

# The Ambivalent State: Determining Guilt in the Post-World War II Soviet Union

Franziska Exeler

In early 1943, the tide turned on the Eastern Front. In a series of counteroffensives, the Red Army reclaimed the Soviet western regions from the Germans. As Soviet forces reconquered more and more territory, one task held high priority: determining who had and who had allegedly not been loyal to the Soviet Union during the months and years of Moscow's absence. Above all, members of the secret police, the judiciary and procuracy, and party representatives on different levels of the state apparatus were engaged in this process. In the article, I analyze how the returning Soviet authorities dealt with people who had lived in German-occupied territory during the war. I discuss divergent understandings of guilt, and examine means of punishment, retribution and justice. The focus is on Belorussia, a Soviet republic that was occupied by the Germans from 1941 to 1944, and as such found itself at the center of Nazi-Soviet war. However, the article also integrates research on Ukraine, Russia and the Baltic republics, therefore allowing for a broader picture of Moscow's politics of retribution and the kind of Soviet state that emerged from the war.

In the aftermath of the Second World War, the search for those accused of being traitors and collaborators took place in each country that had been under foreign occupation.<sup>1</sup> Indeed, when it came to trials, governments in both Europe and Asia prosecuted more of their own nationals for treason than captured enemy soldiers (primarily German or Japanese) for wartime atrocities.<sup>2</sup> The most active country was the Soviet Union. Until 1956, Soviet military

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1. István Deak, Jan T. Gross, and Tony Judt, eds., *The Politics of Retribution in Europe: World War II and Its Aftermath* (Princeton, 2000); Konrad M. Lawson, "Wartime Atrocities and the Politics of Treason in the Ruins of the Japanese Empire, 1937–1953" (Ph.D. diss., Harvard University, 2012).

2. In Asia, the Allies, including China under the Nationalist Party, carried out about 2,244 military trials from 1945 to 1951/52 that involved about 5,700 defendants, of whom 984 were executed and another 3,419 sentenced to prison terms while 1,018, about 18 percent of the defendants, were acquitted. Yuma Totani, *Justice in Asia and the Pacific Region, 1945–1952: Allied War Crimes Prosecutions* (Cambridge, Eng., 2015), 9; Barak Kushner, *Men to Devils, Devils to Men: Japanese War Crimes and Chinese Justice* (Cambridge,

courts prosecuted and convicted about 34,000 German soldiers, more than any other country that had participated in the war.<sup>3</sup> They also tried about 2,883 Japanese soldiers, and probably a few hundred or even thousand other European Axis soldiers (Romanians, Hungarians, Austrians and others).<sup>4</sup> At the same time, the Soviet state prosecuted even more of its own nationals: until the death of Stalin in 1953, 260,000 Soviet citizens were arrested for “treason and helping the German occupiers” (*predatel'stvo i posobnichestvo nemetskim okkupantam*) and another 358,000 for “treason” (*izmena rodine*, literally “betrayal of the motherland”).<sup>5</sup> It is unclear, however, how many of the latter were soldiers or civilians, just as it is unclear whether all of those arrested for betrayal of the motherland were accused of having helped the Germans.<sup>6</sup>

Research on Moscow's politics of retribution has so far concentrated on how the Soviet state punished a specific group of people, namely Soviet citizens who, whether in their capacity as policemen, town mayors or village heads, had represented the Nazi occupation regime in the localities.<sup>7</sup> This includes

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Mass., 2015), 8–9. In contrast, the Chinese Nationalist government charged more than 30,000 Chinese nationals with treason in 1945–47. Approximately 15,000 of them were convicted; for many, the sentence was death. It is unknown how many Japanese soldiers and Chinese nationals were tried by the Chinese communists. Kushner, *Men to Devils, Devils to Men*, 120. In Europe, Allied prosecution was focused on Germany and, to a lesser extent, on Austria. The United States, Great Britain, France and the Soviet Union together convicted 8,812 German and Austrian nationals in occupation courts on German soil. Norbert Frei, “Nach der Tat. Die Ahndung deutscher Kriegs- und NS-Verbrechen in Europa—eine Bilanz,” in Norbert Frei, ed., *Transnationale Vergangenheitspolitik: Der Umgang mit deutschen Kriegsverbrechern in Europa nach dem Zweiten Weltkrieg* (Göttingen, 2006), 7–36, here 31–32. Among the European countries, perhaps no other prosecuted as many of its own nationals as Czechoslovakia: more than 168,000 people were tried, of whom approximately 69,000 were convicted. A significant part of these belonged to the German minority (or was deemed by the state as belonging to it). Benjamin Frommer, *National Cleansing: Retribution against Nazi Collaborators in Postwar Czechoslovakia* (Cambridge, Eng., 2005), 2–3, 321. On Russia: Vanessa Voisin, *L'URSS contre ses traîtres. L'Épuration soviétique (1941–1955)* (Paris, 2015).

3. Andreas Hilger, Ute Schmidt, and Günther Wagenlehner, “Einleitung,” in Andreas Hilger, Ute Schmidt, and Günther Wagenlehner, eds., *Sowjetische Militärtribunale. Band 1: Die Verurteilung deutscher Kriegsgefangener 1941–1953* (Köln, 2001), 7–21, here 11–15.

4. On Japanese soldiers: V.A. Gavrilov and E.L. Katasonova, eds., *Iaponskie voennoplennye v SSSR: 1945–1956* (Moscow, 2013), 17. The number of prosecuted non-German European Axis soldiers is my own estimate.

5. Both *predatel'stvo* and *izmena* translate as treason or betrayal. A ‘traitor’ was therefore a *predatel'* or an *izmennik*. *Predatel'stvo* and *izmena* were used interchangeably in Soviet documents. The legal category for treason, however, was *izmena rodine*, meaning regardless of whether someone was accused of *predatel'stvo* or *izmena rodine*, he or she would formally always have been prosecuted for treason, *izmena rodine*, under article 58 of the Soviet Russian penal code (or its corresponding republican versions). *Kollaboratsionist* (collaborator) and *kollaboratsionizm* (collaboration) are recent additions to the Russian vocabulary.

6. Oleg Mozokhin, *Pravo na repressii. Vnesudebnye polnomochiia organov gosudarstvennoi bezopasnosti (1918–1953)* (Moscow, 2006), 353–465.

7. ‘Soviet citizens’ includes the inhabitants of regions annexed by the Soviet Union in 1939–40.

studies on the legal basis of punishment, on secret and public trials that took place during and after the war, and on the connection between the search for alleged traitors and the postwar re-Sovietization of territory.<sup>8</sup> In contrast, much less has been written on the state's treatment of individuals such as teachers, office clerks and industrial specialists who had worked in German-occupied institutions. Just as little has been written on the regime's general treatment of the population that had lived under German rule. Among the few existing studies are analyses of perceptions of collaboration among Soviet officials and private individuals.<sup>9</sup> Work has also been done on the internal verification process of Communist Party members who stayed in occupied territory.<sup>10</sup>

What these studies share is a widespread agreement on the crucial political function that the punishment of Soviet citizens charged with treason fulfilled for the regime. Serving as proof that Soviet power had fully returned, their prosecution was inextricably linked to the reaffirmation of Moscow's authority in the formerly German-occupied regions.<sup>11</sup> Scholars disagree, however, on how ideology played out in practice. By ideology, I mean the different ideas that, taken together, constituted the official belief system of the Communist Party, a belief system that not only aspired to be internally consistent and all-explanatory, but that also clearly divided the world into good and evil. From its beginning on June 22, 1941, the Nazi-Soviet war both entrenched and confirmed this Manichean outlook.<sup>12</sup> As Stalin stressed in his radio address on July 3, 1941, the war with Germany was no ordinary war between two armies,

8. Sergei Kudriashov and Vanessa Voisin, "The Early Stages of 'Legal Purges' in Soviet Russia (1941–1945)," *Cahiers du monde russe* 49, no. 2 (2008): 263–95; Aleksandr E. Epifanov, *Otvetstvennost' za voennye prestupleniia, sovershennyye na territorii SSSR v gody Velikoi Otechestvennoi voiny: 1941–1956 gg.* (Volgograd, 2005); Ilya Bourtnan, "'Blood for Blood, Death for Death': The Soviet Military Tribunal in Krasnodar, 1943," *Holocaust and Genocide Studies* 22, no. 2 (2008): 246–65; Claire P. Kaiser, "Betraying their Motherland: Soviet Military Tribunals of *Izmenniki Rodiny* in Kazakhstan and Uzbekistan, 1941–1953," *The Soviet and Post-Soviet Review* 41, no. 1 (Winter 2014): 57–83; Oleksandr Melnyk, "Stalinist Justice as a Site of Memory: Anti-Jewish Violence in Kyiv's Podil District in September 1941 through the Prism of Soviet Investigative Documents," *Jahrbücher für Geschichte Osteuropas* 61, no. 2 (2013): 223–48; Tanja Penter, "Local Collaborators on Trial: Soviet War Crimes Trials under Stalin (1943–1953)," *Cahiers du monde russe* 49, no. 2 (2008): 341–64; on Latvia: Juliette Denis, "Identifier les 'éléments ennemis' en Lettonie. Une priorité dans le processus de resoviétisation (1942–1945)," *Cahiers du monde russe* 49, no. 2 (2008): 297–318; on Estonia: Olaf Mertelsmann and Aigi Rahi-Tamm, "Cleansing and Compromise: The Estonian SSR in 1944–1945," *Cahiers du monde russe* 49, no. 2 (2008): 319–40; on Ukraine: Amir Weiner, *Making Sense of War: The Second World War and the Fate of the Bolshevik Revolution* (Princeton, 2001), 129–90.

