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# "Execute not pardon": the Pussy Riot "affair" and the use of legal and discursive means for purposes of marginalizing dissent in Putin's Russia

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*University of Iowa*

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"EXECUTE NOT PARDON": THE PUSSY RIOT "AFFAIR" AND THE USE OF  
LEGAL AND DISCURSIVE MEANS FOR PURPOSES OF MARGINALIZING  
DISSENT IN PUTIN'S RUSSIA

by  
Volha Kananovich

A thesis submitted in partial fulfillment  
of the requirements for the Master of  
Arts degree in Journalism  
in the Graduate College of  
The University of Iowa

May 2015

Thesis Supervisor: Associate Professor Lyombe Eko

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Graduate College  
The University of Iowa  
Iowa City, Iowa

CERTIFICATE OF APPROVAL

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MASTER'S THESIS

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This is to certify that the Master's thesis of

Volha Kananovich

has been approved by the Examining Committee  
for the thesis requirement for the Master of Arts  
degree in Journalism at the May 2015 graduation.

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## ABSTRACT

In February 2012, less than two weeks before presidential elections in Russia, a two-minute video of young women in brightly colored masks and short dresses was uploaded to YouTube. The video featured four members of the Pussy Riot punk feminist band performing a wild dance in front of the altar of Moscow's Cathedral of Christ the Savior. Lip-syncing to a song, which they called a punk prayer, they beseeched the Virgin Mary to "drive" Vladimir Putin, then the prime minister and a presidential candidate, "away." The performance was followed by the quick arrest of three of the band members and a trial in a criminal court that sentenced them to two years in a penal colony on charges of "hooliganism motivated by religious hatred" and transformed the case into a symbol of the infringement of freedom of expression in Putin's Russia.

This research explores the legal and discursive strategies for marginalizing political dissent and discusses the implications of the case for shrinking the arena of legitimate public debate in contemporary Russia. As revealed by a critical discourse analysis of a report by psychological and linguistic experts that formed the basis of the prosecutor's case, it employed a range of discursive devices that normalized conformity and depoliticized the band's critique. Whereas those discursive devices portrayed Pussy Riot's religiously contextualized speech as socially unacceptable, the analysis of the court's decision revealed the mechanism that made it illegal. An analysis of the rationale used by the court to justify the criminal conviction of Pussy Riot showed clear prosecutorial bias. The post-case amendments that were introduced into Russia's Criminal Code and Code of Administrative Violations toughened up the punitive measures in articles associated with insulting religious feelings of citizens and contributed to further authorizing limitations

on political speech on religious and moral grounds.

As demonstrated by an analysis of the media coverage of the Pussy Riot affair, the Russian press did little to delegitimize this power abuse. The state-run newspaper *Rossiiskaya Gazeta* took a clear stance in support of the prosecution. The mainstream newspaper, *Izvestia*, although not demonstrating a consistent prosecutorial bias, did not provide any sensible alternatives to the government's framing of the affair. Neither did the liberal-oppositional outlet *Gazeta.ru*. It failed to provide a comprehensive, substantial, and contextualized coverage of Pussy Riot's activism and portrayed them not as agents of change, but as victims of the vigilant, all-powerful state. By doing so, it did not take advantage of the public resonance of the case to elevate a discussion about the feasibility of dissent in an increasingly authoritarian context and thus potentially contributed to undermining the value of political protest.

The treatment of the Pussy Riot affair by the Russian state contributed to further infringements of freedom of expression, strengthened the interpenetration of church and state and illuminated the legal system's role as a tool for conserving the *status quo* of power relations in contemporary Russia.

## PUBLIC ABSTRACT

In February 2012, a two-minute video of young women in brightly colored masks and short dresses was uploaded to YouTube. The video featured members of the Pussy Riot feminist band performing a wild dance in Moscow's Cathedral of Christ the Savior. Lip-syncing to a song, which they called a punk prayer, they beseeched the Virgin Mary to "drive" Vladimir Putin, then the prime minister and a presidential candidate, "away." The performance was followed by a criminal trial of three of the band members. They were found guilty of "hooliganism motivated by religious hatred" and sentenced to two years in a penal colony. Many people around the world considered this decision to symbolize the infringement of freedom of expression in Russia.

This study examines the language used by the prosecution, prosecution's experts, court, and Russian press in discussing the case. It also analyzes the reasons the court provided to justify its questionable ruling. The study shows that the prosecution ignored the political issues that were raised in the "prayer" and that could have explained Pussy Riot's rampageous manner. The performance was portrayed as a meaningless prank that seriously violated social norms and offended Orthodox believers. An analysis of legal documents shows that the court failed to consider an arguably more appropriate interpretation of the performance not as a crime, but as an administrative offence. Finally, the Russian press tended to ignore the political message that the band tried to convey, which contributed to the Russian state's efforts to limit political criticism.

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## INTRODUCTION

### Facts of the case

On the freezing day of February 21, 2012, a group of young women in unremarkable, modest-looking warm coats entered the Cathedral of Christ the Savior in downtown Moscow, a few blocks southwest of the Kremlin. Having passed the security guards, candle sellers, church members, and foreign tourists who gathered that morning in Russia's main Orthodox Cathedral, they approached the soleas, a narrow walkway in front of the temple's iconostasis separating the sanctuary from the nave, and took off their outerwear to reveal brightly colored dresses and tights. Standing right beside the ambo, where the clergy come out for public prayers and where parishioners are banned, they pulled on acid bright balaclavas and started to perform what they later called their own punk "prayer," with shouting out phrases such as "Shit of God" and "Mother of God, become a feminist."

During the performance, they imitated playing guitar, lifted their legs, punched the air, knelt and crossed themselves, all under the flashes of photo and video cameras of the people who apparently came with the women. About a minute later, having caused no damage to church property, they were escorted out of the Cathedral by security guards.<sup>1</sup>

That evening, a two-minute video clip depicting the performance was uploaded to YouTube. Titled "Punk prayer 'Mother of God, drive Putin away' by Pussy Riot in the Cathedral," it combined video footage from the Cathedral with a prayer-styled song set to

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<sup>1</sup> The description of the performance, along with the lyrics of the "prayer," was posted on the band's blog (Pussy Riot). For full lyrics, see Appendix A.

the music of an Orthodox melody.<sup>2</sup> The “prayer” condemned participation of the Russian Orthodox Church in the public and political life of the country and beseeched the Virgin Mary to “drive Putin away” (Matveeva).

The performance was claimed to have been staged by anonymous members of the so-called Pussy Riot band, a punk protest group advocating for feminism, LGBT rights, and criticizing the policies of Vladimir Putin. The then-prime minister of Russia, he was running for his third presidential term and had been publicly supported by the head of the Russian Orthodox Church, Patriarch Kirill I of Moscow.<sup>3</sup>

On March 3, 2012, eleven days after the performance, the police arrested three young women identified as the alleged perpetrators, Nadezhda Tolokonnikova, 22, and Mariya Alyokhina, 23. This was followed by the arrest of Ekaterina Samutsevich, 29, on March 16.<sup>4</sup> Charged with the criminal offense of hooliganism motivated by religious hatred and enmity towards Orthodox believers (“Opublikovano,” 2012), they were denied bail and held in custody until July 30, when their trial began in the Khamovnicheskii District Court of Moscow.<sup>5</sup>

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<sup>2</sup> The prayer employed the opening melody and refrain of the famous “Rejoice, Mother of God” from the “All Night Vigil” by Sergei Rachmaninov (Denysenko 1071).

<sup>3</sup> Two weeks before, at a meeting with Putin and the heads of main Russia’s religions, Patriarch Kirill called Putin the candidate who “certainly ha[d] the greatest chances to translate this candidacy into the actual post” (“Stenogramma”).

<sup>4</sup> The names of two of the five participants of the Punk prayer have never being identified, and they were reported to have fled Russia in fear of prosecution (“Dve Uchastnitsy Pussy Riot”).

<sup>5</sup> The case was brought by the government prosecutor against Tolokonnikova, Alyokhina and Samutsevich as natural persons, but in absence of the well-established practice of legal citation in Russia this case, formally titled “case №1-170/12 decided by the Khamovnicheskii

The court's decision was declared on August 17, 2012. It found the three members of Pussy Riot guilty of "hooliganism motivated by religious hatred and enmity with respect to a social group" ("Prigovor"). In defining the punishment, which according to Article 213, § 2 could range from a fine of about 500,000 Russian rubles<sup>6</sup> to deprivation of liberty for up to seven years ("Ugolovnyi Kodeks," Article 213, § 2), the court took into consideration the nature and the degree of public danger of the defendants' deed, as well as its other circumstances, in which the court found no mitigating circumstance. Viewing the primary purposes of punishment as "restoration of justice, correction of the defendants' behavior, and preventing them from performing similar deeds in the future" ("Prigovor"), the court concluded that these would best be reached by deprivation of liberty in a penal colony for two years with the full completion of the sentence.

On June 19, 2012, the three defendants filed an application against Russia with the European Court of Human Rights. The complaint sought a finding that Russia in its treatment of the case violated Article 3 (prohibition of torture or inhuman or degrading treatment), Article 5 § 3 (prohibition of unwarranted remand in custody) and Article 10 (freedom of expression) of the European Convention on Human Rights and Fundamental Freedoms. ECHR declared the complaint admissible and posed seven questions to the parties. As of the beginning of 2015, no final decision has been reached.

On October 10, 2012, the court of appeal commuted Samutsevich's two-year jail term to a suspended sentence on the premise that she was escorted out of the Cathedral

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District Court of Moscow" was generally referred to by the media and public as the Pussy Riot case. This is the way it is referred to in this article.

<sup>6</sup> Approximately \$15,700 as of August 17, 2012 ("Ofitsial'nye Kursy Valiut," 17 Aug. 2012).

before reaching the soleas and therefore did not actually take part in the performance. The sentences imposed on Tolokonnikova and Alyokhina were confirmed (Egorov). A month later, the Zamoskvoretskii District Court of Moscow declared the videos of Pussy Riot's performances extremist in accordance with the Russian Federal law and banned their distribution and storage for distribution purposes. This decision was confirmed by the court of appeal in January 2013 ("Federal'nyi Spisok").

On December 23, 2014, Tolokonnikova and Alyokhina were both freed under amnesty after having served 21 months in prison. The amnesty bill that had been passed by the Russian Parliament allowed the release of some 25,000 inmates, reportedly as part of a celebration to mark the 20th anniversary of the Russian Constitution ("Pussy Riot Band Members Released"), but it was viewed by many as Putin's attempt to improve Russia's image before hosting the Winter Olympic Games in Sochi in February 2014 (Harding and Ebel; Cohen).

On December 10, 2013, the Supreme Court of the Russian Federation instituted supervisory review proceedings with regard to the sentences imposed on the Pussy Riot members at the City Court of Moscow. According to the Supreme Court's decision ("Postanovlenie o Vozbuzhdenii"), although the Khamovnicheskii District Court of Moscow did demonstrate the presence of the motive of religious hatred in the defendants' actions, it failed to provide justification for the motive of the enmity with respect to the social group of Orthodox believers. Neither did it take into account the mitigating circumstances of the case nor did it consider the question of delay of the punishment. On April 4, 2014, the Presidium of the City Court of Moscow ruled to dismiss the motive of the enmity with respect to the social group from the sentence and reduced the jail term by

one month, from two years to one year eleven months (“Soobschenie Press-Sluzhby”). Otherwise, the sentence remained substantially unchanged.

Reaction to the Pussy Riot Case inside and outside Russia:

From a Domestic Affair to a High Profile International Cause

For the Russian domestic public, the Pussy Riot case became a flashpoint of discord that split society into supporters and opponents of the band, leaving little space for a moderate stance. The solutions voiced by the two sides ranged from calls to punish the women as severely as possible (“Otrkrytoe Pis’mo Protiv”, “Molchat’ Ne Pozvoliaet Sovest’”) to appeals for their unconditional acquittal (Moniava, “Advokatskoe Soobschestvo”). The contentiousness of the domestic reaction to the case was evidenced by the results of a national poll conducted in 2012 that showed that the Russian public apparently had no consensus even when it came to the purpose of the band’s actual performance: 23 percent believed the action was staged against the Church and believers, 19 percent saw it as anti-Putin protest, 20 percent considered it to criticize involvement of the Church in politics, 19 percent saw it as communicating all of the above messages, and 19 percent hesitated to reply (“Rossiyane O Dele”).

To the international audience, however, the case looked much less ambiguous—the prosecution, conviction, and sentencing were viewed as clearly politically motivated. Upon the announcement of the court’s decision, which was covered by 86 percent of world media (“O Pussy Riot”), Amnesty International (“Russian Court Jails”), Freedom House (“Freedom House Condemns”), and the International Federation for Human Rights (“Two Years In Prison”) issued statements condemning the sentence. This was quickly followed by similar statements from the German Parliament (Bidder and

Neukirch), U.S. White House (Nakamura and Weiner) and State Department (“U.S. Urges Russian Officials”), and the European Parliament (“Pussy Riot Sentence”). The chorus of public criticism led Russia’s Foreign Minister Sergey Lavrov to ask that people not “jump to conclusions and go into hysterics over the case” (“Moskva Prizvala”).

Foreign Minister Lavrov's appeals for calm were largely ignored by the international community. The “Free Pussy Riot!” slogan was voiced in public actions and performances all over the world, including New York City (Perlman and Durkin), Washington, D.C. (“Rally for Pussy Riot”), Edinburg, Warsaw, London, Sofia, Paris, Toronto, Dublin, Kyiv, Barcelona, Berlin (“Pussy Riot Supporters”), Cologne (“Pussy Riot Copycats”), Zurich (Krainova), to name a few. In the Comedy Central cartoon show “South Park,” known for its satirical political and social commentary, a “Free Pussy Riot!” T-shirt was worn by Jesus Christ himself (“A Scause for Applause”). The European Parliament nominated them for its Sakharov Prize for Freedom of Thought (“Three Finalists”), followed by the group’s nomination for the Martin Luther “Fearless Speech” Prize. The prize is awarded in Germany to honor activists demonstrating civil courage (Stange) in memory of the famous ecclesiastical reformer who challenged religious doctrines and rituals and protested against clerical abuses.

#### Rationale for Choosing the Case and Research Objectives

The global resonance surrounding the Pussy Riot affair made it one of the *causes célèbres* of the modern history of freedom of expression. In the years since their performance, the story of these young women inspired literature, art, drama, music, film, political argument, and public debate both domestically and outside Russia. A growing body of scholarly literature has attempted to approach the affair from a variety of



perspectives, including feminism (Channell; Dunn; Johnson; Sperling; Yusupova), politics (Sharafutdinova; Smyth and Soboleva), theology (Denysenko), human rights' activism (Turbine), social agency (Rourke and Wiget), national identity (Rutland; Storch; Yablokov), Russia's artistic (Woodyard) and social activism (Steinholt) traditions.

While most of the scholars unanimously acknowledge that the trial was biased against the defendants and the court decision was politically motivated, this conclusion is usually presented as a taken-for-granted assumption, which has not been rigorously tested by legal scholars. An apparent conflict between how this case was and could have been decided by the court invoked references to the historically famous ambiguous Russian pronouncement: *Kaznit' nel'zya pomilovat' / Execute not Pardon*. The saying refers to a historical anecdote from the times of the Empress Catherine the Great of Russia, who reportedly issued an ambiguous "Execute Not Pardon" edict in respect to a treasonous defendant. Due to her own or her scribes' mistake, the verdict contained no punctuation, which made it impossible to understand the actual decision that could be interpreted either as "Execute not, Pardon" or "Execute, not Pardon" command (Forlesong). Speaking in these terms, the circumstances of the case potentially allowed the court to either punish the Pussy Riot members as criminals (that is, *execute them, not pardon*) or let them go, by deciding that what they did was just an administrative offence punishable by a fine (that is, *execute them not, pardon*). By exposing the very mechanism of deciding where a comma should be put in politically motivated cases like this, the affair provided a unique insight into the ongoing legal and political tussle between freedom of expression versus protection of the interests of state and church in the supposedly secular Russia.

Another assumption that seems to implicitly underlie these nuanced discussions is that the iconic stature of the case provided the band with enough publicity to deliver their message worldwide. As aptly mentioned in a recent work, their widely publicized trial “provided them with an unprecedented opportunity to both physically display their defiance of the political authorities, and spell out their philosophy in their comments to the court” (Rutland 578). Yet, the question that has remained underexplored is how much of what the Pussy Riot members tried to convey with their performance and in court was actually reported by the press and thus had the opportunity to reach the audience, who could then make an informed decision about whether to share or disagree with their views.

The present study aims to contribute to filling these gaps. By combining the analysis of the rationale behind the court’s decision in the Pussy Riot case with the “close reading” of the “prayer” and the analysis of the media coverage of the affair, it will be possible to explore the legal and discursive means of marginalizing political dissent in contemporary Russia as well as address questions that go beyond the singularities of a particular case and have long puzzled researchers of Russia: How is it possible that the Soviet era of official secularism in Russia and a short period of active democratic transformation in the 1990s ended not with simple reintroduction of religion into public life, but its re-establishment as a tool of ideological and political indoctrination? What stance in public debate such as the one initiated by the Pussy Riot case is taken in Russia by the media forced to negotiate their journalistic autonomy with the need to survive in a complicated political environment?

I address these questions by using a mixed methods approach, including (a) a

critical discourse analysis of the original lyrics of the “prayer” and its discursive opponent—the report from the psychological and linguistic experts that formed the basis of the prosecutor’s case; (b) a legal analysis of the court’s decision and post-case amendments to the Russian law regulating religiously contextualized speech, and (c) a comparative content analysis of the coverage of the affair in Russian newspapers representing official, mainstream, and liberal-oppositional press.

The study seeks to answer the following research questions, informed by the chosen theoretical perspectives:

**RQ1:** What discursive devices and rhetorical strategies did Pussy Riot’s “prayer” and its discursive opponent—the report from psychological and linguistic experts that formed the basis of the prosecutor’s case— employ to challenge or sustain the existing power relations in Russia?

**RQ2:** How legally sound was the rationale that the court used to justify the criminal conviction of Pussy Riot?

**RQ3:** How was the Pussy Riot affair framed by the Russian newspapers *Rossiiskaya Gazeta*, *Izvestia*, and *Gazeta.ru* representing, respectively, governmental, mainstream and oppositional press?

I have organized the thesis as follows. In Chapter 1, I provide a historically and politically contingent context of the study by analyzing how the concept of freedom of expression is legally constructed in Russian law and by giving an outline of its origin and evolution. I also provide a snapshot of church-state relations in Russia before and during the trial, along with a review of the Russia’s judicial system and media environment.

In Chapter 2, I provide the results of a comparative critical discourse analysis of the lyrics of Pussy Riot’s “punk prayer” and the experts’ report as its discursive opponent to explore the discursive devices and rhetorical strategies employed in these texts to

challenge or sustain the existing power relations in Russia.

