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Current
Policy
No. 878

The Systematic Repression of Soviet Jews

United States Department of State
Bureau of Public Affairs
Washington, D.C.

Following is an address by Roger Pilon, Director of Policy for the Bureau of Human Rights and Humanitarian Affairs, before the Metrowest Conference on Soviet Jewry, East Orange, New Jersey, September 28, 1986.

It's a pleasure to be here this evening to speak to your Solidarity Sunday Rally for Soviet Jews. Of course, it would be an even greater pleasure if I did not have to be here, if none of us had to be here, if we could all go home to the quiet enjoyment of our families and friends. But we are here because there is great suffering today in the Soviet Union. The kind of quiet enjoyment we take for granted in America is increasingly difficult to find there, especially for Soviet Jews. Amidst this suffering, we cannot rest; we must speak out.

I will return shortly to the particular plight of Soviet Jews. At the outset, however, I believe it should be said that to one degree or another *everyone* is suffering in the Soviet Union. Life there is difficult even for the ruling elite, the *Nomenklatura*—else how to explain the defections from even that class of the classless society. Life is difficult for all the reasons we know too well but tend to forget too easily, especially when we project our own habits of political thought upon other political systems. It would be well to recall, then, just what some of those reasons are.

The Constitutional Basis for Soviet Repression

They begin, of course, with Marxist-Leninist theory itself. This is a theory, let us remember, that has nothing to do at all, really, with *individual* well-being—material, much less spiritual. Unlike our own moral, political, and legal heritage, stemming from the classical liberal tradition, Marxism begins not with the individual but with the group. It subjects the individual to the group, whether he wishes it or not, in order to build communism. In other words, it *uses* people for the greater social good; it treats people as means, not as ends in themselves.

But let me go to the current source of this treatment by way of illustration, the Soviet Constitution of 1977, the Brezhnev Constitution. If you have never read through the Soviet Constitution, I urge you to do so. Go to your library, look it up, read it, and then reflect upon what it really says. It is a marvelous statement of what the Soviet system really is all about, perhaps the best you will find. But you must read it carefully and critically. Let me touch upon a few salient passages here, to lay the foundation for what I want to say shortly.

The Constitution begins, in article 1, by saying that the U.S.S.R. "is a socialist state of the whole people, expressing the will and interests of the workers, peasants, and intelligentsia, the working people of all the nations and nationalities of the country." No mention here of inalienable rights or of securing the blessings of liberty; just an assertion that the U.S.S.R. is a socialist state and that it expresses the *will* and *interests* of its constituents. How do we know that the socialist state represents the will and interests of all? The question is not a little problematic, of course, especially since we know that, in fact, there was nothing like a meaningful constitutional ratification process, there is no meaningful franchise, nor is there even a recognized right to emigrate—a right to vote with one's feet about whether the socialist state does, indeed, represent one's will and interests.

But that problem looms ever larger when we move to article 2: "All power in the U.S.S.R. belongs to the people." Now on first blush that proposition looks innocuous enough, even commendable. After all, better that all power be in the hands of the Communist Party? Upon reflection, however, it becomes clear just what is going on here. The difficulty is not with the quantifier, "all," not at the outset, at least, but with the other three-letter word, "the," before "people"—"All power in the U.S.S.R. belongs to *the* people." I'm reminded here of a remark made by one of my teachers at the University of Chicago, Professor Milton Friedman, about a slogan heard so often in the late 1960s: "Power to the people." But for the word "the," Professor Friedman said, he was in complete agreement with that slogan. That word, however, institutionalizes "people." "Power to People," that is, implies that people be empowered *as individuals.* Add the word "the" before "people,"

however, and you're calling for institutionalizing those individuals. No longer are they to have power as individuals but only as the institution "the people." Let me emphasize that this is no mere semantic or syntactical point I am pressing here; it is rather a point of the profoundest moment. For once we realize that as a *practical* matter "the people" can exercise their power, can express their will and interests, not by discrete, individual pursuits but only through complex institutional arrangements, the focus is shifted immediately from people, as individuals, to institutions.

At this point, moreover, the force of the quantifier "all" comes into play. For if *all* power in the U.S.S.R. belongs to "the people," that is tantamount to saying that all power is institutionally exercised, that no power belongs to people as such—indeed, that there is no place in the Soviet system for *private* power, individual or institutional.

