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EDITORIAL

Religion and State in Russia: Introduction

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Planning for this symposium on religious establishment in Russia began in 2021 and rose to a crescendo by the end of that year, only to be disrupted just months later by the outbreak of war between Russia and Ukraine. The project that had begun with illuminating and insightful meetings with law and religion scholars in Russia and the global Russian diaspora was largely put on hold in February 2022 when the war began, and we continued to check in with our Russian interlocutors, bringing new scholars into the discussion in ensuing months that eventually became years. War, of course, has tremendous and terrible humanitarian effects on populations who are directly affected by the fighting. The context of war is also taxing for the scholars who study it, even remotely, due to its effects in their families, communities, personal lives, and professional networks. A number of our original interlocutors ultimately were unable to contribute to this symposium. We are grateful to them for helping us formulate and shape the topic, and especially grateful to those who were able to contribute their articles here. This symposium on Russia is an outgrowth of two earlier *Journal of Law and Religion* symposia: one on the legitimate scope of religious establishment, with articles from the United States, Europe, and South America; and the other on the bureaucratization of religion in Southeast Asia, with articles from around that notably religiously diverse region.[1] These previous symposia on religious establishment and bureaucratic management of religion reflect the *Journal of Law and Religion*'s ongoing interest in taking stock of how states are interacting with religion in various parts of the world. In the United States, the concerns to avoid religious establishment and protect religious freedom are reflected in the ongoing project of interpreting and balancing the Free Exercise and Establishment Clauses of the US Constitution. Around the world, states seek to manage the religions in their midst—sometimes to constrain or co-opt authoritarian impulses, sometimes to broker peace amidst religious diversity that risks becoming religious conflict, sometimes to achieve elusive unity and harmony, and for other purposes. In the case of Russia at war with Ukraine, the trend has been toward mutual collaboration—or co-optation—between the Russian Orthodox Church and the

[1] Both of these symposia appeared in volume 33, issue 2 (2018). For overviews, see the following: Andrea Pin, "Why Does Religious Establishment Need to Justify Itself," *Journal of Law and Religion* 33, no. 2 (2018): 134–36; Mirjam Künkler, "The Bureaucratization of Religion in Southeast Asia: Expanding or Restricting Religious Freedom?," *Journal of Law and Religion* 33, no. 2 (2018): 192–96.

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Russian state that draws upon a securitization of religion and laws against terrorism and extremism in the post-communist era.

Indeed, in recent decades, Russia has been a site of growing religious establishment and growing threats to religious freedom. Legislation such as the 1997 Law on Freedom of Conscience and Religious Associations, the 2002/2006 Law on Extremism, the 2006 Law on Public Associations, and the 2016 Yarovaya laws against evangelism and extremism are just some of the ways that these issues have manifested themselves. International religious freedom reports on Russia have long recited persistent problems to do with registration and recognition, access to buildings and building permits for places of worship, and the ongoing harassment and denial of visas to foreign religious workers. Governmental and nongovernmental organizations, such as the US Commission on International Religious Freedom and the Pew Research Center have reported on problematic uses of blasphemy laws, government restrictions on religion, and underestimation of social hostilities around religion in Russia.[2] All of this has occurred against the backdrop of resumed relations between the Russian Orthodox Church and the Russian government, relations that have become even more entangled in the context of war.

The original animating questions for this symposium included but were not limited to: What form does religious establishment take in Russia? Does it come about from the "bureaucratic management" of all religions or from special treatment of the Russian Orthodox Church? How serious are the concerns about religious extremism and foreign religious influence? Does religious establishment in Russia take the form of religious nationalism or religious support for secular nationalisms? And, speaking of secularism, how has religion in Russia been affected by secularism and international discussions of secularism? The Russian war against Ukraine, over time, has made some of these original questions—particularly Russian Orthodox Church establishment and Russian nationalism—more salient than others. The articles in this symposium take up many of these questions, while also raising new ones.

