

Mark Feygin

Despair and hope

Mark Feygin is a lawyer, politician and former deputy in the Russian State Duma. Since 2011, Mark has been active in the Russian opposition movement against President Vladimir Putin. He served as lawyer for Nadezhda Tolokonnikova during the Pussy Riot trial in Moscow in 2012 and also defended Leonid Razvozhzaev, who accused the Russian authorities of kidnapping him from Ukraine to force him to testify against other members of the Russian opposition.

Looking back on the last half decade, at times it seems as if expectations of freedom and hope in a future united with Europe were nothing more than the naive dreams of progressive-minded Russians. Modern Russia under Putin is just a hideous surrogate of the Western consumer world. Its attributes - courts, the law, representational power and inviolable personal life - are only the illusions of a civilised society. Behind its attractive façade is a man on a dirty, concrete floor, for all purposes in the same Stalinist prison, with interrupted breathing, heart palpitations and guffawing guards.

Sergei Magnitsky and his death represent a much more poignant symbol of modern Russia than the daily assurances of the Kremlin of its adherence to human rights and political democracy. A leadership turning its back to the display window of corruption, lawlessness and disregard of basic civic freedoms has no perspective. Which is why the Russian establishment is so afraid of the Magnitsky Act. The ruling elite seem indifferent to investing in the future of the Russian nation. They identify themselves with the successful West but achieve their wealth by adopting the criminal rules and doubtful work ethic encouraged in Putin's Russia.

The European public is capable of opposing this, but it needs to determine its priorities once and for all: the allure of investments from dubious sources,

or European values. Values that for decades saved Europe from the sin of justifying profit at the expense of human rights and the health and life of its individuals.

Leaders of tribal, authoritarian and colonial regimes always have to answer, sooner or later, for the crimes they commit. Neither money, nor power, nor puppet-like toadying saved them from judgment and prosecution. Otherwise, Western European civilisation would not have managed to survive, tempted by the prospect of collaboration with systems feeding on dictatorship and enrichment, and it would have wasted the sacrosanct values of freedom and democracy.

Unfortunately, in its relations with authoritarian Russia, the West is satisfied for now that today's elite is properly fulfilling its obligations to supply raw materials. Inordinate price increases don't seem to bother them. By European logic, these prices for oil and gas are essentially not frightening, since Russian imports and capital investment bring back loads of money, thereby providing the consumer culture of developed countries added momentum.

The challenge for modern Russia is to move from totalitarianism to democracy, a system hitherto unknown to her, and it couldn't be otherwise. The entire despotic tradition of Russia, burdened further by 70 years of Communism, has weighed against early optimism pushing a predictable, if not inevitable regression, to its usual and "natural" authoritarianism.

The progressive immersion of post-Soviet Russia in authoritarianism, already beginning under Yeltsin – designating Primakov, Stepashin and Putin on a revolving basis, all of whom have ties to the security agencies – serves the needs of the oligarchy. As the main source of power in Russia, they are unwilling to see a fully developed market and political democracy which would threaten their position. A competitive open market economy creates the risk of loss of large holdings, especially in the raw materials sector. The actions of the Russian oligarchy are governed by the formidable requirements for supporting these self-serving monopolies. So intense protectionism, the refusal to implement a variety of modernising reforms, the introduction of political censorship, and the general creation of the notorious hierarchy of power, bringing Russia into the "third world", was not an end in itself for the establishment, but rather as they saw it, a necessary measure to protect their

interests. This protected the window of opportunity for the irreversible transfer to their benefit of state property under secret, corrupt terms.

The oligarchy's selection of the principal political players from among KGB alumni during the collapse of 1999 was logical and profitable. From the point of view of professional credentials, they were the most suited to the accommodating mirrored role of corrupt officials and oligarch client.

The truculent revolutionary Yeltsin with his liberal aspirations could only be replaced by the drab functionary Putin. His pedantic tone and infatuation with coercion guaranteed the oligarchy a smooth final stage in the exploitation of the Soviet economic heritage.

The pursuit of individual members of the top players (Berezovsky, Gusinsky) was an operation agreed upon by the elite. These individuals violated the rules established by the oligarchs, so they were punished. And the rhetoric of the current regime, embellished with anti-oligarchic overtones, is just propagandistic claptrap for the naive general populace.

