

Russian Émigrés in the Bern Trial of the “Protocols of the Elders of Zion” (1933-1935)

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Résumé

Entre novembre 1933 et mai 1935, un procès attira l'attention internationale sur la ville de Bern. Les communautés juives de Suisse avaient porté plainte contre les Nazis pour la distribution des Protocoles des Sages de Sion, le document supposé témoigner de plans secrets pour la domination juive du monde. Les plaignants essayèrent de démontrer que les Protocoles étaient un faux antisémite en présentant une histoire cohérente et convaincante de la genèse de ce texte. Tout au long des débats, les deux parties eurent recourt à des émigrés russes en vue (qui, pour la plupart, vivaient en France) pour obtenir des informations, documents et témoignages à charge. Comme le montrent les archives, le procès de Bern ne fut donc pas une simple confrontation entre les Juifs de Suisse et les Nazis, mais aussi entre deux camps à l'intérieur de l'émigration russe.

In the summer of 1903 a series of articles with the title “Program for World Conquest by the Jews” was published in an obscure right-wing newspaper in St. Petersburg.¹ The newspaper itself folded soon after; only a few rare copies can now be found in select libraries. The text, however, which was distributed here for the first time, was to have an extraordinary career. Largely ignored at the time, it had, by the 1920s, been translated into all major world languages; several million copies had been printed.

The text came to be known as the *Protocols of the Elders of Zion*, this anonymous work of undefined genre (dubbed “protocols” only by subsequent editors) which is still used today by anti-

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¹ “Programa zavoevan’ia mira evreiami”, *Znamia*, 190 (28 August/10 September 1903) – 200 (7/20 September 1903).

Semites across the globe to accuse the Jews of conspiring in a sinister quest for world domination. The text, which is largely a compilation of literary pieces from the second half of the nineteenth century, was in all likelihood written at the beginning of the twentieth century. It may have been fabricated in Russia, but it could have been Russian agents in Paris.² Contrary to public opinion, it is not yet known exactly how the text came into existence. In particular, it is not clear who was involved in the production and what their aims were. Precisely this lack of clarity has led to extensive, and often fanciful, speculation.

The *Protocols* consist of 60 to 80 pages, divided into 24 sections. It appears to be the literal reproduction of a speech given by an anonymous Jewish leader at a meeting of the undefined “Elders of Zion” in an undisclosed location on an unspecified date. This speech outlines in great detail – in the style of a confession – the secret methods and goals of a century-old Jewish-Freemason conspiracy against the entire non-Jewish world.

The *Protocols* start by revealing in great detail the strategies and tactics with which the alleged Jewish plotters, with significant help from the Freemasons, intend to sabotage all spheres of political, social, economic and cultural life. They aim to make these fields subordinate to their own goals. Christian nations will be worn down through revolution, war and anarchy; ruined through financial manipulation and demoralised through rationalism, materialism and atheism (Marx, Nietzsche and Darwin are named). There follows a description of the Jewish world empire, built on the ruin of the old world order. It will be a perfectly organised, centralised and patriarchal dictatorship with a king from the House of David at its helm. This world leader is described as a charismatic figure, a model of virtue, self command and reason. Admired by the masses, he is indeed almost idolized.

² For the most important recent studies on the *Protocols*, see Pierre-André Taguieff, *Les Protocoles des Sages de Sion. Faux et usages d'un faux*, Paris, Berg International Fayard, 2004; Cesare G. De Michelis, *The Non-Existent Manuscript: A Study of the Protocols of the Sages of Zion*, transl. by Richard Newhouse, Lincoln and London, Nebraska UP, SICSA, 2004; and Vadim Skuratovskii, *Problema avtorstva Protokolov sionskikh mudretsov*, Kiev, Duh i litera, 2001.

“The king of the Jews, say the ‘Elders’, must not be at the mercy of his passions... [He] must sacrifice to his people all personal inclinations.”³ A benevolent despot, the Jewish king will rule with an iron will and a firm hand over a harmonious, united and pacified world. In the words of the ‘Elders’ who see themselves as ‘benefactors’: “Our authority will be glorious because it will be all-powerful... Our authority will be the crown of order, and in that is included the whole happiness of man.”⁴

In the end then, it is neither enslavement, nor outright destruction which is threatening the non-Jews. Quite the opposite: the aim of the Jewish conspirators is a ‘new society’; a totalitarian welfare dictatorship with socialist features. It will be an empire in which the majority of people, despite being completely controlled and manipulated, live in happiness and peace.

