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Editor's Note

Dear Readers,

It is with great pleasure that I present to you the first issue of this year, and the seventh overall, of the legal journal The Warsaw East Law Review.

As always, our journal contains articles by authors from various jurisdictions addressing a wide range of issues.

In the earliest issues of The Warsaw East Law Review, we have published several interesting articles concerning issues related to Islamic law. Although written by different authors affiliated with another research centre, the present article is in a certain sense a continuation of the same line of inquiry: "Historical and Modern Trajectories of Islamic Civil Jurisprudence in Central Asian States" by Abdumukhtor Rakhmanov and Shahnoza Almosova.

Several other authors have devoted their articles to broadly understood issues concerning the Caucasus. These include "How Courts Shape Social Struggles: Drug Liberalization, Paradoxes of Rights, and Lessons from Georgia's White Noise Movement" by Tornike Gerliani; "National Resilience and Comprehensive Security in the Age of Hybrid Threats: Policy Lessons from Armenia" by Gevorg Melikyan; and "Amendments to the Constitution of Armenia: An Introduction to the Topic", by Marek Reszuta. While not formally an article, the polemical review by Gor Margaryan, Anush Harutyunyan, and Mushegh Ghahriyan should also be included in this group: Ali Askerov and Michael M. Gunter, Forgotten Exile: The Deportations of Azerbaijanis by the Armenians in the Caucasus during the Twentieth Century (Leiden–Boston: Brill, 2025), 236 pp.

Another group of scholarly contributions addresses Russian issues related to law, politics, history, and technology. These include the articles by Vladimir Komarnickiy, "The Criminal and Administrative Fight against Russian Nationalism in Putin's Russia;" Kacper Knochowski, "Development of the High-Tech Industry in the Russian Federation from 1991

to 2025: A Case Study of Artificial Intelligence;" Konstantin Pakhaliuk, "Osowiec Fortress in the Context of the Strategic Defense System in the Forward Region (the Kingdom of Poland) of the Russian Empire in the 1870s–1910s;" and Dmitriy Savvin, "'A Combination of a Future Stalin and a Future Hitler': Ivan Solonevich's Critique of Solidarism as the First Attempt at a Comprehensive Description of Neo-Sovietism."

Finally, Pantea Oleg and Lidia Gîrleanu address Moldovan issues in their noteworthy contribution, "The Concept of Occupational Safety in Light of the Contraventional Legislation of the Republic of Moldova." In addition, a short notice of scientific events by J. Turłukowski has been included in the issue.

I warmly encourage you to contribute and
submit your own original research for future issues.

Editor-in-Chief of The Warsaw East Law Review
Dr. Jarosław Turłukowski

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The Concept of Occupational Safety in Light of the Contraventional Legislation of the Republic of Moldova

Abstract

This article analyzes the concept of occupational safety through the lens of contraventional legislation[1] passed in the Republic of Moldova, focusing on the constituent elements of the offenses provided for in Article 55³ of the Contravention Code. The purpose of this paper is to demonstrate how this legal mechanism goes beyond the simple function of punishment, becoming an essential tool for the prevention of occupational risks. From a methodological standpoint, the study breaks down the structure of a contraventional ilegal and analyzes the intersection between labor protection, occupational safety (accident prevention), and occupational health (prevention of occupational diseases).

Under the contraventional legislation of the Republic of Moldova, occupational safety is viewed not only as a general concept of worker protection but also as an object of legal protection, the violation of which may entail contraventional liability. The Contravention Code penalizes violations of obligations regarding occupational safety and health when the act does not reach the level of a criminal offense.

Keywords: Occupational safety, occupational health, labor protection, contraventional legislation, Republic of Moldova, abstract danger, omissive behavior.

1 The Contravention Code is the main normative act in the Republic of Moldova that regulates the legal regime of illicit acts with a lower degree of danger than a crime: in road traffic, public order, public security, taxation, customs activity.

Introduction

In any democratic society, the right to work and occupational safety are fundamental human freedoms. These values allow every individual not only to freely choose a profession or economic activity to secure a fair income, but also to work in an environment that does not endanger their life or health. Therefore, sustainable social development depends directly on the balance struck between the effort made by the employee, the compensation received, and the safety measures provided by the employer. When employees benefit from real protection as well as safe working conditions, both their personal motivation and the overall economic performance of the organization increase.

From this perspective, the right to work is a central pillar for ensuring a decent standard of living, for personal development, and for maintaining social stability. Morally and legally, this right directly safeguards human dignity, promotes equal opportunities, and protects citizens against exploitation.

In the Republic of Moldova, the fundamental importance of these guarantees is recognized in Article 43(2) of the Constitution of the Republic of Moldova, which provides that *"employees have the right to labor protection. Protective measures concern occupational safety and health, working conditions for women and young people, the establishment of a national minimum wage, weekly rest, paid annual leave, work in hazardous conditions, as well as other specific situations*." This principle is further reinforced by the provisions of Article 24(1) of the Constitution, which stipulates that *"the state guarantees every person the right to life and to physical and mental integrity."* This constitutional foundation demonstrates that the protection of workers is a priority of public order, providing the legal basis for all subsequent mechanisms of legal liability.

The significance of researching the concept of occupational safety within the framework of contraventional law stems from the necessity of ensuring effective legal protection of the fundamental social values safeguarded by law, particularly the life, health, and physical and psychological integrity of employees. In the context of the continuous development of socio-economic relations and the diversification of occupational risks, occupational safety and health constitute a matter of major public interest, the regulation and protection of which require the establishment of appropriate legal mechanisms for the prevention and sanctioning of conduct that contravenes legal requirements.

From the perspective of contraventional law, the analysis of the concept of occupational safety acquires particular relevance, as contraventional norms represent an expression of the preventive and protective functions of the State in the field of labour relations. Through the mechanism of contraventional liability, compliance with the legal obligations imposed upon employers and other legal subjects is ensured, thereby creating the necessary conditions for maintaining an adequate level of safety in the workplace and for reducing the incidence of occupational accidents and work-related diseases.

Furthermore, the study of this issue makes it possible to highlight the relationship between the punitive and preventive functions of contraventional liability, demonstrating that the purpose of contraventional norms in the field of occupational safety and health is not limited to the imposition of sanctions for established violations. Rather, these norms equally pursue the objective of fostering conduct consistent with legal requirements and strengthening a culture of safety within the occupational environment. In this regard, contraventional regulations emerge as an indispensable legal instrument for the implementation of public policies in the field of labour protection, contributing to the effective safeguarding of workers' fundamental rights and to the promotion of a safe, healthy, and socially sustainable working environment in accordance with contemporary standards of social protection.

This topic is highly significant because it originated directly in the European integration undertaken by the Republic of Moldova and in its status as a candidate country for accession to the European Union. This path requires reform of the domestic regulatory framework and its harmonization with EU standards, a fundamental benchmark in this regard being Framework Directive 89/391/EEC. At the same time, the country's external commitments are reinforced by the ratification of key conventions of the International Labour Organization (ILO). Although the adoption of Law No. 186/2008 marked a crucial stage in the modernization of this field, the socio-economic reality in Moldova demonstrates that the mere existence of legal norms remains ineffective in the absence of coherent state mechanisms for oversight and enforcement that is capable of ensuring strict compliance by employers.

The purpose of this research is to analyze the concept of occupational safety and its regulation through the lens of Moldova's contraventional legislation, by highlighting the applicable legal norms, and their role in ensuring the protection of employees' health and safety.

Based on the premise that contraventional law constitutes the state's primary instrument for prompt response to violations in this area, the present investigation aims to identify its practical value. In this context, the research question of this study is formulated as follows: what is the role and effectiveness of contraventional liability mechanisms in ensuring occupational safety and health (OSH) in the Republic of Moldova? The need for such an approach arises from the specific function that contraventional law performs within the legal liability system, namely the function of early prevention.

Unlike disciplinary liability, whose effects are limited to the employer's internal organizational level, or criminal liability, which intervenes only post-factum—that is, after irreversible material consequences have occurred (serious bodily injury or death)—the contraventional regime operates in the realm of abstract risk. It allows for the direct sanctioning of the state of danger created by non-compliance with technical standards and safety obligations, intervening before a workplace accident occurs. Consequently, analyzing OSH through the lens of contraventional law provides the necessary benchmarks to assess

the state's capacity, through regulatory authorities, to foster a culture of compliance and the prevention of occupational risks.

Results and Discussion

The first occupational safety regulations in present-day Moldova were those adopted from Romanian legislation following the Union of March 27, 1918[2]. Subsequently, after World War II and until 1969, the 1922 Labor Code of the Ukrainian SSR was applied, which introduced the first measures for the protection of minors, women, and underground workers, whose workday was limited to six hours. However, this model was replaced in 1969 with the adoption of the Labor Code of the Moldavian SSR, a document that contained an entire chapter dedicated to labor protection[3] .

A decisive moment occurred in 1994, upon the adoption of the Constitution of the Republic of Moldova, when, under Article 43, employees' right to safety, hygiene, rest, and a minimum wage was elevated to the status of a supreme principle guaranteed by the state.

Currently, as a result of multiple legislative interventions, the provisions of the Labor Code of the Republic of Moldova have undergone substantial changes. Essentially, these changes indicate that the state, in an effort to give greater and higher-quality attention to labor protection, has redefined this legal concept using the term "occupational safety and health"[4]. Thus, the legislature has limited itself to regulating only general provisions in the Labor Code, contained in Articles 222–225. These provisions establish the basic rules regarding the organization of occupational safety and health, with the primary aim of ensuring employees' right to work so that safety requirements are fully met[5]. However, to ensure regulatory consistency and avoid overlaps, Article 224 of the Labor Code makes direct reference to the *Law on Occupational Safety and Health*[6]. This organic law regulates legal relationships to ensure the safety and health of workers in the workplace.

According to Article 1 of the *Law on Occupational Safety and Health* No. 186 of July 10, 2008, this concept represents a *"set of activities aimed at ensuring the best conditions for the performance of work, and the protection of the life, physical and mental integrity, and health of workers."*

2 The unification of Bessarabia with Romania took place on March 27, 1918 (old style) / April 9, 1918 (new style), when the Sfatul Țării – the parliament of the Moldavian Democratic Republic – voted with an overwhelming majority for the union with the Kingdom of Romania.

3 Păscăluță, F., Forms of Compliance Monitoring in the Field of Occupational Safety and Health. Doctoral dissertation in law. Chișinău, 2015, p. 19.

4 Nasirli, E., Sosna, B., Analysis of the Legal Category of Occupational Safety and Health within the Modern Scientific Framework. In: State, Security, and Human Rights: In the Context of the Information Society, December 12–13, 2019, Chișinău. Chișinău: Artpoligraf Printing House, 2020, pp. 513–522. ISBN 978-9975-3462-2-1.

5 The Labor Code of the Republic of Moldova, adopted by Law No. 154/2003. In: Official Gazette of the Republic of Moldova, 2003, No. 159–162, Articles 224–225.

6 Law on Occupational Safety and Health No. 186 of July 10, 2008. In: Official Gazette of the Republic of Moldova, No. 143–147 of August 5, 2008.

In contrast to legal provisions, academic literature reflects a duality in terminology, with both the traditional term "labor protection" and the modern term "occupational safety and health" being used interchangeably. Researchers' preferences vary, either based on personal conceptual preferences or in relation to the trend of aligning scholarly material with normative and terminological developments in international legislative practice. For instance, Russian legal scholars consistently use the term "охрана труда," which translates to "protection of labor"[7] . For example, legal scholar I. Chiseleov analyzes *protection of labor* as an institution of labor law, "representing a set of legal norms that form the legal basis for preserving the life and health of workers in the course of their work..."[8]

A general definition is also provided by researcher A.B. Panina, who notes that "protection of labor" refers to a system for preserving the life and health of employees during the work process, which includes legal, socio-economic, organizational, technical, sanitary, hygienic, preventive, rehabilitative, and other activities." At the same time, the author O.V. Smirnov attributes a strictly legal meaning to this term, noting that "protection of labor, as an institution of labor law, is a set of norms aimed at ensuring working conditions that are harmless to the life and health of employees"[9] .

According to K.N. Gusov and V.N. Tolkunova, occupational safety represents "a system of legal norms and measures to ensure the safety of employees' lives and health during their work activities, including legal norms regulating the restoration of health and the improvement of working conditions"[10]. Author L.A. Syrovatskaya emphasizes that "by occupational safety, in the broad sense, we must understand the entire branch of labor law, since all of its norms are intended to protect the interests of all employees." In a narrow sense, labor protection is viewed by Syrovatskaya as "an institution of labor law comprising legal norms directly intended to ensure working conditions that are harmless to the life and health of employees"[11].

On the other hand, Romanian legal doctrine follows the European terminological approach, primarily using the concept of "occupational safety and health." This difference in approach is evident in the opinion of the Romanian legal scholar Alexandru Țiclea, who considers that "occupational safety and health, as an institution of labor law, is a unified body of mandatory legal norms aimed at regulating the social relations that arise regarding the multilateral organization, conduct, and control of work processes, with the aim of ensuring optimal conditions, in line with modern science and technology, for the protection

7 Păscăluță, F., Legal and doctrinal controversies regarding the relationship between occupational safety and labor protection. In: Theory and Practice of Public Administration, May 23, 2014, Chișinău. Chișinău, Moldova: 2014, pp. 164–167. ISBN 978-9975-4241-9-6, p. 165.

8 Kiselev I.Y. Labor Law of Russia and Foreign Countries: Textbook, Moscow: Eksmo, 2006, p. 289.

9 Panina A., Labor Law. Moscow: Delo, 2000, p. 312

10 Gusov K.N., Tolkunova V.N., Labor Law of Russia, Moscow: Prospekt, 2003, pp. 210, 213.

11 Nasirli, E., Sosna, B., op. cit., p. 519.

of the life, physical integrity, and health of all participants in this process, and the prevention of workplace accidents and occupational diseases"[12] .

However, an analysis of legal literature from Romania reveals that the use of the modern term "safety and health" does not preclude debate surrounding the more traditional concept. In this regard, authors Valer Dorneanu and Gheorghe Bădică assert that "in a broad sense, occupational safety constitutes an important component of social protection." In support of this assertion, these Romanian legal scholars invoke the provisions of Article 38(2) of the Romanian Constitution, which, after enshrining employees' right to social protection, specifies that protective measures concern, first and foremost, occupational safety and health[13] .

This structural view, based on a nuanced use of the terms according to their scope, is also detailed by the Romanian legal scholar Tiberiu Constantin Medeanu, who highlights several meanings of the phrase "occupational safety and health." Thus, "occupational safety encompasses the set of institutionalized measures and activities that regulate social relations regarding the organization, management, and conduct of the work process under safe and hygienic conditions, with the aim of preventing accidents and occupational diseases"[14]. At the same time, the cited author explains that "in a broad sense, this concept includes all activities aimed at improving working conditions, while in a narrow sense it refers only to technical and operational measures for the protection of the life and physical integrity of employees or other persons participating in activities within the institutional framework." Thus, he concludes that "occupational safety," in its legal sense, "encompasses the entirety of legal norms regarding the obligations of those who design, organize, or manage the work process and of those who actually carry out various activities, with the aim of implementing the technical measures necessary to protect life and physical integrity"[15].

In full agreement with the multidimensional approach mentioned above, another Romanian author, Ovidiu Ţinca, defines the meaning of occupational safety and health as follows: "it encompasses the body of legal norms regulating the social relations established between those who organize, manage, or supervise work and state-run administrative bodies on the one hand, as well as that part of legal labor relations concerning the provision of the best conditions for the conduct of the work process, with the aim of protecting the health and lives of those involved in the work process by preventing workplace accidents or occupational diseases"[16] .

This expanded definition, based on the unification of safety measures, is also reflected in the works of other researchers within the same legal field. Specifically, according to the

12 Ţiclea Alexandru et al. Labor Law. Bucharest: Rosetti, 2004, p. 319.

13 Nasirli, E., Sosna, B., op. cit., p. 516.

14 Medeanu T. Workplace Accidents. Bucharest: Lumina Lex, 1998, p. 7.

15 Ibid., p. 8

16 Ţinca O. Legal Standards for Occupational Safety. Bucharest, Lumina Lex, 2002, p. 13.

authors V. Dorneanu and Gh. Bădică, "occupational safety and health (labor protection) constitutes a set of institutionalized activities aimed at ensuring the best conditions for the work process, protecting the life, physical integrity, and health of employees through the application of a unified system of measures and rules to all participants in the work process"[17] .

The transition from the theoretical discourse across the Romania to the local academic environment highlights a similar concern for clarifying these concepts. Thus, in the specialized literature of the Republic of Moldova, various opinions have also been expressed regarding the meaning of the terms "labor protection" and "occupational safety." Thus, authors T. Negru and C. Scorțescu state that "as a complex institution of labor law, labor protection constitutes a set of norms from various institutions within this branch of law that establish a system of socio-economic, technical, sanitary, hygienic, and legal measures aimed at ensuring occupational safety and health. The core of this institution is constituted by Article 43 of the Constitution of the Republic of Moldova, the provisions of Title IX of the Labor Code, and the Law on Occupational Safety and Health"[18]. However, according to another interpretation offered by legal scholars N. Romandaş and E. Boişteanu, "occupational safety represents a system of measures and rules binding on all participants in the work process, aimed at applying ergonomic criteria to improve working conditions and reduce physical exertion, as well as appropriate measures for the work of women and young people"[19]. In one of his earlier works, Romandaş, influenced by Russian doctrine, attributes a broader connotation to the concept of "labor protection," defining it as "a system for ensuring the safety and life of the employee in the course of social, technical, organizational, sanitary, hygienic, and health-promoting activities, etc." At the same time, as a legal institution, he claims "labor protection represents a set of legal norms intended to ensure working conditions that are not hazardous to the life and health of the worker and to regulate relations regarding occupational safety and hygiene"[20].

The differences of opinion presented above among local authors bring a certain methodological dilemma back to the forefront. Inevitably, questions arise regarding the relationship between these two terms used by Moldovan legislators: "labor protection" and "occupational safety." Are they synonyms, or do they diverge in usage?

A reasoned response distinguishing between these concepts is provided by F. Păscăluță, who defines occupational safety as an institution of labor law comprising the body of legal norms—predominantly of a mandatory nature—that regulate social relations aimed at ensuring the physical integrity and health of employees by imposing upon the employer, the bodies within the workplace, state agencies, and employees with mandatory requirements

17 Dorneanu V., Bădică Gh. Labor Law. Bucharest, Lumina Lex, 2002, p. 319.

18 Negru T., Scorţescu C. Labor Law. General Part, Chişinău: ULIM, 2004, p. 188.

19 Romandaş N., Boişteanu E. Labor Law. Textbook. Chişinău, Reclama, 2007, p. 219

20 Romandaş N. Labor Law. Chişinău: Reclama, 1997, p. 325

for carrying out administrative, organizational, technical, engineering, sanitary, and hygienic activities to prevent workplace accidents and occupational diseases[21].

This focus on the imperative of prevention is, in fact, firmly grounded in the evolution of the constitutional and treaty framework to which the Republic of Moldova is a party. Thus, Article 43 of the Constitution of the Republic of Moldova[22] recognizes an employee's right to occupational safety and specifies that "safety measures concern occupational safety and health." The Labor Code of the Republic of Moldova initially conformed to these constitutional provisions, dedicating Title IX, until the 2011 reform, to the institution of "Occupational Safety and Health." However, under the direct influence of international law, the conventions adopted by the International Labour Organization (ILO) in the field of protecting the life and health of employees, and ratified by the Republic of Moldova, have imposed familiar terminology, consistently using the phrase "occupational safety and health." Notable examples in this regard are ILO Convention No. 155/1981 concerning the safety and health of workers, Convention No. 167/1988 in the construction sector, Convention No. 184/2001 in agriculture, and Framework Convention No. 187/2006[23].

Driven by these international standards and the launch of the European integration process, a radical shift in the conceptual paradigm has occurred at the national level, marked by the adoption of Law No. 186/2008 on occupational safety and health. The traditional approach to "labor protection" has been replaced by the integrated concept of "occupational safety and health" (OSH)—a concept centered on proactive prevention and early risk assessment. The new vision holds that an optimal work environment is no longer one in which risks are merely tolerated or financially compensated, but one in which hazards are identified in a timely manner, addressed at the source, and, as much as possible, completely eliminated.

It is important to emphasize that this conceptual reconfiguration is not merely a terminological adjustment, but fundamentally redefines the boundaries of legal liability in this area. Under the new legal framework, the contravention is no longer contingent upon the occurrence of direct material or physical harm (such as an actual workplace accident), but manifests directly through the very existence of danger that the employer creates by failing to fulfill their prevention obligations. In other words, the failure to assess occupational risks or the absence of a prevention and protection plan constitutes, in itself, a completed contravention, regardless of whether such defective management has caused actual harm to employees.

Therefore, from a legal and structural perspective, occupational safety and health is configured as a complex set of activities aimed at ensuring the best conditions for carrying

21 Păscăluță, F., op. cit., p. 166.

22 Constitution of the Republic of Moldova of July 29, 1994. In: Official Gazette of the Republic of Moldova, No. 1 of August 12, 1994, Art. 43

23 Păscăluță, F., op. cit., p. 165

out the work process, protecting life, physical and mental integrity, as well as the health of all persons participating in the realization of social work.

Viewed from a doctrinal perspective, this broad concept implies a systemic approach, traditionally structured around four interdependent pillars: the employee (the worker), the work task, the means of production (equipment), and the work environment. From the perspective of the law, any of these components can become the source or trigger of a legal violation.

Following a comparative analysis of the aforementioned doctrines, we align with the opinion expressed by the aforementioned Păscăluță, because approach most accurately reflects the legal reality and the current needs of contraventional law in the Republic of Moldova.

The arguments underpinning our choice rest on two essential aspects. First, defining occupational safety through the lens of the predominantly mandatory nature of its legal requirements highlights the essence of state intervention in labor relations. Unlike other views that regard this field merely as a passive component of social protection, we consider that occupational safety constitutes a strict legal obligation, where the parties' autonomy of will is set aside in favor of public order. Second, this doctrinal perspective provides the appropriate theoretical foundation for justifying legal liability. When the author speaks of "mandatory requirements" imposed on the employer for "accident prevention," it becomes clear that failure to comply with these requirements renders the act a contravention involving abstract danger. The state must not wait for harm to occur (as is specific to criminal or civil liability), but must sanction the very disregard of the imperative order of prevention.

In conclusion, as a result of all these transformations, occupational safety transcends the narrow framework of a mere technical discipline, establishing itself as a complex legal institution. It safeguards a supreme social value: the integrity of the human being while performing their professional duties. For this reason, contraventional law acts as an essential external guarantor of these standards, deterring and penalizing deviations from technical and organizational norms at the early stage of abstract risk, before the employer's inaction has escalated into a tragedy.However, to accurately elucidate the scope and specifics of this contraventional intervention in the field of OSH, it becomes imperative to rigorously distinguish it from other forms of legal liability that may overlap in the same domain, particularly disciplinary and material (property-related) liability.

With regard to disciplinary liability, according to Prof. N. Romandaș, this applies whenever the provisions of Article 9, paragraph (2), subparagraphs (e) and (g) of the Labor Code of the Republic of Moldova and those contained in Article 19 of Law No. 186/2008 of the Republic of Moldova are violated, legal provisions that enshrine and specify the employee's obligation to comply with occupational safety and health requirements. At the same time, we note that, pursuant to Article 12, paragraph (4), subparagraphs (b) and (c), and paragraph (5), as well as Article 20 of Law No. 186/2008 of the Republic of Moldova,

disciplinary liability is excluded if the worker, in the event of a serious, immediate, and unavoidable danger, leaves the workstation or a hazardous area, or if they refuse, with justification, to resume work if the serious and immediate danger persists at the workplace. Furthermore, an employee's refusal to perform work in the event of a danger to their life or health cannot be recognized as grounds for imposing disciplinary liability[24].

Unlike the personal and organizational nature of a disciplinary offense, material legal liability is based on compensation for financial damages caused to each other by the employee or employer within the employment relationship, resulting in the application of remedial measures (compensation or reparation of the damage, restitution of the property, etc.). The material liability of the parties to the individual employment contract, governed by the provisions of Articles 327–347 of the Labor Code of the Republic of Moldova, constitutes a distinct and autonomous form of liability under labor law and cannot be confused with or equated to a form of classical contractual civil liability[25].

Once the OSH regime has been distinguished from the spheres of labor law liability (disciplinary and material), it becomes possible to focus on its specific contraventional nature. To elucidate the preventive nature of this form of state coercion, a thorough structural analysis is required. In this regard, the study of contraventions in the field of occupational safety and health requires a rigorous breakdown of these offenses into the classic elements of the offense, strictly in relation to the specific nature of legal relationships in the Republic of Moldova.

The first constituent element that highlights this specificity is the object of the contravention, which encompasses the social values and relationships protected by legal provisions and which are endangered or harmed by the employer's unlawful act. Structurally, the generic object is public order regarding labor relations and the social protection of citizens, an area of strategic interest for the state, intended to guarantee social stability and human dignity within productive processes. On the other hand, the specific legal object consists of the specific social relations pertaining to the constitutional right of employees to safety, hygiene, and health in the workplace (Art. 43 of the Constitution of the Republic of Moldova). This subject matter is protected by technical and legal norms, with the primary legislative bedrock being Law No. 186/2008, while the direct sanctioning instrument is provided for in Article 55^3 of the Contravention Code of the Republic of Moldova, which explicitly penalizes an employer's failure to fulfill their managerial obligations (e.g. risk assessment, staff training, provision of protective equipment).

24 Romandaș, N., Legal Liability in the Field of Occupational Safety and Health. In: Public Administration, 2019, No. 3(103), ISSN 1813-8489, p. 56.

25 Eșanu, O., The Employer's Financial Liability for Police Officers. In: Professional Training of Personnel for Subdivisions of the Ministry of Internal Affairs and Other Law Enforcement Agencies, December 4, 2020, Chișinău. Chișinău: Editorial and Printing Department of the "Ștefan cel Mare" Academy of the Ministry of Internal Affairs, 2021, pp. 552–557. ISBN 978-9975-121-76-7, p. 552.

Correlative to this special legal nature, from a material perspective, it is observed that the material object is, in most cases, absent, as the acts are classified as danger-based offenses, not result-based offenses. The legislature has not made the existence of the contravention contingent upon the actual occurrence of concrete physical or material harm, but rather penalizes the mere state of risk (for example, failure to assess occupational risks in the workplace), thereby protecting the supreme social value in advance.

This focus on the abstract existence of danger is directly reflected in the definition of prohibited conduct, positioning the objective aspect as the most complex element in the process of legal classification. In this regard, the objective aspect manifests itself through the perpetrator's actions or omissions that generate the unlawful state of risk, comprising the material element (the act of commission or omission), the imminent danger, and the specific causal link[26]. Although, from the perspective of the general theory of contraventional liability, unlawful conduct capable of attracting legal liability may take the form of either an act or an omission, the precise determination of the manner in which the material element of the offence is manifested constitutes an indispensable prerequisite for establishing the existence of the unlawful act, determining the causal relationship, and ensuring its correct legal classification. In this regard, contraventions in the field of occupational safety and health exhibit particular characteristics that distinguish them from other categories of contraventions regulated by contraventional legislation.

Thus, while in many areas of contraventional regulation the material element of the offence is generally expressed through the commission of an act contrary to a legal norm, in the field of occupational safety and health it is manifested predominantly in the form of an omission, consisting of the failure to perform, the improper performance, or the delayed performance of legal obligations established to ensure a safe and healthy working environment. The specific nature of these contraventions lies in the fact that the social danger does not arise from the commission of a prohibited act, but rather from the omission of the obligated subject to implement the preventive and protective measures required by the applicable legal framework.

Consequently, the analysis of the objective element of contraventions in the field of occupational safety and health requires a rigorous examination of the relevant legal obligations and the omission-based conduct of the responsible person, since the existence of the contraventional offence is, in most cases, contingent upon establishing the non-fulfilment of expressly prescribed positive legal duties. From this perspective, omission does not merely represent one possible form of manifestation of the contraventional act; rather, it constitutes the typical mode through which the material element of offences in the sphere of occupational safety and health is externalized.

26 Botnaru S., Jalbă T., The Objective Aspect of the Offense of Violating Occupational Safety Rules. In: Studia Universitatis Moldaviae. "Social Sciences" Series, 2020, no. 8(138), p. 52.

The employer or the person in a position of responsibility does not "act" in a physical sense to violate the law, but rather fails to fulfill their legal obligations to act; the text of Article 55^3 of the Contravention Code of the Republic of Moldova specifically penalizes this passive conduct. Therefore, in the case of abstract danger offenses, the causal link arises directly from the failure to fulfill the obligation itself. There is a direct, intrinsic link between their inaction (for example, the failure to perform a technical inspection of a fire truck) and the unlawful consequence, which consists of exposing the employee to an imminent risk.

The most telling examples in this regard are expressly provided for in Art. 55^3(1) (a)–(d) of the Contravention Code, where the offenses consist, alternatively, of:

- failure to organize a protection and prevention service at the workplace;
- failure to provide the necessary work equipment and individual or collective protective equipment;
- failure to provide appropriate and periodic training to employees in the field of occupational safety and health;
- failure to clearly establish the duties and responsibilities of workers in this regard.

The examination of relevant examples from the field of occupational safety and health demonstrates that an employer's inaction or omission in relation to the legal obligations concerning the prevention of occupational risks and workplace accidents constitutes the characteristic form of manifestation of the objective aspect of offences in this area. In this regard, the failure to implement the measures prescribed by law does not merely represent a departure from the conduct required by legal norms, but rather reflects a breach of the positive obligations established to ensure an adequate level of protection of employees' life, health, and physical integrity. Consequently, contraventional law emerges as a normative mechanism for ensuring compliance and preventing occupational risks, performing an essential function in the implementation of occupational safety and health policies and in safeguarding the fundamental social values protected by law.Beyond the manifestation of the unlawful act through the prism of the material elements analyzed, a correct legal classification requires correlating them with the profile of the subjects. In this regard, identifying the circle of subjects in the field of occupational safety and health requires operating with the concept of a special subject, determined by the procedural status held within the legal employment relationship.

In the doctrine of contraventional law, the subject is considered an indispensable element for the existence of the elements of a contravention, since the occurrence of liability is not conceptually possible in the absence of a specific perpetrator. However, from a theoretical perspective, the subject of contraventional liability must not be confused with the subject of the contravention; the former refers exclusively to the active subject found

guilty of committing the unlawful act[27]. In light of this distinction, Article 55[3] of the Contravention Code of the Republic of Moldova establishes differentiated liability, identifying three categories of active subjects:

- A natural person—the employee or workplace manager to whom specific execution or supervisory duties have been delegated.
- A person in a position of responsibility—the decision-maker (administrator, OSH engineer, technical director) who has managerial authority and whose inaction results in severe penalties.
- A legal entity—the company or public/private institution (the employer), which is financially liable for the systemic failure to ensure a compliant work environment.

Regarding this latter category, legal doctrine states that a legal entity cannot be the subject of a contravention in the classical sense, but strictly a subject of contraventional liability. Fines imposed on legal entities will be reflected in the entity's budget and may subsequently be charged to the employed individuals who have failed to fulfill their work duties directly related to that contravention. This is a natural mechanism, as the legal entity carries out its duties exclusively through individuals who are employees or representatives[28].

The corresponding position in this legal relationship is occupied by the passive subject. In the field of occupational safety and health, the state acts as the general passive subject, in its capacity as the supreme guarantor of public order regulations. Concurrently, the specific passive subject (the victim) is identified, represented by the employee or group of employees whose biological, mental, and physical safety has been unlawfully exposed to the risk of injury due to management's failure to comply with technical standards.

In addition to the structural and material elements analyzed above, to fully understand this offense, it is necessary to examine the psychological element, which links the act to the perpetrator. Thus, the subjective aspect, as an element of the constitutive content of the offense, refers to the offender's mental attitude toward the act of omission committed and its consequences. The cornerstone of the subjective aspect is culpability, in the forms established by law[29]. While in most general offenses this element takes the form of intent, in the field of occupational safety and health it is predominantly negligence. The perpetrator's mental attitude toward his or her unlawful conduct and its legally relevant consequences is constituted by a complex set of intellectual, volitional, and motivational processes. The intellectual component is manifested through the awareness and understanding of the unlawful nature of the act or

27 Comarnițcaia, E., Guțuleac, Victor., Subjects of Contraventional Liability. In: Domestic Legal Science through the Lens of European Values and Traditions, October 19, 2011, Chișinău. Chișinău: "Grafema Libris" SRL, 2014, pp. 92–95. ISBN 978-9975-52-165-9, p. 92.

28 Ibid., p. 93.

29 Comarnițcaia, E., Guțuleac, Victor., The Constituent Elements of a Contravention (PART II). In: University Legal Studies, 2011, no. 3-4(15-16), pp. 45–55. ISSN 1857-4122, p. 53.

omission, as well as through the perception of the possibility of creating a state of danger or causing harmful consequences. The volitional component consists in the free and conscious exercise of the perpetrator's will to engage in a particular course of conduct, including the omission to fulfill legal obligations imposed by legal norms. In turn, the motivational elements reflect the motives and purposes underlying the adoption of the contraventional conduct, contributing to the individualization of the psychological content of the offence.

In this context, guilt constitutes the fundamental element of the subjective aspect of a contravention, as it expresses the psychological relationship between the perpetrator and the act committed, as well as the perpetrator's attitude toward the social values protected by law. Through guilt, the blameworthy nature of the unlawful conduct is manifested, making it the essential criterion for attributing contraventional liability and for assessing the degree of social danger posed by the offence.[30].

Closely linked to the constituent elements analyzed, the dynamics of contraventional liability under Art. 55^3 are governed by a specific procedure for finding and sanctioning, falling within the exclusive jurisdiction of the State Labor Inspectorate. The coercive nature of this provision is not limited to the imposition of a fine but includes measures for effecting immediate safety, such as the suspension of economic activity or the shutting down of technical equipment in the event of the detection of an imminent danger to the lives of employees. Furthermore, the legislature reflects the systemic gravity of defective management through the possibility of cumulative liability: sanctioning the legal entity as a financial entity does not exonerate from liability the person in a position of responsibility (the director or OSH engineer) whose direct inaction facilitated the state of risk.

From the perspective of rigorously identifying an offense, a fundamental theoretical and practical distinction lies in the demarcation between Article 55^3 of the Contravention Code and Article 183 of the Criminal Code of the Republic of Moldova (Violation of occupational safety rules). The criterion for this identification lies in the material nature of the consequences. While the contravention in question is, as demonstrated, a rule of abstract danger, which is fulfilled by the employer's mere failure to implement OSH measures, the criminal offense is one of result. To incur criminal liability, it is necessary that the violation of occupational safety rules have directly caused a workplace accident resulting in serious or moderate bodily injury or the death of the victim. Thus, contraventional law serves as a first line of defense, aimed at preventing the evolution of an abstract risk into a criminal tragedy.

Conclusions

Following an analysis of the theoretical and practical aspects of the concept of occupational safety through the lens of the Republic of Moldova's contraventional law, it is evident that this concept is an essential element in ensuring the protection of workers' lives,

30 Ibid., p. 53.

health, and physical integrity. Contraventional regulations in the field of occupational safety and health serve not only a punitive but also a preventive role, as they aim to reduce occupational risks and ensure a safe work environment.

At the same time, contraventional liability constitutes an important legal mechanism for ensuring compliance with legal obligations and preventing acts that may endanger workplace safety. The effective enforcement of these regulations contributes to strengthening discipline in labor relations and has a direct impact on citizens' well-being by reducing workplace accidents, protecting the health of the working population, and increasing the level of social security.

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The Criminal and Administrative Fight against Russian Nationalism in Putin's Russia

Abstract

The article analyzes the systematic persecution of Russian nationalists in Russia from 2000 to 2025 under Vladimir Putin. The main goal is to assess the attitude of the authorities towards this ideology and their efforts to eradicate the nationalist movement, which is perceived as being hostile. Using legal, historical and systemic methods, various court decisions, media articles, and reports by human rights organizations are examined. The historical context includes the intensification of repression after the "Russian March" in 2005, when nationalism became a visible social force. Early prosecutions focused on violent acts (e.g. the Ryn-Skachevsky and BTO cases), but since the late 2000s the focus has shifted to political charges under Article 282 of the Russian Criminal Code (incitement to hatred). Key examples include bans on organizations such as the Slavic Union (2010), Northern Brotherhood (2012), and Restrukt; arrests of leaders such as Aleksandr Belov (a.k.a. "Potkin"), Dmitry Demushkin, and Maksim Martsinkevich (a.k.a. "Tesak", died in jail in 2020); as well as suspicious deaths such as that of Yegor Prosvirnin (2021). Regional cases include figures such as Nikolai Bondarik and Alexei Kolegov. Recent prosecutions include nationalists with ties to Ukraine, including Denis Kapustin (sentenced *in absentia* to life in prison in 2023). The arguments highlight the use of dubious evidence, torture, extrajudicial killings, and the forced dissolution of organizations to suppress the movement. The conclusion supports the hypothesis that there has been a deliberate policy that had led to the almost complete eradication of Russian nationalism in domestic politics by 2025, with recognition of violations of the ECHR and the granting of asylum in various democratic countries. Nationalism is evolving into new forms that require further research.

Keywords: freedom of expression, nationalism, repression, criminal law, Putin's Russia

Introduction

To accurately assess Vladimir Putin's, and his administration's, perspective on Russian nationalism, a crucial piece of evidence is the suppression of Russian nationalists throughout his tenure. This work examines documented cases of legal action taken against Russian nationalists spanning 2000 to 2025. The research's goals include determining if these actions were consistent and organized, along with identifying their timing and specific manifestations. The article's primary purpose is to reveal the Putin administration's approach to Russian nationalists through the framework of criminal legislation and related legal measures. Its significance arises from ongoing discussions in academic and societal forums concerning the fundamental ideology of Putin's governance, particularly claims that it embodies nationalist traits. The novelty of this work lies in the scarcity of comprehensive studies that detail the persecution faced by Russian nationalists under Putin's rule. Prior research on Putin's ties to nationalism has largely emphasized his personal ideologies and governance strategies, overlooking his dealings with entities that explicitly identify as Russian nationalists—despite the fact that ongoing and structured legal pursuits serve as a vital measure of a regime's stance toward a given ideology. The dearth of such analyses in English is particularly noteworthy. The methodologies applied encompass the formal/juridical approach, historical analysis, and systemic evaluation. The examination draws on academic theories, journalistic reports, judicial verdicts, provisions from the Russian Federation's Criminal Code, and insights from human rights organizations as well as analytical institutions. The underlying assumption is that Putin's Russia has engaged in ongoing repression of Russian nationalists, providing evidence that the objective has been to dismantle the nationalist movement, since it is viewed as a significant threat.

At the outset, this article uses the term Russian nationalism in a narrow empirical sense. It does not refer to every state discourse of patriotism under Putin or to the broader imperial vocabulary of the "Russian World." Rather, it refers to movements, organizations, and activists who explicitly define the Russian nation ("russkie") as a political subject and seek to defend its collective interests through ethnic Russian, national/democratic, monarchist, Orthodox/conservative, or radical nationalist platforms. This category is internally heterogeneous: it includes ethnic Russian nationalists, national democrats, neo-imperial and pan-Russian currents, and far-right subcultures. The common criterion used here is not doctrinal purity, but public self-identification, participation in the nationalist milieu, and the state's treatment of these actors as autonomous nationalist organizations or activists. Therefore, the article analyzes nationalism not as an abstract ideology, but as a social and political field that has found itself subjected to criminal and administrative pressure.[31]

Distinguishing these actors from Putin's official ideology requires separating state or official nationalism from oppositional Russian nationalism. The Putin regime has

31 Katharina Bluhm and Mihai Varga, "Russia's Right-Wing Reactions to the War," PONARS Eurasia Policy Memo No. 772, April 28, 2022, https://www.ponarseurasia.org/russias-right-wing-reactions-to-the-war/.

increasingly employed patriotic, conservative, and imperial narratives, especially since the full-scale invasion of Ukraine; scholarship now describes Russia's wartime ideology as more coherent than a merely opportunistic propaganda toolkit.[32]Official discourse also combines pan-Russian and imperial arguments—most clearly in Putin's claims regarding the historical unity of Russians and Ukrainians—with insistence that Russia is a multiethnic state threatened by Western attempts to incite ethnic conflict.[33]

However, this official nationalism is statist and security-centered. It recognizes the Russian state, and ultimately the incumbent regime, as the only legitimate representative of the nation. It subordinates ethnic Russian claims to the integrity of the multiethnic federation and to geopolitical goals, and it tolerates nationalist rhetoric only when it remains loyal, controllable, and useful. By contrast, many of the movements examined in this article have advanced independent ethnic Russian or national-democratic claims, criticized migration policy, corruption, federal subsidies to the North Caucasus, the ruling elite, or the regime's allegedly anti-Russian character. They have been deemed dangerous to the authorities not because they have acted entirely outside nationalist discourse, but because they have competed with the Kremlin for the right to define the nation and mobilize people in its name.[34]

Accordingly, the boundary between pro-regime and anti-regime nationalism is fluid. Some nationalist actors have supported Putin, the war in Ukraine, or state mobilization; others have been co-opted by state structures or moved into loyal pro-war milieus. This does not contradict the existence of repression; rather, it explains its selectivity. The Russian state has not eliminated nationalism as a language of legitimation. It has criminalized or marginalized nationalist organizations when they have become autonomous, mobilizational, anti-elite, ethnically exclusionary in a manner that has threatened the multiethnic federation, or have been connected to Ukraine and paramilitary structures beyond state control. In this sense, the article studies not a general conflict between Putinism and nationalism, but the suppression of non-state, autonomous, and especially opposition-oriented Russian nationalist movements.[35]

Literature review

32 Marlène Laruelle, "Russia's Ideological Construction in the Context of the War in Ukraine," Russie.Eurasie.Reports, no. 46, Ifri, March 2024, https://www.ifri.org/sites/default/files/migrated_files/documents/atoms/files/ifri_laruelle_russia_ideology_2024.pdf.

33 Vladimir Putin, "On the Historical Unity of Russians and Ukrainians," President of Russia, July 12, 2021, https://en.kremlin.ru/events/president/news/66181; Vladimir Putin, "Presidential Address to the Federal Assembly," President of Russia, February 29, 2024, https://en.kremlin.ru/events/president/news/73585.

34 Katharina Bluhm and Mihai Varga, "Russia's Right and the Putin Regime," Journal of Political Ideologies, 2025, 1–19, https://www.tandfonline.com/doi/full/10.1080/13569317.2025.2519729.

35 Re:Russia, "'The Union of the Kremlin and the Russian People': Why the Authorities Have Warmed up to Russian Nationalists," February 13, 2025, https://re-russia.net/en/analytics/0247/.

It is worth reiterating that the majority of studies have concentrated on evaluating the Putin regime's position on Russian nationalism by examining Putin's personal ideology, his close associates, propaganda mechanisms, and the policies they pursue. Notable examples encompass Neil Melvin's "Nationalist and Imperial Thinking Define Putin's Vision for Russia",[36] Anna Nemtsova's "How Putin Tapped a Well of Ethnic Hatred in Russia",[37] and Andrei Kolesnikov's "Blood and Iron: How Nationalist Imperialism Became Russia's State Ideology".[38] Among publications that can be considered to be focused on the repression of Russian nationalists within the Russian Federation, Sergey Gitalov's "The Threat of Nationalism in Putin's Russia"[39] stands out. That said, this study appears notably deficient in its portrayal of the issue. A key resource enabling the formulation of conclusions and the acquisition of details on the suppression of Russian nationalists consists of materials provided by the SOVA Information and Analysis Center.[40] Nonetheless, such content is predominantly informational and analytical, rather than academic in character. Similarly, various other explorations of Russian nationalism are primarily journalistic instead of scholarly, as exemplified by Elena Dunaeva's "Who is a Russian? The history of modern Russian nationalism through the eyes of participants and researchers".[41] Consequently, it is reasonable to assert that there exists a shortage of robust scientific resources addressing the historical repression of Russian nationalists in the Russian Federation.

Criminal, administrative and extrajudicial prosecution of Russian nationalists. In this article, it is essential to underline that Russian nationalists are individuals who openly align themselves with this political ideology. Russian Nationalism has a lengthy history, but until the late 2000s, prosecutions primarily focused on criminal cases involving individuals who resorted to violence. Therefore, one of the first cases might be considered the case of Ryno-Skachevsky charged with multiple homicides which took place in 2006. The members of the group were arrested in 2007. In 2008, the leaders of the skinhead group, Artur Ryno and Pavel Skachevsky, received 10-year prison sentences.[42]

36 N. Melvin, "Nationalist and Imperial Thinking Define Putin's Vision for Russia", Royal United Services Institute, March 2, 2022, https://www.rusi.org/explore-our-research/publications/commentary/nationalist-and-imperial-thinking-define-putins-vision-russia.

37 A. Nemtsova, "How Putin Tapped a Well of Ethnic Hatred in Russia", The Atlantic, December, 2024, https://www.theatlantic.com/international/archive/2024/12/russia-nationalism-deportations-putin/681180/.

38 A. Kolesnikov, "Blood and Iron: How Nationalist Imperialism Became Russia's State Ideology", Carnegie Endowment, 2023, https://carnegieendowment.org/research/2023/11/blood-and-iron-how-nationalist-imperialism-became-russias-state-ideology.

39 S. Gitalov, "The Threat of Nationalism in Putin's Russia", University of Colorado, April 29, 2019, https://www.colorado.edu/polisci/2019/04/29/threat-nationalism-putins-russia.

40 SOVA Center, "Зухель заочно осужден за наемничество [Zukhel' sentenced in absentia for mercenarism]", SOVA Center, March 30, 2018, https://www.sova-center.ru/racism-xenophobia/news/counteraction/2018/03/d39108/.

41 E. Dunaeva, «Русский — это кто? [Who is a Russian?]", Cherta.Media, 2022, https://cherta.media/story/russkij-eto-kto/.

42 Lenta.ru, «Трижды десять равно десять. В «послужной список» Рыно и Скачевского внесли новое убийство [Three times ten equals ten: Ryno and Skachevsky's «record of service» includes another murder]», February 25, 2011, https://lenta.ru/articles/2011/02/25/ryno.

Another case concerning the Combat Terrorist Organization (BTO). The BTO was active between 2003 and 2006. The group's members were arrested in 2006. The first verdict in this case was handed down in 2011. Nonetheless, following the Russian March of 2005, Russian Nationalism started to be recognized as a considerable social movement, resulting in a gradual rise in repression against the background of this political context.[43]

Initially, several criminal cases occupied the space between political persecution and punishment for actual violent acts. In 2003, various participants from the "Schulz-88" group were apprehended, including their leader Dmitry Bobrov, known as "Schulz", who was sentenced to 6 years in prison for establishing an extremist organization. In 2009, a legal case was initiated against individuals from the National Socialist Society (NSO). The individuals in this organization were linked to the NSO-North case and faced allegations of multiple homicides. The NSO, in contrast to the BTO, was marked by involvement in public demonstrations, such as the "Russian March," and by employing propaganda, including peaceful methods. Certain individuals involved in the case, such as Vasily Krivets, refuted the allegations of homicide.[44] Maxim Bazylev, a prominent figure in the NSO recognized for his addresses at nationalist events and propaganda writings, passed away under suspicious conditions in the Temporary Detention Facility "Petrovka 38".[45] The NSO was labeled extremist in 2010 and prohibited.[46]

Other criminal cases had a more political aspect and involved accusations tied to statements, especially those purportedly inciting hatred. A primary tool for the persecution of Russian nationalists is Article 282 of the Criminal Code, which establishes accountability for inciting hatred or hostility, as well as for diminishing human dignity based on gender, race, nationality, language, origin, religion, and social affiliation, including membership in "other social groups." Ilya Lazarenko was the first individual held criminally responsible under this article, as he led the "National Front" organization in 1997. He was prosecuted for his speeches at Moscow State University and for publishing articles.

In 2009, Alexander Belov (Potkin), the then head of the Movement Against Illegal Immigration, received a suspended sentence for inciting animosity the social groups made up of "individuals from the Caucasus and Central Asia," along with "members of the

43 Grani.ru, «Ксенофобия и национализм [Xenophobia and nationalism]», May 20, 2011, https://graniru.org/Society/Xenophobia/m.188627.html.

44 Kommersant, «Смягчили до пожизненного [Reduced to life imprisonment]», July 12, 2011, https://www.kommersant.ru/doc/1677100.; E. Shmaraeva, «Националиста Василия Кривца приговорили к пожизненному заключению [Nationalist Vasily Krivets sentenced to life imprisonment]», Gazeta.Ru, October 28, 2010, https://www.gazeta.ru/social/2010/10/28/3432277.shtml.

45 O. Fochkin, "О чём замолчал Адольф [What Adolf Kept Silent About]", Stringer-News, April 4, 2009, https://stringer-news.com/publication.mhtml?Part=48&PubID=11088.

46 Ministry of Justice of the Russian Federation, "Перечень запрещённых некоммерческих организаций [List of banned non-profit organizations]", Министерство юстиции Российской Федерации, n.d., http://minjust.gov.ru/nko/perechen_zapret.

executive branch." The foundation employed the mottos "Country first!" and "Russia will be white!", along with equating the building of the Government of the Russian Federation (White House) to a "Torah scroll".[47] In 2010, searches took place at the residences of Aleksandr Belov and his brother Vladimir Basmanov (Potkin) related to a criminal case, the specifics of which remain undisclosed. In relation to these actions, Basmanov left the Russian Federation. In 2011, the Supreme Court classified the Movement Against Illegal Immigration as extremist and prohibited its activities across the Russian Federation.[48]

In April 2010, the Moscow City Court declared Dmitry Demushkin's "Slavic Union" movement extremist and banned its activities; the Supreme Court upheld the ruling in June 2010. The prohibition, imposed under anti-extremism legislation, did not dissolve the movement in practice: it was re-established as "Slavic Force" while retaining the same abbreviation and symbolism, and Demushkin was later prosecuted for continuing to lead a banned organization. This sequence illustrates the two mechanisms examined in this article — the use of judicial extremism designations as a suppression tool, and the tendency of the movement to re-emerge in modified organizational forms[49].

In the spring of 2010, a criminal investigation was initiated under Article 282 against the leader of the Russian All-National Union, Igor Artemov. The basis was his writings, where an inquiry identified "promotion of the exclusivity of Orthodoxy." According to Artemov himself, the basis for the criminal case was his statement that "Orthodoxy is the sole true faith" and "The only path to salvation is living in Christ." He connected the criminal case to the campaign's achievement in local elections.[50] Artem was forced to leave Russia and move to the United States, where he received political asylum[51].

In 2006, a criminal case was initiated against Vasily Kryukov, another leader of the Russian All-National Union, under Articles 318-319 of the Criminal Code of the Russian Federation, which address "Insulting a Government Official" and the "Use of Violence against a Government Official." Fourteen individuals from the Ministry of Internal Affairs were acknowledged as victims.[52] In 2009, the investigation was concluded, but in 2010, a fresh criminal case was initiated against Kryukov under Article 282 for orchestrating a rally related to the murder of football fan Yegor Sviridov in December 2010. Kryukov

47 A. Kozenko, "Александр Белов получил розничный приговор [Alexander Belov received a verdict for his financial crimes]", Kommersant, May 29, 2009, https://www.kommersant.ru/doc/1177795.

48 Lenta.ru, "Верховный суд подтвердил запрет ДПНИ [Supreme Court upheld the ban on DPNI]", August 9, 2011, https://lenta.ru/news/2011/08/09/dpni/.

49 Delfi.lt, "В России запретили деятельность "Славянского союза" [Slavic Union activities banned in Russia]", Delfi.lt, April 27, 2010, https://www.delfi.lt/ru/abroad/russia/v-rossii-zapretili-deyatelnost-slavyanskogo-soyuza-31591435.

50 D. Volchek, "«Мы – националисты, а не нацшиза» ["We are nationalists, not national schizophrenia"]», Radio Svoboda, April 9, 2016, https://www.svoboda.org/a/27664238.html.

51 D. Volchek, "«Путин – не царь, а китайский богдыхан» ["Putin Is Not a Tsar but a Chinese Bogdykhan"]", Radio Svoboda, April 17, 2016, https://www.svoboda.org/a/27679006.html.

52 D. Volchek, "«Путин – не царь, а китайский богдыхан» ["Putin is not a Tsar, but a Chinese Bogda Khan"]», Radio Svoboda, April 17, 2016, https://www.svoboda.org/a/27679006.html.

concealed himself during the inquiry, and traveled to Germany, where he was granted political asylum in 2014.[53]

In 2012, the quite extreme group "Northern Brotherhood" was prohibited. This movement arranged something called the "Big Game," where supporters participated in activities of different levels of radicalism in a playful manner. In 2011, the head of the organization, Pyotr Khomyakov, was arrested and indicted under Part 1 of Article 282.1 (creation of an extremist group).[54] Subsequently, Khomyakov passed away in a correctional facility.

