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UKŁAD SIŁ

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Editor’s Note

Dear Readers,

It is with great pleasure that I present to you the first issue of this year — and the fifth issue overall — of the legal journal Warsaw East Law Review.

For the first time since the founding of our journal, this issue is published entirely in English. While we are not abandoning our original vision of a multilingual publication, the exchange of ideas concerning the broadly understood law and political systems of the post-Soviet area increasingly takes place in English. Ultimately, it is our Authors who decide which language they wish to write in, which is why each issue may differ in its linguistic makeup.

I am particularly pleased that this issue features two articles authored by representatives of the Moldovan legal doctrine. This should be regarded as a highly positive development, given the relatively limited number of academic publications by Moldovan scholars, as well as the general scarcity of studies addressing legal or institutional matters related to Moldova.

Nicolae Sadovei and Tatiana Michailov contributed an article entitled “The legal status of medical devices implanted in patients under the legislation of the Republic of Moldova”, while Pantea Oleg and Vihrist Valentina authored an article entitled “Contraventional Liability in the Case of Minors”.

The next group of articles focuses on issues related to the Caucasus region. Although the authors represent Armenia and Georgia, the subject matter also concerns other countries of the Caucasus, particularly Azerbaijan.

Gevorg Melikyan contributed an article entitled “Building Resilience: Political Dimension of Armenia’s Response to Hybrid Warfare”, while Lado Mirianashvili authored “The Delimitation and Demarcation Problems of the Georgian-Azerbaijani Border and Possible Solutions.”

The third group of articles, thematically diverse, addresses various aspects related to Russia, Ukraine, and Europe. The topics cover both contemporary and historical issues, all of which remain relevant to the current international context. This section includes the article by Elena Lukyanova entitled “Legal Language and Freedom (Statement of the Problem for Russia)”, as well as Vasily Zharkov’s article “Russia and Europe: The narrative

of the constitutive Other and its deconstruction”. We also present Dmitrii Savvin’s article “Sergianism, national Bolshevism, and neo-Sovietism: The Moscow Patriarchate in the Power Structure of the USSR and the Russian Federation”, and the article by Eugeniusz Białonożko titled “Russian opposition after the 2022 invasion of Ukraine: An Attempt at Classification and Analysis.”

As is our tradition, the issue concludes with a section of book reviews. Konstantin Tarasov authored a review entitled “Revolutionary Volume on Russian History and Its Critics: A Review of «Istoriya Rossii: Ot razvala imperii k Grazhdanskoy voyne» edited by Vladimir Buldakov”.

I warmly encourage you to contribute and submit
your own original research for future issues.

Editor-in-Chief of the Warsaw East Law Review
Dr. Jarosław Turłukowski

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Legal language and freedom (statement of the problem for Russia)

Abstract

This article explores the deep-rooted challenges of legal consciousness and legal language in Russia, examining their historical, cultural, and linguistic foundations. Inspired by 19th-century poet Boris Almazov’s ironic observation about Russians’ lack of “legal common sense,” the text argues that Russia’s legal culture has long diverged from European norms, favouring state power over individual rights.

A key focus is the terminological and conceptual confusion between freedom (svoboda) and will (volya). While freedom in Western legal traditions implies the rule of law and equal limitations on all, in the Russian context “will” often signifies unrestrained state or personal power. From Catherine II’s “Instruction” to Soviet legalism, the law has primarily functioned as a means of control, rather than a framework ensuring liberty.

Keywords: Russian legal language, freedom vs. will, legal consciousness, rule of law, terminology, legal education, authoritarianism

Introduction

In 1867, the humorous poet Boris Almazov wrote the following lines:

«По причинам органическим

Мы совсем не снабжены

Здравым смыслом юридическим,

Сим исчадьем Сатаны.

Широки натуры русские,

Нашей правды идеал

Не влезает в формы узкие

Юридических начал». (For organic reasons we are not at all equipped with legal

common sense, this spawn of Satan. Russian natures are broad, the ideal of our truth does not fit into the narrow forms of legal principles).

More than a century and a half later, these lines continue to be relevant. What is wrong with the common legal sense of Russians? There is clearly something wrong with it. Why is “everything like this” in most European countries, but different in Russia? There are many reasons for this. The traditions of state paternalism, which wean people off independence, the centuries-old absence of norms on the protection of human rights and traditions of popular representation, a peculiar justice system – all this, of course, leaves its mark on the legal consciousness of citizens (this is how the poet Almazov’s thought can be translated). But there is another important reason, which seems to play a very significant role in Russia’s legal helplessness. Indeed, where can civil legal consciousness come from? Laws, departmental instructions and court documents in Russia are disgustingly illegible. The champion in illegibility of texts is the Constitutional Court – the highest body of constitutional control, which is charged with protecting and adapting the Basic Law of the country to the changing reality in such a way that anyone can use these texts to protect their rights. But it was not so. In its decisions, the Constitutional Court uses incredibly long verbal constructions, replete with repetitions of the same complex and obscure phrases, sentences consisting of more than 200 words¹. Try to read a sentence of 200 words and understand its meaning! On one page of this article there are approximately 330 words, at least 10 sentences and three or four paragraphs. And it is readable. And the Constitutional Court can have one paragraph on the entire page, consisting of one and a half sentences. And this is just one of the most striking examples of how legal thought is conveyed to the population. And there are many thousands of such examples. I am sure that a significant part of the problems of domestic legal consciousness lies in the area of Russian legal language, through which knowledge is transmitted and our ideas about what should and what is are formed. Including about freedom. Law is generally a verbal system, it is formulated through language. There are far from only one problem with the Russian legal language. Here I highlight four such problems: the problem of terms, the language of laws and legal documents, linguistic secrecy (borrowings and difficulties in translation), the peculiarities of the language of legal science and its deliberate distancing from life. In a short article, all these problems can only be outlined, since each of them deserves a special in-depth study. But perhaps at least such an outline, such a staged text will draw attention to them and become the basis for a future more detailed discussion.

Freedom – Liberty (воля) – Law – political regime (terminological problem).

For a long time in Russia, the concept of will, which is practically untranslatable into other languages, dominated, and not the concept of freedom. In the mythology of the Russian national character, the concepts of “freedom” and “liberty/volya” still occupy almost as honorable a place as “sobornost”, “spirituality”, “generosity” and some other abstract concepts, which, unlike “freedom”, have no legal meaning. Most scholars agree that lack of freedom was inherent in Russian society at all stages of Russian history to a much greater extent than freedom. And it is not only that until 1861 the bulk of the population was in serfdom. All other strata of Russian society were also unfree, and civil rights were first granted to them only by the Manifesto of October 17, 1905².

V. Kivelson in an article with the characteristic title “Citizenship: Rights without Freedom” proves that subjects of the Moscow tsars in the 16th-17th centuries had practically the entire set of rights and opportunities described by this concept, but at the same time they did not have freedom. Kivelson believes that in Muscovite Rus’, “in many (though not all) contexts, the word freedom had a strong negative connotation” and, being “an important element of Muscovite political discourse,” was associated with disorder, disturbance, destructive force, and, most importantly, with individualism, while Muscovite society was based on collectivism.³

Because Freedom is based on law, and will is based on arbitrariness. Freedom implies the existence of rules for everyone, not just for those who formulate them, but will does not. Freedom implies the limitation of some rights (and, first of all, for the state), but will does not. And this is where the line between civilization and barbarism lies. The barbarian imposes his will, and the free listen to someone else’s point of view and seeks a compromise. But in Russia, compromises and procedures are difficult. The authorities constantly want to act according to the principle of “it is accepted - please implement it”, pushing through decisions without fuss and approvals. It is no coincidence that the poet Almazov calls common legal sense the spawn of Satan.

The concept of law was officially associated with freedom (will, liberty) in Russia with the “Instruction” of Catherine II (Empress of All Russia 1762-1796). This document proclaimed for the first time that “freedom is the right to do what the laws permit.”⁴ Thus, the principle of “only what is permitted is permitted” with absolute freedom of

² См. подробнее: Каменский, А.Б., «К вопросу об эволюции смысла концептов «свобода» и «вольность» в русском политическом дискурсе XVIII в.», *Труды по руссиеведению*, вып. 3, 2011, р. 115-131.

³ Kivelson, V., «Muscovite «Citizenship»: Rights without Freedom», *Journal of modern history*, 2002, No. 74, p. 465-89.

⁴ Чичерин, Б.Н., «Россия накануне двадцатого столетия», в: М.А. Абрамов (ред.), *О свободе. Антология мировой либеральной мысли (I половина XX века)*, Москва, Прогресс-Традиция 2000, р. 11.

¹ Савельев Д. «Конституционное многословие и длинноты»- Ведомости, 28 мая 2020 года // <https://www.vedomosti.ru/opinion/articles/2020/05/27/831308-konstitutsionnoe-dlinnoti>, access: 24.05.2025

monarchical discretion was introduced into official state circulation. That is, immediately at its first normative mention, the legal concept of freedom in Russia meant complete and unconditional freedom of power, allowing others to be free exclusively on issues and within the boundaries determined by it.

The Soviet government talked a lot about freedom, massively used this concept in its normative and propaganda documents, but in fact, the Soviet understanding of freedom was little different from Catherine's time. Because, firstly, freedom and dictatorship are incompatible concepts. Dictatorship is guided by what is considered expedient from the point of view of the dictator (individual or collective). Lenin wrote about this openly back in 1906: "The scientific concept of dictatorship means nothing other than power that is not limited by anything, not constrained by any laws, not constrained by any rules, and that relies directly on violence."⁵ Secondly, the Bolsheviks were not interested in freedom - they needed to gain control over the economic system in order to modify it⁶. That is, these elites also had to greatly modify the idea of freedom. That is why Soviet law and Soviet law enforcement were always based on the legalistic principle of the supremacy of law over law and freedom, which allowed the authorities to manipulate freedom to any extent.

Perhaps that is why the Soviet legal encyclopedic dictionary does not even have a special term "freedom". There are only individual freedoms of citizens listed in the Constitutions. At the same time, all of them were characterized as having a permissive character, dependent on the will of the state, and their content a priori had to be censored for compliance with the interests of the socialist system.⁷

In the classic university textbook on Soviet state (constitutional) law, freedom is described as follows: "The basic right (freedom) is an opportunity established by the Soviet state and enshrined in its Constitution, allowing each citizen to choose the type and extent of his behavior, to use the benefits provided to him both in personal and in public interests. The opportunities established by law are in some cases called rights, in others - freedoms. It is difficult to draw strict distinctions between these concepts, since the same legal opportunity can be characterized both as a right and as freedom."⁸

Human freedom can be ensured only by the rule of law over state power, only by limiting arbitrary state discretion with respect to the content and scope of this freedom by the principles of law. There can be no freedom under conditions of arbitrariness based on a certain ideological expediency. It follows from this that "the concept of a socialist state governed by the rule of law was a kind of neo-idea about a state governed by the rule

of law, only terminologically connected with known theories and with an entire trend in the history of legal thought. The use of this terminological construction is not motivated, since it implies the identity of law and right. And, therefore, the concept of a socialist state governed by the rule of law has little relation to the genuine idea of a state governed by the rule of law (in any variants known to legal history)." ⁹But it is precisely this socialist transcription that is firmly entrenched in the minds of the Russian legal authorities – it is a kind of "ideal of our truth." There is an obvious terminological contradiction in the definition of the state's freedom of discretion and the restrictive duties of the individual. This is a philosophical and linguistic issue. However, not only a philosophical and linguistic issue. It is a political issue.

Freedom is the core of democracy. Democratic political regimes are based on the principles of individual freedom and the priority of their interests over the interests of the state. Moreover, in this case the state is assigned the role of guardian of this priority. If the concept of freedom is vague or insufficiently defined, society will always hesitate in choosing its path, and the state, more authoritarian by nature, will take advantage of this, expanding and strengthening its influence to the detriment of freedom. As a result, values are shifted or even swapped. The state as a value. The will of the state is arbitrariness.

We see this revolution very well in the example of modern Russian history, when the state becomes the highest value, and the protective function of this value is imposed on the population by manipulatively imposing on it a crude state will in the form of arbitrariness and repression. Thus, democracies turn into autocracies or even dictatorships, into dominant or despotic Leviathans.

The language of laws and legal documents. Bureaucratic language, fear of abstractions, legal uncertainty.

In May 2021, the Faculty of Law of St. Petersburg State University hosted a scientific conference "Issues of the Russian language in legal cases and procedures", which was attended by more than 140 specialists from 20 countries¹⁰. The conference also discussed ensuring the availability of legal information for citizens. One of the founders of the field of legal linguistics in Russia, the author of more than 100 linguistic examinations, professor of the Kemerovo State University N.D. Golev drew attention to an important requirement for legislators - the ability to predict the quality of a regulatory text from the point of view of its perception and understanding by the "broad language community". Golev is right. This is a serious problem. Since that same "broad language community" is convinced that

5 Ленин, В.И., «Победа кадетов и задачи рабочей партии», в: Ленин, В.И., *Полн. собр. соч.* Т. 12. Москва, Политиздат 1968, р. 320.

6 Необходимая фикция свободы. Интервью с историком идей Джонатаном Израэлем. // *Rigas laiks. Русское издание.* Лето 2016. р. 24.

7 Сухарев, А.Я. (ред.), *Юридический энциклопедический словарь. Серия: Советская энциклопедия*, Москва, Советская Энциклопедия 1984, р. 325-326.

8 Воеводин, Л.Д., *Советское государственное право. Учебник*, С.С. Кравчук (ред.), Москва, Юридическая литература 1980, р. 229-230.

9 См.: Омельченко, О.А., *Идея правового государства: истоки, перспективы, типики*, Москва, Манускрипт 1994, р. 89.

10 *Вопросы русского языка в юридических делах и процедурах*, международная научно-практическая конференция, <https://ru.mapryal.org/projects/voprosy-russkogo-yazika-v-juridicheskikh-delah-i-procedurah>, access: 15.06.2025

the language of lawyers is a bird language, incomprehensible and inaccessible to ordinary people. The language is complex and confusing, deceitful and ambiguous.

For the sake of experiment, I mentioned that I was writing an article about Russian legal language on a social network. And I immediately received a bunch of comments, two of which I am citing with the consent of the authors. "Legal language is something else! It's high time to work with it to make it easier. It feels like it was specially muddled for the sake of importance and for the assessment of this importance by common consumers, to emphasize its exclusivity." "We need translations from legal to generally accessible language, but there are only a few qualified translators these days." But in reality, everything should be completely different. Jurisprudence is the art of finding a fair solution to conflicts that arise in society. For this reason alone, it cannot operate with a language that is not understandable to consumers of law. Otherwise, they simply will not understand or truly accept the decisions that come from lawyers. Lawyers should address their texts not to each other, but to people.

This is how Professor R.S. Bevzenko characterizes the modern Russian written language (I will cite his analysis in full, because it is impossible to say it better): "A characteristic feature of the modern written Russian legal language is the aggressive exploitation of such a style as officialese, and in its most disgusting, repulsive form." "Of course, legal language does not imply the use of colloquialisms or jargon, but it is far from flooding texts with the depressing language of bureaucracy. Its special feature is the constant use of the expression Russian Federation." Here is an example: "In accordance with the legislation of the Russian Federation, land plots owned by the Russian Federation may be provided for use by citizens of the Russian Federation, as well as legal entities registered in accordance with the legislation of the Russian Federation, on the basis of acts of state authorities of the Russian Federation, and in cases stipulated by law - by authorities of the constituent entities of the Russian Federation ...". And everything is happening on an escalating basis. If "in the late 90s the average size of a law article (a structural unit of a normative act) was 10-12 lines, an article usually consisted of 2-3 points. Now articles contain 8-10 points, and the size of a normal act article is 60-70 lines."¹¹

Bevzenko also highlights another specific feature of the language of Russian lawmakers - "the rejection of abstract legal formulas (which the same Roman lawyers were famous for, appreciate, for example, the beauty of the highly abstract principle "no one can transfer more rights than he himself has"; not a single modern Russian lawmaker is capable of creating such a thing) in favor of excessive detail played a cruel joke on domestic law enforcement.

When a judge or any other official is faced with the fact that a detailed and huge (2 or 3 pages) article of the law does not contain a direct answer to the necessary question, what

will he do? Most likely, he will say that since the issue is not directly regulated, it means "it is not allowed", "it is not allowed", "it has no right", etc. This is a natural consequence of the desire for detail and the rejection of abstraction in legal texts. Legal abstraction encourages reflection, while an excessively detailed norm kills it. Since the legislator did not regulate something in a detailed text, it means that he did not want to allow it in principle"¹².

Another problem (I would even say that this is not a problem, but a disease) of regulating legal texts is their legal uncertainty. It is presumed that a legal norm should be as precise as possible. After all, this is a rule that determines the extent of possible behavior and sets boundaries, the crossing of which makes behavior illegal. Simply put, it should be completely clear from the content of a legal norm what we have the right to do and what we cannot do, and where the boundary is between "right" and "not right". That is, the text of the law cannot be ambiguous and incomplete, leaving the interested party with the possibility of an expansive, restrictive or corrective interpretation. Legal language must be characterized by simplicity and reliability of grammatical constructions that exclude ambiguity. This property is related to the fact that a legal norm is, by its nature, an order. It is quite obvious that a command, if it is expressed in imprecise and ambiguous language, will not be understood and executed as it should be.

But is it possible to make a clear conclusion about what is allowed and what is not, when, for example, the definition of extremist activity consists of 309 words, very little of which is clear, and, therefore, these words can be interpreted arbitrarily. Or the description in the law of the act provided for in Articles 280.3 of the Criminal Code of the Russian Federation 20.3.3 of the Code of Administrative Offenses on discrediting the Armed Forces of the Russian Federation. What is discrediting from a legal point of view? Well, just "discrediting" and that's it. As a result, the literal meaning of these articles allows us to assert that discrediting is understood not just as criticism of the use of armed forces in the exercise of state powers by state bodies, but in general any uncomplimentary and "trust-damaging" (whose? to whom?) statement, which is opportunistically advantageous in order to declare something discrediting.

A special masterpiece is the definition in the law of political activity (77 words), the implementation of which "under foreign influence" entails the recognition of a person or organization as a foreign agent. It is understood as "activities in the sphere of state building, protection of the foundations of the constitutional system of the Russian Federation, the federal structure of the Russian Federation, protection of sovereignty and ensuring the territorial integrity of the Russian Federation, ensuring legality, law and order, state and public security, national defense, foreign policy, socio-economic and national development of the Russian Federation, development of the political system, activities of public authorities, legislative regulation of human and civil rights and freedoms in order to influence the development and implementation of state policy, the formation of public authorities, their

11 См.: Бевзенко, Р.С., «Об особенностях русского письменного юридического языка // Почему мы так плохо пишем юридические тексты». https://zakon.ru/blog/2021/01/26/ob_osobennostyah_russkogo_pismennogo_yuridicheskogo_yazyka_pochemu_my_tak_ploho_pishem_yuridicheski#comment_570134, access: 14.06.2025

12 См. там же: Бевзенко, Р.С., «Об особенностях русского письменного юридического языка.

decisions and actions.¹³ Naturally, any political journalist, political expert or constitutional lawyer falls under such a definition. However, not only they, but anyone who speaks out on a socially significant topic. And there are a lot of such definitions in modern Russian legislation.

One can, of course, assume that this is the result of the low professionalism of legislators in the conditions of the Russian parliament's super-fast rate of fire in drafting laws. But there is another version of what is happening. Professor T.M. Pryakhina writes: "Uncertainty may be the result of the legislator's qualified silence, when he deliberately leaves the question open, refrains from adopting the norm, thereby showing his unwillingness to apply it, placing the decision on the case outside the legislative sphere."¹⁴ I translate this assumption of the respected professor into ordinary language. The legislator may have a special goal: deliberately formulating the texts of legal regulations in such a way as not to establish any clear boundaries of lawful behavior in the name of creating the most favorable regime for the arbitrary discretion (freedom of hands) of the law enforcement officer depending on the current political situation. That is, through linguistic manipulations, the legal uncertainty of legal texts is used as an instrument of state arbitrariness.

And again, the conclusions of R.S. Bevzenko: "An important aspect of the discussion of the problem of Russian legal language is this: why is everything so bad? The answers to this question will, it seems, differ depending on the area of practical jurisprudence and the legal profession.

Lawmakers write poorly because, on the one hand, they pursue good goals with bad methods. And also because the art of creating legal abstractions requires education and knowledge, and the authors of laws today are either mid-level officials or legal consultants hired by the interested parties of the bills who do not have the skills to write laws.

Judges write poorly because it is important for a judge not to show why he, as a judge, a bearer of power, decided to resolve a dispute in this way, but it is important that a higher court does not overturn the decision. At the same time, the highest judicial authority in Russia, the Supreme Court, also generally writes judicial acts poorly (although there is no higher court above them anymore). Most likely, simply because the judges of this court are, for the most part, bearers of the Soviet tradition of legal bureaucracy and nonsense. They were taught this way in the seventies, they are used to it and do not want to relearn. And they do not need to. Because, "we don't have case law."

Practicing lawyers write poorly because they simply don't teach written legal language at law schools (we don't have an equivalent of the Legal Writing course that Western European universities have). It's good if a student – a future lawyer – reads a lot of classical (published before 1917) legal literature in Russian (then he acquires a sense of language

and understands that officialese is a lawyer's enemy, not an ally). It's good if a student speaks English or German and can read judicial acts, for example, of the Supreme Court of England, the USA or Germany, and knows how judges should speak when resolving a dispute. It's good if a student (either during practice or an internship) has a mentor who will teach him how to structure texts correctly. But this is obviously a matter of luck..."¹⁵

Having a fairly good command of the defective skill of classical legal style composition, I am deeply convinced that legal texts can and should be written in normal Russian, without causing them terminological and substantive damage. This is a hugely important issue that needs to be raised to the level of all-Russian discussion, since the fate of freedom in the minds of people and in the practice of its protection directly depends on it.

Language secrecy. Borrowings and translation difficulties. The poverty of Russian legal language.

In fact, the "great and mighty" Russian language is not so great and mighty in its legal guise. I would even risk saying that it is quite poor. It seriously lacks nuances and subtleties. A simple example: "Law" and "right" are translated into Russian by one word "pravo", although their meanings are completely different.

And this is not surprising. Legal language develops when legal science appears and legal education begins to function. In Russia, this happened much later than in Europe. Only in the middle of the 18th century, German lawyers invited by Peter I began to teach law as Russian lawyers. Just compare: the University of Bologna was founded in 1088. Oxford University - in 1170. Cambridge - in 1209. Sorbonne (University of Paris) - in 1215. Charles University in Prague - in 1348. Among the first faculties in almost all universities was the Faculty of Law. As well as in the Imperial Moscow University. But... it was created 540 years later than the Sorbonne, in 1755. Accordingly, the legal language developed half a millennium less. Only in 1802 was the Ministry of Justice established in Russia, in 1835 the first school of law (for nobles), apart from the Faculty of Law of Moscow University, was opened, providing higher legal education. In the same year, the first Code of Laws of the Russian Empire was declared the official collection of current legislative acts.

To this day, Russian legal language largely consists of a large number of borrowings or translated terms. Translations are far from ideal, and borrowings, although learned mechanically, do not have adequate analogues in Russian, and, therefore, their meanings are not perceived and not reproduced in full. It would be fine with servitudes, cession or

¹³ Федеральный закон от 14 июля 2022 г. № 255-ФЗ "О контроле за деятельностью лиц, находящихся под иностранным влиянием".

¹⁴ Пряхина, Т.М., Правовая неопределенность закона.- Вестник МГПУ 2014. Серия «Юридические науки». р. 38-43

¹⁵ См. там же: Бевзенко, Р.С., «Об особенностях русского письменного юридического языка»

offshores¹⁶. After all, these can be learned and they are more or less unambiguous. It is much more difficult with such value-institutional terms as referendum, sovereignty, parliament, democracy, system of checks and balances...

After all, "Checks and balances" are not exactly "Sderzhky y protivovesy". Close in meaning, but one of the main purposes of the principle is lost in translation - the presence of instruments of control and the ability of branches of power to check each other in order to avoid the possibility of its usurpation. And we see in practice that such instruments do not exist, they have not been created. Or the borrowed word "parliament". It is used without translation to denote the highest representative body of power. Everyone is used to it and uses it without thinking. But is it the right meaning? Is it not because the original meaning of the word (from the verb "parler" - to speak) is unknown to those who use it, that there are incidents with statements that parliament is not a place for discussions? It is not for nothing that when Vladimir Zhirinovskiy had acute attacks of denial of foreign terms and he tried to translate them into Russian, the member of parliament turned into a "walking talk shop"? The truth is, isn't it much more similar to what we have today in the State Duma of Russia? Feel the difference, as they say. Two more borrowed, but inaccurately translated and as a result incorrectly understood terms have already caused and continue to cause enormous damage to the country - "democracy" and "sovereignty". Especially "sovereignty" in its current connotation. This term, being specifically interpreted and used today, requires special scientific research on the subject of manipulative distortion of its meaning. It turns out that an unfair or unprofessional "word game" can not only be an argument in polemics, but also become a justification for "special military operations", called wars in the rest of the world (also, by the way, a dispute about terms).

One of the most difficult terms for the Russian legal language was "rule of law". They tried to translate it literally and ... it turned out "rule of the rules". Because the phrase "rule of law", which in English denotes the supremacy of law, with a poor translation is translated into Russian in the same way - both as the supremacy of law and as the supremacy of the law. But in English "law" does not mean the form or text of a normative legal act adopted by parliament, but rather a certain special legal regulation distinguished by a higher meaning, which does not quite correspond to the Russian word "law" from a formal point of view. The word "law" is not entirely authentic to the word "pravo" in its Russian understanding, and it can only be translated as "pravo" to denote structural units of the legal system. cannot. "Pravo" is "right". As a result, the English rule of law and its Russian translation are

completely different philosophical concepts. Because the supremacy of law, in addition to strict compliance with the law, legal force and hierarchy of normative acts, primarily means the supremacy of meanings and values, and in Russia it is interpreted as the supremacy of the letter of the law (legism). The Venice Commission's report "On the Rule of Law" pays special attention to the difference between the concepts of "rule of law" and "rule of law". "In the recent past," it says, "the essence of the rule of law in some countries has been distorted to the point that it has become equivalent to such concepts as "rule by law" or "rule by the law", or even "law by rules". *Such forms of interpretation allow for the justification of authoritarian actions by governments* and do not reflect the true meaning of the concept of "rule of law"¹⁷.

In many ways, this is the problem of the lack of legal understanding between Russia and the West. Because we need to talk to them in the only language they understand - the language of law, and not scare them with our home-grown originality. Our constantly declared claims to equal dialogue must be supported by real steps towards the law within the country. No amount of reasoning about the sovereignty of our "democracy" and the uniqueness of our "law" will help here. In order to overcome the current Western "monopoly on democratic discourse" and not replace the subject of conversation with ideologemes that cover up the authoritarian essence of their position, to build a human-centered theoretical platform, relying on our own achievements in the sphere of the struggle for law, which have grown out of the awareness of centuries-old experience of lawlessness.¹⁸

The language of legal science

The last question that I define as the setting question in this article is the features of scientific legal texts and their significance in understanding freedom. What is wrong with Russian legal science?

The style of many scientific works on law is accessible for understanding only to a very narrow circle of specially trained people, and even for them such reading is forced by necessity. A hundred years ago, Professor Bogdan Aleksandrovich Kistyakovskiy wrote: "We have created law faculties at all our universities; some of them have existed for more than a hundred years; we also have half a dozen special higher legal educational institutions. All this will amount to about one hundred and fifty legal departments for the whole of Russia. But not a single representative of these departments has produced not only a book, but even a legal essay that would have broad social significance and influence the legal consciousness of our intelligentsia. In our legal literature, it is impossible to point to even a single article that would have put forward for the first time even such a shallow, but still true and militant

¹⁶ The importance of the nuances of translating a foreign language in legal proceedings was discussed at the aforementioned conference on legal language in St. Petersburg by Spanish expert and professor at the University of Alcalá de Henares Reinaldo Casamayor Maspons. For example, in Russian the concept of an "offshore zone" is a borrowing of the widely used English phrase "offshore zone", while the Spanish equivalent of this term, "paraíso fiscal", or "fiscal paradise", has no meaning outside of economic terminology. The situation caused by such a discrepancy dictates special requirements for the translator's knowledge not only of the specific terms used to describe a specific crime, but also of their equivalents in other languages, which are associated with the process of considering a specific case.

¹⁷ См.: Доклад «О верховенстве права» Утвержденный Европейской комиссией за демократию через право (Венецианская комиссия) на 86-й пленарной сессии (Венеция, 25-26 марта 2011 года). - Страсбург, 4 апреля 2011 года. Исследование № 512 / 2009. CDL-AD (2011) 003rev.

¹⁸ См.: Лапаева, В.В., Типы правовопонимания: правовая теория и практика - М., 2012. p.543

legal idea as Ihering's "Struggle for Law". Where is the book that would be able to awaken the legal consciousness of our intelligentsia through these ideas? Where is our "Spirit of Laws", our "Social Contract"¹⁹?

A hundred years have passed. The book that Kistiakovsky wrote about still does not exist. There are many scientific legal texts. But their discussion is almost never carried out outside the professional environment. And even within it "Probably this is the case in any science", - you will say. There is a narrow group of professionals dealing with a narrow topic. But no. The topic of law is a topic for everyone, because the subjects of legal relations are people, not elementary particles. And for people, self-awareness in law is equal to awareness of the limits of their freedom. If these limits remain unconscious, then one can hardly talk about freedom at all.

Why is that? Largely because most legal texts are written in such a language that only a narrow layer of specially trained people are capable of reading and discussing these works, who, as it sometimes seems to me, deliberately hide from the rest of society in the name of preserving their mysterious significance, which is far from always justified.

I remember how in my student years we signed up for a queue at the library for the only thin, but readable and understandable textbook on the theory of state and law by academician Sergei Sergeevich Alekseev. The rest was indigestible. My own doctoral dissertation, written in normal Russian, was discussed at the department three times - it was presented in an unusually simple manner, and, therefore, "non-academic". And it is precisely because of this not entirely academic language that I personally was lucky. Once I wrote a scientific article, as they say, "on the topic of the day", which in its scientific version would have been read by a maximum of several hundred specialists²⁰. But! Six months later, this article was reprinted in a popular newspaper. It was read by about 80,000 people. And five days later, on one and a half pages of the main state periodical of Russia – in the "Rossiyskaya Gazeta" – a rather sharp reaction to it appeared from the Chairman of the Constitutional Court of Russia, who called himself citizen Valery Zorkin²¹. Zorkin's article literally had an explosive effect. I stopped following the statistics when, as a result, more than half a million people had already read my article and when the volume of responses to it in various printed and online publications "pulled" for a full-fledged book.

That is, public legal discussion in Russia is still possible. And not only possible, but also very necessary. From the depths of memory emerged how in the 80s of the last century we read "Legal Dialogues" by Professor Fyodor Burlatsky, which were published in the newspaper "Izvestia". What if this article, together with the responses that will appear on it,

will be published by a popular newspaper...? **Freedom is worth fighting for.** This most famous quote by Agatha Christie was one of the slogans of the Revolution of Dignity in Ukraine in 2014. There were many posters with this slogan on Kiev's Maidan. Today we see the continuation of this fight and understand its true price. Therefore, if even a small part of it lies in the area of reforming the Russian legal language, then we are simply obliged to make our contribution. Because the problem of the Russian legal language is not just a dispute about terms, it is a conversation about freedom. And may my fellow philologists forgive me - perhaps this article is written unprofessionally from their point of view. I invite you to cooperate. Freedom exists only for those who strive for something. If we can fight for it at least with the help of language, we are obliged to do so.

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The legal status of medical devices implanted in patients under the legislation of the Republic of Moldova

Abstract

A special law of the Parliament of the Republic of Moldova – the Law on Medical Devices No. 102 of 9 June 2017 – was adopted on 9 June 2017. By adopting this law, the Parliament intended to secure favourable conditions for the placing on the market in the Republic of Moldova of high-quality, effective and safe medical devices, in order to ensure the quality of medical services, and to protect and promote public health. The law is therefore a special normative act in this domain, but certain reservations can be formulated with respect to the end pursued, since the legislator does consider the medical devices – including those which are meant to be implanted in the human body – as goods in a strict sense, characterising the circulation of such products in the civil commerce, but the rhetoric of the law is silent regarding the legal regime of these devices after they have been implanted in the human body of the patient-beneficiary.

Keywords: medical devices, implanted medical devices, goods, legal status, traceability, human organs.

Introduction

In society in general, the patient is that human being, ill in body or mind, who is the responsibility of a doctor. This notion is also conveyed and assumed, essentially, at the encyclopedic level: “the patient is a person with an illness who is being treated by a doctor”

(p. 234). However, in the Republic of Moldova, the concept of the “patient” is interpreted more broadly. According to the Law No. 263 of 27.10.2005²² “on the patient's rights and obligations”, a patient is defined as a citizen, a natural person who needs, requests or uses medical services, regardless of their state of health, or who voluntarily participates, as a human subject, in biomedical research. The Civil Code of the Republic of Moldova – Law No.1107 of 6 June 2002²³ – being the basic law governing civil legal relations, with numerous regulations dealing with the protection of the individual health, has however failed to provide a definition of “patient” although it refers to the term in the context of normative treatment service provision. Civil Code article 1400 (“Scope of application”) provides that the articles of the Title cover contracts by which one of the parties (the performer of the treatment services) agrees to provide medical treatment to the other party (the patient). The patient is a participant of legal relations regarding the provision of medical care, and is the one who is guaranteed – through the framework law on health in the Republic of Moldova, the law no. 411 of 28.03.1995 on Health Care²⁴ – the right to benefit from medical devices, within the limits established by the special law.

Medical Devices supplementary provisions in the Republic of Moldova

The direct legal basis for regulating the medical devices sector in the Republic of Moldova is the special sectorial law – Law No. 102 of 9 June 2017 on Medical Devices²⁵. This Law determines the conditions for introducing medical devices onto the market and into service, the legal and institutional framework for the control and supervision of medical devices placed on the market or in service, as well as the activities related to their sale, distribution and associated servicing. By enacting this law, the legislator aims to create the best possible conditions for the placing on the market of medical devices of high quality, that are effective and safe, with a view to ensuring the quality of healthcare and preserving and protecting the health of the public.

This is a special provision of law in its origin, but is open to some degree of cavil as to what it says. The national legislator views medical products, including implantable

medical products, simply as natural articles, and is only concerned with such articles in civil circulation, failing to pay attention to who provide patients with such articles and how they do so. In our view, the legislator needs to deal with the entire life cycle of these specific products – not just from a commercial point of view, but primarily from the perspective of medical products as essential to implementing effectively every person’s right to health protection.

It follows that Moldovan legislation has established only this legal category, without the necessary minimum provisions concerning the direct regulation of the specific use of such products as medical instruments by the main actors in legal relations, for whose benefit such products are created — the medical organization, as the user, and the beneficiary of medical services — the patient.

Medical device laws in the European Union

Within the European Union, the initial regulatory framework for medical devices—excluding in vitro diagnostic devices—was established by Council Directive 90/385/EEC of 20 June 1990 on the approximation of the laws of the Member States relating to active implantable medical devices (now repealed)²⁶ and Council Directive 93/42/EEC of 14 June 1993 concerning medical devices (now repealed)²⁷. In 2017, the EU conducted a wide-ranging regulatory overhaul of this area, to set up (explicitly stated in the law itself) a more solid, transparent, predictable and sustainable legislative framework for medical devices, enabling ‘a high level of health and safety protection’ while promoting innovation.

This reform was carried out by Regulation (EU) 2017/745 of the European Parliament and of the Council of 5 April 2017 on medical devices, amending Directive 2001/83/EC, Regulation (EC) No 178/2002 and Regulation (EC) No 1223/2009, and repealing Council Directives 90/385/EEC and 93/42/EEC²⁸. The purpose of this Regulation was ensure that the internal market for medical devices was operating properly, with a high level of health protection for patients and users, while taking into account the specific situation of small and medium-sized enterprises in this sector. It aimed to establish standard of quality and safety for medical devices and to address concerns related to their safety.

22 Law No. 263 of 27 October 2005 on the Rights and Responsibilities of the Patient. In: *Official Gazette of the Republic of Moldova*, 2005, Nos. 176–181. Available at: https://www.legis.md/cautare/getResults?doc_id=140341&lang=ro (Accessed: 03.06.2025).

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24 For further details, see Article 54 of the Law on Health Protection, No. 411 of 28 March 1995. In: *Official Gazette of the Republic of Moldova*, 1995, No. 34. Available at: https://www.legis.md/cautare/getResults?doc_id=147618&lang=ro (Accessed: 03.06.2025).

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Both objectives – the protection of health and a well-functioning internal market – are pursued simultaneously and are intimately interconnected, as neither of them is subordinate to the other. The Regulation harmonised rules on the placing on the market and making available on the Union market of medical devices and their accessories, in accordance with Article 114 of the Treaty on the Functioning of the European Union (TFEU)²⁹, thereby allowing for the free movement of goods. In the process, it set high levels of quality and safety for medical devices, particularly by establishing guarantees regarding the reliability and robustness of the data in the clinical investigations and the protection of the safety of the subjects involved in those clinical investigations.

As pointed out by the EU legislator, both objectives are pursued simultaneously and are thus inextricably linked. This objective of a commercial nature is reflected, in the order in which it appears in the Regulation, in: (1) the proper functioning of the internal market for medical devices; and (2) the principle of free movement of goods. The objectives related to the protection of health are to: (1) ensure a high level of protection of health for patients and users and (2) ensure the reliability and robustness of data from clinical investigations and the protection of subjects of clinical investigations.

Traceability as a link between a medical device and a grafted organ

Even if both Moldovan and EU legislation provide that the legal rules relating to medical devices and those governing organs, tissues and cells constitute entirely different legal regimes, general comparisons may still reveal common features between the two categories of rules. Traceability is one of them. It should be mentioned that the national legislator (from the Republic of Moldova) does not refer to the traceability of medical devices at all in the wording of the respective law—unlike the European legislator. This is understandable to a certain extent, as the comparative study of the national and European legislation indicates that the Moldovan law was adopted after the publication of Regulation (EU) 2017/745, and the national legislator did not consider its content when adjusting the national act.

This follows from Article 21 of the law, which outlines the fundamental provisions for the transposition and implementation of the Council Directive 93/42/EEC of 14 June 1993 concerning medical devices, the Council Directive 90/385/EEC of 20 June 1990 on active implantable medical devices, and Directive 98/79/EC of the European Parliament and of the Council of 27 October 1998 on in vitro diagnostic medical devices.

In order to track and trace medical devices, for the purposes of points (41) and (42) of the preamble to Regulation (EU) 2017/745, a system known as the 'Unique Device Identification System' (UDI System), in line with international principles, is established. The

system is expected to considerably enhance the performance of post-market safety-related activities, including incident reports, field safety corrective actions, and oversight by the competent authorities. The UDI system should apply to all devices that are placed on the market (with the exception of custom-made devices) and should be based on internationally accepted principles and definitions, aligned with those of our most important trade partners. The Regulation should contain specific provisions regarding the application of the UDI system, in order to facilitate a timely and efficient rollout.

On human organs, tissues and cells, Directive 2010/45/EU of the European Parliament and of the Council of 7 July 2010 on standards of quality and safety of human organs intended for transplantation³⁰ states that traceability refers to the ability to locate and identify an organ at any given time in the chain of human organs from donation to transplantation or disposal. This may include identifying the donor and procurement center, the recipient(s) and transplant center(s), as well as any pertinent non-identifying product information on substances and materials that come into contact with the organ in question.

The Republic of Moldova establishes the principle of traceability as a cornerstone in the domain of medical transplantation through Law No. 42 of 6 March 2008 on the Transplantation of Human Organs, Tissues and Cells³¹, which defines (in Article 3) that traceability is the ability to trace and to identify the organs, tissues, and cells destined for transplantation at all stages of procurement, storage, and distribution—from the donor to the recipient and vice versa.

The crucial difference between the traceability of an organ and that of a medical device lies in the final subject (end-user) of the traceability chain: in the case of medical transplantation, the final subject is the recipient of the transplant; for medical devices (excluding implantable ones), the final subject is the user within the meaning of Article 2 of Law No. 102/2017.

Medical device definitions

In the medical devices legislation in force in the Republic of Moldova, a medical device is defined as any instrument, apparatus, equipment, material or other article, whether used alone or in combination, including software required for its proper application, as designed by the manufacturer to be used on human body for the following purposes:

- a) diagnosing, preventing, monitoring, treating or ameliorating disease;
- b) diagnosing, preventing, monitoring, treating, ameliorating, or compensating for

³⁰ Directive 2010/45/EU of the European Parliament and of the Council of 7 July 2010 on standards of quality and safety of human organs intended for transplantation. Published online at: <https://eur-lex.europa.eu/legal-content/RO/TXT/PDF/?uri=CELEX:32010L0053> (Accessed: 03.06.2025).

³¹ Law No. 42 of 6 March 2008 on the Transplantation of Human Organs, Tissues and Cells. In: *Official Gazette of the Republic of Moldova*, 2008, No. 81. Available at: https://www.legis.md/cautare/getResults?doc_id=135027&lang=ro (Accessed: 03.06.2025).

²⁹ Consolidated Version of the Treaty on the Functioning of the European Union. Published online at: https://eur-lex.europa.eu/resource.html?uri=cellar:2bf140bf-a3f8-4ab2-b506-fd71826e6da6.0001.02/DOC_2&format=PDF (Accessed: 03.06.2025).

an injury or disability;

c) diagnosing, curing, treating, or alleviating anatomy, or a disease or its symptoms or a physiological process;

d) controlling conception;

and that is not dependent on being metabolized to achieve of any of its principal intended purposes or its principal intended action in or on the human body, and is not reliant on the effect or metabolism of a drug.

Apart from this general definition, Moldovan law defines in detail five categories of medical devices: active medical device, active implantable medical device, in vitro diagnostic medical device, custom-made medical device, and medical device for clinical investigation.

Similarly, The Medical Device Regulation (EU) 2017/745 (Article 2) defines a 'medical device' as any instrument, apparatus, appliance, software, implant, reagent, material or other article intended by the manufacturer to be used, alone or in combination, for human beings for specific medical purposes:

- diagnosis, prevention, monitoring, prediction, prognosis, treatment or relief of disease;
- diagnosis, monitoring, treatment, or alleviation of an injury, illness, disease, or disability; and
- study, replacement or alteration of anatomy or of a physiological or pathological process or state;
- using information of an in vitro nature using samples taken from the human body, such as organs, blood, and body tissue donations.

Such devices do not need to operate primarily by pharmacological, immunological, or metabolic means, though these may assist in the method of use. In addition, the European legislator defines several classes of medical devices, among others: custom device, active device, implantable device, invasive device and single-use medical device.