9. On Rostov-na-Donu: Jeffrey Jones, "'Every Family Has its Freak': Perceptions of Collaboration in Occupied Soviet Russia, 1943–1948," *Slavic Review* 64, no. 4 (2005): 747–70, also briefly on the Donbas: Penter, "Local Collaborators," 352–53.

10. Weiner, *Making Sense of War*, 82–126.

11. Bourtnan, "Blood for Blood," 260; Denis, "Identifier," 297–98; Kudriashov and Voisin, "The Early Stages," 287; Melnyk, "Stalinist Justice," 244–45; Penter, "Local Collaborators," 360. See also Juliette Cadiot and Tanja Penter, "Law and Justice in Wartime and Postwar Stalinism," *Jahrbücher für Geschichte Osteuropas* 61, 2 (2013): 161–71.

12. With Hitler's rise to power in 1933, Germany became one of the greatest enemies of the Soviet Union. The Molotov-Ribbentrop Pact, concluded on August 23, 1939, confounded official Soviet notions of good or evil for two years.

but rather a “war of the entire Soviet people” against the Nazis, a struggle against enslavement in which the Soviet Union stood united with all peoples in Europe and America who fought “for their independence, for democratic liberties.”<sup>13</sup> Consequently, Soviet wartime newspapers and novels portrayed Soviet citizens in occupied territory who were said to support the Germans as the lowest of the low, as “dirty renegades” or “petty kulak carrions.”<sup>14</sup> The fight against them would be “ruthless,” Stalin warned, and their punishment strict. Those deemed traitors only deserved one fate: death.<sup>15</sup>

The question that continues to be debated in the literature is whether the state’s actual practice was congruent with ideology. Amir Weiner has argued that the returning Soviet authorities considered those accused of having served the Germans not “by-products of the war but eternal enemies” that war and occupation had helped to uncover.<sup>16</sup> The passing of time had no effect on the state’s punishment policies. In developing his argument, Weiner provides examples of policemen, village heads, and Ukrainian nationalists, yet he also applies it to anyone accused of having helped the Germans: “The irreversibility of any form of collaboration was further underlined by the absolute denial of political or social rehabilitation, even in the face of a dire need for experienced personnel.”<sup>17</sup> In contrast, Jeffrey Jones, Olaf Mertelsmann, Aigi Rahi-Tamm and Tanja Penter have argued that the Soviet regime did not always live up to the harsh image that it projected. In the first post-Nazi occupation years, the authorities allowed for leniency not just in the case of industrial specialists, office clerks and others who had been employed in German-overseen institutions but also, as Mertelsmann and Rahi-Tamm suggested, in the case of some village heads. The “degree of tolerance” that the regime displayed toward some deemed to have helped the Germans mostly resulted from the lack of qualified personnel. It also, as Jones suggested, might have reflected local party leaders’ understanding for the moral gray zones of occupation.<sup>18</sup>

In this article, I argue that both positions raise crucial points, but that framing the debate solely as one of ideology versus pragmatism does not fully capture the nature of Moscow’s politics of retribution. As the Red Army reconquered more and more territory from the Germans, retribution evolved into a process in which different objectives and interests had to be weighed against each other, which in turn explains why punishment became less indiscriminate and less strict after the winter of 1943/44. This balancing act, however, was not free of contradictions. Although the Soviet authorities insisted that the war had been a moral test that did not allow for pragmatic choices, they were not only willing to accommodate their own pragmatic decisions, but also did not hold everyone accused of treason accountable to the same standard.

13. Joseph Stalin, *On the Great Patriotic War of the Soviet Union: Speeches, Orders of the Day, and Answers to Foreign Press Correspondents* (Moscow, 1944), 13–14, quote 14.

14. Karel C. Berkhoff, *Motherland in Danger: Soviet Propaganda during World War II* (Cambridge; Mass., 2012), 234–40.

15. Stalin, *On the Great Patriotic War*, 12–13, quote 12.

16. Weiner, *Making Sense*, 136–37, quote 136.

17. Quoted from Weiner, *Making Sense*, 183.

18. Penter, “Local Collaborators,” 353; Mertelsmann and Rahi-Tamm, “Cleansing and Compromise,” 322, 339; Jones, ““Every Family Has its Freak,”” 753–56, quote 756.

These inconsistent practices reflected tensions between ideology and pragmatism, but that alone does not suffice as an explanation. They also arose from tensions within ideology, namely the belief that the war had uncovered mass enemies in hiding, and the belief that it had been won with the mass support of the Soviet population in occupied territory. In other words, ideological convictions not only co-existed with pragmatic needs that ran counter to these convictions, Soviet ideology was itself also conflicted. The Soviet state that emerged from the war, then, was both powerful and insecure, able to quickly rebuild its authority in the formerly German-occupied territories, but also deeply ambivalent about the politics of retribution that it pursued.

### Soviet Legal Documents as Historical Sources

This article draws in large part on state documents that were for internal use only (party, procuracy and secret police reports including trial records), and state documents such as newspapers that were specifically produced for the public. My aim is not to determine whether the allegations that the state leveled against those it deemed traitors or German accomplices were true. Some, maybe even many of the convicted, had probably committed all, some, or similar acts that they were accused of. This had included taking part in the Holocaust, looting of property, usually accompanied by violence and rape, rounding up people for forced labor in Germany, or participating in German punitive raids. However, the Soviet justice system lacked basic standards of due process (such as independent judges and defense attorneys) that form the precondition for any trial to be considered as impartial as possible. Consequently, Soviet treason trials did not fulfill the criteria necessary to establish beyond doubt the criminal responsibility of the individual. Soviet legal documents relating to these trials therefore have to be treated with considerable caution.<sup>19</sup> At the same time, it is important to distinguish between document types. If cross-checked with other sources, in this case records of the German occupation regime and partisan units, protocols of pre-trial interrogations can provide information on what lawyers would call facts, for example in which German police unit a Soviet citizen had served and what that unit's responsibility was. However, as the pre-trial investigations were conducted by the Soviet secret police, which routinely applied torture during its questioning, people usually confessed to the charges. Confessions, in turn, were then considered sufficient proof of guilt. Any self-accusatory statements by the accused or statements regarding their motives made during the interrogations thus cannot be treated as reliable historical sources. (Correspondingly, a rule of law-based legal system would dismiss statements that were made under

19. Scholars disagree over the usefulness of these documents. For a more positive assessment: Penter, "Local Collaborators" (on trials of Soviet citizens), 361–63; and Alexander Victor Prusin, "Fascist Criminals to the Gallows!": The Holocaust and Soviet War Crimes Trials, December 1945–February 1946," *Holocaust and Genocide Studies* 17, no. 1 (2003): 1–30 (on trials of German soldiers). For a critique of Prusin: Manfred Zeidler, "Der Minsker Kriegsverbrecherprozeß vom Januar 1946. Kritische Anmerkungen zu einem sowjetischen Schauprozeß gegen deutsche Kriegsgefangene," *Vierteljahreshefte für Zeitgeschichte* 52, no. 2 (2004): 211–44.



torture as legally irrelevant). Witness testimonies, on the other hand, were not more or less reliable than witness testimonies made at trials that adhered to due process. Yet even here, a note of caution is necessary. The indictments prepared for public trials of those deemed traitors and German accomplices drew heavily on material by the Extraordinary State Commission (*Chrezvychnaia gosudarstvennaia komissiiia*, ChGK), created by Moscow in November 1942 with the aim to investigate German war crimes. In some cases, the Soviet authorities falsified ChGK reports to cover up Soviet prewar killings, the demolition of religious or cultural monuments, and (possibly) the deliberate destruction of industry during the Red Army's retreat in the summer of 1941. Moscow also used fabricated ChGK material to claim that the Germans had carried out the Soviet secret police's murder of Polish officers at Katyn in 1940.<sup>20</sup> Knowing of these falsifications does not necessarily diminish the value that the thousand of witness testimonies, collected by local ChGK commissions throughout the formerly German-occupied regions, have for historians. Nevertheless, as the secret police controlled and supervised the local ChGK commissions, its officers also often recorded the testimonies. Locals knew this, as they could recognize the secret police by its uniform, and their understanding or expectation of what was permissible to say could have affected their statements.

Soviet trial records and interrogation protocols, then, cannot provide evidence of the accused's acts and motivations. What they—as well as secret police, party and military procuracy reports relating to the prosecution of Soviet citizens—do attest to, however, are regime policies and practices, and the ways in which these changed over time. In order to give equal weight to the voices of non-state actors, this article also draws on memoirs, shorter recollections, and complaint letters to the authorities. Juxtaposing them with state documents makes the similarities and differences in human perception and judgment visible.