Since 2010, it has been clear that the Russian government has pursued a strategy aimed at eliminating the Russian nationalist movement; nearly every prominent Russian nationalist figure has faced legal charges. Konstantin Krylov, who established the National Democratic Party shortly afterward, spoke at the "Stop Feeding the Caucasus" rally in October 2011, where he claimed that Caucasian areas produce nothing, despite receiving more subsidies than other regions of the Russian Federation. Krylov also remarked that the Caucasian areas generate a significant number of Caucasians. Krylov concluded his speech by declaring that it was time to eliminate such a peculiar economic model.[55] Krylov faced allegations of provoking animosity or hostility against"Caucasians" as a social group. A preventive action in the form of a written commitment not to leave the country was taken against him. A court found him guilty and imposed a sentence of 120 hours of mandatory labor. Krylov was later granted amnesty in 2014.

In 2012, Daniil Konstantinov, the head of the Moscow Defense League, was arrested. He was charged with murdering a passerby with whom he had argued on the subway. This case is noteworthy because the accusations did not stem from statements, which is typical in cases involving Russian nationalists, but rather from a purely criminal, ordinary incident. Regardless of this, Konstantinov maintained that his plight was connected to his political actions and fully rejected any wrongdoing. All the evidence presented against him relied solely on the statements of a single witness, a companion of the victim, who had been convicted multiple times in the past. Moreover, Konstantinov had an alibi supported by five individuals who successfully passed a polygraph test. The Memorial Human Rights Center classified Konstantinov as a political prisoner.[56] The court downgraded the charge against

53 SOVA Center, "Лидер Ижевского отделения РОНС получил политическое убежище в Украине [Leader of the Izhevsk branch of RONS granted political asylum in Ukraine]", SOVA Center, December 15, 2014, https://www.sova-center.ru/racism-xenophobia/news/counteraction/2014/12/d30761/.

54 SOVA Center, "«Северное братство» признано экстремистским ['"'Severnoe Bratstvo'"' recognized as extremist]", SOVA Center, August 28, 2012, https://www.sova-center.ru/racism-xenophobia/news/counteraction/2012/08/d25035/.

55 Interfax, "Националиста Крылова приговорили к 120 часам обязательных работ [Nationalist Krylov sentenced to 120 hours of community service]", Interfax, January 28, 2013, https://www.interfax.ru/russia/287374.

56 Human Rights Center "Memorial", "Case: Daniil Ilyich Konstantinov (Дело: Константинов Даниил Ильич)", Human Rights Center "Memorial", October 16, 2014, https://memohrc.org/ru/special-projects/delo-konstantinov-daniil-ilich.

Konstantinov from murder to hooliganism (Article 213 of the Criminal Code); he received a 3-year prison sentence but, like Krylov, was granted amnesty. Following his release, Konstantinov left Russia and obtained political asylum in Lithuania.[57]

In 2013, Georgy Borovikov, a primary organizer of the "Russian March" and leader of a significant Russian nationalist organization at the time, was detained. He faced charges of unlawfully detaining and torturing a fellow comrade under Article 127 on the "illegal deprivation of liberty", Article 161 on "robbery", and Article 117 on "torture".[58] Borovikov was sentenced to 7.5 years in prison. Although the charges appear to have lacked a political context, both the accused and the defense maintained Borovikov's innocence. Forensic medical examinations were presented as evidence for the defense. The case's circumstances were unusual, as the victim informed the police about the torture nearly a year after the events. Prior to that, even though he was supposedly confined in an apartment, he was repeatedly taken to public events alongside the accused. During one of these gatherings, which saw the attendance of tens of thousands, including numerous police officers, he made his escape. These facts bring into question the reliability of his testimony.

In 2014, the previously mentioned Aleksandr Belov was detained. His criminal case can be split into two parts: financial, for the embezzlement of $5 billion from BTA Bank depositors alongside Kazakh opposition tycoon Mukhtar Ablyazov, while the political accusations stemmed from the claim that Belov supposedly established an extremist group to stage a coup d'etat in Kazakhstan. In 2016, Belov received a 7.5-year prison sentence. The ruling was made by Judge Albert Trishkin, who later delivered several guilty verdicts in political trials.[59] Subsequently, Belov's punishment was reduced because the economic aspect of the accusation was entirely revoked on rehabilitative grounds. Belov was placed under house arrest, and subsequently signed an agreement not to leave the country.[60] Belov's sentence was cut to 3.5 years and was meant to be completed, yet he remained under criminal prosecution for several additional years. In February 2024, Belov was placed on the federal,

57 Delfi.lt, "Российский политэмигрант: оппозиция должна предложить свой проект Конституции [Russian political émigré: the opposition must propose its own draft constitution]", Delfi.lt, March 17, 2020, https://www.delfi.lt/tv/laidos/zinios-rusu-kalba/rossiyskiy-politemigrant-oppoziciya-dolzhna-predlozhit-svoy-proekt-konstitucii-daniil-konstantinov-o-putine-83387313.

58 Pravo.ru, "Осуждены националисты, пытками заставившие молодого человека участвовать в «Русском марше» [Nationalists sentenced for torturing a young man into participating in the «Russian March»]», Pravo.ru, June 30, 2014, https://pravo.ru/news/view/106835/.

59 Meduza, «Коллегия судей разрешила возбудить дело в отношении судьи военного суда Альберта Тришкина. Он выстрелил в таксиста, перегородившего ему дорогу [Judicial panel authorized the initiation of a case against military court judge Al'bert Trishkin. He shot a taxi driver who blocked his way]", Meduza, July 16, 2025, https://meduza.io/news/2025/07/16/kollegiya-sudey-razreshila-vozbudit-delo-v-otnoshenii-sudi-voennogo-suda-alberta-trishkina-on-vystrelil-v-taksista-peregorodivshego-emu-dorogu.

60 RBC, "Суд повторно смягчил приговор националисту Белову [Court again reduced the sentence of nationalist Belov]", RBC, March 28, 2018, https://www.rbc.ru/rbcfreenews/5abbb70e9a79477b21465f7e.

and subsequently interstate, wanted list.[61] In 2025, the European Court of Human Rights determined that there had been a breach of the European Convention on Human Rights and Fundamental Freedoms in the case against Belov, specifically noting the unlawful limitation on freedom of opinion (Article 10 of the Convention) and excessive detention (Article 5(4) of the Convention).[62] Currently, Belov's precise whereabouts are unknown.

In 2014, four individuals from the "Slavic Union" were found dead in the Moscow area. An inquiry revealed that they were murdered in gang conflicts, yet the perpetrators remain unidentified, and the manner of the killings suggests the involvement of professionals, raising questions about the investigation's objectivity.[63]

Following his release in 2011, Maksim Martsinkevich engaged in public activities, co-founding the Restrukt movement alongside several other nationalists. Toward the close of 2013, a criminal investigation was initiated against "Tesak," his nickname, concerning multiple instances that contravened Article 282 (incitement to hatred). The basis was a video in which he shared his views on various films - "Stalingrad" and "Okolofutbola," in addition to reposting a video he had not made, which urged the expulsion of migrants from Russia. According to the inquiry, these materials provoked animosity towards such social groups as "migrants," "Caucasians," "non-Slavic individuals," and "non-Russians." During the period of the criminal case, Tesak was absent from Russia. Following some time spent in Ukraine and Austria, he traveled to Cuba, where he was apprehended by local officials and sent back to Russia.[64]

Although an expert determined that Martsinkevich's comments and the video he shared showed no evidence of inciting hatred, a court still convicted him and imposed a 5-year prison sentence.[65] As a result, Martsinkevich was not only the first individual sentenced to prison under Article 282, but also has received the longest sentence under this statute.

In 2014, the Russian Federation's law enforcement agencies forcefully broke up a Restrukt congress at the "Izmailovo" concert hall in Moscow. Throughout the congress, hundreds of individuals were brought to police stations. Multiple individuals from the organization were placed in pretrial custody on accusations of theft (Article 162) and

61 E. Orlova, "МВД России объявило в розыск русского националиста Александра Белова [Russian Ministry of Internal Affairs declared Russian nationalist Alexander Belov wanted]", Delfi.lt, February 14, 2024, https://www.delfi.lt/ru/abroad/russia/mvd-rossii-obyavilo-v-rozysk-russkogo-nacionalista-aleksandra-belova-95876105.

62 European Court of Human Rights, "Case of Sharina and Others v. Russia (Applications nos. 11075/17 and 16 others) [Дело Шариной и других против России]", European Court of Human Rights, February 6, 2025, https://hudoc.echr.coe.int/eng?i=001-241581.

63 A. Zheglov, "Националистов расстреляли по деловым соображениям [Nationalists shot for business reasons]", Kommersant, April 7, 2014, https://www.kommersant.ru/doc/2446988.

64 Delfi.lt, "На Кубе задержан российский националист [Russian nationalist detained in Cuba]", Delfi.lt, January 18, 2014, https://www.delfi.lt/ru/abroad/global/na-kube-zaderzhan-rossiyskiy-nacionalist-63785364.

65 Delfi.lt, "Националиста Тесака приговорили к 5 годам колонии строгого режима [Nationalist Tesak sentenced to 5 years in a strict regime colony]", Delfi.lt, August 15, 2014, https://www.delfi.lt/ru/abroad/russia/nacionalista-tesaka-prigovorili-k-5-godam-kolonii-strogogo-rezhima-65567750.

disorderly conduct (Article 213), in addition to inflicting serious physical injury that led to someone's death due to negligence (Part 3 of Article 111).[66] The reasons for this were the severe measures taken by certain Restrukt participants in anti-drug initiatives that constituted part of the "Occupation Narcophilia" project. Even though an appellate court cut Martsinkevich's prison sentence by nearly half, he remained incarcerated because he faced charges of robbery and hooliganism for his involvement in anti-drug campaigns.[67]

A few members of Restrukt concealed themselves from law enforcement agencies. Roman Zheleznov, who had been thrown out of the organization at that time, traveled to Ukraine, where he became part of the Ukrainian unit "Azov." Consequently, a criminal case was initiated against him, he was placed on the federal wanted list, and later, he received an in absentia sentence of 4 years in prison for mercenarism.[68]

In 2017, a ruling was issued in the Restrukt matter. All the accused individuals were convicted and received prison sentences ranging from 1 to 10 years, including those who had a written agreement prohibiting them from leaving the country prior to the verdict. Martsinkevich was sentenced to 9 years in prison.[69] In May 2018, Tesak's conviction was quashed and the matter was referred for a retrial. In late 2019, Martsinkevich was once more found guilty, leading to an extension of his prison sentence to 10 years.[70]

In the summer of 2020, it was reported that Martsinkevich, while incarcerated in a Krasnoyarsk penal colony, admitted multiple murders. While Martsinkevich was being transported to Moscow for an inquiry in a new case, he was discovered dead in a pretrial detention facility in Chelyabinsk. Martsinkevich's attorney claimed that the admission of guilt was acquired through torture, and he personally questioned whether the authorities' official explanation regarding Martsinkevich's suicide was accurate.[71] The initiation of a criminal case regarding the murder of Martsinkevich was rejected.[72]

In 2013, a group of individuals from the Restrukt movement left the organization and founded a new movement, Ataka. One year later, the leaders and various members

66 SOVA Center, "ОМОН сорвал съезд «Реструкта» [OMON disrupted the Restrukt conference]", SOVA Center, June 30, 2014, https://www.sova-center.ru/en/racism-xenophobia/news/counteraction/2014/06/d29817/.

67 SOVA Center, "Лидеру "Реструкта" предъявлены обвинения в разбое и хулиганстве [The leader of "Restrukt" charged with robbery and hooliganism]", SOVA Center, March 18, 2015, https://www.sova-center.ru/racism-xenophobia/news/counteraction/2015/03/d31529/.

68 SOVA Center, «Зухель заочно осужден за наемничество.»

69 S. Lyutyh, «Девять друзей Тесака: кому выгодны националисты, решившие спасти русское общество [Nine of Tesak's friends: here is who benefits from nationalists trying to save Russian society]», Lenta.ru, June 28, 2017, https://lenta.ru/articles/2017/06/28/tesak/.

70 RBC, «Националиста Тесака приговорили к 10 годам колонии за нападение на людей [Nationalist Tesak sentenced to 10 years in prison for attacking people]», RBC, December 29, 2018, https://www.rbc.ru/politics/29/12/2018/5c277d179a79474ea7385a5c.

71 Lenta.ru, "Адвокат заявил о пытках Тесака перед самоубийством в СИЗО [Lawyer claims Tesak was tortured before suicide in pretrial detention center]", Lenta.ru, September 16, 2020, https://lenta.ru/news/2020/09/16/pytki/.

72 REN TV, "Семье умершего в СИЗО Тесака не выдают тело на осмотр [Family of deceased Tesak in pretrial detention center not allowed to inspect body]", REN TV, October 2, 2020, https://ren.tv/news/v-rossii/755693-seme-umershego-v-sizo-tesaka-ne-vydaiut-telo-na-osmotr.

of the movement were arrested, and a case was initiated against them under Article 282.1, "Formation of an Extremist Community." Nonetheless, in contrast to the Restrukt case, the Ataka case did not include any allegations of real violent conduct. Ten members of the movement were sentenced to prison, and Ataka was included in the list of extremist groups.[73]

In 2011, the Ethnopolitical Association "Russians" ("Russkie")[74] was created on the basis of the banned Movement Against Illegal Emigration of Aleksander and Vladimir Potkin, as well as the Slavic Union of Dmitry Demushkin and the Russian Liberation Front "Memory". This movement was to become the central organization of Russian Nationalists. In 2015, an Ethnopolitical Association "Russians," was prohibited.[75] In 2011, criminal charges had been filed against Demushkin. He faced charges for orchestrating an extremist group (Article 282.2), inciting large-scale riots (Article 212, Part 3), and promoting hatred (Article 282). The grounds for the accusation under 282.2 was that he led the group "Slavic Power", which, from the perspective of the investigation, was seen as a continuation of the operations of the prohibited "Slavic Union". The accusation under Article 212 was that Demushkin had assured his co-members that if the Russian March was not coordinated, the nationalists would merely appear in the center of Moscow on their own. The accusation under Article 282 stemmed from an interview Demushkin conducted, in which he supported granting the Russian people the designation of a state-forming people.[76] The case was prolonged, and only the accusation under 282.2 made it to court; the remaining two charges were dismissed.[77] Consequently, Demushkin received a fine but was exempt from any punishment because the statute of limitations had expired.

In October 2016, a new legal case was initiated against Demushkin under Article 282. On this occasion, the basis was the positioning of banners featuring slogans from the Russian March on the VKontakte social network, such as "Free Russia - Russian Power"

73 Mediazona, "В деле националистического движения «Атака» появился новый подозреваемый [A new suspect appears in the case of the nationalist movement "Ataka"]", Mediazona, November 19, 2014, https://zona.media/news/2014/19/11/ataka-5.

74 For the non-Russophone reader, it should be clarified that the Russian words russkie and rossiyane, though both rendered in English as "Russians", carry distinct meanings. The term russkie denotes specifically the ethnic, East Slavic community. The term rossiyane, by contrast, refers to all citizens of the Russian Federation regardless of ethnic origin (Tatars, Chechens, Buryats, and so on). In the ideology of the Russian nationalist movement, the term russkie not only predominates, but is set in sharp opposition to rossiyane, the latter being firmly rejected. The concept of rossiyane is regarded by them as artificial and imposed.

75 Delfi.lt, "Движение «Русские» признано в России экстремистским и запрещено судом [The "Russkie" movement recognized as extremist and banned by court in Russia]", Delfi.lt, October 28, 2015, https://www.delfi.lt/ru/abroad/russia/dvizhenie-russkie-priznano-v-rossii-ekstremistskim-i-zapreshheno-sudom-69412918.

76 NEWSru.com, "Националисту Демушкину предъявили обвинение в экстремизме, убрав две другие статьи [Nationalist Demushkin charged with extremism, two other charges dropped]", NEWSru.com, March 7, 2013, https://www.newsru.com/russia/07mar2013/demushkin.html/.

77 NEWSru.com, "Националиста Демушкина суд признал виновным в создании новой экстремистской организации, но от наказания освободил [Nationalist Demushkin found guilty of establishing a new extremist organization but avoids punishment]", NEWSru.com, March 17, 2014, https://www.newsru.com/russia/17mar2014/demushkin.html.

and "Russian Order on Russian Land." Research indicates that these slogans fueled animosity against social groups labeled as "non-Russians".[78] Demushkin was placed under house arrest as a precautionary measure. In 2017, Demushkin received a 2.5-year prison sentence. The Memorial Human Rights Center classified Demushkin as an individual experiencing politically motivated and legally unjust persecution.[79] In 2019, as a result of the decriminalization of Article 282, Demushkin was released from prison early.[80]

Yuri Gorsky, another individual involved in the inception of the Russian March, was charged in 2017 with inciting extremist actions due to slogans uttered at a May Day gathering of Russian nationalists. He was sentenced to house arrest as a preventive measure, but he escaped to Lithuania, where he sought political asylum.[81] The authorities in Lithuania provided him with a humanitarian residence permit.

Denis Tyukin, another organizer of the "Russian March," faced accusations of provoking hatred against communists due to slogans he shouted during the 2015 Russian March. Tyukin left Russia for Ukraine without waiting for the court's ruling.[82]

The cases referred to above primarily involved Russian nationalists in Moscow. However, the oppression of nationalists took place nationwide. In April 2015, nationalist Nikolai Bondarik, a key figure in organizing the Russian March, was sentenced in St. Petersburg. He received a 1.5-year suspended sentence for inciting hatred, based on an investigation into a post of his that outlined criminal acts by migrants. The prosecution asserted that the evidence was fabricated.[83] In September 2015, Bondarik was taken into custody in a different criminal case related to promoting hatred. As per the case documents, he additionally shared a post on social media regarding the killing of a boxer by migrants. In this post, he "spoke offensively and disparagingly about migrants," aiming to provoke animosity against them.[84] Throughout the inquiry, Bondarik was held in a pretrial detention

78 V. Vashchenko, "Суд приговорил националиста Дмитрия Демушкина к 2,5 годам тюрьмы за экстремизм [Court sentenced nationalist Dmitry Demushkin to 2.5 years in prison for extremism]", Газета.Ru, April 25, 2017, https://www.gazeta.ru/social/2017/04/25/10643585.shtml.

79 Memorial Human Rights Center, "Демушкин Дмитрий Николаевич [Dmitry Nikolaevich Demushkin]", n.d., https://memohrc.org/ru/defendants/dyomushkin-dmitriy-nikolaevich.

80 RBC, "Суд досрочно отпустил на свободу националиста Демушкина [Court granted early release to nationalist Demushkin]", RBC, February 20, 2019, https://www.rbc.ru/society/20/02/2019/5c6d65409a7947de4ff9a0ab.

81 SOVA Center, "Юрий Горский объявлен в международный розыск [International warrant issued for Yuri Gorsky]", SOVA Center, May 21, 2018, https://www.sova-center.ru/racism-xenophobia/news/counteraction/2018/05/d39412/.

82 Gazeta.ru, "Один из лидеров движения «Русские» Тюкин бежал на Украину из-за уголовного преследования [One of the leaders of the "Russkie" movement, Tyukin, fled to Ukraine due to criminal prosecution]", Gazeta.ru, July 30, 2015, https://www.gazeta.ru/social/news/2015/07/30/n_7420373.shtml.

83 SOVA Center, "В СанктПетербурге осужден националист Николай Бондарик [Nationalist Nikolai Bondarik convicted in Saint Petersburg]", SOVA Center, April 24, 2015, https://www.sova-center.ru/racism-xenophobia/news/counteraction/2015/08/d31864/.

84 RBC, "Националист Бондарик получил пять лет условного срока за запись в соцсети [Nationalist Bondarik received a five-year suspended sentence for a social media post]", RBC, January 9, 2017, https://www.rbc.ru/rbcfreenews/587392939a79475cfd43702c.

facility. He was found guilty in 2017. He was given a 5-year suspended sentence and 5 years' probation, during which he was barred from accessing social networks and participating in public events.[85]

In 2011, Maxim Kalinichenko, the leader of the local "Russian March" and organizer of the "Russian Jogging" movement, was arrested in St. Petersburg. He faced charges for inciting violence against a government official, posing danger to life or health (Part 2 of Article 318), and for instigating mass riots (Part 3 of Article 212). He spent over a year in pretrial detention and received a suspended sentence of two years and six months' imprisonment.. In 2015, he was arrested once more by FSB agents and accused of making public appeals for extremist actions (Part 1 of Article 280 of the Russian Criminal Code). He admitted his guilt and received a sentence of 2 years and 7 months in a high-security prison. The basis for this was several posts in public VKontakte groups he had established - "Russian March 2014" and "Russian Right Sector". Although he acknowledged his wrongdoing, Kalinichenko was nevertheless deemed a political prisoner by Memorial.[86]

Dmitry Bobrov "Schultz," mentioned earlier, established the "National Social Initiative" (NSI) in 2009 after his release from prison, and it primarily functioned in St. Petersburg. In contrast to his former "Schultz 88" group, NSI focused on non-violent propaganda activities. The court deemed NSI extremist and prohibited it in 2015.[87] In 2017, Bobrov was found guilty of provoking hatred by "unduly glorifying the significance of the Russian people" in his internet posts. Bobrov received a 2-year prison sentence but went on the run. He was arrested in January 2019. Nevertheless, three months later, following the decriminalization of Article 282, he was freed from detention.[88]

In 2015, in Syktyvkar, the capital of the Komi Republic, Alexey Kolegov, the head of the local nationalist group "Frontier of the North," and some colleagues were detained. They faced charges under various articles, including vandalism (Article 214) for defacing a Lenin monument, along with Part 2 of Article 117 (torture inflicted by an organized group, driven by hatred or enmity towards a specific social group), Part 1 of Article 119 (threat to murder), and Part 4 of Article 150 of the Criminal Code (engaging minors in criminal activities as part of a criminal group). Kolegov and his partners were convicted, with Kolegov

85 OVD-Info, "Суд приговорил Николая Бондарика к условному сроку за пост во «ВКонтакте» [Court sentenced Nikolai Bondarik to a suspended sentence for a post on VKontakte]», OVD-Info, January 9, 2017, https://ovd.info/express-news/2017/01/09/sud-prigovoril-nikolaya-bondarika-k-uslovnomu-sroku-za-post-vo-vkontakte.

86 Memorial, "Kalinichenko Maksim Sergeevich. Political Prisoners Support", Memorial, n.d., https://memopzk.org/figurant/kalinichenko-maksim-sergeevich/.

87 SOVA Center, "Лидер НСИ получил два года колонии [Leader of NSI sentenced to two years in prison]", SOVA Center for Information and Analysis, September 12, 2017, https://www.sova-center.ru/racism-xenophobia/news/counteraction/2017/09/d37922/.

88 Meduza, «Осуждённого неонациста Дмитрия Боброва освободят из-за декриминализации 282-й статьи. Он скрывался полтора года после приговора [Convicted neo-Nazi Dmitry Bobrov to be released due to the decriminalization of Article 282. He was in hiding for a year and a half after the verdict]", Meduza, March 29, 2019, https://meduza.io/news/2019/03/29/osuzhdennogo-neonatsista-dmitriya-bobrova-osvobodyat-iz-za-dekriminalizatsii-282-y-stati-on-byl-liderom-gruppirovki-shults-88.

receiving a 4-year prison sentence.[89] In 2017, "Frontier of the North" was prohibited within the Russian Federation.[90]

In 2017, individuals from the "Baltic Vanguard of the Russian Resistance" movement in Kaliningrad were arrested, including their leader, Aleksandr Orshulevich. They faced allegations of creating a terrorist group (Article 205.4). The actions of this association, as related to the investigation, were evident in the dissemination of pamphlets urging the assassination of Vladimir Putin.[91] During the inquiry, the case was reassigned to the more forgiving article 282.1 - «creation of an extremist community». The defendants were sentenced to varying lengths of incarceration. Orshulevich was given an 8-year prison sentence. The individuals involved in the Baltic Vanguard of the Russian Resistance case have also been deemed political prisoners.[92]

In 2016, Igor Stenin, the head of a group of Russian nationalists in Astrakhan, received a two-year sentence in a penal colony. He was convicted of urging extremist actions publicly due to a social media post containing the phrase "Death to the Kremlin occupiers." The sentence-serving regime was subsequently modified to "general". In May 2017, the Astrakhan Regional Court Presidium reversed the ruling because of insufficient evidence of a crime, but the Supreme Court of the Russian Federation annulled this ruling. In 2018, Stenin left Russia for Lithuania, where he was granted political asylum. The Memorial Human Rights Center has classed Stenin as a political prisoner.[93]

In 2017, the apprehension of backers of the Artpodgotovka movement, led by Vyacheslav Maltsev, commenced. Maltsev himself fled Russia following the opening of a criminal case against him for founding an extremist group.[94] Criminal proceedings involving members of the Artpodgotovka movement occurred throughout Russia;[95] the accused faced charges, including planning terrorist acts, and received prison sentences of as much as 13

89 SOVA Center, "Лидер "Рубежа Севера" приговорен к четырем годам лишения свободы [Leader of "Northern Frontier" sentenced to four years in prison]", SOVA Center for Information and Analysis, December 8, 2015, https://www.sova-center.ru/racism-xenophobia/news/counteraction/2015/12/d33407/.

90 BNK, "В Коми ликвидировали «Рубеж Севера» [In Komi, «Northern Frontier» has been liquidated]», BNK, November 15, 2019, https://www.bnkomi.ru/data/news/102794/.

91 Human Rights Centre "Memorial", "Оршулевич Александр Владимирович [Orshulevich Aleksandr Vladimirovich]", n.d., https://memohrc.org/ru/defendants/orshulevich-aleksandr-vladimirovich.

92 Free Russia Foundation, "Политические узники Кремля: Дело «БАРС» [Political prisoners of the Kremlin: The «BARS» case]», n.d., https://www.4freerussia.org/ru/press-center/politicheskie-uzniki-kremlja-delo-bars/.

93 Human Rights Centre "Memorial", "Стенин Игорь Анатольевич [Stenin Igor' Anatolyevich]", n.d., https://memohrc.org/ru/defendants/stenin-igor-anatolevich.

94 Gazeta.Ru, "Оппозиционер Мальцев покинул страну из-за уголовного дела [Opposition leader Mal'tsev has left the country due to a criminal case]", July 4, 2017, https://www.gazeta.ru/social/news/2017/07/04/n_10259234.shtml.

95 SOVA Center, "Дело сторонника движения "Артподготовка" в Казани [Case of an Artpodgotovka-movement supporter in Kazan]", December 29, 2017, https://www.sova-center.ru/en/racism-xenophobia/news/counteraction/2017/12/d38591/.

years.[96] The majority of those accused have been classified as political prisoners.[97] Sentences for involvement in Artpodgotovka were handed down until 2025.[98] In 2021, Artpodgotovka was added to the registry of terrorist groups.[99]

During the summer of 2018, multiple participants of the "Male State" community, a movement established by Vladislav Pozdnyakov (who has a large following on the Telegram messenging app), were arrested in Khabarovsk. They were charged with being part of an extremist group. In 2019, four individuals involved in the case were given prison sentences.[100] In 2021, the activities of the "Male State" were prohibited by the Nizhny Novgorod Regional Court, which judged the movement to be extremist. The Movement's founder was found guilty of promoting hatred in 2018 and received a suspended sentence, subsequently leaving Russia.[101]

In 2018, 3 individuals from the Black Bloc group were arrested in Moscow. Three more were under a preventive measure of travel restrictions. A criminal case was initiated based on 9 articles of the Criminal Code, which included organizing an extremist group (Article 282.1), inciting hatred (Article 282), making public calls for extremist actions (Article 280), justifying terrorism (Article 205.2), inciting mass riots (Article 212, Part 3), and preparing people to engage in mass riots (Article 212, Part 1). The Black Bloc's experience has been deemed politically-motivated and lacking legal basis.[102] The participants in the movement were held in custody for two years, after which they were placed under house arrest. During their house arrest, the leaders of the movement, such as Dmitry Makarov (Sporykhin), evaded the investigation and escaped to EU. They were placed on the federal wanted list, following which they obtained political asylum in European nations, such as Lithuania. In 2025, the court accepted Alexander Belov's complaint regarding the Black

96 BBC News, "Три активиста "Артподготовки" получили сроки по делу о подготовке терактов [Three Artpodgotovka activists received sentences in terrorism plot case]", January 22, 2019, https://www.bbc.com/russian/news-46959848.

97 Human Rights Centre "Memorial", "Корный Юрий Витальевич [Korny Yuri Vital'evich]", n.d., https://memohrc.org/ru/defendants/kornyy-yuriy-vitalevich.

98 OVD-Info, "Экс-фигуранту дела «Артподготовки» вынесли приговор по статье о финансировании терроризма [Ex-defendant in the "Artpodgotovka" case sentenced on terrorism financing charges]", June 18, 2025, https://ovd.info/express-news/2025/06/18/eks-figurantu-dela-artpodgotovki-vynesli-prigovor-po-state-o-finansirovanii.

99 Current Time, "ФСБ внесла в список террористических организаций движение "Артподготовка", созданное Вячеславом Мальцевым [FSB added the "Artpodgotovka" movement, created by Vyacheslav Maltsev, to the list of terrorist organizations]", September 9, 2021, https://www.currenttime.tv/a/fsb-terrorism-artpodgotovka/31452123.html.

100 SOVA Center, "Хабаровск: вынесен приговор по делу против местных сторонников национал-патриархата [Khabarovsk: Verdict passed down in case against local supporters of national patriarchy]", August 23, 2018, https://www.sova-center.ru/en/racism-xenophobia/news/counteraction/2019/03/d39888/.

101 BBC News, "Суд запретил "Мужское государство", признав его экстремистским [Court banned "Male State" recognizing it as extremist]", October 18, 2021, https://www.bbc.com/russian/news-58958475.

102 Human Rights Centre "Memorial", "Дело «Черного блока» [The «Black Bloc» Case]», n.d., https://memohrc.org/ru/special-projects/delo-chernogo-bloka.

Bloc case, deeming it to be an unwarranted infringement on the right to freedom of expression and there to have been an unjust detention concerning their criminal case.[103]

In the spring of 2020, investigations were carried out at the People's Resistance Association movement, led by Mikhail Pulin and Nikita Zaitsev. A case was initiated regarding the unlawful registration of a legal entity (Part 2 article 173.1 of the Criminal Code), and Mikhail Pulin, who had previously served prison time and was acknowledged to be a political prisoner by the Memorial Human Rights Center, departed from Russia and obtained political asylum in Lithuania.[104] Since 2018, Nikita Zaitsev, the organizer of the Russian Marches, has been arrested multiple times.[105] In 2024, the ECHR deemed these arrests a breach of the European Convention on Human Rights and Fundamental Freedoms.[106]

In 2021, under mysterious circumstances, Yegor Prosvirnin, the founder of a major nationalist media platform called "Sputnik and Pogrom", fell out of a window. He had a knife and pepper spray in his hands at the time of his death. A test revealed traces of drugs in his urine but not in his blood, suggesting he was not under the influence at the time of his death and raising questions about the circumstances surrounding it.[107]

In 2020, the Krasnoyarsk Regional Court prohibited the operations of the Nation and Freedom Committee, established by Vladimir Basmanov.[108]

In 2023, investigations were carried out regarding a criminal case initiated against the "Nationalist Movement," a group established by Basmanov and Pulin in 2020. The investigation found that the "Nationalist Movement" promoted animosity against social groups such as "FSB employees", "members of the legislative, executive, and judicial branches", and "members of the United Russia party", rationalized terrorism in their posts regarding the Tambov Uprising of 1920, and persisted in running the prohibited Nation and Freedom Committee.[109] Investigations related to the criminal case took place nationwide,

103 European Court of Human Rights, "Case of Sharina and Others v. Russia (Applications...."

104 SOVA Center, "Участник АНС получил политическое убежище в Литве [ANS Participant Granted Political Asylum in Lithuania]", October 29, 2020, https://www.sova-center.ru/en/racism-xenophobia/news/counteraction/2020/10/d43128/.

105 RBC, "Организатора «Русского марша» Зайцева задержали в Москве [Organizer of "Russian March" Zaitsev detained in Moscow]", November 2, 2021, https://www.rbc.ru/rbcfreenews/6181921b9a7947f7e5d21835.

106 European Court of Human Rights, "MAKHAYEV AND OTHERS v. RUSSIA", September 5, 2024, https://hudoc.echr.coe.int/eng?i=001-235536.

107 BBC News, "Погиб основатель сайта "Спутник и погром" Егор Просвирнин [Founder of "Sputnik and Pogrom" website Egor Prosvirnin has died]", December 27, 2021, https://www.bbc.com/russian/news-59803186.

108 Novaya Gazeta, "Суд признал экстремистским комитет «Нация и свобода» и запретил его деятельность в России [Court declared "Nation and Freedom" committee extremist and banned its activities in Russia]", July 29, 2020, https://novayagazeta.ru/articles/2020/07/29/163358-sud-priznal-ekstremistskim-komitet-natsiya-i-svoboda-i-zapretil-ego-deyatelnost-v-rossii.

109 OVD-Info, "«Движение националистов» расформировывает свои структуры в ряде регионов после апрельских обысков [«Movement of Nationalists» disbands its structures in several regions after April searches]», May 12, 2023, https://ovd.info/express-news/2023/05/12/dvizhenie-nacionalistov-rasformirovyvaet-svoi-struktury-v-ryade-regionov.

including searches conducted at Alexei Kolegov's residence. Currently, Vladimir Basmanov is the sole defendant in this criminal case. The remaining defendants have been categorized as "unidentified individuals."

In March 2024, the manager of the right-leaning Telegram channel "NatDem," Georgy Paramoshin, along with Kirill Nikulenkov, was arrested. They faced accusations of provoking animosity against "non-Russians" and "non-whites", FSB agents, and officials from the United Russia party. Both were taken into custody and continued to be held as of 2025. The inquiry also evaluated the Telegram channel as a focal point for extremists. In April 2025, two additional defendants in the case were arrested in Kazan and Nizhny Novgorod.[110]

The prominent Russian opposition leader Alexei Navalny, who once identified as a Russian nationalist and frequently participated in Russian marches, is a particularly notable case.[111] In this context, the attack on his life,[112] his initial imprisonment for fraud,[113] his subsequent incarceration for being a member of an extremist group,[114] and ultimately his death under suspicious circumstances, labeled as murder by numerous sources, can also be linked to instances of nationalist persecution.[115]

It is important to note that numerous Russian nationalists have faced prosecution due to their ties and support for Ukraine, both following the Donbass conflict in 2014 and after the commencement of the "special military operation" in 2022. In 2017, Roman Strigunkov, a nationalist from Belgorod, was arrested in absentia for being involved with the Right Sector, deemed an extremist group in the Russian Federation at that time.[116]

In 2018, Vladimir Domnin, a Russian nationalist and member of the "Russian Insurgent Army" active in Ukraine, was extradited from the U.S. He faced charges for being involved in an extremist group and for taking part in an unauthorized armed group (Part 2

110 SOVA Center, "Суд рассматривает дело администраторов националистического Telegram-канала «Нацдем» [Court considers case of administrators of nationalist Telegram channel "Natsdem"]", June 24, 2025, https://www.sova-center.ru/racism-xenophobia/news/counteraction/2025/06/d51793/?utm_source=insight.

111 A. Verkhovsky, "Как менялся национализм Навального [How Navalny's Nationalism Changed]", February 1, 2021, https://www.sova-center.ru/racism-xenophobia/publications/2021/02/d43587/.

112 RBC, "Навального вывели из медицинской комы [Navalny brought out of medical coma]", September 7, 2020, https://www.rbc.ru/society/07/09/2020/5f5631499a794759cbf73b38.

113 UK Delegation to the OSCE, "Заключение под стражу российского оппозиционного политика Алексея Навального: заявление Великобритании [Detention of Russian opposition politician Alexey Navalny: UK statement]", January 21, 2021, https://www.gov.uk/government/news/detention-of-the-russian-opposition-politician-alexey-navalny-uk-statement.ru.

114 RBC, "Суд приговорил Навального к 19 годам колонии по делу о ФБК и экстремизме [Court sentenced Navalny to 19 years in penal colony in FBK and extremism case]", August 4, 2023, https://www.rbc.ru/politics/04/08/2023/64cbb9689a794713b30e72ed.

115 BBC News, "Гибель Алексея Навального: главные вопросы неделю спустя [Death of Alexey Navalny: main questions a week later]", February 23, 2024, https://www.bbc.com/russian/articles/c72ggyg0j7vo.

116 RBC, "Суд в Москве заочно арестовал двух участников «Правого сектора» [Moscow court arrested two members of «Right Sector» in absentia]», December 28, 2017, https://www.rbc.ru/rbcfreenews/5a44c0649a7947f7ae4d488f.

of Article 208). In 2020, he received an 8-year and 10-month prison sentence. Vladimir Domnin is considered a political prisoner by Memorial.[117]

Following the onset of full-scale war and the establishment of a unit of Russian nationalists in the Ukrainian Armed Forces, known as the "Russian Volunteer Corps," its commander, Denis Kapustin ("White Rex"), was sentenced in absentia to life imprisonment for heading a terrorist organization (Article 205.4).[118] In 2025, the ideologue of the Russian Volunteer Corps, Vasily Kiryushchenko ("Cardinal"), was placed on Russia's wanted list.[119]

There have been instances of Russian nationalists being assassinated or supposedly collaborating with Ukrainian special services. In 2022, several Restrukt members, suspected of planning terrorist attacks, were killed by the FSB.[120]

Only the most well-known and impactful cases concerning organizational leaders and media figures have been presented above. The article has excluded many average members of the Russian nationalist movement, particularly those unaffiliated with any organizations, along with those who deliberately employed violent tactics in their struggle.

This sustained, focused approach to targeting Russian nationalists had resulted in the near-total elimination of this phenomenon in Russia's domestic politics by 2025. Russian nationalism has taken on different forms, which are covered in a separate article.

Conclusion

1. For numerous years, the government of the Russian Federation has been implementing a focused strategy of targeting Russian nationalists, employing criminal law and prohibiting organizations within the Russian Federation.
2. Typically, Russian nationalists have faced prosecution for offenses associated with their remarks: inciting hatred or hostility (Article 282), making public appeals for extremist actions (Article 280), advocating large-scale riots (Article 212, Part 3), forming or engaging in an extremist group or organization (Articles 282.1 and 282.2), and endorsing terrorism (Article 205.2).

117 Memorial, "Домнин Владимир Александрович [Domnin Vladimir Aleksandrovich]", n.d., https://memopzk.org/figurant/domnin-vladimir-aleksandrovich/.

118 Delfi, "Основатель РДК Капустин заочно осужден пожизненно [RDK founder Kapustin sentenced in absentia to life]", November 16, 2023, https://www.delfi.lt/ru/abroad/global/osnovatel-rdk-kapustin-zaochno-osuzhden-pozhiznenno-95095873.

119 A. Shcherbak, "Сына режиссера "Моей прекрасной няни" Василия Кирющенко объявили в розыск [Son of "My Fair Nanny" director Vasily Kiryushchenko declared wanted]", July 13, 2025, https://tass.ru/proisshestviya/24502959.

120 Meduza, "ФСБ заявила о предотвращении теракта на нефтепроводе: его якобы планировали взорвать члены группировки неонациста Тесака [FSB announced the prevention of a terrorist attack on an oil pipeline: it was allegedly planned to be blown up by members of neo-Nazi Tesak's group]", August 15, 2022, https://meduza.io/news/2022/08/15/fsb-zayavila-o-predotvraschenii-terakta-na-nefteprovode-ego-yakoby-planirovali-vzorvat-chleny-gruppirovki-neonatsista-tesaka.

3. Even charges of violent crimes, murder (Article 105), robbery (Article 162), hooliganism (Article 213) were often accompanied by a lack of admission of guilt, questionable evidence, and grounds to suspect torture.
4. There are claims that the state may have intentionally been involved in the physical elimination of Russian nationalists. Numerous instances of Russian nationalists' deaths have happened in dubious circumstances
5. The accusation that the persecution of Russian nationalists is often unlawful is supported by the recognition of many nationalists as political prisoners by human rights groups, their being given asylum in various democratic countries, and their multiple victories in cases at the ECHR.

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Amendments to the Constitution of Armenia: an introduction to the topic

Abstract

In 2026, the independent and sovereign Republic of Armenia will mark 35 years of its existence. In this relatively short period, there have already been four attempts to amend the country's Constitution, three of which were successful. The amendments have resulted in Armenia's transition from a strictly presidential republic to a parliamentary republic, with the President assuming a largely representative role.

Current internal political processes indicate the possibility of further changes to the constitutional legal system of the Republic. These potential changes stem, among other things, from the Armenian authorities' plans to reform the justice system, as well as from disagreements regarding Armenia's constitution on the part of Azerbaijan, expressed during the ongoing peace negotiations between the two countries.

Keywords: Armenia, Constitution, Amendments, Constitutional Law, Fundamental Law

Introduction

Armenia boasts one of the longest traditions of statehood, beginning with the state of Urartu (9th–6th centuries BCE), the principalities of the Orontid dynasty (4th–3rd centuries BCE), the Empire of Tigranes the Great (1st century BCE), the Bagratid Kingdom of Ani and the Armenian Kingdom of Cilicia, all the way to the Democratic Republic of Armenia (1918–1920) and the modern Republic of Armenia (1990–).

However, the lack of continuity in statehood over the centuries, along with numerous invasions, conquests, and occupations—by Persia, the Ottoman Empire, Russia, and the USSR—meant that Armenia was not able to enjoy full sovereignty throughout much of its history, a fact that significantly hindered the development of formal constitutional traditions.

It should be emphasized that Armenian communities, particularly in the diaspora, developed internal norms regulating the principles of social coexistence. These norms were largely based on the codes of the Armenian Apostolic Church, which also became the stronghold of Armenian identity and influenced the development of customs and self-governance structures within the diaspora worldwide.

During the Enlightenment period, attempts emerged to draft laws of a constitutional nature. In 1773, the Armenian philosopher and writer Shahamir Shahamirian authored the work *Snare of Glory* (original Armenian title: *Vorogayt Parats*), which represented an attempt to elaborate a constitution for an independent Armenian republic[121]. *Snare of Glory* was a program for establishing a democratic constitutional republic. It stands as one of the most significant achievements of Armenian political thought. Shahamirian's work was continued by his son Hakob, who further developed his father's ideas. Hakob's work *The New Pamphlet Called Exhortation* (*Nor Tetrak vor kochi Hordorak*) had a considerable influence on the development of law in the Democratic Republic of Armenia (28 May 1918 – 2 December 1920). However, that Republic did not manage to draft and adopt its own constitution, instead primarily basing its legal system on the Complete Collection of Laws of the Russian Empire.

The 1995 Constitution

On 23 August 1990, the Supreme Council of the Armenian Soviet Socialist Republic adopted the Declaration on the State Sovereignty of the Republic of Armenia[122], commonly referred to as the Declaration of Independence. This document marked the beginning of the path toward the formal proclamation of independence, which took place on 21 September 1991.The Declaration committed Armenians to building a state governed by the rule of law, based on constitutional principles of democracy and respect for human rights. It represented a symbolic break with the Soviet legal and political system, including the Constitution of the USSR, and asserted the supremacy of Armenian law over Soviet law.

After the declaration of independence, Armenia continued to operate on the basis of modified provisions of the Soviet-era constitution.

In 1992, the Parliament of Armenia established a Constitutional Commission tasked with drafting the fundamental law of the independent state. The final text[123] was adopted by the Armenian people in a nationwide referendum held on 5 July 1995.The Constitution established a presidential system of government and, among other things, provided that:

121 Գրիգորյան Գ., Հայ առաջավոր հասարակական-քաղաքական մտքի պատմությունից, Երևան, 1957:

122 Declaration of Independence of Armenia, https://www.gorby.ru/userfiles/armenia.pdf (accessed 12.12.2025)

123 Constitution of the Republic of Armenia, 1995, https://www.wipo.int/wipolex/ru/text/435012 (accessed 12.12.2025)

- The fundamental law declared Armenia a sovereign, democratic, social, and rule-of-law state.
- It introduced a republican form of government with the separation of powers into legislative, executive, and judicial branches.
- Legislative power: a unicameral parliament – the National Assembly – elected in democratic elections.
- Executive power: the President as Head of State, and the Government headed by the Prime Minister.
- Independent courts, with the Constitutional Court at the apex of the judicial system.
- The Constitution emphasized the sovereignty of Armenia and the inviolability of its borders.
- The preamble referred to the historical aspirations of the Armenian nation, including issues related to the Armenian diaspora.
- The principle of local self-government was recognized, granting local communities the right to manage their own affairs through elected bodies.
- The state was defined as secular, while at the same time acknowledging the special role of the Armenian Apostolic Church as the national church of the Armenian people.

Attempt to amend the Constitution in 2003

From the very beginning of the 1995 Constitution's operation, some of its provisions were subject to criticism, particularly those that, through an excessive concentration of power in the office of the President, violated the principles of separation of powers. This included, among other things, the President's unrestricted right to form the government, appoint and dismiss judges, and dissolve the parliament at his discretion.

In 1995, Armenia began the process of accession to the Council of Europe. In January 1996, the National Assembly of the Republic of Armenia obtained special guest status in the Parliamentary Assembly of the Council of Europe. Pursuant to Decision 2000/13 of the Committee of Ministers dated 9 November 2000, Armenia received an official invitation to join the Council of Europe, leading to its accession on 25 January 2001.It is worth emphasizing that a condition of membership was that Armenia implement changes to its constitution, including addressing the aforementioned excessive concentration of power in the presidential office.

However, the political and economic crisis in Armenia during the presidency of Levon Ter-Petrosyan did not favor active work on the amendments. It was only in 1998, during the presidential election campaign, that Robert Kocharyan signaled the need to begin work on the Constitution, particularly with regard to strengthening the independence of the courts and enhancing the position and role of the National Assembly.

In 1999, President Robert Kocharyan established a special committee under the President's Office tasked with drafting constitutional amendments. Additionally, from 2001 onward, Armenia began cooperating in this area with the European Commission for Democracy through Law (Venice Commission).

At the beginning of 2003, the National Assembly completed its work on a law concerning amendments to the Constitution, which included, among other things:

- Limitation of the President's right to dissolve the National Assembly – introducing into the Constitution the sole possibility of doing so in the event of a lack of legislative activity by the Parliament.
- Expansion of the President's powers to appoint officials without the Government's consent.
- Strengthening the role of the Parliament – granting the Parliament the right to approve candidates for Prime Minister.
- Restriction of the President's powers regarding the appointment and dismissal of judges.

After the National Assembly approved the draft amendment, a national referendum was held simultaneously during the parliamentary elections on 25 May 2003. It should be noted that the Venice Commission of the Council of Europe negatively assessed the proposed amendments, deeming the changes insufficient and essentially cosmetic, as the proposed modifications did not in any way address the main constitutional problem. i.e. the excessive power of the President[124].

Under the 2003 Law on Referendum, for the referendum to be valid, more than half of eligible voters were required to participate. 559,687 Armenians (approx. 50.3%) voted in favor of the constitutional amendments, while 552,257 (approx. 49.7%) voted against them, with a turnout of 51.96%. Due to the infinitesimal difference in the proportion of supporters and opponents of the amendments (a margin of 7,430 votes, or less than 1%) and the large number of invalid votes (98,000), the referendum was not recognized as valid[125].

As a result, Armenia failed to meet the Council of Europe's deadline for constitutional reforms set for June 2003. The Council of Europe established a new deadline for aligning the Constitution with its requirements, namely the year 2005.

Fulfillment of obligations to the Council of Europe: the 2005 constitutional amendment[126]

In 2005, a second attempt was made to fulfill Armenia's obligations towards the Council of Europe. This involved amending the Constitution with the aim of strengthening Armenian democracy, enhancing the protection of human rights, and adapting the legal framework to better align with the evolving domestic and international realities. The amendment was adopted in a nationwide referendum held on 27 November 2005. This

124 "Opinion on the Draft Amendments to the Constitution of Armenia" adopted by the Venice Commission at its 55th plenary session (8–9 December 2003) – https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL(2004)116-e (accessed 20.11.2025)

125 K.Fedorowicz, „Transformacja ustrojowa w Armenii w latach 1991-2016", Poznań 2017, pp. 141-142

126 Constitution of the Republic of Armenia, as amended in 2005, https://www.wipo.int/wipolex/ru/legislation/details/16742 (accessed 12.12.2025)

time, voter turnout reached 65.34%, making the referendum binding. 93.20% of participating Armenians voted in favor of the constitutional changes[127]. **As a result of this amendment, Armenia became a semi-presidential republic.**

Main changes introduced by the amendment:

- Strengthening the balance of powers. The previous arrangements under the 1995 Constitution, which had given the President a dominant position in the structure of state power, had led to an imbalance among the executive, legislative, and judicial branches. The amendment, in line with the principles and recommendations of the Venice Commission of the Council of Europe[128], aimed to limit the President's competences in favor of the judiciary, the Government, and the National Assembly (the Parliament). Key changes included:
    - ✔ The President was removed from the position of Chairperson of the Council of Justice, and the procedure for appointing its members was changed. Until the amendment, the President had chaired the Council, with the Prosecutor General and the Minister of Justice serving as vice-chairpersons (i.e., representatives of the executive branch). The Council consisted of fourteen members appointed by the President for a five-year term, including 2 lawyers, 9 judges, and 3 prosecutors. After the amendment, the Council of Justice comprises 9 judges elected by secret ballot for a five-year term by the General Assembly of Judges, plus two lawyers appointed respectively by the President of the Republic and the National Assembly. The meetings of the Council of Justice are chaired by the President of the Court of Cassation (without voting rights).
    - ✔ The power to appoint the Prime Minister was transferred to the National Assembly, in accordance with the will of the parliamentary majority and following consultations with parliamentary factions (previously this was at the President's sole discretion). The President became obliged to appoint as Prime Minister a person who enjoys the confidence of the majority of the National Assembly.
    - ✔ The President's power to dissolve the Parliament at his own discretion was abolished; this competence was limited in the amendment to cases of inactivity by the National Assembly.

127 K. Fedorowicz, „Transformacja ustrojowa w Armenii w latach 1991-2016", op. cit, p. 142

128 Final Opinion on Constitutional Reform in the Republic of Armenia adopted by the Venice Commission at its 64th Plenary Session (Venice, 21-22 October 2005) - https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2005)025-e (accessed 20.11.2025)

- Expansion of the range of entities entitled to file a complaint with the Constitutional Court. Under the amendment, the Human Rights Defender (Ombudsman), courts, and prosecutors may challenge the constitutionality of laws and other legal acts before the Constitutional Court in matters falling within their competence. In addition, any individual may do so in a specific case when there is a final judicial act, all domestic remedies have been exhausted, and the individual challenges the constitutionality of a legal provision applied to them in that act.
- Constitutional status granted to specified state bodies The amendment conferred the status of "*constitutional body*" on the Human Rights Defender, the Central Bank of Armenia, the National Commission on Television and Radio, and the Chamber of Control.
- The Court of Cassation was given the competence to ensure uniform application of the law by the courts. This assignment of authority marked the beginning of the use of judicial precedent as a source of law in Armenia.
- Introduction of new rights and freedoms and strengthening of existing ones, including:

    - ✔ Prohibition of forced labor and permanent employment of children under 16 years of age.
    - ✔ Right to live in a healthy environment.
    - ✔ Right to submit petitions to state authorities and receive a response within a reasonable time.
    - ✔ Possibility of appealing to international human rights bodies in case of violations, in accordance with Armenia's international obligations.

- Abolition of the prohibition on dual citizenship for Armenian citizens This change was intended to enable a more flexible policy toward the Armenian diaspora and to facilitate the diaspora's involvement in the life of Armenia.
- Change in the status of the capital. Yerevan was granted the status of a "self-governing community," which allowed for the possibility of electing the Mayor either by direct popular vote or indirectly. Previously, the Mayor had been appointed by the President. The aim was to increase the role of the local self-government.

The 2015 amendment

The 2015 amendment to the Constitution of Armenia, adopted by referendum on 6 December 2015[129], **transformed the political system from semi-presidential to parliamentary**. The official reasons and arguments presented in favour of the change

129 Constitution of the Republic of Armenia, as amended in 2015, https://www.president.am/ru/constitution-2015/ (accessed 12.12.2025)

focused on strengthening democracy, enhancing political stability, and aligning the system with international standards. Its supporters, including President Serzh Sargsyan and the ruling Republican Party, argued that the reforms would reduce the risk of authoritarianism, improve the balance of powers, and decrease the potential for abuse of power.

The Venice Commission of the Council of Europe gave a positive assessment to the proposed changes, noting their compatibility with European norms[130].

Following the constitutional amendments, Armenia ceased to be a semi-presidential republic and transitioned to a parliamentary system of government, with the President assuming a largely representative and ceremonial role. Since 2015, the President has been elected by the National Assembly for a single, non-renewable seven-year term. The changes were intended to ensure political stability in Armenia. A second round of parliamentary elections was introduced in cases where no single party or coalition obtains a stable majority (at least 54% of seats). This mechanism was designed to prevent minority governments and unstable coalitions, which was presented as essential for maintaining stability in the context of the conflict with Azerbaijan over Nagorno-Karabakh.