The Russian Orthodox Church in the Post-Soviet State

Kristin Stoeckl examines the Russian Orthodox Church's relation to the post-Soviet state in three crucial periods.[3] The first period, from 1991 to 2010, is marked by experiences of repression, collaboration, distance, and emigration. The second, 2010 to 2021, is a period that saw legislation and politics that pushed the Russian Orthodox Church into closer alignment with the increasingly autocratic state headed by Vladimir Putin. The third—overlapping the second—from 2014 to the present day, charts the shifting stance of the Moscow Patriarchate toward Ukraine, ultimately leading to Patriarch Kirill's support for Putin's war. Stoeckl describes this recent relationship as a notable continuation of the collaboration with the state that the church pursued even during the Soviet era in which the church provided "ritualistic and spiritual legitimization" of the state based on logic of "dichotomous friend/enemy thinking." "By unleashing a war against Ukraine, the old guard—an entrenched, narrow circle of political and ecclesiastical leaders—has decided the fate of Russia and the Russian Orthodox Church," Stoeckl argues at the outset of her article. "The place of religion

[2] U.S. Commission on International Religious Freedom, *2023 Report on International Religious Freedom: Russia* (2023), https://www.state.gov/reports/2023-report-on-international-religious-freedom/russia/; Pew Research Center, *A Closer Look at How Religious Restrictions Have Risen around the World*, July 15, 2019, https://www.pewresearch.org/religion/2019/07/15/a-closer-look-at-how-religious-restrictions-have-risen-around-the-world/.

[3] Kristin Stoeckl, "The Pact of the Old Guard: Religion, Law, and Politics for a Russia at War," *Journal of Law and Religion* 39, no. 3 (2024) (this issue). All quotations in this section are to Stoeckl's article.

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in this worldview is limited to the church as a provider of ritual and spiritual wrappings for ideology and as the arc of time that connects the past, present, and future of the Russian nation," she continues. Stoeckl addresses the topic in light of longstanding religion-state trends in Russia, including religious revival with a conservative turn, a persistent "secret service mentality" in social relations, and processes of secularization and de-secularization in Russian society.

In the first two decades of the post-communist period beginning in 1991, the old Soviet patterns of repression, collaboration, dissidence, and emigration were all still present, and the church "followed all of these potential paths at simultaneously." Even its leadership sought to keep a "balance between these different wings." The Moscow Patriarchate embarked on a more aggressive international agenda in global affairs. In domestic affairs, the disestablishment that had been in the ascendancy in the early 1990s was reversed with the 1997 Law on Freedom of Conscience and Religious Associations in a way that brought the church into closer relation with the state.

One effect of the 1997 Law and its distinction between "traditional religions" and "non-traditional religions and sects" was that by the early 2000s support for "historical traditions" (including Christianity, Judaism, Islam, and Buddhism, but with recognition of the special role of the Russian Orthodox Church) under the rationale of protecting state security. The securitization of religion and the preference for "historical and traditional" religion—most specifically, the Russian Orthodox Church—became prominent features of Russian religion-state relations, particularly in response to real and perceived terrorist threats at home and abroad. And by 2012, shortly after the notorious Pussy Riot protests, the Russian law extended this protection to "protecting the religious convictions and feelings of citizens against insults," as in the reaction by some Orthodox faithful to the 2017 film *Matilda* and its portrayal of a love affair between a ballet dancer and Tsar Nicholas II—a head of state who was also canonized by the Russian Orthodox Church.

In light of the ongoing war between Russia and Ukraine, many readers will find Stoeckl's analysis of the third period—from 2014 to the present—to be especially informative. The period began with Russia's 2014 annexation of Crimea and unrest in the Donbas region. It also featured the 2018 autocephaly of the Orthodox Church in Ukraine and contestation in Ukraine among the Orthodox churches. The Moscow Patriarchate exerted its influence in these matters in ways that brought it into closer collaboration with the state, so much so that collaboration became the predominant posture. By the time of the fifth inauguration ceremony of President Vladimir Putin on May 7, 2024, the "symphony of church and state" was complete, with Moscow Patriarch Kirill, who had repeatedly blessed the war in Ukraine, now blessing Putin's presidency and comparing Putin to Saint Alexander Nevsky, the legendary medieval Russian leader known for his military victories.