The Jewish world kingdom can be seen as a diabolical perversion of the Kingdom of God, and it would be interesting to compare it and its benefactor-leader with other famous negative utopias of Russian literature, e.g. Fedor Dostoevskii’s *Grand Inquisitor*, who – like the Elders of Zion – deems the majority of human beings weak and despicable, and who deprives them of freedom in exchange for bread and games, Vladimir Solov’ev’s *Antichrist*, also a “superman” and “benefactor”, who gains world power with the help of the “mighty brotherhood of the Freemasons” and builds his reign on the promise of universal peace and welfare, or Evgenii Zamiatin’s “Benefactor”, the all-powerful ruler of the totalitarian “One-State”. But that would be another topic.⁵

By the beginning of the First World War, several versions of the *Protocols* had appeared in Russia. The edition which became

³ *The Protocols of the Learned Elders of Zion*, transl. from the Russian of Sergyei A. Nilus by Victor E. Marsden, London, Britons, 1972, pp. 88-89.

⁴ *Ibid.*, p. 85.

⁵ See Michael Hagemeister, “Die Protokolle der Weisen von Zion – eine Anti-Utopie oder der Große Plan in der Geschichte?” in Helmut Reinalter, ed., *Verschwörungstheorien. Theorie – Geschichte – Wirkung*, Innsbruck, Studien Verlag, 2002, pp. 45-57.

the most well known was the one first published in 1905 by Sergei Nilus (1862-1929) in his devotional book *The Great in the Small and the Antichrist as an Imminent Political Possibility*.⁶ Beyond Russia's borders the *Protocols* remained unknown until after the 1917 revolution. Russian émigrés brought them to the West where they caused a sensation; and not only in right-wing, anti-Semitic circles. In May 1920 *The Times* of London asked: "What are these 'Protocols'? Are they authentic? If so, what malevolent assembly concocted these plans, and gloated over their exposition? Are they a forgery? If so, whence comes the uncanny note of prophecy, prophecy in parts fulfilled, in parts far gone in the way of fulfilment?"⁷

The vigorous response to the *Protocols* and the uneasy feeling it aroused among even the most level-headed contemporaries pointed to the need for a rapid clarification of their origins. Relief was therefore widespread when *The Times*, in August 1921, managed to show that large sections of the *Protocols* were a distorted and plagiarized version of a French political pamphlet, Maurice Joly's *Dialogue aux Enfers entre Machiavel et Montesquieu ou La politique au XIX^e siècle* (published anonymously in 1864 in Brussels).⁸ But who prepared the plagiarism? This question was quickly answered by contemporary witnesses, who claimed to have detailed knowledge of how the manuscript originated.

The most important witness here is a French *comte*, Alexandre Armand de Blanquet du Chayla (1885-1945). And the tale he told in May 1921 in the Paris émigré newspapers *Poslednie novosti* and *Evrejskaia tribuna* was of a conspiracy; to be precise, a sinister

⁶ For Nilus' biography, see this author's article in *Biographisch-Bibliographisches Kirchenlexikon*, vol. 21, Nordhausen, Bautz, 2003, pp. 1063-67, available at http://www.bautz.de/bbkl/n/nilus_s_a.shtml. For a shorter version, see Michael Hagemeister, "Nilus, Sergei", in Richard E. Levy (ed.), *Antisemitism: A Historical Encyclopedia of Prejudice and Persecution*, vol. 2, Santa Barbara, CA, ABC-CLIO, 2005, pp. 508-10.

⁷ From a correspondent, "'The Jewish Peril'. A Disturbing Pamphlet. Call for Inquiry," *The Times*, 8 May 1920, p. 1.

⁸ See, [Philip Graves], *The Truth About "The Protocols". A Literary Forgery. From The Times of August 16, 17, and 18, 1921*. London, Times, [1921].

anti-Semitic conspiracy.⁹ Toward the end of the nineteenth century Petr Rachkovskii (1850-1910), head of the Foreign Agency (*zagranichnaia agentura*) of the Russian political police – the famous *Okbrana*, which resided in a wing of the Russian Imperial Embassy at 79 rue de Grenelle in Paris – commissions his associate Matvei Golovinskii (1865-1920) to fabricate an anti-Jewish text. It is in the *Bibliothèque Nationale*, that Golovinskii concocts what is to become the *Protocols*. The French manuscript reaches the hands of Sergei Nilus, a Russian mystic and religious writer in good standing at the Tsar's court. He translates and publishes the text in 1905 as the *Protocols of the Elders of Zion*. With the help of the Tsar, the *Protocols* are widely disseminated and used to fuel the fires of anti-Semitic hatred – leading to devastating pogroms. So far du Chayla's story.