In Chapter 3, I present an outline of the court's rationale for the decision in the Pussy Riot case and evaluate the soundness of the ruling by looking at the case through the lenses of the four elements of criminally punishable hooliganism and alternative interpretations of Pussy Riot's performance. I also analyze post-case amendments to the Russian law regulating religiously contextualized speech.

In Chapter 4, I comparatively explore, within the framing theoretical framework and through a content analysis of newspaper articles, the media coverage of the affair across three media outlets representing official (*Rossiiskaya Gazeta*), mainstream (*Izvestia*), and liberal-oppositional (*Gazeta.ru*) press.

I conclude by summarizing the findings of the study and discussing the implications of the Pussy Riot affair for the shape and limits of public debate in Russia.

## CHAPTER 1

### THE CONTEXT OF THE STUDY

The global resonance surrounding the Pussy Riot case made it one of the highest-profile incidents in many years of supposed blasphemy in the international context. Serving as a springboard to discussion on drawing the line between the sacred and the secular in public affairs, it sparked debates about the limits of freedom of expression, the boundaries of moral and legal recourse, the importance of their political and religious underpinnings, and the role of media in covering controversial issues of public concern. The multidimensional character of the Pussy Riot affair requires it to be analyzed within a broader context of the legal protection of freedom of expression, church-state relations, judicial system and media environment in Russia.

#### Legal Protection of Freedom of Expression in Russia

From the legal point of view, the case should be looked at through the lens of an ongoing tussle between freedom of expression versus protection of the interests of state and church. Freedom of the expression is provided by the Constitution of the Russian Federation, which was adopted in 1993 to become the first Constitution of the country since the collapse of the Soviet Union:

##### Article 29.

1. Everyone shall be guaranteed the freedom of ideas and speech.
2. Propaganda or agitation instigating social, racial, national or religious hatred and strife shall not be allowed. Propaganda of social, racial, national, religious or linguistic supremacy shall be banned.
3. No one may be forced to express his views and convictions or to reject them.
4. Everyone shall have the right to freely look for, receive, transmit, produce and distribute information by any legal way. The

list of data comprising state secrets shall be determined by a federal law.

5. The freedom of mass communication shall be guaranteed. Censorship shall be banned (“Konstitutsia Rossiiskoi Federatsii”).

It took centuries for Russia as a sovereign state to declare freedom of expression a constitutional norm. Although the origin of the limitations of freedom of speech can quite predictably be traced to medieval times, manifesting the overall European trend of combating heresy in Christian nations, the existence of censorship in Russia in later years is generally attributed by researchers to the country’s slower modernization under an absolutist government (Azhgikhina). It can be viewed as a telling example that the very first Russian newspaper, *The Sankt-Peterburgskie Novosti*, was established by Tsar Peter the Great with the explicit mission to promote his decisions and circulate government regulations. This, according to some researchers, meant nothing less than the birth of censorship on the same day (Azhgikhina 35).

Besides its apparent historical value, this fact manifests another, broader conclusion that should be taken into consideration when studying Russia’s past and contemporary public debate: the discrepancy between formally declared principles and their actual, practical implementation. This helps explain why, even though two out of the three Soviet constitutions—the so called Stalin Constitution (“Konstitutsia SSSR”, 1936, Article 125) and the Brezhnev Constitution (“Konstitutsia SSSR”, 1977, Article 50)—guaranteed freedom of speech, Soviet leaders, with their near-absolute power, never actually protected this freedom. Instead, it was replaced by oppressive measures that varied during different periods of Soviet history from widespread police surveillance and political purges to physical extermination of ideological opponents and repressions of intellectuals, religious figures, believers, and other “anti-Soviet elements” (Stetsovskii).

It is no wonder, then, that when the so called *perestroika* policy reforms were initiated by Mikhail Gorbachev in the 1980s, it was the doctrine of *glasnost* that was proclaimed as one of the main principles of changing the social order in the U.S.S.R. (McNair; Voltmer). The Russian word *glasnost* originates from the word *golos*, or voice, and thus explicitly refers to the freedom of speech and openness to public debate without censorship and suppression of unwelcomed ideas. This made freedom of expression the cornerstone of all democratic reforms in Russia at the advent of *glasnost* and during the early post-Soviet years, and it helps explain the categorical banning of censorship by the freedom of speech-related Article 29 of Russia's Constitution ("Konstitutsia Rossiiskoi Federatsii").

However, the early post-Soviet years under Gorbachev's successor, Boris Yeltsin,—who ascended to this post as a rebellious, democratic and clearly anti-establishment leader committed to the principles of freedom of speech—gave way to widespread corruption, economic collapse, and enormous political pressure on Yeltsin's opponents. This resulted in cynicism and disappointment about the role of journalists as social actors who could protect and promote the freedom of speech (Roudakova). This trend has continued during the premiership and presidency of Vladimir Putin, now serving his third presidential term. Putin's leadership has brought an even wider-scale crackdown on media freedom and has been accompanied by murders of journalists, including the widely publicized ones of Artyom Borovik, Anna Politkovskaya, and Natalia Estemirova, which, according to some researchers, has led to the press exercising self-censorship (Roudakova; "Russia: Heroes and Henchmen").

As the culmination of the growing trend in deteriorating freedom of expression, in

2005, Russia was downgraded to the “Not Free” category of countries in the “Freedom in the World” report prepared by Freedom House (“Russia: Rolling back”), the most widely used tool for measuring democratic freedom (Inglehart and Welzel 153). It has not improved its performance ever since,<sup>7</sup> which, according to human rights experts, signals a “decided turn for the worse” (“Freedom in the World”). A similar declining trend has been registered in Russia’s rating on Independent Media that the same organization makes as part of its Nations in Transit annual publication.<sup>8</sup>

### Church-State Relations

Another trend that has contributed to the deteriorating position of Russia on the scale of the freedom of expression—and needs to be taken into consideration while exploring the Pussy Riot affair—is growing cooperation between the Russian authorities and the Russian Orthodox Church (Marsh, Papkova). On the one hand, Russia’s Constitution postulates the secular nature of the state and the right to “profess individually or together with other any religion or to profess no religion at all”:

#### Article 14.

1. The Russian Federation is a secular state. No religion may be established as a state or obligatory one.
2. Religious associations shall be separated from the State and shall be equal before the law.

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<sup>7</sup> In the Freedom House’s Democratic Score Ranking, Russia’s score was downgraded from 5.61 in 2005 to 6.21 in 2014 on a 7-point scale (with 1 representing the highest and 7 the lowest level of democratic progress) (“Nations in Transit 2014: Eurasia’s Rupture with Democracy” 19).

<sup>8</sup> In the Independent Media rating, Russia went from 6.0 in 2005 to 6.25 in 2014 on a 7-point scale (with 1 representing the highest and 7 the lowest level of progress in media independence) (“Nations in Transit 2014: Eurasia’s Rupture with Democracy” 14).



Article 28.

Everyone shall be guaranteed the freedom of conscience, the freedom of religion, including the right to profess individually or together with other any religion or to profess no religion at all, to freely choose, possess and disseminate religious and other views and act according to them (“Konstitutsia Rossiiskoi Federatsii”).

On the other hand, the events that had preceded—and, according to the Pussy Riot members, prompted—their performance, had made clear that maintaining close contact between state power and the Church should more appropriately be viewed as a political project.

The history of the intertwined relationships between the Russian Orthodox Church and the state dates back to 988, when the residents of what is now the capital of Ukraine, Kiev, were violently escorted by soldiers of Prince Vladimir of Kiev for a mass baptism in the Dniepr River, marking the iconic inaugural event in the Christianization of Kievan Rus’, a loose federation of East Slavic tribes seen as a cradle of modern Belarus, Ukraine, and Russia. Accompanied by the burning and hacking into pieces of wooden statues of Slavic pagan gods that had been raised by Vladimir himself just a few years before (Froianov, Dvornitchenko and Krivosheev), this event sheds light on the underlying principle behind the evolution of the state-church relationships in Russia—the authoritarian imposition of “accepted” religious beliefs and the abruptness, with which some beliefs can lose and gain the status of officially legitimized ones.

The fact that Vladimir was officially proclaimed a saint by the Orthodox Church illuminates another essential feature of these relationships: the sacralization of the monarch, or *tsar*, in Russia, and the “forever blurred” (Marsh 52) distinction between political power and religion. It originated in the idea of parallelism between the Tsar and God borrowed from Byzantium as part of the Byzantinization of the Russian state, but went significantly further—to the monarch’s assimilation of the functions of head of the church, beginning

with the reign of Peter the Great, and thus making the sacralization of the monarch a part of the state mechanism itself (Uspenskij and Zhivov). Looking at sacralization in its broader meaning as “not only comparing the monarch to God, but the monarch’s acquisition of a special charisma, special gifts of grace due to which he begins to be seen as a supernatural being” (Uspenskij and Zhivov 3) can provide a better understanding of the church-monarch relationship in Russian history not only during the Tsarist era, when Orthodoxy enjoyed the status of the official religion in Russia under the direct control of the state (Marsh, Basil), but also in the Soviet period, when Orthodoxy was replaced—as fiercely, abruptly, and uncompromisingly as it was introduced in the first place—by atheism as the main ideological doctrine. If looked at from this perspective, one can draw a natural parallel between punishing blasphemy as actions directed against the religious practices of the Church and persecuting political opponents in the Soviet Union for challenging the authority of state leaders as all-powerful, all-knowing “fathers of the nation.” The manifestations of this “supranatural” nature of the state leader in public discourse can be found in the recent history of Russia as well. What is more, with the comeback of religion in the public sphere in Russia, the idea of the Russian president being guided by God’s grace is often voiced by Orthodox priests themselves (“Stenogramma”).

The restoration of churches destroyed during the Soviet era, vast construction of new ones during the 1990s,<sup>9</sup> and public appearances by Russian politicians, many of whom were previously functionaries of the Communist party, at the religious services on

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<sup>9</sup> Remarkably, the Cathedral of Christ the Savior was one of those churches. Demolished in 1931 under Stalin as part of the anti-religious campaign, it was rebuilt in the 1990s to become the largest Russian Orthodox church and the Patriarch’s seat (“Stranitsy”).

the main Orthodox holidays have finally legitimized the status of religion as an integral part of Russian society to the point of synthesizing the Russian Orthodoxy with Russian national identity<sup>10</sup> and contributed to returning people to the fold of the Russian Orthodox Church. According to a national survey that was held in August 2012, the dominant religion in Russia is Russian Orthodoxy, with 41% of the population identifying themselves as its adherents, followed by 25 percent of those who consider themselves to be “spiritual but not religious” people (“Atlas Religii”). Yet, just like other beliefs-related issues, the question of religiousness is to a large degree a question of measurement. For example, when asked in another nationally representative survey, 93.2 percent of respondents in Russia reported themselves as “not a member of church or religious organization,” 4.1 percent—as “inactive members,” and only 2 percent—as active members.<sup>11</sup> Similarly, while 53.1 percent of respondents declared themselves “religious persons,”<sup>12</sup> only 13.3 percent reported attending religious services at least once a month, 26.4 percent reported attending “only on special holy days,” and 35.9 percent

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<sup>10</sup> “The special contribution of Orthodoxy to the history of Russian and to the establishment and development of Russia’s spirituality and culture” is specifically mentioned in the preamble of the Federal Law on Freedom of Conscience and Religious Associations (“Federal’nyi Zakon o Svobode Sovesti”), which, along with the benefits provided to the Russian Orthodox Church outlined below, is viewed by some as manifesting its status as the established church of the Russian Federation (Marsh 60, Tamadonfar and Jelen xi).

<sup>11</sup> For comparison: the values of these indicators for the U.S. were 36.3 percent, 28.3 percent, and 34.5 percent, respectively (see (“World Values Survey—Online Data Analysis”), follow “2010-2014” hyperlink; then select “Russian Federation” and “United States”; then select “V25. Active/Inactive membership: Church or religious organization”).

<sup>12</sup> See (“World Values Survey—Online Data Analysis”), follow “2010-2014” hyperlink; then select “Russian Federation” and “United States”; then select “V147. Religious person”. For comparison: the number of U.S. respondents who declared themselves religious is 67.0 percent.

reported attending “practically never.”<sup>13</sup>

At the time of the trial in the Pussy Riot case, the religious policy in Russia was characterized by combining state support of the four religions defined by law as part of Russia’s historical heritage—Orthodox Christianity, Islam, Buddhism, and Judaism—with attempts to unify them under the authority of the state.<sup>14</sup> Besides regaining their formally proclaimed status,<sup>15</sup> these religious organizations regained something they never could have imagined in Soviet Russia: access to educational institutions. In 2010, the state approved teaching religion in schools by giving parents a choice to decide either their children would learn the basics of one of the traditional religions or secular ethics (“Rasporiazhenie Pravitel’sstva”). First introduced in 20 regions of Russia, in 2012, this practice was adopted nationwide (“Poruchenie Prezidenta”). Back in the U.S.S.R., violating the constitutional principle of the separation of school and church would have been subject to criminal charges punishable with correctional labor for up to one year (“Ugolovnyi kodeks RSFSR,” Article 142).

The prospects for future cooperation between church and state were specifically addressed at a meeting of Putin with the leaders of the four traditional religions in

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<sup>13</sup> See (“World Values Survey—Online Data Analysis”), follow “2010-2014” hyperlink; then select “Russian Federation” and “United States”; then select “V145. How often do you attend religious services?” For comparison: the values for these indicators for the U.S. were 43.0 percent, percent, 8.8 percent, and 30.2 percent, respectively.

<sup>14</sup> This preferential government’s treatment of “traditional religions” was criticized by the United Nations Office of the High Commissioner for Human Rights in its 2013 report as a discriminative practice, signaling the deteriorating country’s record on freedom of thought, conscience, and belief (“Summary” 6).

<sup>15</sup> Article 52 of the 1977 Constitution declared the following: “USSR citizens shall be guaranteed the freedom of conscience, that is the right to profess any religion or to profess no religion at all, to perform religious rites or advocate atheism” (“Konstitutsia SSSR,” 1977) which is almost literally repeated in the corresponding article of Russia’s 1993 Constitution.

February 2012. The prime minister of Russia and a candidate in that year's presidential elections, Putin condemned the "primitive understanding of separation of church and state" ("Stenogramma") and assured these leaders of his plans to provide them with access to governmental funding and to widen their media presence. In response, he hoped to utilize their support in improving the demographic situation in Russia and social care of the elderly, disabled and other vulnerable groups ("Stenogramma"). The religious leaders assured Putin of their support of him. The meeting was heavily covered by national media with such headlines as "Patriarch Kirill supported Prime Minister" ("Patriarkh Kirill") and "Putin received blessing for this third term" (Novikova).

The leader of the Orthodox Church kept his promise. In his address to Orthodox believers in February 2012, just a few weeks before the Pussy Riot performance, he warned them against participating in political protests. These were first held in Moscow in December 2011 to contest the announced results of the recently held national parliamentary elections (Heritage and Boulton), but protesters expanded their agenda to employ a more general anti-Putin rhetoric. Protests continued all the way up to the presidential campaign, spreading to other big Russian cities and drawing thousands of people into the streets (Barry and Kramer).

According to Patriarch Kirill, this was not a course of action to be taken by a pious Orthodox believer:

Orthodox believers cannot go to manifestations—they are standing in queues to [venerate] the *Cincture of the Theotokos*. . . . These people do not go to demonstrations, their voices are not to be heard, they are praying in the silence of cloisters, in monastic cells, at home, but their hearts are bleeding for what is going on today with our nation, and they are drawing in their minds clear historical parallels with dissipation and frenzy of prerevolutionary years, with disorder, confusion, and destruction of the country in the 1990s ("Slovo Sviateishego Patriarkha").

*The Cincture of the Theotokos* mentioned by the Patriarch in his speech deserves additional explanation. Literally translated into English as the Girdle of the Mother of God, this alleged relic of the Vatopedi Monastery on Mount Athos, Greece, is supposed to have been woven from wool by the Virgin Mary herself (“Poias Bogoroditsy”), who wore it during her pregnancy with Jesus and up to her death (“V Oktiabre”). In October 2011, the relic was brought to Russia for veneration by Orthodox believers in 14 cities (“Touring Relic”). During the month of its unprecedented tour of Russia that was administered by a foundation chaired by the head of Russia’s state railways, it was heavily covered by national media and served a perfect illustration of the state-church cooperation in Russia.

Vladimir Putin himself arrived at the Saint Petersburg airport to be the first one to greet the relic on Russian soil (“Mother of God’s Belt”) and later announced his expectations that the tour of the relic, supposedly promoting fertility, would help Russia to reverse population decline (“Putin: Poias Bogoroditsy”). He was followed by then-president Dmitri Medvedev, who worshipped it in Nizhniy Novgorod in the middle of the tour (“Medvedev v Nizhnem Novgorode”), as well as other high-profile public figures, including regional governors and even the leader of the Communist Party of Russia (“Kommunisty Prizvali”). According to estimates of the Russian Orthodox Church, during the one-month tour of the relic across Russia, it was worshipped by 3 million people (“Kovcheg s Poiasom”), most of whom had to wait for hours in miles-long lines for their turn to touch the relic, often from morning to the night, in the wind and cold.

In social media, however, the event was heavily criticized for causing traffic jams in big cities, ritualizing faith and worsening the divide between ordinary people and power

elites. Photographs were shared on social networking sites featuring VIP tickets for high-ranking officials enabling them to venerate the relic without having to stand in queues (Faustova). These were the main trends that determined the state-church relations in Russia before and during the Pussy Riot trial.

### Judicial System

Russia is a civil law country (Burnham, Danilenko and Maggs). Unlike in common law systems such as the United States of America, where judges rely in their rulings on legal precedent, judges in Russia base their decisions on a comprehensive system of laws organized into written codes. One of such codes is the Criminal Code of the Russian Federation, from which the charges against Pussy Riot came from.

The judicial system in Russia consists of three major branches (Solomon, "Judicial Power in Russia," 551). The first branch, the Constitutional court, exercises the power of judicial review, verifies the constitutionality of the law applied by other courts and as well as laws and normative acts issued by the state. The second branch, arbitration, handles disputes between business entities. Finally, courts of general jurisdiction handle civil, criminal, and administrative cases. Although the lowest level of courts of general jurisdiction is represented by justices of the peace, district courts have original jurisdiction over most criminal cases, including those the maximal punishment for which exceeds three years. The charges that were brought against Pussy Riot were punishable under Article 213, § 2, clause b of the Criminal Code of the Russian Federation and carried a potential seven-year sentence. That is why the case was tried by a district court, the Khamovnicheskii District Court of Moscow. According to Russian law, the decision could be appealed at the court of a respective federal subject of Russia. In the Pussy Riot

case, with Moscow as a separate federal subject, the City Court of Moscow decided the appeal. After this court confirmed the sentences imposed on Tolokonnikova and Alyokhina, their defense team appealed to the Supreme Court of the Russian Federation.

