



PUSSY RIOT

■ ANALYSIS

Failed for Now: Pussy Riot and the Rule of Law in Russia
By Caroline von Gall, Cologne

2

■ ANALYSIS

The Pussy Riot Trial and the Russian Orthodox Church
By Thomas Bremer, Münster

6

Failed for Now: Pussy Riot and the Rule of Law in Russia

By Caroline von Gall, Cologne

Abstract

The images of Pussy Riot band members Nadezhda Tolokonnikova, Yekaterina Samutsevich and Maria Alyokhina in the dock at Moscow's Khamovniki District Court have made headlines around the world. Their trial dominated the political debate to an unprecedented extent in the summer of 2012 and gave rise to strong public protest. From a legal point of view, however, the trial only showcases the well-known deficiencies of the Russian criminal justice system: namely that it gives short shrift to the Russian Constitution, the European Convention on Human Rights (ECHR), and the decisions of the European Court of Human Rights (ECtHR) in the interpretation of relevant legal norms. Any discussion on the formal elements of crime remained superficial at the stages of both arraignment and sentencing. Although no political intervention can be shown to have taken place in this case, there is a discernible lack of determination on the part of the political elites to implement the ECtHR's decisions systematically and to make visible efforts to boost the independence of the judiciary.

The Accusation

The stunt perpetrated by the punk group Pussy Riot and the subsequent legal proceedings were the focus of considerable international attention. The charges included violations of human rights and political influence on the proceedings. Indeed, what happened was a violation of the human rights norms of international law. This is not an exceptional instance, however. These violations are due to systemic flaws that have been criticized by the ECtHR on several occasions, but have been left unresolved for years.

The actual events are largely undisputed. On 21 February 2012, five women entered the Cathedral of Christ the Savior in Moscow and stepped up to the *soleas* before the iconostasis in the sanctuary, which is reserved for the clergy. Dressed in colorful clothes and wearing balaclava helmets, they began to dance and imitated the sign of the cross. After a few seconds, Yekaterina Samutsevich was dragged out of the sanctuary area by the custodians who had come running; however, they failed to overpower the remaining members. The action was over after about one minute. It was filmed and later combined with other footage; then lyrics were added, and the film was published on the internet. The lyrics criticized the Russian Orthodox Church for its close relations with the state, especially the KGB, and its homophobia. The text makes reference to believers with the lines "All supplicants crawl to kowtow", while the repeated phrase "holy shit" may be understood as referring to the Church, the faithful, or the world in general.

First of all such behavior could be in conflict with Article 5.26 (2) of the Russian Code of Administrative Offences (KoAP), which imposes an administrative fine of 500 to 1,000 rubles for the offence of "Insulting the religious feelings of citizens or desecration of artifacts, symbols, and emblems of doctrinal significance".

Furthermore, the members of the band had to anticipate prosecution under Art. 282 of the Criminal Code of the Russian Federation. It sanctions "Actions aimed at the incitement of hatred or enmity, as well as abasement of dignity of a person or a group of persons on the basis of sex, race, nationality, language, origin, attitude to religion, as well as affiliation to any social group" with punishments including prison terms of up to two years. On this basis, in 2005, participants of the art exhibition "Caution! Religion!" were sentenced for the public display of material critical of religion, irrespective of the intent of the participants.

In the trial against Pussy Riot, however, the court went even further by referencing the notorious Soviet-era crime of "hooliganism". In the Soviet Union, the article was used as a catch-all clause for any type of opposition to the regime. The Criminal Code of the Russian SFSR of 1960 listed three levels of hooliganism: Art. 206 stipulated up to a one-year jail term for "gross violations of public order demonstrating contempt for society"; up to two years for gross hooliganism marked by "extraordinary cynicism, particular impertinence, or obstruction of an officer in the line of duty"; and up to seven years' incarceration for "hooliganism using weapons".

