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We must assume that Lemkin's knowledge of Schwartzbard's assassination and subsequent trial and acquittal as reported in those same multi-language newspapers during and immediately following his student days were also reported in the broadest of brushstrokes and offered somewhat hyper-dramatic accounts as was the norm in journalistic reporting in the 18<sup>th</sup>, 19<sup>th</sup>, and early 20<sup>th</sup> centuries.

However, and significantly, at least publicly, Schwartzbard was *not* perceived to be a naïve victim who chose to take matters into his own hands, but, rather, an already-known anarchist who had served in both the French Foreign Legion and the Soviet military as well as an accomplished Yiddish poet.<sup>1</sup> Controversy has continued to surround his deed as to whether it was, in fact, a solo act

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<sup>1</sup> Somewhat eerily prescient, Yiddish writer Dovid Bergelson (1884–1952), murdered in the infamous Soviet “Night of the Murdered Poets” (12–13 August 1952), would publish a short story in 1923 entitled “Among Refugees,” but one where the anonymous “hero” not only does not perform his deed but commits suicide as well. See his *The Shadows of Berlin: The Berlin Stories of Dovid Bergelson*, trans. Joachim Neugroschel (San Francisco: City Lights Books, 2005), 21–43. See,

of reprisal in defense of his victimized Jewish people by Ukrainian *pogromchiks* or part of an overall conspiracy initiated and organized by the Soviets who regarded Symon Petliura (1879–1926) as a serious threat to their overall political control.<sup>2</sup> Additionally, and subsequently, the controversy is further fueled by the ongoing debate whether Petliura was, indeed, powerful enough to restrain the antisemitic troops under his command and direction,<sup>3</sup> and the fact that he remains something of a heroic figure in the overall story of Ukrainian nationalism and the desire for total political nation-state independence on the part of the Ukrainian people.<sup>4</sup>

What was known then is the following: Schwartzbard was born August 18, 1886 in Izmil, Bessarabia, and grew up in the town of Balta, approximately thirty miles away. By age seventeen, during his apprenticeship to a watchmaker, he became fascinated with and embraced socialism as a political philosophy. Two years later, 1905, he would spend a brief stint in prison during the early revolutionary period. After his release, he would move to Austria-Hungary and now saw himself as an anarchist. By 1910, now age twenty-three,

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also, Anna Schur, “Shades of Justice: The Trial of Sholom Schwartzbard and Dovid Bergelson’s ‘Among Refugees,’” *Law & Literature* 19, no. 1 (2007), 15–43 for a solid analysis of both.

<sup>2</sup> See Felix and Miyoko Imonti, *Violent Justice: How Three Assassins Fought to Free Europe’s Jews* (Amherst: Prometheus Books, 1994), especially pages 95–104, and how Schwartzbard’s attorneys fought hard to disabuse the jury of any notions of such a conspiracy.

<sup>3</sup> See, for example, the important “debate” vis-à-vis Taras Hunczak, “A Reappraisal of Symon Petliura and Ukrainian-Jewish Relations, 1917–1921,” *Jewish Social Studies* 31, no. 3 (1969), 163–183; and Zosa Szajkowski, “A Reappraisal of Symon Petliura and Ukrainian-Jewish Relations, 1917–1921: A Rebuttal,” *Jewish Social Studies*, 31, no. 3 (1969), 184–213; Taras Hunczak and Zosa Szajkowski, “Communications,” *Jewish Social Studies* 32, no. 3 (1970), 246–263. The controversy surrounding Petliura is to what degree he was able to exercise his authority over his troops, including those who’s overt anti-Semitism was in evidence.

<sup>4</sup> On 16 October 2017, for example, the Jewish Telegraphic Agency (JTA) reported “Ukraine honors nationalist leader blamed for Jewish pogroms” with the unveiling of a statue of Petliura in the city of Vinnitsa.

of the Ukraine remains further complicated, and thus makes Schwartzbard’s deed all that much more complicated as well.

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3. Insurgents depended upon Petliura for financial support and war material and committed pogroms in his name.
4. Official organs of the Ukrainian War Office, the Government Printing Works, and the Information Bureau of the National Army incited pogroms by vicious anti-Semitic propaganda.
5. Petliura reneged on promises made to Jews as early as November 1917, that effective inquiries would be made into pogroms.
6. There is good reason to believe that Petliura may have ordered pogroms in Proskurov and Zhitomir in the early months of 1919, and that the Holovni Ataman was in the immediate vicinity of these towns when pogroms were raging.
7. Petliura's famous orders of August 26 and 27, 1919, forbidding pogroms, were issued eight months too late, at a time when the Holovni Ataman had no real power.
8. What funds were authorized for the relief of pogrom victims were a trifle compared with how much was needed and how much had been stolen from the Jews.
9. Petliura's Jewish Ministry was a mere façade and his last minister, Pinchas Krasny, a sycophant, was totally out of touch with his community, and reviled by Jews.
10. Even from afar, in Paris, Petliura conducted a program, which infuriated Jews.<sup>12</sup>

Given the newly discovered information noted regarding Petliura, his attitudes and responses towards the Jews

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<sup>12</sup> Saul S. Friedman, *Pogromchik: The Assassination of Simon Petliura* (New York: Hart Publishing Company, 1976), 372–374.

he relocated himself to Paris, joined the French Foreign Legion, was wounded in battle, awarded the Croix de Guerre and was demobilized in 1917. Moving back to Russia, he resumed his revolutionary-anarchist activities. During that same period, 1917–1919, at least fourteen members of his own family, including his own parents, were murdered by anti-Semitic *pogromchiks* in the Ukraine under the overall leadership of Symon Petliura.<sup>5</sup> By 1920, he was back in Paris and disillusioned with the progress of Russian revolutionary activities and its consistent anti-Semitism.

