ESSAY

"This did not happen even during the Cold War": religion and international sanctions in the Russo-Ukrainian War

Iuliia Korniichuk^{1,2}

¹Robert F. Byrnes Russian and East European Institute, Hamilton Lugar School of Global and International Studies, Indiana University Bloomington, Bloomington, Indiana, USA

²Department of Regional and Global Studies, Faculty of Political Science and International Studies, University of Warsaw, Warsaw, Poland

Abstract

The Russian Orthodox Church has emerged as a significant contributor to the intellectual framework that underpins Russia's full-scale invasion and war against Ukraine. The Church's endorsement and subsequent support of the war have compelled a number of secular governments and organisations to address this political involvement, resulting in the inclusion of church leaders and church-related entities on sanctions lists related to the conflict. This article aims to analyse the presence of religious figures on sanctions lists related to the war and the challenges associated with the implementation of such sanctions, particularly in the context of the ongoing debate concerning restrictions on freedom of religion and beliefs.

Keywords

religion and politics, secularisation, Russia's war against Ukraine, Orthodox Church, international sanctions, freedom of religion and beliefs

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Introduction

In the first days of Russia's full-scale invasion of Ukraine, the Russian Orthodox Church (referred to hereafter as the ROC) made a decision that many researchers since 2014¹ have characterised as 'difficult', 'painful', and even 'impossible'. The Moscow Patriarchate directly supported Russia's aggression against Ukraine, a country that is home to nearly a third of the ROC's parishes and faithful.² This support has manifested in diverse ways – from offering prayers and blessings to the Russian military personnel engaged in the 'special military operation'³ to more pragmatic measures, such as attempts to legitimise the military aggression on the global stage,⁴ extending 'humanitarian aid' to the Russian occupation force in Ukraine,⁵ or participating in the coerced relocations of Ukrainians to Russia,⁶ which the Ukrainian authorities qualify as deportation and an element of genocide.

The ROC's endorsement of this aggression, widely condemned by the international community, has sparked fresh debates regarding the legal and political assessment of such actions, as well as an appropriate response to them. As of mid-2023, a number of countries have imposed political and economic sanctions against individual figures of the ROC or affiliated entities.⁷ Apart from Ukraine itself, these include the United Kingdom, Canada, Australia, and the Czech Republic. The proposition of sanctions against representatives of the Moscow Patriarchate was also under consideration in the United States and the European Union (EU); however, due to various reasons, the initiatives did not garner the requisite support.⁸

¹ Occupation and illegal annexation of the Autonomous Republic of Crimea and occupation of parts of Donetsk and Luhansk regions.

² The Moscow Patriarchate has approximately 39,000 parishes, 12,500 of which are in Ukraine, "Внутренняя жизнь и внешняя деятельность Русской Православной Церкви с 2009 года по 2019 год," Патриархия.ru, 2019, http://www.patriarchia.ru/db/text/5359105.html.

³ "Патриарх Кирилл Подарил Росгвардии Икону, Которая "Ускорит Победу" в Украине," *Независимая* газета, 2022, http://www.ng.ru/news/734198.html.

⁴ See e.g. P. Kirill, "Response by H.P. Kirill of Moscow to Rev. Prof. Dr. I. Sauca [March 10, 2022]," 2022, https://www.oikoumene.org/resources/documents/response-by-hh-patriarch-kirill-of-moscow-to-rev-prof-drioan-sauca.

⁵ "Патриарх Кирилл Призвал РПЦ Мобилизовать Прихожан Для Сбора Помощи Участникам СВО," ТАСС, 2023, https://tass.ru/obschestvo/16851337.

⁶ Y. Kornienko, "Deport thy neighbor: how the Russian Orthodox Church together with the security forces forcibly relocate Ukrainians to Russia," Slidstvo.info, 2022, https://www.slidstvo.info/english-stories/deport-thy-neighbor-how-the-russian-orthodox-church-together-with-the-security-forces-forcibly-relocate-ukrainians-to-russia/.

⁷ Given the broad debate on the content and scope of the concepts of 'religion', 'religious figure', and 'religious organisation', this research is limited to the study of sanctions against clergy and representatives of church institutions.

^{8 &}quot;Patriarch Kirill Was Exempted from the EU Sanctions against Russia," Orthodox Times, 2022, https://orthodoxtimes.com/patriarch-kirill-was-exempted-from-the-eu-sanctions-against-russia/; J. Gedeon and N. Toosi, "The Pro-Putin Preacher the U.S. Won't Touch," POLITICO, June 22, 2022, https://www.politico.com/news/2022/06/22/patriarch-kirill-putin-russia-ukraine-00041388.

The mere consideration of imposing restrictive measures against one of the largest Christian churches became a challenge for the international community and for a number of individual states; this response to the ROC's political involvement may reflect the next stage in the development of the understanding of freedom of religion and belief, the practice of exercising these freedoms, and the process of secularisation in general. After the 9/11 attacks, the fact of religion's return to the public sphere and big politics has been recognised even by traditionally secular theorists of international relations. Paying attention to the religious sphere seemed to be a promising step towards bridging the gap in understanding the states of the Middle East or the Global South, for which religion and politics are often fundamentally inseparable, and with whom Western countries, as Margaret Albright noted, spoke different languages, not only literally but also figuratively.

