

Justice as Witness: Jews Facing Polish Courts During the German Occupation  
(1939-1942)

by  
Marie-Dominique Racine Asselin

Dissertation submitted to the  
Faculty of Arts  
in partial fulfilment of the requirements for the  
Doctorate in Philosophy Degree in History

University of Ottawa

*Pour mon Abraham  
Et tous les autres en la mémoire desquels il fut nommé.*

## ABSTRACT

**Justice as Witness: Jews Facing Polish Courts During the German Occupation (1939-1942)**

By: Marie-Dominique R. Asselin

Supervisor: Jan Grabowski

In Poland, during the German occupation (1939-1945), the Polish courts were one of the few institutions left in the hands of the Poles. Furthermore, they remained one of the rare physical areas where Poles and Jews could legally meet each other after the closure of ghettos. Because of the lack of involvement of Germans in this administrative sphere, the courts were a rare domain where Poles and Jews could continue to interact without any overt interference and control by the occupier.

This dissertation aims to be an exploration of a new kind of document, namely the court records from the district of Warsaw (the Municipal Court of Otwock, the District Court of Siedlce and the Appellate court of Warsaw). This micro-analysis, made from a sample of cases from the above-mentioned courtrooms, seeks to give a new perspective to the study of relations between Jews and Poles during the war. Since people from different backgrounds found themselves at court and transacted with the Jews – police officers, judges, members of the court, to name but a few – the documents allow us to see different types of relations grouped here under three categories: administrative, legal and social. It highlights the communication channels between different levels of administration in Poland (members of the courts, lawyers, police officers, prison officials), and their influence regarding the Jewish lives. Using official Polish documents from the pre-war period – the March Constitution, the Criminal code and the code of procedure, criminal

statistics, to name a few – and court documents for the first years of the war, this research seeks to demonstrate that prejudices, bias and anti-Semitic actions taken against the Jews were deeply rooted in Polish customs and identity, and were not, as the nationalistic historiography said, a consequence of the German occupation.

In addition to the examination of relations between Poles and Jews, this research sheds new light on the issue of Jewish life and death during the 1939-1942 period. It highlights the difficulties experienced by Jews due to the evolution of German regulations. Since the court was open to everyone, the documents provide important information about Jews that do not appear in traditional historical sources. It is thus possible to trace the journey of these people remained until now in anonymity. The research helps to better understand the fate of the Jews before the onset of the “Final Solution” and, in many cases, it enables us to rethink the choices and challenges faced by the victims.

## ACKNOWLEDGEMENT

D'abord, je me dois de remercier mon directeur de recherche, prof. Jan Grabowski, sans qui cette thèse n'aurait pu voir le jour. Au-delà des efforts mis dans ma recherche, vous m'avez ouvert les portes de la communauté historique en me laissant participer à de nombreuses conférences et rencontres. Vous m'avez donné la confiance nécessaire à la poursuite de mes recherches.

J'aimerais ensuite remercier les membres du comité de lecture d'avoir accepté si généreusement de se plonger dans mon travail des dernières années. Prof. Eda Kranakis, prof. Corinne Gaudin et prof. Serge Durflinger de l'Université d'Ottawa ainsi que prof. Jan Tomasz Gross de l'université Princeton, merci.

Je remercie chaleureusement la famille Grabowski pour leur accueil, leur amitié, leur support et leur aide durant mes nombreux séjours en Pologne. Przyjęliście mnie jako członka własnej rodziny i to mnie naprawdę poruszyło. Zawsze pozostaniecie moją polską rodziną.

A special thank you to my colleague and friend from Toronto, Tomasz Frydel, for the sharing of documents, your moral support, your help with translation and, most importantly, your friendship. Few of us are working in this field of research in Canada and can understand its difficulties and challenges. Your presence, even virtual, was of great help to me.

Une pensée toute spéciale pour prof. Sylvie Perrier et prof. Lotfi Ben Rejeb qui ont nettement contribué à devenir la chercheuse que je suis. Merci pour les discussions inspirantes, votre écoute et vos précieux conseils.

Merci à mes parents et ami-e-s pour leur précieux support et leurs conseils durant ces (longue) années.

A very special thank you to Beth Oldfield for your help during the last moments of writing and re-writing.

Merci au département d'histoire et à mes collègues de l'Université d'Ottawa pour leurs inspirations, leur confiance et leur support. Merci aux nombreux centres d'archives visités au cours des dernières années pour leur accueil et leur support : l'Institut *Yad Vashem* à Jérusalem, le *United States Holocaust Memorial Museum* à Washington, les archives nationales à Varsovie, Siedlce et Otwock, l'*Institut de l'histoire juive* à Varsovie ainsi que le *Polish Institute and Sikorski Museum* à Londres.

This research was made possible thanks to the Fellowships by the *European Holocaust Research Infrastructure* (EHRI), the *Saul Kagan Fellowship in Advanced Shoah Study*, The *Ontario Graduate Scholarship* (OGS), and the *Fond de recherche du Québec - Société et culture* (FRQSC).

Mon pilier, ma famille : François, Abraham et Barbara. Merci de votre compréhension, votre présence, votre patience et votre amour.

## CONTENT

Abstract.....	p. iii
Acknowledgement.....	p. v
Images, maps and tables.....	p. vii
List of Abbreviations.....	p.viii
Introduction.....	p. 1
Chapter I: Polish Legal System from the March Constitution to the Fall of the Second Republic.....	p. 37
Chapter II: Geography, Demography and Statistic Regarding the Jewish Population of Warsaw, Otwock and Siedlce, Before and During the occupation.....	p. 83
Chapter III: Beyond the Social Fabric.....	p. 126
Chapter IV: Life Continued. Polish-Jewish Relations in Everyday Life.....	p. 171
Chapter V: Was a Normal Life Possible ?.....	p. 207
Epilogue.....	p.250
Conclusion, Summary and Perspectives.....	p. 257
Annexes.....	p. 268
Index of Names.....	p. 268
Documents.....	p. 276
Bibliography.....	p. 280

## LIST OF IMAGES

Image 1: Birth Certificate of Szlama Nirensztejn .....	p. 144
Image 2: Letter from the Ghetto-Polizei to the Arbeitsamt of Otwock 4/16/41 .....	p. 152
Image 3: Letter from the lawyer of M. Zylbersztejn to the District Court of Siedlce...	p.160
Image 4: Letter from the German Department of Justice in the Case of T. Kalinski...	p. 168
Image 5: Letter from the Police Station in Łosice to the District Court of Siedlce....	p.231
Image 6: Letter to the Criminal Police Station of Otwock from the Ghetto Police Station .....	p.241
Image 7: Note About the Death of Anastazja Galazka and Sura Losicka.....	p. 242
Image 8: Hearing of Aron Ptakus.....	p. 254

## LIST OF MAPS

Map 1 German Occupation of Poland.....	p. 85
Map 2 Ghettos in the Warsaw Region.....	p. 86
Map 3 Warsaw Ghetto .....	p. 92
Map 4 Orientation Plan (and ghetto) of Otwock.....	p. 96
Map 5 Siedlce Ghetto .....	p. 101

## LIST OF TABLES

Table 1: Socio-Occupational Structure of Warsaw by Ethnoreligious Affiliation, 1939.....	p.89
Table 2: Cases from the Municipal Court of Otwock: 1939-1942.....	p. 110
Table 3: Accusations Made at the Municipal Court of Otwock: 1939-42.....	p. 111
Table 4: Most Common Crimes Tried at the Municipal Court of Otwock, 1939-42....	p. 113
Table 5: Crimes Committed by Jews at the Municipal Court of Otwock, 1939-42.....	p.114
Table 6: Crimes committed by Poles at the Municipal Court of Otwock, 1939-42.....	p.114
Table 7: Cases from the District Court of Siedlce: 1939-42.....	p. 118
Table 8: Accusations Made at the District Court of Siedlce: 1939-42.....	p. 119
Table 9: Most Common Crimes Tried at the District Court of Siedlce, 1939-42.....	p. 121
Table 10: Crimes Committed by Jews at the District Court of Siedlce, 1939-42.....	p. 122
Table 11: Crimes Committed by Poles at the District Court of Siedlce, 1939-42.....	p. 122

## LIST OF ABBREVIATIONS

AK	( <i>Armia Krajowa</i> ) Home Army
GG	( <i>Generalgouvernement</i> ) General Government
IPN	( <i>Instytut Pamięci Narodowej</i> ) Institute of National Remembrance
ND	( <i>Endejca</i> ) National Democracy
PiS	( <i>Prawo i Sprawiedliwość</i> ) Law and Justice Party
PP	Polish Police

## Introduction

Concentration camps, Nuremberg Laws, Kristallnacht, the invasion of Poland and the beginning of World War II, Polish ghettos, Operation Barbarossa and War with Russia, Einsatzgruppen, The Wannsee Conference, Auschwitz, Treblinka, Sobibór, factories of death and death marches, medical experiments and racial research do not just happen. They are not just the consequence of unthinking phenomena, the inexplicable conjunction of unintended circumstances, the outcome of blind, amoral functions. Each was a willed event. Each intended its dehumanizing and destructive end. Each was expressive of, and gave expression to, an innovative, genocidal racial dogmatics<sup>1</sup>

Before 1939, Polish Jewry represented the second-largest Jewish population in the world (trailing only the Jewish population in the United States). In Poland, 3.5 million Jews accounted for roughly 10% of the country's total population, representing the nation's largest minority. Between 1939 and 1945, Poland became the cemetery of European Jews, victims of extermination by Nazi Germany. Nearly half of the Second World War's six million Jewish casualties were Polish citizens, which represented 90% of the country's total Jewish population, Poland was the country hit hardest by Hitler's idea of creating a world without Jews. The idea of a *Judenfrei* world came from what Steven T. Katz called "pestilential racialism and inverted Manicheanism."<sup>2</sup> Countries conquered or dominated by the Nazis were immediately integrated into a new order in which they had to respect and enforce German regulations and laws regarding Jews. Katz's words accurately describe uncertain times in Europe – especially in Poland – as a period filled with hatred, violence and fear. Under the Nazi occupation, the regulations against Jews which were immediately

---

<sup>1</sup> Steven T. Katz, *The Holocaust in Historiographical Context, Vol. 1 The Holocaust and Mass Death Before in the Modern Age* (New York, NY: Oxford University Press, 1994), p. 5.