Petliura, now in exile himself after his failed attempt at independence, would first flee to Warsaw, Poland, then to Budapest and Vienna, Austro-Hungary, then to Geneva, Switzerland, finally arriving in Paris in 1924.

On May 25, 1926, Schwartzbard shot Petliura seven times at close range, chose not to flee, and when seized by the police reportedly said, "I have killed a great assassin."<sup>6</sup> Schwartzbard's trial began on October 18, 1927, having pled "Not Guilty" to all charges; his defense team was led by Henri Torres (1891–1986), the flamboyant trial lawyer and politician and only thirty-six years old at the time of the trial.<sup>7</sup> (Formerly both a Communist and journalist who fought for the French in World War I, Torres fled to South America and the United States after the Nazi invasion in 1940, returning

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<sup>5</sup> Complicating the overall picture of Petliura is the fact that there remains no evidence of anti-Semitism on his part, and at least one directive, dated 26 August 1919, declaring his opposition to violent acts against Jews. Papers have supposedly recently been found that Petliura also may have supported a call for the founding of a Jewish state.

<sup>6</sup> As reported in "France: Petliura Trial," *Time Magazine*, November 7, 1927, accessed January 16, 2018, content.time.com.

<sup>7</sup> Whether or not Schwartzbard did so at the behest of his attorney Torres, consistently, he lied about his background, age, place of birth, previous imprisonments, and even his prior military service. His command of the French language, despite his past, was poor, and he asked that questions be repeated several times. He made it a point, however, to wear his Croix de Guerre, emblematic of his service to France in World War I, throughout his trial.

after the Second World War, and was elected to the French Parliament as well as becoming the Vice President of the High Court of Justice.) Eight days after its beginning—October 26, 1927—after jury deliberations lasting a mere thirty-five minutes, Schwartzbard was acquitted with loud congratulations and cries of “Long live France!” erupting in the courtroom. Afterwards, he would attempt to relocate to British-held Palestine but was denied entry, would later die in Cape Town, South Africa, after contracting an illness. In 1967, his remains were reinterred in Israel.<sup>8</sup>

At its successful conclusion, on par with Torres’ strategy, the trial itself was more about the murders of Jews during the pogroms rather than about Petliura’s death. (The trial of Tehlirian, too, could equally thus be assessed as employing the same tactic, i.e., the crime of the Armenian Genocide by the Turks rather than the murder of a single individual.<sup>9</sup> Jews saw it as a vindication of their plight in Eastern Europe; Ukrainians saw it far more as condemnation of themselves. The French press itself, however, was divided in its own assessments, some positively supportive others highly critical and negative.

Attempting a “psychological read” of Schwartzbard, Felix and Miyoko Imonti in their book *Violent Justice: How Three Assassins Fought to Free Europe’s Jews*, and not unlike [Soghomon] Tehlirian who himself was not without psychic difficulties, portray him as an “alienated outsider:”

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<sup>8</sup> Many of Schwartzbard’s papers are today housed in the YIVO Institute for Jewish Research, Center for Jewish History, New York, NY, and consists of correspondence, newspaper clippings, manuscripts, and notes relating to the trial and later. Important as well is the book by David Engel, *The Assassination of Symon Petliura and the Trial of Sholem Schwarzbard, 1926–1927: A Selection of Documents* (Göttingen: Vandenhoeck & Ruprecht, 2016).

<sup>9</sup> The Israeli prosecution team likewise would make the Adolf Eichmann trial in Israel in 1961, ultimately more about the Holocaust against the Jewish people than about a singular culprit.

If he was a hero to these survivors of the madness, he was something less heroic to others. As always, Schwartzbard was an outcast from the mainstream. He was a blend of unresolved contradictions that provided enough friction to alienate the majority...

As a young revolutionary in the Spark movement, he had aroused the hostility of the others who saw his clinging to Judaism as a rejection of Marxism. As an orthodox Jew, he had been denied by Jews, who considered his propensity for violence to be contrary to the principles of the faith.

His triumph in court did not end the alienation. In his memoirs, Schwartzbard denounced his friends for failing his cause.<sup>10</sup>

Schwartzbard, with or without the collusion of the Soviets, and with or without the support of the Jews of the Ukraine and elsewhere at the time of his assassination, remains somewhat shrouded in mystery as to his overall psychological and religious, not to mention political, motivations.<sup>11</sup>

As to Petliura, Saul S. Friedman in his book *Pogromchik; The Assassination of Simon Petliura* arrives at the following conclusions:

1. Simon Petliura was Chief of State, Ataman-in-Chief, with real power to act when he so desired.
2. Units of the Ukrainian Army directly under his supervision (the Clans of Death) committed numerous atrocities.

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<sup>10</sup> Felix and Miyoko Imonti, *Violent Justice: How Three Assassins Fought to Free Europe’s Jews* (Amherst: Prometheus Books, 1994), 106.

<sup>11</sup> An interesting attempt at fathoming out his motivations and story is that of Kelly Johnson’s doctoral dissertation. Kelly Johnson, “Sholem Schwarzbard: Biography of a Jewish Assassin” (PhD diss., Harvard University, 2012), accessed October 18, 2018, nrs.harvard.edu.