

Moscow: Third Rome, Model Communist City, Eurasian Antagonist - and Power as No-Power?

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Introduction

Moscow looms large in the political, religious and legal imagination, as capital and symbol of the former USSR, and now as the centre of power of the largest state in the world by territory, if sadly diminished in population.¹ It is by far the largest city in Europe, and contains 15% of Russia's total population. Its inhabitants number 11,200,000,² compared with London's 7,360,000³ - and London is much larger than Rome, Paris or Berlin. A further 6,618,538 people live in Moscow Oblast (District), the ring of dormitory and industrial towns surrounding Moscow. At least two million people a day travel into Moscow, for work or shopping.⁴ The area of the city itself is 1080.83 sq. km, as against London's 1500.00 sq. km, meaning that its territory is much more densely settled than London's. Moscow's Metro, its pride and joy, has 170 stations, as against London's 275,⁵ but it carries 3,200,600,000 passengers a year, as against London's 1,000,000,000. The energy of Moscow is such that every day spent there is extraordinarily tiring. Every person of any ambition in Russia has found her way to Moscow, and is armed with sharp elbows and a quick temper. This behaviour is described in Russian as "*khamstvo*" – "boorishness" in the dictionaries.

For the first time visitor to Moscow, the greatest shock, however, is its sheer size and scale. Eight lane radial highways intersect with the newly built eight-lane Circular Road and the eight-lane Garden Ring, as well as a new, third, circular motorway. The Moscow air has become unbearably toxic with traffic fumes from the gridlocked streets.⁶ These highways are surrounded by enormous buildings. The seven Stalin Gothic skyscrapers, the "seven sisters"⁷, are the true embodiment of Gotham City, and the many new buildings of the post-Communist period tower over the human inhabitants of the city with similar panache. Mayor Luzhkov has ordered that new buildings embody the "Moscow style". Even the frequent visitor is confronted by new gigantic buildings – mostly luxury apartments and offices – every time she enters the city.

This Moscow is a startling transformation of the city Walter Benjamin found in 1926-27. The narrow sidewalks he wandered gave Moscow "... a provincial air, or rather the character of an improvised metropolis that has fallen into place overnight..."⁸ "... nowhere does Moscow really look like the city it is, rather it more resembles the outskirts of itself..."⁹ and he referred to Moscow's "village character".¹⁰ At the same

¹ Russia's population is now around 146 million, from about 150 million in 1995

² Official statistics 2003-4, at http://www.mos.ru/cgi-bin/pbl_web?vid=2&osn_id=0&id_rub=1716&news_unom=31003, and 2002 census

³ Official statistics at http://www.go-london.gov.uk/london_statistics/key_stats_2004.pdf

⁴ http://en.wikipedia.org/wiki/Moscow_Oblast

⁵ See <http://tube.tfl.gov.uk/content/faq/facts.asp>

⁶ Alden & Crow, 1998:374

⁷ See <http://www.washingtonpost.com/wp-srv/inatl/exussr/july/29/cakes2907.htm>

⁸ Benjamin, 1986: 31

⁹ Benjamin, 1986: 67

¹⁰ Benjamin, 1986: 112

time, he remarked: "Above all the juridical uncertainties in domestic affairs. On the one hand, NEP¹¹ has been authorised, but on the other it is only tolerated in the interest of the state. Any NEP man can, from one day to the next, fall victim to a turnabout in economic policy or a passing whim of propaganda."¹² These observations resonate in the present day, as I will show.

One of the latest new buildings could serve as a monumental centrepiece for this chapter. On 20 December 2003 the 'Triumph Palace' apartment building was topped out, making it the tallest building in Europe, and second tallest residential building in the world, at 264 metres - 866 feet.¹³ It will have 61 stories, with over 1,000 luxury apartments: it is reserved for the very rich. It dominates the highway from the centre of Moscow to the main international airport. Most surprisingly, it is built, deliberately, in the "Stalin Gothic" style, like the Moscow State University and the Ministry of Foreign Affairs. Its marketing material refers to the "good old days", when the Soviet Union, and Moscow as its capital, were truly respected, and standards were maintained.