Within the framework of this research, the core legal concept is that of the medical device implant. This is referred to as an “active implantable medical device” in the Republic of Moldova and means an active medical device which is intended to be totally or partially introduced, surgically or medically, into the human body or orifice, and which is intended to remain there.

Under the European legislative framework in Regulation (EU) 2017/745, an “implantable device” is any device, including devices that are partially or fully absorbed, which is intended to be introduced into the human body or replace an epithelial surface or the surface of the eye by clinical intervention, and is intended to remain in place after the procedure.

Comparatively, these definitions share three salient principles:
partly or completely inserted into, placed inside the human body;

a nonnatural or medical product;

residence in the human body after implantation.

The key unique aspect — what makes implantable medical devices different from other devices (instruments for the patient, machines for the patient, software for the patient, reagents, etc.) — is the degree to which the device is intended to remain permanently in the human body. This feature leads to a change of the legal character of the implanted medical device which becomes a “good” in general sense (as provided in article 455 of the Civil Code of the Republic of Moldova) and an autonomous subject of law, as will be explained below.

Subjects, holders of rights and obligations in relation to implanted medical devices

Examined solely from the standpoint of their civil legal profile, medical devices (in the overwhelming majority of cases) are goods (i.e. material objects) around which a system of correlative object-related civil rights and obligations is built. These appliances are in circulation within the civil market, although subject to limitations, they may be traded, and could be subject to implementation by civil law. In relation to medical devices as commodities, civil law refers to several subject categories to rights and duties, namely to subjects of the civil circuit of the goods in question.

Even though in an open and not truly exhaustive manner, those directly or indirectly interested are included in the Moldovan legislation, as being: the manufacturer, its authorized representative, the distributor, the reliant party, the economic player, the patient, and the consumer. Within these, only the “user” is explicitly defined in art. 2 of Law no. 102/2017, which is a healthcare institution – no matter if it is public or private and irrespective of its legal personality – and all its personnel working in medical device utilization, including clinical staff (doctors and nurses), paramedical staff (radiologists and physiotherapists), and support personnel. Although it is the patient who benefits in this relationship of 3 parties, here again, the legislator looks upon the patient as the “indirectly concerned”.

In comparison, the EU lawmaker takes a far more careful stance concerning the persons involved in the intricate procedure of implanting medical devices. Pursuant to Article 2 of Regulation (EU) 2017/745, the process involves the following persons:

Manufacturer: a natural or legal person who manufactures a device or fully refurbishes a device or has a device designed, manufactured, or fully refurbished and markets that device under their name or trademark;

Authorised Representative: Any natural or legal person established in the Union who has received and accepted a written mandate from a manufacturer that is not established in the Union to act on the manufacturer's behalf in relation to specified tasks;

Importer: is any natural or legal person established within the EU who places

a device not CE-marked in respect of that person within the EU.

Distributor: any natural or legal person in the supply chain, other than the manufacturer or the importer, that makes a device available on the market, up until the point of putting it into service;

Economic Operator: manufacturer, authorised representative, importer or distributor;

Healthcare Organization: an establishment devoted to caring for or attending to the medical needs of patients or to the preservation of public health;

User: a professional or non-professional individual operating a piece of equipment;

Lay-person: one who lacks the necessary training, experience, or expertise in the field in question;

Sponsor: an individual, company, institution, or organization that takes responsibility for the initiation, management, and financing (or arranging for financing) of a clinical investigation;

Art. 1.1: subject who participates in a clinical trial.

The only figure not specifically described by the European legislative framework is the patient in the context of medical device law. Despite being mentioned, the patient is not specifically defined in the Regulation (and, I stress, we must not confuse it with the individual being investigated).

Modification of the legal status of an implanted medical device

There seems to be no legal differences between an implantable and a non-implantable medical device as from the perspective of good distribution in the civil market. However, there is a significant difference between the two. In this regard, two specific phases can be distinguished along the legal and traceability pathway of medical devices: the pre-implantation phase and the post-implantation phase.

The (non-) implantation phase (except for clinical investigations): Knowing the legal path of the device during this phase is, comparatively, clearly set out, despite, or perhaps due to, the comprehensive regulatory system at both the EU and national levels. As a product, it is fully subject to the (admittedly quite restricted) civil commerce regime – all the way from its design and manufacture, through marketing, and to the moment determined by the legislator (arguably, somewhat artificially) as the point at which the person becomes the “user” of the product. This pathway is applicable to all medical devices, regardless of whether they are implanted or not (with non-implanted devices being the most common type of medical device).

The only significant difference is that some non-implantable medical devices are also allowed to be sold directly to the retail outlets with particular legal status (e.g., pharmacies, optical stores, medical device shops), by those individuals to whom these products are sold

as end-users (e.g., purchasing eyeglasses).

Among implantable devices, there is high diversity, varying from classical to future technologies (such as bioprinted or cyber-physical systems). They all have one thing in common, for which the legal legislator has so far not offered a clear legal solution:

Whether the implanted device should be considered a good or an organ from a legal standpoint?

There is no doubt that the installation of a prosthesis in and of itself does not necessarily equate to a change in the legal classification of the prosthesis, transforming an object of plastic or metal into an organ. But implant uptake exceeds 99% in most cases. The person simply carries the object directly; should the device be dislodged, it would result in the direct demise of the carrier.

Interested legislation – The Civil Code of the Republic of Moldova, as well as the Republic of Moldova’s specialized medical legislation, does not systematize the legal side of this problem. In sum, any interference with these devices immediately involves non-patrimonial legal values — namely, the health and even life of the person. Non-patrimonial values are, as legal scholar Octavian Cazac³² aptly observes, a subject of rights that are personal and non-patrimonial, and not real rights, which are related to the human personality.

In case of death, can the transhuman device be taken out of the body by the heirs? The only possibly applicable provision—although only tangentially so—is Article 2162(3) of the Civil Code. This article makes clear the fact that the heirs succeed to the patrimonial rights and obligations of the deceased, with the exception of the personal or non-assignable rights and obligations, which by their own nature are inherently linked to the person. The only exception appears in particular legal situations in which non-patrimonial personal rights or inseparable patrimonial rights pass to the heirs. We submit, however, that post-mortem explantation of an implanted medical device should be allowed only if the deceased clearly consented in advance to the explantation of the device.

The general principle which is applicable in this respect is set out in Article 44 of the Civil Code, according to which all legal acts whose subject matter is the conferring of patrimonial value to the human body and its parts or products are absolutely null, with the exception of those cases expressly provided by the law. This principle is also incorporated in the Convention on Human Rights and Biomedicine (Oviedo Convention, 4 April 1997)³³.

32 Octavian Cazac, *Civil Code of the Republic of Moldova. Article 455 – Goods (Commentary)*. Published online at: <https://animus.md/adnotari/455/> (Accessed: 03.06.2025).

33 Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine (Oviedo Convention), adopted on 4 April 1997. Ratified by Law No. 125 of 19 July 2002 on the Ratification of the Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine and the Additional Protocol concerning the Prohibition of Cloning Human Beings. In: *Official Gazette of the Republic of Moldova*, 2002, Nos. 110–112. Available at: https://www.legis.md/cautare/getResults?doc_id=29192&lang=ro (Accessed: 03.06.2025).

Conclusions

The regulatory environment for medical devices in the Republic of Moldova does not consider implanted medical devices in terms of their legal status in the context of the patient—the final beneficiary of such a complex medical operation. However, by analogy to the applicable civil provisions (above all, those from the Civil Code), on the one hand, and practical considerations, according to which an implanted medical device effectively becomes a part of the body, on the other, we can state that:

When, by reason of its entry and use in the body of the patient, the medical device ceases to be a "good" in the sense of the commercial law, it becomes a more complex entity, one that even calls up for comparison, though without becoming one, to a human organ.

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12. Octavian Cazac, *Civil Code of the Republic of Moldova*. Article 455 – Goods (commentary). Published online at: <https://animus.md/adnotari/455/>

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Building Resilience: Political Dimension of Armenia's Response to Hybrid Warfare

Abstract

This paper aims to delve into the political dimensions of Armenia's resilience-building efforts in the context of hybrid warfare. Hybrid warfare poses complex challenges that transcend traditional security paradigms, targeting not only military assets but also political, socio-economic, cultural and even cognitive ecosystems. Armenia, given its location, post-colonial past, security constraints, and a number of systemic vulnerabilities arising from its hostile environment, faces a unique set of hybrid threats that require a multifaceted approach to resilience. The study underscores that the most effective strategy for achieving high resilience across all state and non-state institutions must culminate in the adoption and implementation of a new comprehensive security strategy based on whole-of-society approach and tailored to contemporary threats. By addressing these challenges, this study aspires to contribute to a broader understanding of resilience-building in small states, offering insights that are not only applicable to Armenia but also relevant for other nations confronting similar challenges in the evolving landscape of hybrid warfare.

Key words: Armenia, hybrid warfare; resilience-building, political dimension, comprehensive security system

Introduction: Navigating the Complexities of Hybrid Warfare

Hybrid warfare represents one of the most significant security challenges of the 21st century, characterized by a blend of conventional military tactics and unconventional methods such as cyberattacks, disinformation campaigns, propaganda, economic coercion, psychological operations (PsyOps), cognitive threats, etc.³⁴ This multidimensional form of warfare targets not only military assets but also all critical aspects of states, with the aim of

³⁴ Melikyan, G. *How Armenia can defend itself against hybrid warfare*. Retrieved in December 2024, from <https://emerging-europe.com/opinion/how-armenia-can-defend-itself-against-hybrid-warfare/>, access: 14.05.2025

destabilizing their institutions and undermining all dimensions of state resilience, including political, social, economic, institutional, infrastructural, environmental, etc.³⁵ The covert nature of hybrid threats makes them particularly insidious, as they often occur below the threshold of traditional warfare, thereby complicating efforts to detect, attribute, assess, and respond.

For small states like Armenia, hybrid threats are especially pronounced due to their geographic vulnerabilities, limited resources, and complex geopolitical environment. Armenia is caught at the intersection of powerful regional actors, each pursuing their own strategic interests. Russia and Azerbaijan, in particular, keep playing significant roles in shaping and affecting Armenia's security landscape, employing various hybrid tactics to exert malign influence. In such a context, hybrid threats manifest in both overt and subtle forms, targeting not just the military and security sectors, but also undermining state institutions, weakening societal cohesion, and eroding the trust between the government and its citizens. Some malign tactics such as imposing constitutional amendments, attacking national identity and identity-building narratives, are deployed to undermine Armenia's sovereignty and the nation's cohesion, and to shake its socio-political fabric.

For example, since the Soviet era, and particularly following the 2020 Nagorno-Karabakh war, Azerbaijan has been actively engaged in disseminating disinformation aimed at undermining Armenia's historical and cultural heritage. This campaign seeks to portray Armenians as a recent presence in the region, with claims that Armenian culture is fabricated and that Armenians have been part of the area only since the 19th century. A significant aspect of this disinformation strategy involves a complete distortion of historical facts. Azerbaijan has been accused of falsifying historical narratives to support anti-Armenian policies and Armenophobia.³⁶ This includes altering historical accounts in textbooks and public discourse to present a skewed version of history that diminishes Armenia's historical presence in the region.³⁷

Additionally, Azerbaijan has been involved in the destruction of Armenian monuments and cultural heritage sites. This act of cultural erasure serves to eliminate physical evidence of Armenia's historical presence and cultural contributions, further

supporting the narrative of a fabricated Armenian identity.³⁸ These efforts are part of a broader strategic hybridity to politically and legally delegitimize Armenia's historical claims and cultural identity, aiming to reshape regional narratives and influence international perceptions.

Malign hybridity has the potential to disrupt non-state institutions such as civil society organizations, independent media, and business sectors, which are crucial components of political resilience. These institutions are often on the frontline of detecting and responding to threats like disinformation and external economic pressure, yet they too can be targeted, either directly or indirectly, to undermine their credibility and effectiveness. Russia's extensive influence operations in Armenia and Azerbaijan's strategic use of economic and military pressure illustrate the persistent challenges posed by hybrid warfare.

The political dimension of Armenia's response to hybrid threats is a crucial aspect of its resilience-building efforts. Resilience, in this context, is not just about responding to immediate threats; it is about creating a political and institutional framework capable of anticipating, mitigating, and adapting to evolving risks and threats to democracy and political ecosystem. In the context of democracy, resilience is defined as a political system's ability to cope with, survive, and recover from complex challenges and crises that present stress or pressure that can lead to systemic failure. Resilient political systems are flexible, able to absorb stress or pressure, can recover from challenges or crises, and are adaptable.³⁹ It also involves the ability to maintain democratic governance functions and principles, despite attempts by illiberal actors to damage or diminish vertical, horizontal, or diagonal accountability mechanisms that are core to democracy.⁴⁰

For Armenia, this means not only enhancing its security sector's ability to counter hybrid threats but also promoting a whole-of-society approach that includes political reforms, stronger civil society engagement, and a real media independence. The government's approach must balance traditional defense measures with innovative responses to information warfare, economic coercion, and the safeguarding of democratic processes.

35 Assarkhaniki, Z. et al. *The conceptualisation of resilience dimensions and comprehensive quantification of the associated indicators: A systematic approach*. Retrieved in January 2025, from <https://www.sciencedirect.com/science/article/abs/pii/S221242092031342X?via%3Dihub> access: 14.05.2025

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37 Tatoyan, A. 2022. *The Distortion of Historical Facts at the Basis of Azerbaijan's Anti-Armenian Policy. Center for Truth and Justice*. Retrieved in January 2025, from <https://www.cftjustice.org/the-distortion-of-historical-facts-at-the-basis-of-azerbaijans-anti-armenian-policy/>, access: 7.05.2025

38 Gregorian, A. 2024. *Monuments and Identities in the Caucasus: Karabagh, Nakhichevan and Azerbaijan in Contemporary Geopolitical Conflict*. In *The Armenian Mirror Spectator*. Retrieved in February 2025, from <https://mirrorspectator.com/2024/06/04/new-book-brings-multidisciplinary-focus-to-azerbaijans-distortion-of-history-destruction-of-monuments/>, access: 3.04.2025

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40 Shein, E. & Emmons, C. 2023. *Paths to Democratic Resilience in an Era of Backsliding: A Roadmap for the Democracy Support Community*. Retrieved in January 2025, from <https://www.ifes.org/pub/Paths-to-Democratic-Resilience-in-an-Era-of-Backsliding/Defining-key-concepts>, access: 14.05.2025

Addressing the political dimensions of strategic hybridity is therefore central to Armenia's broader strategy of resilience. This includes fostering political cohesion and social trust, ensuring institutional capacity-building, and adapting governance structures to be more agile in the face of evolving threats. In the following sections, this paper will explore how Armenia's political landscape shapes its approach to hybrid threats and how the country's institutions—both state and non-state—are responding to these complex security challenges. This unique set of parameters underscores the necessity of a resilient political system capable of addressing the multifaceted challenges posed by hybrid warfare. Armenia's ability to counter these threats depends not only on military readiness and capabilities, but also on the effectiveness of its key institutions in safeguarding national security, maintaining public trust, and ensuring resilience across all sectors.

The next section examines the core institutional components of Armenia's state security system, assessing their strengths, and vulnerabilities that are directly affecting the political dimension of Armenia's overall resilience.

Armenia's State Security System: Key Institutions and Challenges

Armenia's state security framework consists of a network of institutions formally tasked with addressing a wide spectrum of challenges, ranging from traditional military threats to complex hybrid pressures such as cyberattacks, disinformation campaigns, and disruptions targeting critical infrastructure. Each institution operates within a clearly defined mandate, yet systemic issues such as fragmented coordination, limited resources, and overlapping responsibilities hinder their effectiveness. Below, we will outline the key institutions responsible for Armenia's security, examining their roles, operational challenges, and the structural factors that shape their capacity to respond to these evolving threats. It is important to note that the institutions discussed below are directly linked to Armenia's security architecture, while others, such as the Ministry of Interior, are not included in this overview.

The Parliament of Armenia

As a parliamentary republic, Armenia's governance framework positions the Parliament as the supreme legislative body with a pivotal role in shaping and overseeing the country's security policies. In theory, the Parliament is entrusted with approving defense budgets, scrutinizing executive actions, and ensuring accountability across security institutions, reflecting its critical constitutional mandate. However, in practice, its role is diminished by the concentration of power within the Prime Minister's office, which undermines its independence and ability to provide effective oversight, particularly in matters of national security. This centralization limits the Parliament's capacity to function

as a genuine check on executive authority, despite its intended importance in a parliamentary system. Parliamentary scrutiny over Armenia's security sector falls short due to a shortage of political will, lack of capacities, and insufficient cooperation among oversight actors.⁴¹ Strengthening political resilience requires enhancing the Parliament's independence, bolstering its oversight functions, and ensuring its ability to adapt and respond effectively to national security challenges, especially in times of crisis or external threats.

The Ministry of Defense (MoD)

Ministry of Defense is a republican body of executive authority, which elaborates and implements the policies of the Armenian Government in the defense sector.⁴² It is tasked with protecting Armenia's sovereignty and territorial integrity through military means. Its core responsibilities include defense planning, force training, procurement, and deployment, alongside maintaining a state of operational readiness. Additionally, the MoD engages in international defense cooperation, aiming to enhance Armenia's capabilities through joint exercises, peacekeeping missions, and partnerships with foreign militaries. Despite its strategic significance, the MoD faces numerous operational challenges, which are compounded by structural deficiencies in civil-military coordination, reducing the efficiency of long-term defense planning and crisis response.

The effectiveness of the MoD directly impacts Armenia's political resilience, as a capable and adaptable defense system is essential for maintaining national stability and public trust. While military readiness and a unified defense strategy can contribute to political resilience by ensuring security and reinforcing state authority, challenges within the MoD, such as inefficiencies or gaps in coordination, may hinder its full potential to support stability and effective governance. Addressing these challenges can further enhance public trust and strengthen Armenia's capacity to respond to both external and internal pressures. Thus, enhancing the MoD's operational capabilities and fostering a more integrated defense policy are critical for ensuring Armenia's broader political resilience.

The National Security Service (NSS)

The NSS is the cornerstone of Armenia's internal and external security framework, overseeing intelligence, counter-intelligence, and military counter-intelligence activities, as well as protection of state border, fight against crime, and counterterrorism operations.⁴³ It also plays a crucial role in addressing hybrid threats, particularly in cyber defense and

41 Boonstra, J. 2023. *Between a rock and a hard place: Security sector oversight in Armenia*. Retrieved in February 2025, from https://www.researchgate.net/publication/376857210_Between_a_rock_and_a_hard_place_Security_sector_oversight_in_Armenia_VOLTEN_BRIEF, access: 14.06.2025

42 Official website of the Government of the Republic of Armenia. Retrieved in February 2025, from <https://www.gov.am/en/structure/17/>, access: 14.05.2025

43 Official website of the National Security Service of the Republic of Armenia. Retrieved in January 2025, from <https://www.sns.am/en/pages/show/goals>, access: 14.05.2025

disinformation management. Beyond its security functions, the NSS contributes to Armenia’s political resilience by safeguarding state institutions from external subversion and internal destabilization, helping to maintain governance stability. However, certain structural and operational challenges impact the NSS’s ability to fully adapt to evolving security dynamics. Enhancing technological capabilities and strengthening interagency coordination could improve its effectiveness in addressing complex threats while reinforcing institutional trust and public confidence.

The General Staff of the Armed Forces of Armenia

The General Staff is the chief organizing and executive body in the armed forces responsible for maintaining its combat readiness. It is subordinate in precedence to the Ministry of Defense. According to the Military Doctrine of Armenia, the functions of the General Staff of the Armed Forces include the holistic operational command and control of troops, including combat units and rear support units, as well as the planning and coordination of peacetime activities of all armed units.⁴⁴ The Chief of the General Staff is the highest military official of the armed forces, appointed by the President of the Republic, upon recommendation of the Prime Minister. In a non-war situation, the Chief of General Staff shall be subordinate to the Minister of Defense.⁴⁵

Strengthening coordination mechanisms with civilian institutions and modernizing command-and-control systems would further enhance its effectiveness in addressing both conventional and hybrid threats. By improving operational integration and adaptability, the General Staff is able to contribute to Armenia’s political resilience, ensuring a more robust and responsive security framework. Moreover, a well-coordinated defense apparatus not only reinforces state authority in times of crisis but also fosters public trust in national security institutions, which is a key factor in long-term stability and resilience.

The Standing Committee on Defense and Security of the National Assembly (SCDSNA)

The SCDSNA plays an important role in shaping Armenia’s national security landscape through legislative oversight, budgetary review, and policy development, covering key areas such as defense, national security, police, emergency situations, the military-industrial complex, services in the armed forces, national security, police, and military-educational institutions, as well as the laws governing these sectors.⁴⁶ As the primary parliamentary body responsible for democratic control of the security sector, it has the

potential to enhance transparency, accountability, and strategic coherence in defense governance. However, its effectiveness is hindered by institutional and political constraints. The committee’s decision-making is heavily influenced by the ruling party, which holds a parliamentary majority, limiting its ability to function as an independent oversight body. This dynamic often results in security policies being shaped by partisan priorities rather than broader national interests, reducing the scope for meaningful debate and independent scrutiny. Consequently, these limitations often lead to superficial reviews of policies, diminishing the committee’s capacity to influence meaningful reform.⁴⁷ Strengthening its autonomy and fostering a more pluralistic security discourse would enhance its role in ensuring a balanced and effective national security policy.

Security Council of Armenia (SCA)

The Security Council of Armenia (SCA) plays a central coordinating role in Armenia’s national security strategy. It collects and synthesizes information on security threats to Armenia and develops recommendations for necessary measures, following the procedures outlined in its work statute.⁴⁸ Composed of high-ranking government officials, including the President, Prime Minister, and key ministers, it provides guidance on the formulation and implementation of security policies. The Council is responsible for crisis management, determining national security priorities, and ensuring alignment between the military, intelligence, and law enforcement agencies. It serves as a critical body in times of national emergency, facilitating effective responses to both conventional and hybrid threats.

In addition to its operational responsibilities, the SCA’s functioning is crucial to strengthening Armenia’s democratic and political resilience. By fostering coordination across state institutions and ensuring strategic coherence, the Council contributes to a governance framework that upholds democratic norms while addressing evolving security challenges. Its role in shaping policies and responding to crises ensures that national security priorities remain aligned with the country’s democratic values, contributing to long-term stability and adaptive governance.

Foreign Intelligence Service of Armenia (FISA)

Established 2023, the mission of the Foreign Intelligence Service of the Republic of Armenia is to forecast, prevent, counteract and protect against external threats to Armenia by providing political decisionmakers with reliable, credible and actionable intelligence as well as by conducting special activities. Serving the democratic order of the Republic of

44 *The Military Doctrine of The Republic of Armenia*. 2007. Retrieved in December 2024, from https://safesoldiers.am/wp-content/uploads/2013/11/3.5.-MilitaryDoctrine_eng.pdf, access: 14.05.2025

45 The Constitution of the Republic of Armenia, from the Official website of the President of Armenia. Retrieved in January 2025, from <https://www.president.am/en/constitution-2015/>, access: 14.05.2025

46 Official website of the National Assembly of the Republic of Armenia. Retrieved in February 2025, from <http://www.parliament.am/committees.php?do=members&ID=111204&lang=eng>, access: 14.05.2025

47 Helsinki Citizens’ Assembly-Vanadzor. *Mapping of the Existing Problems of Parliamentary Oversight of the National Security Service Activities and the Ways to Solve Them*. Retrieved in February 2025, from https://hcav.am/wp-content/uploads/2021/07/NSS_english.pdf, access: 28.02.2025

48 Official website of the Office of the Security Council. Retrieved in January 2025, from <https://www.seco.am/about/office?lang=en>, access: 30.01.2025

Armenia and being a politically impartial institution, FISA collects and analyzes foreign intelligence of political, military, economic and environmental nature necessary for the development of the state, and act to disrupt the external threats to the vital interests of the Republic of Armenia. It's a civil service, which protects and is accountable to the public.⁴⁹

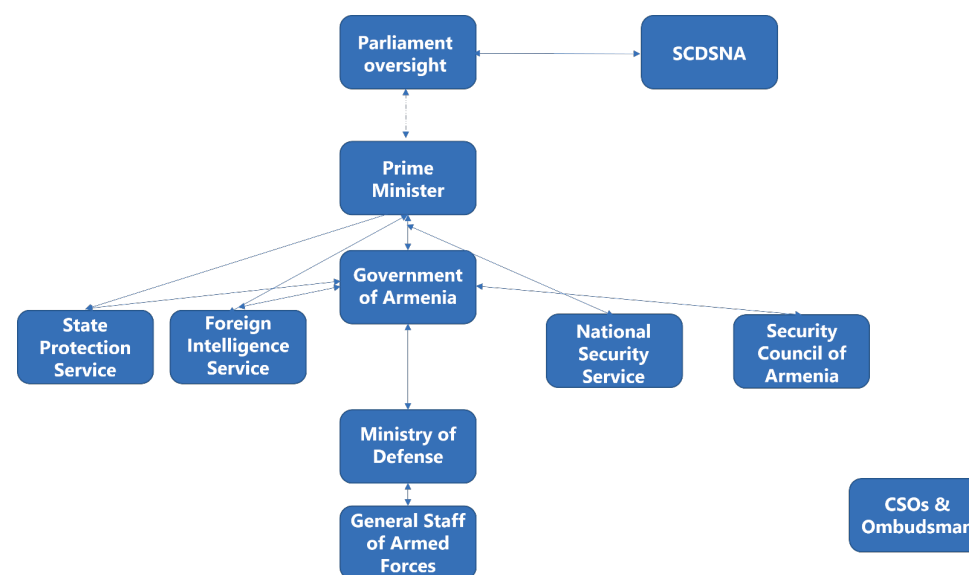
By engaging in discreet and proactive intelligence operations, the Foreign Intelligence Service ensures that Armenia remains prepared for both conventional and hybrid threats emanating from abroad. Its work contributes significantly to Armenia's ability to anticipate and respond effectively to external challenges, ensuring the nation's security in an increasingly complex global environment. This proactive intelligence capacity also bolsters Armenia's political resilience, enabling the government to make informed decisions, safeguard national interests, and maintain stability amid external pressures. However, as a relatively young institution, the Foreign Intelligence Service requires further development and modernization to strengthen its capabilities and adapt to evolving security dynamics.

State Protection Service

The goals and objectives of the State Protection Service are: forecasting and identifying threats to objects under state protection, implementing complex measures to prevent threats, ensuring the security of objects under state protection in their permanent or temporary locations, including during traffic.⁵⁰

Civil Society, Independent Media, Audit, and Ombudsperson Institutions

Civil society organizations (CSOs), independent media, and oversight bodies like audit institutions and the ombudsperson play a crucial role in Armenia's security environment and resilience. CSOs monitor government actions, advocate for transparency, and make efforts to raise awareness of hybrid threats such as disinformation, propaganda, fake news, cybersecurity, brainwashing, etc.⁵¹ among state and non-state institutions. A strong, real, and independent civil society, not dependent on foreign donors, is essential for political resilience as it ensures that governance remains accountable and responsive to the needs of the people, fostering long-term stability and democratic practices. This independent civil sector also contributes to Armenia's political resilience by promoting informed public discourse and actively participating in the development of security policies that reflect the true interests of the nation.



Source: Created by the author

While Armenia's security institutions each have defined mandates, their ability to function as a cohesive system providing good results, remains severely limited. The structural fragmentation outlined above—ranging from the Parliament's weak oversight to the lack of coordination between the Ministry of Defense, National Security Service, and Foreign Intelligence Service—illustrates a broader challenge: the absence of a truly integrated security framework. This lack of systemic cohesion stems from deeper structural weaknesses, and the presence of existential security threats from neighboring Azerbaijan. Moreover, the absence of a new security doctrine, inconsistent long-term planning, and the tendency to prioritize reactive measures over proactive strategies weaken the impact it could have. Instead of fostering institutional synergy, the security sector operates through fragmented decision-making processes that often reflect shifting political interests rather than a coherent national security vision. This fragmentation not only weakens Armenia's resilience against external threats but also reduces its capacity for effective crisis response in an era of increasingly complex hybrid challenges.

Compounding these structural deficiencies is the absence of a coherent strategic communication framework. While security institutions are tasked with countering disinformation, propaganda, and other hybrid threats, they themselves struggle with

49 Foreign Intelligence Service. 2025. *Annual report on external security risks of the Republic of Armenia*. Retrieved in February 2025, from https://armenpress.am/storage/content/2025/pdf/Annual_Report_ENGLISH.pdf access: 1.03.2025

50 Official website of the Government of the Republic of Armenia. Retrieved in February 2025, from <https://www.gov.am/en/bodies-under-prime-minister/287/>, access: 1.03.2025

51 *Navigating Gray Zones: Building Resilience in State and non-State Institutions in the Era of Hybrid Warfare, two-day workshop in Yerevan*. Retrieved in December 2024, from <https://factor.am/en/8350.html>, access: 1.03.2025

inconsistent messaging and poor public engagement. Instead of presenting a unified national security vision, different agencies often operate in isolation, leading to contradictory narratives that erode public trust and create vulnerabilities that external actors can exploit to the detriment of various levels of state resilience. Furthermore, the government's reliance on ad hoc crisis communication rather than sustained, transparent, and fact-based information strategies undermine societal resilience, making the public more susceptible to manipulation in times of crisis.

Despite Armenia being portrayed by its government⁵² and Western partners as a democracy,⁵³ the security and other critical sectors operate in a framework that reflects an undemocratic governance style. The centralization of power, limited checks and balances, and the absence of robust democratic institutions undermine the effectiveness of these sectors, with decision-making processes often being driven by authoritarian tendencies rather than democratic principles. This lack of true democratic governance significantly impairs the country's ability to address complex security challenges in a way that reflects the will and interests of the broader population. Moreover, the concentration of power within the executive branch limits meaningful oversight, reducing the ability of the Parliament, civil society, and independent media to serve as effective checks on security institutions. Without genuine democratic governance—characterized by transparency, accountability, and institutional autonomy—security agencies remain vulnerable to politicization and inefficiency. This democratic deficit not only weakens security sector governance but also affects the country's overall ability to develop and implement a security strategy that is both effective and aligned with national interests. Addressing these fundamental flaws requires a structural shift toward greater institutional independence, interagency coordination, and democratic oversight to ensure that Armenia's security architecture can respond effectively to evolving threats.

How to Build Political Resilience amid Hybrid Warfare?

Political Dimension of Resilience-Building

The hybrid threats from malign states facing Armenia, which combine military actions with psychological warfare, cyberattacks, disinformation campaigns, and economic leverage, demand an effective response that is not limited to the defense sector. These threats exploit the weaknesses of fragmented political and institutional systems, often preying on

divisions within the country. To address these challenges, Armenia must not only develop robust military capabilities but must also adopt a political strategy that is flexible, inclusive, and capable of countering external interference at multiple levels.

At the core of Armenia's political resilience lies the need for a comprehensive security strategy⁵⁴ that goes beyond traditional military defense to include a broader, whole-of-society approach.⁵⁵ This strategy, which hinges on strengthening internal political structures, improving inter-institutional coordination, and fostering active societal participation, is essential for Armenia to build a resilient state capable of facing contemporary security challenges. Given Armenia's location at the intersection of multiple regional conflicts, political stability, strong institutions, national unity, and widespread societal engagement are crucial for effectively addressing external threats, including hybrid warfare. Strengthening security architecture in Armenia depends not only on military and intelligence capabilities but also on fostering political cohesion, governance, and citizen involvement that can enable effective responses to these challenges.

Institutional Reform for Political Resilience

A critical factor in achieving political resilience is the need for core institutional reforms. Armenia's existing political and security structures are often marked by inefficiency, bureaucratic inertia, and a lack of coordination. While some may be inclined to believe that Armenia doesn't face existential security threats, the reality is that these structural weaknesses leave the nation vulnerable to both internal and external challenges, including hybrid threats that undermine state sovereignty and resilience. To build resilience, there is an urgent need to reform the government's decision-making processes, ensuring that the security apparatus is proactive rather than reactive. This includes fostering better inter-agency cooperation between the Ministry of Defense, Ministry of Foreign Affairs, National Security Council, and other critical institutions involved in national security. These agencies must work seamlessly together, not only in response to external threats but also in planning and anticipating emerging risks.

One of the key challenges facing Armenia is the lack of agility within its governance system. Armenia's political and security institutions must adapt to the imminent security threats by recognizing and not hiding this new reality and creating flexible frameworks that would allow for quick decision-making and coordinated responses. This requires overcoming bureaucratic silos and creating a more integrated security structure that can quickly mobilize and react to hybrid threats.

52 Official website of the prime minister of the Republic of Armenia. Retrieved in December 2024, from <https://www.primeminister.am/en/press-release/item/2023/05/31/Nikol-Pashinyan-Armenian-Forum-Democracy/>, access: 1.03.2025

53 U.S. Helsinki Commission, Commission on Security and Cooperation in Europe, *Supporting Armenia's democracy and Western future*. Retrieved in January 2025, from <https://www.csce.gov/hearings/supporting-armenias-democracy-and-western-future/>, access: 1.03.2025

54 Melikyan, G. & Abrahamyan, E. 2025. A New Comprehensive Security System Concept for the Republic of Armenia: Obstacles, Opportunities, Strategy. [Unpublished manuscript]. "Arar" Foundation. Retrieved in February 2025.

55 Ibidem

In this context, the adoption of a whole-of-society approach becomes essential. Security should not be seen solely as the responsibility of the government and the military; rather, it must be viewed as a collective effort involving all sectors of society. This includes not only government officials and institutions but also civil society, private enterprises, academia, and ordinary citizens. This expanded notion of security reflects the need for a more inclusive approach to resilience-building, one that accounts for all aspects of society that could be impacted by hybrid warfare. By involving various societal sectors, Armenia can create a more comprehensive and robust security framework.

Building National Resilience through a Whole of Society Approach

The **whole of society approach** is a comprehensive framework that recognizes that national resilience cannot be solely achieved through governmental and military efforts. Rather, it requires the **active engagement** of the entire society, including **citizens, private sector** entities, and **civil society organizations**. This inclusive approach strengthens the national fabric by encouraging collaboration across all sectors of society to address complex challenges. It has the potential to expand the area of partnership, develop new partnerships and bring additions by putting local actors and civil society at the center.⁵⁶ This approach can be thought of as a network of policy makers in some fields, including government officials, legislators, businessmen, lobbyists, and even academics and journalists. It represents a crucial strategy for building consensus on how to effectively organize, prioritize, coordinate, and leverage technical capabilities, human and institutional resources ensuring the most effective and strategic response in the face of wars, armed conflicts, hybrid attacks, and natural disasters.

Strengthening Democratic Processes for Political Cohesion

Armenia's political resilience is closely tied to the functioning of its democratic institutions. While the country holds regular elections, the quality of democracy remains problematic, with concentrated power in the executive branch and limited checks on the actions of political elites. This undermines political stability and weakens the ability of institutions to respond effectively to external threats. The impact of hybrid attacks thrives in environments where governance is opaque, and where political elites are not held accountable to the public. In such a context, political manipulation, corruption, and external interference are more likely to succeed.

56 Parlak, B. & Mağat, M. 2021. Whole of Society Approach to National Security Issues: *Public Policy and Social Media Correlation*. Kamu Yönetimi Ve Politikaları Dergisi | Yıl / Year: 2021 / Cilt / Vol.: 2 / Sayı / No: 1 | Ss: 233-256 | Issn: 2717-9729. Retrieved in December 2024, from <https://dergipark.org.tr/en/download/article-file/1650357#:~:text=The%20E2%80%9Cwhole%20of%20society%20approach,regulatory%20tools%20in%20their%20environment , access: 1.03.2025>

Building political resilience requires that Armenia strengthens its democratic processes to create a system that is more transparent, accountable, and responsive to the needs of citizens. Political cohesion and social unity are vital in the face of hybrid threats, which often seek to exploit divisions within a society. The government must prioritize strengthening political pluralism, ensuring transparency and honesty in communication with international partners. This involves accurately representing the situation on the ground and avoiding deceptive narratives, while also reducing populism and imitative actions that hinder genuine reform and progress. By guaranteeing the independence of the judiciary and promoting freedom of speech, Armenia can ensure that its political system remains open to scrutiny and less susceptible to manipulation.

The political system must also be reformed to facilitate better cooperation between different political factions, ensuring that national security is treated as a priority over partisan concerns. This includes establishing mechanisms for constructive dialogue between the ruling party, opposition forces, and active civil society. When political leaders can cooperate in times of crisis, it enhances the country's resilience, making it more difficult for external actors to exploit internal divisions. Strengthening democratic practices at the political level is essential for enhancing national unity, ensuring that all citizens feel involved in the decision-making process, and reducing the opportunities for external actors to sow discord.

Moreover, fostering a more inclusive political culture in Armenia can ensure that all voices are heard. This includes empowering all civil society organizations, media outlets, and think tanks — without selectivity — to actively engage in political discourse and policy development. These groups can provide valuable insights and hold the government accountable, thereby increasing the overall transparency and legitimacy of political decisions. Engaging a broad range of societal actors in the political process will strengthen the country's democratic foundations and political cohesion, which are essential components of political resilience.

Mobilizing the Private Sector

The private sector plays an increasingly important role in national security, particularly in the context of hybrid warfare, which often includes economic manipulation and the disruption of supply chains. Armenia's private sector must be empowered to collaborate with the government in identifying vulnerabilities, sharing critical information, and developing innovative solutions to counter hybrid attacks. This highlights the urgent need for public-private sector collaboration to address these rapidly evolving threats.⁵⁷

57 *Government of the Republic of Armenia decision – on determining a cyber security strategy*. 2017. Retrieved in December 2024, from <https://dig.watch/resource/government-of-the-republic-of-armenia-decision-on-determining-a-cyber-security-strategy> . access: 1.03.2025

For instance, the cybersecurity domain is a key area where private sector companies—especially those in the tech and IT sectors—can play a pivotal role. The government should work closely with the private sector to develop and adopt a national cybersecurity strategy that encompasses both public and private entities, ensuring a unified defense against cyberattacks. The establishment of a robust cyber defense ecosystem that includes private companies, academic institutions, and government agencies can help Armenia better protect its critical infrastructure and national interests.

Moreover, the private sector can be instrumental in supporting economic resilience by reducing Armenia’s dependency on external sources of energy and trade routes that could be used as leverage in hybrid warfare campaigns. By incentivizing the development of local industries, fostering innovation, and ensuring economic diversification, Armenia can mitigate vulnerabilities that could be exploited by adversaries.

Engaging Civil Society in Building Resiliency

Civil society organizations, think tanks, universities, and media outlets are essential partners in building a resilient nation.⁵⁸ Their role in educating the public about hybrid warfare, raising awareness about disinformation campaigns, and promoting social cohesion cannot be overstated. By engaging in dialogue with the government, civil society can help develop policy solutions that reflect the needs and concerns of citizens.⁵⁹

One area where civil society can make a significant impact is in the domain of countering disinformation. In an era where hybrid warfare is heavily reliant on information manipulation, civil society can work with the government to develop counter-narratives, media literacy programs, and strategies to identify and neutralize fake news. Strengthening independent media outlets and ensuring that journalists have the resources to investigate and report on security issues can further enhance Armenia’s resilience against hybrid threats.

Moreover, civil society organizations can play a key role in fostering national unity and strengthening social cohesion, which are essential in the face of hybrid warfare tactics designed to divide and weaken societies. Initiatives that promote inter-ethnic dialogue, reconciliation, and social solidarity can help build a more cohesive and resilient Armenian society, capable of withstanding internal and external attempts to fragment it.

Tailoring Security Strategy to Existential Threats

Armenia’s security strategy must evolve to address contemporary existential threats, including those enhanced by hybrid warfare. A big variety of threats combines conventional military aggression with unconventional tactics making huge pressure of Armenia’s state and non-state institutions.⁶⁰ Armenia experienced a full-scale attack by Azerbaijan in 2020, supported by Russia’s tacit approval,⁶¹ which ultimately led to the loss of Nagorno-Karabakh in 2023.⁶² The attack was a precursor to Russia’s larger aggression in Ukraine, highlighting its changing role in regional security. Azerbaijan’s ongoing hostility, coupled with Russia’s increasing unreliability as an ally, presents a multifaceted threat to Armenia’s sovereignty. Given the current tensions, an escalation — a large military offensive by Azerbaijan against Armenia—is not a question of “if”, but “when”.

Armenia’s security framework must go beyond traditional defense measures and adopt a flexible approach that integrates both military and non-military strategies based on tailored approach. While military readiness remains essential to counter conventional threats, Armenia must also strengthen defenses against non-traditional risks, including cyber-attacks, economic destabilization, the manipulation of information, and the very wide range of other hybrid tools and tactics. These elements are central to hybrid warfare tactics that undermine national stability.

All levels of national resilience are crucial, and by adopting a comprehensive strategy that addresses both existential and hybrid threats — especially in the face of Azerbaijan’s ongoing aggression and Russia’s increasing unpredictability — Armenia can safeguard its sovereignty and strengthen its resilience.

In Lieu of Conclusion: Comprehensive Security System as a New Effective Blueprint

As Armenia continues to confront an array of existential and security threats,⁶³ it is increasingly clear that a traditional security framework will not suffice. The evolving nature

58 Bharathi.M.T. 2018. *Civil Society and its Role in Strengthening Democracy*. IJRAR November 2018, Volume 5, Issue 4. Retrieved in January 2025, from <https://ijrar.org/papers/IJRAR19D5414.pdf> , access: 1.03.2025

59 *Civil Society Engagement in Policy Dialogue in Armenia*, 2015. Yerevan Press Club, Eastern Partnership Civil Society Forum: Armenia National Platform. Retrieved in December 2024 https://ypc.am/wp-content/uploads/2015/09/Policy_Dialogue-Book_eng.pdf, access: 1.03.2025

60 *Navigating Gray Zones: Building Resilience in State and non-State Institutions in the Era of Hybrid Warfare, two-day workshop in Yerevan*. Retrieved in December 2024, from <https://factor.am/en/8350.html>, access: 1.03.2025

61 Melikyan, G. & Abrahamyan, E. 2023. *Iran and Russia’s ‘Co-Opetition’: A Delicate Dance of Strategic Cooperation and Competition*. ArabNews. Retrieved in February 2025, from https://www.arabnews.com/sites/default/files/rsu_iran_and_russias_co-opetition.pdf , access: 1.03.2025

62 *European Parliament resolution of 5 October 2023 on the situation in Nagorno-Karabakh after Azerbaijan’s attack and the continuing threats against Armenia*. Retrieved in November 2024, from https://www.europarl.europa.eu/doceo/document/TA-9-2023-0356_EN.html , access: 1.03.2025

63 Melikyan, G. How Armenia can defend itself against hybrid warfare. Retrieved in January 2025, from <https://emerging-europe.com/opinion/how-armenia-can-defend-itself-against-hybrid-warfare/>, access: 1.03.2025

of contemporary threats, especially in a volatile region like the South Caucasus, calls for a more integrated and dynamic security architecture that encompasses both traditional and non-traditional approaches.⁶⁴ Armenia must adopt a comprehensive security system that moves beyond mere military defense and integrates all facets of national resilience — political, economic, social, and institutional — into a cohesive strategy capable of tackling both conventional and hybrid warfare threats.

