

What Is Really Happening in Russia? A Response to Prof. Introvigne and Prof. Falikov

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ABSTRACT: The author discusses the papers of Massimo Introvigne and Boris Falikov within the framework of the activities against the “cults” of the Orthodox Church and the anti-cult movement in Russia. In the first part, he compares Introvigne’s and Falikov’s respective approaches to the legal background of the anti-cult campaigns in Russia. He also emphasizes the argument used by Russian anti-cultist and courts, that the fact that certain movements registered their names as trademarks in the United States proves that they are commercial rather than religious organizations. This argument appears to be based on a misunderstanding, as all major religions, including an umbrella organization of which the Russian Orthodox Church is part, also registered trademarks in the United States. In the second part, the text discusses the relationship between the Russian Orthodox Church and the anti-cult movement in Russia, and whether a dialogue on religious liberty with Russian Orthodox milieus is really possible.

KEYWORDS: Scientology, Scientology in Russia, Anti-Cult Movement in Russia, Anti-Extremism Laws in Russia, Religious Liberty in Russia.

Introduction

The papers by Professor Falikov and Professor Introvigne start from recent events in Russia: the “liquidation” of the Jehovah’s Witnesses and the attempt by the Russian authorities to similarly “liquidate” the Church of Scientology. Both emphasize that several other groups are in danger of being “liquidated.” For a Westerner, the word “liquidation” sounds somewhat sinister and has definite echoes of the Stalinist era. Both papers, however, engage in two valuable exercises. The first is to explain on which legal grounds groups have been or are being “liquidated” in Russia. The second is to understand why these

“liquidations,” unanimously condemned by all the international organizations, did not elicit a particular criticism in Russian public opinion, outside the small circles of human rights activists and academic scholars of religion. The latter’s opinions, Falikov tells us, are not regarded by the government as particularly relevant. I would discuss these two subjects separately.

The “Liquidations”: Legal Grounds

Introvigne explains that, while the part of the so called Yarovaya Laws of 2016 severely restricting proselytizing and missionary efforts by religions other than the Russian Orthodox Church provoked an international outcry by religious liberty activists, in fact these laws are not the main legal ground for the “liquidations.” Not that these laws are unimportant: in fact, several churches, including the Mormons, are now prevented in Russia from carrying out the missionary efforts they deploy in most countries of the world. Statistics quoted by Introvigne also show that many groups are affected. However, “liquidations” are based on a different law, which was passed in 2002 against extremism and ostensibly targeted radical fundamentalism Islam. Its provisions were tightened in 2006.

Falikov agrees on the centrality of the anti-extremism laws. However, he adds another weapon used to support the “liquidations.” To Article 282 of the Russian Criminal Code, dealings with extremism, he adds Article 171, on illegal commercial activities. Introvigne includes illegal commercial activities within the tests used to prove that a group is extremist. Whether prosecutions under Article 282 and Article 171 are autonomous or chain-connected is an interesting legal question, but does not change the substance of the matter.

How is a group identified as “extremist” and, as such, becomes eligible for “liquidation” in Russia? Introvigne lists three criteria, in addition to illegal commercial activities, used for identifying “extremist religious groups”—political dissidents have also been prosecuted under Article 282, based on different criteria.

The three criteria mentioned by Introvigne are: claiming that a religion is the only true path to salvation, breaking families, and mistreating ex-members. As a sociologist of religions, I agree that these accusations are not technically “false”

when applied to most new religious movements. Most claim that theirs is the only truth that would really save the world. Separations and divorces do occur frequently when only one of the spouses convert to the movement or leave it. Ex-members, particularly those sociologists call “apostates,” i.e. those who militantly oppose the group they left (Bromley 1988; 1998), are not particularly popular among new religious movements. Members may be counseled to avoid further contact with apostates, even if they are their relatives. Russian court decisions and anti-cult propaganda amplify these elements, with obvious exaggerations, but do not invent it. However, as Introvigne points out, these are not distinctive characters of new religious movements and in fact are found in all major religions or at least in some groups widely recognized as part of them.

I would add one observation about the alleged commercial character of some movements Russia is trying to “liquidate,” particularly the Church of Scientology. Falikov emphasizes that one of the arguments used against Scientology by the “experts” appointed by the Russian Ministry of Justice is that, as the Church of Scientology registered its name as a US Trademark it can’t call itself a religious organization. I am not a lawyer, and am rather seeing this as further evidence of the gulf separating the Russian and the Western understanding of religion. In the West, when a schism occurs—and schisms are extremely frequent in religion—often both parties would like to keep using the same name. Since religions in the West operate without any particular need to register themselves with the state, there are no governmental bodies competent to decide which one among two groups separated by a schism is entitled to use the original name. In fact, in the United States and in the European Union, the attempt by the state to interfere in such questions would be considered a gross breach of the principle of church-state separation.

As a consequence, these controversies are solved by civil courts based on the principles of trademark law. Trademark litigations between religious bodies are common, and religions have learned that they should register their trademarks in order to prevail there. Perhaps the Russian experts have been misled by the fact that U.S. trademark certificates indicate a date of “first use in commerce.” This, however, is a standard formula. Without supplying a date of “first use in commerce,” you cannot register a trademark in the United States.