Anti-Extremism Bans on Terrorism, Hatred, and "Undesirable Organizations"

The anti-extremist legislation that figures into Stoeckl's description of the rise and collaboration of the Russian Orthodox Church with the Russian state is the focus of the Alexander Verkhovsky's article.[4] Verkhovsky characterizes the anti-extremism laws as aimed at not only security threats but also the suppression of views that the state finds unacceptable. Thus, to the centripetal dualism that Stoeckl finds drawing the Russian Orthodox Church and the state together in a vortex of collaborative co-optation, Verkhovsky adds another centrifugal dualism of suppression of alleged extremism that risks tearing Russia asunder on

[4] Alexander Verkhovsky, "Examining Counter-Extremism and Religion during the Late Putin Era," *Journal of Law and Religion* 39, no. 3 (2024) (this issue). All quotations in this section are from Verkhovsky's article.

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religious lines. This is a mixture in which "common security threats" combine and coalesce with "imaginary threats based on anti-cultist prejudices." In this framework, the binary of "extremism/social order" is converted to one of "extremism/traditionalism" in a way that leads to the very ascendancy and collaboration of the Russian Orthodox Church and the Russian state. It is a situation, developed over the last decade, in which Verkhovsky finds that "the practice of public safety is increasingly taking a back seat to suppression of non-mainstream beliefs or actions," particularly those seen as hostile to "traditionalism."

Verkhovsky also focuses on the decade from 2014 to 2024, the third of Stoeckl's defined periods. The period has seen, as Verkhovsky recounts, a criminalization of a range of actions "varying significantly in their degree of radicality, from terrorism and mutiny to discrimination and the public display of banned symbols." Not all extremism is religious in nature, but some of it does involve motivation by or incitement of religious or political hatred based on the perpetrator's "attitude toward religion," including actions "insulting the religious feelings of believers" or involving "'propaganda of the exceptional nature, superiority or deficiency of persons on the basis of their ... religious ... affiliation, or attitude to religion.'" Recent Russian legislation has expanded the scope of criminalization to include not only individual actions, but also organizations and associations, and even "extremist ideology," which has been used to ensnare religious texts, such as the translation of the Bible used by Jehovah's Witnesses.

Overall, the counter-extremism laws have aimed at both terrorism and totalitarianism—the former protecting from security threats to the state, the latter protecting society from "totalitarian sects" embodying "religious (or, conversely, anti-religious) trends that the majority or plurality of people see as morally unacceptable, unpleasant, or unusual." Again, the situation of Jehovah's Witnesses is a focus of Verkhovsky's analysis, along with the treatment of followers of the Turkish Muslim preacher Said Nursi, the Muslim fundamentalist group Tablighi Jamaat, and Salafist groups in the Caucasus. These "extremist" groups are contrasted in Russian legislation with religions practicing "traditional values." More and more since the invasion of Ukraine, this framework has also been used to contrast the "liberal model" of the West with the traditional values of Russia.

While law enforcement crackdowns on Jehovah's Witnesses, Nursi followers, and Tablighi Jamaat have been regular features of the anti-extremist climate, Verkhovsky observes that there has been less prosecution of hate crimes and hate speech. However, laws against "undesirable organizations" have been on the rise, and these have been used variously against Falun Gong, the Church of Scientology, and Pentecostal churches of the New Generation movement. However, prosecutions under the 2012, post-Pussy Riot laws against "insulting the feelings of believers" peaked in 2017 and 2018. Soviet-era "anti-sectarian" laws have also continued to be used to prosecute offenses. Overall, Verkhovsky observes, Russian laws continue to develop along parallel tracks of protecting the state and public security and protecting from both real and perceived threats from religion, especially to "traditional values" and religion.

Orthodox Fundamentalists and Apocalyptic Imagination

One of the most intriguing groups on the Russian religious landscape with respect to the phenomena that both Stoeckl and Verkhovsky describe is the fundamentalist sector within Orthodoxy, which is the focus of Mitrofanova's article.[5] The fundamentalists believe in an averted or delayed apocalypse that prompts them to build their own institutions and

[5] Anastasia Mitrofanova, "Apocalyptic Imagination and Civic Practices of Orthodox Fundamentalists in Contemporary Russia," *Journal of Law and Religion* 30, no. 3 (2024) (this issue). Unless otherwise indicated, all quotes in this section are from Mitrofanova's article.

