

Article 148- The Aftermath of Punk-Prayer

In the twenty-five years since the collapse of the Soviet Union, the Russian Orthodox Church has been elevated from a marginalized institution to a column of power. It has amassed massive wealth and transformed itself into an industry of Church-sponsored journals, T.V. channels, radio-stations, and newly-built shiny gold cupolas, ensuring a constant presence of Orthodoxy, at a minimum, on a visual level. The Church's unrelenting PR sends a clear message: Russia is an Orthodox country. Superficially, this would appear to be true. Approximately 70% of Russians consider themselves Orthodox Christians.¹ Patriarch Kirill regularly appears on the government-owned channels *1* and *24*, often strategically placed before the 10 o'clock news,² and was even trotted out to sprinkle "holy-water" on the Russian Olympic team before their departure for Rio.³ However, if one looks more closely, these statistics and the visual prominence of Orthodoxy are deceptive. Despite the fact that 70% of Russians claim to identify as Orthodox Christians, a marginal number actually enact their faith by attending or donating money to the Church.⁴ Statistics show that close to 30% of Orthodox Christians do not even believe in God.⁵ However, despite this discrepancy, the façade of Orthodoxy as predominant and an integral part of Russia and the Russian identity, has allowed for excess that defies the boundaries imposed upon religion by the Russian Federation's explicitly secular Constitution.⁶ The idea of Orthodoxy as inherent to Russia has recently culminated in a series of laws that cement its prominence in post-Soviet society. The focus of

¹ Boris Dubin, Aleksey Malashenko, "Obraz pravoslavnogo veruyushego v sovremennoi Rossii," Carnegie Center- Moscow, June 8, 2012, <http://carnegie.ru/events/?fa=3725>. Accessed September 1, 2016.

² "Slovo Pastyrya," *Pervy Kanal*, <http://www.1tv.ru/shows/slovo-pastyrya>.

³ "Svyateishy Patriarch Kirill sovershil moleben pered otezdom Olimpiskoi sbornoj rossii na XXXI letnyu olimpiadu," *Ofitsialni sait moskovskogo patriarkha*, July 27, 2016, <http://www.patriarchia.ru/db/text/4575216.html>.

⁴ "Rossiyane o religii" *Levada Center*, January 24, 2013, <http://www.levada.ru/2013/12/24/rossiyane-o-religii/>. Accessed April 1, 2016.

⁵ "Pravoslavnikh Rossiyan vse bolshe, v tserkov khodyat menshe," December 24, 2013, http://www.bbc.com/russian/russia/2013/12/131224_russia_religion_polls. Accessed May 1, 2016.

⁶ "Konstitutsia Rossiskoi Federatsii," *Glava 2. Prava I svoboda cheloveka i grazhdanina*, <http://www.constitution.ru/index.htm>.

this paper will be on one in particular, *Article 148*, or as it is more commonly known, “the law against offending the feelings of religious believers.” I will begin with a historical background of Church-State relations to provide context for this law, before examining the law’s effects, and ultimately my personal experience with how the law leads to self-censorship.

Historical Background

Despite the fact that Soviet Russia was officially an atheistic state, religion was never fully abolished, and the Church remained under the stronghold of the State. This is not to diminish the oppression the Church and its followers faced, particularly during Stalin’s purges, but to highlight the historical importance of the Church as a political tool. Though Stalin initially worked to diminish the Church’s role in society, he famously revived the Church during WWII, as a way of raising morale.⁷ This pact between Church and State endured. The fact that the Church was never fully dismantled helps to explain its re-emergence in the post-Soviet years and the relative ease with which it has regained its former prestige.

In the early 90s, Mikhail Gorbachev passed a religious-freedom law affording all religions equal status. This egalitarianism, however, was short-lived. Following Yeltsin’s unconstitutional dissolution of Parliament in 1993, the then Patriarch, Aleksey II, emerged as an unlikely voice in calling for law and order.⁸ As Wallace Daniel has noted, the Patriarch was viewed as a moral authority, helping Yeltsin maintain power, and even played a role in Yeltsin’s 1996 re-election.⁹ The nascent Russian government quickly identified Russian Orthodoxy, and the Church in particular, as a source of moral legitimacy and a potentially unifying force. As Yeltsin’s presidency dragged on and his support dwindled, he was pressured by the Church’s leadership to grant the Church a pre-eminent status.¹⁰ This pressure did

⁷ Wallace L. Daniel, *The Orthodox Church and Civil Society in Russia*, Texas A&M, 2006, 38.

⁸ Daniel, *The Orthodox Church and Civil Society in Russia*, 65.

⁹ Irina Papkova, *The Orthodox Church and Russian Politics*, Oxford, 2011, 76.

¹⁰ Papkova, *The Orthodox Church and Russian Politics*, 90.

not come exclusively from the Church, but was also a product of the chaotic and lawless 90s, the emergence of radical cults and an influx of missionaries.

The Church seemed to provide an answer to many of these problems, and thus was accommodated. In 1997, Orthodoxy was named in a new law entitled “the law on freedom of conscience,” as one of four “traditional” Russian religions, along with Judaism, Islam and Buddhism.¹¹ This law on “traditional religions” gave priority to what were considered historically Russian religions, and placed limits on newly granted religious freedom, and cults in particular.

Despite the official four “traditional religions,” Orthodoxy quickly became the favored confession. While in part this was undoubtedly related to the Church’s moral authority, it was also tied to financial issues. Gorbachev’s religious freedom law was reparatory in nature.¹² Given that during Imperial times the Church had been an arm of the state, it had once been a large landlord. The law returned confiscated churches and property to the Church, but did not provide the Church with funds to manage the large amount of real estate it suddenly found in its possession. As Daniel writes, “The church, therefore, had few financial means of dealing with the tasks that it had to confront. Having insufficient funds, church officials turned to the government for help and asked for grants and subsidies to cover the costs of restoring church buildings. Paradoxically, the church came to rely on the institution from which it most needed to gain independence. Practical financial reasons tempted church officials to move in that direction.”¹³ And thus, an unsavory relationship between Church and State was reignited, where the Church relied on the government for money, and the government on the Church’s moral authority.