The post-Soviet Criminal Code of 1996 expressly raised the requirements for convictions of hooliganism due to the problematic history of that article. The only remaining punishable offence was hooliganism using weapons. In the revised Criminal Code, Art. 213, the charge is described as "a gross violation of the public order manifested in patent contempt of society and attended by the use of weapons or articles used as weapons", for which a sentence of up to five years' imprisonment may be imposed. Paragraph 2 stipulates prison sentences of up to seven years for the same crime when perpetrated as part of an organized group. Such severe

punishment appeared to be justified since only the particularly serious crime of hooliganism attended by use of weapons remained in the Criminal Code.

However, this restriction was not sustained. The elements of the crime were expanded once more as part of the legislative program to combat extremism in 2007: Since then, the hallmark of hooliganism is no longer only the use of weapons, but it may also be distinguished by the motivation of political, ideological, racist, nationalist, or religious hatred. The punishment remained the same.

Following this change, it remained unclear how the elements of this crime differed from those of “extremism” as cited in Art. 282 of the Criminal Code. Indeed, the Russian Criminal Code is today marked by many internal inconsistencies and discrepancies that may be attributed to changes introduced based on ill-conceived, impulsive political actions. However, any systematic interpretation shows that charges brought under Art. 213 of the Criminal Code are significantly more serious, considering the stipulated penalties, than those of insulting the religious feelings of individuals and desecration of objects under the Code of Administrative Offences or the abasement of a group of people on religious grounds under Art. 282.

However, neither jurisprudence nor the legal literature deals with this problem adequately. There are generally no clear-cut definitions of the two formal elements of the crime, i.e., hooliganism and religious hatred. Thus, neither the prosecution nor the court can refer to definitions or clear legal precedent that would define those charges more narrowly or give citizens a clear idea of which punishments are stipulated for certain kinds of behavior. It is precisely in the case of such vague terminology, however, that the courts are required under the rule of law, which includes determinacy of norms, to be especially diligent in the interpretation of legal norms. While the plenary session of the Supreme Court issued an explanatory ruling in 2007 defining hooliganism as “undisguised contempt for society” that is reflected in “the violation of established norms and rules of behavior and is borne by the desire to defy others”, that phrasing also appears quite nebulous, considering the severe penalties involved. In legal commentaries, moreover, in addition to the reproduction of the text, the only other criterion listed is a “mocking, cynical attitude”, a phrase that harkens back to the terminology of the Soviet-era law. At least the Supreme Court requires that lower courts take into account the method, time, and location of the misconduct as well as its intensity, duration, and other circumstances.

The Charges

According to the charges brought in the case of Pussy

Riot, hooliganism and religious hatred are unquestionably evident from the violation of “general rules of conduct in a cathedral”. The prosecuting authorities assume that hooliganism can be shown to have occurred because “rules of the church were not adhered to”. This behavior, they claim, is evidence of contempt for society and insults the religious feelings of those present in the cathedral, as well as all citizens who are believers, and is motivated by religious hatred and hostility.

Intent is also presumed with regard to religious hatred and is not proven separately. Multiple charges deal with “blasphemous behavior” and “desecration of religious symbols”. It is also charged that the deed represents a “vilification of the spiritual foundations of the state”. The legal substance of these assertions is unclear, given that the neutrality of the state towards various religions is enshrined in constitutional law. In another statement, the arguments of the prosecution are based quite sweepingly on moral considerations, with express disregard for any legal discourse: The defendants’ actions, it is claimed, lack “any ethical or moral foundation”. The defendant Tolokonnikova, it is stated, “acted in a vulgar, defiant, and cynical manner”.

Generally speaking, it is unclear whether all of these accusations and explanations are regarded as being constitutive of the criminal charges.

Detention On Remand

The ECtHR in Strasbourg has on several occasions criticized the conditions prevailing in Russian pretrial custody based on Art. 3 of the ECHR, which bans inhuman or degrading treatment or punishment. As recently as January 2012, complaints about Russian remand prisons emanating from the trial of “Ananyev and others” even formed the basis of a so-called “pilot judgment procedure”. Such a procedure is only rarely imposed by the ECtHR in the event of structural flaws in a member state’s legal system. In this case, the member state was ordered to fulfill special requirements. The ECtHR justified the pilot procedure with the fact that Russia has already been censured more than 80 times in connection with this issue and that 250 further, *prima facie* successful complaints were pending as of January 2012. The essence of the accusation relates not just to the prevailing conditions in prison, but also to the high number of accused who, in some cases, are incarcerated on remand for months on end without a decision on the merits of their case. Russia has thus already been required to ensure that due to the presumption of innocence and the protection of liberty, detention on remand should only be imposed in selected exceptional cases. This is also the fundamental assumption under Russian criminal procedural law, which stipulates that

