LIMITED ACCESS TO INFORMATION AS A MEANS OF CENSORSHIP IN POST-COMMUNIST RUSSIA

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Abstract

Censorship in post-communist Russia is outlawed, while the right to information is legally guaranteed. In practice, however, access to information is a frequently mentioned problem for journalists and citizens alike. The information climate is still characterised by secrecy rather than openness. The buzzword of "confidential information" (commercial, state, or military secrets) replaces earlier references to political or ideological control but is equally open to wide interpretations. This article describes the limited access to information in Russia as a form of highly effective censorship. Although these means of censorship are not exclusively Russian, the article focuses on why Russia seems especially vulnerable to this kind of censorship. The concept of "information culture" is used to describe the (Russian) attitude towards information and towards the distribution of information based on the values of collectivism and particularism rather than individualism and universalism.

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Introduction

The twentieth century has commonly been labelled "the century of democracy" (Sen 1999; Freedom House 2000). Following the first, slow wave of democratisation from 1828 to 1926, the twentieth century experienced second (1943-1964) and third (1974-1990) waves of democratisation (Huntington 1993). As a result, 121 of the world's 192 governments may be considered democracies (Karlekar 2003, 8). Post-Soviet Russia, which shed its authoritarian rule only in the last wave of democratisation, is one of them. Article 1 of the 1993 Russian Constitution calls the Russian Federation a "democratic, federal, rule-of- law state."

The world-wide spread of democracy has been accompanied by the expansion of press freedom (Sussman 2003, 13). Hence, a free press is assumed to be an essential feature of democracy. A free press operates as a check on politics and as a link between citizens and their political representatives: it is an instrument for holding governments accountable, and for citizens to get informed, to communicate their wishes, and to participate in political decision making. In all dissident movements in Eastern Europe, the demand for democracy was accompanied by the demand for a free press. In Russia, Gorbachev stressed the importance of *glasnost* (not the equivalent of press freedom, but a step in that direction) as a *sine qua non* for democratic reform (Gorbachev 1987, 91). Yeltsin affirmed that he could not conceive of a democratic society "without the freedom of expression and the press" (radio address, cited in *Moskvosky Komsomolets*, 15 March 1997, 1). And Putin also stressed the relationship: "without a truly free media, Russian democracy will not survive" (statement to the Russian Parliament, 8 July 2000, cited in Mereu 2000). The principles of freedom of mass information and the inadmissibility of censorship are stated in the Russian Law on Mass Media (27 December 1991) and the 1993 Constitution.[1]

So far for good news. The labels given to Russia – ranging from formal democracy (Kaldor and Vejvoda 1999) to authoritarian (Sakwa 1998), delegated (Weigle 2000; Remington 1999), manipulative (Delyagin 2000) or totalitarian democracy (Goble 2000) – suggest a congruence with the democratic model, which is at best superficial and imperfect. This comment about Russia coincides with more general observations. "If we look beyond the form of democracy," Diamond (1996, 31) writes, "we see erosion and stagnation." Diamond (1996, 23) calls this "one of the most striking features of the "third wave" [of democratisation];" it is the gap between a so-called electoral and liberal democracy or, in other words, the stagnation of liberal democracy.

Similarly, (Russian) press freedom is not absolute. The American Freedom House lowered the status of Russian mass media from "partly free" in 2002 to "not free" in 2003. Again, Russia is not an isolated case. Freedom House observes world-wide that "the presence of a minimum standard of electoral conduct does not automatically lead to other attributes of mature democracy, such as strong civic institutions, an independent judiciary, and vibrant and free media" (Karlekar 2003, 8-9). The overall trend towards democracy does not prevent "increased state-directed pressure on the media and a global decline in press freedom," nor "rising levels of violations of press freedom by democratically elected regimes" (Karlekar 2003, 8-9). So-called "new democracies" (like Russia) are especially fragile in this context.

Amartya Sen (1999, 5) hands us at least a partial explanation for the divergent observations of "more democracy" but also "less democracy." and "more press free-

dom" but simultaneously also "no press freedom." Democracy is a word with a highly positive, emotional value that "while not yet universally practiced, nor indeed uniformly accepted, in the general climate of world opinion, has achieved the status of being taken to be generally right." In principle, and analogous to democracy, press freedom, too, has been accepted world-wide as the norm. Press freedom and democracy are increasingly expected by world cultures and international organisations, thus stimulating countries to claim, at least in name, a democratic regime and a free press.