This relationship has manifested itself in laws that formally establish the Church’s prominence, and give priority to Orthodoxy within the new post-Soviet religious landscape. Before I discuss these laws, it is worth noting not a law, but

¹¹ “Rossiskaya Federatsia: Federalny zakon o svobode sovesti i o religioznikh obedineniyakh,” <http://pravo.gov.ru/proxy/ips/?docbody=&nd=102049359>. Accessed October 1, 2016.

¹² Daniel, *The Orthodox Church and Civil Society in Russia*, 58.

¹³ Daniel, *The Orthodox Church and Civil Society in Russia*, 59.

rather a document issued by the Church itself in 2000, entitled *The Basis of the Social Concept*. This document, in a legally non-binding way, outlines the ideal relationship from the Church's perspective between Church and State. According to Church doctrine, the ideal relationship is defined as "symphonia," wherein the Church and State co-exist, while maintaining their separate spheres of influence. Though Church and State should strive for clearly defined independent spheres, the Church reserves the right to influence politics when it sees fit.¹⁴ Seventeen years after being published, *The Social Concept* reads much like an agenda, which has subsequently codified many of its principles into law.

The Basis of the Social Concept and Federal Laws

The Basis of the Social Concept touches on everything from abortion and gay rights, to education and family values, and while it is in no way a legal document, it has, with varying degrees of success translated many of its ideals into law. For example, the Church successfully lobbied for the implementation of a course (though nonobligatory) in public schools on the subject of Russian Orthodoxy. With regard to homosexuality, which the Church unsurprisingly deplores,¹⁵ *The Social Concept* states that it opposes all efforts by civil society to present homosexuality as a norm and all "homosexual propaganda." The language in the text of *The Social Concept*, which was written in 2000, is strikingly similar to the language used in the federal law, known as the "law against homosexual propaganda," which was passed in 2013.¹⁶ On a very subliminal level, this use of language and the extraction of a phrase from a Church document make a clear statement about the position of Orthodoxy in Russian politics. Not only is it apparent that the Church influenced this piece of legislation, but it implies that Russian Orthodoxy is an inherent part of

¹⁴ Department for External Church Relations, "Basis of the Social Concept of the Russian Orthodox Church," <http://orthodoxeurope.org/page/3/14.aspx>, accessed September 1, 2016.

¹⁵ Ibid.

¹⁶ "Zakon o zaprete propagandy gomoseksualizma: aspekty i traktovka," *RIA Novosti*, July 9, 2013, <https://ria.ru/infografika/20130709/948546631.html>.

Russian life, and that to be a Russian citizen, one must abide not only by Russian law, but by Orthodox law as well. As distasteful as any anti-gay law would be, even one backed by the Church, the lifting of the exact-wording “gay-propaganda” and placement of it into a federal law is alarming in that it not only shamelessly exposes the Church’s lobby, but in that it imposes one religion onto the whole of an ostensibly secular society. This anti-gay law, interestingly enough, was passed in conjunction with the law against offending the feelings of believers (Article 148) in the aftermath of the Pussy Riot scandal.

Article 148 also likely finds its origins in *The Social Concept*, which devotes an entire section to defining the Church’s relationship with secular media:

The most “profound and principled conflicts have been seen to emerge in relations between the church and the secular mass media. This happens whenever the name of God is blasphemed, other blasphemies are pronounced, the information about church life is systematically distorted consciously and the church and her servants are deliberately slandered. In case of such conflicts, the supreme church authorities (with regard to the national mass media) or the diocesan bishop (with regard to the regional and local mass media) after issuing an appropriate warning and at least one attempt to enter into negotiations, may take the following steps: to rupture relations with the mass medium or journalist concerned; to call upon the faithful to boycott the given mass medium; to apply to the governmental bodies help settle the conflict; to subject those guilty of sinful actions to canonical prohibitions if they are Orthodox Christians...”¹⁷

The document does not define what it considers slander or a distortion of church life, but essentially threatens to blackmail mass-media in the absence of legal-force.

The Church has long viewed the media as an arena within which it can push its agenda and counter the degenerate liberal values it believes are being promoted.

¹⁷ “Basis of the Social Concept of the Russian Orthodox Church,” <http://orthodoxeurope.org/page/3/14.aspx>.

The law against offending the feelings of religious believers provides force to the somewhat empty threat in *The Social Concept* about appealing to government authorities to resolve disputes, and has allowed for Orthodox society to more easily control discourse and counter the views it detests.

Article 148, "The Law Against Offending the Feelings of Religious Believers"

The Law Against Offending the Feelings of Religious Believers was passed in 2013 in response to Pussy Riot's "punk-prayer" performance in Moscow's Cathedral of Christ the Savior. In the days leading up to Putin's re-election as President, and in the midst of mass protests in Moscow, a group of young women dressed in balaclavas and carrying electric guitars ran onto the ambon¹⁸ of a famous Moscow cathedral and subverted the genre of prayer by imbuing it with accusations against Putin and the Church. They were quickly led off by security guards, and the performance likely would have been quickly forgotten, had it not been for the harsh and disproportionate punishments they received for their actions. (Two Pussy Riot members spent close to two years in prison before being pardoned by Putin).¹⁹

The Cathedral of Christ the Savior, where Pussy Riot's performance took place, was famously razed by Stalin and replaced with a swimming pool during the Soviet era. In the late 90s, approximately \$500 million²⁰ was poured into replicating the cathedral as part of an identity crisis, simultaneously "honor[ing]" and erasing history.²¹ And it was this that made Pussy Riot so controversial. What the Church and many of its believers viewed as a disregard for the repression that the cathedral symbolizes, was viewed by the Church's critics as a symbol of the money and

¹⁸ The women did not step onto the altar where women are not allowed, reflecting an understanding and respect for Orthodox rules. Though religious believers claimed that they had committed blasphemy, nothing in their performance could be classified as blasphemous from a canonical perspective, and in fact showed a deep understanding of the Orthodox tradition (Ponomariov, 2013).

