

# CRIME AND PUNISHMENT: HATE CRIME LEGISLATION, PUBLIC OPINION POLLING AND THE JEWISH MINORITY IN POST-SOVIET RUSSIA

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From the mainstream western perspective, the present reputation of the Russian Federation seems diminished, if not altogether scandalized. In 2013, the administration passed a controversial law criminalizing “homosexual propaganda” as well as a law that promises five-year sentences for protestors arrested more than once within 180 days. The ruble has been falling since late 2014 and, in February 2015, opposition leader Boris Nemtsov was mysteriously assassinated near the Kremlin. News agencies and human rights organizations are blacklisted and raided. Censorship and xenophobia run rampant. Moreover, Russia’s actions abroad harm its international standing. On its western border, Russia is tenuously involved in an escalating military conflict in Ukraine. To the south, Russia maintains military-political control in Abkhazia and South Ossetia. And, since 2013, Moscow has protected Edward Snowden, a former United States government contractor who leaked a trove of classified documents to international news outlets. Amid these domestic and international crises, dare scholars inquire into the status and treatment of Russia’s Jewish minority?

When the Soviet Union fell in 1991, Russians gained the freedom to organize, emigrate and participate in civil society. Anti-Semitic, nationalist and xenophobic factions also gained these freedoms and applied them liberally.<sup>2</sup> While state-directed anti-Semitism decreased in the post-Soviet era, popular anti-Semitism arguably gained momentum. According to a survey conducted by Tel Aviv University’s Stephen Roth Institute for the Study of Contemporary Antisemitism and Racism, popular anti-Semitism in Russia reached a fifteen-year high in 2004.<sup>3</sup> The survey attributed the peak to heightened

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<sup>2</sup> Zvi Gitelman, “Introduction,” in *Jewish Life After the USSR*, ed. Gitelman, Musya Glants, and Marshall I. Goldman (Bloomington: Indiana University Press, 2003), 3.

<sup>3</sup> “Study: Anti-Semitic Violence Hits 15-year High in 2004,” *Haaretz*, May 4, 2005.

nationalism combined with Muslim marginalization, anti-Zionism, growing inequality, and long-standing anti-Jewish sentiment.<sup>4</sup> The SOVA Center for Information and Analysis, a Moscow-based think tank focused on racism and nationalism, also identifies 2004 as a high point in Russian nationalism and anti-Semitism.<sup>5</sup> This increase in anti-Jewish rhetoric and violent attacks coincided with an onslaught of literature and survey data on the phenomenon. Save the publications of political scientist Zvi Gitelman, an expert on Russian Jewry, the majority of scholarship on this topic tapers off by 2004. In response to this analytical pause, my article focuses on post-Soviet manifestations of anti-Semitism, in particular those of the years from 2005 to 2015.

The United States Holocaust Memorial Museum defines anti-Semitism as prejudice against or hatred of Jews.<sup>6</sup> As Robert Wistrich, the late scholar of anti-Semitism, wrote in 2005:

Though there is no agreed-upon consensus regarding theoretical definitions, anti-Semitism is much easier to recognize in practice. The methods pursued by modern anti-Semites have ranged from social ostracism to racist polemics in the press to advocating economic boycotts and restrictive academic quotas for Jews. They have turned at various times to mass political agitation, discriminatory legislation, violent pogroms, expulsion, and ultimately mass murder.<sup>7</sup>

With this definition in mind, I evaluate post-Soviet Russian sentiment toward Russian Jews according to two barometers: popular (“bottom-up”) disdain or mistrust, and, conversely, state-directed (“top-down”), seemingly philo-Semitic, actions and legislation. While anti-Semitic activity remains a concern in post-Soviet Russia, it has waned since 2004.<sup>8</sup> The goal of this paper is to account for the past decade of both anti- and philo-Semitism by reviewing opinion polls and hate crime legislation.

The body of my paper is divided into three sections. Section one, “Who is a Jew in Russia?” attempts to define the terms “Jew” and “Jewishness” within the Russian context. This section summarizes Jewish life, anti-Semitism and identity formation in the Soviet and post-Soviet period. In section two, “Anti-Semitism From Below,” I compile and compare the results of recent opinion polls conducted by the Levada Center between 2010

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<sup>4</sup> Russian Jewish Congress, “Anti-Semitism in Russia in 2013,” January 23, 2014, <http://help.rjc.ru/site.aspx?SECTIONID=85646&IID=2527868>.

<sup>5</sup> SOVA Center for Information and Analysis, “Anti-Semitism in Russia: Trends in 2004,” January 13, 2014, <http://www.sova-center.ru/racism-xenophobia/publications/antisemitism/articles-reports/2004/11/d2911/>.

<sup>6</sup> *Holocaust Encyclopedia*, s.v. “Antisemitism,” <http://www.ushmm.org/wlc/en/article.php?ModuleId=10005175>.

<sup>7</sup> Robert S. Wistrich, *European Anti-Semitism Reinvents Itself* (New York: American Jewish Committee, 2005), 15.