At the core of this new blueprint is the recognition that security is not solely the responsibility of the military or intelligence agencies. A truly resilient state requires an all-encompassing approach that engages every level of society⁶⁵. This includes strengthening political institutions, enhancing the resilience of civil society, fostering public-private cooperation, and ensuring the active participation of all sectors of society in national security efforts. In this context, national security becomes a shared responsibility that goes far beyond the confines of the government and military. As mentioned, the private sector, civil society, academia, and even the media all have important roles to play in addressing the multifaceted challenges posed by hybrid warfare.

A critical element of this blueprint is the establishment of a new comprehensive national security architecture. This architecture must break down the traditional silos that currently exist between various security and governance institutions. Armenia's Ministries of Defense, Foreign Affairs, and National Security, alongside all other relevant bodies, must work in tandem and in a perfectly synchronized way, exchanging information, coordinating efforts, and implementing policies in a seamless manner. This inter-institutional cooperation must extend beyond governmental agencies, involving non-governmental organizations, think tanks, and other societal actors, to ensure a more holistic approach to national security.⁶⁶ The goal is not only to react to threats but to anticipate them, with an intelligence-driven, proactive strategy that is dynamic, flexible and adaptable to existing and emerging threats.

Moreover, the role of technology and innovation in this comprehensive security strategy cannot be overstated. Hybrid threats evolve rapidly and often involve sophisticated

cyber-attacks, information warfare, AI, and even quantum threats, all of which require advanced technological responses. Armenia must prioritize the development of a robust cyber defense infrastructure, which should be built on strong public-private partnerships, where private companies, particularly in the tech and IT sectors, work hand-in-hand with the government to secure critical infrastructure. Developing innovative solutions to mitigate vulnerabilities, diversifying economic dependencies, and enhancing technological capacity are all essential components of the comprehensive security system.

In this comprehensive framework, societal cohesion plays a pivotal role. Strengthening democratic processes, ensuring transparent governance, and fostering a culture of political inclusion are key to maintaining national unity and resilience. A society that is politically divided or alienated is more vulnerable to hybrid warfare tactics, which often seek to exploit these fissures. Therefore, Armenia must invest in its democratic institutions, ensuring that political discourse is inclusive, transparent, and responsive to the existing threats without hiding or underestimating their impact. A resilient society is one that is not only unified but also educated and informed, capable of resisting external attacks, both kinetic and non-kinetic.

Last but not least, **political resilience** must be built on a new concept of **strategic governance**, which goes beyond traditional notions of good governance. Strategic governance is not just about transparency and efficiency; it is about anticipating threats, adapting to rapidly changing geopolitical realities, and making proactive decisions that enhance national security. It requires viewing threats, risks, and resilience not as isolated challenges but as interconnected strategic-level issues that demand a comprehensive, government-wide approach. This means that resilience must be embedded in national policymaking, with institutions capable of both mitigating immediate risks and reinforcing long-term stability. In Armenia's case, this approach necessitates strengthening institutional adaptability, reinforcing strategic foresight capabilities, and fostering a governance culture that prioritizes resilience at every level.

By adapting and implementing a comprehensive security system that integrates military, political, economic, technological, cultural, psychological, societal and other critical dimensions, Armenia will be better equipped to address both existential threats and hybrid challenges.

64 Melikyan, G. & Abrahamyan, E. 2025. A New Comprehensive Security System Concept for the Republic of Armenia: Obstacles, Opportunities, Strategy. [Unpublished manuscript]. "Arar" Foundation. Retrieved in January 2025.

65 Ruggiero, A., Piotrowicz, W. & John, L. 2024. Enhancing societal resilience through the whole-of-society approach to crisis preparedness: Complex adaptive systems perspective – The case of Finland. *International Journal of Disaster Risk Reduction*, Volume 114, November 2024. <https://doi.org/10.1016/j.ijdr.2024.104944>. Retrieved in January 2025, from <https://www.sciencedirect.com/science/article/pii/S2212420924007064>, access: 1.03.2025

66 The concept of the national comprehensive defense and security system (only in Armenian). 2024. Vogezen-All Armenian Platform. Retrieved in January 2025, from https://vogezen.am/?fbclid=IwY2xjawIY9RpleHRuA2FlbQlXMAABHfSYgkCHsNWN1YxzubFvxvA4_VOYbsYiWNq_tQjVB64rrh15G2_xtm83eXw_aem_Ayu-yPRzNvg9qv1NOiZnEw#fd26296f-a50a-43b2-affa-d71f2466220a-65a5d39a-7fcd-4d46-a345-c2f8298e5c8c, access: 1.03.2025

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The Delimitation and Demarcation Problems of the Georgian-Azerbaijan Border and Possible Solutions

Abstract

After the dissolution of the Soviet Union and simultaneously with the emergence of independent states in the South Caucasus, disputes related to the delimitation of state borders emerged. The process of demarcation is still in progress: it has not been finalized yet. Among others, an issue concerning the possession of religious monuments located in the border zones came onto the agenda.

The proposed paper concerns the problems which arose in connection with the border delimitation and demarcation between Georgia and Azerbaijan along the Mount Udabno Ridge, in the south slope of which a rock-cut Catholicon, refectory and living complexes of early medieval Georgian monasteries of Udabno and Chichkhrituri are rock cut. These structures are a constituent part of the Georgian David-Gareji Monastery complex which consists of more than twenty rock-cut monasteries. The first three monasteries were founded in the 6th century AD by St. David and his disciples. Possible solutions to the dispute are suggested.

Key words: Boundary and territorial dispute, cultural heritage, transboundary biosphere reserve, Patriarchate of Georgia's ownership.

In 1783, Erekle II, King of the eastern Georgian kingdom of Kartli-Kakheti, seeking protection against Ottoman and Persian attacks, signed a treaty with Russia, putting his kingdom under protection of the latter. After less than two decades, Russia violated the terms of the treaty: on 28 December 1800, Tsar Paul I of Russia signed a Decree on the incorporation of the Kartli-Kakheti kingdom into the Russian Empire. The kingdom was annexed by the Russians in 1801, after Tsar Alexander I confirmed the Decree. As a result, the Georgian kingdom lost its independence and was reduced to the status of a Russian region.

After the Bolshevik revolution in 1917 when the Tsarist Russia fell, previously subjugated nations obtained self-governance. They subsequently endeavored to create new states, independent of Russian rule. Emergence of new nation-states entailed territorial reorganization. The demarcation process between the states was fraught with controversies.

The problems associated with defining the border between Georgia and Azerbaijan arose as early as in 1917, when the government of Azerbaijan established control over the entire Zakatala okrug⁶⁷ encompassing the historical territory of Georgia. Based on the analysis of publications by Azeri researchers, the main argument used by Azerbaijan to justify her action was that the Zakatala okrug was formed “in the place of the Muslim political units – Djar-Balakan Djamaat and partially of Ilisu Sultanate”⁶⁸ populated by the Muslims. The Azeri researchers try to hush up the fact that the both regions belonged to the Georgian kingdom and the Daghestanis were settled there by King Levan of Kakheti.⁶⁹ In 1604, Shah Abbas I subordinated Kaki (Kakhi) region, located in the territory of historical Georgian province of Hereti, to the Muslimized Georgian prince Vakhvakhishvili and elevated him to the Sultan’s position.⁷⁰ This is how the Ilisu Sultanate was created.

Attempts to resolve the border problems between the South Caucasian Republics were made shortly after the announcement of their independence. The Conference of Caucasian Nations, with the participation of Georgia, Armenia, Azerbaijan and the Union of the Peoples of the Northern Caucasus, was convened on 10 November, 1918 in Tiflis, Georgia. Among others, the issue of disputed borderlines was to be discussed. The delegation from Armenia did not arrive as if because of railway communication problems. The Conference was postponed first to 14 November, then to 20 November and finally to 30 November, but to no avail: the representatives from Armenia didn’t show up. The reason for the boycott of the Conference was revealed on 9 December 1918, when the military units of Armenia invaded Georgia, namely the Borchalo uezd⁷¹ and forced the Georgian army to withdraw to the Khrami River.

After a failed conference and the defeat of the Armenian army, discussions on the principles of border definition were taking place by means of official letters and newspaper articles. The government of Azerbaijan advocated that for delineation of the border between the republics it was necessary to take into account the data of actual and national-territorial settlement: Azerbaijan had pretensions to the Georgian regions “densely populated by

Azeri” and “associated with Azerbaijan historically, spiritually and economically”. This attitude of the Azerbaijan Government is illustrated by a diplomatic note forwarded by the Ministry of Foreign Affairs of Azerbaijan to the Georgian Government on 14 June 1918:⁷²

“According to the information that appeared in the press, the Georgian Government ordered its military forces to take up positions along the line of the Transcaucasian railway almost up to the station Poilo. In view of the fact that these areas of Borchalo, Tiflis and Signagi uezds are completely populated by Muslims, who through their representatives repeatedly expressed a desire to be part of the Azerbaijan Republic, my government strongly protests against the above order and in the name of maintaining good neighborly relations between our countries, urges Georgia to take immediate measures for withdrawal of the military units from Borchalo uezd and asks to cancel the order according to which the military took up positions in the above-mentioned parts of the territory of Azerbaijan (?! - L.M.) ...”.⁷³ The letter was signed by M. Gajinski, Foreign Minister of the Republic of Azerbaijan.

One can see that the Government of Azerbaijan didn’t just have a claim to certain parts of the Georgian territory, but in the absence of a bilateral agreement, officially considered them as its territories. The response of the Georgian government was adequate: the Foreign Minister of Georgia Noe Ramishvili officially replied that Borchalo uezd always was within the territory of Georgia and it had never become the subject of controversies despite its non-uniform ethnic composition. On behalf of the Georgian government, Noe Ramishvili expressed confidence that the Republic of Azerbaijan would no longer interfere in the internal affairs of the Georgian Republic.⁷⁴

Initially, territorial pretensions were veiled and played out with the help of Azeri shepherds renting the pasture land in Georgia, namely in the Karayaz Valley. Several times, the raiders attempted to force the Georgian monks to abandon the David-Gareji monastery bordering with the pasture lands. The raiders plundered holy items and broke what they couldn’t take with them. After the raids of January 10, 1918, the Father Superior of the David-Gareji monastery described vandalism of the Azeri citizens and addressed the Georgian government to take decisive actions against the assailants, considering it necessary to send a note of protest to the “National Council” of Azerbaijan. That was the first official information regarding pretensions of Azeri citizens to the lands of the Georgian monastery. The newspaper article contains details of great importance for studying the problem of our interest: “On January 10, an armed detachment of the Tatars attacked the David-Gareji Monastery. The armed people were accompanied by unarmed men. They robbed

67 Zakatala okrug of the Russian Empire was created in 1860. The okrug enveloped a significant part of the historical Georgian territory of Saingilo, the north-eastern part of the Kartl-Kakheti Kingdom. Earlier, the area was a constituent part of the Georgian province of Hereti. Now the region is within the bounds of the territory of Azerbaijan.

68 Rahmzade Sh. *Territorial issues in Azerbaijani-Georgian relations (Based on materials from the northwestern region of Azerbaijan, 1917-early 1930s)*. Baku, 2008 (in Azerbaijani), p. 19.

69 Bagrationi Vakhushhti. *Description of the Georgian Kingdom*. Edited by S. Kaukhchishvili, Tbilisi, 1973 (in Georgian), pp. 574-575.

70 The Central Historical Archive of Georgia, Fund 236, Description 2, File 88, p. 12.

71 “Uezd” is the Russian term meaning an administrative district roughly equivalent to a “county” in the UK.

72 Documents and Materials in Foreign Policy of Transcaucasia and Georgia. Published by the Government of the Georgian Republic. The reissue edition, Tbilisi 1990, p. 436.

73 All quote translations from Georgian or Russian into English are by the author.

74 Documents and Materials in Foreign Policy of Transcaucasia and Georgia. Published by the Government of the Georgian Republic. The reissue edition, Tbilisi 1990, p. 437.

the monastery and beat up the monks. The guards were disarmed and beaten without mercy. Icon-lamps, altars and icons were smashed. They ravaged everything, including ordinary chairs. As it is known, the Monastery of David-Gareji is a unique historical relic full of invaluable religious artifacts of historical significance. The monastery did not experience such a bad day even during invasions of Shah Abbas. The assailants did not limit themselves to robbery, but also got engaged in deliberate fire setting to the [monastery] buildings. People came to the rescue and put out the fire, although only the charred timber boards survived”.⁷⁵ “They took away the treasures [of the monastery] and simultaneously desecrated historical relics and monuments. They were not satisfied with just that: they took our pickaxes and ravaged and destroyed church lamps, altars and icons; they destroyed murals in rock-cut churches, as if someone specially raided the monastery with the goal of destroying traces of old Georgian culture. They had mercilessly beaten the monks, stripping them from everything and leaving with nothing. In answer to our questions, they shouted that the site was theirs, given to them by the government. They claimed that they could treat the property at their discretion: “it’s up to us we will ruin or burn it”. I consider that the Georgian nation is bound to react to the events and urge the National Council of Tatars to rein in their people and not to cause trouble that will entail repaying with the same coin”.⁷⁶

According to historical accounts, “the entire southern border of Georgia in the current Borchalo and Kazakh districts was inhabited by Tatars under Georgia’s control ... The relocation of Tatars to these lands, which belonged to Georgia from the first centuries of Christianity..., began in 1480 by order of the Persian shahs, when Georgia fell under their governance. The purpose of this settlement was to have the Muslim vanguard on the territory of Georgia in order to keep the kings of Kakheti and Kartli [kingdoms] under subordination. The number of these Tatars was around 35,000 and they were originally ruled by their khans”.⁷⁷

The Borchalo region of Georgia (recently called Kvemo Kartli) was one of the sites on which the Azeris’ land claim was mainly focused. Where the Karayaz Valley is concerned, the claim to it was not put forward openly: starting from the second half of 1918, before the negotiations on the border delineation were launched, the Georgian government had been receiving official letters from Azerbaijani officials with request to grant Azeri shepherds temporary permission to herd their sheep in Karayaz Valley, within the territory of Georgia, as has been practiced under the Russian Empire when pasture lands were rented for reimbursement. As it turned out later, the above-noted requests were preparing the ground for appropriating Georgian land.

There were certain attempts to shape the border behind the back of Georgia. Here follows a Statement by the Government of the Republic of Georgia on the negotiations of Azerbaijan and Armenia with Turkey:

“Tiflis, 4 June 1918.

The Government of the Republic of Georgia, after obtaining information that the representatives of Azerbaijan and Armenia are conducting negotiations with the Ottoman Government on establishing and correcting the borders of these countries, decided to indicate to the National Councils of the latter that the correction and establishment of the border between Georgia, Azerbaijan and Armenia falls within the competence of the Governments of the countries concerned, and that the Government of the Georgian Republic may conduct direct negotiations with representatives of Azerbaijan and Armenia on this issue in Tiflis, without Turkey’s interventions. Should an agreement be signed between the Ottoman Empire, on the one hand, and Azerbaijan and Armenia, on the other hand, or with one of them, then the Government of the Republic of Georgia will in no case recognize this as acceptable and obligatory for Georgia”.⁷⁸

Attempts by Azerbaijan to appropriate certain regions of the Georgian territory continued after the Bolsheviks came to power. Their claims were backed up by the Russian government. The following serves as a proof of this. When the Treaty between the Democratic Republic of Georgia and the Russian Socialist Soviet Federative Republic was first signed on 7 May, 1920,⁷⁹ in paragraph 1 of Article IV the following was stated:

“Russia agrees, without reservations, to recognize the following governments and regions of the former Russian Empire as parts of the Georgian State: Tiflis, Kutaisi, and Batumi, with all the districts forming said governments and regions and also the Zakatala and Sokhumi districts”.⁸⁰

Though in a supplementary agreement, signed five days later – on 12 May, 1920 – the above article was partially cancelled with respect to the Zakatala district:

“Article I.

The question of controversial areas on the border between Georgia and Azerbaijan and in the Zakatala district is submitted for dispute resolution by a mixed Commission formed from equal numbers of representatives of the governments of Azerbaijan and Georgia, chaired by the representative of the RSFSR. All decisions of this Commission will be recognized as mandatory for the governments of Azerbaijan and Georgia”.⁸¹

⁷⁵ *Hieromonk Germogen*, Newspaper “Sakartvelo” N14, 19 January 1918, p.2.

⁷⁶ *Hieromonk Germogen*, Newspaper “Sakartvelo” N19, 24 January 1918, p. 4.

⁷⁷ Утверждение русского владычества на Кавказе, т. XII, под редакцией генерал-майора Потто, Тифлис, 1901 (The Establishment of Russian Domination in the Caucasus, v.12, Tiflis, 1901, pp. 25-26).

⁷⁸ Documents and Materials in Foreign Policy of Transcaucasia and Georgia. Published by the Government of the Georgian Republic. The reissue edition, Tbilisi 1990, p. 366.

⁷⁹ This Treaty was violated in February 1921, when the Soviet Russia invaded and occupied Georgia.

⁸⁰ Newspaper “Ertoba” N125, 6 June, 1920, p. 2; Sharadze Guram, Sharadze Giorgi, *Return of Historical Relics, 1918-1921*, Tbilisi, 2001, p. 112.

⁸¹ Sharadze Guram, Sharadze Giorgi, *Return of Historical Relics, 1918-1921*, Tbilisi, 2001, p. 119.

The above change was demanded by the government of the Soviet Republic of Azerbaijan which protested against the inclusion of the Zakatala district into the Democratic Republic of Georgia, referring to the high proportion of Muslim population there. As I have already mentioned, Azerbaijan had pretensions to the Georgian regions densely populated by the Muslims, as was the case in Zakatala district. According to the 1909 census, the Zakatala district numbered 69,825 inhabitants including Tcharians⁸² – 29,785, Tsekhurians⁸³ – 11,485, Mugals⁸⁴ – 11,121, and Georgians – 17,434. Among the latter, 4,263 Georgians were Christians and 13,171 – Muslims.⁸⁵ The 1916 census showed a small increase in the number of Georgian citizens: 19,000 were the Georgians out of 76,000 inhabitants of the Zakatala district. Azerbaijani Turks and Lezgins were in the majority.⁸⁶

Soviet Russia stood with Azerbaijan due to an interest in the Azeri oil fields, which were vital for strengthening Soviet power. At the same time, Azerbaijan was a foothold for expanding Bolshevism towards Central Asia and further on.

On June 12, 1920, Azerbaijan and Georgia signed a Truce. According to Article II of the Truce: “The border between the Soviet Socialist Republic of Azerbaijan and the Democratic Republic of Georgia runs along the following line: the administrative border between the Borchalo and Kazakh districts, starting from the Armenian zone, going through Poverchash Mount, and next through Vartish Mount along the administrative border in a north-eastern direction up to the springs, which are two versts (2.1 kms) south-east of Mount Kizil-Kaya; from there, [the border runs] along a conventional line along the eastern slope of the ridge of the Tars and Baba-Kyar mountains and through the middle of the Red Bridge, then along the old border running along the Khrami and Kura rivers, then along the middle of the Poilo Bridge; from there in a north-eastern direction along the old administrative border to the Yailag-Jikh ridge, then to the south-east along the old administrative border to the southern end of the spur of Mount Palan-Tyukun, then on north-east along the administrative line to the border of the Zakatala district.” According to Article III, “The zones in front of the Red and Poilo bridges, as well as the left bank of the Kura River on the territory of Azerbaijan are recognized as neutral for one year from the date of signing this treaty...”. Article IV stated that “...no fortifications can be erected in the neutral zones and no military units can be deployed there; the territory will be administered and managed by the Azerbaijan.” According to Article V: “The Red Bridge is guarded by Georgian guards on the Georgian side, and by Azerbaijani guards on the Azerbaijan side. Georgia is granted the right to freely use the bridge for communication with the mountains of

Tars and Baba-Kar.” Article VI concerned the Zakatala district: “The issue of the Zakatala district is referred to the arbitration commission with a view to reaching a solution provided for in the additional agreement concluded between the Russian Socialist Federative Soviet Republic and the Georgian Democratic Republic on May 12, 1920. Until the said issue is resolved by the arbitration commission, neither contracting party shall deploy new military units in the Zakatala district in accordance with the second paragraph of the Moscow supplementary agreement of May 12, 1920”.⁸⁷

In 1920, R. Ingilo⁸⁸ expressed his caution about the border problems: “Recently we wrote about the abnormal state of relations between Georgia and Azerbaijan. We should note that the existing situation is caused by unregulated territorial issues ... This summer, our government signed a peace treaty with Azerbaijan in the hope of resolving old misunderstandings and conflicts. The government was bitterly deceived! Red Azerbaijan turned out to be the same unreliable counter-party as was its predecessor, the Mussavat government”.⁸⁹

On May 2, 1921, a special commission under the chairmanship of Sergei Kirov⁹⁰ was established by a decision of the plenum of the Caucasian Bureau of the Central Committee of the Bolshevik Party in order to regulate the territorial issues of the Transcaucasian republics. From the Georgian side, the commission included the people's commissars of the Georgian SSR Alexander Svanidze and Sylvester Tordia. The following high officials, apart from the members of the Commission, were present at a meeting held on 26 May, 1921 in Tiflis at which the issues of Zakatala Okrug and Karayaz Valley were discussed: Sergo Orjonikidze, Mamia Orakhelashvili and Shalva Eliava. The Azerbaijan party (Guseinov, Gajinski, Rasul-Zade and Omar Faik) proposed the following draft decision:

“Due to political considerations, Azerbaijan does not want to annex the aforementioned regions (Zakatala okrug⁹¹ and Karayaz section – L.M.), however, she demands that Georgia recognizes and approves the legally inalienable right of Azerbaijani peasants to use the lands (pastures and other lands) that they used under the Tsarist and the Menshevik regime. At the same time, Georgia will transfer all power to the population and will agree not to issue any order without the consent of the Kazakh district authorities. For exact demarcation of those lands that should be used by Azeri peasants, an extraordinary mixed commission is appointed”.⁹²

87 Mustafaeva S., *The Process of Delimitation of the Border between Azerbaijan and Georgia (1920-1922)*. In: The Bulletin of the Volgograd State University, Ser.4 Hist., 2009. №1 (15), p.98.

88 R. Ingilo – The pseudonym of a priest and public man Raphiel Ivanitski.

89 Ingilo Raphiel, “Once Again About the Territorial Issue”. Newspaper “Sakartvelo” N95, 9 September 1920, p.1.

90 On 24 July, 1921, Sergei Kirov was nominated the First Secretary of the Communist Party of the Azerbaijan SSR.

91 Okrug was an administrative division in Russia and some other Slavic states.

92 Toidze Levan, “After February 25”. In: Matsne of the Academy of Sciences of the Georgian SSR, Series of History, Ethnography and Art History, N1, p. 26.

82 Tcharians belong to one of the Lezgian tribes. The Lezgins are a Sunni Muslim people.

83 Tsekhurians belong to one of the Lezgian tribes. Tsekhurians have their own language.

84 Mugals are the people of Mongol origin. They don't speak Mongolian but Turkish.

85 Ingorokva Pavle, *About the Borders of the Georgian Territory*, Tiflis 1918. The reissue edition, Tbilisi 1990, pp. 13-14.

86 Javakhishvili, Ivane, *Georgia's borders, (in Georgian)*, Tiflis, 1919 p. 13. In: Bakradze Akaki (ed), *Historical Rarities*, Tbilisi, 1989.

On the following day, June 27, the Georgian party protested in connection with the phrase – “transfer all power”. Consequently, this phrase has been modified as follows: “Transfer all power except political one”.⁹³

On July 5, 1921, a conference of representatives of the Georgian SSR and the Azerbaijan SSR was held in Tiflis, at which the following decree was adopted: “1. The political boundaries between the Azerbaijan SSR and the Georgian SSR remain unchanged, 2. In connection with the controversial issue of the Karayaz valley between the Georgian SSR and the Azerbaijan SSR, the Conference has decided the following: a) To recognize the complete special ownership and use of the Karayaz steppe by the peasants of the Kazakh uezd approximately within the limits indicated below, while respecting the state border existing between the Azerbaijan SSR and the Georgian SSR”.⁹⁴ After this last phrase, the border of actual ownership of the territory was specifically demarcated. The decree ended with a two-point remark as follows: a) The establishment of precise boundaries with regard to the Kazakh peasants is entrusted to a special commission, which will start working within two weeks after signing this agreement; b) Peasants of the Kazakh uezd, who are the actual owners and users of this steppe, in all cases will be guided by the Constitution of the Azerbaijan SSR and will be the subject to the Executive Committee of the Kazakh uezd”.⁹⁵

According to the resolution adopted at the Conference, a special mixed (joint) commission was created. Its first meeting was held on July 27, 1921 in Agstafa, Azerbaijan. The Georgian SSR was represented by Pavle Ingorokva, an adviser to the People’s Commissariat of Foreign Affairs of the Georgian SSR, and Vakhtang Machabeli. They found the wording of remark (b) of the second paragraph unacceptable for the Georgian party, as the subtext implied “more than just the establishment of precise boundaries for the ownership of the pastures of the Karayaz steppe by peasants of the Kazakh uezd”. An agreement between the parties was not reached, although it was decided that the peasants of the Kazakh district would be allowed to establish precise boundaries for the unrestricted use of those pastures and lands that they had used before.

The meeting of the mixed commission (chairmen – V. Kandelaki and A. Abasov, members – D. Velikov, A. Beridze and M. Shikhlinski), which was held in Tiflis on November 8, 1921, set limits for the actual ownership of the lands of the Karayaz steppe. According to this decree, the territories of the Bertubani and Udabno Monasteries completely, and of the Chichkhrituri Monastery partially, passed into the ownership of Azerbaijani peasants. At the next meeting, on November 15, 1921, an agreement was signed on the administrative border between the Georgian SSR and the Azerbaijan SSR. Under pressure, the Georgian party agreed to pass Zakatala okrug to the Azerbaijan SSR (paragraph 3

of the Agreement), although the issue of owning winter pastures in the Karayaz steppe remained controversial and unresolved. The agreement was signed by the Chairman of the Revolutionary Committee of the Georgian SSR Budu Mdivani and the Chairman of the Central Executive Committee of the Azerbaijan SSR Mukhtar Gaji-Zade.

In subsequent years, Azerbaijan did not raise the issue of transferring the de jure pastures of the Karayaz steppe, since the Azerbaijani peasants were already the actual and sole owners of the Georgian pastures. The attitude regarding the delimitation of the border in the area under consideration changed only after August 1924, when a general uprising against Soviet power broke out in Georgia in order to restore independence. In this regard, the country was severely punished not only by bloody repression, but also by ceding its territories to the Azerbaijan SSR, the Armenian SSR and the Russian Soviet Federative Socialist Republic. The Commission of the Central Executive Committee for the settlement of disputes between the republics of the Transcaucasian Socialist Federative Soviet Republic⁹⁶ regarding land, forest and water resources, based on its resolution of November 20, 1924, marked off the border between the countries according to the scheme approved by the decision of the mixed commission on November 8, 1921 and January 28, 1922. On the basis of this decree, the vast territory of Georgia, together with the Georgian monasteries of Bertubani, Udabno and Chichkhrituri (in part), was transferred de jure to the possession of the Azerbaijan SSR.

When reading the archival documents related to the border dispute within the David-Gareji area, attention must be drawn to the fact that according to official correspondence and decisions, the subject of litigation was exclusively the pasture land. In one of the first letters addressed to the Bolshevik government of Georgia, the Azerbaijani party asked to give permission for temporary use of the Georgian pastures by Azeri peasants. The rationale was that the Azeri peasants were in an inextricable situation due to the lack of winter pastures. A positive resolution was imposed on this letter at a time when the Georgian peasants of Signakhi district lacked winter pastures themselves. The Azerbaijani party never mentioned the existence of “Albanian monuments” on the David-Gareji site.

In April 1991, Georgia restored its independence within the borders that had been drawn by the Russian Bolsheviks and thrust on the country forcibly in 1924. In 1996, an Azerbaijani-Georgian border joint delimitation commission was appointed. The border sections of the David-Gareji monastery complex, the village of Erisimedi and the area of the “Red Bridge” border checkpoint still remain controversial.

The most acute issue is the situation of David-Gareji, which is a Georgian historical monument of high spiritual and cultural value to Georgians. The administrative border drawn up in Soviet times runs along the very top of the Udabno Ridge, leaving the rock-cut

93 Ibid., p.27.

94 Mirianashvili Natela, *Territorial Changes of Georgia with the republic of Transcaucasia, 1918-1938*. A thesis submitted in partial fulfillment of the requirements for the degree of a candidate of historical sciences. Tbilisi 2000. National Parliamentary Library of Georgia, shelf mark D 3.137, p. 93.

95 Ibid., p. 28.

96 The Transcaucasian Socialist Federative Soviet Republic was set up on March 12, 1922. It embraced Azerbaijan, Armenia and Georgia.

monastery of Udabno and half of the cave monastery of Chichkhrituri on the other side of the border, to say nothing of the pastures of the Karaiaz Valley. The Georgian party considers that the location of medieval Georgian monasteries along the Georgian-Azerbaijan administrative border zone to be the criterion to be observed in making adjustments to the existing boundary. The Azerbaijani party questions Georgian ownership of the territory and suggests that these lands were inherited by Georgia from Imperial Russia. Actually, however, the borders of Tiflis province, to which the Karaiaz Valley belonged, coincided with the borders of eastern Georgia – the Kingdom of Kartli and Kakheti which was incorporated into the Russian Empire in 1801.

The Azerbaijani party also claims that the monasteries are related to the ancient state of Caucasian Albania, considering them monuments of the Azerbaijani culture. These statements are baseless assertions: historical sources, the architectural features of the monuments, the style of mural paintings, local epigraphy – all corroborates the Georgian origin of these monasteries.

After 30-year-long negotiations, only 2/3 of the border between Georgia and Azerbaijan has been delimited so far. To move forward, certain compromises are needed from both sides. The Georgian party has already made the first step and proposed a territorial exchange with Azerbaijan. Such a solution was first raised by Georgia as early as the 1970s, when the country was still a Soviet republic. Sites of the same size and configuration were selected in the transboundary zone for the exchange. Thereafter, the proposal was put forth once again, although it was rejected by the Azerbaijani party. It should be emphasized that exchange of territories between neighbouring states is a long-established international practice. Several examples are presented below to illustrate this process:

In 1951, the Polish-Soviet border adjustment treaty was signed: 480 sq km of territory located west of the town of Sokal, Hrubieszow County, Poland, was exchanged for the territory of the same size in Drohobych Oblast, Ukrainian SSR.

In 2001, two parcels of territory were exchanged between France and Andorra, each 1.5 ha in area.

In July 2006, Luxembourg and France exchanged parcels of 8.096079 hectares.

In 2015, Burkina Faso and Niger exchanged territories: 786 sq. km was handed to Burkina Faso and 277 sq. km to Niger. Eight towns are located within the bounds of the exchanged territories, etc.

If the above proposal fails again, creation of a transboundary nature reserve in the border area disputed by Georgia and Azerbaijan may become a possible way for the solution of the border and environmental issues. The idea was suggested by David Gotsadze, a geophysicist, and supported by a team of researchers. Karayaz valley, on the south side of the mountain, and Gareji Wilderness, on its north side, are the habitats for many threatened species. A transboundary biosphere reserve can significantly contribute to the safeguarding of endangered species and of the steppe area in general. Analogous

experience exists in several countries: e.g. there is a transboundary UNESCO biosphere reserve “Meseta Iberica” on the border of Portugal and Spain, and “Montecristo Trifinio Transboundary Protected Area Complex” on the border of El Salvador, Guatemala, and Honduras; or the caves of Aggtelek Karst and Slovak Karst is a World Heritage Site on the border of Slovakia and Hungary, which protects 712 karstic caves.

In case of a failure of the above-mentioned proposals, I would consider it reasonable to adopt a procedure from the Lateran Treaty signed between the Holy See and Italy in 1929, according to which Italy recognized the full ownership of the Holy See over several Basilicas and their annexed buildings located in the territory of Italy. As an analogue to this, Azerbaijan should recognize the full ownership by the Patriarchate of Georgia over three Georgian monasteries in the disputed territory: Udabno, Chichkhrituri and Bertubani.

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Contraventional Liability in the Case of Minors

Abstract

This paper aims to reflect on the theoretical importance and practical utility of researching misdemeanors and contraventional sanctions in the Republic of Moldova involving minors. The focus is on how deviant behavior is approached, contributing to the development of clear, well-founded, and objective results regarding the investigated phenomenon. Through this summarized analysis, we aim to demonstrate how this phenomenon is tackled in modern society, in which understanding and addressing the issue helps identify trends, frequency, and distribution of offenses among minors, as well as the sanctions imposed-an essential factor in evaluating the effectiveness of the current contraventional sanction system. Furthermore, we will analyze how deviant behavior adapts and evolves, potentially serving a prospective function by anticipating the development of contraventionality among minors. As a result of this analysis, we support efforts to identify and eliminate regulatory gaps, ultimately facilitating the development of effective public policies that enable decision-makers to enhance prevention mechanisms essential for strengthening social order.

The research summary on minors' contraventional liability is of great importance from both theoretical and practical perspectives. First, it contributes to enriching legal knowledge by highlighting how research methods can support the analysis of the given phenomenon. Second, by addressing and interpreting official data, this study provides a clearer picture of the frequency of offenses committed by minors, the typology of sanctions, and facilitates a more accurate understanding of the dynamics behind their antisocial behaviors.

This study aims to complement the specialized literature, explore key legal benchmarks, and outline an overview of the phenomenon-"Child with Deviant Behavior." By adopting a consolidated methodological approach, the research may serve as a reference point for future interdisciplinary analyses, where legal sciences and official statistics are integrated to better understand contraventional measures involving minors.

Keywords: misdemeanor, minor, deviant behavior, contraventional liability, methodology, prevention.

Introduction

A child exhibiting deviant behavior is often a challenge to society-requiring a strategic approach, the identification of appropriate strategies, continuous programs, and specialized training aimed at preventing the emergence of such behavior in daily life. Not all decision-makers involved in child protection are equipped to manage deviant behavior. Therefore, working effectively with such children requires adequate training to develop distinct professional skills capable of handling their antisocial conduct. The phenomenon of deviance is expressed through the inability of some minors to adapt to societal norms of conduct.

Specialized literature defines deviant conduct as a rejection of rules and norms established at the level of a social group, and sometimes at the level of an entire operational system. H. Travis emphasizes an important point regarding those involved in illegal acts, arguing that individuals differ in the strength of their social bonds. Consequently, he predicts that individuals with stronger ties to society are less likely to engage in illegal acts or even consider them, should the opportunity arise.⁹⁷

E. Durkheim, considered one of the pioneers in studying deviant human behavior, aimed to advance sociology as a science with its own distinct reality to be studied. Trapped within the dichotomy between social and individual phenomena, he was almost obsessively committed to proving the reality of deviant behavior. More than anything, his discourse about society as a reality distinct from the individual led him to reify, even deify society-treating it as a *deus ex machina*, attributing to it powers and analytical capacities as mysterious and puzzling as those assigned to deities by existing religions. This becomes a relevant source for analyzing behavior.⁹⁸

The analysis of specialized literature allows us to identify the following most common causes of deviant behavior:

- lack of interest in personal activities;

- lack of supervision adults, legally responsible for it;
- influence of the social environment and the constant peer group;
- presence of adults with criminal records in the child's everyday life, that can influence their education;
- poor financial conditions of adults and neglect in responding to their daily needs;
- consumption of alcohol and illicit substances that induce euphoric states;
- psychological processes at the level of individual consciousness;
- an excessive desire to explore forbidden things and lack of risk awareness at an early age.

These causes coexist within modern society and require the efforts of specialists to prevent deviant behavior from the earliest stages, rather than intervening later at the correction stage of delinquent behavior that is assumed.

The analysis of national policies reveals that, even today, there is no comprehensive document outlining a global strategy for juvenile justice reform. Most legislative provisions related to child justice are embedded within general legal documents and are not necessarily structured according to the specific needs of interventions. National and local policies are not interconnected and tend to address the vulnerability of minors more in procedural terms than through a professional legal approach aimed at resolving conflictual situations.

Currently, the Republic of Moldova is undergoing an unprecedented reform of the justice system, which began with the adoption of the Justice Sector Reform Strategy and its corresponding Action Plan for 2011-2016⁹⁹. This initiative paved the way toward a more child-friendly justice system. The reform continues today through the development of inclusion strategies targeting minors, aiming to bring a fresh perspective to procedural approaches involving children. Although laws and policies exist that guarantee children's rights, they often leave significant areas unaddressed-particularly those concerning the needs of children before, during, and after they come into conflict with the law. The legal system tends to address each aspect separately by sector, lacking a unified approach to the phenomenon of minors' involvement in unlawful activity.

A distinct role in this context is played by the contraventional liability of minors. The state's mission lies in preventing such offenses so that the minor who violates administrative law today does not become tomorrow's criminal. The adoption of the Contraventional code of the Republic of Moldova on October 24, 2008, marked a first step toward the legal regulation of antisocial behavior among minors. The legislator dedicates article 16(3) specifically to the minor as a subject of contraventional liability.¹⁰⁰

97 TRAVIS, H., CHRISTOPHER, J. S. *21st Century Criminology, Social Control Theory*, A Reference Handbook, Sage Press, 2009, p.306.

98 DURKHEIM, E. *His Life and Work, A historical and critical study*, Stanford California, Stanford University Press, 1985, p.34.

99 Law No. 231 of November 25, 2011, *Justice Sector Reform Strategy for the Years 2011–2016*, published in the *Official Gazette of the Republic of Moldova*, No. 1-6 of January 6, 2012, Article 06.

100 *Contravention Code of the Republic of Moldova*, Law No. 218 of October 24, 2008, published in *Official Gazette of the Republic of Moldova*, No. 3–6, January 16, 2009, Article 15; republished in *Official Gazette of the Republic of Moldova*, No. 78–84, March 17, 2017, Article 100.

Results and Discussions

The phenomenon of contraventions among minors represents a significant risk to public life and health, private property, public order and safety, and other legally protected values. Recognizing this phenomenon involves accepting that, frequently, a misdemeanor committed by a minor who is not held accountable-due to various reasons-often lays the groundwork for future criminal behavior. Offenses committed by minors are an alarm signal for the entire society and require meaningful approaches to prevent their involvement in antisocial behaviors that may escalate into more serious crimes. Minors who commit misdemeanors can be easily drawn-within a relatively short time-into criminal activity with more severe consequences if their cases are delayed. In today's society, marked by numerous changes and reformative challenges, juvenile contraventions highlight the many discrepancies faced by authorities in their efforts to ensure a safe and conducive environment both for minors undergoing reeducation and for law-abiding children. Offenses committed by minors are often regarded too superficially-frequently as a lack of juvenile discipline or merely a transitional phase-leading to delays in applying contraventional measures, which are often replaced by educational programs with psychological implications. The difficulties frequently encountered in the development and social reintegration of minors, and in resolving contraventional cases by legally responsible authorities, stem directly from such views. Decision-makers often choose to address minor rehabilitation solely within the educational sphere.

Today, society acknowledges that minors committing minor offenses-such as misdemeanors-may develop deviant behavior that, if not addressed promptly, can lead the minor into involvement of much more serious illegal activities. For this reason, minor offenses committed by children must concern society at large and require multifaceted involvement to promote an individualized approaches to each case.

The data presented above demonstrates the critical importance of the topic and the need for a complex scientific analysis that meets societal needs concerning deviant conduct among minors. Thus, we propose conducting a comprehensive investigation into the problems of children in conflict with the law, employing a relevant methodological framework that provides practical solutions based on analysis, synthesis, induction and deduction, statistics, comparative elements, and experimental methods. This methodological framework will be developed in this study with the goal of clarifying the legal regime of contraventional sanctions applied to minors and their outcomes. Starting from the analysis of previous studies regarding deviant behavior in minors, alongside the evaluation of official data and an impartial style, we advocate for this methodological approach, as it effectively highlights both structural and institutional shortcomings.

Although regulations concerning the prevention of minors' contact with the justice system do exist, their implementation often falls short due to the absence of community

services and the limited local capacity for monitoring minors. According to article 16 of the Contraventional code¹⁰¹ in cases where a minor commits a contravention, the documenting agent, prosecutor, or judge must forward the case materials to the local public authority responsible for minors. This protective measure is sometimes undermined by the lack of presence of specialists within local authorities or the absence of tools, mechanisms, and programs necessary for reintegrating minors into the community. It is known that the state applies contraventional sanctions to prevent low-social-danger acts. These legal instruments are meant to discipline individuals whose actions violate social order and negatively affect society. However, it is not enough to identify and document the contravention or a judge to pronounce a sentence; the offender must also fulfill certain obligations to prevent recurrence. Once a contraventional process begins, the minor's rights are represented by a legal guardian or a local guardianship authority. When a contraventional report is filed against a minor, the representative's information is also included. The documenting agent is also responsible for forwarding a notification to the local guardianship authority to investigate the circumstances that led the minor to act in a certain way or to inform them that the minor is at risk. In essence, the responsibility for reeducation is delegated to the local guardianship authorities. Administrative law scholar D. Apostol Tofan defines the administrative act as a unilateral and explicit expression of will by a public authority, aiming to establish, modify, or extinguish rights and obligations in the exercise of public power, subject to judicial legality control.¹⁰²

In 2023, territorial guardianship authorities received 1,520 referrals regarding the need for protective measures for children with deviant behavior, of which only 679 cases were examined-less than half¹⁰³. This raises inevitable analytical questions: In the total absence of a specialist within some local public administrations, or due to the lack of tools, mechanisms, and programs for reintegration into the community, how effective is this protective measure? How effective are the efforts of decision-makers in resolving contraventional cases when the value chain is broken by other authorities? Does the lack of enforcement of specific obligations by the minor encourage deviant behavior and its repetition?

Practitioners emphasize the importance of distinguishing between a minor with deviant behavior and one with explosive behavior. For example, a minor involved in an antisocial act without a well-defined intention should be differentiated from a minor repeatedly engaging in antisocial acts with a clear purpose. In practice, a simplistic approach is often encountered-lacking in analytical depth-where decision-makers justify their inaction

101 Ibid, Art.16

102 APOSTOL TOFAN, D. *Administrative Law*, Vol.II, 3rd ed., Bucharest, C.H.Beck, 2015, p.15.

103 *Informative Note on the State of Juvenile Delinquency and Activities in the Field of Child Safety Over the Twelve Months of 2023*. Chişinău, National Inspectorate of Public Security of the General Police Inspectorate, 2024, p. 11. Available at: https://politia.md/sites/default/files/informatia_privind_starea_delincventei_juvenile_si_activitatile_pe_domeniul_siguranta_copii_pe_parcursul_a_12_luni_ale_anului_2023.pdf (Accessed on 25 April 2025).

by citing the absence of a contraventional subject. This leads to delayed reactions from decision-makers, a lack of civic engagement, formally established multidisciplinary teams, and the passing of reeducation responsibilities from one authority to another. Clearly, we must recognize that failing to identify a deviant minor early and failing to include them in a prevention program encourages their deviant actions. Inevitably, upon reaching the age of criminal liability, the minor will become directly involved in the penal system.