Both, crude and subtle methods of censorship remain in authoritarian regimes and in (electoral) democracies. It is a cliché to state that "crude" political (state) censorship is replaced by "subtle" commercial (corporate) censorship. The latter does not replace the former entirely, nor is the former by definition "crude" and the latter "subtle." Both, state and corporate censorship do exist, while the state seems to remain the major threat to media independence until today (Becker 2003, 110; Karlekar 2003).[2] The state has means at its disposal, which other actors (such as corporations) do not have: the use and abuse of laws and regulations, from access rules to content regulation, or libel and defamation laws. To be sure, the state may use these means in the interest of open, public debates and, thus, act as a friend and protector instead of aggressor of press freedom (Cohen-Almagor 2001), but the threat is always real. A democratic government is not a guarantee for the absence of censorship. New and fragile democracies are especially vulnerable to censorship.

As a "new and fragile democracy," Russia, too, seems especially vulnerable to censorship. Its dark history of censorship adds to this picture. Hence, censorship and secrecy seem to colour Russia's history, from Potemkin's villages in 1787 and the fake reality, painted in Soviet newspapers by heavily (self-)censored journalist-functionaries, to the Chernobyl disaster in 1986 – during the *glasnost* era – when party leaders evacuated their children from the hard hit area, but also proclaimed in the media that nothing serious had happened. More recently, and notwithstanding the legal changes, the sinking of the submarine, Kursk, in August 2000 and the Nord-Ost hostage crisis in Moscow, in October 2002, attest to the reluctance of Russian authorities to release information and to state-directed pressures on the media. It is precisely this aspect of censorship, namely the (limited) access to information, followed by the (limited) flow of information, that will be considered here. The choice of secrecy instead of openness is basically a political choice. Political and commercial censorship in Russia, however, travel closely together, due to the confusion of political and commercial interests.

Limited Access to Information in Russia

From the Soviet Union...

The Soviet Union was a closed society: closed for information from outside (e.g. jamming of foreign radio stations, limited import of foreign books and journals, few foreign television programmes) but also reluctant to release "inside information" to its own citizens. Journalists (who were carefully selected and educated) had extremely limited access to information in the first place, and even acquired information had to pass several strict (mainly political-ideological) filters before appearing in the news. A limited flow of information was the norm. In addition,

information has never been available to everyone under the same conditions. In sharp contrast to the theoretical ideal of a classless society, the Soviet Union was characterised by a strong, vertical segregation of the "elite" (party leaders) and "the mass." Novosel (1995) speaks of "first class" and "second class" citizens. The former was a privileged class, whose privileges were institutionalised by the *nomenklatura* system. They included not only material privileges (such as housing, food, health care, and education), but also enhanced access to information – from the right to watch "forbidden" films or read "forbidden" books (films and books considered not suitable for general distribution; e.g. Benn 1992, 9) to getting special foreign news bulletins, assembled daily by TASS and distributed on differently coloured paper according to the degree of detail and the targeted readers (Lendvai 1981, 129-131). Although highly placed officials obviously could claim access to more information, they, too, received information on a "need-to-know" basis (Bauer et al. 1959, 43). The overall result was an information deficit. Information was one of the most sought after commodities in the Soviet Union (Ellis 1999, 6). Informal networks, oral communication, and rumours filled the vacuum (Bauer and Gleicher 1964; Inkeles and Bauer 1959, 163-165; Banai 1997, 252; Chilton 1998, 20). Parallel to the official information circuit, and analogous to the "black market," an unofficial information circuit (e.g. *samizdat*) was also functioning. Bauer et al. (1959, 74-78) speak of "informal adjustive mechanisms" developed by the population in reaction to the high degree of control and centralisation. The use of personal networks and informal contacts to obtain sparsely available goods, services, and information and to side-step formal procedures, is indicated by the Russian word, *blat*, or the term, *ZIS* (*znakomstva i svyazi*, acquaintances and contacts, according to Ledeneva 1998, 1).

... to the Russian Federation

In the transition from communism to post-communism, privileged access to information plays a crucial role in the process of privatisation, which became known as insider privatisation (e.g. Arik 1999, 52-53). State property was privatised according to rules written by "the elite" for itself (Androunas 1993, 45). Together with Ledeneva (1998, 184-85) we can state that *blat* plays a role in the first privatisation. Whereas in the Soviet Union information concerned mainly what, where, and how to obtain scarce goods, during the transition period it also pertains to information about money, business, laws and taxes, licenses, loans, and other, scarce "inside" information (Ledeneva 1998, 209).

