

Chapter I

The Judicial Production of an Account of Anti-Jewish Persecution

The Genesis of a Heroic Narrative

March 29, 1945. The scene was set in the courthouse of Sofia, a huge neo-classical building whose construction was spread over the two decades of the interwar period. With its white facade decorated with twelve monumental columns, the building stood in the heart of the capital, blind to the ruins and to the scree caused by several months of Allied bombardment of “German Sofia.”¹ Starting in early March, the palace hosted the hearings before the Seventh Chamber of the tribunal: a chamber set up to judge the alleged perpetrators of the crime of “persecutions against the Jews” (*gonenija na evreite*) in Bulgaria and in the territories it had occupied. At the time of the indictments, the voice of the prosecutor Mančo Rahamimov, a dedicated Communist, rose solemnly in Room 11. Small round glasses on his face, the magistrate wore austere attire that contained a body slightly overweight. Muted, the audience gazed upon him, men—mostly men—shivering in their winter coats:

For the first time in history, a government has adopted in its supreme law . . . a specific text by which those who have created a racist legislation and those who have cruelly implemented it are declared criminals and consequently liable to prosecution and punishment before a People’s Court. The importance [of this trial] extends far beyond the borders of our small country and acquires international significance and appreciation. . . . In decades,

1 Nisim Aron Papo, “Antisemitite pred narodnija sąd,” *Cionističeska tribuna*, 21, March 1, 1945, 1.

centuries from now, historians, scholars, and philosophers from all over the world will come to Bulgaria as they do today. They will leaf through the yellowed pages of the present cases and examine every sentence, every word, and every sign of it to discover the historical truth about bloody and terrible times.²

How could one better illustrate than with this quote the extent to which some Communist Bulgarian Jews, even prior to the end of war, were cognizant of the fact that they were thus making a historical contribution and strove to document the persecution of Jews in end-of-war Bulgaria? In fact, the creation, as early as the autumn of 1944, of a Bulgarian jurisdiction exclusively dedicated to anti-Jewish crimes invites us to continue reevaluating efforts to document the Holocaust in close proximity to the events. More specifically, the purpose of this chapter is to explore the way in which justice professionals and witnesses, in close dialogue with the world of the printed word, posed the interpretive frameworks of a past of which they were contemporaries and of which some had been victims. The judicial arena is seen here as a space streaked with social logics coming from outside the courtroom. One of the challenges of the inquiry lies precisely in grasping the modes of importation of political and social divisions within the court.³ The trial interests us less as a source on events than as the judicial production of a judgment upon those events, without these perspectives being opposed: the objective is to hold together the reconstitution of anti-Jewish policies and the intelligence of the paths by which knowledge and representations of Nazi crimes were elaborated.

That justice was a key factor in the search for evidence, the production of representations associated with the Holocaust, and the historical writing of events is a largely documented fact.⁴ Many researchers have also demonstrated how trials, constructed as vehicles of collective memory, helped to shape national identities—Israeli and German, among others—and fueled East-West competition.⁵ However, up until recently, in most works the focus

2 CDA, F 1449, op. 1, ac. 185, l. 69.

3 A ground-breaking path was opened by Claverie, “Sainte indignation contre indignation éclairée,” 271–90.

4 Goda, *Rethinking Holocaust Justice*; Bankier and Michman, *Holocaust and Justice*; Douglas, *The Memory of Judgment*; Bloxham, *Genocide on Trial*; Douglas, *The Right Wrong Man*.

5 On the competition between the Federal Republic of Germany and the German Democratic Republic through the courts, see Weinke, *Law, History, and Justice*; and Weinke, *Die Verfolgung*. On the historical construction of the narrative relating to the German *Sonderweg*, and the role of the trials held in Nuremberg in this process, see Priemel, *The Betrayal*.

was on the emblematic trials of Nuremberg in 1945–46⁶ and Jerusalem in 1961,⁷ as well as the legal proceedings initiated in the Federal Republic of Germany (FRG) in the 1960s.⁸ Knowledge of local trials in the postwar years remains more limited.⁹ In this case, the Bulgarian trajectory presents several singularities likely to make it a privileged site for observing the trial of Holocaust crimes.

The first lies in the timing of the prosecutions. Prior to the constitution of the International Military Tribunal at Nuremberg, the decision to bring to justice the presumed perpetrators of crimes against the Jews was taken in November 1944, just months after the Red Army invaded Bulgaria and the Fatherland Front (*Oteĉestven Front*, OF), a coalition dominated by the Communists, overthrew the “bourgeois” regime on September 9, 1944.¹⁰ On November 24, an amendment was published in the *State Gazette* to the “decree-law creating a People’s Court to judge those responsible for Bulgaria’s entry into the war against its allies and the crimes related to it” that extended to “persecutions against Jews,” the scope of the acts falling

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- 6 For a review of the literature on the Nuremberg trials, see Mouralis, “Le Procès de Nuremberg,” 159–75. See also Kochavi, *Prelude to Nuremberg*; Heller, *Nuremberg Military Tribunals*; and Mouralis, *Le Moment Nuremberg*. Regarding the Soviet contribution to the trial, see Hirsch, *Soviet Judgment at Nuremberg*; and Ginsburgs, *Moscow’s Road to Nuremberg*. On the filming of the Nuremberg proceedings, see Lindeperg, *Nuremberg*. On the subsequent military trials, see Priemel and Stiller, *Nuremberg Military Tribunals*.
 - 7 Yablonka, *State of Israel*; Lindeperg and Wieviorka, *Le Moment Eichmann*; Lipstadt, *Eichmann Trial*. On the impact of the Eichmann trial on Israeli identity, see Segev, *Seventh Million*; Shapira, “Eichmann Trial,” 18–39.
 - 8 Pendas, *Frankfurt Auschwitz Trial*; Wittmann, *Beyond Justice*; Weinke, *Die Verfolgung*. For an original perspective centering on the contribution of Jewish agency to the holding of the trial, see Stengel, “Mediators behind the Scenes,” 320–49.
 - 9 Among the literature dedicated to Central and Southeast Europe, see Kornbluth, *August Trials*; Finder and Prusin, *Justice behind the Iron Curtain*; Deák, *Europe on Trial*; Barna and Petö, *Political Justice in Budapest*; Frommer, *National Cleansing*; Söhner and Zombory, “Accusing Hans Globke, 1960–1963,” 351–86; Person, “Rehabilitation of Individuals,” 261–82; Ragaru, “Justice in Mantle Coats,” 31–77; Ragaru, “Écritures visuelles, sonores et textuelles de la justice,” 275–498; and Ragaru, “East-West Encounters.”
 - 10 Alternatively envisaged as a “coup d’état” and a “popular uprising,” the September 9 rupture has been the subject of an excellent synthesis: Vezenkov, *9-i septemvri 1944 g.*, and a remarkable historiographical discussion: Daskalov, *Ot Stambolov do Živkov*, 295–430. The Fatherland Front included, in addition to Communists, representatives of the political-military circle *Zveno* (Link), left Agrarians, some Social Democrats, and two independents.

under the exceptional jurisdiction of the People's Court.¹¹ Examination of the facts was entrusted to the Seventh Chamber. Investigation began in December 1944; hearings started on March 7; the court handed down its verdict on April 2.

Bulgaria thus appears to be one of the very first European states to have created a body specialized in the treatment of crimes against Jews.¹² In concrete terms, this precocity meant that the prosecutors carried out their preliminary investigations in synchrony with the advance of the Red Army westward and the discovery of the Third Reich's extermination camps. Operating in constant back-and-forth between the local and European contexts, the legal professionals faced questions that would haunt subsequent trials of Holocaust crimes: how to argue the capacity of the law to punish and prevent the possible repetition of such human rights abuses? What precedents, what registers of justification could be used? How to qualify crimes of an unprecedented nature and magnitude? The stakes are obviously legal, since it is a question of inventing incriminations and judicial strategies adapted to the exceptional nature of the misdeeds being prosecuted; it is also a political and moral matter insofar as Bulgarian justice professionals are convinced that they are holding a historical trial and a trial for the historical record.

The second element of specificity lies in the position occupied by the Bulgarian state in the economy of World War II. In fact, the prosecution of war criminals saw its coordinates defined by the brutal reversal of geopolitical alliance by Bulgaria, a former Axis member, in September 1944, which led to the launch of a "patriotic war" (*Otečestvena vojna*) against yesterday's allies; the signing in Moscow, on October 28, 1944, of an armistice agreement including a clause relating to the trial of war criminals; and the establishment

11 *Džržen vestnik* [*State Gazette*, hereafter cited as DV], 261, November 24, 1944.

12 In the USSR, eleven collaborators, mostly auxiliaries of the *Sonderkommando* 10a, had been tried for counterrevolutionary acts committed against "innocent Soviet citizens" in the summer of 1943. In Poland, six SS officials and *kapos* (prisoner functionaries) from the Majdanek camp were brought to trial at the end of 1944, but the Jewish identity of the victims was not mentioned in the indictment, nor was anti-Semitism cited as a motive. The "August trials" (1944) paved the way for a number of judicial proceedings against perpetrators of anti-Jewish crimes, but no special jurisdiction was set up for this particular kind of crime. Finally, two guards from a forced-labor unit appeared before the People's Court in Budapest in January 1945 for the torture and murder of 124 Hungarian Jews and Communists, without a specialized court being established. Deák, *Europe on Trial*, 191–209; Kornbluth, *August Trials*; Finder and Prusin, *Justice behind the Iron Curtain*, 18–24, 29–40.

of an Allied Control Commission (*Săjuzna kontrolna komisija*, SKK) dominated de facto by the Soviets.

Two final introductory remarks are in order. The first concerns the notion of the “narrative” of the recent past. Using this expression to qualify what was played out on the judicial scene does not in any way amount to postulating the existence of unequivocal judgments on responsibility for anti-Jewish persecution, including in Communist circles. Rather, what is at issue is the aggregation of sometimes contrasting sensitivities, know-how, and interpretations. From this plurality, however, emerged a melodic line whose accents—the understanding of the crimes, their perpetrators, their victims as “heroes of history”—were to be the subject of reexposures in the following decades, similar to those musical motifs that appear under the bow of the soloist, whose movements toward the string and wind sections, and then toward the orchestra as a whole, give unity to a concerto.

The second remark concerns the status of the People’s Court and the historical treatment of the sources produced by a postwar justice system that has been erected since 1989 as an emblem of “crimes of communism,” as the expression goes. Few researchers today could dispute the profusion of attacks on the notions of independent, impartial, and neutral justice that marred the work of the People’s Court—in particular that of the First and Second Chambers, which had to deal with the files of regents, royal advisers, ministers, and deputies in power between January 1, 1941, and September 8, 1944.¹³ They concerned, among other things, the legal framework of court action (failure to respect the principle of nonretroactivity of the law, lack of appeal), the rights of accused persons (conditions of arrest, detention, obtaining confessions, access to a lawyer), the drafting of indictments and the requisitory speeches, the conduct of hearings and sentencing policy.¹⁴ The difficulty lies elsewhere. Caught in the web of memory controversies, the denunciation of the political justice of the People’s Court seems to have dissuaded historians from consulting the archives of the Seventh Chamber;

13 Meškova and Šarlanov, *Bălgarskata gilotina*; Kanušev, *Prestăplenie i nakazanie v nacionalnata dăržava*, 287–89.

14 The joint indictment of the First and Second Chambers was drafted by a special commission of the Central Committee of the Bulgarian Workers’ Party/Communists (*Bălgarska rabotničeska partija/komunisti*, BRP/k); Georgi Dimitrov, the party leader and former general secretary of the Comintern, annotated the final indictment from his Moscow exile; the sentences were negotiated between Stalin, Dimitrov, the secretary of the party’s Central Committee in Sofia, and the Bulgarian minister of justice. CDA, F 250B, op. 1, ae. 58, l. 1–2; CDA, F 250B, op. 1, ae. 68, l. 1–22; CDA, F 1B, op. 7, ae. 190, l. 14.

the historiography on the judicial treatment of anti-Jewish crimes in Bulgaria thus remains anemic.¹⁵

Rather than abandoning this documentation,¹⁶ we propose here to construct as an object of research the political, historical, and legal prisms through which the resort to justice attempted to shed light on the crimes committed during the war. The stakes are high; the judicial examination of the persecutions of the Jews in 1945 produced a paradoxical result: the chamber, whose very establishment seemed to be committed to the recognition of the singularity of the Jewish wartime experience, failed to produce a legal statement of the exceptional nature of these acts of violence. Moreover, it contributed to their euphemizing. Anti-Semitism—a motive whose relevance for thinking about anti-Jewish policies could be questioned by historians and sociologists¹⁷—certainly figured at the heart of the hearings, the requisitory speeches of the prosecutors, and the court's judgment. Nevertheless, insofar as it was seen as an imported ideological-logical product, the fruit of "fascism," the reference to anti-Semitism served to support a narrative of the war organized around two figures of evil, the Nazis and the "fascist clique," and a collective hero, the resistance. Ultimately, the actors charged with assessing individual responsibility took part in the elaboration of a trope of collective innocence that still constitutes the dominant public narrative of the Holocaust in Bulgaria today.

Reconstructing the combination of internal and external factors at the origin of this paradox is the object of what follows. Several parameters will be highlighted. The action of the Seventh Chamber was first of all constrained by the obligation to link three orders of finality: the prosecution of war crimes, the judgment of the old regime, and the impulse of revolutionary transformations. The didactic vision of justice promoted by its initiators required prosecutors and judges to produce an edifying account of the immediate past in order to wedge a political struggle into the present and lay the foundations for a Communist future. The treatment of anti-Jewish crimes then reflected the growing polarization of Bulgarian Jewish worlds. Negotiation of a Jewish and Communist identity, political competition, and differences over the opportunity to build a future in Palestine all influenced the reception of the court's action. Finally, the dynamics of the trial cannot be isolated from the international justice audiences. One of the obsessions

15 For a few exceptions, see Sage, "Sedmi sastav na Narodnija sad v Sofija, mart-april 1945," 159–64; Todorov and Poppetrov, *VII sastav na Narodnija sad*.

16 The archives of the trials, kept in the Bulgarian Central State Archives, include the prosecution files, the minutes of hearings, as well as technical and financial documentation.

17 Mariot, "Faut-il être motivé pour tuer?," 154–77.

of the Bulgarian rulers was to distance themselves from the elites in power until September 9, 1944: it was necessary to demonstrate, by condemning a limited number of “fascists,” the existence of “another Bulgaria,” a stranger to the crimes of the Nazis whose occupation it would have suffered.

Judging in Time of War

On September 17, 1944, a week after the overthrow of the “bourgeois” regime, the new prime minister, Kimon Georgiev, presented his program from the front steps of the Sofia Palace of Justice: the trial of war criminals was part of a political project that included an amnesty for “fighters for popular liberties and victims of exceptional anti-popular laws, a purge of the civil service, and a reform of the justice system.”¹⁸ In the construction of the judicial cause, retribution for violence committed against partisans occupied a key place. The temporal horizon of the incriminated acts was not specified, nor was the institutional framework of the judgment—exceptional jurisdictions or ordinary courts?

The announcement gives substance to Communist invocations of justice that had been recurrent since the German invasion of the Union of Soviet Socialist Republics (USSR) in June 1941. Within the Central Committee of the Bulgarian Workers’ Party/Communists, the reference to a “people’s court” had appeared in September 1941 in an incantatory resolution: “[The fascists] must know that the day is not far off when they will be brought before a people’s court and that it will be merciless.”¹⁹ On July 17, 1942, the Fatherland Front, in its founding proclamation, announced the institution of a “people’s court for those guilty of the catastrophic policy carried out to date and those guilty of excesses against the patriotic fighters and the peaceful population of Bulgaria and the occupied territories.”²⁰ The term “People’s Court” (*Naroden sąd*) was also included in the December 1943 program of the office of the Central Committee of the Workers’ Party, in exile, which drew up a list of future indicts not that dissimilar from the one drawn up in 1944.