At the same time, the building symbolises the absence of law in Moscow. A Moscow journalist commented: "According to eyewitness accounts, the presentation of the Triumph Palace project to the city main architect's office Urban Development Council (a mandatory procedure for all large-scale construction projects) sparked off a hitherto unseen outrage. What was the problem? Maybe the fact that the Triumph Palace had by the time of discussion reached the fifth story level? Or that it managed to skirt the ECPC (approval by the Expert Consultative Public Council of any significant project in the central part of the city is also a mandatory procedure)? But this has long been common practice in the city. What was really shocking was the construction company's intention (according to construction firm Donstroi's ad) to build an "eighth Stalin-era high rise." Donstroi designed its 43-story "prestige symbol of a new era" - "a grand palace for well-to-do people," a sample of "neoclassicist architecture" - in the image of the seven Stalin-era skyscrapers built in Moscow half a century ago."¹⁴

This chapter explores the relationship between Moscow and law. The law in question is not simply state law. Moscow is a city which exists on a number of interwoven dimensions. On one dimension, it is the legal capital of the civic entity named Russia, or the Russian Federation. But to this day, it harbours its past as the "model communist city" as it were in the time of Leonid Brezhnev, General Secretary of the Soviet Communist Party from 1964 to 1982. Another dimension is its status at the centre of a messianic vision of Russia as saviour of the world, and most certainly the historical heart of the Russian Orthodox Church. It also bears in its place-names and the family names of its illustrious citizens, the traces of its Turkic past; and it is home to an ever-growing Muslim population, giving it the largest Muslim population of any non-Muslim city in the world. And it has been immortalised as the city of the Devil.

The rise of Moscow's power

¹¹ Lenin's New Economic Policy, allowing a certain amount of capitalism, and was still in place in 1926-27 when Benjamin was in Moscow. Stalin rejected the policy in 1927-28. See Davies, R 'The New Economic Policy' v.3 n.3 *new perspective* at <http://www.users.globalnet.co.uk/~semp/nep.htm>

¹² Benjamin, 1986: 70

¹³ See <http://www.emporis.com/en/wm/bu/?id=102052>

¹⁴ Davidova: 2002

Moscow was not significant when Russia was born. Russia emerged in the 9th century AD, in a mix of Vikings (Varangians) and Slavs, protected by a Turkic semi-nomadic aristocracy, living on the river Dnieper, and centred on Kiev.¹⁵ In 980 AD, Prince Vladimir (later Saint Vladimir) inherited the crown of Rus, thanks to the help of an army recruited in Sweden. Vladimir embraced Christianity and allied himself with Byzantium, marrying the sister of the Byzantine emperor, Anna, in 988 AD. He expanded Kievan Rus with successful campaigns against the Poles, Bulgars and Pechenegs, and decreed the conversion of Novgorod and Kiev to orthodox Christianity ("The Baptism of Russia"). According to the chronicles, "Vladimir sent emissaries to inquire into the teaching and rituals of Islam, Judaism, Catholicism and Orthodoxy. They reported that the Catholic ritual was without beauty and that Islam did not permit the consumption of alcohol... Judaism they passed over in silence, but the Orthodox divine service they described as being so beautiful that 'we knew not whether we were in heaven or on earth.'"¹⁶

On 31 May 1223 (in the reign of Henry III, the Plantagenet king of England), the army of Kievan Rus was defeated by the Mongol armies of Chingiz Khan at the battle of the Kalka river, in present-day eastern Ukraine. In 1240 the Mongols sacked Kiev, and established control over the whole of Russia for more than 200 years, not so much occupying the territory, as receiving tribute and relying on divisions between the Russian principalities. This permitted the hitherto insignificant settlement of Moscow to grow in power. It became a separate principality in 1263.

Most importantly, Moscow became the spiritual centre of Russian Orthodoxy. In 1299 Metropolitan Petr chose Moscow as the location of the see of all Rus.¹⁷ Petr was canonised a year after 1326, the year of his death, "... in a ceremony designed to make Moscow the lasting centre of the Orthodox Church in Rus. His tomb became a shrine for all Orthodox believers and greatly enhanced the standing of the city."¹⁸ From this symbolically significant moment, the principality of Moscow began to expand in all directions.