Privileged information plays an important role in the transition process, but remains important also in post-communist Russia, where the right to information and inadmissibility of censorship are included in the 1993 constitution (Art. 29) and in the 1991 Russian Federation Law on the Mass Media (Art. 1). The Law on Mass Media assigns the right to receive information only directly to the mass media, while Russian citizens have the right to receive true information on the activities of state organs, public organisations and officials *via* the mass media (Art. 38.1). State officials, in turn, are obliged to inform the media about their activities: on demand, but also actively via press conferences and the distribution of statistical and other materials (Art. 38.2). Refusing information is allowed only in case of state, commercial or other legally protected secrets (Art. 40.1). Refusals must be clearly communicated (Art. 40.2). The Penal Code (Art. 144) fixes high penalties for

unlawful refusal of information and for hindering the professional activity of journalists (*Zakonodatel'stvo Rossijskoj Federatsii o sredstvakh massovoj informatsii* 1999, 279).

Notwithstanding the law, restricted access to information is still common practice. Panellists of an IREX (2001, 196) meeting to discuss the media situation in Russia agreed unanimously that "access to some publicly relevant information is not free: authorities continue to view information as their property, and want to control access." In the annual reports of violations of journalists' rights (compiled by the Glasnost Defence Foundation since 1993), the violation of journalists' right to information – namely denials of information, refusals of accreditation and admission to press conferences and certain locations – remains a highly quoted problem.[3] Surveys cited by Svitich and Shiryaeva (1997, 157) confirm this finding as well as the deterioration of the situation throughout the 1990s. Especially difficult to obtain are bare facts, figures, and documents. Little has changed in this respect since Soviet times. The executive branch has the worst reputation with regard to openness of information, followed by the security services, commercial, state and financial companies. State organisations have generally become (compared to the Soviet Union) less transparent with less clearly defined functions and competencies (Svitich and Shiryaeva 1997, 154-160).

The lack of access to information provoked the Presidential Judicial Chamber for Information Disputes and the Union of Russian Journalists in 1995 to issue a "joint recommendation on the freedom of mass information and the responsibility of journalists" (Price et al. 2002, 339-342).[4] According to this statement, only parliament is sufficiently open to the press. "As far as the presidential structures, government circles, and administrative offices are concerned, however, they are sealed off from journalists; they are more closed than the former party committees" (Price et al. 2002, 341). The numerous press centres, press services, press secretaries, "and others of their ilk" that have been established everywhere, did not break through this tide. On the contrary, "in theory, they were intended to facilitate journalists' access to information. In practice, they have turned into insurmountable barriers and supply only the information that is of interest to the given structure" (Price et al. 2002, 341).

Commercial and financial companies hide behind the new "commercial secret" (*kommercheskaya tajna*), while state bureaucracies have "state secrets" and military structures, "military secrets" at their disposal. The vague notion of protection of "state and other legally protected secrets," including commercial secrets, thwarts and subverts the general right to information as guaranteed by the 1993 Constitution and the 1991 Law on Mass Media. Inadmissible misuse of freedom of mass communication (Art. 4 of the Mass Media Law) includes, among others, the use of mass media for purposes of "divulging information making up a state secret or any other law-protective secret." The law on Mass Media gives no further description of "legally protected secrets," but Art. 29-4 of the Russian Constitution stipulates that a list of information constituting a state secret must be determined by federal law. Such a law "on state secrets" was adopted by the State Duma on July 21, 1993 (amended in October 1997). Art. 5 of this law contains a list of categories of information that could be classified as state secrets (*Perechen' svedenij, otnesennykh k gosudarstvennoj tajne)*. These categories are, for example, military information, information on foreign politics and economics, science and technology, intelligence *(rasvedyvatel'noj)* and counter-intelligence (*kontrrazvedyvatel'noj*), the fight against

criminal activities (*operativno-rozysknoj deyatel'nosti*) and the organisation of the protection of state secrets. Only broadly defined, these categories are open for divergent interpretations.[5] Art. 9 of the law requires the president to elaborate and approve the list of information already classified as a state secret via the publication of a public (!) decree.[6] As such, a clear-cut hierarchical system for classifying information as secret was established in Russia: the federal law defines the list of categories of information comprising state secrets; the presidential decree defines its own list that outlines each category of secret information indicated in the law. On the basis of the president's list, ministries are permitted to restrict access to specific information under their control (Pavlov 2000). A reference to politics or ideologies does not occur any more, but the broad categories of secret information do allow for a large measure of control. For example, any information regarding the Ministry of Defence and the military-industrial complex could fall under the rubric of "military secrets." Information in this area, therefore, remains difficult to obtain. Ivan Konovalov (2002, 57), military correspondent of TVS Television, even observes a change for the worse.