### **“Liquidating the Consequences of Enemy Invasion”**

One night in July 1944, a man in a military uniform knocked on the door of an apartment in Minsk where eighteen-year-old Vladimir Svetlov was living with his parents. He took Svetlov away to a half-destroyed building somewhere in the Belorussian capital, where the boy spent the night in a make-shift prison cell. The next morning, Svetlov was greeted by secret police officer Onuchkin: “You didn't think that Soviet rule would return? Well now you see, we have returned.”<sup>21</sup> Svetlov was accused of counterrevolutionary activity, which had consisted of keeping an anti-Soviet nationalist leaflet at home. During his interrogation, the NKVD officer told him: “You here are all

20. Marina Sorokina, “People and Procedures: Toward a History of the Investigation of Nazi Crimes in the USSR,” *Kritika* 6, no. 4 (2005): 797–831, here 804–6. For a critical assessment of the veracity of ChGK documents (here on Estonia) see also Mertelsmann and Rahi-Tamm, “Cleansing and Compromise,” 335.

21. Quoted from Vladimir Svetlov, “‘Osvobozhdennyi’ Minsk 1944 goda,” in Igor' N. Kuznetsov and Iakov Basin, eds., *Repressivnaia politika sovetskoi vlasti v Belarusi. Sbornik nauchnykh rabot*, vol. 2 (Minsk, 2007), 333–45, here 335.

soaked in fascist stench. . . . I, however, gave my blood for the motherland, I was twice wounded, I attacked. And now I have to deal with these different kinds of shit.”<sup>22</sup> For officers like Onuchkin, the task was clear: to “liquidate the consequences of enemy invasion” by finding the “enemies of Soviet power” (*vragi sovetskoi vlasti*) and “servants of the Germans” (*prisluzhniki nemtsev*) who had remained in the recently reconquered Soviet territories.<sup>23</sup> Of all institutions, it was the secret police (NKVD and NKGB, in 1946 renamed into MVD and MGB) whose responsibility it was to investigate what Soviet citizens had done. Some information had already been collected during the war, yet much more still needed to be gathered, not to mention tracking down suspects. As the Front rolled westwards over formerly occupied territory, secret police units within the Red Army also took part. In that process, the secret police could draw on a variety of sources, ranging from partisan units, informer networks and interrogations to captured German documents and complaint letters by Soviet citizens.<sup>24</sup> Material and witness statements collected by the Extraordinary State Commission (ChGK) provided another important source.<sup>25</sup> Prewar surveillance and policing tools, namely the passport and registration card catalogue and the smaller crime surveillance catalogue, were also utilized.<sup>26</sup>

In the eyes of the Soviet regime, the most conspicuous “servants of the Germans” were people who had served in the German-organized police forces in occupied territory. In regions under German civilian control, these police forces were called *Schutzmannschaften*, in regions under German military control, *Ordnungsdienst*.<sup>27</sup> By the end of 1942, the *Schutzmannschaften* had expanded to roughly 300,000 men. The *Ordnungsdienst* probably comprised roughly the same amount of men, given that the territory under military control was about the same size as that under civilian control.<sup>28</sup> As responsibilities of the *Schutzmannschaften* and *Ordnungsdienst* were the same, I refer to both simply as the local police; inhabitants of the occupied territories usually

22. Quoted from Svetlov, “‘Osvobozhdennyi’ Minsk,” 335, 343.

23. These were the words of Panteleimon Ponomarenko, First Secretary of the Communist Party of Belorussia and during the war head of the Soviet partisan movement, in front of the Belorussian Komsomol on June 20, 1944. National’nyi arkhiv Respubliki Belarus’ (hereafter NARB) f. 1440, op. 3, d. 523, l. 77 (Ponomarenko’s speeches and articles, 1944–47, 1950).

24. Amir Weiner and Aigi Rahi-Tamm, “Getting to Know You: The Soviet Surveillance System, 1939–57,” *Kritika* 13, no. 1 (Winter 2012): 5–45, here 23–33. For interrogations as a means of extracting information, see the case of Valentin Rusak, during the German occupation mayor of Baranovichi, west Belorussia: NARB f. 4p, op. 33a, d. 614, l. 1. (Valentin Matveevich Rusak’s file). On the postwar rebuilding and utilization of informer networks (*agentura*) in Belorussia: NARB f. 4p, op. 33a, d. 400, ll. 314–30, here l. 315 (NKGB and NKVD special reports). Also in general: Jeffrey Burds, *Sovetskaia agentura. Ocherki istorii SSSR v poslevoennye gody (1944–1948)* (Moscow, New York, 2006), 41, table 1.

25. Weiner and Rahi-Tamm, “Getting to Know You,” 29–30.

26. On the development of a surveillance system in the 1920s and 1930s: David R. Shearer, *Policing Stalin’s Socialism: Repression and Social Order in the Soviet Union, 1924–1953* (New Haven, 2009), 158–80. On the use to which the secret police put it in their search for traitors: Epifanov, *Otvetstvennost’*, 73.

27. Christian Gerlach, *Kalkulierte Morde. Die deutsche Wirtschafts- und Vernichtungspolitik in Weißrußland 1941 bis 1944* (Hamburg, 1999), 199 (fn. 428), 202, 204–9.

28. On the *Schutzmannschaften*: Martin Dean, *Collaboration in the Holocaust: Crimes of the Local Police in Belorussia and Ukraine, 1941–44* (New York, 2000), 60.

called them *politsai*, from the German word *Polizei*, police. Subordinated to higher German police or military organs, the local police was staffed with Soviet citizens and fulfilled much of the 'leg work' of the occupation regime, in particular in the countryside where German presence, apart from large-scale punitive campaigns, was scarce.<sup>29</sup>

Policemen, however, were not the only ones who had effectively represented the Nazi regime in the localities. Throughout the occupied regions, the Germans by and large kept the organizational structure of the Soviet administration's lower levels (*raion* and below) intact. Due to personnel shortages, they depended heavily on the employment of locals. In each conquered region, Soviet citizens were appointed as town and district mayors and heads of villages.<sup>30</sup> It is difficult to estimate how many locals held these low-level representative posts, by which I only mean policemen, mayors and village heads. On the territory that would constitute Belorussia after 1944, an estimated 80,000 to 90,000 people occupied such positions during the war, about one percent of the prewar population of that territory.<sup>31</sup> Applying this ratio to the estimated sixty million Soviet citizens who lived under German rule, one arrives at a number of 600,000 locals who throughout the Soviet western territories represented the Nazi regime in the localities.<sup>32</sup> However, considering that 600,000 Soviet citizens alone served in the local police forces in occupied territory, the total number must have been higher, probably closer to one million.

In regions where Soviet partisans were active during the war, the men dealt in their own ways with individuals considered traitors. This usually meant shooting them together with their families, thus employing collective punishment.<sup>33</sup> Once Soviet authority returned in full force, however, the state reclaimed its monopoly on violence. Those who had worked as policemen,

29. Dean, *Collaboration in the Holocaust*, 60, 72.

30. Gerlach, *Kalkulierte Morde*, 196–202; Markus Eikel and Valentina Sivaieva, "City Mayors, Raion Chiefs and Village Elders in Ukraine, 1941–4: How Local Administrators Co-operated with the German Occupation Authorities," *Contemporary European History* 23, no. 3 (2014): 405–28, here 408, 411–13.

31. This is my estimate drawing on Gerlach's calculations. 50,000–60,000 Soviet citizens were policemen, 20,000 village heads, and an unknown number of town and district mayors. Gerlach, *Kalkulierte Morde*, 199 (fn. 428), 202, 204–9. By early 1941, Belorussia had a population of 10 million, of which one million lived in those parts of Białystok/Belostok district that were handed back to Poland in 1944, and nine million in the territories that would constitute post-1944 Belorussia. These are my own calculations, based on the 1937 Soviet census (and not on the manipulated 1939 one). See source No. 1 in V.S. Kozhurin, "O chislennosti naseleniia SSSR nakanune Velikoi Otechestvennoi voiny (neizvestnye dokumenty)," *Voenna-istoricheskii zhurnal* no. 2 (1991): 21–26, here 25. On the 1937 census: A.G. Volkov, "Perepis' naseleniia 1937 goda. Vymysly i pravda," in *Perepis' naseleniia SSSR 1937 goda. Istorii i materialy* (Moscow, 1990), volume 3–5, part II, 6–63.

32. This does not include the hundreds of thousands of Soviet citizens who fought as military auxiliaries in the Wehrmacht or SS. For the population size under German rule: Babette Quinkert, "Einleitung," in Babette Quinkert and Jörg Morré, eds., *Deutsche Besatzung in der Sowjetunion 1941–1944. Vernichtungskrieg, Reaktionen, Erinnerung* (Paderborn, 2014), 11–23, here 11.

33. Bogdan Musial, *Sowjetische Partisanen 1941–1944. Mythos und Wirklichkeit* (Paderborn, 2009), 255–61, 314, 321–22; Masha Cerovic, "'Au chien, une mort de chien.' Les partisans face aux 'traîtres à la Patrie,'" *Cahier du monde russe* 49, no. 2 (2008): 239–62.



mayors, or village heads were usually charged with treason (*izmena rodine*), which fell under the category of counterrevolutionary crimes. In trying its citizens for treason instead of, perhaps, complicity in murder or criminal assault, the Soviet Union did not differ from other contemporary post-occupation states, whether in Europe or Asia.<sup>34</sup> In the penal code, treason was defined as “acts committed by citizens of the Soviet Union to the detriment of the military might of the Soviet Union, to the independence of her state or the integrity of her territory.”<sup>35</sup> It did not matter if the accused had held Soviet citizenship prior to 1939 or if they had only become Soviet citizens in 1939–40, as a result of territorial annexations: the legal system made no distinction between these two groups.