The rejection of the restrictions imposed by the theory of secularisation and the focused practice of 'post-secular awareness' in the following years gave rise not only to a body of research on the influence of religion on political processes at various levels, but also to practical steps to expand 'religious rights', to monitor and promote freedom of religion and belief worldwide, along with the increased involvement of religious actors in various spheres of public life. Today, platforms for engaging religious organisations and plans for developing dialogue with them and between them as representatives of civil society have been established by the vast majority of international institutions, from the World Bank and the UN to the European Parliament, creating 'a flourishing international political economy of good religion'.¹³

At the same time, each new attempt to expand the inclusion of religion and develop ways of closer cooperation with other public institutions reveals additional dimensions of the conflict between them – from different understandings of religion, and thus different understandings of 'religious' rights that must be respected, ¹⁴ to doubts about the very possibility of compatibility of freedom of religion with

⁹ Commenting on the sanctions imposed on him, the Moscow Patriarch compared the sanctions targeting him to the persecution of religion during the Cold War. Part of the patriarch's comment was used in the title of the article, "Патриарх Кирилл Осудил Санкции Против Hero," TACC, November 16, 2023, https://tass.ru/obschestvo/16344811.

¹⁰ J. Casanova, *Public Religions in the Modern World* (Chicago: University of Chicago Press, 1994); S.P. Huntington, *The Clash of Civilizations and the Remaking of World Order* (New York: Simon & Schuster, 1997).

¹¹ M.K. Albright and W. Woodward, *The Mighty and the Almighty: Reflections on America, God, and World Affairs*, 1st ed. (New York: HarperCollins, 2006).

¹² L. Mavelli and F. Petito, *Towards a Postsecular International Politics: New Forms of Community, Identity, and Power* (New York: Palgrave Macmillan US: Imprint: Palgrave Macmillan, 2014).

¹³ E.S. Hurd, *Beyond Religious Freedom: The New Global Politics of Religion* (Princeton, New Jersey: Princeton University Press, 2015).

¹⁴ W.F. Sullivan, *Church State Corporation: Construing Religion in US Law* (Chicago: University of Chicago Press, 2020).

the processes of democratisation and pluralisation.¹⁵ In this context, the imposition of political and economic restrictions on the clergy in response to their political involvement, as well as the failure to respond to such involvement, may be an interesting case to add to the picture of this conflict.

This article aims to analyse the extent to which international sanctions imposed in response to Russia's aggressive war have targeted Orthodox clergy and the challenges these restrictions pose to upholding the principles of freedom of religion and belief. In essence, the article argues that the inclusion of religious figures and entities in the sanctions lists arises from their involvement in political endeavours, signifying another stride towards their equitable treatment alongside other social groups. The introduced restrictions pose a dilemma for the authorities responsible for implementation, primarily due to potential accusations of possible violations of freedom of religion and belief.

The research draws upon statements from religious leaders and the sanction lists of various countries and organisations. This includes references to open databases of sanctioned entities, such as the OpenSanctions project, OCCRP Aleph – Investigative Data Platform of the Organized Crime and Corruption Reporting Project, and the War and Sanctions project.

The article is structured in three sections. The initial segment outlines the range of possible approaches to restrictions on freedom of religion and belief. The subsequent segment delves into the positioning of church figures on sanctions lists linked to the war. Lastly, the third segment focuses on the challenges brought about by the imposition of sanctions against clergy.

Limits of freedom of religion: between protecting freedom of religion and belief, securitisation of religion, and international sanctions

Despite the longstanding tradition of secularisation and the separation of state and church in the so-called 'Western world', any attempts to curtail the activities of religious organisations invariably provoke a robust wave of controversy and impassioned debate. 'Religious rights' remain a contentious issue within the realm of human rights. On the one hand, the entitlement to freely adhere to any religion, to profess no religion, and to change one's religious affiliation is intrinsic to fundamental human rights. This entitlement is enshrined in the Universal Declaration of Human Rights and various regional instruments across the globe, such as the International Covenant on Civil and Political Rights, the African Charter on Human and Peoples' Rights, etc. On the other hand, as scholars underscore, these 'religious' rights are persistently entangled in political contexts, and in situations of conflict with other rights, the former are often accorded precedence.¹⁶

¹⁵ Hurd, Beyond Religious Freedom, 112.

¹⁶ F. Raza, "Limitations to the Right to Religious Freedom: Rethinking Key Approaches," *Oxford Journal of Law and Religion* 9, no. 3 (October 1, 2020): 435–462, https://doi.org/10.1093/ojlr/rwaa025.

In broad terms, restrictions on the exercise of the right to freedom of religion or belief can take diverse forms. The first of these forms pertains to lawful restrictions under international law. As outlined in the aforementioned International Covenant on Civil and Political Rights (Art. 18.3), such restrictions may be applied in exceptional circumstances necessitating the safeguarding of public safety, order, health, morals, or the fundamental rights and freedoms of others.¹⁷

Expounding on the General Rules of Interpretation for Limitations on Rights, Lavery and Cassidy identify several characteristics pertaining to the application of these restrictions within the sphere of religion. Firstly, states may only constrain the modes of manifestation of a specific religion, but not the faith or belief itself. This encompasses (1) acts of worship (e.g., building of places of worship, observing of holidays and days of rest), (2) observance (e.g., observing of dietary restrictions, wearing of specific clothing or head covering), and (3) practices and teaching (e.g., choosing religious leaders, priests, and teachers, establishing religious schools). Secondly, any imposition of restrictions must occur through the refinement of existing legislation. Thirdly, these restrictions are aimed exclusively at achieving a legitimate purpose.¹⁸

Despite the delineated spectrum of scenarios in which freedom of religion may be circumscribed, the criteria themselves leave room for interpretation. A foresee-able outcome of divergent interpretations was the trend towards securitisation of religion. While the theorists of securitisation primarily focused on various dimensions of security (military, economic, political, environmental, and social), they briefly acknowledged religion in the latter category. One exception is a somewhat later article co-authored by one of the fathers of the original theory, Ole Wæver, which delves into the securitisation of religion itself. In it, the authors highlight the limitations of the secular approach to religion and the external dimension of securitisation efforts.

The growth in attention towards the securitisation of religion gained momentum following the 9/11 terrorist attacks, solidifying the 'return' of religion not only to the public sphere in general,²¹ but also to international relations and security studies

¹⁷ United Nations, "International Covenant on Civil and Political Rights," 1966, https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights.