Soon Moscow could challenge the Mongols. On 8 September 1380 an army commanded by the Prince of Moscow, Dmitrii I (1359-1389), defeated the Golden Horde at the battle of Kulikovo (near Tula, south of Moscow). However, Mongol rule in Russia did not end until 1480, at the Great Standing on the Ugra River, a standoff between Akhmat Khan of the Golden Horde and Grand Duke Ivan III of Russia.

Moscow as the "Third Rome"

Ivan III (1440-1505 – the reign of Henry VI in England) was the first ruler of Moscow to proclaim himself first "grand duke of all the Russias" and, increasingly, Tsar of Russia. With the fall of Constantinople in 1453, there was a growing tendency to refer to Moscow as the "Third Rome". In 1510 (the reign of Henry VIII of England) the Russian Orthodox monk Filofei composed a panegyric letter to Tsar Vasili III (1505-1533) in which he warned: "And now I say unto Thee, take care and take heed, pious

¹⁵ Hosking, 2001: 29-33

¹⁶ Hosking, 2001: 38

¹⁷ Hosking, 2001: 72

¹⁸ Ostrowski, 1993, Fennell 1995: 134-136

Tsar: all the empires of Christendom are united in thine. For two Romes have fallen, and the Third exists and there will not be a fourth. Thy Christian Empire, according to the great theologian, will not pass away...¹⁹

Hosking writes: “Moscow thus became symbolically both the ‘Third Rome’ and the ‘Second Jerusalem’, inheritor of both the Roman Empire and the Christian Church.”²⁰

Loss of status, destruction, and resurrection

Moscow did not enjoy its political and legal pre-eminence for long. In 1712, Peter the Great made his city, St. Petersburg (which had been founded on 16 May 1703 as a fortress²¹) the imperial capital, demoting thus Moscow to the “second capital”. While St Petersburg represented modernity, Germanic discipline and Europe, Moscow was the home of Russia’s mysticism and messianism, and of those aristocrats who declined a life of service to the Tsar.

For centuries, numerous invaders tried to take possession of the city and destroy it. In 1812 Napoleon’s army captured Moscow. When the city was abandoned and set on fire in order to rob the French of supplies and force them to retreat, Napoleon is said to have exclaimed: “What a people! They are Scythians! What resoluteness! The barbarians!” By 20 September 1812 more than four fifths of the city had been destroyed.²²

After 1812, the city was rebuilt, with stone mansions, boulevards and parks. Industrial manufacture, and the population, started growing. In 1811, the population of Moscow had been about 275 thousand people; by 1862 the population was 378 thousand, while in 1897 there were more than 1 million inhabitants. On the 1st of November 1851, the first railway linked Moscow and St. Petersburg. In 1867 most of the streets were gaslit. The telegraph was opened in 1872 and the first telephone station in 1882. The first tram appeared in Moscow streets in 1889. At the beginning of the 20th century, Moscow became one of the largest industrial and cultural centres of Russia.

On 12th of March 1918, Moscow was declared the capital of Russian Socialist Federation of Soviet Republics (RSFSR), and remained the capital, this time of the USSR, from 1922 to 1991.

Viktor Tupitsyn evokes the nature of the new relationship of Moscow to the former capital in terms of cultural production: “Compared with other urban centres, Moscow cultural life has always been characterised by a higher level of ‘transparency’ owing to the closeness of the state leadership’s watchful eye. This partially explains why manifestations of what Walter Benjamin called ‘optical unconscious’ are generally more opaque, corporeal and sensual on the Banks of Neva than they are in Moscow, where the initiative – until fairly recently – belonged to conceptual art (read: transparent, sterile, intellectualised).”²³

¹⁹ Andreyev, 1959

²⁰ Hosking, 2001: 107

²¹ <http://www.saint-petersburg.com/history/foundation.asp>

²² Figes, 2003: 150

²³ Tupitsyn V, 2002, 37

At the same time, the Revolution of 1917 and Moscow's reinstatement as the capital of the RSFSR and then the USSR, transformed Moscow from the city of obscurantism and mysticism to a city of modernity. For a decade, Moscow became the great city of the avant-garde in art, architecture, literature, music and theatre. As Figes points out: "It was a city of unprecedented freedom and experimentation in life as in art, and the avant-garde believed, if only for a few years in the 1920s, that they saw their ideal city taking shape in it. Tatlin's 'tower' – his unrealised design for a monument to the Third International in Red Square – expressed those revolutionary hopes." His design symbolised the city's messianic role; "From the idea of Moscow as the Third Rome to the Soviet one of it as leader of the Third International, it was but a short step in the city's mission to save humanity."²⁴