<sup>8</sup> SOVA Center for Information and Analysis scholars Natalia Yudina and Vera Alperovich reinforce this claim when they write: “the Russian nationalist movement ‘has lost its voice,’” in Yudina and Alperovich, “Calm Before the Storm? Xenophobia and Radical Nationalism in Russia, and Efforts to Counteract them in 2014,” SOVA Center for Information and Analysis, Moscow, April 21, 2015, <http://www.sova-center.ru/en/xenophobia/reports-analyses/2015/04/d31818/>.

and 2013, and by the Anti-Defamation League (ADL) in its 2014 and 2015 “Global 100” surveys.<sup>9</sup> I supplement this survey data with prejudice-motivated crime statistics compiled in the Kantor Center for the Study of Contemporary European Jewry’s 2009, 2010, 2011, 2012, 2013, and 2014 reports on anti-Semitism,<sup>10</sup> and the Moscow-based SOVA Center for Information and Analysis statistics from 2011, 2012, 2013, 2014, and 2015.<sup>11</sup> In section three, “From State-Sponsored Anti-Semitism to Judicial Protection,” I investigate not only the prevalence of anti-Semitic hate crimes but also judicial responses to these ethnically motivated acts. I conclude with a discussion of how latent yet dangerous stereotypes could reappear in light of Russia’s current crises. This paper by no means claims to be exhaustive, nor does it intentionally sidestep intolerance toward the region’s other minority groups; rather, I hope to contribute to an existing, albeit dated, discussion about tolerance and intolerance toward the Jewish minority in contemporary Russia.

### Anti-Semitism and Jewish Identity

Following nearly seventy years of forced secularization and acculturation by a nominally atheistic Soviet state, the definition of Jewishness in contemporary Russia is difficult to pinpoint. In western countries, Jewish identity is often defined by the observance and practice of religious traditions, rituals and customs. Yet, as Gitelman has written, Russian Jews define their community as predominantly ethnic, based on shared ancestry, national identity and a common cultural-linguistic heritage.<sup>12</sup> The reasons for the latter trace back to the early days of the Soviet Union; in the 1930s, individuals with two Jewish parents were required to identify themselves as Jews in the nationality section of their internal passport. For many, Jewishness became a disability, or a barrier to entry into social and political life.<sup>13</sup> Even if Jews could not be identified based on obvious markers like religious observance, caricatured ridicule, racially based discrimination and lethal incarceration remain well documented.<sup>14</sup> But, as Gitelman notes, isolating classification policies also rendered a

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<sup>9</sup> According to the organization’s website, [www.levada.ru](http://www.levada.ru), “The Levada-Center is a non-governmental research organization in the Russian Federation that has regularly conducted public polls, barometer studies and sociological research since 1988.” At the time of publication, the Levada Center’s most recent and available annual public opinion poll took place in 2012–2013.

<sup>10</sup> Kantor Center for the Study of Contemporary European Jewry and Moshe Kantor Program For The Study Of Antisemitism and Racism, *Antisemitism Worldwide 2014: General Analysis, Draft*, European Jewish Congress, 5, [http://www.eurojewcong.org/docs/Doch2014\\_\(130415\).docx.pdf](http://www.eurojewcong.org/docs/Doch2014_(130415).docx.pdf). The Kantor Center has expanded its 2014 report to include the anti-Semitic wave of attacks in France in January 2015.

<sup>11</sup> The SOVA Center “conducts research and informational work on nationalism and racism, relations between the churches and secular society, and political radicalism.” See <http://www.sova-center.ru/en/>.

<sup>12</sup> Zvi Gitelman, *Jewish Identities in Postcommunist Russia and Ukraine: An Uncertain Ethnicity* (Cambridge: Cambridge University Press, 2012), 103–118. See Valeriy Chervyako, Zvi Gitelman, and Vladimir Shapiro, “Religion and Ethnicity: Judaism in the Ethnic Consciousness of Contemporary Russian Jews,” *Ethnic and Racial Studies*, 20 no. 2 (1997).

<sup>13</sup> Wistrich, *European Anti-Semitism Reinvents Itself*, 121.

<sup>14</sup> Konstantin Azadovskii and Boris Egorov, “From Anti-Westernism to Anti-Semitism,” *Journal of Cold War Studies* 4, no. 1 (Winter): 66–80. See Yaacov Ro’i, ed., *Jews and Jewish Life in Russia and the Soviet Union*, (Portland, OR: Frank Cass, 1995).

positive outcome: they effectively prevented Jews from assimilating, thereby preserving informal networks and relations within the minority group.<sup>15</sup>

Perestroika reforms of the late 1980s ameliorated the situation for Russian Jewry, as it did for most Soviet citizens. As Daniel Elazar writes:

Perestroika enabled hundreds of grassroots organizations to appear as if from nowhere. State-directed anti-Semitism disappeared as rapidly as Jewish organizations appeared, and unofficial contacts with foreign Jews and others resumed. Jewish newspapers, magazines, and books were published. In just two years [1988-1989], two hundred and four Jewish cultural, athletic, and religious organizations sprang up in seventy-seven Soviet cities.<sup>16</sup>

As the Soviet Union collapsed, government anti-Semitism—in the form of emigration quotas, anti-Semitic propaganda, tensions with Israel, and religious censorship—faded. By 1997, authorities removed the ethnicity line from registration documents, and, by 1998, Russians were no longer required to indicate ethnicity on birth and death documents.<sup>17</sup> Of course, by 2006, 1.5 million Russian Jews had emigrated to Israel, North America and Europe, which meant that only a significantly reduced Jewish population actually experienced these new freedoms (in 1970, the Jewish population of the Soviet Union was just over 2.1 million; by 1989, that number dropped to just under 1.5 million).<sup>18</sup> As of December 2015, Jewish day schools are free to teach Jewish culture, language and religion without major interference.<sup>19</sup> International Jewish organizations, including Hillel, the Joint Distribution Committee, Moishe House, and the Jewish Agency are active across Russia. Political bodies such as the Va'ad, the Russian Jewish Congress and the Euro-Asian Congress openly advocate for Jewish issues at home and abroad. Moreover, the Jewish

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<sup>15</sup> Zvi Gitelman, "Jewish Identity and Secularism in Post-Soviet Russia and Ukraine," in *Religion or Ethnicity? Jewish Identities in Evolution*, ed. Zvi Gitelman (New Brunswick, NJ: Rutgers University Press, 2009), 243. This point also reinforced in Robert Brym and Rozalina Ryvkina, *Russian Jewry Today: A Sociological Profile* (Ramat Gan: Bar-Ilan University, 1996), 11, 17.