¹⁸ K. Lavery and E. Cassidy, *Legislation Factsheet: Limitations on the Freedom of Religion or Belief* (Washington, DC: United States Commission on International Religious Freedom, 2020), https://www.uscirf.gov/sites/default/files/2020%20Legislation%20Factsheet%20-%20Limitations%20on%20FoRB_0.pdf.

¹⁹ B. Buzan, O. Wæver and J. de Wilde, *Security: A New Framework for Analysis* (Lynne Rienner Publishers, 1998).

²⁰ C.B. Laustsen and O. Wæver, "In Defence of Religion: Sacred Referent Objects for Securitization," *Millennium* 29, no. 3 (2000): 705–739, https://doi.org/10.1177/03058298000290031601.

²¹ Casanova, Public Religions in the Modern World.

in particular.²² According to the theory securitisation, the perceived of threat from the object undergoing securitisation does not have to be real; what matters is the perception of threat and the construction of political discourse and policy in alignment with this perception. It is within this framework that numerous scholars scrutinise Ukrainian policy on religion in the aftermath of the first wave of Russian military aggression (2014–2022).²³ The key elements of this policy entailed curbing the activities of religious organisations 'whose centres are located in an aggressor state' and advocating for the creation of an alternative to the largest among such religious organisations - the Ukrainian Orthodox Church (of the Moscow Patriarchate) (hereinafter referred to as the UOC(MP)). This ultimately culminated in the bestowal of autocephaly (independence) upon the Orthodox Church of Ukraine by the Ecumenical (Constantinople) Patriarchate in 2019, a move ardently championed by the Ukrainian authorities.

International sanctions introduce a somewhat different shade of restrictions. As Jentleson shows, recent decades have been a period of tremendous growth in both the practice of sanctions and the diversification of the entities imposing them and those subject to them.²⁴ These range from trade and financial restrictions to limitations on international aid, travel restrictions, participation in sporting and cultural events, and so forth. Increasingly, these sanctions target not only state officials directly accountable for implementing the policy being contested (primary target), but also a broader spectrum of organisations and individuals who share culpability for the objectionable policy and/or possess the capacity to influence the first group – those directly accountable (secondary target). In the latter scenario, the imposition of sanctions may also serve as a symbolic or relatively low-cost endeavour to offset the impracticality of more robust actions.²⁵

There are very few cases of international sanctions against religious organisations and/or religious leaders. As Kelaidis points out, even in instances of collaboration with sanctioned military dictatorships in Latin America, [Orthodox] Greece, or the apartheid regime in South Africa, sanctions were never imposed on the

²² See e.g. *Religion and Security: The New Nexus in International Relations*, eds. R.A. Seiple and D. Hoover (Lanham [etc.]: Rowman & Littlefield, 2004); R.M. Bosco, *Securing the Sacred: Religion, National Security, and the Western State*, Configurations: Critical Studies of World Politics (Ann Arbor: The University of Michigan Press, 2014).

²³ D. Shestopalets, "Church as an Existential Threat: The Securitization of Religion in Post-Euromaidan Ukraine," *Journal of Church and State* 62, no. 4 (November 1, 2020): 713–739, https://doi.org/10.1093/jcs/csz116.

²⁴ B.W. Jentleson, *Sanctions: What Everyone Needs to Know* (New York, NY: Oxford University Press, 2022).

²⁵ R.D. Blackwill and J.M. Harris, *War by Other Means: Geoeconomics and Statecraft* (Cambridge: The Belknap Press of Harvard University Press, 2017).

[Christian] clergy.²⁶ Nonetheless, religious organisations, as an integral part of civil society, have actively responded to the imposition of sanctions against individual states for decades. Illustrative cases encompass campaigns advocating for the relaxation of sanctions against Cuba by the Catholic Church, against sanctions targeting Serbia and Syria by certain Orthodox churches, and so forth. Such anti-sanctions campaigns are typically predicated on concerns for the broader populace or the adverse impact on the social and humanitarian initiatives of the church.²⁷

Perhaps the most high-profile and intricate case until recently has been the imposition of sanctions against Iran, which has engendered a consequential indirect impact on Shia Muslims residing in countries endorsing these sanctions. The payment of Khums, a special tax earmarked for charitable purposes, constitutes one of the religious obligations of Muslims. A distinctive facet of the Shia tradition lies in the role of religious leaders and the administration of this tax through the Ayatollah's office, tasked with allocating and channelling the funds. Within the context of sanctions against Iran, such religious practice can be construed as financing terrorism, resulting in the apprehension and subsequent arrest of several members of the American Shia community, and prompting a deliberation on the collision between the right to religious freedom and the policy of sanctions.²⁸

After the launch of Russia's full-scale invasion and protracted war of attrition against Ukraine in February 2022, Russia became the most sanctioned country in history, thrusting Russian religious leaders and figures who fervently supported this war into the spotlight.

Religious leaders and entities on sanctions lists related to the war

Between 2014 and 2022, researchers of religion allowed themselves to argue about the role and accountability of the Russian Orthodox Church for the war unleashed by Russia – the occupation of parts of Donetsk and Luhansk oblasts and the occupation and illegal annexation of the Autonomous Republic of Crimea. On the one hand, the church has supported and actively propagated the Russian pro-government narratives, framing the conflict as a civil and religious war in Ukraine. In official

²⁶ K. Kelaidis, "Sanctioning Patriarch Kirill Would Send a Strong Message — Is the Problem That He Doesn't Wear Mullahs' Robes?," *Religion Dispatches*, April 22, 2022, https://religiondispatches.org/sanctioning-patriarch-kirill-would-send-a-strong-message-is-the-problem-that-he-doesnt-wear-mullahs-robes/; Nevertheless, a specialised academic study would be beneficial to determine whether such a possibility has ever been considered in the preparation of sanctions lists.