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networks as alternatives to public institutions that they see as fragile or unreliable in the face of an approaching End Time. The fundamentalist focus is on restoration of the spiritual unity of the Russian people in a way that permits the restoration of monarchy seen to have a God-given mission of delaying the tribulation. Distinctions have emerged, however, between "anti-systemic fundamentalists," who eschew the existing political system, and "symbiotic fundamentalists," who engage in provisional cooperation with the state. The anti-systemic fundamentalists tend to live apart in walled or remote communities calling on unity through repentance; the symbiotic fundamentalists build networks and communities aimed at "repentance by works."

Mitrofanova defines fundamentalism as "not a particular type of religiosity, but a religiopolitical ideology that uses political means to achieve sacral goals." As Mitrofanova describes them, "[f]undamentalists insist that a pious life, which includes following both moral regulations and observing rituals, is virtually impossible in contemporary society, which is organized in a way that it becomes not only possible but unavoidable whether intentional or not." Operating under their overarching theological conception of human life as ordained toward divinization (*theosis*), fundamentalists seek to create societies that will promote this end. Thus, it becomes crucial to examine their apocalyptic imaginaries.

Russian Orthodox fundamentalists, in Mitrofanova's analysis, are "post-millennialists" who "believe that the Second Coming of Christ will occur after a period of his indirect earthly reign." A core idea is that of the *katechon*, an avertive delayer who "restrains" the Antichrist, thereby postponing the time of tribulation and Last Judgment, giving humanity more time to repent. This idea lends itself to messianic claims and ideas of redeemers, such as Tsar Nicholas II, perceived by fundamentalists and other Orthodox as having been blasphemed by the movie *Matilda*, as Stoeckl also mentions. Indeed, the specific melding of religion and state in the fundamentalist veneration of tsars as messianic figures, has led to them being labeled "tsar-worshippers," as Mitrofanova notes. Against a Russian state seen as dysfunctional and persecutory, fundamentalists seek to marshal the people (*narod*) to summon the tsar as redeemer in the spirit of *sobornost* collective verbal repentance (*sobornoe pokaianie*) for the sin of regicide. Mitrofanova maintains that while fundamentalist Russians see other religions as potential allies if they are of a traditionalist bent, there have also been attractions toward nationalism by some younger fundamentalists. But, overall, fundamentalists eschew violence and seek other strategies to avert an apocalypse.

The main features of Russian Orthodox fundamentalists are their location between "church and world" in H. Richard Niebuhr's classic paradigm and their alternative responses to the state.[6] Though anti-systematic fundamentalists withdraw from society, at least by declaration but more often physical distancing to remote locations, the symbiotic fundamentalists form alternative networks that are not completely sovereign from the state and instead are symbiotic with the state out of necessity. The militarization of some fundamentalist groups risks putting them on par with the extremist groups that Verkhovsky describes and the militarization of religion against which Stoeckl warns, but many of the symbiotic groups end up performing a range of social services that earns them toleration, at least, from the state in what Mitrofanova characterizes as a neopatrimonial "power vertical" system.

Religion under Russia at War

Unless a war is being fought on specifically religious grounds, there can be an assumption that religion takes a background position to more urgent issues of human rights and

[6] H. Richard Niebuhr, *The Paradox of Church and World: Selected Writings of H. Richard Niebuhr*, ed. Jon Diefenthaler (Minneapolis: Fortress Press, 2015).

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humanitarian belief. Those who study religion and conflict often caution against *religionizing* conflicts—that is, assigning religious causes or motivations of wars that may be rooted in multiple causes and factors, not the least grand and irredentist historical claims. What emerges from this article symposium is that religion, while not a cause or primary factor in Russia's war on Ukraine, has become deeply imbricated in its prosecution. This is certainly the case in the notable collaboration of the Russian Orthodox Church and the Russian state under Vladimir Putin's administration. But every war also has a home front, and the imbrication of religion and war can also be observed in the promulgation of securitization, anti-extremist, and anti-foreign laws that continue to be deployed against non-Orthodox and non-traditional groups in Russia. While Mitrofanova wrote her article independently of the wartime context and based on research completed before the war took hold these last, few years, one can imagine fundamentalist groups responding to the war in apocalyptic modalities that marshal both the *katechon* and *sobornost* in different ways. Thus, even where wars are not *about* religion, they have inevitable effects on religion and its relation to the state, and how Russia conducts the war in Ukraine will continue to have effect on religions and the establishment of some religions and management, toleration, and intolerance of others.

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