¹⁹ "Pussy Riot to be Freed Under Amnesty Despite 'Disgraceful' Protest, Putin says," *The Huffington Post*, December 19, 2013, http://www.huffingtonpost.com/2013/12/19/pussy-riot-freed-putin_n_4472024.html. Accessed September 1, 2016.

²⁰D. Sidorov. National Monumentalization and the Politics of Scale: The Resurrections of the Cathedral of Christ the Savior in Moscow. *Annals of the Association of American Geographers*, Vol. 90 (3), 2000, 548-572, 565.

²¹ Svetlana Boym, *The Future of Nostalgia*, New York, 2001, 106.

corruption that pervades the modern Church. Patriarch Kirill declared that “every believer should be offended,”²² and riled the public up against Pussy Riot.

The case against Pussy Riot was a watershed moment in the Church’s ability to influence secular law. As Alexander Ponomariov has written, the prosecution in the case relied on Church Canon law. In the Writ of Indictment issued to Nadezhda Tolokonnikova (a member of Pussy Riot) the document stated that they (Pussy Riot) had “the malicious intention’ of ‘derogating the spiritual principles’ of the state.”²³ Given that Russia is a secular state, the obvious question is what spiritual principles? Ponomariov argues that the band was not in fact in violation of Canon law and that the defense should have utilized this argument. However, even if this tactic resulted in a victory for the defense, it would have created an even more dangerous precedent and acceptance of the legitimacy of Canon law within what should be a secular society and court.

As is evident from *The Social Concept*, the Church had long sought legal recourse in blasphemy cases, and this event provided the perfect opportunity to float a law, which would provide this sentiment with force. This law became Article 148, or the “law against offending the feelings of religious believers.”

Article 148 states:

“Public actions, which express a clear disrespect towards society and are carried out with the goal of offending the feelings of believers, are punishable with a fine of up to 300,000 rubles or the amount of a salary or other source of income for a period of up to two years, or forced work for up to a period of 240 hours or up to one year, or a prison term of up to the same period (1 year).”²⁴

²² “Koshunstvo Pussy Riot kasaetsa kajdogo verushego, zayavil Patriarkh Kirill,” *Izvestia*, March 24, 2012, <http://izvestia.ru/news/519586>. Accessed September 1, 2016.

²³ Alexander Ponomariov, “The Pussy Riot Case in Russia: Orthodox Canon Law and the Sentence of the Secular Court,” *Ab Imperio*, 4/2013, pp. 187-216, 192.

²⁴ “Ugolovny Kodeks Rossiskoi Federatsii” http://www.consultant.ru/document/cons_doc_LAW_10699/3f061fb01a04145dc7e07fe39a97509bd2da705f/. Accessed October 4, 2016.

Though this law had been on the books since 2013, it was not actually employed until early 2016 when a blogger wrote on the Russian social-networking site *vkontakte* that “God does not exist.”²⁵ Before I go into the particulars of this case, as well as a second equally unsettling case, it is important to dissect the actual wording of the law.

The law claims that it applies to “public actions” which are carried out with the intentional goal of offending the feelings of believers. Not only does the legal codex not define what constitutes an offense, how many people must be offended, a litmus test to prove that someone carried out an action with the explicit purpose of offending religious believers, or proving that someone was actually offended, but it also does not define what “public” means. Interestingly enough, the two most prominent cases of this law’s application have been related to actions carried out on the internet, and not in a more traditional public setting. This plays into the Church’s implied goal, as stated in *The Social Concept*, of wishing to have more sway over the content of secular media, and is potentially unlimited in its reach. I will now detail two of the most prominent applications of the law, before discussing its other implications.

Viktor Krasnov

The first application of article 148 involved a relatively unknown blogger named Viktor Krasnov. In 2015, Krasnov, in response to two other users on the Russian social-networking site *vkontakte*, wrote that “God does not exist” and that “the Bible is a collection of Jewish fairytales.”²⁶ The two people with whom Krasnov was engaged in the argument filed charges against him, claiming offense. Krasnov was taken into custody and sent to a mental hospital, where he spent time in the company of a cannibal.²⁷ Krasnov’s atheism was equated to insanity and extremism.

²⁵ “Pervy obvinyaemi v oskorblenii shuvstv veruyushikh – o tiurme i psikhushke,” *Telekanal Dozhd*, March 13, 2016, https://tvrain.ru/teleshov/bremja_novostej/delo-405341/. Accessed October 4, 2016.

²⁶ *Ibid.*

²⁷ *Ibid.*

During this time, a member of the government's Commission against Extremism approached his mother's boss and instructed him to fire her, as her son was an "extremist."²⁸ After a month in the mental hospital, Krasnov was ultimately declared sane and fit to stand trial, where charges of up to one-year in prison could have been brought.

The conduct of this case, aside from the troubling nature of the charges, is alarming. Not only was Krasnov's mental evaluation a clear tactic of intimidation, eerily reminiscent of Soviet tactics used against dissidents, but the commissioner's visit to his mother's place of work shows that not only was Krasnov on trial, but that his mother was as well. Before a verdict was reached, Krasnov was already branded an "extremist," though it is entirely unclear how extremism and offending the feelings of religious believers are related, if at all.