²⁷ P. Hausmann, E. Pearson and M. Liechti, *Assessing the Impact of Sanctions on Humanitarian Work [Report]*, (Geneva, Switzerland: Geneva Graduate Institute in partnership with the World Council of Churches (WCC), ACT Alliance, Caritas Internationalis, and World Evangelical Alliance, 2022), https://www.oikoumene.org/resources/documents/report-assessing-the-impact-of-sanctions-on-humanitarian-work.

²⁸ For more on the case see I.F. Aziz, "Sanctioning Free Exercise: Religious Freedom and Financial Liberty," *Texas Law Review* 100, no. 2 (December, 2021): 387–421.

church statements, this war was often presented as an aggression by 'Uniates and schismatics' [referring to Ukrainian Greek Catholics and alternative Ukrainian Orthodox churches, primarily the Ukrainian Orthodox Church – Kyiv Patriarchate] against 'canonical Orthodoxy' [the Moscow Patriarchate].²⁹ Conspicuously, the Moscow Patriarchate refrained from addressing religious persecution and the physical extermination inflicted on adherents of other faiths and beliefs³⁰ in the name of establishing 'Russian Orthodoxy' as the 'prevailing and dominant faith'³¹ in the occupied territories. While the Church did not openly support, it also did not condemn its individual priests and bishops who provided 'spiritual guidance' to paramilitary groups involved in the occupation, and which positioned themselves as protectors of the Orthodox faith (e.g., the Russian Orthodox Army, Russian Cossack formations, etc.).³²

On the other hand, Patriarch Kirill and a faction of Russian bishops consistently refrained from visiting the occupied territories, formally complying with Ukrainian law. Legitimate visits to these territories were only possible through designated checkpoints and from the areas under the control of the official Kyiv; any other entry was construed as illegal border crossing. Furthermore, the Russian Orthodox Church exhibited hesitancy in directly incorporating the parishes of the 'self-ruled' Ukrainian Orthodox Church (of Moscow Patriarchate) that found themselves in the midst of the occupation.³³ Some researchers interpreted this stance as an effort to distance the Church from the conflict and to take a neutral position.

The situation changed with the outbreak of the 'great war'. Vadim Novinsky, an oligarch and cleric of the UOC(MP), claims that in the first hours of the full-scale aggression, he personally contacted Patriarch Kirill, who initially did not believe that a full-scale war had begun.³⁴ Nevertheless, within a few days, the patriarch publicly endorsed and blessed the Russian armed forces' participation in the war of

²⁹ "His Holiness Patriarch Kirill Addresses the U.N., the European Council, and the OSCE Concerning Facts of Persecution Against The Ukrainian Orthodox Church in Besieged Southeast Ukraine," Russian Orthodox Church, August 18, 2014, http://orthochristian.com/73060.html.

³⁰ On religious persecution in the first months of the occupation and during a full-scale war, see e.g. *When God Becomes the Weapon* (Kyiv: The Institute of Religious Freedom, 2015), https://www.irf.in.ua/files/publications/2015.04_Report_Religious_persecution_in_occupied_Donbas_eng.pdf; G. Barros *et al.*, *Russian Offensive Campaign Assessment*, *April 9*, 2023 (Institute for the Study of War, 2023), https://www.understandingwar.org/backgrounder/russian-offensive-campaign-assessment-april-9-2023.

³¹ Wording from the so-called Constitution adopted by the occupation authorities of Donetsk, originally borrowed from the laws of the Russian Empire. The document emphasized support specifically for Russian Orthodoxy. Later, the document, even in versions presented as original, was edited. Cited from: А. Солдатов, "Не благая весть: Почему РПЦ не хочет признать в донецких ополченцах своих идейных последователей," Новая газета. 2014.

³² When God Becomes the Weapon.

³³ The religious annexation though followed a full-scale war.

³⁴ R. Kravets and R. Romaniuk, "The Three Longest Days of February. The Beginning of the Great War Which No One Thought Would Come," *Ukrainska Pravda*, September 5, 2022, https://www.pravda.com.ua/eng/articles/2022/09/5/7366059/.

aggression. This support, articulated through rhetoric, encompassed a spectrum of statements, ranging from systematic blessings and prayers for a swift victory of the Russian army to extremely controversial from the perspective of Orthodox doctrine statements that Russian soldiers who died in the line of duty in Ukraine have all of their sins forgiven;³⁵ a pronouncement that could be equated to declaring the war as holy.

The earliest condemnation of the ROC's support for Russian aggression against Ukraine emanated from within the religious milieu itself. On March 13, 2022, a little over two weeks after the commencement of full-scale aggression, a group of Orthodox theologians and scholars issued an open letter denouncing the ROC's teaching of the 'Russkii Mir' (Russian World),³⁶ which served as the ideological foundation for the invasion. This letter garnered signatures from over 1,500 priests, theologians, and lay individuals worldwide. In the subsequent weeks, the vast majority of local Orthodox churches, to varying degrees, condemned the aggression.³⁷

At the state level, discussions regarding the feasibility of imposing sanctions on religious leaders who endorsed the aggression gained momentum in the spring of 2022. In the EU, that has implemented eleven (as of September 2023) sanctions packages against Russia in response to its invasion of Ukraine, deliberations regarding the inclusion of the leadership of the ROC in sanctions lists transpired during the formulation of the 6th and 7th packages. However, the final decision to add Patriarch Kirill to the EU sanctions list was blocked by one of the member states.³⁸ Presently, the EU sanctions list encompasses only two individuals whose links to the ROC are directly indicated in the document: the individual responsible for the ROC's links to the nationalist motorcycle club Nightwolves MC (annex 1, no. 1206) and the general director of the ultraconservative TV channel Spas, which belongs to the ROC (annex 1, no. 1388).³⁹ Notably, the Russian World Foundation is also included in this list (annex 2, no. 106).⁴⁰ Established at the initiative of the

³⁵ "Moscow Patriarch: Russian War Dead Have Their Sins Forgiven," *AP NEWS*, 2022, https://apnews.com/article/russia-ukraine-putin-religion-moscow-0d2382ff296b7e253cd30c6bbadeed1d.

