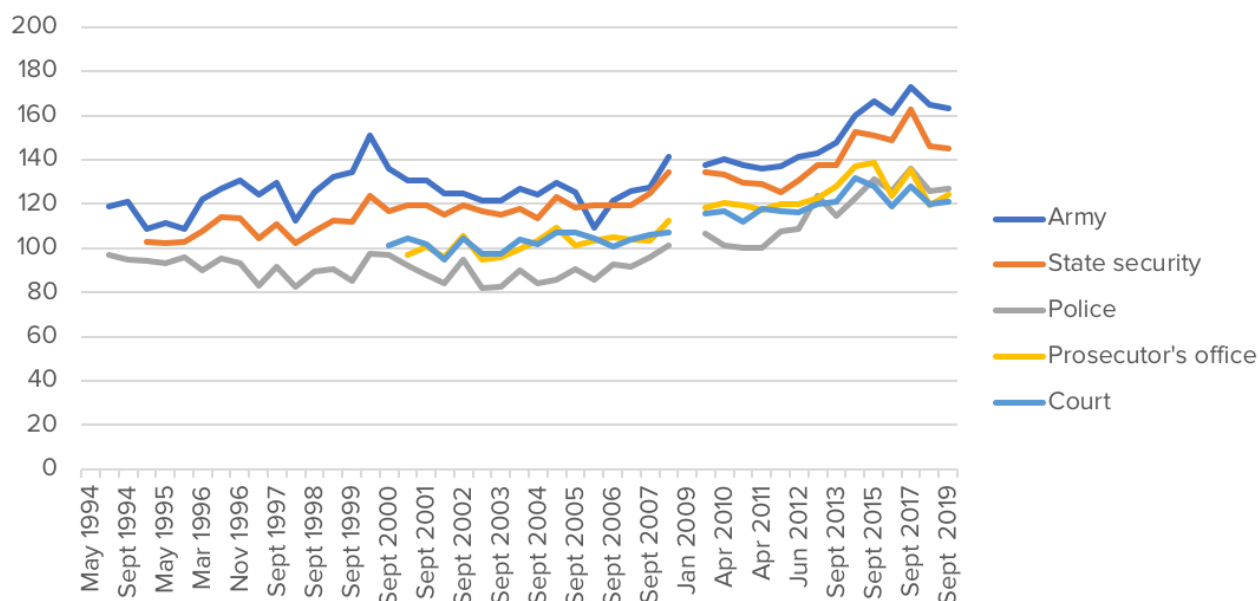


Figure 3. Confidence in Law Enforcement Agencies in Russia (1994-2019). Source: Data for 1994-2003 is from VTsIOM and after 2003 from the Levada-Center. The confidence index is calculated as follows: We subtracted the answers “totally untrustworthy” from the sum of the answers “not completely trustworthy” and “completely trustworthy” and added 100. Thus, an index above 100 reflects the prevalence of positive answers and vice versa. See Public Opinion — 2019, p. 84, <https://www.levada.ru/sbornik-obshhestvennoe-mnenie/obshhestvennoe-mnenie-2019/>.

then does the number of Russians who feel protected by the law keep rising?

One possible answer is the duality of law in Russia. Many Russians' legal cases are not perceived to be a challenge to the state or the powerful actors within and are dealt with relatively fairly. As a result, many of our respondents may not have come across instances in which the system is manipulated by those in power.¹⁸

Another possible answer is that the formulation of the survey question — “Do you personally feel protected by law?” — is too abstract. When the wording of the question was more specific, respondents provided more skeptical assessments, for example, when asked about the authorities' accountability to society (see below). In a different survey by the Levada-Center in January-February of 2019, respondents were asked a more specific question: “Do you believe that you or your close ones could suffer from arbitrary law enforcement?” An absolute majority of

respondents answered that “it could very well happen” (51%) and “this had already happened to me or my close ones” (15%). Only 23% said it was “unlikely” and 8% said it was “impossible.”¹⁹

The answer to the question “Do you personally feel protected by law?” is in many ways a declared social norm. Respondents may provide answers that they believe are expected of them. The more specific the question, the closer it is to respondents' day-to-day experience, the weaker is the declared social norm. While the overall response distribution across different social groups is relatively even, the youngest (under 25 years old), older age groups (65+ years) and wealthy respondents felt most protected by the law. On the contrary, respondents with more negative experiences — low-income and pre-retirement age groups (whose fears have been aggravated by the 2018 pension reform) — felt least protected.

However, the sharpest differences are among those Russians who personally experienced rights violations over the past few years and

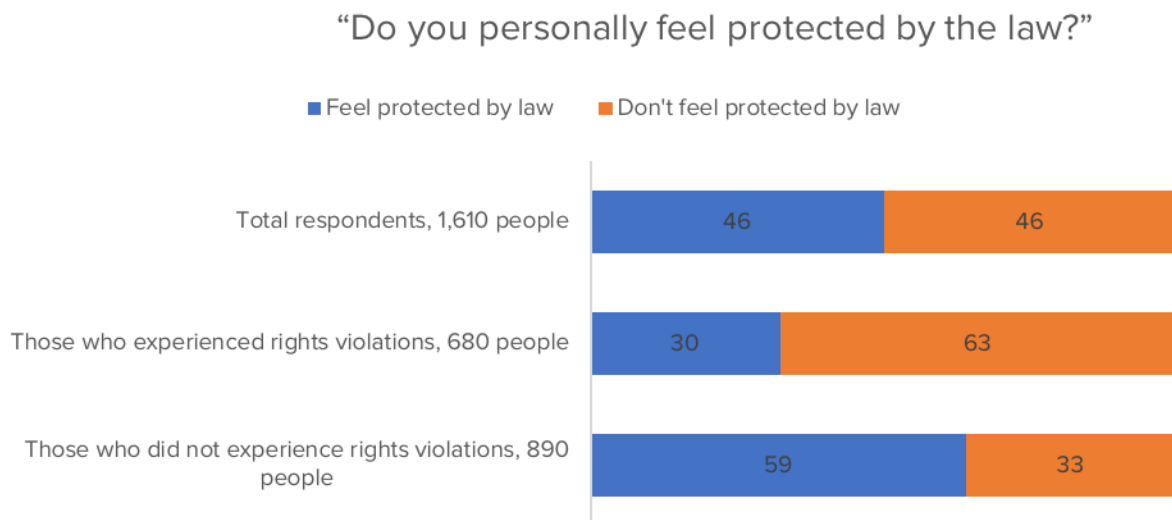


Figure 4. Comparison Between Those Who Have and Those Who Have Not Experienced Rights Violations. Source: Levada-Center and CEPA.

those who did not. Those who have experienced rights violations (about 40% of respondents) were twice as likely to not feel protected by the law as compared with those who had not. In the next sections of this report we will demonstrate that attempts to defend one's own rights and contacting law enforcement institutions (apparently, often unsuccessfully) also commonly leads to frustration and the feeling of being less protected by the law.

