

**RICHARD
SAKWA**



**The Quality of
FREEDOM**

Khodorkovsky, Putin, and the Yukos Affair

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RICHARD SAKWA

OXFORD
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Great Clarendon Street, Oxford OX2 6DP

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Published in the United States
by Oxford University Press Inc., New York

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First published 2009

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British Library Cataloguing in Publication Data
Data available

Library of Congress Cataloging in Publication Data
Data available

Typeset by SPI Publisher Services, Pondicherry, India
Printed in Great Britain
on acid-free paper by
CPI Antony Rowe Ltd., Chippenham, Wiltshire

ISBN 978-0-19-921157-9

1 3 5 7 9 10 8 6 4 2

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Acknowledgements

The debts, both intellectual and personal, incurred in a work of this nature are numerous. In working on this book I have been endlessly surprised by the depth of knowledge and thoughtfulness of people on the subject, and their willingness to share their expertise and opinions with me. Although the topic lends itself to polarized views, and indeed there has been no shortage of these, there have also been a rather large number of people who have tried to take a balanced view of the issue. Particularly helpful to me in the development of the book have been the following: Sarah Carey, an independent director of Yukos from 2001 to 2004, chair of the board of the Eurasia Foundation; Irina Demchenko, director of RIA Novosti in London; Thomas Graham, senior director at Kissinger Associates Inc., senior director for Russia on the US National Security Council in 2004–7; Andy Kuchins, the head of Russian and Eurasian programmes at the Center for Strategic and International Studies in Washington, DC; Boris Mezhuev, an independent scholar in Moscow now affiliated with the Foundation for Effective Politics; Vladimir Milov, the head of the Institute of Energy Policy in Moscow; Nikolai Petrov, at the Carnegie Moscow Center; Efim Iosifovich Pivovarov, Rector of the Russian State Humanities University (RGGU); William E. Pomeranz, deputy director of the Kennan Institute of the Woodrow Wilson International Center for Scholars; Blair Ruble, Director of the Kennan Institute; Olga Sidorovich, Director of the Institute of Law and Public Policy in Moscow; Dimitri Simes, Director of the Nixon Center; Konstantin Simonov, head of the National Energy Security Foundation in Moscow; and Angela Stent, Director of the Center for Eurasian, Russian and East European Studies at Georgetown University.

I have had so many conversations on the topic that it is almost impossible to recognize all, but I am particularly grateful for talks with, and for the help provided by, Robert Amsterdam, Birgit Bauers, Bruce Bean, Timothy Colton, Anand Doobay, Alexander Doroshenko, Charles Grant, Philip Hanson, Stephen Holmes, Martin Hope, Andrei Kolesnikov, John Laughland, Sergei Markov, Vitaly Merkushev, Leonid Mlechin, Tom Remington, Simon Pirani, Peter Rutland, Peter Solomon, Alexei Venediktov, and Irina Yasina. I would also like to thank Derek Averre, John Barber, Philip Boobbyer, Bill Bowering, Yitzhak Brudny, Julian Cooper, Peter Duncan, Clifford Gaddy, Axel Kaehne, Leonid Ionin, Luke March, Boris Guseletov, Lena Guseletova, Bobo Lo, Neil Robinson, Kasim Sadikeglu, Jonathan Stern, Joan Urban, David White, Stephen White, and Andrei Zagorsky for rich and varied discussions on Yukos and allied issues. There were also numerous interviews with people who have not been willing to go on the record, although they have provided me with much detailed and general background information. I have used most of this material as general briefing and to inform my assessment. The faults, of course, remain my own.