³⁶ B. Gallaher and P. Kalaitzidis, "A Declaration on the "Russian World" (Russkii Mir) Teaching: Coordinators of the Drafting Committee," *Mission Studies: Journal of the International Association for Mission Studies* 39, no. 2 (2022): 269–276, https://doi.org/10.1163/15733831-12341850.

³⁷ A.M. Solarz and I. Korniichuk, "The Reactions of Orthodox Churches to Russia's Aggression towards Ukraine in the Light of the Postsecular Approach to IR Studies," *Religions* 14, no. 4 (April, 2023): 515, https://doi.org/10.3390/re114040515.

³⁸ "Patriarch Kirill Excluded from EU Sanctions after Hungary's Objection," *Euronews*, June 2, 2022, https://www.euronews.com/my-europe/2022/06/02/patriarch-kirill-excluded-from-eu-sanctions-after-hungary-s-objection.

³⁹ "Council Regulation (EU) No 269/2014 of 17 March 2014 Concerning Restrictive Measures in Respect of Actions Undermining or Threatening the Territorial Integrity, Sovereignty and Independence of Ukraine," 2023, http://data.europa.eu/eli/reg/2014/269/2023-04-26/eng.

⁴⁰ Council Regulation (EU) No 269/2014 of 17 March 2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine.

Russian President, the Foundation closely collaborated with the ROC, with its statute even delineating such cooperation as one of its designated tasks.⁴¹ Patriarch Kirill served on the Foundation's Board of Trustees since its inception until very recently. His speech at one of the Foundation's assemblies served as a manifesto for the Russkii Mir teaching within church circles. While these organisations actively endorsed the invasion and were involved in implementing the occupation policy for an extended period, their inclusion in the sanctions list occurred only in 2022.

The Church's transmission of Russian pro-government narratives and interests had attracted the attention of EU institutions previously. A notable instance highlighting this role was the European Parliament's resolution 'EU strategic communication to counter anti-EU propaganda by third parties' in 2016. Article 8 of the final version of this document referenced the Russian government's use of social and religious groups as tools of propaganda.⁴² This generalisation emerged as a compromise following protests from some Members of the European Parliament and religious organisations, but earlier drafts of the document explicitly mentioned the Orthodox Church.⁴³

Since the beginning of a full-scale invasion, given the difficulty of imposing sanctions at the level of international structures, several countries have autonomously imposed specific restrictive measures against those contributing to the aggression. This has extended to representatives of the ROC or entities affiliated with it. It is necessary to emphasise that these restrictions do not apply to the church as a whole or to parishes as legal entities. In certain instances, sanction lists even omit specific references to the institutional affiliation or position of the sanctioned individuals.⁴⁴

The main religious figure featured on most sanctions lists is Patriarch Kirill himself. Sanctions targeting him have been enacted by the United Kingdom, Canada, Australia, the Czech Republic, and Ukraine. Additionally, some non-governmental organisations, such as the Anti-Corruption Foundation (a U.S.-registered non-profit organisation founded by Alexei Navalny), have included the Patriarch in their sanctions lists. The primary rationale cited for these sanctions is his public support

⁴¹ "Устав Фонда «Русский Мир»," Art. 2.3, 2022, https://russkiymir.ru/fund/USTAV_2022.pdf.

⁴² "P8_TA(2016)0441, EU Strategic Communication to Counteract Anti-EU Propaganda by Third Parties [European Parliament Resolution of 23 November 2016 on EU Strategic Communication to Counteract Propaganda against It by Third Parties (2016/2030(INI))]," European Parliament, 2016, https://www.europarl.europa.eu/doceo/document/TA-8-2016-0441_EN.pdf.

⁴³ A.E. Fotyga, "AMENDMENTS (1 - 358) [Draft Report (PE582.060v02-00) EU Strategic Communication to Counteract Propaganda against It by Third Parties (2016/2030(INI))]," European Parliament, 2016, https://www.europarl.europa.eu/RegData/commissions/afet/projet_avis/2016/583932/amendements/AFET_AM(2016)583932_EN.pdf.

⁴⁴ See e.g. Global Affairs Canada, "Sanctions – Russian Invasion of Ukraine," Government of Canada, 2022, https://www.international.gc.ca/world-monde/issues_development-enjeux_developpement/response_conflict-reponse_conflits/crisis-crises/ukraine-sanctions.aspx?lang=eng.

for the aggression. As articulated in the British list: "Patriarch Kirill has made multiple public statements in support of the Russian invasion of Ukraine. He therefore engages in, provides support for, or promotes any policy or action which destabilises Ukraine or undermines or threatens the territorial integrity, sovereignty, or independence of Ukraine". Notably, in the case of Canadian sanctions, the Patriarch is listed among disinformation agents alongside prominent Russian propagandists such as Olga Skabeyeva, Maria Zakharova, Arkady Mamontov, and others. 46

It is interesting that Patriarch Kirill was added to the British sanctions list concurrently with Maria Lvova-Belova, the Russian children's commissioner, who stands accused of orchestrating mass deportations of Ukrainian children and imposing forced Russification. In March 2023, the International Criminal Court in The Hague issued an arrest warrant for Ms. Lvova-Belova, as well as for Vladimir Putin, for their roles in the forced deportations of Ukrainian children. However, despite investigative journalism shedding light on the Church's involvement in the relocation and settlement of forcibly deported Ukrainians in Russia,⁴⁷ this aspect remains unaddressed in the sanctions lists pertaining to representatives of the church. Ukraine's imposition of sanctions, on the other hand, represents an exception. According to the War and Sanctions project, which aggregates information from open sources regarding support for Russian aggression, there are grounds to suspect at least nine metropolitans and bishops of the Moscow Patriarchate in facilitating the deportation of Ukrainians to Russia. Ukraine has already imposed sanctions against one of them on this basis.⁴⁸