But the matter does not end there either. For if all power is to be exercised institutionally, there must be some mechanism by which the people decide and act institutionally. Don't look for a Western-style voting mechanism: article 3 tells us that "[t]he Soviet state is organized and functions on the principle of democratic centralism, namely the electiveness of all bodies of state authority from the lowest to the highest, . . . and the obligation of lower bodies to observe the decisions of higher ones." But "electiveness," it turns out in article 9, means "ever broader participation of citizens in managing the affairs of society and the state, . . . greater openness and publicity, and constant responsiveness to public opinion."

Clearly, "electiveness" is a long way from "elections." It remains an open question, therefore, just how decisions get made and actions get taken in the Soviet Union. Only when we turn to article 6 do we find the answer to that question:

> The leading and guiding force of Soviet society and the nucleus of its political system, of all state organizations, is the Communist Party of the Soviet Union. . . .
>
> The Communist Party, armed with Marxism-Leninism, determines the general perspectives of the development of society and the course of the home and foreign policy of the U.S.S.R., directs the great constructive work of the Soviet people, and imparts a planned, systematic and theoretically substantiated character to their struggle for the victory of communism.

There, precisely, is how the "will and interests" of "the people" get determined and carried out in the Soviet Union—by the Communist Party. Like some giant, *deus ex machina,* lumbering down from on high, the Party directs the great constructive work of building socialism.

But have I not ignored the rights individuals enjoy in the course of this grand undertaking? After all, the Soviet Constitution does speak of "freedom of speech, of the press, and of assembly, meetings, street processions and demonstrations." Indeed, it does, but read article 50 carefully: these freedoms are guaranteed "[i]n accordance with the interests of the people and in order to strengthen and develop the socialist system." Speech in defense of the system, yes; against it, no. As Fidel Castro has said in his own little world, "Within the revolution, everything; against the revolution, no rights at all." Through "defeasance clauses" just such as this, the Soviet Constitution renders meaningless every right it purports to guarantee. Indeed, just to be safe, article 39 sets forth a general defeasance clause: "Enjoyment by citizens of their rights and freedoms must not be to the detriment of the interests of society or the state. . . ." When "interests" rise to the level of rights, rights are in trouble.

Is it any wonder, then, that there is massive repression in the Soviet Union? There, right in the Constitution, is the rationale for it—to build communism. Toward that end, individuals are means—to be used. So far is this from our Western approach to political organization as to be its polar opposite.

Soviet Reality Follows Soviet Theory

It is particularly important to grasp, then, that the Soviet system is not simply a case of good intentions gone awry. It is not, that is, that the Soviet Constitution is basically sound, that the system is one of promise—if only the men who run it would live up to that promise. (On the contrary, it is fortunate that they do *not,* because they *cannot,* live up to the system's promise.) What we have, instead, is a system that itself is fundamentally flawed, a system that is fundamentally wrong—but a system that delivers, tragically, on much of what it promises.

By design, then, citizens of the Soviet Union are subjugated, at virtually every turn in their lives, to the interests of the state, as determined by the Party. With a centrally planned economy, the daily decisions of life, from production to distribution, from education to employment, to income, housing, and on and on, are all out of the hands of the individual to a degree vastly greater than anything we know in a free society. Over this public control of the daily affairs of life, the individual has very little influence. There is no effective franchise, of course, nor any effective way to object to the decisions that determine one's daily life. Indeed, the attempt to protest is itself a sign that you don't understand your own best interests, that you may, in fact, be a candidate for psychiatric incarceration. At the very least, protest is a threat to the authority and integrity of the all-encompassing system and thus marks the protester for repression.

The result, of course, is a drab and mean existence and a constant daily struggle just to survive. Far from a life of meaning, a life that inspires, it is a life that suffocates. Surrounded by scarcity, by bureaucracy, by the constant din of slogans, propaganda, and lies, is it any wonder that people turn inward, to themselves, or to their religious and cultural heritage? Even among those formerly committed to the system, there is broadening realization that, after seven decades of struggle and sacrifice, the building of communism is going nowhere, except for more of the same. The rebirth of interest in religion across the Soviet Union should not surprise, therefore, despite relentless efforts to stamp it out.

The Repression of Soviet Jews

But Jews have come in for particular repression—insults, deprivation of cultural rights, quotas at institutions of higher learning, denial of professional opportunities, not to mention outright arrest and incarceration for practicing their traditions—all based simply upon their being Jewish, all of which urges us to reflect upon why this is so. There are the usual explanations from anti-Semitism, of course, couched in the Soviet Union as anti-Zionism, which have a long history in Russia. But there are other, systemic reasons at work as well, which in many ways are more interesting.