Thus, we begin by examining statistical data presented by the National Bureau of Statistics¹⁰⁴. Based on statistical methods, it was found that in 2023, minors were most frequently involved in the following crimes: theft (58.8%), robbery (7.1%), and motor vehicle theft (6.2%). Proportionally, for every 100,000 children aged 0-17 years, there were 83 crimes committed, compared to 116 crimes in 2019. Analyzing this data, we observe that property-related offenses—those with material implications that are mentioned in art.46 in Constitution of Republic of Moldova¹⁰⁵, account for approximately 66% of the total. This is explained by minors' desire to obtain goods that cannot be easily acquired, due to reasons such as lack of financial means, lack of employment, or lack of professional capabilities.

The age at which minors may be held criminally and contraventionally liable differs: criminal liability begins at age 16, but for particularly serious crimes, liability can begin at age 14 (e.g., intentional homicide, grievous bodily harm, kidnapping, rape, theft, robbery, and certain drug offenses).¹⁰⁶ Contraventional liability is generally applicable from age 18. However, minors aged 16 to 18 can also be held liable for certain antisocial acts, such as: insult, bodily harm, illegal possession or use of drugs in small quantities, drug use without a medical prescription, prostitution, intentional destruction or damage of property, petty theft, traffic violations, disobeying lawful orders of law enforcement, false emergency calls, insulting law enforcement officers, resistance to authorities, and minor hooliganism.

Researcher Sergiu Furdui highlights a commonly raised issue among practitioners — the lack of legislative mechanisms and specialized institutions for effectively correcting and reeducating minors who commit contraventions. He suggests that “the possibility of lowering the minimum age of contraventional liability to 14 should be examined, since there is no objective reason to avoid legal responsibility if a person is presumed to have the psycho-intellectual and volitional capacity to control their actions”.¹⁰⁷ Recently, researcher Ianaș Erhan also supported the need for legislative intervention: “In this regard, we believe

that the age of contraventional liability should align with that of criminal liability—16 years, and for serious contraventions, 14 years”.¹⁰⁸ We support this proposal, as currently, many contraventional cases referred for examination¹⁰⁹ are left unresolved due to the absence of a clearly identified contraventional subject. These cases are then passed to other institutions, which also lack the necessary tools to address them.

Statistical analysis shows a decrease in contraventions committed by minors, alongside a more structured analysis of such offenses in 2023, when 787 contravention reports were filed, compared to 600 in 2022. The diversification and structural analysis of contraventions is encouraged as it provides plausible information for broadening the scope of minors' contraventional behavior.¹¹⁰

In 2023, as part of efforts to ensure accountability and correct deviant behavior, parents and/or those substituting for them were held contraventionally liable through the issuance of 1,916 contravention reports. These actions directly violated the fundamental rights of the child, pursuant to article 63 of the Contraventional code. Out of the total number mentioned above, 1,399 reports were filed based on paragraph (1), for the failure or improper fulfillment of maintenance, education, and training obligations by parents or guardians. 517 reports were based on paragraph (2), for the consequences of these actions, such as lack of supervision, vagrancy, begging, or the child committing a socially dangerous act.¹¹¹

In comparison, it is worth noting that contraventions committed against minors accounted for 71% of the analyzed offenses, while only 29% were committed by the minors themselves. To improve children's well-being in their cohabitation environments and strengthen prevention efforts regarding deviant behavior, the Contraventional code has been amended to include new offenses. Among them is article 641 - Improper Exercise of Parental Duties, which aims to penalize the deliberate neglect by parents of their responsibilities when their actions lead to the child's placement in residential institutions or social placement services (see also article 63 - failure to fulfill parental duties; article 64 - obstruction of the right to communicate with and educate the child; article 65 - violation of the legislation on special protection for children at risk and children separated from parents, etc.).¹¹² All these protective measures are directed at a specific group of subjects who are legally obliged to help prevent antisocial behavior among minors.

The profile of the minor in conflict with the law raises curiosity and challenges the assumption that only unoccupied minors, those from vulnerable families, or children from

104 *The Crime Rate in the Republic of Moldova in 2023*, Published on February 28, 2024, by the National Bureau of Statistics of the Republic of Moldova. Available at: https://statistica.gov.md/ro/nivelul-infracționalității-in-republica-moldova-in-anul-2023-9478_60977.html. (Accessed on April 25, 2025).

105 *Constitution of the Republic of Moldova*, adopted on July 29, 1994. In: *Official Gazette of the Republic of Moldova*, 1994, No. 1, Article 5. Republished in: *Official Gazette of the Republic of Moldova*, 2024, No. 466, Article 635.

106 *Criminal Code of the Republic of Moldova*, Law No. 985 of April 18, 2002, published in: *Official Gazette of the Republic of Moldova*, No. 72–74 of April 14, 2009, Article 195; republished in 2008, under Law No. 277-XVI, in: *Official Gazette of the Republic of Moldova*, 2009, No. 41–44, Article 120.

107 FURDUI, S., *On the Administrative Liability of Minors: Challenges and Solutions*. In: *University Legal Studies*, 2011, No. 3-4, pp. 15-16.

108 ERHAN, I., *Administrative Liability of Minors – Procedure and Conditions for Implementation*, Chișinău, Institute for Research and Innovation, USM, 2025, p. 89.

109 *Informative Note on the State of Juvenile Delinquency and Activities in the Field of Child Safety Over the Twelve Months of 2023*, op.cit. p.11.

110 *Ibid*, p.19-26.

111 *Ibid*, p.13.

112 Law No. 136 on Amending Certain Legal Acts (Criminal Code and Contravention Code). In: *Official Gazette*, No. 245-246 of June 7, 2024, Article 353.

residential institutions engage in illegal activities. In fact, data shows that the number of children enrolled in school who commit illegal acts exceeds that of those not in education or employment. This officially documented situation breaks traditional stereotypes and broadens the field of study on deviant behavior. Furthermore, the social status of minors involved in illegal acts reveals that most come from complete families, while those without a stable place of residence and those from single-parent or separated families make up a smaller proportion.

From this, it becomes evident that the family, although essential in a child's upbringing, is not a fail-safe factor in preventing and stopping deviant behavior. In today's fast-paced and rapidly developing society-where families often struggle to keep up-other influencing factors must also be considered. These include media, the internet, and advanced technologies, which can impact minors alongside the family unit. In practice, contraventional sanctions are not always applied directly to the minor, but rather through an intermediary, such as a fine levied on the parent or guardian. As a result, this form of liability often fails to achieve its intended effect. This can lead to recidivism, particularly in situations where the family is held legally accountable, and the minor, as a form of protest, repeats the behavior-either in defiance of state authorities or in retaliation against the parent seen as responsible. Unfortunately, even though sanctions have been tightened for certain acts, no noticeable decrease in contraventional behavior has been observed-especially among youth, who often do not value or adhere to a law-abiding lifestyle.

A thorough investigation reveals another practical discrepancy in the application of the law, where the legislator provides, in the case of a minor committing a contravention, a simplified procedure that involves admitting guilt in exchange for a reduced penalty, in the form of a fine. However, is this measure feasible when the minor is in the care of the state? Theoretically, yes, but practically no, because it would acknowledge the inefficiency of the protection system, and indirectly, the state authorities would be held accountable for it.

The experimental method, which places particular emphasis on the relationship between the "facts" subjected to or resulting from experimentation, is characterized not so much by the way facts are obtained but by how reasoning is constructed around them. According to C.L. Bernard, this method should not be overlooked, as it seeks truth by balancing feeling, reason, and experience.¹¹³ Applying this method helps outline the thinking patterns of a minor with deviant behavior-their reasoning techniques-which in turn allow us to analyze the behavior as both the "object of scientific study" and the "subject of thematic research". Through this strategic approach, we can understand:

- why minors develop deviant behavior;
- why contraventional liability does not correct this behavior;
- why applying sanctions to a legal guardian often fails to produce the desired legislative effect.

This method allows for the testing of hypotheses and the observation of behavior effects within research, using minors and society as independent variables, and measuring the influence of the dependent factor-the legislation of the Republic of Moldova-to better understand the root causes of interference. Moreover, this method-used to gather public opinion on legal matters of social importance-stimulates decision-makers to continuously revise and improve their working strategies. Surveys involving minors who have committed contraventions may also reveal new behavioral trends, such as the failure of contraventional liability to deter deviant behavior, which in turn deserves further research and could shift current perspectives on practice.

Conclusions

Summarizing the findings of this study, several key conclusions emerge that encourage continued scientific research into juvenile deviant behavior, aiming to harmonize the human factor with legal mechanisms:

Juvenile contraventions are a societal red flag, requiring a comprehensive approach. When ignored, they can evolve into much more serious crimes. Too often, offenses committed by minors are treated as mere disciplinary lapses or transitional phases, leading to delays in applying appropriate legal measures in favor of educational or psychological alternatives.

The profile of the minor in conflict with the law is evolving and challenges preconceived ideas. The fact that more lawbreaking minors are enrolled in school than not suggests the need to expand research into the new trends of deviant behavior, which are no longer confined to unoccupied children or those from disadvantaged backgrounds.

Legislative provisions for juvenile justice are embedded in general legal frameworks, not tailored to specific intervention needs. National and local policies are disjointed and address the vulnerability of minors procedurally rather than through professional legal resolution of conflicts. This calls for institutional and legislative reform.

While legislative frameworks for preventing minors' contact with the justice system do exist, they are insufficient and poorly implemented. Current national programs tend to be informative rather than practical. Thus, there is a pressing need for dedicated intervention programs targeting children with deviant behavior.

Although local guardianship authorities are legally responsible for reeducation, they lack the expertise needed to handle deviant behavior, being primarily trained in child protection. This gap warrants deeper investigation and points to the lack of both programs and specialists capable of identifying the root causes of deviance and its sphere of influence.

The minimum age of contraventional liability (currently 16) should be reconsidered, especially since there is no objective justification to avoid legal accountability where a minor's cognitive and volitional capacity is presumed.

It is crucial to recognize that failure to identify deviant behavior early, and to

¹¹³ MOVILEANU, P., CONDRAȚCHI, L., *Methodology of Scientific Research and Its Role in the Development and Improvement of Personnel in Rural Communities*. Chișinău, UASM, 2012, p. 735.

include the child in a prevention program, encourages the behavior, expands its influence, and undermines the credibility of public institutions. Left unchecked, this behavior will inevitably result in criminal liability once the age threshold is reached.

Therefore, we underscore the urgent need to develop protective mechanisms for minors who commit contraventions, enabling their reintegration into society. Vulnerable children are at even greater risk if operational mechanisms are missing and protective measures remain only theoretical.

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Russia and Europe: The narrative of the constitutive Other and its deconstruction

Abstract

Despite the historical narratives from both Russian and European perspectives, the reasons for the current alienation and confrontation lie not in the past, but in the present, stemming from the fundamental difference between the republican and monarchical political structures of modern Europe and Russia. To achieve the research goals, the article employs methods of theoretical analysis of existing cultural memory narratives through the prism of the concepts of the English School of International Relations. The deconstruction method is used to analyse and critically examine the historically established perceptions of Russia and Europe as 'Others', as well as to explore the possibilities of revising these narratives within the contemporary international order. The final part of the essay examines the role of failed political modernisation in Russia as a catalyst for its current violent confrontation with Europe. Only by rethinking Russian politics in terms of the rule of law, freedom, and democracy can the 'eternal' confrontation be ended, just as the establishment of democratic regimes on both sides of the Franco-German border once led to lasting peace in Western Europe.

Key words: international relations, narratives of cultural memory, the constitutive other, English School, international society, geopolitics, Russia-Europe conflict.

As is well known, relations between Russia and its European neighbours span a long period of history, beginning in the early modern era. At present, these relations are overshadowed by a paradox: despite geographical proximity and a long history of interaction, each side perceives the other as a kind of 'constitutive Other'. This narrative is not one-sided. While European countries often regard Russia as an alien entity that threatens their sovereignty and shared European values, Russia also sees Europe and the 'collective West' as a different civilisation, often opposed to its own domestic political and cultural traditions. How did this dual narrative emerge, and how does it continue to shape the relations between

Russia and Europe (or, more broadly, the West) in the contemporary world? The question of mutual perception and interaction between the two ‘Others’ occupies a central place in the present article.

The aim of this article is to examine how the narrative of Russia as a ‘constitutive Other’ within the European international society, as well as a narrative of Europe as a counterposed ‘Other’ for Russia, was formed and how it can be deconstructed in the context of today’s world. The main question of this inquiry is how these two opposing perceptions (Russia as ‘the Other’ to Europe and Europe as ‘the Other’ to Russia) interact in the current political discourse, and how their deconstruction may serve as a key to a better understanding of existing tensions and the search for paths to build new relations. The aim of this inquiry is to analyse this mutual narrative using the theoretical approach of the English School, and to explore its impact on international relations and the domestic politics of both sides.

The main claim of this paper can be formulated as follows: despite the rich repertoire of narratives of “constitutive Other” in the cultural memory of both Russia and Europe, the causes of the present alienation and confrontation lie not in the past but in the present, and are linked to a fundamental difference between the republican (European) and monarchical (Russian) political structures of contemporary Europe and Russia. Historical narratives may serve as a discursive justification for mutual alienation, but its roots are to be found in current politics. Russia’s estrangement from European society was caused by its failure to democratise and to develop republican principles after the dissolution of the USSR. The establishment of a Caesarist regime in the Russian Federation, following the errors and crimes committed during the reforms of the 1990s, constitutes a far more substantial basis for the current conflict with the West than the memory of Ivan the Terrible, the Romanov Empire, or Stalin’s ‘socialist bloc’. Deconstructing the existing narratives will help to clarify the path to reconciliation between today’s Russia and the West. This path lies in the achievement, on both sides of the imaginary new Iron Curtain, of a political order based on the rule of law, the separation of powers, and the protection of minority rights.¹¹⁴ Only a rethinking of Russian politics in terms of freedom and democracy can bring an end to the ‘eternal’ confrontation, just as the triumph of democracy on both sides of the Franco-German border once led to the establishment of lasting peace in Western Europe.

In order to achieve the stated research objectives, this article employs methods of theoretical analysis of existing narratives of cultural memory through the lens of the concepts of the English School of international relations. Particular attention is paid to the solidarist and pluralist approaches, which will help to examine how these theoretical models are reflected in relations between Russia and Europe. The method of deconstruction is used to analyse and critically reflect on historically established representations of Russia

and Europe as ‘others,’ as well as to identify opportunities for revising these narratives in the context of the contemporary international order.

The paper consists of three parts. The first part explores the narrative of Russia as a ‘constitutive Other’ in the context of the solidarist and pluralist approaches of the English School, as well as the mutual perception of Russia and Europe as opposing entities. The second part examines the consequences of the collapse of the USSR and the adoption of a geopolitical outlook in world politics among the Russian political class, which has led to the consolidation of mutual perception of Russia and Europe as ‘others’. The third part analyses the role of Russia’s failed political modernisation as a catalyst for the current harsh confrontation with Europe. The conclusion summarises the findings of this inquiry and proposes possible avenues for deconstructing the narrative in order to improve Russian-European relations.

The ‘eternal applicant’: Russia and the European international society

When analysing the influence of cultural memory on the foreign policy of the Russian state, which freed itself from the dominance of the Golden Horde at the end of the fifteenth century and declared its own claims to European identity, Norwegian international relations scholar Iver B. Neumann observes that even at the beginning of the third millennium, Russia “still occupies an external position in international society”.¹¹⁵ This suggests that for all these five hundred years, Russia has remained a kind of eternal applicant to Europe, never fully accepted into its ranks.

Neumann’s perspective, based on the English School of international relations theory, helps us understand how this situation developed. Representing a middle ground between the two extremes of realism and liberalism, and being epistemologically close to constructivism, the English School can be recognised as one of the dominant approaches in contemporary world politics research at the end of the first decades of the 21st century. The core subject of study for the English School is the society of states, or international society.¹¹⁶ This concept has been extensively and clearly developed. International society is seen as a key notion characterising order in world politics. According to this approach, states are not merely gladiators locked in perpetual struggle on the global stage, but are constrained in their conflicts by shared *norms*, *rules* and *institutions*. As one of the pioneers of the concept of international society, Hedley Bull believes that states are limited in their conflicts with one another by the rules and institutions of the society they themselves constitute. Moreover, these limitations are driven not only by considerations of prudence

¹¹⁵ Neumann I., Entry into International Society Reconceptualised: The Case of Russia // Review of International Studies. 2011. Vol. 37. No. 2, p. 463.

¹¹⁶ The notion of “international society” is more correctly translated into Russian as ‘международное общество’ rather than ‘международное сообщество’.

¹¹⁴ For more on this, see my work: Жарков В.П. Власть народа как тирания. Почему путь России к демократии такой долгий и трудный? // Вестник Европы. 2021. Т. LVII, pp. 50–60.

and interest, but also by moral and legal imperatives. However, their effect does not lead to the creation of a cosmopolitan community of all humanity, but rather facilitates coexistence and cooperation within a society of sovereign states.¹¹⁷

Thus, international society describes the historical process of institutionalising the shared interests and identities shared among states, and places the creation and maintenance of common norms, rules and institutions at the centre of international relations theory. Unlike other concepts of international systems, such as Kenneth N. Waltz's structural realism, with its famous metaphor of the billiard ball, proponents of the concept of international society argue that systems and processes in the social sciences cannot be described in the same way as in physics.¹¹⁸ This gives rise to the concept of international society as a product of a long history of relations among states on the global stage.

According to Bull, international society evolves out of the international system as a mere collection of states in their more archaic form of interaction. Order in international politics is shaped by centuries of coexistence and interaction, and is consolidated in international society: "A *society of states* (international society) exists when a group of states, conscious of certain common interests and common values, form a society in the sense that they conceive themselves to be bound by a common set of rules in their relations with one another and share in the working of common institutions. If states today form an international society [...], this is because, recognising certain common interests and perhaps some common values, they regard themselves as bound by certain rules in their dealings with one another. [...] At the same time, they cooperate in the working of institutions such as the forms of procedures in international law, the machinery of diplomacy and general international organisation, and the customs and conventions of war."¹¹⁹

Within the English School, however, there is no consensus on the nature of restrictive norms, rules and institutions, or on the role they play within international society. On the one hand, according to Bull and his followers from the solidarist school, international society is capable of generating universal and binding norms. As an example, they cite the recognition of the need to respect human rights in the contemporary international society. On the other hand, Martin Wight and proponents of the pluralist school see international society as a more-or-less optimal solution to the problem of accommodating the diversity of cultural values within a well-ordered international system. Since states remain the "legitimate repositories" of cultural differences, the task of international society is to formulate norms and procedures that "both divide and connect" states into a unified system.¹²⁰ In the former

case, international society establishes common norms and demands adherence to them, while in the latter case, it seeks to reconcile different values within a broad framework of mutual recognition of sovereignty within existing borders, adherence to diplomatic procedures, and participation in the work of the United Nations. The nature and terms of membership in international society are determined by the approach regarding the role of values within that society.

An even more significant divergence concerns the status of individual states within international society. Do they form a hierarchy, and if so, what is its nature?

According to Bull, inequality is more evident in the relations between states that are members of international society, on the one hand, and non-members, on the other. Such was the structure of relations in the colonial era between the European powers and Turkey, China and Japan. Another example is the relationship between Greek city-states among themselves and the Persian Empire: shared norms applied in the former case and were absent in the latter.¹²¹ The existence of superpowers and their hegemony is acknowledged here as a systemic factor, but is not heavily emphasised. In the case of international society, equality is rooted in sovereignty, a principle that implies "at minimum, the obligation to refrain from interfering in the affairs of other states and to respect their territorial integrity."¹²²

However, Wight presents international society as a completely non-egalitarian system where states are included on the basis of suzerain relations. A state without the status of a great power may only be included in international society on terms of subordination. For a great power outside international society, incorporation can only occur when it relinquishes its status to a dominant suzerain and, accordingly, accepts a subordinate position.

These two contrasting views of the structure of international society help understand two different narratives describing the problem of Russia's integration into international society. Let us examine each of them through the lens of the English School's two foundational approaches.

The contemporary European perspective aligns more closely to Bull's solidarist and egalitarian approach. The phenomenon of European international society has its roots in the fifteenth to seventeenth centuries, when it emerged from the disintegration of the hierarchical medieval organisation of Western Christianity under the authority of the Roman Papacy and the affiliated Holy Roman Empire of the Habsburgs. By the end of this period, the first sovereign states of the modern era had emerged, along with a structure of relations among them, based on mutual recognition of sovereignty and the maintenance of an international balance of power. The relevant norms, rules and institutions were enshrined in the Peace of Westphalia of 1648 and the Treaty of Utrecht of 1713.¹²³

117 Bull H., *The Anarchical Society. A Study of Order in World Politics*. New York: Columbia University Press, 2002, pp. 25–26.

118 Buzan B., *From International to World Society? English School Theory and the Social Structure of Globalisation*. Cambridge: Cambridge University Press, 2004, p. 9.

119 Bull H., *Op. cit.*, p. 13.

120 Dunne T., *Inventing International Society: A History of the English School*. London: MacMillan Press, 1998, p. 11.

121 Bull H., *Op. cit.*, pp. 13–14.

122 Dunne T., *Op. cit.*, p. 10.

123 Bull H., *Op. cit.*, pp. 26–31, 35.

The egalitarian nature of European international society was determined precisely by the principle of sovereignty, when states began to recognise that each had sufficient power to maintain control over their respective territories and populations. The struggle for territory among states continued for at least another two centuries, serving as an archaic form of balancing power between the states. Yet no one in Europe conceptualised relations in terms of the suzerainty of the Middle Ages anymore: it was replaced by the equality of sovereign states.

As already noted, at the turn of the 16th century, a centralised Russian state headed by the dynasty of the Grand Dukes of Moscow emerged in the far north-east of Europe. Having thrown off the Mongol yoke, Russia subjugated virtually all the former Golden Horde territories over the next two centuries, from the Tatar khanates in the Middle and Lower Volga regions to the northern border of the Chinese Qing Empire on the Amur River. In parallel, the Grand Dukes of Moscow proclaimed themselves heirs to the Byzantine Empire. However, rapprochement with Europe and, especially, the entry into European international society, were fraught with considerable difficulty from the outset.

Neumann explains these difficulties by referring to the special framework of the ‘long’ cultural memory of the rulers of Muscovy, closely linked to the legacy of the Golden Horde. The ideas harboured by the Grand Dukes of Moscow about state power, the internal structure of governance, and foreign relations emerged and consolidated as behavioural patterns during a prolonged period of subordination to Mongol suzerains. While a system of sovereign states was actively taking shape in Europe, Russia continued to exist and act in the international context shaped by the norms of Golden Horde-style suzerainty that it had assimilated. However, participation in the society of European rulers required a transition from suzerainty to the concept of a “sovereign system.”¹²⁴

Russia emerged from suzerainty in a manner that was unusual for Europe but very typical of Asia. Having inherited the lands of its former suzerain, it demanded the impossible of its European neighbours: recognition of the title of its ruler as equivalent to that of a tsar, which, in European terms, was equivalent to emperor. The sovereign of all Russia thus claimed power on a par with the Holy Roman Emperor, against whom the rest of Europe had waged war. Having proclaimed himself tsar, Ivan IV, in accordance with the Golden Horde tradition, sought to impose tribute on neighbouring European states. When Livonia refused to pay, he launched a protracted war, which he lost. In the eyes of his European counterparts, such behaviour was closely associated with an Eastern style of governance.¹²⁵

Proponents of the English School recognise that Russia’s participation in international society began with Peter the Great. From that moment on, Russian envoys were dispatched to major European capitals, and European countries established permanent representatives

in St Petersburg. Modernised and Westernised by Peter’s reforms, Russia, along with Prussia, was recognised as one of the new great powers of Europe. As Adam Watson notes, the Romanovs, who intermarried with other European dynasties, became leading members of the ‘club of sovereigns’ from that moment on.¹²⁶

Moreover, after the victory over Napoleon and the Congress of Vienna, the ‘Concert of Great Powers’ was established in Europe under the joint hegemony of the British and Russian empires.¹²⁷ However, by the middle of the century, this relatively brief period ended with the isolation of Russia, which was defeated by a coalition of European countries led by Britain during the Crimean War. The Treaty of Paris of 1856 curtailed Russian influence in the Black Sea and the Balkans, undermining the expansion of the Romanov Empire against the Ottoman Porte. When Alexander II violated the terms of the Treaty of Paris and launched another war with the Turks in the spring of 1877, he effectively withdrew from the ‘Concert of Great Powers’.¹²⁸ Thus, even during this most favourable historical period for Russia, its position in Europe was not fully secure.

In the twentieth century, international society expanded beyond Europe to encompass the entire world and become global. However, in the early phase of globalisation, the distance between Russia and this initially Europocentric order only increased. During the ideologically-driven conflict that erupted between the communist USSR and the Western liberal democracies, the opposing sides viewed each other as external to their respective alliances.

During the Cold War, the United States and the Soviet Union regarded each other as ‘heretics or outcasts’ behind the Iron Curtain, rather than members of the same international society. However, even in the most difficult periods, they did not sever diplomatic relations, refrained from renouncing the recognition of each other’s sovereignty and common principles of international law, and did not attempt to provoke the collapse of the United Nations. Voices on both sides called for compromise, shifting attention to shared interests and a secularised version of the principle of *cuius regio, eius religio*.¹²⁹ Thus, the essential agreements that had been reached during the formation of European international society at the time of the Peace of Westphalia after the end of the Thirty Years’ War remained in place between the two blocs. Nevertheless, such relations with the West in the second half of the last century testified more to Russia’s marginal position on the boundary of international society than to full membership.

Neumann’s explanation of Russia’s long history of ‘applicant status’ in European international society is grounded to his framework of Russian cultural memory. Drawing on its own experience of the Mongol yoke, passed down from one generation to another,

126 Watson A., *The Evolution of International Society. A Comparative Historical Analysis*. NY: Routledge, 2009, pp. 199–200.

127 Clark I., *Hegemony in International Society*. Oxford: Oxford University Press, 2011, p. 74.

128 Ibidem, p. 84.

129 Ibidem, pp. 40–41.

124 Neumann I., *Op. cit.*, p. 470.

125 Ibidem, p. 482.

and not having gained recognition of equal status in Europe, Moscow continuously resisted becoming part of a new suzerain system.¹³⁰ Its constant position on the outer rim of Europe stems from its own fear of becoming an object of expansion and external subjugation. At the same time, the question remains as to how equal the international society system appears to Russia and why. The narrative shifts substantially when viewed from the opposite angle. Let us now move on to the Russian perspective, which presupposes a hierarchical structure in world politics.

An important factor undermining the perception of international society as an egalitarian order is the existence of *hegemony*. This issue gained particular relevance after the end of the Cold War, when the United States concentrated a level of power unmatched by other states and began to claim the role of a unipolar force on the global stage. No previous system of sovereign states had ever presupposed the existence of a single state with a similar level of material superiority over all others.¹³¹

At the same time, hegemony cannot be considered a new phenomenon in world history. Edward Carr, whose works form the foundation of the English School, wrote that hegemony is necessary to maintain a stable *international order*.¹³² Contemporary American unipolarity was preceded by Britain's 'command of the seas,' and before that, Europe witnessed the dominance of France under Louis XIV and the Habsburg Empire. The relations between the hegemon and the other members of international society, even if characterised by restraint and tolerance, nonetheless presuppose some form of subordination.

Consequently, under hegemony, the structure of international society may resemble suzerainty. New members are admitted on condition of submission to the authority of the suzerain who maintains order. A state that disregards this requirement is either excluded or marginalised within the system of international order. This circumstance is more important than the mere existence of *sovereignty*, which, under *hegemony*, is in fact constrained by the power of the dominant superpower.

Viewing Russian-European relations based on the recognition of subordination in international society can add significant detail to the historical picture. For instance, the desire of Ivan IV to be called 'tsar' on par with the Holy Roman Emperor, or the recurring disputes over the title of tsar in the negotiations between the Russians and the Poles in the 17th century, can be interpreted in terms of a struggle for parity and an unwillingness to submit to a stronger partner. As Dominic Lieven notes, "vulnerability and weakness were at least as powerful a factor in Russian foreign policy as the instinct for territorial expansion."¹³³

This vulnerability and weakness can indeed be seen as a generational trauma of the Russian state, directly influencing its foreign policy. Hence the constant fear of subjugation under the guise of an invitation to equal participation—a sentiment that endures in Russia to the present day.

At the same time, it was precisely in the sixteenth and seventeenth centuries that European international society was shaped by the Habsburgs' unsuccessful struggle for hegemony and the establishment of a system of sovereign states in its place. That is why Watson describes the Peace of Westphalia as "the charter of a Europe permanently organised on an anti-hegemonial principle."¹³⁴ Anti-hegemonial alliances continued to emerge over the following century and a half, whether in opposition to Austria, France, or Sweden.

The Romanovs' entry into the family of European monarchs was marked by their active participation and leadership in the Northern Union, which was targeted against the hegemonic ambitions of the Swedish crown in the Baltic Sea. Denmark, the Polish-Lithuanian Commonwealth, Russia and Saxony formed a military alliance against Sweden. As a result, it was the Russian side that came across as the most effective force capable of halting Swedish hegemony and bringing a definitive end to it. Apparently, this very circumstance contributed to the universal recognition of Peter I's new empire as one of the great powers of Europe in the first quarter of the eighteenth century.

A century later, the Russian-British struggle for hegemony unfolded across Europe and Asia. Proclaimed in 1707, Great Britain formally became an empire only fourteen years earlier than Russia (1721), but by the early nineteenth century, the two powers represented opposing social, economic and political systems. Russia was the bastion of the ancien régime in Europe, while Britain served as a pioneer and leader of the new capitalist system worldwide. However, the distribution of power was unequal from the outset. Britain's financial strength allowed it to exert pressure on third countries without direct military intervention, whereas Russia lacked such 'informal' levers of pressure and was forced to rely exclusively on brute force.¹³⁵ This placed Russian foreign policy in a losing position from the outset.

The arsenal of British dominance was significantly richer and broader. In the nineteenth century, the imperial navy-maintained order at sea and guaranteed immunity from major wars. The London financial market established a single standard for virtually the entire world, and British commerce protected the widespread adoption of free trade. Finally, the English language became the *lingua franca* across four continents.¹³⁶

Russia attempted to counter British supremacy through its own expansion. The European system of international relations forced all the great powers to constantly enhance

130 Neumann I., Op. cit., p. 484.

131 Clark I., Op. cit., p. 3.

132 Carr E., *The Twenty Years' Crisis, 1919–1939: An Introduction to the Study of International Relations*. NY: Palgrave Macmillan, 2001, pp. 213–217.

133 Lieven D. (2002). *Empire: The Russian Empire and Its Rivals*. Russian translation: Ливен Д., *Российская империя и её враги с XVI века до наших дней* / Пер. с англ. А. Козлова, А. Платонова. Москва: Издательство «Европа», 2007, 422 pages.

134 Watson A., Op. cit., p. 182.

135 Lieven D., Op. cit., p. 423.

136 Carr E., Op. cit., p. 213.

their strength in order to protect their interests.¹³⁷ However, the Crimean War severely undermined Russia's power and international standing. The marginalisation of Russia within European international society during this period was primarily a consequence of its defeat in the struggle for hegemony.

The unsuccessful rivalry with Britain contributed, to a certain extent, to the anti-capitalist development vector chosen by Russia for the future. Unlike Karl Marx, Benno Teschke does not view the spread of capitalism as an economic process. Rather, he regards it as a geopolitical process, in which pre-capitalist states, faced with the threat of extinction, were forced to respond. Some began to adopt new policies, adapting them to their own conditions, while others devised “radical counter-strategies.” Among the latter, Soviet-style communism proved to be the most successful option.¹³⁸ By the early twentieth century, Russia “had every reason to believe that the rules of international liberal capitalism worked against it”.¹³⁹ This gave rise to the Bolshevik model, within which the Soviet Union developed its vast territories through “concentrated combinations of industrial and large-scale agricultural production”.¹⁴⁰ This path ensured the country's sovereignty.

Following World War II, contrary to Roosevelt's expectations, Stalin could not recognise the rules of the Bretton Woods system, as doing so, in his view, would have cost the Soviet Union its sovereignty. The Cold War began when the United States and its Western allies suspected the USSR of wanting to subjugate all of Europe to communist rule, while Soviet leaders, on the other hand, feared that the spread of capitalism would lead to the collapse and destruction of their country.¹⁴¹ This case vividly illustrates the presence of blind spots in the perspectives of both sides: these blind spots persist in today's relations between Russia and the West.

Thus, we can observe two narratives, rooted in two interpretive frameworks concerning the relationship between Russia and Europe. The first (European) narrative is based on the premise of political equality among actors on the international arena and sees Russia's actions as a challenge to the existing world order. The opposite (Russian) narrative views international society primarily as a form of hegemony and associated hierarchy—one to which Russia is not prepared to submit. Fearing a revival of suzerainty, this narrative challenges the established order and is expelled from international society that upholds it. Russia does not wish to fully adhere to the code of conduct accepted in Europe and is therefore increasingly marginalised within European international society. At the same time,

Europeans fail to recognise their counterpart's fears of subordination within a society that is fundamentally understood as hierarchical.

The weapon of geopolitics: The clash between Russia and the West after the dissolution of the USSR

Almost immediately after the dissolution of the USSR, geopolitics became the main, if not the only, lens through which Russia's foreign policy was viewed. Contrary to popular stereotypes, the demand for it initially arose in circles that were quite liberal and democratic in their outlook. Less than a month after the conclusion of the Belovezha Accords, Andrei Kozyrev, who was still formally the foreign minister of the RSFSR, said in an interview with *Rossiyskaya Gazeta* that his ministry had now “come to understand that geopolitics... replaces ideology.”¹⁴² Zbigniew Brzezinski, who was observing these changes, assumed that geography played a decisive role. In his opinion, “Russia's vast extent across Eurasia has long fostered an elite mindset inclined towards geopolitical thinking.”¹⁴³ However, within Russia itself, geopolitics was perceived as a powerful weapon wielded by the enemy who had just won the Cold War.

Was geography the only factor that contributed to this choice, or did geopolitics simply fill the vacuum left by the collapse of Marxism-Leninism? Even authors who are no strangers to geopolitics admit that “what went on in the minds of Russians was, in most cases, more important than the place they occupied on the map.”¹⁴⁴ Meanwhile, finding itself in an ideological and epistemological vacuum in terms of its identity and foreign policy strategy in the early 1990s, Russia borrowed the American perspective on international relations in its most accessible and vulgarised form. The trend to apply geopolitics was introduced to Russia by its Western-oriented liberals, such as Minister Kozyrev, but it was also adopted by intellectuals in the service of the security and intelligence structures¹⁴⁵ as an advanced instrument for pursuing foreign policy.

For centuries, Russia had borrowed various types of weapons from its Western neighbours, especially after major defeats in confrontations with them. The regiments of the new military structure, which became the prototype of a regular army, appeared in Muscovy in the mid-seventeenth century as a response to the severe military failures of the previous half-century, from the Livonian War to the defeat at Smolensk in 1633. Peter I intensified the military reforms after the defeat at Narva in 1700. Similarly, defeat in the

¹³⁷ Lieven D., *Op. cit.*, p. 425.

¹³⁸ Teschke B. (2009), *The Myth of 1648: Class, Geopolitics, and the Making of Modern International Relations*. Russian translation: Тешке Б., Миф о 1648 году: класс, геополитика и создание современных международных отношений. / Пер. с англ. Д. Кралечкина. Москва: Издательский дом Государственного университета – Высшей школы экономики, 2011, 380 pages.

¹³⁹ Lieven D., *Op. cit.*, p. 424.

¹⁴⁰ Carr E., *Op. cit.*, p. 212.

¹⁴¹ Calvocoressi P., *World Politics since 1945*. Russian translation: Кальвокоресси П., Мировая политика с 1945 года. / Пер. с англ. Москва: Международные отношения. 2016, pp. 18–19.

¹⁴² Quoted after: Brzezinski Z. (1997). *The Grand Chessboard: American Primacy and Its Geostrategic Imperatives*. Russian translation: Бжезинский З., Великая шахматная доска. Американское превосходство и его геостратегические императивы. Москва: Международные отношения, 2010, p. 121.

¹⁴³ *Ibidem*.

¹⁴⁴ Lieven D., *Op. cit.*, p. 368.

¹⁴⁵ It was no coincidence that Alexander Dugin, son of a general in the Main Intelligence Directorate (GRU), became the most prominent proponent of geopolitics in post-Soviet Russia.

Crimean War led to the modernisation of the Russian navy, and the setbacks of the first months of 1941 forced Stalin to shift from supporting Voroshilov's cavalry to accelerated production of new series of tanks. This pattern continued during the Cold War, when the USSR developed rocket technology, borrowed from Germany, in response to the threat posed by American aircraft carriers.

However, defeat in the Cold War did not occur on the battlefield, but in the ideological and information domains. Therefore, the 1990s became, on the one hand, a time of flourishing new modern media in Russia, which adopted the best examples of Western propaganda and tested them on the domestic population. Later on, these new media would become the striking force of invincible Russian propaganda, infamous at the European and global levels. On the other hand, geopolitics, also borrowed from the West, became the principal method of rethinking foreign policy strategy, replacing the failed Marxism-Leninism. For over thirty years now, geopolitics has been the main key for the Kremlin in understanding the modern world.

Indeed, the simplest and quickest answer to the question of why America and Russia are so strongly committed to a geopolitical perspective can easily be found in their respective geography and history. Living in the two 'continental empires', which in the eighteenth and nineteenth centuries reached the farthest points of the West and East on opposite sides of the Pacific, both Russians and Americans were convinced that their rule over vast territories was an element of "historical justice".¹⁴⁶ Nevertheless, the strategies for colonising endless lands, and the very perception of their geography in historical retrospect, differs between the two sides, sometimes radically. Shielded from the most powerful and dangerous European powers by the Atlantic Ocean, America could imagine itself as a 'New Zion' on a previously unexplored land, detached from the Old World. Russia, by contrast, with its vast and mostly flat territories in the north of Eurasia, spanning 'almost half of the globe', remained a "huge and unstable land power" for centuries, perpetually vulnerable to numerous military invasions due to a lack of natural barriers.¹⁴⁷

According to Lieven, geography, and mainly its landlocked position, is one of the reasons why Russia "stands apart in the history of empires."¹⁴⁸ Here, we see a 'complete contrast' not only with American geography, but also with that of Western Europe. This particular geographical position continues to exert influence in the post-imperial period: lacking a maritime boundary, Russia and its former territories must coexist in the same continental space. When leaving its former colonies, Moscow could not abandon them to their own devices, disregarding their inevitable internal conflicts and civil wars, unlike the

British, when they left India, or the French, when they left Indochina and West Africa. On the contrary, relations between Russia and its former imperial outposts are proving to be much more important and dangerous than those between the metropole and the colonies in the European maritime empires.¹⁴⁹

However, the geopolitical argument stating that former European empires are not vulnerable to their post-colonial neighbours due to geographical remoteness and maritime protection is easily refuted in today's global world. As Eric Hobsbawm wrote, the "undoubted havens of stability," the leading and powerful states of the world, primarily Mitteleuropa and the Scandinavian countries, are mistaken if they consider themselves protected from bloody conflicts of the troubled 'Third World'.¹⁵⁰ And if this seemed "especially clear" in the spread of international non-state terrorism two decades ago,¹⁵¹ today's refugee crisis in Europe demonstrates that even relatively wealthy countries are unwilling to pay "without limits" for their privileged position relative to the rest of the world.

This raises another question: to what extent has the unique position of the American continent, which virtually eliminates the danger of land invasions, helped the United States feel secure from the outside world? As David Armstrong notes, from the very foundation of the United States, belief in the universal significance of the American Revolution and its special mission set the tone for the foreign policy of the future superpower, expressed in a sense of American self-sufficiency, sometimes idealistic optimism about its capabilities, as well as an arrogant and aggressive perception of its international rivals and distrust of the methods of international politics that had developed within the Westphalian system of absolutist monarchies in Europe.¹⁵² The fact that the new 'city upon a hill' was hidden behind an ocean did not rid America of its sense of external threat, and at times even fostered paranoia about potential dangers that could threaten its unique and globally significant freedom and democracy.

Thus, the geographical argument hardly stands up to criticism as an explanation for Russia's post-Soviet fascination with geopolitics. The reasons for the geopolitical turn must be sought in the specific circumstances of Russia after the dissolution of the USSR. As its legal successor, the Russian Federation experienced resentment over its defeat in the Cold War. The more time passed, the stronger this feeling became. At the same time, the early post-Soviet years were marked by expectations of friendship with the West, which quickly encountered significant obstacles on both sides.

"Europe and America pose no threat to Russia" – these words, heard shortly after the fall of the Berlin Wall, could have been uttered not only by a well-known American

146 Burbank J., Cooper F., *Empires in World History: Power and Politics of Difference*. Princeton: Princeton University Press, 2010, p. 251.

147 Kaplan R.D., *The Revenge of Geography. What the Map tells us about Coming Conflicts and the Battle against Fate*. Russian translation: Каплан Р., *Месть географии. Что могут рассказать географические карты о грядущих конфликтах и битве против неизбежного*. Москва: Колибри; Азбука-Аттикус, 2015, p. 51.