Overall, aggregated open databases of sanctions such as OpenSanctions⁴⁹ or OCCRP Aleph,⁵⁰ which compile information from sanction lists of various countries and until recently had a separate tag for 'clergy,' indicate at least 23 sanctioned members of the ROC. With few exceptions, these are primarily under sanctions imposed by Ukraine, particularly by the National Security and Defence Council of Ukraine. The list includes top figures of the church – from the Patriarch to those responsible for cooperation with the Armed Forces of Russia, external relations, press

 $^{^{45}}$ "UK Sanctions List [Version on 01/09/2023]," Foreign, Commonwealth & Development Office, UK, 2023, https://docs.fcdo.gov.uk/docs/UK-Sanctions-List.html.

⁴⁶ See section "Russian disinformation agents – List of individuals," Entered into force: July 8, 2022; Canada, "Sanctions – Russian Invasion of Ukraine."

⁴⁷ Kornienko, "Deport thy neighbor."

⁴⁸ The War and Sanctions project is supported by the Ministry of Foreign Affairs of Ukraine and the National Agency for the Prevention of Corruption. "War and Sanctions: The Main Database of Sanctions That Were Imposed after Russia's Attack on Ukraine," accessed September 7, 2023, https://sanctions.nazk.gov.ua/en/.

⁴⁹ "OpenSanctions is coordinated by a for-profit entity OpenSanctions Datenbanken GmbH. In 2021–2022, the project received financial support from the German Federal Ministry for Education and Research (Bundesministerium für Bildung und Forschung; the grant identifier 01IS21S48). 'OpenSanctions [Database]," OpenSanctions.org, September 7, 2023, https://www.opensanctions.org/.

⁵⁰ "OCCRP Aleph [Organized Crime and Corruption Reporting Project, Investigative Data Platform]," accessed September 7, 2023, https://aleph.occrp.org/.

service, etc.⁵¹ Partially, the Ukrainian list of sanctioned clerics aligns with the sanction lists of the Anti-Corruption Foundation⁵² and the Russian Public Database of Domestic Politically Exposed Persons of Russia and Belarus.⁵³ Despite the significant value of these databases as sources, it is important to note that they may be incomprehensive. For instance, in the case of the patriarch, the database does not include the Czech Republic, where he is listed as number one on the national sanctions list.⁵⁴

A distinct category within the church-related entities subjected to international sanctions comprises representatives of church-affiliated media. This is primarily owned by the Church TV channel Spas and the pro-Kremlin ultranationalist TV channel Tsargrad.⁵⁵ The sanction lists feature several individuals connected with these channels, spanning from owners and chief executives to hosts of specific television programs. Sanctions against them have been applied by various countries, including the US, the EU, France, Belgium, Australia, New Zealand, Ukraine, and even historically neutral Switzerland.

In addition to the sanctions themselves, national governments have implemented specific measures, frequently intertwined with the sanctions, such as prohibiting entry into their respective countries⁵⁶ or imposing restrictions on television appearances.⁵⁷ Estonia, Lithuania, and Latvia have already enacted such measures.

⁵¹ Ukraine expanded the circle of sub-sanctioned individuals, including clergy, several times. The most extensive list of sub-sanctioned clerics of the Russian Orthodox Church was introduced in January, 2023. See "Додаток До Рішення Ради Національної Безпеки і Оборони України Від 23 Січня 2023 Року "Про Застосування Персональних Спеціальних Економічних Та Інших Обмежувальних Заходів (Санкцій)," Уведеного в Дію Указом Президента України Від 23 Січня 2023 Року № 26/2023," Офіс Президента України, 2023, https://www.president.gov.ua/storage/j-files-storage/01/17/09/ce55e4f8c480ed5abfd0b7f767e73ac2 1674508005.pdf.

⁵² "List of Bribetakers and Warmongers," The Anti-Corruption Foundation, 2023, https://acf.international/list-of-war-enablers.

⁵³ "PEP: Public Database of Domestic Politically Exposed Persons of Russia and Belarus," rupep.org, 2023, https://rupep.org/en/.

^{54 &}quot;Vnitrostátní sankční seznam [National sanctions list]," Ministerstvo zahraničních věcí České republiky, 2023, https://www.mzv.cz/jnp/cz/zahranicni_vztahy/sankcni_politika/sankcni_seznam_cr/vnitrostatni_sankcni_seznam.html.

⁵⁵ Tsargrad is the old Slavic name for Constantinople and literally means the city of tsar/emperor. The name refers to the Byzantine tradition of symphony between church and state authorities. The channel was created in cooperation with a former news director from American Fox News.

⁵⁶ "Lithuania Puts Travel Ban on Moscow Patriarch Kirill," *Irt.lt*, July 27, 2022, https://www.lrt.lt/en/news-in-english/19/1747257/lithuania-puts-travel-ban-on-moscow-patriarch-kirill; "Foreign Minister Tsahkna Bans P. Kirill from Entering Estonia | Välisministeerium," accessed September 9, 2023, https://www.vm.ee/en/news/foreign-minister-tsahkna-bans-patriarch-kirill-entering-estonia.

⁵⁷ Human Rights Without Frontiers, "LATVIA: State TV Bans Orthodox Worship Services from Broadcast," September 7, 2023, https://hrwf.eu/75604-2/.