The Soviet period was also one of considerable improvement for ordinary families. By 1980, Carol Nechemias was able to write: "While Soviet dwelling units remain small and crowded, the problem of privacy - in terms of private versus communal apartments - is being solved. In 1960, 60 per cent of Soviet urban dwellers lived in communal flats in which they shared kitchen and toilet facilities with more than one family; this figure dropped to roughly 50 per cent by 1965, to 25 per cent by 1975, and, according to Soviet estimates, will stand at about 20 per cent in 1980. For the bulk of Soviet families, a private apartment is becoming the norm."²⁵

Moscow as the City of the Devil

This is the point to which I return to Moscow as the City of the Devil, a source of diabolical paradox, something that the "Triumph Palace", in its overbearing pomposity, triumphantly exemplifies. This is the law and the no-law of the devil. As Daniel Vyleta puts it,²⁶ a key difference between Stalin's system and liberal democracies lies "... in the paradox that Stalinist totalitarianism actively produces the self it demonizes, while the discourses of liberal democracies typically celebrate the values of individualism and privacy... A state in which life remains nasty, brutish and short, thus, becomes the ultimate perversion of its own *raison d'être*. In which case, the USSR under Stalin truly did have need for its Satanic visitor, for – and this is the novel's final irony and triumph – it is the devil who becomes Bulgakov's great symbol of hope, mercy and humanity." Vyleta is, of course, referring to Mikhail Bulgakov's masterpiece *The Master and Margarita*, which was written in the 1930s, but not published until 1996/7.²⁷

Orlando Figes reminds us that in this novel "... the Devil visits Moscow and brings its cultural temples crashing down; Satan descends on the city... with a band of sorcerers and a supernatural cat called Behemoth. They cause havoc in the capital, exposing it as morally corrupt, before flying off to the Sparrow Hills, where Napoleon (that other devil) had first set his sights on the city."²⁸ As Vyleta points out, this novel does not portray heroes and heroines of socialist labour, but "agitated theatre managers and gluttonous housing officials, second-rate politicians and retired, lottery-winning

²⁴ Figes, 2003: 215

²⁵ Nechemias, 1981: 5

²⁶ Vyleta, 2000: 49

²⁷ Bulgakov, 1996

²⁸ Figes, 2003: 215

historians... Bulgakov offers us Moscow without the lipstick, naked and unplugged.”²⁹

The novels’ central question is put by the devil to his assistant, while on the stage of Moscow’s huge Variety Theatre (you must read the novel to find what he is doing there): “[H]ave the Muscovites changed inwardly?”³⁰ Vyleta continues: “Not only does the devil reiterate the binary opposition of inside-outside, the reader might sense here the author’s rather Stalinist hope that the people have actually improved, and that the project of engendering new, socialist subjects may have worked after all.” The devil’s answer, however, is a negative one: “They’re people like any others. They’re over-fond of money, but then they always were... They’re thoughtless, of course... but then they sometimes feel compassion too... they’re ordinary people, in fact they remind me very much of their predecessors, except the housing shortage has soured them...”³¹

Thus, Bulgakov’s picture of Moscow’s Soviet society is one in which every person accepts the discrepancy between public game and private self. “Everyone is, by definition, a crook, because he/she holds on to a private self, and everyone needs and cherishes a private self in order to survive.”³² Drawing on Žižek’s view of the ‘cynical subject’ - “they do not know it, but they do it”³³ - Vyleta suggests that the charade continues because the Muscovite is “... the cynical, liberal subject – that is the kind of subject most prevalent in Bulgakov’s Moscow, and, for all the official doctrine, it may be the kind of subject most conducive to political stability: a game-player who cannot see beyond the monopoly board.”³⁴

Moscow as the City of God

This chapter now makes an abrupt transition from the City of the Devil to the City of God. God’s law plays a crucial role in Moscow’s self-understanding. It is the also the capital of the Russian Orthodox Church since 1448.³⁵ In 1589, Metropolitan Job of Moscow became the first Russian patriarch. Hosking writes: “‘Moscow the Third Rome’, then, was not originally a political theory, but rather a moral and religious one, and it should be understood as part of a complex of symbols and narratives which emphasised the sacred and exclusive heritage of Rus.”