We asked those respondents who did not feel protected by the law an additional question about why they felt this way. Most answers fell into one of the following three groups:

- **“Laws do not function”:** Everyone is not equal under the law; laws protect only those in power, only the rich.
- **“Corruption is everywhere”:** Everything is bought by money, bribes, *blat*; power is in the hands of thieves.
- **“I do not trust anyone”:** No trust in the rule of law, the courts, the police, law enforcement agencies or the government.

Only a few respondents referenced personal experiences in their answers. Many were convinced that the state or authorities will not or will not want to protect citizens' rights, but will manipulate laws in their favor or in favor of people with money. Respondents frequently cited the famous Russian proverb: “A law is like a pole: as it is turned, so is the result.” Meaning any law can be turned around to achieve the opposite result.

RELATIVE IMPORTANCE OF SOCIAL AND CIVIL RIGHTS

More than half of the survey's respondents said they had not experienced violations of their rights over the past five years. About 40% said

they had had such an experience. People who did not personally experience rights violation reported much more positive assessments of current events, the political system as a whole and Putin's actions. One could say that these people look at Russia's realities through rose-colored glasses. Only when respondents had personally faced injustice did they provide a more pessimistic assessment of the rule of law.

The fact that most Russians whose rights have been violated do not feel protected by the law suggests that their rights have not been properly protected and restored. On average, they were less certain that they could defend their rights in the courts or that people in Russia are equal under the law. Approval of Putin's actions and Russian institutions is one-third lower in this group as compared with respondents whose rights had not been violated. It appears then that personal experiences of a violation of rights and the inability to protect them ultimately undermines respondents' trust in the political system as a whole.

Most of those who had experienced rights violations primarily referred to violations of their social rights: to medical care (17%), to social protection and decent living standards (13%) and to work, good conditions and fair wages (13%). Low-income and older people were more likely to mention violations of these rights than other respondents. Moreover, respondents of pre-retirement age looked particularly vulnerable yet again; they mentioned violation of their right to work twice as often as other respondents.

As to their sociopolitical rights, respondents most frequently mentioned violations of their right to free speech (8%), right to receive information (7%), right to freedom of peaceful assembly as well as their rights to freedom from

“Violations of which of the following rights have you personally experienced in the past five years?”



Figure 5. Greater Violations of Social Rather than Civil Rights. Source: Levada-Center and CEPA.

arbitrariness (arbitrary arrest) and violence (3% each). Younger people (respondents under 35 years old) and those with higher education mentioned these rights more often. Only 7% of Russians said they had experienced violations of their right to a fair trial.

That respondents most frequently reported violations of their social rights reflects the paternalistic orientation of Russian society: respondents primarily expect the state to deliver social goods rather than protect their civil liberties. Such beliefs are common in societies with communist legacies, for example, in many Eastern European countries.²⁰ For the same reason, these paternalistic orientations are unevenly distributed across age groups and are more pronounced among older respondents (who are more influenced by the communist legacy). In contrast, the number of people who are concerned about violations of their civil (sociopolitical) rights is quite low.

(None of the civil rights mentioned received above 8%.)

We also asked our respondents how important, in their opinion, these rights were for democracy. Yet again, a discrepancy emerged between a socially declared norm and respondents' personal experiences, similar to the one we found in answers to the question “Do you personally feel protected by law?” (Figures 2 and 4). When the wording of the question is abstract, the answers reflect a socially approved norm. So, in an abstract question about democracy, respondents frequently cited civil rights, including equality under the law (81%), as being important for democracy (Figure 6). However, these answers tend to reflect a social expectation rather than a true value of these rights for respondents. In fact, as the answers to the question “Violations of which of the following rights have you personally experienced in the past five years?”

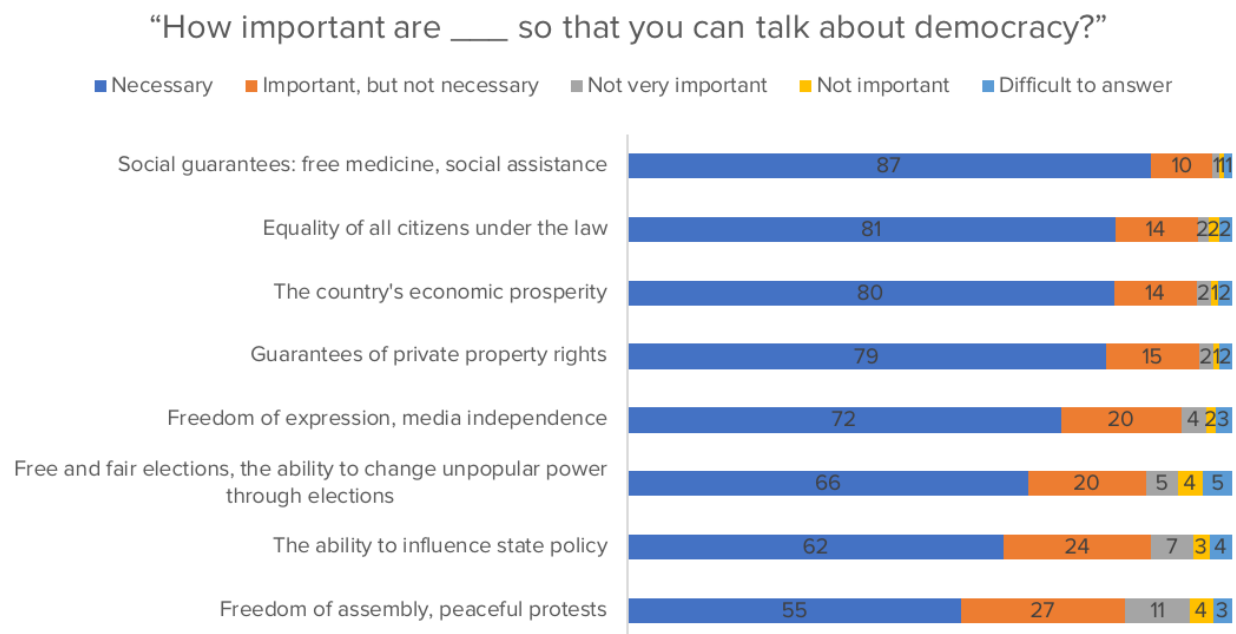


Figure 6. Growing Support for Civil Liberties. Source: Levada-Center and CEPA. Separate questions were asked for each category.

demonstrate (Figure 5), respondents tended to prioritize social rights over abstract civil liberties.