detention on remand may only be imposed under the justified assumption that the accused will abscond from justice, perpetrate further crimes, intimidate witnesses, or destroy evidence. However, an assessment of proportionality must be undertaken that takes into account the Russian Constitution and the ECHR, but also the severity of the crime and the personality, age, health, family, status, profession, and other circumstances of the accused, including previous convictions. A number of violations show, however, that detention on remand is imposed almost routinely when a conviction and prison sentence are to be expected. In the case of Pussy Riot, the Russian representatives would have to demonstrate to the ECtHR that there were reasons for assuming such a threat and that these reasons were weighed against the personal circumstances of the defendants.

The Trial

The impression that the principle of presumption of innocence was treated in a cavalier fashion is reinforced when one scrutinizes the main phase of the trial. The ECtHR has on numerous occasions issued reprimands for the custom of putting defendants behind bars during the proceedings, even if they are not prone to violence. In the case brought by Mikhail Khodorkovsky against the Russian state, the ECtHR found that the iron cage simply served to give the defendant a particularly dangerous appearance in the public eye and to instill in him a sense of inferiority. In any case, during the second trial of Khodorkovsky in the Russian courts, as well as in the trial against Pussy Riot, the bars were removed from the courtroom in the main trial phase and replaced by glass panes with small apertures for communication. This, too, however, appears unnecessary when considering the huge contingent of security forces; also, the absence of a writing surface further obstructed the defendants in presenting an effective defense. If the Russian authorities had taken seriously the ECtHR's criticism, as well as the principle of equal status of all parties as required by Russian criminal procedural law, the "cages" would have to be dismantled in all Russian courtrooms and all defendants be seated at desks except in exceptional cases involving violence-prone defendants. The fact that the judge has broad discretion in ruling on defendants' motions to take evidence, in the absence of any clear criteria, additionally places the defendant at a factual disadvantage relative to the prosecution.

The Sentencing

In the case of Pussy Riot, too, the court failed to expound carefully the elements of the crime and to show that the actions of the defendants met the corresponding legal requirements. Instead, the trial court (of first instance)

left the finding of justice to the witnesses for the prosecution and the expert witnesses. It is thus particularly remarkable that the judge's opinion began by discussing the argument brought by the defense that the activists had been motivated only by political criticism and not religious hatred. The defendants' statements were cited extensively. However, the court did not subsequently discuss them. Instead, here too, religious hatred is deduced purely on the basis of the course of events: After reproducing page upon page of statements for the prosecution, the court stated in lapidary fashion that: "All actions by the defendants and their unknown accomplices provide clear evidence of hatred of religion and hostility, reflected in behavior that violated general customs of conduct in an Orthodox church. The defendants' actions deeply hurt and insulted the feelings and religious values of the injured parties". Effectively, therefore, the requirements for criminal liability are surprisingly low, despite the severe punishment: Although the court did not state as much explicitly, its conclusion means that any action that is perceived by believers as violating the general rules of the church constitutes "hooliganism" based on religious hatred.

While the judge's deliberations identify the actions in the church as the main accusation, it remains unclear which parts of the song were performed in the church and to which extent they are part of the prosecution's accusation. The prosecution and the judge's sentencing refer in general terms to "swearwords", but this too is the assessment of witnesses and those giving expert testimony, not that of the court.