Providing the legal context to the Pussy Riot case requires something more than situating it within the existing judicial system. The question that needs to be addressed with regards to allegedly politicized cases such as this is independence of the judicial branch from the executive one's interference. Just like other questions, this, too, needs to be looked at from a broader historical perspective.

As powerfully argued by one legal historian, in the Soviet Union, "justice, like everything else, was owned by the state" (Aron 3). With membership in the Communist Party being a requirement for judgeship, judges were subjected to party discipline that was enforced by local party organizations who controlled their tenure and promotion, let alone reappointment every five years (Solomon, "Authoritarian Legality and Informal Practices" 353). In terms of salaries and nonmonetary perks, judges belonged to the lowest whit-collar employees (Solomon and Foglesong), making their economic vulnerability another source of their dependence of the party's benevolence. The only matters in which Soviet judges enjoyed relative autonomy from the influence of the executive branch were low-stake civil matters such as divorces and disputes between neighbors. In other cases, Soviet proceedings demonstrated a clear accusatory bias, where the prosecution and the judge often worked "hand in glove" (Aron 5) to convict a defendant, and a *de facto* presumption in the Soviet criminal process was that not of innocence, but of guilt (Smith 3).

It is no wonder, then, that when *perestroika* was initiated by Mikhail Gorbachev in



the 1980s, “insulat[ing] the courts from official pressure” (Quigley 66) was proclaimed as one of its main objectives. An independent judiciary became an integral component of a system that had to replace the lawlessness of the previous decades by following principles such as “law as a mediator of all disputes,” “a legislative process reflecting the wishes of society,” “high quality, workable legislation,” and “the constitutional control of the government” (Sharlet 14).

Gorbachev called for a system in which “the supremacy of the law in ensured in fact” (“O Khode Realizatsii”) and made the umbrella term used to denote this ideal system, “law-governed state”, or “law-based state” (*pravovoe gosudarstvo*), one of the slogans of his campaign. Not having a conceptual equivalent in English-speaking legal systems, the term is derived from the concept of *Reichsstaat*. It entered the vocabulary of Russian legal scholars in prerevolutionary years, who borrowed it from the 19<sup>th</sup> century German legal thought. The concept was hotly debated in Russian Empire at the beginning of the 20<sup>th</sup> century to be denounced in the U.S.S.R., as violating the idea of ultimate supremacy of the party leadership over the state (Berman and Barry 2), until it was revived during *perestroika*. In the absence of an agreed-upon English equivalent, some theorists prefer to use as a synonym to “state based on the rule of law” (Herspring 99, Terrill 350) or “rule-of-law state” (Beissinger 43; Butler 104-105).

The problem with the rule-of-law based terms is that using them masks deep conceptual differences between *Reichsstaat* and the rule of law in the way it has been understood and practiced in England and then – after its adoption and appropriation – in the U.S. The rule of law stems from the assumption that a law is higher than the state. This means that “certain basic principles of justice may not lawfully be infringed even by

the highest lawmaking authority” (Berman and Barry 2). Although these moral principles are stated in the written form of a legal document, what provides them with binding legal force is first and foremost their origin – using the terms of the U.S. Declaration of Independence – from “Nature and Nature's God” (“The Declaration of Independence”). The concept of the rule-governed state, on the contrary, implies that “the state itself is the highest, if not the only, source of the law through which it operates” (Berman and Barry 3). In other words, it denies the existence of a fundamental law that could be derived from a source outside – and above – the state and that the state could not change. In this sense, the rule-governed state should be more correctly viewed as a rule *by* law, rather than rule *of* law (Berman and Barry 3).

It is not to suggest, however, that Gorbachev’s proposal was not a big step toward a greater functionality of the Russian legal system. It identified the weaknesses of the existing system and paved a path to a reform in the 1990s, the one that was called by some scholars nothing less than a “legal revolution” (Aron 5). Assigning to judiciary autonomy separate articles in the 1993 Constitution underscored the state’s commitment to live up to its promises:

Article 120.

1. Judges shall be independent and submit only to the Constitution and the federal law.

Article 121.

1. Judges shall be irremovable.  
2. The powers of a judge be ceased or suspended only on the grounds and according to the rules fixed by the federal law.

Article 122.

1. Judges shall possess immunity.  
2. A judge may not face criminal responsibility otherwise than according to the rules fixed by the federal law (“Konstitutsia Rossiiskoi Federatsii”).

The institutional basis of judicial independence introduced during Yeltsin’s

presidency included securing judges' tenure and judicial self-government by qualification commissions.<sup>16</sup> The early Putin's era witnessed considerable progress in advancing the judicial reform. His administration succeeded in greater codification of the Russian law by adopting new procedural codes, dramatically increased funding of the courts, provided judges with decent salaries, and reduced the caseload for courts of general jurisdiction by introducing the institute of justices of peace (Solomon, "Threats of Judicial Counterreform in Putin's Russia").

However, despite a huge amount of debate and effort at reforming the system, many worry that Russia's judicial system still fails to fulfill its duties (Popova, Hendley, Kahn, Ledeneva). The 2011 "Freedom in the World" Report of Freedom House specifically mentioned Russia as the country whose "leadership showed blatant disregard for judicial independence" ("Freedom in the World 2011"). In its rating on Judicial Framework and Independence calculated by Freedom House as part of its Nations in Transit annual publication, Russia went from 5.25 in 2005 to 6.00 in 2014 on a 7-point scale (with 1 representing the highest and 7 the lowest level of progress in judicial independence) ("Nations in Transit 2014: Eurasia's Rupture with Democracy" 17).

The concern is that, despite the endorsement of principles of the law-governed state at the *formal* institutional level, Russian authorities continue to maintain control over courtrooms by using *informal* practices. One of the most infamous practices was even merited a separate term, "telephone law," to denote "a practice by which outcomes of

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<sup>16</sup> Since 1993, mandatory five-year reappointments were replaced by appointments for life until retirement, with firing being possible only by decision of other judges serving on judicial commissions (Trochev, Solomon, "Authoritarian Legality and Informal Practices").

cases allegedly come from orders issued over the phone by those with political power rather than through the application of law” (Hendley 241). As no less metaphorically pointed out by another researcher, “one of the most intriguing features of the politico-legal scene in Russia over the last decade has been that political struggles were often fought out in the criminal court” (Feldbrugge 209). The examples of cases criticized by human rights observers as politicized include the overly selective prosecution of oligarchs Vladimir Gusinskii, Boris Berezovskii, and Mikhail Khodorkovskii (Smith),<sup>17</sup> trials against Colonel Mikhail Trepashkin ("The Case of Mikhail Trepashkin") and naval officer Aleksander Nikitin (Severance), scientists Igor Sutyagin ("Case of Sutyagin v. Russia") and Valentin Danilov (Roth) and others (Hendley). As demonstrated in the Introduction, in 2012, the human rights observers’ list of politicized trials in Russia was updated with the Pussy Riot case. As part of the legal analysis of the Pussy Riot trial materials, I test the conclusion about the court’s prosecutorial bias in this case by looking at the court’s decision through the lens of the elements of the criminally punishable hooliganism as well as the alternative, more lenient, interpretations of their performance as an administrative offence.

### Media Environment

During the last century, the Russian mass media’s output was largely determined by the authoritarian practices of the Soviet regime that subverted press for propaganda purposes and subjected it to censorship and government control. As stated above,

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<sup>17</sup> Mikhail Khodorkovskii’s case ended up with de-facto nationalization of the private oil company “Yukos” (Smith 6). Having served ten years in prison, he was released in December 2013, under the same amnesty as Pussy Riot’s Tolokonnikova and Alekhina (Clark).

editorship was abolished in Russia in the 1990 as part of Gorbachev's *glasnost* efforts.

According to Article 3 of the Law of the Russian Federation "On mass media" of 27

December 1991,

No provision shall be made for the censorship of mass information, that is, the demand made by officials, state organs, organizations, institutions or public associations that the editor's office of a mass medium shall *get in advance agreement* on a message and materials (except for the cases when the official is an auditor or interviewee) and also for the suppression of the dissemination of messages and materials and separate parts thereof.<sup>18</sup>

However, this protection does not mean the absence of legal mechanisms that could be employed by the state to suppress unwelcomed views. What the above cited article ensures is the ban on the *preliminary* censorship (see the emphasized). This does not, however, rule out the possibility of legal prosecution of a media outlet *after* the publication, which is authorized by Article 4 of the same law:

No provision shall be made for the use of mass media for purposes of committing criminally indictable deeds, divulging information making up a state secret or any other law-protective secret, the performance of extremist activities, and also for the spreading of broadcasts propagandizing pornography or the cult of violence and cruelty.

The elasticity of the terms cited in the law, each of which could potentially be used to legalize the shutdown of a media outlet, set the stage for changes initiated by Putin twenty years later. In 2006, he signed a bill that broadened the definition of one of the terms, "extremist activities," to include "public slander directed towards officials fulfilling state duties of the Russian Federation" (Arutunyan 74). This allowed to invoke

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<sup>18</sup> Emphasis mine.

the new law in numerous cases in which the journalists and editors were previously – and increasingly more often – charged with libel against public servants.

The political pressure put on the press is amplified by the financial difficulties with which the Russian media have had to cope since the very first post-Soviet years. As noted by Arutunyan (32), “70 years of communism and state-controlled media gave birth to a media system that completely lacked one of its most important components – an economic infrastructure,” which could hardly be fixed with the abolishment of state censorship alone. The failure of independent financial sustainability has brought the Russian mass media under the ownership of the state-affiliated corporations or private capital that have to demonstrate loyalty to the government to protect their business interests.

It seems only natural that one of the recently introduced typologies of the contemporary Russian media system (Toepfl) categorized the country’s media outlets based on the difference in their positions towards the ruling elites: official mass media, mainstream mass media, and liberal-oppositional mass media. The rationale behind categorizing the media along those lines is supported by earlier research. Although the Russian media are now much more plural in ownership and no longer directly depend on financial government support as they were during Soviet times (Sparks), the weak economic ground on which most Russian newspapers operate makes them vulnerable to external interference highly dependent on their loyalty to the ruling regime (Votmer). This makes political alignment a useful criterion for classifying Russian media outlets, particularly those who rely on quality (Pietiläinen), rather than a tabloid style of reporting.

Speaking in terms of media audience, since the U.S.S.R. collapse, Russia has transformed “from a nation of readers to a nation of TV viewers,” with 98 percent of Russians watching television (Pietiläinen 367). The popularity of TV can be partially attributed to its low costs: leaving aside the cost of electricity as insignificant, Russians do not have to pay for the most popular TV channels (Vartanova and Smirnov 22). Newspapers, which constitute the focus of my research, have been toppled from the top position, but are still the second most popular medium, with 66 percent reading them regularly (Pietiläinen 367). The role of newspapers as a source of information increases with higher income and higher education: the wealthier and more educated citizens are, the less they rely on television for their news (Pietiläinen 382). The Internet is gradually replacing newspapers in this role, particularly among the educated, high-income elites and youth (Pietiläinen 365; “Where Russians”).

The government-funded *Rossiiskaya Gazeta* is the flagship of the official print media. According to the newspaper website, it “is intended for the general reader, embracing everything from daily news, special reports and interviews of government officials to expert commentaries on documents of state” (“About the Newspaper”). The print edition has a circulation of 180,000. The newspaper website provides consistently updated information and has an audience of 16.9 million unique visitors per month (“Rossiiskaya Gazeta Media Kit”). The opposite end of the political spectrum, liberal-oppositional media, hosts outlets that criticize the regime and advocate democratic values. In this research, they are represented by *Gazeta.ru*. Created in 1999 as the first online media outlet in Russia, it provides round-the-clock news coverage to the audience of 20.1 million unique visitors per month (“Gazeta.Ru Media Kit”). Finally, the middle

position is occupied by the mainstream media, which are largely supportive of the regime, although some aspects can be selectively criticized. The mainstream media are represented in this study with *Izvestia*, a daily newspaper with a circulation of 234,500 ("Izvestia") and some 3 million unique website visitors per month ("Izvestia Media Kit"). A Soviet-era newspaper of record, it positions itself as an analytic source of business and political news<sup>19</sup> and ranks as the top-cited Russian media outlet (Luchina).

Although it is quite problematic to characterize these newspapers in quantifiable indicators going beyond the circulation and website visits due to the absence of exhaustive reliable statistical data on the condition and dynamics of the Russian media market (Vartanova and Smirnov 22), the status they share as quality papers makes them suitable for the purposes of exploratory content analysis of the Pussy Riot media coverage, the results of which are presented in Chapter 4.

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<sup>19</sup> This stands in high contrast to the newspaper *Komsomol'skaya Pravda*. Although it does outrank *Izvestia* in quantitative terms with its approximately 550,000 readers of the print daily edition ("Kp-Daily") and 21.7 website visitors per month ("Statistics of Website Visits"), its tabloid nature (Arutunyan 17) makes it a poor selection for making valid comparisons of its coverage with that of the other two more high-brow media outlets.



## CHAPTER 2

### CRITICAL DISCOURSE ANALYSIS OF THE “PRAYER” AND THE EXPERTS’ REPORT AS ITS DISCURSIVE OPPONENT

This chapter offers a comparative critical discourse analysis of the lyrics of Pussy Riot’s “prayer” and the experts’ report as its discursive opponent to explore the discursive devices and rhetorical strategies employed in these texts to challenge or sustain the existing power relations in Russia.

The need for such a close reading of the “prayer” stems from the nature of the Pussy Riot affair. As I demonstrated in previous chapters, the timing and the multitude of the conflicting interpretations of the band’s performance have transformed the Pussy Riot affair – using the term that Chilton made famous – into a “critical discourse moment” (12) that put issues of religious satire, political critique, and the boundaries of free speech at the center of public discourse in Russia. The actual video footage of the performance, however, was far from remarkable in terms of the audience reached: in March 2015, three years after the performance, the number of views on YouTube did not exceed 3 million, a figure hardly comparable to that for videos considered viral (Broxton et al.). While the video footage did find its way to a wider audience by other means, such as TV broadcasts or pictures in newspapers, the lyrics were usually mentioned in passing, with references not going far beyond citing the title of the prayer. When demonstrated on mainstream Russian TV as part of the news reports that covered the trial, the video of the performance was generally accompanied not by the original soundtrack, but by the comments of reporters or experts who most often suggested its blasphemous nature. The clearly provocative visual component of the performance made it an easy target for such

interpretations, which could have led to overlooking the content of the prayer.

One of the rare lengthy readings of the prayer was provided in court, in the form of a 21-page report from the psychological and linguistic experts who supported the prosecutor's case (Feygin) and were cited in the court decision ("Prigovor"). Aiming to refute Pussy Riot's claims that the performance was a political critique and to present the performance as having been motivated primarily by religious hatred, the experts conducted a complicated semantic analysis to argue that the performance was self-evidently "unacceptable" to Russian society, making the report quite an interesting discursive product of its own. Although, strictly speaking, the legal adversary of Pussy Riot was the prosecution on behalf of the state, I view the report as the band's discursive opponent that can be reasonably treated as a proxy for the state's position in the case.<sup>20</sup>

In the independent Russian media and abroad, the performance was usually described – quite in line with the explanations provided by Pussy Riot in court – as having been targeted at the growing ties between church and state. Yet, even these descriptions were quite understandably devoid of many specifics embedded in the cultural and historical context, which underrated the potential value of the performance for providing insight into the power relations in contemporary Russia that it meant to challenge. Recent articles (Bernstein, Denysenko, Prozorov, Storch) and books (Brysk,

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<sup>20</sup> The report analyzed was actually a third report that was ordered by the prosecution, after the first two reports with different groups of experts did not support the prosecutor's case. The third report that did provide justification for the prosecutor's claims was used by him in the bill of indictment and – eventually – was cited by the judge in the court's decision (Feygin). Notably, despite numerous requests from the Pussy Riot's defense team, the prosecutor's selectivity was never questioned by the judge. This seems particularly noteworthy considering the fact that, as demonstrated later in the Chapter, Russian criminal law explicitly allows evaluating experts' reports in court hearings, including putting experts on the stand.

Gessen) have attempted to contextualize Pussy Riot's performance and the political discourse they oppose by looking at them through the lenses of parody, profanation, body politics, and even the concept of "holy fools" in the pattern of Christian prophets. This chapter contributes to this discussion by conducting a comparative analysis of the Pussy Riot text and the experts' report as its discursive opponent.

Through a critical discourse analysis of the original lyrics of the "punk prayer" and the expert report, I demonstrate that, although they both describe the case as a struggle between the alliance of state and church, on the one hand, and the opponents of these close ties, on the other, their discursive devices and rhetorical strategies serve opposite goals. The prayer challenges the social norms sustained by the state and religious authorities, while the report intends to naturalize these norms and discredit religiously contextualized political protests as crossing the boundaries of legitimate public debate.

#### Critical Discourse Analysis as a Theoretical Framework

To examine the discursive devices and rhetorical strategies employed by Pussy Riot's "prayer" and the experts' report, I employ critical discourse analysis. Drawing on insights from linguistics, semiotics, literary theory, social cognition, rhetoric, cultural studies, and other disciplines, it does not offer a single set of analytical tools, but instead can be viewed as an umbrella term for denoting an approach to studying discourse as "talk and text in social practice" (O'Reilly et al. 249). What unites critical discourse analysts regardless of their methodological preferences is the view of language as a product of and tool for social construction: "language both shapes and is shaped by society" (Machin and Mayr 4).

Those who employ critical discourse analysis are particularly concerned with power relations. Language is never neutral. Instead, analysts must view language as a set of resources that communicators purposefully choose for particular ideological purposes (Kress). In this sense, power relations are inherently discursive, that is, they are exercised, practiced – and hence can be studied – through discourse (Fairclough and Wodak). Critical discourse analysts therefore seek to expose the underlying ideology of texts by asking what power interests are “buried” in them and “what possible ideological goals they might serve” (Machin & Mayr 5). Central to this theoretical endeavor is a focus on the role of discourse in the “(re)production and challenge of dominance” (Van Dijk 249) and power abuse. The latter is defined as “breaches of laws, rules and principles of democracy, equality and justice by those who wield power” (Van Dijk 255). This makes critical discourse analysis a particularly relevant theoretical framework for analyzing both the “punk prayer,” which explicitly challenged what the Pussy Riot members viewed as the abuse of political power by Putin and the Russian Orthodox Church, and the experts’ report, which, in view of the questionable fairness of the verdict, may have contributed to legitimizing this abuse. The aforementioned diversity of methodological tools used by critical discourse analysis (Blommaert and Bulcaen 450) provides researchers with flexibility in choosing those research questions and procedures that are most applicable to the topic under study.