It is my great pleasure to acknowledge the support of British Academy Small Research Grant SG-47170, 'The Yukos Affair and the Development of Russian Energy Policy'. I am particularly pleased to acknowledge the support of the Kennan Institute of the Woodrow Wilson International Center for Scholars, Washington, D.C., which provided a stimulating environment to work on this project while undertaking a Short-Term Fellowship there in November 2007. The award of an Honorary Senior Research Fellowship at the Centre for Russian and East European Studies allowed me access to the rich materials held at the University of Birmingham, for which I am most grateful. I am also grateful for the secretarial and other assistance of Gemma Chapman, Nicola Cooper, Ann Hadaway, and Suzanne Robinson, together with the constant support of Jean Hudson, in the Department of Politics and International Relations at the University of Kent. Above all, I would like to thank Dominic Byatt at OUP for his patience and support for this project.

Preface

In a dawn raid on his plane in Novosibirsk on 25 October 2003 Mikhail Khodorkovsky, the head of the Yukos oil company, was arrested. This event has spawned a mountain of literature and provoked a debate that shows little sign of abating. By that time Khodorkovsky had become one of the world's richest and most powerful men, while Yukos had been transformed from a ramshackle conglomeration of Soviet production, refining, and distribution units into a vertically integrated oil company that was set to go global. It was Russia's second largest producer, and if the plans to merge with Sibneft had been completed, it would have become the country's biggest oil company, with up to 40 per cent of its stock ready to be sold to an American company. On all counts, this looked like a success story for Russia, but it was precisely at this moment that the authorities struck. After a long period of detention, in May 2005 Khodorkovsky was sentenced to nine years in jail (reduced to eight on appeal) and the Yukos oil company was broken up, its name erased from share registers, and its cheery yellow and green strip, once so common in petrol stations across Russia, has disappeared.

The purpose of this book is to explain why all of this occurred. It will provide some theoretical discussion as well as detailed analysis of the rise and fall of Yukos. It will also examine the relationship between the state and big business during Russia's traumatic shift from the Soviet planned economy to the market system. Since 1985 Russia has been engaged in one of the most grandiose acts of political and economic reconstitution undertaken by any nation in history. Mikhail Gorbachev's 'perestroika' (restructuring) tried to remake the Union of Soviet Socialist Republics (USSR) into a democratic socialist state, but the more successful his reforms, the less was left of the system that he tried to save. In the end, by December 1991 even the country disintegrated into fifteen separate republics. The outcome and consequences for the nation and its people were revolutionary in all fundamental respects.

The revolution continues, and it is in this context that we shall examine the Yukos affair. A revolution has its own laws and dynamics, its victims and its idealism, its heroes and villains, and these were vividly in evidence in Russia's new era of transformation. With President Boris Yeltsin at its head between 1991 and 1999, Russia became a capitalist democracy, but it did so in a revolutionary way—that is, law, constitutionality, and the regular operation of institutions were subordinated to the imperative of change. However, this was a hybrid revolution, since part of the transformation was designed precisely to create the conditions where extraordinary politics no longer needed to apply, and where law and institutions would be able to operate autonomously. The whole process of change in Russia, in its extraordinary depth and intensity while appealing to principles of normality and regularity, was intensely contradictory and gave rise, as we shall see, to a distinctive type of dual state. Freedom would be granted to the nation,

but this freedom could only be exercised within the constraints of the logic of the transformative process itself.

Vladimir Putin's assumption of the presidency in 2000 represented a new phase of Russia's hybrid revolution, when contradiction itself became a mode of governance. Every act and institution was imbued with a double valance. The phrase 'dictatorship of law', with which Putin launched his leadership, effectively reveals the use to which he would put contradiction as a governing instrument. His eight-year presidency was committed to restoring the privileges of the state against the declared willfulness of 'oligarchs', the conventional name for the small group of super-rich individuals who profited from the revolutionary change in property ownership in the 1990s (and we shall use the term purely in that conventional sense), as well as regional leaders and other political and social actors. Putin's regime, however, was unwilling to subordinate itself to the constraints of the constitutional state or the supervision of popular representative institutions, notably parties and parliament, and thus it stood outside of the process which it declared to be its goal. Revolutionary expediency once again came into contradiction with the revolution's attempt to transform Russia into a law-based democratic capitalist state.

