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Tentative PhD thesis title: "The Soviet Union and the POUM Prosecution: Performing Justice in the Spanish Civil War"

Thesis abstract: My dissertation project investigates the history and memory of Soviet involvement in the Spanish Civil War by examining the prosecution and trial of the dissident Spanish communist Partido Obrero de Unificación Marxista (POUM) in October 1938 – a trial often formulated by historians as a "Moscow Trial in Barcelona". It treats the POUM prosecution as a microcosm of wider regional, national, and international political developments, analyzing the prosecution of this political minority as a small but integral part of broader processes of state-building, international diplomacy, and antifascist resistance. The project deploys an analytical approach to the study of show trials as texts, emphasizing the transmission and reception of politics as legal performance, with an eye towards opening avenues for comparative and world historical work in the future. It also traces how the story of the POUM repression was repositioned and repurposed by Spanish exiles and western intellectuals and historians during the Cold War to different political ends, and how this impacts on contemporary perceptions of Stalinism and the Spanish Civil War.

CHAPTER 3 – The Soviet show trial as export: justice and legal culture in the Spanish Civil War

The court is an organ of power. The liberals sometimes forget this, but it is a sin for a Marxist to do so.
-V.I. Lenin

i. Introduction

In February 1922, V. I. Lenin sent a letter to the People's Commissar of Justice outlining his conception of the political utility of the court in the Soviet Union. Aside from the obvious repressive uses of the court, he pointed out that the "educational significance of the courts is tremendous". Explanations, Lenin wrote, could be delivered to the "popular masses through the courts and the press".[1] There was little novelty in Lenin's emphasis on the didactic function of courts in Soviet society. The Bolsheviks understood very well the propaganda value of trials, especially during revolution and civil war. On the other hand, the function of bourgeois justice was, as Nikolai Bukharin put it, primarily the protection of capital, "in perfect harmony with the characteristics of the bourgeois state."[2] The bourgeois judiciary represented the superstructural manifestation of class relations in the sphere of justice, another instrument for working-class oppression that operated by prosecuting "the comedy of criminality".[3] As Elizabeth Wood and others have shown, Soviet courts educated citizens in a variety of ways, all of which ultimately "demonstrated the authority and power of the state," and worked to develop a Soviet legal consciousness (*pravosoznanie*).[4] But one could argue that the courtroom or the tribunal has, since its inception, been an institutional platform for political struggle and the performance of state power in *any* society. What, then, was 'Soviet' about the Moscow Trials?

Although the Moscow Trials of 1936-1938 were in many respects different from early Soviet agitprop trials, they retained didactic and agitational features and represented performances of Soviet power. But the threats constructed were far more serious and the scale far larger, the audience far broader. By way of the trials, the Bolsheviks instrumentalized the judiciary to provide a mobilizational narrative for the audience. This chapter argues, however, that the 'show trial' as such, be it Soviet or not, is not merely political theatre designed to consolidate power and legitimacy and to provide a narrative for a set of policies. The object of

[1] V.I. Lenin, 'O zadachakh Narkomiusta v usloviiakh novoi ekonomicheskoi politiki. Pis'mo D.I. Kurskomu',
[2] N. Bukharin and E. Preobrazhensky, *The ABC of Communism* (Monmouth, 2007), 213-214.
[3] Elizabeth A. Wood, *Performing Justice: Agitation Trials in Early Soviet Russia* (Ithaca, 2005), 23.
[4] Ibid., 1, 6. Wood does point out, though, that this consciousness was not necessarily understood in relation to law *per se*, but also in relation to moral and social behavior.

analysis is not only the political circumstances in which trials take place; it is also the way in which the show trial communicates with its audience and *vice versa*. This necessitates examining what precisely is culturally appealing about the narrative embodied in the show trial, and therefore how the culture of the audience actually indirectly informs the construction of the trial narrative. Illustrating this bidirectional dynamic is crucial for understanding how state courts derived political legitimacy from the show trial. The construction and maintenance of political legitimacy involves tailoring policy imperatives to fit a pre-existing, normative political language that is understandable to the populace. In other words, the trial narrative must fit the specific culture of reception to which it appeals. The success and failure of a show trial depends on its ability to perform state power within the parameters of popular culture and popular discourse, which exist in a given historical context. The show trial is therefore productive and reproductive; it produces knowledge for consumption by rearticulating and repurposing previously existing, popular knowledge. The show trial, then, is not only a phenomenon of high politics, a concrete process crafted by the actors and institutions in power. It is also a topic of discourse, and is therefore inherently a cultural phenomenon. It is intimately tied to the ability of observers to internalize and articulate, and therefore reinforce, its meaning(s). In this way, the culture of the audience *determines* the field of information available for use in the trial narrative and therefore to some extent influences its production of new knowledge.