The creation of the People’s Court by the decree-law adopted by the Council of Ministers on September 30, 1944, and published in the *State*

18 *Rabotničesko delo*, 7, September 18, 1944, 1. See the program of the Fatherland Front at http://www.omda.bg/public/arhiv/prilojnia/dokumenti_bkp/publichno_sabranie.pdf (accessed July 16, 2022; no longer active).

19 Cited in Meškova and Šarlanov, *Bălgarskata gilotina*, 43.

20 Ibid., 54.

Gazette on October 6 combined several aims.²¹ First, it was to replace private vengeance with a judicial logic. As elsewhere in liberated Europe, the collapse of power led to a flurry of arrests, kidnappings, and summary executions.²² The actions of certain Communist militants and partisans betrayed the violent skills acquired in clandestine life, as well as the autonomy that some units of the resistance enjoyed, especially since they were poorly coordinated until the spring of 1944. In September 1944, a popular militia replaced the detested police; young partisans joined it, often resisting hierarchical orders and lacking legal knowledge.²³ From the point of view of the BRP/k officials, there was an urgent need to put an end to the “improvisations of authority” by which citizens took justice into their own hands.²⁴

The desire to control extralegal violence is in no way incompatible with the use of expeditious settlements to consolidate the new political order—the second objective sought with the creation of the People’s Court. The Communists succeeded in taking control of the Interior and Justice Ministries, but they had to deal with a wide range of allies, including the political-military circle *Zveno* (Link), which was known for its art of coup d’état.²⁵ Purification and the tribunals were arenas where power relations

21 D.V., 319, October 6, 1944.

22 Vezenkov, *9-i septemvri 1944 g.*, 367. Vezenkov puts the number of executions between September 1944 and the spring of 1945 in the range of 4,000–7,000. This figure includes the death penalties determined and carried out by People’s Court (1,046 according to General Prosecutor Petrov’s July 1945 report to the Central Committee of the Workers’ Party), as well as the victims of summary killings (the *State Gazette* listed over 2,000 names of people who had gone missing). I wish to thank Aleksandăr Vezenkov for offering a detailed account of his calculation. On Petrov’s report, see CDA, F 250B, op. 1, ae. 70, l. 4–46.

23 Komisija za razkrivane na dokumentite i za objavjavane na prinadležnostta na bālgarski graždani kum Dāržavna sigurnost i razuznavatelnite službi na bālgarskata narodna armija [hereafter cited as Comdos], F 1, op. 8, ae. 11, l. 1–14.

24 The expression is borrowed from General de Gaulle.

25 In the government, the Communists also held the Public Health portfolio and a ministerial post without portfolio. The elitist *Zveno* circle had been created in 1928 around an eponymous publication headed by the journalist Dimo Kazasov. Advocating a project of technocratic modernization, the circle had forged close relations with members of the Military League (*Voennija Sājuz*), an influential organization of active and reserve officers. This connection was to make a decisive contribution to the May 1934 coup, a prelude to the establishment of the personal dictatorship of King Boris. The Agrarian government officials gradually became a rallying point for opponents of Communist centralization.

between coalition partners were negotiated. The adoption of legalistic rhetoric gave Georgi Dimitrov, the exiled Communist leader, and Trajčo Kostov, the secretary of the Central Committee in Sofia, a few precious weeks to speed up the purges.²⁶ The 28,630 arrests, 10,919 indictments, and 9,550 convictions—26 percent of which were death sentences and 12 percent life sentences—decided at the end of 135 trials strengthened the hold of the Communists on the key institutions of the state.²⁷ Last but not least, the creation of exceptional jurisdictions and the wide publicization of the trials allowed the Workers' Party to undertake the work of supervising its members and disseminating Communist thought at a time when the organization was experiencing an explosion in its numbers.²⁸

Placed at the service of an internal agenda, the recourse to justice also constituted the fruit of a global time marked by the international circulation of postwar ideas. Since the Inter-Allied Conference held at St. James's Palace in London (January 13, 1942) had "place(d) among their principal war aims the punishment, through the channel of organized justice, of those guilty of or responsible for these crimes, whether they have ordered them, perpetrated them or participated in them," retribution for war crimes had become a subject of many discussions among the Allies.²⁹ In November 1942, the Soviet Union created an extraordinary state commission (*Chrezvychajnaya gosudarstvennaya komissiya po ustanovleniyu i rassledovaniyu zlodexaniy nemetsko-fashistskikh zakhvatchikov*, ChGK) in charge of investigating and prosecuting crimes committed on its territory,³⁰ a model later replicated by the partisans of Josip Broz (Tito) in Yugoslavia. One cannot therefore be surprised that the armistice agreement signed by Bulgaria with the Allies

26 Vezenkov, *9-i septemvri 1944 g.*, 359–69.

27 According to the report of Minister of Justice Minčo Nejčev. CDA, F 146, op. 5, ae. 476, l. 84–85.

28 Between the two world wars, the demography of the party underwent wide fluctuations in conjunction with political repression and the internal conflicts of the BRP/k: it went from 30,000 members in 1932–33 to 4,000 in 1934, 7,952 in October 1936, and 6,890 in mid-1940. Oren, *Bulgarian Communism*, 108–9. Richard Crampton offers a conservative estimate of 15,000 members in October 1944 and 250,000 just a year later. Crampton, *Short History*, 146.

29 Kochavi, *Prelude to Nuremberg*. See facsimile of the declaration "Punishment for War Crimes: The Inter-Allied Declaration Signed at St. James's Palace, London on 13th January 1942" and Relative Documents at <http://nla.gov.au/nla.obj-648522001>.

30 On ChGK's creation and operation with regard to war crimes investigations, see Sorokina, "People and Procedures," 797–831; and Kudryashov and Voisin, "Early Stages," 263–96.

on October 28, 1944, in Moscow included, in addition to the demand for the abolition of anti-Jewish measures, an Article 6 requiring that “the Government of Bulgaria will cooperate in the apprehension and trial of persons accused of war crimes.”³¹ Although the document says little about the form that this judgment would take, the international requirements were on everyone’s mind. When they came to power, the Bulgarian Communists had briefly entertained the illusion that it would be possible for them to preserve a fringe of the territories acquired in 1941. The insistence of the British on making the full withdrawal of Bulgarian forces from Yugoslavia and Greece a precondition for the conclusion of the armistice reduced these hopes to nothing. The Bulgarian leaders now feared that possible Greek claims supported by Great Britain would call into question the territorial integrity of the “old” kingdom (Bulgaria in its pre-April 1941 boundaries). The presence of the Red Army and the authority exercised by the “Soviet viceroy,” General Biryuzov, number two on the Allied Control Commission, were further reminders of the precarious status of the former member of the Tripartite Pact.

To deduce that the creation of the People’s Court would betray the rapid Sovietization of Bulgarian justice and provide evidence of the subordination of the Bulgarian Communists to their Soviet comrades would, however, be inaccurate for at least two reasons. First, more than Soviet pressure, it is probably more appropriate to speak of socialization and shared Communist representations. After the failed attack on the king at the Sveta Nedelja Cathedral in Sofia in April 1925, Bulgarian Communist militants had been the object of a vast campaign of repression. Considered by the public authorities as a means of stigmatizing political opponents, the judicial arena provided the accused with a space for publicizing their cause. Additionally, the three thousand or so Bulgarian Communists exiled to the USSR in the 1920s and 1930s had opportunity to immerse themselves in a political reading of justice and purges.³² Finally, Georgi Dimitrov himself knew what his international prestige and career owed to his performance at the Leipzig trial following the Reichstag fire in 1933.³³ In 1944–45, it was in close dialogue with Stalin that the tutelary figure of Bulgarian communism established the

31 Cited in Ognjanov, Dimova, and Lalkov, *Narodna demokracija ili diktatura*.

32 Oren, *Bulgarian Communism*, 83–100.

33 The burning of the German parliament building on the night of February 27–28, 1933, served as a pretext for a campaign of repression against the Communists. Arrested on March 9, and charged with arson and attempting to overthrow the government, Dimitrov defended himself with a verve, determination, and strength of conviction that earned him an acquittal on December 23, 1933. The radio broadcast of the trial contributed to the international reputation of the Bulgarian tribune. *Ibid.*, 60–72.

sentences of the First and Second Chambers of the People's Court—prior to their deliberations. From the point of view of institutional architecture, conceptions of law, and personnel, the postulate of a rapid transposition of the Soviet model into the Bulgaria of the Fatherland Front also had to be nuanced. At the time when the decree-law of October 6, 1944, was drafted, the Sovietization of Bulgarian justice was in its infancy.³⁴ The political break with the bourgeois order took place, at least in part, with the weapons of the defunct world.

The (In)visibility of Anti-Jewish Crimes in the “General Trials”

The decree-law of October 6 provided for “the trial by a people's court of those responsible for Bulgaria's entry into the world war against the allied peoples and for the crimes related to it.”³⁵ However, the ambiguity of the mechanism was apparent in the definition of the acts to be prosecuted and their temporal framework: was it a question of judging “war crimes” or “fascism” as a regime? If the decree-law limited the examination of acts to the three years of world conflict, the desire to take revenge on “twenty years” of “fascist governments”³⁶ was reflected in the declarations of Procurator General Georgi Petrov³⁷ and his final indictment for public presentation of the charges, which he delivered on January 24 and 25, 1945.³⁸ Ten counts of indictment were defined in Article 2, which included alliance with the Third Reich, the declaration of war on the United States and the United Kingdom, the initiation of hostile acts against the USSR, the endangerment of soldiers occupying Yugoslav and Greek territories (and the crimes committed by these same occupying forces against the local populations), abuses against civilians and repression of the partisan movement, and the use of public offices for private enrichment. The accused were divided into three categories: ministers who served between January 1, 1941, and September

34 On the reform of the judicial system beginning in the summer of 1945, see Semkova, *Promeni v sãdebnata vlast na Bãlgarija*, 53–72.

35 DV, 219, October 6, 1944.

36 The year 1923—with the assassination of the Agrarian leader Aleksandãr Stambolijski in June and a Communist uprising in September—marked in the Communist historical imagination the beginning of the “fascization” of the Bulgarian regime.

37 *Rabotniãesko delo*, 22, October 12, 1944, 2.

38 See the working version of the indictment: CDA, F 250B, op. 1, ac. 66, l. 1–2, and the speech to the court: CDA, F 1449, op. 1, ac. 7, l. 2672–2894.

9, 1944; deputies of the Twenty-Fifth National Assembly; and “other civilian or military persons.” The range of penalties, identical for each crime, ranged from imprisonment to capital punishment. Fines of up to 5 million leva were also imposed.

In the initial version of the decree, crimes committed against Jews were given only a single mention as a breach of public probity. Article 5 thus incriminates “persons who illegally accumulated wealth for themselves or for others during the dark period of the national catastrophe after January 1, 1941, who used their position or their relations with the government and the [so-called] ‘Allied States’ (Germany, Italy, Japan, Croatia, Slovakia, etc.). Included are persons who received bribes in the form of fees or other bribes, or *who in various ways robbed Jews*, citizens of the occupied territories of Macedonia, Serbia and Greece, and antifascists—prosecuted, accused, and convicted for antifascist activity.”³⁹ Neither deportations, nor spoliation, nor forced labor were specifically mentioned.

Admittedly, “the inhuman persecution of the Jews” acquired new prominence in the indictment for the First and Second Chambers drawn up on December 5, 1944,⁴⁰ as well as in Petrov’s final indictment, which he presented as an outcome of German will and the “greed” of the fascists.⁴¹ The adoption of anti-Jewish legislation was said to have been “imposed by the German masters.”⁴² Certainly, when Prosecutor General Petrov discusses the deportations from the occupied territories, he does not refrain from recalling the terrifying conditions Jews were subjected to during the round-ups: “at night, they were dragged out of their homes, herded like cattle into sealed wagons, and driven to the port of Lom. From there they were

39 CDA, F 250B, op. 1, ae. 20, l. 5 (emphasis added).

40 The persecutions are dealt with at the end of the list of crimes in a paragraph that mentions the adoption of anti-Jewish legislation “under Hitler’s diktat,” the Aryanization of Jewish property, and the enrichment of the Fascists, while noting the deportations in one sentence: “About 13,000 Jews were rounded up from Belomorje and Macedonia and taken in sealed wagons to Poland, where they were exterminated in the cruelest manner.” CDA, F 1449, op. 1, ae. 1, l. 4v.

41 In his presentation of the charges against former prime minister Bogdan Filov (February 15, 1940–September 14, 1943) and the minister of the interior and public health, Petăr Gabrovski (February 15, 1940–September 14, 1943), the public accuser promptly dispatched the “Jewish question”: “The indicted Petăr Gabrovski is the most diabolical enemy of the people’s fighters and of the Jewish minority.” In the crimes attributed to Filov, “the sinister mockery and robbery of the Jewish minority” are mentioned only in passing. CDA, F 1449, op. 1, ae. 7, l. 2760–61 and 2759.

42 Ibid., l. 2854.

loaded onto ships for their country of birth—Galicia. The fate of this unfortunate Jewish population is known. They were burned alive, and all of them, men, women, youths, and children, in crematoria created on purpose by the German monsters. I do not know whether at least one of them remained alive to tell of the terrible crime committed by the vulgar German murderers.”⁴³ He also underlined the fatal destiny of the children and newborns: “So the Jews were handed over to the German beasts because they did not want the victory of the Axis. And because our country had to be ‘cleansed’ of ‘provocateurs.’ So the children, even the babies, who were remanded to the Germans and thrown alive into the furnaces of the crematorium, they too were ‘provocateurs’ and did not want the ‘victory of the Axis’? This is the kind of executioners the Bulgarian people were in the hands of.”⁴⁴

The venality and moral turpitude of bureaucrats and officers—“the so-called patriots . . . installed in the Jewish apartments . . . who had bought furniture at derisory prices, including Persian carpets and pianos, etc.”—are entitled to more colorful descriptions.⁴⁵ Prosecutor General Petrov also recalls “the fire in a Jewish concentration camp, in the Kajluka area, near Pleven, where on the night of July 10–11, 1944, dozens of Jews lost their lives and several dozen others were badly burned.” He suggests that the fire may have started as a result of criminal activity: “Their impression was that the fire was caused on purpose, because there were various rogue legionnaires hanging around there, and because the security did not allow them to leave the building and save themselves. Several women were trampled in the commotion and eleven people burned in this fire. After that, the criminal arsonist began to tell that his money had burned.”⁴⁶

Responsibility was attributed to the king, the ministers, the “deputies of the majority who voted for the anti-Jewish laws,” the commissioners for Jewish Affairs “in concert with the entire anti-Semitic apparatus of the Jewish Commissariat,” and finally to “journalists and writers, commandants of forced labor units, defenders of the regime, members of the *Ratnici* and *Brannik* organizations,”⁴⁷ leaders of the reserve officers, etc.” Despite a brief allusion to the “bloody document” signed by Commissioner for Jewish Affairs Belev and the German SS representative, Dannecker, the role of the Bulgarian authorities in the deportations was the subject of a thrifty

43 Ibid.

44 Ibid.

45 Ibid., I. 2858.

46 Ibid.

47 On *Brannik*, a youth movement modeled on the German *Hitlerjugend*, and *Ratnik*, a xenophobic and anti-Semitic organization created in 1936, see Poppetrov, *Socialno naljavo*.

description: "Put [the Jews] into the hands of the German executioners."⁴⁸ Of the 222 pages of the final indictment, violence against Jews occupied only a handful.