As I noted above, critical discourse analysis does not constitute an explicitly defined methodology. According to Wodak and Meyer, textual analysis informed by a critical discourse approach “strongly relies on linguistic categories...such as agents, mode, tense, argumentation, and so on” (28), the selection of which depends mainly on

the specific research questions. Let me, then, introduce the sub-questions that I strived to answer as part of addressing my first research question.

Aiming to reveal whose power each of these texts intends to challenge or sustain, the first sub-question I asked is which social actors the two texts vest with agency. Defined as “the socioculturally mediated capacity to act” (Ahearn 112), the concept of agency introduces a useful distinction between an *actor*, a person whose actions are rule-governed or rule-oriented, and an *agent*, a person who is engaged in the exercise of power as (re)constituting the world (Karp 137) and not “just following orders” (Moses 205). According to some theorists, possessing agency is inevitably associated with resistance to the status quo (Goddard 3) and domination (Frank 286). Although some other theorists have questioned the usefulness of addressing agency within a dualistic framework, “one in which norms are conceptualized on the model of doing and undoing, consolidation and subversion” (Mahmood 23), oppositional agency remains one of the most prominent forms of exercising agency in texts (Ahearn 115). This allowed me to frame the first sub-question as follows:

RQ1a: What social actors are portrayed in the texts as possessing agency? In cases of the limited or absent agency of certain actors, whose power is presented as constraining their capacity to act?

The second sub-question intends to reveal the rhetorical strategies the texts employ to either sustain or challenge the existing boundaries of legitimate public debate. The strategy of naturalizing appears to be of particular relevance here. Naturalizing occurs when a text uses language to create, maintain, and legitimize certain types of social practices by presenting them as normal, neutral, and taken-for-granted (Machin and Mayr 5, Van Dijk 250) or, vice versa, condemning other practices as unnatural and

contradictory to common sense. Therefore, my second sub-question is:

RQ1b: What social practices are presented in both texts as (un)natural and (ab)normal?

Finally, approaching language as a set of resources to achieve a particular ideological purpose, I studied not only the manifest content presented in the two texts but also the content that could have been reasonably expected to be there but is absent (Fairclough). The latter can only be revealed—using Machin and Mayr’s term—”by looking for absences” (2). I therefore studied this rhetorical strategy of exclusion by asking the following question:

RQ1c: What contextual aspects of the Pussy Riot performance relevant to decoding its message are absent from the texts? What ideological explanations do these absences suggest?

#### In Search of Agency: State as Oppressor vs. Protector of Public Peace

Studying the Pussy Riot prayer through the lens of the first sub-question reveals that almost all social actors are denied agency there. The prayer starts with the statement, “*Parishioners crawl to bow,*” which uses verbs with a clear servile connotation. While bowing is an element of the Orthodox veneration ritual (Agapov), crawling, although found in some celebrations (“V Tutaev”), is predominantly practiced as an element of the monastic tonsure ceremony (Ilarion) and can hardly be considered a component of parishioners’ typical routines. This phrasing suggests both the metaphoric nature of this rhetorical device and its intention to emphasize the submissiveness expected of Orthodox believers and the lack of agency accorded to them.

A second social group that has to meet certain expectations is that of women,

who, according to the prayer, “*must give birth and love.*” The actual decisions made by women are omitted from the narration and are not the subject of any serious discussion or consideration; it is unclear whether they decide to resist, negotiate, or acquiesce to these hegemonic gender norms. The focus is placed on the standards themselves to which women are held, “giving” rather than receiving love. This interpretation is emphasized by the ending of the phrase – as it turns out, “*women must give birth and love / In order not to offend His Holiness.*” Referred to here by his church title, the Head of the Russian Orthodox Church Patriarch Kirill I of Moscow is presented as possessing the ultimate regulatory and motivational power. However, this turns out to be a hasty conclusion, for according to the last verse of the prayer, there is someone else whose power this allegedly almighty head of the church accepts as being even more significant than his own. This someone is not God: “*Patriarch Gundyay believes in Putin.*” Remarkably, the name by which the Patriarch is addressed in this verse is not his official title, by which he is referred to in the previous verses that were meant to reinforce his power. Neither is it his church name, Kirill. The name used here is a pejorative, derisive version of his secular name, Gundyayev, which is widely used in Russian social media (“Gundyay”, Lebedev)<sup>21</sup>.

By putting the head of the state above the head of the church and equating him with God (note the full version of the excerpt, “*Patriarch Gundyay believes in Putin / Bitch, better believe in God instead*”), the text evokes the long tradition of the sacralization of the

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<sup>21</sup> This is the form of the Patriarch’s name used in the original Russian version of the prayer. The absolute majority of the English language translations of the prayer (Denysenko 1069, Gessen 118), including those provided by the Pussy Riot members themselves (“Alekhina and Others v. Russia”), used the actual, not derogatory, version of the Patriarch’s secular name. Given the focus of the research on the nuanced reading of the “prayer,” I use for analysis the literal translation of the original version.

monarch in Russia. As mentioned in the previous Chapter, the idea of parallelism between the monarch and God was borrowed from Byzantium as part of the Christianization of the Russian state, but it went much further than that, up to the monarch's assimilation of the functions of the head of the church, which made the sacralization of the monarch a part of the state mechanism (Uspenskij and Zhivov 78). By evoking the similarities between the absolute power of the monarch in the Russian Empire and that of Putin in contemporary Russia, the text portrays him as the regulatory and oppressive agent.

This idea is supported further by the following verse: "*The head of the KGB, their chief saint, / Leads protesters to prison,*" portraying Putin, a former head of the KGB's successor, the FSB<sup>22</sup>, as the agent who can take away freedom in the literal sense. Notably, those who are led by Putin to prison as well as those described in a similar statement, "*Gay pride [that is, members of the LGBT community] sent to Siberia<sup>23</sup> in chains,*" are portrayed in the prayer as the only actors who consciously resist domination and can therefore be considered agents in the strictest understanding of this term.

In this situation, when those who, besides Putin, possess agency and have to pay for it with their freedom, the authors of the prayer turn to the figure whose power has not yet been contested in the text and who could therefore challenge Putin's domination – the Virgin Mary, by famously asking her to "*drive Putin away.*"

Even more interesting results are revealed in the close reading of the experts'

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<sup>22</sup> Federal'naya Sluzhba Bezopasnosti Rossiyskoy Federatsii, FSB / Federal Security Service of the Russian Federation.

<sup>23</sup> Siberia has historically been a place of political exile and imprisonment of the government's opponents in Russia (Gruszczynska and Kaczynska 106).



report. Using Halliday's classification of verbs as representing action, the report portrays the Pussy Riot members as active "doers" of not only behavioral processes (according to the report, they "*sing, dance, cry*"). While this portrayal may be explained as an intent to merely lay out the facts of the case, it also describes mental and material processes with clearly negative connotations: "*humiliate, violate, commit.*" By doing so, the report constructs the Pussy Riot members as "focalisers" of action and allows them "an internal view of themselves" (Machin and Mayr 107). Usually, this discursive device encourages empathy with the actors by humanizing them in the eyes of the reader. This is not what the report intends to achieve. By claiming to be providing insight into the actual motivations of the Pussy Riot members and presenting those as inherently violent and destructive, the report uses this device for exactly the opposite effect.

In addition to the Pussy Riot members, one would expect a strong position of agency from the authors of the report. Despite being informed by scholarship, the report is understood by Russian law as presenting the personal opinions of experts as individual, independent consultants. Neither their religious affiliations nor their institutional interests should affect their view of the case, which should supposedly take away the burden of any factors that might constrain their independent decision making and allow them to freely express their professional judgment. The more remarkable it is that throughout the entire report, the experts – using Van Leeuwen's term – are de-agentalized (96) by not being referenced in the text as the "doers" of the decision making process. Examples of sentences in which they present their findings include "*the analysis of the lyrics reveals . . .*" and "*the examination of the performance allows to identify . . .*" The use of the nominalization "analysis" and "inquiry" instead of alternative options like "*We*

*analyzed the lyrics and concluded . . .*” or “*We examined the performance and identified...*” conceals the agent of the action and presents the latter as an abstract, objective, dehumanized activity existing in its own right and being uninfluenced by the personal or institutional interests of the authors of the report.

The only section of the report that does mention the experts’ names is the one where it cannot be avoided by definition – the preamble, a mandatory section that assigns the responsibilities to each member of the expert team. Even here, the report uses passive verbs: “*the answer to questions 1 and 2 was given by . . . Abramenkova,*” which results in “backgrounding” and decentering the experts from their actions.

A similar discursive device is used in the section that concerns one of the most heavily criticized aspects of the prosecution’s case used to prove the presence of the two defining elements of criminally punishable hooliganism in the Pussy Riot performance: the manifestation of the patent contempt of society (as an aspect of *actus reus*) and the motive of religious hatred (as a part of *mens rea*). Without proving the presence of these elements, the prosecution’s claim that Pussy Riot’s actions are criminal should have been refuted by the Court and been transformed into an administrative offense. To prove the presence of these elements, the prosecution posed two separate questions<sup>24</sup> to the experts that demanded two independently justified answers. On the contrary, however, the experts elected to combine them within one answer. The rhetorical devices chosen to

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<sup>24</sup> The first question asked “whether the Pussy Riot’s actions can be viewed as gross violation of generally accepted norms and behavior standards manifesting patent contempt of society and/or a particular social group” (Feygin) and was meant to reveal the presence of the *actus reus* element of hooliganism. The second one asked “whether these actions can be viewed as motivated by political, ideological, racial, national or religious hatred or enmity with respect to a social group” (Feygin) and referred to another element of criminally punishable hooliganism – *mens rea*.

justify this otherwise unexplained decision are particularly revealing: “[*In view of the circumstances of the case*], it was considered to be reasonable and appropriate to combine the examination of the materials within the first and second questions.”

Presented this way, the exact circumstances that would justify the violation of the legal decision making logic remained backgrounded. Using the words “*reasonable*” and “*appropriate*” without specifying what exactly makes the experts’ decision reasonable and what makes it appropriate gives the impression of being detailed, well-thought-out, and precise, without being such, and presents the rhetorical strategy of “strategic ambiguity” (Wood and Kroger). Similarly concealed remains the agent responsible for “considering,” which, once again, removes the sense of agency from the process of this questionable decision making.

In fact, the only actor whom the report portrays as possessing the agency strong enough to oppose the negatively connoted agency of Pussy Riot is the state. According to the report, the state “*respects the norms set by religious institutions*” and “*support[s] the rules [of public behavior in religious buildings] with legal norms,*” thus playing the patronizing role of the agent who sets the rules of the game and ensures the proper behavior of society members for the public good. In this situation, the report presents the case as a struggle between evil disrupters of social order and a fair, though strict, protector of the public peace.

### Portraying as (Un) Natural as a Rhetorical Strategy:

#### Pussy Riot vs. Civil Obedience

The rhetorical strategy undertaken by Pussy Riot can be described as a purposeful juxtaposition of opposites, or – using the term of the report – a “combination of the

sacred and profane.” Little in the text is portrayed as being natural and commonsensical, starting with the very title of the song, “*punk prayer*.” It combines *punk*, a movement known for its anti-establishment philosophy and promotion of individual freedom in a visually provocative way (Kugelberg and Savage), with *prayer*, an intimate, inwardly oriented activity and a hallmark of the Orthodox religion built on the principles of conciliarism, or *sobornost*, a loving, caring fellowship of believers, “the community of faith,” which cannot be divided and where “bishops, priests and laity all together constitute the people of God” (Arola and Saarinen 132), condemning the very excessive individualism that is promoted by punk.

This contrast sets the tone for the entire text. One line of the prayer starts with the words, “*Black robes*,” referring to the plain vestment of Orthodox priests and monks. Indeed, the very etymology of the word *robe* (or *ryasa* in Russian) refers to the Latin word *rado*, which means “wear shabby, threadbare clothes” (Golubinsky 572) and should evoke associations with ascetic votaries of God who renounce any of the joys of the secular life. Yet, the ending of the line puts the plausibility of this idealistic image in doubt. In the words “*Black robes, golden epaulettes*,” the golden color of the clerical dress worn by Orthodox priests during the liturgies (“Tsveta”) that are public events worshipping God is placed in opposition with articles of military clothing (*epaulettes*) that are symbols of a commitment to protect the interests of the state.

A similar effect is ensured by the line that starts with the words “*the cross-bearer procession*,” evoking associations with the Orthodox tradition to gather believers for a communal outdoor ceremony of bearing the cross or other relics while singing prayers and hymns (Purtov). This event is intended to make its participants equal in God’s eyes

regardless of their background and economic status. Once again, however, the ending of the line challenges this canonical image. The cross-bearer procession turns out to consist of “*black limousines*,” suggesting that some people are “more equal than others” in gaining God’s favor. This image refers to the criticism raised by the independent press and social media users against the alleged participation of the Church management in importing alcohol and tobacco products (Soldatov), expensive possessions such as exclusive watches (“Patriarkh Kirill Nosit”), a yacht (“Yachta”), luxurious motorcades (Soldatov), and favoring some parishioners over others by allowing top-ranking officials to venerate Orthodox relics without having to stand in a queue (“Power of Attraction”). Notably, this line of reasoning was continued by the Pussy Riot members in their public appearances, one of which was quoted in the court decision:

This [the Cathedral of Christ the Savior] is not a house of God, but the office of the ROC [Russian Orthodox Church]. We officially came to the office of ROC to express our thoughts. The Cathedral of Christ the Savior looks not like a place of spiritual life, but like a business center: banquet room leased for big sums [of money], dry cleaners, laundry, secured parking space... (“Prigovor”).

This deliberate contrast between the canonical representations of religious devotion and the overtly unrighteous and self-interested behavior of Church leaders is a strategy intended to challenge the social norms sustained by the authority of the Orthodox Church.

The experts’ report uses a completely different strategy, “naturalizing” the close ties between the church and state while inflating the “taken-for-grantedness” of the unacceptability of Pussy Riot’s actions. The discursive devices used to that end appear early in the report, in the section “Circumstances of the Case,” which is intended to

merely outline the factual information pertaining to the issues under study. However, this section describes the Pussy Riot members as wearing “*provocatively bright balaclavas*,” an evaluative judgment with a clearly negative connotation.

To boost the validity of their arguments, the experts appeal to what they call a “*fact of common knowledge*” and a “*fact that does not need proof*” and precede their conclusions with constructs such as “*their [Pussy Riot’s] actions cannot be viewed other than . . .*” This tactic is surprising, as it is usually the job of experts to provide accounts that go beyond commonsense clarifications as well as to challenge them with alternatives to ensure that their explanation of the motives and the consequences of the Pussy Riot performance is the most reasonable one. However, the use of these discursive devices makes more sense when looked at as a purposeful strategy guided by the consideration that such language choices “make the [decision making] process appear as neutral and more objective once presented as a fact” (Machin and Mayr 140). By pursuing this strategy, the experts gloss over the fact that some of these “factual conclusions” are actually their personal interpretations. Finally, the abundance of references to the obviousness and “naturalness” of the findings can be viewed as an example of “overlexicalisation,” which usually serves as evidence of an “attempt to over-persuade” (Machin and Mayr 222). Remarkably, one of the constructions that utilizes the very same strategy, “*[the Pussy Riot actions] were quite definitely a gross violation of public order*,” is meant to justify another very problematic argument in the prosecution’s case, which is that the violation of public order caused by the Pussy Riot performance was gross and therefore was subject to criminal, instead of much more lenient administrative, prosecution. By labeling this highly contestable conclusion as “quite definite,” the

experts are trying to suggest that it is not open to debate.

In view of these numerous references to the obviousness of their conclusions, it seems particularly significant that some truly obvious aspects of the Pussy Riot performance escape the experts' attention or yield a rather farfetched interpretation. For example, the unambiguous mentioning of the Patriarch in the "punk prayer" is not addressed by the experts at all. Instead, this Pussy Riot criticism is presented as being targeted against Orthodox priests as a social group, based on the constructions "*black robe*" and "*a teacher-preacher will meet you at school.*" Indeed, a singular noun functions here as a stylistic device, widely used in the Russian language to describe a group of people, who would normally be denoted with a plural noun, in order to make that description more aphoristic and expressive (Golub). However, overlooking the parts of the prayer that explicitly mention the name of the Head of the Church, for example in the above cited line "*Patriarch believes in Putin,*" in the twenty-one page document produced as a result of the close reading of the one-page lyrics of the prayer suggests that it has been a strategic omission.

Similarly strategic appears to be the experts' failure to recognize the prayer's implicit references to Putin. For example, the above-cited line "*The head of the KGB, their chief saint*" is interpreted not as a reference to Putin as the former head of the agency that functionally succeeded the KGB but to the Russian security services in general and a slander against Orthodox priests. Central to this strategy is the experts' decision to analyze this construction partially, without the ending – "*Leads protesters to prison,*" which allows them to conclude that the prayer "does not use any offensive words and expressions toward Putin (as compared to the other mentioned persons)." The

failure to recognize the prayer's criticism of Putin's actions, such as silencing political opponents or encouraging the further interpenetration of the church and state by providing the Orthodox Church with access to educational institutions, results in the conclusion that the political motive claimed by Pussy Riot was absent from the performance. According to the experts, the only part of the prayer that suggests the political motivation is the refrain "*Virgin Mary, drive Putin away,*" which "looks completely extraneous and out of the context of the song, the content of which is devoted to insulting and humiliating not Putin, but the social group of Orthodox believers" and which "is highly likely to have been used . . . in order to artificially position the action as a political protest."

Portraying the Pussy Riot performance as criticizing not the activities of particular personalities such as the Patriarch and Putin but as "insulting and humiliating" a broad group of Orthodox believers – if not all citizens of the country, who, according to the report, "*respect traditional religions of Russia as an important element of social life, history, and culture*" – serves to marginalize Pussy Riot. By playing on the "us vs. them" divide and presenting their actions as deviating from norms followed by the majority of the population, who supposedly exceed the supporters of Pussy Riot both numerically and in "spiritual wealth," the report delegitimizes their performance and presents it as crossing socially acceptable boundaries.

#### Looking for Contextual Absences: Raising Issues of Public Concern vs. Glossing over the Political Aspects of the Performance

The Pussy Riot performance is a visually provocative and intellectually challenging form of theatre that requires the reader and the viewer to be familiar with the



Russian social, political, and cultural context to be able to decode its message. Staged in the full swing of the presidential campaign, the prayer invoked references to the recent public and political events that had been associated with Putin as a candidate in that campaign.

The above-mentioned line “*A teacher-preacher will meet you at school / Go to class - bring him cash*” is one of such examples. In 2010, the government approved teaching religion in the schools of twenty regions of Russia by allowing parents to decide whether their children would learn either the basics of religion or secular ethics (“Rasporiazhenie”). In 2012, this practice was extended to the rest of Russia (“Poruchenie”). As mentioned in Chapter 1, two weeks before the performance and less than a month before the day of the election, the Patriarch hosted a meeting with Putin and called him “surely the most likely” winner of the presidential race (“Stenogramma”). The heads of the other three religions legally recognized in Russia as traditional were also invited by Patriarch “to discuss the future of the country [with Putin] in, first of all, his capacity as a presidential candidate.”