The opponents of the *Protocols* were delighted, particularly since du Chayla had lived for an extended period in Russia and had known Sergei Nilus, the editor of the *Protocols*, personally. Nilus had apparently shown him the French manuscript and confessed that he had received it from Rachkovskii. Overall, du Chayla's depictions of the fanatical Nilus, the sinister machinations of the secret police, and the intrigues and conspiracies of the court, which had all led to the fabrication of the *Protocols*, seemed coherent and persuasive. In addition, they were written in a colourful and enthralling manner, and remain to this very day a favourite source, referred to frequently by opponents of the *Protocols*.¹⁰

⁹ A. du Chayla, "S.A. Nilus i 'Sionskie Protokoly'," *Poslednie novosti*, 12 May 1921, pp. 2-3; 13 May 1921, pp. 2-3; idem, "Vospominaniia o S.A. Niluse i Sionskikh Protokolakh. (1909-1920)," *Evrejskaia tribuna*, 14 May 1921, pp. 1-7; also in French: "Serge Alexandrovitch Nilus et les 'Protocoles des Sages de Sion' (1909-1920)," *La Tribune Juive*, 14 May 1921, pp. 3-4. See also "Nilus, Fanatic Author of 'Zion Protocols', Admitted in 1909 'They Were Tissue of Lies,'" *The New York Call*, 13 June 1921, p. 6; and "Nilus, Perpetrator of the Protocols, Exposed. A.M. du Chayla, in 'La Tribune Juive', Explains How Protocols came Into Possession of Nilus, His Fanatic Belief in Them and Their Origin," *The American Hebrew and Jewish Messenger*, 17 June 1921, pp. 119, 121, 128, 129, 136.

¹⁰ Even recently the French expert on the *Protocols* Pierre-André Taguieff calls du Chayla's testimony on Sergei Nilus and the origins of the *Protocols* "certainly

Du Chayla and his version of the origins of the *Protocols* from Rachkovskii's forgery workshop in Paris also played a central role in the internationally renowned trial which took place between 1933 and 1935 in Bern, Switzerland.¹¹ In June 1933 the United Jewish Communities of Switzerland (Schweizerischer Israelitischer Gemeindebund, SIG) and the Jewish Community (Israelitische Kultusgemeinde) of Bern had filed a lawsuit in the Bern District Court against the disseminators of the *Protocols*, members and sympathizers of the anti-Semitic Swiss National Front. The plaintiffs invoked a local Bern law from 1916 referring to "moving pictures and measures against indecent literature (*Schundliteratur*)."¹² Article 14 of the law prohibits "putting into circulation" of texts, songs and images which may "incite or teach someone to commit a crime, to endanger good morals, to gravely violate the feeling of decency, to exert a brutalizing influence, or to otherwise arouse serious objections."

the most important and trustworthy" (certainement le plus important et le plus digne de foi). Taguieff, *Protocoles*, p. 41. The personality of du Chayla is still shrouded in mystery. During the 1930s he lived in Suresnes near Paris. After the occupation of France his personal papers were confiscated by the Germans. Later they fell into the hands of the Red Army, were brought to Moscow and hidden in a secret archive (*osobyi arkhiv*). There they were detected in 1993 by the author.

¹¹ For a good and concise depiction, see, Urs Lüthi, *Der Mythos von der Weltverschwörung. Die Hetze der Schweizer Frontisten gegen Juden und Freimaurer – am Beispiel des Berner Prozesses um die „Protokolle der Weisen von Zion“*, Basel and Frankfurt am Main, Helbing & Lichtenhahn, 1992. See also John S. Curtiss, "Protocols of Elders of Zion," 8. The Bern Trial, in Isaac Landman, ed., *The Universal Jewish Encyclopedia*, vol. 4, New York, NY, 1941, pp. 48-52; Norman Cohn, *Warrant for Genocide. The Myth of the Jewish World Conspiracy and the "Protocols of the Elders of Zion"*, Chico, CA, Scholars Press, 1981, pp. 216-231; Henryk Baran, "Protocols of the Elders of Zion' on Trial," in *Antisemitism*, vol. 2, pp. 569-70. The Bern trial is also the topic in Hadassa Ben-Itto's *The Lie That Wouldn't Die: The Protocols of the Elders of Zion* London, Vallentine Mitchell, 2005, a kind of historical novel, based on documents, but with invented episodes, dialogues, and inner monologues. The book with its peculiar mix of fact and fiction was enormously successful among critics and has been translated into many languages.

¹² The German term 'Schund' can mean trashy, smutty, indecent, obscene or offensive. For the purposes of this article, 'indecent' will be used.

The nominal charge was therefore against the sale of indecent literature. The primary aim was not, however, to punish the Swiss Nazis who were on trial. Instead, it was hoped that proving the *Protocols* were a forgery would be a decisive victory over the intense anti-Semitism which was especially virulent in Nazi Germany.¹³

As preparation and in order to proceed with the trial, the plaintiffs formed a legal committee with the prominent Bern lawyer Boris Lifschitz (1879-1967) as chair. Originally from Ukraine, he had, however, political reasons for maintaining his distance from the events (he had worked as legal advisor to the Soviet mission in Switzerland in 1918). In his place, a young lawyer, Georges Brunschvig (1908-1973) took the most public role, since he was, in Lifschitz' words, "an unknown quantity" ("*ein unbeschriebenes Blatt*").¹⁴

In June 1934, at an internal legal meeting in the boardroom of the Jewish community building in Basel, Brunschvig stressed that the *Protocols* were the basis of the anti-Semitic movement in Germany and Switzerland. The aim therefore was to uncover the "mechanics" of the falsification; "to reach a verdict" in which "expertise, witnesses and documents" demonstrated that the *Protocols* were a forgery. Proof of the falsification must be attested to by a Swiss court. Lifshitz added that this public revelation – and labelling – would be in the "interests of all the Jews."¹⁵

¹³ A trial which was already under way against disseminators of the *Protocols* in Basel was deferred in favour of the Bern trial, since the Canton Basel had no law against the dissemination of indecent literature. The proceedings in Basel finished in July 1936 with a settlement.