It is in the forks of this contradiction that the Yukos affair developed, and in which Khodorkovsky was brought low. Khodorkovsky himself was no stranger to the contradictory essence of Russia's latest revolution, and thus he was both Putin's antagonist and at the same time a protagonist of the contradiction that Putin's regime reflected. We should be wary, therefore, of unduly romanticizing Khodorkovsky's resistance to the consolidation of Putin's statism and model of political economy, although giving due weight to dignity and courage in adversity; or indeed, of aligning with the Putinite view that this 'over-mighty subject' embodied a threat to the government's ability to forge policies and strategies that represented the interests of the many and not the few. We should also distinguish between the attack on Khodorkovsky personally and the assault against the Yukos oil company, although in practice the two campaigns are almost inseparable. The reason for this fusion is that the logic of the two campaigns had a common source: to remove a challenge to the regime's putative prerogatives in the political sphere; and to assert those same prerogatives in economic life. It is not entirely clear whether the attack on Yukos was a consequence of the personal attack on Khodorkovsky, or vice versa; whether Khodorkovsky's persecution was a by-product of the state's attack on Yukos as it (or some faction within the regime) attempted to achieve a partial redistribution of the property settlement of the 1990s.

The attack on Khodorkovsky, according to Brzezinski, had 'far-reaching systemic consequences. It wedded political power with financial wealth, setting Russia on the way to state capitalism. The other oligarchs, intimidated like the *boyars* before them, bowed to power but were then allowed to share their wealth with power. Oligarchic sycophancy became the norm.'¹ There is much truth in this, although the contradictory nature of the system is obscured in such a

¹ Zbigniew Brzezinski, 'Putin's Choice', *The Washington Quarterly*, Vol. 31, No. 2, Spring 2008, p. 99.

one-dimensional presentation. The Yukos affair did have systemic consequences: the other oligarchs were certainly cowed while the regime emerged with no serious competitors, but while statism was reinforced, it would be an exaggeration to talk of the creation of state capitalism. There were a range of short-term consequences, including a dip in inward investment, a rise in capital flight, and some disruption in oil output, but these soon recovered. The most important long-term outcome was the consolidation of a *dirigiste* political economy, in contrast to the neo-liberalism of the 1990s, in which the state asserted its assumed right to oversee the national economy. This was a state-directed economic strategy that fell short of state capitalism, and even more state corporatism, and certainly lacked central planning. *Dirigisme* in the economy was accompanied by regime consolidation at the political level, although this was not full-blown authoritarianism but heavy-handed political management. State capitalism was not introduced, but a rather more interventionist state created state corporations in what it considered strategic sectors of the economy as part of a state-directed modernization strategy. A dual economy emerged to accompany the dual state.

Two key issues emerge, and will be at the centre of this study. The first is the relationship between agency (in this case Khodorkovsky and Yukos on the one hand, and Putin and the regime on the other) and structure (Russia's transformation into a capitalist democracy on the one hand, and Russia's apparent systemic proclivity for statist authoritarianism on the other). Two agents and two structures came into collision. Thus the work will engage in an act of historical reconstruction, tracing the story of Khodorkovsky's emergence during perestroika as one of the country's leading entrepreneurs, the development of Yukos in the Yeltsin years into one of the country's most predatory and dynamic oil majors, the transformation of the company into a modern corporation in the early Putin period, and then the epochal confrontation between business and state that culminated in Khodorkovsky's arrest and imprisonment, accompanied by the destruction of the Yukos company. Like Henry II, Putin turned on 'this troublesome priest', and the confrontation between the state and temporal power that led to the murder of Thomas Becket on 29 December 1170 reappeared in a new guise as a struggle between political and economic power. Equally, as the eccentric study of the Plantagenets by John Harvey demonstrates, in Becket's behaviour as Archbishop of Canterbury 'there is a sad atmosphere of cant'.² This did not prevent Becket becoming a saint, and while an equally strong strain of cant can be found in Khodorkovsky's utterances, his status as a political victim of the Russian regime is no less evident. The causes and consequences of this extraordinary confrontation between the two great forces of modernity, the state and the market and their associated conceptions of freedom, will be at the centre of this analysis. As always, events in Russia act as a mirror to the age, laying bare the sinews of ambition and purpose. This is a classical 'modern' story, with larger-than-life characters engaged