Konovalov (2002, 49) sees the only remedy in maintaining close and personal connections with the Defence Ministry and the security services. Vladimir Ermolin's observation (2002, 7) is identical: journalists do not receive rights by laws, but by personal preferences of (state) officials and press services. By law, the media are equal, but by preference some media are more equal than others. Code words in the process of information gathering in Russia remain "trust, relations, and integration" (Banai 1997, 242). Authorities have relations with some media professionals, who enjoy "privileges" to receive information unavailable to the rest of the media. Among the "privileged media" in the Yeltsin era were, according to Gulyaev (1996, 14), news agencies, such as ITAR-TASS and Interfaks, newspapers, such as *Kommersant* and *Izvestiya*, and weeklies, such as *Argumenti i Fakty.* The most important private channel, NTV, has had changing relationships with the president and his administration (from "neutral" or "opposition" in 1994-1995 to "supporter" during the 1996 presidential elections, and "opposition" in 2000). With each phase the levels of access to information shifted accordingly. In the early years, when NTV adopted an oppositional stance, access to the Kremlin was forbidden for NTV-journalists on occasions (*Omri Daily Digest*, 13 February 1996). In September 1996, however, the "collaborating" channel received a broadcast license for the entire fourth channel by presidential decree and enjoyed privileges such as the same transmission rates as state channels and more access to information. Acting in opposition again, the channel saw its privileges, and ultimately its future, disappear. A more recent illustration is provided by the Kremlin's handling of the Kursk disaster in the summer of 2000. Media coverage was restricted, only one journalist from the state-controlled television channel, RTR, was granted full access to the scene. Konovalov (2002, 51) calls the Kursk disaster crucial for dividing journalists into "ours" (*svoi*) and "others" (*chuzhikh*). Journalists of state media, like RTR, are "ours" and consequently enjoy enhanced access to information. Konovalov also ranks the obedient media according to their proximity to the Kremlin (for television stations, in declining order, RTR, ORT, NTV, TV-Center).

Very few journalists or media organs claim their right to receive information in court (Svitich and Shiryaeva 1997, 160). They prefer to overcome the information

barriers by other means, such as maintaining privileged relations or bribing officials and openly purchasing information from them. And, "if these methods are beyond them, they resort to fabrication and conjecture," according to the Presidential Judicial Chamber for Information Disputes and the Union of Russian Journalists in their 1995 joint recommendation. The latter, thus, assigns responsibility for the dissemination of untruthful information in the media to the closed administration: "Unreliability, incompleteness, and distortion of information very often results from the inaccessibility of sources of information" (Price et al. 2002, 341).

Instrumentalisation of the Media in Russia

Mass media depend on their (privileged) sources for information. This dependency (next to others, like financial dependency) stands in the way of full autonomy. The lack of autonomy, and consequently the instrumentality of the mass media, is an element of continuity in Russian history. The social subsystems of politics, economics, law, and media have never been clearly distinguished from each other. In tsarist Russia, the tsar represented legal, executive, and juridical powers (Malfliet 1999, 36) and was often personally engaged in information matters (e.g. Peter the Great, Catharina the Great). In the Soviet Union, the Communist Party took over these tasks. The political, economic, juridical, and media systems were closely integrated and connected by ideology (Marxism-Leninism) and the Party organisation. The mass media were considered instruments of the vanguard party. Lenin formulates the task of the mass media as a collectivist propagandist, agitator, and organiser (*Bol'shaya Sovetskaya Entsiklopediya* 1952, vol. 10, 8), and he suggests that in the first place journalists be party functionaries, who also can write (Lenin 1988, 66-67). Stalin not only used the term "instrument" (*oruzhie*) but also the word "weapon" (*orudie*) to describe the mass media (*Bol'shaya Sovetskaya Entsiklopediya* 1952, vol. 10, 8). The most important principle, as described in handbooks for journalists, was "partiality" or *partijnost* (de Smaele 2001, 38-42). Art. 50 of the 1977 constitution guaranteed USSR citizens freedom of speech, press, and assembly, meetings, street processions and demonstrations, but "in accordance with the interests of the people and in order to strengthen and develop the socialist system." Freedom of speech was made instrumental to societal goals.

The instrumental view of the mass media survived communism. Mikhaĭl Gorbachev (1985-1991) depended on the mass media to promote his glasnost policy and to win the population for his reforms. The media function of mobilisation was kept untouched, only its goal changed slightly into dynamic socialism instead of stagnant communism. Boris Yeltsin (1991-2000) was the self-appointed patron of press freedom, but in return he, too, expected the loyal support of his reforms from the media. Newspapers, favourably disposed towards Yeltsin's regime, were financially rewarded (Richter 1995, 15-16). In the run-up to the presidential elections of June 1996, the mass media were massively mobilised to secure Yeltsin's second term as president (Belin 1997; EIM 1996). Moscow students of journalism throughout the 1990s were taught the lasting value of *partijnost* (Prokhorov 1998, 157-188) and the educational, ideological, and organisational rather than informational functions of the mass media (Prokorov 1998, 46-48).