¹⁴ Boris Lifschitz to Helene Lifszyc, 31 May 1935, in Wiener Collection, Tel Aviv: Bern Trial, box 28.

¹⁵ Protocol of a meeting of the legal committee, 1 June 1934 (note: "strictly confidential!"), in Archiv für Zeitgeschichte (Archive for Contemporary History; hereafter: AfZ), Zurich: SIG papers, box 77. From the anti-Semitic side and from a number of Swiss newspapers the Jewish plaintiffs were therefore accused of solely using the court for their case, namely to prove the spuriousness of the *Protocols*. Werner Ursprung, lawyer of the defendants, to the judge's office, 28 November 1933, in State Archive of the Canton Bern: BB 15.1.1557 b, 117-119.

At the same time, it was in the plaintiffs' interest to have a lengthy process in which the other side could state their position in detail. The secretary of the United Jewish Communities of Switzerland and leader of the action against anti-Semitism, Saly Mayer (1882-1950), pointed out in a confidential circular to the representatives of the individual Jewish communities, that this would be the only way to ensure that "an image of complete objectivity" was communicated to the public.¹⁶ In a subsequent letter to the communities, Mayer called on the representatives to use their contacts with the press to encourage as much press coverage of the trial as possible.

As the plaintiffs themselves were no specialists on Russian matters, they turned for help within and without the Soviet Union. An extensive search in Russian archives and libraries was coordinated by Aleksandr Tager (1888-1939), a Moscow lawyer and author of a book on the Beilis affair, who reported the relatively meagre findings to Bern.¹⁷ Outside the Soviet Union, a search for information was launched by Il'ia Cherikover (1881-1943), a famous Jewish historian, now living in Paris, author of a book on pogroms in Ukraine during the Russian Civil War and one of the founders of the Institute for Jewish Research in Wilna (now in New York).¹⁸

¹⁶ Saly Mayer, letter of 2 November 1934, in AfZ : SIG papers, box 76. On Saly Mayer and his role in the Bern trial, see Hanna Zweig-Strauss, *Saly Mayer (1882 - 1950). Ein Retter jüdischen Lebens während des Holocaust*, Cologne, Böhlau, 2007, pp. 66-68.

¹⁷ See, Michael Hagemester, "V poiskakh svidetel'stv o proiskhozhdenii Protokolov sionskikh mudretsov": Izdanie, ischeznuvshee iz Leninskoi biblioteki", *Novoe literaturnoe obozrenie* 96 (2009), pp. 134-53. The correspondence between Tager and the plaintiffs is kept in the Archiv für Zeitgeschichte, Zurich.

¹⁸ Cherikover's extensive correspondence is kept in the Tcherikower Archives, YIVO Institute, New York, the Bakhmeteff Archive, Columbia University, New York (Svatikov Collection), the Hoover Institution, Stanford (Boris I. Nicolaevsky Collection), the Archiv für Zeitgeschichte, Zurich (SIG papers), and the Wiener Collection, Tel Aviv. See, Henryk Baran, "The Struggle Against the 'Protocols': Alexandre du Chayla, Sergei Svatikov and the Trial in Bern," paper presented at the VII ICCEES World Congress, Berlin 2005. I wish to thank Professor Baran, Albany, for information on the New York archives.

Cherikover contacted several important Russian historians and former political figures, both Jewish and non-Jewish, who were at that time all living in Paris. Among them was Sergei Svatikov (1880-1942), an expert on the Tsarist secret police abroad; Vladimir Burtsev (1862-1942), both an activist and historian of the Russian revolutionary movement, who had become famous by exposing a great number of *agents provocateurs*; Boris Nikolaevskii (1887-1966), another prominent historian and archivist of the Russian revolutionary movement; Genrikh Sliozberg (1863-1937), a lawyer and Jewish activist; and Pavel Miliukov (1859-1943), the former leader of the Constitutional Democratic Party, who as the editor of *Poslednie novosti* in 1921 first published du Chayla's story.