148 Lieven D., *Op. cit.*, p. 331.

149 Ibidem, p. 361.

150 Hobsbawm E., *Age of Extremes. The Short Twentieth Century. 1914–1991*. London: Abacus, 1997, p. 560.

151 Ibidem, p. 561.

152 Armstrong D., *Revolution and World Order: The Revolutionary State in International Society*. Oxford: Clarendon Press, 1993, pp. 42–43.

geopolitical strategist,¹⁵³ but also by many other analysts. However, they remained a mantra that had little impact on the actual course of events. The most general philosophical explanation for the persistent mistrust and hostility can be found in classical realism. Continuing Thucydides' reasoning, Thomas Hobbes derived three causes of perpetual war from the selfish human nature: competition, distrust, and the desire for glory.¹⁵⁴ Precisely because of this, remaining in their natural state, or in conditions of international anarchy, the rulers of states, having no common law and no supreme authority above them, "live in continuous jealousy and in the posture of gladiators, with weapons pointed at one another and eyes fixed on one another".¹⁵⁵ This realistic explanation was formulated even more strongly and paradoxically by Immanuel Kant, considered to be one of the founders of the opposite, liberal-idealistic theory of international relations. "Nations as states," Kant argues, "by merely coexisting in a state of nature (i.e., not subject to a common external legal authority), already infringe upon each other's rights."¹⁵⁶

Competition, "predetermined by nature," finds reinforcement in the historical and geographical perspective. Moreover, fear, accompanied by aggressive actions "for the sake of defence," triggers reciprocal fears among those around them. Thus, Russian expansion in the eighteenth and nineteenth centuries into the neighbouring lands of Eastern Europe was motivated by security concerns for the political and economic centre of the empire.¹⁵⁷ This was inevitably perceived as a major threat by the opposite side. However, as Samuel Huntington underlines, unlike the Ottoman Empire, which also caused terror in Europe, Russia was accepted "as a major and legitimate participant in the European international system."¹⁵⁸

In the early 2010s, Russian experts who are recognised in the West continued to insist that, except for the well-known 'special cases', Russia had "abandoned the traditional model of territorial expansion" in today's world.¹⁵⁹ And yet, at the beginning of that same decade, even sceptics who doubted a restoration of the Russian Empire admitted that, "from a purely military standpoint," Moscow might reclaim Belarus, Crimea and the eastern regions of Ukraine, annex Abkhazia and South Ossetia, seize the north-west of Kazakhstan and, under certain conditions, seize Transnistria and the Lezgin-populated north of

Azerbaijan.¹⁶⁰ The question of whether Russia could return to imperial practices, including territorial expansion, remained relevant, in one form or another, throughout the entire post-Soviet period. At the same time, the arguments of sceptics regarding the limited strength and resources of the Russian Federation in the context of the empire's obvious economic inefficiency left an aftertaste of involuntary doubt, not least because of the existence of the highly enviable American example of a 'republic-empire' that a more Westernised Russia could transform into.¹⁶¹

One manifestation of the 'imperial spirit' of contemporary Russia in the eyes of Western observers is Moscow's almost absolute conviction that other countries—especially the leading world powers—have no right to act on the territory of the former USSR in the same way as they do in any other part of the world. Russia's principal goal is not so much to develop close ties with the former Soviet republics as to maintain control over this special strategic space in which they exist, and which is directly linked to Russia's imperial past. The post-Soviet space is thus viewed by the Kremlin as a kind of 'front line' in the defence of its domestic social and political stability.¹⁶² According to Bobo Lo, this style of thinking within the Russian leadership began to take shape after the 'colour revolutions' in Georgia and Ukraine in 2003–2004, and was finally consolidated after the Moscow protests of winter 2011–2012 and the Ukrainian Revolution of Dignity in 2014.

It may be said that the zone of privileged interests is "no more than a chimera,"¹⁶³ and this would be entirely accurate. The Kremlin, however, is convinced of the contrary. The situation is exacerbated by the fact that, after losing direct control over its former imperial territories, Russia has found it extremely difficult to compete with the West for indirect influence over them.¹⁶⁴ A postmodern, or, in other words, informal empire actually requires greater resources and greater superiority over rivals, at least in comparison with situations where 'fair competition' can be avoided through direct military or political influence within common closed borders. It is precisely these realities, according to other researchers, that prompt today's Russia to use not so much purely economic and cultural tools but, rather, its geographical position, military power and control over oil and gas pipelines. This allows Russia to compensate for its economic weakness while defending its interests in the territory of the former empire.

The events of the past three years have revealed the inability of today's Russian leadership to remain within the bounds of an informal empire. In the middle of the previous

153 Brzezinski Z., *Op. cit.*, p. 144.

154 Hobbes T., *Leviathan*. Russian translation: Гоббс Т., Левиафан. Москва: РИПОЛ классик, 2016, 181 pages.

155 *Ibidem*, p. 183.

156 Kant I., *Perpetual Peace: A Philosophical Sketch*. Russian translation: Кант И., К вечному миру // Кант И. Собр. соч. Москва: Мысль, 1994. Т. 7. 234 pages.

157 Lieven D., *Op. cit.*, p. 347.

158 Huntington S., *Clash of Civilizations*. Russian translation: Хантингтон С., Столкновение цивилизаций. Москва: АСТ, 2017, 231 pages.

159 Тренин Д., *Post-imperium: евразийская история*. Москва: Московский центр Карнеги, 2012, 196 pages.

160 Арбатов А., *Особый имперский путь России // 20 лет без Берлинской стены: прорыв к свободе / Под ред. Н. Бубновой*. Москва: Московский центр Карнеги; РОСПЭН, 2011, p. 46.

161 The question about the feasibility of such a transformation is asked at the end of the book by H. Carrère d'Encausse on the Eurasian empire: Каррер д'Анкокс Э., *Евразийская империя: История Российской империи с 1552 г. до наших дней*. Москва: РОСПЭН, 2007, 330 pages.

162 Lo B., *Russia and the New World Disorder*. London: Chatham House; Washington, D.C.: Brookings Institution Press, 2015, p. 103.

163 Тренин Д., *Op. cit.*, p. 66.

164 Lieven D., *Op. cit.*, p. 361.

decade, it was still possible to argue that Russian policy in the post-Soviet space was based more on indirect control than on direct leadership, and that it gave precedence to economic and cultural means over crude military instruments.¹⁶⁵ However, such assertions appear completely untenable in the context of the current hostilities in Ukraine. If the task facing the Kremlin can be characterised as ensuring stable, long-term influence and power with a minimum of available resources, then, according to Lieven's logic, this very minimum has once again predetermined the primacy of brute military force in Russia's foreign policy over the tools of economic and cultural expansion.

The ‘new spectrum of relations’ with Russia, which both sides had been anticipating so eagerly thirty years ago, has turned into yet another vicious circle of disappointment, mutual grievances and resentment. Meanwhile, it must be acknowledged that hopes were not dashed yesterday, but long before the current crisis. In fact, Huntington anticipated their collapse in the early 1990s, suggesting that future relations between Russia and the West “would range from coldness to the use of force,” but in most cases they would continue to “balance closer to the midpoint between the two extremes,”¹⁶⁶ gravitating towards a “cold peace” – a term used already by President Boris Yeltsin to describe the future. In turn, in the mid-2010s, Bobo Lo predicted that even more problematic relations awaited both sides.¹⁶⁷ This grim forecast has come true and is now a harsh reality.

Russia's alienation from European and, more broadly, Western civilisation can be paradoxically explained by the consequences of the collapse of the USSR. Firstly, this may be attributed to purely geographical reasons. As Hélène Carrère d'Encausse writes, the Tsarist and then Soviet empires were oriented westwards, towards Europe. The loss of Eastern European territories distanced Russia from Europe, whereas its Asian component remained unchanged.¹⁶⁸ Secondly, socio-cultural differences were exacerbated by changes in the intellectual space of post-Soviet Russia. "When Russians stopped behaving like Marxists and started behaving like Russians, the rift between them and the West widened," Huntington notes. "A Western democrat could engage in intellectual debate with a Soviet Marxist. But to do the same with a Russian Orthodox nationalist would be impossible."¹⁶⁹

The Putin era has revealed the quintessence of the main dogmas of Russian foreign policy to the rest of the world. To a large extent, it has been shaped by the influence of nineteenth-century Realpolitik diplomacy in the spirit of Chancellor Gorchakov, rather than by the realities of the twenty-first century.¹⁷⁰ Although all “these theoretical archaisms are laughable,”¹⁷¹ they continue to play a very important role in shaping and determining

165 Lo B., *Op. cit.*, p. 102.

166 Huntington S., *Op. cit.*, p. 351.

167 Lo B., *Op. cit.*, p. 200.

168 Carrère d'Encausse H., *Op. cit.*, p. 310.

169 Huntington S., *Op. cit.*, p. 234.

170 Lo B., *Op. cit.*, p. 200.

171 Арбатов А., *Op. cit.*, p. 51.

the foreign policy of today's Russia, which is a real tragedy for the remnants of the Europeanised intellectual class within the country. The geopolitical narrative adopted by Russia in the early 1990s has played a significant role in this process.

In the recent history of relations between Russia and the West, President Vladimir Putin's famous speech at the Munich Security Conference in February 2007 became a turning point. The concept of a unipolar world was identified as the main threat to international stability: "Whatever is embellished about this term, in practice it ultimately means only one thing: one centre of power, one centre of force, one centre of decision-making. It is a world of one master, one sovereign."¹⁷²

However, this picture fundamentally contradicts the Western political discourse on unipolarity. It suffices to refer to one of the latest studies¹⁷³ on the theory of unipolar politics. Firstly, a unipolar system presupposes the preservation of international anarchy. Secondly, the anarchic nature of international relations presupposes the existence of multiple sovereign actors. Finally, all these sovereign actors are equal in their claims to survival. In other words, the world remains divided into states that are not subject to any external authority. These states interact with one another while pursuing their own interests. In this sense, sovereign states are still equal to one another.

How does the presence of a monopolist benefit this system? It has military power surpassing that of all other actors combined. However, this power is not sufficient to establish complete control over other states. It can only play a stabilising role in a continued anarchic system, where “unipolar power does not guarantee outcomes.”¹⁷⁴ In some specific situations, the monopolist can be successfully opposed by other powers with sufficient military strength to defend themselves. From the Western perspective, the monopolist may seek to promote peace by guaranteeing military protection for itself and its allies, and by attempting to spread the values and norms of freedom, democracy and human rights to a wider part of the world. At the same time, it does not rule over others like a Golden Horde khan or a Roman emperor. Its capabilities are limited by the authority of other sovereign actors. This is precisely why regimes such as those in Venezuela, Iran and North Korea remain possible in our world.

From the Kremlin's perspective, the world is interpreted in a fundamentally different way. The monopolist is endowed with the powers of a sole sovereign to whom all others are subordinate. All states must obey it, and only a few dares to challenge the hegemonic power. Russia has been desperately fighting for its sovereignty in recent years. In one of his English-language articles, Andrei Kortunov draws attention to the differing understandings of equality as the fundamental cause of the divergence between Russia and the West. In

172 Putin, V., Speech and discussion at the Munich Conference on Security Policy // President of Russia. Events. 10 February 2007. <http://kremlin.ru/events/president/transcripts/24034> (last accessed: 05.05.2025).

173 Monteiro N., *Theory of Unipolar Politics*. Cambridge: Cambridge University Press, 2014.

174 Ibidem, pp. 41–44.

his opinion, the Russian approach to equality in international relations is based on post-imperial trauma.¹⁷⁵ However, it is quite possible that the roots of the problem lie much deeper: today's Russian political elite is reproducing a narrative that was created and has continued to exist for centuries. An alternative narrative stem from the presumption of equality between actors capable of defending their sovereignty. This narrative originates with Hobbes, if not with Thucydides. It is also centuries old and continues to dominate in Western thinking. All of this provides an ideal foundation for the formation of an image of the 'constitutive Other' on both sides.

The concept of normality in the Russia–West confrontation

With regard to the current situation, it can be said that over the past thirty years, relations between Russia and the West have “constantly fluctuated, passing through a series of crises,” such that their “normal” (crisis-free) state, if ever achieved, would appear “entirely abnormal.”¹⁷⁶ This idea, expressed in the mid-2010s, was echoed in a Chatham House report published shortly before the start of the war in Ukraine: poor relations between Russia and the West are not an anomaly, but the norm.¹⁷⁷

The source of this exceptional proneness to conflict appears to be rooted in the enduring fundamental differences between Russia and the West. From a perspective that recognises the particular significance of this existing discrepancy, as long as “Russia remains different from the West,” all the traditions of US and European foreign policy, and “their entire psychology,” will strongly push everyone “towards maintaining a position of strength and, if necessary, using it through various forms and means of pressure.”¹⁷⁸ Constructed in this way, the image of the 'constitutive Other' has been shaped on both sides over the past thirty years on the basis of a specific interpretation of cultural memory narratives dating back to the early modern era.

The concept of normality in the confrontation between Russia and the West is, of course, rooted in the existing cultural background, ranging from the idea of 'Moscow as the Third Rome' to Nikolai Danilevsky's neo-Slavophilism and Stalin's notion of the “historically inevitable crisis of capitalism.” However, the latest myth did not arise from the past, but from the current fundamental structural differences between Russia and the Western world. These differences should be sought in the essential divide in the current

domestic political structures of the opposing sides. Throughout the notorious post-Soviet transition, the Russian Federation has made little progress towards the standards of Western liberal democracy, imitating some of its elements and, in practice, choosing an alternative model: a plebiscitary Caesarist regime instead of a republic.¹⁷⁹ The divergence between Russia and its Western partners progressed slowly but steadily since 1993 and was finally cemented after the adoption of constitutional amendments in 2020. This step predetermined the current rift with the West to a much greater extent than historical legacy.

Perhaps until the early 2020s, Putin, like many of his predecessors who had led Russia over the past century, viewed the West both as a resource and as a threat.¹⁸⁰ On the one hand, Europe and America were perceived as instruments for economic growth and, in the context of the global economy, means of further enrichment for the Russian elite. On the other hand, the West was perceived as a threat, especially when viewed through the lens of Russia's domestic political model and ideas about the need for a new balance of power and a “division of spheres of influence.”¹⁸¹ The latter idea, formulated by Huntington, seems to have become deeply ingrained in the minds of those responsible for foreign policy decisions in Moscow. As a result, when choosing between the perspective of the West as a resource or as a threat, Putin opted for the latter. The ‘Global South,’ the BRICS countries led by China, and the much-invoked ‘global majority’ to which Dmitri Trenin now appeals,¹⁸² have been proclaimed as a new source of resources.

The duality in Russia's perception of the West is mirrored in the West's perception of Russia. This phenomenon can be explained by a particular ‘historical asymmetry’ in the mutual influence between Russia and the rest of Europe. Throughout the modern era, Europeans have perceived Russia as a constantly looming reactionary force, potentially threatening not only the sovereignty of their countries, but also their way of life. In turn, Russia's ruling elites “viewed the ‘European threat’ in exactly the same way—only with an adjustment for the ‘dangerous’ nature of liberalism and radicalism.”¹⁸³ Therefore, “despite all the parties' desires, their relations—and the European order that emerged from them—could objectively be nothing other than conflictual.”¹⁸⁴ As we can see, the normalisation of future confrontation began long before such confrontation actually started.

However, is the current confrontation between Russia and its Western partners really so inevitable? Could it have been avoided while preserving the inevitable differences that are, by and large, inherent in all countries of the world? A general philosophical answer to

175 Kortunov A., Russia and the West: What Does “Equality” Mean? // Russian International Affairs Council. Analytics and Comments. Articles. November 1, 2016. URL: <https://russiancouncil.ru/en/analytics-and-comments/analytics/russia-and-the-west-what-does-equality-mean/> (last accessed: 05.05.2025).

176 Lo B., Op. cit., p. 165.

177 Myths and misconceptions in the debate on Russia. How they affect Western policy, and what can be done. Chatham House report. 2021 May 13. <https://www.chathamhouse.org/2021/05/myths-and-misconceptions-debate-russia/summary> (last accessed: 05.05.2025).

178 Косолапов Н.А., Op. cit., p. 259.

179 For more details, cf. Юдин Г.Б., Россия как плебисцитарная демократия // Социологическое обозрение. 2021. Т. 20. No. 2, pp. 9–47.

180 Lo B., Op. cit., p. 199.

181 Huntington S., Op. cit., p. 423.

182 Караганов С.А., Крамаренко А.М., Тренин Д.В., Политика в отношении Мирового большинства. Москва: Национальный исследовательский университет «Высшая школа экономики», 2023.

183 Косолапов Н.А., Меняющаяся Россия и стратегия Запада // Н.А. Косолапов, М.В. Стержнева, Ю.Ф. Олешук и др., Россия и будущее европейское устройство. Москва: Наука, 1995, 247 pages.

184 Ibidem.

this question leads us to liberal theory or constructivism. If, however, we remain within the framework of realism and seek a specific point of divergence, it would be worth recalling the ‘honeymoon period’ in US-Russian relations during the early Yeltsin years. Brzezinski dates the “missed opportunity” to the second half of 1993, when the Russian president confirmed that Poland’s desire to join NATO did not contradict “Russia’s interests.”¹⁸⁵ According to the author of *The Grand Chessboard*, at that moment Washington should have offered Moscow “an offer it couldn’t refuse,” i.e., special relations between Russia and NATO. Instead, the Clinton administration “struggled for another two years,” during which the Kremlin “changed its tune.” When the Americans decided to make NATO expansion a central goal of their policy in 1996, the Russians “took a hard line,” essentially stating for the first time that further NATO enlargement to the east was contrary to their own national interests.

Brzezinski was most likely right, and the point of no return in relations between Russia and the West was indeed reached in the second half of 1993. However, the fundamental reason for this was not the lack of quick decisions by the American administration regarding the deal with Yeltsin on an expanded partnership with NATO. What emerged as a much more significant and long-lasting factor were the tragic events in Russian domestic politics, which led to a presidential coup in Moscow, the shelling of the highest representative authority, and the adoption of a constitution with monarchical powers granted to the head of state. All this caused a fundamental, value-based rift between Western liberal-democratic regimes and the long-maturing Russian autocracy. For some time, this was concealed behind a façade of sham elections and other democratic institutions. The second point of no return came in 2007, when Yeltsin’s successor as president of the Russian Federation began preparing a transition to a regime of lifelong personal rule. The events of 2014 were a reaction to the Moscow protests of the winter of 2011–2012, and from that moment on, the Kremlin began preparations for a major war in Eastern Europe. Following the adoption of constitutional amendments, Putin’s personal rule reached a new peak, finally placing him outside the community of European republics and normalising the concept of ‘eternal’ confrontation between Russia and the West.

Where are the reasons for the current impasse? Kaplan,¹⁸⁶ whose works have been translated and widely circulated by geopolitics enthusiasts in Russia, states bluntly: “A state’s position on the map is the primary determining factor, more so than its political system.” Lo¹⁸⁷ counters this claim by saying: “The conventional view tells us that Russian attitudes and actions towards the West are an expression of its domestic politics.” Throughout the history of the Russian Empire, despite certain external historical and geographical similarities with American territorial expansion in the Western Hemisphere, a fundamental and

essential difference in the Russian political structure was the order, cautiously characterised as “something other than freedom,”¹⁸⁸ alongside “Russians’ ambivalent attitude towards capitalism and private property,”¹⁸⁹ which persists to this day despite all the reform efforts undertaken over the years.

When analysing possible scenarios for Russia’s future internal development, Lieven wrote that perhaps the worst-case scenario for the country would be one where its enormous potential is squandered due to the weakness of the state, rampant corruption among the elite and the people’s lack of civic responsibility.¹⁹⁰ Such a Russia would “combine the worst features of Soviet bureaucratic morality with the most repulsive qualities of global capitalism,” and its public opinion would be turned against the West. The British historian warned that such a country, with nuclear weapons at its disposal, would become a threat to the entire world.¹⁹¹

In many ways, this echoes the truly prophetic words of Nikolai A. Kosolapov, published in 1995 against the backdrop of the euphoria surrounding the radical reforms taking place in the country at the time: “And here a formidable danger looms before Russia. There are no greater zealots than the newly converted. Having now latched onto the liberal model—moreover, in its most mechanistic variant—and having done so at a time when this model is exhausting its historical reserves and capacities, when the formula for the society of the 21st century must clearly involve some synthesis of European and non-European civilisational experience, Russia risks becoming, at the beginning of the next century, a centre of social and political reaction in the world, which could once again set it at odds with the West and with other regions and cultures.”¹⁹² One can only note that this prediction was almost entirely fulfilled thirty years later.

In order to break out of this vicious circle, Russian society needs not only to assimilate what is perhaps the most important European value, namely to view the state “not as a sacred entity, but as a more or less functional organisation of officials and elected representatives employed in the service of society and each citizen”.¹⁹³ To stop, or at least contain, the ongoing and now seemingly perpetual negative scenario in foreign policy, a major shock or series of shocks may be required. These could include, for example, extraordinary circumstances along the Russian-Chinese border or an even larger outbreak of violence in the Middle East, engulfing the entire region.¹⁹⁴ In any case, no international upheaval will have a real effect without the most essential factor.

188 Burbank J., Cooper F., Op. cit., p. 283.

189 Ibidem, p. 284.

190 Lieven D., Op. cit., p. 630.

191 Ibidem.

192 Косолапов Н.А., Op. cit., p. 270.

193 Арбатов А., Op. cit., p. 49.

194 Lo B., Op. cit., p. 200.

185 Brzezinski Z., Op. cit., p. 124.

186 Kaplan R., Op. cit., p. 49.

187 Lo B., Op. cit., p. 167.

Brzezinski wrote that the modernisation of Russia's own society, rather than futile attempts to regain its former status as a world power, was a task of paramount importance for Russia and its relations with 'transatlantic Europe' in alliance with the United States. The path to this, without a doubt, lies through persistent internal development and a rethinking by Russia's intellectual class of their country's place on the world map, based on contemporary values and ideas, rather than the heroic past. "Russia's national redefinition is not an act of capitulation but an act of liberation,"¹⁹⁵ said the founding father of all modern Russian geopolitics. These words are perhaps his best legacy to Russian intellectuals in opposition today.

Historical narratives postulating the existence of an 'eternal' confrontation between Russia and Europe on both sides serve to justify and legitimise the current dire state of affairs. The transfer of concepts such as Russia in its contemporary political configuration and borders, and especially Europe and the West, back into the depths of past centuries, appears to be an appealing manipulative tool, but has little to do with the reality.

Is it possible to imagine that the Tsardom of Muscovy fought a war against Europe in the sixteenth and seventeenth centuries? It may be possible if one imagines the Livonian War or the Thirteen Years' War in Eastern Europe as similar conflicts. However, this overlooks the obvious fact that while waging a war against the Polish-Lithuanian Commonwealth and Sweden in the seventeenth century, the early Romanovs simultaneously maintained friendly relations with Denmark and the Netherlands, just as Ivan the Terrible had previously sought to marry Queen Elizabeth while fighting against his closest European neighbours. The causes of these wars were not so much cultural or even religious differences as mutual territorial claims between neighbouring states in the context of the general expansion of the early modern era. The division of Ukrainian lands following the war of 1654–1667 led to the conclusion of the Russian-Polish Eternal Peace in 1686 and the two countries' entry into a common anti-Turkish alliance. At that time, the Ottoman threat was perceived by both sides as a common 'constitutive Other', later replaced by Sweden with its hegemonic aspirations in the Baltic region and Northern Europe during the Northern War.

Similar multi-vector relations, generally characteristic of the condition of international anarchy where global politics has existed in modern and contemporary times, can also be observed in later periods. Against the backdrop of mutual estrangement between the USSR and the Entente countries in the 1920s, Moscow and Berlin moved closer together and began to cooperate. On similar grounds, the newly independent Lithuania initially maintained good neighbourly relations with the Soviet Union, and their confrontation with neighbouring Poland brought them closer together. Two decades later, as a result of the partition of Europe between Stalin and Hitler, the Lithuanian Republic

itself became a victim of Soviet imperial expansion.

The concept of the West in its modern form only took shape after World War II and implied not so much a cultural and historical commonality (which undoubtedly existed, but there were also differences, at least at the level of language and national cultural narratives) as a unity based on a political model common to all Western countries. This model presupposed the existence of parliamentary democracy and guarantees of fundamental rights and freedoms of a liberal society for its citizens. Democratic regimes, supported by American hegemony, were initially established in Western Europe. Following the velvet revolutions and the fall of the Berlin Wall in 1989, the liberal West was joined over the subsequent decade by countries of Central and Eastern Europe, which had regained their independence after decades of Soviet occupation.

Meanwhile, the democratisation of Russia failed in the 1990s, when the model of plebiscitary and Caesarist regime, which still exists today, began to take shape within the borders of the Russian Federation. The problem facing the modern West lies not so much in the threat of Russian expansion as in the growing appeal of its authoritarian model of governance. Right-wing populists who seize power in North America and some European countries, increasingly imbued with the ideas of 'Dark Enlightenment' with its apologia for a new 'enlightened absolutism' as the most suitable form of government in the modern market conditions, pose no less of a threat to the modern West. The very concept of the 'collective West' is coming apart at the seams, as evidenced by the new American administration's actions towards its allies in Europe.

The threat posed by today's Russia to Europeans undoubtedly needs to be contained. However, if we recall what the author of the *Long Telegram*, George Kennan, put into this concept,¹⁹⁶ then we must talk, first and foremost, about ensuring stable democracy. The success of containment depends on the ability of Western allies to maintain unity and solidarity in their collective actions. Only by being strong from within can external containment be effective, if indeed the Cold War framework of ideological confrontation is applicable to the present confrontation between Russia and the West.

The policy of containment should first and foremost help today's Europe to consolidate itself in the struggle for the values of freedom and democracy. The path to overcoming the current confrontation lies in the spread of these universal values to Russia, combined with the necessary steps towards its democratisation and abandonment of the authoritarian-criminal model adopted thirty years ago. A republic on Russian soil is just as possible as it once proved to be in France, Germany and other European countries. What must be recognised, however, is that democracy does not mark the end of the struggle for it — a truth that applies equally to Russia, Europe and the rest of the world.

196 Kennan G., Telegram. The Charge in the Soviet Union (Kennan) to the Secretary of State. Moscow, February 22, 1946. <https://nsarchive2.gwu.edu/coldwar/documents/episode-1/kennan.htm> (last accessed: 05.05.2025).

195 Brzezinski Z., Op. cit., p. 145.

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Sergianism, national Bolshevism, and neo-Sovietism: The Moscow Patriarchate in the power structure of the USSR and the Russian Federation

Abstract

This article analyses the position of the Russian Orthodox Church of the Moscow Patriarchate (ROC MP) within the power structures of the USSR and the Russian Federation, employing a novel methodological approach based on the concept of neo-Sovietism. The author argues that the religious policy of today's Russian state is a continuation of Soviet practices, wherein the government fosters a quasi-state church subordinate to its political objectives, while marginalising and suppressing independent church structures such as the True Orthodox Church (TOC) and the Russian Orthodox Church Outside Russia (ROCOR). Particular emphasis is placed on the legacy of Sergianism and its contemporary manifestation—neo-Sergianism—as well as the ideological and personnel continuity of the Soviet apparatus. Drawing on a broad range of sources, including scholarly research, memoirs, and first-hand testimony, the article demonstrates the central role of the ROC MP in legitimising authoritarian power through the ideological framework of the “Russian World”, reinforcing state control under the guise of religious and national tradition.

Keywords: neo-Sovietism, Sergianism, neo-Sergianism, the Russian world, the history of the Russian Church, the history of Russia

Introduction: the novelty of the methodological approach

The history of the relationship between the Orthodox Church and the state authorities in the USSR, and then in the Russian Federation (RF), has often been a subject of interest for both publicists and professional religious scholars, historians, political scientists and theologians, including the Canadian researcher, historian and Sovietologist of Russian origin Dmitry Pospelovsky, the Russian historian Mikhail Shkarovsky, the Church historian Georgy Mitrofanov, the historian and journalist Yakov Krotov, the Ukrainian researchers

Vitaly and Sergiy Shumilo, and the religious scholar Alexander Soldatov. For our part, we would aver that our approach appears to be methodologically new due to its broader scope of historical material and how it analyses the subject within the framework of the concept of neo-Sovietism that we are developing.

This concept is based on the works of Sovietologists Roman Redlich and Abdurakhman Avtorkhanov, the works of historian Sergei Volkov, as well as the ideas of Vasily Shulgin and Vladimir Bukovsky. The ideological, political and socio-economic development of the Russian Federation after 1991 is considered a natural continuation of the Soviet system, since the ruling class (the “elite”) and the “power apparatus” (the ranks of government officials, special service operatives and career military) remained the same, i.e. Soviet. In ideological terms, the basic principle is the two-level Soviet ideology formulated by R. Redlich: an exoteric level, consisting of Marxist-Leninist ideology (fiction) and official propaganda guidelines, and an esoteric, i.e. real, one. The latter, in philosophical terms, is an absolute and pure desire for unlimited power. In economic terms, the Neo-NEP (New Economic Plan) predicted by V. Shulgin took place, i.e. a forced and temporary liberalization of economic policy¹⁹⁷.

In analysing church/state relations in the USSR and the Russian Federation, we must first of all move beyond the typical ignoring (especially in journalistic works) of the most important stages in Russian church history of the 20th century. The Orthodox Church in Russia is usually understood as the Russian Orthodox Church of the Moscow Patriarchate (ROC MP). However, in reality, this church jurisdiction was formed relatively late, in 1927-1943, and cannot claim to be the sole successor of the historical Russian Church. In addition to the ROC MP, the True Orthodox Church (TOC) operated in Soviet Russia and, later, in the USSR, refusing to submit to the atheistic and anti-Christian regime. The TOC began to form during the Civil War, and finally broke ties with the future Moscow Patriarchate in 1927. Despite constant persecution, the TOC communities, which had not only their own priests but also their own episcopate, survived until the relative freedom times of 1991, and continue to exist to this day.

Those who had emigrated also had their own church associations. The biggest and most influential was the Russian Orthodox Church Outside Russia (ROCOR), which was established in 1922 in Yugoslavia (the canonical basis was decree No. 362 of the Patriarch of All Russia Tikhon).¹⁹⁸ In turn, ROCOR considered the TOC to be its “Sister Church”.

Ignoring the church schisms of the 20th century, and therefore the fundamental reasons that gave rise to them, inevitably leads us to an extremely simplified view of church/state relations in the modern Russian Federation. And one also sees just how many writers are tempted to make extremely broad generalisations in this regard, when the policy of the

Russian Orthodox Church and its ties with the Kremlin are interpreted as almost a natural and logical continuation of those church/state relations that existed in Russia (and before that in Rus) over many centuries.

The second important component, thanks to which, in our opinion, our analytical conclusions may be more accurate, consists in the fact that there is no reason to consider the religious policy of today's Russian Federation to be something separate and distinct from the policy of the Soviet authorities when it came to the issue of religion. An analysis of the available historical facts allows us to assert that in reality there is ideological, legal and factual continuity. In today's Russian Federation, as in the USSR, the state has purposefully formed and supports the fully controlled institution of a quasi-state Church, the task of which is to serve current state policy in all areas. At the same time, independent church structures are suppressed, although the level of the repression, as well as its frequency and organisation, differs from that in Soviet times.

In writing this work, we drew on research by two Ukrainian historians and specialists regarding the history of the TOC in Soviet Russia and the USSR (Vitaly and Sergey Shumilo), the works of church historians from the ROC MP (archpriests Georgy Mitrofanov and Vladislav Tsylin, as well as Dmitry Pospelovsky), the memoirs of the dissident priest and former political prisoner from the ROC MP Pavel Adelgeim, journalistic and investigative works by Alexander Soldatov, general advances made by Mikhail Shkarovsky, as well as the author's own historical research and journalistic investigations. The latter cannot, in all probability, be considered completely objective because he himself belongs to one of the church jurisdictions originating from the TOC and the ROCOR — the Russian Orthodox Autonomous Church (ROAC). On the other hand, his personal involvement and direct acquaintance with people who were involved in church life in the 1980s-2000s, as well as his work in the structures of the ROC MP (2001-2006), provide additional knowledge gleaned from first-hand communication and personal experience.

The origins of Soviet policy regarding the church

The communist view of religion was initially unambiguous and strictly negative. Karl Marx stated: “The wretchedness of religion is at once an expression of and a protest against real wretchedness. Religion is the sigh of the oppressed creature, the heart of a heartless world, and the soul of soulless conditions. It is the opium of the people.

The abolition of religion, as the illusory happiness of the people, is a demand for their real happiness. The call on them to give up their illusions about their condition is to call on them to give up a condition that needs illusions. The criticism of religion is, therefore, in embryo, criticism of that vale of tears of which religion is the halo”.¹⁹⁹

197 Dmitrijs Savvins, “Neopadomju revanšisma ideoloģija un politika / Ideology and Politics of Neo-Soviet Revanchism». Karš, ideoloģija un vara: Krievijas ekspansija Eiropā vēstures gaitā. Latvijas Kara muzeja Gadagrāmata XX. Rīga: 2023. P. 134.

198 Shchukin Sergiy, Archpriest. “A Brief History of the Russian Orthodox Church Abroad. 1922-1972”. https://www.synod.com/synod/history/his_rocorshukin.html Accessed 02.05.2025

199 Marx Karl. “Towards a Critique of Hegel's Philosophy of Right”. Accessed 11.01.2025 <https://archive.md/OiiZl>

Vladimir Lenin expressed this idea even more crudely in his letter to Maxim Gorky regarding “god-building”: “To speak of the search for God, not in order to speak out against all devils and gods, against all ideological necromancy (every little god is necromancy – be it the purest, most ideal one; not a searched-for little god, but one that is constructed, it makes no difference), – but in order to prefer the blue devil to the yellow one, this is a hundred times worse than not speaking at all... every religious idea, every idea about any little god, every flirtation with even a little god is the most inexpressible abomination, especially tolerated (and often even benevolently met) by the democratic bourgeoisie – that is precisely why it is the most dangerous abomination, the most vile “plague”. A million sins, dirty tricks, violence and physical infections are much easier to reveal amongst a crowd and, therefore, they are much less dangerous than the subtle, spiritual idea of a little god dressed in the most elegant “ideological” costumes”.²⁰⁰

Here we see two important ideological principles: religion is recognised as an absolute evil, and simultaneously, an evil many times (“a million”) greater than any physical violence. Or, in other words, terror with the aim of eradicating any religiosity is seen as being justified.

After coming to power, it was terror that became the basis of Bolshevik policy towards the Church. Archpriest G. Mitrofanov identifies three major persecutions of the Church in the period before World War II: the time of war communism, the confiscation of church property, and a third persecution, which began around 1928-1931 and continued at least until 1939.²⁰¹ There was no disagreement among communist leaders regarding the need to fight religious institutions, first and foremost the Orthodox Church. However, there were different views on the methods to be used. The most radical wing was represented by the head of the All-Russian Extraordinary Commission (the VChK, more commonly known as the Cheka), Felix Dzerzhinsky: “The Church is falling apart, we need to help it, but we must not revive it in any way in a renewed form. Therefore, the VChK, and no one else, must oversee the policy of church collapse. Official or semi-official relations between the party and priests are unacceptable. Our bet is on communism, not religion. Only the VChK can maneuver and for one sole purpose - corrupting priests. Any kind of connection with priests... by other organs will cast a shadow on the party - this is a most dangerous thing...”²⁰²

All legislative innovations of the Soviet government, which were basically outlined in the Decree “On the Separation of Church from State and School from Church”, were

subordinated to the “policy of collapse”.²⁰³ The Orthodox Church, like any other Church or religious organisation, was deprived of all its movable and immovable property (including churches and liturgical objects), which were declared “public property”, that is to say, they became the property of the state. The church also lost its rights as a legal entity. The Soviet government recognised only “religious communities”, which were allowed to receive churches, church vestments, etc. from local authorities “for use” in the performance of “rites”. Centralised leadership (that is to say, even episcopal authority, not to mention such institutions as bishops' and local councils, synods and the patriarchate), was not officially recognised by the authorities at all.²⁰⁴

The exact number of clergy and monks killed by the Bolsheviks during the Red Terror is unknown. It would seem that more than 20 bishops alone were killed in 1918-1922 (i.e. approximately one seventh). S. Shumilo cites the following data: “in 8 months (June 1918 – January 1919) the following were killed in Russia: bishops – 19; priests and deacons – 256, monks and nuns – 94. 94 churches and 26 monasteries were closed. 14 churches and 9 chapels were desecrated. The property and lands of 718 parishes and 15 monasteries were confiscated. 4 bishops and 111 priests were arrested, 41 church processions were dispersed. This data is far from complete, since the results of the red terror in the Volga region, the Kama region, Kuban and Don, Belarus, Ukraine and other regions have not been taken into account”.²⁰⁵

Obviously, at this stage, the communist authorities had expected to destroy the Church exclusively by genocidal-cum-terrorist methods – the same ones with which they intended to eliminate “capitalist society” as such, literally implementing the transition to socialism and communism in a few years. When that failed, and a radical change of course in the form of the “new economic policy” occurred, the methods regarding religion also changed. Repressions were supplemented by political work and operations by the special services, aimed at forming a “renewed” Church completely loyal to the Bolsheviks.

The renovationist schism: the first attempt to create a “Soviet church”

Undoubtedly, the renovationist movement, which aimed to carry out large-scale reforms in all areas of church life, starting with the transformation of traditional Orthodox social and political attitudes and ending with the reform of church service, canon law, and even the revision of dogma, cannot be considered exclusively a product of the Soviet special services (VChK-OGPU). Certain prerequisites for such “Eastern Rite Protestantism” were

200 Ulyanov (Lenin), Vladimir. Letter to A.M. Gorky, November 13 or 14, 1913. Accessed 11.01.2025 <https://archive.md/SphIZ>

201 Mitrofanov Georgy, archpriest. “History of the Russian Orthodox Church. 1900-1927”. Satis: 2002. Audiobook.

202 From a note by Dzerzhinsky addressed to the former head of the Secret Department of the All-Russian Extraordinary Commission M. I. Latsis with a request to prepare and send a report on the work of the All-Russian Extraordinary Commission in relation to the clergy. Quoted from: Krapivin M. Yu. “Discussion on the creation of a “Soviet” Orthodox Church in the leading circles of the Bolshevik Party and the Soviet state (1919–1921)”. Accessed 11.01.2025 <https://archive.md/9p9gZ>

203 Decree of the Council of People's Commissars “On the separation of church from state and school from church”. Accessed 11.01.2025 <https://archive.md/agNxR>

204 Ibid.

205 Shumilo Sergey. “In the catacombs. The Orthodox underground in the USSR. Abstract on the history of the True Orthodox Church in the USSR”. Lutsk: Teren. 2011. P. 11.

formed historically, and a number of prominent figures of Renovationism – supporters of the “renovation” of the Church – had formed their views even before 1917.²⁰⁶ However, it is also obvious that this movement had been receiving support from the Soviet state since at least 1922, and at the same time was directly supervised by the Joint State Political Directorate (OGPU – the successor to the VChK).²⁰⁷ This work was carried out in accordance with the plan developed by Leon Trotsky, who envisaged not only the intensification of terror and the physical extermination of the clergy in connection with the so-called confiscation of church valuables, but also the organisation of a church schism. Trotsky's “Proposals” were approved by the Politburo of the Central Committee of the Russian Communist Party on 30 March 1922; he himself directly supervised “work” on organising the Renovationist movement. The essence of the “operation” was that the Patriarch of All Russia, Tikhon (Bellavin), placed under house arrest and thus isolated and removed from church administration, would transfer power to representatives of the clergy loyal to the Bolsheviks. This was not achieved, but, nevertheless, it was announced, and on 18 May 1922, the “Supreme Church Administration” (VTsU) came into being, becoming the spiritual and administrative centre of the new religious organisation, i.e. the Renovationist Church.²⁰⁸ However, the Renovationists themselves considered themselves the legitimate heirs and continuers of the historical Orthodox Russian Church, and it was they who were recognised as such by the Bolsheviks. It is also noteworthy that for a long time the Eastern patriarchs maintained Eucharistic communion with the Renovationists.

The communist leaders themselves assessed what was happening as a real spiritual revolution. Trotsky wrote in a telegram to the Politburo: “...Enormous consequences, in the sense of a complete split between the democratic Smenovekhov part of the church and its monarchist counter-revolutionary elements. Now, of course, we are completely interested in supporting the Smenovekhov church group against the monarchist one, deviating not one iota, of course, from our state principle of separation of church and state, and, especially, separation from our philosophically materialistic attitude to religion...”. He characterised Renovationism itself as “the deepest spiritual revolution in the Russian people”, and the Chairman of the Council of People's Commissars (Sovnarkom), V. Lenin, made a note atop Trotsky's telegram: “Correct! 1000 times correct!”²⁰⁹

Since Patriarch Tikhon refused to support the Renovationist movement in any form, a church schism began, dividing both the clergy and the laity into two camps: the

Renovationists, who were supported and recognised as the Orthodox Church proper by the Soviet authorities, and Orthodox Christians who remained faithful to the canonically legitimate primate, Patriarch Tikhon; the Bolsheviks and Renovationists began to call the latter “Tikhonites”. In reality, however, the name can hardly be justified, since both from the point of view of Orthodox theology and according to the norms of canon law, the Orthodox Church and Orthodox Christians were the “Tikhonites”, while Renovationism, both in doctrinal and canonical terms, was obviously a new phenomenon.

From a political point of view, the main difference between the Orthodox “Tikhonites” and the Renovationists was their attitude toward the Soviet authorities. For the former, it was determined by the anathema of Patriarch Tikhon against the Bolsheviks, which is contained in the patriarchal message of 19 January (1 February) 1918: “Every day, news reaches us of the terrible and brutal beatings of innocent people, and even of people lying on their sickbeds... And all this is being done not only under cover of night, but also in the open, in daylight, with unprecedented insolence and merciless cruelty, without any trial and with the trampling of all rights and legality... Come to your senses, madmen, stop your bloody reprisals. After all, what you are doing is not only a cruel deed; it is truly a satanic deed, for which you will be subject to the fire of Hell in the future life – the afterlife, and a terrible curse in this life – earthly.

By the authority given to us by God, we forbid you to approach the Mysteries of Christ, we anathematise you, if you still bear Christian names and belong to the Orthodox Church at least by birth. We also command all of you, faithful children of the Orthodox Church of Christ, not to enter into any kind of communion with such monsters of the human race”.²¹⁰

It is worth noting that this anathema to the Bolsheviks was never revoked by the church authorities. It is precisely this anathema that is one of the fundamental foundations of theology and ecclesiology of the True Orthodox Church, as well as the historical Russian Orthodox Church Outside Russia. Communists, and communist power, are defined very clearly here: as “monsters of the human race” who are doing “truly satanic” work.

In turn, the All-Russian Renovationist Church Council, held with the permission of the Bolshevik authorities, gave a diametrically opposite theological interpretation of the communist revolution and communism:

“The All-Russian Independent Council of the Orthodox Russian Church testifies before the Church and all humanity that the entire world has now split into two classes: the capitalist exploiters and the proletariat, with whose labor and blood the capitalist world builds its well-being. In the entire world, only the Soviet state of Russia has come out to fight this social evil. Christians cannot be indifferent spectators in this fight. The Council declares capitalism a mortal sin, and the fight against it sacred for a Christian. In the Soviet authorities, the Council has seen the global leader for brotherhood, equality and peace

210 Shumilo S. As above. Pp. 12-13.

206 Mitrofanov Georgy, Archpriest. “History of the Russian Orthodox Church. 1900-1927”. Satis: 2002. Audiobook; Savvin D.V., “Renovationism in Transbaikalia in 1923 – early 1930s”. “Bulletin of Church History”. Moscow: 2012. Pp. 269-271.

