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**The “we” of the law enforcement system in Russia – from the perspective of court  
workers, defense lawyers, and political protesters**

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## Abstract

*The article investigates the formation of the “we” of the law enforcement and shows how it affects the professional performance of law enforcers; how the “we” of the law enforcement is reflected by subjects before the law and defence lawyers. Based on data from Russian context, the research uses a combination of ethnographic methods such as shadowing, observations and interviews. Applying the perspective of sociology of emotions, the research shows that the “we” of the law enforcement in Russia is formed by the workload pressure in the context of rapidly changing laws and fueled by such emotions as shame and guilt for inability to do the job with satisfying quality. The article suggests that strong empathy of law enforcers towards each other increases their hostility towards the rest of the society which in turn leads to cautious and mistrusting attitudes towards law enforcement amongst subjects before the law and defence lawyers.*

keywords: Russia, law enforcement, emotions in institutions, emotive-cognitive juridical frame, workload, mistrust.

## Introduction

2020 was marked by mass protests in the Western world in which one can see strong anti-police concerns. The Black Lives Matter movement, which started in the US, was followed by mass protests against police brutality and racial profiling all over the world<sup>1</sup>.

According to Annual Reports of ECHR<sup>2</sup> 2019 and 2020 there is a growing distrust of citizens in law enforcement<sup>3</sup> institutions of their countries, or — as some researchers may put it — there is a concern that contemporary neo-liberal democracies are not capable of providing a fair, independent and impartial trial due to growing social inequality which contradicts the very principle of equality before the law (i.e Harvey, 2019; Cox and Nilsen, 2014; Klein, 2002; Hinton, 2016; Ralf, 2020).

Furthermore, the structure and organization of law enforcement institutions themselves might encourage a kind of unity amongst law enforcement workers that exceeds the legal requirements: law enforcement officials are socialized mainly within the professional community, they are socially deprived from the rest of the society (Clark, 1965; Judicature 69, 1985; Di Federico, 2005; Dzmitryeva, 2021), on the daily basis they participate in same

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<sup>1</sup> i.e. Wikipedia lists about 60 countries outside the US where anti police protests happened after the death of George Floyd in 2020

<sup>2</sup> European Court of Human Rights is an international court of the UN countries which interprets the European Convention on Human Rights. In ECHR citizens of national states appeal against legal decisions of their states.

<sup>3</sup> The generic name for the activities of the agencies responsible for maintaining public order and enforcing the law, particularly the activities of prevention, detection, and investigation, conviction and punishment of crime. The term encompasses police, courts, and corrections.

or similar emotional rituals, share the same emotive-cognitive frame and collectively perform juridical impartiality (Bergman Blix and Wettergren: 2018a, 2018b; Wettergren and Bergman Blix, 2016). Law enforcement officials also avoid punishing each other or charge themselves with lesser charges (i.e. Skolnick and Fyfe, 1994; Hinton, 2016; Bandes, 1999; Treisman, 2018).

The majority of contacts of citizens with law enforcement representatives are contacts with police. The abuse of power done by police, especially when left without adequate punishment, violates the trust in authorities and public faith in justice. Furthermore, the negative personal experience when encountering police is said to have a much stronger disruptive effect on the trust in law enforcement compared to the positive effect of satisfactory contacts (Van Damme, 2017).

The latest protests of winter 2020-2021 in Russia were gathered around dissatisfaction by the quality of law enforcement procedures in the case of Russian extra-parliamentary opposition politician Alexey Navalny. As previous research shows, when protests explicitly oppose police or court misdeeds, the law enforcement system represses such protests more severely than other protests as they may constitute a challenge to the legitimacy of their profession (Reynolds-Stenson, 2017). Thus, the conflict between law enforcement and protesters in Russia has a great potential to escalate: the more people receive charges and go through police procedures and court hearings, the less trust they have in the law enforcement system as such.

There is consensus understanding of the great value of trust to police and courts in policy sociology (i.e. Jonathan et al, 2011 European Social Survey). This study approaches a problem of public trust to law enforcement system, relying on a general framework of sociology of emotions in which emotions are not separated from thinking and decision making (i.e Barbalet 1998, Wettergren & Blix 2015, 2016, 2019 e.t.c) and trust is understood as emotionally based reflexive strategy of risk management (Engdahl & Rolf, 2012). The problem of the public trust in law enforcement in this optics could be seen as a conflict between the law enforcement system and subjects before the law or as a particular type of an empathy wall (Hochschild, 2018) which is built via emotive-cognitive processes. In this work I am specifically targeting the problem of the “we” of the law enforcement system in Russia – from the perspectives of court workers, defense lawyers, and political protesters. I argue that

the law enforcement workers tend to form a type of collective identity of themselves – in this paper called the “we” of the law enforcement system – and create a category of the “other” to which they rank most of the subjects before the law as well as some defence lawyers.

The aim of this thesis is to explore and analyse the “we” of the law enforcement system from the perspective of the state legal workers themselves, and how the “we” of the law enforcement system is perceived by defence lawyers as well as by subjects before the law focusing on participants of the 2020-2021 protests in Russia.

Respectfully the research questions are:

- How is the “we” and the “other” of the law enforcement system constructed, as seen from the perspective of district court workers?
- How is the “we” of the law enforcement system seen from the perspective of defence lawyers?
- How is the law enforcement system perceived by protesters?

This study is based on empirical material collected during the temporary employment of the author in Russian district court in 2019, on interviews with human rights defenders and interviews with protesters involved in the protests of winter 2020-2021 in Russia.

The present work includes the following parts: the chapter “Previous research” contains a review of the literature on related problems of the contemporary law enforcement systems in the West, in the global context and in Russia. In the chapter “Theory” the applied framework of sociology of emotions is explained; the chapter “Context” gives details on institutional specificity of Russian legal field, the chapter “Method and material” describes qualitative methods that were used in collection and analysis of data which is further followed by the chapter “Analysis” where the results of the study are presented in 3 sections which correspond to research questions.

### **Previous research**

The legal project of the Modern age could be characterised by the shift from the division of the society by the estates of the realm to the principle of the equality of all subjects before the

law. However, nowadays some researchers who study problems of contemporary legal systems pessimistically proclaim the in-fact reincarnation of the estates<sup>4</sup>.

Human beings have needs and capacities which are mediated through conscious human activity – praxis (Cox and Nilsen, 2014). The aim of the existence of the law enforcement system is to fulfill the need of human beings to be safe. The law enforcement system in contemporary neoliberal countries has developed a second nature: it mostly protects the ruling class and maintains the hegemony of that class (Cox and Nilsen, 2014; Klein, 2002; Hinton, 2016). Similarities in work of different national law enforcements become very visible when national police of different countries are involved in policing of the transnational protest (Della Porta et al, 2006). In every country the process of neo-liberalization of institutions is different, although the content is the same: the crisis of the hegemony of the ruling class that failed to provide the promised social benefit but instead provided society with abundant police brutality turned against the most vulnerable and dispossessed (Harvey, 2019; Ralf, 2020).