<sup>16</sup> Daniel Elazar, *Community and Polity: The Organizational Dynamics of American Jewry* (Philadelphia: The Jewish Publication Society of America, 1995), 13.

<sup>17</sup> This actually posed an issue for Russian Jewry as some needed this line in order to prove Jewish identity so that they could immigrate to Israel. See Mark Tolts, "Sources for the Demographic Study of the Jews in the Former Soviet Union," in *The Social Scientific Study of Jewry: Sources, Approaches, Debates*, ed. Uzi Rebhun (Oxford: Oxford University Press, 2014), 160-177.

<sup>18</sup> Mark Tolts, "Post-Soviet Aliyah and Jewish Demographic Transformation," (paper presented at the 15th World Congress of Jewish Studies Conference, Jerusalem, 2009), <http://bjpa.org/Publications/downloadPublication.cfm?PublicationID=11924>; Mark Tolts, "Jewish Emigration from the Soviet Union since the 1970s Reaches Nearly Two Million People," *Demoscope Weekly*, no. 497-98 (February 2012), <http://demoscope.ru/weekly/2012/0497/tema01.php>; Tolts, "Sources for the Demographic Study of the Jews in the Former Soviet Union," 170.

<sup>19</sup> One contrary example is a recent case in June 2015, when Russian authorities confiscated Chabad school textbooks on account of their alleged anti-Russian content. See "Russian Prosecutors Confiscate Chabad Jewish School's Textbooks," *Jewish Telegraphic Agency*, June 3, 2015, <http://www.jta.org/2015/06/03/arts-entertainment/russian-prosecutors-confiscate-chabad-jewish-school-textbooks>.

community receives broad support from the Kremlin through President Vladimir Putin's public relationship with Berel Lazar, a Chabad Lubavitch emissary and Russia's putative chief rabbi. As demographer and statistician Mark Tolts suggests, the unusual sight of a Kremlin boss standing alongside an ultra-Orthodox rabbi seems to have ended Russia's "long practice of an official stance of anti-Semitism."<sup>20</sup> The Russian president even committed one month of his salary to the establishment of Moscow's Jewish Museum and Tolerance Center in 2012.<sup>21</sup>

But how do ordinary Jews feel? According to Tolts, the number of self-identified Jews in Russia dropped to 157,763 in October 2010 from approximately 233,600 in 2005.<sup>22</sup> He notes that an additional 42,000 Jews likely falsified their response because they were hesitant to disclose their identity in census documents.<sup>23</sup> According to surveys conducted by Robert Brym and Rozalina Ryvkina in 1997 and 1998, about two-thirds of Jews older than fifty pointed to anti-Semitism as the most important factor influencing their Jewish identity.<sup>24</sup> Meanwhile, two-thirds of those aged sixteen to thirty reject the claim that anti-Semitism defines their Jewish identity.<sup>25</sup> Brym and Ryvkina's surveys also show that contemporary Russian Jews define their Jewishness as being proud of one's Jewish nationality, defending Jewish honor and dignity, not hiding one's identity, and remembering the Holocaust.<sup>26</sup> Factors such as giving children a Jewish education, sharing Zionist ideals, knowing a Jewish language, attending synagogue, and observing Shabbat or keeping kosher did not register as important for surveyed Russian Jews.<sup>27</sup> Thus, in the post-Soviet era, much like in Soviet times, Jewish identity continues to be defined largely by identification and less so by participation. With positive experiences at Jewish summer camps and schools, and the ease of entry into Russian social, cultural and political life, young post-Soviet Jews might feel more optimistic about their Jewish future than their parents or grandparents, who suffered through the restrictions and persecutions of the Soviet era. Perhaps these positive associations with Jewish identity also explain why younger people claim to experience less anti-Semitism in Russia.

### Anti-Semitism "From Below"

Twenty-two-year-old Sasha R. holds Russian and Israeli passports, a full-time job at a Jewish political non-profit, and the freedom to celebrate Shabbat in downtown Moscow.

<sup>20</sup> Tolts, "Sources for the Demographic Study of the Jews in the Former Soviet Union," 130.

<sup>21</sup> Alexis Zimberg, "Free state: Moscow's Jewish Museum and its Quest for an Open Society," *Calvert Journal*, May 13, 2014, <http://calvertjournal.com/comment/show/2487/moscow-jewish-museum-appeal-russian-tolerance>.

<sup>22</sup> Tolts, "Sources for the Demographic Study of the Jews in the Former Soviet Union," 170.

<sup>23</sup> Ibid, 170. See also Gregg Rickman, *Hating the Jews: The Rise of Antisemitism in the 21<sup>st</sup> Century* (Boston: Academic Studies Press, 2012), 126.

<sup>24</sup> Brym and Ryvkina, *Russian Jewry Today*, table 11.