The National Assembly became the most powerful institution in the state, acquiring the authority to appoint and dismiss the Prime Minister as well as significant powers of oversight over the judiciary.

The amendments expanded the catalogue of fundamental rights, including provisions in the field of criminal law, personal data protection, and the right to alternative civilian service, bringing them into line with the European Convention on Human Rights (ECHR) and the EU Charter of Fundamental Rights. The Venice Commission praised this as a modern and detailed catalogue of rights, with a clear distinction between directly applicable rights and objectives of social policy.

Judicial independence was strengthened through the following measures: the establishment of the Supreme Judicial Council to ensure greater independence of judges, the introduction of safeguards against arbitrary dismissal, and the decision to appoint court chairpersons for a fixed terms of office.

The 2020 amendment

In 2020, Armenia's Prime Minister Nikol Pashinyan proposed a change to the Constitution aimed at regulating the situation in the Constitutional Court. The motivation behind Prime Minister Nikol Pashinyan's[131] initiative was to purge the Constitutional Court

130 Second Opinion on the Draft Amendments to the Constitution (in particular to Chapters 8, 9, 11 to 16) of the Republic of Armenia endorsed by the Venice Commission at its 104th Plenary Session (Venice, 23-24 October 2015) https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2015)038-e (accessed 20.11.2025)

131 "Игра ва-банк: Пашинян vs Конституционый суд", https://vestikavkaza.ru/analytics/Igra-va-bank-Pashinyan-vs-Konstitutsionyy-sud.html (accessed 14.12.2025)

of the influence of the "old regime," which, in his view, was using the court to obstruct reforms—for example, through the September 2019[132] ruling that undermined the charges brought against former President Robert Kocharyan. The government argued that the existing composition of the Constitutional Court posed a threat to democracy and the independence of the judiciary.

The Prime Minister's proposal focused primarily on Article 213 of the Constitution, a transitional provision introduced following the 2015 amendment.

Article 213 allowed seven of the nine Constitutional Court judges who had been appointed before the entry into force of the new constitution (during the previous government of Serzh Sargsyan) to serve until reaching retirement age (65 or 70 years, potentially until as late as 2035), in contrast to the 12-year terms applicable to the judges newly appointed under the post-2015 rules.

The proposed change would have resulted in the immediate dismissal of those seven judges and their replacement with new ones selected in accordance with the procedures established by the 2015 amendment.

The legislative process was fast-tracked and highly controversial, initially with plans to hold a referendum that ultimately never took place.

Timeline of the process:

- By February 2020, the government had prepared draft laws, including draft bills P-457, P-469, and P-470.
- On 6 February 2020, the National Assembly convened a special session dedicated to the constitutional amendment. Earlier drafts were withdrawn, and draft bill P-470 was designated as the main one. Although the ruling My Step Alliance held a majority (88 votes out of 132), Prime Minister Nikol Pashinyan deliberately engineered the vote to fail (0 in favor, 36 against, 88 abstentions) in order to trigger a referendum under Article 202 of the Constitution. Following this engineered failure, the Law on Referendum was adopted (88 in favor, 16 against). On 9 February 2020, President Armen Sarkissian signed the law, scheduling the referendum for 5 April 2020.
- On 16 March 2020, due to the COVID-19 pandemic and the introduction of a state of emergency, the National Assembly postponed the referendum indefinitely. On 1 June 2020, the Parliament decided to cancel the referendum altogether (again citing the pandemic).
- On 22 June 2020, the National Assembly considered and adopted draft bill P-470. Only MPs from My Step Alliance and one independent MP took part in the vote (MPs from the "Prosperous Armenia" and "Enlightened Armenia" parties boycotted the vote).

132 КС Армении опубликовал решение по делу Кочаряна. Представлены позиции Кочаряна, стороны обвинения и суда, https://newsarmenia.am/news/analytics/ks-armenii-opublikoval-reshenie-po-delu-kocharyana-predstavleny-pozitsii-kocharyana-storony-obvineni/?ysclid=mkxvb2xtif529453635 (accessed 14.12.2025)

- Due to this manner of adoption—without a referendum—President Armen Sarkissian refused to sign the bill. As a result, in accordance with the Constitution, the bill was signed into law on 20 July 2020 by the Speaker of the National Assembly.[133]

Azerbaijani Demands for Changes to the Armenian Constitution

Following the so-called 44-day war between Armenia and Azerbaijan over Nagorno-Karabakh (27 September – 10 November 2020), during the subsequent peace negotiations, Azerbaijani President Ilham Aliyev demanded that amendments be made to the Constitution of Armenia. In his view, the wording of certain elements amounts to "open territorial claims" and violates Azerbaijan's territorial integrity.

These demands target not so much any specific articles of the Constitution but rather its Preamble, which includes a reference to the Declaration of Independence of Armenia dated 23 August 1990: "The Armenian People, accepting as a basis the fundamental principles of Armenian statehood and pan-national aspirations enshrined in the Declaration on the Independence of Armenia…"[134]

Furthermore, Azerbaijan finds unacceptable the final wording of the preamble to the Declaration of Independence, which refers to the joint resolution of the Supreme Council of the Armenian SSR and the National Council of Nagorno-Karabakh:

"*The Supreme Council of the Armenian SSR, expressing the united will of the Armenian people, recognizing its responsibility for the fate of the Armenian people in fulfilling the aspirations of all Armenians and restoring historical justice, based on the principles of the Universal Declaration of Human Rights and universally recognized norms of international law, implementing the right of peoples to free self-determination, based on the joint Resolution of the Supreme Council of the Armenian SSR and the National Council of Nagorno-Karabakh dated 1 December 1989 'On the Reunification of the Armenian SSR and Nagorno-Karabakh'.*"

President Ilham Aliyev demands that the Preamble of the Constitution be amended in such a way as to remove any reference to the Declaration of Independence, thereby eliminating any implications of Armenian territorial claims to Nagorno-Karabakh.

It is worth noting that on 13 November 2024, during a speech in the National Assembly of Armenia, Prime Minister Nikol Pashinyan provided a detailed explanation of the Armenian side's position in response to questions from deputies. This position was also communicated to the Azerbaijani side:

133 Constitution of the Republic of Armenia, as amended in 2020, http://parliament.am/parliament.php?id=constitution&lang=rus (accessed 12.12.2025)

134 Constitution of the Republic of Armenia, as amended in 2015, https://www.president.am/ru/constitution-2015/ (accessed 12.12.2025)

"Azerbaijan's claim that the Constitution of the Republic of Armenia contains territorial claims against Azerbaijan is based on the argument that the preamble to the Constitution of the Republic of Armenia contains a general reference to the Declaration of Independence of the Republic of Armenia, which in turn mentions Nagorno-Karabakh. In its decision of 26 September 2024[135], the Constitutional Court of the Republic of Armenia stated that the reference to the Declaration of Independence in the preamble of the Constitution pertains exclusively to those provisions of the Declaration that are enshrined in the articles of the Constitution. No article of the Constitution of the Republic of Armenia contains any direct or indirect reference to Nagorno-Karabakh. It should also be borne in mind that there is a clear hierarchical difference between the Declaration of Independence and the Constitution in terms of the entities that adopted them. This means that while the Declaration of Independence was adopted by the Supreme Council of the Armenian SSR, an organ of state of one of the 15 republics comprising the USSR, the Constitution was adopted by the sovereign people of the Republic of Armenia, an independent state recognized by the international community.

The preamble to the Constitution of Azerbaijan refers to the Constitutional Act adopted on 18 October 1991, which in turn refers to the Declaration of Independence of the First Republic of Azerbaijan adopted on 28 May 1918. According to that document, the First Republic of Azerbaijan encompassed Eastern and Southern Transcaucasia. In November 1919, the Republic of Azerbaijan presented to the Entente its administrative-territorial map, according to which Azerbaijan included in full the regions of Syunik and Vayots Dzor of the Republic of Armenia, as well as parts of the regions of Ararat, Armavir, Gegharkunik, Tavush, Lori, and Shirak of the Republic of Armenia, amounting in total to approximately 60 percent of the territory of present-day Armenia.

Thus, the Constitution of Azerbaijan contains territorial claims against Armenia. However, Armenia chooses not to raise the issue of amending Azerbaijan's Constitution for two reasons. First, such a demand would lead the Armenian-Azerbaijani peace process to an impasse. Second, an agreed part of the peace treaty between Armenia and Azerbaijan contains an article stating that the parties may not invoke their internal legislation to justify non-compliance with the treaty. Another article in the agreed part of the peace treaty provides that the parties recognize each other's territorial integrity, have no territorial claims against one another, and undertake not to advance such claims in the future.

Under Armenian law, the peace treaty must be ratified by the parliament after signing. Prior to this, the government is obliged to submit the document to the

135 Decision of the Constitutional Court [of the Republic of Armenia] https://www.concourt.am/decision/full_text/673c468e98cd6_SDV-1749_RUS.pdf (accessed 12.12.2025)

Constitutional Court for verification of its conformity with the Constitution. If the Constitutional Court finds the text of the peace treaty to be inconsistent with the Constitution (though this is unlikely following the decision of 26 September), the Republic of Armenia will likely initiate the process of amending the Constitution. If the Constitutional Court finds the text of the peace treaty to be consistent with the Constitution of the Republic of Armenia, the document will be ratified by the parliament.

Pursuant to Article 5, paragraph 3, of the Constitution of the Republic of Armenia, in the event of a conflict between international treaties ratified by Armenia and domestic legal provisions, the provisions of the international treaty shall prevail. Therefore, after ratification of the peace treaty between Armenia and Azerbaijan by the parliament, it will have superior legal force over laws and other normative acts of the Republic of Armenia.[136]"

It should also be noted that, despite this clear and frequently reiterated position, Prime Minister Nikol Pashinyan has added that, should the Constitutional Court determine that the agreement with Azerbaijan contains provisions incompatible with the Constitution, he would not rule out the necessity of amending the currently applicable Constitution for the sake of advancing the peace process[137].

Summary

The amendments to the Constitution of Armenia that have occurred over the past 31 years have brought about a complete transformation of the political system from a strictly presidential republic to a parliamentary-cabinet republic, characterized by a strong position of the Prime Minister and a largely representative (ceremonial) role for the President.

The process of amending the Constitution of Armenia has likely not yet come to an end. At present, however, the issue is no longer about altering the political system itself, but rather about the pressure coming from Armenia's stronger neighbour, Azerbaijan The parliamentary elections held on June 7, 2026 were, in a sense, also a kind of plebiscite aimed at determining whether Armenian society agrees to amending the Constitution in accordance with Azerbaijan's demands. The political camp centred around Prime Minister Nikol Pashinyan has not ruled out the possibility of doing so, whereas the opposition parties are firmly and categorically opposed to it.

136 "Ни в одной статье Конституции Республики Армения нет ни прямого, ни косвенного упоминания Нагорного Карабаха: премьер-министр " https://armenpress.am/ru/article/1204856 https://armenpress.am/ru/article/1204856 (accessed 12.12.2025)

137 „Премьер-министр Армении готов изменить основной закон ради мирного соглашения" https://runews24.ru/politics/26/05/2025/pashinyan-ugrozhaet-peresmotret-konstitucziyu-dlya-dostizheniya-mira-s-azerbajdzhanom?ysclid=mkxxtli0sw53406704 (accessed 12.12.2025)

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- Constitution of the Republic of Armenia, as amended in 2005, https://www.wipo.int/wipolex/ru/legislation/details/16742 (accessed 12.12.2025)
- Constitution of the Republic of Armenia, as amended in 2015, https://www.president.am/ru/constitution-2015/ (accessed 12.12.2025)
- Constitution of the Republic of Armenia, as amended in 2020, http://parliament.am/parliament.php?id=constitution&lang=rus (accessed 12.12.2025)

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How Courts Shape Social Struggles: Drug Liberalization, Paradoxes of Rights, and Lessons from Georgia's White Noise Movement

Abstract

The article delves into the peculiarities of how social movements operate in times of judicialized politics. It adopts the theoretical approach of *paradoxes of human rights,* as conceptualized by Wendy Brown, Daniel Loick, and Christoph Menke. The case study summarized and analyzed is a social movement called White Noise, and the broader process of drug liberalization in Georgia in 2015-2019. The author claims that White Noise's activism demonstrates the inherent limitations of the judicialization of politics. The article describes the antagonistic characteristics of human rights, which shaped the movement's progressive political potential but also locked drug policy within existing political boundaries. This ultimately resulted in the maintenance and, to some extent, even a strengthening of the *status quo*.

Keywords: Judicialization; Courts; Human rights as paradoxes; Drug liberalization; Social movements; Georgia; Post-Soviet.

I. Introduction

The 21st century has been characterized by, among other things, the rise of two phenomena: drug[138] liberalization movements worldwide, and a new form of governance as a global political trend, namely, the judicialization of politics. Drug liberalization movements

138 For socio-legal purposes, and in this article, drugs refer to substances, whether natural or synthetic, "that affect the normal functioning of the body or brain." They can be legal, as are nicotine or alcohol in many countries, or illegal. In medicine, a drug is any substance "with the potential to prevent or cure disease or enhance physical or mental welfare." See: United Nations. "Drugs." Global Issues. https://bit.ly/4pnPgKl (accessed December 30, 2025); United Nations Office on Drugs and Crime (UNODC). Terminology and Information on Drugs. 3rd ed. New York: United Nations, 1999. https://bit.ly/3LsoGC3 (accessed December 30, 2025).

are inherently linked to judicialized politics. In particular, they find space for political articulation not only in the streets but – and perhaps mainly – in courts. Judicial bodies have a distinct logic for addressing social and legal questions. In principle, this logic is grounded in the human rights doctrine.

In 2018, Georgia became the first post-Soviet country where the recreational use of cannabis in private spaces was not a punishable act. Moreover, the consumption of so-called *soft* drugs was also partly decriminalized. This process was driven by the drug liberalization movement White Noise in 2015-2019, and resulted in decisions taken by the Constitutional Court of Georgia. However, the political elite did practically nothing to advance some of the Court's progressive ideas. Moreover, the court helped preserve the *status quo* after 2018 and made little effort to radically change drug policy. As a result, White Noise was slowly neglected and ceased its activism in 2019. Many still think that Georgia needs fundamental reform of its drug policy to make a real shift from a control-oriented to a care-based system.[139]

Drug policies are tied to more structural issues in countries with deep social problems, high inequality rates, and non-democratic experiences. This also influences the origins, political perspectives, nature, and development of drug liberalization movements. White Noise is a prime example, which articulated how drug policy in Georgia was directed toward poor and underprivileged segments of society, how law enforcement institutions used it as a mechanism of control and supervision, and how it affected not only drug users but the whole population. As the movement stated in the video manifesto: "They do not fight against drugs, they fight against us, the citizens, and they want us to fade away from the political life."[140] At the same time, White Noise positioned itself in opposition to far-right, homophobic, and nationalist groups.[141] White Noise, as described by the movement's members, meant "the voice of invisible people."[142]

A conceptual problem arises when we try to analyse drug liberalization movements in the context of modern-day politics, shaped by the human rights doctrine and institutionalized by judicial bodies, like the case of White Noise. In particular, if a drug liberalization movement does not aspire to mere legislative changes, the question must be asked: how do courts and the legal apparatus influence a movement's political potential and agency? What factors shape the 'fate' of a movement in the labyrinths of legality?

In this vein, this article offers possible explanations by exploring the limits and specificities of human rights. The theoretical framework utilized is based on the idea of *human rights as paradoxes*. The article analyses the socio-political and legal demands of the

139 Giorgi Potskhverishvili, "Drug Policy in Georgia: Trends in 2021," *Social Justice Center,* 2022, https://bit.ly/4aBlQ80 (accessed December 24, 2025), 15.

140 Otto Kobakhidze, "From White Noise to Public Voice," *Civil Georgia* (blog), January 24, 2018, https://civil.ge/archives/219555 (accessed December 24, 2025).

141 William Dunbar, "Bassiani's Come Down: The Rise and Fall of White Noise and Tbilisi's #raveolution," *New East Digital Archive* (blog), July 18, 2018, https://bit.ly/4jwcDAf (accessed December 24, 2025).

142 Kobakhidze, "From White Noise to Public Voice."

White Noise movement, what they fought for, why they stopped their activism, and the role the Constitutional Court of Georgia played in this process.

II. Judicialization of Politics and Social Movements: The Twofold Connection

The term "judicialization of politics" is usually used interchangeably with "judicial empowerment".[143] Another popular term is *juridification*.[144] The latter denotes the broader trend toward the formalization and legal regulation of political processes.[145]

The judicialization of politics generally refers to the expansion of the legal sphere through political discourses and practices.[146] It addresses how courts worldwide solve significant societal issues.[147] In this context, even the notion of the judicialization of 'mega-politics' has been introduced.[148] In the contemporary era, judicial questions become political questions; thus, the "judicialization of politics entails the politicization of the judiciary."[149] This process has also been defined as the deterritorialization of courts' traditional spheres of intervention.[150]

The political role of courts as advocates of rights and arbiters of social conflicts is just one side of judicialization. The second aspect is the increased use of legal discourse[151] and litigation by individuals and social movements.[152] Hence, judicialization can be understood as a dual diffusion of influences between judicial bodies and societal actors. The impact of judicialization is so pervasive that it must be taken into account in the analysis of any social movements. The judicialization of politics "is proceeding apace everywhere."[153] According

143 Patricia J. Woods and Lisa Hilbink, "Comparative Sources of Judicial Empowerment: Ideas and Interests," *Political Research Quarterly* 62, no. 4 (2009): 745-752, 746.

144 David Levi-Faur, "The Political Economy of Legal Globalization: Juridification, Adversarial Legalism, and Responsive Regulation. A Comment," *International Organization* 59, no. 2 (2005): 451-462, 458.

145 Mathieu Deflem, "The Legal Theory of Jürgen Habermas," in *Law and Social Theory,* ed. Reza Banakar and Max Travers, 2nd ed. (Oxford, UK: Hart Publishing, 2013), 70-95, 81.

146 Pilar Domingo, "Judicialization of Politics or Politicization of the Judiciary? Recent Trends in Latin America," *Democratization* 11, no. 1 (2004): 104-126, 107.

147 Ran Hirschl, "The Political Origins of Judicial Empowerment Through Constitutionalization: Lessons from Four Constitutional Revolutions," *Law & Social Inquiry* 25 (Winter 2000): 91-149, 93.

148 Ran Hirschl, "The Judicialization of Mega-Politics and the Rise of Political Courts," *Annual Review of Political Science* 11 (2008): 93-118, 94.

149 Boaventura de Sousa Santos, *Toward a New Legal Common Sense: Law, Globalization, and Emancipation, 3rd ed. (*Cambridge: Cambridge University Press, 2020), 398.

150 Jacques Commaille, "The Janus Model of Legal Regulation: Changes in the Political Status of Justice," trans. Sheena Caldwell, RCCS Annual Review 2, no. 2 (2010): 143-166, https://journals.openedition.org/rccsar/239 (accessed May 27, 2024), 144-145.

151 Neal Tate and Torbjorn Vallinder, *The Global Expansion of Judicial Power* (New York: New York University Press, 1995), 39.

152 Alexandra Huneeus, Javier Couso, and Rachel Sieder, "Introduction," in *Cultures of Legality: Judicialization and Political Activism in Latin America,* ed. Alexandra Huneeus, Javier Couso, and Rachel Sieder (Cambridge: Cambridge University Press, 2010), 8.

153 Jean Comaroff and John Comaroff, "Law and Disorder in the Postcolony," Social Anthropology/ Anthropologie Sociale 15, no. 2 (2007): 133-152, 148.

to Karl Klare, "legal discourse shapes our beliefs about the experience and capacities of the human species, our conceptions of justice, freedom and fulfillment, and our visions of the future."[154] Therefore, the judicialization of politics also represents the omnipresence of legal ideology and consciousness.

There is an ongoing debate among scholars about how to assess the impact of judicialization on social movements. Boaventura De Sousa Santos argues that the existing judicial consensus represents the global hegemonic reality, alongside neoliberal economics, the weak state, and the liberal democratic consensus.[155] Although he acknowledges courts' possible role in enhancing democracy, the judiciary's present function is twofold. On the one hand, the judicialization of politics aims to bolster economic stability, promote social peace, and strengthen the states' administrative capacity.[156] On the other hand, it "transforms collective conflicts into individual disputes, [and] tends to discourage collective action and organization."[157] As a result, courts depoliticize social struggles.[158]

III. Human Rights as Paradoxes

If judicialization inherently limits and depoliticizes social movements' agency and potential, how can a researcher account for its positive aspects? How is it conceptually plausible to talk about judicialization as a progressive phenomenon? One answer might be found in the notion of *human rights as paradoxes*.

The metaphor of 'paradox' was introduced by Wendy Brown in relation to women's liberation struggles in her work "Suffering Rights as Paradoxes". She argues that while human rights may lessen the subjugation and violations faced by women within a patriarchal social, political, and economic system, they do not dismantle the system or its mechanisms of reproduction.[159] Instead, they merely soften some of its effects. Although in the face of violence, any measure that reduces it is valuable, human rights construct the boundaries within the enduring discourse of liberal jurisprudence.[160] This becomes a paradoxical phenomenon, because "to have a right *as* a woman is not to be free of being designated and subordinated by gender."[161] She argues that the politics surrounding human rights can be

154 Karl E. Klare, "The Public/Private Distinction in Labor Law," *University of Pennsylvania Law Review* 130, no. 6 (1982): 1358-1422, 1358.

155 De Sousa Santos, *Toward a New Legal Common Sense: Law, Globalization, and Emancipation*, 371-374.

156 *Ibid*, 409.

157 *Ibid*.

158 Jedediah Purdy, "Neoliberal Constitutionalism: Lochnerism for a New Economy," *Law & Contemporary Problems* 77, no. 4 (2014): 195-213, 195.

159 Wendy Brown, "Suffering Rights as Paradoxes," *Constellations* 7, no. 2 (2000): 230-241, 231.

160 *Ibid*.

161 *Ibid*, 232.

described as a 'politics of fatalism'.[162] For her, human rights establish a discourse of condemnation of oppression without providing in-depth analytical insights into the forces that generate it.[163]

This metaphor was later adopted by Daniel Loick, who claims that not only are women's liberation movements inherently limited because of the rights discourse, but human rights as a whole political project operates as a paradox. He believes that the idea of human rights as paradoxes can be found in early Marxist thought. Notably, the law and state empower the oppressed class and soften the misery and inequality.[164] In addition, the state, as a political organization of society, is the only instance that articulates universal claims. However, the socialist tradition's core principles also recognize law and state as superstructures.[165] The class struggle, which is the ultimate goal of the proletariat, cannot be solved by laws and regulations, because it is intrinsically opposed to the bourgeois state.[166] Hence, the relationship between the working class and the state apparatus is paradoxical, involving an interchangeable process of recognition and denial.[167]

Consequently, Loick argues that the abovementioned approach constitutes the paradoxes of rights: social agents must strive *for* and *against* rights at the same time.[168] It means that human rights are integral to articulating social and cultural needs, but also instruments for the liberal state to maintain the *status quo* in principle.

Another scholar who added an intriguing dimension to the idea of human rights as paradoxes is Christoph Menke, who claims that the subjective nature of these rights drains them of their ethical component, but simultaneously gives them something uniquely positive. He explains the paradox of individual rights in contrast to so-called ethical life (*Sittlichkeit*). The latter is understood as a normative framework rooted in a collective comprehension of human goodness.[169] However, subjective rights are not contingent on this notion. Instead, they must appeal to individuals in a way that remains neutral toward ethical distinctions between 'good' and 'bad'.[170] As a result, subjective rights "neutralize their content."[171]

However, notably, Christoph Menke argues that subjective rights are not only *neutralistic*, but also positivistic. These two aspects are interconnected: accepting what people desire as a fact by transforming it into the content of subjective rights means neutralizing it

162 Wendy Brown, "The Most We Can Hope For…: Human Rights and the Politics of Fatalism," *The South Atlantic Quarterly* 103, no. 2 (2004): 451-463, 453.

163 Susan Marks, "Four Human Rights Myths," *LSE Legal Studies Working Paper* No. 10 (2012), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2150155 (accessed December 26, 2025), 11.

164 Daniel Loick, "Juridification and Politics: From the Dilemma of Juridification to the Paradoxes of Rights," *Philosophy and Social Criticism* 40, no. 8 (2014): 757-778, 770.

165 *Ibid.*

166 *Ibid.*

167 *Ibid.*

168 *Ibid,* 773.

169 Christoph Menke, "Democracy and Rights," *Dewey Studies* 7, no. 1 (2023): 279-303, 293.

170 *Ibid.*

171 *Ibid.*

ethically, and vice versa – neutralization implies positivism, treating the neutralized content as a pre-existing fact, treating personal choices and interests as given and beyond the reach of political power.[172]

To sum up, the above-mentioned three authors complement each other and see human rights as paradoxes, yet from different angles and concerning different social actors. In their approach, human rights are represented as a totality, which operates as a space of limitations and possibilities.

Human rights discourse is important for social movements to achieve legal recognition and thus to be recognized as equal subjects in society. The judicialization of politics gives social movements a platform to engage in the process of recognition and empowerment. At the same time, as a paradox, human rights language strives to receive help and assistance from the state to cover up various deep-rooted forms of oppression and domination. It is devoid of the ethical component regarding what should be considered good and valuable for human beings. As a result, the concept of human rights as paradoxes suggests that, to some extent, a dependence on judicial forms of struggle can be beneficial to social movements. However, the limits of human rights can not be entirely overcome. A movement that strives for radical social transformation and the end of oppression, but adopts a human rights approach and enters the politics of judicialization, is doomed to be successful only to a limited degree. Therefore, paradoxically, human rights should be concurrently praised and denounced.

IV. The Context: Zero-tolerance Policies in Georgia (2006-2012)

On 14 February 2006, the president of Georgia, Mikheil Saakashvili, declared in parliament that he was "announcing a new draft law with zero-tolerance for petty crimes."[173] Speaking specifically about drug offences, the President noted: "Punishment for the possession of drugs must be toughened. There will be no probation sentences... Everyone who commits these crimes will go to prison."[174]

With zero-tolerance policies, the number of inmates increased dramatically. In 2003, the prison population numbered approximately 6,000 people.[175] By 2010, it had quadrupled and exceeded 24,000. Moreover, over 38,000 people had been under probation.[176] The

172 *Ibid*, 296.

173 Gavin Slade, "Georgia's War on Crime: Creating Security in a Post-revolutionary Context," *European Security* 21, no. 1 (2012): 37-56, 48.

174 *Ibid*.

175 Gavin Slade and Alexander Kupatadze, "Popular Punitiveness? Punishment and Attitudes to Law in Post-Soviet Georgia," *Europe-Asia Studies* 69, no. 6 (2017): 879-896, 881.

176 *Ibid*, 882.

acquittal rates from 2007 to 2010 were just 0.1%.[177] The Georgian government began to see thousands of people as deviants, threats that should be kept away from society. In this context, President Saakashvili talked about "cleaning our streets of this rubbish."[178] Therefore, Georgia in that period became one of the most incarcerated countries in the world.[179]

One of the main targets of zero-tolerance policies was drug users. In 2006, the possession of drugs was reclassified as a 'particularly grave crime', while the possibility of imposing conditional sentencing was abolished.[180] In addition, people convicted of drug offences were deprived of the right to practise a medical or law profession, work in the public or educational sectors, and even drive a vehicle for 3-10 years after release from prison.[181]

The legal changes also introduced forced drug-testing to be carried out in case of *reasonable suspicion*.[182] The police used that vagueness in the law's wording to prosecute, threaten, and stigmatize people extensively. For example, 10 times as many people were detained for laboratory checks in 2007 (involving up to 57,000 in total) compared to 2005, despite positive results languishing below 30%.[183]

The statistical data provided by the Supreme Court of Georgia shows that from 2007, drug-related convictions started to prevail over all other types of crimes. In 2013, almost half of all criminal cases were drug-related.[184] At the same time, the vast majority of the convicted population in 2006-2012 were socially disfranchised: approximately 80% of inmates had no higher education and were unemployed.[185]

During those years, funding for care and rehabilitation programs was minimal and ineffective.[186] If a person needed emergency medical treatment in the event of an overdose, medical staff were obliged to report the issue to the police, which would result in administrative

177 Transparency International Georgia, "Plea Bargaining in Georgia: Negotiated Justice," 2010, https://transparency.ge/en/post/report/plea-bargaining-georgia-negotiated-justice (accessed December 27, 2025).

178 Slade, "Georgia's War on Crime: Creating Security in a Post-revolutionary Context," 49.

179 Nodar Tangiashvili and Gavin Slade, "Zero-tolerance Schooling: Education Policy, Crime, and Democracy in Post-Soviet Georgia," *Post-Soviet Affairs* 30, no. 5 (2013): 416-440, 433.

180 Human Rights Watch (HRW), *Harsh Punishment: The Human Toll of Georgia's Abusive Drug Policies, 2018*, https://www.hrw.org/sites/default/files/report_pdf/georgia0818_web.pdf (accessed December 27, 2025), 17.

181 *Ibid.*

182 Darejan J. Javakhishvili et al., *Drug Situation in Georgia: 2012 Annual Report (Tbilisi:* Foundation Global Initiative on Psychiatry, 2012), https://altgeorgia.ge/media/uploads/drug-2012-geo-eng.pdf (accessed December 27, 2025), 16.

183 *Ibid.*

184 Supreme Court of Georgia, Dynamic of Movement of Criminal Cases According to the Types of Crime, 2013, https://old.supremecourt.ge/files/upload-file/pdf/2013-weli-wigni-1kari-sisxli.pdf (accessed December 27, 2025), 10.

185 Supreme Court of Georgia, Dynamic of Movement of Criminal Cases According to the Types of Crime, 2012, https://old.supremecourt.ge/files/upload-file/pdf/sisxli2012.pdf (accessed December 27, 2025), 42-43.

186 Tamar Gegelia, Guram Imnadze, and Giorgi Davituri, *Unethical Drug Policy: The Analysis of National Legislation and Practice* (Tbilisi: Human Rights Education and Monitoring Center, 2014), https://bit.ly/4sd42Gy (accessed December 27, 2025), 11.

or criminal prosecution of the patient.[187] Because of that regulation, people tended to avoid calling an ambulance.[188] As a result, mortality rates following a drug overdose rose substantially.[189]

In addition, strong neoliberal tendencies characterized Georgian politics after the 2003 Rose Revolution. The new government initiated mass privatization and extreme economic deregulation.[190] Furthermore, parliament enacted a new labor code in 2006, almost completely dismantling workers' rights and labor protection guarantees.[191] Notably, Georgia experienced extremely positive macroeconomic results. For example, gross domestic product (GDP) rose from $4 billion in 2003 to $12.8 billion in 2008. However, levels of poverty and inequality worsened. In particular, absolute poverty expanded from 27% in 2004 to 31% in 2008, and the unemployment rate rose from 11.5% to 16.5%.[192]

Thus, neoliberal and punitive shifts in Georgia occurred simultaneously. Gavin Slade links the Georgian punitive turn to economic motivations and believes it was an alternative to social policy. He notes:

> Zero tolerance and mass incarceration policies then represented an *economic* alternative in a weak state context in which decent social protections that might diminish the social ills that cause crime in the first place were prohibitively expensive.[193]

This was the pretext in which White Noise emerged – the pretext of the mass incarceration of drug users and socially disadvantaged people, the ever-increasing levels of inequality, neoliberal experiments, and social divisions. The years 2006-2012 in Georgia were characterized by an extremely harsh approach towards drug-related activities, with police officers, prosecutors, courts, and prison administrations all equipped with powers and resources to operate as highly effective 'punishment machines'. Nevertheless, it was not only about drug users. By 2012, the Georgian state had become a consolidated authoritarian regime.[194] The influence of the executive branch on justice was so strong

187 *Ibid.*

188 *Ibid.*

189 *Ibid.*

190 Joel Lazarus, "Democracy or Good Governance? Globalization, Transnational Capital, and Georgia's Neo-liberal Revolution," *Journal of Intervention and Statebuilding* 7, no. 3 (2013): 259-286, 267.

191 United Nations Development Programme (UNDP), *Georgia Human Development Report 2008: The Reforms and Beyond* (Tbilisi: UNDP, 2008), 28.

192 Lazarus, "Democracy or Good Governance? Globalization, Transnational Capital, and Georgia's Neo-liberal Revolution," 268.

193 Gavin Slade, "Punishment and State-Building in Post-Soviet Georgia," in *Paradox of Power: The Logics of State Weakness in Eurasia*, ed. John Heathershaw and Edward Schatz (Pittsburgh: Pittsburgh University Press, 2017), 97.

194 Lazarus, "Democracy or Good Governance? Globalization, Transnational Capital, and Georgia's Neo-liberal Revolution," 261.

that many called it Soviet-style 'telephone justice'.[195] This pretext defined the broad political agency of the movement.

V. The Story of White Noise

The origins of the White Noise Movement lie in an online solidarity campaign. In 2013, a Georgian citizen, Beka Tsikarishvili, was detained and faced up to 14 years in jail for possessing cannabis.[196] This was the year when the prosecution of drug users reached its peak, as almost half of all criminal cases were initiated against drug offences. Beka's friends and supporters started a campaign, "Beka Is Not a Criminal," on social networks, and it quickly gained traction. The story of Beka mirrored how unjust the drug policy was, and the fact that almost anyone could be a victim of it.

As a result of the campaign, the case received widespread public attention, and Beka was released on bail. In the following months, two things happened: first, Beka and his supporters appealed to the Constitutional Court of Georgia regarding the unconstitutionality of the criminal code's regulations under which Beka's case was being prosecuted; and second, at the end of 2015, they launched the drug-liberalization movement White Noise.[197] By 2017, movement members had submitted another four complaints to the Constitutional Court of Georgia.[198]

The primary trigger for the establishment of a widespread social movement was the Constitutional Court's decision in the case of Beka Tsikarishvili. On October 24, 2015, the Court ruled that his imprisonment for possessing up to 70g of dried cannabis was unconstitutional. As White Noise's social media activity shows, the movement actually made itself visible for the first time with reference to that case.[199]

White Noise published a video manifesto on 11 November 2015, in which they stated that the country's drug policy deprived people of economic opportunities, health, and life, and also that it oppressed them with police brutality. The manifesto ended with the words: "They do not fight against drugs, they fight against us, citizens, and they want us to fade away from political life. The time of lies is over. Now's the time of white noise."[200]

Based on the movement's statements and social media activity, three major patterns can be identified: *First*, White Noise organized or joined the demonstrations demanding

195 U.S. Department of State, Bureau of Democracy, Human Rights, and Labor, "Georgia," 2007, https://2009-2017.state.gov/j/drl/rls/hrrpt/2006/78813.htm (accessed December 28, 2025).

196 Kobakhidze, "From White Noise to Public Voice."

197 *Ibid.*

198 *Ibid.*

199 White Noise, "The Statement of Beka Tsikarishvili," October 26, 2015, https://bit.ly/3YPNdUB (accessed December 29, 2025).

200 White Noise, "White Noise Movement – Video Manifesto," November 11, 2015, https://bit.ly/4bdmMj2 (accessed December 29, 2025).

justice for different social groups, such as women,[201] students,[202] metallurgy workers,[203] railway employees,[204] techno-music communities,[205] LGBTQ+ people,[206] and ethnic and religious minorities.[207] In the statements, White Noise talks about the systemic oppression of various groups in society, their specific and intersectional struggles, and the need for inter-communal solidarity. This entanglement can be explained by the fact that government control and discipline were a lived experience for the whole of society, not only for drug users. By acknowledging this fact, White Noise went beyond culturally-oriented frames of limited social movements. Instead, they tried to build bridges between different social groups.

Second, White Noise paid special attention to Georgia's repressive zero-tolerance policies, which "worsened the problems of drug users, their families' social and economic conditions made catastrophic."[208] White Noise noted that its core values were respect for freedom, equality, dignity, and the right to develop one's own personality.[209] With regards to specific demands, the movement stressed the decriminalization of the use and possession of small amounts of drugs; the need to do away with oppressive drug-testing practices; the establishment of care, rehabilitation, and harm reduction services; and the necessity to stop systemic stigmatization and discrimination of drug users.[210]

Third, White Noise constantly pointed out that the punitive drug policy targeted the most vulnerable segments of society, who suffered from marked social inequality. The police control mechanisms and violence were "especially brutal towards the people living in the regions, villages, and peripheries."[211] Hence, they pointed out the connection between economic, social and criminal policies.

White Noise became a subject of far-right groups' ideological and physical opposition, labelled as "drug propagandists" and even "sodomites".[212] However, the movement's

201 White Noise, "White Noise Joins International Women's Day," March 8, 2016, https://bit.ly/3KWMY78 (accessed December 29, 2025).

202 White Noise, "White Noise Joins the Protest at the University," March 10, 2016, https://bit.ly/44K0AJC (accessed December 29, 2025).

203 White Noise, "Our Solidarity with Metallurgy Workers," May 14, 2016, https://bit.ly/4pl4S1k (accessed December 29, 2025).

204 White Noise, "White Noise Expresses Solidarity with Railway Employees," May 22, 2018, https://bit.ly/3MWOpTC (accessed December 29, 2025).

205 White Noise, "White Noise Joins the Rave-Protest," May 26, 2018, https://bit.ly/4jkQyVb (accessed December 29, 2025).

206 White Noise, "May 17 – Love Makes a Family," May 17, 2017, https://bit.ly/44PBglq (accessed December 29, 2025).

207 White Noise, "White Noise Expresses Solidarity with People from Pankisi," January 11, 2018, https://bit.ly/4qCeWUR (accessed December 29, 2025).

208 White Noise, "Manifesto for Non-violent Drug-policy," April 26, 2016, https://bit.ly/4bbfwEk (accessed December 29, 2025).

209 *Ibid.*

210 *Ibid.*

211 White Noise, "White Noise's Statement," August 12, 2016, https://bit.ly/4aFDrM8 (accessed December 29, 2025).

212 Matthew Collin, "Georgian Techno Fans and Extremists Clash in Tbilisi in Fight for Club Culture," The Guardian (blog), May 14, 2018, https://bit.ly/4jlf3lh (accessed December 29, 2025).

narratives do not show any indication that White Noise was hateful towards conservative segments of society, per se. By contrast, when they decided to dissolve the demonstration on 13 May 2018, one of the main reasons was to avoid confrontation with counter-demonstrators.[213]

Therefore, White Noise called for a fundamental revision of the then-existing drug policy. They questioned the logic of how the state as such operates with regard to drug users. The movement made it clear, that a) a personal decision to use drugs should not be criminalized, as it is unfair to people who do not harm others with their choice, b) state apparatus should not use drug policy to impose control over society and constantly oppress particular segments of the population as a political tool, and c) care and health services must be an absolute priority of the state, as the latter should function as an institution of support.

With the Constitutional Court of Georgia's first decision in 2015, White Noise began using the court as a mechanism to articulate those demands. The movement stopped street activism in 2018, shortly after the 12-13 May protests, but continued its fight in courtrooms over the years that followed. Although the statement issued on 15 May 2018 stated that White Noise would "return to the streets even more organized"[214] if needed, it never happened. Their demands and new policy ideas have almost entirely become the subject of judicial interpretation.

The Constitutional Court's progressive ruling in the case of Beka Tsikarishvili in 2015 became the catalyst for the movement's emergence. That is why, in its 2017 statement, White Noise publicly expressed the hope that the Constitutional Court would "continue its positive role."[215] The next chapter provides an overview of, and analyses, the court's decisions in this regard and explains how the judgments reframed White Noise's demands and how the political and social issues were resolved through judicial means.

VI. The Decisions of the Constitutional Court of Georgia on Drug Policy

The starting point on the path to the humanization of Georgia's drug policy was the Constitutional Court's 2015 decision in the case "Beka Tsikarishvili v. The Parliament of Georgia". The reasoning applied by the Court in Tsikarishvili's case is crucial, as it creates a recurrent theme applied to later decisions of the Constitutional Court, not only regarding the consumption and purchase of marijuana but also in relation to other drugs.

In this judgment, the Constitutional Court discussed the essence of self-harm and pointed out that "deprivation of liberty in the form of criminal punishment in order to avoid

213 1TV.GE. "White Noise's Statement," May 15, 2018, https://bit.ly/4plJf15 (accessed December 29, 2025).

214 *Ibid.*

215 White Noise, "Statement on the Case in the Constitutional Court," March 22, 2017, https://bit.ly/45xYm02 (accessed December 29, 2025).

harm to one's own health is ungrounded and unjustified."[216] Imprisonment in such cases serves only to further general prevention. This, according to the court, makes the individual an object of power, "because the punishment is not legitimized by an action, it does not justify the danger arising from the action of the person. In this way, a person becomes an instrument within the framework of state policy, which inevitably leads to the violation of his dignity."[217] In addition, the judgment highlights the importance and reasonableness of exercising means for caring for a person with a drug addiction and not punishing them. The decision states that in cases where a person becomes addicted to a particular substance, it is not justified to impose imprisonment as a form of punishment on them.[218]

Notably, the court indicated that although 50-70 grams of dried marijuana is more than a single dose for one person, it may be intended for use by a single individual over a short period of time.[219] Thus, the court linked the purchase and storage of cannabis for personal use to a regular user and not just a beginner/first-timer. Based on the above-mentioned arguments, the Constitutional Court ruled that imprisonment for the purchase and possession of up to 70g of cannabis for personal use was unconstitutional, as it violated *the right to dignity*.

In 2017, in Givi Shanidze's case, the Constitutional Court ruled that not only imprisonment, but the imposition of any criminal punishment for cannabis use was unconstitutional and, consequently, decriminalized marijuana use.[220] Unlike in the case of Tsikarishvili, this decision was based on the fact that the disputed legal regulation was contradictory to *the right to free development*. The court focused on the recreational purpose of consumption and noted:

> The use of cannabis without a doctor's prescription is mainly for leisure and entertainment. [...] The right to free development allows a person, without the intervention of the state, to decide what type of entertainment or recreational activity s/he will engage in. There is no doubt that a person's leisure activities belong to the sphere of their personal autonomy. Therefore, the influence of a person on themself and thus engaging in fun or pleasurable activities is in itself within the sphere of their free development.[221]

216 Citizen of Georgia Beka Tsikarishvili v. The Parliament of Georgia №1/4/592 (2015), https://matsne.gov.ge/ka/document/view/3045482?publication=0 (accessed December 29, 2025), §82.

217 *Ibid*.

218 *Ibid*.

219 *Ibid*, §92.

220 Ani Nasrashvili, "Drug Policy in Georgia (Canceled Reform and New Tendencies)," *Human Rights Education and Monitoring Center (EMC)*, 2019, https://bit.ly/3YEqhI9 (accessed December 29, 2025), 25.

221 Citizen of Georgia Givi Shanidze v. The Parliament of Georgia №1/13/732 (2017), https://matsne.gov.ge/ka/document/view/3875278?publication=0 (accessed December 29, 2025), §12.

In 2018, the Constitutional Court of Georgia legalized the use of marijuana in private spaces in the case "Zurab Japaridze and Vakhtang Megrelishvili v. the Parliament of Georgia". The court relied essentially on the arguments used in previous cases, noting that cannabis consumption does not pose a threat to third parties.[222] At the same time, it also discussed legitimate grounds for banning marijuana in certain circumstances. In particular, restrictions may be imposed in relation to "educational, training or learning institutions, the army, medical, state (public) institutions, as well as certain public places (for example, public transport) to protect the interests of public health and public order."[223]

The cases outlined above, and the arguments cited by the court, show that the judicial body saw the use and possession of cannabis as part of a person's human rights. However, the court also indicated in the case of Tsikarishvili (2015) that the state has a responsibility to provide assistance and care to those who suffer from drug addictions. In the case of Shanidze (2017), the state's positive responsibility was reduced to educational activities and limitations on marketing.[224] In the third case (2018), the court only developed arguments regarding negative rights and the grounds for criminalizing drug use in certain circumstances.

The latter approach became dominant in later decisions. A notable example is a lawsuit filed by the Public Defender of Georgia. The case concerned the constitutionality of the content of Article 45 of the Administrative Offenses as well as Article 273 of the Criminal Code, which provided for administrative detention and imprisonment for the illegal production, possession, and/or consumption of small amounts of drugs for personal use. On the one hand, the court pointed out that the consumption of drugs, due to the specific nature of the action, excludes the risk of selling and thus harming the health of other people, and "the production, purchase and storage of the amount of drugs for a single use is an integral part of its consumption."[225] Hence, punishing a person for the purchase/possession/manufacture of a single-use drug is essentially similar to punishment for its use.[226]

However, on the other hand, the court distinguished between *soft* and *hard* drugs and indicated that different criminal policies could apply to them. According to the Constitutional Court, deprivation of liberty for the consumption/purchase of small quantities of cannabis products and other soft drugs should not be considered to be a useful means of achieving a public safety objective.[227] However, drugs that "are easily addictive or after consumption of which a person becomes aggressive and commits violent acts, carry risks to public safety."[228]

222 Citizens of Georgia - Zurab Japaridze and Vakhtang Megrelishvili v. The Parliament of Georgia №1/3/1282 (2018), https://matsne.gov.ge/ka/document/view/4283100?publication=0 (accessed December 29, 2025), §28.

223 *Ibid*, §35.

224 Citizen of Georgia Givi Shanidze v. The Parliament of Georgia №1/13/732 (2017), §48.

225 Public Defender of Georgia v. The Parliament of Georgia №1/6/770 (2019), https://matsne.gov.ge/ka/document/view/4629913?publication=0 (accessed December 29, 2025), §31.

226 *Ibid*.

227 *Ibid*, §40.

228 *Ibid*, §41.

Based on this reasoning, the court pointed out that a significant interest is served by punishing the use, purchase, and storage of drugs, which leads to rapid addiction and a state of difficult abstinence.[229] Thus, the Court declared as unconstitutional only the content of the law that provides imprisonment as a sanction for the consumption and possession of an amount of a drug for a *single use* that does *not cause rapid addiction or aggressive behaviour*.

VII. Criticism of the Constitutional Court's Decisions and Legislative Changes

The Constitutional Court's decision in the Public Defender's lawsuit has become a target for harsh criticism. The reason for this is that instead of creating even more solid grounds for a comprehensive care-oriented policy, the court found it permissible to impose prison sentences against users of certain drugs.[230] That was a massive shift from the approaches established by the court in its previous decisions, which, in essence, allowed for the possibility of punishing a person for general prevention purposes. Moreover, unlike in the 2015 case of Beka Tsikarishvili, the court refused to discuss the regular use of drugs. Instead, it focused on a single use.[231]

In addition, the court's approach to identifying so-called *hard* drugs based on "rapid addiction" and "aggressive behaviour" is also unclear. Such a separation has drawn criticism from many narcologists because of the difficulty of classifying substances according to these criteria.[232] Typically, the effects of drugs vary depending on the individual's characteristics and the environment.[233] The dose of the drug and the regularity of its use also play an important role in this regard.[234] Similarly, there has been no explanation, to this date, as to which drugs are *soft* other than cannabis.

On March 5, 2021, amid the need for large-scale legislative changes, Parliament passed a bill that redefined small, large, and particularly large amounts of the 8 substances under special control.[235] The explanatory note of the bill indicates that, "in determining the amounts, the harmful effects of these substances on life and health were taken into account and more than one dose consumed by the episodic drug user was taken as a measure, which is counted as a pure substance."[236]

229 *Ibid*, §58.

230 Ani Nasrashvili, "Drug Policy in Georgia- Trends in 2019," *Human Rights Education and Monitoring Center (EMC*), 2020, https://bit.ly/3Z2VqGl (accessed December 29, 2025), 19.

231 Public Defender of Georgia v. The Parliament of Georgia №1/6/770 (2019), §65.

232 Radio Liberty, "Punishment for Unspecified Drugs Abolished- What Do Narcologists Say?," August 5, 2019, https://bit.ly/3AIlAUM (accessed December 29, 2025).

233 *Ibid*.

234 *Ibid*.

235 Potskhverishvili, "Drug Policy in Georgia: Trends in 2021," 9.

236 Social Justice Center, "CSOs Respond to the Draft Law on Drug Quantities," January 28, 2021, https://bit.ly/3MnGXNH (accessed December 29, 2025).

These legislative changes have been criticized by civil society organizations.[237] The new regulation ignored the needs of the most vulnerable groups – regular drug users and persons with addiction. The proposed thresholds for single doses were significantly lower than those typically used by regular drug users. Beyond that, a new determination of the amounts of several drugs could not be sufficient in itself for a systemic and fundamental change in existing drug policies. In this regard, it is important to highlight the observations of Human Rights Watch on Georgia, which points to "the problem of penalizing the act of possessing small amounts of drugs, as well as the need for decriminalization of drug use in general and the importance of narco-policies based on public health approaches."[238]

One attempt to make a fundamental change was a draft law developed by the Georgian National Drug Policy Platform and members of the White Noise Movement, which was introduced in Parliament in 2017.[239] The bill intended to provide substantial improvements in treatment, rehabilitation, and prevention systems, and the decriminalization of possession of all types of drugs for consumption purposes.[240] It fairly defined small and initial amounts of drugs for criminal liability, as well as the sanctions imposed for drug-related crimes, etc.[241] However, after the first reading of the legislative package in the Committee on Health, work on the bill was suspended indefinitely in Parliament and disappeared without a trace.

VIII. How Did the Constitutional Court of Georgia Shape the Fate of the White Noise Movement and Drug Policy?

White Noise developed into a broad political movement which set three core demands, a) decriminalization of drug use, b) establishment of healthcare, rehabilitation, and social services to support those in need, and c) a change in the logic of how a state sees and treats drug users, *i.e.*, the end of state violence, the deprivation of rights, and political and cultural instrumentalization. At the end of their activism, it was apparent to the movement's members that only the first demand had been successful, and not even entirely – apart from cannabis, legislation regarding drug users maintained the punishment-oriented approach. So, what went wrong?

The speeches and statements of White Noise indicate that the movement was not overly dependent on human rights language. There is practically no mention of *drug use as a human right* in the movement's discourse. Instead, White Noise pointed out systemic problems, oppression, social injustice, and lack of care and support. In other words, the

237 *Ibid.*
238 Nasrashvili, "Drug Policy in Georgia- Trends in 2020," 7.
239 Nasrashvili, "Drug Policy in Georgia (Canceled Reform and New Tendencies)," 15.
240 *Ibid.*
241 *Ibid.*

movement made it clear that the drug users were *prosecuted*, *instrumentalized*, and *left alone* at the same time. However, when those perspectives entered the space of judicialized politics, the logic of their operation became paradoxical. As a matter of fact, the movement's members saw the state as both an enemy and a potential friend; a phenomenon which must be denounced and praised simultaneously. In other words, White Noise's discourse was both anti-statist and pro-statist.

Considering the fact that White Noise represented an extremely marginalized and oppressed community, one can understand why the duality of demands was a necessary condition for the movement to operate. At the time of the movement's emergence, drug users were the subjects of state prosecution and police violence, having experienced long-established zero-tolerance policies. They were outcasts, legally banished, unrecognized individuals. Hence, White Noise's first major demand – the decriminalization of drug use – was a necessary step to gain agency and recognition as legal and political subjects.

Therefore, the fight for decriminalization was grounded in the human right to be free from state intervention in one's private life. Even though the reasoning and articulation in favour of decriminalization lacked rights-related discourse, it did not change the fact that they were driven by subjective rights. White Noise's case has many similarities to what Wendy Brown theorizes about women's liberation movements. She claims that any measure that reduces the political and social subordination of women is valuable and important.[242] The human right to bodily integrity, reproductive rights, sexual rights, etc., are examples of those "therapeutic measures." The decriminalization of drug use exhibits similar patterns. It constitutes a claim by a community that believes that every person has a right to be free from prosecution and state violence for the personal consumption of drugs.

By pointing out systemic state violence, police brutality, and zero-tolerance policies, White Noise went beyond the legal claims and articulated broader political problems. For them, drug policies were instruments for the state apparatus to control a society and intimidate citizens. Therefore, the government not only legally oppressed drug users but also politically instrumentalized them. It is reasonable to argue that White Noise's activism proves Christoph Menke's point that human rights have "an anarchic impulse."[243] The movement's demands were not only focused on changing specific legislation; they were also opposing the use of state power directed against the people. Moreover, speaking about power does not only imply the police and law enforcement but also a state's role in manipulating society, organising far-right groups, spreading disinformation, etc. The solidarity statements and activism in support of other marginalized communities and minorities are manifestations of those stances.

Finally, a broader political agenda led White Noise to formulate the pillars of a different political project. As outlined above, they systematically pointed out the importance

242 Brown, "Suffering Rights as Paradoxes," 231.

243 Menke, "Democracy and Rights," 297.

of establishing care-based social and rehabilitation services to support drug users. Their statements indicate that drug consumption as a leisure activity is only a small part of the whole phenomenon; it is inherently connected to social and economic deprivation. In a political sense, these alternative ideas should be based on social equality and inclusion, care and support, not punishment and control; in a more practical sense, it means that the state should at least allot its funds and human resources to establish accessible healthcare and social programs. Therefore, White Noise's third major group of demands is inherently pro-statist, calling for welfare policies and positive state intervention.