Elizabeth Hinton (2016) argues that the contemporary practices of law enforcement in the US were significantly influenced by political campaigns and accordant law-enforcement reforms, namely: the war on crime (since 1970s), the war on drugs (since 1971), and the war on terror (since 2001) which, together with reduction of social services, made the law enforcement system in the US a central engine of American inequality. Dominic Corva (2008) emphasizes the effects of the political and cultural hegemony of the US and argues that because of the US hegemony the negative consequences of the US law enforcement reforms were disseminated among other countries. He sees the named above law enforcement “wars” as contemporary practices of imperialism. He argues that each of those “wars” helped to construct identities and specific global spaces that need to be governed by coercion or by excesses of power.

There is a large volume of published studies describing the role of workload in law enforcement and its effect on the performance of law enforcement workers and their well being. Formal rules of performance evaluation (Weisburd et al, 2006; Paneyakh, 2013), a growing number of cases with new complex digital data (Daniel and Daniel, 2012), compound legal regulations (Koskelo, 2011) and prescribed emotional regime of legal dispassion

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<sup>4</sup> The term ‘estates of the realm’ or ‘estates’ usually refers to the legal and social inequality of subjects before the law in feudal times. Most known types of estates are: clergy, nobility, commoners, bourgeoisie, peasants and so on.

(Maroney, 2011) lead to perceived increase in workload and create a great pressure that consequently decreases the adaptability and wellbeing of workers, increases the risk of bad performance and aggressive behavior (i.e. Toch, 2002; Greenwood-Ericksen et al, 2004; McCarty and Wesley, 2012; McCarty et al, 2019).

A number of authors have considered the longitudinal negative effects of work in law enforcement on self perception of law enforcement workers and on their friends and family relations. Some studies show that law enforcement workers are subjects of emotional exhaustion and depersonalization, meaning that the job in the area of public order and safety hardens workers emotionally and that they describe themselves as having become more callous since having taken the job (i.e. McCarty et al, 2019). Clark (1965) studies cultural, historical and systemic reasons for the isolation of the police as a profession. Di Federico (2005) and Dzmitryeva (2021) investigate the typical career track for becoming a judge and describe the isolation of judges inside the community of professional lawyers.

Courts have a specific position inside the law enforcement system; there is a very old but still ongoing discussion in jurisprudence: should courts be included into the umbrella term “law enforcement”? Some would say that they should, because all bodies — police, prosecution, court and correction — serve one common goal: the establishment of justice. Others would say that independence of the judiciary should be reinforced by the exclusion of the courts from the term (Robertson, 2005).

There is a growing body of literature in critically reformed Law and Development studies which rejects the basic tenets of modernization theory (the idea of linear evolutionary progress that would ultimately result in legal ideals and institutions similar to those in the West) (i.e. Trubek, 1972; Moustafa, 2014; Treisman, 2018). The critical reconsideration of the idea of linear development of institutions allows to take a closer look into the ways in which courts are deployed as instruments of governance in different countries, how they structure state-society contention, and the circumstances in which courts are transformed into sites of active resistance (Moustafa, 2014; Dzmitryeva, 2021; Pozdnyakov, 2016). One of the criteria for the evaluation of the independence of courts is the ability of courts to make

decisions against state agencies. Although the law enforcement in Russia<sup>5</sup> is usually depicted by the media as captured by the president and subdued to his executive “vertical of power”, the percentage of court decisions against state agencies in Russia is quite high (Solomon, 2008; Treisman, 2018). For example, success rates for citizens who sued the government in courts of general jurisdiction between 2007 and 2011 never fell below 87 percent (Treisman, 2018).

Said above is not to diminish the horrors of the “telephone justice”<sup>6</sup> in political cases against journalists, artists, activists and politicians: the capture of courts and law enforcement agents by business and the politicization of them by the Kremlin are indeed serious problems. However, most researchers of the Russian legal field would name highly formalized rules for performance evaluation combined with the inconsistency of promotion policy in practice as the greatest problem of the Russian law enforcement system. Since internal rules and procedures are almost impossible to follow consistently, legal professionals are forced to violate laws not just for corrupt gain but simply to do their jobs (Treisman, 2018; Paneyakh, 2013). Also, a great problem with which law-enforcers in Russia deal everyday is the astonishingly high activity of the Russian parliament which started to publish new laws of such poor legal writing that it has been mockingly labeled a “mad printer”<sup>7</sup> (i. e. Gabowitsch, 2017). Another well known problem of law enforcement in Russia is prosecution (conviction) bias: there is less than 1% of acquittals in all processed criminal cases (i.e Pozdniakov, 2016; Paneyakh, 2013). However, when defendants are law enforcement officials, the percentage of acquittals is different and rises up to 13.9% (Treisman, 2018; Volkov et al, 2016).

## **Theory**

This study takes the sociology of emotions as a general framework. In sociology of emotions society is approached as an interactive system in which no action can occur without emotional involvement (Barbalet, 2002). Emotion research of the past decades shows that all social actions and interactions are guided by emotion, that emotion and reason are mutually dependent and informed by one another in ways that blur the distinction between them (i.e

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<sup>5</sup> in Russian legal training courts are usually included in the umbrella term “law enforcement”, although there are quite a number of norms in the Constitution and in Federal laws that aim to establish independence of the judicial power in Russia.

<sup>6</sup> “telephone justice” (telefonnoe pravo), a term borrowed from Soviet times that means that political orders from above matter more than legal norms. See for example Schwirtz (2009); Lipman (2009).

<sup>7</sup> mostly the term is used to refer to Duma’s sixth convocation, running from the very end of 2011 until the middle of 2016

Barbalet 1998, Fineman 2000, Wettergren and Bergman Blix, 2016). Decision making processes inside bureaucratic institutions are performed in a specific (rationalist) emotional regime in which calm and quiet emotions orient focus on action goals external to the self (Barbalet, 2002). The particular emotions that people experience and emotion rules according to which they should manage those emotions arise out of the structure of relations of power and status in which they are implicated (i.e Kemper, 2001; Hochschild, 1983). At the same time establishment of the public trust (or distrust) is based on emotive-cognitive work of people which includes risk management and is associated with personal experiences and collective identities (Engdahl & Rolf, 2012).

Hochschild describes diverse ways to achieve the demanded emotional state or display, namely cognitive or bodily emotion work, deep or surface acting. People do emotion management or emotion work in obedience to feeling rules which are not completely of their making (Hochschild, 1983). Emotion work is a gesture and a medium of social exchange sometimes perceived as a commodity (Hochschild, 1983). Another classic approach to exchange dimension of emotions was suggested by Collins in his theory of interaction rituals. Collins focuses on micro-interactions but concludes as well on how it might affect the macro structures of the society. The core concept of his theory is the medium of social exchange that is called “emotional energy”. Collins refuses the rational actor theory and suggests the concept of emotional energy as the common denominator of actions (Collins, 2004). According to Collins different interactional rituals generate a variable level of emotional energy in each individual over time depending on 1) the number of people that are participating in the ritual and the time they spend together; 2) the boundedness of the group of interaction meaning that the highest amount of emotional energy is generated when there are barriers to interacting with outsiders; 3) the focus of attention, meaning that the highest level of emotional energy is generated when everyone is concentrating on the same thing; 4) the commonality of emotional mood. Successful interaction rituals give individuals both emotional energy and collective symbols. Collective symbols shape individuals’ thinking even when they are not in the presence of a group (Collins, 2004).