It is around another axis that the pleading is ordered: Prosecutor Petrov intended to give to World War II a genealogy that removed the mortgage of war crimes from the Communist future by converting Bulgaria from an ally of the Reich and an occupying power into a victim of war. The agent of this metamorphosis would be the monarchy. Accession to the Tripartite Pact was presented as the last of three "national catastrophes" caused by the criminal diplomatic choices of Kings Ferdinand (in 1913 and 1915) and Boris III (in 1941). The "great Bulgarian chauvinists," those vassals of German imperialism—itsself the son of capitalism and the father of Nazism—were the preferred targets of the indictment. The denunciation of the crimes committed against Communist partisans and activists presented, in a mirror effect, a heroic portrait of those who embodied the continuity of the state in the face of adversity. Jewish questions only appeared in the narrative if they consolidated the plot.

The court's retribution for the crimes confirmed this ancillary position. Although the facts of "persecution against the Jews" were retained against four of the five categories of defendants defined in the court's judgment, the elements that would have made it possible to correlate the evaluation of the acts with the sanctions pronounced are absent. However, the accused's having defended Jews during wartime did not attract the clemency of the judges toward them. The case of the former deputy speaker of the National Assembly, Dimităr Pešev, is emblematic here: this conservative politician, who had voted for anti-Jewish provisions in December 1940, made a decisive contribution to the suspension of the roundups of Bulgarian Jews in the "old" kingdom on March 9, 1943. Pešev also initiated a petition against the government's anti-Jewish policy, signed by forty-two majority deputies, that led to his removal from his position as deputy speaker. In 1945, although the former parliamentarian escaped the death penalty, he nevertheless received a fifteen-year prison sentence.⁴⁹ No less tragic is the fate of one of the great figures of the Democratic Party (*Demokratičeska partija*), the jurist and former minister of the Interior and Public Health and former prime minister Nikola Mušanov. This right-wing politician denounced with remarkable constancy, legal rigor, and moral force all anti-Jewish measures, whether they targeted Jews of Bulgarian citizenship or those residing in the

48 CDA, F 1449, op. 1, ac. 7, l. 2855.

49 Dimităr Pešev was released after a year in prison and led an isolated life until his death in 1973. In that year he was awarded the title of "Righteous Among the Nations" by the Yad Vashem Institute. See chapter 4.

occupied territories. This commitment did not spare him the verdict of one year's imprisonment common to most members of the Muraviev government (September 2–9, 1944).⁵⁰

How, on the basis of these fragmentary data, can one cast light on the decision to entrust a specialized chamber with a more detailed examination of anti-Jewish crimes? Here, we need to depart the praetorium, to pull ourselves away from the magnet of the courthouse, in order to examine the work of building a case by Bulgarian Communist Jews.

The Construction of a Judicial Cause by Bulgarian Communist Jews

Before the war, the Bulgarian Jewish community was structured around four pillars: the rabbinate, the Central Consistory of Jews in Bulgaria, the Jewish municipalities—which assumed denominational, civil, social, and cultural missions—and the network of Jewish schools. At the end of August 1944, Prime Minister Ivan Bagrianov encouraged the reformation of the consistory, which the war had reduced to the role of a “transmission belt” for the government and the Commissariat for Jewish Affairs (*Komisarstvo za evrejskite vǎprosi*, KEV). On September 18, a new team with a Communist majority took control of the Consistory.⁵¹ David Ieroham, a lawyer by profession and an influential figure in the Social Democratic Workers' Party (*Bǎlgarska rabotničeska social-demokratičeska partija*), became its president; he was assisted by Žak Natan, a self-taught journalist, economist, and Communist activist who had received solid ideological training in the USSR.⁵² Among the other members of the Consistory was the lawyer Mančo Rahamimov, future prosecutor of the People's Court.

In the space of a few weeks, a new community framework was formed. A Jewish section (*Evrejski otečestven front*, EOF) was created within the Fatherland Front, which welcomed Communists, social democrats, left-wing agrarians, and members of *Zveno*; it was later timidly opened up to left-wing Zionists. A cluster of cultural and charitable organizations formed around EOF. From the center to the periphery, consanguine relations were established between the EOF's central committee and the Consistory, as well as between the local committees of the Jewish section of the Fatherland Front

50 Nikola Mušanov was released on the eve of the general elections in November 1945. He was arrested again in 1947 and died in prison in 1951, officially of a heart attack.

51 CDA, F 622, op. 1, ac. 131, l. 77; Vasileva, *Evreite v Bǎlgarija*, 11–24.

52 CDA, F 2124K, op. 1, ac. 19 578.

and the Jewish municipalities. Through the straddling of multiple positions—and, in some cases, the use of violent means of persuasion—Bulgarian Communist Jews established control over the centers of Jewish social, cultural, and religious life.⁵³

The lives of powerful men of the day followed similar biographical trajectories. Most of them were born or had lived in the multiethnic working-class neighborhood of Jučbunar, the heart of Jewish life in Sofia. They were left-wingers in their youth and experienced upward social mobility through law studies, involvement in the activities of the Jewish cultural houses (*čitališta*), as well as in the Jewish or progressive press. Several of them had experienced exile. Having opted for an advocate's robe rather than a magistracy subordinate to the political authorities, they defended Communist militants after the 1924 ban on the party. During the war, in forced labor battalions, internment camps for "seditious" people, and partisan units, or during the expulsion of Jews from Sofia in May 1943, many of them formed strong friendships. Having reached the leadership of the Jewish community, they aspired to bring to justice those responsible for the humiliations, privations, and violence to which they were subjected.

On October 30, 1944, in its inaugural issue, *Evrejski Vesti* (Jewish news), the weekly newspaper of the Jewish section of OF, relayed this position. As Natan Grinberg, an active Communist who was commissioned to research the archives of the wartime Commissariat for Jewish Affairs in the fall of 1944, wrote: "[It is] up to the Jewish committees of the Fatherland Front to point out [the fascists] to the militia and, on the basis of the facts, to demand their detention and surrender to the People's Court. If some fascists are detained for other crimes, it is nevertheless appropriate to transfer the material that concerns us Jews in order to obtain a conviction for these crimes as well."⁵⁴

A month later, the secretary of the Social Democratic Workers' Party, Eli Baruh, an accountant by profession, and a former forced worker (and future prosecutor), launched an appeal for witnesses in the columns of the newspaper.⁵⁵ The research that Grinberg and the Sofia lawyer Isak Francez, the new commissioner for Jewish Affairs, pursued in the archival funds of the Commissariat⁵⁶ confirmed their beliefs: they discovered with horror that Bulgarian authorities had planned thoroughly the "Final Solution" of the

53 On this process seen from a "left Zionist" point of view, see Keshales, "Tova se sluči prez onezi godini," File no. 3, 7–17.

54 Natan Grinberg, "Naroden Šad," *Evrejski Vesti*, 1, October 30, 1944, 2.

55 Eli Baruh, "Zašto mālčite?," *Evrejski Vesti*, 5, November 30, 1944, 2.

56 In the spring of 1945, the Jewish Consistory published a selection of documents from the archives of the Commissariat: Grinberg, *Dokumenti* (1945).

“Jewish question” for the whole of the kingdom.⁵⁷ On December 1, 1944, in the name of the Consistory, Rahamimov asked the prosecutor general to mention explicitly the persecution of Jews in the indictment against the accused brought before the First and Second Chambers. The deportations of the Jews of Macedonia and Greece were at the heart of his request:

Mr. Chief Prosecutor,

Within the framework of the fascist regime and the anti-Jewish laws in the country, Bulgarian Jews were cruelly prosecuted, and the Jews of Thrace and Macedonia—11,000 people—were sent to Poland, where they were murdered in the most atrocious manner.

The people’s power of the Fatherland Front saved the Jews of Bulgaria.

Now that the racist legislation has been invalidated and abolished, we ask you with the utmost respect—in the draft law prepared by the minister of justice on the prosecution of fascist acts and in the commission in which you participate—to include anti-Jewish crimes.

This will be an act of great political and historical importance, absolutely in harmony with the program of the Fatherland Front, to which the Jews of Bulgaria fully adhere.⁵⁸

However, these advocacy practices are not enough to explain the rallying of Dimitrov, the Workers’ Party, and the Fatherland Front to the principle of a separate examination of these crimes. Elsewhere in Europe, at that time, abuses against Jews were in fact judged in conjunction with other criminal acts, without coming under separate jurisdictions. In Bulgaria itself, one might have expected that the creation of a specific category of perpetrators and victims would have aroused the reservations of a fringe of Communist cadres and militants.

The reconstruction of the decision-making process here comes up against the silence of the archives. The coded telegrams exchanged between Dimitrov and Trajčo Kostov, general secretary of the Central Committee of the Workers’ Party, remain stubbornly silent on this subject, as does the diary of the Bulgarian leader.⁵⁹ One hypothesis is obvious, however, from the reading of the deposition of Žak Natan, the head of the Central Committee of the Jewish section of OF (EOF), before the People’s Court on March 16, 1945: “If we want to be presented as a democratic country before the

57 Israel Majer, “Istoričeski dni,” *Evrejski Vesti*, 19, March 10, 1945, 1.

58 CDA, F 250B, op. 1, ac. 75, l. 1. The document is annotated by Georgi Petrov’s own hand; he asked that it be used to write the “report of the minister of justice.”

59 Dimitrov, *Dnevnik*.

entire democratic world when the destiny of our country is decided in an international conference, we will have to demonstrate that . . . anti-Semites are judged because they are fascists and that there are no anti-Semites in the democratic circles of the Bulgarian people.”⁶⁰

That the horizon of postwar diplomatic settlements gave a decisive impetus to the judicial treatment of anti-Jewish persecutions appears credible. At the end of World War I, Bulgaria had paid dearly for its support of the Central Powers: the Treaty of Neuilly-Sur-Seine of November 27, 1919, imposed heavy territorial losses, exorbitant reparations, and a drastic reduction in its military strength. The humiliation of Neuilly had fueled Bulgarians’ nostalgia for their lost greatness and led to a territorial revisionism based on the principle of the alliance sealed with the Reich in March 1941.⁶¹ Haunted by the territorial question, the new leaders knew that the Allies had promised to take into account the treatment of minorities in peace treaties. On October 27, 1944, on behalf of the World Jewish Congress, Baruch Zuckerman drew the attention of the Consistory to this point. In his missive, he reproduced an excerpt from the appeal written in May 1943 by Jak Asseo, a Bulgarian Jewish merchant who had immigrated to the United States and had taken over leadership of a Committee for the Rescue of Bulgarian Jews in October 1942: “Do not forget that a few weeks ago the President of the United States himself, Mr. Roosevelt, and the British Minister Mr. Eden, stated unambiguously that the behavior of all unfriendly countries toward their Jewish minorities will be taken into consideration when deciding on the fate of enemies of the Allied nations. No excuse will be sufficient to [justify] the inhumane treatment of any minority.”⁶²

Communist leaders were likely to hear the argument that the prosecution of anti-Jewish crimes could deliver political dividends.⁶³

60 CDA, F 1449, op. 1, ac. 181, l. 256.

61 Znamierowska-Rakk, “Bulgarian Territorial Revisionism,” 102–25.

62 The letter is on file with the prosecution: CDA, F 1449, op. 1, ac. 207, l. 266; and the archives of the Jewish Consistory: CDA, F 622, op. 1, ac. 87, l. 1–4 (here, 3). One learns that the missive reached its addressees with a delay of two months, after a detour by the representation of the Jewish Agency for Palestine in Istanbul because of “the impossibility of communications between your country and America.” CDA, F 622, op. 1, ac. 87, l. 5, 12.

63 In August 1945, the Bulgarian delegation to the WJC in London listed the holding of the trial among the facts to be credited to Bulgaria. CDA, F 28, op. 1, ac. 119, l. 43–46.

A Sketch of the Trial Scene

It remained to be determined whom to bring to justice, for which crimes, and before which judges. The decree-law of October 6, 1944, provided that prosecutors would be appointed by the Council of Ministers on the proposal of the minister of justice (Article 5), while conferring a power of initiative on the Fatherland Front. In the end, three of the four prosecutors were of Communist persuasion; the last was a Social Democrat. The names of attorneys Mančo Rahamimov and Boris Bărov were supported by the Workers' Party; that of Eli Baruh was suggested by the president of the Consistory, David Ieroham.⁶⁴ Tracing the path at the end of which the lawyer Slavčo Stoilov joined this trio is a challenge; at the most, we can note that he had been legal counsel in Sofia in a high-profile lawsuit brought against several future high-ranking Communist officials. The four prosecutors had one thing in common: none of them had served as prosecutors prior to 1945.

This shift on the chessboard of justice from defense to prosecution is less surprising than it may seem. The autumn of 1944 was the scene of a vast cleansing: as early as October 4, the minister of justice, Minčo Nejčev, a Communist, had a list drawn up of judges, prosecutors, and other professionals he considered compromised. In the months that followed, 145 magistrates out of 618 were dismissed from their posts for their "fascist" past and 33 for "other" reasons.⁶⁵ The lack of cadres as well as the search for trusted people enlightened the solicitation of attorneys who had made their mark in the defense of Communist defendants. Their experience as lawyers, active in the interwar era, at a time of intense (and rather expeditious) state repression against Communist sympathizers, in turn influences the definition of their new attributions by the public accusators. In the wake of the abortive Communist uprising of September 1923, the Bulgarian parliament passed the Law on the Defense of the State, which created a range of crimes with severe penalties, entrusted military tribunals with the handling of political cases, and restricted the rights of the defense.⁶⁶ In 1934, the indepen-

⁶⁴ Baruh, *Iz istorijata*, 178.

⁶⁵ CDA, F 1B, op. 6, ae. 67, l. 15. The Ninth Chamber of the People's Court also contributed to purges of the judiciary: twenty-three judges and prosecutors from the Supreme Court of Cassation, regional courts, and a court of appeal appeared for vetting. The chamber delivered its verdict on April 27, 1945.

⁶⁶ On several occasions, the International Juridical Association (IJA), created in Berlin on December 9–12, 1929, on the initiative of the Comintern, protested against the repression suffered by Communist sympathizers. On the IJA's Bulgarian section, see CDA, F 2123K, op. 1, ae. 1019K.

dence of the judiciary was further curtailed, while government interference in proceedings involving political opponents increased, especially after King Boris III introduced a personal regime in 1935. It is on the strength of this science of judicial rules that the prosecutors of the Seventh Chamber made their entrance onto the scene: with astonishing ease, they borrowed from their opponents of yesteryear the authoritarian tone that the latter had cultivated in their activity in the judiciary.

On paper, the prerogatives granted to public prosecutors were vast: charged with supervising investigations, they had the right to carry a weapon, could order arrests, and could demand “full cooperation from all the military and militia authorities.”⁶⁷ In practice, the investigation of cases was hindered by the disorganization of the police following massive dismissals in the autumn of 1944 and the incorporation of inexperienced partisans. Relocated to the provinces in the spring of 1944 to flee Allied bombing, government offices slowly returned to Sofia. The repatriation of the archives of the civil and military administrations of the Yugoslav and Greek territories, evacuated in October 1944, was delayed. The civil service lacked everything—paper, telephones, vehicles, petrol—which limited travel abroad or even within the provinces.