Consequently, White Noise's activism shows the paradoxical nature of rights-based activism. Human rights integrate intrinsically antagonistic perspectives. As Daniel Loick argues, human rights make it possible to strive *for* and *against* the state at the same time.[244] The authors who theorize the paradoxes of rights believe that this characteristic makes human rights, to a certain degree, a powerful tool. Human rights create a space of discourse opportunities, help social groups achieve legal recognition and agency, and enhance individual autonomy. All these components were essential for White Noise. However, human rights as a basis of liberal governance also have their limitations. In the institutionalized form, that is, judicialized politics, human rights ultimately contribute to limiting social movements' radical political potential, and, to some extent, even strengthen the roots of social and political subordination. The decisions of the Constitutional Court of Georgia on White Noise's complaints demonstrate and prove this view.

The Constitutional Court's first decision in Beka Tsikarishvili's case was a significant progressive step toward transforming drug policy. The court analysed the repressive legal norms in relation to human rights doctrine. According to the court, Georgia's drug policy, which criminalized the personal use of cannabis and imposed imprisonment as a form of punishment, was against the right to dignity; the state treated a cannabis user as an instrument of power when his/her actions did not pose any threat to society. However, the court made remarks not only about the right to protect private life from the state but also about the importance of state support. The court was thus in line with the applicant's ideas on a state's dual nature. In particular, the court saw no contradiction in recognizing the right to be *free, and part, of* political intervention at the same time, if it arises from the needs and interests of the oppressed and marginalized community, in this case, drug users. Hence, the court's ruling underscores the importance of systemic political change and a radical shift in how the state operates.

It is no surprise that this ruling was a decisive factor in the emergence of White Noise's judicial activism. As the movement stated, they hoped that the court would continue and establish a new transformative drug policy based on Tsikarishvili's case.[245] Nevertheless, the

244 Loick, "Juridification and Politics: From the Dilemma of Juridification to the Paradoxes of Rights," 773.

245 White Noise, "Statement on the Case in the Constitutional Court," March 22, 2017.

court's later approaches proved otherwise. In 2017-2018, the court made decisions on the legalization of marijuana in private spaces by continuing the previous line of negative rights, but eventually opted against a significant critique of the political instrumentalization of drug users and fully focused on the consumption of cannabis as a recreational activity. In addition, the court recognized the positive aspect of state intervention only with regard to educational activities and to limit marketing opportunities.

In the case brought by the Public Defender, the Constitutional Court mainly focused on the potential justifications for using state power against drug users. The court suggested the idea of distinguishing between so-called *soft* and *hard drugs* without a clear criterion, which allowed the political class to leave the issue unresolved. More importantly, the court ruled that in the case of easily addictive drugs (synonymous with *hard* ones), the state has the authority to prohibit and criminalize their consumption. By this decision, issued in 2019, the idea of support and care was entirely ignored; the state was once again presented as a defender of public order, a prosecutor, a *moral crusader*.

This shift might be explained by the fact that, in 2017, due to the stalled process of enacting new comprehensive legislation on the decriminalization of drug use and the establishment of free and accessible healthcare and rehabilitation services, it became clear that a fundamental transformation of drug policy was not in the political class's interests. The Constitutional Court realized the limits of judicial decisions – they could not create new policies themselves; they could only underpin the foundations. Because the foundations of Beka Tsikarishvili's case did not align with how liberal governance operates, the court began to shift its discourse and ultimately strengthened the system's main pillars. Its decisions gradually regressed and legally (judicially) established the state's authority to criminalize and prosecute not only the possession but also the consumption of practically all substances bar cannabis. Moreover, in the end, the court only recognized the significance of personal autonomy, *i.e.,* the right to be left alone with drugs, with no indication regarding unequal power formations that lead to substance consumption, political and cultural stigmatization, instrumentalization of drug users, and the need for a shift from control-based to care-oriented drug policies.

Among White Noise's three significant demands, only the decriminalization of drug use has been partly achieved in this process. As has already been said, it was still a progressive step compared to previous zero-tolerance experiences. However, the decisions of the Constitutional Court *neutralized* the content of the movement's demands: they stripped the drug liberalization activism of its systemic, ethical, and radical political dimensions. It acknowledged only the subjective right to protect individual autonomy (although even this element was incompletely recognized). As Christoph Menke argues, the progressive potential of *neutralization* is that it establishes a system in which personal choices and interests are treated as pre-existing facts, beyond the reach of political power.[246] The Constitutional

246 Menke, "Democracy and Rights," 296.

Court's decisions prove that the judicialization of politics has the potential to reach that point. However, this also marks its inherent limitations.

IX. Concluding Remarks

The drug liberalization movement in Georgia was a phenomenon that put drug policy at the center of the public political agenda and ultimately resulted in several progressive changes. White Noise went beyond a mere cultural movement, articulated a wide range of socio-political demands, created a discursive space for a highly marginalized community that had previously not been heard from, and set a precedent for the legalization of cannabis consumption in post-Soviet countries. The movement showed an interplay between human rights language and social demands, used the Constitutional Court of Georgia as a primary arena of political struggle, and effectively became entangled in judicialized politics.

White Noise reflects theoretical ideas about the inherent connections between human rights, liberal governance, judicialized politics, and social struggles. As the article shows, the political potential of a social movement can not be fully grasped and analysed without considering how policies are made and shaped in the contemporary world. The conceptualization of judicialized politics is crucial for understanding human rights as an institutionalized form of liberal governance and its peculiarities. The *paradoxes of rights* – a theoretical framework adopted in this article – links the unique understanding of human rights to the judicialization of politics and examines the conceptual constraints and progressive potential that the human rights paradigm and legal reasoning create for social movements. In this vein, White Noise and the drug liberalization process in Georgia in 2015-2019 manifest the paradoxes of human rights and the limits of judicialized politics.

The fact that human rights have progressive and regressive potential at the same time does not necessarily imply their paradoxicality. Something can be both beneficial and detrimental in certain ways. Take the example of chemotherapy. It damages some organs and weakens the body; however, in the end, it is intended to cure the patient or at least contribute to a longer life. The paradox of human rights lies in the idea that their ultimate goal falls short of eliminating oppression and subordination, yet social movements must invoke them; these rights remain essential for living within the boundaries set by the state (equity, legal recognition, autonomy, etc.). Thus, one *has to* strive for human rights, even though, as Brown notes:

[R]ights that entail some specification of our suffering, injury, or inequality lock us into the identity defined by our subordination, while rights that eschew this specificity not only sustain the invisibility of our subordination, but potentially even enhance it.[247]

The function of the courts is to make decisions on social and legal problems, *i.e.*, to settle disputes. Judicial bodies try to resolve the paradox of human rights by reducing the

247 Brown, "Suffering Rights as Paradoxes," 232.

essence of rights to the negative idea of freedom from government intervention. This is the only institutional way in which a paradox can operate. Therefore, by attempting to resolve the paradox, judicial bodies prove its existence. In the case of White Noise, the judicialized politics resulted only in a limited recognition of the negative rights of drug users. The Constitutional Court maintained the roots of drug users' problems and even strengthened the idea of criminalizing the majority of them. In the end, it also did not support the idea of rehabilitation and social services, nor the need to transform control-based policies into care-oriented ones.

Therefore, perhaps the following questions should be asked: Is it necessary to solve the paradox? In fact, is there a solution at all? Is it possible to distinguish human rights discourse from its institutional form? If yes, how can human rights help us imagine alternative political forms of governance and statehood? These questions, however, must be set aside for further research and future exploration.

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Osowiec Fortress in the Context of the Strategic Defense System in the Forward Region (the Kingdom of Poland) of the Russian Empire in the 1870s–1910s[248]

Abstract

The article discusses the construction and development of the Osowiec Fortress in the context of the strategic defense of the Russian Empire in the Forward Theater (Congress Poland) at the turn of the 19th century. Particular attention is paid to the evolution of perceptions regarding the future purposes of the fortress in the event of a potential war with Germany. It is argued that Osowiec Fortress, initially conceived alternately as an advanced fort outpost and as a fully developed ring fortress, was constructed in the 1880s and entered World War I in the midst of substantial modernization, as a result of which its classification was raised from third to second class. The strategic purpose of the fortress, approved on 16 (29) March 1913, did not extend beyond the conceptual framework of the 1870s: to serve as a support for troops on the Bóbr River; to prevent an enemy crossing at that sector; and to deny the Germans the use of the Grajewo–Białystok railway line or the opportunity to construct a bypass branch. In other words, the fortress was designed to repel a rapid assault. Yet in reality, during WWI principal engagements unfolded on its approaches; thus, the decisive factor proved to be the actions of its infantry garrison, composed of regiments incorporated into it in response to the operational situation. From the standpoint of troop deployment in the Forward Theater, its significance varied with the changes in plans, but was largely determined by the role of Białystok as a transportation hub and consisted also in restraining a potential strike into the gap between armies or against the flank of forces designated to operate against Germany. The millions of rubles expended on its construction gave the Russian army a fortified area capable of controlling several dozen versts and of being defended by comparatively weaker forces.

Key words: Russian Empire, Osowiec Fortress, Strategical Defense

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Introduction

Osowiec was one of the most renowned Russian fortresses of World War I. It attracted attention in part because on 24 July (6 August) 1915 it withstood a gas attack, and in part because of its months-long defense, which ended only due to the general retreat of the Russian army. Against the backdrop of the rapid fall of other, much larger fortresses, such as Kovno (Kaunas) and Novogeorgievsk (Modlin), Osowiec indeed appeared to be an example of success.

Already during the war, officers of the garrison—primarily those of the fortress artillery—contributed to the emergence of its heroic image.[249] In the Soviet period, in the 1920s–1930s, attention focused on the episode of chemical warfare[250], while the former officer Sergei Khmelkov, who developed a theory of fortified defensive regions, devoted a separate essay to the fortress.[251] During World War II, military propaganda drew upon the image of Osowiec's steadfastness, and in the early 1960s the writer Sergei Smirnov reignited the public interest with a mythical story about a soldier allegedly forgotten during the retreat who remained alive beneath the ruins for ten years. Thereafter, however, Russian interest in the fortress subsided, and at the turn of the 20th century the systematic study of Osowiec largely fell to the Polish historians and enthusiasts promoting historical tourism in the region. While Anatol Wap published the first historical overview in 1993[252], a fundamental monograph by Bogusław Pęzik, based on Russian archival materials and German sources, came out in 2004.[253]

In Russia, interest in the fortress began to grow again in the 2010s amid the emergence in public discourse of the heroic Osowiec myth of the "attack of the dead," which in turn provoked a largely critical reaction within the scholarly community.[254] As early as 2011, the first article drawing on a number of newly introduced Russian archival documents was published; those materials clarified certain tactical aspects of defeating the "gas attack" and made it possible to refine the understanding of the course of events on 24 July (6 August) from the Russian perspective, though they did not fundamentally alter the general interpretation.[255] In 2022, the historian Sergei Nelipovich, drawing on a wide range of documents, published another article challenging the arguments alleging the garrison's

249 М. С. Свечников, В. Я. Буняковский, Оборона крепости Осовец во время второй, 6½ месячной осады её, Петроград, 1917.

250 Де Лазари А.Н. Химическое оружие на фронтах Мировой войны 1914–1918 гг. М.: Госвоениздат, 1935.

251 С. А. Хмельков, Борьба за Осовец, М., 1939.

252 Anatol, Wap Twierdza Osowiec 1873-1914, Białystok, 1993.

253 Perzyk, Bogusław, Twierdza Osowiec 1882-1915, Warszawa, 2004.

254 Подробнее: К. Пахалюк, Оборона крепости Осовец: генеалогия героического нарратива, Гефтер, 24 апреля 2016, https://gefter.ru/archive/18356.

255 А. А. Черкасов, А. А. Рябцев, В. И. Меньковский, «Атака мертвецов» (Осовец, 1915 г.): миф или реальность // Былые годы. 2011. № 4. С. 5–11.

weakness and questioning the strategic significance attributed to Osowiec in the defensive operations of 1915.[256]

The aim of the present article is to clarify the circumstances of the construction and development of the fortress up to World War I. Although a detailed analysis was previously undertaken by Bogusław Pęzik, the introduction into scholarly circulation of previously unused documents from the Russian State Military Historical Archive (РГВИА) makes it possible to specify more precisely the context of the fortress's construction and subsequent development. This approach highlights the dilemmas faced by the garrison and the transformation in perceptions of its principal purposes under conditions of a potential war.

The Emergence and Development of the Idea of Constructing Fortifications at Osowiec in the 1870s

The service record of Osowiec Fortress, comparable to a peacetime operations log recording the key events in the life of the garrison, dates the history of the fortification back to 1873[257]. In that year, a strategic conference was held under the chairmanship of Emperor Alexander II, at which measures were discussed in the event of a possible war with the recently established German Empire, which had already achieved two decisive victories: over Austria and France.[258] Among other decisions, the necessity of constructing permanent defensive fortifications along the River Bobr (today the Biebrza)[259] was recognized. From a military-geographical perspective, their necessity was prompted by the opening of a railway bridge at this location. The bridge formed part of a railway line running from Brest through Białystok to the border town of Grajewo.

The characteristics of the terrain, changes in the configuration of international strategic communications (railways), and potential threats to the mobilization of the Russian army—these three factors determined the establishment of Osowiec Fortress. It was situated 35 versts[260] upstream from the confluence of the Bobr with the Narew River, 54 versts from Białystok, 24 versts from Grajewo, and 28 versts from the border itself.[261]

As the Polish historian Bogusław Pęzik has noted, the characteristics of the terrain played a significant role in the history of Osowiec.[262] The River Bobr, which flows in this area from east to west, parallel to the border with Germany, has marshy banks with steep

256 С. Г. Нелипович, Осовец, 24 июля 1914 года: от мифа к познанию // Георгиевские чтения. Сборник статей по военной истории Отечества. Вып. 2. М., 2022. С. 107–122.

257 Российский государственный военно-исторический архив (далее – РГВИА). Ф. 13140. Оп. 1. Д. 321. Л. 1-2.

258 А. М. Зайончковский, Подготовка России к империалистической войне, М., 1926, с. 31.

259 Here and hereafter, modern Polish place names are provided in parentheses; in the main text, the spellings used in the documents under study are retained.

260 1 verst = 1.06 km.

261 РГВИА. Ф. 13140. Оп. 1. Д. 321. Л. 1 об.

262 Perzyk, Bogusław, Twierdza Osowiec, s. 18–22.

escarpments—hardly suitable terrain for the maneuvering of large military formations. However, in the vicinity of the town of Goniądz and the village of Osowiec, the riverbed narrows, while the escarpments and marshes disappear; consequently, this stretch offered the most convenient crossing point. The importance of the crossing had been recognized as early as the Middle Ages, and crossings near the villages of Sosnia and Osowiec appeared at the beginning of the eighteenth century. In 1807, the future site of Osowiec Fortress partially entered the Russian Empire (with the border running along the Bobr); it was only in 1815 that it was incorporated in full. Russian projects of the 1820s–1830s aimed at developing navigation only proved partially successful as the Bobr could not be transformed into a river suitable for full year-round steam navigation. In the late 1840s and 1850s, separate works were undertaken to drain the marshes and construct the Rudski Canal in order to promote agricultural development. This clearly indicates that the imperial authorities did not regard the region as a "natural obstacle" in the event of a possible conflict with Prussia.[263]

Almost simultaneously, between 1845 and 1864, large-scale military-topographical surveys were conducted in the Bobr region as part of a broader study of the terrain of the prospective Forward Theater of Military Operations. This term, as used by Russian military planners at the time, referred to the territory of the Kingdom of Poland, which was located between Prussia (later Germany) and Austria, creating, on the one hand, a convenient springboard for offensive operations and, on the other, a "Polish salient" that could become a trap for troops stationed there if the enemy sought to encircle them by converging strikes.

The rapid development of railways in both Prussia and Austria in the 1850s–1860s further aggravated the strategic security situation of the Russian Empire along its western borders.[264] In the event of war, potential adversaries would possess an advantage in the speed of mobilization; accordingly, the improvement of the fortress system became a logical response, enabling the Russian forcers to hold the Forward Theater during the mobilization period. For the same reason, under Nicholas I, the fortresses of Novogeorgievsk (Modlin), Ivangorod (Dęblin), Warsaw (the Aleksandrovsky fort), and Brest-Litovsk were established.

In the 1860s, the emergence of rifled artillery, with its greater range and destructive power, raised concerns about the need to modernize existing fortress works, though such modernization was largely carried out only later, in the following decade. In addition, the experience of the defense of Sevastopol in 1854–1855 was taken into account. The head of its engineer defense, General Eduard Totleben, who in 1863 became assistant to the Inspector General of Engineers, advocated the transfer of artillery to the intervals between forts in order to strengthen defensive fire.[265]

263 Perzyk, Bogusław, Twierdza Osowiec, s. 29–31.

264 Б. Меннинг, Пуля и штык. Армия Российской империи, 1861–1914. М., 2015, с. 30–31.

265 В. В. Яковлев, История крепостей, М., СПб., 2000, с. 182–183.

Recognizing the importance of strategic lines of communication, the Russian Empire invested in the construction of the Saint Petersburg–Warsaw railway, which passed, among other places, through Białystok and thereby contributed to its rapid economic development. The line was opened in 1866. Two years later, in 1868, the Germans extended the railway from Königsberg and Lyck to the border station of Prostken, located directly opposite Grajewo. Initially, this was a commercial undertaking, based on the expectation that the Russians would construct their own connecting branch in order to improve access to Baltic ports.

The decision to do so was taken in 1870, when construction began on the Brest–Grajewo railway, a development that significantly altered the military-strategic situation of the region. In the event of hostilities, the Germans could make use of this railway line, facilitating a strike against Białystok and thereby threatening the entire Saint Petersburg–Warsaw line. Moreover, in 1871–1873 additional branches connected Brest with Kyiv and Moscow, transforming it into a major railway junction.[266] This gave rise to concerns that a German offensive in this direction might disrupt the communications network of the northwestern region. Consequently, the military authorities began to pay particular attention to the defense of the Białystok area, whose stability was deemed essential to preventing Russian forces from being trapped in "the Polish salient."

At the strategic conference of 1873, the strengthening of the Forward Theater as a whole was discussed, including the reinforcement of defenses along the Neman and the Bobr rivers, in order to cover the Brest–Grajewo railway.[267] The fortifications at Osowiec were intended to form part of these measures.

From Planning to Construction

In 1873, under the direction of Colonel Ikskul, the terrain in the area of the village of Osowiec was surveyed. Sixteen years later, during the actual construction of the fortress, its principal designer, Colonel Rostislav Krassovsky, wrote to the commandant, Petr Lazarev, noting: *"<...> these surveys were carried out hastily, do not contain a comprehensive body of the necessary data, and consist of drawings and notes with calculations."* [268]

However, as Pęzik maintains, certain works continued until 1875. Those made it possible not only to assess more thoroughly the characteristics of the terrain, taking into account the seasonal drying and flooding of the Bobr, but also to establish that the construction of fortifications in the Goniądz area would compel the Germans to build a bypass railway line several kilometers in length. This, in turn, would suspend overall traffic

266 Perzyk, Bogusław, Twierdza Osowiec, s. 35–38.

267 РГВИА. Ф. 1956. Оп. 1. Д. 87. Л. 22.

268 РГВИА. Ф. 13140. Оп. 1. Д. 8. Л. 123.

for a period ranging from 24 to 57 days.[269] At that time, the issue was framed in terms of constructing a fortified outpost (a fort-zastava) that would guard against a rapid enemy attack, enhance the defensive properties of the terrain, and, in a certain sense, "lock" the Bobr sector.

In the spring of 1875, the Bobr region and the future site of Osowiec were inspected in person by General Nikolai Obruchev , one of the principal advocates of military reform. Subsequently, a project was drafted for the construction in this area of a full-fledged ring fortress consisting of nine forts and six intermediate batteries. The forts were to be positioned approximately seven kilometers apart—that is, at the maximum effective artillery range. Such a configuration generally corresponded to the most advanced contemporary views on fortress warfare, including those developed in Germany following the campaign of 1870–1871.[270] Owing to the high cost of the project, it had to be revised, and the number of forts was reduced by one third. At that time, as a result of ongoing reforms, Russian military expenditures had increased from 129 million rubles in 1866 to 260 million in 1876, amounting by the end of the period to 41.8 percent of total state expenditures.[271] Even this sum, however, proved insufficient to finance all the proposed measures.

The Russo-Turkish War of 1877–1878 delayed the implementation of plans to strengthen the western borders. On 6 (18) July 1879, the Minister of War, Dmitry Milyutin, submitted proposals to the emperor for the fortification of three points—Kovno[272], Grodno, and Osowiec. He had to take into account the financial exhaustion caused by the recent war; accordingly, the report specifically emphasized that the projected fortifications should not become an excessive burden on the state. It was therefore declared that the construction plans included *"only what constitutes the most immediate and pressing necessity."* [273]

Thus, in the case of Kovno, the fortifications on the right bank were intended to repel only a direct assault, while those on the left bank were meant to withstand a siege. The fortress of Grodno was likewise conceived primarily for the repulse of an open attack, whereas Osowiec, according to Milyutin's design, was to be prepared for a siege, *"but only for the period required by the enemy to construct a bypass railway line, after which the strategic significance of this point would be lost."* [274] At the same time, the fortress service record noted that, at this stage, the plans proceeded from the assumption that the "*fortress would be subject only to a rapid assault,"* [275] a formulation that somewhat diverged from the war minister's position.

269 Perzyk, Bogusław, Twierdza Osowiec, s. 43–44.

270 В. В. Яковлев, История крепостей, с. 179–180.

271 О. Р. Айрапетов, Война 1877 – 1878 гг. как проверка реформ // Ключевские чтения – 2020. Народ и власть М., 2021, с. 219–220.

272 Nowadays – Kaunas.

273 РГВИА. Ф. 1956. Оп. 1. Д. 87. Л. 22 об.

274 РГВИА. Ф. 1956. Оп. 1. Д. 87. Л. 23.

275 РГВИА. Ф. 13140. Оп. 1. Д. 321. Л. 2 об.

According to Milyutin's proposal, the basis of each fortification was to consist of a simple earthwork with a ditch of field profile; these were subsequently to be improved by additional engineering structures: first stone powder magazines and sortie galleries; then counterscarps and small caponiers; and, in the more distant future, defensive barracks. Artillery calculations indicate that up to 719 guns were planned in total: up to 180 for Osowiec; up to 220 for Grodno; and up to 319 for Kovno (Kaunas). This distribution suggests that Osowiec was regarded by the War Ministry as the smallest of the three fortresses. However, it is noteworthy that up to 104 anti-siege guns were allocated to Osowiec, compared to 112 for Kovno, and none for Grodno.[276] In order to economize, it was proposed that, in addition to hired civilian laborers, soldiers of the Vilna Military District be employed in the earthworks during their training assemblies (from 15 May to 5 September), but they were not to devote more than a quarter of their time to construction work so as not to impair their regular military training.

Having received the approval of Alexander II, on 9 (21) July 1879 Dmitry Milyutin sent a letter to the commander of the Vilna Military District, General Petr Albedinsky. The letter announced the dispatch of three generals—Adjutant General Obruchev from the General Staff, Lieutenant General Zverev from the Main Engineering Directorate, and Major General Wahlberg—to mark out the sites of the projected fortifications on the ground. This step entailed, in due course, the expropriation of property, and required the resolution of related legal and financial issues. Officials of the Vilna Military District were instructed to provide full assistance in these endeavours. By the end of autumn, the projects for the fortifications were expected to be completed, so that construction could begin in 1880.[277]

The explanatory memorandum accompanying the general project for fortifications near the village of Osowiec and the station of Goniondz, appended to Milyutin's letter to Albedinsky, clarified the original concept. It was precisely the shortcomings of the terrain that were presented as the rationale for constructing Osowiec. The significance of the fortress (or, at this stage, fortifications) was explained by the need to protect lines of communication, both the railway line and also the well-maintained dirt road leading from East Prussia. The valley of the River Bobr was considered difficult to traverse west of the village of Osowiec (that is, opposite the left flank of the fortress), whereas in the immediate vicinity of Osowiec *"the marshy valley of the Bobr is most accessible, both because of its limited width of 1 to 1.2 versts and due to the presence here of causeways and a ferry crossing."*[278] Further east, toward Goniądz, the valley widened but remained accessible for crossing, particularly during dry summer periods.

Russian generals proceeded from the assumption that, in the event of war, the Germans would seek to use this road to strike at Białystok and subsequently at Brest-Litovsk. The fortifications at Osowiec were intended not only to cover Białystok but also to allow a

276 РГВИА. Ф. 1956. Оп. 1. Д. 87. Л. 23 об.

277 РГВИА. Ф. 1956. Оп. 1. Д. 87. Л. 1–2.

278 РГВИА. Ф. 1956. Оп. 1. Д. 87. Л. 13.

smaller force to be assigned to holding the line of the Bobr. The memorandum stated: *"This point possesses no significance either politically or administratively; control of the region does not depend upon it in the least. It is also unsuitable for the concentration of troops, since it lies aside from the principal routes along which it would be advantageous for us to advance into Prussia."* [279]

This observation is particularly important against the backdrop of the significance attributed to Kovno and Grodno. The former was responsible for covering the mobilization of Russian troops beyond the Neman, holding the crossings and the railway that opened the way for the Germans into Lithuania; in the event of a Russian offensive, it would also serve as a rear base. Grodno, in turn, was primarily tasked with safeguarding the strategically important Saint Petersburg–Warsaw railway and a convenient river crossing. A German advance to the Neman and the Bug would have complicated communications between the troops of the Northwestern Region and those stationed in the Kingdom of Poland via Grodno; in such circumstances, the retention of Grodno would have been significant chiefly as a means of impeding their further advance.[280]

Thus, in the explanatory memorandum appended to Milyutin's letter, Osowiec was assigned a defensive and supporting role. Accordingly, its purpose was formulated as follows: *"to serve as a point of support for our forward troops on the Bobr isthmus (i.e., between the Prussian border and the Bobr), to bar the enemy's access to a convenient river crossing, and to prevent him from making use of almost the entire Grajewo railway without first capturing the fortifications or constructing a bypass line around them."* [281]

As is evident, there was no intention to defend the entire Grajewo–Białystok railway line. As indeed occurred in 1914, once the Germans reached the fortress, they were able to make free use of the section of the railway that lay in their rear and beyond the range of the fortress artillery. This circumstance had already been taken into account for thirty-five years.[282]

The overall design of the future fortress was subject to continual revision. Thus, in the explanatory memorandum appended to Milyutin's summer letter, the plan envisaged the construction of Fortifications Nos. 1 and 2 on the right bank (each for two companies with 13 guns), covering the Osowiec crossing (it was also planned to build a dam to regulate the river's water level); a further Fortification No. 3 (for three companies and 29 guns) on the left bank near the so-called Swedish crossing (to the west of Osowiec); and a Central Fortification (No. 4, for six companies and 26 guns), which was to be located in the southeastern part of an elongated elevation, closer to the railway station. From the eastern

279 РГВИА. Ф. 1956. Оп. 1. Д. 87. Л. 14 об.
280 РГВИА. Ф. 1956. Оп. 1. Д. 87. Л. 3-4, 28-29.
281 РГВИА. Ф. 1956. Оп. 1. Д. 87. Л. 14 об.
282 РГВИА. Ф. 1956. Оп. 1. Д. 87. Л. 15 об.

side, it was to be covered by two additional fortifications. All of this was to be reinforced by five separate batteries.[283]

In the summer of 1879, Zverev and Wahlberg conducted additional surveys of the terrain, which led to revisions of the initial construction plans for all three fortresses, including Osowiec. On the site itself, Lieutenant Colonel Krassovsky (the future creator of the fortress) was at work; by mid-August he had completed the layout of the lines of fire and proceeded to a detailed study of the course of the River Bobr. [284] The commander of the Vilna Military District also submitted his own proposals, disagreeing with the assessments of these generals. In particular, on 23 October 1879 he addressed a report to Dmitry Milyutin. With regard to Osowiec, he insisted that on the northern bank of the Bobr it would suffice to construct only one, rather than two, fortifications. On the left bank, he recommended strengthening the battery near the inn of Vygoda and designing the batteries at the Swedish crossing in such a configuration that they would be able to support the Central Fort with artillery fire.[285]

It proved impossible to begin construction in 1880 due to insufficient funding. According to Milyutin's diaries, the Minister of Finance, Samuil Greig, opposed the project and persuaded Alexander II to postpone expenditure on it.[286] As follows from a memorandum of the new Minister of War, General Petr Vannovsky, dated 31 May (12 June) 1882 and addressed to General Totleben, one of the final projects had in fact received the highest approval on 26 February (10 March) 1881, that is, only a few days before the emperor's assassination.[287]

At the same time, in 1880 the first war plan against Germany and Austria-Hungary was drafted by the Chief of the General Staff, General Obruchev. In the event of a defensive campaign, Białystok was to serve as the right (northern) concentration point of the main forces, under the cover of three armies advanced forward—to the Neman, toward the Vistula, and to Volhynia. In the case of an offensive, a separate Białystok detachment would be formed to secure communications between the two principal armies—the Neman and the Vistula armies. In both scenarios, Osowiec assumed the role of a fortress significant for covering the flanks and the junctions between the principal troop groupings.[288] In 1883 the plan was revised, though its general outlines remained unchanged. In the defensive scenario, troop concentration was to be completed on the 22nd–27th day of mobilization; in the offensive scenario, on the 17th–29th day (with a reserve at Brest to be formed on the 40th day).[289] This timetable indicates the importance attributed to fortresses and explains the subsequent emphasis on repelling rapid assaults.

283 РГВИА. Ф. 1956. Оп. 1. Д. 87. Л. 17 об.
284 РГВИА. Ф. 1956. Оп. 1. Д. 88. Л. 36.
285 РГВИА. Ф. 1956. Оп. 1. Д. 87. Л. 43-44.
286 Д. А. Милютин, Дневник / под ред. Л. Г. Захаровой, М., 2010, с. 181, 187–188.
287 РГВИА. Ф. 1956. Оп. 1. Д. 121. Л. 3-4.
288 А. М. Зайончковский, Подготовка России, с. 32–34.
289 А. М. Зайончковский, Подготовка России, с. 35.

Undoubtedly, Germany's growing military capabilities played a key role in advancing the projects of these three fortresses, creating a particular psychological atmosphere. A number of documents from the late 1870s and early 1880s are devoted to "suspicious" German activity near the Russian border. From December 1879 onward, the military authorities had been receiving reports from customs officials indicating that the Germans were constructing certain observation towers along the Russian frontier. By June 1881, three such structures had been recorded opposite border posts in the Petrokov Province. In July, Colonel Rennenkampf, attached to the Headquarter of the Vilna Military District, was dispatched to East Prussia to investigate the matter. In the border region from Polangen to Raygrod, he discovered two such towers (near the villages of Schmalleningken and Schillenen), which, as it turned out, had been erected as early as 1880 for geodetic observations. In particular, near Schillenen several Prussian surveyors had already been engaged for two months in land measurement work. At the border checkpoint in Romanishki, Rennenkampf was informed that in July 1880 two German travelers from Berlin had visited Russia for a single day *and "allegedly were officers of the Prussian General Staff."*[290] This "allegedly" suggests that Rennenkampf himself placed little credence in the notion of a "spy mission." After visiting Eydtkuhnen, Gumbinnen, Insterburg, Tilsit, and Memel—that is, the northeastern part of East Prussia—and traveling by rail from Grajewo to Eydtkuhnen (along the southern border of the province), Rennenkampf found no evidence of military preparations or even broadly conceived intentions to initiate war with Russia. On the contrary, he observed a marked intensification of economic ties between the two countries: *"the Prussians are purchasing from us an unprecedented number of pigs in recent years" (in Tauroggen and in the Suwałki Province); a highway was being constructed from Memel to the border town of Polangen to facilitate the export of agricultural products; and in Tilsit, at the railway bridge, instead of the military fortifications rumored to be under construction, a harbor was being built on the Neman River. The report concluded in a characteristically telling manner: "The harvest in East Prussia is expected to be average, but better than along our border. The reaping of winter rye has begun."*[291]

Construction of the Fortress (1883–1894)

The new emperor, Alexander III, approved the idea of constructing new fortresses along the German border relatively swiftly. On 12 (24) May 1881, he issued a supreme decree to the Minister of War ordering the commencement of procedures for the expropriation of the necessary property and the determination of compensation sums for the construction of *"fortifications near the cities of Kovno and Grodno and near the village of Osowiec."* [292]

290 РГВИА. Ф. 1956. Оп. 1. Д. 116. Л. 3 об.

291 РГВИА. Ф. 1956. Оп. 1. Д. 116. Л. 4-5.

292 РГВИА. Ф. 1956. Оп. 1. Д. 115. Л. 2.

In the above-mentioned memorandum from Vannovsky to Totleben, the considerations underlying the construction plans were set out in greater detail. The principal danger was explicitly identified as a joint offensive by the German and Austro-Hungarian armies. Given Russia's lag in mobilization speed, it was assumed that the enemy would have to be delayed along natural river lines—the Middle Vistula, the Narew, and the Bug. Particular attention was devoted to the fortified bridgehead at the confluence of the Vistula and the Narew (the fortresses of Novogeorgievsk (Modlin), Zegrze, and Warsaw), whose defense could prove crucial during the concentration of troops along the Białystok–Brest line.[293] It follows that Osowiec's importance was regarded as secondary in comparison with the Warsaw fortified region, yet still significant from the standpoint of covering the right flank of the mobilization area.

On 10 (22) March 1882, Alexander III approved the project for a Temporary Executive Commission responsible for the construction of fortifications along the empire's western border. The works were carried out under the supervision of the Main Engineering Directorate.[294] At Osowiec itself, preliminary marking-out of the terrain began in the summer of 1882, when, on 6 (18) August, the military engineer Krassovsky was appointed builder of the fortress and soon thereafter promoted to the rank of colonel.[295]

From 1883 onward, construction proceeded on three forts (Fort I Central, Fort II Zarechny, and Fort III Swedish); a fourth, the New Fort, began to be built in 1890. The Zarechny Fort, together with its fortified position and adjoining battery, was erected on the northern bank of the Bobr, while the other three were situated along the southern bank. Behind the Zarechny Fort stood Fort I Central; to its left was Fort III Swedish, which covered the crossing of the same name. The designation derived from a local toponym reflecting a legend that the troops of Charles XII had once crossed at this point. The interval between the forts was known as the Bridgehead (Platsdarm); from the north, south, and northeast it was encircled by water-filled ditches with glacis slopes and separate batteries, adapted for the mobile defense of the intervals.[296] In this way, Totleben's concept of placing artillery outside the forts in order to strengthen defensive fire was implemented. Along the highway between the Central and Swedish forts lay the principal group of buildings, including sheds, barracks, and other service structures. Further to the left, Fort IV New was constructed to cover the left flank.

From October 1884 to January 1887, the works were directed by Captain Rudnitsky, who immediately after leaving Osowiec prepared an article for the Engineering Journal summarizing the experience gained. From the outset, he pointed to the objective difficulties posed by the construction site: *"Indeed, the country in which the construction was carried out–*

293 РГВИА. Ф. 1956. Оп. 1. Д. 121. Л.5

294 РГВИА. Ф. 1956. Оп. 1. Д. 121. Л. 15-24.

295 РГВИА. Ф. 1956. Оп. 1. Д. 121. Л. 25.

296 РГВИА. Ф. 13140. Оп. 1. Д. 321. Л. 2 об.

desolate and wild–is characterized by an almost complete absence of labor and building materials, with the exception of fieldstone. Consequently, materials had to be brought from hundreds of versts away, and laborers from thousands. Darkness and remoteness–these are the distinguishing features of this locality, and all this, of course, could not but affect both the difficulty and the progress of the works." [297]

The abundance of sand in the soil, according to Rudnitsky, made it a firm foundation for the erection of massive structures; the looseness of the soil facilitated excavation with shovels, yet for the same reason the slopes of the embankments constantly collapsed and therefore required frequent correction and rapid reinforcement with earth. The principal difficulty was posed by groundwater, while the remoteness of the fortress increased the cost of transporting construction materials.

During the earthworks, owing to wet conditions and the abundance of groundwater, it proved necessary to construct a network of drainage channels and to remove water either by hand-operated pumps or by a mechanized steam pump (ordered from the firm Shints & Co. in Saint Petersburg). Its use, however, raised the cost of operations, and therefore the pump was employed primarily when excavating for foundations; in other cases, a separate contractor was engaged.

In dealing with waterlogged soil, another centrifugal pump was used: it liquefied the ground and expelled it through pipes to a distance of approximately 40 sazhens (about 85 meters), leaving the water in the pit. The pump was initially ordered from the Saint Petersburg firm of Baron N. O. von der Pahlen, but owing to poor quality a new one had to be procured from Great Britain. The machine operated on coal, which was later replaced with firewood. The works were carried out on special iron and wooden pontoons, also ordered in the capital (from the workshop of Ivan Bein). A telephone line was installed between the forts under construction to coordinate the builders' activities.

On one site, where there was insufficient space to dump the excavated earth, a different method was employed: when digging a ditch, a pit was excavated at one end into which the water was pumped and then transferred into a specially constructed adjacent ditch. Along the bottom of the drained ditch, a steam-powered railway (about 2 km in length) was laid, on which two locomotives with 30 platforms hauled the earth upward. However, they frequently derailed due to the steep gradient and poor track laying. Earthworkers loaded the soil directly onto the platforms or, when working at some distance, transported it by wheelbarrow.

Subsequently, embankments were formed and revetment works carried out: the thickness of the standard revetment of 1.25 sazhens (2.67 metres) was increased depending on the height of the slope, some of which slid down three or four times. The soil was taken from nearby meadows; it was cleared of silt, wood debris, and peat particles, mixed with sand, and delivered in sacks to the forming ramparts. A finishing revetment layer was then applied, with a higher proportion of sand. For subsequent stabilization, seeds of oats, clover,

297 С. И. Рудницкий, Три года при постройке крепости // Инженерный журнал. 1887. № 6–7. С. 741–782. С. 742.

timothy, and ryegrass were initially used; however, this method soon had to be abandoned, as the grain attracted birds, while oats first suppressed the other plants and later dried out in the sun, giving the works a desolate appearance. They were replaced with couch-grass roots (shoots of a weed with a well-developed root system). For irrigation, a hydraulic sprayer was ordered from Saint Petersburg, though Rudnitsky acknowledged its ineffectiveness.[298]

Parallel to the fortifications, a network of paved roads was constructed, laid with crushed stone and gravel compacted by a special roller ordered from the Vecherko cast-iron foundry in Białystok. The crushed stone was produced from fieldstones, both manually and with the aid of a stone-crushing machine, which reduced costs by 25 percent. At passageways and gates, either standard macadam paving or cobblestone pavement set in cement was laid.

Fieldstone, collected from surrounding fields by local residents and delivered to the construction site, was also used for stone structures. Brick was employed for vaults, walls, and infill masonry, purchased from seven suppliers in Warsaw, Knyszyn, Białystok, Grajewo, Grodno, and Levitskaya station. The least expensive bricks came from the Shnigevich factory in nearby Knyszyn (17 rubles per thousand), owing to low transportation costs; however, they proved the least resistant to frost and dampness. Cement was delivered from the German city of Stettin and tested in a special laboratory at Osowiec for tensile strength and water absorption. Foundations were made of fieldstone set in cement, with the greatest efforts devoted to draining and restraining groundwater.

In constructing the vaults of buildings and fortifications, wooden centering (support frames) was normally used, and bricks were laid in concentric rings; in one instance, however, owing to the greater height of the retaining walls, sand was employed instead: it was compacted and used to fill the entire space beneath the vaults. According to Rudnitsky, experience—likely not of the most pleasant kind—demonstrated that when laying masonry in frost, a greater proportion of sand had to be added to the cement than usual; otherwise, the bricks easily chipped.[299] In the case of particularly thick walls, a rubble core of fieldstone was first constructed and then faced with brick. This method ensured uniform distribution of the vault's pressure upon the wall. Upon completion, the structures were immediately covered with earth; moisture had no time to evaporate, and the resulting dampness led temporarily to stains, seepage, and mold. In Rudnitsky's view, however, this did not impair their structural strength[300].

Subsequently, concrete works were undertaken to prevent moisture from penetrating the walls and foundations. The concrete was prepared on site from sand, crushed stone, and cement in varying proportions. It was laid on the floors to a thickness of 0.14–0.16 sazhens (about 29,9 – 34,1 centimeters). To reinforce the walls, a separate brick lining was erected; the internal space was divided by wooden slats and then filled with concrete. Since water had been

298 С. И. Рудницкий, Три года, с. 756.

299 С. И. Рудницкий, Три года, с. С. 769.

300 РГВИА. Ф. 1956. Оп. 1. Д. 206. Л. 18 об. – 19.

pumped out during construction, it was necessary upon completion to verify separately whether seepage occurred. In one instance, the thickness of the concrete had to be increased.

By Rudnitsky's own admission, the least attention was paid to ventilation, as it was believed that ventilation pipes would be visible from a distance and that cement mortar would protect against moisture penetration. Ventilation was installed primarily in latrines and barracks, while in the fortifications it was provided at junctions with poternes (underground corridors). A system of pipes was arranged in the embrasures so that, during artillery fire, the draft created would remove powder gases and prevent the accumulation of smoke. However, as documents indicate, approximately five years later, in 1891, toward the completion of construction, the commandant attributed sanitary problems within the garrison in part to the fact that in the casemated quarters only 1.2 cubic sazhens (11.67 cubic meters) of air were available per person, less than in the non-casemated quarters (1.5 cubic sazhens, or 14.59 cubic meters) and three times below the calculated norm. Those remarks met with sympathy at the headquarters of the Vilna Military District, and general recommendations were issued to enlarge the facilities and improve ventilation.[301]

Formation of the Garrison and Armament of the Fortress

Formally, the first unit established was a gendarme detachment in the summer of 1882, tasked with guarding the construction site as work commenced. The Office of the Fortress Builder was formed on 1 (13) September and was responsible for overseeing the creation of the fortress.[302] As the scale of construction expanded, a half-squadron of the Don Cossack Regiment was assigned to supervise the workers.[303] In 1885, an engineering administration was established, and in 1886 the 31st Local Artillery Park was stationed in the fortress.

At the end of 1886, a conference convened by the Minister of War ordered the commencement of Osowiec's armament, along with that of several other fortresses. By the beginning of 1887, all three forts of Osowiec were considered essentially completed, at least to the extent necessary for the acceptance of artillery; however, it was discovered that there was an almost total lack of sheds for the storage of artillery equipment.[304]

The first artillerymen began to arrive in March, drawn from the Bobruisk Fortress Artillery. In April, the first transport of artillery equipment was delivered, followed by infantry units—the 27th Reserve Infantry Battalion, which was stationed in Goniądz. On 4 (16) June 1887, Krassovsky was appointed commander of the garrison.

In the same year, the Fortress Artillery Administration and a fortress fire brigade were established, and the composition of the 1st and 2nd battalions of the Osowiec Fortress

301 РГВИА. Ф. 1956. Оп. 1. Д. 206. Л. 18 об. – 19.

302 РГВИА. Ф. 1956. Оп. 1. Д. 121. Л. 25.

303 РГВИА. Ф. 1956. Оп. 1. Д. 150. Л. 146.

304 РГВИА. Ф. 1956. Оп. 1. Д. 150. Л. 34 а.

Artillery was approved (formed from the 1st Battalion of the Bobruisk Fortress Artillery and three companies of the 2nd Battalion of the Ochakov Fortress Artillery).[305] On 12 (24) September at 9:30 a.m., the mounting of guns at the Zarechny Fortification was completed—20 heavy guns on the main rampart and 20 light guns on the faussebraye. On 13 (25) November, 1,278 poods of gunpowder were delivered. [306] By this time, the fortress may have been considered to be at the minimum level of preparedness to repel an offensive by a potential adversary.

On 1 (13) February 1888, Major General Petr Lazarev (previously commander of the 2nd Brigade of the 35th Division) [307] was appointed commandant. In August, the fortress headquarters was officially formed. In the same year, guns were also mounted on the Central and Swedish forts. Significant problems remained with powder magazines and the lack of adequate quarters for accommodating personnel.[308] Difficulties with the officer corps in the artillery also became apparent: 15.63 percent had previously served in local artillery units and were unprepared for fortress service.[309] In 1888, an Orthodox church was consecrated in Osowiec; the 27th Reserve Battalion was reorganized into a two-battalion unit and, in 1889, renamed the Osowiec Fortress Infantry Regiment. In 1890, supervision of construction was transferred directly to the commandant, replacing the representative of the War Ministry.[310]

The creation of Osowiec was determined not only by the characteristics of the terrain, strengthening defenses within the generally difficult-to-traverse valley of the Bobr, but also represented a struggle with nature and its transformation to meet military needs. Thus, in the spring floods of 1888 and 1889 significantly complicated construction work on the Zarechny Fort.[311] To reinforce the positions, by the end of 1890 the course of the Bobr itself was altered: in place of the "old straight channel," which was filled in, a new one was created, this one curved and protected by concentric breastworks.[312] The embankment consisted "*of sheet-pile lines reinforced externally with stone filling and cut off at the level of low water.*"[313] The slopes were likewise strengthened and paved with stone laid over a layer of crushed rock. A new bridge with icebreakers was also constructed at this site. On the northern side of the Bobr, near the embankment surrounding the bridgehead, a forward battery for six guns and seven traverses was installed.[314]

305 РГВИА. Ф. 1956. Оп. 1. Д. 150. Л. 90–92.
306 РГВИА. Ф. 13140. Оп. 1. Д. 321. Л. 36 об.
307 РГВИА. Ф. 13140. Оп. 1. Д. 321. Л. 47 об.
308 РГВИА. Ф. 1956. Оп. 1. Д. 179. Л. 97–100.
309 РГВИА. Ф. 1956. Оп. 1. Д. 179. Л. 96.
310 РГВИА. Ф. 13140. Оп. 1. Д. 321. Л. 65 об.
311 РГВИА. Ф. 13140. Оп. 1. Д. 8. Л. 126 об.
312 РГВИА. Ф. 13140. Оп. 1. Д. 321. Л. 69 об.
313 РГВИА. Ф. 13140. Оп. 1. Д. 321. Л. 41 об. – 42 об.
314 РГВИА. Ф. 13140. Оп. 1. Д. 321. Л. 43 об.

In November, Commandant Lazarev departed to assume command of the 16th Infantry Division, and his post was taken by Major General Konstantin Stepanov. Colonel Krassovsky himself remained in Osowiec until September 1894; from 1 (13) October, the fortress was subordinated to the Warsaw Military District.

By the end of 1894, the garrison consisted of the fortress headquarters; three administrative departments (fortress engineering, fortress artillery, and fortress commissariat); the Osowiec Fortress Infantry Regiment; the 1st and 2nd Battalions of Fortress Artillery; the Osowiec Fortress Sapper Company; the Osowiec Fortress Military Telegraph; the Osowiec Fortress Aeronautical Section; the Osowiec Fortress Gendarme Detachment; a platoon of the 4th Don Cossack Regiment; a fire brigade; a supply depot; a local infirmary; and the clergy of the fortress church.[315] The total cost of construction between 1882 and 1894 amounted to 7,709,984 rubles and 78 kopecks.[316]

As of the beginning of 1895, the fortress was armed with 346 guns: 127 mounted on the ramparts and 219 held in reserve or storage. In addition, 5,007 poods of gunpowder were on hand. The guns deployed on the ramparts represented six models: 6-inch (190-pood) guns, Model 1877 (15 units); 6-inch (120-pood) guns, Model 1877 (10 units); 12-pounder cast-iron guns, Model 1867 (3 units); 42-line steel guns (17 units); 9-pounder field guns, Model 1867 (16 units); and 4-pounder field guns, Model 1867 (66 units).[317]

Whereas at the beginning of 1889 the fortress numbered 2,718 personnel (including 2,623 enlisted men, 80 officers, and 1 general), the strength increased annually, reaching 4,200 by the end of 1894.[318] Several thousand local inhabitants were also constantly present within the fortress area, engaged in construction and maintenance work or conducting trade in private shops on the premises. Personnel were quartered both within the fortress and in the surrounding villages. As the garrison expanded, the number of guard details increased, training exercises were conducted, and soldiers took part in maneuvers. Live-fire exercises were carried out only for one month (from the end of September), owing to the late removal of hay from the meadows in the Bobr valley.[319]

Osowiec Fortress in the Early 1890s: Readiness for War and Mobilization Problems

As early as 1887, in light of the construction of Osowiec, of the expansion of the railway network along the western borders, and of the increase in the number of regular troops in the Kingdom of Poland, war plans were revised in favor of a more active offensive

315 РГВИА. Ф. 13140. Оп. 1. Д. 30. Л. 1.
316 Подсчитано: РГВИА. Ф. 13140. Оп. 1. Д. 321.
317 РГВИА. Ф. 13140 Оп. 1. Д. 321 л. 1-11, 91-92.
318 РГВИА. Ф. 1956. Оп. 1. Д. 179. Л. 93 об.
319 РГВИА. Ф. 1956. Оп. 1. Д. 179. Л. 95 об.

strategy. Depending on circumstances, it was envisaged that Russian forces would defend on certain sectors while advancing on others. Obruchev himself acknowledged that, at the initial stage, it would be more advantageous to undertake offensive operations against Austria-Hungary while maintaining a defensive posture against Germany. Under one version of the plan, Białystok (with Osowiec) became the left flank of the Neman Army; under another, it formed the right flank of the Vistula Army (with the Białystok Corps tasked with ensuring its stability). Three years later, in 1890, owing to the development of railways in East Prussia, the plans were revised: Russian command increasingly feared a strike from the north, yet believed it could rely on the fortresses of Osowiec, Grodno, and Kovno. Accordingly, the Neman Army (Shavli–Kovno–Grodno) could limit itself to passive defense, while two armies were formed in the Kingdom of Poland. Osowiec, together with the Białystok detachment, was to hold the right flank in the event of an offensive.[320]

The Russian concerns were by no means unfounded. According to the German plan of 1889, the main forces were to be deployed against France, while seven corps and reserve divisions were to form two groupings: the larger striking southward (in the direction of Łomża and Pułtusk), and the second advancing on Grodno and subsequently Białystok. Subsequently, German strategy was revised, and by 1905 the Schlieffen Plan had been formulated, envisaging a lightning offensive in the west combined with initial passivity toward Russia. However, in 1909 the Chief of the Great General Staff, Moltke the Younger, developed a plan for the contingency of a separate war with Russia. It provided for two offensives, Pułtusk–Ostrołęka and Osowiec–Łomża, accompanied by an advance on Białystok, thereby striking at the flank of Russian forces concentrated closer to the Vistula.[321] Although the immediate capture of Brest-Litovsk was not envisaged, these plans demonstrate that the Russian military authorities were by no means mistaken in paying close attention to the fortification of this region.

Even during the construction of the main fortifications, the question arose of creating additional positions. In 1890, the commandant of Osowiec proposed establishing defenses on the right flank, in the Goniądz area; however, given the limited mission assigned to the fortress—as a supporting strongpoint for troops on the Bobr—the headquarters of the Vilna Military District deemed such works inadvisable, as they would merely stretch the forces of the garrison. Since Osowiec lay aside from the principal routes of a potential Russian advance, it was considered more appropriate to confine efforts to improving the positions already under construction and to building the new Fort IV on the left flank of the defensive line. The headquarters of the Vilna Military District also disagreed with the commandant's assertion that overhead telegraph wires would be unusable in the defense of the fortress; in Vilna's view, even if severed, they could easily be repaired.[322] Incidentally, the September

320 А. М. Зайончковский, Подготовка России, с. 36–37, 38.

321 А. М. Зайончковский, Подготовка России, с. 40; Perzyk, Bogusław, Twierdza Osowiec, s. 40–41.

322 РГВИА. Ф. 1956. Оп. 1. Д. 179. Л. 30-32.

bombardment of 1914 would completely refute this assumption: as a result of German artillery fire, communication between the forts was disrupted, and even the selfless efforts of telegraph operators working under fire proved unsuccessful and failed to restore it.

In May 1891, the Main Staff requested from the Vilna Military District draft instructions for Supreme approval concerning the strategic purpose of the fortresses of Osowiec Fortress, Dünamünde Fortress, and Kaunas Fortress. The absence of more detailed guidance compelled the district headquarters to establish a special commission, chaired by the commandant of Osowiec, General Lazarev, to prepare these documents.