In the Soviet Union, counterrevolutionary crimes in general and treason in particular were prosecuted by military courts, which consisted of three judges, or of one judge and two assessors.<sup>36</sup> Military trials were to be open to the public, and a prosecutor (*prokurator*) and defense attorney had to be present, but in practice, trials were usually conducted in secret and in the absence of both prosecutor and defense attorney. The secret police carried out the pre-trial investigations, although the prosecutor, who at once fulfilled prosecuting, investigative and protesting functions, could also be involved.<sup>37</sup>

Of all counterrevolutionary crimes, treason constituted, in the words of contemporary leading Soviet lawyers, “the gravest and most heinous offence” during World War II.<sup>38</sup> It was tried under Articles 58–1a (for civilians) and 58–1b (for soldiers) if the military court applied the penal code of Soviet Russia. If the penal codes of other Soviet republics were applied, treason was tried under different articles, yet given that the texts were identical, it did not matter which one was used.<sup>39</sup> Treason carried the death sentence for civilians and soldiers, but if the military court could determine “mitigating circumstances” in the case of civilians, it could lower their sentence to ten years hard labor.<sup>40</sup> It was also possible to be sentenced for minor counterrevolutionary activity, which the penal code defined as “relations” with a “foreign state.” Depending on the individual case, it was punished with as little as three years hard labor, but could also result in summary execution.<sup>41</sup>

For the Soviet authorities, two problems soon arose. For one, the existing

34. On east Asia: Kushner, *Men to Devils, Devils to Men*, 120; Lawson, “Wartime Atrocities,” 1–9, 33–49. On Europe: Tony Judt, *Postwar: A History of Europe Since 1945* (New York, 2005), 44–50; Kudriashov and Voisin, “Early Stages,” 268–69.

35. Quoted from Aron Trainin et al., eds., *Ugolovnyi kodeks RSFSR. Kommentarii* (Moscow, 1944), 64; *Ugolovnyi kodeks Belorusskoi SSR* (Moscow, 1944), 12. For the legal basis of postwar punishment: Kudriashov and Voisin, “Early Stages.”

36. On the fusion of civil and military authority in Soviet law: Harold J. Berman and Miroslav Kerner, *Soviet Military Law and Administration* (Cambridge, Mass., 1955), 64–65, 101–2, 109–10, 133–34.

37. Berman and Kerner, *Soviet Military Law*, 110–24, 163.

38. Quoted from Trainin et al., *Ugolovnyi kodeks*, 65.

39. In the case of Belorussia, treason was tried under articles 63–1 (for civilians) and 63–2 (for soldiers). See the respective penal codes on counterrevolutionary crimes: Trainin et al., *Ugolovnyi kodeks*, 64–77; *Ugolovnyi kodeks Belorusskoi SSR*, 12–4.

40. Trainin et al., *Ugolovnyi kodeks*, 64; *Ugolovnyi kodeks Belorusskoi SSR*, 12.

41. Trainin et al., *Ugolovnyi kodeks*, 67; *Ugolovnyi kodeks Belorusskoi SSR*, 20.

law on treason was not very detailed. Not only was it unclear what was to count as mitigating circumstances, but the nature of the crime itself was also only vaguely defined in the text. In consequence, a person who worked as a cook for the Germans could be judged under the same article as a policeman, which is also what happened in practice.<sup>42</sup> Secondly, and as evidenced by such cases, it was not clear just who exactly had been “servants of the Germans.” In the eyes of the authorities, those who had held representative posts in the occupation regime certainly could be described as such. However, as Soviet officials discovered early in the war, local involvement with the Germans was much more widespread and complex than the case of policemen, town mayors, and village heads suggested. Indeed, for Soviet citizens in occupied territory, it was impossible not to come in contact with the German regime, whatever form that contact took. What to make, for example, of Soviet citizens who worked as office clerks in the district and town administrations, which included departments such as housing, health, finances and education, and who, in various ways, willingly or unwillingly, became entangled and complicit in German policies?<sup>43</sup> And what about those whose work brought them in close contact with the Germans, for example translators or newspaper editors, not to mention the many more who, like teachers or engineers, were employed in German-overseen institutions? In their reports, secret police and party members often spoke of people who “worked under the Germans” (*rabotali u nemtsev*), but there was no agreement on who was to fall into that category.<sup>44</sup> “Working under the Germans” could be understood in a narrow sense, and only refer to policemen, town mayors and village heads. It could also, however, be understood in a broader sense and include everyone who had continued to work in his or her profession under the Germans. In their search for “servants of the Germans,” then, the returning Soviet authorities also sought to determine just what precisely working for the occupiers had entailed.

Prosecution for treason began in late 1941, after the Red Army, in its first counteroffensive, regained territories in western Russia. In this early reconquest phase, punishment was particularly strict, as the example of Kalinin province shows: half of the defendants charged with treason were sentenced to death. Among them was a woman who had worked as a cleaning lady for the German commander. Moscow soon grew alarmed by military tribunal reports that stressed the NKVD’s improper qualification of crimes, and moved to clarify the legal basis of retribution.<sup>45</sup> Several directives were issued throughout 1942 and 1943, including an April 19, 1943 decree by the Supreme Soviet of the USSR. This decree (*ukaz*) provided the foundation for the Soviet prosecution of German and other Axis soldiers, but it also applied to Soviet citizens accused of serving the Germans. The decree introduced a distinction

42. Kudriashov and Voisin, “Early Stages,” 272.

43. The staff of local administrations, for example, compiled lists of Jewish residents, oversaw the distribution and sale of Jewish property, and were involved in the administration of ghettos. Eikel and Sivaieva, “City Mayors, Raion Chiefs and Village Elders,” 417–24; Jones, ““Every Family Has its Freak,”” 753.

44. *Rabotali u nemtsev* can also be translated as “working for the Germans” or “working with the Germans.”

45. Kudriashov and Voisin, “Early Stages,” 281–83.

between ‘traitors’ (*izmenniki*, also *izmenniki rodiny*) and ‘accomplices’ (*posobniki*). Traitors were Soviet citizens guilty of murder and mistreatment of Soviet prisoners of war and civilians; they should receive the death sentence. Soviet citizens considered accomplices to these acts were to receive a forced labor camp sentence between 15 and 20 years.<sup>46</sup>

The April 1943 decree, however, appears to have had only limited effect on practice, as can be deduced from a Supreme Court instruction issued in November 1943. In this document, the Supreme Court criticized the practice of military tribunals of classifying every action of Soviet citizens deemed to have served the Germans as treason.<sup>47</sup> It therefore saw the need to further specify who traitors were: Soviet citizens who had worked for the Germans in leading positions in the local administration or police; those who had denounced partisans, soldiers or communists to the Germans; those who had participated in the murder of, as well as violence against, the local population; those who had taken part in the robbery of private and/or state property; and those who had served as soldiers in the German army. Traitors were to be shot. Accomplices who had actively helped the Germans with the reconstruction of industries, transport and agriculture, and with collecting goods for the Wehrmacht were to be sentenced to 15–20 years hard labor.<sup>48</sup> If civilians, then traitors and accomplices were to be tried under article 58–1a (or its corresponding republican versions) or under the April 1943 decree. Two groups were to remain unprosecuted: Soviet citizens who had “been employed in administrative positions” under the Germans but who had supported partisans or who had committed sabotage, and minor employees of the administration including teachers, engineers or agricultural specialists, as long as they had not committed any crimes.<sup>49</sup>

The November 1943 instruction, it seems, was the most detailed one ever issued by Moscow, reflecting a move toward systematization and clarification. The real turning point in the state’s politics of retribution, however, occurred in the winter of 1943/44. By that time, the Red Army had pushed the Germans from western Russia and parts of Ukraine and Belorussia; Soviet forces would reclaim all of Ukraine, Belorussia, and most of the Baltic countries before summer 1944. During those first months of 1944, a noticeable change took place: punishment became less strict. As reports by NKVD military tribunals operating in Belorussia show, during these first post-occupation weeks and months, the death penalty was much less common than one might have expected. Of the 360 civilians who in May and June 1944 were tried under the treason article 58–1a (or 63–1), for example, nine percent received the death

46. For the text of the April 19, 1943 decree: Rossiiskii gosudarstvennii arkhiv sotsial’no-politicheskoi istorii (RGASPI) f. 17, op. 3, d. 1047, ll. 34, 232–33 (Politburo sessions 16 March–20 June 1943, protocol No. 40). On its origin: Andreas Hilger, Nikita Petrov and Günther Wagenlehner, “Der ‘Ukaz 43’: Entstehung und Problematik des Dekrets des Präsidiums des Obersten Sowjets vom 19. April 1943,” in *Sowjetische Militärtribunale. Band 1*, 177–209, here 184–85.