What is astounding, though, is something else – that the countries of Europe sanguinely accepted this regression – perhaps because they turned a quick profit on the ambiguous status of the Russian elite. On the one hand, there was the de-Europeanisation of Russia by the oligarchy in pursuit of their own economic interests domestically, and on the other hand, there was the pursuit of their status as compradors. For Europe, which is habitually in need of natural resources, this was a convenient dependency. The concentration of these resources under an authoritarian concession (the regime and the oligarchs) provided an easier and more convenient partner to deal with, guaranteed reliability and stability of relations. Human rights and the absence of European rules of competition only generated soft-spoken critique, as a way of justifying themselves before their own meddlesome public opinion.

Nevertheless, such ambivalence may promote a peaceful reaction in the Kremlin to an expansion of legislative support for the Magnitsky Act. We shouldn't expect an angry reaction by the Russian authoritarian regime as a result of the nations of Europe adopting this legislation. The list of "antipathetic nations" is already sickeningly long, and you can't rely on anti-Magnitsky Laws like the so-called Dima Yakovlev Law against the adoption of

Russian orphans by US citizens. And the involvement of the Russian regime in European politics and business, so much more substantial in comparison with their involvement in America, will not permit a radical reaction to such a peril. Indeed perhaps it is the greater interdependency of the Russian elite with Western Europe that will curtail any backlash against Magnitsky legislation. Adoption of regulatory acts in support of the US initiative will only strengthen the growing pressure on the Kremlin to observe human rights and shift to political democracy.

The role and significance of Vladimir Putin in the political regime's system in Russia should be particularly noted. With the return of Putin to presidential office in March 2012, the regime in Russia has commenced a dangerous, and arguably irreversible, transformation: from an authoritarian corporate state to a fiercely personal one. Putin, having been one of the main beneficiaries of this system, is in fact turning into the main and only beneficiary. As it is, for Putin and his close circle, questions of security are of highest concern, and there are no other issues other than how to directly maintain centralised monopolistic power. Any illusory hopes of liberalising the system under the "liberal" Medvedev were immediately dashed with the return of the real ruler of the country. Hence, Putin will continue to control the highest levers of power for as long as possible; there is simply no place else for him to go.

The events of the Arab Spring made such a colossal and lasting impression on Putin and his friends that power now appears to him not only as an object of "hedonistic indulgence", but the only real source of security. The unenviable lot of the deposed North African dictators decidedly does not engender in him a desire for new experimentation with stepping down - not even temporarily, as with the "Medvedev iteration". So, Putin and his circle will hold on to power at any cost, and to the bitter end. Putin's striving to remain in the seat of power as long as possible can be explained by his apprehension of losing his place among the highest elite. In truth, more than once he has denied that place to undesirables, as in the case of the imprisonment of Mikhail Khodorkovsky. So, there is no doubt that the head of state fears for his own fate at the hands of former friends and team mates, raised under his own rules.

Strange as it may seem, Putin's will to power can be successfully realised only on the condition that he reconciles himself to the idea of submitting to the will of others. Before succeeding to gain control of the levers of real power

in Russia, Putin profitably distinguished himself from other competitors for the highest post in the government. He is a prime example of the research carried out by Theodor Adorno on the authoritative personality, which rigorously documented this organic combination of a burning desire to control others with a readiness to slavishly serve those on the step above him. It is not coincidental that the Russian opposition groups, disputing Putin's power unsuccessfully for so many years, are so deficient in cooperating with each other and poorly coordinate their protest plans. The success of such an organisation requires subordination of interests, a clear hierarchy and the pressure of political ambition. Putin and his circle have a surplus of all this, while the Moscow intelligentsia that constitutes the basis of the liberal and democratic organisations opposing the authoritarian system don't have much of it.

Having come to power in October of the following year, 2012, in the seventh decade of his life, Putin will gradually exhaust the limit allotted to every person for making rational and objectively necessary decisions. Many of his ensuing actions will be motivated by spur-of-the-moment, irrational considerations, incidental needs and the apprehensions peculiar to old age. There's no point in being surprised by it in the future.

It's important to understand that for Russia there exist two historically traditional paths to resolving pressing problems: reforms brought about by the regime from above, or revolution from below. Putin, having ruled out the first path by his return, is condemning Russia in its current situation to the dangerous and destructive second path.

Based on all of the above, it is fair to reach the conclusion that the struggle for freedom and democracy in Russia is a slow and not so easy path. However, the efforts of the educated class in Russia itself, which beyond any doubt included Sergei Magnitsky, together with the efforts of European parliaments, may lead to successful results. A Magnitsky Act, adopted by the majority of countries in the continent, will facilitate more rapid progress in the area of human rights, political freedoms and, in the final analysis, the victory of democracy in Russia. With this uncompromising hope we can overcome our current despair.