² John Harvey, *The Plantagenets* (London, Fontana/Collins, [1948] 1967), p. 45.

in struggles for wealth and power, and can be understood in classical modernist terms through detailed analysis of sources, speeches, and acts.

The second theme is rather less susceptible to such methods, although it is no less a modernist aspiration—the struggle for freedom. However, freedom in the abstract is almost meaningless. Freedom is always embedded in a specific set of social relations, and it is in the terrain of the proper limits and scope for freedom that the most important tracts in Western political philosophy have been concerned. We certainly do not intend to reprise these debates in detail in this work, but neither can any study of the Yukos affair avoid referring to them. It is not just that this conflict between economic and political power raises many of the questions whose apparent resolution in Marxian socialism had given birth to the Soviet Union in the first place, but also that the transcendence of communism raised no fewer questions of theory and practice. The Yukos affair can be viewed as little more than a tawdry conflict between self-aggrandizing individuals and elite groups, and while this was certainly part of the story, to limit ourselves to this would be to miss its profound implications; instead, we need to understand the complex dynamics of Russia's hybrid revolution, and also deal with larger questions about post-communist transformations as a whole.

The Yukos affair can be examined through three sets of issues: the philosophical, developmental, and moral/civic. In philosophical terms, the Yukos affair raises fundamental questions about the embeddedness of freedom in a set of liberal human and property rights, the presumption of collective privileges, the challenge of mutuality and collective responsibility, and the ability of the state to act as the embodiment of the public good. What good is freedom, the right to vote and freedom of movement, as many in post-communist Russia would ask (along with Amartya Sen in his disquisitions on developing societies), if a people does not have equal and free access to health, education, and other welfare benefits? The second set develops this question and focuses on classical issues of models of modernization. More specifically, how could property acquired in a 'revolutionary' way in the 1990s be made legitimate, and what is the most appropriate model of economic and social progress in a country that had already twice pursued different models of development (the Tsarist and the Soviet). On a more specific level (our third set), the Yukos affair, for participants and observers alike, raised fundamental questions of individual moral responsibility and conscience, as well as problems of civic engagement.

What does 'civility' mean when faced not only with an aggressive state that suffocated independent civic initiatives, but also by a no less aggressive invasion of private and public space by the values of the market, unchecked by the values of the epoch of high liberalism that reserves even within civil society a sphere of civil activity relatively free from the commercialization that is characteristic of the market. The loss of earlier bonds of mutuality and the relatively simple moral decisional universe of the late Soviet years gave rise to a simplified dissident mentality that coloured much of the discussion of the Yukos affair, accompanied

by a no less simplified popular narrative about the 'good old days' of the Soviet era and the injustices of the 1990s. The official narrative raised the 1990s to quasi-mythical status, as a decade of corruption, theft, decline, state disintegration, and humiliation in world politics. On this basis the Putin regime advanced a mix of 'reactionary' and 'remedial' policies: reactionary, as a counteraction to the 1990s, but by the same token perpetuating some of the arbitrariness of that period, though from the opposite end of the spectrum; and remedial, since the fundamental principles of the market and political order created in the 1990s were not challenged but some of its alleged excesses were to be treated. However, as the Yukos affair developed the regime moved beyond reactionary and remedial actions and, buoyed by rising energy rents, began to develop a transformative agenda.