My point, here, is that owning a registered trademark in the U.S. is by no means a strange peculiarity of the Church of Scientology. Even a layperson can

easily conduct American trademark searches online, using the free data base of the U.S. Patent and Trademark Office (my wife, though, is something more than a layperson as she is a professional domain name consultant, and domain names and trademarks frequently interact: she helped me in the search). We found, without going into any particular depth, several hundred trademarks owned by religions and protecting their names.

The search also convinced me that there can be no single US trademark for “Orthodox Church” and registration would be denied, since there are hundreds of different Orthodox Churches in the USA and arguably the name would be regarded as not registrable as generic. However, some old and more established Orthodox Churches insist that they, and only they, can be called “canonical Orthodox Churches.” “Orthodox” may be a generic designation but “canonical Orthodox,” they argue, is not. We checked whether the “canonical Orthodox Churches” tried to register a trademark in the U.S., and I am happy to report that they did.

Probably not knowing what was going on in Russia with Scientology, the Assembly of Canonical Orthodox Bishops of the U.S.A. on March 5, 2014 filed two trademark applications for ASSEMBLY OF CANONICAL ORTHODOX BISHOPS and got them registered on March 10, 2015, alleging a “first use in commerce” (note the word “in commerce”) in 2010. They were later assigned to the the Assembly of Canonical Orthodox Bishops in North and Central America (Assembly of Canonical Orthodox Bishops of North and Central America 2015a; 2015b). The American affiliates of the Patriarchate of Moscow, i.e. of the Russian Orthodox Church, are part of the Assembly of Canonical Orthodox Bishops of the USA (Assembly of Canonical Orthodox Bishops of the USA 2017). Put simply, this means that, when operating in the U.S., the Russian Orthodox Church “did as the Romans (or the Americans) do,” and, through an umbrella organization it belongs to, registered a trademark.

Of course, it did nothing strange. So did the Union of Orthodox Jewish Congregations, popularly known as Orthodox Union and representing Orthodox Judaism in the U.S. (Union of Orthodox Jewish Congregations of America 2007), the United States Conference of Catholic Bishops, i.e. the Catholic Church in the U.S. (United States Conference of Catholic Bishops 2003), and several hundred other religious organizations.

If registering a trademark in the U.S. is ground for banning a religion as “not really religious” in Russia, then Russians should ban the Roman Catholic Church, Orthodox Judaism, and even the Russian Orthodox Church, as well as pretty much everybody else.

The “Liquidations”: Cultural Motivations

The legal grounds for the “liquidations” seem indeed very weak. Both papers remark that criteria for identifying books or organizations as “extremist” in Russia are eminently subjective. Almost any group the authorities happen to dislike may be labeled as “extremist.”

Notwithstanding this situation, Falikov remarks that, at least according to polls, the governmental anti-cult policy meets with the approval of the majority of the Russian voters, although they confess not to be well informed about the issue. Both Introvigne and Falikov note the role of the anti-cult movement, which in Russia is not secular, as it is in several Western countries, but is largely organized by institutions of the Russian Orthodox Church.

Falikov, a Russian, is more pessimistic about the future and regards the alliance between the Putin government and the Russian Orthodox Church as strengthening, as part of a strategy by the Kremlin of isolating Russia from Western culture as much as possible. Introvigne, a non-Russian, is equally pessimistic about Vladimir Putin and his utopias of “spiritual security” in Russia, but more optimistic about possible future developments. He does not believe that a dialogue with sectors of the Russian Orthodox Church about religious liberty, as difficult as it seems now, will remain impossible. He places some hope in the fact that at least some Orthodox priests and bishops may in the future adopt a more moderate attitude, and repudiate the most extreme anti-cultists such as Alexander Dvorkin.

I would add, in conclusion, that this hope seems to be shared by the Vatican. The Catholic Church has expressed concern for the state of religious liberty in Russia after the “liquidation” of the Jehovah’s Witnesses (Luxmoore 2017). On the other hand, Pope Francis has been the first Pope to meet a Patriarch of Moscow, and on August 20-24, 2017, Cardinal Pietro Parolin was the first Vatican Secretary of State to pay an official visit to Moscow, where he met with

both the Patriarch and Putin. Religious liberty was on his agenda. The Russian Orthodox Church was experimenting a dose of its own medicine in Ukraine, where the faction of the Orthodox Church loyal to the Moscow Patriarchate was in turn threatened with “liquidation.” It was keen to point out that Cardinal Parolin expressed his solidarity to the Patriarch and condemned the discrimination against the pro-Russian Orthodox Church in Ukraine (Rozanskij 2017). But the Vatican Secretary of State also published a press release on his Moscow visits, where he added that he also called for “religious freedom in all States and in all political situations” (Cernuzio 2017).

The incident shows that dialogue with the Russian Orthodox Church on religious liberty is indeed a complicated affair. Time will tell whether or not the exercise is purely futile.

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