47. Penter, “Local Collaborators,” 349; G. Z. Anashkin, *Otvetsvennost’ za izmenu rodine i spionazh* (Moscow, 1964), 43.

48. Penter, “Local Collaborators,” 349–50; Anashkin, *Otvetsvennost’*, 43–44.

49. Quoted from Anashkin, *Otvetsvennost’*, 44.

penalty, while the rest were sentenced to hard labor. Of the 134 people tried under the April 1943 decree, all received hard labor sentences.<sup>50</sup> The ratio of death penalty to prison sentence dropped further in the next two years: of the 3,134 people convicted of treason in Belorussia during the second half of 1946, for example, only four percent were given the death penalty, while the rest received hard labor sentences, the majority of them ten years in the Gulag.<sup>51</sup> A similar trend—that labor camp sentences were more common than the death penalty—was also observed in the first post-occupation months and years in Ukraine.<sup>52</sup>

One might think that this development was the result of a learning process, in other words, that the Soviet judiciary now drew a neat distinction between traitors, who received the death penalty, and accomplices, who received forced labor sentences. Yet, although punishment did become less indiscriminate, probably in response to Moscow's November 1943 instruction, this explanation does not suffice to explain the moderation of punitive policies. Among the inhabitants of Belorussia sentenced to forced labor were former policemen, alleged spies, and village heads who were said to have killed or mistreated Soviet citizens, reported partisans to the Germans, or stolen property. According to the April 1943 decree and the November 1943 instruction, these individuals should have been categorized as traitors and thus received the death sentence. By far not all of them did, however.<sup>53</sup> How can that be explained?

While military courts certainly had some leeway in their decisions, it is inconceivable that they simply disobeyed Moscow's instructions. Even if the center combined proactive with retroactive actions, Stalin and the Politburo set the general policy, and the courts adhered to it. This can clearly be seen in later developments. In May 1947, probably with an eye to its international image, the Soviet state abolished the death penalty.<sup>54</sup> As if to compensate, the Ministry of Justice soon criticized the military courts operating in the formerly occupied regions for being too lenient with alleged traitors.<sup>55</sup> Of the 1,211 people who had been convicted of treason in Belorussia during the first half of 1947, about 61 percent received a 10-year sentence, while only about seven percent received a 25-year sentence.<sup>56</sup> In response to Moscow's criticism, the military courts quickly began to hand out stricter sentences. Of the 1,589 people who were convicted of treason in Belorussia during the second half of 1948, about 83 percent received a 25-year sentence, while only about

50. NARB f. 4p, op. 29, d. 22, l. 35 (special reports from the NKVD, NKGB and the NKVD military tribunals in Belorussia).

51. NARB f. 4p, op. 29, d. 600, ll. 233–34 (special reports from the procuracy of Belorussia, the military prosecutor, and the military tribunals).

52. Penter, "Local Collaborators," 356.

53. See the 1944 and 1946 reports of the NKVD/MVD military tribunals operating in Belorussia: NARB f. 4p, op. 29, d. 22, ll. 32–40; NARB f. 4p, op. 29, d. 600, 233–34.

54. On the abolishment of the death penalty: Berman and Kerner, *Soviet Military Law*, 89–90.

55. Penter, "Local Collaborators," 355.

56. NARB f. 4p, op. 29, d. 688, l. 155 (documents from the military prosecutors and military tribunals).

15 percent received a 10-year sentence.<sup>57</sup> In January 1950, the death penalty was reinstated for alleged traitors, spies, and saboteurs.<sup>58</sup> Because a statute of limitation did not exist for treason, the state tried people for their wartime activities all the way into the late 1980s.<sup>59</sup>

The moderation of punishment after the winter of 1943/44 should also not be understood as an increase in the due process of law. The Soviet legal system continued to lack the conditions necessary to establish the criminal responsibility of the individual. When people were sentenced in secret (as the majority were), their trials were usually quick, conducted within hours. At public military trials, the authorities were careful to project an image of legality, which included the presence of witnesses and defense attorneys.<sup>60</sup> Yet, as the Soviet criminal justice system considered confessions sufficient proof of guilt, and because torture applied during the pre-trial investigations usually led people to admit to the charges, the accused's guilt had typically already been established prior to the trials. The only question remaining was what sentence they should receive.<sup>61</sup>

The most plausible explanation for the moderation of punishment, then, is that as the Red Army reconquered more and more territory, Moscow's politics of retribution increasingly came to be shaped by considerations about the postwar period that went beyond the need to demonstrate power and reclaim authority. The shortage of experienced personnel certainly played a role, as the example of teachers will show, but so did, I would suggest, the regime's self-image. After all, the Soviets saw themselves as liberators even in the territories that had only been annexed in 1939/40. While it was still important to mete out punishment, the government deemed it sufficient by 1944 to send most of those convicted for treason to the Gulag, and not to the gallows. Had the secret police proceeded according to the 1943 April decree and the November 1943 instruction, then the number of executions in Belorussia would have been higher than the number of executions during the Great Terror 1936–38, when an estimated 30,000 inhabitants of the republic were killed.<sup>62</sup> Executing

57. NARB f. 4p, op. 62, d. 43, l. 395 (special reports from the military prosecutors and military tribunals).

58. Berman and Kerner, *Soviet Military Law*, 89–90.

59. Penter, "Local Collaborators," 342.

60. The majority of public trials took place right after the Red Army had reconquered a region, but some later trials were also open for local audiences to attend. In Belorussia, for example, at least five trials that took place from April to June 1944 in Gomel', Mogilëv, and eastern Polesia region were public. NARB f. 4p, op. 29, d. 22, l. 34. In the first half of 1946, probably at least three trials in Minsk region were public. Gosudarstvennyi arkhiv Minskoi oblasti (GAMO) f. 1p, op. 2, d. 143, ll. 137–40, 143–53, 167–74, 264–71 (NKGB, NKVD, police and procuracy reports, Minsk region).

61. On lack of witnesses and torture as acknowledged in secret police reports: NARB f. 4p, op. 29, d. 22, ll. 35–7; NARB f. 4p, op. 29, d. 600, ll. 64, 227–32; also Svetlov, "'Osvo-bozhdennyi' Minsk," 340–41. On confessions as sufficient proof of guilt: Berman and Kerner, *Soviet Military Law*, 111–12.

62. These are my own calculations (taking into account that the overall percentage of death sentences to Gulag sentences was roughly equal during the Great Terror), based on source No. 66 in V. Danilov et al., eds., *Tragediia sovetskoi derevni. Kollektivizatsiia i raskulachivanie. Dokumenty i materialy v 5 tomakh, 1927–1939. Tom 5, kniga 2: 1938–1939* (Moscow, 2006), 156–64, here 161.



every village head in the formerly occupied western regions could have had a severely destabilizing effect on local communities, turning people against the Soviet authorities, which would have made it more difficult to portray the regime as a guarantor of justice and rightful punishment.

### Moral Choices, Pragmatic Choices

This balancing of different objectives and interests, however, was not free from contradictions. Moscow continued to insist that the war was a defining moment in time, one that revealed people's true loyalties.<sup>63</sup> Consequently, the returning Soviet authorities did not show any understanding for the moral gray zones of occupation. Combined with an analysis of procuracy reports, the letters that individuals deemed 'German servants' wrote to the authorities demonstrate this well.

In March 1946, a man by the name of V. Mikhodievskii wrote to the Supreme Soviet of the USSR. Born in Minsk in 1912, Mikhodievskii had worked as a German-language teacher before the war. During Nazi rule, the German labor office ordered him to work either as a teacher or translator. "To work as a teacher meant raising children in the spirit of fascism," he wrote, which is why he chose to be a translator in the industry section of the Minsk city administration.<sup>64</sup> When the Soviets returned, he was sentenced to forced labor in a brick-making plant in Bobruisk, east Belorussia. As Mikhodievskii wrote: "I work here together with former policemen and their family members, a group of people that I can neither be compared to with regards to my activities under the Germans nor with regards to my moral qualities. . . . The country needs specialists. The schools need teachers. . . . After all, I have the knowledge and the abilities and the strong desire to be of as much use as possible to my country."<sup>65</sup> In his letter, Mikhodievskii raised an important issue: given the conditions of the German occupation, just how should people have behaved? In other words, what constituted guilt? Mikhodievskii maintained that it had been possible to work in 'regular,' minor jobs (here as a translator within the city administration), but not to work for the Germans in the way that a policeman (or in this case, a teacher) had done. According to him, a clear difference existed between individuals like himself, who in his mind had remained morally untainted, and other locals like policemen and their families, who in his mind had morally implicated themselves. In doing so, Mikhodievskii essentially argued that because of the constraints imposed by the Germans, people in occupied territory could not choose *not* to work for the Germans. Yet, just what working for the Germans meant differed from person to person. Some made the choice to support them: these were the policemen, but also people in administrative posts who actively and willingly implemented German policies. Others, according to Mikhodievskii, merely fulfilled

63. Weiner, *Making Sense*, 8, 10, 135; Jones, "Every Family Has its Freak," 753.

64. Quoted from V. Mikhodievskii's letter: Gosudarstvennyi arkhiv Rossiiskoi Federatsii (GARF) f. 7523, op. 31, d. 160, l. 57 (petitions by repatriates and those who lived under occupation).

65. Quoted from GARF f. 7523, op. 31, d. 160, l. 57.

their jobs without harboring any political sympathies for the Germans. Put another way, it was impossible to say ‘no,’ but a ‘yes’ carried radically different implications—you could become morally implicated or you could remain morally untainted.

