

## Punk Politics in Putin's Russia

Written by Eugene Huskey

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EUGENE HUSKEY, AUG 29 2012

There are two competing narratives on the politics of the Pussy Riot case. The first holds that the trial and harsh sentence are the latest examples of Putin's campaign to intimidate the political opposition, who came to life after the flawed parliamentary elections last December. From this perspective, Putin launched a vigorous campaign to tighten the screws on Russian society after winning a third presidential term in March—this time for six years rather than four. This campaign of authoritarian consolidation has included the passage of several repressive new laws: one discourages demonstrations by subjecting participants to ruinous fines; a second recriminalizes libel and slander; and a third forces NGOs receiving any money from overseas to declare themselves to be foreign agents, with all the legal and political consequences flowing from that status. In this first narrative, which is dominant in the West, the Pussy Riot trial is a logical continuation of this crackdown on dissident elements in Russian society. Writing for Time magazine from Moscow on 24 August, Simon Shuster even claimed that the Orthodox faithful were Putin's secret weapon, which he unleashed against Pussy Riot.[1]

The second narrative does not deny Putin's support for policies that protect him and the regime from the opposition, but it casts his role in the Pussy Riot case in a more nuanced light. Here he's not the evil mastermind of the drama but a leader who has to worry about criticism from his right and left flanks. He's sandwiched between an increasingly vocal class of urban, secular, and liberal Russians, on the one hand, and a deeply conservative hinterland, an emboldened clericalist wing of the Russian Orthodox Church, and an unreconstructed security apparatus, on the other. In this view, the Pussy Riot case was an unwelcome distraction for Putin, who had no interest in martyring the three young women.[2]

Giving credence to this alternative narrative is the fact that Pussy Riot had performed anti-Putin songs before, and it was only when they desecrated the altar of the Christ the Savior Cathedral with a so-called punk prayer that serious criminal charges were filed. A recent poll provides further support for this second narrative. In a sample of 1600 Russians taken from 10-13 August 2012, several days before the verdict, the popular consensus was that religion and not politics was behind the trial. Forty-eight percent of Russians surveyed thought that the community of Orthodox believers, the Russian Orthodox Church, or Patriarch Kirill himself were the initiators of the case. Only four percent saw Putin in this role, while nine percent believed other Kremlin officials instigated the case.[3] Moreover, only 17 percent thought that the trial was unfair. Forty-four percent believed it was fair, while 39 percent expressed no opinion.[4]

Opposition forces in Moscow and St. Petersburg and their foreign supporters, especially those in the artistic, human rights, and journalistic communities of the West, had a very different view. For them, the treatment of Pussy Riot symbolized the harshness and obscurantism of contemporary Russian rule. Numerous Western artists and citizens have expressed their solidarity with the group, some, like Madonna, in dramatic fashion. For its part, Le Monde described the case as a witch hunt worthy of the Salem trials.[5]

The consensus in the Western press is that the Pussy Riot trial could be Putin's undoing. A correspondent for The Observer noted that it took a "bunch of bright, sassy women in colourful balaclavas to blow the lid off Putin's Russia." [6] The Financial Times' headline writers claimed that "Pussy Riot can rock the Kremlin to its foundations." [7] But this verdict is unlikely to threaten a regime whose key sources of support are a deeply conservative bureaucracy and society. The members of Pussy Riot are brash and brainy but they are fringe artists

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who don't enjoy the moral authority of a Sakharov or Solzhenitsyn. It's their harsh treatment by the state, not their actions or their personalities, that have engendered the limited sympathy and support they enjoy in Russia. For all the eloquence and dignity of the young women at trial, and the haunting images of them in the courtroom "aquarium," it is hard to make a Russian national hero out of an activist who is known, among other things, for having "protest sex" in a public museum four days before giving birth.