As it was mentioned above, legal professionals are quite isolated in their own professional community, they constantly participate in very focused interactional rituals on the frontstage (such as court hearings) and on the backstage (such as corporative celebrations) and they share the set of symbols that are generated in such participation. Lay people who are also

present at courts' hearings can not read the majority of symbols that are used by professionals. According to Collins there is a flow between the material market and the emotional energy market (Collins, 2004). So such important interactional rituals as celebrations, giving and receiving gifts may produce a significant amount of emotional energy for participants. Respectfully, declining gifts brought by lay people may position these people as outsiders. However, it is important not to label all diverse communication within the group of legal professionals as corruption. Corruption is a general term used in the media to approach injustice. For this study it is important to distinguish *social esteem* as a consequence of emotional rituals from *bribery*, in which coercion predominates, meaning that in corruption the main goal (unlawful decision) is external to actors' relationships while group relations and feelings of the members of a group to each other have the value and meaning in itself (Barbalet, 2017).

Another important concept that is used in this study is *emotive-cognitive judicial frame* (Wettergren and Bergman Blix, 2016), which is a restricted behavioral script of habitus for law professionals in the course of their work. The concept takes into account not only officially demanded display of juridical dispassion but also emphasizes the inseparability of emotion and reason in the practicality of legal work inside law enforcement institutions, it brings attention to conscious adjustment of feelings and expressions done by professionals in the institutional settings, it discloses the artificial, performative and contingent character of procedural objectivity. With time and work experience the frame becomes habituated and emotion management of adhering to its feeling rules becomes backgrounded. The emotive-cognitive juridical frame is reproduced, sustained as well as altered by legal professionals' interactions in and around courts and offices (Bergman Blix and Wettergren, 2019). Claims and callings for an account with which legal professionals correct each other and even more often the others (i.e. lay participants, witnesses, audience) could be seen as rule reminders (Hochschild, 1983).

The regime of juridical dispassion in court is based, at least partially on statutory principles of the trial, namely: impartiality, objectivity, legal equity, adversary character and immediacy of the trial. Those principles are often explicitly stated in procedural codes or in other legal documents, but even if they are not, they are always present as an element of procedural culture (Maroney, 2011). Bergman Blix and Wettergren (2019) argue that to arrive at a whole that is objective rule of law, legal professionals rely on overt or tacit emotional

communication which is oriented mainly towards professionals and meant to be picked up by other legal professionals .

Previous research in the field of sociology of emotions shows that strategic emotion management as well as such emotive-cognitive techniques as empathy and role-taking are used by legal professionals in the course of their work (Bergman Blix and Wettergren, 2016). Empathy is the capacity to read and understand someone else's emotions. First and foremost empathy is a human capacity to navigate in the social landscape and make predictions about the actions of others. Empathy is a hardwired capacity but also it is important in the course of the legal work because it is a crucial aspect of legal coding as the motive is one of the main characteristics of the crime (motive here is how the accused is consciously and emotionally connected to the fact of the crime). Wettergren and Bergman Blix (2016: 5) separate partial and managed empathic processes that legal professionals use in a course of their work, which are *role-taking* and *identification*. *Role taking* is a partial and instrumental emphatic process which means that empathizer imagines her or himself in the place of the other and partially her or his perspective, and thus, to some extent, she or he may understand what emotions the other experiences, but the awareness that the self and the other are separate individuals remains distinct, whereas *identification is a* process of empathy that goes further to the extent where the empathizer experiences the other's emotions as if the perspective of the other was in fact the empathizer's own perspective.

Furthermore, gender is a very important category for sociology of emotions so far as emotion is associated with the female, nature, the body and the private, and reason is associated with the male, civilization, mind and the public (i.e. Hochschild, 1983; Wettergren, 2019). Usually there is a male concentration in high-status well paid positions and the opposite goes for women. This optics is employed for the analysis of the role of the female judges in Russian institutional context.

### **Context**

Four major types of organizations participate in the processing of criminal cases in Russia.

*A police precinct* registers an incident of a crime. A preliminary investigation is carried out by field detectives which are stationed within the police precinct. The performance of the precinct as a whole is evaluated mostly on the basis of the number of cases solved.

*Investigative body* is a separate department within the police; it is separated from the precinct institutionally. There is also a separate federal agency called the Investigative Committee (Sledstvennyy Komitet) that carries out investigations for severe crimes. The investigator formally initiates the case (with the permission of the head of the department). In the end of the investigation Investigators apply to the court via documents revised and signed by the prosecutor from the Prosecutor's office (obvinitelnoe zakluchenie).

*The Prosecutor's office* supervises the case; within the Prosecutor's office there is a difference between officers who supervise investigations and those who present cases in court, which in practice often means that the prosecutor who argues for the case in the courtroom was not involved in the investigation and knows the case only in form in which it was filed to the court.

*Courts:* district courts are the central segment of the juridical system in Russia. They process both criminal and civil cases as a first instance, but also they function as courts of appeal for decisions of the magistrate courts which process minor cases. The trial, as it is stated by procedural codes, is adversarial. However, when it comes to processing criminal cases some researchers may define the trial as inquisitorial due to the comparatively active role of the judge in hearing and because of the strong accusatorial bias of the system overall.

As courts of first instance, district courts handle the majority of all cases (according to jurisdiction set up by procedure codes, but to simplify: the cases where potential imprisonment is more than 3 years) and civil cases with a sum in dispute which is more than 50 000 rubles or approx. 5600 SEK (if less, the case goes to magistrate court). The legal decisions in district courts as an instance are made by one sole responsible judge.

Each district court as an organisation consists of a certain number of judges (depending on the size of the district) one of whom is a chairman, who is also responsible for the organisational issues of the work of the whole court. Secretaries are placed under responsibility of a court as an instance and usually work with more than one judge while the assistants are placed under responsibility of an individual judge.

According to data collected by the Institute for the Rule of Law in 2016 in Russian juridical system the majority of judges are female (2\3 of all judges) with a background:

- in court (as secretaries and judges' personal assistants) -- 40,8 %;
- in prosecution office -- 26,8 %
- in police investigation office -- 20,3 %

- in defence - 14,0 %  
(Volcov V., et al 2016: 115)

### **Method and material**

The research is overall qualitative, explorative and ethnographic. The qualitative ethnographic methods are chosen for gaining greater understanding of phenomena from the point of view of participants (DeWalt & DeWalt, 2002). The research uses a combination of ethnographic methods such as shadowing, observations and interviews.

This study has an abductive approach which draws both on theory and empirical data. For instance I approached the data with theoretical concepts (i.e. emotive-cognitive judicial frame, emotional energy, emotional rituals and so on), but at the same time I also have been attentive to what data suggest and, when necessary, have changed analytical tools correspondingly. The study involves an understanding of why discovered patterns explain a certain case but not all cases. Also, it must be stated that a number of cases I analyse in this study could not be summed up to a general truth (i.e. Alvesson and Sköldbberg, 2009).