Thus, the critical aspect of the show trial is the spectrum of ideas and behaviors that permeate the everyday life of the common person – i.e. popular culture. Contrary to popular and some scholarly understanding, the Moscow Trials of 1936-38 were not necessarily intended simply to terrorize the Soviet populace. Rather, they were intended to provoke widespread discussion about political vigilance, surveillance, and "spy-consciousness" among the masses. These ideas were expressed by way of cultural production as well, as theatrical propaganda plays alluded to and promoted them. But in fact, discussions merely reinforced *preexisting* tropes, themes, and political behaviors – by employing what historian Stephen Kotkin has called "speaking Bolshevik", i.e. to use the stylized vocabulary of the Bolshevik lexicon, implicitly legitimating the regime.[5] The party offered, by way of popular media, a specific interpretation of the Moscow Trials that was couched in Bolshevik parlance and ideological pattern, thus setting the parameters for discussion. These discussions and the behaviors and beliefs that they

[5] Stephen Kotkin, *Magnetic Mountain: Stalinism as a Civilization* (Berkeley, 1995), pp.198-237.

reinforced offered citizens positive integration in the Soviet project by including them in what was essentially a witch-hunt for "Trotskyists", "saboteurs", and "wreckers" in 1936-38.[6] The Soviet judiciary implored its massive population to keep vigilance and surveillance over fellow citizens. The trials thus implicitly included the entirety of the populace in the repression that was meted out in the wake of the trials.[7] In drawing on what was appealing for use in the trials, and then imploring the populace to "act Bolshevik"[8] and take action based on the trials' conclusions, the Stalinist leadership and the Party allowed the audience to participate in both the ideational production and the outcome of the trials. Stalin had the power to define the threat from the available material, so to speak, but it was up to local authorities and the masses to mobilize to counter that threat. This was the distinctive power of the Stalinist show trial: the way in which it empowered both the audience and administrator – the masses and the party and state leadership – to mobilize and solve the problems presented, whether imaginary or not.

This explanatory framework for understanding the bidirectional administrator-audience relationship inherent in the show trial cannot be accepted a priori, and of course needs to be demonstrated. This chapter suggests that in order to understand the enigma of the Moscow Trials, one must look past the high political aim of the trials, important though they certainly were, to also examine cultures of reception. By analyzing how the planned "Moscow Trial in Barcelona" (as many historians and contemporaries have called it) played out in Civil War Spain – by conceptualizing it as a cultural export – this chapter provides insight not only on the Spanish and international culture of reception, but also on the dynamic of the Stalinist show trial in general. The contours of Stalinist political culture are perhaps more easily understood when packaged up and imposed on a foreign political culture, setting their particulars into sharp relief. Exporting Stalin's show trial was a largely failed operation for a variety of reasons, not least of which were Spanish and international cultures of reception very different from Soviet trial culture. This chapter argues that the show trial cannot function without containing elements of mass appeal, elements which of course vary according to historical context. The Moscow Trials of 1936-38 are thus incomprehensible if not considered in the context of a long history of trial culture and a specific culture of reception in the USSR. It also extends the discussion of the show trial beyond

[6] Ibid., 236.
[7] Chief prosecutor Andrei Vyshinsky's claimed in the 1937 trial against the Trotskyist-Zinovievite bloc that he was 'joined in his accusation by the whole of the people!' reinforcing a pervasive sense of victimhood and underlining the imperative for action on a broad societal scale. Quoted in Chase, "Stalin as Producer," 239.
[8] Wood, 10.

the sphere of communist polities by illustrating how the Spanish Republic, contrary to Soviet intentions, mounted a show trial *of its own* against the anti-Stalinist *Partido Obrero de Unificación Marxista* (POUM). In short, examining the Spanish case may tell us just as much about the USSR as it does Spain.

ii. The "claws of Stalinism" in Spain

Three months after the conclusion of the March 1938 Moscow Trial against Bukharin and others of the "Bloc of Rights and Trotskyites", Pedro Bonet, the Catalan communist and POUM leader, composed handwritten letters from his jail cell in Barcelona, a series of pleas to working class organizations. "Ours is a new Moscow Trial carried out in Spain."[9] In another, he wrote that his prosecution was "no more than the [illegible] of the frame-up Moscow Trials… We know that you've felt the clawing of Stalinism on your own body."[10] From his cell, Bonet and other imprisoned POUM leaders had good reason to suspect that such was taking place. Upon its intervention, the Soviets brought the politics of Moscow to Spain, and the POUM represented the sort of "Trotskyist" opposition that formed the central threat constructed in the Moscow Trials. Moreover, perhaps the most famous Spanish Marxist, the *poumista* Andreu Nin, had been abducted and assassinated by NKVD operatives in Spain in June 1937. Bonet was convinced that his pending trial was indeed a "Moscow Trial in Barcelona".

The narrative of Soviet repression and Spanish victimhood, as told by the *poumistas* and others, was later taken up by Anglo-American historians and literary figures.[11] At its most moderate, this interpretation generally held the USSR solely responsible for the repression of the POUM and other "uncontrollables" in the anarchist CNT, or as the *poumistas* would put it, the Soviet destruction of the Spanish Revolution. At its most extreme, it condemned the USSR for attempting to "Sovietize" Spain by turning it into something akin to the people's republics of post-WWII Eastern Europe, before ultimately "betraying" Spain by cutting off aid.[12] In both cases, the POUM repression formed the centerpiece of these narratives, and a direct parallel was made between the Moscow Trials and the POUM trial. In the work of George Orwell, who fought alongside the POUM upon his arrival in Barcelona in December 1936 and witnessed its