Neither did the court explore whether the defendants' actions were protected by free-speech laws. This is all the more surprising since the sentence did make express reference to the argument of the defense that the defendants had only acted on their political convictions. Freedom of speech is protected under Art. 29 of the Russian Constitution, however with the exceptions defined in section 2, which include agitation for religious hatred and the propagation of social, racial, national, religious, or linguistic superiority. Based on Art. 55 (3) of the Constitution, furthermore, the basic rights can be curtailed in the interests of protecting the constitutional foundations of the state, public morality, the rights and legal interests of others, and to ensure national defense and the security of the state. It is evident that these criteria must be established by the courts. If the facts of the case depended only on the subjective perception of religious believers or on the opinion of selected expert witnesses, there would be no guarantee of protection. While there is no clear case law in Russia concerning the protection of freedom of speech under the Russian Constitution, it is remarkable that the defense did not

cite the relevant decisions of the ECtHR on freedom of speech. For under the ECHR, freedom of speech can only be restricted if necessary in a democratic state for national security, for maintaining territorial integrity or public safety, to maintain order or prevent crimes, to protect health and morality, to protect the reputation or rights of others, to prevent the dissemination of classified information, or to maintain the authority and impartiality of the courts. It is acknowledged, however, that the member states have broad scope for judgment evaluation regarding these criteria. However, the legal basis must be sufficiently clear-cut to avoid the danger of arbitrary or excessive interventions. This appears to be problematic in the present case.

Conclusion

What is ultimately striking here is the sweeping approach to the interpretation of relevant legal questions and the way the latter are interspersed with moral and religious arguments. However, this rather superficial legal consideration carried out by the court is by no means exceptional in Russian criminal justice. The powerful tradition of legal positivism apparently still constitutes an obstacle to general efforts to promote coherence and consistency in the interpretation and legal systematization regarding the system of norms and adjudication. Furthermore, Russian jurisprudence only selectively scrutinizes the interpretation of norms in accordance with the rule of law. This favors a disparate, selective application of the law.

At the same time, the law does not shield the judges sufficiently from external influence on their decisions. Although open-ended contracts for judges have recently become the rule, the regulations on the appointments of judges and on disciplinary measures remain opaque

and unpredictable. There is no doubt that this gives rise to a high level of loyalty among the judges and prevents them from dealing independently and critically with legal norms and with the decisions handed down by courts of first instance. In Russia, too, the working conditions for the judiciary have been criticized for years.

From a legal perspective, therefore, what is remarkable about the Pussy Riot trial is only the massive public interest, which was ensured not only through comprehensive coverage, but also by the fact that the proceedings were broadcast live on the internet, a very rare occurrence. In the end, following the sentencing, even the judges at the court of appeal met the press and answered questions in an unprecedented move. However, the pretension of openness and impartiality coincided with a massive effort by leading Russian politicians to discredit the defendants. For instance, President Vladimir Putin mocked the women as uncultured and talentless due to the name of the band and their previous actions. Foreign Minister Sergey Lavrov regarded the debate on the trial as a Western propaganda campaign. If the Russian political elites had wanted to defuse the charges of political interference more effectively, they would have had to refrain from commenting on the case. In particular, however, comprehensive efforts should long have been undertaken to implement the respective requirements under international law consistently, to improve the application of the norms by the judiciary in a manner consistent with the rule of law, and to enhance the independence of the judiciary by structural means. While Pussy Riot still has the option of lodging an appeal with the ECtHR in Strasbourg, there are no prospects that the structural shortcomings in the rule of law in Russia will improve fundamentally any time soon.

Translated from German by Christopher Findlay

About the Author

Caroline von Gall is a junior professor at the Institute of Eastern European Law at the University of Cologne. Her research focuses on constitutional law in Russia and Ukraine.

The Pussy Riot Trial and the Russian Orthodox Church

By Thomas Bremer, Münster

Abstract

The Orthodox Church reacted to the Pussy Riot case with a clear rejection of the action and calls for strict punishment. This reaction is due not only to the fact that the group's performance took place in a church, but also to the perception within Russian Orthodoxy that it—like Christianity in general—is being persecuted. Accordingly, the church demands that the state should protect it. This view relies on a pre-modern conception of societal unity and diversity that will hardly be viable over the longer term in its current form.

Punk in the Cathedral

In staging the performance that made them world-famous and which resulted in three of them being jailed, the young women of the punk group Pussy Riot chose a church—and not just any church, but the prestigious edifice of the Cathedral of Christ the Savior in Moscow. This church, built to commemorate the liberation of Russia from Napoleon in the 19th century, had been dynamited during the Soviet era. After the end of the USSR, it was rebuilt with state funding and private donations and today is not just a visible landmark in the cityscape of Moscow, but one that embodies the Russian Orthodox Church as such. It was here that the current patriarch was elected, and solemn events and services are usually held at the church. The lower floors have large spaces for church gatherings and meetings.