The minutes of the meeting make it possible to outline briefly the prevailing views of the 1890s regarding the principal tasks of fortresses at the outset of a potential war. The significance of Kaunas was associated with control over the enemy's operational routes from East Prussia toward the middle reaches of the Neman River and Šiauliai; it was also regarded as a starting point for strategic operations aimed at the flank of an advancing enemy. Dünamünde was to prevent the enemy fleet from entering the Daugava River and approaching Riga, while Osowiec—should the enemy advance at the junction of the Vilna and Warsaw military districts—was to secure the Grajewo railway and reinforce the defense along the Bobr River. Given the relative weakness of the garrison, it was assumed that the task of detecting enemy movements and determining their strength would fall to the field troops (special advance detachments). These forces were likewise to establish defensive positions along the Bobr River both upstream and downstream from the fortress, while the commandant, with his own forces, would support the field defense.[323]

In other words, it was initially assumed that the fortress would conduct an active defense in cooperation with the infantry, while the commandant's responsibility would be confined to the works of the forts themselves. During World War I, however, the situation developed in precisely the opposite manner: lacking a permanent garrison, the fortress commandant was made responsible for the defense of up to forty versts of front, devoting particular attention to the creation of flanking and forward positions.

On 8–9 (20–21) September 1891, training artillery exercises were conducted at Kaunas Fortress and Osowiec Fortress in the presence of the commander of the Vilna Military District. At Osowiec, under the command of Colonel Khvitskii, commander of the 1st Battalion of the Osowiec Fortress Artillery, 6-inch (120-pood) guns fired 40 bombs and 24 shrapnel shells, while 8-inch mortars discharged 40 bombs. The exercise scenario assumed that the enemy had captured one of the forts and an intermediate battery, indicating that the garrison was preparing to repel a frontal assault. [324]

Shortly thereafter, on 21 October (2 November) 1891, the fortress commandant sent a letter to the Chief of Staff of the district, General Leonid Sobolev, inquiring about the composition of the fortress garrison. Relevant memoranda were enclosed with the letter. In

323 РГВИА. Ф. 1956. Оп. 1. Д. 212. Л. 29-39.

324 РГВИА. Ф. 1956. Оп. 1. Д. 216. Л. 1, 3.

those, the commandant set forth the view that in wartime the fortress would have a limited objective: "*To serve our forward troops on the Bóbr isthmus (i.e., between the Prussian border and the Bóbr River) as a strongpoint; to bar the enemy's access to a convenient crossing over the river; and not to permit him to make use of almost the entire Grajewo railway without first securing possession of the fortifications or constructing a branch line bypassing them.*"[325] For those purposes, a garrison of no fewer than seven battalions, with cavalry, engineers, and artillery, was deemed necessary. Lazarev particularly emphasized the passive character of the fortress's role, which did not envisage operations aimed at uncovering or assessing enemy forces.

Given the characteristics of the terrain, the commandant believed that the Germans could properly organize a siege only from the direction of the railway. A turning movement against his flank was associated, in his view, with the construction by the Germans of an additional bridge across the Bobr River and the laying of a supplementary railway branch line to bypass the fortress—an undertaking that, in his estimation, would require five to six and a half weeks. However, he assumed that the Germans would resort to such measures only in the event of their success at Grodno or Łomża, that is, against the flanks of the fortress; accordingly, the notional Białystok detachment would be unable to assist Osowiec Fortress. All these considerations convinced Lazarev that, in the first period of a campaign, preparations should be directed toward repelling a frontal assault.

In the spring of 1892, a commission convened at the Headquarter of the Vilna Military District to examine the readiness of the fortresses—Kaunas Fortress, Osowiec Fortress, and Dünamünde Fortress—to be placed on a defensive footing. This did not involve a trial mobilization; rather, it consisted of an analysis of existing documentation and the identification of inconsistencies, omissions, and related deficiencies. In particular, owing to the absence of precise instructions, it emerged that the fortresses were planning for significantly longer periods to attain combat readiness than those assumed by the district headquarters: Osowiec—15 days instead of 9; Kaunas—23 days instead of 14; and Dünamünde—16–19 days instead of 7.[326] Alternatively, the commandants proceeded from the assumption that the mobilization of the garrison and the placing of the fortress on a war footing would occur simultaneously, although the latter was regulated by special supreme decrees. The very nature of the required works presupposed, for example, the free disposal of state property; yet the necessary authority was granted to the commandant only upon the declaration of a state of siege. The final report raised a number of specific mobilization-related issues: the precise delineation of fortress boundaries; the absence of plans for the evacuation of local inhabitants and the families of service personnel (including the question of whether the latter would be provided with financial support); the expenditure of extraordinary funds; the adequacy of topographical reserves; and many other similar concerns.

325 РГВИА. Ф. 1956. Оп. 1. Д. 208. Л. 7.

326 РГВИА. Ф. 13140. Оп. 1. Д. 22. Л. 5.

With particular regard to Osowiec Fortress, the report separately noted the insufficiency of garrison troops to carry out all the necessary works, a circumstance that rendered the fortress dependent on the use of local civilian labor.[327] In the commission's view, Osowiec Fortress would have been unable to prepare for defense either within nine days or within fifteen. All the necessary work fell upon the local fortress regiment of two-battalion strength, which at the same time was to be expanded to five battalions; this meant that the arriving soldiers had to be trained in the specific requirements of combat service in a fortress. Equally absurd was the provision in the mobilization schedule that Osowiec should, during this period, be covered by two field infantry battalions. In effect, *"the Osowiec Fortress, instead of covering the mobilization work within the interior of the country, itself requires cover for its own mobilization."*[328] *In the end, the commission recommended the broad employment of local inhabitants for work outside the fortifications and expressed the wish that* Osowiec Fortress be maintained in full combat readiness even in peacetime, or at least that a trained reserve cadre for individual companies be kept available.[329]

Entirely different concerns preoccupied those who served directly in the fortress. In January 1893, Krassovsky submitted a memorandum entitled "Osowiec Fortress: Readiness in Engineering Terms." In it, he noted that the number of casemated barracks was insufficient and that those available "*cannot be regarded as safe against bomb-torpedoes." Between the forts, only the reserve magazines–holding 28,000 poods of powder and 10,000 shells–were considered secure; in his view, this was inadequate for an active defense. The dry ditches of the Swedish Fort, with their earthen scarps and counterscarps, did not constitute serious obstacles; likewise, the existing water-filled ditches, lacking grilles and underwater mines, offered no protection against assault in winter. In the event of mobilization within nine days, the available forces would be unable to complete all the necessary preparations for defense, and even the minimum measures (clearing forests and constructing abatis, demolishing buildings to open fields of fire, obtaining materials, emplacing artificial obstacles, and building dugouts and trenches) would require the daily employment of up to 1,000 laborers and as many as 100 carts drawn from the local population. He paid particular attention to the need to increase the stock of engineering materiel and to expand the establishment of engineer officers at* Osowiec Fortress.[330]

The Border Garrison and the Modernization of the Fortress on the Eve of World War I

The fifteen years following the transfer of Osowiec Fortress to the Warsaw Military District were marked by the normalization and routinization of garrison life. The documents at my disposal indicate a constant turnover in the senior command; for many officers,

327 РГВИА. Ф. 13140. Оп. 1. Д. 22. Л. 10-11.
328 РГВИА. Ф. 13140. Оп. 1. Д. 22. Л. 82 об.
329 РГВИА. Ф. 13140. Оп. 1. Д. 22. Л. 83.
330 РГВИА. Ф. 1956. Оп. 1. Д. 233. Л. 4–5.

Osowiec was merely another posting. Thus, over approximately eleven years, seven commandants succeeded one another. In 1898, upon the death of General Stepanov, he was replaced by General Plyutsinsky, who in turn was succeeded the following year by General Zasulich. In 1900, General Bobyr arrived from Kaunas Fortress; in 1904 he was replaced by General Gukov; two years later by Helmholtz, who retired after another two years. This continual rotation of command came to an end in 1909 with the appointment of General Karl Schulman, under whom the fortress would enter the World War I.

Despite the completion of the main construction works, the fortress continued to develop. In 1895, for example, a highway was built behind the connecting glacis.[331] One of the principal problems identified as early as 1892 by the Main Staff was the insufficient number of accommodations for mobilized troops.[332] This issue was resolved by 1899, when large brick barracks were opened in the rear area near the village of Downary. As a result, in the event of war the fortress could indeed serve as a significant rear base during operations in East Prussia.

Residential, domestic, and auxiliary infrastructure (including wells and service magazines) within the fortress perimeter expanded annually, while defensive works were strengthened: galleries and shelters were reinforced with concrete; new ditches were dug and old ones widened; ramparts and fossé-brayes were strengthened; underground communication cables were laid; and protective grilles were installed. In 1902, a military pigeon station (for 500 birds) was established. In 1905, among other works, the Poirée dam was constructed, along with reinforced concrete structures equipped with a sluice to release water from the Ruda Canal into the ditch of the Zarechny Fort.[333] In 1906, a concrete shelter for two machine guns, with a powder magazine and a protected passage covering the exits, was built near the small railway bridge over the Ruda Canal—an indication that lessons had been drawn from the Russo-Japanese War, which had demonstrated the effectiveness of machine guns in combat. In 1907, shelters for counter-assault guns were constructed at the Zarechny Fort and on the northwestern defensive glacis. By 1910, the total number of guns had risen to 554, although many were obsolete. Altogether, 4,913,108 rubles 69 kopecks were expended on the maintenance and development of the fortress between 1895 and 1909.

At the turn of the century, Russian foreign policy was focused on colonial expansion in China, which led the military authorities to give serious consideration to the risk that, in Europe, Germany might direct its principal blow against Russia. This assessment found expression in the war plan of 1900, the essence of which lay in concentrating the main forces along the Narew River and the Bobr River.[334] In 1902, the Minister of War, Aleksey Kuropatkin, visited Osowiec Fortress and even outlined plans for the construction of a new

331 РГВИА. Ф. 13140. Оп. 1. Д. 321. Л. 43 об. – 44 об.

332 РГВИА. Ф. 1956. Оп. 1. Д. 225. Л. 30 – 30 об.

333 РГВИА. Ф. 13140. Оп. 1. Д. 321. Л. 153 об

334 А. М. Зайончковский, Подготовка России, с. 41.

fort near Goniądz and an intermediate caponier by the village of Szafranki. However, owing to a lack of funding and the subsequent Russo-Japanese War, none of these projects was carried out.[335]

The Narew line (with the construction of fortifications and of Łomża, Ostrołęka, Różan, and Pułtusk) was intended to parry a presumed strike from the north.

However, the most significant changes began in the 1910s in connection with another modernization of the Russian army, prompted by the defeat in the Russo-Japanese War and the desire to increase troop numbers while reducing expenditures. An important contextual factor was the Russo-French military agreements, which envisaged joint combat operations. In St. Petersburg, it was well understood that Russia would hardly be able to withstand Germany and Austria-Hungary alone. Above all, whereas previously 47% of infantry units in peacetime had been concentrated in the three western military districts, this figure was now reduced to 35%. The remainder were transferred to central Russia: this saved funds on the annual transportation of conscripts, increased the flexibility of strategic rail movements, and facilitated mobilization (up to 14 days for field troops), but temporarily weakened the forward theater. Moreover, again for reasons of economy, all fortress regiments—considered insufficiently reliable in combat—were disbanded. They were replaced by infantry units which, upon the outbreak of mobilization, were to cover the fortresses but subsequently rejoined their divisions. Thus, in 1910 the Osowiec Fortress Regiment was abolished, and its place was taken by the 61st Infantry Regiment from the neighboring 16th Infantry Division (two years later it was replaced by the 63rd Regiment). In this way, the fortress was deprived of an independent infantry garrison.

The relocation of mobilization to the Kovno–Grodno–Brest-Litovsk line in 1908–1910, which entailed abandoning the Vistula River line, reflected the War Ministry's inclination toward caution: on the one hand, to avoid a strike on the flank and rear from East Prussia; on the other, by relying on the railway network, to concentrate reserve groups at major junctions that could, depending on circumstances, be deployed against either Germany or Austria-Hungary.[336] In this context, and considering them superfluous, Sukhomlinov decided to abolish an entire series of fortresses and fortified positions, including those on the Forward Theater (with the exception of Novogeorgievsk (Modlin); later Ivangorod (Dęblin) was also retained). An exception was made for Osowiec in view of its importance in covering Białystok, which by that time had become a major railway junction.[337] Sukhomlinov proceeded from the assumption that the development of long-range heavy artillery in the enemy's army would render fortresses little more than rapid graves for their garrisons, since there were no funds available to strengthen defensive structures or to

335 РГВИА. Ф. 13140. Оп. 1. Д. 321. Л. 128 об. – 129 об.

336 О. Е. Алпеев, Стратегические императивы двенадцатого года, Родина, 2014, № 8, с. 3–7.

337 А. М. Зайончковский, Подготовка России, с. 143.

reinforce Russia's own artillery on the necessary scale. It was therefore decided to concentrate resources on those development of the fortresses that were to be preserved.

By 1912, however, the General Staff had returned to the idea of a more forward, western deployment with the aim of invading East Prussia. As events indeed demonstrated in 1914, Osowiec found itself at the junction of two armies forming along the Narew and the Neman for a further offensive. The Russian General Staff assumed that Germany was most likely to deliver its main blow against France.

From 1909 onward, the Main Engineering Directorate and the Main Directorate of the General Staff worked out plans for the development and reinforcement of Osowiec. In October–November, a special commission drew up a detailed development plan amounting to more than 11.5 million rubles. The most significant works could be completed in approximately four years.

In addition to the construction of numerous auxiliary buildings as well as the installation of barbed wire and defensive grilles in several sectors, the primary emphasis was placed on strengthening fortifications capable of withstanding hits from 21-cm to 30.5-cm shells and on increasing firepower. Thus, in 1911 six concrete shelters were constructed and one of the passages was concreted. Among the former, according to Pężyk, particular note should be taken of the shelter on the bridgehead, intended to house the headquarters, the main administrative offices, and the telegraph operators.[338]

In 1912, at the Central Fort, a passage and one of the barracks were concreted; a poterne (an underground gallery) was constructed to connect it with the caponier; and several observation posts were built. Work also began on the reconstruction of one of the ramparts. At the Zarechny Fort, the vault was concreted and the walls of one of the barracks were thickened; two shelters for counter-assault guns were constructed; the gorge rampart of the caponier was rebuilt; an armored post for artillery observers was installed; and part of the rampart was reconstructed. At the Swedish Fort, two armored posts for artillery observers were also erected.

In 1913, a concrete blockhouse was built near the northeastern rampart; a German-type grille was installed in the dry moat; and two sections of the parapet in the northeastern corner were concreted. At the Zarechny Fort, work was carried out to glacis the edge of the rampart; several poternes and a barracks were concreted; and on the connecting glacis, a shelter for a machine-gun platoon was constructed. At the Swedish Fort, a barracks was concreted and covered with earth; at the New Fort, a shelter for machine guns was built.[339] On the bridgehead, five permanent batteries were completed in full; the slopes were also reinforced. On Bald Hill, three concrete shelters for artillery observers were built, and one shelter each was constructed on the Northern and Southern glacis.

338 Perzyk, Bogusław, Twierdza Osowiec S. 92.

339 РГВИА. Ф. 13140. Оп. 1. Д. 321. Л. 194 об.

The artillery was likewise modernized. By the outbreak of World War I—specifically, by the first battles of September 1914—the fortress was armed with 90 fortress guns and 98 field guns. These included heavy long-range six-inch 200-pood guns (four pieces), six-inch 120-pood guns (32 pieces), 42-line guns (22 pieces), and six-inch howitzers (eight pieces).[340]

Perhaps the most conspicuous innovation was the installation on Skobelev Hill of a rotating Schneider-system turret equipped with a six-inch howitzer, placed under a concrete cover with an attached shelter and powder magazine. In September 1913, however, the fortress was visited by the Inspector General of Artillery, Grand Duke Sergei Mikhailovich, who pointed out the poor camouflage of the observation post at the Swedish Fort and criticized the armored turret on Skobelev Hill. As recorded in the fortress register, "*the high cost of the installation and of the turret itself does not correspond to the benefit that may be expected from it; therefore, [he] considers it more expedient to construct several concrete batteries with these funds.*"[341]

At the same time, certain innovations appeared in the life of the garrison. From 1911 onward, annual summer exercises rehearsed coordinated actions of the infantry garrison, cavalry, and artillery. Participants in live-fire exercises also included cadets from several artillery schools and students of the Officer Cavalry School. In 1913, near the village of Sosnia, logging began in a forest that, in the event of war, could have served as cover for enemy troops.[342] By the outbreak of hostilities, however, the forest had not been fully cleared— in tactical terms, this would work to the advantage of the Germans.

Osowiec Fortress was constructed virtually in an open field. At any given time, its garrison numbered approximately 4,000 men, which was comparable to the population of nearby Goniądz: in 1889 the town had 4,708 inhabitants, of whom 1,703 (36 percent) were Jews.[343] Within the fortress itself, officers and officials resided together with their families; there was also a retail shop[344], while local inhabitants were engaged not only in trade but also in contract and maintenance work ranging from construction to the supply of provisions and the removal of waste. Some of these workers, together with their families, likewise lived within the fortress area. Goniądz also served as a place where soldiers could spend their free time outside service hours, while local prostitutes were regularly detained on the territory of the fortress.

Gradually, throughout the 1900s and 1910s, this close interaction with the local population increasingly came to be perceived as a potential source of danger, particularly in relation to the spread of revolutionary sentiments and espionage on behalf of Germany. Judging from the examined documents, particular suspicion was directed toward Jews and

340 Подсчитано на основе таблиц о действиях артиллерии во время сентябрьской осады. РГВИА. Ф. 13140 Оп. 1 Д. 331. Л. 31.

341 РГВИА. Ф. 13140. Оп. 1. Д. 5. Л. 197 об. – 198 об.

342 РГВИА. Ф. 13140. Оп. 1. Д. 321. Л. 184 об.

343 РГВИА. Ф. 13140. Оп. 1. Д. 5. Л. 68

344 Государственный архив Российской Федерации (ГА РФ). Ф. 124. Оп. 15. Д. 76. Л. 10.

Russian subjects of German origin. At the same time, however, the fortress headquarters did not develop any systematic measures of prevention or counterintelligence, leaving such matters largely to the discretion of the local gendarmerie authorities.

Thus, in 1906, during the First Russian Revolution, two underground circles were uncovered within the fortress; their members included clerks and several soldiers, while in one case revolutionary leaflets were reportedly transmitted through a Jew in Goniądz.[345] In the early 1910s, as construction intensified and the number of civilian laborers expanded, concerns regarding potential espionage became more acute. In particular, in September 1911, during an attempt to cross the Russian-German border clandestinely, the peasant Heinrich Zaborowski (an ethnic German residing within the fortress as a contract worker) and Yudka Rubinstein (a Jewish smuggler from Grajewo) were detained. The authorities discovered in their possession a pencil-drawn plan of the fortress showing fortifications and roads. Zaborowski claimed that he had produced the sketch on his own initiative in order to present it to Prussian border guards in the event of arrest and that, in reality, he had attempted to cross the border allegedly in order to purchase a plan of the German military fortifications at Lyck and resell it to the fortress authorities.[346]

At the beginning of 1912, the headquarters of the Warsaw Military District informed the fortress that spies had repeatedly been apprehended in the surrounding area and therefore recommended that particular attention be paid to contractors and clerks. The surviving fortress documentation, however, does not suggest that any systematic countermeasures were introduced.[347] Only in July 1913 did Commandant General Shulman order that the families of officers, physicians, and officials, as well as civilian employees and their families, contractors, and merchants, should be allowed to enter the fortress only upon presentation of identification documents with photographs, whereas workers employed in concrete construction were to use passes without photographs. Additional security measures were regarded by the chief engineer Karaulov as undesirable, since they would have complicated the ongoing construction works.[348]

Conclusion

Osowiec Fortress, initially conceived alternately as an advanced fort outpost and as a fully developed ring fortress, was constructed in the 1880s and entered World War I in the midst of substantial modernization, as a result of which its classification was raised from third to second class. The strategic purpose of the fortress, approved on 16 (29) March 1913, did not extend beyond the conceptual framework of the 1870s: to serve as a support for

345 ГА РФ. Ф. 102. Оп. 203. Д. 6217. Л.11.

346 См. ГА РФ. Ф. 124. Оп. 69. Д. 820.

347 РГВИА. Ф. 13140. Оп. 1. Д. 249. Л. 9–10.

348 РГВИА. Ф. 13140. Оп. 1. Д. 315. Л. 4

troops on the Bóbr River; to prevent an enemy crossing at that sector; and to deny the Germans the use of the Grajewo–Białystok railway line or the opportunity to construct a bypass branch.[349] In other words, the fortress was prepared to repel a rapid assault, yet in reality during the world war the principal engagements unfolded on its approaches. Thus, the decisive factor proved to be the actions of its infantry garrison, composed of regiments incorporated into it in response to the operational situation. From the standpoint of troop deployment in the Forward Theater, Osowiec's significance varied with the changes in plans, but was largely determined by the role of Białystok as a transportation hub and consisted also in restraining a potential strike into the gap between armies or against the flank of forces designated to operate against Germany.

Overall, between 1882 and 1912—that is, over a period of thirty years—the total expenditure on the fortress amounted to approximately 14.8 million rubles.[350] During periods of intensive construction and prewar modernization, annual allocations reached 1–1.2 million rubles, whereas during the remaining years expenditures fluctuated between 200,000 and 500,000 rubles. At the same time, in the 1880s approximately 255 million rubles per year were allocated for the maintenance of the army; these expenditures subsequently increased and by 1909 had reached 470 million rubles, while in the early 1910s, due to rearmament, they exceeded 600 million rubles annually. Thus, within the overall expenditures on the land forces, Osowiec accounted for only a fraction of a percent. Nevertheless, it gave the Russian army a fortified area capable of controlling several dozen versts and of being defended by comparatively smaller forces.

Osowiec was constructed and maintained using funds from the military ministry, which in a certain sense were spent on contract work involving local residents (Poles, Jews, and Russians). In other words, that expenditure may be interpreted as an investment with a multiplier effect that most likely had had a beneficial impact on the local economy. This undoubtedly requires separate study, which would allow for a deeper understanding of the impact of the Russian military presence in Poland.

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349 РГВИА. Ф. 2152. Оп. 1. Д. 282. Л. 81.

350 Calculated on the basis of the fortress record. РГВИА. Ф. 13140. Оп. 1. Д. 321.

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"A Combination of a Future Stalin and a Future Hitler": Ivan Solonevich's Critique of Solidarism as the First Attempt at a Comprehensive Description of Neo-Sovietism

Abstract

The study is grounded in the concept of neo-Sovietism, drawing on the works of the Sovietologists Abdurakhman Avtorkhanov and Roman Redlikh, as well as those of Milovan Djilas. This concept views the current regime in the Russian Federation as a product of the Soviet system's historical evolution. Despite its radical transformation in 1991, that system retained its fundamental characteristics: philosophical and ideological foundations, ruling stratum, and distinctive structure of the state and economic apparatus.

Early attempts to analyse the Soviet system's "degeneration" date back to the 1930s, notably to the writings of Leon Trotsky, one of the founders of the RSFSR and the USSR. Right-wing Russian publicists also studied these processes, alongside left-wing authors. Ivan Solonevich's legacy is particularly significant here. During his final years in exile in Argentina, he engaged in a public polemic with the solidarists, who represented one of the leading ideological currents and political movements within the post-war Russian emigration. This study focuses on his analysis of the Soviet (Stalinist) system's transformation and forecasts of its development formulated during this polemic, rather than his assessments of solidarism itself.

The principal theses developed in Solonevich's publications of 1948–1953 include:

- the understanding of the Soviet party-state apparatus — the "apparatus of power" — as a distinct structure, long since emancipated from classical Marxist-Leninist ideology, yet interested in some form of socialist order because any other socio-economic system would be alien to it;
- the inevitability, after the fall of Stalinism (the classical Soviet system), of the apparatus's ideological mimicry through nationalist and populist rhetoric ("a

combination of a future Stalin and a future Hitler"), a synthesis of communist and fascist elements, and the idea of "technocracy";
- similar ideological mimicry in the economy: while formally permitting and even developing the institution of private property, the apparatus would seek to retain de facto control over and management of it ("functional property");
- the impossibility of democracy under Russia's historically established conditions, making the choice between two authoritarian models — monarchy and neo-Soviet totalitarianism — inevitable;
- the emergence of a new stratum of technocratic intelligentsia that had abandoned communist ideas but sought to preserve and develop a state-run command economy;
- the risk of historical Russian ethno-cultural identity's degradation, disintegration, and replacement by a new identity connected to it only through Russian as a language of communication.

At least some of Solonevich's conclusions and forecasts later recur in Djilas's well-known works; Djilas reached them independently, drawing on his own experience within the radical left.

To the best of our knowledge, no comparable studies of Solonevich's late writings have been undertaken to date. Given the present practical need to analyse the underlying roots and motives of Russia's dictatorial regime, Solonevich's analytical insights acquire particular practical relevance, alongside the legacy of classic Sovietologists and left-wing critics of Stalinism.

Keywords: USSR, Russian Federation, neo-Sovietism, solidarism, fascism, Russian emigration, neo-communism.

Introduction: Early Studies of the Phenomenon of Soviet Technocracy — Neo-Sovietism

The phenomenon that we define in our research as neo-Sovietism—that is, a socio-political model which serves as an organic continuation of the Soviet political, social, and economic system without being formally Marxist-Leninist and communist—began to be conceptualized and studied almost from the moment of its inception. The earliest, yet profound and substantive endeavor aimed at examining and analyzing the process of the "degeneration" of the Soviet system can arguably be found in the relevant writings of Leon Trotsky, one of the founders of Soviet statehood who subsequently became an irreconcilable enemy of Stalin personally, and of the development model of the USSR associated with Stalin.[351]

After the Second World War, a number of works were published by authors who, like Trotsky, originated from the Communist Party; some of those books became classics of

351 For example: Троцкий Лев, «Рабочее государство, термидор и бонапартизм» https://www.marxists.org/russkij/trotsky/works/trotm382.html; Он же, «О термидорианстве и бонапартизме» https://www.marxists.org/russkij/trotsky/works/trotm288.html; Он же, «Сталинизм и большевизм» https://www.marxists.org/russkij/trotsky/1937/stalinism_bolshevism/01.htm.

Sovietology and political science. Foremost among them are Milovan Djilas's *The New Class*,[352] Abdurakhman Avtorkhanov's *The Technology of Power*,[353] and Mikhail Voslensky's *Nomenklatura*.[354]

Undoubtedly, the left-wing ideological genesis of all these authors, as well as the fact that they all held more or less prominent positions within the communist system of power, allowed them to better observe and understand the processes occurring inside communist regimes—primarily in the USSR, and also (in the case of Djilas) in Yugoslavia. Yet this also accounts for their inevitable subjectivity and bias, an urge to juxtapose a "distorted" socialism against some other, "correct" socialist system. In fact, all of Trotsky's works on the subject of the Soviet "Thermidor" or "Bonapartism" are subordinated to precisely this objective. In turn, at the time of writing his most famous book, Djilas also emphasizes that he remains loyal to socialism, which he now, however, reconceptualizes "democratically."[355]

In this regard, of particular interest are the works of an author of the right-wing, so-called popular-monarchist movement—Ivan Lukyanovich Solonevich—dedicated to the phenomenon of neo-Sovietism (although he himself did not use this term).

Solonevich never engaged in academic scholarship, although he received a good education, having studied at the Faculty of Law of St. Petersburg Imperial University. From a young age, he worked as a journalist, initially for the newspaper *Severo-Zapadnaya zhizn* [North-Western Life], which was published by his father, Lukyan Mikhailovich Solonevich. Later, already in St. Petersburg, he began his career as a political journalist at *Novoye Vremya* [New Times]—a prominent right-wing publication.[356]

Solonevich himself wrote about his activities during that time as follows: "In 1916 and 1917, I worked as a political reporter for *Novoye Vremya*. I was obliged to know what was happening both on the stage and behind the scenes of the politics of those years: if I did not know, other reporters would have been found to take my place. And if editorial boards paid political reporters crazy money, they did not pay it for nothing—and this was the law of competition. Besides me, there were five other staff members of *Novoye Vremya* working in the same field."[357]

Subsequently, in Soviet Russia, in the USSR, and in emigration, Solonevich worked as a professional journalist and publicist, and also published on sports-related topics (being a professional athlete, he also worked in various Soviet sports organizations—including, during his period of imprisonment, the *Dinamo* sports society, which was a structural subdivision of the OGPU-NKVD). In 1934, together with his brother and son, he managed to escape directly from the White Sea-Baltic concentration camp to Finland. In emigration, journalism also became Solonevich's primary profession—publishing his own books and

352 Джилас Милован, «Новый класс». «Фредерик А. Прегер». Нью-Йорк: 1961.

353 Авторханов Абдурахман, «Технология власти». «Посев»: Франкфурт-на-Майне: 1983.

354 Восленский Михаил, «Номенклатура». Overseas Publications Interchange Ltd: Лондон: 1990.

355 Джилас Милован, «Новый класс». «Фредерик А. Прегер». Нью-Йорк: 1961. P. 11.

356 «Биография». https://www.solonevich.ru/?o-Солоневиче/Биография

357 Солоневич И. «Размножение центров». «Наша Страна» №118, 19 апреля 1952 г. P. 2. https://harbin.lv/storage/Media%20Emg/Nasha_strana/NS_118_online.pdf

various newspapers, the last of which was *Nasha Strana* [Our Country], founded in Argentina in 1948, which continues to be published to the present day (January 2026).[358]

Despite the fact that not a single one of his articles or books can, from a formal point of view, be considered a full-fledged academic study, both in terms of the volume of processed information and the precision of analytical conclusions, they are quite comparable to the best Sovietological works. Furthermore, in a number of cases, in our view, Solonevich was several decades ahead of Djilas, and the accuracy of at least some of his forecasts was subsequently confirmed after the official dissolution of the Soviet Union in 1991. At the same time, it can also be argued that this part of Solonevich's legacy remains under-researched to this day.

Almost from the very beginning of the launch of the new publication, one of the main lines in his work became the ideological confrontation with the NTS, the National-Labor Alliance of Solidarists [Narodno-Trudovoy Soyuz solidaristov]. From the perspective of Solonevich and his associates, solidarism was nothing more than an attempt to create an organizational and ideological model that would allow the ruling stratum and the apparatus of power of the Soviet Union, after the fall of communism, to retain its power and to preserve the totalitarian, socialist system under the guise of a "national-labor state."

In this article, we do not attempt to evaluate how justified Solonevich's claims against the NTS were, nor how factually accurate his description of solidarist ideology was. The critique of the solidarists, in this case, serves merely as a formal framework within which Solonevich provided his analysis of 1) the social base of the Soviet system, 2) the possible social, economic, and political evolution of the regime and the social groups on which it relies, and also 3) described various models of state organization for a "post-Stalin" Russia, which, in our view, proved to be quite accurate.

Overall, it can be argued that Solonevich's critique of solidarism is the first known description of the phenomenon of neo-Sovietism and the prospects for its historical development after 1953, i.e. after the departure of "the last real socialist, who firmly believed in collectivism and the Cheka"[359] — Joseph Stalin.

Specific Features of Ivan Solonevich's Terminological Apparatus

Solonevich's unusual life path also influenced the language, and specifically the terminology, that he used. His discursive manner is that of a professional journalist and publicist of the "old school," yet it is saturated with notions and concepts typical exclusively of the Soviet environment. As characteristic features of his terminological apparatus, the following are particularly notable:

358 «Биография». https://www.solonevich.ru/?o-Солоневиче/Биография

359 Солоневич И., «Отец по наследству». «Наша страна», №172 от 2 мая 1953 г. P. 2. https://harbin.lv/storage/Media%20Emg/Nasha_strana/NS_172_online.pdf

1. Terms and concepts evidently acquired during his university studies. In particular, these include "revolution" and "reaction," which he generally interprets in a traditional manner, but in some instances uses rather idiosyncratically (reaction as a "decrease in bread, freedom, and security").
2. Terms and concepts of the Soviet era: "apparatus of power" [*apparat vlasti*], "active core" [*aktiv*], "promotees" [*vydvizhentsy*], etc. While generally understandable to anyone who lived and worked in the USSR in the 1920s and 1930s, today these terms sometimes require explanation.
3. Terminology and vocabulary of a later period, acquired or reinterpreted already during emigration. For instance, the concept of "totalitarianism"—in some publications, Solonevich classifies "Robespierre's France" and the Consulate and Empire of Napoleon I Bonaparte among totalitarian regimes.[360]

It is worth focusing specifically on how he defines socialism, fascism, and Nazism. Perhaps one of the most concise and comprehensive descriptions can be found in *The Dictatorship of Impotents*:

"After the First World War, having exploited the European catastrophe and broken through the last barbed-wire entanglements of the capitalist and other old regimes, the socialists came to power. In continental Europe, not a single NON-socialist government remained. Let us count them on our fingers.

In Russia, Vladimir Lenin came to power—a member of the Russian Social Democratic Labour Party of Bolsheviks. In Poland — Józef Piłsudski, a member of the Polish Socialist Party. In Hungary — Béla Kun, a member of the Hungarian socialist workers' party. In Germany — first Ebert, a member of the Social Democratic Party of Germany, and later Adolf Hitler, a member of the National Socialist German Workers' Party. In Czechia — Jan Masaryk and Edvard Beneš, members of the Czech socialist workers' party. In Italy — Benito Mussolini, a member of the Italian Socialist Party. In France — Léon Blum and other members of French socialist parties. In Belgium — Émile Vandervelde, a member of the Belgian socialist workers' party."[361]

Thus, Solonevich views fascism in general and Nazism in particular as a special case of socialism. In July 1952, in his article "Secrets of the Solidarists," he expounds upon this thesis with utmost clarity:

"A somewhat wayward philosopher of the Russian emigration, Prof. G.P. Fedotov, defines communism as a variety of fascism (*Novy Grad*, p. 206). Why not the other way around? That much remains unknown. Communism was born into God's world centuries earlier than fascism. Fascism, meanwhile, in recent European history, was regarded primarily

360 Солоневич И. «Диктатура импотентов (Социализм, его пророчества и их реализация)» https://royallib.com/read/solonevich_ivan/diktatura_impotentov_sotsializm_ego_prorochestva_i_ih_realizatsiya.html#81920

361 Ibid.

as a sort of bulwark against the communist offensive on Italy, on Germany, on Spain, etc. And in any case, in Europe, communism gave birth to fascism, and by no means vice versa. The question is simply this: How, in essence, does communism differ from fascism? In my opinion—by absolutely nothing... The struggle between communism and fascism is, in its essence, an intra-party struggle of different shades of political thought, and even more often, of different groups with their various ambitions. In all cases, the matter concerns one and the same thing: a totalitarian system headed by a single and sole party, subordinating the entire life of the country to its control."[362]

Probably, for contemporary political and historical science, such broad generalizations will seem too loose. However, this approach allowed Solonevich to diagnose very early a possible combination of elements of communism and fascism, and the birth on its basis of a new, "national" ideology, which would be in demand by the Soviet nomenklatura and the apparatus of power after the dismantling of the Stalinist — that is, Marxist-Leninist totalitarian — system.

The "Apparatus of Power" in the View of Ivan Solonevich

In *Russia in a Concentration Camp*, as well as in his subsequent publications with a more journalistic slant, Solonevich repeatedly returns to the description of the main acting subject of the Soviet political system—the subject that the Bolsheviks themselves called the "apparatus of power." He describes the social hierarchy of this apparatus in a journalistic yet quite detailed and thorough manner in *Russia in a Concentration Camp*, in the chapter "The Pillar of Power,"[363] as well as in *The Dictatorship of Impotents* and *The Dictatorship of Scum*.

In general, this description is in many ways similar to what we see in Djilas's work *The New Class* (with the only difference being that Solonevich preceded M. Djilas by about twenty years). All social, political, and economic relations in Soviet society are conditioned by the fact that the Soviet apparatus of power found itself from the outset in a hostile environment, since it was perceived as alien and even unacceptable by the majority of the Russian society at that time. In result, the communist regime was objectively forced to rely almost exclusively on criminal and marginal sections of the society, whose educational, business, and moral qualities rendered their members incapable of achieving success under normal social conditions. In *Russia in a Concentration Camp*, this is described with the opinion-piece vividness characteristic of Solonevich:

"I was proving to Manuilsky that Bolshevism was doomed, for the sympathy of the masses was not on its side. I remember, as if it were now, with what sincere disdain Manuilsky

362 Солоневич И. «Тайны солидаристов». «Наша Страна» №129, 5 июля 1952 г. P. 1.

363 Солоневич И., «Россия в концлагере». https://harbin.lv/storage/Библиотека/Художественная%20литература/Иван%20Солоневич%20-%20Россия%20в%20концлагере.pdf

looked at me... 'Listen, my dear fellow,' he smirked quite contemptuously, 'why the hell do we need the sympathy of the masses? We need an apparatus of power. And we will have it. And the sympathy of the masses? Ultimately, we do not give a damn about the sympathy of the masses.' Many years later, having gone through the entire harsh, illusion-stripping school of Soviet power, I, so to speak, felt with my own skin this already realized apparatus of power... Only after all this did the answer to my longstanding question become clear to me: out of whom can an apparatus of power be cobbled together, given the absence of the sympathy of the masses? The answer is that the apparatus can be cobbled together out of scum, and, cobbled together out of scum, it proved insurmountable, for scum possesses neither doubt, nor thought, nor regret, nor compassion: they are scoundrels of a hard soul. Of course, these hard-souled activists are by no means a specifically Russian phenomenon. In Africa, they engage in shooting at live black targets; in America, they lynch Negroes... The realism of Bolshevism was expressed, in particular, in the fact that the bet on scum was placed directly and fearlessly. I do not wish to assert in any way that Manuilsky was scum, just as Torquemada was not scum either. But when Christianity dragged people into the heavenly paradise with stakes and tortures, and Bolshevism dragged them into the earthly one with the Cheka [VChK — All-Russian Extraordinary Commission, - D.S.] and machine guns, then in practical activity, there was nothing to be done, one had to base oneself on scum."[364]

Here, in general, the hierarchy—social, political, moral, and ideological—is visible, which, in the opinion of Solonevich, determines the properties of the Soviet apparatus of power.

The top level is the communist elite, a political sect that came to power, whose project was alien and directly hostile to the overwhelming majority of the inhabitants of Russia at the moment of the seizure of power, and remained hostile subsequently.

The next level is the party bureaucracy, that very "apparatus" which is supposed to carry out the administration of the subjugated country in the interests of the political sect.

Formally subordinate to the party bureaucracy, but often, in practice, on a par with it, are the punitive-terrorist institutions, i.e. the Cheka (VChK, OGPU, NKVD, MGB).

And finally, the lowest and most massive tier is the *aktiv*, that very "scum" which serves, in the terminology of the Bolsheviks themselves, as a transmission belt to the masses. The latter deserves special attention, since, in Solonevich's opinion, it was precisely the *aktiv*, alongside the party bureaucracy, that constituted the true core of the Soviet system:

"The Soviet *aktiv* is indeed that layer, mysterious to the outside observer, which supports the power more firmly and reliably than the GPU supports it, the only stratum of the Russian population that is wholeheartedly and to the last drop of blood devoted to the existing regime. It encompasses the lower ranks of the party, a certain part of the Komsomol, and a very significant number of people thirsting for a party card and a Chekist post."[365]

364 Ibid.

365 Ibid.

It is noteworthy that membership in the Komsomol, and even in the Communist Party, does not in itself signify belonging to the *aktiv*, and at the same time, a significant number of activists remained in the status of non-party members. The *aktiv* included only those individuals who voluntarily, by way of "social work," volunteered to act in the interests of the regime, with the aim of making an administrative career. And such activity, inevitably associated with participation in the regime's terrorist campaigns (dekulakization, grain requisitioning, public denunciations of "enemies of the people"), made the social isolation of the activist inevitable: outside the party bureaucracy and the *aktiv*, he became an enemy to the overwhelming majority of his compatriots. On the one hand, this opened up fairly broad career prospects; on the other hand, it was associated with very significant risk. Moreover, for both the punitive structures and the party nomenklatura, the activists were a lower caste, expendable material. As Solonevich notes:

"People who imagine this *aktiv* to be the 'cream of the nation' and victors in the struggle of life are making a gross mistake. They are no cream and no victors. These are exhausted, battered, stupefied people, and not only executioners, but also victims. That comparatively small stratum of the *aktiv* which went along with all these denunciations and dekulakizations in the name of some faith—albeit a very nebulous faith, but a faith nonetheless, a faith if only in the leaders—consists, among other things, of people who are deeply and hopelessly miserable; rivers of blood that are too wide cut off the road back, and ahead... Ahead, nothing can be seen but damn broken shards."[366]

Another crucial feature of the *aktiv* is that it is inherently oriented towards terrorist and predatory actions, while being unsuited for actual, effective managerial activity:

"Selected on the basis of moral and intellectual obtuseness, having gone through a years-long school of plunder, oppression, and murder, welded together by boundless devotion to the authorities and the boundless hatred of the population, the *aktiv* constitutes an extremely powerful stratum of present-day Russia. Its qualities, both innate and acquired, determine the boundless possibilities of the destructive measures of the authorities and their fatal impotence in constructive measures. Where it is necessary to dekulakize, rob, and butcher, the *aktiv* acts with devastating swiftness. Where it is necessary to build something, the *aktiv* in the shortest possible time creates a completely hopeless muddle."[367]

The *aktiv* is the most massive part of the Soviet apparatus of power, constituting its only full-fledged social foundation, since only this social stratum (along with the professional Soviet bureaucracy and punitive organs) was tied by its vital interests to the communist regime—for the reason that under any other socio-political system it would be, at the very least, in no demand. Therefore, defending Soviet power as a socio-political system is, for the *aktiv*, a matter of its own survival, rather than of ideology or convictions. And it was precisely

366 Ibid.
367 Ibid.

this, in the opinion of Solonevich, that made any attempts at a "national transformation" of the USSR unthinkable:

"All of them... have acclimatized to that specific atmosphere of the Bolshevik system which they themselves created and outside of which they cannot survive. All of them are professionals of Soviet administration. If you liquidate this administration, there will be absolutely nothing for them to do in the world... What profession will be accessible to all of them under the conditions of a non-Bolshevik system?.. No, all these people, no matter how much they might tear at each other's throats, are solidly welded in relation to the rest of the country, welded by blood to the grave, welded for life and death. They have nowhere to turn, even if they wanted to. A 'national' or 'international' Russia under the Stalinist apparatus still remains a Bolshevik Russia."[368]

The crucial thesis of Solonevich is that the social, political, and economic features of the Soviet totalitarian system were determined, at least since Stalin's time, not only by the original ideological tenets of Bolshevism, but by the practical interests of the Soviet bureaucracy and the *aktiv*, for whom the preservation of the Soviet system, in one form or another, under one ideological facade or another, was a matter not only of personal gain, but of survival.

Subsequently, already drawing on the experience of the Soviet-German war of 1941- 1945, Solonevich noticed another remarkable fact (one which many of his contemporaries also pointed out): Hitler's regime in the occupied territories of the USSR preferred, in administrative matters, to rely on the communist nomenklatura and the Soviet *aktiv*:

"The Germans selected the native administrative apparatus [in Russia — D.S.] almost exclusively from among former communists and explained it this way: only former communists have sufficient administrative experience... What the Germans omitted to spell out was the fact that the administrative experience of the former communists was the papa and mama of the administrative experience of the National Socialist party itself: the goals were slightly different, but the methods of oppression bore a truly brotherly resemblance... One cannot really explain away as a mere coincidence the fact that only communists were admitted to the leadership of the Vlasov army, who in 1943 and '48 called themselves 'former communists.' I do not believe in 'former communists,' for belonging to the communist party is by no means limited to the possession of a party card; it is determined by the presence of 'party habits,' from which it is not so easy to break free. It was said and written that the Germans, supposedly, were annihilating 'commissars'—but they annihilated neither Commissar Zykov nor Chekist Zhilenkov—and it was precisely Zhilenkov who was appointed to the post of political commissar under Vlasov. Well, could the Germans really not find anyone else?"[369]

Here another important idea emerges, which, however, Solonevich does not articulate with complete clarity, perhaps due to the fact that he himself was not only an ideological monarchist but also an imperialist. The Nazi occupation administration was initially formed

368 Ibid.

369 «Акция генерала Власова». «Наша Страна» №2, 2 октября 1948 г. P. 5.

as an apparatus of colonial administration. And it was precisely the Soviet system that prepared, so to speak, a "turnkey" colonial apparatus of this kind for the Nazis. Which is completely consistent with what Solonevich himself repeatedly wrote about: the Soviet *aktiv* was ideal for carrying out terrorist actions and "plundering," that is, the forcible mobilization of the population, the seizure and extraction of various material resources. Thus, it possessed all the qualities for which there is demand in colonialism's worst, most predatory forms.

Collectively, we can provide the following description of the Soviet apparatus of power and its key properties, within the framework of Solonevich's ideological and methodological optics:

- the core of the apparatus of power is the professional Soviet-party bureaucracy, headed by the highest stratum of the party nomenklatura;
- adjoining this core is the punitive apparatus, the "Cheka" (the structures of the VChK, OGPU, NKVD, MGB, KGB). Officially, the "Cheka" is subordinate to the party bureaucracy, but at certain stages it operates as an equal actor;
- the *aktiv* is the most numerous and least privileged part of the apparatus of power, and at the same time its social pillar; it includes the lower hierarchical levels of the communist party, the leadership of Komsomol organizations, and non-party supporters involved in terrorist and administrative actions.

Despite numerous internal contradictions, all components of the apparatus of power stand in opposition to the rest of society, and are forced to maintain unity for the sake of survival, privileges, and the retention of power. In fact, the apparatus of power acts as an internal colonizer, as demonstrated very vividly during the period of Nazi occupation.

Solonevich offers no exact total number of people comprising the apparatus of power, but notes that there are "millions and millions" of them.[370]

Representatives of the Soviet Apparatus of Power in the Diaspora in 1941–1953 and Their Political Interests

The Second World War revealed deep contradictions and internal resistance to Bolshevism in the USSR. It is indicative that between 1.3 and 1.5 million citizens of the Soviet Union fought on the side of Germany.[371] The new wave of emigration significantly altered the old "White" Russian diaspora, which often viewed the newcomers as "Soviet."

370 «Демонстрация Солидаризма». «Наша Страна» №5, 13 ноября 1948 г. P. 6 Солоневич И., «Россия в концлагере». https://harbin.lv/storage/Библиотека/Художественная%20литература/Иван%20Солоневич%20-%20Россия%20в%20концлагере.pdf

371 Дробязко С. И., Романько О. В., Семенов К. К. «Иностранные формирования Третьего рейха» Москва : АСТ : Астрель, 2009. https://militera.lib.ru/research/all/d/b67057/index.html#books

Solonevich emphasized that he occupied an "intermediate" position between the old and the new emigration: he escaped from the Soviet Union significantly later than the White émigrés (in 1934), but before the start of the Second World War, that is, long before the new emigrant wave, and at the same time he knew Russia "from its 'august salons' to its concentration-camp holes."[372] He allowed, in theory, for the possibility that a new Soviet identity, fundamentally different from the Russian one, might emerge:

"Russian statehood has always rested on a moral principle. If this principle fails, if the thousand-year moral foundations of Russian existence are liquidated or at least mutilated by a third of a century of Soviet power, then we must put a cross over [give up on] Russian statehood. Then, after the USSR, something else will arise—qualitatively different from the previous eleven centuries. People will speak Russian, just as Americans speak English. But this 'something else' will only be Russia to the same small extent that the USA is England. Modern Greeks speak almost the same language that Pericles spoke, and live in the same climate and on the same land, but we must agree that there is some difference between the Hellas of Pericles and the Hellas of the Venizeloses."[373]Yet in practice, in his opinion, nothing of the sort happened: the moral level of the Russian people was significantly higher, and remained more essentially Russian,[374] while monarchists made up the social majority: "the Russian [*russkoe*]—or more precisely, the Russian [*rossiyskoe*]—peasantry makes up 90% of the population and... this peasantry is in its majority monarchy-minded."[375] And the Soviet apparatus of power acts in the role of oppressor, an internal colonizer in relation to this popular mass.

Based on these premises, Solonevich also evaluated the new emigration. In his view, it was on the whole "healthy" and "nationalpatriotic"; however, within its midst there was a clear minority, that very Soviet *aktiv*, the apparatchiks, who posed a threat even abroad, and this threat could grow significantly in the event of the fall of communism in Russia:

"The new emigration is not so unified. Its main mass consists of people who are utterly sick and tired of our dear, our Soviet power. But there is a very noticeable stratum of the Soviet *aktiv*, of various ranks and various qualifications, who simply miscalculated. 'By and large' they accept Soviet power. True, with some technical amendments. Namely, that we, the directors, should not sit in the camps. But rather, that we, the directors, should imprison others. Then everything would be in order."[376]Solonevich calls this stratum "miscalculators" [*proschitantsy*]: "We have emigrants. We have non-returnees [*nevozvrashchentsy*]. We lack one more term: miscalculators [*proschitantsy*]. Those are, I would say, 'habitual communists,' communists by habits, by upbringing, by grip, who were not very lucky under Stalin and even less so under Hitler."[377]

372 Солоневич И. «Контуры будущей России». «Наша Страна» №57, 11 ноября 1950 г. P. 1.

373 Ibid. P. 2.

374 Ibid.

375 Солоневич И. «Война и эмиграция». «Наша Страна» №42, 15 апреля 1950 г. P. 7.

376 Солоневич И. «К новой эмиграции». «Наша Страна» №35, 7 января 1950 г. P. 3.

377 Солоневич И. «Маскарад». «Наша Страна» №23, 23 июля 1949 г. P. 7.

It was precisely the Soviet *aktiv*, forced to mimic anti-Sovietism yet existentially interested in preserving the fundamental basis of the Soviet social, economic, and political—totalitarian—system, that Solonevich identified as the main threat. A fictionalised average portrait of such a director, who does not wish to sit in a camp, can be found in No. 35 of *Nasha Strana*:

"An engineer. In the Donbas, he was a director, whether of a plant or a shop with 15,000 workers. He very much loves the pronoun 'we': we built, we planned, we will allow, we will not allow. 'Our' technology has overtaken the German by about ten years... 'We will not allow a monarchy.' 'We will not give our plants to the capitalists.' 'Without something like the OGPU, we will not be able to handle the Russian worker.' 'We will not hand the worker over to capitalist exploitation'... An anti-Stalinist, he does not really remember Lenin at all... he wants the preservation of the present-day economic system in Russia, but only on the condition that the OGPU — MVD is in his hands..."[378]

Having ended up in exile as a result of a mistaken bet on Hitler, a fragment of the Soviet apparatus of power, and above all, its most massive part — the *aktiv* — needed, in the opinion of Solonevich, an ideology and organisation that would fully express its interests. The main task was to preserve its own privileged status, its "portfolio" [administrative post]. For the professionals of the Soviet administration at all levels, this meant, in one form or another, the preservation of the Soviet social, economic, and political system. This required an ideology that, while solving the task of preserving the system, would simultaneously appear anti-communist and alternative to Stalinist socialism itself.

It was precisely this set of aspirations of the Soviet *aktiv* that , from the point of view of Solonevich, the solidarism of the NTS consistently expressed.

"A New Totalitarian Party"

Here a reservation must be made: within the framework of this article, we do not attempt to determine how factually justified the arguments were that Solonevich used in his prolonged polemic with the solidarists (which began, in fact, as early as the second issue of *Nasha Strana*, and continued up to the one hundred and sixty-eighth, despite the fact that during Solonevich's lifetime one hundred and seventy-one issues were published). The program of the NTS subsequently changed repeatedly; evidently, both the ideological tenets and the methods of this organisation changed. The spectre of an inevitable and imminent Third World War was the core and the foundation of all the ideological and theoretical developments of both Solonevich and his Popular-Monarchist Movement. We now know for certain that it failed to materialize. In this sense, the polemic with the NTS may be of exclusively historical significance.

But at the same time, in the process of critiquing solidarism, Solonevich made a series of analytical conclusions and forecasts regarding the development of the Soviet system which

378 Солоневич И. «К новой эмиграции». «Наша Страна» №35, 7 января 1950 г. P. 3-4.

even today offer great value. And it is precisely from this point of view that we consider it necessary to examine this part of his opinion-piece legacy.