The composition of the court also illustrated the confusion of the new era. As in other European states, in the Bulgaria of the Liberation the aspiration for a popular rejuvenation of justice was widespread. Article 6 of the October decree-law required that legal professionals appointed by the minister of justice be joined by laypeople selected by the regional committees of the Fatherland Front. In fact, precedence was given to the latter: they were chosen, in accordance with the instructions of the National Committee of OF, from among individuals “of absolute integrity, who are close to the people, enjoy their trust and prestige, and, above all, are devoted antifascists who have fought or are ready to fight against fascism.”⁶⁸ Political loyalty prevailed over hastily transmitted legal knowledge.⁶⁹ The popular jurors of the Seventh Chamber were workers or peasants.⁷⁰ Only the president of the court, Petko Petrinski, was a jurist, with a lackluster career. His hour of glory

67 Baruh, *Iz istorijata*, 174.

68 CDA, F 28, op. 1, ac. 112, l. 9.

69 For all chambers of the People’s Court, 120 training seminars were organized. CDA, F 250B, op. 1, ac. 68, l. 1–22.

70 Order 426 of March 5, 1945, names Tončo Carvulanov, worker, village of Svoge; Blagoj Gorčilov, worker-welder in Sofia; Leftera Hr. Dimlirova, resident of Svoge; and Nikola Manolov, from Sofia. The profession of the last two jurors is not known. Cvetana Hr. Rusinova, a worker in Sofia, was an alternate member. During the trial, she sat among the jurors. CDA, F 88, op. 2, ac. 26, l. 27.

would come in 1946–47 when he took on the role of prosecutor in several “show trials.”⁷¹

From the outset, the Seventh Chamber’s remit constrained the examination of the facts. Only crimes committed by Bulgarian citizens in the “old” (pre–April 1941 boundaries) and “new” kingdoms (with additional and officially “liberated” Yugoslav and Greek lands) were prosecuted. No foreign nationals—and therefore no German war criminals—were brought to justice. Above all, the prosecution had to build its case around two qualifications: Article 2, paragraph 10, of the amended version of the decree-law incriminated “persecutions against the Jews” (*goneniĵa na evreite*). The nature of “facts, writings, speeches or . . . other” demonstrating an “active and efficacious” contribution to anti-Jewish persecution was left to the discretion of the judges. Article 2, paragraph 4, referred to persons who had used their “connections with those in power or with the combatant states, or their professional position, in order to unlawfully obtain material benefits for themselves or others.”⁷² Why other charges, such as murder or physical violence, were not included in the indictment is a mystery.

A list of sixty-four defendants was drawn up.⁷³ It constituted a roadmap of the missions assigned to the Seventh Chamber.⁷⁴ The executives of the Commissariat for Jewish Affairs were placed at the heart of the indictment. Eighteen of the one hundred or so agents that the KEV had at the beginning of 1943 were brought to justice. The former commissioner for Jewish Affairs Aleksandăr Belev (September 1942–October 1943) was tried in absentia (although he was probably deceased by the time of the trial). His successor, however, Judge Hristo Stomanjakov (served October 11, 1943–July 1944), deputy prosecutor at the Sofia court of appeal prior to his appointment at the KEV, did appear in the dock. Four former heads of departments were arrested. First came Jaroslav Kalicin. A lawyer by training, Kalicin had been director of the extremely influential Administration Department and responsible for designing the concrete setup of the deportations from occupied Yugoslavia and Greece. In March 1943, Kalicin in person supervised the arrests of Jews in Northern Greece. Penčo Lukov, a former deputy

71 Born in 1907 in a poor village in northwestern Bulgaria, Petko Petrinski worked briefly as a lawyer before entering the judiciary. He joined the BRP/k in January 1945, two months before his appointment as head of the Seventh Chamber on March 1, 1945. CDA, F 88, op. 2, ac. 26, l. 14; CDA, F 1B, op. 6, ac. 407.

72 D.V., 261, November 24, 1944.

73 A sentence would be pronounced against fifty-three of them: forty-two appeared in court; nine were tried in absentia, and two were listed as dead by the time of the verdicts.

74 CDA, F 1449, op. 1, ac. 79, vol. 2, l. 17–91.

prosecutor in Plovdiv and director of the Sofia Central Prison, was the second defendant in this group: he headed the Economics Department. In 1943, he was tasked with coordinating arrests in the “old” kingdom. The third protagonist was Zahari Velkov, the nephew of one of Bulgaria’s most celebrated authors, Elin Pelin (who himself denounced anti-Jewish persecutions). Velkov was entrusted with supervision of the deportation from occupied Vardar Macedonia (Yugoslavia). Thereafter, he was promoted to head the Economics Department of the Commissariat for Jewish Affairs. Detained in Skopje (Macedonia) in the winter of 1944, he was charged in Bulgaria but did not appear before Bulgarian judges. Finally, Dr. Ivan Popov, another member of the bar, was charged with preparing the Radomir camp intended to receive Jews from the “old” kingdom in March 1943 (as we know, the Bulgarian Jews were not deported in the end). Popov was also asked to coordinate the Jewish expulsions from Sofia into the province in May 1943. Following Kalicin’s departure from the KEV in October 1943, Popov took over his position as head of the Administration Department.

The distribution of charges gave special visibility to the deportations (twelve officials of the Commissariat and four officials dispatched to the occupied territories), to the auctions and liquidation of Jewish property (fifteen inditees), to forced labor (fourteen), to anti-Semitic writings (seven), and to the management of internment camps for so-called seditious Jews (four). On this chessboard, however, the white squares are more eye-catching than the black ones. First, absence: beyond the exceptional bureaucracy of the KEV, the Bulgarian state apparatus was largely spared any criminal consequences. It is true that two former employees of the Bulgarian National Bank were prosecuted in relation to the use of violence in extracting money from Jews in the “old” kingdom; a former mayor and local delegate for Jewish Affairs was also accused and his case was examined, despite the fact he was already dead by that time. Moreover, a former vice-district governor (*okolijski upravitel*, deceased) and his right-hand man, once a police deputy chief (in absentia), also featured among the accused. However, when it came to assessing responsibilities for the deportations, the list of members of the state bureaucracy was surprisingly short: the only mayor indicted in connection with the deportations was Angel Čerkezov, who had distinguished himself by proposing to tighten the anti-Jewish provisions designed by the police station in Drama, Greece; a police chief stationed in Serres, Greece, escorted him. The police and intelligence services remained otherwise untouchable. In addition, no representatives of the tax, railway, or public property services were prosecuted. The second major absentee was the army. Some military personnel were arrested for their role in enforcement of forced labor, such as Colonel Mumdzhev, director of the forced labor department at the Ministry of Public Works, and some unit commanders. However, the

contribution of the military to securing the roundups was not the subject of any prosecution.⁷⁵

This arbitration was not devoid of political considerations. On the night of September 8–9, 1944, the army's rallying to the coup d'état of the Fatherland Front precipitated the overthrow of the regime. The minister of war, General Ivan Marinov, commander of the occupying forces in Macedonia at the time of the roundups,⁷⁶ saw his political instincts rewarded by promotion to the rank of lieutenant general and assignment to the post of chief of staff. The institution was nevertheless regarded by the Communist leaders as an ivory tower. On November 18, fearing that the courts would be used as a pretext for a purge, the new minister of war, Damjan Velčev, from the *Zveno* circle, issued a circular prohibiting the arrest of combatants at the front. Five days later, in spite of Communist protests, the Council of Ministers agreed to circumscribe the scope of arrests: officers, noncommissioned officers, and active or reserve soldiers indicted for actions falling under the jurisdiction of the People's Court could instead request assignment to the front.⁷⁷ Those who distinguished themselves there would see their cases dropped; arrests were also suspended. The aim was not to hinder the war effort.

On January 20, 1945, Minister of Justice Nejčev demanded that arrests be halted on February 1, on the grounds that "it will be impossible for officers at the front to accomplish their mission, which is currently of crucial importance, if they find themselves under the permanent threat of being arrested and thrown into prison."⁷⁸ The order, reiterated on February 8, circulated to the regional branches of the militia twelve days later.⁷⁹ The timing is decisive here: the appointment of the prosecutors of the Seventh Chamber was spread out through December, and the investigations reached their cruising speed only in January. In other words, by the time the accusers were ready to make arrests, the restrictions are already in place. Furthermore, during the trial, proceedings against nine of the sixty-four accused would be suspended for the same reason.⁸⁰

75 Comdos, F 13, op. 1, ae. 2, l. 32, 63, 140.

76 The 15th Infantry Division was based in Bitola between June 18, 1942, and September 3, 1944.

77 Comdos, F 3, op. 3, ae. 11, l. 401–3; *Rabotničesko delo*, 67, December 4, 1944, 1.

78 Comdos, F 3, op. 3, ae. 11, l. 166.

79 Ibid, l. 165. About 500,000 Bulgarians took part in the fighting, and 30,000 were injured or lost their lives. Oren, *Revolution Administered*, 87.

80 CDA, F 1449, op. 1, ae. 181, l. 124–27, 179; CDA, F 1449, op. 1, ae. 185, l. 2.

Courtroom 11

The framing is in place. We will soon enter the courtroom to observe how a story of the crimes and their perpetrators, and the “rescue of the Bulgarian Jews,” was staged there. The threshold we are about to cross is nothing like the marbled, high-ceilinged splendor filmed by the cameras during the “general trials” in the First and Second Chambers. No mosaic depicting a draped Themis, scales in hand, to dominate the court, the accused, and the public. Courtroom number 11 is austere: a thin line separates the bare white walls from the paneled basement; no telephones, no microphones, no projectors whose intense light might warm the place. Justice is presented in her simplest form: a bell within reach of the president. The four jurors are spread out on either side of Petko Petrinski, with modest piles of documents in front of them. A woman’s face catches the attention: her gaze, absent-mindedly, seems lost amidst the audience; her unassuming light pullover contrasts with the dark suits of the other jurors. To the left of the courtroom, an alternate member takes notes, a hand meditatively placed on her forehead (see figure 1.1).

The grandeur of the prosecutors cannot claim any material privilege in these places where their voices will be decisive. They share a narrow wooden table; only the public prosecutor, Boris Bărov, has a lectern, above which his torso barely rises. He crowds onto a chair that one imagines to be too low. Two clerks, with bent backs, transcribe the proceedings; a handful of journalists imitate them. Everything is cramped in this rectilinear space of the 1940s. Faced with these bodies bent over their writings, the recently appointed minister of propaganda Dimo Kazasov, with his elegant white beard and tailored suit, stands at the helm with the ease of the tribune that he is. The moment was captured on March 16, 1945, the date of the statesman’s deposition (see figure 1.2).⁸¹

For the occasion, the room is packed. The public attendees were probably handpicked—the committees of the Fatherland Front, the “Agitation” Department of the Workers’ Party, perhaps also members of the Consistory, being assigned quotas. Behind these faces, captured in an eternal instant, lives elude us. Along six rows of wooden benches, the spectators are huddled together, heavily dressed in coats and scarves, gloves for the wealthy. Heating was restricted during that winter. Around the entrance door,

81 The pictures are listed as photographs of the Sixth and Seventh Chambers taken on March 15, 1945, in the Bulgarian Central State Archives. The date is incorrect because Kazasov, who is present in one-third of the photographs, testified the following day. CDA, F 720, op. 7, ae. 38, film 45/131 and film 45/132, March 15, 1945, Karl Sakal.



Figure 1.1. Seventh Chamber of the People's Court: The court. *Source:* CDA, film 45/132, no. 14. Courtesy of the Bulgarian Central State Archives.

spectators stand against the wall. Photographed from the journalists' area, the room has a surprising division between the right-hand section, where the tense faces, short hair, and slim bodies are those of men under judicial warning who are guarded by a single soldier, and the left-hand section, itself divided between the front rows with their wealthy audience and a back room containing the socially less well-to-do. Has the theater of justice borrowed from its fictive brother the social distribution of seats? The play of glances, for its part, escapes the contrasts of opulence: some spectators, caught by the witness on the stand, ignore the eyes that freeze them; others address the lens head-on.

We will not learn anything more from this scene. We must be content with this fine tear in the graphical silence of the past. And approach the narrative of events as the praetorium elaborated it, distributing the figures of good and evil. This rests on three touchstones: the definition of the crimes, the tracing of individual responsibility, and the examination of the role of bystanders.⁸²

82 The notion of "bystander" is from Hilberg, *Perpetrators, Victims, Bystanders*.

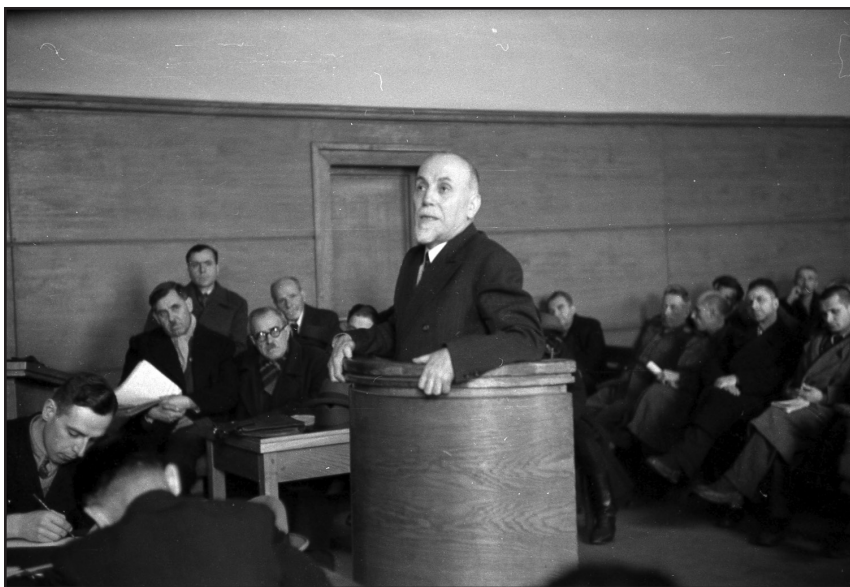


Figure 1.2. Seventh Chamber of the People's Court: The testimony of the minister of propaganda, Dimo Kazasov. *Source*: CDA, F 720, op. 7, ac. 38, film 45/132, no. 1. Courtesy of the Bulgarian Central State Archives.

The Germans, the Fascists, and the “Good People”: Drawing the Perimeter of Guilt

Tracing the path by which the documentation of anti-Jewish persecutions was placed at the service of a serious narrative of a notion of collective innocence and Bulgarian heroism leads us to pay privileged attention to two kinds of voices, that of the prosecutors and that of the president of the court. Works of recapitulation, ordering and sorting of the material and testimonial evidence presented during the trial, the indictments, and the judgment also draw on the depositions of key witnesses. The pretrial indictment called 333 witnesses to the stand; 321 eventually appeared before the judges.⁸³ This image of a “trial of witnesses” nevertheless calls for two nuances. In the pretrial courtroom, the pace of the depositions accelerated as the days

83 Requests for the appearance of defense witnesses were granted sparingly, with no more than three or four per defendant.

of the hearings passed.⁸⁴ Their tempo often reduced the speaking to a simple retelling of their deposition statements, but without the question-and-answer openings. Above all, testimonies were treated differently depending on the political and social status of the speakers. At the beginning of the trial, the floor was given to the representatives of the new ruling class—the minister of propaganda Dimo Kazasov, the minister of social affairs Grigor Češmedžiev, the secretary-general of the Ministry of Propaganda Menahem Fajonov, the new provisional commissioner for Jewish Affairs Isaak Francez, and the head of the Jewish section of the Fatherland Front Žak Natan. There was no question of constraining their speaking time. The general questions that the president of the court addressed to them, and the relevance of their individual experiences, were intended to guide the public toward a “just” interpretation of the war and the trial.

Before proceeding to the examination of the hearings, a final reminder is in order: exposing the judicial construction of the facts does not amount to postulating the existence of an identical understanding of the crimes in the minds of justice professionals. Although the influence of “fraternal” discussions on the writing of the petitions and on the jurors cannot be proven, given the current state of the archival sources, a reading of the minutes of the trial suggests the existence of a contrast between the wealth of evidence collected by several prosecutors and the weakness of the sentences they demanded. The slippage between the indictments and the pronouncement of the verdicts, toward an unexpected clemency, appears even more striking.