Similarly multi-layered is the line “*The belt of the Virgin can’t replace rallies,*” which evokes references to the official address by the Patriarch to Orthodox believers three weeks before the performance. Referring to the anti-government protests that had been held in Moscow and other Russian cities during the presidential campaign (Barry and Kramer), he warned his parishioners against going into the streets by offering a more acceptable way of expressing their concerns: “Orthodox believers cannot go to manifestations – they are standing in queues to [venerate the Orthodox relic of] the Belt of the Virgin” and “pray in the silence of cloisters, in monastic cells, at home” (“Slovo

Sviateishego Patriarcha”). According to Patriarch, political protests should make the heart of pious believers “bleed” and “draw in their minds clear historical parallels with dissipation and frenzy of prerevolutionary years, with disorder, confusion, and destruction of the country in the 1990s” (“Slovo Sviateishego Patriarkha”). By evoking references to the political protests that happened soon before and after the USSR’s collapse and portraying them not as evidence of the political awakening and civic activism of Soviet citizens but as “disordering, confusing and destructing” events – much in line with the pro-Soviet nostalgic rhetoric employed by Putin – the Patriarch attempts to delegitimize public political protests and push them beyond the boundaries of socially acceptable forms of citizens’ civic participation.

Pussy Riot’s punk prayer is densely packed with political references, which contrasts with the experts’ strategy of glossing over the contextual aspects of the performance in their report. One would expect that the analysis of the performance that claimed to be political would include at least some references to the political context in which it was staged. Yet, this is not what happens in the report. Neglecting to mention that the performance was staged during the election campaign is particularly telling, considering the marked attention that the report gives to discussing the likely motivation and consequences of Pussy Riot’s choice of the venue.

Much in line with this strategy, the report notes the religious and historical nuances of the Cathedral’s interior details, including the memorial plaques commemorating the soldiers who died during the 1812 Napoleonic war, but remains vague about the details of the current political and social climate in Russia. This lack of specificity serves the same delegitimizing function. By decontextualizing the Pussy Riot

performance, the text suggests that their “deviant actions” can be neither explained nor excused – a typical strategy used to discredit powerless groups, emphasize their threat to the interests of the dominant group, and sustain the existing power relations (Van Dijk 263-265).

Through a critical discourse analysis of the original lyrics of the punk prayer and the report from the psychological and linguistic experts that formed the basis of the prosecutor’s case, this chapter explored the discursive devices and rhetorical strategies employed in these texts to challenge or sustain the existing power relations in Russia. As the analysis makes clear, while the punk prayer criticizes State and the Russian Orthodox Church as oppressive and corrupt by disrupting and denaturalizing the images typically associated with their rhetoric and rituals, the report normalizes conformity, depoliticizes Pussy Riot critique, and delegitimizes public political protests by pushing them beyond the boundaries of socially acceptable forms of citizens’ civic participation.

## CHAPTER 3

### THE LEGAL ANALYSIS OF THE COURT DECISION

In this chapter, I provide the outline of the court's rationale for the decision in the Pussy Riot case and evaluate the soundness of the ruling by looking at the case through the lenses of the four elements of hooliganism and alternative interpretations of Pussy Riot's performance. I also analyze post-case amendments to the Russian law regulating religiously contextualized speech.

For the legal analysis of the case, I analyze the trial materials, relevant other legal sources and scholarship. The trial materials I examine include the bill of indictment issued by the public prosecutor, the decision of the Khamovnicheskii District Court of Moscow, the report from the psychological and linguistic experts cited in the court decision, the decisions of the City Court of Moscow, the resolution of the Supreme Court of the Russian Federation, the Pussy Riot's complaint to the European Court of Human Rights. The relevant codes and laws of the Russian Federation include: the Constitution, Criminal Code, Code of Administrative Violations, and resolutions of the Plenum of the Supreme Court of the Russian Federation.<sup>25</sup> The key international documents I examine include the Universal Declaration of Human Rights and the European Convention for the Protection of Human Rights and Fundamental Freedoms.

The selection of the conceptual framework for the legal analysis of the court decision is guided by the question posed before the Khamovnicheskii District Court of

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<sup>25</sup> The Plenum of the Supreme Court of the Russian Federation is a body of the Supreme Court that presents a conference of all Supreme Court judges. The Plenum does not decide any particular cases, but provides guidance to courts on the issues of proper application of legislation by issuing ad-hoc resolutions ("The Plenum of the Supreme Court").

Moscow, according to the bill of indictment issued by the public prosecutor:<sup>26</sup> Did the actions of Nadezhda Tolokonnikova, Mariya Alyokhina, and Ekaterina Samutsevich constitute hooliganism, that is, “gross violation of public order manifested in patent contempt of society” punishable under Article 213 of the Criminal Code of the Russian Federation, “committed by a group of persons by previous concert” (§ 2 of Article 2013) “motivated by religious hatred or enmity to a social group” (clause b) (“Prigovor,” 2012)? According to the Russian law, in order to succeed on a claim that the defendants’ actions constituted a criminal hooliganism act, the prosecution had to demonstrate that the actions contained the elements of this crime—object, subject, *actus reus* (objective element of a crime) and *mens rea* (subjective element of a crime)—as provided by the respective article of the Criminal Code. Therefore, analyzing the court’s decision in this case requires examining it through the lenses of these four elements.

### Analysis through the Lenses of the Elements of a Criminal Hooliganism Act

#### *1. Object of Crime*

A legal construction absent in the U.S. criminal law, the object of a crime describes what may be harmed by a criminal action and what is protected by Russian criminal law: human life and health; human freedom, honor and dignity; constitutional rights and freedoms; family; commercial interests; public safety; public health and morals;

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<sup>26</sup> Case materials are very seldom made available to the public by Russian courts, who confine themselves to posting on their official websites the number and category of the case along with the name of the judge. For high profile cases like this, this lack of information is usually compensated for by the news media and defense lawyers, who post scans of the actual court materials on their websites. For bill of indictment, see (“Opublikovano Obvinitel’noe Zakluchenie Pussy Riot”).

environment; and transport safety. The objects of a crime serve as an organizing principle within the Criminal Code of the Russian Federation. For example, in Article 213, hooliganism is listed under Chapter 24, *Crimes Against Public Order*, which in turn is a part of Part 9, *Crimes Against Public Safety and Public Order*. Thus, the object of a hooliganism crime is understood by a legislator as public order, an integral part of public safety. The latter is defined by Russian criminal law as a “system of relations between people, a set of public behavior standards as set by law, ethics, traditions, and customs to create a calm and safe environment in various social spheres” (“Kommentarii” 638).

Removed from the political message the Pussy Riot members intended to convey, their actions in the Cathedral consisted of dancing, jumping, singing, and shouting at a place that imposes particular public behavior standards quite distinct from those actions. Set by traditions, if not ethics, these standards are aimed at creating calm environment in religious venues as important means of organizing social life. This allowed the court to reasonably conclude that the legal term used to depict the object of a hooliganism crime—“violation of public order”—appropriately captures this dimension of Pussy Riot’s actions.

## *2. Subject of a Crime*

The subject of a crime refers to a person who can be prosecuted under a respective article of the Criminal Code. Article 213 states that the minimum age of legal responsibility is 16 years for criminal acts falling under § 1 and 14 years and older for those falling under § 2 (“Kommentarii” 339). Thus, the members of Pussy Riot were all of age to bear potential criminal responsibility under this criterion, too.

## *3. Actus Reus, or Objective Element of a Crime*

So far, the analysis has revealed that Pussy Riot’s actions met the first two elements

of a criminal charge in Russia. However, these behaviors also match a set of less serious offenses punishable under the Administrative, rather than Criminal, Code, such as disorderly conduct, also referred to as minor hooliganism. In particular, both hooliganism as a criminal crime and minor hooliganism as an administrative offense are viewed by the legal system as violating public order (that is, they share the same object characteristics), and the liability for both may start at 14 years old (in other words, they are also identical in terms of the subject).

This is what makes analysis of the *actus reus* element particularly significant in this case. Without proving the presence of specific *actus reus* sub-elements in the defendants' actions, the claim of the prosecution of their criminal character should have been refuted by the court, which would have made Article 213 inapplicable in the case and transformed Pussy Riot's actions into an administrative offense. What made it an even bigger challenge for the prosecution (or rather, as it was evidenced in court, for the defense) is that the very first component of hooliganism's *actus reus*, "gross violation of public order,"<sup>27</sup> is defined in Russian law rather loosely, as exemplified by the following explanation: "Gross violation of public order refers to the significance, seriousness of a deed violating the established order of interpersonal communication. A gross violation of public order can be exemplified with publicly performed actions that are attended with jeering at and humiliating strangers, or violating transportation regime, or derangement of mass actions, or affrays during a long period of time" ("Kommentarii" 638).

With this definition in mind, now consider the way the court applied it to the Pussy

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<sup>27</sup> The second sub-element of the hooliganism's *actus reus* is patent contempt of society.

Riot performers:

The actions of Tolokonnikova, Samutsevich, Alyokhina constitute a clear gross violation of generally accepted norms and standards of behavior given the meaning of the actions, the place of their performance. The defendants violated the generally accepted norms and standards *lying at the foundation of public order in the Cathedral of Christ the Savior*. Using foul words in public in immediate *proximity to Orthodox icons and shrines*, considering the place where these actions were performed, cannot be evaluated other than being violation of public order. What happened was basically humiliation of the Cathedral attendees, violation of public tranquility; prohibited, unauthorized intrusion into the *Cathedral's soleas and ambo*, accompanied by intentional, persistent, and long-lasting insubordination to the requests of the safety guards and parishioners (“Prigovor”).<sup>28</sup>

Leaving aside the clearly debatable description of the one-minute performance as evidencing “long-lasting” insubordination to the witnesses’ requests (which, as demonstrated above, constitutes one of the essential components of “gross violation” in the court’s eyes), a more subtle, but no less substantial, flaw in the court’s logic deserves extended comment. As evidenced by the italicized portions of the court’s decision, the court makes a clear connection between the “gross” character of this violation and the religion-related context of the deed. In particular, the court concluded that performing actions like those staged by Pussy Riot is inappropriate in the close proximity of religious articles.

However, the court did not make a further, seemingly logical, transition to the conclusion that a more appropriate choice in deciding this case would be applying Article 5.26 of the Code of Administrative Violations. Titled *Violation of the Laws on Freedom of Conscience and Freedom of Belief, as Well as on Religious Associations*, it provides

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<sup>28</sup> Emphasis mine.



punitive measures specifically for “insulting religious feelings of citizens or desecration of religious articles, marks and emblems” (“Kodeks Rossiiskoi Federatsii Ob Administrativnykh Pravonarusheniakh,” Article 5.26, § 2). Applying this article would have resulted in imposing administrative, rather than criminal, charges. Nor did the court appear to have considered “using foul words in public” (cited above in the court’s findings as an element of the criminal *actus reus*) as an offense punishable under the equally applicable Code of Administrative Violations’ Article 20.1, *Disorderly Conduct*. It explicitly mentions “violation of public order in the form of open disrespect of the public accompanied by foul language in public places” (“Kodeks Rossiiskoi Federatsii Ob Administrativnykh Pravonarusheniakh,” Article 20.1) in its definition.

In fact, blending various elements of the crime together without making proper distinctions between them was typical of the court materials in the Pussy Riot case. This manifested itself not only in the rambling wording of the verdict but, first and foremost, in violating a basic principle of deciding a case: the idea that all elements of a crime are to be considered on a separate basis, independently from each other. This principle holds that evidence must be presented in court to support the actual occurrence of each element.

One of the most powerful manifestations of this violation could be found in the report from the psychological and linguistic experts (Feygin) analyzed in the previous Chapter. As mentioned above, it that served as a foundation for the prosecution’s case and was cited in the court’s decision. The prosecution posed before the experts’ board three questions, the first two of which specifically asked: 1) whether Pussy Riot’s actions could be viewed as gross violation of generally accepted norms and behavior standards manifesting patent contempt of society and/or a particular social group; and 2) whether

these actions could be viewed as motivated by political, ideological, racial, national or religious hatred or enmity with respect to a social group (Feygin 3).

What the first question essentially asks is whether Pussy Riot's actions represent the second sub-element of the hooliganism's *actus reus*—patent contempt of society. It is defined by the Supreme Court as “intentional violation of generally recognized norms and behavior standards dictated by the defendant's wish to oppose him- or herself to others and demonstrate disdainful attitude towards them” (“Postanovlenie Plenuma”). In contrast, the prosecutor's second question to the expert board does not address the physical or social meanings of Pussy Riot actions at all. This second question focuses not on *actus reus*, but another, quite distinct, aspect of criminality, *mens rea*, Pussy Riot's *motive* for their behavior.<sup>29</sup>

With a distinction like this in the questions posed to them, it seems at best unexpected that the experts' board decided to provide only a single answer to these two different types of questions, with the following justification:

Considering the content characteristics of the provided materials and the characteristics of the action under investigation, as well as the circumstances revealed during the present examination, it was considered to be reasonable and appropriate to combine the examination of the materials within the first and two questions (Feygin 6).

The experts' report, however, provided no insight into what, exactly, constitutes these “characteristics” of the Pussy Riot actions that justified the deliberate violation of the legal decision-making logic as being “reasonable and appropriate.” What was even

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<sup>29</sup> For detailed analysis of the court's decision through the lens of the hooliganism's *mens rea*, see below.

more alarming is that this decision has never been questioned by the judge, although according to Russian criminal law, the experts' report is subject to evaluation in court hearing for compliance with logic and the Criminal Code ("Ugolovnyi Kodeks Rossiiskoi Federatsii," Articles 195, 297).

A closer examination in court of the experts' report would have revealed these clear logical flaws. By blending the finding of patent contempt of society in Pussy Riot's actions with the establishment of the group's motives, the experts (and the court) replaced this two-dimensional analysis of the case materials with an examination of only the patent contempt perspective. The report then suddenly concluded the presence of the religious hatred motive in the summary section, without providing any explicit justification or evidence relevant to this conclusion.

#### *4. Mens Rea, or Subjective Element of a Crime*

Russian law considers two *mens rea* elements of criminally punishable hooliganism. The first is direct intent defined as the deliberate decision to bring about a prohibited consequence, which in this case is gross violation of public order. A defendant is considered to intend a consequence if he or she is aware of its potential social danger and foresees that this consequence will happen (the so called "intellectual element") and desires it to happen (the so called "volitional element") ("Kommentarii" 54).

As revealed by the whole record in the Pussy Riot case, the actions of the defendants were both foreseen by them to lead to disruption of the normal functioning of the Cathedral as a public place and were desired to result in violation of the public behavior standards for attendees of religious institutions. This allowed the court to reasonably conclude that Pussy Riot's actions met the direct intent standard necessary to constitute a hooliganism crime.

In trying to understand the Russian court’s definition of Pussy Riot’s behavior as a hooliganism crime, the most challenging element of the analysis was the finding of the group’s motive of religious hatred or enmity with respect to a social group. The claim that Pussy Riot’s actions were motivated by religious hatred and enmity was clearly the most criticized portion of the prosecutor’s case throughout the trial (“Advokatskoe Soobshchestvo”), which should have imposed additional pressure on the court. Without proving the presence of the motive of the religious hatred or enmity towards Orthodox believers in the defendants’ actions, the criminal charge should have been refuted by the court, which would have made criminal Article 213 inapplicable in the case and transformed the nature of the charge into an administrative offense punishable by nothing more than a \$31 fine,<sup>30</sup> which—speaking in terms of the “Execute Not Pardon” dilemma—would signal choosing the “Execute Not, Pardon” interpretation.

In light of the central importance of this motive determination, it was surprising that the reasoning related to this finding, in both the experts’ report and in the court’s final verdict, were as illogical and as poorly written as the rest of the verdict.<sup>31</sup> One of the most powerful manifestations of this corrupted logic can be found in the following excerpt from the court’s decision:

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<sup>30</sup> This is the maximum fine amount that could be imposed on those found guilty under Article 5.26, § 2, *Insulting Religious Feelings of Citizens or Desecration of Religious Articles, Marks and Emblems* and Article 20.1, *Disorderly Conduct* of the Code of Administrative Violations. The amounts in dollars are calculated as of August 17, 2012, when the decision of the court was taken and made public (“Ofitsial’nye Kursy Valiut,” 17 Aug. 2012).

<sup>31</sup> This observation resonates with the findings of other researchers — see, e.g., (Solomon, “Assessing the Courts in Russia”), where the need to improve the equality of judgment writing in Russian courts has been explicitly listed in two of the eight measures suggested to improve Russia’s judicial system: first, as a suggested component of a special training program for judges and, second, as a criterion to evaluate the judges’ work.

The defendants' actions deeply offended and humiliated the feelings and religious viewpoints of the aggrieved parties, who suffered moral damage. Swear words that were uttered in the Cathedral, were blasphemy against God and *were unambiguously perceived* as a manifestation of religious hatred and enmity (“Prigovor” 34).<sup>32</sup>

Here, the court not only mixes the exploration of two substantially different motives of religious hatred and enmity towards Orthodox believers (the limitation indicated by the Supreme Court in December 2014), but makes a more essential mistake. That is concluding the presence of the motive based on the reaction of the affected parties, instead of examining the defendants' “guiltiness of mind” (Tebbit 170)—this latter concept, being the proper and generally accepted focus for determining the motive as constituting a subjective mental element of the crime. It would, therefore, hardly be an exaggeration to conclude that the court's misinterpretation violated the basic distinction between the subjective and objective elements of the criminal case. Although the court reasonably stated that the nature of a criminal act differs from both the nature of an administrative offence and the nature of a mere violation of moral norms, in its closing statement, it still referred to morality, describing the defendants' actions as “devoid of any moral and ethical foundations” (“Prigovor” 36).

#### Pussy Riot Performance as (Non-) Political Speech

A significant portion of the court's decision was dedicated to explaining why the defendants' actions could not be viewed as a political statement. The “political statement” explanation was put forward by the defense as the most accurate description of the

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<sup>32</sup> Emphasis mine.

performance in the absence of the concept of the “matter of public concern” in Russian law. Here is how the Pussy Riot members’ oral statements were summarized in the court’s decision:

Defendant Tolokonnikova . . . testified in court that she was sad . . . about the fact that on March 4, 2012, the presidential elections would be held to elect Putin . . . His Holiness Patriarch called upon believers to vote in these elections for Putin . . . They [Pussy Riot members] feel neither hatred nor enmity, they have strong political passion . . . They came to the Cathedral of Christ the Savior to make a political statement in an art form. The song “Mother of God, Drive Putin Away” uploaded by the Pussy Riot members along with the clip does not contain words of hatred and enmity to the believers, but explains political motives.

. . . .