Indeed, the Church seems to have geopolitical ambitions. Article 3 of the Charter of the Russian Orthodox Church, of August 2000,³⁶ provides: “The jurisdiction of the Russian Orthodox Church shall include persons of Orthodox confession living on the canonical territory of the Russian Orthodox Church in Russia, Ukraine, Byelorussia, Moldavia, Azerbaijan, Kazakhstan, Kyrgyzia, Latvia, Lithuania, Tajikistan, Turkmenistan, Uzbekistan and Estonia and also Orthodox Christians living in other countries and voluntarily joining this jurisdiction.” This sounds remarkably similar to

²⁹ Vyleta, 2000: 40

³⁰ Bulgakov, 1997: 143

³¹ Bulgakov, 1997: 147

³² Vyleta, 2000: 45

³³ Žižek, 1989: 28

³⁴ Vyleta, 2000: 46

³⁵ See the official history at http://www.mospat.ru/text/e_history/id/176.html

³⁶ In English, <http://www.russian-orthodox-church.org.ru/s2000e39.htm>

the territory of the former Soviet Union. Furthermore, the research carried out by Zoe Knox shows that "...in fact, the Church is not independent. It is granted a privileged position by virtue of its strong links to the government."³⁷

This messianism is central to Russian self-perception. In words often cited in contemporary Russia, the former Bolshevik and religious philosopher Nikolai Berdyaev (1874-1948) wrote in 1911: "The Russian national self-consciousness was begotten in the positing of the problem of East and West... Even the fact alone, of the struggle of Slavophilism and Westernism, ... testifies to the centrality of this problem. Slavophilism was the first experience of national self-consciousness and of our national ideology... Russia - is the Third Rome. This proud awareness courses through almost all of Russian history."³⁸

From 'Third Rome' to Communist Model - to centre of 'Eurasianism'

Moscow is also home to about two million Muslims (Russia as a whole has at least 23 million Muslims, about 15% of its total population), giving it the largest population of Muslims of any non-Muslim city in the world. It also has a Muslim history embedded in its place and family names. The Arbat, Moscow's central pedestrian street, is a Turkic word, as is Baltschug, location of one of the most luxurious hotels.

Many eminent Russians were descendants of Turkic noble families: Lev Tolstoy, direct descendant of Idris dynasty; Fedor Dostoevskiy of the Cheleby dynasty; Alexander Kuprin, Tugan-Baranovski, and Anna Akhmatova of the Chagoday dynasty. Equally, many Russian family names are Turkic in origin: the writer Aksakov (meaning "limping" in Turkic); the Napoleonic general Kutuzov (from khuduz, or qutuz, meaning "furious"); and the White commander Kolchak (from kholchakh, meaning "glove").³⁹ Other examples are: Turgenev (from the Mongol word for "swift"); Bulgakov; Chaadaev; Rimsky-Korsakov; Berdyaev; Bukharin; Sheremetev; and Rakhmaninov.

The most recent recognition of this fact is called "Eurasianism". Daniel Rancour-Laferrriere points out: "Among Russian nationalists it has been the Eurasianists who have been the most willing to recognize the mixed genetic roots and the assimilationist background of Russians."⁴⁰ "Eurasianism" is now influential in Moscow political circles. Bonnett notes that it is based on 'Slavophile' traditions: "To a degree unique among 'other major European' nations, the assumption that 'European civilisation' was inherently superior to all others, or even a meaningful category, was actively contested. Russia's defeat by Britain, France and Turkey during the Crimean War (1853-6), combined with a persistent unease at the prospect of Russia ever really being accepted as fully European, encouraged those voices that condemned Westernisation as the spirit of alienation, materialism and superficiality. Throughout the mid and late 19th century, Slavophile and pan-Slavic critics poured scorn on the empty and instrumental world of the Occident."⁴¹