While Russians have historically valued civil liberties less than social rights, another Levada-Center survey conducted in October 2019 found that the importance of civil liberties has grown sharply in Russia since December 2017. For example, in answers to the question, “Which rights and freedoms, in your opinion, are the most important?” the share of respondents who said freedom of speech grew from 34% to 58%, the share of those who said peaceful assembly grew from 13% to 28% and the share of those who said access to information grew from 25% to 39%. As of October 2019, the three most important rights in the eyes of the respondents were “life, freedom, personal integrity” (an increase from 72% to 78% since December 2017), “medical care” (stayed at the same level, 70%) and “fair trial” (grew from 50% to 64%).²¹

These findings are consistent with earlier studies that demonstrated that throughout the Putin era support for civil liberties has grown steadily and consistently among the Russian population, particularly among less-educated and younger Russians who do not reside in Moscow or St. Petersburg.²²

PROTECTION OF RIGHTS

About one-third of the respondents surveyed said they had contacted state bodies and public services in the past in an attempt to defend their rights. Most frequently, they reached out to the police and the courts (15% and 12% of respondents, respectively). Almost no one contacted human rights organizations, the High Commissioner for Human Rights or the media (Figure 8).

Importantly, about two-thirds of the respondents did not contact any institutions to protect their rights. Most of them simply

The growing importance of civil rights for Russians from 2000 to 2012

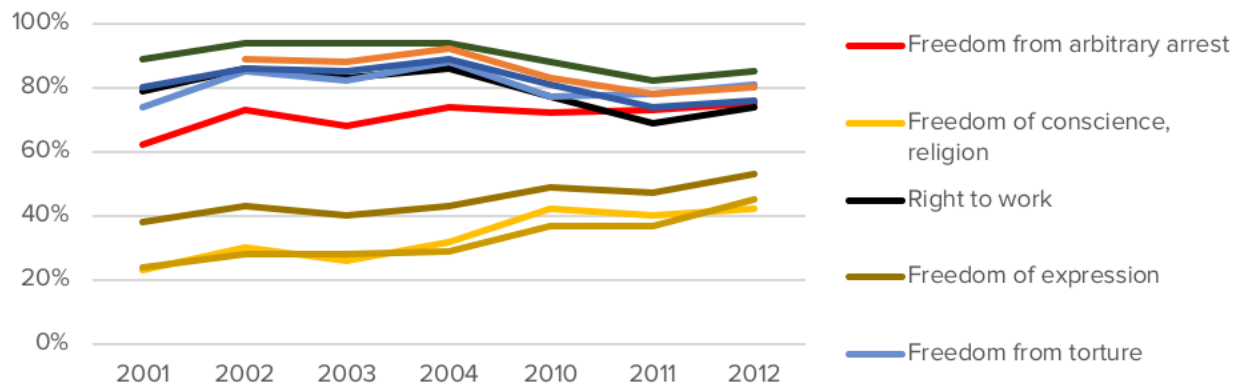


Figure 7. Trends in Levels of Support for Different Rights Among Russians 20-59 Years Old from 2001 to 2012. Source: (Gerber 2017).²³ The graph depicts the percentage of those respondents who chose the option “Important” for a specific human right.

did not need to (recall that more than half of the respondents told us that their rights have never been violated, Figure 5). According to our data, at least half of those respondents who had experienced rights violation (47%) did not contact any institution for protection. Earlier studies by the Levada-Center have shown that many such people believe it is useless to contact any institutions as “one cannot get any help there anyway.”²⁴

Russians consider appealing to the court (32%) and help from relatives (26%) to be the most effective ways to defend own rights (Figure 9). In addition, about 14-16% of respondents considered it effective to contact lawyers and attorneys, send complaints to law enforcement agencies and appeal to the president. Respondents considered contacting media and social networks (12% and 13%, respectively), and human rights

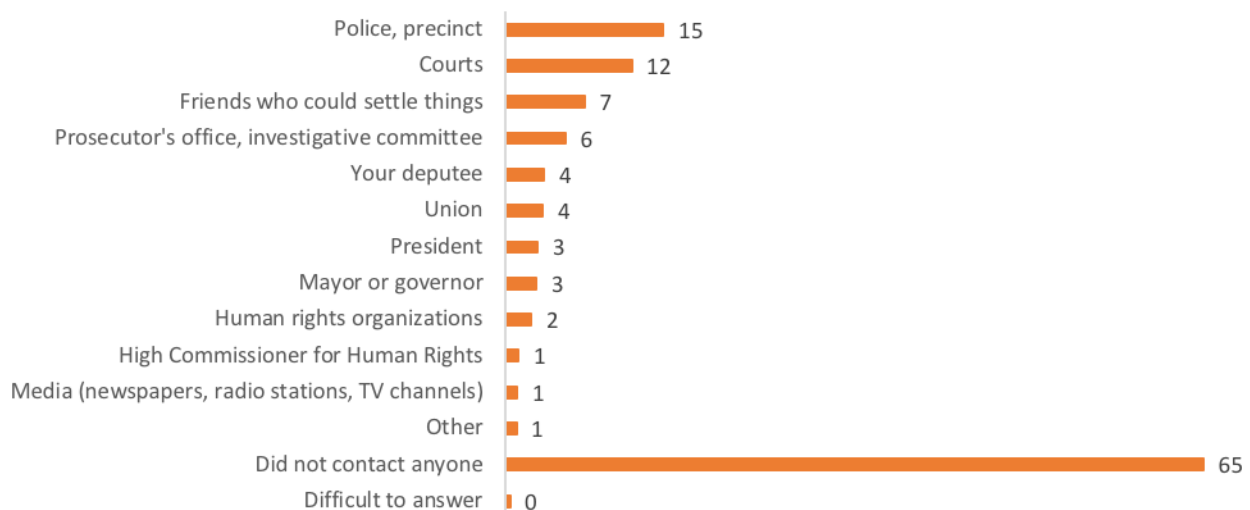


Figure 8. Defending One's Rights: “Have you ever contacted the following organizations or the following individuals to defend your rights?” Source: Levada-Center and CEPA.

organizations and paying bribes (10% each) to be less effective ways of defending their rights. Hardly anyone mentioned voting in elections, contacting labor unions or attending rallies or protests. According to earlier studies, rallies and strikes are considered a rather extreme way of drawing the attention of the authorities and should only be used when other “less extreme” means have been exhausted.²⁵

Compared with earlier polls,²⁶ the number of Russians who considered contacting Russia’s president directly an effective way to defend their rights has nearly halved (from 25% to 14%) even if the overall ranking of effective ways of protecting one’s rights has remained the same. This might reflect the overall decline in support for Putin, which is visible in other polls as well.²⁷ This decline was particularly pronounced in mid-2018 after the announcement of a highly unpopular pension reform, which most Russians considered unfair and led to angry protests.