[9] Archivo Histórico Nacional – Sección Guerra Civil (AHN-SGC), PS Barcelona, Caja 771, Legaje 13, 11-11r.
[10] AHN-SGC, PS Barcelona, Caja 1568, Legaje 5, 3.
[11] For example, Burnett Bolloten, *The Grand Camouflage: the Communist Conspiracy in the Spanish Civil War* (New York, 1961) and later expanded editions.
[12] See Ronald Radosh, et al., *Spain Betrayed: The Soviet Union in the Spanish Civil War* (New Haven, 2001).

repression, we can observe how the *poumista* narrative made its way into the Western imaginary through popular literature and memoir. Still today, *Homage to Catalonia* is a standard introduction to the Spanish Civil War, especially for English speakers. What is often overlooked is that Orwell experienced the Civil War in a very specific way: his perception of Soviet actions in Spain, so important to his emerging critique of totalitarianism, was filtered through the POUM's staunchly anti-Stalinist milieu, and especially through the repression and trial of its leaders. For this reason (and others), the repression and prosecution of the POUM is one of the most well-known but also misunderstood events of the Spanish Civil War.

The outbreak of the war in July 1936 effectively shattered the structures of state authority in Spain, leading to a veritable power vacuum in which various anarchist and communist groups began efforts at localized rural collectivization and urban worker self-management, as well as various and often violent forms of popular justice. The story of the Spanish Republic at war is thus one of state reconstruction and recentralization. The Marxist revolutionaries of the POUM came under intense scrutiny for their opposition to this process, and for their emphatic condemnations of the USSR, essentially the Republic's only ally. The POUM opposed the imposition of a uniform army and the relegation of social revolution to a distant priority, second to unity and stabilization for the war effort, the latter being the top priority of both Moscow and the Republican government. They also loudly opposed the anti-Trotskyist Moscow Trials, and in fact requested in print that the Spanish Republic provide political sanctuary for Trotsky himself in Barcelona.[13] This provoked Moscow's representatives in Spain to intensify the propaganda campaign against the POUM, which it considered to be a Trotskyist organization.

We now know from a wave of recent scholarship on Soviet intervention in Spain that the POUM's conflation of the Soviet NKVD with the Comintern apparatus, the Spanish Communist Party (PCE), and the Spanish Republican government is highly misleading. Each must be analyzed in and of itself and in relation to one another, as the various communist groups in Spain had individual organizational imperatives and often acted in contradiction to one another. Their actions were far from monolithic, and the anti-POUM campaign had many origins independent of Moscow.[14] However, the tendency to subsume all Soviet-oriented groups under the all-

[13] *Information Bulletin of the P.O.U.M.* September 1936, in the Anita Brenner Papers, Harry Ransom Humanities Research Center, University of Texas.
[14] Tim Rees, "The Highpoint of Comintern Influence? The Communist Party and the Civil War in Spain," in Rees and Andrew Thorpe, eds., *International Communism and the Communist International* (Manchester, 1998). Rees

inclusive descriptor 'Stalinist' pervades the historiography of the Spanish Civil War. It was, after all, a convenient framework during the war for explaining the failing war effort against the Francoists while evading blame that would have otherwise fell on the sectarian nature of Spanish Republican politics and the infighting on the revolutionary left. Likewise, the "POUM narrative", written from memory and published by exiled *poumistas* in Latin America, found fertile soil after the Second World War, when the Cold War polarized the political world into Communist and anti-Communist blocs. In other words, Spain became the one of the memory scripts and historical examples of the dangers of cooperating with the USSR, the narrative form of which was heavily informed by accounts published by *poumistas*.[15]

But again, the imprisoned *poumistas* had good reason make such assumptions. Indeed, it had been Alexander Orlov (born Lev Feldbin), NKVD station chief in Madrid, who surreptitiously delivered forged documents to the head of Spanish internal security that "confirmed" connections between a known fascist espionage network and the POUM leadership.[16] On the basis of these documents, later proved to be forgeries, security chief and PCE member Antonio Ortega ordered the arrests of the POUM leadership in June 1937 without consulting his superior, Interior Minister Julián Zugazagoitia. Although the Spanish *Brigada Especial* then made the arrests, it was certainly in Orlov's custody that Nin later disappeared. However, by the time Bonet wrote from his jail cell in 1938, the Republican government had long taken over the protection of the arrested POUM leaders after their unauthorized detention provoked an international outcry. Thereafter, Zugazagoitia and Minister of Justice, Manuel de Irujo launched a prolonged series of investigations into the allegations of espionage.[17] The documents produced by these inquiries provide an unusually detailed look at the conflict between representatives of the USSR and Spanish Republican officials regarding the POUM. Between the arrests and the trial, we can observe an 18-month contest for political power within the newly decreed Espionage Tribunal for influence over the form, style, and message of the

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argues that when the Spanish Communists accused the POUM of "Trotskyism", "they were not simply adopting the dictates of Stalin's Terror."

[15] See Bolloten's correspondence with *poumistas* in Centro de Estudios Históricos Internacionales, (CEHI), Fons F-DO, 3.2.

[16] Orlov wrote to Moscow: "…I have decided to use the significance and the indisputable facts of the case [of real fascist infiltrators] to implicate the POUM leadership (whose connections we are looking into while conducting investigations)." The falsified documents were meant to coincide with what Orlov perceived would be a series of government "administrative measures against the Spanish Trotskyists to discredit POUM as a German-Francoist spy organization." Quoted in John Costello, et al., *Deadly Illusions* (London, 1993), 288-289.

