

• Author: [Alice Underwood](#)

Legislating Morality



Throughout Putin’s regime, and particularly since the annexation of Crimea, the Kremlin’s defense of a specifically Russian view of morality, religion, and ethics—and by extension, Russianness itself—has been key to the government’s message and its widespread popularity. Its rhetoric of traditionalist morality functions by targeting the “fifth column” of opposition within Russia; scapegoating the West for its decline in morality to incite Russian skepticism and mistrust of Western values; and limiting expressions of disagreement to safeguard Russia’s rightful ownership of Crimea and overall national narrative.

The Kremlin’s project of building a politics of morality has a dual goal: to influence how people think through the discourse of traditional Russian values, and to limit how they act through laws that fortify the government’s moral discourse and penalize expressions of dissent. This piece, without providing an exhaustive account of Russian legislation since 2012, tracks the Kremlin’s moves to legislate traditionalist morality in relation to these areas.

Criminalizing the Fifth Column

The mass protests of 2011-2012 were spurred by fraudulent parliamentary elections, government corruption,

and Prime Minister Putin's announcement that he would switch spots with Dmitry Medvedev to regain the presidency in 2012. Soon after, the Kremlin mobilized a discourse promoting morality and traditional Russian values, a platform that both appealed to a vast majority of "ordinary Russians" and drove a wedge between this demographic and those who had participated in the protests. The "angry urbanites" were depicted by the media as spoiled and unpatriotic: a "fifth column" tainted by Western decadence and dangerous to Russian values if left unchecked.

Hundreds of arrests were made during the Bolotnaya Protests, and a number of laws were adopted or altered to increase penalties for dissent. In June 2012—still stinging from the Bolotnaya Protests and newly reinstated as president—Putin signed a law to fine organizers or participants in unsanctioned demonstrations, and in 2014, repeat protesters became liable for imprisonment as well as fines. The government came alive with discussions of patriotic education, standardizing Russian history textbooks, and [new agencies](#) dedicated to "strengthening the spiritual and moral foundations of Russian society."

Making it harder to organize protests was a means to dissuade potential demonstrators; casting the opposition as immoral provided an added boost for polarizing society and discrediting anyone who opposed the Kremlin's stance. The first and most famous legal case to explicitly utilize the discourse of morality was the trial of Pussy Riot in the summer of 2012. Their "punk prayer" performance in the Cathedral of Christ the Savior was titled "Mother of God, Drive Putin Away" and targeted then-Prime Minister Putin and growing ties between Church and State. But the prosecution largely ignored the political intent of the act, instead convicting three members of Pussy Riot under the Criminal Code's Article 213.2, for "hooliganism motivated by religious hatred or hostility."

Some have equated the proceedings to a "show trial" and deemed the hooliganism charges a pretext for jailing the clearly anti-Putin Pussy Riot members. Regardless of opinions on their performance, the trial clearly demarcates the start of the Kremlin's campaign to mobilize morality. At the center were the goals of transforming members of the opposition into criminals, intensifying distrust of the "fifth column," and presenting the state as the defender of good, moral, religious Russians. In 2013, Article 148 of the Criminal Code was [amended](#) to penalize insulting the feelings of religious believers. The law on hooliganism had done its job, but the revised Article 148 clearly signaled that copycats of Pussy Riot would have even more legal ammunition against them.

Ruling Against the Decadent West

Mimicking Soviet-era caricatures of Western decadence, the Kremlin has adopted and intensified anti-Western rhetoric in its emphasis on Russian values. There are many examples of this phenomenon, but the two most prominent legal illustrations are the laws banning gay propaganda and adoption of Russian children by U.S. citizens.

Informally known as the Dima Yakovlev Law or the anti-Magnitsky Law, the prohibition on U.S. citizens adopting children from Russia was passed in 2012, at least partially in retaliation for the United States' adoption of the Magnitsky Act. The law was named for a Russian child who died after his American adoptive father left him in a hot car for hours; by highlighting this gruesome story, lawmakers evoked fears that orphans bound for America were doomed to neglect or abuse at the hands of child-hating degenerates. In a more moderate, but still condemnatory statement against America, Russian Orthodox Church ex-spokesman Vsevolod Chaplin [said](#) that orphans adopted by U.S. citizens "won't get a truly Christian upbringing and that means falling away from the Church and from the path to eternal life."

The portrayal of the West as anathema to family values is perhaps best illustrated by the demonization of "Gayropa"—a Europe (and United States) equated to gayness and painted as a dystopian wasteland whose liberalism is out to destroy morality, children, and the future itself. The extent of this fear-mongering is epitomized in the 2013 law prohibiting gay propaganda to minors. The result has been increased and institutionalized homophobia. Coding homosexuality as both immoral and illegal supports the state's position as defender of Russia's values and further isolates Russian society from the West.

Censoring Around Crimea and Confession

Though many laws originated with the Kremlin's realization that a new rhetorical tack would have to be taken in light of the 2011-12 protests, the strategy intensified after the annexation of Crimea in March 2014, morally justified as the defense of ethnic Russians or the "*Russkii mir*."

May 2014 also saw entering into force of [Article 280.1](#), which imposes penalties for "calls to action for the violation of the territorial integrity of the Russian Federation." Most of the individuals charged ([15](#) in 2015-2016) were indicted for posts on social media, statements like "Crimea is Ukraine" or "Crimea is occupied," but generally lacking a call to violence or even action.

New laws on extremism, especially the so-called "Yarovaya package" adopted in July 2016, further support the Kremlin's version of morality and its silencing of dissenting voices—about Ukraine and more broadly. Ostensibly introduced to increase security and target terrorism, Yarovaya's laws have been used to punish individuals for allegedly extremist activities, statements, and even posts on social media. Most prominently, the laws have been used to prosecute religious and missionary activity, including [Jehovah's Witnesses](#), [Mormons](#), and even [yoga instructors](#).

The apparent tie between extremism and religion that is not Russian Orthodoxy is telling. As first illustrated by Pussy Riot, attacks on the state-sanctioned church are prosecuted more readily than attacks on the state itself, with or without a political undertone: in late 2016, a man was [arrested](#) for incitement of hatred (Article 282) and blasphemy (Article 148) after playing Pokémon Go in a church, and a high school student was [arrested](#) for "illegally advocat[ing] hostility" after commenting on social media that churches should be burned down. Russian Orthodoxy is linked to Russian morality; as such, the questioning of public morality in these cases is treated as an assault on Russianness itself. In the same vein, the very presence of Jehovah's Witnesses, Mormons, and yoga is portrayed as suspect and, implicitly, a threat to Russia's religion. The Kremlin emerges the prime defender of Russian Orthodoxy and Russian morality.

Inciting fear of arrest for dissenters and fear of dissenters for many Russians, the Kremlin has forged a national idea around a supposed threat to children, religion, Russian territory, and Russianness itself. It has used its Criminal Code to legislate a particular view of morality, prosecuting or suppressing voices with differing views. This effectively demonstrates to Russians that not only are certain forms of behavior, speech, and online activity no longer legal, but that certain ways of thinking are criminal, too.

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