



The rules of the game in Russia: the story of the European University at St Petersburg

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A spiral of court proceedings between the European University at St. Petersburg (EUSP) and the Russian regulatory authorities have put the university under threat of losing its educational license. The proceedings were triggered by the ultraconservative politician Vitaly Milonov, who, at the time the initial complaint was filed, was a member of the St Petersburg legislative council. In summer 2016, Milonov logged an official complaint against the university, claiming to be doing so on behalf of a group of anonymous students who had asked him for protection. This complaint contained false information, including allegations of scholarships paid informally in foreign currency to the students. In saying this, Milonov was implicitly referring to both the well-known practice of 'informal payments' widespread in business environments, and to accusations about the foreign origins of university financing (Humphrey 2016). In fact, although the private graduate school was founded in 1994 using capital from foreign agencies, including the Soros, MacArthur, and Spencer foundations, these sponsors gradually withdrew during the Putin era and in recent years the European University has primarily depended on Russian-based funds and the contributions of businesspeople of Russian origin.

But Milonov's main concern was not foreign money, but rather the university's gender studies programme and research on LGBT-related topics. A fervent Orthodox activist, Milonov is notorious for his role as initiator of a series of 'anti-gay' laws which made 'gay propaganda' (defined vaguely) a legal crime in 2012. He accused university faculty of imposing an inappropriate research agenda – referred to as 'fake science' – on its students. What is more, Milonov wrapped up his accusations against the university by pointing at the programme's subversive political potential, suggesting that it could be preparing future cadre for mass protest actions and 'colourful revolutions'. Taken together, his attempts to portray the university as an anti-Russian project fit into distinct pattern of ultraconservative rhetoric and conspiracy thinking that is finding increasing support in the political establishment of contemporary Russia.

Russian law required an official investigation to be launched in response to Milonov's complaint. After Rosodnadzor, the Federal Service for the Supervision of Education and Science, visited the university to conduct an unscheduled inspection in summer 2016, it reported about 120 violations of educational procedures. In addition to the lack of certain documents, the list of violations included the absence of a fitness room for staff and posters with anti-alcohol propaganda. As soon as the university had rectified most of the violations, a voluminous report – amounting to several kilograms of documents – was sent to Rosodnadzor. The next day officials from this agency visited the school again to carry out another unscheduled inspection, during which they requested the same documents that had already been included in the university's report, which the state officials obviously had not read before starting the new inspection. Moreover, some of the violations were controversial and required further clarifications from the supervisory agency, such as the one that faulted the school for not having enough political science and sociology faculty members engaged in practical work in the field. This was vaguely defined: What counts as practical work for political or social scientists? How should such criteria be applied? Rosobnadzor, however, proved to be very slow in responding to the written requests for clarification from the university and instead just listed the same violations again.ⁱ

In December 2016, Rosobnadzor decided to suspend the university's license and later, in March 2017, to revoke it. Presently, EUSP has lost all its appeals to the district court and risks being stripped of its license; the final court hearing is to be held at the end of July 2017. Moreover, after the recent inspections the city administration made the situation even worse by suddenly terminating the rental contract with the university, which has occupied the Small Marble Palace since the school was set up in 1990s. Again, the cause given for breaking the contract was a number of minor formal complaints regarding the maintenance of historical building, e.g. a few plastic window frames in the back yard. The decision about eviction was issued right at the moment when the university's ambitious endeavour to reconstruct the building was well underway. Before the school launched the massive reconstruction, which is estimated to cost 35 million euros, the project was approved by the city authorities who had thoroughly inspected the building and not found any violations in its maintenance. Although the university was willing to address all discovered violations, the city administration rushed to terminate the contract, which had been valid until 2063.

In the light of all these rapidly developing predicaments, different interpretations of what was going on emerged. One of the main themes that has emerged is confrontation between authoritarian state and the university, which is seen by the state as a hotbed of Western liberal arts. Rooted in the ideology of Soviet times and strengthened by neoliberal rhetoric in the post-Soviet period, the discourse of democratic freedoms mobilized many students and university professors to join the protest actions and demonstrations that took place in spring in St

Petersburg, as elsewhere in Russia. At such events, participants promote the idea of civil society as a way to restrain bureaucratic arbitrariness in posters and tribune speeches.

However, the university administration was uncomfortable with the divisive language of state-university confrontation that let Milonov and like-minded conservatives to score points by criticizing liberalism as synonymous with anti-Russian. Instead of embracing the language of confrontation, the rector of EUSP and other faculty members unambiguously emphasized that the university is deeply embedded in the state institutions, whether with regard to its financing, its newly introduced state-licensed master programs, or its contributions to on-going institutional reform processes. Moreover, the members of university board of trustees directly requested President Putin to protect the school and received his support when he put the Deputy Prime Minister in charge of following up on this case. Presidential support was also offered earlier when the university launched the reconstruction of its facilities and sought high-level protection to ensure that the project would go smoothly through all the bureaucratic proceedings at the local level.