[17] See details of the investigation in CEHI, *Procés POUM*, Cajas 1-3.

POUM trial.[18] European and American audiences eagerly awaited the trial. Many of them saw it as a litmus test that would indicate the extent to which Soviet intervention had influenced Spanish politics.

iii. Soviet political culture and the POUM trial

The Spanish Republic reluctantly appealed for Soviet aid as the western democracies refused intervention and the war effort faced imminent collapse, confronted with a well-armed military uprising supported by Nazi Germany and Mussolini's Italy. Somewhere between 2,100 and 2,150 Soviets served in Spain, only 600 of whom were non-combatant advisors. The turnover rate was high – Soviet archives indicate that the total serving at any given point throughout the thirty-month war was no more than 600-800.[19] Their explicit role was to oversee war industry, organize a popular army, coordinate the international brigades, secure communications, and conduct intelligence operations. But the intervention coincided with the Soviet mass repressions and show trials, or what has come to be called "the Great Terror".[20] The Soviet presence in Spain therefore offers a window on Soviet political culture during the mass repressions, and a unique opportunity to examine the extent to which its particular behaviors (anti-Trotskyism, scapegoating, social censure, show trial culture, etc.) mixed and often clashed with Spanish conceptions of legality.

There is substantial evidence that the Soviet leadership in Moscow intended to make use of the POUM's repression (by way of a show trial) to discredit Trotsky on an international scale. But intention and implementation often differ more than historians are willing to admit. Immediately after the January 1937 Moscow Trial, Georgi Dimitrov, general secretary of the Comintern Executive Committee (EKKI), sent a telegram to Spain, imploring José Díaz, leader of the Spanish Communist Party, to "Use the trial of Pyatakov and consorts to politically liquidate the POUM and try to obtain from working elements of this organization a declaration condemning Trotsky's terrorist band."[21] This did not mean the physical liquidation of *poumistas*, but rather the liquidation of the group from political life. The telegram also could be interpreted to suggest interrogation and confession methods typical of the Stalinist show trials. But more

[18] Decree for Tribunal in AHN-SGC, MF/R, 6099 B. 51/6.
[19] Daniel Kowalsky, *La unión soviética y la guerra civil española* (Madrid, 2003).
[20] Graham, *The Spanish Republic*, 375-377.
[21] Chase, *Enemy Within the Gates*, 196.

clearly, it illustrates the connection that Dimitrov (and others) made between the 1938 Moscow Trial and the internationalization of the campaign against "Trotskyists", and the centrality of Spain in that project. This was perfectly in keeping with the mobilizational goals of the Moscow Trials: the trials no longer triggered only domestic mobilization campaigns, but rather were intended to promote a "campaign of enlightenment in connection with the trial of the Bloc of Rights and Trotskyites" that would be carried out across the Comintern apparatus.[22] A Comintern directive with that title, issued in March 1938, implored delegates present at the 1938 Moscow Trial to "return to their respective countries, [and] especially speak at meetings giving information on the trial." It went on, "A protest must be registered at all meetings, factories and organizations, against the anti-Soviet slander initiated by the enemy in connection with the trial."[23] But the prosecutors also emphasized the antifascist message of the 1938 Moscow Trial, in particular with reference to the Spanish Civil War. Those accused and convicted in the 1938 trial represented nothing more than "an advance detachment of international fascism… with whose aid fascism is operating in various countries, primarily in Spain and China… [It is] the very same as the Fifth column, the POUM…"[24]

It appears that the EKKI remained convinced that the POUM trial would be carried out according to its directives. On 15 October 1938, during the trial, Dimitrov recorded in his diary a telegram that he had sent that day from vacation in Kislovodsk to the Comintern secretary in charge of cadres, who would then forward it on to Spain. The parenthetical notes indicate the two different translations available and provide names for aliases/*noms de guerre*.

> In connection with the trial of the POUM members, I trust that the appropriate [or 'responsible'] measures have already been taken in order to: (1) expose [or 'unmask'] publicly as effectively as possible the counterrevolutionary crimes of Spanish and foreign Trotskyites and their role as agents of fascism; (2) expose [or 'depict'] their patrons [or 'protectors'] from the Second International, in particular the English Independents and French Pivertists, as accomplices in those crimes [or 'as collaborators']; (3) Use that trial extensively in the press and by other means on an international scale for the expulsion of Trotskyites from the ranks of the workers' movement. Ercoli [Palmiro Togliatti], Luis [Francisco Antón], and Julius [Alpári] should be given direct responsibility for conducting that campaign.[25]

[22] Ibid., 295-298.
[23] Ibid., 296.
[24] Chase, "Stalin as Producer," 242-243.
[25] Original version quoted from Ivo Banac, *The Diary of Georgi Dimitrov, 1933-1949* (New Haven, 2003), 82-83. The same telegram received in Moscow (in brackets in text) in Chase, *Enemy within the Gates*, 450.