³⁷ Knox, 2003: 591

³⁸ Berdyaev, 1911

³⁹ Polyakov, 1999

⁴⁰ <http://www.panorama.ru/works/patr/ir/13.html>

⁴¹ Bonnett, 2002: 444

This was the fertile ground upon which the notion of “Eurasianism” emerged in the post-1917 context of the White emigration. The philologist and ethnographer Count Nikolai Trubetskoi (1890-1938) wrote his key work *Yevropa i chelovechestvo* (Europe and humanity)⁴² in 1920 (it was published in Sofia), and inspired a group of authors to publish *Iskhod k Vostoku* (Exodus to the East) in 1921.⁴³ He argued that no European state could be compared with Russia, since Russia is not a nation in the ordinary sense of the word, but a whole continent – Eurasia. “Turkic blood mingles in Russian veins with that of the Ugro-Finns and the Slavs” he wrote, and referred to Russia’s “non-European, half-Asiatic face”. As Mark Bassin points out, Trubetsoi insisted that Russia’s “existence as an empire was a thing of the past; Russians now represented just another of the constituent “ethnographic” groups which collectively comprised Eurasia’s multi-cultural complexion.”⁴⁴

Ilan Berman identifies a change of course by President Putin, in the direction of Eurasianism. He argues that “... indeed, by all indications, the growing emphasis on geopolitics from all corners of the Russian political spectrum is rapidly elevating Eurasianism to the level of a mainstream ideology.”⁴⁵ Berman catalogues the growing influence of the doctrine and its controversial guru, Aleksandr Dugin,⁴⁶ on Russian official and policy-makers, and points out that on 13 November 2000, Putin himself affirmed that “Russia has always seen itself as a Euro-Asian nation.”⁴⁷

Moscow as a centre of law - and of no-law

That, however, was pre-war Soviet Moscow, Benjamin’s “big village”. What of law in the new, “capitalist” Moscow? As a centre of law, under the controversial but remarkably resilient Constitution of 1993, Moscow is the capital⁴⁸ and one of the 89 subjects⁴⁹ of the Russian Federation. It is constitutionally the “permanent seat” of the Constitutional Court of the Russian Federation,⁵⁰ of the Supreme Arbitrazh (Commercial) Court of the Russian Federation,⁵¹ and the Supreme Court of the Russian Federation, which stands at the head of the system of courts of general jurisdiction. The Moscow City Court, which is the city’s court of appeal, has 174 judges; there are 33 district courts, with 560 judges as well as the Moscow Arbitrazh (Commercial) Court with 180 judges; and 384 districts of justices of the peace. It also houses the highest proportion of practising lawyers in Russia, as well as the leading law schools. The innocent novice might expect Moscow to be a centre of respect for the rule of law.

⁴² Trubetskoi, 1995:55-104

⁴³ Luks, 1996: 58-9

⁴⁴ Bassin, 2001: 3

⁴⁵ Berman, 2001 see also Berman, 2002

⁴⁶ Dugin is a former member of the radical anti-Semitic *Pamyat* movement, and later of the racist Conservative Revolution, and has close links with the “national-Bolshevik” Eduard Limonov. See also Kullberg, 2001 and Yasmann, 2001

⁴⁷ Putin, 2000

⁴⁸ Article 70, <http://www.constitution.ru/en/10003000-04.htm>

⁴⁹ As a “city of federal importance” according to Article 65

⁵⁰ Article 115, Federal Constitutional Law on the Constitutional Court of the Russian Federation of 21 July 1994, at <http://ks.rfnet.ru/english/ksangl.htm>

⁵¹ Article 52, Federal Constitutional Law on the Supreme Arbitrazh Court of the Russian Federation of 28 April 1995, at <http://www.arbitr.ru/as/doc/10064323/10064323-001.htm>

As a centre of lawlessness, however, the city is not simply the place where the fallen oligarch and former owner of the Yukos oil colossus, Mikhail Khodorkovsky is, at the time of writing, on trial in criminal proceedings, bringing to mind the words of Walter Benjamin cited above. This trial is of doubtful legality, closely tied to the forced (re)nationalisation of the greater part of the assets of the YUKOS oil producer.⁵²