Defendant Alyokhina testified in court that . . . [a]ll the band members are categorically against Putin’s power . . . They criticize the persecution of dissidents and the convergence of church and state . . . They advocate against the law banning promotion of homosexuality and mentioning nontraditional orientation in public . . . She was blackmailed when under investigation . . . to withdraw the political component of their performance.

. . . .

Defendant Samutsevich . . . testified in court that . . . they conducted a music performance in the main symbol of Patriarch’s political power. . . Patriarch ran on errands for Putin and campaigned for Putin. They decided to speak out . . . and chose the symbol of Patriarch’s authority (“Prigovor” 4-6).

The judge, however, was not convinced by the defendants’ statements and concluded that “the words [of the defendants about their political motive] are refuted by their actions, the song lyrics, and the articles seized in search” (“Prigovor” 34). It is quite notable that in its highly selective analysis of multiple interviews with the band members, the court excerpted those that explicitly declared the Pussy Riot’s respect for Orthodox believers:

We criticize the desire of the Church to play a leading role in Russia’s public and political life. We have believers among us; we are respectful towards religion and the Orthodoxy in particular,

which is why we are outraged that a great and pure Christian philosophy is [used in such a dirty way] (“Prigovor” 26).

However, these words did not convince the court of the non-blaspheous nature of Pussy Riot’s performance. Just like the rest of the record, this statement was interpreted by the court as illuminating the non-political, religiously hateful nature of Pussy Riot’s behavior:

The position taken by the defendants that all actions in the Cathedral were not motivated by hatred and enmity towards Christian believers and the Orthodoxy, but were performed for political reasons, *is untenable, due to the fact* that, as evidenced by the witnesses’ testimony, when committing this hooliganism act, *the defendants made no political statements and did not mention any names of politicians...* (“Prigovor” 38).<sup>33</sup>

In the absence of a clear definition of political speech, the court essentially narrowed it down to the voicing of political slogans or the verbalizing of names of particular political figures.

That definition, of course, would leave out much of what we would rightly consider speech addressing matters of public concern. Yet the same logic of equating political speech with verbalizations of names of particular politicians was used by the above referenced report of the experts’ board. Based on analysis of Pussy Riot’s “prayer,” they concluded that the primary aim of the performance was not political because it was staged to communicate the “insulting and humiliating attitude not towards Putin but towards the social group of Orthodox believers” (Feygin 19). According to the experts’ report, the only explanation behind including the “Mother of God, drive Putin away”

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<sup>33</sup> Emphasis mine.

chorus into what the experts called “otherwise religiously hateful song” was to be able to claim that the Pussy Riot members were actually expressing political protest.

As I demonstrated in Chapter 2, the Pussy Riot “prayer” addressed an array of controversial issues facing Russian society: the preferential status of the Russian Orthodox Church, the introduction of religion classes in schools, the increasing media coverage of religious topics, the media buzz around the Girdle of Mother of God, Patriarch Kirill’s attempts to silence political protests, and the progression of anti-LGBT legislation. Many of these issues can be chronologically, if not causally, attributed to Putin’s leadership. They all undoubtedly represent matters of public concern.

In a democratic society, one would expect a presidential campaign—like the one that was in the full swing in Russia when the Pussy Riot members staged their performance—to be the most appropriate occasion to raise questions like these. After all, the purpose of elections is not confined to picking a winner. They serve to provide a context for debating urgent issues facing the nation (Turska-Kawa and Wojtasik). Without this, the campaign becomes just a horse race (Sinclair) among individuals, not political programs, and thus fails to serve an important aspect of its original mission of deciding the future of the nation in an open debate.

As we can see, however, the court materials in the Pussy Riot case implied that political speech in general and during the election campaigns in particular, should be understood by the Russian legislature in an exceptionally rigid, narrow sense: a sense that serves entrenched powers and stifles critique. The text of the court’s decision provides another valuable insight into the limits of public discussion in contemporary Russia. While the space for political debate is shrinking, the court implied that the spheres for



intervention by the Church legitimated in the legal code are expanding. At one point, the court asserted:

Although *feminism is not a religious doctrine*, its representatives intrude into areas such as public relations, morality, decency, family relationships, sexual relationships . . . which were historically based on religious outlook (“Prigovor” 32).<sup>34</sup>

The court’s conclusion suggested that that the prerogative for the establishment of socially acceptable standards in Russia across a vast array of human behaviors, including in public relations, decency, family relationships, and sexual relationships, belongs exclusively to the government-sanctioned Church and its doctrines. The list of issues that can be addressed by non-religious institutions or citizens without condemnation for crossing the borders of “permissible” debate, the court signaled, has been narrowed significantly.

#### The Case’s Aftermath: Expanding the Forbidden Ground for Public Debate

In absence of the precedential principle in Russian law, it can be tempting to conclude that the implications of this case are limited to the life story of three women. However, the political environment of today’s Russia, with the declared, although quite questionably implemented, principle of separation of powers (Sakwa), definitely sent a clear message both to power elites and citizens. It echoed a famous Russian proverb: *Zakon chto dyshlo: kuda povernul—tuda i vyshlo* / *Law is like a shaft—it all depends on which way one turns it* (Dal’). And it definitely resonated with many Russians who were socialized into a system that integrates and constantly reinforces the idea of the government’s right to loosely interpret laws through its institutions.

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<sup>34</sup> Emphasis mine.

This message was explicitly reinforced by policy makers. Sergei Markov, an authorized representative of Putin during the 2012 presidential election, provided some of the most straightforward examples. He appeared in a “60 Minutes” segment on Pussy Riot that was aired in March 2013, a year after the performance. In response to the reporter’s question of “What exact law did they [Pussy Riot members] break?” he nodded and promptly answered in English, without an interpreter: “Oh, this issue. That’s right. The problem [was] to find the law. Finally, the court found the law” (Stahl).

As shown by the present study, the court’s decision to apply, paraphrasing Markov, “the found law” came at the cost of strained interpretations and conceptual stretching. In June 2013, less than a year after announcing the verdict in the Pussy Riot case, this discrepancy was resolved by amendments to the Criminal Code of the Russian Federation. In its coverage of the amendments, the official state-run *Rossiiskaya Gazeta*, serving as a newspaper of public record, explicitly referred to the Pussy Riot affair as the event that had prompted these legislative changes (“Gosduma V Permom Tchtenii”).

Notably, it was not Article 213, *Hooliganism* that was amended, but Article 148, *Obstruction of the Exercise of the Right of Liberty of Conscience and Religious Liberty*. That article has been renamed *Violations of the Right to Freedom of Conscience and Religion*. Its description, which was initially one of the shortest in the Criminal Code, was substantially expanded to include additional defining elements of the crime: presence of “patent contempt of society” and “intentional insult of feelings of believers” as motivational factors and “performing actions in places specifically designated for public worshipping and other religious rites” as an aggravating circumstance.<sup>35</sup> The penalties

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<sup>35</sup> As pointed out by some analysts, by explicitly mentioning the feelings of believers as

under this article were significantly toughened and now include up to two years in a penal colony, as compared to one year in a correctional facility under the previous wording. So, in a hypothetical scenario, in which the Pussy Riot case had gone to trial after those amendments had been introduced and the band members had been charged under this, arguably more appropriate, article, they would still have risked to receive the same sentence both in terms of the jail time and the type of the penitentiary institution in which they would have had to serve the sentence.

Similarly, Article 5.26, § 2, *Insulting Religious Feelings of Citizens or Desecration of Religious Articles, Marks and Emblems* of the Code of Administrative Violations, was amended to include two more items—namely, religious and liturgical books—that can now be desecrated under the threat of applying administrative liability. The punitive measures available under this article were also expanded. The maximum amount of administrative fine has been increased from by 200 times, from \$28 to \$5,621.<sup>36</sup> Additionally, the article now provides a new form of punishment: forced labor for up to 120 hours (Article 5.26 § 2).

How extensively these articles will be enforced is yet to be seen. However, it is safe to conclude that expanding the range of communicative behaviors considered “criminal” will reduce what can be considered legitimate, or even simply “non-criminal,” speech on matters of public concern. This will inevitably shrink the space for public debate.

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the object of legal protection, the amendments thus effectively left feelings of atheists and adepts of other systems of values unprotected (“Russia: Draft Amendment to the Criminal Code”)

<sup>36</sup> The amounts in dollars are calculated as of March 28, 2014 (“Ofitsial’nye kursy valiut,” 28 Mar. 2014).

CHAPTER 4  
PROGRESSIVE ARTISTS, POLITICAL MARTYRS OR  
BLASPHEMOUS HUSSIES? A CONTENT ANALYSIS OF THE  
RUSSIAN MEDIA COVERAGE OF THE AFFAIR

In this chapter, I comparatively analyze the media framing of the affair across three news outlets representing official (*Rossiiskaya Gazeta*), mainstream (*Izvestia*), and liberal-oppositional (*Gazeta.ru*) press.

Framing as a Theoretical Framework

A fundamental part of news reporting, framing is defined as a process of “selection, organization and emphasis of certain aspects of reality, to the exclusion of others” (H. De Vreese, Peter, and Semetko 108). Serving as “a central organizing idea or story line,” a frame “provides meaning to an unfolding strip of events, weaving a connection among them” (Gamson and Modigliani 143) and thus “shape[s] individual understanding and opinion concerning an issue by stressing specific elements or features of the broader controversy, reducing a usually complex issue down to one or two central aspects” (Nelson, Clawson, and Oxley 568). This simplifying function of frames is particularly important for complex issues that are accompanied by ambiguous public discourse, as in the Pussy Riot case.

However, framing does more than simplifying complex issues. By selecting some aspects of an issue or an event and making them more salient than other aspects, frames “promote a particular problem definition, causal interpretation, moral evaluation, and/or treatment recommendation” (Entman 52) and therefore can be viewed as powerful resources used to advance political agendas or delegitimize opposing views. This makes it possible to

interpret the framing analysis of news coverage as a search for the “imprint of power” (Entman 55) in the ongoing struggle over the meaning (Gurevitch and Levy 19) of issues and events in media texts.

Given this close association between framing and power, it seems only natural that the applicability of framing to studying news coverage was first convincingly demonstrated at the example of media representations of social movement (Tuchman, Gitlin), followed by research on a wide range of other protest groups (Brasted). Extensive research shows that even when protesters do succeed at obtaining the attention of media outlets, media reports portray them in a distorted, oversimplified, and disproportionately unfavorable way. Influenced by various factors—from the journalists’ considerations of convenience and custom (Tuchman, Gitlin) to preferential relationships with political elites (Gamson and Wolfsfeld)—those news reports, meant to serve as sites for the media to exercise their watchdog role, contribute to supporting, rather than challenging, the status-quo.

This seems very applicable to the case under study. The provocative nature of Pussy Riot’s performance and the drama of their trial, imprisonment, and release provided the media with the central ingredients of a newsworthy story—great visuals, conflict, and action—making the case good copy for media coverage. The question remains, however, whether this media attention translated into a fair and impartial coverage of the band or, as with previously studied protest groups, subjected their actions to oversimplification and trivialization.

Earlier research has identified a variety of strategies used by the media in framing protest. The first attempt to categorize them was undertaken by Gitlin, who developed a

set of framing devices used by the media to deprecate a student activist movement. These included “trivialization (making light of movement language, dress, age, style, and goals)... emphasis on internal dissension; marginalization (showing demonstrators to be deviant or unrepresentative... reliance on statements by government officials and other authorities... delegitimizing use of quotation marks around terms like “peace march” (27-28) and others. Later research documented the use of those framing devices in media coverage of other protest groups and enriched the initial typology with additional techniques (Ashley and Olson, Brasted). I examined how the media employed these devices in covering Pussy Riot by developing a codebook that translated them into quantifiable variables allowing to measure and compare the intensity of their usage across media outlets.

### Content Analysis as a Method of Analyzing Media Coverage

Content analysis, which served as a method for the comparative exploration of the media coverage of the Pussy Riot affair, refers to the “systematic, objective, quantitative analysis of message characteristics” (Neuendorf 1). I outline its main steps below.

#### *Data Collection*

Using the search engines embedded in the websites of *Rossiiskaya Gazeta*, *Izvestia*, and *Gazeta.ru*, I searched for all articles that included the band’s name in either English (“Pussy Riot”) or Russian (“Пусси Райот”). The timeframe for the search was February 21, 2012, the day the performance was staged at the Cathedral, to January 14, 2014, three weeks after Nadezhda Tolokonnikova and Maria Alyokhina gained freedom. This nearly two-year period allowed me to examine coverage throughout the main events that constituted the Pussy Riot affair. The search produced a total of 2,204 articles, 243

(11.0%) from *Rossiiskaya Gazeta*, 696 (31.6%) from *Izvestia*, and 1265 (57.4%) from *Gazeta.ru*. To form representative samples manageable for human coding, a 95% confidence level and 10% confidence interval were used to determine appropriate sample sizes for each media outlet. Based on those calculations, three samples were formed from randomly selected articles from *Rossiiskaya Gazeta* (n=69), *Izvestia* (n=85), and *Gazeta.ru* (n=90), using a random number generator ("Random Number Generator").

### *Coding*

The content was analyzed by two coders, the author and a graduate student, both native-level speakers of Russian. In order to establish intercoder agreement, after a series of trainings in using the codebook, each of us independently coded 50 randomly selected articles (14 from *Rossiiskaya Gazeta*, 17 from *Izvestia*, 19 from *Gazeta.ru*), which accounted for 20.5% of the total sample. Intercoder reliability was calculated using Krippendorff's alpha and upon the first round of coding ranged from .73 to 1.00. The two variables that did not achieve the acceptable level of reliability of .80 (Krippendorff 147) were the suggested interpretation of the performance as an act aimed against the Russian Orthodox Church (yes/no) and the interpretation of the performance as an act aimed against Orthodox believers (yes/no). As revealed by the pilot coding, the difference between the two could not be reliably discerned from the media coverage. That is why the codebook was revised to reconfigure these variables into one – interpretation of the performance as a blasphemous act. The final reliability assessment on another randomly selected subsample of the same size resulted in Krippendorff's alpha ranging for individual variables from .84 to 1.0.

The unit of analysis was an individual article. Some variables had mutually

exclusive categories, others were measured as dichotomous variables meant to identify the presence or absence of a particular framing device. I describe the key variables included in the codebook in Appendix B. The description of each variable along with their analysis and interpretation of the results are provided in the following section.

## Results

### *Newspaper Section*

Table 1 presents the descriptive statistics for all articles by the newspaper section in which they appeared: society, politics, culture, incidents, opinion or other. The importance of this variable is particularly significant for analyzing the media coverage of the Pussy Riot affair and especially comparing it across newspapers. The case has served as a springboard for discussion on a whole range of issues, ranging from the place of religion and the status of modern art in Russian society to the political climate, freedom of speech and the lawfulness of disciplinary practices in the Russian penitentiary system. Placing an article in a particular section suggested which dimension of the affair was viewed by editors as the most relevant one and thus served as the first, and arguably the most explicit, cue for the reader to infer the preferred reading of the text.

As demonstrated by Table 1, the newspapers provided their readers with significantly different views on how to better categorize the Pussy Riot affair. The most striking difference relates to the newspapers' top choices. Whereas the majority of the *Izvestia* (57.6%) and *Gazeta.ru* (50.0%) articles were published in the Politics section, *Rossiiskaya Gazeta* placed most of its Pussy Riot articles (42.0%) into the Incidents



**Table 1** Distribution of articles by newspaper and newspaper section

<i>Section</i>	<i>Rossiiskaya Gazeta</i>	<i>Izvestia</i>	<i>Gazeta.ru</i>
Society	15.9	16.5	16.7
Politics	8.7	57.6	50.0
Culture	8.7	17.6	11.1
Incidents	42.0	0.0	1.1
Opinion	0.0	0.0	17.8
Other	24.6	8.2	3.3
Total	100.0	100.0	100.0
(n=)	(69)	(85)	(90)

*Notes:*

$\chi^2(10, N = 244) = 141.36$ , Cramer's  $V=.538$ ,  $p = <.001$ .

section, relegating the affair to the margins, if not outside, of a thoughtful political discussion and suggesting that it should be perceived as an specific, rather than representative, occurrence devoid of serious political implications. Yet, the three newspapers almost unanimously considered a societal angle as an appropriate supplementary perspective on the affair, a perspective offered in approximately one-sixth of the articles in each newspaper.

#### *Suggested interpretation of the performance*

The ambiguous nature of the Pussy Riot performance made it open to varying interpretations, each of which could be equally argued as relevant. Probably the most infamous interpretation, hooliganism, was advanced by the prosecution and supported by the court. The precise crime for which the Pussy Riot members were tried and convicted was “hooliganism motivated by religious hatred,” which advanced another, often complementary, reading of the “prayer” as a blasphemous act. As the court hearings

proceeded and Pussy Riot started to gain the media spotlight, the band’s opponents added a new dimension to their interpretation. The Pussy Riot performance, they suggested, was just a publicity stunt meant to capitalize on the significance of Russia’s main cathedral and Putin’s personal fame. Competing interpretations were put forward by the band members and their supporters. They argued that what Pussy Riot made was a political statement embedded into a piece of performance art. Table 2 summarizes the interpretations of the performance according to newspaper. Because an article might identify the nature of the Pussy Riot performance in more than one way, this dimension of the media coverage was measured by a set of dichotomous variables, each of which could be answered with “yes” or “no,” suggesting either the presence or the absence of the interpretation in question.

**Table 2** Distribution of articles (percentage) by newspaper and suggested interpretation of Pussy Riot’s performance

<i>Interpretation</i>	<i>Rossiiskaya</i>	<i>Izvestia</i> <sup>b</sup>	<i>Gazeta.ru</i> <sup>c</sup>	$\chi^2$	<i>Cramer’s V</i>
	<i>Gazeta</i> <sup>a</sup>				
Hooliganism	39.1	30.6	14.4	12.89**	0.23**
Blasphemy	33.3	12.9	10.0	16.62***	0.26***
PR stunt	13.0	2.4	0.0	16.84***	0.26***
Art	7.2	36.5	26.7	17.87***	0.27***
Political protest	2.9	5.9	15.6	9.19*	0.19*
None	33.3	38.8	54.4	8.90*	0.19*

*Notes:*

<sup>a</sup>*n*=69; <sup>b</sup>*n*=85; <sup>c</sup>*n*=90.

\**p*<.05; \*\**p*<.01; \*\*\**p*<0.001.