By their density, their brilliance too, two indictments stand out: those prepared by Bărov and Rahamimov. Slavčo Stoilov delivered a rather lackluster summary of the charges and indictments; his main case was that against Stomanjakov, commissioner for Jewish Affairs between October 11, 1943 and July 1944. Finally, it was the turn of Eli Baruh, whose ardor in support of the accusation in cases of forced labor came up against an uncertain mastery of legal knowledge. Of particular interest here was the plea of Prosecutor Bărov. Although he was asked to handle a heterogeneous set of cases (those of Commissioner for Jewish Affairs Belev, several authors of anti-Semitic literature, and members of commissions for the liquidation of Jewish property), it was in fact he who set out the political framework for the deportations from the occupied territories and, by correlation, for the nondeportation of Bulgarian Jews.

84 Thirteen witnesses appeared on March 16, seventeen on March 17, thirteen on March 19, thirty-one on March 20, forty-eight on March 21, thirty-one on March 22, forty-six on March 23, sixty-five on March 24, and fifty-seven on March 26.

Born in 1896, Boris Bărov received legal training in Leipzig, Germany, and Vienna, Austria.⁸⁵ His international experience, his Communist Party credentials and the authority he enjoyed must have argued for the assignment of such responsibility. The indictment he prepared was marked by two questions:

1. Was the deportation of the Jews of Aegean Thrace and Macedonia imposed by Germany in an imperious, imperative way or did the government have some relative freedom of action and, conscious that [the Jews of Aegean Thrace and Macedonia] were sent to a certain death, could it have offered another fate to those people?
2. What was the position of Tsar Boris in particular on the Jewish question? Was he their friend or their enemy? And who saved the Jews of the ancient territories of our country from the furnaces of Majdanek?⁸⁶

Three hours later, the prosecutor delivered his conclusions. The first: “Never have the interests of this monarchy been in harmony with the interests of the Bulgarian people.”⁸⁷ Judging that the action “on the Jewish question was only partially enlightened within the framework of general policy,”⁸⁸ the public prosecutor intended to dispel the illusion of Jews believing “in the psychological conditions in which they found themselves . . . that their rescue had come from the supreme authoritarian potentate in our country, Tsar Boris.”⁸⁹ The second conclusion was equally clear-cut: “The answer to the question I have raised—who saved the Jews of the old kingdom of Bulgaria from an appalling death in the murderous furnaces of Majdanek and Belzec?—is now clear: the Bulgarian people, Bulgarian society, the Red Army, and no one else.”⁹⁰

Before reaching this denouement, several steps were taken. The first consisted of proving that at least some of the “fascist” elites, moved by

85 David Koen, “Narodno vāzmezdie,” *Godišnik na Obštestvena kulturno-prosvetna organizacija na evreite v Narodna Republika Bālgarija* [hereafter cited as *Godišnik na OKPOE*] 20 (1987): 259. Like nine other prosecutors in the People’s Court, Bărov would be arrested after the trial on suspicion of financial malpractice. Prosecutor General Petrov reportedly secured his release. Returning to the bar, Bărov joined the board of the Lawyers’ Union at the end of 1946, before being appointed to the Court of Cassation. At the same time, he pursued a career as a professor of civil law.

86 CDA, F 1449, op. 1, ac. 185, l. 39–40.

87 Ibid., l. 44.

88 Ibid., l. 22.

89 Ibid., l. 44.

90 Ibid., l. 50. Bărov’s information is incorrect: Jews from the occupied territories were exterminated in Treblinka.

ideological convictions or vile ambitions, had indeed adhered to the project of the Final Solution. To this end, Prosecutor Bărov conducted a meticulous examination of the archives of the Bulgarian Foreign Ministry and claimed, with written evidence, that the authorities meticulously monitored the responses of their neighbors—satellite countries, occupied countries, or allies of the Reich—to German demands. Moreover, he argued that “the Bulgarian fascist governments . . . have proved more servile on the Jewish question than those other satellites of German Hitlerism, Romania and Hungary.”⁹¹ At the same time, the prosecutor described at length the actions of an intelligentsia deemed to be fascinated by Nazi ideology and infatuated with King Boris. Once the double guilt of the rulers and of certain intellectuals had been exposed, the question of the innocents remained. A real argumentative challenge: it was a question of simultaneously demonstrating the virulence of fascism—in order to obtain the condemnation of the accused—*and* to convince the court that its contagious effect had remained circumscribed. To do this, the prosecutor established a watertight separation between a handful of traitors to the nation and a society supposedly united in its rejection of moral compromises. Above all, he resorted to a tried and tested oratory technique, the relationship of a history of broken filiation. The target of this virtuoso exercise? Jaroslav Kalicin, the former head of the KEV’s Administration Department, one of the chief organizers of Jewish deportations from the occupied territories.

In a rhetorical question, the prosecutor asked him during cross-examination why he showed “sentimentality.” The answer brought Kalicin’s mother into the picture, disowning her son: “Kalicin knows that he is speaking here in front of the Bulgarian People’s Court and, consequently, in front of the Bulgarian people. He feels well that his ‘great Bulgarian’ visions were and remain only his own, and those of his friend Belev and Co., a group, a clique of pseudo-intellectuals who had nothing in common with the views of Bulgarians. He knew that even his mother would speak out against the plans for greater Bulgaria.”⁹² Bărov continued, broadening the spectrum of analysis: “A policy of persecution of these people [the Jews] was alien to the vision of the nation of our people. Fascist governments, both in the past and in the present war, did not learn any lessons from the national catastrophes and,

91 Ibid., l. 43. Although the Romanian state did not authorize the systematic deportation of Jews from the “old kingdom” of Romania, anti-Jewish pogroms took place in Romania, and the state supervised the extermination of 280,000 to 380,000 Jews in Transnistria. Ioanid, *The Holocaust in Romania*. In Hungary, until the German invasion in the spring of 1944, the authorities refused to carry out the systematic deportation of the Jewish population. Braham, *Politics of Genocide*.

92 CDA, F 1449, op 1, ac. 185, l. 20.

instead of rallying to the healthy social feelings of the Bulgarian people and to the views of the people, cut off all contact with them; devoid of principles and a sense of responsibility, they stubbornly followed the instructions of Hitler's *agentura* and the fatal consequences of those for the people."⁹³

It should be noted that the accuser was not content to separate the "fascists" from the "Bulgarian people." He proceeded to the extradition of the former in a double national and social register. "National," since as vassals of the Germans they would have abdicated their Bulgarianness; "social," because they belonged to an elite "that lived its own life, foreign to the life of the broad popular masses."⁹⁴ "The nationalist organizations," he continued, "remained foreign to the Bulgarian people and never had any importance for them."⁹⁵ Once the parasites have been extracted from the collective body, the image of a Bulgaria oblivious of the divisions would assert itself.

To suspend here the analysis of the indictment prepared by Bărov would, however, amount to only a partial image of his work. For, before delivering this sententious conclusion, the representative of the Public Prosecutor's Office discussed a remarkable corpus of material evidence pointing to the existence, *at the very least* within the Commissariat for Jewish Affairs and the Ministry of the Interior and Public Health, of civil servants who had actually planned to deport *all* Jews living in territories administered by Bulgaria. In fact, it was necessary to await the final judgment of the court to observe a quasi-erasure of Bulgarian responsibility. In the verdict pronounced by President Petrinski, the figures of "traitors to the Bulgarian nation and people" faded away in favor of an accentuation of the German contribution, which echoed the indictment of the First and Second Chambers: "*Entirely under Hitler's diktat*, the government of B. Filov began an inhuman persecution of the Jews. . . . Hooligan pogroms against the Jews and their property began. . . . These repugnant persecutions exposed Bulgaria to the eyes of the civilized world. . . . *But this was Hitler's aim: in order to subjugate Bulgaria, it was necessary to expose and compromise it before the whole civilized world. . . . Thus, the anti-Jewish policy of the fascist governments of Tsar Boris was only one link in the great treason that aimed at making Bulgaria an obedient instrument of German imperialism.*"⁹⁶

President Petrinski then asserted:

It cannot be denied that in our country, too, attempts were made to drive out the Jewish minority. What can be said with certainty, however, is that *the anti-Semitic persecutions in our country are not the work of the*

93 Ibid., l. 22.

94 Ibid.

95 Ibid.

96 CDA, F 1449, op. 1, ac. 1, l. 4v (emphasis added).

Bulgarian people, but only of a handful of bureaucrats for whom the Gestapo statutes have had a higher value than the honor and dignity of the people themselves. . . .

In March 1943, the Jews of Thrace and Macedonia were deported. The deportation took place solely in the *newly attached lands, which were not even recognized by Germany*. . . . The will of Germany did not impose itself alone on these lands, but in all our country. . . .

The question of the deportation of the Jews was only authorized by Interior Minister Gabrovski and by Mr. Beckerle, minister plenipotentiary of Germany. . . . *The deportation action was German rather than Bulgarian*. . . .

The deportation of the Jews from the new territories took place with unexpected speed. The action was completed before the Bulgarian people understood what was happening.⁹⁷

Three motives emerge here: first, the Bulgarian state would not have exercised its sovereignty over the occupied territories and could not therefore be held responsible for the policies that were applied there. Second, under German control, only a “handful of [Bulgarian] bureaucrats” would have consented to deportations from the occupied territories. This is forgetting that the Bulgarian authorities received full executive powers over the “Jewish question” from the parliament in June 1942 and that the roundups were authorized by a series of decrees of the Council of Ministers at the beginning of March 1943.⁹⁸ Finally, attributing the parsimony of Bulgarian social mobilizations against the arrest of Jews in occupied territories to the lack of time and information amounts to omitting the fact that the political, economic, and social exclusion of Jews in the “old” and “new” kingdoms was a process that lasted more than two years.⁹⁹

The conversion of selective responsibility into collective innocence just depicted does not mean that Bulgarian magistrates were indifferent to the ideological convictions that may have underpinned the commission of the crimes. On the contrary, anti-Semitism lay at the heart of the proceedings. However, the elucidation of its role came up against a political framework that ended up leading the prosecutors to crack the factual and interpretive edifice that they themselves had built: in the courtroom, nothing less than

97 CDA, F 1449, op. 1, ae. 179, vol. 2, l. 30–31 (emphasis added).

98 See the decrees organizing deportations, denaturalization of rounded-up Jews, and liquidation of Jewish property (Decrees 29, 113–17, 126, and 127) adopted by the Council of Ministers between March 2 and 5, 1943, in Grinberg, *Dokumenti* (2015), 22–42.

99 Chary, *Bulgarian Jews*, 35–101.

the consolidation of the emerging regime *and* the demonstration of the legitimacy of proceedings that had to deal with only one type of crime, that committed against Jews, was at stake. At the end of the trial, the Jews left the scene as victims, among many.

A Fascist Is an Anti-Semite . . . and Vice Versa

Faced with the challenge of characterizing persecution on an unprecedented scale, Bulgarian prosecutors fell back on a notion, that of anti-Semitism, that provided a legitimate category of understanding in the political worlds in which they operated. On March 7, 1945, the president of the court announced the opening of the first session: “The Seventh Chamber of the Supreme People’s Court opens the hearings of criminal trial No. 7, 1945, against the accused who have manifested themselves as anti-Semites. Anti-Semitism, as a political expression of racism and an attack on the human spirit, is for the first time subjected to the judgment of history and to the conscience of the Bulgarian nation.”¹⁰⁰

The indictment prepared by Bărov had retraced the history of anti-Semitism over the long term, declaring its religious, economic, and political motives. But it is in the learned address of Prosecutor Rahamimov that the theme received its most systematic treatment. The requisitory speech he read will serve as a guide to shed light on the way that a sign of equivalence was drawn between fascism and anti-Semitism. The consequences of this coupling are well known: the contraction of the surface of responsibility, the production of an irenic image of those who were not yet called *bystanders*, and the attribution to the antifascist resistance of the meritorious “rescue of Bulgarian Jews.”

Charged with supporting the accusations against eight executives of the Commissariat for Jewish Affairs and three others involved in deportations, the prosecutor decided to place the 1945 trial in a prestigious lineage by tying it to the Hilsner case, in which a Jew had been accused of ritual murder in Bohemia in 1899, and to the Dreyfus case. Seeking to accord credibility to the action of the Seventh Chamber by reference to these scandalous affairs was not without audacity, since it was the commitment of remarkable individuals—Tomas Masaryk, then professor at the University of Prague, and the French novelist Émile Zola—who opened the way to the overturning of those infamous verdicts. The public denunciation of anti-Semitism constituted their bond of filiation. Although the Bulgarian prosecutor prudently underlined

100 CDA, F 1449, op. 1, ae. 179, vol. 1, l. 13.

the contrast between the bourgeois struggle “of specific individuals under the pressure of progressive public opinion” and the collective struggle waged in 1945 for “the honor, dignity, culture, and greatness of an entire people,”¹⁰¹ he readily imagined himself as heir to Zola’s work.¹⁰²

Thus, equipped with a chosen past, Prosecutor Rahamimov also situated the action of the public prosecutor’s office in a present envisaged on a European scale. His mental cartography of the persecutions was clearly anchored in the East: the stations of Jewish suffering, as reported by Ilya Ehrenburg in the Soviet press, across Kharkov, Lublin, Lwów, and Bełzec. The Bulgarian prosecutor’s legal references were firmly anchored in France, where he stayed with his brother in his youth. Reading his speech before the Seventh Chamber, one would think that in March 1945 the opposition between Soviet and Western conceptions of democracy had not yet been internalized, any more than the geopolitical division of Europe outlined at Yalta a month earlier.

In order to convince the court of the “active and substantial contribution” to the anti-Jewish persecutions by the defendants of the Commissariat, the plea highlighted their affiliation with a xenophobic and anti-Semitic organization the Union of Fighters for the Advancement of Bulgarianness (*Săjuz na ratnicite za napredăka na bălgarštinata*, better known as *Ratnik*) of which wartime interior minister Gabrovski and Jewish Affairs commissioner Belev had been active leaders. The logic was transparent: we are not dealing here with civil servants who had benevolently fulfilled their duty, but with anti-Semites determined to ruin Jewish lives. Mobilizing a wide range of material evidence, the prosecutor went further: he asserted that the *Ratnici* leaders had managed to infiltrate the state apparatus and to recruit agents to defend an anti-Jewish line. A fine tactician, Rahamimov used the figure of Commissioner Belev to evoke these processes; it is through the eyes of the latter that he approached the eminently sensitive theme of the extent of Bulgarian support for anti-Jewish measures: “Aleksandăr Belev, who regularly attended the sessions of parliament and followed all the debates with great attention, was not satisfied with the law [i.e., for the Defense of the Nation]. He considered that it was too soft, that the Jews were given too many rights. . . . Thus, the racist agenda of the state began to be implemented in other ministries as well. The Ministry of the Interior, the Ministry of Finance, and the Ministry of Agriculture and Public Property competed

101 CDA, F 1449, op. 1, ac. 185, l. 74.

102 Two years earlier, Rahamimov had become the father of a boy whom he named Emil after the author of *J'accuse*. Interview with Emil Rahamimov, Sofia, December 17, 2016.

with each other to introduce legislation and issue regional decrees, ordinances, and orders severely restricting the rights of Jews.”¹⁰³

As will be readily noted, the usual rhetoric of the “fascist clique” is missing here. It was indeed a state policy implemented by ordinary institutions that the public prosecutor sought to highlight. The most daring statement, however, was still to come. From the point of view of Rahamimov, the Bulgarian authorities had not yielded to supposed German pressure; they acted on their own initiative in planning the roundup of some 8,000 Jews holding Bulgarian citizenship: “If the Germans had wanted those 8,000 [Bulgarian] Jews, and not only those 8,000 Jews, but the 40,000 Jews, was there a force in the country that could have opposed them? No. Without question, no. But the Germans did not impose their will, nor did they make this question a diplomatic issue; in fact, they did not issue any official request concerning the dispatch of these 8,000 Jews to the German territories in the East.”¹⁰⁴

No other legal professional dared to accuse the Bulgarian government so explicitly. And yet, at the end of his requisition the prosecutor resolved to dismantle stone by stone the architecture of his reasoning. First of all, he enameled his speech with sentences such as “the Bulgarian people . . . are strangers to anti-Semitism and anti-Jewish persecution.”¹⁰⁵ Did not civil servants, whose eagerness to execute anti-Jewish orders Rahamimov had previously evoked, belong to the Bulgarian people? When the time came to seek sentences against the accused, the public prosecutor steadily diminished the responsibility of public officials. With a few exceptions,¹⁰⁶ he refrained from specifying penalties, being content to suggest orders of magnitude¹⁰⁷ or to indicate “that he supported the charges” under paragraphs 4 and 10

103 CDA, F 1449, op. 1, ae. 185, l. 93.

104 Ibid., l. 139.

105 Ibid., l. 140.

106 CDA, F 1449, op. 1, ae. 185, l. 153–83. In the case of Kalicin, Rahamimov called for the defendant to “bear full responsibility and [be] subject to full confiscation of his property.” Against Zahari Velkov, who supervised the deportations from Macedonia and was being tried in absentia, a “life sentence and full confiscation of his property” were demanded; Penčo Lukov, one of those responsible for the roundups in the “old” kingdom, deserved “no less than fifteen years’ imprisonment and partial confiscation of his property.” CDA, F 1449, op. 1, ae. 185, l. 153–83.