<sup>25</sup> Mark Tolts, "Demography of the Jews in the Former Soviet Union: Yesterday and Today," in *Jewish Life After the USSR*, 198-99. Specifically, Tolts writes that only one-third of young Jews in Russia acknowledge the impact of anti-Semitism on their Jewish identity.

<sup>26</sup> Brym and Ryvkina, *Russian Jewry Today*, Survey Data, table 6.

<sup>27</sup> Ibid., table 6.

At a dinner organized by Moishe House, an international organization that sponsors communal living for Jewish young adults, Sasha sings traditional Jewish songs and sips kosher vodka that he bought in a corner liquor store. Despite these religious, associational and political freedoms, the Moscow resident bemoans Russian intolerance for its Jewish minority when he states: “Inclusion isn’t really a thing in Russia.”<sup>28</sup> Perhaps Sasha is correct: not everyone in Russia advocates for tolerance. After all, thirty percent of Russian adults surveyed in a 2014 ADL report expressed anti-Semitic views.<sup>29</sup> In 2015, this number dropped to twenty three percent, or the equivalent of twenty-seven million adult respondents, indicating a high, albeit lessening inclination toward anti-Semitic sentiment in Russia.<sup>30</sup> The Levada Center’s annual public opinion survey reinforces these results; the percentage of surveyed Russian adults that wanted to restrict the number of Jews living in Russia fluctuated from fifteen percent in 2004 to eight percent in 2011 and back up to ten percent in 2012.<sup>31</sup> These figures demonstrate—with general consistency—persistent intolerance.

Yes, popular anti-Semitism lingers in contemporary Russia. So-called “bottom-up” anti-Semitism manifests in several ways, including privately or publicly held stereotypes, hiring prejudices and street violence. In a 2010 Levada Center survey, only twenty-seven percent of Russians said they would be willing to deal with Jews as inhabitants of Russia. In that same survey, seventeen percent of Russians approved of Jews staying temporarily in Russia. While these numbers might seem low, even fewer respondents wanted Jews in their immediate circle: only three percent of those surveyed approved of having a Jew as a close friend and two percent of those surveyed would welcome a Jew as a family member. Seventeen percent of those surveyed that said they would not let Jews in Russia at all.<sup>32</sup>

Still, the number of reported crimes influenced by anti-Semitism remains low as compared to the recent past. Reported cases of anti-Semitism in Russia are also lower than in three European Union countries: France, Greece and Hungary.<sup>33</sup> According to a 2012

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<sup>28</sup> Sasha R., interview by Alexis Lerner, Moscow, Russia, December 2013.

<sup>29</sup> In Russia, this is the equivalent of 35 million adults. According to the survey, one had to answer in support of anti-Semitic sentiments on a minimum of six questions (out of eleven) in order to be considered as “expressing anti-Semitic views.” The global average in 2014 was thirty-four percent. For more information, see Anti-Defamation League, *Global 100 Survey: Annual Report* (2015), <http://global100.adl.org/>.

<sup>30</sup> Anti-Defamation League, *Global 100 Survey: Annual Report*. A sampling error in either 2014 or 2015 could also explain these dissimilar statistics. For example, thirty-three percent of adults surveyed in 2014 were older than fifty, while only twenty-three percent of those surveyed in 2015 were of this demographic. As previously discussed in this paper, if we understand that younger Russians express greater tolerance, on average, we may assume that a disproportionately large sample taken from an older demographic may skew survey results.

<sup>31</sup> Levada Analytical Center, “Russian Public Opinion: 2012-2013,” table 18.7, <http://www.levada.ru/old/books/obshchestvennoe-mnenie-2012-eng>.

<sup>32</sup> Levada Analytical Center, “Russian Public Opinion: 2010-2011,” table 15.12, <http://en.d7154.agava.net/sites/en.d7154.agava.net/files/Levada2011Eng.pdf>.

<sup>33</sup> According to the same parameters set by the Anti-Defamation League’s Global 100 Survey, France indexed at thirty-seven percent in 2014 and seventeen percent in 2015, with signs pointing to similar demographic sampling errors as mentioned in footnote 32; Greece indexed at a whopping sixty-nine percent

report by the Euro-Asian Jewish Congress, five attacks, one insult and thirty-eight instances of anti-Jewish vandalism were recorded in Russia from 2011 to 2012.<sup>34</sup> Subsequent reports by the Kantor Center and the Euro-Asian Jewish Congress list fifteen violent crimes against Jews recorded in 2013 (compared with the 116 violent acts reported in France) and ten in 2014.<sup>35</sup> Alternatively, the SOVA Center recorded fourteen incidents of anti-Semitism in 2011, eight incidents in 2012, including one case of arson, and three cases of vandalism in 2013.<sup>36</sup> Variation likely exists according to whether victims or bystanders reported the crimes at all, and whether authorities recorded violent actions as ethnically motivated crimes.

But the rarity of anti-Semitic attacks in recent years should not be conflated haphazardly with a dissipated anti-Semitism. In a 2014 SOVA Center report, Natalia Yudina and Vera Alperovich write: “The most likely reason for [these low numbers] is the fact that the Jews are visually difficult to distinguish in a crowd, while attacks next to the synagogue, for example, are too dangerous.”<sup>37</sup> Still, on December 2, 2014, three unidentified men speaking a “non-Russian language” attacked a Jewish student with brass knuckles outside of the Torat Chaim yeshiva in north Moscow, indicating that attacks next to a Jewish institution are not unheard of.<sup>38</sup>

Russian foreign policy toward Israel remains an important distinction in one’s evaluation of Russia’s domestic Jewry. First, many Jews in Russia maintain personal relationships—whether familial or professional—with Israelis; second, many Russian citizens are dual-passport holders with Israel; and third, waves of anti-Zionism—often coinciding with anti-Semitic rhetoric and propaganda—are no stranger to the Russian state (consider, for example, the creation of the official Anti-Zionist Committee of the Soviet

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in 2014 and sixty-seven percent in 2015; and Hungary indexed at forty-one percent in 2014 and forty percent in 2015. Anti-Defamation League, *Global 100 Survey*, <http://global100.adl.org/>.