To answer the question of whether the newspapers significantly differed in their interpretation of the affair, separate 2x3 chi-square analyses were performed for each

interpretation to see if its suggestion in an article was significantly, rather than randomly, associated with the newspaper from which the article was sampled. As indicated in Table 2, the difference across newspapers was statistically significant for each interpretation. Quite predictably for the official media, *Rossiiskaya Gazeta* agreed with the prosecution and portrayed the Pussy Riot performance as hooliganism (39.1%) or blasphemy (33%). In other words, even when the newspaper did acknowledge that the band might have had an intention going beyond staging a messageless prank, the only motive it offered to its readers with a comparable consistency was that of religious hatred—the one motive that Pussy Riot denied. Interestingly, *Izvestia*, though agreeing with the first part of the prosecution’s interpretation of the performance as hooliganism (30.6%), attempted to foreground the artistic dimension of their performance by describing it as art in the majority of articles (36.5%). The same reading of the performance ranked highest (26.7%) in the list of the interpretations suggested in *Gazeta.ru*. Remarkably for this liberal-oppositional media outlet, the interpretation of the performance as a political protest was advanced in almost half as many articles (15.6%) and almost as often as the hooliganism interpretation (14.4%). Another noteworthy observation is that the more loyal to the authorities the media outlet is, the less “space” for interpretation it provided to the readers: if *Gazeta.ru* refrained from suggesting any definite interpretation of the performance in more than half of its articles (54.4%), the selectively critical *Izvestia* did the same in 38.8% of its materials, whereas the government-funded *Rossiiskaya Gazeta* did so in only 33.3% of cases.

#### *Conveying the Pussy Riot message*

As evidenced by previous research on media representations of social protest, the

question about how effective Pussy Riot were in delivering their message cannot be answered by merely looking at how many people's attention was grabbed by media reports about the affair. According to an opinion poll conducted in April 2013, some 82% of Russians were at least superficially familiar with the case ("Rossiyane o dele Pussy Riot"), but this measure of familiarity did not analyze how correctly and comprehensively their message was delivered to their intended audience.

Pussy Riot staged their "prayer" in Russia's main Orthodox temple, the Cathedral of Christ the Savior, at the height of the 2012 presidential campaign in Russia, less than two weeks before the election day. The soundtrack employed the opening melody and refrain of the famous "Rejoice, Mother of God" from the "All Night Vigil" by Sergei Rachmaninov (Denysenko 1071), which was meant to amplify the dramatic power of the "prayer." According to Pussy Riot, all of these aspects constituted significant elements of the performance and were intended to better express their political message. The analysis summarized in Table 3 estimated the number of articles that mentioned each of the following details: the place, title (either verbatim or paraphrased), lyrics beyond the title, timing, and musical aspects.

As shown in Table 3, all three newspapers appeared remarkably selective about the details of the performance they decided to share with their readers. Although the majority of the articles did mention the place of the performance, reporting the title was consistently avoided by the official *Rossiiskaya Gazeta* (4.3%). Interestingly, all the *Izvestia* articles that referenced the title of the "prayer" (29.4%), did so verbatim, as a factual statement, refraining from paraphrasing it and thus engaging readers into possibly revealing other, supplementary, messages of the "prayer." Unexpectedly enough, a

**Table 3** Percentage of articles mentioning substantial details of the performance and referring to the issues raised in Pussy Riot’s “prayer” by newspaper

<i>Mentions/ references</i>	<i>Rossiiskaya Gazeta<sup>a</sup></i>	<i>Izvestia<sup>b</sup></i>	<i>Gazeta.ru<sup>c</sup></i>	$\chi^2$	<i>Cramer’s V</i>
<i>Mentions</i>					
Place	47.8	67.1	45.6	9.46**	0.20**
Title	4.3	29.4	21.1	15.70***	0.25***
Lyrics	1.4	4.7	4.4	1.37	0.08
Timing	0.0	0.0	4.4	6.96*	0.17*
Musical aspects	0.0	0.0	0.0	–	–
<i>References to issues raised in the “prayer”</i>					
Growing ties between church and state	1.4	2.4	5.6	2.43	0.10
Putin's authoritarian leadership	1.4	0.0	3.3	3.03	0.11
Progression of anti- LGBT legislation	1.4	1.2	0.0	1.21	0.07
Gender discrimination, progression of anti- abortion legislation	1.4	1.2	1.1	0.04	0.01
Pressure on opposition	0.0	0.0	1.1	1.72	0.08
Introduction of religion classes in schools	0.0	0.0	0.0	–	–

*Notes:*

<sup>a</sup>*n*=69; <sup>b</sup>*n*=85; <sup>c</sup>*n*=90.

\**p*<.05; \*\**p*<.01; \*\*\**p*<0.001.

similar trend was found in *Gazeta.ru*, which referenced the title in 21.1% of its articles.

With that in mind, it does not come as a surprise that none of the newspapers went into greater detail by citing the lyrics of the “prayer.” Furthermore, as indicated by chi-square analysis, the relationship between this variable and the newspaper proved statistically

insignificant. This means that in their mentioning (or, rather, non-mentioning) the lyrics of the “prayer,” the three newspapers were essentially not distinguishable from one another. As for the timing of the performance, it was emphasized only by *Gazeta.ru* and only in 4.4% of articles. In addition, although both *Izvestia* and *Gazeta.ru*, as demonstrated above, looked at the performance through the artistic lens in a significant number of their articles (Table 2), none of them mentioned the musical aspects of the “prayer.”

In one of its editorials, *Gazeta.ru* wrote: “No matter how hard the Russian authorities have been trying to portray Pussy Riot’s punk prayer as a purely blasphemous act in the nation’s most portentous Cathedral, no word of a song can be dropped [as the saying goes] (“Duma Zazhigaet”). Yet, as the analysis shows, this is exactly what seems to have happened. The lyrics of the “prayer” (Appendix A) were densely packed with references to the realities of Russian social and political life. The issues raised included growing ties between church and state and Putin’s authoritarian leadership (“the Church’s praise of rotten dictators,” “the head of the KGB, their chief saint”), the progression of anti-LGBT (“gay pride sent to Siberia in chains”) and anti-abortion (“so as not to offend His Holiness, women must give birth and love”) legislation, gender discrimination (“Virgin Mary, Mother of God, become a feminist!”), pressure on opposition (“the head of the KGB...leads protesters to prison”), introduction of religion classes in schools (“A teacher-preacher will meet you at school, go to class—bring him cash!”). However, as shown in Table 3, they all received marginal, if any, coverage. Furthermore, as suggested by the results of chi-square analysis, the liberal-opposition *Gazeta.ru* did not do a significantly better job of informing its readers about the message of the “prayer” than the mainstream *Izvestia* or the state-run *Rossiiskaya Gazeta*.

### Sources

Analyzing the Pussy Riot articles through the lens of the quoted sources provides another illuminating insight into the media coverage of the affair (Table 4). As evidenced by previous research on media representations of social protest, reliance on official sources contributes to the marginalization of protest groups.

**Table 4** Distribution of articles (percentage) by newspaper and sources cited

<i>Source</i>	<i>Rossiiskaya Gazeta<sup>a</sup></i>	<i>Izvestia<sup>b</sup></i>	<i>Gazeta.ru<sup>c</sup></i>	$\chi^2$	<i>Cramer's V</i>
Prosecution and penal institutions	29.0	10.6	13.3	10.45**	0.21**
Pussy Riot members	26.1	20.0	13.3	4.13	0.23
Russian government	24.6	9.4	22.2	7.22*	0.17*
Court	17.4	10.6	15.6	1.605	0.08
Musicians and culture personalities	15.9	17.6	22.2	1.13	0.07
Pussy Riot's defense lawyers	13.0	22.4	18.9	2.21	0.10
Russian Orthodox Church and believers	11.6	20.0	10.0	4.08	0.13
Pussy Riot's family members	4.3	1.2	11.1	8.32*	0.19*
Civil activists and opposition	2.9	4.7	13.3	7.59*	0.18*
Foreign governments and institutions	1.4	4.7	6.7	2.48	0.10

Notes:

<sup>a</sup>*n*=69; <sup>b</sup>*n*=85; <sup>c</sup>*n*=90.

\**p*<.05; \*\**p*<0.01.

This is exactly what can be observed in the *Rossiiskaya Gazeta* coverage. Articles mentioning at least one official source account for 53.6% of the sample, with prosecution and penitentiary institutions being cited in nearly every third article. Making law enforcement institutions the most visible discursive opponent of the band legitimizes them as the agency to address the case and suggests that Pussy Riot be treated as first and foremost law-breakers. Interestingly, whereas the extensive citing of law enforcement sources could be explained by the legal specifics of the case, the reliance on government officials, who are cited in 24.6% of articles—almost as often as the Pussy Riot members—and who in every possible way declared their disengagement in the case, seems particularly telling. One would expect that a more logical choice for the second top-cited discursive opponent of the band should have been the actors against whom the “prayer” was allegedly targeted—the Russian Orthodox Church and Orthodox believers. However, this official media outlet cites them remarkably rarely—in only 11.6% of articles. This suggests that the actual “struggle over the meaning” of the performance was waged between Pussy Riot and the secular, rather than ecclesiastical, authorities. It is revealing that the official *Rossiiskaya gazeta* relied on the Russian government sources nearly as often (24.6% vs. 22.2%) as did the liberal-oppositional *Gazeta.ru*, which consistently posited in its editorials that the Pussy Riot case should be treated as a product of Putin’s regime.

Another noteworthy finding indicated by chi-square analysis is that, apart from their rates of citing official sources (with *Izvestia* quoting government officials significantly rarer—in 9.4% of articles—than did its official and liberal-oppositional counterparts), the newspapers were treating the majority of the key relevant figures in the



affair in essentially the same way. In terms of statistical significance, this means that the state-run *Rossiiskaya Gazeta* or the mainstream *Izvestia* provided the Pussy Riot members with as many opportunities to speak out as did the liberal-oppositional *Gazeta.ru*. The same holds true for musicians and cultural personalities, the band's defense lawyers, and foreign governments and institutions. Interestingly, despite the nearly unilateral international support for the band, foreign governments and institutions were cited in the news coverage very rarely. The only two interested parties that *Gazeta.ru* quoted significantly more often than did the other newspapers were civil activists and opposition leaders (which reinforced the newspaper's framing of the affair as a political issue) and Pussy Riot's family members (which supposedly contributed to humanizing the band).

#### *Framing devices*

The provocative nature of the Pussy Riot performance made it extremely vulnerable to deprecatory framing, with portraying it as a violation of social norms topping the list of the framing devices for all three newspapers (Table 5). Another framing device, the use of which could be explained by the nature of the performance, is commentary on Pussy Riot's appearance. The image of young women in brightly colored dresses and rudely made balaclavas was too powerful an image to be ignored by the media. As suggested by chi-square analysis, the frequency of employing this framing device was not dependent on the newspaper's position on the political spectrum. What ranged across the newspapers was the level of disparagement attached to those comments that ranged from the derogatory "stupid girls in caps and torn tights" in *Rossiiskaya Gazeta* to the factual-like "three women in masks" in *Gazeta.ru*.

**Table 5** Distribution of articles (percentage) by newspaper and framing devices used

<i>Framing device</i>	<i>Rossiiskaya Gazeta<sup>a</sup></i>	<i>Izvestia<sup>b</sup></i>	<i>Gazeta.ru<sup>c</sup></i>	$\chi^2$	<i>Cramer's V</i>
<i>Marginalization</i>					
Deviance	44.9	36.5	27.8	5.05	0.14
Unrepresentativeness	21.7	9.4	7.8	8.07*	0.18*
Internal dissension	7.2	8.2	4.4	1.10	0.07
<i>Quotation marks</i>					
“Punk prayer”	14.5	42.4	21.1	17.36***	0.27***
Punk prayer	0.0	1.2	18.9	27.73***	0.34***
Quotation marks for non-speech other than “punk prayer”	10.1	8.2	1.1	6.51*	0.16*
<i>Trivialization</i>					
Comments on appearance	11.6	20.0	7.8	5.93	0.16
Making light of Pussy Riot’s statements	34.8	21.2	12.2	11.71**	0.22**
Making light of the Pussy Riot members’ age	13.0	3.5	4.4	6.67*	0.17*
Reporting Pussy Riot’s usage of foul language	8.7	9.4	1.1	6.30*	0.16*

*Notes:*

<sup>a</sup>*n*=69; <sup>b</sup>*n*=85; <sup>c</sup>*n*=90.

\**p*<.05; \*\**p*<0.01; \*\*\**p*<0.001.

In contrast to deviance and internal dissension, a third marginalization device, unrepresentativeness, was used disproportionately more heavily by the government-funded *Rossiiskaya Gazeta*. In nearly every fifth article (21.7%), it depicted the Pussy Riot members as an isolated minority, representatives of “metropolitan cream skimmers,” whose political agenda was not shared by “the dozens of millions of our citizens.”

Another framing device used across the newspapers with a varied intensity was the delegitimizing use of nonspeech quotation marks, which held true for the term “punk prayer” (which could arguably be explained by the unconventional style of the performance) as well as other words. The latter were used significantly more often by *Rossiiskaya Gazeta* and *Izvestia* (10.1% and 8.2% vs. 1.1% in *Gazeta.ru*). The majority of the words surrounded by quotation marks referred to the interpretation of the Pussy Riot activities (such as “performance,” “composition,” “action”), the political implications of the affair (“freedom of speech,” “struggle between opposition and the regime”), and the status of the band in this process (“anti-regime fighters,” “liberals,” “creative class,” “heroes,” “freedom defenders,” “enlightened westernizers,” “political prisoners”), suggesting the inflated significance of the affair and the band’s motives. In an apparent attempt to further downplay the affair, the two newspapers relied on trivialization framing devices disproportionately more often than their liberal-oppositional counterpart. A total of 34.8% of the *Rossiiskaya gazeta* articles and 21.2% of the *Izvestia* articles made light of Pussy Riot’s statements, either calling their comments on the performance “pseudo-elaborate philosophical justifications” or denying the mere existence of any by calling the band “silly girls who got enmeshed in the other people’s games.” Emphasizing the band member’s young age and the foul language used in their performance served the same purpose.

## CONCLUSION

In this chapter, I summarize the findings of the study regarding the legal and discursive means used for the purposes of marginalizing dissent in contemporary Russia. I also examine the case's aftermath to discuss the implications of the Pussy Riot affair for the shape and limits of public debate.

### Discursive Means of Marginalizing Dissent

The first step of my research project was to examine the discursive nature of Pussy Riot's dissent and the government's response. I did it by conducting a critical discourse analysis of the original lyrics of the "punk prayer" and the report from the psychological and linguistic experts that formed the basis of the prosecutor's case as a representative of the state.

As the analysis made clear, the rhetorical strategies employed by the texts serve two opposing goals: the prayer challenges the existing power relations in Russia while the report intends to sustain them and delegitimize Pussy Riot's political protest. These intentions are evident in the strategic use of the discursive devices of both texts.

By describing the social and political climate in Russia, Pussy Riot's punk prayer portrays two actors as possessing (besides the Virgin Mary) the strongest agencies: Putin and his political and ideological opponents. The prayer contrasts the latter ones with other social actors who are constrained in their capacity to act by religious or hegemonic gender norms and presents them as capable and willing to resist Putin's dominance, even though at the cost of their freedom. Despite the use of completely different discursive devices, this layout of social forces resonates with the one resulting from the close reading of the experts' report. As in the prayer, the report presents the case as an

ideological interplay between two conflicting sides: the state, committed to protecting social peace and respecting religious values, and the Pussy Riot members, who are portrayed as opponents of this supposedly natural alliance between the church and state.

In its attempts to discredit Pussy Riot and their supporters, the report employs an array of tactics to inflate the “taken-for-grantedness” of the unacceptability of their actions, ranging from calling upon common sense and facts “that do not need proof” to emphasize the minority position of Pussy Riot in Russian society and arguing that it was targeted not at particular individuals such as the Patriarch and Putin but at Orthodox believers and citizens of Russia in general. By playing on the “us vs. them” divide and presenting the actions of Pussy Riot as deviating from the norms accepted by the majority of the population, the report marginalizes them as abnormal and perverse.

The overlexicalization used by the report to persuade the reader of the gravity of the damage caused by the Pussy Riot performance is in sharp contrast to the report’s failure to describe the political context in Russia that is necessary to understand the prayer’s references to recent political and social events and to reveal its political, rather than blasphemous, nature. By decontextualizing and depoliticizing the performance, which was repeatedly claimed by Pussy Riot members and supporters to be addressing issues of public concern, the report trivializes its message and suggests that the damage caused by this and other instances of religiously contextualized political speech cannot be justified.

According to Sapir, “Different languages . . . shape the world differently. So the worlds different language speakers inhabit are not simply ones with different labels but are therefore distinct worlds” (209). If metaphorically applied to the findings of the

critical discourse analysis presented in this study, this argument suggests that Pussy Riot's punk prayer and the experts' report on it portray two distinct Russias. The Russia advocated by the prayer is the one where no authority, political or religious, is taken for granted; where any opinion, no matter how socially acceptable it is claimed to be, can and should be contested; and where a riot is a way of dealing with a state that has not created easily accessible sites for public discussion. The Russia of the experts' report, however, has a small, and shrinking, space for acceptable public debate, where religion is used as a tool to neutralize threats to the established power relations, and where civil obedience is promoted as a safe, natural, and legitimate *modus operandi* for citizens.

#### Legal Tools for Delegitimizing Religiously Contextualized Speech

The legal analysis of the court's decision enriched the list of discursive means with legal ones. Whereas discursive devices portrayed Pussy Riot's religiously contextualized speech as *socially unacceptable*, the analysis of the reasoning used by the court revealed the mechanism that makes it *illegal*.

I analyzed the court's decision in terms of the four elements of hooliganism provided by Russian criminal law: subject, object, *actus reus* and *mens rea*. As the analysis made clear, in the context of Russian law, the actions of the Pussy Riot members in the Orthodox Church—as a place that imposes particular public behavior standards—did violate public order and were committed by individuals prosecutable under the respective article of the Criminal Code. This means that the Pussy Riot's actions satisfied the first and the second elements of criminally punishable “hooliganism”.

However, the analysis of the court's decision in terms of the other two elements—*actus reus* and *mens rea*—revealed serious distortions in terms of general logic and legal

evaluation of the defendants' actions. Testing Pussy Riot's performance against the *actus reus* element, the court failed to clearly demonstrate why the violation of public order caused by the defendants' actions was gross, as demanded by the defining criterion of criminally punishable hooliganism. Instead, it equated the gross character of this violation with the religion-related context of the defendants' actions and extensively used ethical reasoning. Similarly, neither the court nor the experts whose linguistic analysis was referred to by the judge in the court's decision provided clear justification for what can be considered the manifestation of patent contempt of society in the defendants' performance (as a second element of *actus reus*). Nor did they demonstrate how patent contempt can be effectively discerned in the defendants' actions independently from the religious hatred or enmity with respect to Orthodox believers (as an element of *mens rea*). This clear violation of the basic distinction between the subjective and objective elements of the criminal case, along with the court's failure to consider the alternative interpretation of Pussy Riot's actions as an administrative offense, demonstrate a prosecutorial bias in the administration of justice in this case.