Myths serve as shorthand to represent political truths, a 'fiction that gives us the facts' in Sally Vickers' pithy phrase, and for the Putin regime the chaos of the 1990s became almost a foundation myth against which it built a counter-narrative of economic stability, state restoration, sovereign democracy, and the assertion of the country's interests in world politics. Those who threatened this myth of restoration, like Khodorkovsky, came to be seen as a threat to the maintenance of stability and effective governance. Countering this, Khodorkovsky ever more energetically propounded his own narrative of events: the independent businessman who by the use of entrepreneurial flair and civic engagement would free Russia from baneful statism, corruption, and heavy-handed political control, and allow the country to flourish in partnership with the West. Thus a number of competing narratives competed and interacted with each other.

This is the story of Khodorkovsky's rise and fall, as well as that of his company, Yukos, combined with elements of the larger story of the development of the Russian oil industry and energy policy from the 1990s, as well as the development of democracy, the polity, and the market as a whole. There will inevitably be elements of neo-Kremlinology, the attempt to ascertain what really was going on within the corridors of power, but this will be based less on speculation than on empirical study of the dynamics of factional conflict. The study is not only about Khodorkovsky, but also about those who write about him. There are numerous competing narratives: Khodorkovsky as hero who built up one of Russia's most successful companies, who was brought down in his prime since his success threatened the prerogatives of a narrow political elite and the bureaucracy; as a speculator who levered his Communist Youth League (Komsomol) and political connections to become one of Russia's powerful oligarchs, and who treated politicians and the state as just one more commodity, and who used all his efforts to avoid paying taxes while the mass of the people sank into poverty; or the tale of a Soviet individual who through luck and skill built up a successful company no different from a dozen others, was brought low by political enemies, but who in jail found himself and became the conscience of the nation. As Panyushkin writes in his book on Khodorkovsky's time in prison: 'Khodorkovsky is like a forum in which we, people living in Russia, argue about what we are. Half assert that we are

a great nation. The other half affirm that we are slaves without rights. The choice is yours.³ He goes on to say: '[T]he Khodorkovsky affair is not about how they jailed an oligarch, or about how unfair are the Russian courts. It is about how someone in Russia can become free. And what happens to them when they do.'⁴ It is also, we may add, about recognizing the limits of that freedom.

Canterbury, July 2008

³ Valerii Panyushkin, *Mikhail Khodorkovskii: Uznik tishini. Istoriya pro to, kak cheloveku v Rossii stat' svobodnym i chto emu za eto budet* (Moscow, Sekret Firmy, 2006), frontispiece.

⁴ *Ibid.*, p. 7.

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Introduction: Freedom and Property

In the early 1990s our people were paupers—and it's ridiculous to say they were free. When you have a car to ride in and things to buy—that's freedom.

Vladislav Surkov¹

In a lavishly illustrated analysis of the development of the Russian oil industry, sponsored by Yukos, Mikhail Khodorkovsky praised the historical achievements of Russian business, and in particular the oil industry. In his Foreword he wrote:

Russia ended its twentieth century with a collapse, and this led many Russians to lose faith in their country, in their own abilities. The rethinking of the Russian past was inevitable after the era of Soviet historiography, but this has also been disappointing. The achievements in which many generations took pride turned out to be propagandistic myths. However, a new unbiased approach to the history of our motherland reveals hundreds of glorious episodes in its past, which the Soviet period denigrated for political reasons.

The oil industry in Khodorkovsky's view was one of these 'glorious episodes'. He stressed that in the early twentieth century it developed largely through the application of private capital, while 'the interference of the state provided only short-term benefits and usually provoked long-term problems'. He praised the largely forgotten heroes of the development of the oil industry in the Soviet period. The book, now sponsored by Yukos, brings together evidence of three centuries of development, which gives the country its current pre-eminent position in the field.² The story of Yukos illustrates some of these themes: the heroic struggle to force oil from the ground and to get it to markets through the unsung labour of the prospectors, engineers, and oil workers; the tension between state intervention and private capital; and the role of the larger-than-life entrepreneurs, of whom Khodorkovsky was only one of a long line. His words also had a prophetic ring in that the struggle over the interpretation of events had been characteristic in both the imperial and Soviet periods, and continues in contemporary discussions of the Yukos affair.