All these people were to appear at the trial in Bern as expert witnesses. Burtsev and Svatikov were financially distressed, while Nikolaevskii, who recently fled from Germany, also had financial concerns. Honoraria played an important role in securing not merely their testimony, but their active participation in the search for the origins of the *Protocols*. The formula devised by Cherikover to finesse the issue of honoraria – potentially delicate, since it could be used by Nazi propaganda – was that he was commissioning contributions for a volume of papers and documents on the *Protocols*. This work, for which he asked the Swiss plaintiffs the sum of 25,000 French Franks, has never materialized, and it is unclear whether Cherikover actually ever intended to complete it.¹⁹

During the main hearings, in October 1934 and April/May 1935, the plaintiffs summoned a wide range of witnesses and experts. These included several participants of the First Zionist Congress in Basel, the president of the World Zionist Organiza-

¹⁹ Protocol of a meeting of the plaintiffs with Cherikover, Svatikov, Sliozberg, and Nikolaevskii, Paris 13-15 January 1934, in AfZ: Collection Schwedt. All that came out was a small *étude* by Cherikover "Les 'Protocoles', leur origine et leur diffusion" (ca. 1935), a manuscript of 36 pages, which went unpublished, but is kept in AfZ: SIG papers, box 56 (Russian version, box 61). Burtsev later published a book on the *Protocols* and the Bern trial "Protokoly sionskikh mudretsov", *Dokazannyi podlog (Rachkovskii sfabrikoval 'Protokoly sionskikh mudretsov', a Gitler pridal im mirovuiu izvestnost')*, Paris, 1938; new edition Moscow, Slovo, 1991.

tion, Chaim Weizmann (1874-1952), as well as the Russian émigrés from Paris: Svaticov, Burtsev, Nikolaevskii, Sliozberg and Miliukov. The plaintiffs' carefully planned strategy was clear. A unified and plausible story about the origins of the *Protocols* should prove their character as a fabricated and anti-Semitic concoction. The publicity surrounding the court proceedings would ensure that the message reached a wide audience.

The guidelines for the witness statements were – as can be seen from the plaintiffs' correspondence – based on du Chayla's version that the *Protocols* originated from Rachkovskii's forgery workshop. This version was used despite increasing internal doubts about the truth of his tale.²⁰ Boris Nikolaevskii, for example, one of the coordinators on the side of the plaintiffs and an expert on the Tsarist secret police, had conducted extensive research and come to the conclusion that Rachkovskii “under no circumstances could have had anything to do with the preparation of the *Protocols*.”²¹ He called du Chayla a “swindler” (“*prokhodimets*”), who had no idea whatsoever about the origins of the *Protocols*.²² Nevertheless, Nikolaevskii did not present his findings at the trial, since, as he wrote later, such an action “would have been a stab in the back of the Russian experts, and would have objectively disorganized the campaign against Hitler.”²³

Du Chayla, who appeared in Bern as prime witness,²⁴ seems to have been motivated primarily by the desire for financial gain. Even his sensational accounts of the origins of the *Protocols* written in 1921 had been produced for a fee. Now he demanded

²⁰ This becomes clear in the unpublished correspondence between the plaintiffs and their witnesses, which is kept in the Archiv für Zeitgeschichte, Zurich, and is being prepared for publication by the author.

²¹ Boris Nikolaevskii to Boris Lifschitz, 10 August 1937, in AfZ: SIG papers, box 57.

²² Boris Nikolaevskii to Vera Cohn, 15 August 1964, in The Boris I. Nikolaevsky Collection, Hoover Institution, Stanford: series 11, box 20, folder 24.

²³ Ibid.

²⁴ Lifschitz called du Chayla “our crown witness” (*unser Kronzeuge*); protocol of a meeting of the legal committee, Bern, 25 August 1934, in AfZ: Collection Schwedt. Du Chayla himself was quite aware of his importance: “je suis le seul témoin réel, le seul qui a vu”, he wrote to Lifschitz, 2 May 1935, in AfZ: SIG papers, box 85.

4000 Swiss Francs to turn up at the trial; a sum which took a great deal of effort for the plaintiffs to raise. Due to this his appearance was almost aborted.²⁵ What the plaintiffs had no way of realizing was that in Russia du Chayla had come out as an anti-Semite who himself believed in conspiracy theories. In 1913, during the notorious blood libel trial against Mendel Beilis in Kiev, du Chayla had worked as a journalist for the *Revue contemporaine*, a French-language periodical published in St. Petersburg and intended as an organ of Russian propaganda in Western Europe. In his articles du Chayla had supported the blood accusation and called on the “secret leaders of the Jewish nation” to repent.²⁶

The defendants, who felt forced to prove the authenticity of the *Protocols*, had been trying in vain for some time to find an expert witness willing to take the stand. They eventually encountered Ulrich Fleischhauer (1876-1960), founder (together with the former diplomat Georg de Pottere, 1875-1951) and head of the private propaganda and news agency “Welt-Dienst” (World-Ser-vice). This organization, based in Erfurt, was dedicated to “the resolution of the Jewish question” and the dissemination of the *Protocols*.²⁷ The “Jewish question” could be “resolved”, according to the “Welt-Dienst”, through “full Zionism” (*Voll-Zionismus*), i.e., the establishment of a Jewish national state on Madagascar.²⁸ Fleischhauer, a retired colonel, was a victim of

²⁵ For more on the difficult negotiations between du Chayla and the representatives of the plaintiffs, see their correspondence in the archives of the SIG (Zurich), the Svaticov Collection (New York), and the Tcherikower Archives (New York).