In his reasoning, then, Mikhodievskii asked the authorities to take into account the circumstances under which he had come to work as a translator. As his letter did not contain follow-up information, I do not know what happened to him, but I doubt that his plea was successful. In my analysis of the reports that military prosecutors and the main prosecutor of Belorussia wrote on the work of the military tribunals from 1944 to 1950, and in particular on the verdicts under review, I did not come across one single case where such external constraints, pressures or factors were taken into consideration. In other words, the Soviet judiciary did not take into account the circumstances under which people came to be employed by the Germans. Soviet citizens should have refused to enter German service and gone to the forests to fight with the partisans, even if most partisan units only began to exist much later into the war. For the Soviet authorities, people like Mikhodievskii had made a moral, and not a pragmatic choice.

At the same time, the wartime Soviet state was willing, indeed eager, to coopt into its ranks those whom it considered the worst traitors. These individuals were what one could call ‘traitors-turned-partisans,’ that is, Soviet citizens who had served in the German-organized local police forces (or in other German institutions), but eventually defected and joined the Soviet partisans. Encouraging them to come over to the Soviet side was a deliberate policy, actively promoted by Panteleimon Ponomarenko, head of the Soviet partisan movement from 1942 to 1944 and First Secretary of the Communist Party of Belorussia from 1938 to 1947. By the early fall of 1942, this policy had found Stalin’s approval.<sup>66</sup> Commanders were instructed to infiltrate police units with informers that could organize the defection of policemen to the partisans.<sup>67</sup> According to a July 1943 directive, the aim was to “propagandize broadly” that every return to the Soviet side “has the full possibility to merit the pardon of the Soviet people.”<sup>68</sup>

To be sure, the secret police instructed its operational units to interrogate defectors after their arrival in the units and to thoroughly check their “former treacherous activity,” at times sentencing them to death.<sup>69</sup> Changing sides, then, was a dangerous task, and few did it in 1942. Throughout 1943, however, the number of defectors grew. The tide had turned: by now it was clear that the Soviet Union would win the war. In September 1943, Lavren-

66. On Ponomarenko’s crucial role: Kenneth Slepyan, *Stalin’s Guerrillas: Soviet Partisans in World War II* (Lawrence, 2006), 43–44, 47, 225–27.

67. Musial, *Sowjetische Partisanen*, 265–66. On the NKVD informers’ efforts in Gomel’ and Polesia district who prepared the defection of policemen to the Soviet side in August 1943, and on policemen and soldiers of the Russian Liberation Army that joined the partisans in Mogilëv region in September 1943 see also NARB f. 4p, op. 33a, d. 400, ll. 98–9, 154 (NKGB and NKVD special reports).

68. Quoted in Slepyan, *Stalin’s Guerrillas*, 221.

69. Quoted from NARB f. 4p, op. 33a, d. 400, ll. 151–52. On death sentences: Musial, *Sowjetische Partisanen*, 268–69.

tii Tsanova, head of the NKGB in Belorussia and also deputy to the head of the Soviet partisan movement (Ponomarenko), remarked on the panic that reigned in a police garrison in Bobruisk: "Large-scale defections to the partisan side were reported." Some even tried to bribe the Soviet agents in charge of organization: "Individual people who wish to come over to our side pay large sums of money to the mediator and middlemen, sometimes even hand them gold."<sup>70</sup>

By the time the Soviet partisan movement was disbanded in the summer of 1944, 'traitors-turned-partisans' were not a marginal phenomenon. According to official Soviet sources compiled in 1946, 281,007 partisans had been active in Belorussia, the center of Soviet partisan warfare. To this number can be added another 79,484 individuals, probably older people, women, and/or children who served as guards in partisan zones or fulfilled individual missions. Overall, then, the partisan movement in Belorussia had comprised 360,491 people. For about 249,653 partisans, data exists on their whereabouts before joining the movement. While most came directly "from their place of residence," meaning local civilians not affiliated with the occupation regime, almost 40,000 were former Red Army soldiers who had escaped German captivity or encirclement. Another 29,521 partisans had previously served in the "German army, police and [other] institutions," more than ten percent of those partisans on whom data is available. Most of them were still alive by the late summer of 1944, and more than 16,000 'traitors-turned-partisans' were eventually drafted into the Red Army.<sup>71</sup>

Of those who survived the war, some likely hoped that their recent heroism would help to conceal their earlier, much more problematic or implicated past. Others genuinely seemed to believe that the Soviet regime would forgive them; after all, it appeared to have done so during the war. Ivan Nizov, for instance, was a Red Army officer who early on fell into German captivity. From a prisoner-of-war camp in Prussia, he was taken to Breslau and put into the so-called Radionov brigade, named after its commander Vladimir Radionov, a Kuban Cossack and former Red Army officer. In February 1943, Nizov's unit was relocated to west Belorussia; six months later, the Radionov brigade, more than 3,500 men, went over to the Soviet side. For almost a year, Nizov fought with the partisans, reportedly killing many policemen and Germans. When the partisan movement was disbanded, he was arrested for fighting against the motherland and sentenced to ten years hard labor.<sup>72</sup> In his letter to Ponomarenko, Nizov expressed his surprise and outrage at being labeled a traitor: when going over to the partisans, they were told that "with our transfer, we had redeemed our guilt towards the motherland, and that not one finger

70. Both quotes from NARB f. 4p, op. 33a, d. 400, l. 202.

71. These numbers were compiled by the Belorussian Staff of the Partisan Movement (as of January 1946) on the basis of lists provided by the individual brigades and units. Quoted from NARB f. 4p, op. 33a, d. 634, l. 1 (data on the partisan movement in Belorussia).

72. See Ivan Nizov's letter to Ponomarenko, May 16, 1945: NARB f. 4p, op. 29, d. 472, ll. 211–19 (petitions to Ponomarenko). The Radionov brigade also goes by the name Rodionov, Gil'-Radionov, or Radionov-Gil.

would be laid on us. But the opposite happened. . . . why weren't we arrested on the day when we went over to the partisans?"<sup>73</sup>

The so-called Radionov brigade, however, was no ordinary Wehrmacht formation. It was the SS brigade *Druzhina I*, temporarily attached to one of the most notorious SS formations, the Dirlwanger brigade. In the spring of 1943, the *Druzhina* men took part in the largest German anti-partisan operation in Belorussia, in the course of which numerous villages were burned to the ground and up to 13,000 civilians killed.<sup>74</sup> Ivan Nizov, however, stressed that he "never took part in the fight against partisans, neither actively nor passively" and that he also did not participate in any punitive actions against civilians, in particular not in the burning of the village Azartsy. During his interrogation, he signed a confession, but only so that he could escape the "moral and physical abuse by the investigators." The crimes that he was accused of, Nizov wrote, were figments of his investigators' imagination.<sup>75</sup>

Ivan Nizov appears not to have realized it, but he could call himself fortunate. As a member of an SS unit, he usually would have been sentenced to death, but the year that he fought with the partisans counted as a mitigating factor; ten years hard labor was a light sentence. The same happened to a man called Martynkevich, whom the NKVD military tribunal of Bobruisk region sentenced in 1948 to 25 years in the Gulag. During the war, Martynkevich had served for a year in the German police but then joined the partisans. As the NKVD military tribunal of Belorussia noted, however, the lower court failed to take into consideration that Martynkevich, upon disbandment of his partisan unit, had joined the Red Army. During his service, he was critically wounded, losing his left leg as a result, and received several awards. In light of this, Martynkevich's sentence was lowered to ten years.<sup>76</sup>

From a practical point of view, accepting policemen into partisan units made sense. In contrast to civilians, these men were experienced fighters, accustomed to the conditions of guerilla warfare (or rather, the fight against it) and in possession of weapons. Although their full redemption was impossible, partial redemption was. As I. Sakharov, head of the secret police military courts in Belorussia, put it in 1949, these men had "partly washed away their guilt towards the motherland with their blood."<sup>77</sup> It is debatable whether this was only a partial legal redemption or also a partial moral (or political) one. As Nizov and Martynkevich's further fates are unknown, this question has to remain unanswered. Regardless, the postwar treatment of these men remains striking: 'traitors-turned-partisans' were the only ones in whose cases

73. Quoted from NARB f. 4p, op. 29, d. 472, l. 217.

74. This operation called *Cottbus* took place May 20–June 23, 1943 in the Begomel'/Lepel' region northeast of Minsk. Musial, *Sowjetische Partisanen*, 195–207. On the Radionov/SS *Druzhina I* brigade and its participation in the destruction of villages and killing of locals, see Alexander Dallin and Ralph S. Mavrogordato, "Rodionov: A Case-Study in Wartime Redefection," *American Slavic and East European Review* 18, no. 1 (1959): 25–33, here 27–28.

75. Both quotes from NARB f. 4p, op. 29, d. 472, l. 213.

76. NARB f. 4p, op. 62, d. 43, l. 38 (special reports from the military prosecutors and military tribunals). For similar cases: NARB f. 4p, op. 62, d. 43, ll. 275, 396.

77. NARB f. 4p, op. 62, d. 43, l. 396.

Soviet military tribunals systematically took mitigating circumstances into account. In other words, on the one hand, the Soviet authorities maintained that the war had been a moral test that did not allow for pragmatic choices. On the other hand, the authorities were not only willing to accommodate their own pragmatic decisions, they also did not hold everyone accused of treason accountable to the same standard. These contradictory practices were brought about by the state's balancing of different objectives and interests, reflecting tensions not only between ideology and pragmatism, but also within ideology. Perhaps no person exemplified this better than Panteleimon Ponomarenko.