Krasnov's trial was dragged out until the statute of limitations expired, making it impossible to declare a verdict.²⁹ This was likely done intentionally, and as I will note later is a sign of the government's discomfort with the law.³⁰ There is no evidence to suggest that the Church's hierarchy or the government were behind Krasnov's charges. From my conversations with people within the Church (priests, deacons, journalists), the majority of them recognize that the law has been used inappropriately, and that the law in and of itself is problematic. I heard repeatedly that even they do not know how to define offense or when to apply the law. However, in their opinion, there should be a law to protect religious feelings, because "its offensive." Though not a fact, this suggests that the Church and government were not involved in this case, which in many ways is more unsettling. The law is on the books, and on an individual level, everyday citizens, officials and

²⁸ Ibid.

²⁹ Aleksey Drobotov, "V Stavropole zakryli pervoe v Rossii ugovnoe delo po oskorbleniyu chuvstv veruyushikh v sotsetyakh," *Komsomolskaya Pravda*, February 15 2017. Available from: <http://www.stav.kp.ru/daily/26644.4/3662614/>. Accessed April 1 2017.

³⁰ "Oskorblenie chuvstv veruyushikh: kogo v rossii sudyat za obryadi vudu i napadeniya na budu," *Meduza*, September 6, 2016, <https://meduza.io/feature/2016/09/06/oskorblenie-chuvstv-veruyuschih>. Accessed September 6, 2016.

low-level courts are independently carrying out its will. It is then up to the higher authorities to intervene and ensure that the law is not carried out to its full capacity.

Krasnov's trial raises a number of significant questions about the right to freedom of speech, freedom of religion, and freedom *from* religion. Though the law against offending the feelings of believers is billed as a religious protection law and does not claim to promote one religion over another, it has largely been applied and viewed within the context of Russian Orthodoxy, often at the expense of atheists.

A priest and academic whom I spoke with said of the law that rather than being a symbol of the ties between Church and State, the law is an attempt at preventing offense toward Muslims and a possible Charlie Hebdo situation. While he is the only person I spoke with who framed the law as such, and putting aside the fact that the law has been applied almost exclusively in cases relating to Orthodoxy and passed prior to Charlie Hebdo, the intent and effect are the same. Under the veil of ostensibly protecting religion, freedom of speech is curtailed and discourse controlled, by equating words to extremism. Given the very vague definition of what constitutes offense, this law, in conjunction with extremism, could theoretically be applied to almost anything. A new package of laws named in honor of Duma member Irina Yarova, places further limits on religious freedom and strengthens the reach of the term "extremism" in limiting discourse, as well as the government's right to monitor its citizens.³¹

The Krasnov case, though it garnered attention, has been less publicized than a more recent case (September 2016) involving a blogger who was arrested and charged under this same article.

Ruslan Sokolovsky

In September of 2016, Ruslan Sokolovsky was arrested in Yekaterinburg and charged with offending the feelings of believers and extremism (inciting hatred

³¹ "Paket Yarova prinyat. I eto ochen plokho," *Meduza*, June 24, 2016, <https://meduza.io/feature/2016/06/24/paket-yarovoy-prinyat-i-eto-ochen-ploho>. Accessed June, 24, 2016.

against religion) for a video he posted on his blog of him catching Pokémon in a Yekaterinburg cathedral.³² The video begins with him scoffing at the fact that catching Pokémon had been banned in churches (by churches) and that he will test his luck.³³ (Just for a point of comparison, the Grand Synagogue in Saint-Petersburg was offering *Pokémon-Go* players free bottles of kosher wine for catching a Pokémon in their synagogue).³⁴

Following Sokolovsky's arrest, it was announced that he was being charged under article 148, not for playing *Pokémon Go* in a church, but rather for the video he posted documenting it. The prosecution then decided to charge him retroactively for extremism on the basis of a number of videos he had previously posted. The Ministry of Internal Affairs in Sverdlovsky Oblast publicly stated that Sokolovsky was being made an example of and that this show-trial would serve as a warning to others. To quote the press-secretary, Valery Gorelikh, "during the process of monitoring, the press division found the clip and sent it to the Center Against Extremism... (Sokolovsky should be sent) not for three years, as is called for in the legislation, but these 'Pokémon-catchers' should be sent to prison for a minimum of five years, maybe even longer, so that others don't commit blasphemy in holy places."³⁵

As in the Krasnov case, Sokolovsky was subjected to a psychological evaluation, and his mother, who is dependent upon him, intimidated.³⁶ His apartment was searched, and though the circumstances are unclear, a "spy-pen" and

³² "Arest Ruslana Sokolovsky za lovlyu pokemonov," *Telekanal Dozhd*, September 3, 2016, <https://www.youtube.com/watch?v=7vVZ6EY8PG8>. Accessed September 3, 2016.

³³ "Lovim pokemonov v tserkvi [Pokémon Go Prank]," *Sokolovsky!*, August 11, 2016, <https://www.youtube.com/watch?v=PfMn1yahGYk>. Accessed September 1, 2016.

³⁴ "Peterburgskaya sinagoga podarila studenu koshernoe vino za poimku pokemona," *Lenta.ru*, July 18, 2016, <https://lenta.ru/news/2016/07/18/kosherno/>. Accessed June 28 2017.

³⁵ "Videoblogera otpravili v SIZO za lovlyu pokemonov v khrame. Glavnoe," *Meduza*, September 3, 2016, <https://meduza.io/feature/2016/09/03/videoblogera-otpravili-v-sizo-za-lovlyu-pokemonov-v-hrame-glavnoe>. Accessed September 3, 2016.