The selection of data for the analysis is done strategically and retroactively (Alvesson & Sköldbberg, 2009) The research approach is also opportunistic which implies that one uses one's own life experience and the opportunities that appear in one's life in order to deepen the scope of knowledge (i.e Jeffery W Reimer, 1977).

The first portion of data was collected in 2019 in a district court in Russia. I had an opportunity to do so because as a defence lawyer, who temporarily resigned from duties to study sociology, it was possible for me to suggest a helping hand to a district court judge's office, which I knew was busy with paperwork that I am capable of doing.

In 2021 I collected complimentary data for this thesis in the form of interviews with protesters of Winter 2020-2021 in Russia and defence lawyers who are famous for defending protesters in Russia. These two categories were chosen for the current study because they usually meet with the law enforcement system when the system is overloaded due to the mass character of the protests. In this situation the qualities of the system, which I describe in the in-house part of the analysis, are aggravated, so protesters and protesters' defenders possess the sharpest perspective on the "we" of the law enforcement.

Thus, the selection of court is one of convenience (the one where I have worked) and the selection of interviewees for the second round of this study was strategic, i.e. I wanted to speak to people who were likely to have experience of the law enforcement system as subjects before the law.

The material for this research was collected around 3 thematic sections:

- 1) in-house material collected in a district court in Russia in 2019 where I was temporarily employed as a personal assistant of a judge
- 2) The interviews with defence lawyers and civil rights organizations workers (3 interviews) done in March of 2021
- 3) The interviews with protesters who protested for a fair trial (6 interviews) collected via secured internet calls in February and March of 2021 and field notes collected during the protest in Moscow on 31 of January 2021.

All excerpts have been translated from Russian to English by the author.

There is a two year time lapse between the collection of the in-house material and the rest of the data. However, some emotive-cognitive patterns that inflate law enforcement institutions could be recognized in interviews with civil rights defenders as well as in interviews of protesters when they speak about their personal experience within the law enforcement institutions.

### *In-house part*

During one of the courses of my first year in master program in sociology for the period of 2 months I was employed as a temporary personal assistant of a district court judge where I was assigned to share some tasks with the permanent judge's assistant<sup>8</sup>

The judge, court workers and legal professionals, who were regularly visiting the judge's office, were reminded that my personal purpose in this employment is to study contemporary problems of the court workers by qualitative sociological methods. With the help of the supervisor from the Gothenburg university I designed a consent reminder for participants

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<sup>8</sup> Notably, my tasks were: to prepare projects of texts that afterwards are checked and signed by the judge, including projects of sentences and civil cases resolutions; to find mistakes and problematic places within the cases; to check all identification information (for instance serial numbers of measurement and testing devices, people's IDs and so on); to find excessive repetitions in the full-text decisions; to check the references to the legislation in power.

with information about my study. Since then my focus has shifted from general interest in socially-related problems that court workers have in their everyday work life to more specific problems of the collective identity of the law enforcement workers.

During my short employment I often felt unity with co-workers, especially when our tasks were finished with satisfactory quality or when we were complaining to each other about some absurd changes in legislation. However, I wasn't truly included into the collective of court workers. It made me analyse why and from what I am excluded, which in turn naturally modified my focus.

Participants were informed and agreed to participate in the study for studying, scientific, and teaching purposes. All information that makes it possible to identify the particular court or even a region of Russia where my employment took place is withheld to secure anonymity of participants.

I was present in all court hearings conducted by one judge in a period of 1 month (31 civil cases, 11 criminal cases and 17 administrative cases were heard; 14 civil cases, 3 criminal cases and 13 administrative cases were ended in that period with the final ruling of the court) and participated in some of the collective discussions about ongoing cases. The material collected for this part of the study consists of 1) comments about processed cases made by the judge and court staff workers, observations, interviews, shadowing, informal talks and conversations which appeared between hearings and during mundane paperwork of the court; 2) notes on formal and informal part of the 8th of March celebration (The International Women's' Day) to which all law enforcement officials of the district were invited; 3) an interview with the judge in a form of a free narrative on what concerns her in her work.

Shadowing as a method means that the researcher follows a particular target in the field in order to get access to a wider range of situations. During the process of shadowing the researcher and the informant or “target” have the time to mutually reflect upon the processes that have been observed (Wettergren 2010). For observations it is important to focus on the ritual aspect of the work in court, noting body language, facial expressions, glances and gazes, explicit emotion words, tone of the voice, management of ritual transgression and so on (Bergman Blix and Wettergren, 2019). Repeated shadowings of similar processes were

validated in conversations with shadowed persons, namely: the judge, court secretary, judge's assistant.

### *Defence lawyers*

For this part of research I took 3 interviews with defence lawyers of human rights activist organizations who participated in court hearings in cases against protesters involved in protests after the freedom of assembly was significantly limited by the law (after 2014).

To find participants I wrote 10 letters to defence lawyers who are publically known for their work in defense of protesters. Due to time limitations I was capable of conducting only 3 interviews for this part of the research (I interviewed those who answered first). However, the collected material suggests some valuable indications and patterns. Data were collected in a form of tape recorded semi-structured interviews about participants' experience in defence of protestants. All participants received information about the study before the interview and gave their consent to tape recording of the interview.

### *Protesters*

Field notes for this part of the research were collected during the protest in Moscow on 31 of January 2021. Interviews with protesters were conducted later, in February and March of 2021, as semi-structured interviews. The open-ended questionnaire guide included questions about the experience of protesters with law enforcement institutions. Respondents were selected via snowball sampling technique which means that existing study subjects recruit future subjects from among their acquaintances. As the sample builds up, enough data is gathered to be used for research. A snowball sampling technique is used because the investigated protest was in-fact prohibited by authorities; thus, protests could be seen as a hidden population. For each individual protester, to speak openly about his or her experience with law enforcement and about his or her involvement in the protest it is important to trust the researcher. However, a conversation about such a sensitive subject becomes possible when the participation in an interview is recommended by someone who has already established a trustful communication with them. In this particular case the informants knew each other because their protest activity made them go through the law enforcement system in groups: 2 informants were arrested together, 3 informants were detained together. The resulting sample, while not meant to be representative, nevertheless suggests some valuable indications and patterns.

Information about age, gender and occupation was also collected. 4 informants were male, 2 were female. Age of informants vary from 20 to 60. All participants received information about the study before the interview and gave their consent to tape recording

The interviews ranged in time between 45 min to 1 hour 20 minutes, averaging 1 hour.

### *Handling of data and analysis*

All interviews were recorded, transcribed and translated by the author. The data were anonymized and coded by hand, each theme was analyzed separately with a more stringent theoretical approach (Alvesson and Sköldberg, 2009). The data were interpreted in the light of previous literature on the empathic process and its relation to emotional work and emotional rituals in institutions.

In the result sections following below representative excerpts from field notes and interviews serve to exemplify the analysis. In order to secure anonymity of participants pseudonyms were used. The age of participants is given in tens to secure anonymity of the participants (i.e 40+)

## **Analysis**

### **The “we” of the law enforcement**

In the following paragraphs I will show how participation in the same emotional rituals, the state of overwhelmness with work tasks and resentment, created by rapidly changing legislations and new forms of meaningless activities, significantly participate in the creation of “we” of the law enforcement officials.