<sup>2</sup> *Ibid*, p. 7.

put in place in Poland were among the harshest on the continent. Occupied Poland, or the *Generalgouvernement* (GG), was one of the rare countries where inhabitants were threatened with the death penalty for helping Jews. It was also a territory which was organized as a kind of a buffer state, and Germans slated population first for direct exploitation as cheap and/or slave labor and, second, for physical removal or annihilation. The *Generalgouvernement* was to become a huge work camp, using Poles and Jews as its primary workforce. The GG was established for the sole purpose of exploitation of its human and natural resources and – with time – it became the territory chosen for the implementation of the so-called “Final solution of the Jewish question in Europe.” The Holocaust remains an event with a unique intentionality in world history<sup>3</sup> in terms of its violence, the swiftness with which the extermination was carried out and the massive scale of local collaboration in occupied countries. Nevertheless, despite the extraordinary degree of terror introduced by the Germans into the public sphere, Jews did not remain passive and retained a surprising degree of own agency.

Because of the severity of terror under the German occupation, we tend to forget that part of the Polish administration remained in place. After the invasion of Poland in September 1939 and following the establishment of the *Generalgouvernement* on occupied Polish territories (with the exclusion of the areas officially annexed to the Reich), the Germans established a two-tiered justice system with the idea of creating a colonial administrative structure within occupied Poland. In February 1940, Hans Frank, the General Governor of the GG, decided that certain segments of the Polish administration – the judicial system but also the police, health care and local administration – which was in

---

<sup>3</sup> See: Steven T. Katz, “The Unique Intentionality of the Holocaust,” *Modern Judaism*, 1 September 1981, Vol.1(2), p. 161-183. The issue is still debated in Holocaust and genocide studies.

place before the German occupation - would continue to function on the basis of pre-war models. The reasons behind this decision were simple. First, Germans did not want to intervene in the sphere of life that did not concern them: the administration of small towns and the Polish judicial system. Second, these administrative elements left in the hands of Poles let them believe that they had a certain freedom and maintained some powers despite the occupation. Finally, the *Generalgouvernement* was intended as a temporary administrative solution. In Hitler's plan, the GG would deliver its essential resources to the Reich. The fate of the Jews and that of the Poles was to be decided at a later date. In the meantime, the Nazis allowed Poles to make some decisions concerning selected areas of administrative life knowing it was only a temporary solution. One branch that was almost entirely left in the hands of Poles was its justice system and the associated legal and administrative apparatus. Indeed, Germans allowed many Polish lawyers, judges and prosecutors to keep their positions, except for Jews who were purged from all legal professions. Without an efficient or visible German oversight and without German interest in that area (something which shall be discussed later), Polish officials of justice retained influence and power over Poles and Jews involved in all kinds of litigation.

From the beginning of the occupation, the German authorities tried to separate the Jews from the rest of the Polish population. This involved the new restrictive regulations directed against the Jews as well as the formation of the ghettos. The first ghetto in Poland (Piotrkow Trybunalski) was created at the end of October 1939. After the introduction of Nazi regulations that banned Jews from leaving these restricted areas, Polish courts became one of the very few places outside the ghetto where Jews could go and where Poles and Jews could meet without violating Nazi laws. Also, because of the complete lack of

German involvement in this administrative sphere, the courts became the rare public spaces where Poles and Jews continued to interact without any overt interference and control by the German occupier. Therefore, the relations observed through the court documents are not tainted by the occupation and offer a different perspective, from a new and previously largely forgotten point of view. Day after day, Jews and Poles found themselves at municipal or district courts, trying to resolve all kinds of conflicts like they used to do before the war. The court halls represent a space that functioned outside the dimension of the German occupation.

Because the Holocaust remains such a unique event, the current historical literature emphasizes on its exceptional traits: the scale of deportations, the extent of the extermination policies, the high degree of local complicity and collaboration, the complex issues of rescuing and denouncing the Jews, as well as the uprisings and other visible forms of Jewish resistance. Over the last decade, one of the areas that has attracted more and more attention is the relationship between Jews and Poles during the war. In Poland, governmental institutions such as the *Institute of National Remembrance* (IPN) have been involved in publishing a steady stream of books and organizing conferences focusing on the phenomenon of Poles rescuing Jews during the German occupation.<sup>4</sup> At the same time, historians both from Poland and from abroad argue that the reality was far from that, and that many Poles collaborated with the Nazi regime by denouncing, blackmailing and, not infrequently, killing Jews.

---

<sup>4</sup> The Institute of National Remembrance (*Instytut Pamięci Narodowej* or IPN), a Polish government affiliated research institute specialized in the legal and historical examination of the 20<sup>th</sup> century Polish history, published several books and articles on the Polish situation under the German occupation. It devotes its work to demonstrating that Poles risked their lives to help the Jews during the war. IPN works against Polish historians who highlight anti-Semitic behaviors and collaboration.

Taking into consideration the current state of this historiography, this research aims to take part in the debate by studying the limits of Polish-Jewish relations. This research is meant to be the exploration of archival documentation which has been largely absent from previous research concerning the Holocaust in Poland: namely, the court records from the war period.<sup>5</sup> To create a different portrait of the social and legal situation at the time, I chose three different municipalities in the Warsaw District representing three levels of courts left in the hands of Poles: the Municipal Court in Otwock, the District Court in Siedlce and the Appellate Court in Warsaw.<sup>6</sup> The court records reveal that the legal procedures during the German occupation remained largely unchanged from before the war. Since Germans rarely, if ever, showed up in these courts, and because of the nature of the relevant litigation, the court documents offer glimpses of everyday life under the occupation, as well as the evolving relationships between Jews and Poles, and about the condition of Jewish society during a time of extreme peril and poverty. The Polish court records also highlight the relationship between Poles and Jews from a different perspective. By their very nature, the court files include depositions and records of interrogations from Polish and Jewish parties involved in the litigation. These legal documents were produced soon after the opening of a case, often in a police station or directly in a courtroom. People involved described in court what happened in their own words. The interrogations and depositions are free of the legal language and judicial jargon, and they reflect the normal, everyday attitudes of the witnesses and suspects. Based on these records, it is therefore

---

<sup>5</sup> Court records from post war trials, for example the Nuremberg Trials, were often used by historians to understand the occupation. In Poland, trials documents are found from after the war, the so-called August files, where the Polish underground trialed Polish collaborators. Andrew Kornbluth wrote a PhD dissertation (defended in 2016 at University of California, Berkeley) on the topic, entitled "*Poland on Trial: Postwar Courts, Sovietization, and the Holocaust, 1944-1956*".

<sup>6</sup> Four districts were established in the GG in 1939: Warsaw, Radom, Cracow and Lublin. After Operation Barbarossa, a fifth one was added, the district of Galicia.

possible to see different kinds of biases and prejudices that were a part of reality at the time. One of the observed phenomena, frequently appearing in court documents, is anti-Semitism - prejudice which was common in Poland before the war and which seems to have continued under the occupation.

### Historiography

In 1987, historian and literature professor Jan Blonski wrote the first important article about the relations between Poles and Jews. In “The Poor Poles Looking at the Ghetto,” published in *Tygodnik Powszechny* on January 11, 1987, Blonski recalled the assimilationist views of some Polish intellectuals, but also the prejudices and bias that were rooted in Polish culture in the inter-war period. In the 1920s Roman Dmowski, the co-founder of the far-right party *Endeja* (National Democracy or ND), said that Poles should “accept as Poles only those Jews who are willing to cooperate in the attempts to stem Jewish influences”.<sup>7</sup> Examining Dmowski’s thought, Blonski raised several troubling questions about the extent and the depth of Polish anti-Semitism. While he discussed the Second World War period, he did not talk about the collaboration of Poles in the genocide of Jews but about a shared responsibility for indifference, for insufficient rescue efforts. More importantly, from an ethical perspective, Blonski questioned the behavior of Poles during the Holocaust. The first true study following the publication of Blonski’s article appeared three years later. *My Brother’s Keeper*, a collection of essays edited by historian Anthony Polonsky, grouped the first generations of historians and researchers debating the

---

<sup>7</sup> Jan Blonski, “The Poor Poles Look at the Ghetto,” *Tygodnik Powszechny*, January 11, 1987.

Holocaust in Poland.<sup>8</sup> That same year, Polonsky directed the establishment of the academic journal *Polin: the Institute for Polish-Jewish Studies*. The purpose of *Polin* was to publish authoritative material on all aspects of Polish Jewry coming from many disciplines, namely history, politics, religious studies, literature, linguistics, sociology, art, and architecture, showcasing a wide variety of viewpoints.

From the question of the ethical attitude of Poles regarding the situation of the Jews, the historiography evolved, and authors looked at the responsibility of the Polish population during the Holocaust. In 1998, Polish American historian Jan Tomasz Gross published *Upiorna Dekada* (Ghostly Decade) in which he questioned the implication of Poles in the fate of the Jews during the war. Despite his strong opinion on the matter and ample factual evidence, Gross's book never reached its goal: to break the silence and to make Poles reflect upon their war experience. It is only two years later, with the publication of *Neighbors: The Destruction of the Jewish Community in Jedwabne, Poland*, that the field of Polish-Jewish relations during the German Occupation, as we understand it today, was opened.<sup>9</sup> In 1941, the Jedwabne elements of Polish population perpetrated a pogrom in which nearly the entire Jewish population of roughly 1,000 was burned alive, having been earlier herded into a barn which was then set on fire.<sup>10</sup> Gross highlighted the historical anti-Semitism of the Polish society which played a role in this horrific mass murder. Right after the publication of Gross's book, the Polish authorities opened an investigation to shed light on the Jedwabne massacre. Far from being an isolated case, the authorities soon

---

<sup>8</sup> Antony Polonsky, *My Brother's Keeper? Recent Polish Debates about the Holocaust* (London: Routledge, 1990).

<sup>9</sup> Jan T. Gross, *Neighbors: The Destruction of the Jewish Community in Jedwabne, Poland* (Princeton, NJ: Princeton University Press, 2001).