Prior to this announcement, Russians described contacting the president as one of the most effective ways to solve problems. Even public activists used to describe reaching out to Putin as an effective way to get problems resolved.²⁸ The Kremlin has exploited this belief. On the annual live television show, “Direct Lines with Vladimir Putin,” for example, the president listens to citizens’ problems and orders officials to resolve them.²⁹ As Putin’s popularity has declined, contacting him has become a less popular option.

Personal experiences shape perceptions of the effectiveness of different ways to protect rights. Those Russians who have tried to reach out to at least one institution and are more proactive, more frequently mention all available ways to assert their rights as effective, including drawing attention to the problem through the media and social networks. For example, those who contacted the police mention it as an effective way to protect rights twice as often as

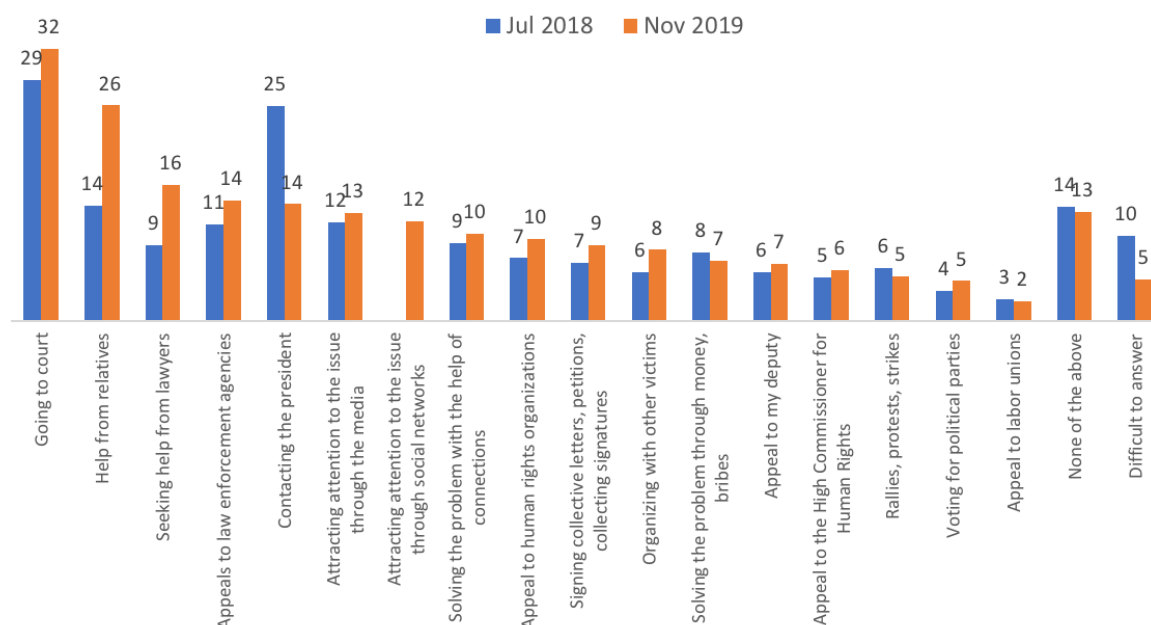


Figure 9. Options to Protect One’s Rights. “Which of the following ways to protect your rights do you consider to be the most effective?” Source: Levada-Center and CEPA.

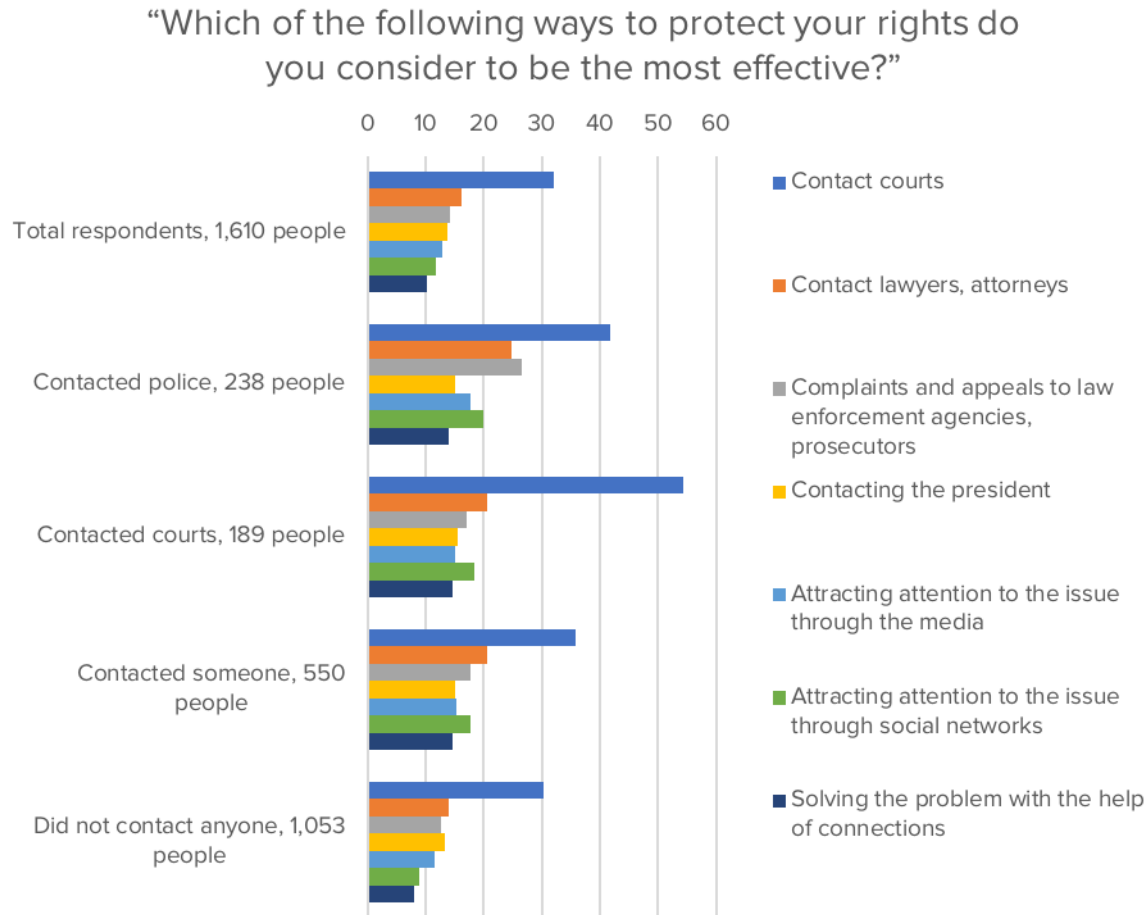


Figure 10. Perceived Effectiveness of Ways to Protect One’s Rights. Source: Levada-Center and CEPA.

those who did not contact anyone (24% versus 13%). Those who went to the courts mention its effectiveness almost twice as often as those who did not go anywhere (54% versus 30%). Yet, almost half of those who tried to solve their problems through the courts did not consider this method to be effective.