³⁶ "Zhenshina predstavilas psikhiatrom i nachala okazyvat nan ego psikhologicheskoe davlenie," *Telekanal Dozhd*, September 8, 2016, https://tvrain.ru/teleshov/here_and_now/zhenshina_prestavilas_psihiatrom_i_nachala_okazyvat_na_nego_psihologicheskoe_davlenie-416742/. Accessed September 8, 2016.

narcotics were found.³⁷ Whether these were planted is unknown, but their “discovery” sends a clear message to anyone thinking of criticizing the Church.

While I tend to think that the Krasnov case is more disturbing because it in no way involved any allusions to the Church itself, and was within the context of a typical conversation on a social-networking site, this case has been interesting for the ways in which it reveals the Church’s role in the Russian legal system, and more specifically the degree to which Article 148 is dependent, or at least perceived as dependent, upon the Church.

In the hours after Sokolovsky’s arrest, the public called upon the Church hierarchy to forgive him.³⁸ The Patriarch pawned off this duty onto the Metropolitan of Yekaterinburg, who publicly stated that the Church was not bloodthirsty, and that they would like Sokolovsky to repent and become “better acquainted with Orthodoxy.”³⁹⁴⁰ Sokolovsky refused.⁴¹

First, if as the prosecution claims, Sokolovsky was being tried for his video, and not for what he actually did on the Church’s territory, then what role did the Church have as an arbitrator in his case? As draconian as the law against offending believers is, it is a federal law, not a Church law. The fact that the Church would be willing to intervene, or that upon “repentance,” Sokolovsky could be pardoned implies that the Church was pulling the strings and that Sokolovsky was being held accountable to Church doctrine rather than federal law. Russia has a distinct judicial system, separate from the executive and other branches of government, so why was the Church being looked upon to grant amnesty?

In May of 2017, a three and a half year *suspended* sentence was handed down to Sokolovsky (the prosecution asked for a three and a half year prison sentence, based on an accumulation of counts of offending religious feelings and extremism).

³⁷ Ibid.

³⁸ Ibid.

³⁹ “Mitropolit Ekaterinburgskii otreagiroval na arrest lovivshogo pokemonov blogera,” *Lenta.Ru*, September 3, 2016, <https://lenta.ru/news/2016/09/03/mitropolit/>. Accessed September 3, 2016.

⁴⁰ “V RPTS xotyat razobratsa v situatsii s arestovannym lovtsom pokemonov,” *RIA Novosti*, September 3, 2016, <https://ria.ru/society/20160903/1476018994.html>. Accessed September 3, 2016.

⁴¹ “Zhenshina predstavilas psikhiatrom” *Telekanal Dozhd*, September 8, 2016.

While Sokolovsky's probation is a sign again of government intervention from above and a fear of the consequences of the law being fully enacted, this in no way diminishes the severity of his sentence. The farcical Kafkaesque nature of Sokolovsky's trial included the judge asking Sokolovsky to define his conception of love, justify his right to criticize religion, and perhaps most disturbingly, Sokolovsky was sentenced in part for having denied the existence of Christ and God, "[in Sokolovsky's videos] there is information, which contains signs of offending the feelings of followers of Christianity and Islam, through its denial of the existence of God."⁴²⁴³ Not only was this sentence a punishment for atheism, but the absurdity of it, cannot be applied consistently and could form the basis to persecute anyone. After all, the majority of religions are doctrinally incompatible. Isn't the basis of almost all non-Christian faiths, a non-acceptance of Jesus as the messiah and God? Sokolovsky's sentence essentially legitimizes claims that the denial of Jesus as God, or the prophet Mohammed as God's messenger, not only should rightfully be perceived as offensive, but that this offense should find recourse through the Russian legal system. If carried to its logical extreme, every priest, rabbi, imam, or Russian citizen who has publicly stated an opinion on religion should be in prison, as their beliefs are bound to be incompatible with somebody else's.

The fact that both Krasnov and Sokolovsky's sentences were not as harsh as they could have been is a promising sign that the Kremlin intervened and is questioning the usefulness of the Church and religious laws. However, while the government and Church may not initiate these prosecutions, and while the application of this law has been fairly rare, the Church's followers have often used the law to blackmail secular society and justify grossly inappropriate actions. The law has inspired an underworld of religious fanatics to carry out the will of the law,

⁴² Aleksei Kopacheva, "Lovivshii pokemonov blogger Sokolovskii poluchil uslovnoe nakazanie," *Novaya Gazeta*, May 10 2017. Available from: <https://www.novayagazeta.ru/news/2017/05/11/131458-srok-sokolovskomu>. Accessed May 10, 2017.

⁴³ "Otritsaet sushestvovanie Iususa: 10 tsitat iz prigovora Sokolovskomu," *BBC Russkaya Sluzhba*, May 10 2017, <http://www.bbc.com/russian/features-39883972>. Accessed June 27 2017.

largely without consequence, raising serious questions about repercussions of the existence of this law.

Vigilante Justice

Despite the rare application of Article 148, its existence has emboldened what are termed “Orthodox activists,” as well as moderate Christians to lobby for its application and/or carry out its will. The scandals that have erupted around this issue most often involve an attempt to control public discourse and limit freedom of expression.

