

Blogger Law Traps Russia's Activists in Limbo

By [Tanya Lokot](#)

August 21, 2014



On Thursday, Russian police upgraded from "vandalism" to "hooliganism" a recent stunt in which four activists raised a Ukrainian flag on a Moscow skyscraper. Under this new charge, the four could be sentenced to as much as seven years in prison.

If they are convicted, it will certainly send a pointed message to all Russian activists. But fear of punishment, not punishment itself, may prove to be the greatest lid on dissent in Russia. A raft of recent legislation on the Internet, especially the so-called blogger law, encourages many to police themselves.

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What is now known as the Russian blogger law was signed into being on May 5, 2014, as part

of a package of laws pushed through parliament after terrorist attacks in the city of Volgograd in 2013. The blogger law took effect on Aug. 1, 2014, creating a new registry especially for citizen-media outlets with daily audiences bigger than 3,000 people. Bloggers added to this registry face a series of new regulations that increase their vulnerability to criminal prosecution.

So far the law seems to have been applied haphazardly. During the first week the blogger law coming into power, 486 Internet users applied for registration with the government, and only 11 accounts were registered. The first to be registered was a popular Yekaterinburg urban community on Vkontakte. Its administrators were surprised to receive notice since they did not apply to register — someone did it for them, unsolicited.

High-profile bloggers, understandably, are not clamoring for a spot on the registry. If registered, their blogs essentially become media outlets, with all the restrictions and responsibilities involved. Revealing your name and address, curtailing obscenities, fact-checking everything or facing criminal prosecution for libel — there's nothing in the new law to recommend it to those either speaking truth to power or simply sharing conspiracy theories.

The initial reaction of the RuNet to the law made light of it and focused on how vague and imperfect it is. Many have pointed out there is no government-approved mechanism for ranking bloggers. It's also not quite clear how quickly the government might inform those who end up on its list — and that's important because until you receive notice, you don't have to bother changing anything.

The refrain of "we're not afraid of blocking because we know how to get around it" has also been heard more and more frequently in the RuNet, as users have had to find inventive ways to access websites that are already blocked through blacklists or other means.

The blog of opposition activist Alexei Navalny, for instance, has jumped from one mirror website to another. VPN instructions on how to mask your IP address to get past Russia-specific blocks are readily available. When the Twitter account of whistleblower collective Shaltay Boltay was geoblocked in Russia, users retweeted tips on how to get around the geoblock by changing the country of residence in one's profile.

Of course, using these tricks requires some Internet savvy, and not everyone will bother. But access is not the issue here. Something much larger is at stake.

Russia's law on bloggers is an imperfect, knee-jerk response to the terrorist scare but also a sign of the Kremlin's nervousness at its inability to gain full control over the Internet. The law might be vague and flawed, and the Kremlin might have no real mechanisms of enforcing it, but in political terms it is still a statement and an excuse to persecute people who make the government uncomfortable.

In fact, the law's vagueness makes it an extremely potent tool for controlling dissent because no one can really tell what its consequences will be. This may well lead to self-doubt and self-censorship, which is always, always worse than crude automated filters and blacklists because it kills the idea before it has even been spoken.

Thus the biggest danger of the blogger law is that it might change the very notion of what it means to be a blogger in Russia, as people realize they can't just write whatever they please and afford not to think about the consequences. If you become too popular, you will be policed, and if you don't behave, you might suffer unspecified repercussions.

Some citizens may stop taking the Internet and the freedom that comes with it for granted, while others might decide it is simply too bothersome to remember all the VPNs and loopholes. They'll read what is available and keep their opinions to themselves because their authorities have said it's the thing to do.

Still, it's too early to tell which way the scales will tip. Vadim Yelistratov, editor of popular Russian online news website TJournal, even thinks the pressure, in combination with the ban on foreign foods and other restrictive legislation, might eventually lead to greater agitation for political freedoms.

This would become even more likely if the blogger law is enforced as Russian media guru and blogger Anton Nossik interprets it.

According to Nossik, blocking blogs who fail to register once notified will happen not at the individual level but at the platform level, since the law explicitly says any access limitation applies only to "organizers of information distribution on the Internet."

Under this interpretation, the whole of LiveJournal and Facebook might end up being blocked in Russia because of one or more unregistered blogs, Nossik says.

The fundamental question, though, is not how the law is enforced but how essential a free Internet is to Russians. If laws ending anonymity and free expression online are enough of an inconvenience for citizens, they may rebel. If not, a minority will quietly go around the legislation while the majority play by the new rules.

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