¹ Quoted by Neil Buckley, 'From Shock Therapy to Consumer Cure: Russia's Middle Class Starts Spending', *Financial Times*, 31 October 2006.

² *Russkaya neft' o kotoroi my tak malo znaem* (Moscow, Neftyanaya kompaniya Yukos and izdatel'stvo 'Olimp-Biznes', 2003), p. 5.

LOGICS OF MODERNITY

The Yukos oil company was established in the early 1990s, and within a decade it had grown to become one of the world's major players. By the end of its first decade the company improved its corporate governance, rejecting some of the worst predatory and ruthless aspects of the 1990s, so that by 2003 it had become a model for the development of modern Russian corporate capitalism. However, in that year the government launched a sustained assault against some of the company's leading executives and associates, and by October of that year Khodorkovsky himself was in jail. The charges against him and his colleagues focused on tax avoidance and fraud, but as we shall see, numerous other factors were involved, including Khodorkovsky's alleged political ambitions. At issue fundamentally was the question raised by Khodorkovsky in his Foreword cited above: the appropriate relationship between the state and private capital, and who would determine key issues of economic policy and strategic development. Two logics of modernity collided, each coherent and valid in its own terms, and gave rise to what we shall call the Yukos affair.

The Yukos affair exercised a profound influence on Russian politics in the early part of the twenty-first century, but it also raised universal issues about the role of the state in developmental agendas, the quality of political relationships, and, indeed, about the very category of 'freedom'. Our concern in addressing the problem of freedom in contemporary society is not so much philosophical but 'spiritual', in the original sense of the term as dealing with conscience, responsibility, and obligations towards the broader community. While 'freedom' may well have come to Russia in the 1990s following the collapse of communism, the unaccustomed conditions meant that the necessary framework of constraints, limits, and mutual responsibilities was lacking. Society had lost its moral compass, and thus individuals and the state as a whole were deprived of the usual signifiers that convey the moral code of a society down the generations.

It was in this world that a group of individuals were able to exploit their skills and connections, and to establish the basis for a capitalist democracy characterized by the mega-wealth of a few and the immiseration of the many. Russia endured what Milton Friedman called 'shock therapy', but tempered economically by entrenched and new interests that exploited the weakened state to their own advantage. A plutocratic social order was created in which the political and economic elites converged (although they did not merge), and wealth was concentrated in the hands of a few. From a Marxist viewpoint this was once again a period of 'primitive accumulation', although building on two earlier industrialization campaigns in the late tsarist and early Soviet periods, and accompanied therefore less by 'extra-economic coercion' than by 'intra-economic' violence. Accompanied by the rhetoric of neo-liberal globalization, a man-made disaster was inflicted upon the nation that was exploited by economic entrepreneurs, notably the so-called oligarchs, and their Western allies.³ This was Schumpeterian

³ Cf. Naomi Klein, *The Shock Doctrine: The Rise of Disaster Capitalism* (London and New York, Allen Lane, 2007), who writes about the early 1990s and the launching of 'shock therapy': 'many of

‘creative destruction’ on a grand scale.⁴ Russia swiftly became one of the most unequal societies in the world, and one in which a select group was able to forge mutually beneficial ties between the political and economic levels. However, in these years the foundations of Russian capitalism were established, and the basis laid for the economic boom that began in 1999 and lasted throughout the years of Vladimir Putin’s presidency (2000–08), fuelled by high energy prices. Yukos thrived in the environment of the 1990s, where connections with power were one of the most important business assets and the courts were used to ensure the necessary outcomes. With Putin’s ascent to power, however, a new model of state–business relations was imposed, dubbed the policy of ‘equidistance’: no business tycoon would be allowed to have a privileged relationship with the state, and they would all be held equally at arm’s length. Within the state, however, a group of economic entrepreneurs emerged with their own agendas.