107 Thus, for Marija Pavlova, deputy director of the Administration Department, and a woman of influence: “a medium sentence”; and for A. Belev’s personal secretary, Liljana Panica: “a smaller sentence.” Both defendants would leave the court free.

of Article 2 of the October 6, 1944 decree-law.¹⁰⁸ Meanwhile, with anti-Semitism reduced to the rank of an appendage of fascism, a metonymic relationship flourished between the antifascist struggle and the defense of Jewish rights.

In the indictment, Rahamimov dwelled at length on societal mobilizations against the Law for the Defense of the Nation, discussed in parliament in November and December 1940.¹⁰⁹ Mention was made of the letters of protest addressed to the authorities by several professional unions; an even greater impact was attributed to the leaflets that the Workers' Party, then clandestine and weakened, had illegally distributed. Then came the mention of the speeches of deputies during the parliamentary debate on the text: the timid concert of hostile voices was reduced to that of the Communist Todor Poljakov; nothing was said about the commitment of the leader of the Democratic Party, Nikola Mušanov—whom the People's Court had just condemned to a year in prison—or the intervention of Petko Stajnov, who in 1945 as the minister of foreign affairs, was officially a nonaligned figure, whose good relations to the *Zveno* circle were, however, known.¹¹⁰ The variety of interventions in favor of the Jews was credited only to the "antifascists."

Prosecutor Rahamimov's performance resembled a confluence toward which the narrative currents that irrigated the audiences would have converged. In his deposition, Natan, head of the EOF, had stated: "The question of anti-Semitism cannot be dissociated from that of fascism."¹¹¹ A few days later, Prosecutor Baruh echoed his words: "These are inseparable concepts—a fascist is an anti-Semite and an anti-Semite is a fascist."¹¹² At no time would the defense attorneys' plea that the two concepts be kept

108 The case of the mayor of Drama, Angel Čerkezov, comes to mind: "By his actions, Mr. Rahamimov asserts, the defendant Čerkezov actively, substantially, and atrociously persecuted the Jews, for which reason he is answerable under Article 2, para. 10, of the Decree-Law for the People's Court." The defendant was finally acquitted.

109 The bill was modeled on the Nuremberg Laws and laid the groundwork for the identification of Jews and their civic, social, and economic marginalization. It was discussed in the National Assembly on November 15 and 19, 1940, as well as December 20 and 24, when it was adopted; signed by the king on January 15, 1941, the law was published in the *State Gazette* on January 23 and, thus, came into force. See DV, no. 16, January 23, 1941.

110 CDA, F 1149, op. 1, ac. 185, l. 87.

111 CDA, F 1449, op. 1, ac. 181, l. 256.

112 CDA, F 1149, op. 1, ac. 185, l. 272.

separate be heard.¹¹³ The possibility that anti-Semitism may have concerned broader strata of society than “fascist circles” was not considered—and for good reason. The absence of anti-Semitism was referred to as a virtue judged to be particular to the Bulgarian nation. The minister of propaganda, Dimo Kazasov, claimed this point before the judges on March 16: “[The passing of the anti-Jewish legislation] represented a gross assault on a special, very old national value—Bulgarian tolerance.”¹¹⁴ This is particularly significant if one recalls that, in 1940, Kazasov had vigorously denounced the adoption of an anti-Jewish law on the grounds that the Jews—unlike the Turkish minority—did not represent a threat.¹¹⁵ Following in the wake of the minister, Prosecutor Bărov certified that “as far as racial differences and persecutions are concerned, they were never familiar to the Bulgarian people.”¹¹⁶ A social representation that coalesced in the nineteenth century was thus perpetuated, the new ruling elites taking up an antiphon of the “bourgeois” discourse from which they declared they wished to break.¹¹⁷

One enigma remains: why did Jewish Communist lawyers agree to paint their discourse on this canvas? Could it be because they were ideally placed to fear the resurgence of expressions of anti-Semitism in Bulgarian society? The hypothesis cannot be ruled out. In the autumn of 1944, the Sofia Jews expelled in May 1943 were allowed to return to the capital city. A decree on housing was to facilitate their resettlement. On November 28, 1944, the Council of Ministers decided to give this text a restrictive interpretation: only homes actually occupied by their Jewish owners before expropriation were to be vacated within a month; the housing shortage in bombed Sofia and the reluctance of those benefiting from the economic and social exclusion measures underpinned this choice.¹¹⁸ Another piece of evidence can be added to the file: as early as October 1944, the legal counsel of the Ministry

113 The lawyer Mihail Stoenčev, who defended Colonel Mumdzhev, tried to use this distinction to exonerate his client from the charge of “fascism,” which he considered to be more serious than the accusation of anti-Semitic sentiments. CDA, F 1449, op. 1, ac. 186, l. 31–33.

114 Ibid., l. 182.

115 CDA, F 250B, op. 1, ac. 47, l. 1–2.

116 CDA, F 1449, op. 1, ac. 185, l. 151.

117 In this multiethnic territory, a province of the Ottoman Empire that became a principality in 1878, the consolidation of the social positions held by the Orthodox Slavs took place at the expense of Turkish-speaking representatives of the Ottoman administrative, military, and landed elites, on the one hand, and of the Greek economic bourgeoisie, on the other. Lory, “Strates historiques des relations bulgaro-turques,” 149–67; Avramov, “Anchialo 1906,” 31–115.

118 CDA, F 136, op. 1, ac. 48, l. 21.

of Justice began to draft a decree-law on the restitution of looted Jewish property.¹¹⁹ On January 6, 1945, the Zionist weekly *Cionističeska tribuna* announced that the government had passed it.¹²⁰ In this case, the announcement was premature because it took a few more months before the text was issued in the *State Gazette* and thereby promulgated (March 2, 1945)—in a variant that aroused discontent even in the Jewish Communist ranks.¹²¹

A careful reading of Natan's deposition before the court reinforces this hypothesis. The Jewish political figure raised a pressing question about the loyalty of the Jews of Bulgaria:

With the blood of heroic Bulgarian youth and of our Jewish youth was sealed the sacred union between the Bulgarian people and the Jewish minority in our country and, as a result, we can affirm that today, when we denounce the anti-Semites, we are doing something for Bulgaria, our homeland, and that we are not animated by other considerations. If, in our country, certain elements want to separate the Jewish minority from the just path where the seeds of love for Bulgaria, the motherland, are sown, we are ready to denounce the representatives of chauvinism in our midst just as the entire Bulgarian people denounces great Bulgarian chauvinism. . . . No doubt should remain in Bulgarian society, when we consider a trial of vital importance for our country, with regard to the depositions made before the People's Court; these have no other motivation than the denunciation of the bearers of anti-Semitism who are also the bearers of fascism.¹²²

The emphasis on Jewish patriotism and the exaltation of brotherhood in combat suggest the urgency felt by the Communist Jewish elite to convince the majority of its unwavering allegiance. This statement is particularly illuminating in the light of the conflicts that were going on in the Jewish community in the spring of 1945: the investigation of cases, the conduct of hearings, and the rendering of judgment by the Seventh Chamber had as a background an intensification of the struggles for the control of Jewish institutions and the definition of a collective future.

119 CDA, F 136, op. 1, ac. 110, l. 30–38.

120 “Vāztanovjavat se vsički imuštstveni prava na evreite,” *Cionističeska tribuna*, 14. January 6, 1945, 3.

121 The complexity of the procedures, the obligation of the recipients to pay 5 percent of the amounts received to the Central Consistory of Bulgarian Jews, as well as the delineation of the parameters of the restitutions are particularly controversial. See “Naredba-zakon za ureždane imuštstvenite posledici ot otmjanata na protivoevrejski zakoni,” DV, no. 50, March 2, 1945, 1–4; Vasileva, *Evreite v Bālgarija*, 22–23.

122 CDA, F 1449, op. 1, ac. 181, l. 257–58.

The Euphemization of Jewish Suffering

In a book published in Israel in 1960, Eli Baruh, the public prosecutor who handled most of the forced labor cases, bitterly evoked the disinterest of Jewish victims in the People's Court: "Unfortunately, Jewish lawyers, did not take much of an interest in the conduct of this historic trial, even less than other people, and did not contribute much to its success. . . . While many commanders of Jewish labor units went unpunished, the blame lies with those hardworking Jewish lawyers who failed to file in time with the prosecution solidly substantiated cases relating to the commanders' actions."¹²³

This lament was similar to the appeal for witnesses he had published in *Cionističeska tribuna*, on January 6, 1945: "Did you not hear the spontaneous voice of the people demanding the People's Court for all those who had forgotten themselves in pecuniary greed, dissolute life, and cruelty toward progressive and honest Bulgarian citizens? . . . To date, no solidly and seriously substantiated complaints by Jewish forced laborers against the cruel, brutal, bribe-extorting commanders of labor units have been received. . . . Why are we silent? Could it be that we are afraid that fascism will come back and that we will have to face up to some unpleasantness?"¹²⁴

In 1972, the American historian Frederick Chary offered an alternative reading of this relative (dis)engagement: dispossessed of their lodgings, stores, and boutiques, deprived of means of subsistence, the Jews would have been more concerned with reestablishing a seed of daily normality than with legal proceedings.¹²⁵ This socioeconomic context, although essential, does not suffice to explain the Jewish reservations about bringing war criminals to justice. It must be combined with a consideration of internal competition within the Jewish world.

The conflict between "Communists" and "Zionists" (as it was presented during socialism) has been the subject of a rich historiography structured around two opposing points of view, in Bulgaria and Israel.¹²⁶ By reducing the dynamics to a confrontation between partisans of a Jewish national project in Israel and defenders of a revolutionary Communist project in Bulgaria, this literature has tended to undermine the indeterminacy of the end-of-war

123 Baruh, *Iz istorijata*, 176.

124 Eli Baruh, "Evrejskite trudovi rabotnici i Narod. šad," *Cionističeska tribuna*, 14, January 6, 1945, 2.

125 Chary, *Bulgarian Jews*, 118.

126 Several post-1989 writings have qualified these assessments: e.g., Vasileva, *Evreite v Bălgarija*, 11–24; and Šealtiel, *Ot rodina kăm otečestvo*, 311–412. See also Haskell, *From Sofia to Jaffa*.

and immediate postwar years,¹²⁷ the existence of plural political sensibilities within both the Fatherland Front and the Zionist constellation,¹²⁸ the possible coexistence between leftist convictions and dreams of a “national home” in Palestine, as well as the effects of the acceleration of time in these labile months. This is all the more so since this literature was written from a known outcome—the emigration of nearly 90 percent of the Jewish community of Bulgaria to Israel between 1948 and 1952—and influenced by ideological struggles that did not end with the demise of the Cold War. Restoring the palette of fears and enthusiasm observed in the winter of 1944–45 goes beyond the scope of this chapter. Nevertheless, a few avenues may be sketched out.

After a brief moment of relief associated with the receding threat of deportations, several lines of contention emerged in Jewish circles whose bourgeois elites, politically close to the conservatives, looked on with dismay, then with growing concern, at the reforms proposed by the Fatherland Front.¹²⁹ Where the Jewish youth who joined OF embarked on a profusion of political, social, and cultural activities and assumed unprecedented responsibilities in their euphoria,¹³⁰ the more affluent fringe of Bulgarian Jews noted the strengthening of the state’s influence on the economy and the repression of Bulgarian elites among whom they had many social relations. The Communists promised to “revive Jewish daily life and the Jewish economy.”¹³¹ But notwithstanding the sluggishness of the reestablishment of Jewish professional rights,¹³² the worlds of trade, small business, and handicrafts were among the first victims of state requisitions, price regulations, and the “fight against speculation” implemented by the authorities. The reports of the militia reflect the frustrations caused by these measures.

127 Following the banning of Jewish organizations in April 1942, some activists from youth movements (*Ha-Shomer Ha-Tsair*, *Makabi*, and even *Betar*) joined the antifascist struggle. Some youths returned to the Zionist organizations after the war. Šealtiel, *Ot rodina kām otečestvo*, 400.

128 On these internal divisions as seen from the left Zionist (*Poale Cion*) viewpoint of a person who finally moved closer to the United Zionist Organization, see Keshales, “Tova se sluči.”

129 The extent of the social contrasts accentuates these judgments: in the eyes of a fraction of the Jewish bourgeoisie, the partisans were more undisciplined bandits than war heroes, and the Communist comrades (or parvenus) who ran the Jewish institutions were not only political opponents, but also unwanted company. Mermall and Yasharoff, *Grace of Strangers*, 43–45.

130 Passi, *Imalo edno vreme*.

131 “Na dobăr păt,” *Evrejski Vesti*, 4, November 22, 1944, 1.