207 Mitrofanov Georgy, archpriest. “History of the Russian Orthodox Church. 1900-1927”. Satis: 2002. Audiobook; Shumilo Sergey. As above. P. 17.

208 Ivanov Sergey, PhD in Philosophy. “Chronology of the Renovationist ‘revolution’ in the Russian Church according to new archival documents”. Bulletin of PSTGU. 2014. Pp. 28-47.

209 Telegram from Trotsky to members of the Politburo of the Central Committee of the RCP(b) regarding an appeal by a group of “progressive clergy” and the tasks of the press. 14 May 1922. Accessed: 23 January 2025. <https://istmat.org/node/27960>

among nations. The Council condemns the international and domestic counter-revolution, condemns it with all its religious and moral authority.

The Council calls upon every honest Christian, and citizen of Russia, to come out as part of a united front, under the leadership of the Soviet government, to fight the world evil of social untruth... members of the church must not see the Soviet government as the power of the Antichrist: on the contrary, the Council draws attention to the fact that the Soviet government, using state-based methods, is the only one in the world that has the power to realise the ideals of the Kingdom of God. Therefore, every believing cleric must not only be an honest citizen, but also fight in every way together with the Soviet government for the realisation of the ideals of the Kingdom of God on earth”.²¹¹

It is obvious that the Renovationist doctrine implied not just civil loyalty to the Soviet state – it unequivocally declared it an instrument of Divine Providence, and branded all those who resisted this state as guilty of mortal sin. Here was an obvious claim to the status of a new “dominant confession” providing a theological justification for communism.

Perhaps, at some stage, the Renovationist leaders really hoped that they would be able to secure a quasi-state-backed status for their organisation. However, two factors prevented this. Firstly, as Trotsky noted, Renovationism was only a tactical ally for the Bolsheviks, which they planned to use to weaken “Tikhonovism”. After this task had been realised, the “Smenovekhov clergy” became the “most dangerous enemy”.²¹² Since atheism and anti-Christianity remained the cornerstones of the communist worldview, religion and the Church (even in the above-described form of Renovationist deification of Soviet authority) remained unacceptable to the regime.

The second factor that predetermined the failure of the Renovationist plans was their rejection by the overwhelming majority of Orthodox believers. Radical, truly Protestant-scale reforms (married bishops, second marriages for clergy, refusal to venerate relics, longstanding experiments regarding religious worship, etc.) met with rejection by the majority of priests and laity. And, although attempts were subsequently made to return to more traditional forms, this did not yield results. Despite significant concessions and privileges received from the authorities – the opportunity to organise a centralised church administration, publish their own printed publications, obvious advantages in receiving churches “for use”, etc. – the number of laity in the Renovationist communities was much smaller than in the Orthodox (“Tikhonite”) ones.²¹³ The Renovationists were rapidly losing influence, and at the same time, the communist authorities were losing interest in them.

Nevertheless, it was the Renovationist schism that became the basic model for all subsequent actions by the Soviet authorities, and the neo-Soviet ones afterwards. Moreover, it can be argued that at least some of the theological principles of renovationism were fully realised as early as during the period of neo-Sovietism in the Russian Federation.

Declaration of 1927: the birth of Sergianism

From the internal correspondence of the Bolshevik leaders, it is clear that in the ecclesiastical sphere they set themselves a rather non-trivial task: to create not just a Church completely controlled by the state, but one that would facilitate the implementation of all the tasks of the communist regime, including the complete destruction of any religious faith and organised religion. The renovationist experiment revealed two initial systemic defects.

In the theological and ideological sphere, what was being reproduced here was, in essence, the concept of medieval chiliastic heresies, which saw in the communist socialisation of property a way to build the Kingdom of Christ on earth, or, in other words, the fulfilment of the Christian mission. And although Marxist-Leninist theory recognised the medieval communist chiliasts as its predecessors, it didn’t seem possible to reconcile their ideology – due to its religious nature – with Marxism and Bolshevism proper. The formulations of the Renovationist Council of 1923 are obviously flawed precisely because they attribute to the Soviet authorities that universal mission that it categorically refused to recognise for itself. And it was obvious to any unbiased observer that an irreconcilable contradiction arose here; in order to overcome it either the communists had to convert to the “Eastern Rite Protestantism” preached by the Renovationists, or the Renovationists themselves had to “reforge” themselves into Bolsheviks (which some of them did).

Consequently, a fundamentally different ideological concept was required for the Soviet Church that was being formed.

The second vulnerability consisted in the reformist experiments of Renovationism, which initially turned away the majority of believers in all social strata. And no privileges that the Renovationists had (in comparison with the proper Orthodox, “Tikhonov” communities) could compensate for this.

The OGPU took both of these problems into account and, in part, overcame them through Metropolitan Sergius (Stragorodsky), who issued his Declaration of Loyalty to the Soviet Authorities in 1927.

Sergius (Stragorodsky) received the status of the de facto First Hierarch of the “Tikhonite” Orthodox Russian Church as a result of a kind of terrorist selection carried out by the Soviet punitive organs.²¹⁴ As early as during the Local Council of 1917-1918, it was clear that the Bolshevik persecutions would escalate. Patriarch Tikhon, realising that he would not be allowed to establish any legal organ of church administration, indicated

211 Independent Council of the Russian Orthodox Church of 1923 (Renovationist). (Bulletins). Accessed: January 23, 2025. <http://krotov.info/acts/20/1920/1923obno.html>

212 Pospelovsky D., “Church Renewal, Renovationism, and Patriarch Tikhon”. Lecture by D. V. Pospelovsky (Professor Emeritus of the University of Western Ontario) at the Sixth International Ecumenical Conference on Russian Spirituality. Bose, Italy, 17-19. K. 1998. Accessed: January 23, 2025. https://www.gumer.info/bogoslov_Buks/History_Church/Article/posp_cerkobn.php

213 Savvin D.V., “Renovationism in Transbaikalia in 1923 – early 1930s”. “Bulletin of Church History”. Moscow: 2012. Pp. 269-296.

214 Shumilo S. As above. P. 35.

three successors in his will who, after his death and in order of priority, would perform the functions of the patriarchal locum tenens, receiving all the rights that the patriarch had. At the time of Patriarch Tikhon's death, the only one of the three who was at liberty was Metropolitan Peter (Krutitsky), who became the generally recognised locum tenens. However, in December 1925, he too was arrested.²¹⁵ In fact, Metropolitan Peter, having foreseen such a turn of events, appointed Sergius (Stragorodsky) as his deputy, and the latter assumed governance of the Church in a status not envisaged by either the Independent Council of 1917-1918 or the orders of Patriarch Tikhon – as Deputy Patriarchal Locum Tenens. The remit and canonical position of such a deputy were not clearly defined, which right away made all the orders of Sergius (Stragorodsky) open to question.

It was this hierarchy, who had recently distinguished himself in active support of renovationism²¹⁶ and through repentance returned to the Orthodox Russian (“Tikhonite”) Church, who agreed to issue a “declaration of loyalty” to the Soviet authorities, thereby creating the theological basis for a new schism, which to a very large extent determines the church realities in Russia and the former USSR to this day. The declaration, or “message” of 29 July 1927, announced that the communist government had suddenly allowed the registration of central and regional church administration bodies, and also contained a new ideological and even theological concept. In view of the extreme importance of this document, an extended quote seems appropriate:

“Having begun, with God's blessing, our synodal work, we clearly recognise the full magnitude of the task that lies ahead for us and for all representatives of the Church in general. We need to show in deeds, not in words, that loyal citizens of the Soviet Union, loyal to the Soviet authorities, can be not only people indifferent to Orthodoxy, not only traitors to it, but also its most zealous adherents, for whom it is as dear as truth and life, with all its dogmas and traditions, with all its canonical and liturgical order. We want to be Orthodox and at the same time recognise the Soviet Union as our civil homeland, whose joys and successes are our joys and successes, and whose failures are our failures. Every blow aimed at the Union, be it war, boycott, some kind of public disaster, or simply a murder committed by someone from around the corner, like the one in Warsaw, is deemed by us to be a blow aimed at us. While remaining Orthodox, we remember our duty to be citizens of the Union “not only out of fear, but also for the sake of conscience”, as the Apostle taught us (Rom. XIII, 5). And we hope that with God's help, with our joint assistance and support, this task will be solved by us... People forgot that there is no such thing as chance for a Christian, and that in what has happened with us, as everywhere and always, the same Right Hand of God is at work, steadily leading each nation to its intended goal. To such people, unwilling to understand the “signs of the times”, it may seem that it is impossible to break with the

previous regime and even with the monarchy without breaking with Orthodoxy. Such an attitude amongst certain church circles, expressed, of course, both in words and in deeds and arousing the suspicion of the Soviet authorities, has also slowed down the efforts of His Holiness the Patriarch in establishing peaceful relations between the Church and the Soviet government. It is not for nothing that the Apostle instils in us that we can “live quietly and peacefully” according to our piety only by obeying the lawful authority (I Tim. II, 2), or we must leave society... Now that our Patriarchate, fulfilling the will of the late Patriarch, decisively and irrevocably takes the path of loyalty, people of the aforementioned attitude will have to either get a grip of themselves and, leaving their political sympathies at home, bring only faith to the church and work with us only in the name of faith, or, if they cannot get a hold of themselves immediately, at least not interfere with us, having temporarily withdrawn from the work”.²¹⁷

Such a “confession of faith” immediately caused a sharp protest. According to Metropolitan Sergius, it turned out that “correct relations” with the communist authorities were hindered only by some monarchist-minded “individuals”, and not at all by the Bolshevik policy of genocidal terror and discrimination. But even more absurd and blasphemous was the assertion that Orthodox Christians and Bolsheviks had common joys and common successes. If the goal of Bolshevism is the eradication of all religion, does this mean that the decline of faith and even direct persecution are also “joy” for the Church?

The new course of Sergius (Stragorodsky) caused a sharp rejection in the church. Here is how the Ukrainian church historian Vitaly Shumilo describes it: “According to contemporaries, the content of the Declaration was widely discussed, it was returned to the author, petitions and protests were written in response, alternative versions were drawn up that were acceptable to the conscience of an Orthodox person (such as, for example, the version of the Declaration drawn up by bishops who were imprisoned in the Solovetsky concentration camp), etc. In some dioceses, the Declaration was sent back to its author by up to 90% of the parishes.

Here is an example of one such message to Metropolitan Sergius: “We, loyal citizens of the USSR, obediently fulfil all the orders of the Soviet authorities, and have never intended and do not intend to rebel against it,” wrote Archbishop Seraphim (Samoilovich) of Uglich, “but we want to be honest and truthful members of the Church of Christ on earth and not ‘repaint ourselves in Soviet colours,’ because it is pointless and serious and truthful people will not believe it”.

Obviously, the protest was not caused by the very fact of civil loyalty to the civil government, even the Soviet one. The civil war had long since ended, and there was no talk of continuing the struggle with the existing government. Orthodox Christians in the USSR obeyed civil laws, in that part of them that concerned civil life and did not concern

²¹⁵ “Orthodox Encyclopaedia”. “Locum Tenens”. Accessed: January 24, 2025. <https://www.pravenc.ru/text/2563054.html>

²¹⁶ Shumilo S. As above. P. 35.

²¹⁷ July 29, 1927. “Declaration of Metropolitan Sergius”. Accessed: January 24, 2025. <http://krotov.info/acts/20/1927/19270729.html>

church life, and did not intrude into the internal life of the Church (like, for example, the forced imposition of renovationism). The protest was caused by the fact that the Soviet government (in the person of Metropolitan Sergius) demanded more from Christians – a voluntary renunciation of the internal freedom of the Church “not out of fear, but also for the sake of conscience,” as stated in the Declaration. The Orthodox conscience could not accept this”.²¹⁸

The teachings of Sergius (Stragorodsky), which, from the point of view of his Orthodox opponents, were heresy, were called Sergianism – after the name of their founder. In the ROCOR and the TOC, it is traditionally considered a new form of renovationism, and for this, in our opinion, there are sufficient grounds, although there are certain differences between the two movements.

In both cases, we see an attempt to reconcile the Orthodox doctrine and worldview with the Soviet authorities, which both the renovationists and the Sergians consider a divine institution. However, if Renovationism ascribed to the communist regime a mission that it itself categorically denied – the implementation of evangelical ideals on earth and the “building of the Kingdom of God” – then Sergianism does not employ this thesis. Instead, it introduces the concept of “civic loyalty”, which later, as early as during the Soviet-German war, is transformed into “patriotism”.

In addition, unlike the Renovationists, the Sergians emphasise their conservatism, their loyalty to “all dogmas and traditions”. By the time the Declaration was published, it was already clear that a significant number of Orthodox believers were repelled by Renovationism precisely because of its Protestant innovations and experiments in the realm of worship and canon law. The Sergian model, emphasising the Holy succession from Patriarch Tikhon and its traditionalism, should have been (and, in the end, really was) much more acceptable for such people.

In theological terms, the Declaration of 1927 directly stated that the communist regime, which aimed to eradicate any religion and, in particular, Orthodoxy, was at the same time a direct expression of divine will. In essence, any state authorities, regardless of their goals and methods, as well as moral principles, according to the logic of Sergius (Stragorodsky), had a divine origin and thus became a sacred institution, any resistance to which meant resistance to God. It is this very idea (which considers virtually any political regime an institution of divine representation on earth), that has been constant for the Russian Orthodox Church MP and all groups that have broken away from it up to the present day.

In practice, this meant complete subordination, including of internal church life, to the dictates of the communist regime. Immediately after the publication of the Declaration and the formation of canonically illegitimate bodies of church governance (the Provisional

Patriarchal Synod), mass “transfers” of bishops from their cathedras began at the request of the “civil”, that is to say, Soviet, authorities (there were at least 40 cases in six months).²¹⁹ According to Archpriest G. Mitrofanov, it was this open intrusion of the communist regime into the sphere of internal church governance that caused the greatest indignation among the clergy and laity, including those who initially did not consider the Declaration of 1927 to be a basis for separation.

Subsequent events showed that, indeed, in this case it was not just a “formal” concession, or mistake, but a consciously chosen and consistently implemented new policy, a new ideology and even theology by Sergius (Stragorodsky).

The True Orthodox Church and the Russian Church Outside Russia

The Declaration of 1927 marked the split of Russian Orthodoxy into two leading movements: Sergianism (from which the current ROC MP originated), and the underground “catacomb” movement – the True Orthodox Church (TOC). The latter was considered the Church in the Fatherland, or Sister Church, by the Russian Orthodox Church Outside Russia. The TOC resolutely rejected the Declaration of Patriarch Sergius and any “loyalty” to the Soviet authorities in matters concerning religious life and church governance. It goes without saying that it was the True Orthodox Christians who became the first target of the Bolshevik repressions – refusal to accept the Declaration of 1927 was considered an open admission of an anti-Soviet position and even counter-revolutionary activity.²²⁰

Initially, the True Orthodox Church was not created as a centralised structure; this was due both to the colossal repressive pressure that made such self-organisation impossible, and because its formation was stretched out over time. Bishops and priests who did not accept Sergianism maintained relations with each other, but, in fact, each community acted autonomously; in today's terms, such a structure can be defined as a network. However, such a system was not something fundamentally new in church history, in many ways it even repeated what existed before the First Ecumenical Council of 325 AD. In addition, the most important canonical basis for the self-organisation of the TOC was Decree No. 362 of Patriarch Tikhon of November 7th (29th), 1920, issued during the Civil War. Obviously, this act was initially adopted with the expectation that in the near future the Church would only be able to continue its activities underground – in the catacombs. And, therefore, this decree, which is termed prophetic in the TOC environment, essentially briefly regulated the canonical and administrative model of church life in conditions of persecution:

“2) In the event that a diocese, due to e.g. a movement of the front, a change in the state border, etc., finds itself outwith any communication with the Supreme Church

218 Shumilo Vitaly, “ENDURING TO THE END” (Matthew 10:22). Soviet Moscow Patriarchate. “Harbin”. Accessed: January 24, 2025. <https://harbin.lv/preterpvyi-do-kontsa-mf-10-22>

219 Tsypin Vladislav, Archpriest. “History of the Russian Church 1917-1997”. Accessed: January 25, 2025. https://lib.pravmir.ru/library/readbook/4120#part_63809

220 Shumilo V. As above.

Administration, or else the Supreme Church Administration itself, headed by His Holiness the Patriarch, ceases its activities, the diocesan Bishop shall immediately enter into communication with the Bishops of neighbouring dioceses on the subject of organising a higher authority of church authorities for several dioceses that find themselves in the same conditions (either in the form of a Temporary Supreme Church Government or a metropolitan district or otherwise) [...]

4) In the event that establishing communication with the Bishops of neighbouring dioceses is impossible, and until the organisation of a higher authority of church authorities, the diocesan Bishop shall assume the full authority granted to him by church canons [...]

9) In the event that church life becomes extremely disorganised, when some persons and parishes cease to recognise the authority of the diocesan Bishop, the latter... shall not relinquish his hierarchical powers, but shall organise parishes containing persons who remain faithful to him, and from parishes shall organise deaneries and dioceses, identifying where it will be necessary to conduct holy services even in private homes and other premises adapted for this purpose and having broken off church-related contact with the disobedient”.²²¹

Decree No. 362 provided a canonical basis for both the activities of the TOC and the ROCOR, which considered itself a free and self-governing part of the Russian Orthodox Church.

Representatives of the ROC MP and historians and religious scholars associated with it have stated on more than one occasion that the TOC “disappeared” or “degenerated” into “sectarianism” over a relatively short period of time.²²² In 1974, Alexander Solzhenitsyn also supported this point of view, stating in his letter to the Third All-Diaspora Council of the ROCOR that belief in the existence of a “secret church organisation” — a “disembodied catacomb” — was a delusion.²²³ However, such assertions are refuted both by the very fact of the existence of true Orthodox communities that have survived to the present day, and by data collected by Soviet researchers — irreconcilable and consistent enemies of the TOC. A work by Alexander Demyanov entitled “True Orthodox Christianity,” published in 1977, is extremely indicative in this regard. Despite its extreme ideological bias and hostility toward the TOC, it contains a number of very noteworthy facts and assessments. Thus, Demyanov writes that during sociological research in the Tambov, Voronezh, Lipetsk and Ryazan regions, 1,209 True Orthodox Christians were interviewed,²²⁴ and he personally had

“examined” 1,360 of them.²²⁵ If we take into account that representatives of the TOC were extremely reluctant to make contact with Soviet civil servants and specialists in “scientific atheism,” we can confidently assume that the real number of True Orthodox communities in the corresponding regions was much larger. Even more remarkable is the characterisation of True Orthodoxy by Demyanov, which he compares with the Old Believers: “The fact that True Orthodox Christianity is not a sect can be verified by comparing its features with the Old Believers. Of course, one cannot completely conflate these two religious trends that emerged in Russian Orthodoxy in different historical periods. If the Old Believers were a form of social protest arising from the broad masses of the people, then true Orthodox Christianity, having found no support for itself among the Soviet people, resulted in small groups of fanatics who were angry at the Soviet authorities. The nature of the schisms themselves, as a result of which both of these trends emerged in Russian Orthodoxy, is not the same, and the social conditions, goals and aspirations of their ideologists and organisers are not the same.

However, both the first and the second opposition trends are characterised by a commitment to everything old and patriarchal. Having found themselves outside the Orthodox Church, the followers of both religious trends did not change the conservative Orthodox doctrine. On the contrary, they fought against all innovations that allegedly desecrated the church. The Nikonian and Renovationist movements in Russian Orthodoxy can essentially be called schismatics, since they were the ones who initiated the changes that led to church schisms”.²²⁶

It goes without saying that the testimony of a communist researcher, who, firstly, recognises the reality and comparative activity of the TOC, and, secondly, asserts that its teaching does not contain any “sectarian” innovations, is a sufficient and authoritative refutation of the idea of the Catacomb Church being a “myth” and “fiction”.

Up until 1991, the TOC communities existed under the most severe repressive pressure, and in conditions of the strictest secrecy. Underground churches operated in private homes, sometimes prayer meetings were held in apartments, there are recorded cases of the creation of cave churches – dug literally underground. Secret monasteries that were established in the taiga or in the mountains could exist for a relatively long time, but then they were found and destroyed with the help of airplanes.²²⁷ At the same time, we cannot state the exact number of such secret monasteries, because no archives or other databases, and especially no statistics, were ever kept in the TOC itself.

A general idea of how the liturgical life of True Orthodox Christians in the USSR was structured is given in the memoirs of S. Shumilo which recount how he first visited a catacomb service in 1991:

225 Ibid P. 22.

226 Ibid P. 63-64

227 S. Shumilo. Op. cit. P. 66, 99.

221 “Prophetic Decree of the Holy Patriarch Tikhon No. 362”. Accessed: January 25, 2025. <https://catacomb.org.ua/modules.php?name=Pages&go=page&pid=519>

222 Tsylin Vladislav, Archpriest. “History of the Russian Church 1917-1997”. Accessed: January 25, 2025. https://lib.pravmir.ru/library/readbook/4120#part_63809

223 Solzhenitsyn Alexander. “Letter to the Third All-Diaspora Council of the Russian Orthodox Church Outside Russia”. August 1974. Accessed: January 25, 2025. <https://www.rocorstudies.org/ru/2012/12/12/tretemu-soboru-zarubezhnoj-russkoj-cerkvi/>

224 Demyanov A. “True Orthodox Christianity. A critique of Ideology and Activity”. Voronezh: Voronezh University Publishing House, 1977. P. 50.

“Secret services were held in one of the remote villages, where even buses do not go. Believers gathered at the bus station in small groups of two or three people, not pretending to know each other... Each of the groups arrived at different times, so as not to create a large crowd of people. In that village, on its outskirts, in one of the village huts there was a house church. Believers approached it in different ways – some through the gate, and some through the vegetable gardens, so as not to attract the attention of the locals... The service was held in a low voice, with the electric lights turned off and a few candles lit... The interior of the church was very simple: a small portable altar, homemade utensils of a reduced size, a small handmade antimins, several candles and icons... I remember how the gray-haired and good-natured priest, with all his simplicity and lovingness, sternly asked at confession whether I was an Octobrist, a Pioneer or a Komsomol member?... Repentance for the sins of “Sovietism” was the main condition for belonging to the TOC”.²²⁸

The Soviet authorities were considered by True Orthodox Christians to be ontologically anti-Christian authorities, or even Antichrist-related. For this reason, the TOC’s opposition to the communist regime had its origins not in political, but in theological motives. It is also noteworthy that it was in this environment that the idea was formed that the Antichrist would come from Russia territory captured by the Bolsheviks. The following verse from the Revelation of Saint John the Theologian takes on special significance here: “And I saw one of his heads as it were wounded to death; and his deadly wound was healed: and all the world wondered after the beast. And they worshipped the dragon which gave power unto the beast...” (Revelation 13:3). Archbishop Lazar (about whom there will be more later) gave the following interpretation of these words: the apocalyptic beast is the Soviet Union. It will receive a mortal wound, that is, it will collapse, but then it will be “healed”, that is, it will be restored. And it is precisely this miraculous revival of the USSR that will precede the coming of the Antichrist into the world.²²⁹

It is obvious that such a worldview cannot be reconciled with the Sergianist concept of “loyalty” to the Soviet system, which the Sergians viewed as a “divine decree”.

In general, we can say that from 1927 until almost 2007, when most of the ROCOR communities submitted to the ROC MP, it was the True Orthodox underground that was considered by “foreigners” to be the Church in the Fatherland. And in those cases where it was possible to establish contact and provide some support, the ROCOR did so.

First of all, this applies to the activities of the ROCOR’s Archbishop Leonty of Chile, a former catacomb member who managed to leave the USSR during the Great Patriotic War (1941-1945). In the 1960s, secret communication between the communities of the TOC and the ROCOR, the true Orthodox Christians in the Soviet Union, began to commemorate the first hierarchs of the Russian Church Outside Russia during holy

services. One of the biggest problems of the catacomb communities was the disappearance of their own bishopric – the bishops who had not accepted the Sergian Declaration by that time had either been killed or died of natural causes. Thanks to the efforts of Bishop Leonty, and then the third Metropolitan of the ROCOR, Philaret (Voznesensky), it was possible to secretly ordain a new bishop – e.g. the above-mentioned Lazar (Zhurbenko). First, the secret ordination of Bishop Barnabas took place. He had had the opportunity to come to Moscow (the Soviet special services did not yet know that he was a bishop of the ROCOR). And already in Moscow in 1982, he single-handedly, with the blessing of the ROCOR Synod, performed the ordination of Lazar (Zhurbenko) as a bishop.²³⁰

Up until 1991, despite the periodically ebbing and waning, but never ceasing, persecution, an alternative to the Sergianist ROC MP continued to exist in the USSR – the True Orthodox Church, and it was this that the Russian Church Outside Russia considered its “sister”.

Pioneers of Neo-Sovietism: Sergian National Bolshevism

A new stage in the development of the Sergian church jurisdiction, as well as the Sergian ideological model, was the Great Patriotic War. During it, the communist regime began to actively use the concept of “Russian patriotism” in its propaganda and, against the background of a still massively religious population, it was difficult to build it without the participation of Orthodox or pseudo-Orthodox elements. An important role was also played by events immediately preceding the war: beginning in 1939, the USSR carried out a number of annexations (i.e. the Baltic republics, as well as a number of territories in Finland, Poland and Romania). In these lands, a considerable number of local Russians considered the Soviet Union to be their “own”, Russian, state, and at the same time professed Orthodoxy. With that being the case, it was somewhat difficult to immediately launch a large-scale anti-church campaign of terror, like the one that took place in the USSR after 1928. (And this, in turn, strengthened the position of Sergius (Stragorodsky) as the head of the legal Church). The third factor was the position of Stalin’s Western allies – the United States and the British Empire. British Prime Minister Winston Churchill viewed Britain and the United States as part of “Christian civilization”.²³¹ And, of course, it was already very inconvenient for him, in terms of image, to work together with an openly anti-Christian regime.

Sergius (Stragorodsky) and those around him took advantage of the opportunity and actively joined in ideological and propaganda work, which essentially laid the foundations

230 Shumilo S. Op. cit. P. 263-264.

231 Churchill Winston, “The Finest Hour” <https://winstonchurchill.org/resources/speeches/1940-the-finest-hour/their-finest-hour/> Accessed: 3 May 2025; Churchill Winston, “The sinews of peace” <https://winstonchurchill.org/resources/speeches/1946-1963-elder-statesman/the-sinews-of-peace/> Accessed: 3 May 2025

228 Ibid. Pp. 172-173.

229 Shumilo V. “The Antichrist Will Come When the Beast’s Wound Is Healed”. “Harbin”. Accessed: February 2, 2025. <https://harbin.lv/antikhris-tpidet-kogda-istselitsya-rana-zverya>

of Soviet identity outside the official Marxist-Leninist ideology, thereby anticipating the phenomenon of neo-Sovietism.

In 1942, a book called “The Truth about Religion in Russia” was published with an eye to a foreign audience.²³² The main goal of this publication was to prove to foreign readers that there was no persecution of faith in the Soviet Union, that any martyrs were in fact political criminals and nothing more, and that the Church not only was left in peace, but even “flourished”. That indeed is how the book begins — the ROCOR is referred to as nothing less than the “Karlovac schism”,²³³ the TOC is not directly mentioned, but some of its representatives are characterised extremely negatively (for example, Archbishop Andrei (Ukhtomsky)).²³⁴ The Sergianist leaders once again asserted that all the martyrs who suffered at the hands of the Bolsheviks were political criminals, whom they resolutely condemned:

“In the years after the October Revolution in Russia, there were repeated trials of churchmen. Why were these church figures tried? Only because they, hiding behind a cassock and a church banner, carried out anti-Soviet work. These were political processes that had nothing to do with the purely ecclesiastical life of religious organisations... No, the Church cannot complain about the authorities”.²³⁵

In addition, it is in this publication that the idea of “civic loyalty” is transformed into a concept of abstract patriotism and a certain state, cultural and even national continuity of the Soviet Union and historical Russia. The October Revolution is characterised, on the whole, positively, and it is noted that it “liberated” the Church from state interference in its internal affairs.²³⁶ The “similarity” of the Great Patriotic War to the putting to flight of Charles XII of Sweden, or Napoleon Bonaparte, is emphasised;²³⁷ and the very title of the book (“The Truth about Religion in Russia” – i.e. not the Soviet Union) suggests that the Soviet authorities were merely a “new page” in Russian history. Therefore, loyalty to the Soviet government was “patriotism”, and such “patriotism” became an integral part of Sergianist teaching.

Subsequently, the ROC MP consistently adhered to this concept, although the communist authorities themselves did not accept it until 1991, considering their regime a “state of a new type”,²³⁸ which not only was not the successor to the Russian Empire, but,

moreover, was its antagonist.²³⁹

At the same time, the Sergianist jurisdiction in every possible way emphasised its succession to Patriarch Tikhon (Bellavin), calling itself the “Patriarchal Church”, and tried to present its ideological course as a continuation of the “line” of the late patriarch. In this, as well as in the emphasised conservatism in the liturgical sphere, lay its fundamental difference from the renovationism of the 1920s.

The most important milestone for Sergianism was the official establishment of the Russian Orthodox Church of the Moscow Patriarchate in 1943. During a night meeting on September 4, 1943, Soviet dictator Joseph Stalin defined the principles of governance of the ROC MP, which would not fundamentally change until 1991.²⁴⁰ Firstly, the Sergian church jurisdiction received a number of privileges and concessions: permission was given to convene the Council of Bishops and establish the Synod (which had not functioned since 1935), elect a new patriarch, open its own printed press, theological schools, and some churches. The “central administration”, that is to say, Sergius (Stragorodsky) himself and his closest circle, received from the Soviet government a residence in Chisty Pereulok (still used to this day), transport vehicles, and food supplies “at state prices”. Secondly, a state liaison body with the Russian Orthodox Church was established, and in fact, a supervisory and management body, the Council for the Affairs of the Russian Orthodox Church (later transformed into the Council for Religious Affairs). Thirdly, an important ideological innovation was announced at the same time:

“Having approved the proposals of Metropolitan Sergius, Comrade Stalin asked:

a) what will the patriarch be called...

Sergius replied that these issues had been discussed among themselves beforehand and they would consider it desirable and correct if the government allowed the patriarch to adopt the title of Patriarch of Moscow and All Rus', although Patriarch Tikhon, elected in 1917, under the Provisional Government, was called “Patriarch of Moscow and All Russia”.

Comrade Stalin agreed, saying that this was appropriate”.²⁴¹

The use of such an archaic title does not seem accidental at all. The Soviet state did not want to recognise itself as a Russian state. In addition, the USSR included a number of nominally sovereign republics, while only the RSFSR (the future Russian Federation) was officially considered Russia. The reference to Rus as a historical common root allowed, on the one hand, for associations with the Russian Empire to be avoided, something which would have been extremely painful for the Bolsheviks, and on the other hand, it substantiated the claims of the Moscow Patriarchate to Ukraine and Belarus (the Ukrainian SSR and the Belarusian SSR).

232 Tsypin Vladislav, Archpriest. “History of the Russian Church 1917-1997”. Accessed: January 25, 2025. https://lib.pravmir.ru/library/readbook/4120#part_63809

233 Due to the location of the first Council of the ROCOR – in the Serbian city of Sremski Karlovci, in 1921.

234 “The Truth about Religion in Russia.” Edited by Metropolitan Nikolai (Yarushevich), Professor G.P. Georgievsky, Archpriest Alexander Smirnov. Moscow Patriarchate: 1942. P. 11

235 “The Truth about Religion in Russia.” C. 26-27.

236 Ibid. P. 23-24.

237 Ibid. Pp. 38-48, 100, etc.

238 Constitution (the Basic Law) of the Union of Soviet Socialist Republics (adopted at the extraordinary seventh session of the Supreme Soviet of the USSR of the ninth convocation on October 7, 1977). Accessed: February 2, 2025. https://constitution.garant.ru/history/ussr-rsfsr/1977/red_1977/5478732/

239 Volkov Sergey, PhD in Historical Sciences. “Why the Russian Federation is not Russia”. Accessed: February 2, 2025. <https://swolkov.org/russia/russia-23.htm>

240 Note by the Chairman of the Council for the Affairs of the Russian Orthodox Church under the Council of People's Commissars of the USSR, G. G. Karpov, on the reception of hierarchs of the Russian Orthodox Church by J. V. Stalin. Accessed: February 2, 2025. <https://www.prilb.ru/item/1955064>

241 Ibid.

And, in this sense, we can say that this is the first known and officially recorded appearance of the concept of the “Russian world” – a kind of community dating back to the “Kyiv font”. The idea, initially developed for the internal needs of the ROC MP, would by the 21st century become an important, almost official, component of the neo-Soviet worldview.

After the “historic meeting” in 1943, the newly created ROC MP began to conduct propaganda work in the interests of the Bolsheviks even more actively. At the same time, Stalin was already directly called the “God-given Leader”.²⁴² “Patriotic” education became an important component of the work of the Sergianist clergy both in parishes and in theological schools. Vivid descriptions of how such indoctrination was subsequently carried out and perceived were left by the dissident priest from the ROC MP, Pavel Adelgeim:

“In 1959, the holiday of May Day fell on Good Friday. The Rector of the KPDS [Kyiv Orthodox Theological Seminary – author’s note] – the current Metropolitan Filaret Denysenko - announced that a gala evening dedicated to the international solidarity of workers would be held on the evening of May 1. After the Rector’s lecture, a concert by the seminary choir would take place. Two seminarians... Svistun and Adelgeim plucked up the courage to go to the rector and refused to participate in a concert celebrating the special fast of Good Friday.

The rector tried to make the stupid boys see reason:

— How can you show such disrespect to a Soviet holiday? Look at me. Could I have achieved such a high position under a different government? My father was a simple miner, and I am an archimandrite, a rector!

The stubborn boys stood their ground. The rector was indignant:

— You have forgotten under whose sky you live! Whose bread you eat! Whose air you breathe!”²⁴³

This episode (which, if necessary, can be supplemented with many other testimonies) clearly shows that in the Russian Orthodox Church MP “patriotism” was placed even higher than canonical norms (the fasting charter), and at the same time at least some of the clergy shared the Sergianist ideas sincerely, and did not just forcedly mimic them “for the sake of saving the Church”.

Paradoxically, the status as an official ideological enemy (since the communist regime set the ultimate goal of eradicating any religiosity) created a niche for the ROC MP in which it was able to develop, perhaps not a formalised and coherent ideological concept, but a completely viable model of Soviet identity not directly connected with Marxism-Leninism. Subsequently, when in 1991 a radical transformation of the regime began and classical Sovietism became a thing of the past, this concept would be in demand within the ranks of the new authorities.

The Management System of the ROC MP in the Soviet Period

As far back as the early 1920s, the Soviet authorities set themselves the goal of bringing the system of internal church management under their control. However, it was from the moment the Council for the Affairs of the Russian Orthodox Church was established that the communist authorities began to actually directly manage the Russian Orthodox Church. This system included the traditional “carrot” and “stick”. The Patriarch of the ROC MP and several of his closest assistants were included in the Soviet nomenklatura.²⁴⁴ This was initiated by Stalin in 1943, when he transferred a three-story mansion in Chisty Pereulok (previously occupied by the German embassy) to act as the patriarchal residence, and allocated – in war time – vehicles with drivers and fuel, and even promising, if necessary, a subsidy.

However, only a very limited circle of people were allowed to enjoy the privileges of the nomenklatura (a slightly larger number were encouraged by the gift of the opportunity to travel abroad). Otherwise, control was carried out through administrative and repressive measures.

The Council for the Affairs of Religions (formed as a result of the merger of the Council for the Affairs of the Russian Orthodox Church and the Council for the Affairs of Religious Cults in 1961 and generally having the same functions as both of the previously operating bodies) was vested with extensive powers. It had the right to register “ministers of worship” and revoke registration without explanation. And since any service without registration was a crime, in essence, the Council for the Affairs of Religions, represented by its authorised representatives operating in each region, appointed or dismissed clergy in all dioceses of the ROC MP. In addition, the Council (its authorised representatives) monitored the activities of local Soviet authorities in terms of compliance with legislation “on religious cults”, preparing bills concerning religious issues, and monitoring the foreign relations of the ROC MP and other religious organisations.²⁴⁵ The Council “proposed” certain decisions to the Synod (usually in agreement with the highest echelons of the party and Soviet leadership), for example, on amendments to the “Regulations on the Management of the ROC”,²⁴⁶ appointments of senior hierarchs to certain positions,²⁴⁷ etc.

The removal and appointment of clergy, the opening and closing of churches, the duration of services, the content of sermons – all these issues were within the power

242 See, for example: “Message of Patriarch Sergius for the 26th Anniversary of the Soviet State”. Journal of the Moscow Patriarchate. No. 3 of 1943. P. 4.

243 Adelheim Pavel, priest. “With My Own Eyes: A Tale in Three Parts.” Holy Cross Exaltation Minor Orthodox Brotherhood. Moscow: 2010. P. 178.

244 Nikitin Augustin, Archimandrite. “The Captive Church. Metropolitan Nikodim and His Era (in the Memories of Contemporaries)”. Accessed: February 3, 2025. https://azbyka.ru/otechnik/Avgustin_Nikitin/tserkov-plennaja-mitropolit-nikodim-i-ego-epoha/9

245 “Council for the Affairs of Religions under the Council of Ministers of the USSR. 1943-1991”. Presidential Library named after B. N. Yeltsin. Accessed: February 3, 2025. https://www.prilib.ru/sites/default/files/u1/7_guide.pdf

246 Adelgeim Pavel, priest. Op. cit. P. 62

247 Vasilyeva O.Yu. “The Russian Orthodox Church and the Second Vatican Council”. Accessed: February 3, 2025. https://azbyka.ru/otechnik/Istoriya_Tserkvi/russkaja-pravoslavnaia-tserkov-i-ii-vatianskij-sobor/

of the authorised representatives. As a rule, they were recruited from among MGB-KGB employees,²⁴⁸ and worked in close cooperation with the State Security Committee. In addition, the KGB had its own powerful agent network in the Russian Orthodox Church of the Moscow Patriarchate. As priest Pavel Adelgeim noted: “Many priests openly boast of their little grey and red booklets of state security.²⁴⁹ They talk about their informants not only without blushing, but are proud of them as an achievement. A little grey or red booklet gives you the opportunity to behave as you please. The bishop will not utter a peep. And the people? They will complain, sigh and come again. There is no other church!”²⁵⁰ Filaret (Denysenko), Metropolitan of Kyiv and All Ukraine in the ROC MP and subsequently the head of the Kyiv Patriarchate (UOC KP), stated quite clearly: “In Soviet times, nothing was done in the church without the KGB, it was impossible to ordain a priest or a bishop, everything had to be agreed upon with the KGB. If it was not agreed upon with the KGB, such a person could not be a priest. Therefore, all the bishops of the Russian church in Soviet times had contacts in the KGB, there were no other bishops and there could not be”. (Filaret himself was listed as an agent under the pseudonym “Antonov”).²⁵¹

But, even more importantly, the communist regime not only exercised de facto control over the structures of the ROC MP, but also interfered in theologically. The most striking example here is the problem of ecumenism. In 1948, on the eve of the Pan-Orthodox Conference (originally conceived as a new Ecumenical Council) organised with the participation of the Soviet secret services, the communist authorities considered the ecumenical movement to be the “machinations” of “Anglo-American imperialism”.²⁵² And so in the “Acts” of the conference we find the following definition of ecumenism:

“a) the aspirations of the ecumenical movement, expressed in the formation of the “World Council of Churches” with the subsequent task of organising the “Ecumenical Church,” in our modern context, do not correspond to the ideals of Christianity and the tasks of the Church of Christ, as the Orthodox Church understands them [...]

c) during the past ten years (from 1937 to 1948), the idea of reuniting the Churches on dogmatic and doctrinal grounds has no longer been discussed officially in paperwork – it was deemed of secondary pedagogical significance for future generations. Thus, the ecumenical movement of our time does not provide the cause of reunifying the Churches with successful ways and means;

d) the reduction in the requirements for the condition of unity to the mere recognition of Jesus Christ as our Lord diminishes the Christian doctrine to that faith which,

248 Adelgeim Pavel, priest. Op. cit. P. 8.

249 I.e. the identity papers of “non-staff employees” of the KGB of the USSR.

250 Adelgeim Pavel, priest. Op. cit. P. 186.

251 “KGB Archives. How Filaret Worked for the Soviet Secret Services” Accessed: February 3, 2025. https://risu.ua/ru/arhiviy-kgb-kak-filaret-rabotal-na-sovetskie-specsluzhby_n98991

252 Vasilyeva O.Yu. “The Russian Orthodox Church and the Second Vatican Council”. Accessed: February 3, 2025. https://azbyka.ru/otechnik/Istoriya_Tserkvi/russkaja-pravoslavnaja-tserkov-i-ii-vatianskij-sobor/

according to the words of the Apostle, is accessible even to demons (James 2:19; Matthew 8:29; Mark 5:7)...”²⁵³

However, in 1961, when the Soviet government under the leadership of Nikita Khrushchev decided to actively use the ROC MP for external political needs, “faith accessible to demons” was already being viewed quite differently, and the leadership of the Moscow Patriarchate declared its intention to take part in the ecumenical movement and join the World Council of Churches (WCC).²⁵⁴

Official Sergianist historiography deems this a forced measure, conditioned by the traditional (for Sergianism) “salvation of the Church”: supposedly in this way it was possible to obtain a platform to announce “new persecutions” and educate new church “intellectuals”. However, such explanations, regardless of the sincere conviction of those who offer them, do not refute two facts: 1) in the international arena, including, in the WCC, official representatives of the Moscow Patriarchate never spoke openly about the facts of persecution, and 2) all their activities were generally assessed positively by the USSR’s special services.

The adoption of ecumenism also became the second most important theological boundary, besides Sergianism, which separated the ROC MP from both the TOC and the ROCOR, which anathematised ecumenical teaching at the Bishops’ Council of 1983.²⁵⁵

The Historical Respite of 1988–1991

The ROC MP was now, as a stable structure, able to deal with perestroika; it was the only officially permitted Russian Orthodox Church in the USSR, and completely subordinated to the communist regime when it came to internal governance and even theology. In addition, on the basis of the Declaration of 1927, it developed its own theological concepts and ideology based on them, according to which any state authority, including openly anti-Christian ones, were a divine institution and expressed the divine will. Based on this, the October Revolution and communism fit into the general continuum of supposedly uninterrupted Russian history; in essence, it was nothing other than the national Bolshevism, anticipated by Nikolai Ustrialov,²⁵⁶ who viewed the Soviet authorities as a “national” phenomenon, which, moreover, would also become a kind of synthesis of Bolshevism and fascism.