The Comintern operatives Togliatti, Antón, and Alpári had a wealth of resources at their disposal with regard to the trial, and were well positioned to make the most of it to an international audience. Moreover, the anti-Trotskyist trial would take place in a "bourgeois democratic country" with a police force that included non-communists, as Mikhail Koltsov pointed out in an article published just two weeks before his arrest.[26] This would further legitimate the Moscow Trials by extending the prosecutions into western Europe.

However, from the perspective of the Comintern and Soviet operatives, the POUM trial could not have had a worse outcome. The final sentencing dismissed the charges of espionage and treason, as well as the idea of the criminality of "Trotskyism", the central component of the Moscow Trials.[27] The court confirmed in legal text the "revolutionary and antifascist" credentials of the POUM.[28] In short, the Espionage Tribunal rejected the core claims of Soviet media that the *poumistas* were fascist collaborators, saboteurs, and "Trotskyists". However, the Tribunal convicted most of the *poumista* defendants of rebellion against the state for having taken part in the May Days uprising of 1937. In May, workers groups, coordinated to some extent by the POUM, set up barricades after Spanish police forces reclaimed a telecommunications center in Barcelona on orders from the local Catalan government. This was followed by a week of street clashes in which *poumistas* and other anarchist groups took up arms against Spanish police and government-aligned partisans. The sentence of the POUM trial, issued on October 29, must have been puzzling for communist propagandists and international readers.[29] In the face of the failure to export the anti-Trotskyist trial, those in charge of the Comintern campaign of denunciation against the POUM had no choice but to misrepresent or ignore the result of the trial in keeping with the international intentions of the Moscow Trials.

Nowhere can we see the limits of Soviet influence on the trial more than in the relationship between the Espionage Tribunal and the Comintern committee assembled to influence the POUM trial. The Comintern secretary of Latin countries and head of the anti-POUM campaign in Spain, Stoyán Mínev (Stepánov), chaired the committee, and later published his notes on the causes of the defeat of Republican Spain.[30] According to Stepánov, the

[26] Reiner Tosstorff, *Die POUM in der spanischen Revolution* (Köln, 2006), 155.
[27] See AHN-SGC, PS Barcelona Generalitat, Caja 283, Legaje 10 for sentencing.
[28] Victor Alba and Marisa Ardevol, eds., *El Proceso del P.O.U.M.* (Barcelona, 1989), 523.
[29] Tosstorff, 160.
[30] Cited from the manuscript version in Archivo Histórico de la PCE (AH-PCE), Sig. 58 'STEPANOV'. Published as Stoyán Minev, *Las causas de la derrota de la Republica Española* (Madrid, 2003).

Espionage Tribunal was "composed of men that did not inspire our confidence, nor give any guarantee."[31] His reports outlined the various battles that the communists had to fight with the Republican attorney general and government ministers just to get information about the Tribunal's proceedings. In fact, Stepánov complained that the Comintern committee often learned about the POUM prosecution from the media.[32] Moreover, Stepánov admitted that the anti-POUM propaganda volume *Espionaje en España*, which he oversaw and which was published a few weeks before the POUM trial, was actually written without concrete materials and could have had errors. He ended his report by lamenting the failure of the anti-POUM campaign and engaging in self-criticism: "It is true that in fact an ample campaign of the masses could not be carried out… and together with the [PCE] central committee, I am responsible for these errors."[33]

The report is important for showing the apparent failure of the Comintern committee to influence the POUM trial. But it is also crucial for our purposes for another reason, which suggests a second explanation for the failure of Moscow's attempted frame-up trial. It points to the relationship that Stepánov perceived between political change and "the masses". This is in part a linguistic question; the Bolsheviks often referred to "Soviet Power" (*Sovetskaia vlast*) and "the people" synonymously in the USSR. But Stepánov's reflection, as head of the anti-POUM committee in Spain, illustrates his perception that "the masses" should play an active role in politics, one shared by Stalin, at least rhetorically, in his own emphasis on "listening to the little people". It indicates the Soviet reliance, in Stepánov's mind, on the masses in carrying out political tasks. In fact, reports that Comintern and Soviet military intelligence operatives sent to Moscow, which are now available to researchers in Russian archives, abound with explanations of shortcomings in the Spanish war that made reference to "the masses".[34] This reflects precisely what was appealing about the script of the Moscow Trials: mass mobilization and a narrative of the necessity for internal cleansing (of 'Trotskyists,' wreckers, etc.) in preparation for war. It comes as no surprise that all three Moscow Trial narratives expressed a Bolshevik sense of capitalist encirclement, and sought to mobilize the masses to counter that threat.

[31] See AH-PCE, Sig. 58, 'STEPANOV'.
[32] Ibid.
[33] Ibid.
[34] For Soviet references to the importance of the masses in political change see Radosh, 48, 58, 387, 402, on masses and democracy, 377 and 391, for masses and POUM trial, 197.

