Assessing State Policy Capacity in the field of Internet Regulation:

Public Response to state regulatory power in Italy, Belarus and Russia

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This paper attempts to demonstrate explanatory power of the "state policy capacity" concept, which is not very broadly used by Russian analysts, while very actively referred to by foreign scholars of public policy and public administration.

It is important to underline, that policy capacity can be attributed to different social organizations, both state and non-state actors, that are involved in certain policy process or affected by policy outcomes. It is important to keep in mind that the policy capacity of a given State is created, sustained and developed in a lively public sphere, among the multiplicity of actors. In our case of Internet regulation there are both huge business companies – Internet Service Providers - several regulatory bodies and controlling state agencies, as well as internet user's associations and non-profit citizen organizations – and many of them have their own policy goals, that need to be recognized.

Seeking to contribute to the definition of policy capacity, we consider its multidimensional character, which allows different authors to focus their attention on specific aspects of this phenomena: on 'intelligent choices', like Painter and Pierre (2005), on skills and competencies, like Gleeson et al. (2009) and Wu et al. (2010), or on strategic visions, like Fukuyama (2013). Wu et al.'s (2015: 3) 'operational' definitions defines it as "set of skills and resources – or competencies and capabilities- necessary to perform policy functions".

Sharing the view that policy capacity is better defined through skills, competencies and resources, we suggest to add several functional characteristics to the definition. We define policy capacity as a combination of governing capabilities, addressing a specific regulatory goal within a policy environment, which includes factors of prior existing regulatory regime and its complexity, actor's plurality within this system and qualities of targeted publics and counter-publics. In a pluralistic multi-actor society, policy capacity will inevitably be contested by some publics, who have a different scale of support to those policies.

Intense communication and interaction of state and non-state organizations with each other and with the broader public is creating a unique public sphere, bound together by common issues of concern, such as access to information, freedom of expression or internet regulation, defined by the state. At the same time, the concerned publics may strongly disagree with those regulations and turn to collective action.

Various scholars have made contributions to understanding 'the public' as a social actor, including Amitai Etzioni (1991), Habermas (2006), John Dewey (1988), James Grunig (1983) and Gabriel Vasquez (1993).Of particular importance is Michael Warner's Publics and Counter-publics (2002), which is directly applicable to our goal of defining policy capacity, because one of the key capacities of a policy actor is to create and sustain "its own loyal public" that shares policy goals and implements them. Counter-publics, with opposite interests, need to be considered, studied and, hopefully, involved in a dialogue to find a compromise. More recently, British scholar Nick Mahony has defined publics as a "pre-existing collectivity, that can be identified, addressed and moved to action" (2013: 932).

One of the most important capabilities of any policy actor is an analytical ability to distinguish all important actors in each policy field and recognize their interests, to be able to deal with them while searching for solution of certain policy problem

Another contribution that we suggest to deeper understanding policy capacity is to recognize a division between 'hard' and 'soft' capabilities that governments use in addressing policy goals, which may change with transformation of political and regulatory regime or through the different stages of the policy cycle. We will illustrate the division between hard and soft regulatory capabilities by three country cases and conclude with analysis how the balance between state and society capabilities is influencing policy outcomes.

This distinction between 'hard' and 'soft' capabilities is important for another reason: 'hard' capabilities are the prerogative of the states, as it is supported by state coercive power and can be exercised by state structures on their own, imposing them on other social actors and individuals, while 'soft' ones, like 'communication', 'argumentation', and 'negotiation' require the 'other party' to be involved in the process. In this case, the success of policy implementation will depend not on the strength of coercive mechanisms, but on the ability to understand the complexity of the regulatory system and recognition of other important actors and their qualities, including skills of keeping dialogue with other policy actors, target publics and a wider range of stakeholders.

In this paper, we examine internet regulation policy in three very different countries – Russia, Belarus and Italy – to explore the effectiveness of the states' 'hard' and 'soft' capabilities towards media and internet regulation and how the balance of state and society capabilities is affecting policy outcomes.

By our three country cases – with different internet regulatory regimes and, also, with very different 'qualities of internet publics' - assessment of policy capacity of the government agencies,

or the State at large, - specific State capabilities should be compared or counter-positioned to the specific capabilities of the Society and its various organizations, networks and active self-organized publics. We believe, such comparison provides a tool for deeper analysis of state policy capacity.