There is first the belief that Jews, as a class, cannot be trusted, a thesis developed recently by Professor Matatyahu Minc of the Diaspora Institute at the University of Tel Aviv, a student of the history of the Jews in the Soviet Union. Observing that the ruling *Nomenklatura* selects its members primarily on the basis of evidence of total loyalty to the system—loyalty, above all, to one's fellow *Nomenklatura* members and complete subservience to one's superiors—Professor Minc argues that Stalin's successors concluded, just as Stalin had, that Jews, as a group, came from a cultural pattern that made them unfit for a system of this kind.

Drawing upon this thesis, Ambassador Richard Schifter, presently Assistant Secretary of State for Human Rights and Humanitarian Affairs, observes that "gradually, almost imperceptibly, the job level beyond which Jews may not rise in the Soviet Union was lowered. Increasingly, prestigious institutions of higher learning closed their doors to them entirely or permitted only a tiny number of applicants to enter. As the years passed, Jews thus began to be moved to the margins of Soviet society."

Yet another, closely related explanation for the particular repression of Soviet Jews returns us to the character of the Soviet political system. Although Jews were repressed under the czars, the character of that repression was not totalitarian: the czars allowed Jewish cultural and religious institutions to flourish, for example. Soviet rulers, by contrast, distrust any institutions they do not control; in fact, they will not, indeed cannot, allow independent institutions to coexist with the state since these are a threat not only to their total control but, more importantly, to the rationale for that control. The "new Soviet man," after all, does not need independent institutions. The return of Soviet Jews to their religious and cultural heritage is thus a slap in the face of the system itself. It must be repressed, especially when it takes the form of group or institutional activity.

In recent years, however, that repression has increased substantially, to the point of a crackdown, over the past 2 years, even upon teachers of Hebrew. Arrests of Hebrew teachers and Jewish cultural activists on trumped-up criminal charges are common, as are beatings and other mistreatment. Is it any wonder then that Jews are asking to leave?

Jewish Emigration

But there, of course, is the rub, for the Soviet Union does not recognize any right of free emigration, notwithstanding that it is a signatory of the Helsinki accords wherein it promised recognition of such a right. In practice, as we know, emigration is possible, for reasons, primarily, of family reunification. Yet the regulations governing emigration are unavailable to applicants; and procedures are lengthy, usually arbitrary, and invariably surrounded by persecution. Those denied permission, the *refuseniks,* frequently endure years of suffering. Fired from their jobs, or at least demoted, they are shunned by their friends out of fear of guilt by association. Often their apartments are searched, their mail seized, and their telephones disconnected. Moreover, the more vocal they become about their right to emigrate, the more they expose themselves to official harassment and possible repeated refusals of permission. When this suspended animation goes on for years, life can become all but unbearable.

Regrettably, these conditions describe the Soviet Union even, indeed especially, today. In fact, emigration of Soviet Jews is at its lowest level in 20 years. During the first 9 months of 1986, only 631 were allowed to leave. At its present rate, emigration this year will be down by about 99% from the rate in 1979. Yet we know the names of at least 11,000 Soviet Jews who have been refused permission to emigrate; and approximately 380,000 others have requested invitations from relatives abroad as required by Soviet law. Clearly, the situation under Mr. Gorbachev is not improving, notwithstanding a few high-visibility gestures such as the release of Anatoliy Shcharanskiy and the visit of Yelena Bonner. In fact, the situation is as bad as it has been at any time in the post-Stalin era. The loose associations of dissenters have been destroyed. The arrest and punishment of dissenters has discouraged others from following the same path. We are back to the days of total repression.

The Administration's Response

Well, what are we in the Administration doing about this? Perhaps a better question would be what *can* we do about this? One thing that comes readily to mind, of course, is conditioning trade agreements upon an improvement in the human rights area. But here the possibilities are limited by the fact that it is a world economy we need to coordinate if we are to be effective; and that economy is by no means ours to coordinate. Nevertheless, where we can be effective in this area, we try to do so.