Importantly, experience contacting various institutions to defend their rights did not change respondents’ opinions about how well they are protected by the law. The experience of rights violations seems to create a long-lasting trauma. Subsequent attempts to defend their rights in courts, through the police or in any other way, do not restore a sense

of security that our respondents had before they faced injustice. This is, at least partly, an indication that Russia’s justice system is not effective in assuring respondents that they will be protected by the law.

Overall, positive assessments of the legal system dominate slightly (Figure 12). For example, 56% of the respondents agreed that Russian citizens can, if necessary, defend their rights in court; 61% believed that all citizens are equal under the law. However, more than one-third of the respondents disagreed with both statements (39% and 38%, respectively). The answers are fairly equally distributed across different sociodemographic groups. Citizens

“Do you personally feel protected by the law?”

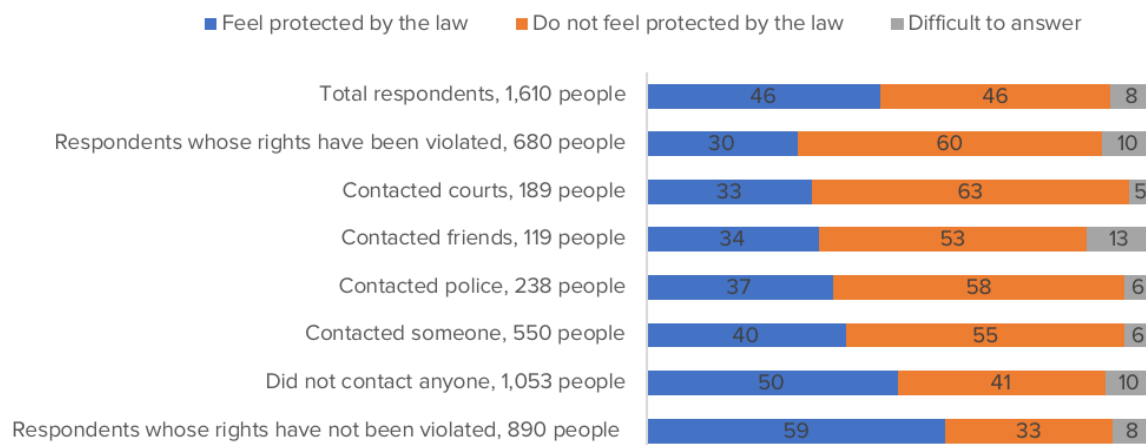


Figure 11. Perceived Security Depending on the Institution Contacted. We excluded respondents who contacted the prosecutor’s office because of the small number of observations (90 respondents total). However, the dynamics of their answers are consistent with the analysis. Source: Levada-Center and CEPA.

who are most socially active, including those with higher education, who live in Moscow or other large cities, who run their own business or hold managerial positions are slightly more skeptical.

Differences in opinions are most pronounced among those who had experienced rights violations in comparison with those who had not. The former are much more pessimistic in

their assessments of Russia’s justice system than the latter. Of those whose rights had been violated, 53% thought they could defend their rights in the courts, as compared with 68% for those whose rights had not been violated. Similarly, only 46% of those whose rights had been violated believed that all Russian citizens are equal under the law, as compared with 56% of those whose rights had not been violated.

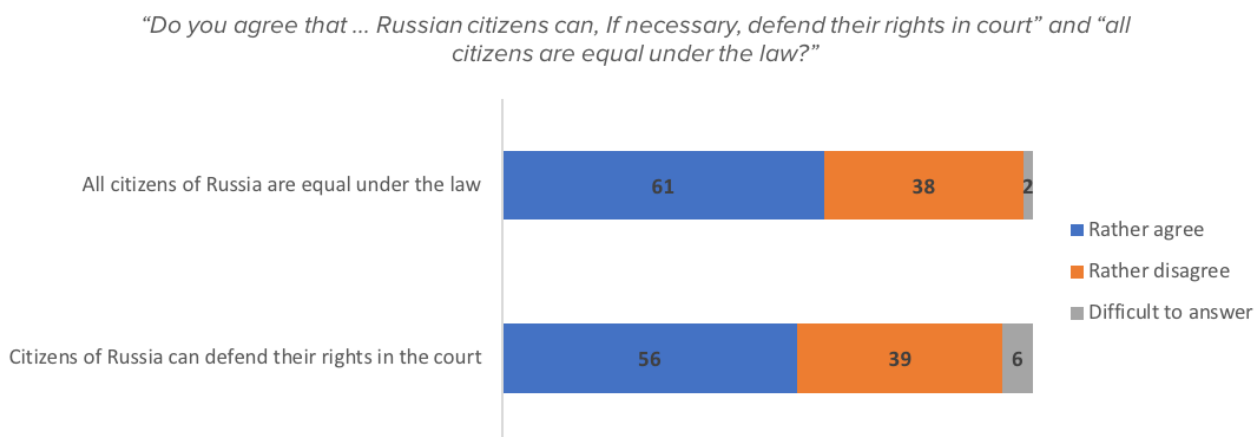


Figure 12. Perceptions of Equality. Source: Levada-Center and CEPA.

“In your opinion, do courts in Russia usually give fair or unfair sentences?”

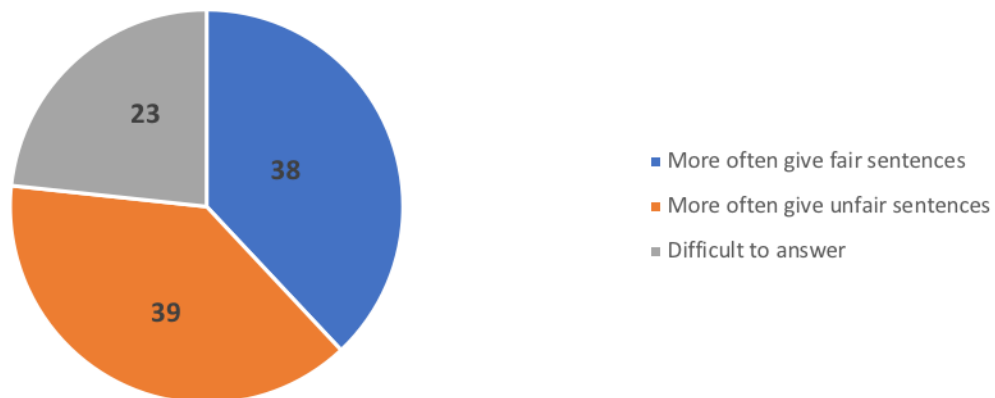


Figure 13. Split Verdict on Fairness of Court Sentences. Source: Levada-Center and CEPA.