²⁶ Alexandre du Chayla, “A propos du Procès de Kieff,” *Revue contemporaine*, 5/18 October 1913, pp. 217-18.

²⁷ Contact was arranged by Boris Toedtli (1901-1944), a Swiss fascist and anti-Semite, born in Russia. A request to the ‘Brown House’ in Munich, the national headquarters of the Nazi Party, to furnish the defence with an expert witness, was unsuccessful. On Toedtli, see Robert C. Williams, “Tödtli – A Berne Defender of the *Protocols*,” *Wiener Library Bulletin*, vol. 23 (1969), pp. 67-71.

²⁸ On Fleischhauer and “Welt-Dienst” see, Magnus Brechtken, “*Madagaskar für die Juden*”: Antisemitische Idee und politische Praxis 1885-1945, Munich, Oldenbourg, 1997, pp. 43-61, 68-74.

his own conspiriological obsessions. He intended to counter the “Underground Jewish International” with an “Aryan International of Anti-Semitism”, which was equally as conspiratorial as its imagined enemy: it operated with code names and code addresses, and aimed to create an international network of opposition to the Jews.

But the Jewish side also succumbed to the temptation of conspiracy theories. They believed that Fleischhauer’s “Welt-Dienst” truly was an “international anti-Semitic secret society” which, according to the *Israelitische Wochenblatt für die Schweiz*, had about 30,000 agents in all countries.²⁹ It was now, given the opportunity presented by the Bern trial, daring to crawl out of its (in Georges Brunschvig’s words) “subterranean passageways and nesting places.”³⁰ The reality was, at least in this case, quite different. Fleischhauer’s “Welt-Dienst” was indeed an industrious society,³¹ but it also had a certain sect-like character, and its international activities were being watched with increasing suspicion by Germany’s Gestapo and SD (Security Service). Goebbels’ Ministry of Propaganda had initially promised Fleischhauer its support during the Bern trial but this support was withdrawn following an internal report which questioned the material authenticity of the *Protocols*.³² Fleischhauer, who was at that time not a member of the Nazi party, NSDAP, repeatedly bemoaned the lack of response and support by officials in the National Socialist state.

When Nikolai Markov (1866-1945) became main coordinator on the side of the defendants of the *Protocols*, he had already been

²⁹ *Israelitisches Wochenblatt für die Schweiz*, 11 November 1938, p. 1.

³⁰ Emil Raas and Georges Brunschvig, *Vernichtung einer Fälschung. Der Prozess um die erfundenen “Weisen von Zion”*, Zurich, Die Gestaltung, 1938, p. 45.

³¹ Strictly speaking, the “Welt-Dienst” was not even a registered society, but simply a loose international alliance of like-minded persons.

³² See Helmut Heiber, *Walter Frank und sein Reichsinstitut für Geschichte des neuen Deutschlands*, Stuttgart, DVA, 1966, pp. 1062-3. Rogge argues the opposite – without documentation: Fleischhauer admitted (“he ... told us”) after the war that he had received 30,000 marks from the Ministry of Propaganda for the Bern trial. See Oetje John Rogge, *The Official German Report*, New York and London, Thomas Yoseloff, 1961, p. 76.

leader of the extreme right in Tsarist Russia and, after the Revolution, in Berlin and Paris. In 1935 he moved to Erfurt and became an associate of Fleischhauer in the “Welt-Dienst”. In order to collect information about the origins of the *Protocols*, the authenticity of which he did not call into doubt, Markov started an extensive correspondence among his like-minded compatriots. The correspondence, scattered among various archives in Russia, Western Europe, the United States and Israel, represents a kind of “Who’s who” of the Russian far-right emigration. Among Markov’s correspondents we find the former Cossack ataman and prolific novelist Petr Krasnov (1869-1947), the anti-Semitic publisher prince Mikhail Gorchakov (1880-1961), the former head of the Okhrana general Aleksandr Spiridovich (1873-1952), the anti-Masonic author Nikolai Stepanov (1886-1981), who wrote under the pseudonym “Svitkov” and ended up in Palestine as monk Aleksandr, and the anti-Semitic writer Aleksandr Nechvolodov (1864-1938), all living at that time in Paris, as well as Petr Shabel’skii-Bork (1883-1952) in Berlin, the enigmatic blood-libel-propagandist Evgenii Brandt (1889-1941) in Copenhagen, and prince Nikolai Zhevakhov (1874-1949) in Italy, to name only the most prominent ones.³³

In the course of the inquiries it became known that Petr Rachkovskii’s son Andrei (1886-1941) was living in Clamart and that he kept his father’s extensive archive. As a result, both the opponents and the supporters of the *Protocols* tried to get hold of these documents. One of the critics of the *Protocols*, the French writer and secret service officer Henri Rollin (1885-1955), who wrote an important study on the topic,³⁴ even tried to buy the whole archive from Rachkovskii’s son, whose sympathies, however, apparently were on the side of the supporters of the *Proto-*

³³ On the Russian (right) emigration, see the most recent study by Alexandre Jevakhoff, *Les Russes Blancs*, Paris, Tallandier, 2007.