<sup>10</sup> Jedwabne is a town in northeast Poland, in Lowza County of the Podlaskie Voivodeship, about 175 km from the capital.

established that similar crimes against Jews had been perpetrated by Poles in other towns in the vicinity during the summer of 1941. Gross's book marked the opening of a new field of research concerning the troubled relations between Poles and Jews during the Second World War. The feedback to Gross's book was resounding. Historians, politicians and even civilians alike reacted strongly with both praise and disapproval. Among the latter, was Polish historians Marek Jan Chodakiewicz, Bogdan Musial and Tomasz Strzembosz who belong to a Polish ethno-nationalist school of thought.<sup>11</sup> In 2001, Strzembosz published an article entitled *Przemilczana Kolaboracja* (A Silent Collaboration), in a daily newspaper  *Rzeczpospolita*. The author did not deny that the event took place in Jedwabne in 1941, but believed that Gross took editorial liberties such as favoring testimonies that presented Poles in the worst possible way. He also criticized Gross for including accounts he considered uncorroborated. More recently, these arguments have been taken up by Law and Justice (PiS) government, who used them in order to delegitimize the work of Gross and other historians supporting it. Therefore, Polish-Jewish relations are seen in this new light and historians have taken sides resulting in two distinctive historiographies during the first decades of the 21<sup>st</sup> century: Poles helping the Jews or Poles collaborating with the Nazi Regime. Since then, the historiography of Polish -Jewish relations has exploded and the books on the topic have multiplied.

In 2005 in Paris, Jean-Charles Szurek and Annette Wieviorka organized an important conference about the relations between Poles and Jews.<sup>12</sup> The purpose of this conference, which brought together international researchers, was to take stock of the

---

<sup>11</sup> See: John-Paul Himka and Joanna Michlic, *Bringing the Dark Past to light: The Reception of the Holocaust in Post-Communist Europe* (Lincoln, NB: University of Nebraska Press, 2013), p. 433.

<sup>12</sup> Jean-Charles Szurek et Annette Wieviorka, *Juifs et Polonais, 1939-2008* (Paris : Albin Michel, 2009)

different perspectives of Polish-Jewish relations. The speakers explored the question of relationships from different angles. The main topics covered were the denunciation and the help for Jews, Polish-Jewish memory and identity, and Jewish-Polish relations portrayed in art.<sup>13</sup> In 2008, *Juifs et Polonais 1938-2008* was published as a result of the conference. The historiography of Polish-Jewish relations can be described as multidimensional since historians addressed these relations in different perspectives whether social, political or moral.

When it comes to the historiography of social relations between Poles and Jews during the Holocaust, we find different branches of research. Historian Havi Dreyfuss, in her book, *Relations Between Jews and Poles During the Holocaust*, demonstrated the variety of experiences lived by Jews in the years prior the extermination.<sup>14</sup> Dreyfuss drawn a complex portrait: indifference, denunciation and anti-Semitic acts were a part of the reality described in this historical essay. The same observation has been made by Barbara Engelking and Jan Grabowski.<sup>15</sup> More recently, historians of Jewish-Gentile relations during the Holocaust have taken a new direction. The question of the collaboration, or

---

<sup>13</sup> See in Jean-Charles Szurek and Annette Wiewiorka, *Juifs et Polonais 1939-2008* (: Jan Grabowski, « Le chantage et la dénonciation des Juifs à Varsovie, 1939-1943 »; Barbara Engelking, « *Cher Monsieur Gistapo...* La délation aux autorités allemandes en Pologne dans les années 1940-1941 »; Dariusz Libionka, « L'État polonais clandestin et la question juive »; Marcin Urynowicz, « La délégation du gouvernement de la République polonaise de Londres et le financement du Conseil d'aide aux Juifs (Zegota) »; Havi Ben-Sasson, « La Pologne et les Polonais vus par les Juifs polonais pendant la Shoah : un regard qui a évolué »; Małgorzata Melchior, « *Les Juifs aryens* : stratégies de survie et problème d'identité »; Bożena Szyanok, « Mémoire de l'insurrection du ghetto de Varsovie »; Monika Adamczyk-Garbowska, « Compléter la mémoire – les yizker-biher (*livres du souvenir*) comme témoignage et inspiration »; Alexandra Laignel-Lavastine, « La place de la Shoah dans l'œuvre de Miłosz : *Témoin, donc coupable* »; Gertrud Koch, « Mystification et évidence dans les photos prises dans le ghetto de Lodz ».

<sup>14</sup> Havi Dreyfuss, *Relations between Jews and Poles During the Holocaust. The Jewish Perspective*, (Jerusalem: Yad Vashem Publications, 2009).

<sup>15</sup> Barbara Engelking and Jan Grabowski, *Przestępczość Żydów w Warszawie 1939-1942* (Warsaw: Stowarzyszenie Centrum Badan na Zagłada Żydów, 2010). On the same topic see also: Jan Grabowski, *Je le connais, c'est un Juif! Varsovie 1939-1943: Le chantage contre les Juifs* (Paris: Éditions Calmann-Lévy: Mémorial de la Shoah, 2008); Jan Grabowski, *Hunt for the Jews Betrayal and Murder in German-Occupied Poland* (Bloomington, IN: Indiana University Press, 2013);

collusion of certain parts of the Polish society with the Germans in matters regarding the fate of the Jews, is more and more central to current historical debates. Following the path led by Emanuel Ringelblum, historians engaged in a new line of research which has demonstrated that Poles had some impact on the fate of the Jews – even since the beginning of the war.<sup>16</sup> Their work established that some Poles took advantage of the German occupation to threaten, blackmail, rob and in some cases even kill the Jews, while others, encouraged by the regulations of the occupier actively hunted and denounced Jews to the Germans. Jan Grabowski, one of the most eminent scholars in the field, published several articles and books that showed different stages of anti-Semitic abuses committed by Poles.<sup>17</sup> More recently, Grabowski co-edited along with Barbara Engelking, and co-authored with seven other scholars a two volumes study which concerns anti-Semitic violence committed by the Poles in nine counties in German established GG. *Dalej Jest Noc* (Night Without End), presented the dangerousness and the “death traps” that were small towns for Jews in hiding between 1942 and 1945.<sup>18</sup>

The rescue of the Jews is another research area chosen often, and with preference, by Polish historians. Frequently, these books focused only on the rescuers and fail to

---

<sup>16</sup> Emanuel Ringelblum (1900-1944) was a Jewish Polish historian leader of the Jewish mutual aid organization in the Warsaw ghetto during the German occupation. He remained best known for the foundation of the *Oneg Shabbat* underground archive – the secret archive of the Warsaw ghetto, a group of Jewish historians and civilians that gathered documents from the Warsaw ghetto during the war. Ringelblum was the first to participate by writing a chronicle (Notes from the Warsaw Ghetto), and then a hybrid essay (Polish-Jewish Relations During the Second World War) he wrote in hiding just before he was killed by the Nazi in 1944.

<sup>17</sup> See: Jan Grabowski, *Rescue for Money: Paid Helpers in Poland, 1939-1945* (Jerusalem: Yad Vashem Publications, 2008); *Je le connais, c'est un Juif!* (Paris : Éditions Calmann-Levy, 2008); Hunt for the Jews Betrayal and Murder in German-Occupied Poland (Bloomington, IN : Indiana University Press, 2013); avec Barbara Engelking, *Żydów łamiących prawo należy karać śmiercią! "Przestępczość" Żydów w Warszawie, 1939-1942* (Warsaw: Centrum Badań nad Zagładą Żydów IFiS PAN, 2010).

<sup>18</sup> Jan Grabowski and Barbara Engelking, *Dalej jest noc: losy Żydów w wybranych powiatach okupowanej Polski* (Warsaw: Centrum Badań nad Zagładą Żydów IFiS PAN, 2018).

highlight the fear that the helpers lived under, namely that their neighbors would report their actions to the German authorities. Other publications from the same stream of writing focused on institutional help, such as Zegota, an organization founded by Jews and Poles to help Jews in hiding. These writings made their own contribution to reinforce Polish national myths. One of these myths wants to portray the Polish society under the occupation as a nation where altruistic help for Jews was a widespread phenomenon. Unfortunately, this is not corroborated in historical reality.<sup>19</sup> In today's Poland, "righteous" Poles who saved the Jews during the Holocaust are used in order to counter and to deflect allegations of Polish war-time anti-Semitism.<sup>20</sup> The historical essays from this line of research have been published in abundance for decades and have been used more and more in national debates about contemporary politics.

While these historians emphasized relationships in terms of social interaction, others, namely Israel Gutman, Shmuel Krakowski and, more recently, Joshua Zimmerman looked at institutional history.<sup>21</sup> These historians focused on relations between the resistance, the Polish government in exile and the roles that both groups had in the fate of the Jews. Their analyses were based on the changes brought about by the occupation and how the government in exile, with the help of certain courageous Poles in the *Generalgouvernement*, tried to stand up for the Jews or, on the contrary, used the

---

<sup>19</sup> See Agnieszka Wiercholska, "Helping, Denouncing, and profiteering: A Process-Oriented Approach to Jewish-Gentiles Relations in Occupied Poland from a Micro-Historical Perspectives," *Holocaust Studies*, (2016): p.34-58. <http://dx.doi.org/10.1080/17504902.2016.1209842>

<sup>20</sup> See Gunnar Paulson, *Secret City The hidden Jews of Warsaw, 1940-1945* (New Haven, CT: Yale University Press, 2003).

<sup>21</sup> See: Israel Gutman and Shmuel Krakowski, *Unequal Victims, Poles and Jews During World War Two* (New York, NY: Holocaust Library, 1986); Joshua D. Zimmerman, *The Polish Underground and the Jews, 1939-1945* (Cambridge, UK: Cambridge University Press, 2015), and David Engel, *The Shadow of Auschwitz, The Polish Government in Exile and the Jews, 1939-1942* (Chapel Hill, NC: The University of North-Carolina Press, 1987).

disappearance of the state for their own profit. These authors exposed the channels of communication between the resistance and the government in exile, the secret trials for Poles who collaborated with the Germans and the organization of an underground army.