The new system worked well enough in the first years of Putin’s leadership. Some of the more egregiously political of the so-called oligarchs were humbled, notably Vladimir Gusinsky and Boris Berezovsky, and both ended up in exile. The business community as a whole was not unhappy to see them go, since their flamboyant model of capitalism tended to discredit the capitalist system as a whole. The Yukos company continued to thrive, and moved towards the Western model of corporate governance. By early 2003 there were plans to merge with the Sibneft oil company, which would have created a major world energy company. At the same time, Yukos took on an ever more political role, and Khodorkovsky increasingly made little secret of his political ambitions. The details of this period will be discussed later, including the many reasons for the estrangement between the regime and Yukos, and personally between Putin and Khodorkovsky.

The Yukos affair revealed the clash between the logic of two different spheres. While Khodorkovsky represented the claim that the business world had the right to engage in political life to shape conditions suitable for its own purposes, Putin insisted that the state had the right to pre-eminence not only in the political sphere, but also over the broad directions of economic policy. Indeed, Putin went further in insisting that the state had the right to a dominant voice in detailed issues, including the direction of pipelines and access to resources and markets. Above all, the model of politics that Putin operated meant that the regime claimed a specific tutelary right over the management of the political system. For Putin, democracy was less a set of institutions but, to paraphrase Michael Mann, ‘an ideology of equality, one that legitimates itself through a claim to represent the people and aims at a popular redistribution of social power.’⁵ Equally, Amitai

Washington’s power brokers were still fighting a Cold War. They saw Russia’s economic collapse as geopolitical victory, the decisive one that ensured U.S. supremacy’, p. 250.

⁴ Joseph A. Schumpeter, *Capitalism, Socialism and Democracy*, fifth edition (London, George Allen & Unwin, 1976).

⁵ The paraphrase is by Dylan Riley, ‘Democracy’s Graveyards?’, *New Left Review*, No. 48, November–December 2007, pp. 125–36, at p. 125, reviewing Michael Mann, *The Dark Side of Democracy: Explaining Ethnic Cleansing* (Cambridge, Cambridge University Press, 2005).

Etzioni argues that security is the prerequisite for the development of democratic institutions, and not the other way round, as the occupying forces understood in Germany and Japan after the Second World War, but not in Iraq in 2003⁶—a sentiment that fully accords with Putin’s views. As far as Putin was concerned, politics was far too important to be left to the free play of political forces, and thus the regime had not only the right but also the duty to manage day-to-day political matters. The free play of market forces came up against the concept of *dirigisme* in economic and political life, accompanied by a redistribution of power away from independent economic actors (notably the oligarchs) to the bureaucracy: not quite a ‘popular redistribution of social power’ in Mann’s sense but a corrective to previous policies that was certainly popular. Although communism had collapsed a decade and half earlier, and with it belief in total state-sponsored modernization, the struggle between free market principles and the idea that the state has a higher responsibility to its citizens had certainly not died.

As we shall see, the Yukos affair has a resonance in debates and renewed leftist political programmes in Latin America, in particular in the Venezuela of Hugo Chávez and the Bolivia of Evo Morales. The hegemony of neo-liberalism was challenged on both theoretical and empirical grounds, and above all in the political sphere. How can we speak of freedom when there is gross inequality and the aggregative role of the state is undermined by particularistic interests?⁷ The Yukos affair thus raises questions about the neo-liberal project; but it also poses the problem more broadly about the transferability of Western-style liberalism and its universality. At the same time, the Yukos affair took place against the background of President George W. Bush’s enhanced rhetoric for a ‘freedom’ agenda. The National Security Strategy signed by Bush on 21 September 2002 returned to the theme advanced by Woodrow Wilson nearly a century earlier, that America’s historical mission was freedom: ‘We created this nation to make people free, and we, from the point of view of conception and purpose, are not limited to America, and now we are making people free. If we do not do this then the whole glory of America will evaporate, and its power dissolve.’ The extract was quoted in a book edited by Khodorkovsky (which we discuss in Chapter 8), and commented on as follows: ‘These codes of power hardly fit into the political semantics of modernity.’⁸

⁶ Amitai Etzioni, *Security First: For a Muscular, Moral Foreign Policy* (New Haven, CT, Yale University Press, 2007).