Respondents disagreed about the fairness of sentences handed down by Russian courts (Figure 13). A quarter of the respondents could not answer the question “In your opinion, do courts in Russia usually give fair or unfair sentences?” The rest were divided approximately in half: 38% said that the courts usually hand down fair sentences, while 39% said they do not. However, yet again, those who experienced rights violations had a more negative opinion: only 32% of such respondents thought that courts’ sentences are usually fair as opposed to 49% who thought they are unfair; and only 34% of such respondents thought that all citizens are equal under the law as opposed to 49% who did not. In line with our earlier findings, these numbers also indicate that the majority of Russians who went to the courts were not satisfied with the outcome.

In contrast, positive assessments prevailed among those whose rights had not been violated. These respondents were more likely to believe that the courts in Russia usually hand down fair sentences than those who

experienced rights violations and the Russian population on average (44% as opposed to 30%).

Thus, a trend was consistent throughout the survey. Respondents who had not experienced a violation of their rights or interacted with Russia’s law enforcement agencies held more positive views of Russian law and the courts. In contrast, respondents who had experienced a violation of their rights had radically more negative opinions of how Russia’s laws and justice system operate.

AUTHORITIES’ ACCOUNTABILITY TO SOCIETY

Russians are mistrustful of the authorities and do not feel protected by the law from bureaucratic arbitrariness. While 60% of respondents said Russia’s authorities are not accountable to society, only 32% said they are (Figure 14). Different sociodemographic groups gave identical responses to this question.

“Do you agree that the authorities in Russia are accountable to society?”

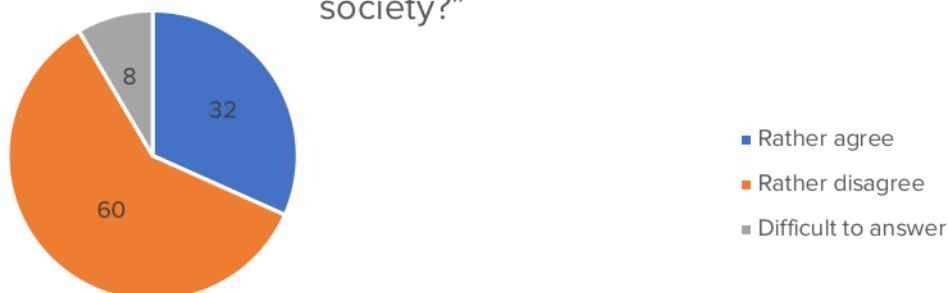


Figure 14. Accountability of Russian Authorities to Society. Source: Levada-Center and CEPA.

Only younger (below 25 years old), well-off, supporters of Putin and those who had not experienced rights violation had a slightly more positive assessment. Even among these groups, however, pessimists (those who think authorities are not accountable to society) prevail and constitute about 50% of all responses, as opposed to optimists — about one-third of all responses. Yet again, people who experienced rights violations were most pessimistic. Around 69% of them did not deem Russian authorities accountable to society.

question. At the time, Russian society was experiencing a surge of nationalism that followed Russia’s annexation of the Crimean Peninsula from Ukraine in March of 2014. The public’s assessments of Putin and of all state institutions, in particular the army and security services, peaked. And yet, despite this euphoric vision of state institutions, respondents were skeptical about the accountability of Russian authorities to society.³⁰ This feeling of personal vulnerability to the arbitrariness of the authorities persists.

Such views are remarkably stable and have remained almost unchanged since 2015 when the Levada-Center first asked this

Similarly, respondents gave almost identical responses as to why Russian authorities are unaccountable to society (Figure 15). Most

“What, in your opinion, is the main reason that the authorities in Russia are not accountable to society?”

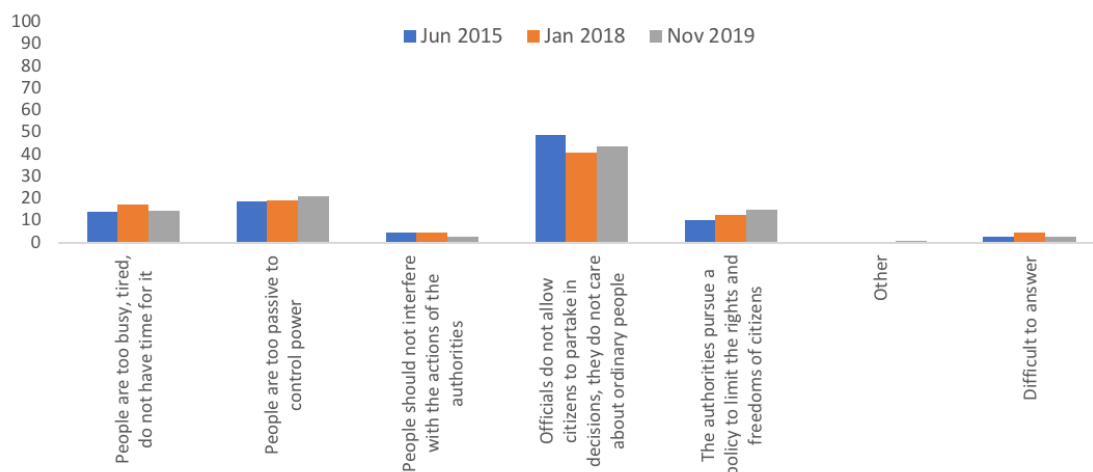


Figure 15. Reasons for a Lack of Accountability. Source: Levada-Center and CEPA.

"To what extent does the Russian state fulfill its responsibilities to Russian citizens?"