132 Vitali Haimov, “Tărpim i čakame,” *Cionističeska tribuna*, 2, November 4, 1944, 1.

Welcoming the weak implantation of the Zionists in the Sofia region, agent Kr. Stefanov noted as follows: "In recent times, various well-known circles, mainly among traders affected by the limitation of speculation, have become Anglophile, demanding freedom of trade and profit, etc. But the majority of Jews remain OF, especially among the youth, workers, and craftsmen."¹³³ Nor did the creation, in December 1944, of reeducation camps, intended to accommodate "criminals, prostitutes, pimps" alongside figures judged to be politically dangerous, escape the attention of Jews, who tended to act reservedly toward the actions of the government.¹³⁴ At the same time, a legislative project was being discussed that would constitute one of the pillars of the repressive arsenal of the Communist regime: the Decree-Law for the Defense of the People's Power (*Naredba-Zakon za zaštita na narodnata vlast*). Adopted on January 26, 1945, and submitted to the regents for approval on March 7, the act came into force on March 17—in the middle of the trial before the Seventh Chamber.¹³⁵

Beyond the struggle for control of communal institutions, relations between the Jewish section of OF and the United Zionist Organization (*Edinna cionističeska organizacija*, ECO), reconstituted in October 1944, were polarized around three questions: participation in the "patriotic war," conceptions of Jewish identity, and the future of Palestine. At the end of October 1944, the Jewish section of OF launched a vast campaign in favor of conscripting Jews into the armed forces, which, closely supervised by the Red Army, worked to drive the Wehrmacht back from Yugoslavia to Hungary and Austria. Fighting "against the murderers of our six million brothers" was one of the slogans of the conference the Jewish section of OF organized in Sofia on November 12. A few days earlier, *Evrejski Vesti* issued an appeal:

Our active participation in the final destruction of the Hitlerian hydra is a matter of honor and values. . . . The fact that we are ruined cannot serve as an excuse. We enjoy the most precious possession—the *freedom* that gives us the opportunity to devote ourselves to creative productive work and vast prospects for the restoration of what was lost. . . . Let us go to the front with our heads held high! This *right* that we have wanted for so long is now

133 Comdos, F I, op. 1, ac. 96, l. 44.

134 DV, 15, January 20, 1945.

135 The decree-law provided for the introduction of a new range of incriminations for setting up or leading organizations "with fascist ideology": attempted coups d'état, rebellion, terrorist acts, sabotage or damage to public property, dissemination of false information, and so on. Penalties included capital punishment or life imprisonment. See the decree-law at <http://www.decommunization.org/Communism/Bulgaria/Documents/ZZNarVlast.htm>.

given to us to make use of to avenge every single victim of the Hitlerist beast and their fascist followers.¹³⁶

Should we be surprised to find from Avram Kalo's pen an additional argument in favor of this commitment? "It is only by taking this path, shoulder to shoulder with the entire Bulgarian people in a common struggle against the enemies of humanity—the German fascists—that the hatred of the Jews artificially sown by the Bulgarian chauvinists will be removed and that a healthy brotherhood similar to that which binds the peoples of the USSR and of the new Yugoslavia will be built."¹³⁷ While the Zionist press refrained from disavowing the armed struggle against the Nazis, it approached with caution the Jewish contribution to the war effort and focused its coverage on the creation of a Jewish brigade in Palestine deployed in the European theater.¹³⁸ Within the Jewish community, of all political persuasions, the call to arms was extraordinarily unpopular, as some forced laborers had only just been demobilized. Physically and morally exhausted, Bulgarian Jews were also unfamiliar with the handling of weapons. The doors to a military career had only narrowly opened to them after the creation of a Bulgarian Principality in 1878, then completely closed during World War II. Sending hastily trained recruits to the front line was virtually tantamount to certain death.¹³⁹

The bifurcation of judgments on the war prolonged the crystallization of contrasting readings of the recent events. From the extermination of the Jews of Europe, the extent of which they were discovering more dramatically every day, the Zionists drew the conclusion that the temptation of assimilation was a mistake. Making his own the maxim according to which "You can live in brotherhood with other peoples, but do not forget your individuality

136 Avram Kalo, "Evreite i Otečestvenija Front," *Evrejski Vesti*, 2, November 4, 1944, 1.

137 Josif Baruhov, "Vsiški na fronta!," *Evrejski Vesti*, 2, November 4, 1944, 2.

138 "Evrejskijat narod—vojuvašta strana," *Cionističeska tribuna*, 8, November 25, 1944, 1.

139 The lack of military training for Jews and the prevalence of anti-Semitism in the army was noted in a report by the head of the Department for Work with the Masses of the Central Committee of the Workers' Party in 1945. CDA, F 1B, op. 25, ac. 71, l. 17–18. The Jewish Consistory tried to intercede with the War Ministry to have men born in 1921–24 excluded from conscription. On November 27, 1944, Order No. 9 693 of the General Staff recognized the months spent in labor camps as "military service" and exempted Jews subjected to forced labor from mobilization. CDA, F 622, op. 1, ac. 9, l. 23–24, 26–37, 45.

and its value,” Ahad Aam looked without kindness at Germany, “where assimilation had affected 90 percent of the Jews”:

Coming from wealthy strata, they had disavowed Jewish nationalism. But events in this country very bitterly contradicted the theory of the assimilationists [*assimilantite*], who claimed that the Jews had long since ceased to be a people, that they did not exist as a Jewish nation, that only a Jewish religion existed, etc. . . . In practice, even in the most democratic countries, in the best of cases, Jews are treated as citizens of another category, inferior to that of non-Jews. This attitude has nothing to do with our religious affiliation. Today the people among whom we live do not even want to know to which religion we belong. It is important to them to know to which nation we belong.¹⁴⁰

In the light of the war, Jewish history is reread as a history of uninterrupted persecution since the destruction of Babylon:

Two thousand years have passed since the Jewish people lost their independence. Since then, the great Jewish tragedy has unfolded throughout the history of mankind up to the present day. For several centuries, Polish, German, Czech, etc. Jews have worked to create cultural and commercial centers, forgetting to learn the lessons of Jewish history—two death storms have shaken the diaspora. Some precursors of the deadly storm warned of the approach of death. [Ber] Borochoy, [Theodor] Herzl, [Max Simon] Nordau, etc. shouted: “Leave the diaspora, build your homeland!” But no one paid attention to these signals. And today we are witnesses to the terrible Jewish catastrophe that makes others pale. Majdanek, Trambinka [*sic*] etc. are symbols of the greatest massacre in the history of mankind. . . . Six and a half million corpses of children, women, the young and old were murdered and burned simply because they were Jews. . . . *In vain, the Jews believed that culture and human progress would solve the “Jewish question.”*¹⁴¹

No recourse to justice could therefore protect Jews from the threat of oppression. Sabitaj Eškenazi, a supporter of Workers of Zion (*Poale Cion*), a left-wing Zionist movement, summed up the general sentiment before the

140 Ahad Aam, “Asimilacija,” *Cionističeska tribuna*, 3, October 23, 1944, 4.

141 Š. Dembovič, “Evreite v Evropa i Palestina,” *Cionističeska tribuna*, 3, October 23, 1944, 2 (emphasis added). *Cionističeska tribuna* offered an estimate of those Jews who had been able to settle in Palestine in 1944: “7,291 Jews, 248 Arabs, 957 others. Of which 1,516 from Romania, 1,257 from Turkey, 913 from Yemen, 521 from Bulgaria, 311 from Czechoslovakia, 300 from Iraq, 270 from Poland, 257 from Germany and Austria, 181 from Syria and Lebanon, 106 from Hungary, 52 from Egypt, etc.” See “7,291 imigranti pristigli v Palestina,” *Cionističeska tribuna*, 3, October 23, 1944, 2.

national conference of local OF committees and Jewish municipalities in January 1945: "We do not want laws that protect us, we want to write these laws ourselves."¹⁴² More than ever, Palestine was a horizon for the future: "The Jewish State will return to our people the benefit of true humanity: the Homeland, pride, spiritual freedom and the history of a future. This is the only solution to the Jewish question. There is no other."¹⁴³

The visit of David Ben-Gurion, the executive director of the Jewish Agency for Palestine, who crisscrossed Bulgaria (visiting Svilengrad, Haskovo, Plovdiv, and Sofia) December 1–7, 1944, reinforced this momentum.¹⁴⁴ However, contrary to its initial declarations, the Bulgarian government multiplied the obstacles to emigration.¹⁴⁵ At the beginning of November 1944, in a letter addressed to the prime minister, the representative of the Jewish Agency for Palestine in Sofia deplored the refusal by the leadership of the militia to issue exit visas favoring aliyah candidates.¹⁴⁶ On November 21, he denounced the cumbersome procedures.¹⁴⁷ Jews wishing to emigrate had to "renounce their rights" over their property, liquidate it, and draw up an inventory of the property transferred. The height of absurdity, "no municipality can issue such certificates. Not only because verification is a laborious process, but because the law on the restitution of property taken from the Jews has not yet been published and, consequently, this property is not formally returned to the Jews, so that the latter cannot liquidate it." Above all, migrants had now to provide an attestation signed by a public prosecutor confirming "that the person is not under indictment or charge for crimes of a general nature or under the Law on the People's Court." The representative of the Jewish Agency protested: "We believe that, against the Jews, as fully antifascist elements who have been the most affected by this [fascist] regime, charges have not and will not be brought before the People's Court." Could certain Jews, judged too close to the former elite or who had rallied to the "chauvinistic" project of "Greater Bulgaria," fall under the law?

On the subject of the People's Court, *Cionistička tribuna* initially adopted a significantly more favorable line than we might have expected from the interinstitutional exchanges preserved in the archives of the Bulgarian secret police. On February 20, 1945, the newspaper reproduced a resolution of the local Ruse branch of the Pioneer Youth Organization (*He-halutz*)

142 Vasileva, *Evreite v Bălgarija*, 21; CDA, F 622, op. 1, ae. 132, l. 15–18.

143 Dembovič, "Evreite v Evropa i Palestina," 2.

144 Keshales, "Tova se sluči," 57–64; "Baruh Aba!," *Cionistička tribuna*, 9, December 1, 1944, 1; "Bulgarian Jews in Desperate Plight, Ben-Gurion Reports; No Jewish Property Returned," *Jewish Telegraphic Agency*, December 22, 1944.

145 Keshales, "Tova se sluči," 69–77.

146 Comdos, F 1, op. 1, ae. 53, l. 2–4.

147 Ibid., l. 7–8.

preparing future *olim* for agricultural work, acclaiming the “severe but just” sentences of the First and Second Chambers.¹⁴⁸ Two weeks later, the Central Committee of the Unified Zionist Organization registered the bringing to justice of the perpetrators of fascist crimes to the credit of the Fatherland Front. Gurner signed an apologetic commentary:

The fascist beasts could not be stopped. And so, in their blindness they went so far as to declare war on the great progressive peoples and provoked our savior—Russia. Only then did the glass of patience overflow. The people rose up, took their destiny into their own hands, caught the entire fascist mafia, brought it before the People’s Court, and sentenced it to death. The verdict against those responsible for the third national catastrophe, though severe but just, can in no way redeem the faults committed by the murderers of the Bulgarian people. . . . It only comes to appease the popular conscience and remind all of society’s factions that the people are masters of their own destiny.¹⁴⁹

Likewise, the preparation of the hearings before the Seventh Chamber was evoked in a language that the leaders of the Workers’ Party would not have disavowed. On March 1, the attorney Nisim Aron Papo took up the Communist slogan: “The fight against fascism is a fight against anti-Semitism. The victory: a full and final victory over fascism means victory over anti-Semitism.”¹⁵⁰ An appeal for witnesses was launched to support the accusation against the expropriators of Jewish enterprises.¹⁵¹ The only publicly discordant note was the Zionists’ insistence on the exceptionality of Jewish suffering, as this telegram to the president of the Seventh Chamber testifies:

The Central Committee of the Bulgarian Unified Zionist Organization, which brings together the nationally minded Jews in the country, welcomes the efforts of the People’s Court to clarify and establish the criminal acts of Hitler’s agents in the country, who sent 12,000 Jews from Belomorie and Macedonia to their deaths, inflicted great spiritual suffering, and completely ruined Bulgarian Jews and, in so doing, exposed and sullied the name of Bulgaria and its tolerance of the country’s Jewish minority. The Bulgarian Jews await a severe and just sentence in order to satisfy and appease the upset spirits of the first and greatest victim of Hitlerism in the country—the Bulgarian Jews—and thus to restore the integrity and reputation of the Bulgarian people.¹⁵²

148 *Cionističeska tribuna*, 18, February 20, 1945, 2.

149 Š. Gurner, “Narodnata prisāda,” *Cionističeska tribuna*, 17, February 10, 1945, 1.

150 Papo, “Antisemitite pred narodnija šād,” 1.

151 *Cionističeska tribuna*, 21, March 1, 1945, 2.

152 “Telegrama na Edinnata cionističeska organizacija do VII sād, na Narodnija šād,” *Cionističeska tribuna*, 23, March 17, 1945, 1 (emphasis added).

Yet, after a flamboyant opening article,¹⁵³ *Cionističeska tribuna* remained silent on the judicial arena during the hearings: no transcriptions of witness statements, nor extracts from the prosecutors' requisitions or the court judgment. Even more astonishing was the fact that the Zionist leaders' interventions in the courtroom—the head of the Unified Zionist Organization, Vitali Haimov;¹⁵⁴ the attorney and leader of the Jewish municipality of Plovdiv, Žak Levi; the former vice president of the Central Jewish Consistory, Nisim (Buko) Levi, also a lawyer; the former head of the Jewish Agency for Palestine during the war, the lawyer Jako Baruh; and others—received no echoes.¹⁵⁵ Levi appeared in court as a defense witness, taking up the case of the head of the Department of Forced Labor in the Ministry of Public Works, Colonel Mumadžiev, who was charged with “anti-Jewish persecution.”¹⁵⁶ Nisim Buko Levi came to testify on behalf of Liljana Panica, Commissioner Belev's personal secretary, who had brought him in on the secret of the deportations.¹⁵⁷ Summoned to give an account of the mobilizations against the deportation of Bulgarian Jews, Baruh, who was at the time in the process of breaking off his allegiance with ECO and had initiated a rapprochement with the Fatherland Front, denounced Stomanjakov for his role as the commissioner for Jewish Affairs; he also exposed the alleged misdeeds (misappropriations, concussions, abusive proximity to former rulers) of the president of the Jewish municipality of Ruse, Fiko Levi, one of the targets of the Jewish section of the Fatherland Front.¹⁵⁸

Could the internal divisions within Zionist circles and the distribution of Zionist testimonies for and against certain defendants explain the public silence in the Zionist print press regarding the course of the trial? The acceleration of political time provides an additional explanatory variable. On February 20, 1945, *Cionističeska tribuna* devoted a double issue to

153 S. Farhi, “Edna godišnina,” *Cionističeska tribuna*, 22, March 10, 1945, 1.

154 Reflecting the tensions between Communist and Zionist Jews in the spring of 1945, Vitali Haimov was only allowed a brief deposition, late in the hearings (March 23), against the commissioner for Jewish Affairs, Stomanjakov; a senior KEV official, Dr. Ivan Popov; and Marija Pavlova, deputy director of the Administration Department. CDA, F 1449, op. 1, ac. 183, l. 236–37.

155 CDA, F 1449, op. 1, ac. 182, l. 124.

156 The colonel is said to have agreed to the request of a delegation of Jews from Plovdiv, led by Žak Levi, not to demobilize Greek Jewish forced laborers in October 1943, in order to protect them from possible deportation. Prior to the roundups of March 1943, the Commissariat for Jewish Affairs had demanded the demobilization of former Yugoslav and Greek forced laborers present in the “old” kingdom. CDA, F 1449, op. 1, ac. 184, l. 177–81.

157 CDA, F 1449, op. 1, ac. 183, l. 30–35.

158 CDA, F 1449, op. 1, ac. 182, l. 78–85.

Palestine, the tone of which evoked the radiant happiness of 1930s Soviet propaganda.¹⁵⁹ Shaken by state repression, the emigration of a fringe of its leading cadres during the war, and the conflicts surrounding the issuance of certificates for Palestine, the Zionist movement was going through a phase of reorganization.¹⁶⁰ In the autumn and winter of 1944, a conflict arose between Sofia attorney Jako Baruh, the main interlocutor of the Jewish Agency for Palestine and its Istanbul branch, and the leader of the Unified Zionist Organization, Vitali Haimov, over the future of the Zionist constellation, relations with the Fatherland Front, as well as the management of the Jewish cultural house, the cultural and social center of the community. The discord ended with the marginalization of Baruh, who was also considered too close to the Communists. The struggle for Jewish self-determination could thenceforth attract the full attention of the Zionists, at the price of deteriorating relations with the Communists.

On March 8, 1945, Radenko Vidinski, head of the commission for minorities at the Central Committee of the Workers' Party, opened the hostilities. "One should not believe that today, in Bulgaria, everything is allowed, including sowing 'great national' ideas among minorities."¹⁶¹ The Zionist reply that arrived nine days later was scathing: "The elementary demand for normal national life, for the creation of conditions favorable to a just historical development similar to that of all other peoples, is not and cannot amount to spreading 'great nationalism.'"¹⁶² To these intrigues, the courtroom was hostage.

