

The Conviction of Pussy Riot: Part of a Larger Pattern

Written by Keally McBride

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KEALLY MCBRIDE, AUG 28 2012

The conviction of three members of Pussy Riot is only the most visible manifestation of new developments in Russia. Bound to go down as another travesty of justice alongside the Mikhail Khodorkovsky trials, it reveals a dark pattern in the Russian legal system. Yet the pattern is actually not so clear upon closer examination. Over the weekend, opposition leader Garry Kasparov was freed from charges that might have resulted from his participating in a protest outside of the Pussy Riot trial. Alexey Navalny, the man who decided to crowd-source monitoring Russian government corruption through the internet has also been put in jail and then freed several times over the last year. Every time he is charged, no one can guess what the outcome will be. A tragic “accidental” death in custody? An outrageously long sentence for public protest without a proper license?

The pattern at work is the creation of deliberate uncertainty. Some dissidents will be freed, some of the time. Others will serve as an example for others. The unpredictability of the Russian court system is a potent tool for Putin. If the court system reliably prosecuted anyone who defied Putin at all times, we could see and predict its totalitarianism. Instead, the verdicts that come with no seeming pattern hint at the possibility that Putin’s whims or moods dictate sentencing in Russia. The courts are not institutionally set up to defend established power structures, rather they exist at the call of one individual and hence are more terrifying in their potential deployment.

What this portends is that rather than a return to one party rule and the ideological certainty of the Soviet system, Putin is harkening back to the rule of the Czars. He is joining together with the Russian Orthodox Church, which is also making inroads into influencing the legal system. The church played a large role in the recent passage (February 2012) of a law forbidding pro-homosexual propaganda in St. Petersburg, helping build tools of potential legal abuse.

The law is incredibly vague. Does engaging in pro-homosexual propaganda include wearing a pink shirt if you are a male? Or owning a book with gay characters? Music that includes reference to sexuality? It will serve as a convenient law if Putin decides there is someone he would like the courts to bring down for him. Most of us could be construed as breaking this law in some form or another—the only question is whether there is someone out there who will decide to prosecute you for it.

It might seem odd that Putin has not suspended the entire charade of an independent judiciary. But the erratic string of decisions that have issued forth towards his public challengers instead demonstrates his power even more effectively. Aristotle made a distinction between the rule of law and the rule of man; Putin wants to use the scrim of Russia’s legal system to show how completely he has eclipsed it.

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Dr. Keally McBride is Associate Professor of Politics and Chair of International Studies at the University of San Francisco. She is author of several books, most recently with Margaret Kohn, **Political Theories of Decolonization: Postcolonialism and the Problem of Foundations** (Oxford University Press, 2011). She is currently doing research on 19th century British legal administration in their colonies, and the legacies it left behind in contemporary international law. She can be e-mailed at kdmcbride@usfca.edu.

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