In 2014, on the eve of its release in Russia, Andrei Zvyagintsev’s film *Leviathan* was slammed with accusations of offending religious feelings. Petitions were signed calling for the film to be banned, or at the very least censored.⁴⁴ The film dealt explicitly with Church corruption, and commented directly on the relationship between Church and State. The framing of objections to the film can be likened to the framing of the Pussy Riot scandal. Though both Pussy Riot’s performance and Zvyagintsev’s film were directed at the government, as well as the Church, the critiques came from Orthodox society, while the government remained largely silent. In fact, the film was partially financed by the government’s Ministry of Culture.⁴⁵ This speaks to the potential for the Church to act as a surrogate for the State, particularly in cases where the Church and State’s narratives or ideologies intersect. Ultimately *Leviathan* was released, but the outrage over it set the stage for the law to be called upon when society finds art or speech objectionable.

In August of 2015, a self-proclaimed ‘Orthodox-activist,’ Dmitry Enteo, along with other “Orthodox activists” stormed an art-exhibition in central Moscow. They smashed religiously-themed sculptures by the Soviet avant-garde artist Vadim

⁴⁴ “Rossiskie jurnalisty rasskazali o tsenzure v SMI na religioznye temy,” *RBK*, October 20, 2015, <http://www.rbc.ru/politics/20/10/2015/56250ec19a7947072122fb0f>. Accessed. May 20, 2016.

⁴⁵ “Vladimir Medinskii: ‘Leviafan’ zapredelno konyunkturen,” *Izvestia*, January 15, 2015, <http://izvestia.ru/news/581814>. Accessed September 1, 2016.

Sidur, on the grounds that they offended their feelings as believers.⁴⁶ Enteo was arrested, but released after a mere 10 days.⁴⁷ Following this spectacle, the Church did not decry the activists' actions, but rather tempered them. Vsevolod Chaplin, who was, at the time, the head of relations between Church and Society, acknowledged that the actions these activists took were inappropriate. However, he did not disavow them. Rather he shared their sentiment, stating that the organizers of the exhibit should have ensured that nobody's feelings were offended.⁴⁸ In 2017, Patriarch Kirill belatedly commented on the incident during his Christmas address, saying that while culture and religion should co-exist, museums must be respectful of religion, and that "[some works of modern culture] transform a person into a beast, awaken their instincts and encourage the most base manifestations of human nature."⁴⁹ This widely-publicized address was a tacit acceptance of the tyrannical actions of those like Enteo.

In September of 2016, "activists" raided a photography exhibition that was displaying the photographer, Jock Sturges,' work. The activists likened the photographs of girls to child-pornography and pedophilia. They broke into the exhibit and poured urine on the photographs. Though these activists were arrested, the government decided to close the exhibition following the incident, agreeing with the activists' objections. It is unclear whether the activists involved were motivated by Orthodoxy. However, Orthodox society, both within the Duma as well as the public, was quick to support the exhibition's closure.⁵⁰

The leniency with which Enteo and other 'activists' are treated, relative to the harshness Krasnov and Sokolovsky were subjected to, and the decision to close

⁴⁶ Ivan Akimov, "Enteo pobil Sidura," *gazeta.ru*, August 14, 2015,

http://www.gazeta.ru/culture/2015/08/14/a_7688416.shtml. Accessed May 20, 2016.

⁴⁷ "Enteo arestvovali na 10 sutok po delu o pogrome v manezhe," *RBK*, September 22, 2015,

<http://www.rbc.ru/politics/22/09/2015/560185379a79476e24176fa1>. Accessed September 1, 2016.

⁴⁸ "V RPTS prokommentirovali pogrom na vystavke v Manezhe," *RBK*, August 14, 2015,

<http://www.rbc.ru/rbcfreeneews/55ce20899a79475a77f4444a>. Accessed September 1, 2016.

⁴⁹ "Patriarch Kirill vystupil za borbu s provokatsiei v usskustve," *Novaya Gazeta*, January 7 2017.

Available from: <https://www.novayagazeta.ru/news/2017/01/07/127917-patriarh-kirill-vystupil-za-borbu-s-provokatsiey-v-iskusstve>. Accessed January 7 2017.

⁵⁰ Ilya Varlamov, "Vystavka Djoka Sterdzhesa zakryta! Ura, my pobedili!," *Echo Moskvy*, September 26, 2016, http://echo.msk.ru/blog/varlamov_i/1845004-echo/. Accessed September 26, 2016.

the art-exhibit, makes it clear that the state tacitly accepts the assistance it receives from civic organizations that feel it is their duty to hold society accountable to the, albeit vague, letter of the law.

When, for example, a film is released that Orthodox society finds distasteful, they respond through petitions calling for a ban. A recent example is a soon-to-be released film entitled *Matilda*. The film ostensibly depicts the debauchery of Tsar Nicholas the II, which some within Orthodox society find offensive and baseless. The petition reads: "On August 20, 2000, the last Russian Emperor, Nikolai Alexandrovich, was sainted. Due to this, the lies about the Saint and his family contained in the film, offend the religious feelings of Orthodox Christians."⁵¹ Monopolizing history, these believers have called for the director, as well as everyone involved in the film, to be charged with article 148 (potentially prison time), and needless to say, the banning of the film. While to a certain degree the people who signed this petition were fringe, a number of influential people, such as deputies, signed on. The petition stated that it would be presented to Patriarch Kirill and President Putin. This further entrenches the idea that the Patriarch has political power and the authority to adjudicate on art and issues of freedom of speech. The petition was signed before the film's release, so how anyone actually knew the content of the film is a mystery. But perhaps that is beside the point. In October of 2016, the former prosecutor general of Crimea, and current Duma-representative Natalya Poklonskaya took it upon herself to crusade for the banning of *Matilda*.⁵² After months of reviewing the film, and Poklonskaya humiliating herself and the Church, the film is set to premiere in October of 2017 at St. Petersburg's Mariinsky Theater, where the heroine *Matilda* danced.⁵³ Though the uproar did not lead to the film's prohibition, the noise that this scandal created and

⁵¹ "Za otmenu filma 'Mtalida,'" *Change.org*, <https://www.change.org/p/борьба-верующих-за-отмену-фильма-матильда>. Accessed September 1, 2016.