### *Workload and associated emotional work*

The state of overwhelmness with work that in a way made it possible for me as an outsider to enter quite a closed group of state legal professionals, brings to the mundane reality of the court such feelings as despair, shame and resentment which could be seen as another side of the coin: when legal work is done as it is demanded by the law, it unites court workers by feelings of pride and joy.

The collected material also suggests that the mentioned perceived extreme workload was fueled by the case against police officers: that case demanded not only a huge amount of legal work but also the significant amount of emotion work directed to restoration of the “we” of the law enforcement, damaged by the case against those who belong to this “we”.

When complaining about the workload, court workers and the judge herself were often referring specifically to meaningless tasks that they are obliged to do.

In an interview for this study, the judge reported that her major dissatisfaction with work is when she feels humiliated by inconsistent legislations and demands of judges in a higher tribunal. Sometimes when she must judge according to new laws of extremely poor quality she said that she feels hopeless and lost. She mentioned a high pressure that is created by federal anti-corruption campaigns. She said that often she feels absolutely powerless when she decides on the case because she understands that in the eyes of the public she solely takes all the responsibility for the quality of the decisions, which in-fact are collegial. In addition to that she says:

The worst thing is when I read the sentence out loud. According to the latest regulations I must read the whole sentence from the beginning to the end which takes hours, sometimes days [sentences are often up to 150 pages long]. Before that I was obliged to read only the resolution. There is an audio recording in the courtroom. If I miss something or if it has a slight difference from the printed version of the sentence, parties could use that for reversal. It is stressful and humiliating. (S. 50+, judge)

In the particular court that I am describing all secretaries and personal judges’ assistants were female. 4 of 6 judges were female as well. All police workers, tipstaff and bailiff workers in the described district were male. 6 of 8 prosecutors that I have met in a period of employment were male. As we can see, there is a significant gender disbalance amongst the law enforcement officials. When applying gender as a category of the analysis, sociology of emotions suggests that emotions are associated with female, nature, the body and the private, while the reason is associated with the male, civilization, mind and the public (Wettergren, 2019). Usually there is a male concentration in high-status well paid positions and the opposite goes for women. The way in which law enforcement officials communicate in the backstage of the court suggests that the chief prosecutor (usually male) of the district is in a way more powerful and independent than the judge of the district court (female). However, in the performative situation of the court hearings the judge still holds the leading position.

In terms of Hochschild (1983), the emotional labour expected from court workers varies on a scale from what is expected from flight attendants to what is expected from a collector depending on the status of the party. Just as a flight attendant the judge sometimes tried to focus on the positive aspects of personality and blame unfortunate circumstances that led a party into the courtroom. In other times, just as a collector, she was focused more on negative personal qualities of the party and tried to establish hierarchical distance. Bearing in mind the mentioned gender disbalance in law enforcement positions within the district, we should say that the judge also did a significant amount of emotion work to comfort the chief prosecutor in rare occasions when he appeared in court and implicitly by being nice to his employees.

Judge treats them [officials that are subordinate to the chief prosecutor] this way [in a kinder and merciful manner] because they could complain to their boss. No one wants to bother the chief prosecutor . (N. 30+, judge's assistant)

The judge was mentally detaching herself from her empathy towards lay people especially when they appeared in court as defendants in criminal cases, but sometimes in civil cases as well. For example, a divorcing couple got schooled by the judge because “they must understand that what is going on is serious and that they cannot use the court for their quarrels”. “Schooling” or reminding litigants of the seriousness of the situation made litigants quiet and easy to manage during hearings and possibly made them less critical to the technical qualities of the final text of the court's decision. In addition to that, collected data suggests that when defendants are police officers, it provokes something like a clash of emotional rules: usually hostile to defendants, the judge was switching back and forth between emotion rules that dictate to be nice to other law enforcement representatives and very strict and hard-hearted with defendants in general.

Among other tasks during my employment I was assigned to work with the case on article 286 of the Russian criminal code which is “Excess of Power and Cheating by False Pretenses Done by an Organized Gang”. The defendants (4 people, all male) were police investigators (*operupolnomocheniye* in Russian) who used to work in prosecution teams in neighboring districts, however occasionally they were collecting evidence that supported the prosecution in other criminal cases within the district of a study. My task on the case was to study evidence in the file and to do triangulation of evidence coming from different sources.

The majority of criminal cases in the Russian criminal justice system is processed through the summarily (simplified shortened type of procedure which assumes that defendants admit their

guilt and in return they are promised a lighter punishment) (Volcov V., et al 2016). The cases against police workers are usually processed through a full procedure (unlike the majority of other criminal cases which are processed via simplified procedure).<sup>9</sup>

This case turned out to be extremely complicated both in a procedural and emotional sense.

Both sides brought digital evidence into the case, a large amount of audio and video recordings, lists of telephone calls, transcripts, location data etc. Also, as everybody nowadays is equipped with personal computers and printers, litigants can afford extremely long statements (100 pages instead of 20). Everyone in the office was constantly mentioning “good old days” when litigants and their representatives used typewriters or handwriting. (field notes).

The workload perceived by court workers felt especially draining because the case against police officers created an additional pressure. It demanded to restore the “we” of the district law enforcement with emotional work in a form of shown compassion but at the same time in a form of rule reminder that the punishment is inevitable and should be taken seriously. Because the said “we” had to be restored not only on the level of the district court but also in public eyes and on the level of the court of the higher instance, it created additional demands to the quality of legal work.

To sum up one should say that inconsistent legislation which is almost impossible to follow, pressure from the court of the higher instance (as well as hierarchical pressure in investigative bodies and prosecution), the necessity to produce consistent legal texts and overall amount of paperwork, the need to keep good relations with each other while having opposite procedural roles create a situation in which law enforcement professionals experience similar exhaustion, frustration and shame for not being able to be good professionals which in turn strengthens the defensive component of the “we” of the law enforcement.

### *The “we” and the “other”*

Data suggest that the “we” of state legal professionals (judges, court workers, prosecutors and police workers) is not homogenous: the rank and particular institution to which they belong is very important in their everyday work. However, the explicit idea of the “other” allows to make a certain assumption on how the line between the “we” and the “other” is drawn:

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<sup>9</sup> see statistics on <https://bsr.sudrf.ru/>

Police workers and people from the prosecutor's office use special jargon words to refer to people who are under investigation such as “жулик” (cheeky fellow, petty thief) and “злодей” (villain). Despite the legal principle “innocent until proven guilty” those words are informally used to describe people who are not yet proven guilty. Judges normally do not use those words and people from the court office use these words only as a joke, rarely, in very informal situations while police officers use those words multiple times every day in dialogues with each other and sometimes with prosecutors with whom they have warmer relationships. Prosecutors also sometimes use those words when they talk to each other. Those words are almost never used by any actors on the frontstage of the processing of the case (i.e in a courtroom), but are often used backstage. Law enforcement officials usually call each other by their names (or by names with patronymic) all other court visitors are usually referred to as “люди” (people) or by their procedural status (litigants, parties, clamers, defendants etc).