The subject of institutional or organized collaboration in Poland during the war demands a better knowledge of the local political and administrative context before and during the occupation. In this specific area, historians like Raul Hilberg, Christopher Browning and Martin Dean have questioned the responsibility of Polish police officers in the persecution of Jews by integrating their findings within the typology of German perpetrators.<sup>22</sup> In their analysis, collaboration had diverse causes. Anti-Semitism played a role but was not at the heart of the violence perpetrated against Jews. To use Browning's words, these policemen were *ordinary men*, manipulated by the German propaganda. The first Polish book-length study of the history of the Polish Police during the German occupation was written in 1990 by historian Adam Hempel. "*Pogrobowcy Kłęski*" (Posthumous heirs of the Defeat) explored the history of the Polish police from the creation of the Second Republic in 1919 until the end of the Second World War in 1945.<sup>23</sup> The book focused on the role played by the Blue Police in large cities but did not explore their role in smaller towns. Furthermore, Hempel brought to focus the actions taken by the Polish police within the Polish society during the war but fails to discuss the relations between policemen and the Jewish population as well as the relations between Poles and Jews and the effect this had on the Holocaust. One would assume that a book about the police service

---

<sup>22</sup> Raul Hilberg, *Perpetrators, Victims, Bystanders. The Jewish Catastrophe 1933-1945* (New York, NY: Harper Collins, 1992); Christopher Browning, *Ordinary Men: Reserve Police Battalion 101 and the Final Solution in Poland* (New York, NY: Harper Collins, 1992); Martin Dean, *Collaboration in the Holocaust. Crimes of the local Police in Bielorussia and Ukraine 1941-44* (New York, NY, Saint-Martin's Press, 2000).

<sup>23</sup> Adam Hempel, *Pogrobowcy Kłęski, rzecz o policji "granatowej" w Generalnym Gubernatorstwie 1939-1945* (Warszawa: Państwowe Wydawnictwo Naukowe, 1990).

would discuss the relationships between the inhabitants and the conflicts that ensued, but Hempel don't even mention the Jews.

During the last decades, the question of the responsibility and agency of police officers collaborating in Nazi crimes has taken a new turn. This new historiography demonstrates that for police officers in occupied Poland, anti-Semitism was an important motivator when it came to harming Jews. This was already depicted in Emanuel Ringelblum's writing, when he described the Polish officers' involvement in the blackmailing of the Jews during the first years of the occupation. However, it is only in the last decade that historians have started analyzing the relations between Polish Police officers and Jews with this new perspective.<sup>24</sup> In addition to these works, some articles and chapters dealing with the Polish police under the German occupation have also been published.<sup>25</sup> In general, these writings asked questions regarding the agency of people collaborating with the Nazi regime, but only a few of them directly examine the role played by the Blue Police in the destruction of the Polish Jews. These recent studies demonstrated that multiple factors led the Blue Police to an unofficial or a personal contribution to the Holocaust, whether through overt anti-Semitism, greed, or abuse of power. In a recent article, Jan Grabowski explained that the involvement of Polish police in anti-Jewish actions was linked to preexisting anti-Semitic sentiment.<sup>26</sup> He noted that this hatred of the Jews "sprang like weeds from the toxic soil of anti-Semitism, which had grown deep over

---

<sup>24</sup> Emanuel Ringelblum, *Polish Jewish Relations during the Second World War* (Evanston, IL: Northwestern University Press, 1992), p. 135-136.

<sup>25</sup> See Marek Getter, „Policja Polska w Generalnym Gubernatorstwie 1939-1945,” *Przegląd Policyjny* 1-2 (1996); Andrzej Czop i Mariusz Sokołowski, „Historia Polskich formacji policyjnych od II Wojny Światowej do czasów współczesnych,” *Kultura Bezpieczeństwa. Nauki-Praktyka-Refleksje* 13 (2013), p. 28-47.

<sup>26</sup> Jan Grabowski, “The Polish Police: Collaboration in the Holocaust,” *United States Holocaust Memorial Museum, Jack, Joseph and Morton Mandel Center for Advanced Holocaust Studies*, (Washington, DC: 2017), [http://www.ushmm.org/m/pdfs/20170502-Grabowski\\_OP.pdf](http://www.ushmm.org/m/pdfs/20170502-Grabowski_OP.pdf) (accessed 23 May 2018).

time, enriched and cultivated by centuries of the teaching of the Church and decades of secular, nationalistic indoctrination.”<sup>27</sup> Through several examples taken from smaller open ghettos, Grabowski demonstrated how police officers were driven by their hatred of Jews to extort the latter during the first years of the occupation. In Poland, the notion of hatred as a part of the collective memory remains difficult to accept. The official narrative of the Polish state is based upon a premise that Poles – civilians and police officers alike – did their best to protect and save the Jews from the Nazis’ genocidal project. As for the Poles denouncing or killing the Jews, it is easily explained away: civilians were threatened by the Nazis and therefore had no choice but to commit crimes against their Jewish neighbors. Over the last decade, several scholars (B. Engelking, J. Grabowski, D. Libionka, A. Skibinska, to name but a few) have provided a different portrait of Polish police behavior regarding the Jews. Contrary to the official state narrative, these historians argued that anti-Semitism was a major factor – if not the primary motivator – behind these actions. Today, despite the new research being available, the Polish government denies that Polish behavior toward Jews during the German occupation had any causal link with the prewar anti-Semitism. Instead, the Polish authorities declare that the exceedingly rare forms of collaboration or violent actions taken against Jews during that period, were due to the Poles’ fear of their German occupiers and the regulations they put in place to punish anyone who helped the Jews.

To corroborate this position, the government has adopted specific policies on the history of the Holocaust. Polish institutions, such as the Institute of National Remembrance (IPN), which is controlled by the ruling political party, distort historical facts about Polish

---

<sup>27</sup> *Ibid*, p. 28.

involvement in Nazi atrocities. These policies seek to influence Polish thought, fashioning a specific vision of the country's past. PiS wishes to leave behind relatively long-standing historical truths, such as Polish Catholic collaboration with the Nazis during the Holocaust, in favor of a myth where Poles – themselves victims of the Nazis – did all they could to save the Jews. Since its arrival in power, the PiS has worked to reorganize Poland's public institutions. In an effort to ensure editorial control in the media, the party worked to have a number of television and newspaper journalists dismissed. Within these purges, several historians were swept up. Though their dismissals never explicitly referenced their historical research – focused as it is on Poland's twentieth-century history, the Second World War and the Holocaust – or their place within historiographies that differ from the government's interpretation, the broader strategy to control how the past is understood is clearly evident. Among those dismissed was Dr. Krzysztof Persak, who since 2002 was responsible at the IPN for researching events related to the Jedwabne massacre. His work resulted in two large volumes, published by the Institute, corroborating Jan Gross's work. One volume focused on studies of the massacre, the other on the historical documents used to underpin the Institute's interpretation. In 2012, Persak also served as the historical consultant for the film *Poklosie (Aftermath)*, an award-winning thriller that recounts events similar to the Jedwabne massacre.<sup>28</sup> Persak was dismissed in the summer of 2016 just a few days after the PiS's newly appointed director of the Institute of National Remembrance began his job. In explaining Persak's dismissal, Jaroslaw Szarek, the Institute's director,

---

<sup>28</sup> The movie received mixed reception. It was acclaimed by leading cultural figures – like the filmmaker Andrzej Wajda, and the Polish minister of culture Bogdan Zdrojewski – and at the same time condemned by nationalist politicians. The right-wing newspaper *Gazeta Polska* described the movie as mendacious and harmful for Poles. For more information on the controversy see: <https://www.nytimes.com/2013/10/27/movies/aftermath-a-thriller-directed-by-wladyslaw-pasikowski.html>

explained that, it was a result of organizational changes at the Institute, but that he also had a lack of confidence in Persak's scientific judgment. The reality is that the Institute's new direction could not accommodate a historian whose career involved researching the role Polish Catholics played in the murder of thousands of Jews during the German occupation. Persak lost his job because of the 2002 publication of his research on Jedwabne, and for his 2012 consultation on the fictionalization of these same events. This vision of the past could not be reconciled with the PiS policy. More recently, another high-profile public historian was fired. Pawel Machciewicz was the director of the brand-new Second World War museum in Gdańsk, a city on the Baltic Coast. Just ten days after it opened as Poland's first museum focused on the Second World War, Machciewicz found himself without a job. Hired by the previous government in 2008 to build the museum, Machciewicz was dismissed because the museum's exhibits did not conform to the PiS's historical vision. Karol Nawrocki, a historian from the Institute of National Remembrance, replaced Machciewicz. Nawrocki's mandate is to rework the exhibits to better conform to the PiS's vision of Poland during the war. This entails making the exhibit "less universal" and placing emphasis on Polish heroism. In this reframing, the museum will demonstrate how Poles fought against occupying forces to show that they did not succumb, and, that they did all they could to save their fellow Jewish citizens. Persak's and Machciewicz's dismissals are only two episodes in the PiS's new history-focused policies. They underline just how unsettling the PiS finds the events of the Second World War, the German occupation, and, more precisely, the history of the Holocaust. But more importantly, these dismissals serve to illustrate a line the PiS touts loudly: in Poland, historians must choose whether they wish to tow the party line, or the unemployment line.

To add to this already massive production of a new history fitting the governmental vision of the country's past, a mass-production of books, articles and exhibitions have taken place all around the world. In December 2018, the PiS sent a historian – or should he be called an employee of the state – to the University of Ottawa to give a conference about the Polish heroes who saved Jews during the Holocaust. Tomasz Roguski, a young scholar working for the IPN was invited by the Embassy of the Republic of Poland in Ottawa to give a talk for the opening of the exhibition “Poles Rescuing Jews during the Second World War.” The conference received several criticisms coming from historians working on Polish-Jewish relations. Jan Grabowski was the first to criticize the approach proposed by the IPN which brought to light only one side of history - that of the Polish heroes - leaving aside an important phenomenon: anti-Semitism. Without saying that the Poles never helped the Jews – some of them in fact, saved several Jews during the Holocaust – Grabowski showed that the IPN is looking to embellish Polish history instead of trying to present a realistic picture of the past.