In general, however, we have followed a dual policy of private and public diplomacy by way of trying to improve the situation. In particular cases where we believe we can be effective, that is, we try quietly to obtain relief. Clearly, however, we have had only limited success in these efforts at quiet diplomacy. Accordingly, we have had increasingly to go public in our criticism, in the belief that Soviet leaders have at least some concern for their standing in the international community. Rightly or wrongly, that is, we have assumed that if we speak often and loudly enough, the public relations price Soviet leaders will have to pay will influence them to improve the situation.

There is considerable evidence, of course, that Soviet leaders do care about Western public opinion—else why the intense media efforts of Mr. Gorbachev since he came to power. They care because, notwithstanding all their military might, they can effect favorable deals with the West most efficiently by manipulating constraints on Western decisionmakers. It is democratic public opinion, therefore, and Western democratic opinion in particular, that is up for grabs here—the only public opinion that matters because the only opinion that can be translated into public policy. And let us be clear, more precisely and more fundamentally, it is *moral* opinion that is ultimately at issue.

Soviet Reaction

Which brings me to my final considerations: the Soviet response to our human rights public diplomacy is presently going through an interesting change, which presents a fundamental challenge to us that I'd like to share with you this evening. No longer do we hear what we used to hear so often when we complained, namely, that we were interfering in the internal affairs of the Soviet Union. Rather, we are met today with a two-pronged counterattack. The first is to charge, in reply, that the United States, too, has massive human rights problems, from hunger, to homelessness, to unemployment. The second is to try to shift the name of the game from "human rights" to "humanitarianism." These two threads, let me note, are closely connected. Moreover, they play to patterns of thought that have evolved in the West, and especially in Europe, for nearly a century now, from at least the Progessive Era—patterns that have come under serious intellectual scrutiny only in the last decade or two and serious political challenge only in this decade.

Let me briefly address these two lines of response in order. The first points to what we in the West loosely call "social problems," which the Soviets then convert into "human rights" abuses. But, in doing so, they point as well, by implication, to the great international debate over two very different conceptions of "rights": our own conception of "civil and political rights," derived from the classical liberal trinity of life, liberty, and property; and the socialist conception of "social and economic rights," so-called rights to the goods produced by the society organized

along socialist lines. In this country, for the most part, we have steadfastly resisted recognizing these social and economic "rights," not least because attempts to enforce them involve both the planned economy, with all its massive inefficiencies, and repeated violations of our traditional rights.

In this last connection, recent scholarly work has shown clearly that you cannot have it both ways: every attempt to compel the production and distribution of these social and economic goods and services, that is, ineluctably amounts to a violation of individual rights to be free. Here again, it is no accident that the Soviet system, which attempts to secure these "rights," is as unfree as it is. The better approach to these admitted social problems, we have said, is to encourage private, voluntary solutions and to turn to forced solutions only when and to the extent necessary. Only thus do we conform to the principles that define us as a free society.

The second tactic we have increasingly seen from the Soviets by way of response to our charges is to attempt to shift the terms of the debate from "human rights" to "humanitarianism." Witness, for example, their recent creation of a Humanitarian and Cultural Affairs Office in the Ministry of Foreign Affairs. This move plays, again, to confusions that have set in in our own understanding of our moral foundations, which is why the remarks of the President on the subject last Monday before the UN General Assembly were so critically important. Indeed, they state the point so well as to bear repeating here:

> I note that Mr. Gorbachev has used in recent speeches the same categories I have used here today: the military, the political, and the economic; except that he titled his fourth category: humanitarian.
>
> Well, the difference is revealing. The United States believes that respect for the individual, for the dignity of the human person—those rights outlined in the UN Universal Declaration of Human Rights—does not belong in the realm of charity or "humanitarian" causes. Respect for human rights is not social work; it is not merely an act of compassion. It is the first obligation of government and the source of its legitimacy.

How clear and to the point those remarks are. It is up to us now to bear them in mind as we press on with our important work, as we cry out against the suffering that is going on in the Soviet Union today.

This is not a pretty picture I have drawn for you this evening. I wish I could be more sanguine, but as the legal latinate has it, *res ipsa loquitur*—the case speaks for itself. I am here, in part to tell you about it, in part to assure you we are listening, but mostly to try to make it clear just what the nature of the problem is and what we must do about it. We must be resolute, but we must also realize that we are in this for the long haul. It is, after all, our children and our children's children who will inherit this world from us. ■

Published by the United States Department of State • Bureau of Public Affairs
Office of Public Communication • Editorial Division • Washington, D.C. • October 1986
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