One could easily read into these references Soviet ideological cunning and dismiss them as mere demagogy. However, the consistency and frequency with which reference to "the masses" was evoked not only in Soviet propaganda in Spain, but also in classified reports to Soviet leadership in Moscow to explain problems, solutions, and tactics, suggests a different interpretation. They point to a fundamental difference in political culture between the representatives of the USSR in Spain and the dominant political groups of the Spanish Republic. At the center of this conflict in political culture was a discordant (and perhaps incompatible) posture towards the role of justice and its relationship to "the masses" during civil war. Spanish Communist Pedro Checa perhaps put it best in a secret report to the Comintern sometime in 1938:

> Because it advocates the use of administrative and police measures rather than political and economic ones, the government attempts to resolve complicated problems through administrative means rather than through the support of the masses… We also believe that the present minister of justice, (Irujo) – who by his reactionary policy is alienating the masses and discrediting the government – ought to be dismissed as soon as possible from the government."[35]

Manuel de Irujo was no small figure in the POUM prosecution – in fact, Irujo led the judicial inquiry into the arrest of the POUM leadership, oversaw the indictment investigation, and even testified as a witness in the POUM trial in defense of the prosecuted *poumistas*.[36] Another unsigned report sent to Dimitrov and forwarded to Voroshilov and the Stalinist leadership in Moscow in late July 1937 read, "In the name of law... and together with Zugazagoitia [interior minister], Irujo does everything possible and impossible to save the Trotskyists [POUM] and to sabotage trials against them."[37] Moscow's advisors disapproved of the Republican concept of legalism expounded by Zugazagoitia, Irujo, and other members of the Popular Front in large part because it did not involve mass participation, and because it reflected bourgeois legal culture. The Republican government's emphasis on a prosecution with constitutional guarantees differed considerably from Soviet conceptions of the function of the courts. A Comintern operative (probably Palmiro Togliatti) sent a top secret report on 11 May 1937, in the wake of the May Days uprising, to the Comintern EKKI in Moscow, which outlines

[35] Quoted in Radosh, 377.
[36] Shortly after the arrest of the POUM leadership in June 1937, Irujo had written to Premier Negrín, "But I, as a minister of the Republic, will not tolerate anyone (absolutely no one) intervening in functions of the sovereign state." Alba, 43-44.
[37] Radosh, 223.

this disagreement, and shows Togliatti's conception of the relationship between justice and the masses in the prosecution of the POUM:

> The people are nourishing unbelievable animosity toward the Trotskyists. The masses are demanding energetic and merciless repression. This is what is demanded by the masses of the people of all Spain, Catalonia, and Barcelona. They demand complete disarmament, arrest of the leaders, *the creation of a special military tribunal for the Trotskyists!* This is what the masses demand.[38]

Whether this was actually the case for the masses is irrelevant for our discussion of the Soviet tendency to associate mass action and justice. But might there have been a way to reconcile Spanish Republican legalism with the Soviet revolutionary approaches to justice of mass participation that characterized the Soviet repressions in 1936-39? This was one of the central questions confronted in the POUM prosecution, and the October 1938 trial was set to be the stage on which the answer to that question would be expressed to domestic and international audiences.

iv. Spanish and international audiences of Soviet political culture in Spain

Undoubtedly, another element of mass appeal embodied in the Moscow Trials was a conspiratorial conception of politics. The Moscow Trials explained shortcomings – economic or political – by reference to conspiracy, the participants of which remained hidden among regular Soviet citizens. The tendency among participants and observers of civil conflict to construct conspiratorial explanations of their immediate circumstances is not uncommon. There is an obvious relationship between civil war and what we might call the "conspiratorial mindset". It is not difficult to find anxieties expressed by a wide spectrum of society in Spain prior to Soviet intervention, and even prior to the Civil War. The right's revanchist, militarist, and traditionalist milieu, in which Francisco Franco was a central figure, constantly warned of the hidden threat of the 'Judeo-Masonic-Bolshevik conspiracy' long before the outbreak of the war. The conspiratorial mindset was no less virulent and widespread in the republican, socialist, anarchist, and communist groups that formed the uneasy alliance of the wartime Popular Front coalition. It is well established that Soviet intervention in Spain provoked the rise in popularity and power of the Spanish Communist Party. But the extent to which the specific behaviors and beliefs of Soviet political culture were internalized or even fully understood on a broader scale is far less

[38] Ibid, 195.

clear.[39] In fact, the available evidence suggests the opposite interpretation. In contrast to the Moscow Trials, in which Stalin and the party crafted threats (Trotskyism, among others) by drawing on broad Soviet anxieties and popular tropes such as the saboteur or the capitalist spy, and empowered the populace to counter those threats through mobilization, the dynamic of the POUM trial reflected a different culture of reception and mobilization – one which retained an emphasis, however embryonic, on bourgeois legality.[40] As we will see, the Soviet leadership attempted to adapt to this divergent legal culture with little success.

What functioned well as a performance of justice in a Stalinist culture of reception in the USSR appears to have fallen on deaf ears in the Spanish case. Insofar as the civil war climate provoked a conspiratorial conception of politics in Spain, it was expressed largely in the historical language inherited from and developed in that specific context. The Comintern propaganda campaign against "Trotskyist" organizations, the likes of which barely existed in Spain, confused observers. A show trial based on these premises was bound to fail. And although the conspiratorial mindset typical of Stalinist political culture seemed to blend well with this climate, when the judges released their verdict, it reflected Spanish domestic and international concerns while at the same time rejecting Soviet attempts to connect the POUM with its international campaign against Trotskyism. This rejection of the politics of Moscow is particularly striking not least because of the active measures it appears the Soviet leadership took to conform to Spanish Republican politics after summer 1937. In fact, Timothy Rees has found that by mid-1937, "the need for 'legality' and co-operation with other Republican forces was stressed in reports and instructions to and from the Comintern to Togliatti."[41] This was undoubtedly a difficult adjustment for Comintern representatives to make. But it is important for another reason, namely that it illustrates how Spanish pressures for bourgeois legality informed and to some extent *determined* the form and content of Comintern directives.