⁵² Ilya Zhegulov, "Mirotechenie i muzhestvo," *Meduza*, April 5 2017. Available from: <https://meduza.io/feature/2017/04/05/mirotechenie-i-muzhestvo>. Accessed April 5 2017.

⁵³ "Premera filma 'Matilda' sostoitsya 6 oktyabrya v mariinskom teatre," *Kommersant*, March 13 2017. Available from: <http://www.kommersant.ru/doc/3240899>. Accessed March 13 2017.

the fanatical calls to not only censor legitimate speech, but to criminalize the expression of an opinion that diverged from their own creates an extremely unsettling atmosphere, and one in which the Church can propose laws that cement Orthodoxy into Russian society. The more every-day actions of the Church look mild compared to this overt fanaticism, and go relatively unnoticed and unopposed. However, I would argue that this fanaticism, especially when actively pursued by members of the government and tacitly accepted by the Church hierarchy has led to a PR crisis for the Church and is leading the Kremlin to question the usefulness of what has turned into a somewhat unmanageable institution. But whether or not there is internal discord, the laws existence, as well as the vigilante justice associated with it, undoubtedly creates an atmosphere where people watch what they say, leading to self-censorship.

Chilling Effects and a Personal Conclusion

In 2015, on the liberal news-channel *Dozhd*, in a conversation regarding the Church's taxes, the moderator began the discussion by saying something to the effect of, "This should not offend the feelings of any believers, as we are just speaking about the financial aspects of an institution, and not the religion itself."⁵⁴ She then publically asked her guests not to stray from the topic for fear that they could be accused under the law of offending the feelings of believers, and looked visibly nervous throughout the discussion.

In March of 2016, at a small lecture hosted by a community organization, a young researcher gave a lecture on her work on Orthodox extremists. Before the lecture began, the host made a clear request that nobody record the discussion, for fear they would be pinned with Article 148. The researcher herself, though allowed to pursue her line of inquiry at her university, in all likelihood will not be able to defend her dissertation. Nobody will agree to hear it. It is on this every-day level

⁵⁴ "Vek Egipta ne videt, chi dengi khochet spryatat RPTS," *Dozhd*, November 12, 2015, https://tvrain.ru/teleshov/money/veki_egipta_ne_vidat_chi_dengi_hochet_sprijatat_rpts-398116/. Accessed October 1, 2016.

that the law has been most effective, and from a personal perspective I can speak to the effects that this law has had on my own research.

I wrote my senior undergraduate thesis on a famous and eccentric Orthodox deacon, Andrei Kuraev. Kuraev is the architect of the Church's PR and was the first post-Soviet Patriarch, Aleksey II's, unofficial speech-writer and press-secretary. He has recently found himself on the fringe of the Church after a personal falling out with the current Patriarch, Kirill, and has made a name for himself airing the Church's dirty laundry (most notably a pedophilia scandal), and unexpectedly coming to the defense of Pussy Riot. During the summer of 2015 I interviewed him, and subsequently was invited to give a lecture on him at Vassar College in New York.

The next summer (2016), while I was in Russia conducting fieldwork on the Church, I sent him an email in which I attached the poster advertising the lecture. The poster (reproduced below) featured a picture of him with the two formerly jailed members of Pussy Riot, and was entitled "The Cult of Deacon Andrei Kuraev: Dissidence in the Russian Orthodox Church." Within minutes of receiving my email he uploaded the poster to his *LiveJournal*, *Twitter*, and *Vkontakte*, with the heading "New in Sectology," and a caption that read "To all of these provocations from the State Department, we loudly and decisively declare 'Don't expect anything. Our Patriarch is Kirill.' To myself I mutter 'To be fair, of our own sins.'"⁵⁵

⁵⁵ Andrei Kuraev, "Novoe v sektovedenii," August 12, 2016, <http://diak-kuraev.livejournal.com/1291009.html>. Accessed August 12, 2016.

THE RUSSIAN DEPARTMENT OF VASSAR COLLEGE PRESENTS

THE CULT OF DEACON ANDREI KURAEV

DISSIDENCE IN THE RUSSIAN ORTHODOX CHURCH



LECTURE - HELEN HAFT
SEPTEMBER 23, WEDNESDAY, 6 PM ROCKY 200

The Russian Studies department is pleased to welcome back its alumna, Helen Haft (VC'14), who will address the evolving role of the Russian Orthodox Church in Post-Soviet society and the growing media fascination with its controversies and adversaries.



Helen Haft graduated with honors from Vassar in 2014 with a degree in Russian Studies and Political Science. Her senior thesis was entitled "Deacon Andrei Kuraev: The Significance of the Russian Orthodox Church in Russian Media and Contemporary Society." She spent the '14/'15 academic year on a Fulbright in St. Petersburg where she researched the Soviet Jewish Dissident movement. She has presented her research at the International Conference on Jewish Studies in Moscow, and at the European University in St. Petersburg. In the fall she will attend Oxford University where she will pursue a master's degree in Russian and Eastern European Studies.

Sponsored by the Vassar Russian Department

Kuraev's *LiveJournal* is one of the most widely read blogs in Russia, and within about 12-hours, the post had become one of the most widely discussed and commented on posts in the blogosphere. Kuraev is not a fringe character. Excerpts of his blog are regularly quoted in major papers, and hardly a day goes by when he isn't asked to comment on political, cultural or religious events. His blog is monitored extensively, and if I wasn't on the radar before, then I was now.