In the opinion of Solonevich, the NTS is, in its essence, a totalitarian and even communist party.[379] The main criterion which, in his view, determines the placement of any given political force within the notion of socialism, is the demand for the socialization of the means of production. If this task is present—not necessarily officially and theoretically, but, most importantly, practically—then the movement or organization can be considered socialist: "Of course, this socialization can be called differently: nationalization, socialization, statization, state control, or whatever else you please... Lenin swore by Marx and socialized everything. Hitler did not swear by Marx and also socialized everything. The solidarists do not swear by anything and are aiming at the exact same socialization. But to us—does it not make no difference under what banner we are to be planned, nationalized, socialized, and robbed?"[380]

At the same time, the NTS, from the point of view of Solonevich, is clearly and unambiguously oriented towards the forcible seizure of power, already after the overthrow of the Bolsheviks. Commenting on the publications of the solidarists, he notes: "And so — 'the will of the people' — is nonsense. 'The right to power belongs to the one who possesses sufficient moral and physical strength.' If people possess the will to advance to power, they will manage to 'organise a majority.' This, it goes without saying, is a program for the forcible seizure of power, expressed as clearly as no one else in the emigration has yet done."[381]

At the same time, the Soviet *aktiv* — the bureaucracy, apparatchiks, and activists of all levels—becomes the primary personnel resource and, so to speak, the target audience of the solidarists. This idea runs like a red thread through almost all of Solonevich's publications dedicated to the polemic with the solidarists, starting with the fourth issue of *Nasha Strana*, where the NTS program is for the first time unambiguously characterized as the program of the Soviet bureaucracy.[382]

Substantiating this thesis, Solonevichconstantly refers to the 1948 NTS agenda, as well as to the publications of various solidarists in their party bodies. He paid special attention to an article by one of the "prominent solidarists,"Andreev, published in No. 18 of *Posev*, which reads: "We cannot, for example, after the overthrow of communism in Russia return all the advanced young, and therefore strong, energetic people to their 'starting position': this would be simply a fruitless, senseless endeavor. But we can do something else: impart a new spiritual content to this force, thanks to which it will become qualitatively different."[383]What is notable here is the use of the word "advanced" [*vydvinuvshikhsya*]: in

379 Солоневич И. «Компартия зарубежья». «Наша Страна» №2, 2 октября 1948 г. P. 7; Солоневич И. «Четырнадцать и три». «Наша Страна» №63, 3 февраля 1951 г. P. 4.

380 Солоневич И. «Тайны солидаристов». «Наша Страна» №129, 5 июля 1952 г. P. 1.

381 Солоневич И. «Печальная репетиция». «Наша Страна» №76, 30 июня 1951 г. P. 2.

382 Солоневич И. «Компартия зарубежья». «Наша Страна» №4, 30 октября 1948 г. P. 2

383 Солоневич И. «Печальная репетиция». «Наша Страна» №76, 30 июня 1951 г. P. 1-2.

the 1920s and 1930s in the Soviet Union, people who began to make a career in the Soviet-party *aktiv*, having voluntarily "advanced" themselves, were called "promotees" [*vydvizhentsy*]. Therefore, it is quite logical to assume that this word was understood to mean not talented people in general who distinguished themselves in science, art, or, for example, in medicine during the Soviet period, but specifically the activists. Solonevich comments on this idea as follows: "This indeed is the bet on the Soviet *aktiv*, on the promotees. For, it goes without saying, no one in the world intends to 'return to the starting position' young doctors, engineers, writers, scientists, and so on and so forth—the conversation is not about them. But, for example, we monarchists would be very willing to 'return to the starting position' the chairmen of kolkhozes. This will, of course, be the return of the Soviet administrative *aktiv* to its 'starting position'."[384]

It is precisely by the orientation toward Soviet activists that Solonevich explains the successes of the NTS, although he also admits that this organization in exile is one of the most numerous, effective, and disciplined, and among its members there are many sincere, idealistically and sacrificially minded people.[385]

Why did this happen? In his opinion, the post-war emigration in its mass was "tired" after the Soviet and Nazi camps, which were followed by camps for "displaced persons," while the *aktiv* managed to organize itself and begin to act.[386]

Overall, as distinctive features of the NTS, Solonevich highlights the following factors:

- there is the desire to preserve, albeit in a somewhat liberalized form, the Soviet economic, social, and political system;
- as a consequence, the NTS develops an ideology that can be called communist—actual communism or socialism in the wrapper of "national" and populist rhetoric (we will examine the ideological features in more detail below);
- the target audience of the NTS is the Soviet *aktiv*, the apparatus of power, but at the same time the program of the solidarists may also be in demand by the new Soviet intelligentsia as a whole;
- all this determines the authoritarian and totalitarian character of the NTS.

Solidarist Ideology as a "Combination of a New Hitler and a New Stalin"

Describing Solonevich's terminological apparatus, we have already noted that he viewed fascism as a special case of communism, and National Socialism as a special case of fascism. For this reason, in characterizing the NTS and solidarism, he often saw no particular

384 Ibid.

385 Солоневич И. «Компартия зарубежья». «Наша Страна» №2, 2 октября 1948 г. P. 7

386 Солоневич И. «К новой эмиграции». «Наша Страна» №35, 7 января 1950 г. P. 4.

need to distinguish between the fascist and communist elements in its ideology. For Solonevich's methodology, a different approach is more characteristic: in solidarism (and Soviet technocracy), he saw the continuation of that tendency which in emigration was often viewed as the so-called "national regeneration" of the Stalinist system.

At first glance, there is a clear contradiction in Solonevich's reasoning: for a long time, he analyzes the ideology of the NTS, and at the same time declares: "Solidarism... has no idea."[387] However, upon closer examination, it turns out that there is indeed an idea, but it cannot be declared openly:

"The solidarist program is a socialist program, but without any references to socialism, for what is valuable to the solidarists is not the past of socialism throughout the world, but its future in Russia. And the solidarists understand quite clearly that the very concept, and not just the word 'socialism'—but indeed the concept—is discredited in Russia forever... our main struggle will be against the solidarists, or, more precisely, against that currently Soviet administrative *aktiv*, which, under a solidarist or other label, but certainly will rise up after the Bolsheviks and just as certainly will demand the restoration of the sacred portfolio and post. The solidarists are cobbling together an organizational fist of precisely this *aktiv*... And whether the system is called socialist, solidarist, technocratic, or whatever else—what does the *aktiv* care?"[388]

Here we see a crucial thesis: the ideology of conditional solidarism is built around a specific strategic political objective. Precisely this objective — the preservation of dominant positions by the Soviet apparatus of power — is the unshakeable foundation around which both the ideological course and the organization itself are formed.

The reasons for such specific ideological development, in our view, were revealed by Roman Redlikh using philosophical and, in part, sociological methods. In his *Essays on Bolshevism Studies* [*Ocherki bolshevizmovedeniya*], he considers the real ideology of Soviet communism to be two-tiered: exoteric and esoteric. The external contour consists of the well-known "fiction": Marxism-Leninism, the worldview compass upon which both society and the state are supposedly oriented. However, as Redlikh notes, it would be a mistake to assume that this is truly the case:

"This doctrine, firstly, bears not a scientific but a pseudo-religious character; secondly, it is very far from classical Marxism; thirdly, it is nevertheless officially recognized as orthodox Marxism; and fourthly, it does not at all express the worldview of Stalin and the ruling elite, partly consciously and partly unconsciously distorting this worldview. Behind this official, exoteric confession of faith lies a genuine, nowhere directly expressed esoteric confession."[389]

387 Солоневич И. «Тайны солидаристов». «Наша Страна» №129, 5 июля 1952 г. P. 3.

388 Ibid. P. 1-2.

389 Редлих Роман, «Очерки большевизмоведения». Париж: 1970. P. 46. https://harbin.lv/storage/History%20books/redlih_r_ocherki_1.pdf

As for the true and inner core of Bolshevik ideology, then, in Redlikh's opinion, it was formed as a result of the historical development of the Soviet system:

"The Bolsheviks could build socialism only in a war with their own people. What could give them victory in this war could only be the technique of ruling... Stalin's understanding of socialism is an understanding of it as a means of maintaining power, or more precisely, as a form of absolute rule... the full embodiment of the ontological design of Stalinism: total rule over all material resources of our planet, the development of an apparatus of coercion capable at any moment of forcing any person to perform any action."[390]

It is evident that both Solonevich and Redlikh write about one and the same phenomenon and process. In both cases, there is the Soviet "apparatus" and its practical interests and objectives. However, while in Stalin's USSR the Marxist-Leninist fiction is convenient for it, in emigration or in the hypothetical post-Stalinist Russia, a different fiction would be in demand — a "national-labor" one. At the same time, the totalitarian character of power, the state economy, and the suppression of the institution of private property are precisely the essential requirements of the Soviet apparatus of power, not conditioned by one ideological fiction or another.

It is precisely such aspirations that Solonevich attempts to expose in the solidarists. His critical publications caused a certain resonance, and one of the members of the NTS Council, Evstafy Mamukov, gave him a detailed response in which he emphasized that the solidarists did not intend to fight against the right to private property at all. And its division into "personal" (which can be disposed of quite freely) and "functional" (which is controlled and "directed" by the state in one way or another) is conditioned only by considerations of public utility and does not constitute anything exceptional.[391] Mamukov's arguments can hardly be dismissed out of hand: today we see that in many European democracies there exist institutions allowing in certain cases for the limitation of the right to private property (for example, compulsory purchase). But, of course, this does not yet make the respective states totalitarian. However, Solonevich's response is interesting because in it he, perhaps for the first time, predicted the processes that began after 1991 in the countries of the former USSR:

"The economic program of communism is formulated in thousands of places. Its main principle is: the socialization of the means of production... If 'personal property' is limited to items of 'personal use,' then this means and can only mean one thing: all other property is subjected to socialization, completely regardless of whether it is called sacred socialist or sacred functionalist property. Under all those conditions with which the NTS program surrounds 'possession of functional,' that is, productive, property, for such an 'owner' Soviet terminology has long since found the corresponding term: 'our red director.'

390 Ibid. P. 51, 66.

391 Солоневич И. «Солидаристы отвечают. Отвечаю солидаристам». «Наша Страна» №109, 16 февраля 1952 г. P. 1-2.

For if... 'functional private property... is a part of the national heritage, being, on the condition of rational exploitation, under the management and use of a 'responsible owner,' then this 'responsible owner' in essence differs in no way from any 'responsible worker' of the USSR."[392]

Regardless of what the true intentions of the solidarists of the 1940s were, it can be stated that Solonevich succeeded here in forecasting an extremely important, existential feature of neo-Sovietism and neo-communism: the existence of private property and private enterprises, which are sometimes quite significant yet effectively controlled or even managed by the state. If during the period of classical socialism of the Stalinist type private business mimicked state enterprises[393] (and mimics them now, in the conditions of North Korea)[394], then within the framework of the neo-Soviet system the opposite occurs: in practice, the state sector exists under the guise of being private. In today's Russian Federation, for example, we see that the oligarchs indeed find themselves in the role not of owners but of managers of their capital: the epitome of "red directors," formally independent but *de facto* fully controlled by the state,[395] exactly as Solonevich foresaw.

Characterizing the ideology of the NTS itself, Solonevich writes: "Generally speaking, the NTS program is incredible hash. Everything contradicts everything... In general, the NTS program is a program of national socialism, or national communism, or national fascism—it is difficult to establish exact terminology—these concepts transition imperceptibly into one another. But, in any case: it is a program of the dictatorship of one party, which in the main preserves the existing economic-political order in the USSR, fights against the 'development of capitalism,' and provides the people with the 'full freedom' of voting 'FOR'."[396] On the synthesis of communism and fascism, or communism and Nazism, Solonevich speaks as the main threat after the fall of the classical Soviet (Stalinist) system: "A combination of a future Stalin and a future Hitler is dangerous. This danger is real and almost inevitable."[397]

In general, the main features of the solidarist ideology, as Solonevich saw it, can be summarized as follows:

392 Ibid. P. 3.

393 Хлевнюк Олег, «Корпорация самозванцев. Теневая экономика и коррупция в сталинском СССР». Москва: «Новое литературное обозрение», 2023. P. 12-31.

394 Саввин Димитрий, «Алгоритм рыночного «перерождения». Формирование рыночной экономики внутри сталинской социалистической системы». «Харбин». https://harbin.lv/algoritm-rynochnogo-pererozhdeniya

395 Interviews for the documentary film "Hybrid Citizen" (recorded by the author of this article): 1) Paul Goble (researcher, analyst, and publicist, former advisor to U.S. Secretary of State James Baker); Marius Laurinavičius (analyst, expert on Russia and China, formerly with the Hudson Institute).

396 Солоневич И. «Солидаристы отвечают. Отвечаю солидаристам (окончание)». «Наша Страна» №110, 23 февраля 1952 г. P. 1-2.

397 Солоневич И. «Некоторые вопросы для правых и левых». «Наша Страна» №113, 15 марта 1952 г. P. 2.

- Statism—the idea of a strong state;
- Totalitarianism—the single ruling party fuses with the state, gaining the ability to control all aspects of the social, economic, and cultural life of society;
- State capitalism—the state sector remains dominant, and any private manufacturing and enterprises are also under *de facto* state control. Relative economic freedom is permitted only in the lowest segment of small business;
- Nationalist rhetoric, or nationalist populism;
- The preservation of the Soviet apparatus by the authorities—the nomenklatura, the *siloviki* [security officials], and the activists—while the "victory" over Stalinism and communism is officially declared.

Solonevich's Forecasts Regarding Possible Paths for the Formation of "Post-Stalinist" Statehood in Russia

Solonevich considered the Third World War to be practically inevitable. The militarization of the USSR, the emergence of nuclear weapons on both sides of the global confrontation, and the war in Korea: taken together, all this created the impression of an impending planetary battle, as a result of which communism would either triumph everywhere or be crushed everywhere, including in Russia. For this reason, the fundamental ideological and propagandistic objective of the newspaper *Nasha Strana* was, in fact, the unification of the Russian disapora for subsequent participation in the struggle against the USSR. The political positions of Solonevich—the leader of the Popular-Monarchist Movement — may seem strange to today's reader (strange precisely for a monarchist). Firstly, he considered an alliance with democracies to be necessary and without alternative, and consistently advocated for it: "Our key position is an alliance with democracy, about which... I began writing from the very first issue of *Nasha Strana*. An alliance with democracy—at any cost! But just as much, at any cost, the 'Soviets' [Sovetchiki] will strive to remove the people who defend precisely this key position."[398] Secondly, he considered American occupation of Russia to be the only means to prevent a civil war: "One must say with bitter candor: apart from the occupation authorities of the UN or, which is the same thing, the USA, we have no guarantee of any freedoms."[399]

In the future, from his point of view, an alternative was inevitable: either the restoration of the monarchy or some form of totalitarianism. The reason was the absence of social prerequisites, even insignificant ones, for building a democracy of the European or American type; therefore, a republic is possible only for a short term, only as a "transition to a totalitarian regime."[400] Solonevich quite rightly notes that the middle class ("the third

398 Солоневич И. «К моим читателям». «Наша Страна» №56, 28 октября 1950 г. P.5.

399 Солоневич И. «Четырнадцать и три». «Наша Страна» №63, 3 февраля 1951 г. P.5.

400 Солоневич И. «Пузыри потонувшего мира». «Наша Страна» №49, 22 июля 1950 г. P.5.

estate"), which is the natural pillar of any republic, simply does not exist in Russia. For this reason, authoritarianism is in any case inevitable: "Russia's entire tragic past... has cultivated in all 'Russian peoples' a completely distinct striving for an authoritarian regime... The entire country needs a certain supreme commander. The country cannot afford the luxury of today's debates in Congress or the Senate. The country needs authority. That authority can be either monarchy or totalitarianism. Either: power by the grace of God, or power by God's permission — the 'dictatorship of conscience' or the 'dictatorship of the cellar'."[401] At the same time, Solonevich repeatedly emphasizes that only a popular monarchy is possible, that is, a state where the Tsar possesses the full extent of power, but where a class-based social structure is absent, and under no circumstances may landlord landownership be restored. He considers such a system to be the genuine and only possible form of Russian democracy.[402]

The monarchical and, in a certain sense, Russian nationalist perspective seemed very realistic to Solonevich because, in his opinion, Russia remained a peasant country, and the peasantry in its mass was monarchy-minded. This mass, which represented the overwhelming majority, was opposed by the Soviet apparatus of power — the very one that could adopt the ideology and program of solidarism in order to, by ideologically mimicking, preserve the totalitarian system of the USSR, even if it were slightly "Bukharinite" (like Bukharin) in its liberalization.[403] However, in this scheme, another actor appears: the new intelligentsia, a class that had emerged within the Soviet society but was not directly tied by its interests to the system, and was often directly hostile to it. In Solonevich's opinion, the intelligentsia had a decisive role to play in the future: "in modern Russia, over these thirty-five years, a new leading, but not yet ruling, layer has grown... It, this new layer, wants to rule. It believes that it can rule, and that it has the right to rule. Without reliance on this layer, no regime is possible in Russia, not even a purely conquest-based one."[404]

The ideological tenets attractive to this new layer—and primarily to that part of it which was already hostile to the communist regime — were briefly but quite clearly described by Solonevich in *Russia in a Concentration Camp*. During his imprisonment, he had the opportunity to communicate with young people convicted for anti-Soviet activities, mainly students who, for one reason or another, had begun a struggle against the Stalinist regime. Most of them were oriented toward various forms of technocracy (ideas of Western-type democracy were not popular, being regarded as "chicanery" and "disorder"). In their essence, all technocratic concepts proceeded from one premise: a "correct" restructuring of Soviet power, in which the totalitarian party and party monopoly are liquidated, and powers

401 Солоневич И. «Четырнадцать и три». «Наша Страна» №63, 3 февраля 1951 г. P.4.

402 «Что говорит Иван Солоневич». Издание второе. «Наша Страна»: Буэнос-Айрес, 1954. P.40.

403 Солоневич И. «Четырнадцать и три». «Наша Страна» №63, 3 февраля 1951 г. P.4.

404 Солоневич И. «Провалы». «Наша Страна» №131, 19 июля 1952 г. P. 1.

of authority pass to "technical management." At the same time, the economy — at least large-scale production — remains under state ownership.[405]

It is not difficult to notice that all these technocratic projects are very close to the programmatic tenets of the NTS. Solonevich forecasts the emergence of new "groupings" in a "country liberated from communism," and one of them will be "the technocratic intelligentsia, which will stand on a solidarist viewpoint, but which will not let the solidarists in."[406]

And here, in Solonevich's forecasts and calculations, a contradiction arises, which leads to the fact that he himself, in a certain sense, adopts the program of the solidarists. On one hand, he vehemently denies solidarism as a national-communist or national-fascist cover for the Soviet apparatus of power. On the other hand, he agrees that without the "new layer" — the new intelligentsia — no state-building is possible, and in ideological terms, this "new layer" is, in essence, closest to the solidarists. As a result, his own vision of a "popular monarchy" paradoxically acquires solidarist features:

"I know well the new Russian intelligentsia, which grew up in the USSR, was worn out there, but also grew strong there. I am not at all going to assert that it, this intelligentsia, stands fully, with all its might, on the platform of the NMD [Popular-Monarchist Movement — D.S.]. I would put it this way: the overwhelming majority are monarchists, but the overwhelming majority are against the 'capitalists.' The motives: 'No, excuse me, I do not want to serve a private owner!' 'But he will pay five times more than the state!' 'It makes no difference, damn him, I prefer five times less, but to receive it from the state.' 'And where do you prefer to buy?' Here opinions begin to diverge. But, in all probability, we will have a state system unprecedented in history: a monarchy with a socialist sector, immeasurably larger than what England had in the time of Mr. Attlee."[407]

This testimony by Solonevich appears very interesting: being a consistent supporter of a market economy and maximal freedom of enterprise, being an old and consistent ideological enemy of solidarism, he is nevertheless forced to admit that there is, in essence, no alternative to one form or another of authoritarianism and technocracy after the dismantling of communism: society simply lacks any noticeable social groups capable of providing such an alternative. And therefore, even the presumed monarchical rule would be, in essence, a kind of "solidarist" monarchy, where the state would *de facto* retain control over the economy.

At the same time, Solonevich provides no answer as to how such a state can be built without relying on one form or another of a monopolistically ruling party organization. In general, he did not manage to develop this idea. Already suffering from cancer, he passed

405 Savvin Dmitriy, Сталинский социализм, технократия, неосоветизм: РФ как продукт естественной эволюции коммунистической системы (STALINIST SOCIALISM, TECHNOCRACY, NEO-SOVIETISM: THE RUSSIAN FEDERATION AS A PRODUCT OF THE NATURAL EVOLUTION OF THE COMMUNIST SYSTEM). The Warsaw East Law Review. №1(3): Warsaw: 2024. P. 126-130.

406 Солоневич И. «Тайны солидаристов». «Наша Страна» №128, 28 июня 1952 г. P. 1.

407 Солоневич И. «Провалы». «Наша Страна» №131, 19 июля 1952 г. P.1.

away on April 24, 1953, and his last major works on the subject under consideration date back to the first half of 1952.

The Historical Realization of Solonevich's Forecasts

It is highly indicative that, in the final analysis, all scenarios for Russia's "post-Stalinist" future, as Solonevich had envisioned them, turned out to be very similar to one another.

1. In any development of events, he viewed a democratic system of the American or Western European type as impossible. He did allow for a short-lived "republican" period, but he believed that this would inevitably be followed by a dictatorship.
2. The state system, after the fall of Stalinist socialism, would in any case be authoritarian—either a "popular monarchy" or one form of totalitarianism or another.
3. In any case, both under a monarchy and under a neo-Soviet dictatorship, it would be necessary to rely on the "new layer"—the intelligentsia that had emerged in the USSR.
4. In any case, the state would play a huge role in the economy, both under a "popular monarchy" and under a neo-Soviet dictatorship.
5. Solonevich saw the main threat in the apparatus of power, which would inevitably attempt to maintain its dominant positions.
6. The preservation of the apparatus of power means the preservation of the fundamental basis of the Soviet social, economic, and political system.
7. Moreover, such a statehood—which we call neo-Soviet—may officially abandon communist ideology and socialism, using a "national-fascist" ideological shell.

Here we see a number of obvious similarities with how Djilas described the "new class." But, in our view, Solonevich's analysis and conclusions are deeper and more accurate. Djilas, remaining a "democratic socialist," continued to think within a class paradigm. For him, the communist nomenklatura is a new exploitative class, a collective dictator, and a collective owner.

The apparatus of power, as portrayed by Solonevich, is a fairly vertical socio-political structure, a kind of syndicate alien and hostile to the rest of society, while simultaneously encompassing a multi-stage hierarchy, ranging from village activists and kolkhoz chairmen to the Politburo. This is a kind of internal colonizer: a closed corporation that acts within society like a conqueror.

Furthermore, Solonevich very accurately predicted the impending formal de-ideologization of the regime, which, while preserving the foundations of the Soviet system, would nominally become non-Soviet and even anti-Soviet—a forecast that has truly proven

to be prophetic. His second, equally important and accurate conclusion described the structure of property in medium and large-scale business: formally private, it would be *de facto* controlled by the state.

Finally, regarding Soviet identity and the formation of the "Soviet man," Solonevich's conclusions proved to be somewhat more accurate than might appear at first glance. Until the very end, he denied the existence of the very phenomenon of the "Soviet man," asserting that there is an apparatus of power and there are the Russian people oppressed by it. But at the same time, in principle, he allowed for the possibility, in the event of the destruction of the "moral law," of the emergence in Russia of a certain new people, who would speak Russian and maintain some connection with historical Russia, but who in their essence would already be not just a new nation, but even a new ethnos.

The foundation and core of the Russian people, from Solonevich's point of view, was the peasantry. It is with them that all his monarchical hopes were linked; it is in them that he saw the source of ethno-cultural identity.

However, the genocidal Stalinist collectivization inflicted its heaviest damage upon the Russian peasantry, and the subsequent urbanization (which Solonevich did not live to see) sharply reduced its absolute and relative social weight, while the proportion of the new, Soviet intelligentsia of all levels increased. This made the realization of those very scenarios that the ideologue of "popular monarchy" foresaw, but which he tried with all his might to prevent, most likely: the replacement of Russian ethno-cultural identity with a Soviet one, and the establishment not of monarchical power, but of one form of dictatorship or another (which over time acquires totalitarian elements).

After 1991, when the Soviet Union was dissolved, only three of its former republics (Latvia, Lithuania, and Estonia) managed to become full-fledged European-type democracies. With the exception of Kyrgyzstan and Ukraine, all the remaining ones have authoritarian regimes, and their first "post-Soviet" leaders, as a rule, came to power by means of winning the first and last free elections. Exactly as Solonevich predicted, the short-lived period of the "republic" turned out to be merely a transit from Soviet totalitarianism to a neo-Soviet dictatorship.

The nomenklatura of the CPSU and the KGB retained dominant position in politics and the economy; the "workers of the Soviet-party organs"— that very apparatus of power — merged into the new administrative structures. The neo-Soviet reaction developed in Belarus most rapidly, and most closely to the scenario outlined by Solonevich: the "republican" period ended with the victory of Alexander Lukashenko in the 1994 elections. The economy remains state-controlled, and private business is strictly monitored by the authorities, turning into that very "functional" property which is *de facto* disposed of by the state. Nominally, a multi-party system exists, yet in reality, political and social life is controlled through public and political structures subordinate to the dictator. In general, Lukashenko's Belarus is a liberalized Soviet system that has, however, officially abandoned communist

ideology. And here we see all the signs and features of that "solidarism" or "national-fascism" which Solonevich predicted in 1948–1953 and which we define as neo-Sovietism.

In the Russian Federation, the process of formation of a neo-Soviet system took somewhat longer. Here, in turn, another forecast was fully realized — regarding the reverse *de facto* nationalization of production and large-scale property, while maintaining its nominal private status. The oligarchs of the 1990s turned into managers integrated into the state system and completely controlled by it, a perfect example of "red directors." Large business became part of the state, yet *de jure* remains independent (which, among other things, gives the regime additional levers of influence outside the RF).

Finally, in all cases, we see how the neo-Soviet regimes formed by the Soviet apparatus of power, in certain situations, actively use not only nationalist but even overtly misanthropic, racist rhetoric. (This became especially noticeable on the eve of the full-scale invasion of Ukraine by the RF.)[408] "National-fascism" or "national-communism" also manifested as an obvious component of the neo-Soviet system. Today, it must be acknowledged with bitterness that the "combination of a future Stalin and a future Hitler" predicted by Solonevich — a threat he considered virtually certain to emerge — has indeed proven to be both real and inevitable.

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408 Тимофей Сергейцев, «Что Россия должная сделать с Украиной?» (Первая публикация: РИА Новости.) https://harbin.lv/chto-rossiya-dolzhna-sdelat-s-ukrainoy

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Historical and Modern Trajectories of Islamic Civil Jurisprudence in Central Asian States

Abstract

This article explores the development of Islamic civil law in Central Asia, analyzing its historical roots, evolution, and current significance. The paper examines how Islamic law was integrated into the region, particularly through the Hanafi school, and its influence on local legal systems. It also discusses the impact of Islamic jurisprudence on property rights, family law, and contractual obligations. The study highlights the coexistence of Sharia norms with customary laws and modern legal frameworks. The findings emphasize the adaptability of Islamic civil law and its role in shaping contemporary legal principles in Central Asia.

Keywords: Islamic law, Central Asia, Hanafi school, civil law, marriage

The introduction of Islamic law (Sharia) in the region's life

Islamic law has played a significant role in the history of Central Asia and has greatly influenced the formation of the region's legal system. From the 8th century onwards, alongside

the development of Islamic civilization, the principles of *fiqh* were introduced to the region. Centers such as Bukhara, Samarkand, and Termez contributed substantially to advancing Islamic jurisprudence and were home to legal scholars who followed the Hanafi school. This particular branch of Islamic jurisprudence was known for being practical and adaptable to local customs. The logical approach of Hanafism and its consideration of implication, analogy, and custom in formulating legal fatwas aligned well with the local legal system[409]. This process evolved in harmony with the legal traditions of the indigenous peoples. Thus, Islamic law (Sharia) became the primary foundation for daily life, governing everything from how people traded inbazaars to how they managed family inheritance and property. Even under the rule of various empires and, later, the Russian Empire, these religious legal traditions remained the backbone of society.

Historical sources indicate that the development of Islamic law in Central Asia influenced political power and socio-economic relations. In particular, trade agreements, inheritance, family and marital relations were regulated based on Sharia law[410]. One of the most important features of this legal system is its logical and orderly nature. Even today, certain norms of Islamic law are applied in practice in Central Asian countries in harmony with civil law. Therefore, studying the history of Islamic law in the region and its current significance remains a pressing issue. The development of Islamic civil law in Central Asia has been a complex historical process that has significantly impacted the political, social, and economic life of the region.

The 20th century brought a massive shift when the Soviet Union took control and attempted to remove religion from public life entirely. Religious courts were closed, and traditional Islamic laws were replaced by strict secular codes. Following the collapse of the Soviet Union in 1991, the newly independent Central Asian states faced the challenge of rebuilding their legal identities. Instead of a purely religious legal system of the past, these countries have been creating a unique blend: they use modern, international-style laws while incorporating Islamic ethics and traditions into their national identity, family values, and even new financial systems[411]. Islamic law began penetrating this region in the 8th century and became intertwined with local customs (*urf*).

Islamic contract law: conditions for contracts to be valid under Sharia

In the Hanafi tradition, the core of a contract is "mutual consent" (*taradi*) expressed through an offer (*ijab*) and acceptance (*qabul*). Contracts are the basis of Islamic financial products. Financial products arise as a result of the use of one or more traditional contracts

409 Reconfiguring Hanafi Jurisprudence in Central Asia: A Comparative Study of Contemporary Uzbek Islamic Legal Thought and Classical Transoxanian Usul al-Fiqh. (2025). *Indonesian Journal of Islamic Law*, *8*(1), 69-91. https://doi.org/10.35719/sych6h79

410 Sh. Avazova. THE MAIN SOURCES OF ISLAMIC LAW AND THEIR SIGNIFICANCE // European Scholar Journal (ESJ). Vol. 4 No.05, May 2023 pp 44-47.

411 Sartori, P. (2016). *Visions of Justice: Sharia and Social Order in Russian Central Asia*. Vol. 24. 408-p. https://brill.com/display/title/33746?srsltid=AfmBOopIYiw_ITNX4TsaFya4QrqrA-1yXVUxQuLvc8rJl4lkqnqi9djL

to satisfy the needs of customers. The main purpose of contracts is to facilitate the satisfaction of the legitimate needs of people from each other within the framework of applicable law. In Arabic, a contract is expressed by the word "*Aqd*", which can be translated as "binding". Simply put, a contract binds the offeror and the offeree. The Quran contains about 50 verses that mention many types of contracts, including dozens of types of commercial contracts of a financial nature. Among these verses of the Quran, verse 1 of Surah Al-Ma'idah states:

"O you who believe! Fulfill your covenants! Livestock is made lawful to you, except for what will be recited later, and you do not consider hunting lawful during the period of Ihram. Indeed, Allah decrees whatever He wills[412].

This verse, of particular importance, is one in which believers are commanded to "fulfill their obligations under the contract". It is also expressed in other verses on the subject of fulfilling a covenant and fulfilling obligations undertaken. Regarding the requirements for a valid and lawful contract, it should be noted that in order to conclude a valid and lawful contract under Islamic commercial law, certain conditions must be observed. In general, there are six components of a valid legal contract in Islamic commercial law. Each of them has a decisive effect in its essence, and failure to comply with one of the parts leads to the termination or weakening of the contract, that is to say, it acquires disputability. The following is an explanation of these six parts of the contract:

- an offer,
- acceptance of the offer,
- an offeror,
- an acceptor of the offer,
- the subject of the contract,
- payment[413].

In addition, the purpose and objectives of the contract must be in accordance with the principles of Sharia. An offer is a statement by one party to the other party, in which the first party invites the other party to accept its offer. Technically, an offer can be made by any party to the contract, whether a potential buyer or a seller. The offer must be clearly and unambiguously communicated to the offeree. Acceptance of an offer is a statement by the offeree confirming that the offer is accepted on the terms set out in it. Acceptance of an offer involves the introduction of changes to some or all of its terms, or the submission of a counter-offer by the offeree.

If an offer is accepted, this must be communicated clearly and unambiguously to the party making the offer. It should be noted that the proposal and its acceptance can be made

412 Sheikh Muhammad Sadiq Muhammad Yusuf. Tafsiri Hilal – Vol. 3 //"Hilal- Nashr" 2023 – p. 640

413 S. Ishakov. Fundamentals of Islamic Civil Law // Academy of the Ministry of Internal Affairs. 2005. – Tashkent. P.62.

orally or in writing, or by actions of the parties indicating that a certain proposal has been made and it has been accepted. When an offer is accepted, the communication of the offer and its acceptance means that the parties are aware of each other's intentions. It is natural that the methods of communicating the contract to the parties will differ depending on whether it was concluded with direct or indirect participation of the parties. Although there are various forms of communicating the acceptance of the offer, it is not certain when it is known for certain that the offer has been accepted. If the offer is accepted, for example, by telephone, the offer is considered to have been accepted at the time and place when the offeror hears that their offer has been accepted[414].

Unlike other legal systems, the contract must involve a clear offer and acceptance. The offer (*ijab*) and the acceptance (*qabul*) should happen in the same "session" or sequence of communication to show a clear meeting of the minds. Islamic commercial law requires that the acceptance of an offer be simultaneous, that is to say, both the offer and its acceptance take place in one process without interruption. This is a requirement of temporal continuity, which in technical terms is called the contractual process, and it implies that the process should proceed without interruption. Therefore, interruptions in the contractual process, including breaks for meals or sleep, constitute a breach of the contractual process and the offer is null and void from a temporal perspective. This requirement is relatively easy to meet in the context of contracts concluded with the direct participation of the parties, but it is a somewhat difficult task to fulfill when contracts are concluded without the direct participation of the parties. In considering such situations, Islamic jurists have to draw conclusions while taking into account the time when the offeree accepted the offer. As for acceptance, the time-bound nature of the offer is terminated or suspended in the following cases: if the offeree does not respond to the offer within the time specified in it, or if the offeror withdraws the offer, or if the offeree declares their acceptance of the offer.

Speaking of the parties to the contract, the parties can be individuals, a group of individuals, or a legal entity, such as a company. There must be at least two parties for a contract to be concluded, otherwise the offer will not be accepted and the contract will not be considered concluded. In this regard, unlike English law, in Islamic law, unilateral contracts, including donations, gifts, wills, etc., are considered ordinary contracts, and it is not necessary for the offeree to accept the offer for the contract to have legal force. Even if the party accepting the offer is not aware of the offer of the party making the offer, such contracts are legally valid and enforceable. In other words, the contract is concluded from the moment the offeror, for example, the testator, expresses their desire to write a will to the benefit of someone else, and it does not matter whether the party intended to receive the offer is aware of the statement about the offer or not.

414 A.Rakhmanov, H.Yunusov, M.Karatash. Islamic Law // Textbook 2021- TSUL P- 241

The subject matter of a contract can be property, services, money, capital, obligations, rights, and debts, and there are several conditions for property for it to be in accordance with the principles of Sharia, some of which are as follows[415]:

a) The property must be *halal* (permissible) in accordance with the principles of Sharia. The purchase-sale of certain products, such as pork, alcoholic beverages or services (activities) such as pornography and gambling, is contrary to the principles of Sharia. Therefore, Islamic financial institutions do not allow the allocation of funds for the production of alcoholic beverages, or for the purchase of equipment for the production of special glass containers for them.
b) In order to prevent any appearance of *gharar* (ambiguity/futility), which is prohibited in Islam, the object or property envisaged in the contract must be clearly defined. Gharar, as a rule, causes disputes between parties. An object that is not clearly defined, including a fetus in an animal's womb, a bird in the air, or a fish still in the water, cannot be the subject of a contract. Istisna and Salam contracts ("made-to-order" contracts) are an exception where the trade item does not exist at the time of conclusion of the contract. However, it is necessary to be able to determine the subject of Salam and Istisna contracts by specifying certain characteristics. The requirement for the subject of the contract to be clear in Islamic law is aimed at preventing the contract from being null and void or contradictory.
c) The obligation to be performed in the contract must be capable of being performed in a timely manner. The purpose of concluding a contract (from the buyer's point of view) is to enjoy the convenience or benefit that comes from the contract. Therefore, a thing that cannot be delivered due to its absence, and in particular, property that is lost, has been seized or pledged, cannot be the subject of a fully-fledged contract. (Of course, theoretically, the sale and purchase of property that has been seized or pledged can be carried out with the consent of the party who imposed the seizure or the party who holds the pledge).
d The nature of the property must correspond to the terms of the relevant transaction. For example, with a lease contract, the nature of the (leased) property must remain unchanged even after its use is completed. For example, someone can rent out a vehicle or a house, but not things like fruits and vegetables or fuel, because these are things that do not retain their original nature after consumption or use[416].

415 A. Rakhmanov. The essence of contracts and obligations in Islamic law. Academy of the Ministry of Internal Affairs. T. 2005.- P. 302.

416 A. Rakhmanov. Contracts and Obligations in Islamic Law // Monograph. "LESSON PRESS" LLC Publishing House, 2021.-P. 106

The above points make clear that, unlike some modern secular contracts that focus purely on the transfer of wealth, Islamic contracts are designed to ensure that the exchange is productive and that the risk is shared fairly. By following these rules, Islamic contract law aims to prevent exploitation and ensure that every transaction contributes to a stable and moral marketplace.

A comparative analysis of Central Asian civil codes and Islamic contract law reveals a profound structural alignment rooted in the principle of contractual freedom. The Civil Codes of Uzbekistan and Kazakhstan define a contract as an agreement to establish, change, or terminate civil rights and obligations[417]. Differences, however, emerge in the definition of "permissible subject matter". While Islamic jurisprudence introduces the constraints of Riba (interest) and Gharar, modern Central Asian civil law follows the secular principle that "anything not prohibited is allowed". To bridge this gap, modern legislation has begun to "translate" Islamic contracts into civil law equivalents. For example, a new law adopted in Uzbekistan explicitly defines *Murabaha* as a "deferred payment sale". Unlike a standard civil loan, which is a contract for the transfer of money for a return (*interest*), *Murabaha* is treated as a contract for the sale of a tangible asset with a transparent markup[418]. While Chapter 34 of the Kazakhstan Civil Code treats leasing as a financial rent-to-own service, Islamic *Ijara* requires the lessor to maintain ownership and liability for the asset throughout the term[419]. Modern "Islamic windows" in Kazakh banks now utilize special contract templates that satisfy both the civil requirement for "financial leasing""and the *Sharia* requirement for asset-backed risk. Uzbekistan is also on the way to open such "windows" in the banking system.

The Intersection of Islamic and Statutory Marriage Law

Within Islamic legal doctrine, marriage is regarded as a contract (*akad) that gives rise to legal consequences for the parties involved. The legal foundations of marriage in Islam derive from the main sources of Islamic law: Qur'an and the Hadith of the Prophet Muhammad. For example, Qur'an Surah An-Nisa verse 3, concerning polygamy and the responsibilities of the husband toward his wife, stipulates:*

If you fear that you might not treat the orphans justly, then marry the women that seem good to you: two, or three, or four. If you fear that you will not be able to treat them justly, then marry (only) one.

417 *Civil Code of the Republic of Uzbekistan*, Article 353; *Civil Code of the Republic of Kazakhstan*, Article 378.

418 Law of the Republic of Uzbekistan, *On introducing amendments and additions to certain legislative acts of the Republic of Uzbekistan aimed at the introduction of Islamic banking in Uzbekistan*, No. LRU-1126, March 27, 2026.

419 *Civil Code of the Republic of Kazakhstan (General Part)*, Article 540 (Lease) and Article 565 (Financial Leasing).

and Surah An-Nisa verse 4 mandates that men provide women with their bridal *mahr (dowry) willingly and graciously*. It states:

And give the women [upon marriage] their [bridal] gifts graciously. But if they give up willingly to you anything of it, then take it in satisfaction and ease.

In addition, prophetic traditions emphasise that marriage constitutes a recommended practice (sunnah) for Muslims. In Islamic legal practice, a marriage is considered valid when it fulfills certain pillars and conditions, including the presence of the prospective husband and wife, a lawful guardian (wali), two witnesses, the pronouncement of an offer and acceptance (ijab and qabul), and the provision of mahr to the bride. Nevertheless, in the social practice of Central Asian societies, Islamic legal norms often operate alongside long-standing customary laws. Certain customary practices, such as the payment of a bride price or the expectation that a widow marry a male relative of her deceased husband, have continued to exist in the real world, even when they do not fully correspond with Islamic legal principles[420]. This situation illustrates legal pluralism in marriage, where religious and customary norms coexist within society. As modernization progressed, state legal systems began codifying marriage laws. A major shift occurred in the early twentieth-century Turkestan region, where Soviet authorities implemented secular family law, requiring mandatory state registration for marriage and divorce, marking a shift from religious/customary governance to official state control.

Marriage in Central Asia is currently governed by a "dual" system. Legally, all Central Asian republics follow a secular model where only a state-registered marriage is recognized as having legal force. Under the Family Codes of Uzbekistan, Kazakhstan, and Tajikistan, a marriage must be performed by the state registry office (often called ZAGS) to grant spouses rights to property, inheritance, and child support[421]. However, for the majority of the population, the religious ceremony, known as *Nikah*, remains the essential moral and social foundation of a union. While the state views marriage as a civil contract between two equal individuals, the Nikah is viewed by the community as a sacred commitment before God, following the Hanafi school of jurisprudence.

Despite the secular nature of the law, Islamic heritage heavily influences the social fabric of these modern codes. For example, Islamic law traditionally requires the consent of both parties and the presence of witnesses — requirements that are mirrored in modern secular statutes. However, a major point of tension exists regarding polygyny and early marriage. While Sharia traditionally allows for up to four wives under strict conditions, modern Central Asian laws strictly prohibit polygamy. In Tajikistan, recent amendments have even increased penalties for performing a Nikah without a state marriage certificate,

420 Nurillo Fayzullaevich Imomov et.al. Marriage Governance and Legal Pluralism in Central Asian Family Law SystemsJournal of Human Rights, Culture and Legal System. Vol. 6, No. 1, March 2026, pp. 59-83 https://www.jhcls.org/index.php/JHCLS/article/view/895

421 *Family Code of the Republic of Uzbekistan*, Article 13; *Code of the Republic of Kazakhstan on Marriage (Matrimony) and Family*, Article 2.

aiming to protect women from being "second wives" without legal protections[422]. Similarly, while traditional customs sometimes favored early marriage, all Central Asian states have standardized the marriage age at 18 to align with international human rights standards, though exceptions are sometimes granted by local authorities for specific reasons.

The contemporary landscape is moving toward a synthesis where the state attempts to "secularize" the Nikah by requiring proof of state registration before a religious leader can perform the ceremony. This ensures that the religious heritage of the people is respected while the legal rights of women and children — often marginalized in unregistered religious unions — are protected by the secular court system. This balance shows that while Islamic law is no longer the "law of the land", its principles regarding family stability, mutual respect, and parental responsibility continue to underpin the legislative spirit of the region[423].

Concluding the parts above, one can surely state that the interaction between Islamic civil law and modern statutes in Central Asia is defined by codification. By transforming traditional religious concepts into modern legal norms (such as redefining charitable endowments or interest-free financing within the Civil Code), the states of Central Asia have created a legal environment where faith and statute coexist. This ensures that while the state remains the sole authority for law enforcement and registration, the law itself remains culturally resonant and accessible to a society rooted in ideas originating in Islamic jurisprudence.

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422 Law of the Republic of Tajikistan, ***On the Regulation of Traditions and Ceremonies***, No. 2048, June 20, 2024 (and related Criminal Code amendments regarding polygamy).

423 ***Family Code of the Kyrgyz Republic***, Section I, Article 1 (emphasizing the protection of family based on national and cultural traditions).

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Development of the high-tech industry in the Russian Federation from 1991 to 2025. A case study of artificial intelligence

Abstract

This article examines the development of the high-tech industry in the Russian Federation between 1991 and 2025, with particular emphasis on the evolution of artificial intelligence (AI). The study analyzes the impact of the post-Soviet economic transformation on the technological sector, including the development of businesses in the information technology sector, semiconductor manufacturing, and the impact of research institutions. Special attention is paid to the role of artificial intelligence in both the public and private sectors. The article discusses the emergence of domestic AI initiatives, including large language models, biometric systems, and military applications developed in response to growing geopolitical tensions and international sanctions. It also evaluates the consequences of technological isolation, dependence on foreign semiconductor technologies, and the increasing role of China as a technological partner. The findings indicate that despite its significant scientific potential and its strong tradition in mathematics and engineering, Russia continues to face structural limitations related to insufficient investment, international isolation, and limited integration into global innovation networks. Nonetheless, the period after 2023 has been characterized by an intensified pursuit of technological sovereignty, reflected in the expansion of domestic AI platforms, surveillance technologies, and import-substitution policies. The article concludes that Russia has achieved progress in selected high-tech sectors, yet lags significantly behind the global leaders in advanced semiconductor manufacturing and frontier AI development.

Keywords: Russian Federation, artificial intelligence, high-tech industry, technological sovereignty, semiconductors, innovation policy, digital authoritarianism, information technology

Introduction

Historically, nations tend to compete on the international stage in terms of military advances and also general development and expansion. There has often been an overlap between the two; technologies originating in the private sector or the academia were later adopted by state administration to enhance efficiency of public administration. The debate across various expert platforms regarding which governance model (democratic or non-democratic) more effectively fosters the growth of the private sector, which is critical in this respect, persists in the modern world. Proponents of the first perspective argue that the development of the private sector promotes entrepreneurship and incentivizes innovators to create increasingly sophisticated projects. Conversely, advocates of the second view contend that only when the state and central decision-makers define the strategic direction of a particular economic sector can the high-tech industry develop in a structured and effective manner[424].

For centuries, the Russian state predominantly adhered to the second theory (with some exceptions), yet this has not hindered its dynamic development in the economic domain of Information Technology (IT)[425]. The history of this sector traces back to the early 20th century when the first machines requiring skilled specialists in exact sciences such as mathematics, physics, and astronomy began to emerge. Notably, IT is an interdisciplinary field, drawing heavily from the natural sciences, which contribute numerous fascinating and complex algorithms to it. Russia, with its rich historical legacy, boasts a lineage of distinguished representatives in these disciplines, including Nikolai D. Brashman (mechanics), Vasily V. Petrov (electric charge), Pafnuty L. Chebyshev (probability theory), and Andrey A. Markov (mathematical analysis). Russia has also developed numerous prominent research centers, such as the Institute of Mechanics of the USSR Academy of Sciences, Moscow State University, and the Steklov Institute of Mathematics, where the aforementioned scholars could advance their work and conduct groundbreaking research[426].

The 1980s and 1990s marked a pivotal era in the history of Russian statehood. In March 1985, Mikhail Gorbachev[427] rose to power within the Communist Party of the Soviet Union. As one of the youngest leaders of a state as powerful as Russia was at the time, Gorbachev recognized the flaws inherent in Marxist-Leninist ideology, which he frequently pointed out in his speeches. International decision-makers of the era often held him in high esteem, describing him as 'intelligent, educated, dynamic, and honest, with ideas and imagination'[428] (a description attributed to one of Anatoly Chernyaev's advisors). Gorbachev, a young and

424 A. Masood, M. A. Khan, A. Attique, M. Asif Khan, H. Haddad, N. M. Al.-Ramahi, ***Democracy's limited impact on innovation: Panel data evidence from developing countries***, PLOS ONE, 15.03.2024, https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0297915 (access: 01.01.2025).

425 Ibid.

426 A. Grigorian, ***Rozwój nauk matematyczno-fizycznych w Rosji i ZSRR*** (***The development of mathematical and physical sciences in Russia and the USSR***), Kwartalnik Historii Nauki i Techniki 20/1, 25-35, Warszawa 1975, p. 28-30.

427 Mikhail Gorbachev was a Soviet and Russian politician who served as the General Secretary of the Central Committee of the Communist Party of the Soviet Union from 1985 to 1991.

428 J. Levis Gaddis, ***Zimna wojna. Historia podzielonego świata*** (***The Cold War: A New History***), Znak, Kraków 2007, p. 266.

visionary leader, devised a plan to transform his nation into a competitive force in the global arena, particularly in the technological race against the United States. Under his leadership, the policies of glasnost (openness, transparency) and perestroika (restructuring) were introduced, aiming to revitalize the Soviet Union and address the systemic challenges it faced[429].

Indeed, those were the two key concepts around which Gorbachev's reforms were centered: „glasnost" (openness) and „perestroika" (restructuring)[430]. The former aimed to foster open discussion about the systemic issues that had plagued the USSR for decades. A pivotal aspect of it consisted in enabling free flow of information with the outside world, from which the Eastern Bloc had been entirely or partially isolated for decades. International collaboration is a cornerstone of scientific advancement and, consequently, technological progress. As for the latter, it focused on reducing central control over the economy, marking a clear shift toward a market-oriented approach. This transition allowed the academic and scientific sectors to share innovations and developments on a global scale, paving the way for greater integration into the international scientific and technological community[431].

The following article is divided into two parts. The first part describes the general economic situation in the Russian Federation following the socio-economic transformations of the late 1980s and early 1990s. The focus is narrowed to the high-tech sector, addressing issues such as the development of IT enterprises, key discoveries in mathematical and computational sciences, and advancements in the semiconductor industry. The second part discusses the evolution of mechanisms related to artificial intelligence. Topics discussed include Machine Learning, Deep Learning, Artificial Neural Networks, and the programming languages utilized by Russian scientists for training their models.

This article focuses specifically on the development of high-tech industries in the Russian Federation from the dissolution of the USSR in 1991 through to 2025, with particular emphasis on the artificial intelligence sector. While general trends in the Russian economy are briefly outlined to provide context (especially around the transformation from a centrally planned to a market economy), the main objective is to assess how strategic decisions, institutional frameworks, and global events have shaped the trajectory of emerging technologies in Russia. Key industries considered include the IT sector, semiconductor development, and applications of AI in both civilian and military contexts.

The development of new technologies in the Russian Federation

The transformation of the Russian Federation's economy in the 1990s occurred at a rapid pace. Many enterprises that were once state-owned began transitioning into private

429 Ibid.

430 J. M. Battle, *Uskorenie, Glasnost' and Perestroika: The Pattern of Reform under Gorbachev*, Soviet Studies, Vol. 40, No. 3 (Jul., 1988), pp. 367-384.

431 J. Tyszkiewicz, E. Czapiewski, *Historia Powszechna Wiek XX* (*World History 20th Century*), Wydawnictwo Naukowe PAN, Warszawa 2010, p. 793.

ownership[432]. Exceptions included corporations in sectors such as energy and defense, as these were, and still are, considered part of the nation's critical infrastructure. This process is also notorious for engendering numerous market irregularities. Large enterprises were often sold at minimal prices to individuals from a narrow group, who later gained significant socio-economic and political influence[433].

The challenges faced by the Russian Federation in the early 1990s were both internal and external. After 1991, economic ties between the 15 Soviet republics and the central administration in Moscow were partially or entirely severed. Simultaneously, the state monopoly transitioned into a market economy. In today's world, it is difficult for long-neglected enterprises to compete with companies that have been operating for decades.

The financial outcomes at the end of 1991 (the first year of economic reforms) were catastrophic, in terms of their effects on both the market and the society at large. In 1992, Russia's GDP decreased by 20%[434] compared to pre-reform levels. This decline continued annually until 1997, when a growth of 1.4%[435] was recorded compared to 1996. The society bore the brunt of these drastic reforms. An effect that was felt particularly strongly was the hyperinflation, which reached 2610%[436] by the end of December 1992. The GNI per capita dropped from approximately $21,500 in 1990 to $13,200 in 1995[437]. Employer-employee relations often deteriorated, as employers frequently lacked the resources to pay wages. As a result, compensation was sometimes provided in kind, with employees receiving goods they themselves had produced as payment.

The 1990s were also a particularly challenging period for Russian scientists and the high-tech industry. Support that had flowed from Moscow to research centers during the Soviet era was curtailed in favor of market stabilization. As a result, many scientists emigrated to the United States and European countries to continue their research work. It is also worth noting that the disciplines underpinning the high-tech industry are exceptionally costly and often require state funding to cover expenses, such as those associated with constructing advanced machinery. The absence of adequate financial support further hindered the development of the sector during this critical period. Moreover, Russia's innovation policy at the time continued to reflect deep-rooted institutional path-dependencies, limiting the effectiveness of reforms and delaying systemic modernization efforts[438].

432 W. Marciniak, ***Rozgrabione Imperium. Upadek Związku Sowieckiego i powstanie Federacji Rosyjskiej*** (***The Plundered Empire. The Fall of the Soviet Union and the rise of the Russian Federation***), Wydawnictwo ARCANA, Kraków 2001, p. 112-113.

433 O. Verbitskaya, ***Market Transformations in the 1990s in the Russian Village***, Herald of the Russian Academy of Sciences, 2022, p. 256-258.