<sup>34</sup> Semen Charny, “Anti-Semitism in Russia: 2011-2012,” *Euro-Asian Jewish Congress Report*, May 7, 2013, <http://eajc.org/page34/news38186.html>.

<sup>35</sup> Kantor Center for the Study of Contemporary European Jewry and Moshe Kantor Program For The Study Of Antisemitism and Racism, *Anti-Semitism Worldwide: 2013*, 4, [http://www.eurojewcong.org/docs/antisemitism\\_worldwide\\_2013\\_report\\_tel\\_aviv\\_university.pdf](http://www.eurojewcong.org/docs/antisemitism_worldwide_2013_report_tel_aviv_university.pdf). See Euro-Asian Jewish Congress, “Anti-Semitism in FSU—2014,” 6, <http://www.eajc.org/data/file/AntisemitismReport2014engl.pdf>.

<sup>36</sup> Natalia Yudina and Vera Alperovich, “The Ultra-Right on the Streets with a Pro-Democracy Poster in Their Hands or a Knife in Their Pocket: Xenophobia and Radical Nationalism in Russia, and Efforts to Counteract Them in 2012,” *SOVA Analytical Report on Racism and Xenophobia*, April 26, 2014, <http://www.sova-center.ru/en/xenophobia/reports-analyses/2013/04/d26972/>. Also see Yudina and Alperovich, “The State Duma Directed Right Radicals Toward New Goals: Xenophobia, Radical Nationalism and Efforts to Counteract It in Russia during the First Half of 2013,” *SOVA Analytical Report on Racism and Xenophobia*, August 12, 2013, <http://www.sova-center.ru/en/xenophobia/reports-analyses/2013/08/d27659/>.

<sup>37</sup> Natalia Yudina and Vera Alperovich, “The Ultra-Right Shrugged: Xenophobia and Radical Nationalism in Russia, and Efforts to Counteract Them in 2013,” *SOVA Analytical Report on Racism and Xenophobia*, March 31, 2014, <http://www.sova-center.ru/en/xenophobia/reports-analyses/2014/03/d29236/>.

<sup>38</sup> “Jewish Student Badly Beaten Outside Yeshiva in Russia,” *Times of Israel*, December 3, 2014, <http://www.timesofisrael.com/jewish-student-attacked-outside-russian-yeshiva/>.

Public in 1983). While Putin remained neutral regarding the Israel-Hamas war of 2014—playing lip service to both sides—relations between Russia and Israel remain relatively stable. In 2013, Zvi Magen, the former Israeli ambassador in Moscow, spoke of a warming friendship between the two countries:

Since Mr. Putin returned as Russia's president last year, bilateral relations have been better than ever. One reason was Avigdor Lieberman, Israel's Soviet-born former foreign minister... Three days after the rigged Duma election in late 2011, Mr. Lieberman was the first foreign politician to congratulate Mr. Putin on his party's victory, saying that his observers had spotted no violations. Mr. Lieberman always had a strong following among the influential Russian diaspora in Israel.<sup>39</sup>

The two countries have maintained visa-free travel for Russian and Israeli citizens since 2008, perhaps playing a role in the popularization of Tel Aviv as a tourist destination for cold-climate Russians. And in September 2015, Clement Fortin, senior advisor to the president of Moscow's Skoltech Institute for Science and Technology, singled out Israel as a valued model for Moscow-based start-ups in the fields of entrepreneurship and engineering.<sup>40</sup> The sentiment seems to trickle down, as extremely negative opinions about Israel have stayed under five percent since 2008.<sup>41</sup> And only five percent of Russians surveyed by the Levada Center from 2008 to 2012 said that Zionists are the enemy of the Russian state.<sup>42</sup> Likewise, positive opinions about Israel have remained steady, between sixty-two and sixty-five percent from 2003 to 2014.<sup>43</sup> Three percent of Russian adults surveyed in 2013 even called Israel one of Russia's closest friends.<sup>44</sup> While this survey concluded before the summer 2014 war broke out between Israel and Hamas, and a more recent survey has yet to be released, the fierce global criticism of Israel and world Jewry seems less virulent in Russia. Although this remains a topic for further discussion, one might attribute this lessened criticism to tourism, commerce, technological borrowing, or federal partnerships between the two states.

A final note: it appears that as intolerance shifted away from the Jewish minority, intolerance for other minority groups in Russia (Central Asians, Caucasians and the gay community) has increased since Putin came to power. This turn might be explained by a rise in anti-Muslim xenophobia following the second Chechen war of 1999-2000, or recent terrorist attacks such as the 2002 Moscow theatre siege, the 2004 Beslan school bombing, the 2009 Nevsky Express bombing, and the 2013 bus and railway station bombings in Volgograd. More severe punishments for certain hate crimes might offer another

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<sup>39</sup> "Vladimir Putin and the Holy Land," *The Economist*, March 16, 2013, <http://www.economist.com/news/europe/21573600-warmer-relations-israel-do-not-stop-russia-backing-syria-and-iran-vladimir-putin-and-holy>.