⁷ Cf. Ernest Gellner and Cesar Cansino (eds.), *Liberalism in Modern Times: Essays in Honour of José G. Merquior* (Budapest, Central European University Press, 1996).

⁸ Aleksandr Neklessa, ‘Bitva za novuyu zemlyu: Prishestvie postsovremennogo mira’, in M. B. Khodorkovskii (ed.), *Mir v 2020 godu* (Moscow, Algoritm, 2007), pp. 60–141, at p. 88. Thomas Carothers comments on this as follows: ‘The Bush line on a “global freedom agenda” unfortunately caused people all over the world to distrust and dismiss democracy promotion as a rhetorical cover for the projection of U.S. power, a projection they believe often contravenes democracy and employs objectionable methods’; ‘Is a League of Democracies a Good Idea?’, Carnegie Endowment for International Peace, *Policy Brief*, May 2008, p. 6.

DIMENSIONS OF FREEDOM

The Yukos affair represented a clash between various concepts of freedom, including the personal and the political. The struggle between economic and political power, between individual self-affirmation and representations of the collective interest, took place in the broader context of a narrative of 'transitional' politics in which a categorical view of democratization as the highest public good was challenged by the regime's view that sovereign development was a higher value. While not denying democracy as its fundamental legitimating ideology, it was ranked alongside other public goods, above all, security, stability, and welfare. Putin's 'reactionary-remedial' approach was part of a meta-transition from the perceived disintegration and disorder of the previous decade (a new Time of Troubles, *smutnogo vremeni*) to state stabilization and development, to which standard Western definitions of 'transition' as the move from authoritarianism to democracy were subordinated.

Maurice Cranston notes that while freedom has a positive connotation in the Anglo-Saxon world, deprived of its context it is one of the vaguest concepts in political philosophy:

The word 'freedom'—like its synonym 'liberty'—has a strong laudatory emotive meaning for English-speaking people, whether in political or more general use. But what of its descriptive meaning? That we have seen must vary with the context. In itself, the word 'freedom' cannot be said to have more than a *partial* descriptive meaning. For the word to be understood the listener must . . . understand what any particular freedom is freedom from or freedom for.⁹

In the Yukos affair we are faced with different understandings of freedom. These are denoted by separate words in the Russian language, and each raises aspects of interest to us. The classic Russian word for freedom or liberty is *svoboda*, defined by Dahl in his dictionary as 'the ability to act as one wishes, the absence of restrictions, slavery or subordination to the will of another'.¹⁰ This is the primordial political sense of freedom, characterized above all by the absence of undue restraint by coercive power, accompanied by the ability to make pertinent life choices. Khodorkovsky would implicitly claim that he was exercising his inalienable right to *svoboda*. However, the logic of Putin's action suggests that this was not at all the way that he would define Khodorkovsky's exercise of freedom, and instead suggested he was engaging in *proizvol*, a type of wilful and arbitrary practice that lacks a sense of duty or mutual obligation. There is also a third way in which freedom can be translated from the Russian; *volya*, literally meaning will or volition, hence *svobodnaya volya* means free will, but there is also the meaning of freedom and liberty. The populist movement of the 1870s, *Narodnaya Volya*, which in 1874 and 1875 descended upon a rather bewildered peasantry, is usually translated as 'People's Will', but it also has some of the other connotations.

⁹ Maurice Cranston, *Freedom*, third edition (London, Longmans, Green & Co., 1967), p. 15.

¹⁰ Vladimir Dal', *Tolkovy slovar' zhivogo velikorusskogo yazyka*, Vol. 4 (Moscow, Russkii Yazyk, [1882] 1980), p. 151.

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