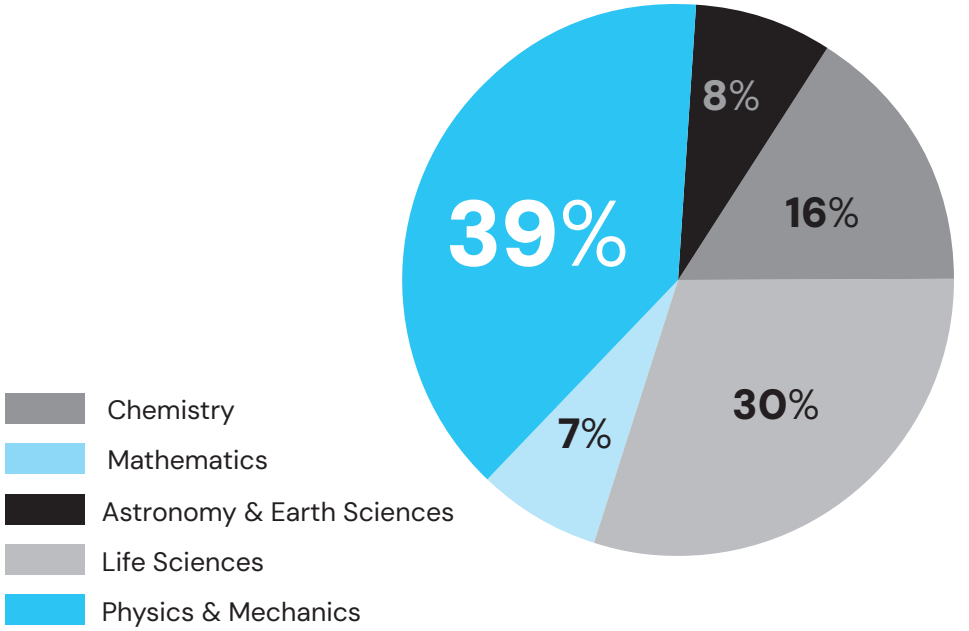
434 M. Abassy, K. Kosowska, ***Transformacja systemu od otwarcia do zamknięcia granic – Rosja po 1991 roku*** (***System transformation from opening to closing borders – Russia after 1991),*** Politeja, Nr 2(83), 2023, p. 151-152.

435 Ibid.

436 Ibid.

437 Ibid.

438 L. Gokhberg, V. Roud, ***Russia's innovation policy: Stubborn path-dependencies and new approaches***, Research Policy, 41(9) (2012), 1620–1630.



The pie chart illustrates the fields in which Russian migrants most commonly worked prior to 1992[439].

The United States went so far as to enact a specific law in 1992 to regulate this wave of immigration: the Soviet Scientists Immigration Act of 1992 (106 STAT. 3316)[440]. It addressed the status of scientists with specialized knowledge in fields such as nuclear, biological, and defense technologies. The act fit into the broader narrative of the "brain drain," a strategy employed by the United States to recruit top talent for its labor market. Additionally, the initiative likely carried an undertone of propaganda, in that the Congress sought to reaffirm, even after the end of the Cold War, that the United States had emerged from it victorious, a claim symbolized by the migration of Russian intellectuals across the ocean.

It is worth noting that Russian scientists in the exact sciences were highly esteemed in the United States. In regions where the high-tech industry was developing most vigorously, the demand for mathematicians, physicists, and computer scientists was at its peak. The New York Times described this migration as follows: "Swarms of Soviet mathematicians and physicists are arriving in the United States as visiting scholars at universities. These exceptional scientists are invigorating domestic research by bringing fresh ideas and valuable

439 I. Ganguli, *Immigration & Ideas: What Did Russian Scientists 'Bring' to the US?*, 18.10.2012, https://conference.nber.org/confer/2012/HSIf12/Ganguli.pdf (access: 01.01.2025).

440 106 STAT. 3316 Public Law 102-509 – OCT. 24, 1992, 102d Congress, https://www.govinfo.gov/content/pkg/STATUTE-106/pdf/STATUTE-106-Pg3316.pdf (access: 01.01.2025).

insights."[441] The article offers an interesting perspective on how the Russian scientists were perceived. According to contemporary American media reports, many Americans expressed hope that these scholars would settle permanently in the United States: "Many are seeking jobs that would allow them to stay here permanently. In doing so, they aim to bypass stringent regulations that would complicate formal attempts at emigration."[442]

In the 1990s, small IT companies, such as Vist, began to emerge in the Russian Federation. Initially, they assembled computers using components manufactured abroad. These were relatively simple devices, far from competing with technologies produced by Western firms such as IBM or Compaq. One notable example of collaboration between the academia and the business sector was a company named DVM System. It originated at the Institute of Applied Mathematics under the Russian Academy of Sciences. It specializes in creating parallel computing programs in C and Fortran through parallelism specifications implemented as compiler directives. This solution is particularly advantageous, as these directives enable a single program code to function across various environments, simplifying the software development process. Consequently, developers can easily adapt a program to diverse computing environments without the need to write multiple versions of the code[443]. Another major state-led effort was the creation of the Skolkovo Innovation Center in 2010, envisioned as Russia's answer to Silicon Valley; however, over time, the project struggled due to bureaucratic inefficiencies, limited global integration, and allegations of corruption[444].

In 1999, the Moscow Center for SPARC Technologies developed the Elbrus 2000 processor. For its time, this was a highly specialized technology, boasting a 512-bit architecture (compared to the 32- or 64-bit architectures commonly found in personal computers today). Notably, the processor was manufactured by the Taiwan Semiconductor Manufacturing Company (TSMC). The Elbrus 2000 stood out due to several key features. First, it was capable of executing 20 instructions per clock cycle, enabling it to compete with superscalar microprocessors operating at much higher frequencies. Second, it implemented an architecture for dynamic type-checking during program execution, significantly enhancing its security. These factors made the Elbrus 2000 unique and advanced for its era[445].

441 G. Kolata, ***Soviet Scientists Flock to U.S., Acting as Tonic for Colleges***, The New York Times, 08.05.1990, https://www.nytimes.com/1990/05/08/us/soviet-scientists-flock-to-us-acting-as-tonic-for-colleges.html (access: 01.01.2025).

442 Ibid.

443 ***Execution performance of NAS NBP 3.3***, DVM System, 05.2017, http://dvm-system.org/en/ (access: 01.01.2025).

444 S. Klebanov, ***Skolkovo: The story of Russia's failed attempt to build its own Silicon Valley***, The Business of Business, 27.04.2022, https://www.businessofbusiness.com/articles/skolkovo-russias-failed-silicon-valley-tech-putin/ (access: 01.01.2025).

445 B. Babayan, ***Elbrus 2000***, wiki.dot, 18.04.2013, http://elbrus2k.wikidot.com/elbrus-2000 (access: 01.01.2025).

```
#pragma dvm region
{
    #pragma dvm parallel([i][j] on A[i][j]) reduction(max(eps))
    for (i = 1; i < L-1; i++)
        for (j = 1; j < M-1; j++)
        {
            float tmp = fabs(B[i][j] - A[i][j]);
            eps = Max(tmp, eps);
            A[i][j] = B[i][j];
        }

    #pragma dvm parallel([i][j] on A[i][j]) shadow_renew(A)
    for (i = 1; i < L-1; i++)
        for (j = 1; j < M-1; j++)
            B[i][j] = (A[i-1][j] + A[i][j-1] +
                       A[i][j+1] + A[i+1][j]) / 4.0f;
}
```

This code demonstrates the application of DVMH directives for parallel matrix processing in Fortran[446].

The Russian Federation also has its own semiconductor industry, though it is not as highly specialized compared to Western countries. Its roots trace back to the 1960s, when the Soviet Union and the United States agreed to initiate a student exchange program, allowing young scientists from the Eastern Block to study in the United States. Among them was Anatoliy Trutko, who began his studies at Stanford University. Notably, he attended lectures by one of the most prominent figures in the field, William Shockley. Soviet decision-makers recognized that to win the technological race against the United States, greater investment in the high-tech industry, including chip production, was necessary. Nikita Khrushchev, the then-leader of the USSR, decided to establish a "science city" intended to be the Soviet equivalent of Silicon Valley. To persuade his party colleagues, he declared: "Microelectronics is the mechanical brain. It is our future."[447]

Zelenograd, the Russian technological hub, had access to the best technologies in the USSR. Many scientists left positions at their alma maters to work there. However, the rapidly growing bubble burst due to a critical underlying assumption: that replicating Western technologies would be sufficient to achieve technological parity with the United States. Aleksandr Shokin, head of Soviet microelectronics, directed Zelenograd scientists to replicate Western

446 Ibid.

447 Ch. Miller, *Wielka wojna o chipy* (*Chip War: The Fight for the World's Most Critical Technology*), Prześwity, Warszawa 2023, p. 81-87.

technologies with minor modifications. Examples include transistors 2N (Soviet copy: GT404), TTL circuits (Soviet copy: K155), and Intel 4004 and 8080 microprocessors (Soviet equivalents: K589). Those modifications primarily involved adapting semiconductors to local climatic conditions. Some were enhanced, particularly in radiation resistance, as they were utilized in Soviet space programs. Despite their focus on replication, Soviet scientists often possessed knowledge exceeding that of their American counterparts, as evidenced by the Nobel Prize in Physics awarded to Jack Kilby, which he shared with his Russian counterpart Zhores Alferov[448].

The leading company in the semiconductor industry in the Russian Federation is Mikron Group, which operates directly under the Russian government and has its main production facilities in Zelenograd. Founded in 1964 as part of the Soviet microelectronics development program, the corporation has always been controlled by Russian state entities (with its primary shareholder currently being Golding AFK Sistema). In the 2000s, Mikron partnered with the French-Italian firm STMicroelectronics to develop a 180 nm chip, which entered production in 2008. In 2013, the company produced its first native pre-commercial 65 nm chips; however, they were never mass-produced due to numerous defects. The following year, Mikron initiated pilot production of the Elbrus-2SM 90 nm microprocessor, hailed by the international press as the most significant project of 2014. Yet, due to persistent quality issues, the production of this semiconductor was outsourced to TSMC. In early 2023, Mikron unveiled plans to expand its Zelenograd factory to include the production of diodes and transistors. This move aims to partially reduce Russia's dependency on importing these highly specialized technologies from China[449].

Between 2024 and 2025, the Russian government intensified efforts aimed at technological sovereignty in the semiconductor sector[450]. State-owned enterprises such as Mikron and Element Group received additional support to expand domestic production capacities. Despite these investments, Russia remained unable to manufacture advanced chips below 65nm at scale and continued to rely heavily on imports of machinery, electronic components, and production know-how from China and other third countries. As a result, Moscow's strategy increasingly focused on import substitution rather than technological leadership.

The high-tech sector in the Russian Federation has not been developing in a linear manner, as evidenced by data from sources such as the World Bank. In 2021, the ratio of high-tech exports to the total export of industrial goods stood at 9.69%[451]. This figure was

448 Ibid., p. 89-90.

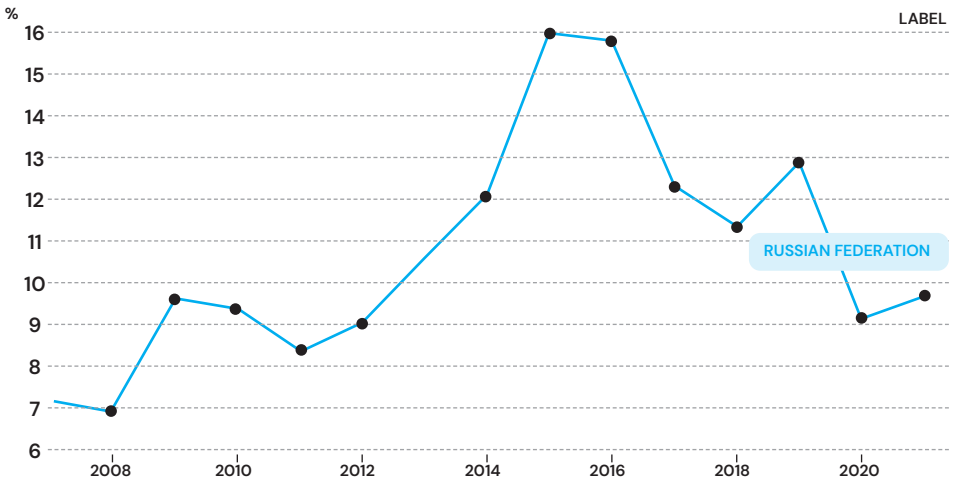
449 T. Batyrow, *ГК «Элемент» вложит 20 млрд рублей в выпуск диодов и транзисторов на заводе «Микрон»* (*Element Group invest 20 Billion Rubles in Diode and Transistor Production at Mikron Plant*), Forbes, 29.03.2024, https://www.forbes.ru/tekhnologii/509206-gk-element-vlozit-20-mlrd-rublej-v-vypusk-diodov-i-tranzistorov-na-zavode-mikron (access: 01.01.2025).

450 *Electronics industry (Russian market)*, Tadviser, 02.06.2026, https://tadviser.com/index.php/Article:Electronics_industry_%28Russian_market%29? (access: 05.06.2026).

451 *High-technology exports (% of manufactured exports) - Russian Federation*, United Nations, Comtrade database through the WITS platform, license: CC BY-4.0, https://data.worldbank.org/indicator/TX.VAL.TECH.MF.ZS?end=2021&locations=RU&skipRedirection=true&start=2007&view=map (access: 01.01.2025).

just 0.2 percentage points higher than that of Poland during the same period. These statistics reflect a global trend toward which developed countries are moving. Western nations, such as the United States and Iceland, boast significantly higher ratios (at least double the Russian number) posing a potential challenge for the Russian Federation in the future. This argument is supported by the fact that the People's Republic of China, which has this coefficient at the level of 30.41%, illustrates that Moscow is becoming increasingly dependent on Beijing. This problem has become even more visible after the outbreak of the war in Ukraine and the related sanctions. Comparative studies show that China has already outpaced Russia in high-tech sectors in terms of export scale, R&D investment, and industrial integration, further reinforcing Russia's dependency[452].

This issue was not as evident previously, for a period spanning many years. Since the World Bank began collecting such data in 2007, the high-tech export ratio in the Russian Federation had hovered around 7%. In 2009, it rose to 10%, likely reflecting the above-mentioned investments in the IT and semiconductor industries. In 2011, the ratio declined to approximately 8% of Russia's total industrial exports, marking a noticeable drop from the 2009 level. Over the next four years, this ratio increased significantly, reaching an unprecedented (and never repeated) peak of 16% in 2015. However, following the first invasion of Ukraine in 2014 and the resulting sanctions, high-tech exports declined almost linearly, with the exception of a temporary increase in 2019[453].



A chart illustrating the percentage of high-tech exports relative to the total export of industrial goods in the Russian Federation from 2007 to 2021[454].

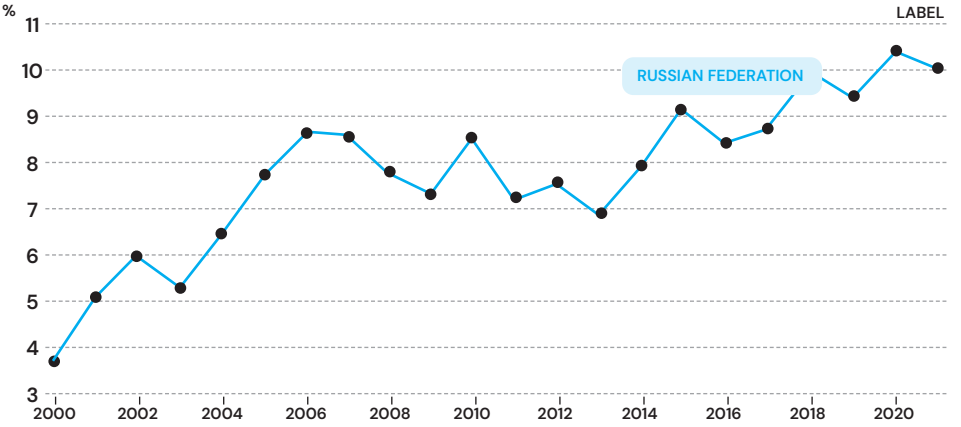
452 Y. Wang, ***High-tech industries in China and Russia: present situation and impact on economic development***. State and Municipal Management: Scholar Notes, 2, 2021, 237–244.

453 Ibid.

454 Ibid.

The globalized world and the free-market approach to business operations in the high-tech sector compel the Russian Federation to import essential products, such as those required for computer production. Data from 2021 indicates that Moscow imported approximately 10% of such goods relative to its total imports. However, this figure does not significantly deviate from the average observed in Western countries, where the highest levels can be found in the United States, the Czech Republic and Hungary. China, on the other hand, is one of the largest importers of ICT (Information and Communication Technology) products in Asia, with this ratio reaching 23.71%. Despite Beijing's high indicator, Moscow continues to deepen its dependency on high-tech exports from China, primarily due to sanctions. Previously, these imports were sourced from Western countries[455].

When discussing the import of high-tech products by the Russian Federation, it is essential to examine this indicator over time. According to World Bank data, records for this specific metric have been maintained since 2000, when Moscow began with a ratio of 3.7%[456]. This indicator grew rapidly, reaching 8.7%[457] by 2006. However, until 2015, the sector experienced stagnation, as illustrated in the chart below. ICT imports relative to the total import of industrial products fluctuated between 7% and 8%[458] and remained highly unstable. Subsequently, in 2020, the ratio peaked at 10.4%[459], marking the highest recorded value in the dataset.



A chart illustrating the percentage of high-tech imports relative to the total import of industrial goods in the Russian Federation from 2000 to 2021[460].

455 N. Sher, ***Behind the Scenes: China's Increasing Role in Russia's Defense Industry***, CARNEGIE POLITIKA, 06.05.2024, https://carnegieendowment.org/russia-eurasia/politika/2024/05/behind-the-scenes-chinas-increasing-role-in-russias-defense-industry?lang=en (access: 01.01.2025).

456 ***ICT goods imports (% total goods imports) - Russian Federation***, United Nations Conference on Trade and Development's UNCTADstat database, License: CC BY-4.0, https://data.worldbank.org/indicator/TM.VAL.ICTG.ZS.UN?end=2021&locations=RU&skipRedirection=true&start=2000&view=chart&year=2021 (access: 01.01.2025).

457 Ibid.

458 Ibid.

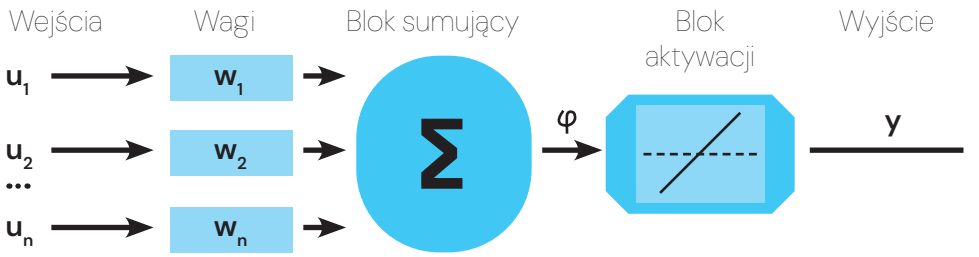
459 Ibid.

460 Ibid.

The development of artificial intelligence in the Russian Federation

To compete with other nations in developing new technologies, the Russian Federation must also invest in artificial intelligence (AI). By its very nature, AI is closely tied to Big Data analysis, as it relies on data sets to make specific, informed decisions. But what exactly is intelligence? Felix Kurp defines it as follows: "It is a set of mental abilities that enable an individual to learn, efficiently utilize acquired knowledge, and respond effectively to new tasks and situations."[461] Furthermore, AI should exhibit three fundamental characteristics: the ability to learn, adaptability to previously unknown environmental conditions and a certain degree of autonomy[462].

Artificial intelligence is a highly specialized tool composed of various learning techniques, including artificial neural networks, algorithms (e.g., ant colony and genetic algorithms), expert systems, fuzzy logic, learning systems, and decision trees. Each of these methods employs a different approach to AI learning (programming). Currently, artificial neural networks are the most commonly used method in this process. In the first decade of the 21st century, support vector machines were also widely applied; however, the potential of neural network mechanisms proved to be far greater. The functioning of artificial neural networks is analogous to the human brain, though their capabilities are significantly more limited. The open nature of their coding has made it possible for anyone to implement them in their research or business applications (e.g., using Python). Neural networks operate in three fundamental stages: assigning weights, creating a three-layer network structure, and generating output data.



Neuron Model (from left: input, weight, summing block, activation block, output)[463].

As previously mentioned, the Russian Federation possesses a highly specialized cadre of experts in the exact sciences, which significantly contributes to the development of artificial

461 F. Kurp, ***Sztuczna inteligencja od podstaw*** (***Fundamentals of artificial intelligence***), Helion, Gliwice 2023, p. 11-12.

462 Ibid.

463 Ł. Sanocki, A. Gołda, ***Wstęp do sieci neuronowych*** (***Introduction to Neural Networks***), Katedra Elektroniki AGH, http://galaxy.agh.edu.pl/~vlsi/AI/wstep/ (access: 01.01.2025).

intelligence within the country. However, advancing this segment of the industry often requires substantial financial investments, which frequently constrain local scientists due to limited resources. Training AI systems necessitates the use of highly specialized computers and operational software, which cannot feasibly be executed on consumer-grade devices. Although Russia has previously developed supercomputers (such as the aforementioned Elbrus 2000), the lack of intensified research in this area has left Moscow reliant on importing such products today.

Modern technologies related to artificial intelligence are increasingly applied in the military sector, where they are used to create combat simulations or assist soldiers in making specific decisions, for instance by means of using expert systems[464]. On the international stage, Russia claims to be implementing its advanced technologies in this area. However, analyses of the war in Ukraine have provided no evidence to support these claims. Since the outbreak of the conflict, the Russian establishment has been compelled to increase its involvement in developing new military technologies, as sanctions imposed by Western countries would otherwise prevent the construction of any highly specialized weaponry. Nevertheless, the Russian Federation remains in the process of assessing its position in this technological race relative to potential competitors such as the United States or member states of the North Atlantic Treaty Organization (NATO)[465].

Since 2024, the war in Ukraine has become an important testing ground for AI-assisted military technologies[466]. Russian armed forces are increasingly utilizing machine-learning algorithms for drone navigation, image recognition, target identification and electronic warfare. Nevertheless, available evidence suggests that most deployed systems remain human-supervised rather than fully autonomous. The conflict has demonstrated both the opportunities and limitations of Russian military AI under conditions of technological sanctions and restricted access to advanced semiconductors.

The concept of artificial intelligence and its implementation across various economic sectors assumes that humans will eventually be replaced by it. The Russian Federation also aspires to achieve this state; however, it acknowledges that such a scenario is not currently feasible. A key segment of the military industry in which Moscow is presently investing is unmanned aerial vehicles (UAVs), where artificial intelligence would manage command and control mechanisms. During the war in Ukraine, UAVs produced by the Turkish company Baykar Makina gained international recognition. However, even in these systems, human

464 *The most useful military applications of AI in 2024 and beyond*, SDI, 03.2024, https://sdi.ai/blog/the-most-useful-military-applications-of-ai/ (access: 01.01.2025).

465 S. Bendett, *The Role of AI in Russia's Confrontation with the West*, CNAS, 05.03.2024, https://www.cnas.org/publications/reports/the-role-of-ai-in-russias-confrontation-with-the-west (access: 01.01.2025).

466 K. Bondar, *Ukraine's Future Vision and Current Capabilities for Waging AI-Enabled Autonomous Warfare*, Center For Strategic & International Studies, March 2025, p. 7-9.

intervention is required for operational control. Achieving full automation in such technologies would demand substantial financial investments[467].

In the realm of artificial intelligence development, the Russian government has, over the past several years, established several institutions tasked with funding such initiatives. The most prominent among these is the Advanced Research Foundation (Фонд перспективных исследований), which has been operational since 2012 and functions similarly to the U.S. Defense Advanced Research Projects Agency (DARPA). In 2018, its budget was $60.2 million[468], which is a relatively modest amount compared to the funding of analogous institutions in the United States. Nevertheless, the ARF boasts a robust infrastructure. It operates 46 research laboratories and, by 2015, had undertaken approximately 15 studies focused on AI development. In 2018, the foundation submitted a proposal to the Russian Ministry of Defense outlining four key areas of focus for AI development: image recognition, speech recognition, control of autonomous military systems, and support for the lifecycle of weaponry. Following the publication of these recommendations, the Minister of Defense, Sergey Shoigu, called upon AI specialists to consolidate their efforts for advancing the field. He emphasized the need to „counter potential threats to Russia's technological and economic security."[469]

Modern societies engage in interactions not only in traditional forms, such as within physical spaces, but increasingly through virtual platforms. This shift facilitates mass surveillance of citizens by both the state and private corporations. Data collected by numerous social media platforms is later used to train artificial intelligence models (e.g., Machine Learning or Deep Learning), resulting in widespread societal surveillance. The Federal Security Service (FSB) leverages such data to monitor citizens, effectively stripping them of privacy. Additionally, artificial intelligence is employed by state entities to predict potential terrorist attacks. The FSB currently operates a program known as „AI Smart MES", which alerts its agents to such incidents, enhancing their ability to respond to these threats[470].

The use of AI-powered surveillance technologies expanded further after 2022. Russian authorities have increasingly integrated facial recognition systems, predictive analytics and biometric databases into public security infrastructure. These technologies are used not only for crime prevention, but also for monitoring political opposition, anti-war activists, and public demonstrations. As a result, artificial intelligence has become an important instrument of digital authoritarianism in contemporary Russia[471].

467 Ibid.

468 S. Bendett, ***The Development of Artificial Intelligence in Russia***, Air University Press, Montgomery 2019, p. 173.

469 Ibid, p. 173-174.

470 Ibid, p. 176.

471 ***Russia Uses Facial Recognition to Hunt Down Draft Evaders***, Human Rights Watch, 26.10.2022, https://www.hrw.org/news/2022/10/26/russia-uses-facial-recognition-hunt-down-draft-evaders (access: 04.06.2026).

Artificial intelligence in non-democratic states is also employed for the mass production of propaganda. The phenomenon of epistemic bubbles, created through various algorithms that subsequently position specific content for targeted audiences, constructs a narrative that can be challenging – or even impossible – to escape. A cohesive narrative disseminated via social media serves to influence citizens, effectively saturating their minds with a singular perspective. In this context, artificial intelligence is used to profile individuals based on the data they leave behind as they navigate the web. This profiling enables tailored propaganda to be directed at specific groups, amplifying the influence and reach of the desired narrative[472].

In recent years, the Kremlin has increasingly incorporated AI-driven communication tools into its public outreach strategy. Advances in generative AI and synthetic media have enabled the creation of digital avatars, AI-generated visual content, and interactive communication formats that are used during technology conferences and public events[473]. This demonstrates the fact that Russian decision-makers perceive artificial intelligence not only as an economic or military asset, but also as a means of shaping political narratives and strengthening state influence in the digital information environment.

The Russian private sector's engagement in artificial intelligence development lags behind its Western and Chinese counterparts. According to 2018 data, its market value was approximately $12.5 million[474]. One contributing factor to this situation is the underdeveloped culture of start-ups, which play a significant role in Western markets. These limitations often compel Russian engineers to emigrate, as exemplified by the company Nebius. As of July 2024, Nebius employs about 1,300 individuals, many of whom previously worked at Yandex, Russia's largest IT enterprise. The company currently holds $2.5 billion in funding, earmarked for development and investment in the near future. Nebius also maintains close ties with the American semiconductor manufacturer Nvidia, which could potentially provide the computational power needed to create advanced artificial intelligence models in the future[475].

Another company, which, unlike Nebius, continues to maintain ties with the Moscow government, is VisionLabs. In 2021, Sberbank acquired a controlling stake in the firm, strengthening its market position. In 2023, VisionLabs opened an office in Vietnam, where it plans to develop its flagship biometric solutions. Following the outbreak of the war in Ukraine, the company was placed on Western sanctions lists due to its technology being used to identify protesters on Russian streets. This type of artificial intelligence is programmed

472 M. Lakomy, L. Lakomy, ***The future of the Internet – a pessimistic scenario***, Wydawnictwo Wydziału Dziennikarstwa, Informacji i Bibliologii Uniwersytetu Warszawskiego, Studia Medioznawcze, Nr. 4 2013 r. (tom 55), p. 7-10.

473 I. U. K. Klyszcz, ***The Double Edge of Russian Sovereign AI: Isolation and Narrative Consistency, International Centre for Defence and Security***, 11.05.2026, https://icds.ee/en/the-double-edge-of-russian-sovereign-ai-isolation-and-narrative-consistency/ (access: 04.06.2026).

474 S. Katz, ***Rebranded Yandex Launches AI Venture in Europe After Russia Exit***, The Moscow Times, 16.07.2024, https://www.themoscowtimes.com/2024/07/16/rebranded-yandex-launches-ai-venture-in-europe-after-russia-exit-a85732 (access: 01.01.2025).

475 Ibid.

using convolutional neural networks (CNNs), which are specifically designed for processing visual data. Two primary algorithms process such data in this domain: SIFT (Scale-Invariant Feature Transform) and SURF (Speeded-Up Robust Features). However, the company does not disclose any details about the techniques it employs, as a means of protecting its intellectual property[476].

Following the global success of generative AI systems such as ChatGPT, Russian technology companies accelerated the development of domestic large language models (LLMs). Sberbank expanded its GigaChat platform, while Yandex continued to develop its YandexGPT family of models[477]. These systems are designed to provide Russian-language alternatives to Western AI solutions and to reduce dependence on foreign technologies. The emergence of domestic generative AI platforms has become a central element of Russia's broader strategy of technological sovereignty.

An important aspect of the development of artificial intelligence in the private sector is the enhancement of CRM (Customer Relationship Management) systems, which focus on managing client relationships. The Russian company BPMSoft has been operating since 2010, providing subscription-based services to firms such as VOLMA, Rostelecom and Simple. According to its website, the company offers ready-made solutions that can be customized using AI tools to automate key business processes, such as sales and marketing. The algorithms implemented in the system can predict the likelihood of delivery delays or customer attrition. Additionally, Machine Learning models are capable of analyzing customer emotions and determining whether human involvement is necessary for further communication. This integration of AI helps streamline operations and improve customer relationship strategies in the private sector[478].

Summary

The modern high-tech industry is no longer merely one of many components of a state's proper functioning. Rather, it has become a pivotal sector which engenders further advantages constructed across various domains. Today, in a departure from traditional methods, new technologies are utilized to foster a more favorable political image. The tech industry also plays a significant role in shaping the international standing of nations. Taiwan and its semiconductor manufacturing giant, TSMC, whose products are integral to virtually all cutting-edge technologies (including military applications), offers a prime example here. Such monopolies often tip the scales in favor of one actor on the international stage, enabling

476 M. Borak, ***VisionLabs enters Vietnam as Russian biometrics developers seek new markets***, Biometricupdate.com, 10.04.2023, https://www.biometricupdate.com/202304/visionlabs-enters-vietnam-as-russian-biometrics-developers-seek-new-markets (access: 01.01.2025).

477 G. Brayanski, E. Fabrichnaya, ***Russia's Sberbank plans to unveil LLM with reasoning capacity***, Reuters, 18.06.2025, https://www.reuters.com/business/finance/russias-sberbank-plans-unveil-llm-with-reasoning-capacity-2025-06-18/ (access: 04.06.2026).

478 ***BPMSoft - внедрение и поддержка CRM,*** https://bpmsoft.tech/ (access: 01.01.2025).

it to maintain and even strengthen its position. Corporations also leverage new technologies to solidify their market presence, using innovation as a key strategy to enhance competitiveness and influence.

Over the past 30 years, the Russian Federation has undergone a significant journey toward development. The 1990s were marked by profound socio-economic reforms that, in effect, initially hindered Russian scientists from conducting research on key digital issues. Numerous conflicts triggered by the Russian Federation (e.g., with Georgia and Ukraine) further obstructed any potential knowledge exchange among experts, as they often faced sanctions, such as travel bans or the freezing of funding for certain projects. The 2010s arguably proved to be the most favorable for the development of this economic sector in the Russian Federation. During this period, substantial investments were made, and efforts were concentrated on the development of supercomputers. These systems were intended for conducting highly specialized calculations, not only within public administration, but also in the private sector.

Artificial intelligence has the potential to be a groundbreaking technology of the 21st century. As early as 2011, the term "Industry 4.0" was coined, envisioning the construction of increasingly "intelligent" factories where human involvement would be limited primarily to supervisory roles. The Russian Federation, with its well-educated and internationally respected academic staff in the exact sciences, holds immense potential in this field. However, its development is hindered by a misalignment of funding with its aims, forcing outstanding specialists to emigrate, often to the United States or the European Union, for economic reasons. As mentioned earlier, since 2015 the Russian Federation has been implementing successive plans to advance artificial intelligence and encouraged private sector collaboration in this area. Although Russia has achieved visible progress in certain areas, such as generative AI, biometric surveillance systems ,and military drone technologies, the country continues to lag significantly behind the United States and China in computational infrastructure, advanced semiconductor manufacturing, and frontier AI research.

Key Conclusions[479]

1. The development of Russia's high-tech industry has been significantly influenced by its broader political and economic transformations, especially the post-Soviet shift to a market economy.
2. Despite having strong scientific expertise, Russia struggles with systemic underinvestment in critical areas such as AI infrastructure and semiconductor manufacturing.
3. Sanctions and geopolitical isolation following military conflicts have hindered Russia's integration into global innovation networks, limiting its access to crucial technologies.

479 I would like to thank Michał Patryk Sadłowski, PhD for his valuable insights and for consultations that contributed to the articulation of the final conclusions presented in this article.

4. The state plays a dominant role in steering technological priorities, which comes at the expense of failing to foster a vibrant start-up ecosystem.
5. Without major reforms (particularly in terms of foreign policy, innovation funding, and private sector support) Russia risks falling further behind global leaders in high-tech advancement.
6. Since 2023, Russia has increasingly focused on technological sovereignty through domestic AI models, surveillance technologies and import-substitution policies. Although these initiatives have strengthened selected sectors, they have not eliminated the country's dependence on foreign hardware and semiconductor technologies.

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National Resilience and Comprehensive Security in the Age of Hybrid Threats: Policy Lessons from Armenia

Abstract

The proliferation of hybrid threats—combining military, political, diplomatic, cyber, informational, and economic coercion—poses acute challenges for small states operating in an eroding rules-based international order. This article examines Armenia's exposure to such threats from Russia, Azerbaijan, and Turkey through a neorealist lens that questions liberal assumptions about economic interdependence and legal constraints as sufficient sources of security. Using a single-case study approach, it analyzes Armenia's post-war strategic environment, marked by persistent hybrid threats including narrative warfare and identity-targeting campaigns. The article advances the concepts of active resilience and strategic governance as complementary tools within a comprehensive security framework, emphasizing the need for integrated, cross-domain responses.

Keywords: Hybrid threats, national resilience, comprehensive security, strategic governance, active resilience.

Introduction

In contemporary international relations, a period marked by unexpected shifts, rapid transformations, and the rise of uncertainties not only in the security domain but also in the realm of institutions,[480] hybrid threats have emerged not merely as an advanced and more sophisticated tactic but, sometimes, as a defining condition of conflict.[481] They blend and synchronize various instruments of power, including diplomatic, informational, military,

480 Maisaia, V. 2025, *International Relations Theory and Its Transformation in Post-Modern Period: New Shifts, New Tendencies – View from Georgia.* Retrieved in December 2025, from https://www.intechopen.com/chapters/1206452

481 Hybrid Threats, Retrieved in November 2025, from https://www.hybrid-risk.com/Hybrid_Threats.html

economic, financial, intelligence, and legal (DIME-FIL) tools,[482] including disinformation, cyberattacks, economic pressure, the deployment of irregular armed and subversion groups and the use of regular forces and political interference—blurring the boundaries between war and peace.[483] In an international environment where predictability has eroded and established norms are increasingly contested,[484] hybrid threats reflect a deeper crisis of the rules-based order, targeting not only state sovereignty and institutional resilience but also social cohesion and shared meanings and values.

The rise of the "peace through strength" approach[485]—where stability is pursued via superior military power, economic leverage, and coercive deterrence rather than mutual adherence to international legal norms[486]—has further accelerated this decline. In regions like the South Caucasus and Ukraine, assertive actors increasingly achieve strategic gains through calibrated force and hybrid coercion below the threshold of full-scale war, rendering mechanisms like UN Charter prohibitions on the use of force or multilateral mediation (e.g., the Minsk Group) ineffective. This shift from law-based restraint to power-driven "peace enforcement" normalizes outcomes imposed at gunpoint, as seen in post-2020 developments between Armenia and Azerbaijan,[487] where military superiority and selective alliances override collective security commitments and humanitarian protections.

Hybrid tactics are based on coordinated and synchronized actions that deliberately target democratic states and institutions' systemic vulnerabilities through a wide range of means that aim to destabilize and undermine societies.[488] These methods rely on indirect and deniable instruments, allowing the aggressor to pursue strategic objectives while avoiding formal attribution[489] and remaining below the thresholds that would trigger open military confrontation[490] or accountability. For small states such as Armenia—landlocked,

482 DIMEFIL: Instruments of Power, 2024. Air University, Maxwell AFB, Alabama. Retrieved in January 2026, from https://fairchild-mil.libguides.com/dimefil

483 Jonsson, O., 2019, ***The Russian Understanding of War: Blurring the Lines Between War and Peace***. Georgetown University Press. Retrieved in December 2025.

484 Panke, D. & Petersohn, U, 2012. ***Why Some International Norms Disappear Sometimes***. European Journal of International Relations. 18(4), pp. 719-742, Retrieved in December 2025, from https://www.researchgate.net/publication/258135219_Why_international_norms_disappear_sometimes

485 ***Peace Through Strength***, Ronald Reagan Presidential Library and Museum, Retrieved in December 2025, from https://www.reaganlibrary.gov/permanent-exhibits/peace-through-strength

486 Kurnyshova, Y. 2025, ***Deterrence, coercion, desecuritization: three lessons from the Russo-Ukrainian war***, Journal of Contemporary Central and Eastern Europe (JCCEE). https://doi.org/10.1080/25739638.2025.2599339 Retrieved in November 2025, from https://www.tandfonline.com/doi/full/10.1080/25739638.2025.2599339#d1e163

487 Melikyan, G. 2025. ***Reconciliation Through Coercion?*** Geopolitika. Retrieved in December 2025, from https://geopolitika.no/reconciliation-through-coercion

488 ***Countering hybrid threats,*** Official website of NATO. Retrieved in November 2025, from https://www.nato.int/en/what-we-do/deterrence-and-defence/countering-hybrid-threats

489 ***Defence in the Grey Zone***. 2025. UK's House of Commons committee report. Retrieved in November 2025, from https://publications.parliament.uk/pa/cm5901/cmselect/cmdfence/405/report.html

490 Azad, M, T. & Haider, W. M. 2022. ***Understanding Gray Zone Warfare from Multiple Perspectives***. World Affairs, Volume 186 Issue 1, Spring 2023, https://doi.org/10.1177/00438200221141101. Retrieved in December 2025, from https://journals.sagepub.com/doi/10.1177/00438200221141101

economically constrained, and situated within a competitive and hostile regional environment dominated by larger powers some of which harbor malign intentions—hybrid threats significantly amplify existing vulnerabilities.[491] This reality necessitates a fundamental rethinking of security, moving beyond traditional military paradigms toward comprehensive approaches that integrate political, societal, economic, informational, and institutional resilience.[492]

Armenia's post-independence trajectory illustrates these dangers with particular clarity. Positioned between Azerbaijan to the east and Turkey to the west, and reliant on an increasingly fragile security relationship with Russia through the Collective Security Treaty Organization (CSTO) and bilateral security agreements, Armenia has been persistently exposed to hybrid pressures. The 44-day Second Nagorno-Karabakh War with Azerbaijan in 2020 marked a decisive turning point in the regional order. It combined *inter alia* *Azerbaijan's extensive use of drone warfare*[493] with direct military and political support from Turkey,[494] and Russia's failure to activate its security commitments as Armenia's ally,[495] a stance that de facto permitted large-scale military action against the civilian population of Nagorno-Karabakh, while redefining Russia's role and altering the regional balance of power.[496] While the 44-day war was a large-scale conventional conflict, its political and strategic consequences would have been far less dramatic had they not been amplified by the systematic use of hybrid tactics operating before, during, and after the fighting.

Azerbaijan's 2022–2023 blockade of the Lachin Corridor marked a shift toward overt hybrid coercion,[497] employing economic 'strangulation' and humanitarian pressure as instruments of hybrid warfare. By severing the only link between Nagorno-Karabakh and Armenia, Azerbaijan created conditions of acute deprivation that resulted in hunger, the collapse of basic services, and ultimately the forced displacement of about 120,000

491 Savolainen, J. 2019. ***Hybrid Threats and Vulnerabilities of Modern Critical Infrastructure – Weapons of Mass Disturbance (WMDi)?*** Hybrid CoE Working Paper 4, Retrieved in January 2026, from https://www.hybridcoe.fi/wp-content/uploads/2020/07/NEW_Working-paper_WMDivers_2019_rgb.pdf p. 8

492 Melikyan, G. & Abrahamyan, E. 2025. ***Comprehensive Security: Armenia's Choice in the New World Order***. NewMag, p. 10. Retrieved in November 2025

493 Hecht, E. ***Drones in the Nagorno-Karabakh War***: ***Analyzing the Data***. Israel Defense Forces Tactical Command College. In Military Strategy Magazine. Volume 7, Issue 4. Retrieved in November 2025, from https://www.militarystrategymagazine.com/article/drones-in-the-nagorno-karabakh-war-analyzing-the-data/

494 Nazaretyan, H. 2024. ***Revisiting Turkey's Role in the 2020 Nagorno-Karabakh War***. EVN Report. Retrieved in November 2025, from https://evnreport.com/politics/revisiting-turkeys-role-in-the-2020-nagorno-karabakh-war/

495 Ghulinyan-Gerz, I. 2022. ***Disappointed in Russia: Armenia's security disillusionment***. South Caucasus Regional Office of the Heinrich Boell Foundation. Retrieved in November 2025, from https://ge.boell.org/en/2022/11/01/disappointed-russia-armenias-security-disillusionment

496 Badridze, G., Mammadov, M., Melkonian, S. & Muradov, M., Editor: von Essen, H. 2024. ***Russia in the South Caucasus: Losing, Adapting, Overcoming***. SCEEUS Guest Report No. 2. Retrieved in January 2026, from https://sceeus.se/en/publications/russia-in-the-south-caucasus-losing-adapting-overcoming/

497 Melikyan, G. 2025. ***Reconciliation Through Coercion?*** Geopolitika. Retrieved in November 2025, from https://geopolitika.no/reconciliation-through-coercion

Armenians, amounting to ethnic cleansing.[498] Russia's continued inaction despite its peacekeeping commitments under the November 2020 declaration,[499] combined with Azerbaijan's growing regular and non-conventional threats, further deepened Armenia's vulnerabilities. Together, these factors exposed the fragility of post-Soviet security arrangements and demonstrated the ability of hybrid tools to easily dismantle existing deterrence frameworks at minimal immediate cost to the perpetrator.

This study adopts a neorealist perspective to examine these dynamics, arguing that in an anarchic international system lacking a central authority, states prioritize survival by maximizing power and self-reliance[500] gradually marginalizing international law and normative frameworks. From this viewpoint, liberal assumptions that economic interdependence naturally reduces conflict appear insufficient, particularly in asymmetric settings.[501] Liberal theory, drawing on Kantian ideas, holds that close economic ties and institutional linkages act as restraints on war.[502] Armenia's experience—despite its membership in the Russia-led Eurasian Economic Union and CSTO —demonstrates how interdependence can be transformed into a source of vulnerability rather than security.[503] Turkey's long-standing blockade of Armenia since 1993, Azerbaijan's expanding influence over regional energy and transit routes, and Armenia's structural dependence on Russian energy supplies together illustrate the logic of "weaponized interdependence,[504]" in which asymmetric control over critical economic and infrastructural networks is leveraged for political coercion,[505] rather than to bring peace and stability. This pattern underscores the need for small states

498 Scheffer, D. 2023. ***Ethnic Cleansing Is Happening in Nagorno-Karabakh. How Can the World Respond?*** Council on Foreign Relations. Retrieved in January 2026, from https://www.cfr.org/article/ethnic-cleansing-happening-nagorno-karabakh-how-can-world-respond

499 ***Statement by President of the Republic of Azerbaijan, Prime Minister of the Republic of Armenia and President of the Russian Federation***. 2020. Official website of the President of the Russian Federation. Retrieved in January 2026, from http://en.kremlin.ru/events/president/news/64384

500 ***Political Realism in International Relations***. 2023. Stanford Encyclopedia of Philosophy. Retrieved in November 2025, from https://plato.stanford.edu/entries/realism-intl-relations/

501 Armenia-Azerbaijan: Nagorno-Karabakh Blockade. 2023. ACAPS, Anticipatory Note. Retrieved in December 2025, from https://www.acaps.org/fileadmin/Data_Product/Main_media/20230120_acaps_anticipatory_note_on_nagorno-karabakh_blockade.pdf

502 Buchan, B. 2022. ***Explaining War and Peace: Kant and Liberal IR Theory***. Alternatives: Global, Local, Political, Volume 27 Issue 4, October 2002. https://doi.org/10.1177/030437540202700401. Retrieved in December 2025, from https://journals.sagepub.com/doi/10.1177/030437540202700401?utm_source=researchgate.net&utm_medium=articlehttps://www.researchgate.net/publication/29464697_Explaining_War_and_Peace_Kant_and_Liberal_IR_Theory

503 Bakytova, K. 2024. ***Why did the CSTO not intervene in the Nagorno Karabakh conflict, as Armenia wanted?*** Journal of Territorial and Maritime Studies. Retrieved in November 2025, from https://www.journalofterritorialandmaritimestudies.net/post/why-did-the-csto-not-intervene-in-the-nagorno-karabakh-conflict-as-armenia-wanted

504 Ghannoum, A. M. 2025. ***The Pivot Paradox: How Cyber Operations Weaponize Economic Interdependence in Post-Soviet Transitions Armenia's Geopolitical Reorientation and the Transformation of Great Power Coercion.*** Retrieved in December 2025, from https://www.academia.edu/144583523/The_Pivot_Paradox_How_Cyber_Operations_Weaponize_Economic_Interdependence_in_Post_Soviet_Transitions_Armenias_Geopolitical_Reorientation_and_the_Transformation_of_Great_Power_Coercion

505 Farrell, H. & Newman, L.A. 2019. ***Weaponized Interdependence: How Global Economic Networks Shape State Coercion***, International Security (2019) 44 (1): 42–79. https://doi.org/10.1162/isec_a_00351. Retrieved in January 2026, from https://direct.mit.edu/isec/article/44/1/42/12237/Weaponized-Interdependence-How-Global-Economic

like Armenia to rethink security beyond mere reliance on external guarantees and economic integration, and instead develop resilient, multidimensional strategies of self-preservation and self-sufficiency.[506]

To counter these dynamics, our analysis emphasizes the concepts of active resilience and strategic governance as part of a comprehensive security approach.[507] Active resilience moves beyond passive endurance toward anticipatory planning and societal preparedness, strengthening the capacity of state and non-state institutions and communities to absorb, adapt to, and recover from conventional and hybrid pressures. Strategic governance, in turn, entails coordinated action among state institutions, civil society, and international partners to construct a comprehensive and integrated security posture. These concepts - to be developed as adaptive tools for small states - draw directly from Armenia's post-2020 experience, including the need for a recalibration of its National Security Strategy toward greater self-reliance and resilience.[508] Accordingly, this article proceeds by outlining the theoretical framework, examining empirical evidence, developing analytical insights, and offering policy recommendations.

The urgency of this inquiry is underscored by recent developments. The U.S.-brokered peace agreement between Armenia and Azerbaijan in August 2025,[509] while offering prospects for wider normalization and the opening of the so-called "Trump Route for International Peace and Prosperity" (TRIPP),[510] does not fully eliminate the risk of renewed conventional attacks in parallel with ongoing hybrid tactics against Armenia by an increasingly powerful and assertive Azerbaijan.[511] On the contrary, the reconfiguration of regional connectivity may generate new vulnerabilities, particularly if external actors such as Russia or Turkey and since recently, Azerbaijan as well, seek to reassert more influence through indirect means.[512] Armenia, in its turn, seeks to recalibrate its engagement with the European Union and NATO through a newly adopted approach of "balanced and balancing foreign policy,[513]" which would represent a more realist reassessment of its security

506 Melikyan, G. & Abrahamyan, E. 2025. op. cit., p. 160. Retrieved in November 2025.

507 Ibidem, p. 135

508 Ibidem, p. 110

509 Official website of the prime minister of the Republic of Armenia, ***Joint Declaration by the President of the Republic of Azerbaijan, the Prime Minister of the Republic of Armenia and the President of the United States of America on the outcomes of their meeting in Washington D.C., United States of America***. Retrieved in November 2025, from https://www.primeminister.am/en/press-release/item/2025/08/09/Nikol-Pashinyan-visit-US-declaration/

510 Official website of the MFA Armenia. ***Joint Statement on the Publication of the Armenia-U.S. Implementation Framework for the Trump Route for International Peace and Prosperity (TRIPP)***. Retrieved in January 2026, from https://www.mfa.am/en/press-releases/2026/01/14/TRIPP/13721

511 Melikyan, G. 2025. ***Reconciliation Through Coercion?*** Geopolitika. Retrieved in November 2025, from https://geopolitika.no/reconciliation-through-coercion

512 Kogamn, E. 2024. ***The Role of Foreign Actors in the Armenia-Azerbaijan Conflict: Russia, Turkey, China, and India***. Austrian Institute for European and Security Policy. Retrieved in November 2025, from https://www.aies.at/download/2024/AIES_Focus-2024-3.pdf

513 Official website of the prime minister of the Republic of Armenia. Retrieved in December 2025, from https://www.primeminister.am/en/press-release/item/2025/01/23/Nikol-Pashinyan-Panel-discussion/

environment. However, it is far from being a decisive realignment, which leaves persistent vulnerabilities to new threats including hybrid coercion by other regional players.

A closer examination reveals that hybrid threats, which extend far beyond conventional military targets, better penetrate societal structures and public consciousness to touch even the cognitive and identity-based dimension of society. Threats operate not only on the battlefield but also within the social and political fabric of the state, generating and/or contributing to divisions among citizens, eroding trust in leadership, and undermining the legitimacy of institutions.[514] For Armenia, this dual-front challenge is particularly acute: external aggression is compounded by internal pressures such as disinformation campaigns, identity-targeted narratives, and manipulative propaganda that aim to destabilize both governance and social cohesion.

Reliance on a pacifist, liberal paradigm—placing excessive faith in international law, economic interdependence, and cooperative institutions—has, in certain cases, left Armenia exposed. The selective use of economic leverage by Russia, even as a formal ally, exemplifies how interdependence can be weaponized against smaller states, converting assumed security mechanisms into vectors of vulnerability. This dynamic underscores the pressing need for a small state such as Armenia to adopt a strategic recalibration grounded in realist self-help: Armenia must pursue holistic reforms combining military capabilities, economic resilience, and civic preparedness, enabling the nation to withstand external and internal pressures independently.[515]

By meaningfully integrating societal, economic, and military reforms, small states can create a system of adaptive safeguards capable of absorbing shocks, deterring coercion, and sustaining sovereignty in rapidly changing global and regional environments. This approach not only can address immediate vulnerabilities but also provide a theoretical and practical roadmap for small states confronting hybrid threats in the contemporary global (dis)order.

Armenia's Navigation of Hybrid Threats

Armenia's security landscape, shaped by the legacies of the post-Soviet transition and complex regional animosities and geopolitical constraints, reveals the profound and multifaceted impact of hybrid threats. In particular, since the end of 2020 war, regional actors—including Azerbaijan, Turkey, and, in a more ambivalent role, Russia—have leveraged a combination of overt and covert instruments to influence Armenia's political, social, and economic fibers. These actors operate strategically, exploiting Armenia's vulnerabilities in governance, economy, societal cohesion, and institutional capacity, while demonstrating

514 Marjanović, A. & Smiljanic, D. 2025. ***Cognitive warfare - the human mind as the new battlefield***. Retrieved in December 2025, from https://www.researchgate.net/publication/391704397_Cognitive_warfare_-_the_human_mind_as_the_new_battlefield

515 Melikyan, G. & Abrahamyan, E. 2025. op. cit., p. 25. Retrieved in November 2025.

how power can be exercised not only through conventional force but also through subtler, surrogate mechanisms.