Yet, not only did the Pussy Riot performance take place in a church building; it also referred in its formal elements to ecclesiastical traditions. The activists billed the event as a “punk prayer service” (in Russian: “*pank-moleben*”). They imitated the formal aspects of prayer—the sign of the cross, genuflection, and bowing (a video of the performance,¹ shows that there was hardly any, or at least no audible singing in the church; as opposed to the widely disseminated, several minutes-long video of the event, which is a compilation of scenes from this and another performance in another church, while the audio track of the singing that would gain notoriety was added later). Even the lyrics imitate prayer in places by using conventional formal elements. In substance, however, it is severely critical of the Russian president and the close relations that the church leadership enjoys with him and the government.

The Reactions of the General Public and the Church

Representatives of the Russian Orthodox Church have protested against the performance in various ways. Two details are notable here: First of all, these complaints

were generally marked by a great deal of severity. From the very start, it was stated that the women deserved severe punishment, while later statements by the church also made reference to compassion and mercy, though always linked to the condition that the band members should profess remorse. Irrespective of whether these statements were based on convictions or calculation, the church increasingly called upon the defendants—especially after the sentence handed down by the court of first instance—to show remorse in order to receive forgiveness. Archpriest Vsevolod Chaplin, a prominent church representative, has mentioned on several occasions that priests could visit the accused, and subsequently sentenced, women. The remarks strongly indicate that the church was just waiting for the members of Pussy Riot to send a signal, in order to facilitate an accommodation with them—however, there is no indication that it occurred to official representatives that the church might make the first step. In this respect, it is particularly interesting that the incarcerations and sentencing of the women were defended, at the same time as representatives of Western churches, governments, and NGOs criticized them. Not only the Orthodox Church, but also representatives of the state and even President Vladimir Putin himself have argued that such behavior is also banned in Western countries. On several occasions, it was pointed out that under Article 166 of the German Criminal Code, disturbance of the religious peace is punishable with up to three years in prison (though this law is only very rarely applied in Germany).

Another element is the internal perception of the situation of the church in ecclesiastical circles. The stunt by Pussy Riot occurred at a time when Orthodoxy in Russia, but also global Christianity more generally, is seen as being under threat. This is important to remember in assessing the Orthodox Church's position on the matter. Many of its representatives have cited events in the Middle East, in Pakistan, or in Nigeria as evidence of its persecution. In Russia itself, individual acts of violence have been cited; occasionally, one also finds references to other incidents in CIS member states in which discrimination against the Orthodox Church or

¹ This video is available at <http://www.youtube.com/watch?v=gREBLskpDWQ>

Christianity in general is alleged or even proven to have occurred. In March 2012, Archpriest Chaplin referred to a “war on Orthodoxy” and demanded severe punishment. Another clear indication of this perception can be seen in the words of Metropolitan Hilarion, head of the Orthodox Church’s Department for External Church Relations, who said on 16 October 2012, as a guest speaker to the Bishop’s Synod of the Catholic Church in Rome: “In Europe and America we witness growing pressure from those representatives of militant secularism and atheism who attempt to expel Christianity from the public sphere, to ban Christian symbols, to destroy traditional Christian understanding of the family and marriage as a union between a man and a woman, of the value of human life from inception till natural death.”