(field notes)

I consider such code-words as symbols of belonging to the group, the appearance of which is a result of repetitive emotional rituals by which law enforcement officials strengthen their unity. As we can see from the excerpt above, legal principles that separate judges from prosecution and police are still at work to a certain extent when it comes to participation in emotional rituals such as usage of jargon words. Judges differentiate themselves from prosecutors and police officers. However, sometimes they do such emotional work that suggests that they might feel subordinate to the chief prosecutor.

Another interesting pattern that was revealed by the case against police officers is that solidarity might be distributed unevenly among law professionals: defense lawyers are usually excluded from the group of state legal professionals. All legal professionals constantly meet with each other in front and back stages of legal decision making sites, they understand legal terms and participate in emotional rituals.

There are quite many indications that a defence lawyer can expect to feel welcome in a courtroom only when he or she is an obvious ally, namely when she or he defends someone who belongs to the “we” of the law enforcement.

While instructing me on the work that I should do on the case against police officers, the court's secretary Elena said:

I wish my defence lawyer would do the same if I am accused. The last statement that defence brought into the case was more than 50 pages long. Poor girls! [meaning judge's personal assistants, implying that they will have to do more work because of that] And I was breathless when [...] the defence lawyer questioned the accuracy of the judge before the judge herself! State-paid lawyers never do that, I have never even seen contract lawyers who did so! You know this saying: "using procedural code to the fullest is the best way out of a legal profession". Although in this case it is maybe fine, but it was a bit disrespectful I think, it was too much. (E. 40+)

The role of the defence lawyer in court procedures could be seen as a sum of her or his own reputation and status mixed up with a background and status of her or his defendant and the type of tie that connects defendant with a defence lawyer: contract based or court-appointed legal help. In the following paragraphs I will exemplify this statement by excerpts from defence lawyers interviews.

According to Collins, the material market and emotional energy market are connected by the flow, in this regard it is understandable that the answer to the question "Who pays for the defence?" (defendant him/herself or the state) is important for the analysis of the interactional ritual of the court procedures. The excerpt above suggests that it feels understandable and normal for court workers when contract based defense lawyer who represents state legal professionals "uses the procedural code to the fullest" meaning that it is *allowed* to defend certain types of high status defendants included in professional group with maximized effort especially when defence lawyer's motives to do so are also explained by their financial interests. Otherwise, when "done for free" or when done to the benefit of the "wrong people" the intensified effort of the defence lawyer could be perceived by court workers as a personal affront of the judge. Elena, the court secretary, also explained that it is very important to keep the judge in a good mood, and that it is unforgivable if defence lawyers do something that may cause the judge's anger. Judge's personal assistants do huge amounts of emotional work to comfort the judge. Elena implied that all legal professionals know how stressful it is to work as a judge and how judges are overwhelmed, so if you bring new documents or facts into the courtroom "it must be something really important" and "good for the case" from the perspective of court workers (which is not the same as "good for defence").

Collected data suggests that the court-appointed defence lawyers, who usually defend those who can not afford contract based legal help, are expected to do more emotional work to keep the judge in a good mood (court workers used emotional rules reminders directed to court-appointed defence lawyers such as “I hope this time you are not going to annoy the judge”, “you will leave right after the hearing and we will face the consequences of your behavior”, “I hope there’ll be no jokes from your side this time” and so on).

To conclude it should be stressed that the we of the law enforcement has its borders which are defined by the “other” who is presented via lay people/”villians” and defence lawyers, except those who defend the people who are included into the “we”.

### *Empathy and material emotion market*

Empathy is usually put to work to achieve specific court tasks because it is essential when trying to get an idea of the crime scene and actions of the involved through the available information and material brought to them by police (Wettergren and Bergman Blix, 2016). Because legal professionals in the course of their work constantly participate in very dense and time consuming interactional rituals with one another, they become capable of producing high levels of emotional energy to each other (Collins, 1993). Furthermore, in the need to perform objectivity together they become very sensitive and attentive to expressive gestures of each other (Bergman Blix and Wettergren, 2019).

In the already mentioned case on the “Excess of Power and Cheating by False Pretenses Done by an Organized Gang” court workers showed a surprising degree of empathy towards accused police officers. Natal’ya, a personal assistant of a judge, who is married to a police officer, when discussing the case, once said:

Poor boys! My husband knows one of them by work, he is just a regular criminal investigator: young, overwhelmed with the work. It is a pity, they have already lost everything and now there will be a guilty verdict. We shouldn’t talk about it really. Oh, their boss is horrible, he is shouting at them all the time. (N. 30+)

As we can see from the excerpt, Natal’ya *identifies* with defendants and sympathises with them without even attempting to do emotional management that is demanded by the overall regime of juridical dispassion (Wettergren and Bergman Blix, 2016; Maroney, 2011). There is a pattern that suggests that unity amongst law enforcement officials of different ranks and institutions is developed via emotional rituals that happen on the backstage of the court.

First of all, investigators, prosecutors and people from a police precinct come to the court more regularly than any defense lawyers. Some investigators and prosecutors were regularly invited to the court office during lunch breaks for a cup of tea, whereas no outsiders were allowed to enter. Such emotional rituals and the fact that those activities violate the demanded division of branches of power, assign a special meaning to those meetings. According to Collins (2004) successful interaction rituals give individuals both emotional energy and collective symbols. Indeed, we can say that the mentioned lunch breaks constitute the communality of the emotional mood.

Another example of such problematic backstage rituals is a celebration of the 8th of March or International women's day, that happened during my employment. As 80% of the court workers are female, the celebration is a big and important event for the court. On a day of celebration, which is the last working day before the holiday, as a temporary judge's assistant, I was instructed to decline all gifts to the judge from random people (except flowers):

It is tricky for me to receive presents, especially expensive ones, even if I know that it never changes anything for me, I am aware of how it may look. And I don't want to look this way. If you don't know who these people are you can take only flowers from them (S. 50+, judge).

At the same time it was allowed to receive presents from the prosecution office, municipality, and from the head of local police. Judge explained that if she received presents from lay people, other professionals might read it as a sign of corruption. Performing impartiality is an important aspect of the overall performance of justice. However, taking presents from state legal professionals strengthens the connections between them. The fact that receiving presents from law enforcement officials is not seen by the judge and office as corruption reinforces the construction of a "we" of the law enforcement, because it is not considered strange to strengthen internal bonds of mutual appreciation by gift-exchanging (i.e Clark, 1987). The emotional rule not to show affection to lay people in the form of receiving their gifts leads to a further deprivation of judges from communities outside their professional socialization.

Concluding this part it should be said that recurring emotional rituals as shared lunch breaks as well as gift exchange during celebrations (from which lay people are excluded) is another crucial constitutive factor of the "we" of the law enforcement.

I described some prominent patterns by which the law enforcement officials see themselves and the “other” of the system which in this particular case is presented by low status defendants and their defenders. In the following chapters I am going to show how the “we” of the law enforcement is seen by the “other”, namely by protesters and human rights defenders.