In the absence of the precedential principle in Russia's legal system, it might be tempting to conclude that the implications of the Pussy Riot trial do not go beyond a particular case. Even so, one would hardly dispute its potential implications. Due to the high resonance of the case, the trial not only illuminated existing relations between church and state, but—due to its heavy media coverage and open access to case materials for the general public unthinkable for lower-profile cases—it also exposed a legal mechanism that reinforces the church-state link in contemporary Russia.

The Pussy Riot case illustrates a serious undermining of the separation of church

and state postulated as one of the constitutional principles of Russia. This is demonstrated both by the analysis of the political and social context of the Pussy Riot performance (including the privileges provided by the government to the Russia Orthodox Church and participation of Patriarch in the 2012 presidential campaign) and the analysis of the court's decision that revealed a number of significant distortions that allowed the judge to substantiate the conviction of the Pussy Riot members on criminal charges.

If looked at from a broader historical perspective, the case demonstrates that the Soviet era of official secularism in Russia ended not with simple reintroduction of religion into public life, but its re-establishment as a tool of ideological and political indoctrination under the leadership of Vladimir Putin—very much in line with the brutal politics of imposing Christianity in 10<sup>th</sup> century, ironically pursued by a leader with the same name, Prince Vladimir.

Another valuable insight into the relations between church and state provided by the Pussy Riot case is that Russian authorities are using the law not just to enforce religious orthodoxy, but to delegitimize public political protests by pushing them beyond the boundaries of both socially and legally acceptable forms of citizens' civic participation. This becomes evident from the analysis of the justification used by the court to refute the defense's argument about the political nature of Pussy Riot's performance. As I demonstrated in the previous chapters, the performance addressed an array of controversial issues facing Russian society: the preferential status of the Russian Orthodox Church, progression of anti-LGBT legislation, introduction of religion classes in schools, the Church's appeals to believers aimed at discouraging their participation in political protests. It is safe to say that, by raising these issues in the "prayer" and attributing



their existence to the leadership of Putin as one of the presidential nominees during the then-current election campaign, Pussy Riot's "expression" was essentially intended—using the definition of Trager, Russomanno, and Ross—"to generate or undermine public support for a particular issue, position and candidate" (72) and could therefore qualify as political speech. However, this was not the case in the eyes of the court. Based on the fact that during the actual performance none of the witnesses heard any political statements or names of politicians, the court concluded that the speech was essentially non-political. In the absence of a clear definition of political speech in Russian law, narrowing it down to voicing political slogans and names of particular political figures leaves out large portions of speech addressing matters of public concern. This directly contributes to expanding the "forbidden ground" for legitimate political debate in contemporary Russia.

The last, but not least, aspect of the importance of the Pussy Riot case for understanding the political climate in contemporary Russia relates to the case's aftermath. While the executive branch's desire to punish the protesters could be carried out only by the judiciary—and only through questionable interpretations of existing laws—the optimal decision for overcoming such tensions in the future would be to adjust the applicable law. This is exactly what happened soon after the Pussy Riot trial. The question about where the omitted comma should be placed in the "Execute Not Pardon" verdict has been resolved unequivocally, in favor of the "Execute, Not Pardon" option.

The amendments that were introduced into the Criminal Code and the Code of Administrative Violations in June 2013 toughened up the punitive measures under the articles associated with insulting religious feelings of citizens and expanded the list of actions that could qualify as punishable under those articles. Authorizing limitations on

political speech on religious and moral grounds contributes to further infringement of freedom of expression, strengthens the interpenetration of church and state and formalizes the legal system's role as a tool for conserving the *status quo* of power relations in contemporary Russia.

#### Media Contribution to Undermining the Value of Political Protest

The last, but not least, dimension of the Pussy Riot affair has to do with the coverage of the case by Russian press. As I demonstrated above, the government deployed a whole range of discursive and legal means to portray Pussy Riot's speech as a socially and legally unacceptable action. In such conditions, the Russian media could potentially play a particularly significant role. Vested in a society with the "watchdog" function, it could be expected to provide a sensible alternative to the delegitimizing framing of Pussy Riot by a more comprehensive, substantial coverage of the affair. However, as revealed by the analysis of the Pussy Riot coverage by three newspapers varying in their positions towards the ruling elites, this is not what happened.

The state-run *Rossiiskaya Gazeta* took a clear anti-band stance and quite predictably coincided with the prosecution's stance of the issue by framing Pussy Riot's performance as a blasphemous prank devoid of any political message. The framing of the band's actions by the mainstream *Izvestia* was similar to that of *Rossiiskaya Gazeta* in portraying the performance a rampageous act. However, the blasphemous dimension of the "prayer" was significantly less salient in its coverage; instead, it was read as a form of modern art (although clearly violating societal norms). Finally, the liberal-oppositional *Gazeta.ru*, just like the mainstream *Izvestia*, tended to frame the protest as a piece of art, with political protest and hooliganism interpretations ranking, respectively, as the second

and third most popular interpretations. Remarkably, unlike its counterparts, in more than half of its articles – significantly more than in *Rossiiskaya Gazeta* and *Izvestia* – *Gazeta.ru* refrained from taking any particular stance by explicitly assigning the performance to any of these categories.

This is not to suggest, however, that the newspapers' coverage did not reveal any common trends. The study showed that all the three newspapers appeared remarkably selective about the aspects of the performance they shared with their readers, failing to mention the timing of the performance at the height of the presidential campaign and not going beyond citing the title of the “prayer.” Such news coverage offered a fragmented, context-lacking view ignoring the complex interplay between Pussy Riot's activism and political events that brought their performance into being. As I demonstrated in the critical discourse analysis of the Pussy Riot “prayer,” it raised a wide range of issues of public concern ranging from the growing ties between church and state to pressure on opposition to progression of anti-LGBT legislation to gender discrimination. However, these concerns were left out of the coverage, a finding consistent across all three of the media outlets. Remarkably, even *Gazeta.ru*, where the “political protest” was the second most salient frame in covering the affair, did not provide a significantly more comprehensive account of the actual content of the “prayer.”

In one of the numerous scholarly papers that addressed the implications of this widely publicized case, it was called “a litmus test of the sociopolitical identification of Russian citizens” (Storch 9). Yet, it can equally be treated as a litmus test of the integrity and professionalism of the Russian press. As evidenced by this content analysis, the liberal-oppositional press did not do a significantly better job of informing its readers

about the message of the “prayer” than the mainstream *Izvestia* or the government-funded *Rossiiskaya Gazeta*. Although *Gazeta.ru* did treat the band in a more positive light and repeatedly referred to the case as politically motivated, it failed to provide a significantly more comprehensive interpretation of the performance per se.

The absence of a deep reading of the “prayer” downplayed the significance of Pussy Riot’s activism and suggested that the affair was made political not by the message they intended to convey, but first and foremost by the harshness of the government’s response. What made the coverage of the official *Rossiiskaya Gazeta* and the mainstream *Izvestia* significantly different from *Gazeta.ru* was the extensive use of deprecatory framing devices. These included using quotation marks for non-speech and making light of Pussy Riot’s statements, age, and language. The visual provocativeness of Pussy Riot’s rhetoric, intended to broaden the space for music in civic protest, has made them extremely vulnerable to disparaging media framing, which resulted in marginalization, oversimplification, and trivialization of their message and undermined the value of the performance as a vehicle for social protest.

The results of this “litmus test” are particularly illuminating if compared to the main tendencies of Western media coverage of the Pussy Riot affair. According to the *NewsEffector* monitoring agency, the case attracted media attention in 87 countries around the world, with the USA and European countries providing the most extensive coverage. The majority of the TV and print news stories drew clear parallels between the Pussy Riot case and the politics of Vladimir Putin and the Russian Orthodox Church. In 72.0% of stories, the court’s decision was portrayed as questionable and overly severe, signaling the non-democratic nature of the Russian political regime and its suppression of

opposition and dissent (“Pussy Riot and Putin”). These observations are supported by a review of the Pussy Riot coverage in the leading Western print media prepared by *Lenta.ru*. According to them, the Western media went beyond reporting the technicalities of the trial, but situated the case in a broader historical and political context and did not question the political nature of the Pussy Riot performance, presenting the band members as opponents of Putin’s regime (“The Essence of Putin’s Russia”). The obscurity of the methodological design of these studies allows only cautious inferences about the differences in the media coverage of the affair in the Russian and Western media. Further research on the latter using the methodology applied in my research would allow the findings to be placed within a wider comparative context.

Although the findings of the content analysis do not allow to draw conclusions about the impact of the media coverage on the Russian public’s awareness about the case, they illuminate significant trends in the behavior of the Russian press as an important contributor to public discussion about the acceptable boundaries of speech on matters of public concern.

Combined with the critical discourse analysis of the “prayer” and the experts’ report, as well as with the legal analysis of the court decision, the study of the Pussy Riot affair provided a valuable empirical insight into the treatment of religiously contextualized political speech by the ruling elites in contemporary Russia. It demonstrated that the Russian state uses an array of means to push such speech beyond the boundaries of socially acceptable and legally permissible forms of citizen participation in political life.

Unfortunately, due to objective limitations of the research design, it is not feasible

to draw any firm cause-and-effect inferences about the mechanism of the state interference in the administration of justice in the Pussy Riot trial. However, the legal analysis of the court's decision through the lens of the four elements of criminally punishable hooliganism and an alternative interpretation of the performance as an administrative offence makes it safe to conclude that the court demonstrated a clear prosecutorial bias in deciding the case and emphasized the role of the judicial system in strengthening the power of the state in contemporary Russia.

As demonstrated by the analysis of the media treatment of the Pussy Riot affair, the Russian press did little to delegitimize this power abuse. The state-run newspaper took a clear stance in support of the prosecution and later on – after the case was decided – of the judge. The mainstream newspaper, although not demonstrating a consistent prosecutorial bias, did not provide any sensible alternatives to the government's framing of the affair. Neither did the liberal-oppositional outlet. As demonstrated by the analysis, it failed to provide a comprehensive, substantial, and contextualized coverage of the affair and portrayed Pussy Riot not as agents of change, but as victims of the vigilant, all-powerful state. By doing so, it did not take advantage of the public resonance of the case to elevate a discussion about the feasibility of dissent in an increasingly authoritarian context and thus potentially contributed to undermining the value of political protest in contemporary Russia.

APPENDIX A  
LYRICS OF THE PUSSY RIOT “PRAYER”<sup>37</sup>

Virgin Mary, Mother of God,	Virgin Mary, Mother of God,
Put Putin away	Become a feminist
Put Putin away, Put Putin away	Become a feminist, become a feminist
Black robe, golden epaulettes	The Church’s praise of rotten dictators
Parishioners crawl to bow	The cross-bearer procession of black limousines
The phantom of liberty is in heaven	A teacher-preacher will meet you at school
Gay-pride sent to Siberia in chains	Go to class - bring him cash!
The head of the KGB, their chief saint,	Patriarch Gundyayev <sup>38</sup> believes in Putin
Leads protesters to prison under escort	Bitch, better believe in God instead
In order not to offend His Holiness	The belt of the Virgin can’t replace mass meetings
Women must give birth and love	Mary, Mother of God, is with us in protest!
Shit, shit, holy shit!	Virgin Mary, Mother of God, put Putin away
Shit, shit, holy shit!	Put Putin away, put Putin away.

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<sup>37</sup> See (“Alekhina and Others v. Russia”).

<sup>38</sup> This is the secular name of Patriarch Kirill (“Sviateishii Patriarch Kirill”).

## APPENDIX B

### PUSSY RIOT MEDIA COVERAGE ANALYSIS CODEBOOK

This codebook is aimed to assist you in conducting a content analysis of the Russian media coverage of the Pussy Riot affair.

**ID/ID of the story** – Provide the ID number of the story.

**Paper:** Indicate the newspaper that published the news item analyzed

1) *Rossiiskaya Gazeta*

2) *Izvestia*

3) *Gazeta.ru*

**Date:** Provide the date of the article in the format DD.MM.YY (e.g., April 8, 2012 should be coded as “08.04.12”).

**Type/Type of the news item:** Please indicate the type of the news item analyzed.

1) News story

2) Editorial

3) Column/opinion

4) Interview

88) Other (please specify)

**Section:** Please indicate the newspaper section in which the news item appeared.

1) Society

2) Politics

3) Culture

4) Incidents

5) Opinion



88) Other (please specify)

**Length/Length of the news product in words** – Indicate the number of words in the story. Use the Word Count tool in Microsoft Word to count the number of words in the story, excluding the title and byline.

**Nature of the action:** The following set of the questions will ask you about the nature of the action as suggested by the news story. Because a story may identify the nature of the Pussy Riot performance in more than one way, you can answer yes to more than one question. So, does the story suggest that the Pussy Riot action(s) was/were...

1) Yes

0) No

**NatHool/Hooliganizm:** Hooliganism, violation of public order, prank (e.g., by using words “хулиганство,” “нарушение общественного порядка,” “выходка”).

**NatBlasph/Blasphemy:** Blasphemy, sacrilege, profanity, religious extremism, enmity towards believers/priests, religious insult (“кощунство,” “оскорбление религиозной святыни,” “богохульство”, “разжигание вражды и неприязни к православным верующим, священнослужителям,” “экстремизм”).

**NatPolit/Political protest:** Political protest, action (“политический протест,” “политическая акция”).

**NatPR/PR:** PR stunt, attempt to get fame/gain attention (“PR-ход,” “попытка прославиться, привлечь к себе внимание”).

**NatArt:** Modern art, performance, creative self-realization, concert (“современное искусство,” перформанс,” “творческая самореализация,” “концерт”).

**Mentioning the details of the performance:** Does the story mention the following about the action (you can answer yes to more than one question):

1) Yes

0) No

**MentPlace:** the place it was staged (“Храм Христа Спасителя”).

**MentTitle:** title of the prayer either verbatim (“Богородица, Путина прогони”) or paraphrased (e.g., «песня, в которой они призвали...»).

**MentLyrics:** other lyrics beyond the title.

**MentMusic:** music details (authorship, details about how it was performed).

**MentTiming:** the fact that it was staged during the presidential campaign and/or in the midst of political unrest in Russia.

**References to issues raised in the “prayer”:** The following set of the questions will ask you about the issues of public concern raised in the “prayer.” Because the story may identify a few issues, you can answer yes to more than one question. So, does the article suggest that the action addressed any of the following:

1) Yes

0) No

**IssChurPolit:** Growing ties between church and state, the Russian Orthodox Church’s participation into political life, including condemning the participation of Orthodox believers in political protests and voicing direct support to those in power (“вмешательство церкви в политическую жизнь, включая осуждение участия в митингах и прямую поддержку власть предержащих,” “сращивание с действующей властью”).

**IssPutin:** Putin's authoritarian leadership (“авторитарный стиль правления Путина”).

**IssOppos:** Pressure on opposition (“притеснение политической оппозиции”)

**IssLGBT:** Progression of anti-LGBT legislation (“принятие законодательства, дискриминирующего ЛГБТ-меньшинство”).

**IssWomen:** Gender discrimination, progression of anti-abortion legislation (“гендерная дискриминация”, “неравенство полов,” “отведение женщине второстепенной/подчиненной роли,” “предпринимаемые меры по ограничению аборттов на законодательном уровне”).

**IssSch:** Introduction of religion classes in schools (“внедрение уроков религии в школе”).

**Sources:** “A source is a person, or organization, who gives information to news reporters... Sources are explicitly identified as such when news reporters quote or paraphrase information from them in stories. The means by which reporters publicly credit a source for story information is called attribution. Such attribution is signaled when a person or organization’s name is linked in a story sentence with verbs denoting a person speaking, such as said, claimed, and so forth. Attribution also may be made by verbs denoting a source’s state of mind, such as things, feels, wants, and so forth. Story information not clearly attributed to a source is assumed to originate from a reporter’s direct observations of actions and events” (Riffe, Lacy and Fico 131). Because the story may cite a few sources, you can answer yes to more than one question:

1) Yes

0) No

**SourDefence:** Defense attorney (“адвокат”).

**SourProsecPenit:** Prosecution (“прокурор,” “сторона обвинения”) and penal institutions (“надзиратели,” “руководство колонии”).

**SourPRT:** Pussy Riot members.

**SourCourt:** Court, judge.

**SourMusCult:** Musicians and culture personalities.

**SourRusGovt:** Russian government officials and bodies besides public prosecutor and penal institutions (incl. parliament members, president, cabinet ministers, etc.)

**SourDefense:** Pussy Riot’s defense lawyers.

**SourChur:** Russian Orthodox Church officials or believers.

**SourFam:** Pussy Riot’s family members.

**SourCivilOppos:** Civil activists and opposition leaders/members.

**SourForGovtInst:** Foreign governments and institutions, including NGOs.

**Disparaging framing devices:** Below is the set of questions meant to analyze whether and how the news stories use each of different framing devices (organized in three categories: marginalization devices, usage of non-speech quotation marks, and trivialization devices) to delegitimize Pussy Riot. Each question should be answered yes/no (you can answer yes to more than one question):

1) Yes

0) No

**1) Trivialization:** The following questions ask about the presence of devices aimed to trivialize Pussy Riot:

**TrivAppear:** Does the story comment on the Pussy Riot’s appearance (mentions the style and color of their clothes (e.g. “provocatively bright balaclavas”), their bodies

(e.g. “wearing a tight T-shirt in the courtroom”), their hair or make-up (e.g. “make-up hardly suitable for the occasion”)?

**TrivLight:** Does the story make light of the Pussy Riot’s statements, declared mission and goals (e.g., by calling them “pseudo-elaborate philosophical justifications”)?

**TrivAge:** Does the story make light of the Pussy Riot’s age and gender (e.g., suggesting that their action can be explained by their young age: “silly girls who got enmeshed in the other people’s games”).

**TrivFoul:** Does the story report the usage of foul language by Pussy Riot (e.g., “the name of the band that would make any decent person blush”)?

## **2) Non-speech quotation marks:**

**QuotPrayer:** Does the story refer to Pussy Riot’s prayer in quotation marks (e.g., “so-called prayer”)?

**QuotNotPrayer:** Does the story use non-speech quotation marks for words other than “prayer” (e.g., “перформанс,” “политический протест”).

## **3) Marginalization:**

**MargNorms:** Does the story suggest that Pussy Riot broke moral/social norms?

**MargUnrepres:** Does the story suggest that Pussy Riot are unrepresentative (e.g., by calling them “metropolitan cream skimmers/столичные пенкосниматели” whose political agenda was not shared by “the dozens of millions of Russian citizens” or contrasting their “stupid” behavior/ideas with those of the majority of the Russian populace)?

**Dissent/Dissention:** Does the story report internal dissension within Pussy Riot, Pussy Riot and its predecessor, Voina, or within the defense team (e.g., by talking about

the Pussy Riot member's refusal to work with this or that member of their defense team, Alekhina and/or Tolokonnikova's decision not to communicate with Samutsevice after her successful appeal, etc.)

**Notes:** Provide any comments that you think may be useful in the future (e.g., interesting headline, quote, etc.).

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