The Church and Modernity

Such a perception is certainly consistent with that of conservative members and groups within the Catholic or Protestant Churches. There is no attempt to clarify that while the value of human life must be protected, it is possible to engage in debate over euthanasia without the latter discussion being regarded as evidence of “militant secularism and atheism”. Instead, Christianity is identified quite generally as the most persecuted religion of all. Certainly, such tendencies cannot be dismissed entirely. In some Muslim countries, a wide range of anti-Christian attitudes may be found, ranging from occasional discrimination to systematic persecution. At the same time, Christianity is not only the largest, but also the fastest-growing religion on the planet, which certainly does not detract from the seriousness of persecution, but does put its consequences into perspective. However, the Russian Orthodox Church is trying to push back against the alleged war on Christianity together with the Catholic Church. Immediately before his remarks cited above, Metropolitan Hilarion said that he would use “this opportunity to call my brothers in the Catholic Church to create a common front in order to defend Christian faith in all those countries where it is being marginalized and persecuted”. These words are in line with the position that the Russian Orthodox Church has been adopting for several years towards Catholicism: While there is no agreement on theological issues, it is argued, both of these churches with their long-established traditions have an obligation to resist the pernicious phenomena of modernity.

Indeed, many societies are currently debating the correct relationship between religion and the state, or religion and the public sphere, as clearly seen in the debates in Germany over religious male circumcision or the reactions to the controversial video “The Innocence of Muslims”. Apparently, religion and modern

society are currently in a process of mutual demarcation, of defining their respective positions, and of staking out the boundaries of their mutual relationship. This is also true for Russia, as indicated by the Pussy Riot case. However, this indicator is interpreted in quite a different way by the Russian Orthodox Church, which regards it as signifying a global war on Christianity.

Nevertheless, in this particular case, there are also some elements that are specific to Russia. On the one hand, there is the special position of the Russian Orthodox Church as the church of the majority. Irrespective of all scandals, it is still one of the most trusted institutions in Russia. This despite the fact that devoutness, or religious practice, is not particularly widespread. It is true that the percentage of Russians identifying themselves as Orthodox is slightly larger than the membership of the two main churches in Germany. However, church attendance is not much higher than in Western European countries. Then again, the Russian Orthodox Church enjoys a much higher standing than do the churches in Western European societies.

The Burden of History

The Russian Orthodox Church continues to be firmly in the grip of its 20th-century history, although its situation had already begun to improve under Perestroika 25 years ago. Of course, at that point, it was strongly influenced by the persecution and discrimination of the Soviet era, at the end of which the number of churches, monasteries, clergy members, and other institutions was very low. It took enormous efforts to build a church infrastructure that was commensurate to the size of the country and the number of believers. More significant than the material losses was the spiritual damage: For many people, religion had no meaning—they had not turned away from faith as the result of a conscious decision, but in the course of their socialization had never come into contact with religion in the first place. However, especially after the collapse of the Soviet system and many of its values, many people sought a sense of deeper significance that material goods could not satisfy. The church found a huge potential here, and this is also a significant reason for the large number of people who identify as Orthodox.

However, one occasionally gets the impression that the church tried, at this time, simply to reinstate the conditions that had prevailed before 1917—not including the elements of state control over the church during the Tsarist era, but based on the understanding that Russia was a country distinctly marked by Orthodoxy. This can also be seen in the special relationship between the state and the church: The church implicitly asserts the claim that it must be protected from the state—and

the state authorities accommodate this demand insofar as this special relationship is useful for both sides. The Duma is currently preparing stricter laws on blasphemy—a crime that is no longer prosecuted in many Western countries, as that would require the courts of the land to decide when and how God (which god—the God of Christianity, the God of the monotheist religions, or also the gods of other religious denominations?) has been insulted. It is also a difficult proposition from a theological point of view: God is regarded by believers as one who is beyond comprehension, infinite, and intangible and defies human categories. However, if God can be insulted, then he is susceptible to human agency.

Polyphonous Voices in Contemporary Orthodoxy

One important consequence for the Russian Orthodox Church has been the internal differentiation that has taken place in connection with Pussy Riot's performance and the protests against the arrests of the band members. Not all prominent church members joined the chorus of criticism that the church leaders had intoned. The well-known Deacon Andrey Kurayev, who enjoys a great deal of prominence and popularity and is an unofficial spokesman for the church, distanced himself from the church's accusations and tried to play down the significance of the stunt by pointing out that it was the season of "maslenitsa" or "Butter Week", which is more or less the equivalent of carnival. Prominent Orthodox intellectuals advised the church not to take the event so seriously and referred, for instance, to the tradition of the "yurodivye" or fools in Christ, who in the Russian Orthodox tradition voluntarily subject themselves to the ridicule of their fellow humans by engaging in noncon-