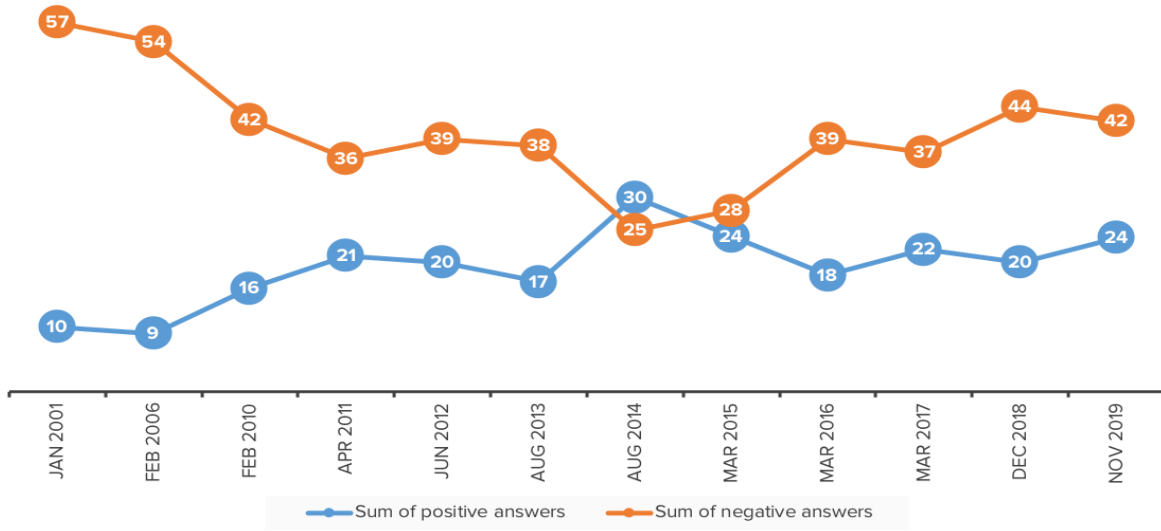


Figure 16. State's Responsibilities to its Citizens. Source: Levada-Center and CEPA.

respondents chose the response that officials do not allow citizens to make important decisions (about 40% of those who consider authorities unaccountable). The second-most popular answer was that people are too passive to hold authorities accountable (about 20% of those who consider authorities unaccountable). The only difference since 2015 was that the number of people who

answered "the authorities pursue a policy to limit the rights and freedoms of citizens" has grown from 10% to 15% (29% of Muscovites chose this option).

Similarly, a majority of Russians believe that the Russian state does not fulfill its responsibilities to its citizens: 42% of respondents shared this view, as opposed to 24% who held an opposite

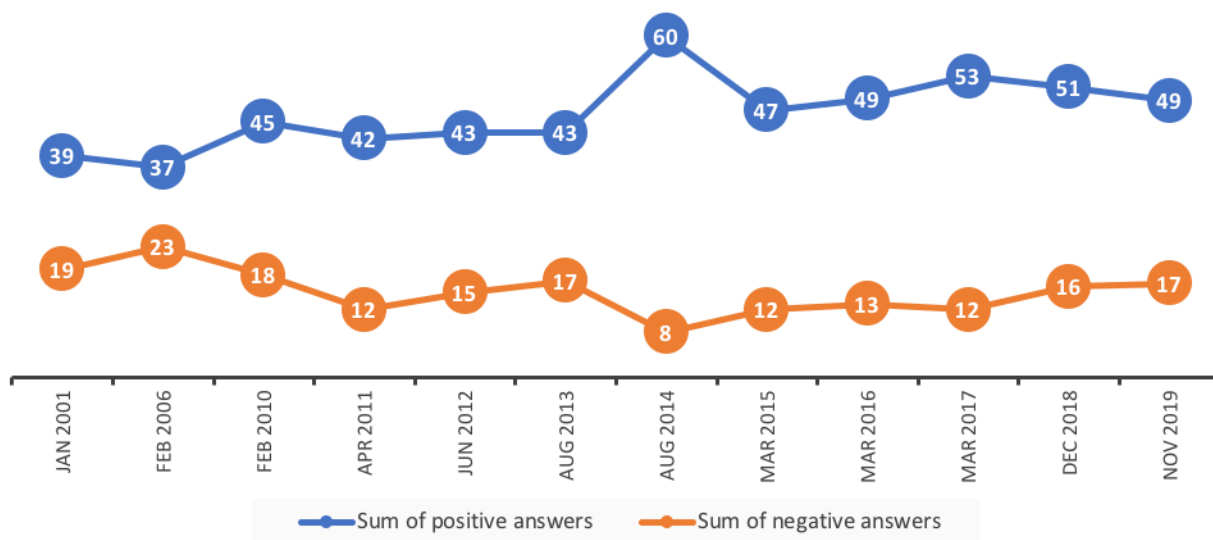


Figure 17. Citizens' Responsibilities to the State. Source: Levada-Center and CEPA.

opinion (Figure 16). Given our earlier findings, respondents primarily referred to the state's ability to fulfill its *social* obligations (as most Russian citizens understand them). Such views are also stable. In the early 2000s, a majority of people believed that the state did not fulfill its responsibilities to its citizens (57% in 2001). This number has subsequently declined. Only once — at the peak of the post-Crimea euphoria — did the number of positive answers to this question temporarily exceed the number of negative ones. However, opinions quickly returned to previous levels. In 2018, after the retirement age increase was announced, the share of negative answers rose to 44%.

Finally, when it comes to their own obligations to the state, the majority of respondents believed that Russians primarily fulfill their obligations to the state, comply with laws and pay taxes. About half (49%) of the respondents thought

so, only 17% held the opposite opinion and the rest could not give a definite answer. As with answers to the previous question, in the early 2000s, the fewest number of people thought so, while the share of positive responses to this question peaked (60%) during the post-Crimea euphoria in 2014. There has since been a slow increase in negative responses.

In other words, regarding the mutual obligations of the state and society, the prevailing opinion is that while Russian citizens fulfill their part of this peculiar social contract, the Russian state does not.

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Endnotes

- 1 William E. Pomeranz, *Law and the Russian State: Russia's Legal Evolution from Peter the Great to Vladimir Putin*, (Bloomsbury Academic, 2018).
- 2 Donald D. Barry, *Toward the Rule of Law in Russia: Political and Legal Reform in the Transition Period*, (Routledge, 2019).
- 3 Pomeranz, *Law and the Russian State*.
- 4 Екатерина Мишина, "Советский суд – любимое дитя советской власти," in *Длинные тени советского прошлого*, (Москва: Фонд. Либеральная Миссия, 2014). [Ekaterina Mishina, "The Soviet Court — The Soviet Authorities' Favorite Child," in *Long Shadows of the Soviet Past*, (Moscow: Liberal Mission Foundation, 2014).]
- 5 Pomeranz, *Law and the Russian State*.
- 6 Kathryn Hendley, "'Telephone Law' and the 'Rule of Law': The Russian Case," *Hague Journal on the Rule of Law*, 2019, Vol. 1, Issue 2: 241-264, <https://www.cambridge.org/core/journals/hague-journal-on-the-rule-of-law/article/telephone-law-and-the-rule-of-law-the-russian-case/FDEA0431A632C4135FFF678B339071D5>.
- 7 Maria Popova, "Putin-Style 'Rule of Law' & the Prospects for Change," *Daedalus*, (Spring 2017): 146(2), 64-75, <https://www.amacad.org/publication/putin-style-rule-law-prospects-change>.
- 8 William E. Pomeranz, "The Putin Constitution," *The Russia File*, Kennan Institute, March 30, 2020, <https://www.wilsoncenter.org/blog-post/putin-constitution>.
- 9 Kommersant, "As Long As the Judicial System of the Russian Federation Does Not Become More Independent, Doubts About Its Effectiveness Remain," Commissioner for Human Rights, *Council of Europe*, February 25, 2016, <https://www.coe.int/en/web/commissioner/-/as-long-as-the-judicial-system-of-the-russian-federation-does-not-become-more-independent-doubts-about-its-effectiveness-remain>.
- 10 Александр Соколов, Госкорпорация, Правосудие, "Часть первая. Исследование о том, можно ли доказать невиновность в российском суде," Проект, мая 15, 2019, <https://www.proekt.media/research/opravdatelny-prigovor/>. [Aleksandr Sokolov, Goskorporatsiya, Justice, "Part One. Research into the Possibility of Proving Innocence in a Russian Court," Projekt, May 15, 2019.]