253 Acts of the Conference of Heads and Representatives of the Autocephalous Orthodox Churches in Connection with the Celebration of the 500th Anniversary of the Autocephaly of the Russian Orthodox Church. 1948. Accessed: February 3, 2025. http://krotov.info/history/20/1940/1948_09.htm

254 Vasilyeva O.Yu. “The Russian Orthodox Church and the Second Vatican Council”. Accessed: February 3, 2025. https://azbyka.ru/otechnik/Istoriya_Tserkvi/russkaja-pravoslavnaja-tserkov-i-ii-vatianskij-sobor/

255 Anathema on Ecumenism and the Encyclical of the Council of Bishops of the Russian Orthodox Church Outside of Russia, 1983. Accessed: February 3, 2025. <http://internetsobor.org/index.php/istoriya/rptsz/arkhiv-rptsz/anafema-na-ekumenizm-i-okruzhnoe-poslanie-sobora-episkopov-rptsz-1983-g>

256 Savvin Dmitriy, Stalinist socialism, technocracy, neo-sovietism: the Russian Federation as a product of the natural evolution of the communist system. The Warsaw East Law Review. No. 1(3): Warsaw. 2024. P. 134.

The uniqueness of Sergianism as an ideological and socio-political phenomenon consisted in the fact that the ROC MP was the only officially permitted structure that could openly develop and openly declare national Bolshevik ideology.

For both the ROCOR and the anti-communists and dissidents within the ROC MP itself, the main dividing line was the question of how natural such a state of affairs was for the Moscow Patriarchate. The entire spectrum of views boiled down to two main positions: the ROC MP as an institution of an anti-Christian regime, which is not a Church in the canonical and theological sense, and therefore, consequently, is incapable of any spiritual revival. The second position was based on the idea that the ROC MP was a “captive” Church, and Sergianism as such was only the result of this captivity, an ugly external layer that would inevitably disappear after the fall of communism. While the position of the ROC on this issue was unequivocally anti-Sergianist, in the ROCOR (according to its First Hierarch, Metropolitan Philaret (Voznesensky)) both of the above-described points of view were present.²⁵⁷

The growth of perestroika democratisation and “glasnost” coincided with an important anniversary – the celebration of the millennium of the Baptism of Rus in 1988. The anniversary celebrations became a breakthrough in the official information isolation in which the ROC MP had found itself. A process of transferring churches to communities of believers began, having been artificially restricted by the authorities for decades. And as early as in 1989, the first groups of clergy from the ROC MP announced their intention to transfer to the ROCOR.

The events of 1990 marked a very important turning point here. The authority of the communist party at that time had been greatly weakened, and the democratic mechanisms of the Soviet authorities, which had previously existed only in theory, suddenly began to work. The Soviets, elected relatively freely for the first time in history, suddenly became the most anti-Soviet and anti-communist part of the state system. The new Law of the RSFSR “On Freedom of Religious Belief” of October 25, 1990 replaced the Council for the Affairs of Religions and its authorised representatives with the Expert-Consultative Council under the Committee of the Supreme Soviet of the RSFSR on Freedom of Conscience, Religion, Charity and Mercy. The new body was to fulfil advisory and expert functions.²⁵⁸ (The Council for the Affairs of Religions under the Cabinet of Ministers of the USSR was finally abolished shortly before the official dissolution of the Soviet Union, in November 1991.)²⁵⁹ The process of transferring churches to communities of believers truly became relatively free, and the unofficial status of the ROC MP as the only legal Orthodox Church with the right to create open parishes and monasteries was undermined.

Under these conditions, the first legal parishes of the ROCOR in the USSR began to appear, and the surviving ROC communities also gradually emerged from the underground. In May 1990, Archimandrite Valentin (Rusantsov) transferred from the ROC MP to the Russian Church Outside Russia, along with his Suzdal parish; on February 10, 1991, he was ordained a bishop in Brussels. At the same time, certain contradictions surfaced between the older generation of True Orthodox Christians – i.e. the catacombists, who had survived the Soviet persecutions, and the priests and laity from the Moscow Patriarchate who had just joined the ROCOR. So, for example, the above-mentioned bishop of the TOC, Lazar (Zhurbenko), was very sceptical about the democratisation that had begun and considered it necessary to continue his secret, underground ministry. Nevertheless, all the communities and all the bishops who had joined the ROCOR were initially considered a single Free Russian Orthodox Church (FROC). At the same time, according to Bishop Gregory (Lur’e) from the Bishops’ Conference of the Russian Orthodox Autonomous Church (ROAC), it was the catacombists who came to the first parishes of the FROC and who made them into a proper church space, preventing the newly formed communities from being turned into something like national-patriotic or monarchist clubs.²⁶⁰ As for the town of Suzdal, thanks to the active work of Bishop Valentin (Rusantsov) in 1989-1991, many churches there were transferred not to the Moscow Patriarchate, but to the FROC, and Suzdal itself became the unofficial capital of “alternative” Orthodoxy in Russia for more than twenty years.

The Suzdal precedent demonstrated the colossal potential of the FROC, which united old catacombists and a new generation of “internal diaspora” who left the Moscow Patriarchate. The ideology of this Church was theologically grounded anti-communism, combined with monarchist and nationalist sympathies (the latter, however, although widespread, was never mandatory).

At the same time, two fundamental contradictions immediately emerged both within the ROCOR and within the FROC. The first was theological, canonical and ecclesiological. Was the Russian Orthodox Church MP a graceless Soviet false church, or an enslaved, “wrong” but Orthodox Church after all, in which the Holy Spirit acts and the Sacraments are performed? The answer to this question determined the choice of a fundamental strategy in the missionary and administrative spheres. If the Russian Orthodox Church MP was a false church, then it must be resisted, striving to increase the number of parishes of the true Church – the FROC. If they were “enslaved brothers” or even “brothers in the Fatherland”, then it was necessary to seek rapprochement with them, hoping for their “purification” and “healing”.

The second question was the canonical status of the FROC. Throughout its history, the Russian Orthodox Church Outside Russia considered itself part of the united Russian Church, which temporarily switched to self-government in accordance with Decree No. 362 of Patriarch Tikhon. And the TOC was considered to be yet another self-governing part of the same, spiritually united, Russian Church. After the creation of the FROC, the question of its

257 Audio recording of the speech of Metropolitan Philaret (Voznesensky). Accessed: February 4, 2025 <https://www.youtube.com/watch?v=oxxRkpkQS4o>

258 Law of the RSFSR on Freedom of Religion of 25.10.90 N 267-I. Accessed: February 4, 2025. <https://normativ.kontur.ru/document?moduleId=1&documentId=1137>

259 “Council for the Affairs of Religions under the Council of Ministers of the USSR, 1943-1991”. Boris Yeltsin Presidential Library. Accessed: February 3, 2025. https://www.prlib.ru/sites/default/files/u1/7_guide.pdf

260 Opinion expressed in personal communication with the author.

status inevitably arose: was it a sister Church, the successor to the catacomb TOC (regarding which foreigners only helped to restore the episcopate), and which was completely independent, or were we only talking about the dioceses and parishes of the ROCOR in Russia, which were subordinate to the foreign Synod of Bishops.

Ultimately, it was the fundamental contradictions in these two positions that turned out to be fatal for both the FROC and, subsequently, for the ROCOR.

The rise of spontaneous perestroika democracy also became a serious test for the Sergianist foundations of the Moscow Patriarchate. This was expressed, mainly, in the adoption of the new Charter of the ROC MP at the Local Council of 1988. In contrast to the basic idea of the previously existing Soviet laws, which assigned bishops and priests the role of “servants of the cult” hired by the community, from now on the administrative powers of bishops and senior priests were officially secured.²⁶¹ In addition, one important innovation was introduced: the Local Council – the highest body of church authority, where not only bishops but also other clergy, as well as monks and laity, were represented – was to meet regularly, “but no less than once every five years”.²⁶² The next important stage was the second Local Council in 1990, convened to elect a new patriarch (after the death of the head of the Russian Orthodox Church MP, Pimen (Izvekov)). In contrast to the standard Soviet-era scheme, whereby the candidacy of the new head of the Moscow Patriarchate was unofficially approved by the communist government through the Council for the Affairs of Religions, this time there was a “glitch”²⁶³ and instead of the nomenklatura favourite Philaret (Denisenko), Metropolitan Alexey (Ridiger) of Leningrad and Novgorod was elected by secret ballot. He was also completely loyal to the regime, but was considered somewhat of a compromise and a liberal figure. This same Local Council published an appeal, which stated “that, while paying tribute to the deepest respect for the memory of Patriarch Sergius and gratefully recalling his struggle for the survival of our Church during the difficult years of persecution, we nevertheless do not at all consider ourselves bound by his Declaration of 1927, which preserves for us the significance of a monument to that tragic era in the history of our Fatherland”. At the same time, the sharply negative assessment of the ROCOR remained unchanged: “Not having recognition of the entire Orthodox Plenitude due to its anti-canonicity, a group of bishops calling itself the Bishops' Council of the Russian Orthodox Church Outside Russia, which for decades has been sowing discord among our Orthodox compatriots in the diaspora, has now sown unrest in the church on the territory of our country”.²⁶⁴

Here we see that the ROC MP had been repeating, step by step, all the maneuvers of the communist regime: on the one hand, for the first time in its system of governance, not theoretical, but real democratic elements were appearing. For the first time, they were beginning to speak openly about martyrs and confessors for the faith (similar to how, in general, an open discussion is beginning regarding the real scale of communist repressions, and not of individual episodes, such as the “Great Purge” of 1937 and Beria’s subsequent purges). But at the same time, fidelity to the legacy of Sergius (Stragorodsky) was also declared, as was the firm conviction that the ROC MP was the only “canonical” Orthodox Church.

After 1991: the beginning of the neo-Soviet reaction

The main factor that determined the transition to the neo-Soviet model and the blocking of revolutionary and truly anti-communist changes in the socio-political sphere was the retention of power by the Soviet ruling class and the Soviet apparatus of power. After the dissolution of the USSR in December 1991, all key posts at both the national and regional levels in the Russian Federation were occupied not just by former communists (they made up about 90% of them), but by representatives of the communist nomenklatura (approximately 75%).²⁶⁵ The situation that developed at that time was very vividly and accurately characterised by the famous dissident, human rights activist and anti-communist activist Vladimir Bukovsky: “These results were quite predictable... I spent many hours in 1991 persuading the Yeltsin leadership to organise a trial of the communist regime, preferably according to the Nuremberg Laws. Well, if not a trial (they didn't like the idea of a trial), then at least an international commission of historians... but Yeltsin was stubbornly against it... A year later, Yeltsin was already on the defensive... and a couple of years later, he had given up everything – both his team and his policy... After 1993, he was no longer the master, having become a hostage to the “siloviki” [members of the security organs]... Restoration was inevitable”.²⁶⁶

In the church sphere, events developed according to the same pattern. At the Bishops' Council of the ROC MP in 1992, in contrast to the position of the future patriarch, and then Metropolitan, Kirill (Gundyayev), a decision was made to create a commission to study the cooperation of the clergy and the KGB.²⁶⁷ However, in the end, this commission not only did not begin work, but was never even formed. Despite a number of high-profile publications in the media, including confessions by some high-ranking KGB agents within the ROC MP (Metropolitan Philaret (Denisenko), and Archbishop of Vilnius and Lithuania

261 Charter on the Governance of the Russian Orthodox Church (1988). Accessed: February 6, 2025. <https://lib.pravmir.ru/library/readbook/1356>

262 Ibid.

263 “The Ukrainian Church was split by Moscow and the KGB”. Interview with Philaret (Denisenko). TSN. Accessed: May 3, 2025. <https://tsn.ua/ru/interview/ukrainskuyu-cerkov-raskololi-moskva-i-kgb-1283118.html>

264 Appeal by the Bishops' Council to the archpastors, pastors and all faithful children of the Russian Orthodox Church. Local Council of 1990. Accessed: February 6, 2025. <http://www.patriarchia.ru/db/text/525416.html>

265 Savvin Dmitriy, Stalinist socialism, technocracy, neo-sovietism: the Russian Federation as a product of the natural evolution of the communist system. The Warsaw East Law Review. No. 1(3): Warsaw: 2024. P. 132.

266 Vladimir Bukovsky: Russia on the Chekist Hook. “Achilla”. Accessed: February 6, 2025. <https://ahilla.ru/vladimir-bukovskij-rossiya-na-chekistskom-kryuke/>

267 “To Serve and Repent”. Ogonyok Magazine, January 28, 2007. Accessed: February 6, 2025. <https://www.kommersant.ru/doc/2298309>

Chrysostom (Martishkin)), there was no church lustration, nor publication of materials about the KGB agents within the Moscow Patriarchate.²⁶⁸

Thus, the ROC MP preserved its Soviet apparatus of power, just as the Russian Federation as a whole preserved it; likewise, practically the entire agent network that the KGB had developed in the Moscow Patriarchate was preserved, having been inherited by the Federal Counterintelligence Service (the future Federal Security Service, the FSB).

As early as 1992, a neo-Soviet model of church-state relations began to form, within the framework of which the Russian Orthodox Church MP was enshrined as the only permitted Orthodox Church with which the state maintained relations and actively heled financially, while all other jurisdictions were viewed extremely negatively – as “sects” and “schismatics” who were tolerated at best.

Relatively quickly, including thanks to the personal relations of President Boris Yeltsin and Patriarch Alexey II, the Russian Orthodox Church MP was integrated into new, already neo-Soviet, economic mechanisms. The Moscow Patriarchate found itself (along with, for example, “sports organisations”) in a privileged group, which was provided with very significant tax breaks. Former Russian Minister of Taxes and Duties Alexander Pochinok described the situation as follows: “The Church's income did not meet even 10% of its budget, so the Russian Orthodox Church had to rely only on the state. But the coffers were empty, so the government decided to help by allocating quotas for the import of excisable goods - to the Russian Orthodox Church, providing the appropriate permission through the government commission on humanitarian aid for their import. At the same time, the Russian Orthodox Church – or rather, companies close to it – were exempt from paying customs duties... Archbishop Clement of Kaluga, who was then appointed chairman of the commission on humanitarian aid of the Moscow Patriarchate, himself, for example, participated in the creation of the commercial bank “Peresvet”. And what kind of humanitarian aid this was, you probably remember. Almost everything was imported into Russia through this tax-free corridor – from that same tobacco to Mercedes 600s. At the same time, in official documents, vodka was listed as wine, and a Mercedes – as an ambulance. Under just one declaration, goods could be imported up to a hundred times”.²⁶⁹

From our experience working in the Chita-Zabaikalsk diocese of the Russian Orthodox Church MP, we also know that various state (or state-controlled) organisations provided financial and material assistance to the structures of the Moscow Patriarchate: these could be either monetary donations or the provision of other resources: transport, fuel and lubricants, etc.

All this created an obvious advantage in comparison with the communities of the Free Russian Orthodox Church, which united true Orthodox Christians emerging from

the underground and the new “internal diaspora”. The humanitarian aid provided by the diaspora, even in the early 1990s, could not be compared with state support for the Russian Orthodox Church MP. In addition, since 1992, the Russian authorities have again gradually begun to use repressive measures against the FROC for being “incorrectly” Orthodox.

First, obstacles to the registration of Orthodox groups are gradually again being put up against communities that do not belong to the Russian Orthodox Church of the Moscow Patriarchate. This, in turn, has excluded the legal possibility of petitioning for the provision of one or another church building to them (almost all church buildings were still state property, since restitution was not carried out).

Secondly, direct repressions were resumed. Back in 1992, the first cases of the expulsion of FROC communities from churches previously transferred to them were recorded – as was the case, for example, with the Kainsky St. John the Baptist Parish in the Novosibirsk Region, which transferred from the ROC MP to the FROC in May 1991, and on October 16, 1992, as a result of an “armed raid”, the community was expelled from the church, which was then given to the Moscow Patriarchate. On April 1, 1993, the Assumption Church in the village of Valishchevo near Moscow was forcibly “returned” to the ROC MP, and on August 12, 1993, the Holy Trinity Cathedral in Oboyan was taken away. Another important milestone was the violent seizure of a church belonging to the Russian Church Outside Russia in the Voskresensky Novodevichy Convent in St. Petersburg on October 5, 1994.²⁷⁰

It should be noted that at that time, the persecution of the ROCOR and TOC communities was not yet systematic, just as discrimination against them was not yet systemic. However, it is extremely significant that immediately after the risk of lustration (and, consequently, a real anti-communist revolution) subsided, both the state and the Moscow Patriarchate began to restore Soviet practices of church-state relations.

And at the same time, the ideology of neo-Sergianism began to develop, which, as is now obvious, to a significant extent formed the ideological basis of Putin's neo-Sovietism.

The “patriotic” origins of neo-Sergianism

The theological concept described above, formulated by Sergius (Stragorodsky) in the Declaration of 1927, proceeds from the fact that any authority is a divine institution, and all its activities are a manifestation of the divine will. The fact that Sergius (Stragorodsky) decisively renounced the new martyrs and confessors who suffered under the communist regime, branding them “political schemers” and criminals, is proof that this is not just a matter of “forced” or “unsuccessful” formulations.

²⁶⁸ Ibid.

²⁶⁹ Alexander Pochinok: “The customs benefits of the Russian Orthodox Church were a big mistake”. “Izvestia”. Accessed: February 6, 2025. <https://archive.ph/20130417014420/www.izvestia.ru/russia/article3124607>

²⁷⁰ “Chronology of the Year 2000”. Accessed: February 6, 2025. <http://yakov.works/history/20/1990/rpcz.htm>

This worldview model considers the state and the ideology it transmits as a kind of replaceable module that retains its sacred and even divine properties, but at the same time, if necessary, is replaceable. This makes it relatively easy to adapt the Sergian system and ideology to any political changes (a striking example of which were the events in church life in the 1990s in Latvia, and partly in Ukraine).

The difference from classical Caesaropapism, including the Caesaropapist model of the synodal Greek-Russian Church before 1917, is that any Caesaropapism implies that the “Caesar” himself professes Orthodoxy and defends it. And this is what makes it legitimate and gives him certain rights in relation to the Church.

Sergian theology asserts that the ruling subject – the conditional “Caesar” – may not only *not* be a Christian, but also may be an atheist and a rebel against God. However, even in this case, he certainly remains a conductor of the divine will – the “God-given Leader”, as Sergius (Stragorodsky) called Stalin.

After 1991, when the regime abandoned the Marxist-Leninist ideological fiction and declared official “de-ideologization”, a certain hole appeared in the Sergianist system: since the state formulated very vaguely what it wanted to achieve, apart from “freedoms” and “democracy”, it became unclear what should be considered the new ideological “line” – the “divine will” understood in the Sergianist sense.

It is therefore quite natural that ideological searches shifted to relatively oppositional, “right-wing” and “national-patriotic” circles of the ROC MP. The history of the ideological vacillations of that time itself requires a large and detailed study. But among all the authors of the 1990s, Metropolitan John (Snychev) and his main ideological and literary assistant, Konstantin Dushenov, clearly stand out. The question of whether John (Snychev) is the author of his later works, or whether his name became the “creative pseudonym” of K. Dushenov, still remains open. Comparing earlier works, the authorship of which is not in doubt, with what was published in the name of John (Snychev) later, it can be argued that he, at least, agreed with these ideas, although it is far from certain that he was their creator. We find their quintessence in the work “Sobornaya Rus” of 1995:

“The grandiose building of Orthodox Russian Statehood was erected over the course of nine centuries by many generations of Russian people under the blessed cover of living faith, which allowed them to “listen to the words of the Lord and do them”. And as long as the people remained faithful to their providential calling, no historical cataclysms could destroy the temple of Holy Rus, “for it was founded on the rock” of the Commandments of Christ.

When the decay of unbelief, theomachy and cosmopolitanism gradually eroded the monolithic spiritual foundation of Russian society, and militant individualism destroyed its conciliar bonds, turning the once solid foundation of Russia into sand and dust, the terrible prophecy came true: the State fell into the abyss of civil strife and unrest, “and its fall was great”...

In essence, in the chaos of the civil war, two ideological models equally distant from the Russian ideal, equally soulless and hostile to Holy Rus confronted each other: Christ-fighting communism with its misanthropic calls for “class hatred,” and Western European liberalism with its godless cult of individualism, self-sufficient pride and unbridled consumerism. These were two heads of the same dragon, born and nurtured by the West during its long, centuries-long spiritual rebirth, which had once turned the Christian world of Western Europe into a hotbed of atheism and “humanism”.

Of course, on both sides there were many people who were personally honest and well-intentioned, who were sincerely mistaken or did not see any other way out for themselves in the current situation. Nevertheless, the fact remains: by fiercely exterminating each other, Russian people of polar political convictions equally contributed to the collapse of Historical Russia”.²⁷¹

At first glance, such an assessment looks extremely conservative, and traditionalist-monarchist. However, in essence, it only develops the ideas that can be seen in the book “The Truth about Religion in Russia” of 1942. In short, they are as follows:

- the continuity of Russian history, in which the Bolshevik coup is merely yet more turmoil;
- in the conditions of the 1990s there was no longer any point in showing respect for Marxism-Leninism, therefore communism was condemned;
- however, it is not considered the main, and especially apocalyptic, evil. Communism is just one manifestation of the destructive influence of the “West”, standing on a par with liberalism and humanism;
- the civil war was not, in this sense, a struggle of the national and Christian principles against the anti-Christian International, but it was merely a strange battle between the two heads of one dragon;
- as a consequence, the Soviet legacy in moral and religious terms was equated with the legacy of the White movement and White emigration, an inevitable prerequisite being created for their “reconciliation” and “synthesis” – in full accordance with the principles of national Bolshevism;
- the natural goal was the restoration, while drawing on this national-Bolshevik synthesis and the cult of the “Great Patriotic War”, of the “grandiose building of the Orthodox Russian Statehood”;
- the main enemy on the path to this goal was the “West”, liberalism, democracy and humanism.

All these attitudes, which in aggregate we can define as neo-Sergianism, are in direct contradiction with the theological and ideological principles of the TOC. The Soviet

271 John, Metropolitan of St. Petersburg and Ladoga. “CATHEDRAL RUSSIA ESSAYS ON CHRISTIAN STATEHOOD” Accessed: February 6, 2025. http://www.golden-ship.ru/knigi/8/ioann_snichnev_rus_sobornaya.htm

authorities are transformed here from the antichrist's authorities into a historical “nuisance”, and the USSR is not the forerunner of the kingdom of the antichrist, but part of a single Russian history. At the same time, a radically anti-European, anti-democratic and anti-humanistic discourse is cultivated and even theologically justified, which, in general, was not characteristic of either the TOC or the ROCOR.

In the 1990s, the ideas formulated by Konstantin Dushenov and Ioann (Snychev) were mainly circulated among so-called national patriots, and the metropolitan himself was perceived by the MP leadership as a kind of *enfant terrible*. However, since 2000, the ROC MP has gradually begun to venerate these ideas. In turn, in the ROCOR this has often been associated with the coming to power of the new president of the Russian Federation, Vladimir Putin, who began to experiment with “patriotic” discourse.

“Presidential unification” of 2000–2007: the defeat of the ROCOR as an attempt to win the Civil War

In the 1990s, the FROC experienced several schisms, which led to its fragmentation into a number of different jurisdictions. The Suzdal centre of the ROCOR-TOC, headed by Metropolitan Valentin (Rusantsov), in 1995 refused to recognise the authority of the foreign Synod of Bishops, eventually transforming itself into the Russian Orthodox Autonomous Church (the name “autonomous” was imposed by the authorities of the Russian Federation). The communities in Russia subordinate to Archbishop Lazar (Zhurbenko) formed the Russian True Orthodox Church (RTOC), which refused to recognise the retirement of Metropolitan Vitaly (Ustinov) in 2001 and from that time began to act independently. At the same time, a division within the ROCOR occurred abroad – some communities are still subordinate to Metropolitan Vitaly (the so-called ROCOR(V)), some remain in the more numerous branch headed by Metropolitan Laurus (Shkurla) – ROCOR(L). At the same time, ROCOR(L) is considered to be the main version of the Russian Church Outside Russia.

The reasons for these schisms in the ROAC, RTOC and ROCOR(V) are usually given as secret negotiations on unification with the Sergianist Moscow Patriarchate, negotiations which, presumably, some bishops from the ROCOR had begun by 1992. Another reason for the conflicts is also considered to be the active work of the Russian secret services.

Currently, we do not have the necessary documentary evidence or comprehensive testimony to allow us to state this unequivocally. However, there are a whole host of indirect indications, on the basis of which, at a minimum, this version can be considered realistic.

First of all, it is indicative of the extremely active personal participation of Vladimir Putin in the so-called “reunification” of the ROCOR and the ROC MP, which was completed in 2007. He personally met with the First Hierarch of the ROCOR Laurus (Shkurla) on numerous occasions – in 2003, 2004 and 2005. The official position on this issue

was formulated clearly and quite frankly: “This is one of the important components of the work carried out with the participation of the president to overcome the schism, which has its roots in the period of the Civil War in Russia, and to bring the two Orthodox Churches closer together”.²⁷² Putin also stated that he was not only interested in the unification of the ROCOR and the ROC MP, but also directly told the leadership of the ROCOR in New York that he was ready to “lend a hand” if they “turn[ed] to him for help”.²⁷³ His activity in this regard was such that a prominent cleric of the ROCOR, archpriest Viktor Potapov, said in 2004: “Putin has done his job, which, admittedly, did not require much effort. But this unification, if it happens, will go down in history as a presidential unification”.²⁷⁴

It is also noteworthy that it was in 2000 that a certain imitation of a “right” turn began in the ROC MP, an event which was accompanied by the strengthening of authoritarian and anti-democratic tendencies within the Moscow Patriarchate. The Jubilee Bishops' Council of the ROC MP in 2000 decided to canonise new martyrs and confessors of Russia, including Emperor Nicholas II and his family. The ROCOR had carried out a similar glorification back in 1981. The ROC MP, in turn, did not do this until 2000, that is, for eight years after the dissolution of the USSR and the official de-ideologization of the regime. However, it hastened to do it soon after Putin came to power.

In addition, the same Jubilee Council adopted the “Fundamentals of the Social Concept of the Russian Orthodox Church”, which also contains the following clause: “If the authorities force Orthodox believers to apostatise from Christ and His Church, as well as to commit sinful, soul-damaging acts, the Church must refuse to obey the state. A Christian, following the dictates of his conscience, may not fulfil the command of the government, which forces him to commit a grave sin”.²⁷⁵

The canonisation of the new martyrs and the quoted paragraph, if one wishes, could be interpreted as the ROC MP's negation of the Declaration of Sergius (Stragorodsky). And this became an important argument in favour of unification for the liberal, pro-Moscow wing of the ROCOR.

At the same time, the same Jubilee Council of 2000 adopted a new Charter, in which the previous provision on convening a Local Council at least once every five years was replaced by the wording “as necessary”.²⁷⁶ At the same time, throughout the nineties, from

272 “President Putin to Meet with Representatives of Moscow Patriarchate and ROCOR in New York”. Patriarchia.ru. Accessed: February 7, 2025. <http://www.patriarchia.ru/db/text/40176.html>

273 “Meeting of President Putin with Metropolitan Laurus, First Hierarch of the Russian Orthodox Church Outside Russia”. Voice of America. Accessed: February 7, 2025. <https://www.golosameriki.com/a/a-33-2005-09-16-voa11/654758.html>

274 Religious observer for the radio station “Voice of America”, cleric of the ROCOR (L) Archpriest VIKTOR POTAPOV: “This unification, if it happens, will go down in history as a presidential unification”. Accessed: February 7, 2025. <https://archive.md/Oc6Vd>

275 Fundamentals of the Social Concept of the Russian Orthodox Church. Accessed: February 7, 2025. <http://www.patriarchia.ru/db/text/419128.html>

276 Charter of the Russian Orthodox Church. Local Council. Accessed: February 7, 2025. <http://www.patriarchia.ru/db/text/133117.html>

1990 to 2000, in violation of the previously effective Charter, the Local Council of the ROC MP was not convened. Having waited out the short period of perestroika-related democratisation, the leadership of the Moscow Patriarchate began to consistently destroy all the institutions that allowed laymen and ordinary priests to at least slightly influence church governance. In fact, in the ROC MP in 2000, as well as in the Russian Federation as a whole, its own “vertical of power” began to be built. And, as in the Russian Federation as a whole, the prerequisites for this had been maturing since 1992.

The so-called unification of the ROC MP and the ROCOR – or rather, the most numerous part of the ROCOR, headed by Laurus (Shkurla) - took place in 2007, and came as a surprise to many. The Russian Church Abroad, which for decades had declared that unity was impossible without the Moscow Patriarchate rejecting Sergianism and ecumenism, suddenly agreed to accept both. Despite the fact that, by the time the supporters of Laurus (Shkurla) had held their own IV All-Diaspora Council, most of the active opponents of the merger with the ROC MP had already left their jurisdiction, the resolutions of the council still stated that the problem of ecumenism – membership in the World Council of Churches – remained, and it was necessary to “heed the plea of our flock for the speedy elimination of this temptation”.²⁷⁷ The Bishops' Council of the ROCOR that took place next, having declared the achieved “general agreement” on the “stage-by-stage development of canonical and Eucharistic communion between the disparate parts of the united Russian Church”, also noted: “We do not intend to idealise the situation; undoubtedly, both parts of the Russian Church still have problems that require resolution”.²⁷⁸ The general course towards unification was clear, but it seemed that it would not be quick due to the remaining fundamental differences.

However, exactly one year passed and on May 17, 2007, the Act of Canonical Communion was signed in Moscow.²⁷⁹ In essence, in theological and ideological terms, this was a complete capitulation of the ROCOR. Neither Sergianism nor ecumenism were rejected, but the diaspora themselves came under the control of the Moscow Patriarchate, retaining only relative autonomy. At the same time, official representatives of the ROC MP and the neo-Soviet regime of the Russian Federation did not hide the fact that they considered this the end of the Civil War. Thus, the Secretary for Inter-Orthodox Relations of the Department of External Church Relations of the ROC MP, Archpriest Nikolai Balashov, later stated: “The signing of the Act of Canonical Communion is the last point

in the history of the Civil War”.²⁸⁰ On May 17, 2007, precisely, from the pulpit of the Cathedral of Christ the Savior in Moscow, President Putin spoke about the same thing, although in more evasive terms: “The signing of the Act of Canonical Communion signifies not only the restoration of the unity of the Russian Orthodox Church. This is an event of truly national, historic scale and enormous moral significance.

The church division arose as a result of the deepest political split in Russian society itself, as a result of the fierce confrontation between the parties, primarily in the civil environment... The revival of church unity is the most important condition for the restoration of the lost unity of the entire “Russian world”, one of the spiritual foundations of which has always been the Orthodox faith”.²⁸¹

The ROCOR, despite all its shortcomings, remained the only influential institution of White emigration. Its theological and ideological capitulation was not just a symbolic end to the Civil War in Russia — it was that very victory over the “church counterrevolution”, “Tikhonism”, for the sake of which Trotsky and Dzerzhinsky had constructed the Renovationist schism, and then the OGPU had sought the adoption by Sergius (Stragorodsky) of his Declaration of 1927. The idea of the “Russian World” — a vaguely abstract Rus' as a unifying principle within the Soviet space, formulated by Sergius (Stragorodsky) and Nikolai (Yarushevich) at a meeting with Stalin in 1943 and receiving his approval — successfully grew into the concept of neo-Soviet “patriotism” (essentially, statism). The reconciliation that Putin discussed was the embodiment of the national-Bolshevik idea of Nikolai Ustrialov, who proclaimed the synthesis of Bolshevism and fascism, and the “rebirth” of communist statehood.

The path that began in 1922 ended with the Soviet/neo-Soviet triumph in 2007. And if we evaluate the events from this angle, the extensive activity that Putin and the entire state apparatus developed becomes clear: the neo-Soviet system sought to consolidate its victory in the Civil War, which was still ongoing in the ideological and spiritual spheres.

“Russian World” of Neo-Sergianism and Neo-Sovietism

The spiritual and ideological defeat of the ROCOR in 2007 marked the beginning of a new stage in church-state relations in the Russian Federation. Until that moment, the Russian Church Abroad remained an alternative to the neo-Sergian and neo-Soviet discourse and, as such, was a restraining factor for both the Kremlin and the Moscow Patriarchate. After the “Act of Canonical Communion” the need for mimicry disappeared, and both re-Sovietisation within the ROC MP (expressed, in particular, in a new wave of

²⁷⁷ Resolution of the IV All-Diaspora Council of the ROCOR. San Francisco: May 11, 2006. Accessed: February 7, 2025. <https://www.russianorthodoxchurch.ws/synod/2006/5sobresolution.html>

²⁷⁸ Message to the God-loving flock of the Bishops' Council of the Russian Orthodox Church Outside Russia, held from May 15 to 19, 2006. Accessed: February 7, 2025. <https://www.russianorthodoxchurch.ws/synod/2006/5poslaniye.html>

²⁷⁹ Act of Canonical Communion. Accessed: May 2, 2025. <https://www.patriarchia.ru/db/text/155920.html>

²⁸⁰ “It’s time to do what Russian emigrants prayed for”. The Moscow Times. Accessed: February 7, 2025. <https://www.newtimes.ru/articles/detail/12735/>

²⁸¹ Speech at the signing ceremony of the Act of Canonical Communion between the Moscow Patriarchate and the Russian Orthodox Church Abroad. Accessed: February 7, 2025. <http://kremlin.ru/events/president/transcripts/24258>

glorification of Sergius (Stragorodsky)) and the rejection of “White Guardist” elements in state propaganda began.

The idea of the “Russian world”²⁸² – a kind of unified space and even “civilisation” whose borders suspiciously coincided with the borders of the Soviet Union,²⁸³ became the basis for the claims of the Russian Orthodox Church of the Moscow Patriarchate to ecclesiastical dominance within the former USSR, and primarily to “canonical” authority over Ukraine. At the same time, the Russian Orthodox Church of the Moscow Patriarchate itself became one of the main contours of this “Russian world” in official statements and propaganda of the Kremlin.

In general, within the framework of this study, we can identify the following main stages in the development of church-state relations after 1917:

- the period of war communism (1918-1921) – an attempt to destroy the Orthodox Church by genocidal and terrorist methods;
- the transition to the NEP and the first attempt to create a pseudo-Orthodox church structure completely controlled by the authorities – the emergence of renovationism (1921-1927);
- the failure of the renovationist project and its implementation in a “conservative” and “orthodox” form – Sergianism (1927-1943);
- the final consolidation in the Soviet Union of the quasi-state status of the Sergianist jurisdiction – the Russian Orthodox Church of the Moscow Patriarchate, which in fact and even legally found itself in complete subordination to the communist regime (1943-1988);
- a period of temporary weakening of the communist system, the emergence of the TOC from the underground, and an attempt to democratise the ROC MP (1988-1992);
- the beginning of the neo-Soviet restoration, a gradual increase in pressure and direct repression against independent Orthodox jurisdictions, the actual return of the ROC MP to its quasi-state status (1992-2000);
- after 2000: the progressive development of neo-Sovietism, accompanied by the strengthening of neo-Sergianism in the ROC MP and increasingly overt persecution of the TOC and the ROCOR. The actual integration of the Russian Orthodox Church MP into the state system was taking place, and their almost complete ideological fusion. The concept of Sergianist “patriotism” gave rise to the idea of the “Russian World”, the Soviet non-Marxist identity developed by the Moscow Patriarchate became the ideological basis for the neo-Soviet Russian Federation.

In fact, the national-Bolshevik (Soviet-fascist) ideological synthesis predicted by Ustrialov began, and the basis for it was developed by the Russian Orthodox Church MP back in 1927-1945. At the same time, neo-Sergianism, as a form of national-Bolshevism, retained its ideological value for the Russian Federation even despite the real-world decline in the influence of the ROC MP in society.

And, in this regard, neo-Sergianist ideology has long since gone beyond the confines of the church and religious space itself, becoming the state’s ideological mainstream in the Russian Federation.

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Russian opposition after the 2022 invasion of Ukraine: An attempt at classification and analysis

Abstract

Russian opposition after the 2022 invasion of Ukraine - an attempt at classification and analysis

This paper examines the Russian opposition movement, its historical background, current dynamics, and key challenges. The analysis includes an overview of political structures, societal responses, and the role of media in shaping opposition narratives. The study highlights significant figures within the opposition, their strategies, and the obstacles they face in a highly controlled political environment. The paper also explores international perspectives on Russian opposition and the extent of external support. This work aims to provide an in-depth understanding of the mechanisms of political resistance in contemporary Russia.

Keywords: political opposition, dissidents, war, Ukraine, Russia, ethics, philosophy politics

Introduction

Much like Russian politics as a whole since the beginning of Vladimir Putin's rule, the Russian opposition has been described in a variety of ways. Nevertheless, there is no doubt that a semblance of political life in its classic sense existed in Russia until February 2022. Since the launch of the full-scale invasion of Ukraine by the Russian Federation in February 2022, one can observe a fundamental shift in the opposition's strategy and tactics vis-à-vis the authorities. This concerns both the assessment of the legality and legitimacy of the authorities as such, and the methods employed to fight against them. The formal commitments have been transformed at both the horizontal and vertical levels in the relationship between the authorities and the opposition. **February 2022 has become**

a historical watershed for the entire post-Soviet space.²⁸⁴ The impact and scale of these changes will only become apparent in the future, as we are currently in the very midst of these developments. This means that, in addition to describing this phenomenon, we need to attempt a comprehensive analysis of the ongoing political and social processes triggered by Russia's war against Ukraine. At the same time, as researcher Andrejs Gusachenko observes, "it is interesting to compare similar processes occurring a hundred years ago within the Russian émigré world, both in Western Europe and in Latvia. There is no doubt that the contemporary situation and the discourse captured a century ago are fundamentally different. We would like to hope that the present-day political émigré community can draw some lessons from history, which has always abounded in them."²⁸⁵

The main aim of this article is to attempt a classification and systematisation of the shifts in the actions undertaken by the Russian opposition as a result of Russia's invasion of Ukraine in February 2022. Although three years have already passed, there is still a shortage of reliable academic studies on the transformations that have occurred in the Russian opposition circles, as highlighted by Polish researchers Paulina Szeląg and Olga Wasiuta.²⁸⁶ Russian political scientist and lawyer Vladimir Pastukhov is more categorical: he argues that no organised opposition exists,²⁸⁷ and what remains are only individual acts of opposition, which the Putin regime is capable of eliminating entirely.

The structure of the opposition and forms of legitimisation

This article will draw heavily on the analysis prepared by the Center of Political Narratives of Democracy (Ukraine) and the analytical group Akademia Wschód (Poland), titled "Russian Opposition after February 24: In Search of Identity or the Moral Purity of Solzhenitsyn."²⁸⁸ In the wake of the open invasion of Ukraine, it is worth reconsidering who

may be described as the Russian opposition. In academic and journalistic texts analysing Russian political reality since 2004,²⁸⁹ the term 'non-systemic opposition' (*несистемная оппозиция*) has become widely used. However, the current reality has significantly expanded the phenomenon of opposition to include anyone who adopts an anti-war stance. Opposition to the war has created a situation where even a protest with a blank sheet of paper held up outside an underground station constitutes a political act — an act of dissent.

To simplify the analysis, we will set aside the debate over the exact point in history when Russia became a totalitarian state — or whether it remains an authoritarian state — as well as the question of whether the scale of repression after 2022 is comparable to that applied in the era of Stalin or Leonid Brezhnev since this lies outside the scope of our inquiry. The phenomenon of the Russian opposition will be described as a political and socio-cultural phenomenon that operates across all levels of Russian society, which to some extent contradicts the popular claim that all Russians (citizens of the Russian Federation²⁹⁰) bear moral responsibility for the crimes of the current war. In Ukraine, there has been a growing popularity of memes, *pejorative slogans and narratives about 'good Russians' (хорошие русские)*, i.e. Russians who speak out against the war. On 24 February 2022, Ukrainian President Volodymyr Zelensky addressed Russian people, asking whether they wanted war, and assuring them that the Ukrainian nation was solely peace-oriented.

The phenomenon of the Russian opposition (adopting an anti-war stance), whose representatives are predominantly in exile, requires theoretical consideration as a completely new phenomenon (a non-political actor) in the international arena.²⁹¹

After February 2022, the notion of 'Russian opposition' has expanded radically, driven by the need to resolve dilemmas that had not existed prior to the open phase of the war waged by Russia against Ukraine since 2014. This phenomenon may be described as follows:

"... after this historic event, the unequivocal answer to the fundamental question once asked of Russians by Herzen — "Who is to blame?" — became: Putin. Consequently, the timeless Russian question posed by Chernyshevsky — "What is to be done?" — began to resurface.

Regrettably, even thirty years after the collapse of the USSR, there is still no answer to the question asked by Solzhenitsyn: "How should we organise Russia?" It can be assumed

284 A detailed methodological justification of why Russia's war against Ukraine is the end of the post-Soviet era and the social, political and geopolitical consequences of this fact is given in Mykhailo Minakov's 'The Post-Soviet Human' ibidem-Verlag, Hannover Stuttgart 2024; a description of the emergence and changes in the identity of the 'post-Soviet human' in Russia and Ukraine (with common and different features) based on a literature review is given in Mykhailo Minakov's 'Инженеры новых душ. Постсоветская цезура и полагание новых социальных миров в философии и литературе Украины и России 1990-х годов', 2025, Palladium, accessed 19.03.2025 <https://tinyurl.com/yc63wnf>

285 A. Gusachenko, *Вопросы общественно-политической деятельности русской эмиграции: "Русский зарубежный съезд" 1926 года и его отголоски в Латвии*. "The Warsaw East Law Review" 2/2024, p. 54.

286 P. Szeląg, O. Wasiuta, *Fake Solidarity? Actions Taken by the Russian Opposition Since the Outbreak of Full-Scale War in Ukraine*, "Polish Political Science Yearbook", vol. 54(1) (2025), p. 182.

287 Ходорковский и Пастухов: Декларация оппозиции в Берлине. Позиция ФБК. Что после Путина? Ходорковский LIVE, accessed 16.04.2025, <https://www.youtube.com/watch?v=JETnVlaP3qY>

288 Report titled "Russian Opposition after February 24: In Search of Identity or the Moral Purity of Solzhenitsyn" <https://www.geopolitic.ro/2025/04/russian-opposition-february-24-search-identity-moral-purity-solzhenitsyn/>, accessed 24.04.2025, Geopolitica. ISSN: 3044-8484 ISSN-L: 1583-543X

It is worth noting that the editor of the report is also the author of this article who, within his journalistic activity, participated in various events described in the report, which may have methodological consequences for the assessment of the events that were observed and then described in various publications.

289 Гельман В. Я., *Политическая оппозиция в России: вымирающий вид?* – "Полис. Политические исследования". 2004. No. 4. pp. 52–69.

290 There is a certain difficulty in defining who can be called a 'Russian' (only holders of Russian citizenship, or anyone living on Russian territory, or only those who support or oppose Putin's war). Under President Boris Yeltsin, the term 'Russians' was prominently used to downplay ethnic connotations within Russia as a federal state. In Polish, the word 'ruski' is pejorative and reflects the context of ethnicity, whereas the Russian word 'россиянин' (a Russian) is a collective term for all citizens of the Russian Federation, although it may still carry ethnic implications.