³⁴ Henri Rollin, *L’Apocalypse de notre temps. Les dessous de la propagande allemande d’après des documents inédits*, Paris, Gallimard, 1939; new eds., Paris, Allia, 1991 and 2005. A legend still circulating today is that Rollin’s book is very rare because it was confiscated by the Nazis during the occupation of France and destroyed. The book actually went through at least five editions in 1939, was widely available and is today easy to find in second-hand bookshops.

cols. They convinced him, to issue a statement, in which he, referring to the archival materials, confirmed that his father had played no part in the process of concocting the *Protocols*.³⁵

The proceedings at the Bern District Court lasted over a year and a half and caused, thanks to the intensive news coverage, an international sensation. The “Jewish Central Information Office” (JCIO) in Amsterdam produced a detailed daily information bulletin.³⁶ By far the majority of Swiss and international news publications declared outright support for the Jewish plaintiffs. This was, to a significant extent, due to the arrogant and intransigent manner of the German “expert on Jews and Freemasons” Fleischhauer. His “expert report” – to a large extent produced by his staff (nicknamed the “Elders of Erfurt”) under the guidance of Hans Jonak von Freyenwald (1878-1953),³⁷ a retired Austrian civil servant and ‘professional’ anti-Semite – was an all-encompassing collection of anti-Semitic stereotypes and was overall a meandering, long-winded and unintelligible construction.³⁸ By the end of his four and a half day appearance in court, Fleischhauer, and thus the defenders of the *Protocols*, had publicly demolished their own argument. The plaintiffs, on the other hand, had apparently managed to prove without doubt the ori-

³⁵ Témoignage de A.P. Ratschkowsky pour le procès de Berne, 1936, in AfZ: SIG papers, box 57. Andrei Rachkovskii died in March 1941 in Southern France. The fate of his father’s archive is uncertain and the various statements concerning its whereabouts are contradictory. While Nikolaevskii claims it had been sold to the German anti-Semites from ‘Welt-Dienst’ and had obviously been lost, the Petersburg historian Mikhail Lepikhin recently stated in a TV interview that in 1936 it had been stolen on the orders of Stalin by the GPU agent Iakov Sercbrianskii (Bergman).

³⁶ The “Jewish Central Information Office,” founded in June 1934 by Alfred Wiener (1885-1964) and David Cohen (1882-1967), supplied the plaintiffs in Bern and Basel with rare books and materials and carried out investigations. Its main task, however, was to report on the situation of the Jews in Germany and on anti-Semitic movements all over the world.

³⁷ Ubald von Roll to Princess Karadja, 5 February 1935, in AfZ: SIG papers, box 75; von Roll, head of Bern district (*Gauführer*) of the National Front, quotes Jonak von Freyenwald’s pen-name “Dr. Richter”.

³⁸ The report was published in Ulrich Fleischhauer, *Die echten Protokolle der Weisen von Zion. Sachverständigenurtheile, erstattet im Auftrage des Richteramtes V in Bern, Erfurt, U. Bodung, 1935.*

gins of the *Protocols*. Their strategy had been a resounding success. On 14 May 1935, trial judge Walter Meyer (1885-1941) ruled that the *Protocols* were a forgery and a plagiarism, based largely on Joly’s *Dialogue*, and that their dissemination contravened the Bern law on indecent literature. Two members of the National Front were sentenced to a small fine, but to pay a large part of the high costs. They at once appealed.

The plaintiffs welcomed the verdict as a victory in the campaign against the anti-Semitism of the Nazis and called the trial the most significant “defensive battle” in the history of the United Jewish Communities of Switzerland. For the first time, declared the Jewish Central Information Office, the judiciary had officially branded the *Protocols* a forgery.

The German Nazis did not seem too unsettled by all this. Even before the proceedings had ended, the *Völkische Beobachter* stated categorically that the verdict was quite irrelevant. More important was “that the whole history of the preceding three decades has unfolded perfectly in line with the Jewish plan described in the *Protocols*.”³⁹ The *Deutsche Juristen-Zeitung*, edited by Carl Schmitt who has been dubbed the “crown jurist of the Third Reich”, also paid the verdict no heed. No legal decision could halt the course of history. The final verdict would be decided by history: “Trials which pursue a world-historical decision are inevitably lost by the judiciary.”⁴⁰

The Jewish plaintiffs were therefore sorely disappointed when in November 1937 the Court of Appeal of Canton Bern reversed the verdict of 1935. It ruled that the *Protocols* did not fall under the definition of the law on indecent literature, since the text was political propaganda. The question of authenticity was thus deemed irrelevant; the dissemination of the *Protocols* was not a criminal offence. The defendants were acquitted and the costs of both trials, some 28,000 Swiss Francs, were taken from state coffers.⁴¹

³⁹ *Völkischer Beobachter*, 23/24 December 1934, p. 1.