### Conflicting Ideological Beliefs

In a February 1943 speech in front of the Central Committee of the Belorussian Communist Party in Moscow, Ponomarenko evoked pre-existing notions of enemies. Commenting on the situation in occupied territory, he indiscriminately spoke of policemen, mayors and village heads as locals chosen by the Germans from among the “remains of the shattered kulak class and bandit-criminal elements,” noting that the partisans mercilessly exterminated all ‘traitors.’<sup>78</sup> The kulak theme was present from the very beginning of the war: in NKVD reports, “kulak elements” were often blamed for agitating against Soviet power and supporting the Germans. As NKVD officer Vasilii Zasukhin wrote to Moscow in December 1941, “in the occupied territories, the kulaks display extraordinary counterrevolutionary energy.”<sup>79</sup> Another reported that the Germans were choosing as village heads “former kulaks and other anti-Soviet elements.”<sup>80</sup> These images did not fade even as the punishment of the very same people believed to be enemies became less strict from the winter of 1943/44 on—which could also explain why the Soviet authorities had no understanding for the moral gray zones of occupation. In a March 1945 speech, for example, Ponomarenko again pointed to the “remnants of the shattered kulak class” and “capitalist elements” as “enemies of the people and of Soviet power, forthright mercenaries of the German invaders.”<sup>81</sup> This time he also included various nationalists (Polish, Belarusian, and Ukrainian) among the enemies still present in Belorussia, some actively fighting against Soviet power, others mostly in hiding. In this and subsequent speeches, Ponomarenko put all the blame for the poor performance of collective farms in east Belorussia and the slow collectivization of west Belorussia on these groups that “precisely were the ones, as everybody knows, who worked for the Germans during the occupation.”<sup>82</sup>

At the same time, Ponomarenko maintained that the war had been an all people's war (*vsenarodnaia voina*). From the war's very beginning, Ponomarenko

78. Quoted from NARB f. 1440, op. 3, d. 522, l. 154 (Ponomarenko's speeches and articles, 1941–1943).

79. Quoted from NARB f. 4p, op. 33a, d. 63, l. 29 (NKGB and NKVD reports about the situation in occupied territory).

80. Quoted from NARB f. 4p, op. 33a, d. 63, l. 49.

81. Quoted from NARB f. 1440, op. 3, d. 523, l. 163.

82. Quoted from NARB f. 1440, op. 3, d. 523, l. 340.



renko played a crucial role in persuading Stalin that Soviet partisan warfare could only be successful if transformed into a mass struggle. In that sense, the recruitment of policemen into partisan units not only followed from pragmatic considerations, but also represented the most extreme manifestation of this belief.<sup>83</sup> After the war, in his capacity as First Secretary of the Communist Party of Belorussia, Ponomarenko was instrumental in shaping Belorussia's specific role within the larger Soviet narrative of the all people's war. As he highlighted at the May 9, 1945 victory celebrations in Minsk: "Hundreds of thousands of glorious sons of the Belorussian people joined partisan units. . . . Millions of people from Belorussia (*milliony belorusskogo naseleii*) helped the Red Army and the partisans, with an inextinguishable faith in the quick defeat of the German aggressors and the resurrection of Soviet power."<sup>84</sup> From the end of the war until the demise of the Soviet Union, such remarks on the mass participation and contribution of 'ordinary people' were common in many of the war-related articles published in Belorussia's main newspaper, *Sovetskaia Belorussia*. In January 1947, for example, *Sovetskaia Belorussia* highlighted that "the all people's partisan war (*vsenarodnaia partizanskaia voina*), which developed on Belorussian soil temporarily occupied by the enemy, represented a significant contribution to the common cause of defeating the horde of German-Fascist robbers."<sup>85</sup> In other words, within the official image of the war as an all people's war, Belorussia's specific contribution came to be the all people's partisan war that had been made possible through the undivided support of the Belorussian people (*belorusskii narod*)—even, as Minsk and Moscow implied, in the regions that had only been annexed from Poland in 1939.<sup>86</sup>

As the example of Ponomarenko shows, both during and after the war, two beliefs existed at once: that the war exposed mass enemies in hiding, people who had been and would always be hostile to Moscow, and that the war revealed people's mass support for Soviet rule. The state's politics of retribution, then, reflected not just tensions between ideology and pragmatism, specifically between the regime's high moral standards and the accommodation of its own pragmatic choices. They were also shaped by tensions within Soviet ideology, resulting from two conflicting ideological beliefs. These sets of tensions not only co-existed, they often overlapped, not just in the cases of 'traitors-turned-partisans,' but also in the authorities' behavior toward Soviet specialists who had worked in German-overseen institutions, and even in Moscow's treatment of the Soviet population as a whole that had lived under Nazi rule.

83. As argued by Slepyan, *Stalin's Guerrillas*, 43–44, 47.

84. Quoted from *Sovetskaia Belorussia*, no. 85, May 10, 1945, 2.

85. Quoted from *Sovetskaia Belorussia*, no. 2, January 3, 1949, 1–2.

86. For a few examples: *Sovetskaia Belorussia*, no. 127, June 28, 1947, 2, "The partisans of Belorussia in the fight for the motherland"; *Sovetskaia Belorussia*, no. 219, November 3, 1948, 3, "A story about the partisan war"; *Sovetskaia Belorussia*, no. 83, April 23, 1950, 2–3, "A book about the partisan movement in Belorussia"; *Sovetskaia Belorussia*, no. 152, July 3, 1956, 3, "The special day of the Belorussian people"; *Sovetskaia Belorussia*, no. 84, April 10, 1960, 2, "The road to victory."

### Lingering Suspicions

According to Moscow's November 1943 instruction, minor employees of the German administration, as well as teachers, engineers, and others who had worked in German-overseen institutions, were not to be prosecuted if they had not committed any crimes. After the war, the Soviet state usually continued to employ them in their respective fields of expertise, even in positions in which they had worked under the Germans. Teachers are a good example. Of the roughly 4,500 teachers who by June 1946 were working in Minsk region schools (excluding the city of Minsk), about 3,300 had lived in occupied territory, yet had not fought with the partisans. Of those, two thirds had engaged in farm work, but some 1,100 had worked in schools or in other German institutions.<sup>87</sup> This ratio was similar in other regions. Of the 50,172 teachers employed in Belorussia by the summer of 1947, 35,009 had stayed in occupied territory and had not joined the partisans. Around that time, the Ministry of Education conducted a thorough investigation of all schools and discovered that 2,157 educators had even received their training in prewar Poland or during the German occupation. The report made no indication that these teachers should be dismissed, however.<sup>88</sup> Rather, it called for extensive "retraining" (*perepodgotovka*) of educators who had lived in occupied territory. This included extra evening and Sunday lectures on the correct ideological upbringing of children, on Soviet patriotism, Marxism-Leninism, and the teaching of history in schools. Instructors were regularly sent out to the republic's schools to monitor the success of the retraining measures.<sup>89</sup>

In continuing to employ people who had worked in German-overseen institutions, the need for qualified labor, in particular for specialists working in industry, health care, education, and agriculture, played a crucial role. War and occupation had left Belorussia utterly devastated: about 1.7 to 2 million people, or 19 to 22 percent of the population that by the summer of 1941 had lived in the territories that would constitute postwar Soviet Belorussia, were killed or died as a result of the war.<sup>90</sup> Among the survivors, the number of locals who had worked under the Germans was significant, as a December 1944 report on the registration of Minsk's population shows. In the five months after the Soviets' return to Minsk, the police had re-registered 100,156 people. Of these, 20,519 people, about one-fifth of the city population at that time, had worked in "German institutions" (*v nemetskikh uchrezhdeniakh*), although it is unclear from the report what exactly "institutions" meant.<sup>91</sup> If we factor in that not every inhabitant was of working age, then the number of those who had worked in German institutions during the war was, in proportion to the overall December 1944 labor force, even higher. For this reason (the lack of

87. GAMO f. 1p, op. 9, d. 35, l. 6 (report on the schools in Minsk region).

88. NARB f. 4p, op. 17, d. 103, l. 8 (quote), ll. 12. (Belorussian Ministry of Education, report about its cadres).

89. NARB f. 4p, op. 17, d. 103, ll. 12–15, quote l. 12.

90. These are my own calculations. To speak of the republic's 'prewar population' would be incorrect, given that the pre-1941 territory of Belorussia was larger than its post-1944 territory. For similar numbers: Gerlach, *Kalkulierte Morde*, 1158–60.

91. GAMO f. 1p, op. 2, d. 54, l. 125 (NKVD and NKGB special reports, Minsk region).

personnel and the fact that many cadres had worked under the Germans), the Soviet regime put much emphasis on the education and training of recent high-school graduates. Yet, education took time. In the meantime, the Soviet authorities simply could not afford *not* to employ those who had worked in German institutions.