The difference between Yeltsin's Russia and the Soviet Union is that not all journalists were instruments from one and the same government or party. Instead,

they were at the disposal of widely divergent "patrons." Hence, Yeltsin's Russia evolved into a corporate or oligarchic system with Yeltsin as arbitrator among concurrent power groups of politicians, bankers, media tycoons, business people and bureaucrats. Due to the strong political-economic conflict of interest of the elite, the autonomy of the social subsystems, including the media system, remained limited. The most well-known media magnates, such as Boris Berezovsky and Vladimir Gusinsky, but also Vladimir Potanin and many others, are not only media magnates but also important players in politics and business. Their investments in the media were inspired by economic gain and political ambitions (Vartanova 1997). Analogous to the corporate societal system, Yassen Zassoursky (1997, 1998 and 1999) labels the Russian media system in the late 1990s an "authoritarian-corporate system." His grandson, Ivan Zassoursky (1999 and 2000), speaks of the "mediapolitical system." Both labels point to the symbiosis of private capital, politics, and media. The latter are not an independent, "fourth power," but serve the (political-economic) power groups.

Yeltsin's successor, Vladimir Putin, has started to fight the oligarch's power, but it remains to see whether he will get rid of the traditionally instrumental media as well. The much quoted expression of the presidential spokesman, Sergei Yasterzhembsky, to journalists from the daily newspaper, *Nezavisimaya Gazeta,* is testimony to a view of media as mobilisers. "The media should take into account the challenges the nation is facing now. When the nation mobilises its strength to achieve a goal, this imposes obligations on everybody, including the media" (quoted in Whitmore 2000). Like Gorbachev, and Yeltsin before him, Putin may seek a justification for curtailing media autonomy and the process of democratisation in the unique socio-political setting of Russia (de Smaele 2002). We may grant Putin a benefit of the doubt, however, as he appears concerned about the delicate balance between autonomy and control and between freedom and protection of information. "We need to find a finer balance between limiting the media in concrete, defined situations and fully informing society about the actions of the state so that the state does not start seeing itself as infallible" (Putin quoted in *Transitions Online*, 2002).

Why Russia? Introducing the Concept of Information Culture

Forced Partners...

The mass media are frequently portrayed as victims of manipulating politicians. Without doubt, the authorities possess many means to pressure the media. For instance, the president and the executive branch have direct control over the media via institutions (especially the Media Ministry) and the appointment of media personnel (especially chairpersons of television channels ORT, RTR, and Kul'tura). The possibilities for indirect control are even greater. There is, for example, the financial dependency of the media on (state) subsidies or (corporate) sponsorship, either open or secret. There is also the dependency on state facilities, such as printing houses, transmitters and satellites, and on state organs – instead of independent organs – for the issuance of licenses. Expensive court cases (especially concerning slander and libel) scare off "nasty" media, and the (all but transparent) accredita-

tion procedure of journalists, and even the use of violence against journalists may be seen as effective control mechanisms.. To be added is the legal insecurity, due to the rapid succession of presidential and governmental decrees and orders, often containing contradictory measures, as well as unpredictable changes in policy and practice of, for instance, the handling of taxes (massively allowed tax evasion followed by large measured controls).

Or Free Partners?

It does not appear fair, however, to pass responsibility for this system exclusively to the authorities. Media owners associate themselves voluntarily with political and/or economic power groups to secure their own wealth, status, and influence. Individual journalists too, tend to support the system (see, e.g. Manaev 1995; Kuzin 1996; Svitich and Shiryaeva 1997; Juskevits 2000). The majority of journalists accept the instrumental use of the mass media out of material and normative considerations. Hence, journalists consider themselves, in line with their tradition, missionaries of ideas rather than neutral observers. Finally, the public largely shares this idea to a large degree as polls throughout the 1990s and early 2000s repeatedly show. "In today's Russia, media freedom is … not the most fashionable and popularly supported notion," according to television presenter and journalist Evgenij Kiselev in an interview with Jeremy Drukker (Transitions Online 10 July 2000). Similarly, Elena Androunas (1993, 35) points to the Russian's lack of "freedom as a state of mind." Politicians, media-owners, journalists, and the public at large share a common view, common values, and a common culture.