Effects and challenges

As the use of sanctions as a tool of influence continues to proliferate, so does the chorus of criticism about their effectiveness. This debate is particularly intense when it comes to the effectiveness of sanctions against such specific actors as religious leaders. At the same time, researchers point out to a correlation between the leading role of religion in the state and the overall effectiveness of sanctions. For instance, Naghavi and Pignataro's study of Iran demonstrates that a strong religious foundation and religious approval of government actions tend to soften the blow of sanctions and strengthen the country's resilience.⁵⁸ Although the current iteration of Russian civil religion is still far from theocracy, the influential role of the church in shaping the ideological basis of Russian aggression and political mobilisation is hard to overestimate.

Similar to their stance on sanctions in general, the Russian elite often expresses scepticism about the effectiveness of sanctions targeting Patriarch Kirill. They argue that the financial consequences will not be as significant as they are often portrayed, and thus, should not be a source of major concern.⁵⁹ It is worth noting that the Patriarch is suspected of amassing a substantial fortune, potentially in the billions, through the tax-free importation of tobacco and alcohol products during the 1990s. In 2021, during the proceedings related to the defamation case against the then Deputy Prime Minister of Bulgaria for insulting the 'honour, dignity, and good name of the Primate of the Russian Orthodox Church', the Sofia District Court, after a thorough examination, deemed the information about the Patriarch's wealth to be 'common knowledge, even among theologians'.⁶⁰

The ramifications of imposing sanctions extend beyond mere financial considerations, encompassing substantial reputational repercussions. Since World War II, the ROC has been instrumental in advancing Russian state policies on various fronts. ⁶¹ This influence extends both within individual states and at the international level. In the first case, the church emerged as one of the primary centres for uniting 'compatriots' and advocating for their rights and privileges, which had been heightened due to its dominant position in the Russian state over centuries. In the second case, this was achieved through exceptional 'representational rights' in both religious and non-religious international organisations, ranging from the World

⁵⁸ A. Naghavi and G. Pignataro, "Theocracy and Resilience against Economic Sanctions," *Journal of Economic Behavior and Organization* 111 (March 1, 2015): 1–12, https://doi.org/10.1016/j.jebo.2014.12.018.

⁵⁹ I. Timofeev, "British Sanctions Against Patriarch Kirill. Forgiveness and Humility in Response," Valdai Club, 2022, https://valdaiclub.com/a/highlights/british-sanctions-against-patriarch-kirill/.

 $^{^{60}}$ "Темида: Посещението На Руския Патрирах Кирил През 2018 г е Политическо, Валери Симеонов Не е Обидил Московския Гост," Фактор, 2021, https://faktor.bg/bg/articles/petak-13-temida-poseshtenieto-naruskiya-patrirah-kiril-prez-2018-g-e-politichesko-valeri-simeonov-ne-e-obidil-moskovskiya-gost.

⁶¹ W.C. Fletcher, *Religion and Soviet Foreign Policy, 1945–1970* (London: Oxford University Press for the Royal Institute of International Affairs, 1973).

Council of Churches to representation at the EU (even though Russia is not a member of the Union).

Ironically, at the inception of the EU's Eastern Partnership initiative, Russia demanded a special right to represent other former Soviet states. The demand was unacceptable to the EU, and as a result, Russia remained outside the partnership. Simultaneously, the Moscow Patriarchate frequently acts as the spokesperson for the Orthodox community in EaP countries, particularly concerning religious affairs. In this regard, the Russian church has achieved what the Russian state initially failed to.

The situation with religious representation began to shift gradually with the full-scale war. In April 2023, regional Conference of European Churches approved the application for membership from the Orthodox Church of Ukraine,⁶³ which would have been unthinkable just a few years ago.⁶⁴ It is hard to say whether sanctions played a role in this, but the gradual decrease in the influence of the Russian Orthodox Church is starting to become evident.

Despite the rather limited attempts to restrict Russia's religious 'soft, sharp, and evil power', 65 these efforts have already elicited a sharp reaction from Russian authorities. Official statements from government officials have ranged from accusations of foreign governments engaging in Satanism (as stated by a Foreign Ministry speaker) 66 to labelling them as 'boorish and obscurantist' (as stated by the Russian Embassy in Canada). 67 With the exception of a very few brief remarks in the media, neither the Patriarch himself nor the Church as a whole has officially issued any public statements regarding the imposition of sanctions. This matter has not even been reflected in the Journals of the Holy Synod of the ROC. There are only two exceptions: the condemnation of the sanctions imposed by Ukraine and an expression

⁶² See e.g. "Представители Русской Церкви приняли участие в круглом столе на тему «Восточное партнерство ЕС: путь к единению или разделению Европы?», прошедшем в Европаламенте," Патриархия. ru, 2013, http://www.patriarchia.ru/db/text/3415397.html.

⁶³ "Orthodox Church of Ukraine Gets a Nod from CEC Governing Board," Conference of European Churches, 2023, https://ceceurope.org/orthodox-church-ukraine-gets-nod-cec-governing-board.

⁶⁴ In 2009, the Russian Orthodox Church suspended its membership in the Conference of European Churches, which, however, did not open the possibility of membership for Ukrainian Orthodox churches until the full-scale invasion.

⁶⁵ Analysing the role of the ROC in Russia's invasion of Ukraine, Kilp and Pankhurst identify three types of ROC's influence on the aggression – as a 'soft power' (as defined by J. Nye-jr.) through the dissemination of underlying anti-Western cultural influences, 'sharp power' (in the sense described by P. Mandaville) through its denial of Ukrainian statehood and vision of Ukraine as part of the 'Russian World', and 'evil power' through its support for the state's immoral and unethical actions – the invasion itself; A. Kilp and J. Pankhurst, "Soft, Sharp, and Evil Power: The Russian Orthodox Church in the Russian Invasion of Ukraine," *Occasional Papers on Religion in Eastern Europe* 42, no. 5 (2022), https://doi.org/10.55221/2693-2148.2361.