It is of course possible that once the first round of postwar higher education graduates entered the labor force, locals who had been employed in whatever capacity by the Germans were replaced by younger, untainted workers. Unfortunately, the Minsk region school reports after 1946 no longer provide information on how many teachers had not only stayed in occupied territory, but had also worked as teachers during that time. The total number of teachers in Minsk region (excluding the city) had increased by the beginning of the 1950/51 school year, however, the number of those who had stayed in occupied territory had not decreased, but was even slightly higher than in June 1946.<sup>92</sup> Obviously, this increase could have been the result of recent graduates who had lived as teenagers in occupied territory but received their pedagogical training after 1944. Still, this indicates that having lived under Nazi rule did not categorically preclude one from the educational sector. It is also possible that the teachers' gender mattered. Of the educators in Belorussia in 1947, the majority, about sixty-eight percent, were women.<sup>93</sup> My impression is that the Soviet authorities took a slightly different view on locals' passivity when it came to women. In their opinion, nothing could plausibly explain why an able-bodied man did not fight with the partisans but remained at home. Women, however, were deemed responsible for the care of children and older relatives. As such, they might have been less expected to live under very difficult circumstances in the forests, without a steady food supply and adequate means of protecting themselves from cold weather, not to mention from sexual harassment.<sup>94</sup> If the authorities indeed held different expectations of men and women, then the teachers' gender might have worked to their advantage after the war, making it possible for women to be employed as teachers even if they had lived under Nazi rule, perhaps even worked as educators during the war.

At the same time, though, the Soviet authorities were highly suspicious of those who had been employed in German-overseen institutions. Given the enormity of the task, the secret police probably did not have the capacity to examine every worker's wartime history, yet its members remained highly alert. In a June 1946 report to the Minsk regional party committee, A. Maksimenko, head of the administration of the Minsk region MGB, provided detailed information on some current teachers. One woman, Anastasiia Koren'kova from the Vitebsk region, was accused of having married a German officer dur-

92. GAMO f. 1p, op. 9, d. 118, l. 11 (Minsk executive committee report about the schools in Minsk region).

93. NARB f. 4p, op. 17, d. 103, l. 42.

94. On the ubiquity of sexual harassment, male sexual exploitation and strategic 'marriages,' see Slepian, *Stalin's Guerrillas*, 329–38. For the perspective of a female partisan, see Sulia Wolozhinski Rubin, *Against the Tide. The Story of an Unknown Partisan* (Jerusalem, 1980), 109–20.

ing the war.<sup>95</sup> Another woman, Tereza Vykhota, had supposedly told a former student that “in the name of dialectical and historical materialism . . . [a] million people died in this war” and that if it were not for the not-yet collectivized agricultural sector in west Belorussia, “we would all long ago have died of hunger.”<sup>96</sup> Vykhota’s husband had been arrested and convicted in 1938. During the German occupation, she had taught history in a school in Molodechno district and allegedly used “fascist journals” in her classes. At the time of the report, she was a teacher of history and the constitution in a middle school in Minsk. Maksimenko, the head of the regional MGB administration, concluded that “teachers who had worked in German-organized schools raised Soviet children in the fascist counterrevolutionary-nationalist spirit, educated them to hate the Communist Party, and made them believe that the German army would bring down the Soviet Union.”<sup>97</sup>

It is unknown what happened to the women in Maksimenko’s report, although it is very likely that some of them were eventually arrested for their wartime activities. Throughout the postwar years, the Soviet authorities continued to worry that investigations were not thorough enough, and that people who had worked under the Germans might be of harm to Soviet institutions. In his March 1948 report on the military courts’ work, Artimenkov, the military prosecutor of the MVD in Belorussia, cited the example of Vasili Rubanov. During the German occupation, Rubanov headed the agricultural department in the Pukhovichi district’s administration. He was accused of having spread anti-Soviet propaganda, punishing locals for not fulfilling his orders, and joining a counterrevolutionary organization, the German-organized *Soiuz bor’by protiv bol’shevizma* (Union of the Fight against Bolshevism). Although Rubanov left with the retreating Germans, he later returned to Belorussia and managed to conceal his past. By 1948, he was again working in his field of expertise, employed by the Institute of Agriculture, which was affiliated with the Academy of Sciences. As Artimenkov wrote, the Rubanov case showed that “such specialists, former active accomplices of the German-Fascist occupiers, can not only be of no use whatsoever to those institutions and enterprises in which they work, but can also be of harm.” This was why, Artimenkov continued, it was necessary to conduct “much more rigorous examinations of the trustworthiness of those specialists” who had stayed in occupied territory and “to determine what they had done during that period.”<sup>98</sup>

The authorities’ suspicion, so clearly expressed in Artimenkov’s report, also extended beyond specialists who had worked in German-overseen institutions.<sup>99</sup> The questionnaires (*ankety*) that one had to fill out before being admitted to university or beginning a new job always asked about the

95. GAMO f. 1p, op. 2, d. 143, l. 570.

96. GAMO f. 1p, op. 2, d. 143, first quote l. 561, second quote ll. 562.

97. Quoted from GAMO f. 1p, op. 2, d. 143, l. 560.

98. Both quotes from NARB f. 49, op. 29, d. 688, l. 390.

99. Berkhoff locates this suspicion at the highest level, in and around Stalin’s inner circle: Berkhoff, *Motherland in Danger*, 223, 242. The suspicion also extended to Red Army soldiers who had fallen into German captivity and former civilian forced laborers. Briefly: Penter, “Local Collaborators,” 351. Even former partisans were not exempt: Slepian, *Stalin’s Guerrillas*, 277.

whereabouts of that person during the war, specifically if someone had stayed in occupied territory.<sup>100</sup> Those who answered in the positive had to fear being denied educational or professional opportunities, even if they had only been children during the war. In June 1946, for example, N.P. Dolzhenko from Nikolaev region in southeastern Ukraine wrote to the Supreme Soviet. A teenager when the Germans occupied his native region, he was drafted into the Red Army in 1944. After the war, his commanders refused him entry into a military training school because he had lived under occupation (“*byl v okkupatsii*”).<sup>101</sup> Indeed, people could be denied educational opportunities not so much for what they themselves were suspected of having done, but for what their relatives had done. In 1951, for instance, Aleksandr P., a medical student in Minsk, was expelled from university for having hidden crucial autobiographical information, namely the fact that his father had worked for the Germans as an agricultural specialist.<sup>102</sup> This general suspicion of Soviet citizens who had stayed in occupied territory was, of course, profoundly at odds with the official narrative of the war as an all people’s war. Yet even if it lost some intensity over the years, it nevertheless lingered on for decades after the war.

### The Ambivalent State

During the first two years of Nazi-Soviet war, the punishment that Soviet military tribunals meted out against Soviet citizens deemed ‘servants of the Germans’ was often severe and sweeping, to the point that Moscow grew alarmed. At the heart of the problem lay a lack of clarity about one crucial question: just what exactly had constituted treacherous behavior during the war? ‘Working under the Germans’ (*rabotali u nemtsev*), as party leaders and secret police officers called it, was a nebulous, loose category. It could be understood to mean only those who had represented the occupation regime in the localities: policemen, mayors and village heads. It could, however, also be understood in a broader sense to encompass anyone who had worked in German-overseen institutions, for example teachers or office clerks. Throughout 1943, Moscow issued a series of legal instructions that were aimed at systematization and clarification, and indeed, after the winter of 1943/44, punishment became less indiscriminate. From that time on, however, Soviet military courts also began to hand out lower sentences than they should have, at least according to Moscow’s previous instructions. This moderation of punitive policies should not be mistaken for an increase in the due process of law: Soviet justice remained illiberal. Rather, it was brought about by shifting political circumstances,

100. The wording was as follows: “Did you live in territory that was temporarily occupied by the Germans during the [Great] Patriotic War (where, when, and job during that time)?” Quoted from the *anketa* of F. V. Prutnikov, January 7, 1947, NARB f. 4p, d. 29, op. 729, l. 392 (petitions to Ponomarenko).

101. Quoted from Dolzhenko’s letter: GARF f. 7523, op. 32, d. 443, l. 2 (petitions by repatriates and those who lived under occupation).

102. See P.’s letter (source No. 209) in: Aleksandr Guzhaloŭski, ed., “... *Milastsi Vashai prosim*,” *albo Adzin god v naveishai gistoryi Belarusi, adliustravany ŭ listakh, zaiavakh, skargakh i inshykh formakh zvarotu gramadzian* (Minsk, 2006), 216–7. The editor did not publish last names.



which led to a recalibration of state priorities. As the Red Army was reconquering more and more territory from the Germans, retribution evolved into a process in which different objectives and interests had to be weighed against each other: reclaiming authority by way of punishment, yet also portraying the Soviet state as liberator and guarantor of justice, while facing a shortage of experienced personnel.

This balancing act, however, was not free of contradictions. On the one hand, Moscow thought of the war as a test that revealed people's true loyalties, and thus showed no understanding for the moral gray zones of occupation. Correspondingly, external pressures and constraints did not count as mitigating factors in Soviet justice. On the other hand, the Soviet authorities were not only willing to accommodate their own pragmatic choices, they also did not hold everyone accused of treason accountable to the same standard. These inconsistent practices reflected tensions between ideology and pragmatism, yet that alone does not suffice as an explanation. They also arose because of conflicting ideological beliefs, namely that the war uncovered mass enemies in hiding, and that it revealed mass support for Soviet rule in the occupied territories. These different sets of tensions—between ideology and pragmatism and within ideology itself—co-existed and often overlapped, becoming visible not just in the case of 'traitors-turned-partisans,' but also in the regime's treatment of Soviet specialists who had been employed in German-overseen institutions, as well as in its treatment of the Soviet population as a whole that had lived under Nazi rule. The kind of Soviet state that emerged from the Second World War, then, was at once powerful and insecure, able to quickly reassert its authority in the formerly German-occupied territories, yet at the same time deeply ambivalent about its politics of retribution.