It is also the city where, on two occasions, the Mayor of the city, Yurii Luzhkov, has defied a clear decision of the Constitutional Court of the Russian Federation: once in 1996,⁵³ and then again in 1998.⁵⁴ The issue is racist discrimination - the system of registration in Moscow, which is a direct descendant of the system of internal passports that tied the agricultural population to the land in the USSR. Luzhkov has a different motivation. According to Human Rights Watch,⁵⁵ under this system "... police routinely check passports on the basis of skin color, invade the privacy of homes, illegally detain and fine refugees, and beat detainees with impunity." The HRW report documents a well-established pattern of police "visits" to private apartments - frequently with the threat of use of force - to carry out passport and registration checks. After threats of violence or arrest, they require refugees to pay a monthly bribe to shield them from further harassment. The Constitutional Court held that the system is discriminatory and violates the human rights provisions of the Constitution. Weiler comments that Mayor Luzhkov "... rules in a corrupt and personalistic manner and has made Moscow his private fiefdom in important respects. The abusive practices of Moscow law enforcement are largely attributable to the impunity that he grants his police officers."⁵⁶

There is another aspect to Mayor Luzhkov. As reported on 19 October 2004, there was an outcry recently when his wife, Yelena Baturina, who heads one of the largest construction firms with many contracts from the city of Moscow, was listed as Russia's first woman dollar billionaire by Forbes magazine.⁵⁷

The Moscow judicial system itself is not immune. In the first place, – and in violation of the Constitution's provisions for judicial independence – the courts are heavily dependent on the city for funding. Furthermore, the Chairman of the Moscow City Court, Olga Yegorova, has become notorious for her control of her own and the lower courts in Moscow, and for a large number of judicial dismissals. The Moscow City Court is the court which hears all appeals in cases such as that against Khodorkovsky. Judge Yegorova, who was appointed on 29th December 2000, is a judge with close relations to the Kremlin. A leading journalist has reported⁵⁸ that Olga Yegorova's candidacy for the post of Chairman was refused by the President's own personnel commission. Judicial appointments are made by the President. Under normal circumstances Yegorova should only have been able to apply for the post again after a year. But this was overruled in her case, after, it is said, interventions by former FSB

⁵² See <http://www.khodorkovskytrial.com/>

⁵³ Case on registration (propiska); Decision of 4 April 1996, No 1996 9P at http://ks.rfnet.ru/pos/p9_96.html

⁵⁴ Decision of 2 February 1998, http://ks.rfnet.ru/pos/p4_98.html

⁵⁵ Human Rights Watch, 1997

⁵⁶ Weiler, 2004: 91

⁵⁷ See

<http://www.telegraph.co.uk/news/main.jhtml?xml=/news/2004/10/19/wmosc19.xml&sSheet=/news/2004/10/19/ixworld.html>

⁵⁸ Korolkov, 2004

officers who now in leading positions around President Putin. The fact that her husband is General Yegorov of the FSB may have helped.

Judge Yegorova is able to pressurise or dismiss any judge in Moscow. In 2001, eight judges resigned from Moscow City Court, while four were sacked; and in 2002 a further ten judges resigned.⁵⁹ The case of a judicial whistle-blower, former Judge Olga Kudeshkina, has become a national *cause celebre*. Another four former judges had complained by December 2003 about the fact that Moscow City Court “acts under instructions”, and that Judge Yegorova interferes in the court with the objective of inhibiting the exercise of justice.⁶⁰

Conclusion – power and no power?

Moscow’s status as capital is, it seems, once more under threat. President Vladimir Putin is a St Petersburg man. He was born and educated in Leningrad. After service in the KGB in the former German Democratic Republic, he returned to government service in the city until 1996. When he became Director of the FSB (former KGB) in July 1998, acting Prime Minister in August 1999, and President in March 2000, he took care to surround himself not only with KGB/FSB, but, in particular, with St Petersburg cronies. Thus, the current Director of the FSB, Nikolai Patrushev, who was appointed by Putin, spent most of his career in St Petersburg. Putin’s Chief Secretary and Deputy Chief of the Kremlin administration, Igor Sechin, is also a veteran of the KGB/FSB, and closely connected with Putin in St Petersburg since 1991.⁶¹ Aleksei Kudrin, the Minister of Finance, is another “St Petersburg crony”.