### **The defence lawyers’ perspective**

Workers of human rights organisations could be perceived as mediators between law enforcement and protesters: they have enough legal knowledge to speak the same language as state legal professionals but they help protestants and solidarize with them. In some cases the emotional regime of the front stage of the law enforcement institutions is quite hermetic and hard to read. The context of the following excerpt is that while the defendant (political activist) was on hunger strike in the detention center, it was very important to show his condition to the judge as soon as possible. Police workers failed to transport the defendant to court hearing on time and the hearing was postponed.

It is really hard to tell if they [court and police] have malice aforethought or it is just some kind of bureaucratic nonsense which leads to such consequences, well, it is just very unpleasant”. (V. 30+, female)

From the perspective of the defenders it seems like it does not matter for the judge if the case is against an activist or just an ordinary pedestrian and the highest priority for the whole system is to move the case throughout the stages:

People often think that if they make it clear to the judge that they just went to the shop and that they do not support the opposition, they will be released. The significant part of my job is to change this belief. Judges mostly do not care what arrested people were doing. I explain to my clients that they have better chances to win the case using procedural flaws in the case than by reasoning on the merits<sup>10</sup>. It shocks people, they don't believe that it works this way. I could say that many of them leave the courtroom as more politicised and concerned citizens. (M. 30+, female)

All interviewed defenders were concerned about the fact that right after a protest the law

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<sup>10</sup> reasoning on the merits, unlike the reasoning on procedural grounds, questions the very fact of the crime but not accuracy of protocols and procedures.

enforcement system needs to move an instant and massive amount of cases against protesters through stages of development. They explain that the problems of contemporary Russian judiciary is that acquittals in criminal and administrative cases are very rare. In their opinion it leads to the situation in which judges focus not on the flaws in the case but on portraying the defendants as villains:

Judges are not ready to risk their status because of those small cases [against protesters, implying that going against materials presented by police they risk their status] they believe that they can turn a blind eye on poor quality of the protocols and files brought up by police, but they try hard to justify their own actions, they try to make themselves look good in their own eyes. They try to get on you and your defendant during the hearings... they try to make them [defendants] look not just as protestants but as stupid creatures controlled by evil forces, to make him or her believe that they are villains and that they deserve all that evil procedure. (D. 40+, male)

Defendants who appear in the courtroom risk their status (Kemper, 2001) but professional lawyers also do so, however they tend to background their own feelings of fear and humiliation (“I must swallow my pride”) and do emotional work not only for themselves but also for their defendants, they explain procedures to defendants in a way that comforts them and by doing so they convert their own feelings of fear and humiliation into pride and joy for fulfilling their own professional duties.

Defenders sometimes notice the difference in behaviour of those who are newly employed as judge’s personal assistants and secretaries, who show a certain disconnection from the emotional-cognitive regime of the court’s hearings:

Sometimes you can see a young secretary who has just started to work and who is still figuring out where she is. You can see on her face how shocked she is, but judges are never concerned by that.

(D. 40+, male)

This could be explained by employing the Collins’ theory according to which only certain amount of successful participation in focused interaction rituals gives to the person a sense of belonging to the group and gives to the individual both emotional energy and collective symbols that shape individuals’ thinking even if they are not in the presence of a group

(Collins, 2004). So one can see that a freshman court worker deviates from the general emotive-cognitive regime of the group of the law enforcement officials because they generate lower amounts of emotional energy with their new colleagues.

Defence lawyers report that they feel excluded from the “we” of law enforcement officials, and describe how the very design of the courtrooms and waiting corridors gives them different (lower) status:

When you can see the sign on one of the court doors saying “entrance is allowed only for court workers and prosecutors”... This is about adversary nature... It is obvious that prosecution is perceived by many as a sibling of the court. The prosecutor is relaxed when he enters wherever he likes, makes jokes with the judge... he is allowed to be ironic. At the same time you can see defence lawyers who are standing in corridors without chairs, afraid to say anything. (M. 30+, female)

It is important to note that interviewed defence lawyers were not appointed by the state, their work was paid by different NGOs, however they report a high level of hostility towards them. It could be understood as a deviating pattern or could be explained via the fact that work for NGOs is usually perceived as charity work, which in turn means that – from the law enforcement workers’ perspective – the defender does not have the financial motive as an excuse for their procedural activity. Another explanation could be that law enforcement officials feel moral and professional envy to NGO’s lawyers, for being able to be better professionals (Kemper, 2001).

Furthermore, the interviewed defence lawyers mention the difference of attitude of the law enforcement officials depending on the status of the defendant:

“Of course, for the system the defendants' social class and financial resources matter a lot. But when she or he is a part of the system, meaning that they are state or regional officials, it is even better. And if they are from law enforcement itself it is the best” (D. 40+, male)

Thus, the data suggests that the personality of the defendant is very important when she or he is a part of the “we” of law enforcement. If so, such a person could expect a better treatment as a defendant and his or her lawyer could enjoy better working conditions.

To sum up one should say that from the point of view of the defence lawyers the “we” of the law enforcement manifests itself via exclusion of them from the group of state legal professionals. Although they share the same language, understand and help the law enforcement officials to establish a procedural emotive-cognitive regime of juridical dispassion and to some extent help to move the case up the stages, they perceive the “we” of the law enforcement officials from the outside. From their point of view this “we” has such qualities as arrogance and aggression with the aim to hide the insecurity of the system and poor quality of legal work as well as double standards towards people depending on their social and financial status. However defense lawyers could rely on professional knowledge on how to work with their emotions and could repair their status via focusing on fulfilling their professional duties (Kemper, 2001; Hochschild, 1983)

### **Protesters’ perspective**

Unlike defenders, protesters have no common professional language with the law enforcement workers, what is more, they are usually unaware of formal and emotional specificities of the procedures, which puts them into the most vulnerable position from which they see the whole law enforcement system as an absurd theater of atrocity and humiliation.

In the Russian context, protests as a recently criminalised activity is not yet perceived by the society as a crime. So the process of implementing charges to protesters often provokes such feelings as anger and mistrust, which in turn results in a negative image of the law enforcement among protesters.

There are jargon words to refer to police and legal officials such as: “менты” (cops), “оливки” (olives) or “черная икра” (black caviar)<sup>11</sup>, “мусора” (garbage), “космонавты” (cosmonauts). (field notes)

Some informants noted that some years ago these words were used mainly by criminals or youngster gangs, whereas nowadays even regular citizens use them. Such jargon words emphasise the perceived unfriendly qualities of the “we” of the law enforcement and allow to suggest that via using such code-words protesters strengthen the unity amongst them (Collins, 1981). Furthermore, some of the participants express the hostility between protesters and the

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<sup>11</sup> a jargon term which refers to special regiments in armor (Rosgvardia and OMON), armor is black and shiny which makes troops look like black caviar

law enforcement in terms of a war between good (protesters) and evil (law enforcement):

I think that the situation has now come to the point where it is already a war between good and evil, between the light and the dark [...] they act only for themselves and against us, mere people.

(F. 30+, male)

The data suggest that protestants are indifferent to information about a particular rank and institution to which law enforcement officials belong (although there is a deviating case of a former military worker who showed advanced understanding of ranks and institutions).