⁶⁶ "Захарова Заявила, Что Санкции Против Патриарха Могли Ввести Только Сатанисты - ТАСС," ТАСС, 2022, https://tass.ru/obschestvo/15169035.

⁶⁷ "Посольство РФ в Оттаве Назвало Хамством Новые Санкции Канады - TACC," TACC, accessed September 9, 2023, https://tass.ru/politika/15171543.

of gratitude to Viktor Orbán for his 'firm stance' in preventing the Patriarch from being included in the EU sanctions.⁶⁸

Overall, a number of representatives within the hierarchy of the ROC and its affiliated structures have condemned the sanctions. In their statements, several noteworthy characteristics can be discerned. Firstly, there is a consistent denial of the church's political involvement. At the same time, alongside the traditional assertion that 'the church is outside of politics,' another argument coexists organically – that the church serves as a 'channel of communication between European society and Russia,'⁶⁹ dismissing any potential political dimension to such communication. In essence, this claim is an attempt to return the ROC to its usual role in the Cold War era, with both positive and negative consequences for the church.

Secondly, the sanctions themselves are portrayed as an attempt at religious persecution and harassment and even are compared to the anti-religious policy of the Soviet authorities. The main object of criticism in this context is primarily Ukrainian sanctions and cases of court decisions against individual priests of the UOC(MP) for collaborating with the occupiers or inciting inter-religious hatred. In April 2023, Chief of the Security Service of Ukraine informed that currently, proceedings have been opened against 61 clergymen, emphasising that their religious affiliation 'is not an aggravating circumstance, but it does not exempt [them] from criminal liability. And does not give any indulgences'. The ROC often presents sanctions and court verdicts together, artificially prolonging the consideration of complaints regarding potential restrictions on freedom of religion. As several participants of the UN Security Council hearings on the religious situation in Ukraine, specially convened at Russia's initiative, noted that such mixing is an attempt to create 'false equivalencies' between the aggressor and the victim of aggression and to artificially 'burden the Council'.72

This brings us back to the question not only of acceptable forms of limiting freedom of religion and beliefs but also the issue of the ambiguity in their interpretation and distinguishing between different forms of limitation. Despite none of the sanction lists being directed towards prohibiting any aspect of religious belief or

⁶⁸ Respectively, Journal no. 13 from April 16, 2023 and Journal no. 57 from June 7, 2022; *Журналы* Священного Сино∂а (Русская Православная Церковь, 2023), http://www.patriarchia.ru/db/document/100049/.

⁶⁹ "Легойда Назвал Британские Санкции Против Патриарха Кирилла Абсурдными и Контрпродуктивными - TACC," TACC, 2022, https://tass.ru/obschestvo/14931869.

⁷⁰ "Легойда: Патриарх Никак Не Реагирует На Санкции, Волнуется Лишь о Зарубежных Приходах - TACC," TACC, 2022, https://tass.ru/politika/15146951.

⁷¹ "SBU Chief: One UOC (MP) Priest Exchanged for 28 Ukrainian Servicemen," *Interfax-Ukraine*, April 21, 2023, https://en.interfax.com.ua/news/general/905455.html.

⁷² United Nations, "Concerned by Restrictions on Religious Freedom, Speakers Warn against Using Religion to Fuel Conflict, as Security Council Considers Situation in Ukraine," 2023, https://press.un.org/en/2023/sc15178.doc.htm?fbclid=IwAR10eRaE3TBys9zowD0ZWirVDNSDKOPyjn6cu9HexSZmE3PN40hbbiPFzLg.

practice directly and the sanctions themselves not being imposed based on religious affiliation or even emphasising it, the fight against the presentation of sanctions as persecution remains one of the biggest challenges.

Conclusions

The imposition of sanctions against individual clerics and church-related figures for supporting Russia's war against Ukraine was a virtually unprecedented step. Despite the relatively low number of clergies subjected to international sanctions, the measures have garnered significant attention in the international arena. This attention spans from stern statements by Russian diplomatic services to public accusations of violations of freedom of religion and belief.

The introduction of sanctions in some countries, coupled with the failure to take such a step in others (despite unequivocal condemnation of Russian aggression), once again underscored the ambiguity in interpreting the permissible limits of freedom of religion and its political implications. Despite the fact that none of the sanctions lists reviewed in this study targeted the church as a religious organisation or clergy specifically for belonging to a religious organisation – moreover, some sanctions lists do not even reference the religious affiliation of the sanctioned individuals – the imposition of sanctions is frequently criticised and portrayed as a form of 'persecution of the church'.

Overall, the reviewed case contributes to a broader discussion on the limits of the religious, the politicisation of religion, and the effectiveness of legal instruments available to secular actors in cases of abuse of freedom of religion and belief. It has also brought to light several issues that merit further, in-depth studies in the future.

Firstly, it is worth exploring in more depth the shades of understanding of freedom of religion and belief and the limits of such freedom. To what extent did differences in their interpretation influence the fact that sanctions were imposed within countries or at the level of international institutions, or vice versa, rendered such imposition impossible? To what extent is it the understanding of freedom of religion and belief that is decisive, and what other factors influenced this decision?

Secondly, how effective are such sanctions and do they affect the life of religious communities and, if so, how? Is it possible to guard against blurring the line between sanctions and accusations of an attack on freedom of religious expression?

Finally, thirdly, special attention deserves the analysis of the Ukrainian case, given that the Ukrainian sanctions list of religious leaders stands out as the most extensive and the most open in terms of the restrictions imposed.

Addressing these aspects will facilitate the creation of a more comprehensive picture of the complex interaction between religious and political institutions, as well as the intersection of religion and law in general.

Data availability

No data are associated with this article.