To oppose the historical discourse of the PiS and to try to put into light the difficult reality of historians working on the topic of Polish Jewish relations, historians from outside Poland have continued to write articles and give conferences on the subject. In May 2016, in Paris, historians Jan Tomasz Gross and Elzbieta Janicka participated to a conference at L'École des hautes études en sciences sociales in Paris, entitled *l'État contre les sciences sociales. Quand le gouvernement PiS de Pologne déclare l'historien Jan Gross "antipatriote"*. This conference was meant to discuss the historical policies of the PiS by analyzing the case of Gross. The conference was disrupted by pro-PiS protesters that accused Gross of hating Poland. Following this conference and the discussions that was

generated within the academic community, French scholars and historians Jean-Charles Szurek, Annette Wiewiorka, Audrey Kichelewski and Judith Lyopn-Caen, edited *Les Polonais et la Shoah. Une nouvelle école historique* in October 2019.<sup>29</sup> This essay regrouped articles that discuss the *para history* of the Holocaust in Poland: how historians work, publish, organize conferences, help students to understand this peculiar history. The authors discussed the many facets of this historiography and presented the critical scope of what they called the new Polish historical school as an intellectual, political and moral requirement.

This confrontation between independent historians and politicians, now at the heart of the Polish “memory battles,” raises many questions about Polish-Jewish relations before and during the Holocaust. Historical literature seems to have reached a plateau where, on the one hand, historians prove anti-Semitism at the heart of Polish-Jewish relations and, on the other hand, the IPN and some nationalist historians systematically reject all the evidence saying that historians misinterpret sources – especially personal ones coming from Jewish survivors or witnesses – by putting forward their pro-Jewish agenda. New historical sources and new questions are needed to continue the debate started by the Polish government. The wartime legal sources offer different views of the relations between Poles and Jews. They show contacts between Jewish and Polish citizens, but also with police officers, judges and other members of the court. Also, these documents demonstrate that without necessarily being anti-Semitic, the Polish Second Republic treated Jews as Second Zone citizens. This inequality, which was at the heart of the constitution, is also found at the center of Polish-Jewish relations and has often led to anti-Semitism. Anti-Semitism can

---

<sup>29</sup> *Les Polonais et la Shoah. Une nouvelle école historique* (CNRS Éditions, Paris, 2019).

be found everywhere, and not only during the moments of national crisis described above. Several events – taking place in the political sphere like in the street – from before the war testify to everyday occurrences of Anti-Semitism.<sup>30</sup> To fully understand the reality of daily life during the occupation, one must find historical sources that reflect the everyday activities of Poles and Jews during the war to learn if any resemblance of a normal life was at all possible during the occupation. The main question to ask is: what sources or documents give evidence of this that were not a product of the crisis? In order to look for the more mundane aspects of the everyday life, we must access unconventional sources that describe these *normal* moments.

The aim of this research is also to examine the limits of normality during wartime by making a micro-historical analysis of the life under the German occupation. The Holocaust is an integral part of Polish history. Not only because Polish Jews were the largest national Jewish group in Europe to face the policies of extermination, but also because the six main Nazi extermination camps were built within the borders of prewar Poland.<sup>31</sup> Ethnic Poles were the main witnesses of the Jewish tragedy, however, a study of this part of Polish history is fraught with tensions and controversies. As mentioned previously, historians are now involved in heated debates discussing the levels of Polish involvement in, or complicity with, the Germans as far as the Nazi project of the extermination of the Jews is concerned. Obviously, the issues in question are and will

---

<sup>30</sup> The topic of anti-Semitism in Poland before the war will be discussed in Chapter 1.

<sup>31</sup> Chełmno was the first extermination camp built on Polish soil in December 1941. After the Wannsee conference (a Nazi conference on January 20, 1942, where 15 high-ranking Nazi Party and German government officials discussed and coordinated the implementation of the Final Solution), the Nazi started the establishment of death Camps within the GG. Bełżec was established in March 1942, following by Sobibór in May, Treblinka and Birkenau in July. Majdanek was established earlier, in 1941, and was first for Soviet prisoners and Poles. Chełmno and Auschwitz-Birkenau were in the areas annexed into the Reich while the other extermination camps were in the GG.

continue to be the focus of intense research and heated exchanges. My research seeks to take part in the debate by exploring a new primary source. Court documents highlight Polish-Jewish relations from perspectives that have not been previously explored: interactions of Poles and Jews in front of Polish officials. The depth of information available through these court documents, gives us the opportunity to ask different questions about the everyday conflicts and interactions of different social classes specifically the life of Poles and Jews under the German occupation. How did Poles and Jews interacted in small towns and villages – historiography has overlooked Jewish life and relations between Poles and Jews outside big centers – when the German were not around? Where Poles acting differently once they were in front of the court? Were the Judges and other officials following the Polish procedure or did they take advantage of the German occupation to make up their own rules? Furthermore, research concerning the role played by Polish municipal, district and appellate courts during the Final Solution is next to nonexistent. A few articles have been written about the German courts (*Sondergericht*) and only one to this date about the Polish courts during the war, but neither discuss the relation between Poles and Jews and the place played by the Polish system of justice in the fate of Jews during the German occupation.<sup>32</sup> By analyzing how the legal organizations of Polish cities interacted with the Jewish and Polish complainants, a new subject is revealed: the role in which they might have played, in the life of Jews prior to the extermination and the relation between Polish judicial administration and the Jews. More importantly, the relations between Jews and Poles during the Second World War are presented from a new

---

<sup>32</sup> See: Mateusz Rodak, “Justizwesen und Strafverfolgungsorgane der Zweiten Polnischen Republik im Umgang mit Juden,” *Zeitschrift für Ostmitteleuropa-Forschung* 62, (2013): 187–204, and Jan Grabowski, “Jewish Defendant in the Warsaw District,” *Yad Vashem Studies*, vol.35 (1), (2007): p. 49-81.

perspective, outside the spectrum of the German occupation, because there were no Germans involved in these courts. All of which contribute to the current debate by exposing a part of the *Generalgouvernement* that was functioning with little or no interaction from the occupant. My research also seeks to integrate the historiography of the Jewish existence in ghettos, and examines the conditions of life and death. My thesis demonstrates that Jews, even when they lived in the ghettos, were integrated to Polish social life. Contrary to popular belief that Jews living in small towns and villages were a closed society, court documents show that they spoke Polish, and knew and followed the customs of Polish people. In addition, from a memorial perspective, this micro-historical study is the first to highlight the fate of some individuals who otherwise left no other trace in any other documents. In many cases, these documents are the only record left by the victims of the Holocaust who often perished in extermination camps, even during the hearing of their legal cases. The information found in the court records complements the current historiography by giving data on the daily life of singular individuals drawn from official sources and not from personal sources.

### Thesis and Hypothesis

This dissertation explores of documents never used before in historical research about the Holocaust in Poland. It seeks to analyze the relations between Poles and Jews in three municipalities of the Warsaw District from the establishment of the *Generalgouvernement* in 1939, until the mass deportations to the extermination camps in 1942. By observing their daily conflicts through the study of the Polish court records and by studying the Polish legal apparatus, this research takes a new look at the daily life of

Jews and their relations with Poles were they civilians or officials. The documents analyzed demonstrate that the poor relations between Poles and Jews were not exclusively due to the German occupation but were rather a continuation of patterns of behavior known from before the war. Because Germans did not involve themselves with the everyday operations of the Polish courts, the legal apparatus represented this part of the Polish institutional framework, which, while under the occupation, largely functioned without the influence of the occupier.<sup>33</sup> The justice officials who held positions within the system continued to use the same codes of procedure as they did before the war. Therefore, in a way, Polish officials continued to occupy positions of power, especially in relation to the Jewish minority which was rapidly losing its legal status.

From the reading of court records, I define three main hypotheses. First, the Polish justice system had a role to play in determining the fate of the Polish Jews before the mass deportations of 1942. The main historiography of the Holocaust in Poland affirms that the Second Republic of Poland was destroyed with the German invasion in 1939. According to this historiography, Poland was without any officials to maintain order and help the Polish people during the occupation. Poles and Jews had lost all points of reference and were left to fend for themselves to face the occupier, and these new regulations and laws.<sup>34</sup> My research reveals that was not only a part of the Second Republic of Poland still functional during the occupation, but that its representatives: the judges and other officials, played a role in the fate of the Jews. My research shows that the magistrates knew the

---

<sup>33</sup> In my research, I found no interference of the Germans except for one or two cases (but even in these cases the demand of involvement came from Poles, and not directly by Germans). This question will be raised in Chapter 4.

<sup>34</sup> The PiS along with the IPN maintain that it is impossible to talk about Polish anti-Semitism because of the disappearance of the Polish State under the GG. However, not only did the Polish government in exile was still in contact with the Polish people, but a part of the Polish administration and the system of justice was still in function as it was before the war.

situation of the Jews – ghettoization, hunger, displacement, etc. – and took decision regarding this information. My second hypothesis is that Polish anti-Semitism was systemic under the Polish Second Republic, and continued under the German occupation. My thesis demonstrates that Jews and Poles were treated differently by magistrates. It also exposes that judges and members of the court often abused their powers due to the lack of involvement of the German authorities combined with the disappearance of the Polish government (in exile since the beginning of the war). It is my contention that the Criminal Code (*Kodeks Karny*, 1932) and Penal Procedure Code (*Kodeks Postepowania Karnego*, 1928) were still used in courts, but that under the occupation, judges and other officials paid little attention to the letter of the law. Often, the verdict and the sentence chosen in cases concerning Jews demonstrated the inequality between Jewish and Polish defendants. In the course of research, I noted that abuse of power, favoritism and anti-Semitism were currently used by Polish police officers and members of the court during these trials. As well, the court records allow to understand the relations between different Polish and Jewish institutions (Polish courts, Jewish police, Polish police, German offices, prisons, *Judenrat*, etc.). The information gathered from the court documents show that the prejudices against Jews were at the heart of the construction of the Polish social contract. Anti-Semitic comments coming from Poles – officials, civilians, accused or witnesses – are visible in depositions and other court documents. The fact that Poles discussed freely their hate for Jews in front of the court room suggests that anti-Semitism was well accepted in society, even during an audience. From a social perspective, it suggests that the relationship between Poles and Jews in the courtroom represents sentiments and feelings toward one another that existed before the war and which continued under the occupation.

My third hypothesis is that the court documents are a vital source of information about the daily life of Poles and Jews before the mass deportations. The judicial documents show that Polish and Jewish inhabitants came to court to solve several different matters - many of them were minor crimes and misdemeanors. Some Jews came to court to seek justice in cases involving Poles who had injured or insulted them. Finally, this research can add to the current historiography of the Jews of Poland by giving information about individuals generally absent from the historical records. By sifting through court documents – especially through depositions and testimonies - my research sheds light on the life and death in the ghettos.