But even after the President's intervention, the school was not able to win any of the court battles. A burning question remains unanswered: what powerful forces could stand behind the chain of dramatic events that seem too skilfully orchestrated to be just a coincidence? Among the myriad of circulating rumours and guesses, many versions explained university's troubles as a struggle for control over the building that houses it. Some high-ranking officials might have an interest in either the elegant Small Marble Palace, located right in the historical centre of St Petersburg, or the lucrative contract for its reconstruction. After investigations made by Aleksey Navalnyⁱⁱ, who discovered that the historical building adjacent to the Small Marble Palace was informally linked to Dmitry Medvedev, Prime Minister of Russia, many viewed such proximity to be the reason for termination of the rental contract.ⁱⁱⁱ

Rumours aside, another important factor was the bureaucratic logic followed in Rosobnadzor's assessment of the university's educational license. Reinforced by on-going reforms in education which started in the 2000s, this logic heavily relies on extensive formal criteria to determine educational performance and has resulted in an unprecedented proliferation of paperwork within Russian academia in recent years. According to such a bureaucratic approach, the private institute of higher education that sells its diploma but simulates education proceedings by producing neatly prepared reports in fact has a better chance of satisfying the supervisory agencies than universities that supply students with real education but fail to comply with the sprawling formal criteria required by the bureaucratic assessment.^{iv} The absurdity of the situation became even more evident after the Ministry of Education ranked the EUSP among the top Russian universities in January 2017, whereas Rosobnadzor, a branch of the Ministry of Education, had a completely different vision of the school's

significance based on its own check-ups.

But what made the whole situation even more absurd was its strict compliance with the formal rules. Contrary to the general feeling of unfairness and arbitrariness (Rus. *proizvol*) on the part of those who sympathized with the university, none of the actors involved in the prosecution violated the law while formulating their complaints to the university. The court's decision-making was also perfectly in accordance with the law. This pattern is familiar; there are many instances of similar cases in which the rule of law was activated in order to persecute business rivals or intimidate business owners, something that social scientists have described as a peculiar feature of state-business relationships in post-Soviet Russia. According to a tacit understanding, regulatory agencies normally turn a blind eye to minor violations of the formal rules unless they have a particular reason to punish a violator. Ultimately, the current system of intricate and abundant formal rules allows the state officials to wield enormous power over business. While both sides are aware of what is behind such law enforcement, all proceedings are framed in terms of restoration of law and order (Paneyakh 2008).

In his interviews, the rector of the university, Oleg Kharkhordin, expressed the hope that judges would follow not just the letter but also the spirit of the law. However, he added, he was well aware that once the bureaucratic machine had started rolling it could not stop, even if some bureaucrats would prefer to halt the process that was already drawing so much undesired public attention. Rather than continuing the court battles, he suggested that a more practical solution would be to apply for a new license if the university loses the forthcoming case. This determination to follow the practical rules of the bureaucratic game and its intrinsic logic was striking in his interviews. It is no coincidence that the head of the university turned to criminal jargon – widely in use among businesspeople in the 1990s – when commenting on the predicaments the university had with controlling agencies. In contrast to the highly formalized discourse of state bureaucrats, such jargon enabled him to express the whole situation much better, since it hinted at the hidden aspects of informal rules while simultaneously avoiding unwanted clear-cut assessments due to vague wording.^v

At the end of June 2017, however, the rector suddenly announced his resignation. His comments on this have been brief and only reveal that he thereby aims to help the university to settle the matter, since a new face could more successfully continue negotiations with the supervisory agencies. Whatever it means, one may guess that he is invoking some 'hidden rules' of the game that need to be followed if this battle is to be won.

References

Humphrey, Caroline. 2017. 'A New Look at Favours.' in Henig David and Makovicky Nicolette (eds.), *Economies of Favour after Socialism* (Oxford University Press).

Paneyakh, Ella. 2008. *Pravila igry dlja russkogo predprinimatelja* [The rules of the game for the Russian entrepreneur] (Kolibri: Moscow).

Notes

ⁱ For more details see the official website of the university: <https://eu.spb.ru/en/news/17166-situation-regarding-the-suspension-of-the-educational-license-of-the-european-university-at-saint-petersburg>

ⁱⁱ Aleksey Navalny is a Russian politician who gained prominence as a critic of the President Vladimir Putin and corruption. Navalny heads the Anti-Corruption Foundation, which makes investigations revealing corruption among high-level officials.

ⁱⁱⁱ In March 2017, Navalny and his Anti-Corruption Foundation launched a large investigation into the unregistered property of Dmitry Medvedev, accusing him of embezzlement of public funds: <https://dimon.navalny.com>. After the documentary 'Don't call him Dimon' came out, Navalny organized a series of anti-corruption rallies across the country. In St Petersburg, the group of students and professors from the European University joined the protest.

^{iv} Interview with Kirill Titaev 'We must have forty papers for each dead body': how Rosobnadzor works <https://indicator.ru/article/2017/04/05/rosobrnadzor/>

^v For instance, in his interview for RBK, Kharkhordin uses such verbs as 'to iron' (Rus. *otutuzhit*) and 'to pave over' (Rus. *zakatat v asphalt*), both referring to the acts of violent pressure, saying literally "I think we will become an exemplary ironed university if they really can pave us over" <http://www.rbc.ru/interview/society/30/03/2017/58da92569a794754df6c8afe>.