- 11 Kathryn Hendley, *Everyday Law in Russia*, (Ithaca and London: Cornell University Press, 2017), 5-15.
- 12 Kathryn Hendley, “Rule of Law, Russian-Style,” *Current History*, October 2009, pp. 339-340, https://media.law.wisc.edu/m/zgyzz/russian_style_rol.pdf.
- 13 William Pomeranz and Matthew Rojansky, “Putin’s Judicial Vertical: Russian Rule of Law Takes a Step Backward,” *World Politics Review*, January 14, 2014, <https://www.world-politicsreview.com/articles/13489/putins-judicial-vertical-russian-rule-of-law-takes-a-step-backward>.
- 14 Ведомости, “Почти половина россиян ставят свои права выше интересов государства — Левада,” апреля 3, 2017, <https://www.vedomosti.ru/politics/news/2017/04/03/683803-prava-vishe-interesov-gosudarstva-esli-protivorechit-gosudarstva>. [Vedomosti, “Almost Half of Russians Put Their Rights Above State Interests — Levada,” April 3, 2017.]
- 15 Hendley, “Rule of Law, Russian Style.”
- 16 *World Justice Project*, The World Justice Project Rule of Law Index 2020. 2020, https://worldjusticeproject.org/sites/default/files/documents/WJP-ROLI-2020-Online_0.pdf.
- 17 *Freedom House*, Freedom in the World 2020: Russia, 2020, <https://freedomhouse.org/country/russia/freedom-world/2020>.
- 18 Hendley, *Everyday Law in Russia*.
- 19 When 66% (51% + 15%) of respondents say that they could or already have suffered from arbitrary law enforcement while 46% of respondents say they feel protected by the law, this could indicate that double-mindedness is a social norm, a basic scheme of social behavior when you declare one thing (as a socially approved response), but allow for something completely opposite. Л.Д. Гудков, Н.А. Зоркая, а также Е.В. Кочергина, *Пытки в России: распространенность явления и отношение общества к проблеме, Аналитический отчет по результатам исследования, Левада-Центр, Москва, июнь 2019*, https://www.pytkam.net/sites/default/files/analiticheskij_otchet_final.pdf#page=15. [L.D. Gudkov, N.A. Zorkaya and E.V. Kochergina, Torture in Russia: Prevalence of the Phenomenon and Public Attitudes to the Problem, *Levada-Center*, Moscow, June 2019.]
- 20 Grigore Pop-Eleches and Joshua A. Tucker, “Communist Socialization and Post-Communist Economic and Political Attitudes,” *Electoral Studies* (2014): 33, pp. 77-89.
- 21 Левада-Центр, “Права человека,” Опрос, октября 24-30, 2019, <https://www.levada.ru/2019/11/20/prava-cheloveka/>. [Levada-Center, “Human Rights,” poll, October 24-30, 2019.]

- 22 Theodore P. Gerber, “Public Opinion on Human Rights in Putin-Era Russia: Continuities, Changes, and Sources of Variation.” *Journal of Human Rights*, 16(3) (2017): 314-331, doi:10.1080/14754835.2016.1258550.
- 23 Gerber, “Public Opinion on Human Rights in Putin-Era Russia.”
- 24 Денис Волков а также Степан Гончаров, Потенциал гражданского участия в решении социальных проблем, Сводный аналитический отчет, Левада-Центр, с. 13, 2014, https://www.levada.ru/old/sites/default/files/potencial_grazhdanskogo_uchastiya_0.pdf. [Denis Volkov and Stepan Goncharov, Potential of Civic Participation in Solving Social Problems, consolidated analytical report, *Levada-Center*, p. 13, 2014.]
- 25 See, for example, “30-летие забастовки шахтеров,” Опрос, Левада-Центр, июня 27-июля 4, 2019, <https://www.levada.ru/2019/07/16/30-letie-zabastovki-shahterov/>. [“30th Anniversary of the Miners’ Strike,” poll, *Levada-Center*, June 27-July 4, 2019.]
- 26 See, for example, Andrei Kolesnikov and Denis Volkov, “Pragmatic Paternalism: The Russian Public and the Private Sector.” *Carnegie Moscow Center*, January 1, 2019, <https://carnegie.ru/commentary/78155>.
- 27 See, for example, “Одобрение институтов власти,” Опрос, Левада-Центр, марта 19-25, 2020, <https://www.levada.ru/2020/03/25/odobrenie-institutov-vlasti-23/>. [“Approval of Government Institutions,” poll, *Levada-Center*, March 19-25, 2020.]
- 28 Andrei Kolesnikov and Denis Volkov, “Defending One’s Backyard: Local Civic Activism in Moscow,” *Carnegie Moscow Center*, May 2, 2017, <https://carnegie.ru/2017/05/02/defending-one-s-backyard-local-civic-activism-in-moscow-pub-69822>.
- 29 Петров Николай, “Эволюция популизма в российской политике,” Вестник общественного мнения, Данные. Анализ. Дискуссии, 2017, No. 3-4 (125), <https://cyberleninka.ru/article/n/evolyutsiya-populizma-v-rossiyskoj-politike>. [Nikolay Petrov, “The Evolution of Populism in Russian Politics,” *Bulletin of Public Opinion*, Data. Analysis. Discussions, 2017, No. 3-4 (125).]
- 30 In July 2015, a similar question was asked with a slightly different wording: “In your opinion, is the Russian government accountable to society?” Respondents gave the following responses: accountable (22%), unaccountable (60%), while 18% found it difficult to answer. See Денис Волков а также Степан Гончаров, Демократия в России: установки населения, Сводный аналитический отчет, Левада-Центр, 2015, с.10. https://www.levada.ru/old/sites/default/files/report_fin.pdf. [Denis Volkov and Stepan Goncharov, Democracy in Russia: Public Attitudes, consolidated analytical report, *Levada-Center*, 2015, p. 10.]



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