Information Culture

"Culture" is a difficult concept to grasp. The danger of "cultural determinism" is always looming. However, it is not because the concept may be difficult or even dangerous, that it has no meaning or no use. For instance, in political science the concept of political culture has taken hold strongly and is widely elaborated. It has taught us that a certain political system (structure) is – or must be – supported by a certain political culture as a set of attitudes, beliefs, or values.[7] Other concepts, such as "academic culture" or "business culture" are increasingly being used. One can also speak of a "media culture" or, in more general terms, an "information culture" (as media have to do to mostly with information). Like political culture, information culture cannot be separated from culture as a whole (Brown 1979, 4; Deutsch 1974, 237). But while political culture deals with orientations and attitudes towards authority and distribution of authority, information culture is geared toward media and deals with attitudes towards information and the distribution of information. After describing the prevailing attitude, both in the Soviet Union and in today's Russia, toward information as a privilege and media as instruments, what are the values underlying this attitude?

The concept of privileges evokes an association with the (cultural and sociological) concept of particularism in contrast to universalism. Their distinction comes down to the precedence of general rules, codes, values and standards over particular needs and claims of friends and relations (universalism) or, in contrast, the precedence of human friendship, relations, and situations over rules (particularism).[8] Despite its theoretical "universal" ambitions, Marxist Russia was particularistic rather than universalistic. "Important features of the Leninist type

were that it was not based on citizenship and that it was *not*, despite its protestations, *universalistic* in the real sense of the word, because entitlement to social benefits depended upon being a loyal worker or employee of the state," according to Mareš, Musil and Rabušic (1994, 83). The sociologist Igor Kon (1996, 197) points at the priority of the "particularistic norm of group privilege over the universalistic principle of human rights." The Orwellian phrase, "all animals are equal but some animals are more equal than others," reveals the discrepancy between universalist claims and a particularist reality. An empirical study based on the 1991 World Values Survey, exposes a weak score on the value of "universalism" in and confirms the failed universal ambition of Marxism in Russia (Verbeeren 2000).[9] The particularist orientation may still be found in all aspects of societal organisation. Russian political life, for example, is highly characterised by particular in-groups versus out-groups; different clans (whether *cheka's* or oligarchs) fight each other, while valuing their particular interests higher than the common interest. In economics, personal, particularistic relations, often linked with corruption and privileges, are still more important than professional, impersonal, universal market relations, procedures, and institutions (Bryant 1994, 70).

Particularistic cultures are – in the terminology of Edward T. Hall (1989) – high context communication environments, while universalist cultures are low context communication environments. Context, in this sense, has to do with how much one needs to know before one can communicate effectively. In high-context cultures "most of the information is either in the physical context or internalised in the person, while very little is in the coded, explicit, transmitted part of the message." In low-context cultures, in contrast, "the mass of information is vested in the explicit code" (Hall 1989, 91). Consequently, high-context cultures communicate intensively within their in-groups, who are aware of the context while out-groups are largely left out (particularism). Low-context cultures do not differentiate as much as high-context cultures between in- and out-groups; information is freely available for both in- and out-group members (universalism). More specifically, information is considered a universal right (for all individuals without distinction) in a universalistic theory and a particularistic right or a privilege (for certain groups or individuals) in a particularistic theory.

The values of universalism and particularism seem to cluster with the values of individualism and collectivism. Hofstede (1994, 2), for example, finds a close correlation between individualism, universalism, and autonomy on one hand, and collectivism, particularism, and dependency on the other. The values of individualism and collectivism express the relation of individual to state. In an individualistic theory, the individual is a rational being and an end in itself, whose happiness and well-being are the goal of society. In collectivistic theory, the individual is, before al, a part of society, and not an end in itself. The group takes on a greater importance, since only through the group may an individual accomplish his/her purposes (Siebert et al. 1956, 11). As for the Soviet Union, few dispute the collectivist nature of society expressed by placing social loyalties (state, Party, ideology) above individual rights (Kon 1996, 188).

Art. 39 of the 1977 constitution guarantees the Soviet citizens social, economic, political, and personal rights and freedoms, but also stipulates that citizens' rights might not be exercised at the expense of the interests of society or the state.[10] Indi-

vidual rights and freedoms (e.g. Art. 50: freedom of speech and the press) are awarded "in accordance with the interests of the people and to strengthen and develop the socialist system." Like the Soviet Union, Triandis (1995, 3) also places today's Russia among the collectivistic countries in his classification of collectivistic and individualistic countries. Notwithstanding the changing official discourse of the early 1990s (e.g. the Constitution of 1993 with its stress on individual rights and freedoms), the supremacy of the state is kept nearly untouched by all reforms. Vladimir Putin's "millennium speech" (1999) with its stress on traditional Russian values – such as patriotism (pride in Russia, its history and accomplishments), *derzhavnost'* (belief in a Great Russia), *gosudarstvennichestvo* (etatism or "the state as source and protector of order and as driving force of change"), and *sotsial'naya solidarnost'* (social solidarity) – is a schoolbook example of the preference of collectivism. A different appreciation of the individual in individualistic and collectivistic societies also affects the attitude towards information and the media as information carriers. The rational individual has an individual and universal right to freely available information through autonomous media. While the "cog in the wheel" (Heller 1988) receives its particular part of the information, modelled according to societal goals, through dependent and instrumental media.