Hybrid campaigns, as inherently multidimensional malign operations, create a cumulative effect that amplifies Armenia's vulnerabilities.[516] What makes these threats particularly insidious is their ability to simultaneously erode confidence in state authority, manipulate public perception, and weaken the structural integrity of national institutions—all while avoiding the thresholds that would allow the state to clearly detect and identify the perpetrator. Armenia's experience illustrates a broader lesson for small states: hybrid tactics transform asymmetric vulnerabilities into decisive strategic leverage, demanding adaptive, holistic, and forward-looking security strategies.[517]

Hybrid threats and Armenia's current unpreparedness to counteract have exacerbated its structural loopholes, particularly its reliance on Russia for energy and military support, which at times has been leveraged against the country's interests. In the post-war period, these pressures persisted and evolved: cyberattacks increased by over 20% after 2023, and disinformation campaigns originating from Russian sources aimed to undermine public trust in Armenia's leadership.[518] Following 2023, closer cooperation with the EU in terms of border monitoring and some assistance from NATO contributed to improving Armenia's ability to anticipate hybrid actions.[519] Meanwhile, the 2025 peace talks, while aimed at offering prospects for normalization, simultaneously present both opportunities and risks: while they strengthen the potential for a more robust, sovereign posture, they also leave room for hidden operations to reemerge if vigilance and comprehensive safeguards are not maintained. The situation underscores the importance of integrating military, economic, and societal resilience into a holistic security framework, ensuring that Armenia can withstand multifaceted pressures in a volatile regional environment.[520]

From a neorealist perspective, these developments expose the reemergence of power-politics including the use of military force, and the fragility of the rules-based international order, particularly in the wake of the ongoing crisis in Ukraine. Azerbaijan's upper hand in its conflict with Armenia in 2020 created new geopolitical openings for Azerbaijan to pursue strategic objectives in its effort to become a regional hegemon, while Armenia struggles to maintain its volatile security. The ineffectiveness of liberal mechanisms, including economic

516 Melikyan, G. 2025. ***How Armenia can defend itself against hybrid warfare.*** Emerging Europe. Retrieved in November 2025, from https://emerging-europe.com/how-armenia-can-defend-itself-against-hybrid-warfare/

517 Melikyan, G. & Abrahamyan, E. 2025. op. cit., p. 35. Retrieved in November 2025.

518 ***Armenia: Digital Threat Landscape: Civil Society & Media.*** 2023. Internews & CyberHUB. Retrieved in November 2025, from https://mdi.am/wp-content/uploads/2023/12/Armenia-Digital-Threat-Landscape-Report.pdf

519 Fjäder, C. & Schalin, J. 2024. ***Building resilience to hybrid threats: Best practices in the Nordics.*** Hybrid CoE Working Paper 31. Retrieved in December 2025, from https://www.hybridcoe.fi/wp-content/uploads/2024/05/20240527-Hybrid-CoE-Working-Paper-31-Building-resilience-to-hybrid-threats-WEB.pdf

520 ***Armenia and Azerbaijan: Lasting peace in sight?*** Think-Tank, European Parliament. Briefing 2025. Retrieved in November 2025, from https://www.europarl.europa.eu/thinktank/en/document/EPRS_BRI(2025)779170

interdependence—most notably Armenia's continuing dependence on Russia and the emerging risk of a new dependence on Azerbaijan, as well as the Russia–Ukraine case where deep economic ties failed to prevent war—highlights the constraints of neoliberal normative frameworks when confronted with assertive, non-democratic and resourceful actors such as Azerbaijan or Russia that are willing to exploit institutional gaps and an adversary's vulnerabilities.

In this rapidly shifting environment, the traditional assumptions of predictable norms and cooperative restraint are increasingly challenged by strength-driven calculations and security concerns. For Armenia, addressing these challenges requires decisive, structural reforms: diversifying energy sources to reduce dependency (not only on Russia), bolstering the defense system to resist overt and covert coercive acts, and cultivating societal resilience to absorb disinformation as well as psychological and cognitive pressures.[521] Only through such comprehensive adaptation can a small state navigate security threats increasingly defined not by legal frameworks, but by the practical realities of asymmetric power and strategic leverage.

The Anatomy of Hybrid Coercion: Azerbaijan's Strategic Play in the South Caucasus

Azerbaijan's hybrid campaign in 2020 combined precision military operations with sophisticated psychological, cognitive and informational measures, producing disproportionate strategic effects.[522] Its military offensive relied heavily on drone strikes—most notably the use of Bayraktar TB2 UAVs and loitering munitions supplied by Turkey—which inflicted substantial losses on Armenian forces and disrupted conventional defense capabilities.[523] This kinetic advantage was reinforced by the involvement of foreign mercenaries, including fighters transferred from Syria and Pakistan, illustrating the deliberate mixing of regular and irregular forces as part of Azerbaijan's broader hybrid warfare approach.[524] At the same time, parallel information, cognitive and anti-Armenian diplomatic campaigns were deployed to undermine the legitimacy of Armenian claims and the morale of the Armenian armed forces by systematically spreading revisionist and carefully constructed false narratives.[525] Azerbaijani messaging portrayed a long-standing ethno-

521 Melikyan, G. & Abrahamyan, E. 2025. op. cit., p. 84. Retrieved in November 2025.

522 Ibidem, p, 50

523 *The Role of Turkish Drones in Azerbaijan's Increasing Military Effectiveness: An Assessment of the Second Nagorno-Karabakh War.* Insight Turkey Fall 2021 / Volume 23 Number 4. Retrieved in November 2025, from https://www.insightturkey.com/articles/the-role-of-turkish-drones-in-azerbaijans-increasing-military-effectiveness-an-assessment-of-the-second-nagorno-karabakh-war

524 Melikyan, G. & Abrahamyan, E. 2025. op. cit., p. 160. Retrieved in November 2025.

525 *Why Are There No Armenians in Nagorno-Karabakh?* 2024. Freedom House et al. Fact-Finding Report, p. 25, Retrieved in December 2025, from https://freedomhouse.org/sites/default/files/2024-11/NO-ARMENIANS-IN-NK-DDF-FH_FACT-FINDING_REPORT_FULL_VERSION.pdf

political dispute with Armenia as a matter of the "restoration of territorial integrity" and "anti-terrorist" measures by launching a massive offensive against the Armenian civilian population of Nagorno-Karabakh in 2020 and 2023 as security measures and the restoration of the constitutional order[526] rather than acts of coercion. In this sense, narrative warfare, lawfare, cognitive attacks and manipulative diplomatic reframing functioned as core hybrid instruments and tactics, deeply integrated into Azerbaijan's broader strategy to normalize the use of force—similar to Russia—by blurring the distinction between warfare and diplomacy,[527] and systematically weakening Armenia's political, legal, and moral standing at both domestic and international levels.[528]

The subsequent Russian-brokered ceasefire, which deployed approximately 1,960 peacekeepers,[529] failed to prevent the Lachin Corridor blockade in 2022 justified by fabricated environmental narratives, and the ensuing humanitarian crisis,[530] ultimately causing the displacement of over 120,000 Armenians by September 2023,[531] amounting to an exodus or ethnic-cleansing.[532]

Azerbaijan is increasingly relying on coercive "gunpoint diplomacy" to impose its conditions and strategic vision, combining militaristic rhetoric, claims of restoring justice, the "Western Azerbaijan" narrative, and the "Return of western Azerbaijanis"[533] to exert more pressure and extract concessions without engaging in sustained large-scale warfare. This approach is characteristic of hybrid coercion: the calculated use of kinetic and non-kinetic tools aimed at forcing Armenia to follow its demands without openly showing who is responsible. The objective has been to force Armenia into a strategic retreat not through outright defeat alone, but through exhaustion, intimidation, and psychological pressure.

Furthermore, this strategy extends well beyond drones and irregular capabilities. Azerbaijan systematically employs cognitive warfare aimed at undermining Armenia's

526 Aghayev, I. 2023. ***Azerbaijan demands complete surrender of Nagorno-Karabakh as it launches massive offensive.*** Retrieved in January 2026, from https://oc-media.org/azerbaijan-demands-complete-surrender-of-nagorno-karabakh-as-it-launches-massive-offensive/

527 Tatikyan, S. 2024. ***How Azerbaijan Deceives and Harasses the International Community: Baku's Expansionist Objectives Under the Spotlight.*** EVN Report. Retrieved in November 2025, from https://evnreport.com/politics/how-azerbaijan-deceives-and-harasses-the-international-community/

528 Mnatsakanyan, Z. 2025. ***Sovereignty, Political Identity, Equidistance.*** EVN Report. Retrieved in November 2025, from https://evnreport.com/opinion/sovereignty-political-identity-equidistance/

529 ***Russian peacekeepers head to Nagorno-Karabakh: Live news***. Al Jazeera. Retrieved in November 2025, from https://www.aljazeera.com/news/2020/11/10/tensions-mount-despite-nagorno-karabakh-peace-deal-live-news

530 Papikyan, A. 2023. ***Statement by Ambassador Armen Papikyan: Installation of an illegal checkpoint by Azerbaijan in the Lachin Corridor in violation of its international obligations at the 1420th meeting of the OSCE Permanent Council***, Retrieved in December 2025, from https://www.osce.org/sites/default/files/f/documents/a/8/545524.pdf

531 White Paper. 2023. ***An Exodus Out of Indigenous Lands: Azerbaijan's Forced Displacement of the Ethnic Armenians from Nagorno-Karabakh.*** Center for Truth & Justice. Retrieved in December 2025, from https://www.cftjustice.org/wp-content/uploads/2023/12/Exodus_FinalV4.pdf, p.13

532 Ibidem, p. 5

533 Foreign Intelligence Service, 2026. ***On External Security Risks of the Republic of Armenia.*** Annual Report. Retrieved in November 2025, from https://armenpress.am/storage/content/2025/pdf/NewFolder/FISA_Annual_Report_2026_English.pdf. p. 8

national identity and historical narrative, questioning the legitimacy of Armenian statehood, its historical presence, its cultural heritage and reframing core elements of Armenian collective memory as obstacles to "peace.[534]" These efforts have sought to influence Armenia's domestic discourse, weaken social cohesion, and normalize external demands for constitutional revision, territorial reinterpretation, the possible "return" of thousands of Azerbaijanis to Armenia, and foreign-policy realignment. Information campaigns have repeatedly framed such concessions as prerequisites for stability and a precondition to exclude new military escalations by Azerbaijan, thereby shifting responsibility for possible tensions onto Armenia itself.[535]

The 2023 military operation, which terminated Armenian control over Nagorno-Karabakh, demonstrated the effectiveness of this hybrid gunpoint strategy: force was applied decisively but briefly, while political denial and narrative management reduced the likelihood of meaningful international intervention. The outcome illustrated how hybrid coercion can achieve irreversible strategic results while remaining below the threshold of collective defense mechanisms or decisive diplomatic backlash.

While the 2025 Armenia–Azerbaijan peace deal brokered under President Trump and the subsequent establishment of the TRIPP route formally signaled the cessation of open warfare,[536] they have done little to dismantle the coercive strategy and hybrid tactics that underpin Azerbaijan's increasingly hegemonic stance in the region. Ongoing pressure surrounding transport corridors and connectivity arrangements suggests that hybrid tools may again be mobilized to secure further concessions or "obedience", potentially undermining Armenia's sovereignty and territorial integrity. [537] These dynamics highlight that peace achieved under coercion remains inherently fragile.

Analysis of these dynamics shows that Armenia's vulnerabilities extend well beyond conventional military capabilities. Recent developments illustrate that while peace talks, delimitation and demarcation processes, transborder economic activities and connectivity are, indeed, important formal factors for peace and stability, they, in fact are not sufficient for Armenia to cover its broader security, trust-driven and psychological dimensions. Azerbaijan's hybrid coercion approach exploits dependence on transit routes, energy networks, and external support, while cognitive warfare targets Armenia's national identity, domestic political dynamics and societal cohesion. In this context, resilience emerges as a multidimensional phenomenon: Armenia's capacity to absorb, adapt to, and respond to coercive pressure depends not only on military strength, but also on the robustness of societal

534 Melikyan, G. & Abrahamyan, E. 2025. op. cit., p. 84. Retrieved in November 2025.

535 Ibidem, p. 110

536 ***The Armenia-Azerbaijan peace deal aims to end decades of conflict***, Consultancy.eu, 2025. Retrieved in December 2025, from https://www.consultancy.eu/news/12340/the-armenia-azerbaijan-peace-deal-aims-to-end-decades-of-conflict

537 Melikyan, G. 2025. ***Azerbaijan's "Peace" Demands: Courage to Surrender, Responsibility to Obey.*** Geopolitika. Retrieved in November 2025, from https://geopolitika.no/azerbaijans-peace-demands-courage-to-surrender-responsibility-to-obey/

cohesion, informational integrity, and economic autonomy. Armenia's case demonstrates how hybrid tactics can leverage structural weaknesses across multiple domains, magnifying the strategic impact of relatively limited force and shaping the trajectory of regional power relations.[538]

Beyond the immediate military and non-kinetic strategic dimensions, Azerbaijan's behavior reflects a broader strategy of regional dominance underpinned by authoritarian governance and centralized decision-making. This strategy is openly reinforced by President Ilham Aliyev's increasingly aggressive, humiliating, and revisionist rhetoric toward Armenia and Armenians, which seeks to normalize coercion, delegitimizes Armenian statehood, and signals a readiness to use force as an instrument of policy. Its hybrid approach is not merely reactive or situational; it is part of a deliberate, systemic effort to consolidate influence and build new geopolitical capabilities in the South Caucasus. This posture is further substantiated by Azerbaijan's sustained and growing military expenditures and modernization of armed forces,[539] indicating long-term preparation rather than post-conflict stabilization. By combining economic leverage, selective coercion, and narrative control, Baku strives to position itself as a power capable of reshaping the regional order while minimizing the risks of multilateral pushback. This agenda-setting strategy exemplifies the emergence of a new coercive regional actor that operates outside liberal norms, using state resources, sovereign wealth, and diplomatic maneuvering to project power and influence events against both its foes and its partners.

This pattern of behavior observed in Azerbaijan demonstrates a deliberate exploitation of asymmetries inherent to weaker states, e.g., Armenia, and Georgia. The country has been leveraging its control over energy exports, transportation networks, its geographic position and financial resources to "softly colonize" Armenia but also influence other neighboring states, including Iran and Turkey, subtly reshaping alliances and dependencies. These tactics generate both tangible and psychological effects: they reinforce Azerbaijan's position as an emerging regional middle power while simultaneously destabilizing adversaries and deterring external intervention, including American and European involvement.[540]

This coercive model relies on maintaining ambiguity and plausible deniability. By calibrating the intensity and timing of operations—military, economic, diplomatic, psychological, or informational—Baku creates a persistent sense of insecurity which goes mostly undetected. The careful orchestration of hybrid tools allows Azerbaijan to achieve strategic objectives incrementally, eroding adversary capabilities and influence over time, while presenting itself internationally as both a legitimate actor pursuing national interests and a proponent of regional peace and stability.

538 Abrahamyan, E. 2025. ***Small States, Russia and the West: Polarity, Constellations and Heterogeneity in the Geopolitics of the Caucasus***, Routledge, p. 45. Retrieved in January 2026.

539 Nersisyan, L. 2025. ***Armenia vs. Azerbaijan: Defense Budgets, Alliances, and the Illusion of Peace***. Retrieved in January 2026. https://mediamax.am/en/column/121584/

540 Ibidem, p. 112

From a broader perspective, Azerbaijan's strategy illustrates a troubling trend in the South Caucasus and elsewhere: the emergence of new regional powers that combine authoritarian domestic structures with aggressive, multidimensional and multimodal foreign policies. The country's approach underscores the newly emerging limits of normative international frameworks, demonstrating how wealth, technology, assertive ambitions, and narrative control can substitute for democratic legitimacy and formal alliances. By integrating military precision, economic coercion, and cognitive influence, Azerbaijan is effectively constructing a model of "coercive regional leadership," in which dominance is maintained through pressure and manipulation rather than cooperative norms or reciprocal security arrangements.

In sum, Azerbaijan's effective hybrid strategy and coercive posture reflect a deliberate recalibration of power creating a dangerous imbalance of power in the region and beyond. Its combination of military, political, diplomatic, economic, informational, cognitive and other dimensions and tools has allowed it to project influence, exert as much pressure against Armenia as needed to get concessions, and challenge existing regional security mechanisms. As these dynamics evolve, they signal a new type of regional environment in which non-democratic, resource-rich states can exercise a disproportionate influence, and reshape both the political and societal landscapes of neighboring countries without provoking traditional interstate conflict.

Russia's Malign Leverage: Ambiguity, Coercion, and Strategic Calculus

Russia's role in the South Caucasus during the post-2020 period illustrates a complex mix of strategic ambiguity, selective intervention, and indirect coercion. As Armenia's formal security guarantor through the CSTO, Moscow's response to the 2020 war, 2022 border clashes, and failed peacekeeping mission in Nagorno-Karabakh in 2023[541] all revealed the limitations and fallacies of the alliance: calls for support produced minimal tangible assistance, while Russia's attention remained focused on strategic priorities, particularly the ongoing war in Ukraine.[542] Hybrid elements of Russian pressure extended into informational and economic spheres. Cyber and disinformation intrusions, often attributed to pro-Kremlin groups, targeted key military and administrative infrastructure in Yerevan, while narratives propagated through RT, Sputnik, and Telegram channels portrayed the Armenian government as excessively aligned with Western interests and implicitly responsible for territorial concessions in Nagorno-Karabakh.[543] Meanwhile, Armenia's economic

541 Huseynov, V. 2024. ***Russia's Peacekeeping Contingent Leaves Karabakh.*** Jamestown. Retrieved in December 2025, from https://jamestown.org/russias-peacekeeping-contingent-leaves-karabakh/

542 Bakytova, K. 2024. ***Why did the CSTO not intervene in the Nagorno Karabakh conflict, as Armenia wanted?*** Journal of Territorial and Maritime Studies. Retrieved in November 2025, from https://www.journalofterritorialandmaritimestudies.net/post/why-did-the-csto-not-intervene-in-the-nagorno-karabakh-conflict-as-armenia-wanted

543 ***Structure of hybrid warfare: tools and actors revealed by FIP.am for the Armenian audience in 2025.*** Retrieved in January 2026, from https://fip.am/en/45305

dependence—particularly on Russian energy supplies and remittances—amplified its structural vulnerability, weakening the practical effect of formal security commitments and demonstrating the limits of liberal interdependence in conditions of coercive leverage.[544]

The gradual suspension of Armenia's participation in the CSTO and the withdrawal of peacekeepers ahead of the formal 2025 agreement further reinforced the domestic perception that Armenia could not fully rely on its traditional security guarantor.[545] These actions, while reflective of Russia's broader strategic calculus, highlighted deficiencies in Armenia's institutional coherence, strategic planning and adaptability, national cohesion, strategic communication, cognitive security, and informational resilience.[546] The combination of external pressure and domestic challenges underscored the need for recalibration in Armenia's security strategy, including the project-based diversification of alliances, a strengthening of defense and cyber capabilities, and resilience in all domains.[547]

At the same time, Russia's approach weaponized existing divisions within Armenian society and politics, amplifying domestic dissent and testing the coherence of leadership. While these pressures were significant, they operated in tandem with Armenia's own policy limitations, rather than as sole determinants of outcomes. In this context, hybrid coercion from Russia can be seen as part of a broader environment in which Armenia faces multiple intersecting vulnerabilities—political, military, economic, informational, and societal—requiring comprehensive analysis and an integrated approach to understand the relative weight of external influences versus national resilience and domestic strategic decisions.

Overall, Russia's ambiguous and selective engagement has contributed to a precarious security landscape in which Azerbaijan and Turkey have sought to exercise a more coercive influence.[548] Yet the Armenian experience also reveals how hybrid threats exploit not only structural dependencies and systemic vulnerabilities, but also lapses in strategic foresight and governance, producing a complex interplay of external pressure and internal accountability that shapes regional dynamics.[549]

Moreover, the early withdrawal of peacekeeping forces in 2024, prior to the formal conclusion of the 2025 agreement, effectively left Armenia more isolated, exposing it to

544 Barseghyan, A. 2025. ***Russia's disinformation campaign in Armenia gains momentum.*** DW. Retrieved in November 2025, from https://www.dw.com/en/russias-disinformation-campaign-in-armenia-gains-momentum/a-74868051

545 ***Challenges to Russia's influence in the South Caucasus***. 2025. New Eurasian Strategies Centre (NEST). Retrieved in December 2025, from https://nestcentre.org/challenges-to-russias-influence-in-the-south-caucasus/?print=print

546 ***Disinformation and Misinformation in Armenia Confronting the Power of False Narratives***, 2021. Freedom House. Retrieved in December 2025, from https://freedomhouse.org/sites/default/files/2021-06/Disinformation-in-Armenia_En-v3.pdf, p. 23

547 Melikyan, G. & Abrahamyan, E. 2025. op. cit., p. 102. Retrieved in January 2026.

548 Giragosian, R. Lewis, D. & Herd, G. 2021. ***Russian Crisis Behavior, Nagorno-Karabakh and Turkey?*** GCMC. Retrieved in November 2025, from https://www.marshallcenter.org/en/publications/perspectives/russian-crisis-behavior-nagorno-karabakh-and-turkey-0

549 PSCRP. 2025. ***Russia's Information and Hybrid War for the South Caucasus: Threats and Assurances of Friendship***. BESA Center. Retrieved in November 2025, from https://besacenter.org/russias-information-and-hybrid-war-for-the-south-caucasus-threats-and-assurances-of-friendship/

increased pressure from Azerbaijan.[550] While some domestic and international observers have suggested that Russia has stepped back from direct involvement, its influence in Armenia remains significant, both politically and economically.[551] Moscow continues to maintain leverage over key decision-making processes, ensuring that it retains a stake in any new regional initiatives. This includes emerging projects such as the TRIPP corridor, where Russia is seeking to secure its interests and influence the terms of Armenia's participation.[552] As a result, Armenia faces a complex strategic environment, where it must navigate ongoing hybrid pressures from Azerbaijan while simultaneously managing the persistent, albeit more subtle, influence of Russia—balancing between coercive regional actors and traditional allies in a rapidly evolving geopolitical landscape.

Turkey's Peripheral Coercion: Regional Ambitions and Covert Hybrid Pressure

Turkey's engagement in the South Caucasus has significantly amplified Azerbaijan's coercive capacities, operating under the long-standing "one nation, two states" doctrine. Following the 2020 war, Turkey's military presence near Nakhichevan and joint drills underscored a persistent, indirect threat to southern Armenia, highlighting Ankara's more active role in the region. At the same time, diplomatic and economic initiatives—such as expanded flight routes in 2025—have functioned as subtle levers of influence promoting connectivity while masking strategic ambitions, including potential corridors that could bypass or fragment Armenian territory. Another dimension of this pressure is Turkey's long-standing closure of its border with Armenia since 1993, which continues to serve as a hybrid instrument of economic and strategic coercion, constraining Armenia's regional autonomy and reinforcing dependency on neighboring actors. These actions illustrate how vulnerabilities can be weaponized in a hybrid context when layered over asymmetric military and political pressure.[553]

Turkey's contribution to Azerbaijan's 2020 military success was decisive, providing military assistance, technology, intelligence sharing, operational advice, and training,[554] all

550 ***Russian Peacekeepers Complete Withdrawal from Nagorno-Karabakh***. The Moscow Times. Retrieved in December 2025, from https://www.themoscowtimes.com/2024/06/12/russian-peacekeepers-complete-withdrawal-from-nagorno-karabakh-a85385

551 Grigoryan, T. & Avedissian, K. 2024. ***Caught Between Moscow and The West: Armenia's Precarious Diversification.*** Retrieved in November 2025, from https://rcds.am/en/caught-between-moscow-and-the-west-armenias-precarious-diversification.html

552 Grigoryan, T. ***The TRIPP framework and Armenia's strategic constraints.*** CivilNet. Retrieved in November 2025, from https://www.civilnet.am/en/news/996786/the-tripp-framework-and-armenias-strategic-constraints/

553 Cheterian, V. 2009. ***Armenia-Turkey: genocide, blockade, diplomacy***. Retrieved in November 2025, from https://www.opendemocracy.net/en/armenia-turkey-genocide-blockade-diplomacy/

554 Nazaretyan, H. 2024. ***Revisiting Turkey's Role in the 2020 Nagorno-Karabakh War.*** EVN Report. Retrieved in December 2025, from https://evnreport.com/politics/revisiting-turkeys-role-in-the-2020-nagorno-karabakh-war/

of which magnified the impact of Azerbaijani kinetic operations. The blend of conventional military support, diplomatic assistance, and hybrid tactics has allowed Turkey to act as a force multiplier, extending its influence beyond direct confrontation while avoiding overt escalation.[555] The long-standing economic blockade further exemplifies how hybrid coercion exploits structural dependencies to weaken Armenia without formal warfare.

Beyond the battlefield, and despite visible steps toward a rapprochement with Armenia,[556] Turkey keeps engaging in covert hybrid strategies aimed at reshaping Armenia's societal and political fabric, including by investing huge financial resources in lobbying against Armenia's national interests. These efforts include, among other things:

1. Advancing strategic demands toward Armenia, including the insistence on recognizing the 1921 Treaty of Kars as a confirmation of current borders.[557]
2. Undermining Armenia's potential claims for international recognition of the 1915 Armenian Genocide, thereby exerting influence over historical narratives and diplomatic discourse.
3. Weakening the Armenian diaspora's connection to their homeland, including its lobbying capacity abroad, through cultural, economic, and political leverage.
4. Eroding the social and spiritual cohesion of Armenian communities, including pressures aimed at limiting the Armenian Apostolic Church's influence and role, which remains one of the most influential institutions in Armenia and among Armenians worldwide.[558]

Collectively, these hybrid measures exploit vulnerabilities that are largely non-military in nature, making them difficult to detect and address through conventional security frameworks. They reveal a sophisticated, multi-dimensional approach in which Turkey exploits its NATO membership, regional influence, and asymmetric tools to reinforce Azerbaijan's coercive position while shaping the broader strategic environment to its advantage. The 2020 war, particularly the use of Turkish TB2 drones[559] and other modern

555 Aydıntaşbaş, A. & Giragosian, R. 2022. ***Acts of normality: The potential for Turkey-Armenia rapprochement.*** European Council on Foreign Relations. Retrieved in December 2025, from https://ecfr.eu/publication/acts-of-normality-the-potential-for-turkey-armenia-rapprochement/

556 Hill, F et al. 2015. ***Armenia and Turkey: From normalization to reconciliation.*** Brookings. Retrieved in November 2025, from https://www.brookings.edu/articles/armenia-and-turkey-from-normalization-to-reconciliation/

557 ***Is Armenia ready to recognize the Treaty of Kars?*** 2023. JAM News. Retrieved in November 2025, from https://jam-news.net/armenia-and-the-treaty-of-kars/

558 Nahabetian, S. 2026. ***The Armenian Apostolic Church: Refutation of a False Premise.*** Retrieved in January 2026, from https://abakanews.org/opinions-and-editorials/the-armenian-apostolic-church-refutation-of-a-false-premise/

559 ***The Role of Turkish Drones in Azerbaijan's Increasing Military Effectiveness: An Assessment of the Second Nagorno-Karabakh War.*** Insight Turkey Fall 2021 / Volume 23 Number 4. Retrieved in November 2025, from https://www.insightturkey.com/articles/the-role-of-turkish-drones-in-azerbaijans-increasing-military-effectiveness-an-assessment-of-the-second-nagorno-karabakh-war

military technology, also highlighted Armenia's acute need for modernization in air defense and technological capabilities to counter both overt and covert forms of hybrid attacks whenever they come.

Active Resilience and Strategic Governance: Building a Framework for Comprehensive Security

The post-2020 security environment has compelled Armenia to rethink the very foundations of national security, giving rise to two interdependent concepts: **active resilience** and **strategic governance.** Where traditional defense approaches often relied on passive deterrence—reacting to threats after they emerged—active resilience emphasizes anticipation, preparation, and the deliberate strengthening of political, diplomatic, economic, institutional, societal, informational and other critical systems to absorb and counter both conventional and hybrid pressures.[560] Drawing on Bourbeau's (2013) conceptualization of resilience as adaptive absorption,[561] Armenia's National Security Strategy (NSS) of 2020 institutionalized resilience as a core pillar, including programs to train over 20,000 personnel in countering disinformation and cyber operations[562] —key vulnerabilities exploited by Azerbaijan and other hostile states.

National resilience is not limited to state structures. Non-state actors are equally indispensable to ensuring its durability and effectiveness. This combination reflects what Chandler (2014) describes as **reflexive resilience and reflexive adaptation** - the capacity of social actors to anticipate [any kind of] threats, deploy resources preemptively, and neutralize hybrid attempts at societal fragmentation, including disinformation campaigns linked to external actors and proxy influences in domestic institutions.[563] These efforts illustrate that resilience must be both structural and societal to form the backbone of a comprehensive security paradigm.[564]

Strategic governance complements and reinforces resilience by ensuring coordinated action across state, civil society, and private sectors. Drawing inspiration from frameworks

560 Melikyan, G. & Abrahamyan, E. 2025. op. cit., p. 15. Retrieved in January 2026.

561 Bourbeau, P. 2013. ***Resiliencism: premises and promises in securitisation research***. International Policies, Practices and Discourses, Volume 1, 2013- Issue 1. https://doi.org/10.1080/21693293.2013.765738 Retrieved in November 2025, from https://www.tandfonline.com/doi/full/10.1080/21693293.2013.765738

562 ***National Security Strategy of Armenia***, 2020, Retrieved in November 2025, from https://www.mfa.am/filemanager/security%20and%20defense/Armenia%202020%20National%20Security%20Strategy.pdf. p.28.

563 Chandler, D. 2014. ***Beyond neoliberalism: resilience, the new art of governing complexity***. International Policies, Practices and Discourses, Volume 2, 2014- Issue 1. https://doi.org/10.1080/21693293.2013.878544. Retrieved in November 2025, from https://www.tandfonline.com/doi/full/10.1080/21693293.2013.878544

564 Melikyan, G. & Abrahamyan, E. 2025. op. cit., p. 144. Retrieved in November 2025.

such as NATO's Resilience Committee (RC),[565] and the CoE Hybrid Threat Centers (2024),[566] Armenia needs to integrate multi-level governance, and cooperative initiatives with reliable external partners to reinforce oversight, accountability, and operational readiness. This approach moves beyond ad hoc crisis responses seeking to reduce chaos and sustain essential services during a crisis. The strategic governance for Armenia should emphasize a realist orchestration to ensure that all components of the state act coherently to preempt, absorb, and deter threats, and—most importantly—to enable rapid and effective recovery.[567]

For a small state like Armenia, this integrated model provides scalable mechanisms that blend deterrence with adaptive capacity, allowing the nation to manage risks that span military, economic, informational, and societal domains.

At a deeper level, **active resilience** entails proactive societal engagement: transforming systemic weaknesses into operational strengths, preparing populations to withstand shocks, and fostering capacities to counter hybrid tactics—particularly cognitive and information warfare aimed at undermining government legitimacy and national cohesion.[568] **Strategic governance**, in turn, ensures that these efforts are synchronized, creating centralized coordination mechanisms capable of translating dispersed resilience into coherent, actionable security outcomes. Together, these paradigms constitute a **comprehensive security** framework, enabling Armenia to navigate a complex, rapidly changing international environment while safeguarding sovereignty, national identity, and institutional integrity.[569]

A comprehensive security framework becomes particularly critical when considering the **multilayered hybrid pressures** Armenia faces.[570] Azerbaijan and Turkey have demonstrated the potency of combining kinetic operations with cognitive, economic, and informational tactics, as discussed earlier. Russia's ambiguous posture, balancing alliance commitments with selective disengagement and influence operations, adds further complexity. Together, these pressures operate across multiple domains simultaneously creating a "hybrid ecosystem" in which vulnerabilities in one sphere amplify risks in others.

Within this environment, Armenia's pursuit of active resilience is inseparable from engagement with Euro-Atlantic institutions. The cooperation with NATO, the EU partnership programs, and advisory support provide both operational and normative reinforcement, enhancing the ability to detect, anticipate, and respond to threats. These

565 Official webpage of NATO's Resilience Committee. Retrieved in January 2026, from https://www.nato.int/en/about-us/organization/nato-structure/resilience-committee

566 Fjäder, C. & Schalin, J. 2024. Op. cit.

567 Melikyan, G. & Abrahamyan, E. 2025. op. cit., p. 160. Retrieved in November 2025.

568 Grigorian, A. D. 2024. ***Russia's Influence and Disinformation Campaign in Armenia.*** European Center for International Political Economy. Retrieved in November 2025, from https://ecipe.org/publications/russias-influence-disinformation-campaign-in-armenia/

569 Melikyan, G. 2025. ***Building Resilience: Political Dimension of Armenia's Response to Hybrid Warfare***. The Warsaw East Law Review, Volume 1(5), 2025, DOI:10.36389/uw.welr.2025.1.03, Retrieved in November 2025.

570 Ibidem, p. 41

linkages do not replace domestic capacity; rather, they expand the tools available for small states to navigate asymmetric coercion. For example, collaboration with NATO's Cooperative Cyber Defense Centre of Excellence could allow Armenian cyber units to anticipate potential attacks, model scenarios, and simulate societal responses to disinformation campaigns. Similarly, EU technical assistance and monitoring programs could strengthen border management and economic resilience, providing early-warning mechanisms and institutional frameworks for transparency and accountability.

Strategic governance ensures that these external tools are embedded effectively within domestic systems. It demands not only coordination among ministries and agencies but also an effective integration of civil society, the private sector, and diaspora networks into a unified national security architecture. Armenian society itself becomes a "force multiplier" in resilience: media literacy programs, educational initiatives on hybrid threats, and community-driven information verification efforts collectively reduce the efficacy of disinformation campaigns. Cultural and religious institutions, particularly the Armenian Apostolic Church, are also recognized as critical nodes in sustaining social cohesion and national identity under pressure.

Importantly, this framework highlights that resilience and governance are mutually reinforcing. Active resilience provides the capacity to absorb shocks and adapt to rapidly evolving threats, while strategic governance channels those capacities into coherent actions, ensuring that societal, economic, military and other critical elements are aligned. Comprehensive security, in this sense, is not simply the sum of defensive measures; it is a **dynamically integrated system**, continuously calibrated and adapted to emerging risks, capable of withstanding coercive pressures without surrendering sovereignty, identity, or strategic autonomy.

In an era where hybrid coercion and the use of force are becoming the norm rather than an exception, Armenia's experience underscores a broader lesson for small states: security cannot be compartmentalized. Military modernization, cyber defense, economic diversification, strong foreign policy, proactive diplomacy, and societal cohesion must be pursued **simultaneously** and deliberately. By embedding these efforts within the broader frameworks of Euro-Atlantic cooperation and international norms, Armenia may demonstrate that even in a highly contested region, a small nation can craft strategic depth, ensuring that vulnerabilities are mitigated, coercion is resisted, and sovereignty is maintained.

Eight Policy Recommendations for the Government of Armenia and lessons for other small states

First, **Armenia should institutionalize a comprehensive security doctrine** that integrates military defense with economic resilience, cyber security, information integrity, societal cohesion, and other critical dimensions rather than treating these domains as

separate policy silos. Hybrid threats confronting Armenia exploit cross-domain gaps; security and strategic governance must therefore be synchronized and multidimensional.

Second, **Armenia must move from passive crisis response to active resilience planning,** investing in anticipatory mechanisms such as early-warning systems, strategic foresight units, and scenario-based stress testing of critical infrastructure, governance systems, and societal trust.

Third, **the diversification of Armenia's strategic dependencies**—including energy supplies, transit routes, trade relations, and security partnerships—should be prioritized to reduce exposure to weaponized interdependence and coercive leverage exercised by dominant regional actors.

Fourth, **cognitive and informational security should be recognized as a core component of Armenia's national security**, with sustained investment in counter-disinformation capabilities, strategic communication, media literacy, and the protection of identity-bearing institutions from external manipulation.

Fifth, **Armenia should strengthen strategic governance frameworks** to ensure coordinated action across state institutions, civil society, the private sector, and diaspora networks, transforming societal participation into a force multiplier for national resilience.

Sixth, **Armenia's engagement with Euro-Atlantic and like-minded partners** should prioritize practical capacity-building—such as cyber defense cooperation, border monitoring, intelligence-sharing, and resilience training—while carefully preserving strategic autonomy and decision-making sovereignty.

Seventh, **Armenia must develop legal and diplomatic resilience**, including lawfare preparedness and proactive narrative counter-strategies, to contest revisionist claims and coercive reframing in international fora before they crystallize into accepted political or legal "facts."

Finally, **Armenia must acknowledge that peace arrangements concluded under conditions of coercion require continuous deterrence and vigilance**, as hybrid tactics rarely cease with formal agreements; sustaining sovereignty therefore depends on long-term resilience rather than episodic diplomacy.

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Reviews and Reports

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Ali Askerov and Michael M. Gunter, *Forgotten Exile: The Deportations of Azerbaijanis by the Armenians in the Caucasus during the Twentieth Century* (Leiden–Boston: Brill, 2025), 236 pp.

The monograph by Ali Askerov and Michael M. Gunter, published by Brill in 2025, purports to address the under-researched topic of Azerbaijani displacement in the South Caucasus during the twentieth century. However, the book fails to meet the basic requirements of academic rigour on multiple grounds: it is let down by the systematic misapplication of legal terminology, the selective and distorted use of historical evidence, a structural imbalance in the source base, and its politicisation of history. In several instances the text also raises questions of research integrity.

Chapter 1 provides a theoretical analysis of the concepts of "genocide", "ethnic cleansing", "deportation", and "crimes against humanity". **Chapter 2** offers a historical and historiographical overview of Armenian-Azerbaijani relations, examining demographic shifts, territorial disputes, the question of Nagorno-Karabakh, and the "four stages" of Azerbaijani displacement from the territory of present-day Armenia throughout the twentieth century. **Chapter 3** analyses the events of 1905–1906 as the first stage of interethnic violence

and forced population transfer, with particular attention given to the origins of the conflict, demographic transformations, and the role of the Russian Empire.

Chapter 4 examines the events of 1918–1920, including armed confrontation, competing territorial claims, and the violence that accompanied the formation of the independent republics of Armenia and Azerbaijan. **Chapter 5** is devoted to the deportations of 1948–1953 during the Soviet period, analysing the causes of the resettlement, Soviet policy, and the consequences for the Azerbaijani population. **Chapter 6** addresses the situation of Azerbaijanis in Armenia during the 1960s–1980s. **Chapter 7** examines the events of 1988–1989 and the final stage of the mass exodus of Azerbaijanis from Armenia. **Chapter 8** analyses the role of the Nagorno-Karabakh conflict in Armenian-Azerbaijani relations, encompassing military operations and external intervention. **Chapter 9** considers questions of cultural heritage and toponymy. **The Conclusion** brings together the book's principal arguments, situating the Azerbaijani exodus and interethnic conflict within a broader framework of interconnected historical processes that played out in the twentieth century.

The title itself signals the first serious issue. Deportation denotes the expulsion of individuals or groups by a state from its sovereign territory — a function that cannot be attributed to an ethnic group, since only a state exercises such authority. The "Caucasus", furthermore, is a broad historical-geographical category, not a state from whose territory a deportation could take place. The term exile similarly implies state-directed forced removal from a country of residence. The application of both concepts to the actions of "Armenians" is therefore legally incoherent from the outset. The authors are also imprecise in their use of genocide: although they invoke the 1948 Genocide Convention[571], the events they characterise as "genocidal" do not satisfy a single element of the Convention's definition. The use of the word *massacre* is equally problematic: an episode in which four individuals sustained injuries and no fatalities occurred is described as a "horrifying massacre" (p. 86). These terminological choices are not incidental: they form the rhetorical scaffolding of the book's central argument.

The authors offer a four-phase periodisation of Azerbaijani "deportation": 1905–1906, 1918–1920, 1948–1953, and 1987–1992. Each phase is subject to serious objection. During 1905–1906, no independent states existed in the region; the inter-communal clashes that began in Baku and spread across the Caucasus, including Tiflis, were manifestations of ethnic tension within the Russian Empire and cannot be construed as a deliberate Armenian deportation policy[572]. The events of 1918–1920 involved mutual violence in which Armenian losses substantially exceeded those of the Muslim/Azerbaijani population[573]. The monograph's own primary documents for the period 1948–1953 attest to the voluntary character of the resettlement of Azerbaijanis from the

571 United Nations General Assembly, ***Convention on the Prevention and Punishment of the Crime of Genocide***, Resolution 260 A (III), 9 December 1948, ***United Nations Treaty Series***, vol. 78, p. 277.

572 T. Swietochowski, ***Russian Azerbaijan, 1905–1920: The Shaping of National Identity in a Muslim Community***, Cambridge: Cambridge University Press, 1985; R.G. Hovannisian, ***The Republic of Armenia***, vol. I, Berkeley: University of California Press, 1971.

573 R.G. Hovannisian, ***The Republic of Armenia***, Berkeley: University of California Press, vol. I, 1971; vol. II, 1982.

Armenian SSR (Appendix 3); the process was organised and compensated by the Soviet state, which bore sole administrative authority, and is incomparable with the forced deportations of Chechens, Meskhetian Turks, or Crimean Tatars. As for 1987–1992, the outflow of Azerbaijanis from the Armenian SSR must be situated in the context of escalating anti-Armenian violence in the Azerbaijani SSR, including the Sumgait and Baku pogroms. Moreover, Azerbaijanis who left Armenia received 71 million rubles in compensation from the government of Armenian SSR in 1989. It is difficult to imagine a deportation accompanied by compensation[574]. The authors' further characterisation of this resettlement as "genocide" (p. 131) is a categorical misuse of the term.

The statistical record, which the authors claim to mobilise in support of their argument, in fact challenges it. According to the 1989 Soviet census, 84,860 Azerbaijanis resided in the Armenian SSR[575]; yet the authors assert that 300,000 were displaced, inflating the figure to 400,000 elsewhere in the same text (p. 117). Even the 1979 census figure of 160,841 Azerbaijanis in Armenia renders the authors' claims inflated by at least a factor of two. The demographic evidence for the period 1918–1920, by contrast, reveals a precipitous decline in the Armenian population that cannot be attributed to voluntary migration: Armenians fell from 40% of Nakhichevan's population in 1917 to 10.8% by 1926 — from 53,900 to 11,276 persons[576]. The Armenian population of Shushi declined from 21,926 in 1916 to 289 in 1921, following the March 1920 pogrom[577]. These figures, systematically absent from the authors' analysis, point to mass killings rather than displacement.

The authors' treatment of the Sumgait events of February 1988 exemplifies the work's broader analytical failures. Criminal case No. 18/55461-88[578] shows that of the 84 individuals prosecuted, 82 were ethnic Azerbaijanis; survivor testimonies, Soviet Politburo records, and contemporaneous reporting in the Chicago Tribune, The Guardian, the Los Angeles Times, and the Washington Post[579] all document the systematic, ethnically targeted character of the violence. The Politburo formally acknowledged on 29 February 1988 that the killings were carried out on ethnic grounds[580]. The authors' framing of the pogrom as an Armenian "provocation" organised by Armenian secret services (pp. 108, 111), and their focus on a single Armenian individual (Eduard

574 *Report on the Humanitarian Situation of the Refugees and Displaced Persons in Armenia and Azerbaijan*, 1995, URL: https://assembly.coe.int/nw/xml/XRef/X2H-Xref-ViewHTML.asp?FileID=6823&lang=EN, accessed 23.06.2026.

575 USSR Central Statistical Office, ***Vsesoiuznaia perepis' naseleniia 1989 goda*** [All-Union Population Census of 1989], Moscow: Goskomstat, 1989. (In Russian).

576 USSR Central Statistical Office, ***Vsesoiuznaia perepis' naseleniia 1926 goda*** [All-Union Population Census of 1926], Moscow: Goskomstat, 1926. (In Russian).

577 ***Zakavkaz'e. Statistiko-ekonomicheskii sbornik*** [Transcaucasia: A Statistical-Economic Compendium], Tiflis, 1925, pp. 152–153. (In Russian).

578 Prosecutor's Office of the USSR, ***Materialy sledstviya po sobytiyam v Sumgaite: Ugolovnoe delo No. 18/55461-88*** [Materials of the Investigation into the Sumgait Events: Criminal Case No. 18/55461-88], vols. 1–2, 1989. (In Russian).

579 See e.g. ***Chicago Tribune***, 5 March 1988; ***The Guardian***, 15 July 1988; ***Los Angeles Times***, 29 February 1988; ***The Washington Post***, 11 March and 3 September 1988.

580 Politburo of the Central Committee of the CPSU, ***Stenogramma zasedaniya Politbyuro TsK KPSS*** [Transcript of the Politburo Session of the CC CPSU], 29 February 1988, National Security Archive, URL: https://nsarchive.gwu.edu/rus/text_files/Perestroika/1988-02-29%20Politburo%20Nagorny%20Karabakh-1.pdf, accessed 23.06.2026. (In Russian).

Grigoryan) — documented by the KGB to have been registered as an Azerbaijani national and to have held pronounced anti-Armenian views[581] — contradicts the entire body of evidence.

The structural imbalance of the source base is quantitatively striking. Of the total of 158 titles, only 121 relate to academic research, of which 66 (around 54.5%) are by Azerbaijani and Turkish authors, including the authors of this monograph themselves and its reviewers, which may already indicate a lack of objectivity in the monograph.

When self-citations and reviewer citations are aggregated, approximately 75.6% of all in-text references derive from a single, ideologically coherent scholarly community. The Armenian-authored corpus amounts to 26 titles and is largely cited for the purpose of selective criticism rather than substantive engagement. In several cases, there are signs of incorrect usage of the Armenian-language literature (for example, errors in identifying authors, as in the case of Leo 'Antsyalich', where the authors do not even realise that Antsyalits is the title of the work, not the author's patronymic); another example, Zaven Korkotyan, a statistician, is described as a writer. Foundational works on the period — most notably Hovannisian's four-volume history of the First Republic of Armenia[582] — are conspicuously absent. Contemporary sources inconvenient to the argument, such as Senator Kuzminskii's report on the February 1905 Baku clashes (which records 192 Armenian, 36 Tatar, and 4 Russian fatalities), are silently passed over.

A textual comparison of the monograph with an unattributed Azerbaijani web source reveals a pattern of near-verbatim paraphrase without citation. Five parallel passages are reproduced below.

N	Source Text[583]	Text of the Monograph	Type of Overlap	Similarity	Commentary
1	in 20th century the operations of massive deportation of Azerbaijanis… includes 4 periods – 1905, 1918-1920, 1948-1956, 1987-1988	Throughout the 20th century… four periods of forced displacement… 1905–1906, 1918–1920, 1948–1953, 1988–1991	Structural paraphrase	≈95%	Identical structure; minor date variation
2	more than 1,5 [sic] million Azerbaijanis have been deported from their historical place	over 1.5 million Azerbaijanis were expelled from their ancestral land	Near-verbatim	≈95%	Same data, minimal lexical change
3	the names of 698 among 940 Azerbaijani settlements have been replaced by Armenian	the names of 698 out of 940 Azerbaijani settlements were replaced with Armenian names	Near-verbatim	≈95–100%	Full numerical and structural match
4	The former president… signed a degree [sic] (9 April, 1991) to change those last 91 names	Former Armenian President… signed a decree on April 9, 1991, changing the names of the last 91	Near-verbatim	≈95%	Identical content; corrects 'degree' → 'decree'
5	from 1828 to 1830 there have been 40.000 [sic] people moved from Iran and 84.600 from Turkey	around 40,000 Armenians from Persia and 84,000 from the Ottoman State were settled… in 1828–1830	Quantitative overlap	≈95%	Identical figures; lexical normalisation only

581 V. Kiporenko, 'Besporyadki v Baku prokhodili pod temi zhe lozungami, chto i v Sumgaite' [The Disturbances in Baku Took Place under the Same Slogans as Those in Sumgait], ***Analitika***, 13 January 2011, URL: https://analitika.at.ua/news/valeriy_kiporenko_besporyadki_v_baku_prokhodili_pod_temi_zhe_lozungami_chto_i_v_sumgaite/2011-01-13-38523, accessed 23.06.2026. (In Russian).

582 R.G. Hovannisian, ***The Republic of Armenia***, vols. I–IV, Berkeley: University of California Press, 1971–1996.

583 https://1905.az/en/quoting-zaren-karkadyan-until-1820-azerbaijanis-lived-in-2000-of-2300-settlements-on-the-area-of-now-days-armenia/ accessed 23.03.2026, archived in pdf

In the absence of any citation to a prior source, these passages constitute lightly paraphrased plagiarism and do not meet the standards of academic transparency.

The monograph is permeated by the political discourse of the Azerbaijani state. It deploys the concept of "Western Azerbaijan" (pp. 130, 155) — an irredentist political construct promoted by Azerbaijani state-funded institutions, in which M. Gunter is himself an active participant — as though it were a neutral historical category. The language applied to Armenians throughout the text is systematically derogatory: "nationalists" (pp. 44, 47, 81, 95, 96, 100, 102, 104, 110, 154, 165), "fanatical nationalists" (p. 47), "terrorists" (pp. 47, 50, 97), "Armenian propagandists" (p. 154), "radicals" (p. 99), etc. The phrase "a series of systematic crimes" (p. 130) and "brutal crimes committed by Armenian troops, with the support of the Russian army" (p. 166) are asserted without reference to any judicial or investigative record. This rhetoric is characteristic of state propaganda rather than scholarly analysis. The authors simultaneously employ the strategy of competitive victimhood[584], positioning Azerbaijanis as the primary and unrecognised victims while systematically minimising documented anti-Armenian violence.

The technical execution of the monograph fails to meet the basic editorial standards required by Brill. Toponyms are rendered inconsistently and predominantly in Azerbaijani forms: Aragats appears as Alayaz-Alagoz (p. 142), Ashtarak as Astarakh or Ashratak (p. 142), Kapan as Qafan or Gafan (pp. 58, 142), Vagharshapat as Vagarshapat (p. 136). The Russian administrative designation "Armenian Oblast" is mistranslated as "Armenian vilayet" — a category belonging to Ottoman administrative terminology. Despite this, the book has included claims such as the "founding" of Yerevan by Azerbaijanis and its portrayal as an "Azerbaijani city". However, early seventeenth-century European sources clearly identify Yerevan as an Armenian city: Petrus Bedik notes, "Tres vero in Armenia Majori, primus Erevan" ("Three [cities] in Greater Armenia, the first — Yerevan")[585].

The bibliography mixes Latin, Cyrillic, and Azerbaijani scripts without standardisation, and departs from APA guidelines without adopting any alternative style.

It is pertinent to note that M. Gunter's academic record has received prior scholarly criticism on the grounds of conflict of interest and denialism[586]. Watenpaugh[587] argued that Gunter's review of Lewy's volume on the Armenian massacres was compromised by his

584 L. Bloy, E. Halperin, N. Nir and N. Malovicki-Yaffe, 'Powerful Victims: A Dynamic Approach to Competitive Victimhood between High- and Low-Power Groups', ***Group Processes & Intergroup Relations***, vol. 28, no. 4, 2025, pp. 882–907; M. Noor, N. Shnabel, S. Halabi and A. Nadler, 'When Suffering Begets Suffering: The Psychology of Competitive Victimhood between Adversarial Groups in Violent Conflicts', ***Personality and Social Psychology Review***, vol. 16, no. 4, 2012, pp. 351–374.

585 P. Bedik, ***Cehil Sutun, seu Explicatio utriusque celeberrimi, ac pretiosissimi Theatri Quadraginta Columnarum in Perside Orientis***, Vienna: Universitatis typogr., 1678, p. 255.

586 I.W. Charny, review of M.M. Gunter, ***Armenian History and the Question of Genocide*** (New York: Palgrave Macmillan, 2011), ***International Journal of Armenian Genocide Studies***, 2011, URL: https://agmipublications.am/index.php/ijags/article/view/12/12, accessed 23.06.2026.

587 K.D. Watenpaugh, 'A Response to Michael Gunter's Review of The Armenian Massacres in Ottoman Turkey', ***International Journal of Middle East Studies***, vol. 39, no. 3, 2007, pp. 512–514, DOI: https://doi.org/10.1017/S0020743807070869.

prior involvement in its promotion. Dadrian[588] documented Gunter's "method of truncation through deletion" — the selective excision of quotations to misrepresent an opponent's argument. Sayı[589] characterised Gunter's response to critical review as "offensive" and intellectually evasive. The present volume extends this pattern.

Forgotten Exile fails to become a scholarly contribution to the history of population movements in the South Caucasus. It reproduces and amplifies Azerbaijani state narratives, misapplies fundamental legal and historical terminology, suppresses inconvenient evidence, inflates statistical data, and exhibits textual overlaps with unattributed sources. The question of why Brill chose to publish a work of this character — without adequate peer review and in manifest violation of its own editorial standards — is one that the publisher would do well to address.

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Report from the Second International Forum on Asian Laws, entitled "Innovation of Laws in Asia".

On 19–20 June 2025, the Second International Forum on Asian Laws, entitled "Innovation of Laws in Asia," was held at, and organised by, the renowned Faculty of Law of the University of Oxford as part of the Oxford Programme in Asian Laws. The first conference in this series, held in Singapore in 2024, had already gained a highly positive academic and international reputation.

While held in Europe, the present conference brought together scholars not so much from Europe but primarily from Asia. Its central aim was to study and present Asian law and to identify and explore its distinctive identity, outside of the context of European or international law.

This approach, of course, does not exclude addressing the difficult colonial past of contemporary Asian countries, an issue that resonated in several of the presentations. Accordingly, the conference brought together primarily researchers from various Asian jurisdictions, as well as specialists in Asian law from other parts of the world.

Despite the enormous diversity of topics discussed, and in keeping with the conference's central theme, the presentations sought to highlight innovation and emerging trends in contemporary Asian law. For example, the author of this report presented a paper entitled "Islamic Legal Instruments in Kazakhstan's Private Law: Implants or Legislative Evolution?"

In addition to the plenary sessions, the conference consisted of the following panels, some of which were divided into several sections due to the number of participants:

- Law, Religion, and Morality;
- Law and Technology;
- Courts;
- Law and the Market;
- Law and Society;
- Constitutional Law;
- Human Rights;

- Civil Law;
- Social Law.

Given the resounding success of this conference, the next conference organised as part of the Oxford Programme in Asian Laws is scheduled to be held in Bangkok, Thailand, in 2026.

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