formist behavior for Christ's sake, i.e., for ascetic reasons. In certain congregations, lists of signatures were circulated condemning the performance, but also other lists calling for clemency and mercy for the young women. The church leadership criticized this distinction: In a public speech, the patriarch decried the fact that some people called themselves Orthodox, but nevertheless justified blasphemy and underestimated the severity of the actions. It would be wrong to state that the Orthodox Church is divided over the matter, but it is certain that a more differentiated view is emerging. This can be seen in surveys according to which many believers regard criticism of the patriarch (who was involved in several scandals in the past year) as being compatible with loyalty to the church and the faith.

At any rate, this is due to the fact that Russian society is slowly, but surely and consistently developing into a post-Enlightenment open society. In such a society, there are no more self-evident truths, but all views posited as authoritative must be justified on rational grounds. The official representatives of the Russian Orthodox Church are not aware of this shift or believe that such societies are a "Western" phenomenon that Russia does not have to and should not take part in. Among certain exponents of the church, the notion that Russia can avoid modernity and pluralism seems to be a widespread. However, the stance of many believers in connection with the anti-Putin demonstrations of the past year shows that the church's era of conformity is over and that it is undergoing a process of differentiation. The progress of modernity implies that this process will also continue. As long as the Russian Orthodox Church believes that the only solution is to oppose such developments, it will fail to find adequate answers to these challenges.

Translated from German by Christopher Findlay

About the Author

Thomas Bremer is a lecturer in Eastern Church Studies and Ecumenical Theology at the Roman Catholic Theology Faculty at the University of Münster.

Further Reading

- Bremer, Thomas (forthcoming 2013) *The Cross and The Kremlin. A Brief History of the Orthodox Church in Russia* (Grand Rapids: Eerdmans).
- Bremer, Thomas (2007) *Kreuz und Kreml. Kleine Geschichte der orthodoxen Kirche in Russland* (Freiburg).
- Sapper, Manfred, Volker Weichsel, Thomas Bremer, Jennifer Wasmuth (eds.) (2009) *Glaubenssache. Kirche und Politik im Osten Europas* (Osteuropa 59, No. 6, Berlin).
- Bremer, Thomas (2010) "Die orthodoxe Kirche als gesellschaftlicher Faktor in Russland", in Heiko Pleines and Hans-Henning Schröder (eds.) *Länderbericht Russland*, (Schriftenreihe der Landeszentrale für Politische Bildung, Bd. 1066, Bonn): pp. 441–456.
- Bremer, Thomas (2012) "Der 'Westen' als Feindbild im theologisch-philosophischen Diskurs der Orthodoxie", in Leibniz-Institut für Europäische Geschichte (IEG) (ed.) *Europäische Geschichte Online* (EGO) (Mainz, <http://www.ieg-ego.eu/bremert-2012-de>).

ABOUT THE RUSSIAN ANALYTICAL DIGEST

Editors: Stephen Aris, Matthias Neumann, Robert Ortung, Jeronim Perović, Heiko Pleines, Hans-Henning Schröder, Aglaya Snetkov

The Russian Analytical Digest is a bi-weekly internet publication jointly produced by the Research Centre for East European Studies [Forschungsstelle Osteuropa] at the University of Bremen (www.forschungsstelle.uni-bremen.de), the Center for Security Studies (CSS) at the Swiss Federal Institute of Technology Zurich (ETH Zurich), the Resource Security Institute, the Institute of History at the University of Zurich (<http://www.hist.uzh.ch/>) and the Institute for European, Russian and Eurasian Studies at The George Washington University. It is supported by the German Association for East European Studies (DGO). The Digest draws on contributions to the German-language Russland-Analysen (www.laender-analysen.de/russland), the CSS analytical network on Russia and Eurasia (www.css.ethz.ch/rad), and the Russian Regional Report. The Russian Analytical Digest covers political, economic, and social developments in Russia and its regions, and looks at Russia's role in international relations.