The stenographic transcripts of the POUM trial are useful for illustrating the trial character. The final statements of both the defense attorney and the prosecutor summed up what had repeatedly been affirmed throughout the trial. The POUM was not being prosecuted for its

[39] Rees writes with regard to Soviet self-criticism and habits of obedience, etc., that "The form and meaning of these Soviet practices were often poorly comprehended by foreign communists, who had to be trained in what often seemed entirely alien rituals which apparently ran counter to notions of comradeship and solidarity." Tim Rees, "Anti-Trotskyism, Bolshevization and the Spanish Communist Party, 1924-1934," in *Historical Research*, vol. 82, no. 215 (Feb. 2009), 147-148, 156.
[40] See Paul Preston, *The Spanish Holocaust* (New York, 2012), 424-425.
[41] Rees, "Highpoint," 166.

political ideology, and the charges of treason hardly seemed believable. The concluding statements of the prosecutor's summation are telling:

> I want to recall in my final statements the final words of Federica Montseny, in her appeal to the court that the meaning of Spanish justice originated in the democratic tradition, not a tradition that gives in and condemns someone for their ideas.
> (The Sr. President signals to the Sr. Prosecutor that the words in the end of her statement were crossed out by the President and were irrelevant.)
> (The Sr. Prosecutor continues, saying:) Here we do not speak of political ideas... and this prosecutor, like other civil servants occupying positions of authority such as the judges of this court, would never request or issue an order of prosecution for political ideas.[42]

This reveals a bit of the dynamic of the courtroom and the limits of the judicial discourse within the Spanish Espionage Tribunal. The Tribunal rejected the criminality of political association, and left the suggestions of punishment on account of association with Trotsky and known "Trotskyists" unanswered. Upon reviewing the recorded transcript, judges found that Federica Montseny's statements regarding the political nature of the POUM prosecution had been struck out as irrelevant to the court. The assumption was that crimes of a strictly political nature were beyond the reach of judicial power. The prosecutor emphasized what he viewed to be the apolitical nature of the crimes at the end of his final statements before the court. The excerpt also provides insight into the nature of the accusations made in court, which differ substantially from those of the Moscow Trials and the propaganda of the Communist press. By the end of the oral hearing, the prosecutor had abandoned his allegation of espionage, saying that the POUM were "vulgar criminals – nothing more, nothing less."[43]

The court went into a weeklong recess before announcing the sentence. The sentence dismissed allegations of espionage, but charged the *poumistas* with rebellion against the state. The sentence, given on October 29 in the midst of the brutal battle of the Ebro, outlined the threat that the POUM posed not to the USSR, but to the Spanish Republic. Although the POUM had "struggled against the military rebels since the first day of the rebellion," it was "little disposed to put aside its specific aspirations for the benefit of the defense of the Republic…"[44] The trial script for domestic audience embodied the reversal of revolutionary actions and the return of judicial normalcy, as well as subordination of political aspirations to the authority of the state and the demands of war. In the ongoing debate on whether the war could be won by

[42] Alba, 455.
[43] Ibid.
[44] Ibid., 123-ff.

revolutionary action or rather by state centralization and discipline, this reflected a strong assertion of the latter.

But it was not only domestic pressures for legality and discipline that shaped the trial script. The sentencing also provided a narrative for international audiences (primarily French and British) – that of stability and legality. In the sentencing, the POUM "endangered the prestige of the Republic in international opinion, whose favorable reaction to the cause of the people the government required." In a nod to domestic concerns, it read that the POUM "gravely endangered the defense of the Republic… and weakened the social discipline to a degree liable for debilitating the authority of the government."[45] By 1938, the Republican war effort was failing and Premier Juan Negrín advocated continued resistance, hoping for a change in French and British posture towards intervention, or at the very least, mediation for a negotiated peace. Internal correspondence recently declassified in the Fundación Juan Negrín in Las Palmas illustrates how awareness of the observation by the western democracies of the prosecution help to shape its progress.[46] Moreover, in a top-secret report to Moscow after the trial, Stepánov reported that British, French, and Spanish Republican influence determined the "scandalous sentence". He wrote that "the [Republican] state apparatus constantly put pressure on the court" and that "the trial took place under constant pressure from the II International... It was literally said in court that a cordial atmosphere should reign in the courtroom... The president of the court was incredibly polite to the accused, allowing even the bourgeois press to speak to them."[47]

Since the disappearance of Nin and the arrest of the POUM leadership, various international delegations protested the imprisonment of the *poumistas*, and demanded the government provide standard, western judicial guarantees for the POUM. The international campaign for legality was initiated through the Second International, as well as the International Federation of Trade Unions and the London Bureau. The campaign also provoked responses from the United States, as Norman Thomas of the Socialist Party of America and others sent repeated letters to the Spanish government demanding justice for the imprisoned *poumistas*.[48] These campaigns, often couched in a liberal rhetoric of human rights, added yet more pressure to the Spanish judiciary to 'show' its distinctly non-Soviet character. Some international observers

