

An American Jew Visits Kiev
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[This article originally appeared in the Toledo Jewish News (Winter/96)]

On February 24 I left Detroit in the early evening bound for Kiev, Ukraine. Fourteen hours later, after a bleary eyed stopover in Amsterdam, I landed at Boryspil International Airport in Kiev.

My visit to Kiev was at the invitation of the Ukrainian Supreme Court in cooperation with USAID, an agency of the United States government. USAID's mission is to assist this newly independent country in developing a democratic government. Their approach includes working with the court system to develop an independent judiciary. In furtherance of this goal I was asked, as a law professor at Ohio Northern University Pettit College of Law, to spend a week lecturing to members of the Ukrainian Arbitration Court on Intellectual Property law. I spoke on Trade Secret law, Patent law, Trademark law and Unfair Competition law.

The one issue that intrigued the judges more than any other was unrelated to Intellectual Property law. The fact that an American judge could issue a ruling that was followed generally by both the government and by individuals was amazing to the Ukrainian judges. They pointed out how in Ukraine, under Soviet rule, judicial decisions were generally ignored at the whim of the government. I was asked if American judges commanded an army or a militia to force compliance with the court's rulings! I explained the independent nature of the American judiciary and the separation of power among the judicial, executive and legislative branches of our government. As an example, I was able to use an experience I had the second day in Kiev. Unknowingly, I broke Ukrainian law by crossing the street in the wrong place. I subsequently learned that in Kiev there is no separation of power among the various governmental branches. The police officer who stopped me acted as both policeman, judge and jury. He determined my guilt and set a fine payable then and there. With a certain degree of *chutzpa*, I bargained over the fine and we arrived at a penalty of 200,000 Ukrainian coupons (which is about 2 U.S. dollars).

During my free time I explored as much of Kiev as possible since I knew it would be unlikely I would visit this intriguing city of 3.5 million people again. One striking sight was the sheer number of partially constructed apartment buildings that stood vacant and unfinished in the snow. Gray concrete shells gave me an eerie and dismal feeling. Despite being one of the oldest cities in eastern Europe the construction appeared to be post WW II. Except for some mid-1800's construction in the oldest part of the city, the Podil region, and some ornate Orthodox Christian churches and monasteries, the buildings were all relatively new. Almost no variety existed in the modern construction. Building after building was the same both inside and out. Everything was functional or utilitarian with no attempt at ornamentation. Nevertheless, the beginnings of a market economy were visible in the form of familiar American and foreign trademarks such as Coca-Cola, Xerox and Sony.

While in Kiev I met Michael Farbman, a Belorussian Jew, who was employed by a variety of Jewish organizations in Kiev. Michael and his wife, a native Ukrainian Jew, hope to leave Ukraine so he can study to be a Rabbi in another country. He took me on a tour of various Jewish sights. First, we visited a state-supported Jewish library. The library was modest by U.S. standards. However, in light of the First Amendment such support for a religious library would be impermissible in the U.S. We next visited the Podil Synagogue which is the oldest of the two synagogues in Kiev. It was originally built in the 1800's as a private

house since at the time it was not permissible to build a synagogue. A fake front door faced the street, but the real entrance, located at the back, lead into a beautiful sanctuary. The synagogue has the appearance of a Sephardic synagogue since a *bima* is located in the middle of the congregation. The synagogue, which had been converted into a stable by Nazi soldiers during WW II, was now a busy and active *shul* with regular services. While I was there a long line of Ukrainian Jews were waiting to see the Rabbi to help them solve problems.

We also visited the Babyn Yar Jewish memorial which was erected by the Soviet government to commemorate the brutal massacre of Ukrainian Jews by the Nazis. Located far from the actual sight of the massacre the monument makes no mention of Jews being killed. It simply states, in Russian, Ukrainian and Yiddish, that Ukrainian patriots were killed on the sight. We then visited the actual sight of the massacre where another monument was erected by Jewish groups. This monument is located in an out-of-the way place behind a newly constructed government television station. The attempt to obscure the place where so many Jews were murdered was obvious and to a large extent successful. The television station was built on top of a Jewish cemetery which had been bulldozed. A large sports arena, now abandoned, had been under construction near the ravine into which murdered Jews were dumped. All traces of the railroad station and other buildings erected by the Nazis to facilitate extermination of Jews were gone.

Later in the week, accompanied by a Texan from the Kiev USAID office who spoke both Russian and English, I visited the Kiev Central Synagogue. This synagogue, which is newer than the Podil Synagogue, was converted into a puppet theater when Ukraine was under Soviet rule. Lubavitcher Jews sought return of the synagogue after Ukraine gained its independence a few years ago. The puppet theater refuses to leave. Consequently, both the Lubavitcher Jews and the puppet theater occupy different parts of the synagogue. On the outside there is a sign announcing that the building is the Kiev Central Synagogue. Around the corner is another sign stating that the building is the Kiev Puppet Theater. The question of who owns the building is a difficult one in a former Communist country where private ownership of land and buildings did not formerly exist. Last year, the president of Ukraine issued a presidential decree stating that the Puppet Theater must leave and the building should be returned to the Jews. The decree has been ignored and both groups continue to co-occupy the building.

The size of the Jewish community in Kiev is unclear. Depending on who I asked, I was told it was anywhere from 50,000 to 100,000 with total Ukrainian Jewry numbering one half million. Although this is a sizable group most of the Jewish organizations, according to Michael Farbman, do not see a future for the Jewish community in Ukraine. Antisemitic laws have been officially abolished, but Jews are still discriminated against unofficially. There is an active movement to encourage Jews to leave Ukraine because it is believed a Ukrainian Jewish community will no longer exist in 20 years. Nevertheless, there is a large population of elderly Ukrainian Jews in Kiev who are in dire financial straits and unlikely to emigrate.

Despite this somber view of Ukrainian Jewry, when I was in the Kiev Central Synagogue I was struck by the energy and vibrancy exhibited in an attempt to develop a Jewish community. My visit was a few days before Purim and a large celebration had been planned. Three-hundred people were expected to attend. I imagined their celebration would be no less enthusiastic than the one my children were enjoying in Toledo.

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