Furthermore, my research also integrates the current historiography by looking at the life of Jews from a new perspective. It shows that Jews tried to maintain their normal activities within the ghettos, even on the eve of mass deportations. During the war, some economic and social activities continued as they had before 1939. The court records accurately portray the last moments of daily Jewish life in the Warsaw District before the mass deportations of 1942. Also, because of the information collected about Jews, these records show how life deteriorated during the first years of the war. Through the prism of court documents, one can see the difficult choices Jews faced everyday, between the evolution of the German regulations imposed during the occupation, the desire to continue a normal life, and the consequences it had on the Jewish population.

### Methodology and Sources

This research is the first one using documents from Polish Court during the German occupation. Virtually none of the court documents have been used in historical research about the Holocaust. However, this type of document was produced all around the

Generalgouvernement during the war; we are talking about more than 160 different courtrooms (159 municipal courts, 8 district courts, and 4 courts of appeal), each representing a few hundred cases only for the period between September 1939 and June 1942. Considering the size of the task involved in making a complete analysis of the Polish judicial system in Occupied Poland, and since the main goal of this research was to explore a new type of document, a micro-historical analysis has been chosen. I was inspired by Carlo Ginzburg's writings on the theory of micro-history to ask large questions in a small scale.<sup>35</sup> Ginzburg proposes a change of scale in order to question the experience and the capacity of agents of the past. A smaller-scale analysis provides an alternative to traditional history, and an analysis of the relationships which united individuals - of minor importance and which do not generally appear in classical historiography - to a given society. Following Ginzburg's thought, historian Jacques Revel affirms that the experience of individuals makes it possible to understand certain modulations of global history.<sup>36</sup> According to Revel, micro-history is needed for the reconstruction of networks in order to understand and make new interpretations of accepted (or not) grand narrative.

In order to go deeper into the history of Polish-Jewish relations, and bring out new elements to the current debate, it was necessary to give a human dimension that would allow both to examine Polish-Jewish relationships on a different scale and that would rescue from oblivion individuals that never appeared in historical research. Nobody could know for sure if the cases analyzed in this thesis perfectly reflect the overall behavior of

---

<sup>35</sup> Carlo Ginzburg, « Signes, traces, pistes. Racine d'un paradigme de l'indice,» *Le Débat*, no 6, 1980, p.3-44.

<sup>36</sup> Jacques Revel, « Micro-analyse et construction du social,» *Jeux d'échelle La micro-analyse à l'expérience*, (Paris : Éditions Gallimard, 1994), p. 26.

Poles regarding the Jews during the occupation. However, the cases analyzed corroborate the writings of many Jewish survivors and witnesses. Court documents give the point of view of people who never discussed the place of Jews in Polish society, but who, despite everything, show a lot about relations between Poles and Jews. As historian Sanjay Subrahmanyam said, microhistory can capture the macrocosm.<sup>37</sup> More importantly, in opposition to personal sources used in traditional research – journals, testimonies, diaries – the court records are official documents made by members of the administration of the Second Republic of Poland. Knowing that today Polish Nationalists tend to reject personal sources because they are not objective, documents of the judicial administration can play a role in the recognition of anti-Semitic behavior during the war.<sup>38</sup>

To create a portrait of the relations between Poles and Jews, this dissertation is divided into three levels of analysis: political, legal and social. Different primary sources are used in this research to understand each sphere of analysis specifically. One of the objectives of this dissertation is to demonstrate that there was still a Polish administration based on the political and the judicial system of the Second Republic of Poland left intact during the German occupation. This administration worked without interference from the Germans. The first documents analyzed in this research were therefore the official documents of the Second Republic of Poland. To understand how the Polish justice system

---

<sup>37</sup> Sanjay Subrahmanyam, “On World Historians in the Sixteenth Century,” *Representations* 91, 2005, p. 29.

<sup>38</sup> One can remember the debate around Jewish survivor Szraga Fajwel Bielawski from Węgrów. Bielawski wrote and published his memoir in which he described the deportation of the Węgrów ghetto of September 22, 1942. The survivor explicitly described the role played by the Polish population during the deportation. Starting in 2015, PiS supporters made an example of him to show that the Jews lied to make Poles feel guilty. Various articles were published from 2015 to today to discredit the Jews as well as the historians who use his testimony as a historical source, namely the newspaper *W Prawo* (Right) <https://wprawo.pl/>, *Niedziela* (Sunday) <https://www.niedziela.pl/>, and *Do Rzeczy* (To the Point) <https://dorzeczy.pl/>.

worked before and during the German occupation, my research takes into account the codes and textbooks used by the Polish judicial officials. The Code of Criminal Procedure (*Kodeks Postępowania Karnego*, 1928) and the Criminal Code of 1932 (*Kodeks Karny*) served as the framework of laws and rules that informed the administration of justice. These procedures were safeguards against the egregious application of criminal laws and the wanton treatment of suspected criminals. With these rules in hand, my research informs us how the administration – which included police officers and members of the court – was supposed to behave when handling crimes. My research also reveals whether the procedures were followed or not, depending on the case. With the help of these official documents and other sources from the prewar period such as newspapers, testimonies and regulations, this dissertation demonstrates that anti-Semitic acts committed by Poles during the war were not solely due to the occupation but had a firm rooting in the realities of the prewar period.

The main body of archival evidence selected for this study is composed of records representing each of the three levels of courts in occupied Poland: municipal courts (*Sąd Grodzki*), district courts (*Sąd Okręgowy*) and appellate courts (*Sąd Apelacyjny*). To represent each of these courts, this research looked at criminal court files from three municipalities: Otwock, Siedlce and Warsaw. The court documents from these three tribunals are of unprecedented importance. They encompass thousands of cases containing thousands of pages of untapped archival evidence for the entire *Generalgouvernement*. In many cases, these court files had never been indexed and became physically buried in the archives, making access to them complicated and sometimes even impossible. Each court file (case) contains between five and 100 pages of information regarding all parties involved in the

trial: the accused, the complainant(s), witnesses, police officers and members of the court. This massive body of evidence has, until now, never been an object of historical scrutiny, although its potential for studying the history and fate of Polish Jews during the Holocaust cannot be underestimated. On both legal and social scales, analyzing these court documents allows one to see the prejudices and biases of many members of the court and gives information about the Jews who inevitably died during the war.

Each file under study includes standard forms, such as information about the accused, investigation records and verdicts, while several others contain non-mandatory documents such as arrest records, correspondence between the police, birth and death certificates, statements from the victims and interrogations of the accused or a crime's witnesses. In each case, the history of the accused (their age, occupation, education, religion and whether they were a repeat offender or not), and what type of offense was most likely to be transferred to the municipal court (theft, insult, assault, murder, rape) can be determined. This approach enables us to create a portrait, both legal and demographic, of Jews and Poles who faced the court in the municipalities under study. These documents also show how other institutions - such as the Jewish and Polish police, *Judenrat*, German offices and prisons - were involved in the process of carrying out justice. To complete an accurate portrait of everyday life for the Jewish community that attended these courts, this dissertation pays particular attention to Jewish testimonies and depositions from these court records, in order to retrieve a human element from these cases and to gain a better understanding of the communications between the accused, the victims and the court. The information in these documents concerning moments of interrogation and the accused's depositions are sources of great value because, unlike other legal records, they allow the

defendants to speak freely. Furthermore, the municipal court archives in Poland are not only a reflection of the personal conflicts that characterized society during the war, they also serve to provide a more complete portrait of the life and death situation of an entire society. During this period, the Polish courts tried thousands of cases involving Jews. An analysis of court records gives us an opportunity to understand how Jews lived in the years prior to their mass extermination. Above all, studying these records allows to trace the journey of these people and better understand their daily lives during the war. In addition to court documents and official Polish administration sources, Jewish testimonies and journals from the war period and its immediate aftermath were consulted. The collections 301 and 302 from the Jewish Historical Institute as well as the testimonies from Yad Vashem Archives, and the records from the Visual Historical Archive were frequently and fruitfully used. These documents provide a glimpse into everyday life during the war period and help create a more accurate portrait of the Jewish reality during the occupation by integrating a more human aspect into our analysis. These archives provide information to corroborate the court records.

### Choices and Limitations

Above all, this research aims to explore new sources of documentation. I wanted to analyze the role which the Polish justice system played in the fate of Jews within the *Generalgouvernement*. My first step was to choose a corpus for analysis, since it was impossible to analyze each of the different courts within the occupied Polish territory. The volume of archival documentation used in this research was significant, going into thousands of pages of documents often written by hand in very bad Polish. For these reasons, this research is limited to the study of three municipalities in the Warsaw District.

I wanted to analyze how the three levels of courts functioned once they were left in the hands of Poles during the occupation. I chose the district of Warsaw because this was the largest Jewish community in prewar Poland. According to a German estimate made in July 1940, the district of Warsaw was populated by more than 3 million people and there were 540 000 Jews living within the district.<sup>39</sup> In each of Poland's four pre-1941 districts, there was only one court of appeal (in the capital) and two district courts: in Siedlce and Warsaw. I have chosen the court of Siedlce as our court of second instance in order to obtain a more diversified sampling. The district of Warsaw had dozens of municipal courts during the period under study. I decided to work with the municipal court in Otwock since the city had a sizeable Jewish population and is relatively well documented. The inventory from Otwock municipal court is accurate and complete, making it easier for me to draw accurate statistics from the court (see: Chapter 2). Also, during the war, cases tried at the municipal court of Otwock that required escalation to a second-level court could potentially be sent to Siedlce or Warsaw.

It is important to note that I encountered a serious limitation concerning the finding aids from the Appellate Court of Warsaw. During the Polish August 1944 uprising against the Germans, Warsaw was almost destroyed. The archives of the Appellate Court were partially destroyed along with 90% of all buildings in the city. Until today, there is no finding aid for the Appellate Court during the war period. It is therefore impossible to collect accurate statistics from this court. The cases tried at the Appellate Court of Warsaw

---

<sup>39</sup> In 1940, District Krakow was populated by 4 million people among which lived approximately 200 000 Jews, District Lublin was populated by 2.4 million people among which lived between 240 000 and 300 000 Jews, District Radom 2,7 million people among which lived approximately between 360 000 and 400 000 Jews. See *Verordnungsblatt für das Generalgouvernement*, Cracow, <http://dlibra.umcs.lublin.pl/dlibra/publication?id=11395&tab=3>

used in this research were found in the archives of the district court in Siedlce, as cases tried at this second-instance court often went on to be appealed in the capital. Even if we cannot derive statistics regarding the number of cases that were appealed in the Warsaw District, I still found it important to consider the Appellate Court of Warsaw in this research in order to point as accurate a portrait as possible of the Polish criminal justice under the German occupation.