[45] Ibid.
[46] Archivo Juan Negrín (AJN), 1.MJU.2. Also, see CEHI, *Procés POUM*, Caja 2.
[47] CEHI, AM.4.9h. Emphasis in text. Original in Russian.
[48] See also Norman Thomas' letter to Spanish Minister of Justice, James I. Loeb Papers, ALBA, 158.

recognized the dubious nature of the Republic's "legal democratic" show trial. For example, a February 1938 letter from an American socialist representative in Paris to Anita Brenner 'and other comrades' read:

> You know of course the plan that Prieto and the govt. have been following is to give outsiders the assurance that we have a legal, democratic republic that safeguards capital, property, etc.; that punishes the excesses of the proletariat; that is actually restoring all privileges; that will not tolerate interference from left elements (this of course includes not only a campaign against the Stalinists, which is going on in a veiled and subtle form, but a campaign against all revolutionary elements).[49]

It is significant that the author, writing under a pseudonym (Skippy), thought it obvious to observers in Paris as to those in the United States precisely what role the trial would play.

Spanish Republican authorities recognized the potential for misinterpretation of the trial for both domestic and international audiences. The Republican government remained concerned that, given the dependence of the Republic on Soviet military aid, the recent trials and executions in Moscow could provide a misleading and destructive backdrop for Republican justice. Justice Minister Irujo wrote Interior Minister Zugazagoitia during the prosecution, "The events of Russia, the shootings of generals, some of whom were well known… provides a framework for Nin, Gorki[n] and the rest of the friends of the POUM in these moments."[50] The international situation had colored the POUM prosecution, providing anti-communists in France and Britain grounds on which to refuse support to the inchoate Republican government. Thus, the *legal* character of the prosecution of the POUM prisoners was a top priority for the government: it was imperative that the POUM prosecution contrast with the Moscow Trials to prevent the Moscow-Barcelona association from gaining credibility.

v. Conclusion: the show trial and state legitimation

In the last analysis, the failure of the archetypal "Stalinist" show trial to take root in Spain can be attributed to the influence of international and domestic Spanish audiences, as well as conflicting concepts of justice between the Republican government and Soviet operatives in Spain. With the cultural offensive as with the high political struggle, the cultures of reception of the political trial were far different from those of the strife-torn USSR during the mass repressions. The particular behaviors of Stalinism, which include but were not limited to

[49] Ibid. Emphasis in text. See Fenner Brockway's letters demanding guarantees, AHN-SGC, PS Barcelona, Caja 1046.
[50] CEHI, *Procés POUM*, Caja 2.

denunciation, scapegoating, spy-consciousness, and paranoia, provoked controversy in Spain and the western democracies. That outcry was expressed through a Spanish and broadly Western lexicon that reflected the linguistic and cultural legacy of liberalism and Spain's nascent experiment with parliamentary democracy that began in 1931 with the Second Republic. And although the Spanish Civil War perhaps provoked a conspiratorial view of politics, the distinctly Soviet character of that conspiratorial worldview did not take root.

Republican government repression of revolutionaries in 1937 represented the institutionalization of the chaotic and violent political repression of the early months of the war. It marked the ostensible "depoliticization" of public order by bringing it under the aegis of the re-emerging Republican state and its judicial and police apparatus. Spanish police largely directed and carried out arrests of *poumistas* and the Spanish judiciary led prosecutions, which were directed by magistrates and judges appointed by Premier Negrín and his appointed cabinet. The Popular Front intended for operations against the POUM to bring a definite end to political infighting and popular justice. This was Spanish Republican statebuilding *par excellence*, and the POUM trial represented a judicial performance of this process. This was fundamentally different from the Moscow Trials, which in fact *triggered* mass repression and encouraged the localization of repression. In sum, the relationship between the state judiciary and the masses was fundamentally different in the Spanish case, an observation which goes a long way to explaining the breakdown of the Soviet attempt to export the show trial abroad.

The NKVD apparatus in Spain directed its repression very selectively and mostly at foreign volunteers, who were often European communist oppositionists who had not come through the relatively rigorous screening examinations of the Comintern-organized International Brigades and were therefore suspected as spies.[51] The Spanish state's campaign against the POUM had both Spanish and international origins quite independent of Soviet politics, and the form and message of the POUM trial as a text in itself naturally reflected the particular arrangement of power in which it occurred.[52] From this we may conclude that although the 1930s was a time in which uncertainty and spymania pervaded much of Europe and was not limited to USSR, the particular ways in which anxieties about economic depression and attendant political changes were expressed varied based on local, if not national, context. Thus, the prosecution of

[51] Intelligence profiles in CEHI, *Procés POUM*, Caja 1/3.
[52] Rees, "Highpoint," 154-155.

the POUM served the interests of the Spanish Republican state, which had underlined the connection between its own reconstruction and the politics of parliamentary democracy and liberal, bourgeois legality, in opposition to the arbitrary nature of Francoist justice and the legal thinking of Soviet advisors. The POUM trial was perhaps a show trial, and one that effectively provided a scapegoat for the shortcomings of the Spanish Republican government in the POUM. But the trial was only associated with and connected to the "global campaign against Trotskyism" insofar as the Comintern propagandists could misrepresent the actual proceedings of the trial.

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