⁴⁰ Unknown author in *Deutsche Juristen-Zeitung*, 39, no. 23 (1934), p. 1465.

⁴¹ Protocol of the appeal process, 1 November 1937, in State Archive of the Canton Bern: BB 15.1.1557 d.

After analysing the 50-page report detailing the grounds for the new ruling, the prominent lawyer David Farbstein (1868-1953) – himself a participant at the First Zionist Congress and a witness at the Bern trial – strongly advised against criticising the decision. No principles of law had been breached. The defendants had to be acquitted, since it was unreasonable to expect them to notice what not even the judge could see without the aid of a lengthy report, i.e., that the *Protocols* were a forgery.⁴²

Fleischhauer and the “Welt-Dienst” celebrated the Appeal Court verdict as a victory. But their elation was short-lived. In 1939 “Amt Rosenberg” (the Nazi agency under the command of Alfred Rosenberg) took over the “Welt-Dienst”, moved its archive to Frankfurt and put a certain August Schirmer in charge of it. The previous staff – who were, according to Adolf Eichmann, “more or less dubious characters”⁴³ – were all fired. Fleischhauer himself disappeared from the scene.⁴⁴ The era of bizarre idiosyncratic conspiracy theorists was over; the time was ripe for pragmatic, professional practitioners of power.

From 1939, the *Protocols* were no longer reprinted in Germany.⁴⁵ The reason is unknown. Perhaps the suggestion of some contemporaries was correct and the authorities were concerned that their own methods and goals would be compared to those of the alleged conspirators. As early as May 1935, the Swiss writer Carl Albert Loosli (1877-1959), court expert at the Bern trial, had announced in his final speech that no-one adhered to the methods of the so-called “Elders of Zion” better than – of

⁴² David Farbstein to Saly Braunschweig, 7 March 1938, in AFZ: SIG papers, box 70.

⁴³ Eichmann, quoted in Brechtgen, *Madagaskar*, p. 69.

⁴⁴ After the war Fleischhauer fled to West Germany. He lived on welfare in Hürben near Heidenheim. Until his death in October 1960 he kept contact with former collaborators of the “Welt-Dienst” and experts for the “Jewish question,” among them the Egyptian Mahmoud Saleh who headed the “Institute for the Study of Zionism” in el-Maâdi near Cairo.

⁴⁵ A planned 8-13 volume edition of the files and reports of the Bern trials, being compiled by the “Welt-Dienst” employee Jonak von Freyenwald, was also cancelled in 1939 after only the first volume had appeared. See Hans Jonak von Freyenwald, ed., *Der Berner Prozeß um die Protokolle der Weisen von Zion. Akten und Gutachten*. Vol. 1: *Anlage und Zeugenaussagen*, Erfurt, U. Bodung, 1939.

all people – Adolf Hitler and his government. In 1936, Alexander Stein (i.e., Rubinstein, 1881-1948) chose the title of his book to call Hitler “a disciple of the Elders of Zion” (“Schüler der Weisen von Zion”). And in the following year Iwan Heilbut’s (1898-1972) pamphlet *Les vrais Sages de Sion* compared the cynical usurpation of the Nazis with the alleged plans of world Jewry in the *Protocols*. Hannah Arendt also pointed to the ideological similarities between the teachings of the Nazis and those of the “Elders of Zion” and astutely noted that “The Nazis started with the ideological fiction of a world conspiracy and modelled themselves, more or less consciously, on the example of the fictitious secret society of the Elders of Zion...”⁴⁶

The Bern trial of 1933-1935 was not only a struggle between the Jews of Switzerland and the Nazis, but also between two camps within the Russian emigration. The trial itself leaves an ambivalent and contradictory impression. On the one hand, the narrative employed by the plaintiffs in their attempt to uncover the origins of the *Protocols* was a dubious construction based on equally dubious witnesses. At least some of those involved with the trial were aware of this. On the other hand, the overall aim of the trial proved to be unfeasible: historical proof of the falsification and a court ruling were rather ineffective in the ongoing battle to discredit the tract.

The key question in all this remains unasked. Hannah Arendt formulated it almost sixty years ago. The point is not “to prove for the hundredth time what the whole world already knows, i.e., that we are dealing with a forgery”; the point is to explain why such a blatant forgery is still, to this very day, believed by so many.⁴⁷ That, however, leads us to a new topic.

⁴⁶ Hannah Arendt, *Elemente und Ursprünge totaler Herrschaft*, Munich and Zurich, Piper, 1991, p. 595. It should be noted that the International Military Tribunal in Nuremberg 1945 assumed that the crimes of the Nazi regime could be attributed to a common and coherent plan; a “gigantic conspiracy against humanity” with the aim of achieving world domination.

⁴⁷ Arendt, *Elemente*, p. 30.

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