Hundreds of cases were tried at these three courts from 1939-42, making it impossible to discuss every single one of them. Instead, I needed to create a three-court sample representative enough of the overall system. From several-hundred cases analyzed quantitatively (discussed in Chapter 2), I selected dozens for further qualitative analysis (which is covered in chapters 3, 4 and 5). Considering the volume of documents from these courts, I analyzed the same cases on multiple occasions. I used them in different chapters each time with a unique perspective and from a different angle. For example, a case of assault involving a Jew can be analyzed from a social perspective by noting the biases apparent during the accused's interrogation, but also from a legal perspective by examining the application of various judicial procedures and comparing the final verdicts.

### Structure of the Dissertation

Since the primary research documentation is so multifaceted, it allows a pluralistic approach to the daily life of Jews in Poland. The court documents provide information on several themes, including the political and legal administration in Poland before and during the occupation, the role officials played in that administration and relations between inhabitants. This places the research at the convergence of several historiographies.

Therefore, each chapter opens with an overview of the historiography of the selected area. My research is divided into five chapters, grouped under four different levels of analysis: administrative, legal, social and memorial. Chapter 1: The Polish Administration and Legal System; Chapter 2: Geography, Demography and Statistics About Jews in Poland; Chapter 3: Relations Between Polish Officials and the Jews; Chapter 4: Relations Between Polish Inhabitants and Jews; and finally, Chapter 5, Jewish Relations During the Occupation. In order to grasp the limitations of the judicial documents, historians must understand the evolution of the legal system under study.<sup>40</sup> For that reason, the first part of this dissertation is dedicated to the analysis of the political and judicial administration in Poland from the establishment of the Second Republic in 1919 to the Second World War. Chapter 1 looks at the administrative and political establishment of the Second Republic of Poland after the signature of the Treaty of Versailles in 1919 and examines the role of the Jewish minority population in the new republic. The use of court documents requires a thorough knowledge of the Polish administration and its laws. Therefore, the chapter also analyzes how the written constitution and other books of laws differed from the actual actions some politicians, members of the court and the Polish population at large took when dealing with the Jewish population. Chapter 1 also examines the period connecting the Polish republic to the German occupation. This part draws a portrait of the administrative, legal and social structure of the *Generalgouvernement* and provides an overview of the Polish administrative structure both within Poland (through the Polish underground) and outside the country (through the Polish government-in-exile). Correlations are drawn between the

---

<sup>40</sup> Evelyn Kolish, « *L'histoire du droit et les archives judiciaires*, » *Les Cahiers du droit*, vol. 34, numéro 1, Faculté de droit de l'Université Laval (1993) : p. 289-307.

new German regulations, the reaction of these Polish administrations, and the resulting treatment of the Jews.

Chapter 2 is dedicated to a social and legal microanalysis of the situation in Poland from the establishment of the Second Republic in 1918 until the mass deportation during the summer of 1942. This chapter analyzes the three judicial municipalities under study - Otwock, Siedlce and Warsaw – in order to provide a better understanding of the character of these communities. These overviews look at the reality of everyday life for Poles and Jews both before and during the war. The second part of Chapter 2 discusses Jewish involvement in the Polish justice system. It also provides a brief look at Jewish criminality before and during the war. Information from the retained documents have been entered into a database for the purpose of quantitative and qualitative evaluation. This database allows us to look at the people facing the courts. Furthermore, it delves into the common types of criminal offenses and the evolution of criminal behavior in Poland between 1939 and 1942. It also seeks answers regarding the possible correlation between “Jewish criminality” and the evolution of the Nazis’ policy of terror. Finally, this dissertation looks at the various justifications provided for the verdicts handed down for several of the cases under study.

The second part of this dissertation is dedicated to the day-to-day relations between Poles and Jews and everyday life in Poland during the Second World War. Because judicial archives are elaborated upon by the professionals functioning within that branch of government – including judges, lawyers, policemen, security officers and prison guards – the court documents are a useful aid in rethinking the nature of the balance of power between the general population and the country’s legal apparatus. Chapter 3 discusses the role played by these Polish officials in the fate of Polish-Jews. Their political agenda, bias,

and prejudices can be seen in the way they treated the accused, especially the Jewish ones, at the court system. Obviously, these officials were on duty during the trials, and the biases they harbored against Jews were channeled into their use of the judicial apparatus. That is why this research must consider the Criminal Code of 1932 (*Kodeks Karny*), and also the Code of Criminal Procedure (*Kodeks Postępowania Karnego*) that was the framework of laws and rules that governed the administration of justice in Poland. These procedures were intended to serve as safeguards against the discriminatory application of criminal laws and wanton treatment of suspected criminals. With this document, one can understand how members of the judicial administration were supposed to handle crimes. We can also observe if those established procedures were respected or not, depending on the case.

Chapter 4 looks at the relations between Polish and Jewish civilians during the Second World War from a social perspective. Through the study of depositions from the witnesses, from the statements of the victims and from the interrogations of the accused, one becomes aware of the widespread anti-Semitism and the behavior associated with it. I make the distinction between two different types of anti-Semitism in the court records under study: latent and active. The first type represents actions taken against Jews that came from biases and prejudices that existed during the prewar period. Several Jews entrusted their property to Poles at the beginning of the occupation. Poles often then the entrusted property and other goods from Jews in order to enrich themselves. These crimes were usually committed without any physical violence. Often, the accused Poles made different anti-Semitic comments and *lieux communs* in their deposition. The second form of anti-Semitism is defined by those cases where violent actions were carried out against

Jews. In many of these cases, even once the accused stood in front of judges, they still refused to acknowledge their guilt.

The final chapter investigates the everyday life of Jews and the interactions they had within the ghetto during the first years of the war. As mentioned previously, several Jews in different ghettos were willing to travel to the so-called “Aryan side of the town” or sometimes to another city in order to solve, with the help of the court, problems that occurred in the ghetto. Through the analysis of court records, this research presents the reality of life under the occupation. This chapter raises questions as to the place of the Jews within Polish society both before and during the war. It also analyzes how and why Jews used the Polish justice system instead of the alternative legal apparatus available inside the ghettos. On a social level, the court records studied demonstrate the precarious living conditions within the ghetto. Through legal investigations, depositions and other forms found in the court files analyzed, I was able to better understand how the German regulations affected the lives of all Jews. In addition to an accurate portrait of Jewish life under the occupation, court documents also present a different reality – where the occupation is not always at the foreground – with regards to daily Jewish life. Since Jews came from various backgrounds and different social classes, conflicts were common in the ghettos. Therefore, it was found in the court records that there were interactions between Jews that had nothing to do with the war, but rather represented Jewish life in Poland that was comparable to how daily life was before the war.

In addition to the administrative, legal and social analyses, a fourth perspective was added. The abundance of information found in the court documents concerning Jews can be used in a memorial perspective. *The Yad Vashem Institute* has collected testimonies

from survivors and relatives of Jewish victims in recent decades to create a database of the identity of millions of individuals who went missing during the German occupation. Often, only basic information (name, date of birth and city of origin) was given in these records as nobody knew where and when many Jews died during this dark period in history. By searching the municipal courts' legal archives, this research can help the Yad Vashem Institute complete many identity cards by adding missing information, such as a person's profession, information about their family, their city of deportation and even the date and place of their death. My research will thus give identities to some of the millions of Nazism's victims. This memorial approach will be discussed not only at the end of the last chapter, but also in the annexes at the end of this dissertation. The annexes can be used to correct, add or change some of the *Yad Vashem Shoah Name Database* entries in order to create a more accurate portrait of the victims and the circumstances in which they lived and died.

**Chapter I**  
**The Polish Legal System from the March Constitution to the Fall of the Second Republic.**

I would give half of my life if those who have abandoned the Roman Catholic Church would voluntarily return to its pale; but I would prefer giving all my life than to suffer anybody to be constrained to do it, for I would rather die than witness such an oppression. (Jan Zamoyski, Chancellor of the crown, Polish-Lithuanian Commonwealth, 1576-1578.)<sup>1</sup>

**Rebirth of Poland: Constitution, Laws and Political Tension**

The Polish state was recreated in 1918, following the collapse of all three partitioning powers. On November 11, 1918, the Council of Regency named Jozef Pilsudski Chief of the Army and asked him to form the new Polish government. The new prime minister was Jędrzej Moraczewski from the Polish Socialist Party (*Polska Partia Socjalistyczna* or PPS). On November 22<sup>nd</sup>, Pilsudski was provisionally appointed head of the Polish state until the convocation of the Constitutional Diet. This nomination antagonized the party of Roman Dmowski, National Democracy (*Endeja* or ND) based in Paris.<sup>2</sup> This situation of having two governments - one in Poland, one in Paris - lasted until January 1919, when Pilsudski decided to form a coalition government. Ignacy Paderewski, the representative of the national committee in America, replaced Moraczewski on January 16, 1919. The first elections took place 10 days later, when 296 deputies were elected, allowing a balanced parliament of right (almost 45 percent), center (near 15 percent) and left-wing parties (approximately 35 percent).<sup>3</sup>

---

<sup>1</sup> Wencelas J. Wagner, (edited by), *Polish Laws Throughout the Ages* (Stanford, CA: Stanford University, 1970), P.2.

<sup>2</sup> Waclaw Jędrzejewicz, *Jozef Pilsudski une biographie* (Lauzanne : Éditions l'Âge d'homme, 1986), p. 65.

<sup>3</sup>*Ibid*, p.68.