<sup>40</sup> Clement Fortin (senior advisor, Skoltech Institute for Science and Technology), presentation to Stanford US-Russia Forum, Moscow, Russia, September 2015.

<sup>41</sup> Levada Analytical Center, "Russian Public Opinion: 2012-2013," table 22.13.

<sup>42</sup> *Ibid.*, table 22.5.

<sup>43</sup> *Ibid.*, table 22.13.

<sup>44</sup> *Ibid.*, table 22.6.



explanation. For instance, four anti-Semitic hate crimes were prosecuted in the first four months of 2014. In one example, a resident of Karelia published anti-Semitic statements, including “Kill the Jews,” on his *vKontakte* social media profile. He was convicted under Section 1, Article 282 of the Criminal Code (Incitement to Hatred) and fined.<sup>45</sup> It appears that Russian courts not only refuse to prosecute hate crimes against other minority groups but also pass legislation that further “others” these minorities (such as the “homosexual propaganda” law, which may fuel anti-gay hate crimes that will not likely be unprosecuted).<sup>46</sup> This judicial and legal protection of the Jewish minority against hate crimes is further analyzed in the following section of this paper.



The Chabad-run Jewish Museum and Tolerance Center opened in Moscow in 2012 at a cost of \$50 million. (Photo by author)

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<sup>45</sup> Russian Jewish Congress, “Manifestations of Antisemitism in Russia from January to April 2014,” <http://help.rjc.ru/site.aspx?SECTIONID=345556&IID=2580752>.

<sup>46</sup> Steve Gutterman, “Russian Gay Man Killed In Nation’s Second Alleged Hate Crime In Weeks,” Reuters, June 3, 2013, [http://www.huffingtonpost.com/2013/06/05/russia-gay-hate-crime-alleged-\\_n\\_3377085.html](http://www.huffingtonpost.com/2013/06/05/russia-gay-hate-crime-alleged-_n_3377085.html); Mairbek Vatchagaev, “North Caucasians in Russian Capital Increasingly Target of Hate Crimes,” *Eurasia Daily Monitor* 11, no. 214 (2013), [http://www.jamestown.org/programs/edm/single/?tx\\_ttnews%5Btt\\_news%5D=41695&cHash=a578a97c73c07fd28b792bf7ed36cd9d-.VjvTzq6rSRs](http://www.jamestown.org/programs/edm/single/?tx_ttnews%5Btt_news%5D=41695&cHash=a578a97c73c07fd28b792bf7ed36cd9d-.VjvTzq6rSRs).

### From State-Sponsored Anti-Semitism to Judicial Protection

On January 11, 2006, Alexander Koptsev entered Moscow's Bolshaya Bronnaya synagogue during evening prayers. While shouting "Heil Hitler," Koptsev stabbed eight worshippers with a hunting knife. Within two days, authorities charged Koptsev with racially motivated attempted murder and the humiliation of a religious group. At his trial the following month, Koptsev announced that he "went to the synagogue to kill as many Jews as possible." Initially, the courts did not find Koptsev guilty of a hate crime as outlined in Article 282 and instead gave him a thirteen-year sentence for attempted murder. Russia's Supreme Court later overturned the verdict and sent the case back to a Moscow city court, where Koptsev was tried again. At the retrial in September 2006, the city court gave Koptsev an even harsher sentence—sixteen years with compulsory psychiatric treatment in a maximum-security prison—based on new charges including an intention to incite ethnic hatred. In a country where pogroms, quotas and forced displacement of the Jewish minority existed only a few decades prior, this high-profile sentencing proved monumental when it identified the anti-Semitic hate crime as a punishable offence.<sup>47</sup>

The Koptsev trial is just one example of how the Russian judicial system has recently protected the Jewish minority against ethnically motivated hate crimes.<sup>48</sup> Neo-Nazi Lev Molotkov's murder of twenty-seven youths in 2007-2008 (for which he received life in prison) incited Nikolai Tkachuk, a Moscow District judge, to discuss strengthening Russia's official stance against hate crimes.<sup>49</sup> In November 2012, Russian newspaper *Komsomolskaya Pravda* reported that Smolensk city councilor Andrei Ershov resigned following his anti-Semitic criticism of a proposed program for Holocaust survivors caused public outcry. (Ershov suggested that survivors did not deserve urban transit vouchers just because they were "not killed off" in the Holocaust.)<sup>50</sup> And when the popular online newspaper Lenta.ru published a report highlighting Jewish wealth, Nikolai Svanidze of the Russian Council for Civil Society and Human Rights—a Kremlin-affiliated organization mandated to monitor and report on hate crimes—was quick to condemn.<sup>51</sup>

The criminal code now prohibits prejudice-motivated hate crimes that previously fell within the category of "hooliganism."<sup>52</sup> For example, Article 63 protects against those seeking to "commission a crime by reason of national, racial, or religious hatred." Articles

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<sup>47</sup> BBC, "Moscow Synagogue Attacker Jailed," September 15, 2006, <http://news.bbc.co.uk/2/hi/europe/5348790.stm>.

<sup>48</sup> Paul LeGendre, "Minorities Under Siege: Hate Crimes and Intolerance in the Russian Federation," Human Rights First, June 26, 2006, <https://www.humanrightsfirst.org/wp-content/uploads/pdf/06623-discrim-Minorities-Under-Siege-Russia-web.pdf>.