Though the majority of the people commenting on his blog didn't know English, Kuraev made it seem as if I was calling him a 'sectant' (member of a cult)

and accusing him of creating his own cult. Moreover, he framed it as if I was acting at the behest of the U.S. State Department. Aside from the fact that Kuraev clearly knew that this was not the case, was being provocative, and that in another context it may have been a comical misunderstanding, the words “sect,” “cult,” and “dissent” have very specific and negative connotations in Russian. So much so that there are laws designed to curb cults. In uploading the poster, without blacking out my name and framing me as an agent of the State Department, Kuraev put me in an extremely public and vulnerable position. I was terrified that if the Russian government wanted to, they could have used this poster as an excuse to take issue with me.

I am not a Russian citizen, and likely the worst punishment facing me would be deportation. But the fear that the law against offending the feelings of believers would be leveled against me was very real. If a blogger can be convicted because two people found “there is no God” offensive, then likely at least some of the thousands of people reading Kuraev’s blog, or the over 300 people who were taking the time to comment, and were, in no uncertain terms offended by what I was studying, could level an accusation against me. It was clear that the facts did not matter, and that despite the few readers who attempted to translate the poster and explain that I was not accusing him of creating a cult, but rather describing him as a cult figure, the sexist and anti-Semitic comments against me continued to accumulate on his *LiveJournal*, with Kuraev encouraging them by writing “in the English dictionary, the word ‘cult’ means ‘sect.’” (This despite an email exchange in which I clarified my use of the word cult, to which he seemed to completely understand). While for him this was a way of gaining publicity, it put me in an unenviable position.

In the coming weeks, I was reminded by people I interviewed (who are also associated with the Church) that “EVERYONE” reads his blog. I would see on my Facebook feed that someone I interviewed for my dissertation, (who signed off all of her messages to me with a smiley face) just signed a petition to potentially jail the makers of “Matilda” because they “offended” her feelings. What would it take for her smiley-faces to become animus towards me? The anxiety and effects that the law had on a psychological level culminated when, going to interview the director of a

Russian Orthodox radio-station, the tables were turned and I found myself being interviewed for a radio-show in a studio filled with crosses and icons.

I was not prepped for the interview and found myself forced, in a foreign language, to traverse the minefield of politics and religion on Russian media. Not only was I concerned about offending the woman sitting across from me, who ten minutes earlier angrily ranted against liberal society and “propaganda” against the Church, but I was concerned that what I said would be used against me by the State. While I was in no way directed or told what to say, I knew that many things were off limits. When asked what the conclusions of my research were and my sense of the state of the Church, I deflected. I was clearly being provoked, and I got the sense that the woman conducting the interview wanted me to say the wrong thing. I answered most questions as diplomatically as possible, but at a certain point it became impossible. The questions became more and more outrageous, and soon I was being asked if, as Russian news depicts, “churches are really being destroyed in the West?” and if “Christians are oppressed?” I said “no” and that essentially the opposite is true. But was that ok? If I am denying the validity of reports shown on T.V. and the perception that Christians are persecuted, does that qualify as offending believers? Is it acceptable to offend someone, whose feelings are grounded on a fallacy?

After the interviewer learned that I was Jewish (luckily she didn’t know I am an atheist) and had studied the Jewish Soviet dissident movement, she said, “you know a lot of Jews converted to Orthodoxy. They have made such a great contribution,” cutting off any potential discussion of the Church’s notorious anti-Semitism. In America, I would have responded to the insult of her “Jews for Jesus” pitch, but I knew I couldn’t. Throughout the interview, mid-sentence, I would catch myself before saying something that could be perceived as going too far. At times I betrayed my own beliefs out of fear, and at others I questionably did cross a line. I realized that this atmosphere of fear and uncertainty removes the need for an actual censor. I was my own censor. After the interview I was panicked not just by the ambush itself, but also by the terror of not knowing if what I said was acceptable. Though I had initially been concerned with offending the woman conducting the interview, I realized that had I been on a liberal or independent station I would have

only felt marginally freer. Because it wasn't her I was really worried about, but rather the larger implications of my speech.

It is worth clarifying that there is independent media in Russia, and that many people criticize the Church and Putin. But not everyone has that privilege, and that privilege is often accompanied by serious consequences. I certainly am not in a position where I can publicly criticize the Church, and was acutely aware of the fact that my words could be used against me. For months I had carefully worded every question I asked my respondents, attempted to maintain a low-profile and publicly maintain as objective and neutral of a stance as possible. I had controlled my image thus far extremely well, but it was now out of my control. I saw how quickly information could be distorted, and rage stirred up. How would this look to the Russian government? A foreigner. American to be specific. Coming in and criticizing the "spiritual basis" of their country. Before, I had been concerned given the sensitivity of the topic, but now I felt completely exposed and was in a state of panic. I assumed my phones were tapped (a new law allows for that), and whether or not they actually are, the perception is enough to contribute to a state of paranoia and self-censorship. While in retrospect I was likely over-reacting, if as an American, who is subject to Russian laws only as long as I am in the country, then what is it like to live with these laws as a Russian citizen? To know that anything you say or do can be taken out of context at any moment, without warning and without an opportunity to defend yourself?

It is precisely the fact that it is so unclear what can and cannot be said and the arbitrariness of the constantly-changing rules which makes Article 148 so chilling. One day it is ok to criticize the Patriarch, but the next you could find yourself in a mental hospital. I had long felt immune to the more authoritarian aspects of Russia, but I was confronted with the limits of this freedom and the fear of living in a system where freedom of speech is not absolute, facts don't matter, and the law is malleable and applied based on political convenience. Article 148 produces an odd combination of self-censorship and vigilante justice, which to a certain degree removes the need for the State. The law exists, and is applied not by

the courts, but by the speakers themselves. And when people do not act as self-censors, Orthodox society is there to remind them to stay in their place.

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