All respondents had unsatisfactory contacts with law enforcement before the protests and reported that they had no trust in law enforcement officials even before the protests.

You never know what to expect from the system [...] I assume that maybe in some separate small cases police could function, I don't know, they can issue a new passport (laughter). [...] nothing bad happened, they just gave me my passport, but in principle there is something wrong with them, with their manners, the fact that they wear this uniform.. all of that makes me suspicious, I don't trust them. The same goes for courts” (G. 30+, male)

Q: What do you think of Russian law enforcement?

A: I have a very poor opinion about it, don't let me start on that! I can speak about it only in obscene words [...] the absence of a fair trial is one of the reasons why people protest now. It is very hard to find justice [...] If on the one side of the conflict is someone who is related to the system, the decision will be to the benefit of that person, it goes without saying. Because people in trouble activate their professional connections, family ties – and many of them are married inside the system. The logic is “he is one of us, we must help”. (V, 60+, male)

It must be noted that because all participants reported that they themselves or their family members or close friends had personal experience of detentions during protests, they may retroactively bestow a negative image upon the law enforcement officials and feel like they had had resentment to the law enforcement even before their detention. Thus, for protesters the mistrust to the group of the law enforcement workers serves as a kind of risk management (Engdahl and Rolf, 2012), for there is a feeling that once you trust any law enforcement professional, something bad and dehumanizing might happen to you or to your family.

Based on the interviews it can be said that protesters do not see the court as a independent institution and do not believe in its proclaimed independence:

my experience is mostly with those micro cases on demonstrations... Those hearings are very obviously rubber stamped. There is no hope that the judge is independent. They just do whatever – I don't know who – probably, the state power or the system itself wants from them” (N. 30+, male)

There are different aspects of it. Firstly, it is mostly fatigue and tons of paper, you wait in corridors for ages. When I was arrested and detained, I ended up in a court hearing. It was an unpleasant circus really: all rise for the court and then, boom, please receive your verdict (G. 30+, male)

They violate the rights of the people. I feel disgust and anger towards them. They very well know that they have no right to demand something but they force it. They threaten, they cheat, they lie. They could say “according to the law” when there is no such law. It goes without saying that their papers are more important for them than the real situations. (F. 20+, male)

As we can see from excerpts above, from the perspective of the protesters the “we” of the law enforcement looks monolithic, uncontroversial and united by the common goal to act against them. Protesters, unlike defence lawyers, cannot focus on the idea of fulfilling professional duties when they risk their status in law enforcement institutions, so they are more exposed to such feelings as fear and humiliation. To repair their status and wellbeing they focus on their reasons to protest, explaining that it is a duty of any good person to do so. Through uniting with other protesters to achieve common political goals, feelings of fear and humiliation could be converted to feelings of anger and disgust which repairs the status of protesters in their own eyes (Kemper, 2001).

Some of the protesters state that they felt especially bad because of the perceived lack of sense in procedural activities they went through:

I think that my case was absolutely illegal, my protocol was full of mistakes and no one took any actions to correct it. When I received a copy of the protocol there was “a blockade of the traffic” which I never did. Furthermore there was also “shouted

‘Russia is only for Russians’ and it is absurd! I cannot imagine anyone on that protest who could shout that, they probably just used a wrong template. And my family name is #### (Armenian family name). When I was in court it all felt like a beltline, the judge was not looking at me, she just read something out loud. (A. 20+ female)

In conclusion it must be said that in protesters’ perception the “we” of the law enforcement system is distinctively hostile and brings about lots of risks. Due to experienced fear and humiliation, protesters see in law enforcement officials the embodiment of the excessive power of the regime which makes protesters rely emotionally on the unity with other protesters.

### **Conclusion and discussion**

The trust in the law enforcement system is generally considered to be an important indicator of the wellbeing of the society. In recent years one may see the outbreaks of radical mistrust to law enforcement in the West and in the global context. This particular study targets the “we” of the law enforcement system the way it is perceived by state legal professionals themselves as well as by subjects before the law and by legal professionals that represent them. I believe that such analysis of different types of perception of this “we” may shed light on the phenomenon of mistrust in the law enforcement. The research has been carried out in Russia, so it also explores the specificity of Russian context.

In the first part of my study, which I carried out in a Russian district court, I investigated how the law enforcement workers experience the formation of the professional unity to which they belong. I argue that several factors affect the formation of the “we” of law enforcement. One of such factors is workload. The carried out study allows to suggest that the perceived workload is associated with such factors as inconsistent legislation, pressure from the higher instances, the necessity to deal with a huge amount of paperwork, the need to maintain friendly relations with each other while having opposite procedural roles. This workload creates a situation in which law enforcement professionals experience similar negative emotions such as exhaustion, frustration and shame for not being able to be good professionals. Thus, the described workload serves as one of the crucial factors in the formation of the “we” of the law enforcement.

Another important factor is the way in which the group of law enforcement officials excludes those who are understood as outsiders, thus defining the borders between the “we” and the “other”. The “other” of the law enforcement is represented by lay people (especially when they enter the system as suspects and defendants) and quite often by defenders, if they do not defend those who belong to the system of law enforcement. The suspects and defendants are often portrayed by officials as villains, whereas defence lawyers are seen as those who bring extra paperwork into cases. Finally, recurring emotional rituals such as shared lunch breaks and gift exchange during celebrations (from which lay people are excluded) is another crucial constitutive factor of the “we” of the law enforcement.

In the second part of my study, I analysed the image of the law enforcement as perceived from the outside of the “we” of the law enforcement, namely by defence lawyers who work in human rights organisations and by protesters. The results of the study suggest that defence lawyers, who are excluded from the community of the state legal professionals, see the “we” of the law enforcement as arrogant and aggressive towards them as well as full of double standards towards different subjects before the law.

In the third part of the current study I made an attempt to observe the “we” of the law enforcement system from the perspective of protesters, who in the current political situation in Russia experience frequent encounters with the law enforcement. The study reveals that most of such encounters were unsatisfactory and left the protesters with a radically negative understanding of the “we” of the law enforcement system. The analysis of the interviews with protesters shows that they do not perceive the law enforcement officials as independent servants of public order and safety; on the contrary, the law enforcement officials appear to be a monolithic structure that serves to its own interests.

There are reasons to believe that institutional design and formal rules of performance evaluation create conditions in which the formation of the “we” of the law enforcement is inevitable even if such intimate connections are prohibited by the law. The law enforcement officials with a strong group solidarity constitute a hermetic structure which is quite often hostile to subjects before the law.

In this study the problem of mistrust to law enforcement institutions was approached as an outcome of emotive-cognitive processes of risk management and associated with personal

experiences and collective identities. However, it would be interesting to investigate how social media and new global ways of communication of ideas affect the understanding of such experiences and identities. For example, there are some meme-templates in TikTok that are mocking representation of police officers in the US; these meme-templates are used by people across the countries to express their mistrust of the official image of law enforcement. Another future development of the results of this study could be to deepen the scope of knowledge in comparative research on institutional design of law enforcement institutions in different countries.

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