<sup>49</sup> Agence France-Presse, "Russian Neo-Nazi Sentenced to Life for 27 Murders," November 7, 2011, [http://www.alternet.org/rss/breaking\\_news/632362/russian\\_neo-nazi\\_sentenced\\_to\\_life\\_for\\_27\\_murders](http://www.alternet.org/rss/breaking_news/632362/russian_neo-nazi_sentenced_to_life_for_27_murders).

<sup>50</sup> Olga Efremova, "Holocaust Denier Resigns from City Council on Ethics," *Komsomol'skaya Pravda*, November 2, 2012, <http://www.smol.kp.ru/online/news/1287141/>.

<sup>51</sup> Ben Cohen, "Kremlin Attack on Russian Website for 'Nazi' List of Wealthy Jews Meets Skeptical Response," *Algemeiner*, November 3, 2014, <http://www.algemeiner.com/2014/11/03/kremlin-attack-on-russian-website-for-nazi-list-of-wealthy-jews-meets-skeptical-response/>.

<sup>52</sup> Sarai Brachman Shoup, "From Leadership to Community: Laying the Foundation for Jewish Community in Russia," in *Jewish Life After the USSR*, 133.

105, 111, 112, 117, and 357 protect against various types of inflicted harm, from ethnically or religiously motivated murder and assault, to a prohibition against genocide. Article 136 guarantees consequence for the violation of another's equality of human rights, and Article 148 specifically protects religious freedom. Of particular interest, Article 244 protects against the desecration of both the deceased and their burial places, which is one of the most common anti-Semitic acts in post-Soviet Russia. Last, Article 282 explicitly protects against the incitement of hatred on national, racial or religious grounds.<sup>53</sup> All of these laws carry criminal penalties, including fines and imprisonment, a welcome shift from the Soviet era.

Finally, in May 2014, the Duma passed the so-called anti-Nazi rehabilitation law, which promises criminal punishment for the desecration of war memorials, as well as “the denial of facts set out by the post-war Nuremberg trials and the dissemination of false information on the actions of the Soviet Union during the war.”<sup>54</sup> The introduction of this law coincided with the beginning of the Ukraine conflict, when pro-Russian and pro-Ukrainian forces fought for control over eastern and southern regions of the country. The conflict started when Ukraine's pro-Russian president Viktor Yanukovich refused to sign the European Union's 2013 association agreement, after which the pro-European and pro-Ukrainian Euromaidan protesters demanded his resignation. Russian media played off of the anti-Nazi rehabilitation law by projecting the (largely non-Jewish) Euromaidan protesters as simultaneously neo-Nazis, fascists, bandits, and Jews.<sup>55</sup> There is even a sarcastic term for the Russian media's incommensurable juxtaposition: the *zhido-bandera*—“a portmanteau that combines the Russian slur for Jews and [Soviet-era Ukrainian nationalist] Stepan Bandera ... [which] is a mind-bending oxymoron that implicates Jews as murderous anti-Semites.”<sup>56</sup> By discrediting Ukrainian nationalists as dangerous anti-Semites, Putin seemed to be trying to invalidate accusations of Russia's intolerance toward its domestic minorities while communicating interest in protecting Jews from (supposedly) resurgent fascism.

While smashing windows and spray-painting synagogues remain grave offenses, does a move away from targeted violence and official anti-Semitism indicate a lessening of hatred, a strengthening of judicial consequence, or just a period of general calm on the ever-oscillating wave of Russian intolerance? Since life has improved for Russian Jews, do less-violent forms of anti-Semitism—a flyer, a graffiti tag, an off-colour comment by a politician—lack relative weight and urgency? Do new displays of tolerance—kosher grocery stores near the Marina Roshcha metro station, public Hanukkah celebrations in Siberian cities, a strong acknowledgement and acceptance of the Holocaust (according to the ADL's

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<sup>53</sup> The Criminal Code Of The Russian Federation, Russian State Duma and Federation Council (1996), Chapters 16 and 34, 19, 25, 29, <http://www.russian-criminal-code.com/>.

<sup>54</sup> Neil Macfarquhar, “Russia Revisits Its History to Nail Down Its Future,” *New York Times*, May 11, 2014, [file://localhost/](http://localhost/), [http://www.nytimes.com:2014:05:12:world:europa:ru:ru-revisits-its-history-to-nail-down-its-future.html%3F\\_r=0](http://www.nytimes.com:2014:05:12:world:europa:ru:ru-revisits-its-history-to-nail-down-its-future.html%3F_r=0).

<sup>55</sup> Alina Polyakova, “Russia Can't Decide if Ukrainian Jews are Victims or Villains,” *New Republic*, April 28, 2014, <http://www.newrepublic.com/article/117556/putins-russia-using-ukrainian-jews-propaganda-tools>.

<sup>56</sup> Ibid.

Global 100 survey, of the seventy-four percent of Russians that claimed to know of the Holocaust in 2014, ninety-three percent agreed that it happened)<sup>57</sup>—indicate a general, or at least a relative, tolerance for the Jewish people in Russia?



Shoppers check out at one of Moscow's growing number of kosher supermarkets. Signs in Russian advertise Sabbath times at the nearby Marina Roshcha synagogue. (Photo by author)

### The Russian Jewish Future in Turbulent Times

In this paper, I detailed how the current Russian administration has not only put an end to the official anti-Semitism of the Soviet era, but also now offers legal protection for Russian Jews by prosecuting anti-Semitic and xenophobic hate crimes. I have left aside discussions of how Middle Eastern affairs and a nationwide turn to social conservatism potentially impact the Jewish community. They are topics for future consideration. To conclude, I address Russia's current financial crisis—triggered by sagging oil prices and an onslaught of Western sanctions in response to Russia's military involvement in Ukraine—and predict the impact that this may have on Russia's Jewish community.