Reading the Western press, one finds an image of Putin as an embattled leader who is facing rising domestic discontent as well as international condemnation for Russian policy on Syria and what Rachel Denber of Human Rights Watch called the surreal justice of the Pussy Riot case.[8] But for decades Russian leaders have turned Western outrage to their advantage, in much the same way that George Wallace and other southern segregationists used the criticism of "outside agitators" to rally their supporters. In Russia today, as in the American South in the mid-20th century, the legitimacy of the regime rests heavily on the leadership's ability to champion a sense of national or regional exceptionalism. Because Russia's collective identity is defined in good measure in terms of its distinctiveness from the West, Western criticism—especially if it is ill-informed and strident—can actually mobilize support for the regime when it is repackaged properly by the Putin-friendly media.[9] And unlike George Wallace, Putin doesn't face the prospect of federal troops on his territory, despite the delusions of those on the radical right in Russia.[10]

If in retrospect the Pussy Trial is seen as a turning point in Russian political development, it will not be because it delegitimated the Putin regime but because it brought into the open the deep fissures that run through post-communist Russian society. Governing a polarizing society may be Putin's greatest challenge in his third presidential term.[11]

### **A Legal Postscript**

The Pussy Riot trial highlights the role of legal legacies from the Soviet era. To be sure, there are no more 1930s-style show trials, where cases were carefully scripted, torture was a prelude to confessions, and government newspapers printed condemnations of the defendants during the trial. Nor do we have in Putin's Russia such imaginatively-named crimes as "wrecking," "anti-Soviet agitation and propaganda," or "the dissemination of knowingly false statements that soil the Soviet state or social order." In fact, for all of the absurdities and mockeries of justice on display in the Pussy Riot trial, the Russian legal system overall has become somewhat fairer and more efficient. It still retains, however, numerous features from its Soviet era progenitor, including a distinction between what might be called ordinary and special—or political—justice, with the Pussy Riot trial falling into the latter category.

The charge leveled against the members of Pussy Riot, hooliganism, is a direct bequest from the communist legal system. The definition of hooliganism in article 213 of the current Criminal Code is identical to that found in the Soviet-era code: "a gross violation of social order, which expresses an obvious disrespect toward society." However, thanks to changes introduced during Putin's first term, in 2003, the current law on hooliganism is actually harsher than the late Soviet version. The maximum sentence for serious forms of hooliganism was extended from five to seven years in prison. And to qualify for this charge, it is no longer necessary, as it was in the Soviet era, to have used force or the threat of force or to have damaged property. Since 2003, it has been enough to have "been motivated by political, ideological, racial, ethnic or religious hatred or animosity or enmity toward any social group," wording that actually opens the way for the use of hooliganism in such cases as gay-bullying or taunting if done in a public setting, if, of course, Russian police or prosecutors were willing to use the law for that purpose. This is to say that because Pussy Riot did not use force or damage property in their actions last February, there would have been no trial for hooliganism if the law's reach had not been extended in 2003. The 2003 amendments also explain why the prosecution went to such lengths to illustrate the blasphemous character of Pussy Riot's actions, which at times made it seem that the case was being tried in an ecclesiastical rather than a secular court.

To understand the logic behind the concept of hooliganism, we have to understand the mental maps of Soviet and Russian lawmakers, who have conceived of society as more than a collection of individuals. Society has, as it were, a life and essence of its own, and it needs protection not just from those who would harm individuals or property but who would challenge the social relations and values that underpin the life of the community. As the official commentary to the Criminal Code explains, these relations and values are contained in habits, traditions, and moral

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norms as well as in written laws.[12] The law's failure to define precisely these habits, traditions and moral norms has given prosecutors over the decades enormous flexibility in the use of hooliganism against behavior that challenges the established order.

Lest we become too sanctimonious about the superiority of Western legal systems, we should remember that democratic countries have laws on the books that punish people for elastic crimes like disturbing the peace, disorderly conduct, and being a public nuisance. It is enough in some US jurisdictions to offend "public decency"—whatever that means—to be subject to criminal prosecution. The difference in the West is that such laws carry minimal custodial sentences, often a night or two in jail or in exceptional cases up to six months' imprisonment. In most instances, the cases are never prosecuted or they result in very small fines. More importantly, such laws are not traditionally used to prosecute political speech or action.