291 This article does not discuss any quantitative studies on Russians' attitudes towards the war conducted after 2022. Despite numerous claims by sociologists that modern research tools can accurately capture the current socio-political sentiments in Russia, this author believes that free expression of opinions is not sufficiently allowed in the conditions of war. At the same time, it is worth emphasising that not all Russians accept the war of aggression, which also constrains the extent of the authorities' actions.

an the answer to these questions will only emerge after the current war ends and Ukraine achieves victory — something that no conscious global citizen doubts, even if the definition of ‘Ukraine’s victory’ may vary, depending on one’s ideological and political stance, whether adopted by individuals or political actors.”²⁹²

Self-identification through opposition (either tacit or public) to the war that is, by its nature, total and radical, and through the unequivocal statement that *“Ukraine is the victim and needs help, while Russia and Putin must end this war,”*²⁹³ has turned opposition not only into a political matter, but a worldview category (meaning that the fundamental criterion for identification is now the anti-war stance of an individual or organisation). Consequently, when describing the phenomenon of the opposition in Russia after 2022, we must take into account not only political factors, but also a very broad cultural context (we may speak here of the ethical, religious and theological dimensions of opposition). In the conditions of full-scale war, the structure of Russian opposition has naturally come to reflect different layers of society, which may be subdivided into the following groups:

- **political opposition** (individuals or groups who plan or aim to bring about a change of power in Russia);
- **ethical opposition** (individuals or groups who, either tacitly or publicly, oppose the war/Russia’s attack on Ukraine and recognise Ukraine as the victim);
- **military opposition** (individuals or groups who lead, and declare support for, military action against Russia as a means of ending the war and effecting regime change in Russia).²⁹⁴

The only common denominator across all these three groups is their declared attachment to, or identification with, Russia as a state and society. At the same time, the political and ethical opposition holds an anti-war stance (in the sense that Russia has invaded Ukraine and therefore the regime should be overthrown), whereas the military opposition sees war as an instrument that may facilitate regime change and Russia’s aggressive war against Ukraine provides an opportunity to apply military methods to bring down the government.

A distinct and cohesive group that may be conditionally included within the broader Russian opposition comprises representatives of various national and ethnic groups living within the territory of the Russian Federation, who declare a desire for separation as part

of the decolonisation and deconstruction of Russia as an imperial state.²⁹⁵ Members of such groups do not identify with Russia as a state, nor do they consider themselves as representatives of Russian society, the Russian diaspora, etc., even if they formally hold Russian citizenship.

In the author’s view, no groups or individuals operating within Putin’s political system can be regarded as opposition.²⁹⁶ Since February 2022, it has not been possible, even formally, for genuine opposition to exist within the Russian system of power. Any collaboration with the current Putin regime entails support for the war, and failure to support it results in either detention or forced emigration. This is evidenced by the departure of Anatoly Chubais from Russia in March 2022; he had served as the Russian President’s Special Representative for Relations with International Organisations (from 4 December 2020 to 25 March 2022).

295 *Ibidem*

The Free Peoples Forum of Russia (August 2023, known as the Forum of the Free People in Post-Russia) is a dialogue platform for leaders of regional movements and representatives of Russia’s indigenous population. It defines its goal as a controlled and peaceful reconstruction of the Russian Federation, with key elements such as de-imperialisation, decolonisation, denazification, demilitarisation, and denuclearisation. Its stated ultimate objective is the disintegration of the Russian Federation. The Forum’s declaration regarding Russia’s future is highly radical, but its leaders are unlikely to have the necessary structures and resources to achieve these goals.

The actions of the Chechen diaspora warrant separate attention. In October 2022, the Ukrainian parliament (Verkhovna Rada) adopted a statement recognising the Chechen Republic of Ichkeria as temporarily occupied by the Russian Federation and condemning the genocide of the Chechen people. The statement accelerated the political emigration of Chechens.

296 In his book *‘All the Kremlin’s Men: Inside the Court of Vladimir Putin’* (Polish version: Agora 2015), Mikhail Zygar uses the concept of Kremlin towers as a metaphor for the power structure in Russia. His concept combines an analysis of Putin’s transformation with the symbolism of space in the context of power, and the idea of ‘towers’ has become embedded as a political science concept which describes the governance of Russia not in terms of authoritarianism, but with a complex mechanism of interdependencies that Putin rules over as the ultimate arbiter. The political science metaphor of the alleged towers creates the illusion that, apart from Putin, there is also someone else in Russia who holds real power and there is a possibility to communicate with different groups of influence.

Political consultant Yevgeny Minchenko in his book *‘Politburo 2.0. The System of Power in the Era of Vladimir Putin’* (Moscow 2024) uses a similar idea, using the metaphor of the Politburo and referring to the time of the USSR, when real power in the Soviet Union belonged to the Political Bureau of the Central Committee of the Communist Party of the Soviet Union (commonly referred to as ‘Politburo’) as the highest decision-making body, suggesting that there was (and perhaps still is) political debate and discussion before voting in the Politburo as a collective governing body. It is worth noting that, in the case of the Politburo of the Central Committee of the Communist Party of the Soviet Union, it is possible to access the minutes of meetings that can be used by historians to assess whether any elements of democratic debate existed in the upper leadership of the USSR. In the case of Putin’s regime, there is no official body where formal debate might exist.

Based on the broadcast of the meeting of the Security Council of the Russian Federation on 21 February 2022, it can be concluded that this body appears to serve only a formal function and, in fact, decision-making ultimately rests with Putin (accessed on 20.03.2025, <http://www.kremlin.ru/events/president/news/67825>). The Security Council of the Russian Federation is a collegiate advisory body focusing on state security, provided for in Article 83(1)(g) of the Constitution of the Russian Federation, and is part of the presidential administration in the Russian Federation. It is headed by the President of Russia.

292 Cf. the said Report.

293 Based on the stance taken towards Ukraine, those who criticise Putin and the war against Ukraine in terms of inadequate and wrong decisions cannot be described as opposition figures. One example is Igor ‘Strelkov’ Girkin and a number of various ultra-left and right-wing circles.

294 The text of the Report focuses mainly on analysing political and military opposition, but also provides an overview of ethical opposition as a multifaceted phenomenon that permeates various layers of society, from literature to religion and journalism.

The Russian political opposition may be divided into two groups: **‘Decembrists’ and ‘Exiles dissidents’ (уехавшие – изгнанники)**.²⁹⁷ The term ‘Decembrists’ may be applied to all those who protested and remained in Russia, fully aware that their protest would lead to imprisonment. I propose the use of the term ‘Exiles’ for those who were already in emigration or who consciously chose to emigrate due to persecution for their opposition to the war against Ukraine.

A model example of a Russian opposition figure who chose the ‘Decembrist’ path is Alexei Navalny, alongside Vladimir Kara-Murza and Ilya Yashin²⁹⁸ (the latter two were forcibly ‘reclassified’ as ‘White émigrés’ following a prisoner exchange involving political prisoners and spies in August 2024). Among those who may be classified as ‘Exiles’ we may include Alexei Gorinov, Yevgeny Roizman, Yevgeny Bestuzhev, Alexandr Skobov, Boris Kagarlitsky and Mikhail Krieger.²⁹⁹

At present, it can be argued that the Russian opposition was compelled to choose the path of emigration, which naturally echoes the fate of the ‘exiles’ who departed after the end of the civil war and the establishment of the USSR in 1922. The Report suggests that the divisions and topics of debates among today’s Russian oppositionists mirror the strategies of Russian emigres in the early twentieth century. Vladimir Kara-Murza emphasises that he does not regard himself as an oppositionist, but rather as a dissident³⁰⁰ (thus referring to the Soviet tradition of resistance from the 1960s and 1970s), and does not describe himself as a political émigré, but as someone in exile. From the outset, Ilya Yashin has emphasised that he was forced to leave Russia and never consented to such departure.

Based on the Report, the political opposition may be classified into several groups that unite either through organisations or under the informal leadership of a prominent figure. In its current form, the political opposition resembles a network-based structure, with strong actors attempting to attract weaker ones, while ongoing efforts are being made

to develop principles of operation and mutual tolerance among all opposition activists. The biggest challenge facing the political opposition lies in coming to terms with the fact that they are fighting for a regime change in a country they no longer live in, and which is waging an aggressive war. Moreover, no clear position has yet been adopted regarding how the crimes committed by the Putin regime should be addressed. This may become one of the most pressing tasks for the Russian opposition in exile (detached from their homeland and roots, a new identity and new roots will emerge).³⁰¹ It is unlikely that any individual opposition figures currently possess the ideas and capabilities to formulate either theoretical or practical foundations for constructing a new Russian identity.

Another issue worth addressing is the legitimacy of Russian opposition figures. All opposition members derive their legitimacy from the mere fact of opposing the regime (through criticism of the war).³⁰² A further topic of discussion among Russian activists concerns the perceived need for unification.

A separate example of attempts to establish legitimacy is provided by the organisation called ‘Deputies of Peaceful Russia’³⁰³ (bringing together individuals elected to various public offices in Russia since 1 January 2012) and the ‘Congress of People’s Deputies’ (comprising people formerly elected to various positions in Russia). In both cases, these organisations derive their legitimacy from the fact that their members once served as deputies or councillors within the parliamentary structures of the Russian Federation.

Some Russian opposition activists derive their legitimacy from cooperation with Ukraine (through provision of material support to Ukrainian refugees and/or the armed forces, as well as through civil and military contacts with Ukrainian organisations).³⁰⁴

Another source of legitimacy stems from the degree of personal risk to one’s life. For example, the political engagement and credibility of Vladimir Kara-Murza and Ilya Yashin are based on their court sentences and imprisonment. Similarly, Mikhail Khodorkovsky

297 ‘Exiled’ (or ‘Political exiles’) – a term commonly used by journalists to refer to Russian citizens who left Russia in 2022. The term has the advantage of being very broad and may refer to individuals who left Russia not only for political reasons, but also due to fear for their own safety stemming from military mobilisation, or opposition to the war.

298 In an interview with DW on the programme #ВПРЕДде, Vladimir Kara-Murza calls himself a dissident rather than an opposition figure, and describes himself not as a political émigré, but someone in exile (accessed 22.03.2025, <https://www.youtube.com/watch?v=mlN3gvThBeU>).

Ilya Yashin has emphasised from the very outset that he was forced to leave Russia and never gave his consent to leave.

299 According to the Report, it is possible to list persons formally involved in political activity, whether by running in elections or briefly holding a public office, and who also actively participated in political life within political parties. One figure deserving special mention is Alexander Skobov, a 67-year-old historian from St Petersburg, who was indicted in a recent case related to Soviet history on charges of ‘anti-Soviet agitation and propaganda’. He was a committed Marxist and a veteran of the dissident movement. In the 1970s and 1980s, Skobov was twice forcibly placed in a psychiatric hospital: first for editing samizdat (self-published material) and then for painting slogans in support of political prisoners on the walls of buildings in Leningrad. Skobov was arrested on charges of ‘justifying terrorism’ and is currently being held in Syktyvkar. In May 2023, a court ordered a fine of 260,000 roubles in the case of Yevgeny Roizman, after which he ceased commenting publicly on current political events.

300 Vladimir Kara-Murza in an interview with DW #ВПРЕДде, accessed 22.03.2025, <https://www.youtube.com/watch?v=mlN3gvThBeU>

301 Similar dilemmas faced by Soviet dissidents are discussed in their memoirs by Valeriya Novodvorskaya, Vladimir Bukovsky and Aleksandr Solzhenitsyn.

302 On 21 September 2014, a ‘Peace March’ was held in Moscow to support Ukraine and oppose Russia’s aggressive policies. According to various sources, the rally was attended by between 5,000 and 50,000 people. Several extra-parliamentary opposition parties (Yabloko, RPR-Parnassus, Progress Party, Green Alliance, unregistered December 5 Party, the Solidarity movement) and NGOs joined the rally. Protests calling for peace were also organised in St Petersburg, Saratov, Novosibirsk, Rostov-on-Don, Tomsk, Krasnoyarsk, Yekaterinburg and Barnaul. Accessed 29.03.2025 <https://www.radiosvoboda.org/a/26598518.html> https://www.bbc.com/ukrainian/politics/2014/09/140921_peace_march_moscow_vs

It is formally recognised that low-intensity armed action or hybrid warfare against Ukraine began in 2014 with the annexation of Crimea and the subsequent instigation of rebellion in Donbas. There is currently a debate in Ukrainian historiography as to the appropriate terms for describing Russia’s war against Ukraine.

303 In 2024, the Congress of People’s Deputies split into two rival organisations, both using the same name, with each Congress claiming legitimacy while undermining the credibility of the other.

304 In October 2022, the Ukrainian parliament adopted Resolution No. 2672-IX recognising the Chechen Republic of Ichkeria as temporarily occupied by the Russian Federation and condemning the genocide of the Chechen people (accessed 22.03.2025: <https://zakon.rada.gov.ua/laws/show/2672-IX#Text>), which effectively provoked internal disputes in the Chechen diaspora over the right to represent Chechens.

also possesses this kind of legitimacy. Yulia Navalnaya, widow of Alexei Navalny, gained legitimacy from the fact that her husband was a victim of Putin's regime. The military opposition gains its legitimacy through risking their lives on the battlefield. Certain opposition activists also gain legitimacy by being listed as foreign agents or terrorists by the Putin regime or by being sentenced in absentia. Assassinations and attempted assassinations also serve as evidence of genuine opposition.

Within Russian intellectual and opposition circles, there is ongoing debate over the extent to which the Belarusian democratic forces, led by Sviatlana Tsikhanouskaya, could serve as a model. The Belarusian framework appears relatively attractive to Russian opposition actors, as it enables centralised and systematic support and activity. It must be remembered, however, that Sviatlana Tsikhanouskaya emerged as the uncontested leader of the Belarusian democratic forces following the 2020 presidential elections and the tragic events that ensued.

In the author's view, at the current stage, the issue of legitimacy within the Russian opposition remains secondary and relatively unimportant since, in the event of political transformation in Russia, opposition figures will be required to re-establish their legitimacy and legal standing. This is because their present activities outside Russian territory are inherently limited in scope and possess, at best, symbolic legitimacy, and certainly not legal status.

An ethical choice as a manifestation of political affiliation

The state of war sharpens and radicalises individual choices, and decisions made in the course of such tragic events cease to be merely political. They become **a political statement and a fundamental choice rooted in ethics and worldview**.³⁰⁵ This raises a number of issues that need to be described: who can identify with the ethical opposition, and what minimum criteria must be met by a person or organisation in order to be classified as part of the ethical opposition.

The first and fundamental condition is to identify with Russia³⁰⁶ and actively oppose the actions of the authorities. The activity or opposition may vary in degree: **the individual or organisation must clearly and explicitly define their stance on Russian aggression against Ukraine**. It should be emphasised that actions such as leaving the country, laying flowers at the monument of Lesya Ukrainka in Moscow, or publishing a black square on social media in February/March 2022 constitute, to some extent, an ethical stance towards the actions of the Russian state. A one-off action of

a similar kind carries different weight in the case of a private individual versus a public figure, who is expected to constantly reaffirm this choice.

In the case of people who have left Russia, the question of their ethical choice is relatively simple — leaving the country automatically implies disagreement with Russia's actions, and remaining in Russia endangers their lives. Meanwhile, there is a certainty that some public figures who continue to live in Russia disagree with what their country (Putin's regime) is doing, but nonetheless remain on Russian territory.³⁰⁷ In their public statements, they either avoid answers, use Aesopian language, or employ other types of evasion in order not to be categorised as supporters of Russia's war against Ukraine.

Choice is always subject to acceptance by others and is a matter of degree, particularly in terms of radicalism, which gives rise to numerous discussions within the Russian opposition community as to whether an activist's stance is sufficiently oppositional or merely a manifestation of conformism. This means that making an ethical choice in the silence of one's own heart is not sufficient: the opposition, as a community, must recognise and accept the person in question as an opposition figure.³⁰⁸

Similar dilemmas are described by Valeriya Novodvorskaya in her book 'Farewell of Slavianska. A Thriller'³⁰⁹ where she states that her methods of activity, including calls for political assassinations and the overthrow of power, were not accepted by the majority of dissidents, which is why she felt alienated and marginalised within that community.

It should be emphasised that there is a need to describe the ethical stance of the opposition not only on the basis of the behaviour of individual public figures (journalists, artists, etc.). As a result of the Russian invasion of Ukraine in February 2022 and the

307 The described strategy of ethical oppositionists is best illustrated by selected examples. The attitude of singers Max Pokrovsky and Zemfira is quite clear: they left Russia in 2022 because of the war unleashed by Putin and cannot return because they might be persecuted for their anti-war stance. On the other hand, the situation is different in the case of Dmitry Muratov and Yuri Shevchuk: they remain in Russia but it is widely known that they do not agree with Russia's war of aggression against Ukraine. A completely different case is that of Aleksandr Sokurov, who, in December 2021, publicly urged Putin not to wage war and to give freedom to the territories in the south and turn attention to the north. After the start of Russian invasion, Sokurov remained in Russia, but stopped making public appearances and has been prohibited from working, and his films have been censored.

Another example of ethical opposition is Ivan Vyrypayev — a Russian-born actor, director and playwright who has lived in Poland for many years. In 2022, he announced that he would renounce his Russian citizenship and acquire Polish citizenship (he had applied for Polish citizenship a year before the full-scale Russian invasion). He explained this decision by saying that he "wants to have nothing to do with the fascist regime, resembling the 1930s Germany." At the same time, Vyrypayev assured that he would continue to do everything in his power "to free Russians from this terrible oppression and tyranny in which they have been living for many, many years."

In 2024, Vyrypayev was sentenced in absentia to seven and half years in prison by a court in Moscow because of his opposition to the war in Ukraine.

308 One example of quasi-opposition or post-ironic opposition is the attitude presented by Ksenia Sobchak, who, as a journalist, conveys the impression that she does not fully support the current authorities, but stays in Russia and adapts to the new reality, using implicit cues in her messages to convince viewers that she does not side with those who unleashed the war. Journalist Alexei Venediktov is in a similar situation, remaining in Russia while constantly attempting to maintain a critical stance towards the authorities. In both these cases, some committed members of the Russian political opposition believe that Sobchak and Venediktov cannot be regarded as oppositionists.

309 В. Новодворская, *Прощание славянки*, Москва, Захаров 2009.

305 The description of political choices as ethical choices has been addressed by various philosophers throughout history (Immanuel Kant, Niccolò Machiavelli, John Rawls, Aristotle, Jean-Jacques Rousseau).

306 Initially, in the works of Petr Shchedrovitskiy, identifying with an enigmatic ideological concept such as 'Rusky mir' (Russian world) did not have negative connotations associated with Russian imperialism and chauvinism.

subsequent mobilisation, nearly 800,000 people left Russia, although half of them may have since returned.³¹⁰ An assessment of the quantitative and qualitative aspects of their behaviour is a separate issue. However, it may be conditionally assumed that the departure of these people was driven by their dissent against state actions and fear for their own future, which, in a broad sense, constitutes an ethical motive. This means that these individuals have symbolically aligned themselves with the Russian opposition in its ethical form.

After 2022, a global ecosystem³¹¹ of the Russian opposition emerged (including publishing houses, media, restaurants, businesses, etc.), which to some extent emulates the activities of White Russian émigrés after 1922. In the case of public figures, the legitimisation of ethical opposition requires them to periodically reiterate their anti-war declarations. At the same time, the opposition community considers itself entitled to affirm an individual's membership in the opposition.³¹² In effect, it can be argued that the Russian opposition seeks to establish a canon or code of ethics,³¹³ and adherence to its rules would open the possibility of inclusion in the opposition community.³¹⁴ For private individuals, an ethical stance and its degree of radicalism is always an individual matter. However, under the current conditions of information dissemination and persecution, any anti-war position adopted by the ethical opposition becomes public since the Russian authorities do not tolerate any antiwar behaviour on the part of individuals residing within the territory of Russia.

Military opposition

The third type of Russian opposition activity is related to **the acceptance of the idea of overthrowing the government by force and engagement in armed resistance against the Putin regime**. Individuals or organisations who support this type of opposition justify their positions by claiming that Putin's power is usurped, uses terror, and wages a war of aggression, which gives the opposition the right to armed resistance and forceful overthrow of the government. One could say that **those who support this third type of Russian opposition activity accept the possibility of civil war**.³¹⁵

Russian philosopher Denis Grekov argues that a low-intensity civil war is already taking place in Russia, and that the authorities are prepared to fight their own people because they constitute a distinct caste that enjoys the greatest privileges and is determined to defend the regime and remain in power.³¹⁶ Grekov is convinced that the Russian opposition must accept the fact that the days of 'vegetarian' protests are over and that the time has come for more decisive action. It is worth noting that Grekov's statement was published as early as 2022, when no one could have predicted Yevgeny Prigozhin's mutiny.³¹⁷

Military opposition can be divided into two categories. On the one hand, there are organisations and individuals who **openly declare and engage in military actions against the Russian authorities, both on the front lines and within Russian territory**. On the other hand, there are organisations and individuals who **accept military actions against the Russian authorities as a legitimate form of active protest**, even though they might not engage in such actions themselves or might disagree with the methods employed by specific military groups.

Issues concerning the ideological character of the military opposition warrant a separate analysis. However, it should be emphasised that individuals and organisations should not be indiscriminately criticised or accused of holding extreme right-wing views characterised by chauvinism and Nazism. Moreover, each individual case of attack or sabotage conducted by the military opposition (e.g. alleged partisans) must be examined separately and thoroughly.

For the military opposition, questions of legitimacy and legality are of secondary importance, since individuals and organisations that advocate the use of force to overthrow the regime derive their legitimacy from the belief that they have the right to use violence against a regime that they believe lacks the legitimacy to rule the country.

310 Komentarze OSW, No. 610, 03.07.2024, p. 9 (accessed 22.03.2025): https://www.osw.waw.pl/sites/default/files/komentarze_610.pdf.

311 This article deliberately omits specific associations and foundations that were established after 2022 or operated earlier (for example, Memorial) and whose activities aim to support Ukraine or anti-war activists in Russia. This is because their objective is not to overthrow the regime, but primarily manifest their own disagreement with the authorities' actions, i.e. unleashing a war of aggression against Ukraine. The Report describes the opposition activities of the religious community.

312 Report - Nikita Tsitsaga, who died on 24 July 2024 in the occupied Donetsk region of Ukraine, had worked as a journalist in Russian state-controlled media, where military censorship is in force, and in Russian opposition media (in June 2023 he was awarded the Editors' Prize). His activities triggered a heated debate in the Russian media after his death about the ethics of journalists working in media outlets that comply with Russian censorship laws.

313 Ibidem

The Berlin Declaration is one of the few formal documents that is supported by the Russian public and politicians from different political backgrounds, as well as journalists. The most important demands of the declaration are: the recognition of the criminal nature of Russia's war against Ukraine, a call for the withdrawal of Russian troops from all occupied territories and the recognition of Russia within its internationally recognised borders. The Declaration also calls for war criminals to be brought to justice and for compensation to be provided to victims of aggression. It recognises the regime of Russian President Vladimir Putin as "illegitimate and criminal," which must therefore be eliminated. The signatories share democratic values, recognise human rights and freedoms and uphold the principles of diversity and equality, while opposing discrimination. Furthermore, they "refrain from public conflicts within democratic and anti-war movements" (a point reportedly violated on the day it was signed).

314 In her autobiography titled 'The Catcher in the Lie' (Moscow 1993), Valeriya Novodvorskaya writes that the Soviet dissident movement did not accept traitors, but tolerated the first act of betrayal if the person admitted it voluntarily. However, if the betrayal was repeated, the traitor could no longer expect forgiveness and was forever separated from the dissident community as an untrustworthy person.

315 Report - In June 2023, the media reported on the activities of an underground military organisation called 'Law of the Republic', comprising former and current military officers of the Armed Forces of the Russian Federation who call themselves 'Intelligence in Exile'. The organisation advocates a republican form of government, Russia's 1991 borders, and categorically rejects any action that could lead to civil war on the territory of the Russian Federation. The organisation rejects any form of cooperation with the Ukrainian military command.

316 Ibidem

317 Ibidem

Conclusions

Since 2022, the Russian opposition has been undergoing a process of significant re-evaluation (an identity crisis), and the very concept of ‘opposition’ in reference to the phenomenon of Russian anti-war activists described above is no longer adequate under the current political and historical circumstances.

It would be more appropriate and precise to adopt terminology that reflects the phenomenon of Russian protests against the 2022 invasion of Ukraine, such as ‘the new Russian emigration’ or ‘dissidents 2.0’.

Until 2022, various circles expressed criticism of Putin, yet both political actors and individual Russian citizens lacked a decisive stance towards the authorities. Once the invasion of Ukraine began, the dilemma of supporting or accepting the regime as such ceased to be a political matter and became an ethical one. This meant that individuals were required to declare their position based on worldview and beliefs rather than political expediency. The evolution of views and the changes in stance of various political groups and associations are discussed in the Report.

We can conclude by observing that the ‘new Russian emigration’ or ‘dissidents 2.0’ have created their own world (an ecosystem, with their own media, publishing houses, etc.), based on the anti-war attitude towards Putin and the Russian authorities who initiated the invasion of Ukraine (a dichotomous framework: Putin is guilty, Ukraine is the victim). Another element uniting all public anti-war activists is the recognition of Russia’s borders as defined in 1991, as well as the belief that Putin’s rule poses a threat to Russia as a state.

How can the stated goals be achieved? At present, we do not know which specific postulates constitute the foundation of this new identity-based phenomenon of the ‘new Russian emigration’ or ‘dissidents 2.0’. However, it is to be hoped that they will decisively influence the shape of post-Putin Russia in the future.³¹⁸

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11. Novodvorskaja V., *Proshhanie slavjanki*, Moskva, Zaharov 2009.

318 *Ibidem* – The publication presents three scenarios for the development of Russian opposition activity:

Russian opposition and émigrés will have to choose between two strategies. The first one is to become a new Valeriya Novodvorskaya, fighting uncompromisingly for a truly democratic Russia to the very end. The second one is to follow in the footsteps of Aleksandr Solzhenitsyn, emigrating from the ‘evil empire’ and eventually returning to a new Russia, potentially to build a new empire. Unfortunately, there is always a third option that Russian artists in exile or in opposition may choose: writing a poem in the style of the late Iosif Brodsky. However, there is always a chance of a grotesque repetition of perestroika or the Twentieth Party Congress, where Vladimir Putin’s criminal regime will be exposed, forcing the authorities to start the process of ‘Thaw-Perestroika 2.0’ with the first free elections in which the above-mentioned political actors could participate.

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Review

Revolutionary Volume on Russian History and Its Critics: A Review of «Istoriya Rossii: Ot razvala imperii k Grazhdanskoy voyne» edited by Vladimir Buldakov

«История России: в 20 т. Т. 11: Империя, война, революция. 1914—1917 годы. Кн. 2. От развала империи к Гражданской войне. / отв. ред. В.П. Булдаков. Москва: Наука, 2024. 783 с.

In 2024, the first books of the multi-volume *History of Russia* began to be published. This large-scale project, consisting of 20 volumes in 30 books, spans the period from ancient cultures on Russian territory to the present day. The project, initiated in 2013 under the directive of President Vladimir Putin³¹⁹, is being implemented by the Institute of Russian History of the Russian Academy of Sciences (IRH RAS) under the auspices of the Russian Historical Society, a semi-state organisation overseeing historical policy in Russia³²⁰.

The release of this series is of significant importance given the Russian government's growing emphasis on historical policy. The last comparable historical multi-volume work was published in the 1960s–70s (*The History of the USSR from Ancient Times to the Present Day*).³²¹ The new academic publication is clearly part of a strategy to construct an official historical narrative, free from multiple, sometimes conflicting, interpretations. According to Yuri Petrov, Director of the IRH RAS, *History of Russia* is intended to serve as the “backbone and foundation” for educational literature, from secondary schools to universities. This vision supported by Putin himself³²².

One of the first volumes released in late 2024 is Book 2 of Volume 11, dedicated to the history of the Russian Revolution of 1917. This period remains one of the most contentious in Russian history, both among scholars and in society. The publication of this book is notable

319 Постановление Президиума Российской Академии наук. URL: <https://www.ras.ru/FStorage/Download.aspx?id=d9c0ba9f-3d71-478b-8bc8-8a43af8cfa3d>, access: 16.07.2025

320 Аникин, Д.А., Бубнов, А.Ю., Комплеев, А.В., Российское историческое общество как актор символической политики: институциональные особенности и мемориальные риски. “Известия ВУЗов. Поволжский регион. Гуманитарные науки”. 2020, no. 1 (53), p. 114–124.

321 История СССР: С древнейших времен до наших дней. Т. 1–12 / под ред. Берхина, И.Б. и др. М., 1966–1980.

322 Встреча с историками и представителями традиционных религий России. URL: <http://www.kremlin.ru/events/president/transcripts/69781/work>, access: 16.07.2025

not only in itself, but for sparking a significant debate within the historical community. The authors' interpretation of revolutionary events diverges from the typical approaches often seen in officially sanctioned projects.

The volume's executive editor is Vladimir Buldakov, a long-standing researcher at the IRH RAS and a renowned expert on the Russian Revolution. His influential book *Red Turmoil (Krasnaya Smuta)* published in 1997 and introduced a novel perspective by examining the revolution through the lens of mass psychology and the social mechanisms of violence³²³. In subsequent works, Buldakov expanded this framework, incorporating a broader chronology, more sources, and new thematic dimensions³²⁴. The core of Buldakov's concept is the idea that, along with the collapse of old institutions, people strive to create new forms of solidarity, which is often associated with violence and an appeal to the archaic³²⁵. This unique approach is fully realised in Volume 11, where Buldakov serves as the lead author³²⁶.

From the outset, the authors assert their aim to rethink the history of the Russian Revolution by moving away from entrenched ideological dogmas and one-dimensional interpretations. They adopt a critical stance toward both Marxist and Western ("totalitarian school", modernisation theory) frameworks, arguing that contemporary historiography lacks a coherent narrative of the revolution, instead fragmenting into studies of various small-scale narratives. To address this gap, the authors propose viewing the revolution neither "from above" (as political history) nor "from below" (as social history) but rather "from within," using a "cultural-historical anthropology" perspective and accounting for social-psychological dynamics (p. 23).

The book follows a problem-chronological structure. The first chapter examines the causes and course of the February Uprising. The authors analyse both internal and external factors leading to the fall of the monarchy. Internal causes include the deepening socio-economic crisis exacerbated by the First World War, governmental inability to address public discontent, and growing radicalisation of political sentiment. Additional factors include systemic corruption, the incompetence of the ruling elite, Tsar Nicholas II's personal traits, and the influence of the imperial court. As an external factor, the prolonged war exposed the

323 Булдаков, В.П., Красная смута: Природа и последствия революционного насилия. Москва: РОССПЭН. 1997.

324 The second edition of *Red Turmoil* was almost two and a half times thicker (Булдаков, В.П., Красная смута. Природа и последствия революционного насилия. Москва: РОССПЭН, 2010).

325 Булдаков, В.П., Хаос и этнос. Этнические конфликты в России, 1917–1918 гг. Условия возникновения, хроника, комментарий, анализ. Москва, Новый хронограф. 2010; Idem. Утопия, агрессия, власть. Психосоциальная динамика постреволюционного времени. Россия, 1920–1930. Москва, 2012; Булдаков, В.П., Леонтьева, Т.Г., Война, породившая революцию: Россия, 1914–1917 гг. Москва: Новый хронограф, 2015; Idem. 1917 год. Элиты и толпы: культурные ландшафты русской революции. Москва: ИстЛит, 2017; Булдаков, В.П., Страсти революции. Эмоциональная стихия 1917 года. Москва: Новое литературное обозрение, 2024.

326 Of the nearly 800-page book, only 5 paragraphs were not written by him, and only 10 of 44 were co-authored. In addition to Vladimir Buldakov, notable historians of the First World War and the Russian Revolution took part in the publication: specialist in the history of mass consciousness Vladislav Aksenov, specialist in national history Salavat Iskhakov, expert in the history of the fleet Denis Kozlov, researcher of the Russian army Sergey Nelipovich and specialist in church history Tatyana Leontyeva.

weakness of the state system, causing severe destabilisation of the economy and military. The authors emphasise that the fall of Tsarism was driven not only by radical forces but also by privileged social groups.

In the second chapter authors explore the transformation of power after the monarchy's collapse, focusing on the interaction between the Provisional Government and various social groups amid the ongoing war. The chapter presents a complex picture of active societal self-organisation and the formation of new governing structures, alongside numerous challenges that hindered the consolidation of power and social stability.

The third chapter delves into social contradictions during the revolutionary period. It examines the relationships between entrepreneurs and workers, soldiers and officers, and peasants and landowners. Particular attention is given to the self-organisation of national groups and the evolution of their demands. The authors highlight growing social disorganisation, the rise of crime, and the intensification of anti-war sentiment. They argue that different social groups held conflicting visions for the country's future and means of addressing pressing issues. The chapter illustrates how the Provisional Government's authority gradually weakened as various social and national groups asserted greater independence and dissatisfaction.

The fourth chapter analyses the political crises of April, July, and August 1917, as well as the failed military offensive. The authors demonstrate how the gradual weakening of the state system was accompanied not only by worsening socio-economic conditions but also by destructive trends in political culture, including increasing polarisation of public opinion and the radicalisation of political groups.

The fifth chapter discusses the difficulties in establishing new democratic institutions and the rising instability of society. The authors examine the evolution of the Soviets and their changing role in the political system, noting a shift away from their initial democratic principles toward increasing political radicalism. The process of redistributing power at the local level is also explored, including the replacement of public safety committees with municipal governing bodies, which ultimately failed to secure political stability.

The final chapters examine the growing tensions of autumn 1917, focusing on the intensification of strikes, peasant uprisings, and urban pogroms. The authors analyse how the spread of rumours and mass panic shaped public perceptions of the crisis. Special attention is given to Bolshevik propaganda, which, by addressing the immediate needs of the masses, gained increasing influence. The book concludes with an assessment of the national reaction to the Bolsheviks' seizure of power, describing this period as one of continued chaos, violence, social division, and uncertainty about the country's future.

In the conclusion, Vladimir Buldakov reflects on the revolution's broader significance. He argues that the Russian Revolution of 1917 was the inevitable outcome of deep historical processes rather than an accident or the result of any particular conspiracy. The historian emphasises that the revolution was driven by accumulated contradictions that were exacerbated by the First World War. Contrary to deterministic views, he describes the revolution as

unfolding in a “synergistic vortex” rather than following any preordained plan. He highlights the multiplicity of interpretations of the revolution among different social groups and political factions, which reflected the profound societal divisions of the time. Finally, he underscores the crucial role that the emotional climate of the era played in decision-making and historical developments.

The volume presents a compelling “psychological portrait” of Russian society and politics during the revolution, prioritising emotions, moods and social psychology, that influenced on the mass movements. The authors highlight the non-linearity of revolutionary processes, emphasising spontaneity, affective reactions, and self-organisation of people. They emphasise that revolution is inseparable from cultural tradition and is accompanied by both the denial of the past and attempts at self-renewal of the old culture.

A notable strength is the book’s multi-perspective approach. By incorporating diverse social voices – workers, peasants, soldiers, intellectuals, politicians – the authors provide a nuanced, empirically rich narrative. The study is replete with citations from letters, memoirs and newspaper articles. However, the reliance on fragmented sources and subjective evidence sometimes limits the authors’ ability to construct definitive conclusions, especially concerning elite decision-making and the organisational structure of revolutionary movements.

The text of the volume is very demanding of its reader. It introduces terms such as “the emotional aura of revolution” (p. 22), “emotional perversions of agitated mass consciousness” (p. 24), “political hysterics” (p. 36), “psychosocial genetics” (p. 68), “logic of self-fulfilling expectations” (p. 94), “arch-plots” (*arkhisyuzhety*) (p. 98), “herd instincts” (p. 112), “raging ochlos” (p. 506), “social-revolutionary synergetic” (p. 528), “psycho-mental situation” (p. 732). These expressions should be understood more as metaphors inspired by psychology than as a coherent terminology of the history of emotions. Thus, they may make the text less accessible to a broader audience.

The book presents a substantial amount of empirical material. At the same time, several parts of the book overloaded with details, making it challenging to extract key conclusions without a clear interpretative framework. This can make the narrative dense with details and less focused for some readers. A certain level of reading proficiency is required to extract key ideas from extensive and information-rich passages and to construct a coherent understanding in the absence of a clear authorial interpretation. The abundance of factual material sometimes obscures the authors’ central arguments.

The volume has been met with criticism even during the manuscript’s preparation, with debates cantered less on methodology or event interpretation and more on the fundamental question of how history should be presented in a state-sponsored project.

Historian Vladislav Goldin, execution editor of the next volume on the Civil War, expressed disagreement with several conclusions of the draft manuscript. His criticism initially

voiced in editorial board meetings and correspondence with the IRH RAS’s director³²⁷. Later, he made his arguments public with the support of St. Petersburg historian Vladimir Kalashnikov. Their concerns were published in an academic collection to prompt wider discussion and to influence the release of the volume in its current form³²⁸. After the book’s release, Kalashnikov published a detailed review and invited other scholars to contribute their perspectives in another collection³²⁹.

Serious concerns have been raised regarding the authors’ approach to Soviet historiography, with critics assessing it in moral terms. Reviewers argue that the text deliberately distances itself from the Soviet legacy in its interpretation of the revolution, branding it as biased, “dismissive,” “arrogant,” and even “hostile” toward previous historiographical traditions³³⁰.

The authors’ methodology has also drawn criticism. Vladislav Goldin contends that the volume’s conclusion is marred by “abstract philosophical reflections” and an overemphasis on psychological and emotional factors, framed within a “cultural-anthropological approach” and the concept of “red turmoil.” He suggests that the authors reduce the revolutionary process to little more than a riot³³¹. Similarly, Vladimir Kalashnikov dismisses Buldakov’s concept of the revolution as an “ochlos’ uprising,” arguing that it imposes an “irrational paradigm” that overemphasises destruction and contradicts the idea of revolution as a process of societal modernisation³³². In his view, presenting the revolution as a return to archaic contradicts the broader understanding of revolutionary change as a movement toward progress³³³.

The critique of the 11th volume reflects not only differing evaluations of the revolutionary period but also a deeper methodological conflict between schools of historical thought. Buldakov and his colleagues analyse the revolution through the lens of mass psychology and emotional responses, a stark contrast to traditional social and political historiography, which prioritises institutional and economic factors. Thus, objections to the volume stem less from factual inaccuracies than from fundamental disagreements over methodology. The interpretation of revolution as a product of mass emotions and irrationality remains controversial within Russian historiography, raising concerns among scholars who adhere to conventional analytical frameworks. Yet, the existence of distinct conceptual paradigms does not inherently render one perspective invalid unless demonstrable factual distortions or logical inconsistencies arise.

327 Россия в эпоху революции и Гражданской войны: советская и постсоветская историография / отв. ред. Калашников, В.В., Санкт-Петербург: Изд-во СПбГЭТУ «ЛЭТИ», 2023. p. 34.

328 Калашников, В.В., «История России». Том XI: Великая Российская революция как иррациональный бунт «охлоса» // Ключевые проблемы Русской революции в историографии сегодняшнего дня / отв. ред. Калашников, В.В., Санкт-Петербург: Изд-во СПбГЭТУ «ЛЭТИ», 2024. p. 164.

329 Ключевые проблемы Русской революции в историографии сегодняшнего дня / отв. ред. Калашников, В.В., Санкт-Петербург: Изд-во СПбГЭТУ «ЛЭТИ», 2024.

330 Россия в эпоху революции и Гражданской войны. p. 35; Калашников, В.В., Новейшая историография Русской революции // Россия в эпоху революции и Гражданской войны. p. 130; Калашников, В.В., «История России». p. 170.

331 Россия в эпоху революции и Гражданской войны. p. 35.

332 Калашников, В.В., «История России». p. 164.

333 Калашников, В.В., «История России». p. 172.

An intriguing dimension of the debate concerns the criteria for scholarly rigor within a state-sponsored publication. Vladislav Goldin and other critics argue that the volume should align with the academic consensus, serving as both a research reference and an educational foundation³³⁴. Within this context, Buldakov's approach lacking broad scholarly recognition is seen as insufficiently universal for such a foundational work.

Similar concerns surfaced during discussions of the multi-volume edition in February 2025. Sergey Karpov, president of the Faculty of History at Moscow State University, emphasised the need for the publication to reflect "the collective opinion of the scholarly community, encompassing various schools and perspectives." Andrey Sorokin, scientific director of the Socio-Political History Archive, reinforced this view, insisting that the volume should "capture the scholarly consensus on this complex historical period" and avoid introducing novel terminology "not yet widely accepted in Russian historiography."³³⁵

However, no single, uncontested academic consensus exists regarding the revolutionary period. If taken at face value, the critics' arguments could be interpreted as an attempt to impose a singular, authoritative version of history. Under such a model, unconventional or critically engaged perspectives risk dismissal as deviations from an accepted canon rather than as contributions to meaningful scholarly debate.

The debate over the 11th volume highlights broader challenges in contemporary Russian historiography. On one side, Buldakov and his colleagues seek to construct a comprehensive narrative of the Russian Revolution by emphasising mass psychology and the sociocultural mechanisms of radical change. On the other, their methodology provokes strong opposition from adherents of traditional historiography, revealing deep-seated divisions over how the revolutionary period should be studied.

The growing politicisation of historical scholarship in modern Russia further complicates the discussion. At its core, the volume's controversy raises questions about whether academic inquiry can coexist with an official historical narrative, that demands coherence, predictability, and ideological alignment.

Ultimately, the criticism of the volume underscores a fundamental tension in Russian historical scholarship: how to balance academic freedom and methodological diversity with the constraints imposed on state-sponsored publications intended for a wide audience. Any effort to present a "unified" interpretation of the Russian Revolution is bound to meet resistance from different historiographical traditions. In this sense, the 11th volume is more than just a target of critique. It is a reflection of the methodological divisions and the evolving relationship between historical scholarship and state policy in contemporary Russia.

334 Россия в эпоху революции и Гражданской войны. р. 37; Калашников В. В. «История России». р. 169; Фортунатов В.В. Революция 1917 года: великая российская или «красная смута»? (О второй книге 11-го тома «Истории России») // Ключевые проблемы... р. 191; Силин А. В. Антиистория Российской революции 1917 года или Заметки на полях 11 тома 20-томной «Истории России» // Ключевые проблемы... р. 204.

335 В РГГУ обсудили многотомник «История России. В 20 томах». URL: <https://historyrussia.org/sobytiya/v-rggu-obsudili-mnogotomnik-istoriya-rossii-v-20-tomakh.html>, access: 16.07.2025

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