Conclusion

Censorship can take on many forms. In the Soviet Union, censorship was heavily institutionalised and mainly prompted by ideological and political concerns. Access to information was severely limited and all information had to pass through several filters before publication. In addition, information received the status of a privilege. Party leaders attempted "not only to determine what information and ideas shall pass through the media, but also who shall have access to what information and ideas" (Bauer and Gleicher 1964, 414). The proverb "knowledge is power" was put into practice with a majority, who was left powerless – hence without information – while a powerful minority controlled the information flow.

In post-communist Russia, democracy and press freedom were proclaimed followed by a ban on censorship. However, censorship may take on many forms. Access to information remains severely limited in today's Russia. References to political and ideological control have been replaced by the broad denominator of confidential information and (state, military, commercial) secrets. Whether information is restricted because of being politically incorrect, ideologically sensitive, or "confidential" or "secret," the result is a *de facto* ban on some information. What else is censorship?

Russia is far from the only democratic regime, which sins against the ban on censorship. But it certainly has its recent past to contend with, as habits die hard. Authorities do not easily trust media institutions and journalists, and continue privileged and personal relations with some journalists, while hiding information from others. Interpersonal relations are largely particularistic. Russian society may also be labelled collectivistic, which makes it easier for those who govern to justify the lack of freely available information. Hence, societal goals take precedence over individual rights (such as the right to information). In the Soviet Union, censorship was justified by the utopian goal of building a society according to the communist model, while in Russia, the justification is the process of building a democratic

society. Here, the issue of press responsibility appears and is often linked to the concept of press freedom. The issue of press responsibility, however, is often voiced to defend governmental control of the press: "the phrase 'press responsibility' became a code word for restrictions on the news media short of censorship" (Sussman 2003, 23). The true legitimacy of press freedom must be found rather in the citizens' perspective of the right to know, or the right to information. Access to information, therefore, is a vital component of press freedom. Press freedom presumes that, though independent, the press is not shielded from government and industry. Worldwide, a correlation is established between press freedom and transparency, and consequently between transparency and democracy.

Information gathering is a vital component of freedom of information. Without access to information, journalists are engaged primarily in the presentation of opinions. And while openness in the statement of opinions is an important element of democratic society, it is not sufficient for its development and maintenance. The possibility for an informed citizenry depends on the ability of journalists to have access to sources. Without this kind of journalistic effectiveness, a society can have free and independent media, but their utility toward advancement of democratic institution-building might be severely limited (Price and Krug 2000, 19).

Although laws are certainly not the (political) nostrum, as the case of Russia so vividly shows, they are a necessary precondition for bringing about change. (Necessary) laws concerning transparency include those that recognise and guarantee public access to government-controlled information and institutions, with limited exceptions for national security, protection of personal privacy, crime prevention, and other goals. Laws concerning the licensing and accreditation of journalists also relate to his question. Not accidentally, the joint recommendation (1995) of the (in the meantime abolished) Presidential Judicial Chamber for Information Disputes and the Union of Russian Journalists concludes: "It is essential to strengthen immediately the legislative bases for journalists' access to information and citizens' rights to information and to implement other measures, including economic measures, to support the press" (Price et al. 2002, 342).

Notes:

1. To be sure, also the Soviet mass media enjoyed, in contrast with 'bourgeois' mass media and on the analogy of real 'socialist democracy' (*sotsialisticheskaya demokratiya*) versus fake 'bourgeois democracy' (*burzhyuaznaya demokratiya*), 'real freedom'. Hence, media were freed from the obligation to be profitable: 'Freedom of the press was equated with freedom from private ownership: being freed from the profit motive, the media were free to do their duties as instruments of the state and the Party' (Siebert et al. 1956, 140-141). The communist model embraced the notion of the so called 'positive freedom', namely the freedom *to*, whereas in the liberal view, common in the West, the concept of 'negative freedom' or freedom *from*, prevailed: freedom from external goals (e.g. building of a communist society, class homogenization) and external control and pressures (e.g. government, parties, industry). A free press, in other words, is an autonomous press: free to determine its own tasks and policies.