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[1] Simon Shuster, "Pussy Riot Trial Unleashes Putin's Secret Weapon: The Orthodox Faithful," *Time*, 23 August 2012. <http://world.time.com/2012/08/23/pussy-riot-trial-unleashes-putins-secret-weapon-the-orthodox-faithful/>

[2] A week after the verdict, the Russian presidency's own Human Rights Council noted that "society is not indifferent to situations when the criminal law is applied to actions that only lead to administrative liability by law." "Pussy Riot sentence raises some questions—presidential human rights council," Interfax, 24 August 2012. <http://www.interfax-religion.com/?act=news&div=9780>

[3] "Tret' verit v chestnyi sud and Pussy Riot," Levada-tsentr, 17 August 2012. <http://www.levada.ru/17-08-2012/tret-rossiyan-verit-v-chestnyi-sud-nad-pussy-riot> For English translations of articles covering religion and politics in contemporary Russia, see the Russian Religious News site maintained by Professor Paul Steeves of Stetson University. <http://www.stetson.edu/~psteeves/relnews>

[4] Ibid.

[5] "Vladimir Poutine et les sorcieres des Pussy Riot," *Le Monde*, 18 August 2012, [http://www.lemonde.fr/a-la-une/article/2012/08/18/vladimir-poutine-et-les-sorcieres-des-pussy-riot\\_1747433\\_3208.html](http://www.lemonde.fr/a-la-une/article/2012/08/18/vladimir-poutine-et-les-sorcieres-des-pussy-riot_1747433_3208.html)

[6] Carole Cadwalladr, "Pussy Riot: It took a bunch of bright, sassy ladies in colourful balaclavas to blow the lid off Putin's Russia," *The Observer*, 19 August 2012.

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<http://www.guardian.co.uk/music/2012/aug/19/pussy-riot-putin-russia-jail>

[7] Gideon Rachman, "Pussy Riot can rock the Kremlin to its foundation," *Financial Times*, 20 August 2012.

<http://www.ft.com/intl/cms/s/0/e4fbca60-eab7-11e1-984b-00144feab49a.html#axzz24KJ36Bug>

[8] Rachel Denber, "Pussy Riot and Russia's Surreal 'Justice'," CNN.com, 17 August 2012.

<http://www.cnn.com/2012/08/17/opinion/denber-pussy-riot-verdict/index.html>

[9] On the uses of Russian identity for regime legitimacy, see Eugene Huskey, "Legitimizing the Russian Executive: Identity, Technocracy, and Performance," in Per-Arne Bodin, Stefan Hedlund, and Elena Namli (eds.), *Power and Legitimacy: Challenges from Russia* (London: Routledge, 2012), chapter 4.

[10] In a moment of crisis, the Russian leadership might be tempted—following the ideas in diversionary theory—to use an event like the Pussy Riot trial to divert attention from more serious issues of the day. In the current climate, however, the leadership has little incentive to use such diversionary tactics on the domestic front. On the application of diversionary theory in the case of the Georgian conflict, see Mikhail Filippov, "Diversionary Role of the Georgia-Russia Conflict: International Constraints and Domestic Appeal," *Europe-Asia Studies*, vol. 61, no. 10 (December 2009), pp. 1825-1847.

[11] On this point, see Catherine Belton and Courtney Weaver, "Pussy Riot sentences open perilous split in Russian society," *Financial Times*, 19 August 2012.

<http://www.ft.com/intl/cms/s/0/d294469e-ea1d-11e1-ad39-00144feab49a.html#axzz24UpGgGEb>

[12] *Kommentarii k ugolovnomu kodeksu Rossiiskoi Federatsii*, ed. A.V. Naumov (Moscow: Iurist', 1996), p. 511.