Even more importantly, the key figure in Putin’s legal reforms – until he was sent in September 2004 to be Putin’s Plenipotentiary in the Southern Federal District, which includes Chechnya – was Dmitry Kozak, also born in Ukraine, but educated in St Petersburg. He made his career in the city. He was the driving force behind Putin’s legal reforms: the three new procedural codes enacted from 2001 to 2003, Criminal⁶², Arbitrazh (Commercial),⁶³ and Civil.⁶⁴ At the time, it seemed that Putin was seeking to emulate the great legal reforms carried out - in St Petersburg - by Tsar Aleksandr II in 1864: creation of a system of justices of the peace, installation of jury trial throughout Russia with the exception of Chechnya; enhanced judicial status; and a much reduced role for the prosecutor in criminal and civil trials.

The nature of the threat to Moscow was spelled out by one of Putin’s closest confidantes, former Deputy Prime Minister of Russia Valentina Matvienko. On 6 October 2003, she was elected the new Governor of St Petersburg. Although born in Ukraine, she was educated and became a Communist Party functionary in Leningrad.⁶⁵ On the day of her election, she held a press conference and announced that she had no doubt that part of the functions of capital of Russia would be moved to St Petersburg. She added that she had in mind the Supreme Court, the Supreme

⁵⁹ Korolkov, 2004

⁶⁰ See www.newsru.com/Russia/03Dec2003/4more_print.html

⁶¹ www.future-of-russia.org/issues/fsb_boys.cfm

⁶² into force on 1 July 2002

⁶³ into force in September 2002

⁶⁴ into force in January 2003

⁶⁵ <http://petersburgcity.com/city/personalities/matvienko/>

Arbitrazh (Commercial) Court, and the Constitutional Court.⁶⁶ Indeed, she had mentioned this plan in her campaign. In her view, the move would add clout to the former imperial capital and help its economy. Although her proposal was immediately denounced by the Moscow Mayor Luzhkov and by many judges, on 24 January 2004 the then Prime Minister Mikhail Kasyanov, ordered the Presidential Administration, the Cabinet of Ministers, and the St Petersburg City Hall to present their conclusions on relocating the three courts to St Petersburg. Buildings were identified in Senate Square where the highest courts of the Russian Empire had been located. He withdrew the order, following a political storm, on 3 February 2004.

It is not clear whether Moscow's status remains under threat; it is, however, obvious that Moscow is under Putin's rule re-acquiring more and more of the attributes of its Soviet past.

I close with the words of Margarita Tupitsyn, who provides us with a wonderful metaphor for contemporary Moscow,⁶⁷ worth reproducing in full: "As Tsereteli neared the inauguration of his new museum, the magazine *KhZh* (Khudozhestvennyi zhurnal, Art Journal) published Slavoj Zizek's book *The Sublime Object of Ideology*. The English edition printed in 1989 featured on its cover Max Ernst's illustration for *Une Semaine de Bonté*. A voluptuous woman, with uncovered breasts, is sleeping on a royal bed whose canopy is opened to provide a space for the male gaze. A dreamy woman... is claimed to be susceptible to a melting pot of postmodern ideologies, among which a gendered one continues to stand out. The Russian edition replaced this image with Vitaly Komar and Aleksandr Melamid's canvas *The Origin of Socialist Realism*, a substitute, I presume, which the publisher selected as an operational equivalent to convey the conditions of the Russian context. Here, the voluptuous woman is alert and at work outlining a cast shadow of Stalin's profile. The role of aesthetics is played neither by a female (the Western paradigm) nor by a dictator (the former Soviet one). Instead, it dwells within a shadow cast by the old regime, a shadow that warns us that the object, *the sublime object of ideology* that has cast it, is alive and well."

Moscow's destiny, it seems, is in the balance. There are at least two possibilities. The city may be on its way to a restoration of Stalin's dreams, or to an apotheosis as capital of a new Eurasian antagonist for the West. The "Triumph Palace" might be a harbinger. Or perhaps St Petersburg will once again displace Moscow. Moscow could become not only the city of no-law, in danger of sinking under the weight of its corruption, but also the city of no-power.

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⁶⁶ http://www.sptimes.ru/archive/times/910/news/n_10619.htm

⁶⁷ Tupitsyn M, 2003: 388

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