Brym's prediction of future anti-Semitism is vague enough to be compelling; he writes, "Anti-Semitism remains part of Russia's cultural repertoire ... ready to be invoked under the right political circumstances."<sup>58</sup> What are the right political circumstances? For

<sup>57</sup> Anti-Defamation League, *Global 100 Survey*.

<sup>58</sup> Robert Brym, "Russian Attitudes Toward Jews: an Update," *East European Jewish Affairs* 26, no. 1 (1996), 206.



example, the inflation rate in Russia averaged 15.79 percent for the entirety of 2015. And there exists a historic tendency for anti-Semites to blame financial crises on visible Jewish businesses and Jewish business-leaders.<sup>59</sup> The Global 100 Survey demonstrates that forty-nine percent of Russian respondents believe that Jews have too much power in the business world, while forty-four percent say Jews have too much power in international financial markets.<sup>60</sup> Indeed, several Russian oligarchs that are professionally aligned with Putin, including billionaire Roman Abramovich, publicly support Jewish causes, such as Chabad Lubavitch, the Jewish Museum and Tolerance Center, and the Federation of Jewish Communities of Russia. What might happen, then, if Russia's financial crisis continues or worsens? Might Putin's associations with Jewish business leaders—combined with the fallen ruble and a misguided assumption that Jews control the economy—elicit an anti-Semitic ascent?

Last, there is the reality that Russia's Jewish minority may fall out of favor with the current regime. In November 2012, Putin's United Russia party passed a law requiring politically active non-profit organizations that receive funding from abroad to register (sometimes without their consent) as foreign agents. In January 2015, thirty new groups appeared on a registry of identified foreign agents, including the Birobidzhan Jewish regional chapter of the Municipal Academy All-Russian Civic Organization, which was then liquidated in May 2015.<sup>61</sup> By September 2015, the Jewish cultural centre of Ryazan was added to the list for its ties to the American Jewish Joint Distribution Committee.<sup>62</sup> If we consider that the majority of ethnic entrepreneurs in Russia's Jewish community—including but not limited to Hillel, Moishe House, the Jewish Federation, Chabad Lubavitch, and the Jewish Agency—are Israeli or American organizations, it is not farfetched that Jewish organizations that preach ideologies of liberalism or Zionism may be at risk of pressure, raiding or liquidation if subjected to the so-called foreign-agent law.

While it is difficult to assess the future viability of Jewish life in Russia, at this present time we know three things. First, we know that Russian Jews are no longer victims of official, state-led anti-Semitism. Second, new civil liberties—the freedom of movement, protections against hate crimes and the proliferation of communal social services, among others—grant Russian Jews a relatively comfortable life. Third, the Kremlin's anti-fascist rhetoric and seemingly philo-Semitic actions bode well for the Jewish community, as good relations have led to an explosion of institutional life, including a multitude of cultural and religious options, from Reform to Orthodox. In particular, Chabad, a Hasidic branch of

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<sup>59</sup> Lars Rensmann, "The Politics of Paranoia: How—and Why—the European Radical Right Mobilizes Antisemitism, Xenophobia, and Counter-Cosmopolitanism," in *Global Antisemitism: A Crisis of Modernity, Volume III Global Antisemitism: Past and Present*, ed. Charles Asher Small (Leiden and Boston: Martinus Nijhoff Publishers, 2013), 228.

<sup>60</sup> Anti-Defamation League, *Global 100 Survey*.

<sup>61</sup> Human Rights Watch, "Russia: Government Against Rights Groups," November 6, 2015, <https://www.hrw.org/news/2015/11/06/russia-government-against-rights-groups>.

<sup>62</sup> Jewish Telegraphic Agency, "Russia Lists JDC-Funded Cultural Group Among 'Foreign Agents,'" September 16, 2015, <http://www.jta.org/2015/09/16/news-opinion/world/russia-lists-jdc-funded-cultural-group-among-foreign-agents>.

ultra-Orthodox Judaism, is presently thriving in the Russia. As of 2004, the movement's umbrella organization, the Federation of Jewish Communities of Russia, provides welfare services to 240,000 "impoverished and socially isolated elderly Jews" throughout the former Soviet Union.<sup>63</sup> Moreover, the movement has established itself as the forefront Jewish authority with which the federal government negotiates. Whether this relationship is a result of Putin's recent lean toward social conservatism, an instrumental effort to provide social services, or simply the federal government's preference to work with hierarchically organized organizations, the partnership between Chabad and Putin is largely successful.

Nevertheless, the question stands: Should Russian Jews be content with this sense (or façade) of independence and security? And as the Jewish minority in Russia benefits from tougher legislation, is it also their obligation to protect the rights of others? Simply put, what are the potential costs of complacency? The current regime will not be in power forever. Coups and electoral upsets dot Russian history. Under new leadership—or a rapid change in the political climate—latent anti-Semitism could take on a new character, with the Jewish minority as the revived enemy of the Russian state.

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<sup>63</sup> American Jewish Joint Distribution Committee, *Year Book 2004: JDC in the Former Soviet Union* (New York: JDC, 2004), in Gitelman, *Jewish Identities*, 186.

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