The view of the Communists and their social democratic allies of the judicial process was deduced as if by transfer from that of the unified Zionists. From the point of view of the members of the Fatherland Front, equal rights and justice—not emigration—had to provide an answer to the Jewish question. The social democratic lawyer David Ieroham, the new president of the Jewish Consistory, reminded us of this: "The whole OF program relies on the law, on justice. . . . Where equality prevails, there is no Jewish problem."¹⁶³ Punishing the perpetrators of crimes would demonstrate that fascism constituted a parenthesis, attributable to a handful of "traitors," and that this parenthesis was now closed. Under the pen of Žak Natan, *Evrejski*

159 *Cionističeska tribuna*, 19–20, February 20, 1945, 1–5.

160 On these interpersonal, institutional, and generational tensions, see Šealtiel, *Ot rodina kām otečestvo*, 195–201; and Keshales, "Tova se sluči."

161 "Nacionalnite malcinstva i Očestvenofrontovska Bălgarija," *Otečestven front*, 134, March 8, 1945, 3.

162 C. M. Lazar, "Nacionalnite malcinstva," *Cionističeska tribuna*, 23, March 17, 1945, 1.

163 David Ieroham, "Po koj păt?," *Evrejski Vesti*, 1, October 30, 1944, 4.

Vesti proclaimed it loud and clear: "The division sown by fascist domination must be erased. The Bulgarian people are our best defenders and friends."¹⁶⁴

From the advances of the Seventh Chamber of the People's Court, *Evrejski Vesti* proposed without surprise much broader coverage. The publication also did an impressive job of transcribing archives¹⁶⁵ and reproduced photographs of the arrest and detention of Jews in the "new" kingdom (the occupied territories) from the holdings of the Commissariat for Jewish Affairs. In the courtroom, most Communist Jews also supported the accusation. Their desire to argue the possibility of intercommunity coexistence was reflected in a topography of societal divisions that did not set Jews against non-Jews but rather, within each cultural group, the defenders of the "chauvinistic" project against the supporters of brotherhood. The formulation reached perhaps its most accomplished version in the statement of Žak Natan, a member of the Central Committee of EOF: "A malevolent atmosphere [settled] in our country from 1941, a malevolent atmosphere that cost the Bulgarian people a great deal, that brought misfortune not only to the Jewish minority in Bulgaria, because of which the Jewish minority suffered in Bulgaria along with the Bulgarian people, who were fighting against fascism and in many respects suffered more than the Jewish minority in Bulgaria, since they were actively fighting against fascism."¹⁶⁶

Let us concede that this syntactic elaboration is somewhat tortured. At the beginning of the paragraph, the singularity of the Jewish experience of the war fades away behind the postulate of a shared cruel destiny. At the end of the statement, the configuration is reversed: from a grief that had affected the various parts of society in equal measure, one has moved to a minimized Jewish suffering when measured against the trials and tribulations of non-Jews.

It was Rahamimov who was entrusted with the presentation of the summation. By specifying that he intervened as prosecutor, member of the Consistory, and victim, the public prosecutor highlighted the porous boundaries between the roles assumed by Jews involved in the retribution of crimes. His tribute to the ruling coalition also leaves one dubious: "Thanks to the energetic and obstinate intervention of Bulgarian society and the Fatherland Front, which at the time illegally prepared the Bulgarian peasants and workers to defend the Jews, thanks to the Bulgarian people who

164 Žak Natan, "Našite zadači," *Evrejski Vesti*, 1, October 30, 1944, 1.

165 As early as December 1944, *Evrejski Vesti* reproduced the agreement concluded on February 22, 1943, between Theodor Dannecker, Adolf Eichmann's special envoy in Bulgaria, and Belev, the commissioner for Jewish Affairs, for the deportation of 20,000 Jews.

166 CDA, F 1449, op. 1, ac. 181, l. 257.

had warm feelings for them, *we were saved*. And I, here, from this place, as prosecutor and as delegate of the Central Consistory of the Jews of Bulgaria, warmly thank the government of the Fatherland Front and all the valiant Bulgarian people for our rescue.”¹⁶⁷

Ultimately, the aspiration to defend coexistence, transcending cultural boundaries, thus led Communist Jews to inscribe their description of war experiences into the Communist interpretive matrix and to participate in the euphemization of anti-Jewish persecution. As for the Seventh Chamber, created specifically to deal with anti-Jewish crimes and thus, incidentally, to make their uniqueness known, it was deprived of the means to accomplish this task by being subordinated to the production of a narrative of interethnic solidarity.

The Posterity of the Court: A Central Elision

On April 2, 1945, the court handed down its judgment. Under Article 2, paragraph 10 (persecution of Jews) and Article 2, paragraph 4 (prevarication and influence peddling), the defendants risked a “fixed sentence of temporary or life imprisonment, or the death penalty, and a fine of up to 5 million *leva*.” Twenty of the fifty-three defendants were acquitted. Two were sentenced to death; three to life imprisonment; and three to sentences of ten to fifteen years in prison. The other prison sentences ranged from one year (nine defendants, *of which seven were conditional*), two years (seven), five years (five), six years (one), and eight years (one). The notion of “active and substantial” contribution to persecution was limited to acts related to the organization of roundups and deportations. The Aryanization and liquidation of Jewish property was punished primarily in cases where public officials misappropriated sums intended for the public treasury for their own benefit, or else when financial extraction from Jews was obtained through resort to sadistic and violent means. Forced labor as such was not qualified as an infringement of Jewish rights: sentences punished the acceptance of bribes by unit chiefs—in exchange for “favors” granted to forced laborers—or an exercise of physical violence deemed disproportionate and, therefore, discriminatory. How can such leniency be understood, especially when one remembers the sentencing policy applied by the First and Second Chambers of the People’s Court at the end of January 1945, which handed down 103 death sentences for 166 defendants, and no acquittals?

167 CDA, F 1449, op. 1, ac. 185, l. 147 (emphasis added).

Several testimonies suggest that intercessions influenced the court's assessment of the evidence. In a report addressed to the Central Committee of the Workers' Party in July 1945, Prosecutor General Petrov deplored the pressure exerted on the judges in the case of Marija Pavlova, deputy director of the Administration Department of the Commissariat:

The case of Pavlova—cousin of Dr. Hr[isto] Kabakčiev,¹⁶⁸ who was the first assistant of the executioner Belev and is coauthor of the most serious crimes. The argument was that it was necessary to save the name of comrade Hr. Kabakčiev. I thought that his name and spirit would have been better defended by liquidating such a criminal and traitor of the people with a heavy sentence. . . . This unjustified sentence is the reason for the discontent of the Jewish comrades and of society up to the present day. I did not agree with it, but some people interceded directly with members of the Court.¹⁶⁹

Other witnesses at the time suggested that the outcome of the trial had been determined by political considerations. Samuil Arditi—the son of Benjamin Arditi, a Jewish merchant born in Vienna, who established himself in Bulgaria in 1916, became a leader of the small Revisionist Zionist movement in interwar Sofia, then settled in Israel after the war—reported comments that his father had confided to him: “On the day of the judgment, Mančo Rahamimov came out of Petrinski's office angry and agitated; some of the accused had been exonerated, the death sentences were not going to be carried out. The sentences imposed were minimal. The party spoke out against further death sentences. Much blood has already been shed. It opposed harsh sentences in order not to stir up society.”¹⁷⁰ The assertion, although it cannot be supported by archival sources, appears plausible. At the end of long months of dramatic legal proceedings, at the beginning of April 1945 the priority of the Communist leaders was a (temporary) demobilization of the

168 Hristo Kabakčiev (1878–1940), a lawyer by training, publicist by profession, was one of the most renowned leaders of the Bulgarian Communist movement in the interwar period, as well as the editor in chief of *Rabotničeski vestnik* (Worker's newspaper). After spending two and a half years in prison for his role in planning the September 1923 Communist uprising and being sentenced to twelve years imprisonment in 1925 (only to be released shortly thereafter), he immigrated to the USSR, where he was to fall victim in 1938 to the Great Purge. He died shortly after his release from a Soviet prison in October 1940.

169 CDA, F 250B, op. 1, ae. 68, l. 13–14.

170 Samuil Arditi, “VII-jat sastav: Edna goljama farsa,” July 9, 2004, <http://forums.f-e-n.net/viewtopic.php?p=425301&sid=cb20d72bcb85c37fdb65f713883d2fb6> (accessed February 19, 2020; no longer active).

masses, the management of social discontent, and a calming of interpartisan relations. Preparations for the general elections, initially scheduled for August 1945 and postponed to November, polarized attention: in the expectation of a severe political struggle, the priority was to seek consensus. In this case, it could not be ruled out that certain high officials of the state and the party were hostile to the pronouncement of sentences whose severity would, in their view, have betrayed an abusive singling out of Jewish victims.

That such an outcome was felt in Jewish Communist circles as a failure can be inferred from an oblique reading of the debates of the Central Jewish Commission of the Central Committee of the Workers' Party concerning the appointment of the secretary of the Jewish municipality of Sofia in January 1946. Natan Grinberg, who is remembered for having carried out research in the archives of the Commissariat for Jewish Affairs in the autumn of 1944, was a candidate for the post.¹⁷¹ Several votes were opposed, including that of Betty Danon, a former partisan: "Grinberg bears responsibility for the *failure of the Jewish trial* at the People's Court."¹⁷² And the Communist lawyer Israel Majer continued: "From the moment he [N. Grinberg] was invited to the Commissariat for Jewish Affairs, he locked himself up alone there, to write his book; he is one of the people responsible for the failure of the trial, because he kept to himself documents not handed over to the popular militia that would have been important for the trial."¹⁷³

In May 1946, the conduct of the "trial of the anti-Semites" was nevertheless put forward by the Bulgarian delegation at a London meeting organized as part of the peace negotiations. A declaration of the Central Consistory of the Jews of Bulgaria was made public there:

Immediately after the changes of September 9, all decrees and laws restricting the rights of Jews were abolished. A fact of great importance for the future democratic development of our country should be strongly emphasized here. All the culprits and propagators of fascism in our country have been brought to justice before a Special People's Court. The regents; the ministers of all the fascist cabinets; the members of parliament who passed the racial and fascist laws and declared war on the allied peoples; the military, journalists, writers, professors, agents of the administrative apparatus and the police; etc. received severe but just sentences.

Particularly important and significant is the fact that independently of the abovementioned chambers, a special chamber of the People's Court

171 CDA, F 622, op. 1, ac. 127, l. 33–39.

172 Ibid., l. 32 (emphasis added).

173 Ibid., l. 50 (emphasis added).

was created to examine the criminal acts of all anti-Semites who actively and substantially contributed to the implementation of the racial laws in the country. *Bulgaria is one of the few states in Europe where fascist criminals have been convicted and the only one in which anti-Semites and anti-Semitism as an ideology have been stigmatized and tried.*¹⁷⁴

The text was intended as a refutation of the report on the situation of the Jews of Bulgaria published by the Anglo-American Commission of Inquiry into the Problems of European Jews and Palestine¹⁷⁵ in April 1946:

The Jews at home greeted with astonishment and rejected the findings of the Anglo-American Commission for Palestine concerning the situation of the Jews in Bulgaria.

1. In Bulgaria, of the Jews who died as a result of Nazi persecution, there were none, except for those who fell as partisans. The number of Jews in our country has not decreased; on the contrary, it has increased.
2. All Jews in the country enjoy the support of the government. There are no Jews in Bulgaria who are worried. Absolutely no difference has existed between Jews and Bulgarians since September 9. It is true that the Jews have on the whole become poorer, but this is due to their dispossession under the fascist regime. Now, in parallel with the economic recovery of the Jewish people whose properties have been stolen by the Germans, the situation of the [Bulgarian] Jews is recovering.
3. The assertions according to which the Bulgarian government would prevent Jews who wished to do so from leaving the country do not correspond to the reality of the facts.¹⁷⁶

174 The statement of the Central Consistory of Bulgarian Jews of May 12, 1946, originally published in *Evrejski Vesti*, 80, May 12, 1946, 1, and reproduced in “Priloženie kām arhivnija fond,” *Godišnik na OKPOE* 19 (1985): 345–49 (emphasis added). It is followed by a translation into Bulgarian of the World Jewish Congress’s reply, which stated that due to the nondeportation of Bulgarian Jews, no clause concerning Jews should be included in the peace treaty.

175 *Report of the Anglo-American Committee of Enquiry Regarding the Problems of European Jewry and Palestine*, Lausanne, April 20, 1946, Cmd 6808, Pro 30/78/30, The National Archives (Kew), <https://www.bibliotheque-numerique-aiu.org/viewer/16089/?offset=#page=16&viewer=picture&o=bookmark&n=0&q=>.

176 *Godišnik na OKPOE* 19 (1985): 348 (emphasis added).

Insisting on the status of the Bulgarian trial, the declaration did not attempt to link the judicial treatment of anti-Jewish crimes in Bulgaria with the work of incrimination, qualification, and judgment of Nazi crimes carried out by the International Military Tribunal at Nuremberg at the same time. It is within another referential framework that the trial before the Seventh Chamber is inscribed: that of the condemnation of racism and anti-Semitism, a key theme of Bulgarian public discourse in the spring of 1946. Above all, the Consistory declaration took up several obligatory figures from the Seventh Chamber in relation to the crimes committed. Bulgaria was presumed to be a victim of Nazi Germany. Cautiously, however, the notion of “occupied people” was preferred to that of “occupied country”: “The fascist governments did not dare to send Jews to their deaths whereas the governments of the other *occupied European peoples* gave their authorization.” The theme of Bulgarian victimhood was prolonged by the assertion that “in Bulgaria there were no Jews who died as a consequence of Nazi persecution.” The outcome was predictable: “The Bulgarian people, together with the Bulgarian Jews who constitute an inseparable part of it, are fighting in the name of the principles under the flag of which the Allied peoples fought. . . . And we are convinced that, if these facts are correctly appreciated, just decisions will be reached.”¹⁷⁷

From the spring of 1946, the narrative of Jewish suffering and Bulgarian heroism thus received the form that it would largely retain until the fall of communism. Is this the reason why the legacy of the People’s Court disappeared from public space in a matter of months, like a mold broken once the imprint of a sculpture has set? As elsewhere in Europe, a Cold War atmosphere spread over Bulgaria during 1947. The hardening of the regime under the leadership of Vălko Červenkov, a fan of “show trials,” the anti-Semitic campaign of late Stalinism, and emigration to the new State of Israel encouraged the Jews remaining in Bulgaria to adopt a low profile. At the time when Žak Natan published his memoirs in 1971, the judgment of anti-Jewish crimes was only entitled to laconic appraisal: “We had to take part in the judgment of the anti-Semites, of leaders, and of organizers of anti-Jewish persecutions.”¹⁷⁸ Nothing survived of the terror caused by the discovery of the destruction of the Jews of the “new” kingdom and of Europe.

Admittedly, the official silence was in some instances broken by public reminiscences: on the tenth anniversary of the verdict of the Seventh Chamber, in 1955, the court’s judgment was the subject of bitter debates among Bulgarian Jews living in Israel. During the Eichmann trial (1961),

177 Ibid., 349 (emphasis added).

178 Natan, *Pametni vremena*, 290–91.

the Bulgarian authorities praised themselves for having judged anti-Jewish crimes at an early stage. In the 1980s, finally, the patrimonialization of the “rescue of Bulgarian Jews” led to a timid reevaluation of the action of the People’s Court. However, the essential lies elsewhere: obliteration is not tantamount to oblivion. In the following chapters, we will show how a harmonic scheme, composed in 1944–45, crossed the decades and the East-West frontiers, traveling in the form of notes transmitted orally or in written mentions to unpublished sources. It is possible to go so far as to argue that the heart of the cultural, rhetorical, and historical productions devoted to Jewish destinies during the socialist era resided in the silent dialogue they established with the founding moment of a process whose centrality was renewed by its very elision.