2. While it is mainly academicians who argue otherwise, yearly reports and surveys on press freedom worldwide (e.g. Freedom House) tend to identify the state as main threat to press freedom. The IPI Watch List, a mechanism created by the International Press Institute to identify countries in danger of becoming repressive towards journalists, is applied against governments, not against corporations. A policy research working paper published by the World Bank states under the heading 'Who owns the media' that countries with more prevalent state ownership of the media have less free press and fewer political rights for citizens (Sussman 2003, 27).

3. Data from 1998 onwards can be found on the World Wide Web: http://www.gdf.ru/monitor/. Earlier reports are published in book form by 'Prava Cheloveka' in Moscow. In 2003, for example, 109 infringements of the right to information are recorded on a total of 1119 registered conflicts. In 1996, 277 violations were listed by the Glasnost Defense Foundation; 67 of them concerned a restricted access to information (Fond Zashchity Glasnosti 1997).

4. 'Joint Recommendation of the Presidential Judicial Chamber for Information Disputes and the Union of Russian Journalists on the Freedom of Mass Information and the Responsibility of Journalists' of 15 June 1995, translated by Frances Foster from *Rossijskaya Gazeta*, 11 July 1995, for publication in *Post-Soviet Media Law & Policy Newsletter*, 27 September 1995, at. 9, and reprinted in Price et al. 2002, 339-342.

5. Art. 7 of the law 'on state secrets', on the other hand, contains information that *cannot* be considered secret, such as information on natural disasters that can endanger the health and safety of the citizens, ecological and demographic data, information on privileges and advantages of state functionaries, human right violations, information on the president's health, etc. In the Soviet Union, all this information was considered secret. Making this information explicitly public can be considered a break with the past.

6. The presidential decree of 30 November 1995 (with amendments of 24 January 1998, 6 June, 10 September 2001 en 29 May 2002) extended the list of categories with, among others, information on nuclear weapons and the preparation of international treaties (Aslamazyan 1999, 4).

7. Pioneering research on this topic was done by Gabriel Almond and Sidney Verba, *The Civic Culture* (1989, originally 1963). The idea, however, is not new. Plato already taught us that forms of government (oligarchy, democracy, aristocracy, tyranny) differ according to dispositions of men (Störig 1985, vol. I, 155). In the Soviet Union, the concept was introduced by F.M. Burlatsky in the 1970s. White (1979, 58) traces the term *politicheskaya kul'tura* back to Lenin, and more recently to Brezhnev. But it's obviously in post-communist Russia that the use of the concept is coming on (e.g. Sergeyev and Biryukov 1993).

8. In the original, *theological* sense, universalism points to the belief that ultimately all man will be saved by God's grace. Particularism, on the other hand, holds that only the chosen will be saved. In the *sociological* sense, the pair universalism-particularism refers first and foremost to the (dichotomic) 'pattern-variables' of Talcott Parsons (1990). These are inherently patterns of cultural value-orientation, but they become integrated both in personalities and in societal systems. In the *ontological* or *philosophical-anthropological* sense, as underlying the French Revolution and the Enlightenment, universalism sees all man as equal. Universalism then is 'the treatment of all persons alike based upon general criteria and not upon any special or unique characteristics of the persons themselves' (Orum et al. 1999, 534) whereas particularism is 'the treatment of people as special individuals, based on their personal features, rather than as members of some broader class or group' (Orum et al. 1999, 528).

9. On the basis of the World Values Survey of 1991 a variable 'universalism' was composed and checked up for 27 Western and Eastern European countries as well as for the U.S. The results show a clear pattern: Firstly, there is a striking East-West opposition, only broken through by Austria (which had until the 1960's an ambiguous status) and Portugal (which suffered under a long political isolation). The Northern countries (Netherlands, Denmark, Sweden and Norway) are the most 'universal', followed by the central group (France, Great-Britain, Belgium, West-Germany, Ireland, and the U.S.) and, at last, the Southern countries (Spain, Italy, Portugal). The ex-communist countries of Eastern Europe all have lower values on universalism than the Southern countries of Western Europe (Verbeeren 2000, 6-15).

10. In Western liberalism, 'state' (government, president, army, security services) is considered as the antipole of 'society' (civil society). In the official Soviet discourse however, state and society are one as placed opposite to the individual. Igor Kon (1996, 190) points out that neither the "Philosophical Encyclopedia" of the 1960's nor the six successive editions of the "Ethical Dictionary", published between 1965 and 1989, do have an entry on "personal" or "private" life. The private life is only briefly touched upon, accompanied by the remark that private life is not allowed to hinder public life.

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