To subscribe or unsubscribe to the Russian Analytical Digest, please visit our web page at www.css.ethz.ch/rad

Research Centre for East European Studies at the University of Bremen

Founded in 1982, the Research Centre for East European Studies (Forschungsstelle Osteuropa) at the University of Bremen is dedicated to the interdisciplinary analysis of socialist and post-socialist developments in the countries of Central and Eastern Europe. The major focus is on the role of dissent, opposition and civil society in their historic, political, sociological and cultural dimensions.

With a unique archive on dissident culture under socialism and with an extensive collection of publications on Central and Eastern Europe, the Research Centre regularly hosts visiting scholars from all over the world.

One of the core missions of the institute is the dissemination of academic knowledge to the interested public. This includes regular e-mail newsletters covering current developments in Central and Eastern Europe.

The Center for Security Studies (CSS) at ETH Zurich

The Center for Security Studies (CSS) at ETH Zurich is a Swiss academic center of competence that specializes in research, teaching, and information services in the fields of international and Swiss security studies. The CSS also acts as a consultant to various political bodies and the general public. The CSS is engaged in research projects with a number of Swiss and international partners. The Center's research focus is on new risks, European and transatlantic security, strategy and doctrine, area studies, state failure and state building, and Swiss foreign and security policy.

In its teaching capacity, the CSS contributes to the ETH Zurich-based Bachelor of Arts (BA) in public policy degree course for prospective professional military officers in the Swiss army and the ETH and University of Zurich-based MA program in Comparative and International Studies (MACIS); offers and develops specialized courses and study programs to all ETH Zurich and University of Zurich students; and has the lead in the Executive Masters degree program in Security Policy and Crisis Management (MAS ETH SPCM), which is offered by ETH Zurich. The program is tailored to the needs of experienced senior executives and managers from the private and public sectors, the policy community, and the armed forces.

The CSS runs the International Relations and Security Network (ISN), and in cooperation with partner institutes manages the Crisis and Risk Network (CRN), the Parallel History Project on Cooperative Security (PHP), the Swiss Foreign and Security Policy Network (SSN), and the Russian and Eurasian Security (RES) Network.

The Institute for European, Russian and Eurasian Studies, The Elliott School of International Affairs, The George Washington University

The Institute for European, Russian and Eurasian Studies is home to a Master's program in European and Eurasian Studies, faculty members from political science, history, economics, sociology, anthropology, language and literature, and other fields, visiting scholars from around the world, research associates, graduate student fellows, and a rich assortment of brown bag lunches, seminars, public lectures, and conferences.

The Institute of History at the University of Zurich

The University of Zurich, founded in 1833, is one of the leading research universities in Europe and offers the widest range of study courses in Switzerland. With some 24,000 students and 1,900 graduates every year, Zurich is also Switzerland's largest university. Within the Faculty of Arts, the Institute of History consists of currently 17 professors and employs around a 100 researchers, teaching assistants and administrative staff. Research and teaching relate to the period from late antiquity to contemporary history. The Institute offers its 2,600 students a Bachelor's and Master's Degree in general history and various specialized subjects, including a comprehensive Master's Program in Eastern European History. Since 2009, the Institute also offers a structured PhD-program. For further information, visit at <http://www.hist.uzh.ch/>

Resource Security Institute

The Resource Security Institute (RSI) is a non-profit organization devoted to improving understanding about global energy security, particularly as it relates to Eurasia. We do this through collaborating on the publication of electronic newsletters, articles, books and public presentations.

Any opinions expressed in Russian Analytical Digest are exclusively those of the authors.

Reprint possible with permission by the editors.

Editors: Stephen Aris, Matthias Neumann, Robert Ortung, Jeronim Perović, Heiko Pleines, Hans-Henning Schröder, Aglaya Snetkov

Layout: Cengiz Kibaroglu, Matthias Neumann, Michael Clemens

ISSN 1863-0421 © 2013 by Forschungsstelle Osteuropa, Bremen and Center for Security Studies, Zürich

Research Centre for East European Studies • Publications Department • Klagenfurter Str. 3 • 28359 Bremen • Germany

Phone: +49 421-218-69600 • Telefax: +49 421-218-69607 • e-mail: fsopr@uni-bremen.de • Internet: www.css.ethz.ch/rad