The new independent Poland was a multi-ethnic state. Three years after the end of the First World War, 68.9 percent of the population declared their nationality as Polish. The other Christian minorities were divided among Ukrainians (14.3 percent of the population), white Russians (3.9 percent of the population) and Germans (4.8 percent of the population).<sup>4</sup> Most of the Christian minorities lived within well-defined geographical limits. The Jews, however, were spread throughout the territory of the new state, with concentration in central and eastern Poland. According to the census of 1921, 2,110,000 people listed their nationality as Jewish (representing 7.8 percent of the population), which meant that 25 percent of those of the Mosaic religion presented themselves as being Polish.<sup>5</sup> Among the ones who identified themselves as Polish, 40,520 worked in the liberal professions. This number increased to 83,740 ten years later.<sup>6</sup>

Because of the very poor treatment of minorities in the countries of Eastern Europe, the Allies imposed a treaty of minorities, officially called the Little Treaty of Versailles (which also applied to Hungary, Romania, Yugoslavia and Czechoslovakia).<sup>7</sup> This treaty gave the League of Nations the right to interfere in case where guarantees of rights were violated. Provisions of the treaty, as written in article 7, “were obligations of international importance and were guaranteed by the League of Nations.” It means that “the national minorities should not suffer of any prejudices in matter relating to the enjoyment of civil or political rights, as for instance the admission to public employment, functions and

---

<sup>4</sup> *Pierszy Poweszechny spis Rzeczypospolitej Polskiej z dnia 30 wresnia 1921 roku (Le premier recensement général de la République polonaise du 30 septembre 1921)*, p.45-50.

<sup>5</sup> *Ibid*, p. 45.

<sup>6</sup> According to the Census of 1912, Jews could be considered from Polish or Mosaic citizenship. A discussion on the topic takes place in chapter II.

<sup>7</sup> *Minorities Treaty Between the Principal Allied and Associated Powers (The British Empire, France, Italy, Japan and the United States) and Poland, Signed at Versailles (28 June 1919)* in <http://www.forost.ungarisches-institut.de/pdf/19190628-3.pdf>

honors, or the exercise of professions and industries.”<sup>8</sup> The National Democracy contested this decision, considering it a restriction of Polish sovereignty and a sign of national humiliation.<sup>9</sup> Nevertheless, the treaty was signed by the Polish representatives, Roman Dmowski and Ignacy Paderewski, on June 28, 1919. But Poland renounced it at the League of Nations forum in Geneva on September 13, 1934.

Notwithstanding the tensions that existed among different political parties within the country, the first Polish Constitution – based on the French Constitution of 1875 – was signed on March 17, 1921. The need to secure frontiers had imposed a certain political unity of the different Polish parties.<sup>10</sup> This cooperation continued after the war, when, in 1920, France provided weapons to the Polish army during the war with Soviet Russia. On February 19, 1921, Pilsudski visited Paris, where he signed a political agreement with the president of the French republic, Alexandre Millerand. This agreement implied a common foreign policy, secret military clauses and a commercial one concretizing the pursuit of friendship and trust between the two nations.<sup>11</sup>

The March constitution (*Konstytucja marcowa*) was a model of tolerance and, like the French one, it was based on democratic principles<sup>12</sup>. This first constitution established a democratic republic with universal suffrage and a bicameral legislature made up of a *Sejm*, or lower house, and a Senate. As explained by historian Antony Polonsky: “all citizens over twenty-one years of age were entitled to vote in elections to the *Sejm*, and a

---

<sup>8</sup> Minorities Treaty, article 7 in <http://www.frost.ungarisches-institut.de/pdf/19190628-3.pdf>

<sup>9</sup> Daniel Beauvois, *La Pologne des origines à nos jours* (Paris : Édition du Seuil, 2010), p.314.

<sup>10</sup> Antony Polonsky, *Politics in Independent Poland*, p.40.

<sup>11</sup> Beauvois, *La Pologne des origines à nos jours* p.319. Also see, Andrzej Ajnekiel, *Polsko-francuski sojusz wojskowy* (Warsaw: Akademia Obrony Narodowej, 2000).

<sup>12</sup> See Louis Blanc *Histoire de la constitution française du 25 février 1875*, <http://gallica.bnf.fr/ark:/12148/bpt6k24229m>

modification of the *Hondt* system<sup>13</sup> of proportional representation was adopted in an attempt to prevent excessive fragmentation of political groups.”<sup>14</sup> The president was elected for seven years. The *Sejm* and the senate were elected for five years. The Constitution also guaranteed the irrevocability of judges, protection of private property, as well as free public education.<sup>15</sup> Despite its sophistication, the constitution did not accurately reflect well the political and social life in Poland. Historian Antony Polonsky notes that the principal reason for this misrepresentation was “the extreme fragmentation of Polish political life.”<sup>16</sup> In 1925, for example, there were 92 registered political parties in Poland, including the parties of national minorities. 32 parties were represented in the *Sejm* organized into 18 parliamentary clubs. Between the writing of the constitution in 1921 and Pilsudski’s coup d’état in May 1926, Poland had ten different governments (approximately one new government every six months).<sup>17</sup>

There were also major differences between the ideologies of the different political parties. The main two political parties in the Second Republic of Poland were the Polish Socialist Party (*Polska Partia Socjalistyczna* or PPS) – a left-wing party – and the National Democracy (*Endeja* or ND), a right-wing nationalist party led by Roman Dmowski. While the *Endeja* prioritized the *polonization* of the Eastern territories and wanted to reduce the rights of minorities (principally those of the Jews), the *Sejm* and the Senate elected Gabriel Narutowicz, supported by left-wing and center parties (mainly the PPS and the Polish

---

<sup>13</sup> The d’*Hondt*, or highest average method, is named after a Belgian lawyer from the 1870s. Unlike single transferable vote, it does not use a quota or formula to allocate seats or posts. Instead, these are allocated singularly and one after another.

<sup>14</sup> Antony, Polonsky, *Politics in Independent Poland*, p.45.

<sup>15</sup> *Konstytucja Rzeczypospolitej Polskiej, z dnia 17 marca 1921 roku*, Artykuł 2-9, in *Dziennik Ustaw* N0 44, Warszawa, 1 czerwca 1921 p. 634-635.

<sup>16</sup> Polonsky, *Politics in Independent Poland*, p.52.

<sup>17</sup> See: Waclaw Jedrzejewicz, *Josef Pilsudski une biographie*, p. 112.

Peasant Party – *Polskie Stronnictwo Ludowe*), as the first president of the Second Republic of Poland. Narutowicz took his oath of office on December 11, 1922, while some members and supporters of the *Endejca* manifested their opposition in the streets of the capital. President Narutowicz’s term was cut short, as he was murdered by a fanatical supporter of the nationalist camp only five days after his election. The *Endejca* had a very particular vision of what territories should belong to Poland and how Polish society should evolve. Roman Dmowski dreamt of a Poland exclusively for Poles. He envisioned a country without minorities, especially without Jews. Narutowicz, for his part, shared Pilsudski’s vision of creating a Polish commonwealth. When news of Narutowicz’s electoral victory was announced, a crowd formed in the street yelling: “Down with Narutowicz! Down with the Jewish candidate.”<sup>18</sup> Thanks to the newspaper supporting Dmowski’s party, *Gazeta poranna*, Dmowski had already tagged Narutowicz as the man chosen by the Jews. After the election, several newspapers continued this campaign of hate and published various and vicious anti-Semitic and hateful comments about the new president.

This type of political anti-Semitism was something new in Poland. As historian Paul Brykczynski explained: “anti-Semitism, which can be distinguished from earlier forms of anti-Jewish sentiments by being directed, not against the Jews as followers of the religion of Judaism but as people (or ethnic group) imbued with certain traits and characteristics, is sometimes thought to have formed an integral part of Polish political culture.”<sup>19</sup> The murder of Narutowicz took place after five days of protests and anti-Semitic hysteria in the capital. On the night of December 16, 1922, Eligiusz Niewiadomski shot

---

<sup>18</sup> Paul Brykczynski, *Primed for Violence, Murder, Anti-Semitism, and Democratic Politics in Interwar Poland* (Madison, WI: University of Wisconsin Press, 2016), p.10.

<sup>19</sup> *Ibid.*

and killed the president. During his trial, he claimed the shot was intended for Pilsudski because of his inclusive vision of the Polish nation which Niewiadomski called Judeo-Poland.<sup>20</sup> Whether or not Narutowicz was the intended target does not matter. As Brykczynski argued, “the story of the murder of Narutowicz plays a key role in the ideological conflict over the meaning of the imagined community of the nation and the places of the national minorities in that community.”<sup>21</sup>

The place of minorities in Poland before the Second World War: The Legal Status of the Jews

In the years immediately following the end of the Great War, Polish politicians, lawyers and constitutionalists (including Prime Minister Wicenty Witos and Minister of Justice Stanislaw Nowodworski) created the rules and the laws which would govern the country. More importantly, they created the basic legal principles that would help to shape the Polish national identity. As seen previously, the constitution was modelled on the French Constitution of 1875 and contained guarantees of equality and freedom for all citizens. Article 109 stipulated:

Every citizen has the right to preserve their nationality, cultivate their speech and national characteristics. Separate laws that will protect minorities in the State of Poland as well as the full and free development of their national pride will be provided by public law, within the assembly of local government and help with autonomous union of minorities.<sup>22</sup>

The next article of the constitution was just as significant. It stated that:

Polish citizens belonging to national minorities, religious or linguistic minorities are equal to other citizens. They have the right to establish and supervise at their

---

<sup>20</sup> *Ibid*, p. 11.

<sup>21</sup> *Ibid*.

<sup>22</sup> *Konstytucja Rzeczypospolitej Polskiej, z dnia 17 marca 1921 roku, artykuł 109*, in *Dziennik Ustaw* N0 44, Warszawa, 1 czerwca 1921, p. 653.

own expense charitable institutions, religious and social schools, and as well as to use them freely, and the implementation of the provisions of religion.<sup>23</sup>

In theory, Poles and Jews as well as other minorities were granted the same rights in all aspects of life, whether social, political or legal. In real life, however, many of the protections included in the constitution stipulating that people enjoyed freedom of religion, were valid only on paper. If article 113, for example, granted spiritual and economic autonomy, the next one stated that the Roman Catholic religion was to occupy the first place in the state among other religions despite being equal in their rights.<sup>24</sup> Furthermore, the article pointed out that the Roman Catholic Church was governed by its own rules, following a concordat with the apostolic seat, which was subject to ratification by the parliament.<sup>25</sup> This idea of a Polish Catholic State was advanced by Roman Dmowski in *The Church, the Nation and the State (Kościół, Naród i Państwo)* in 1927.<sup>26</sup> In the publication Dmowski argued the inseparability of Catholicism and Poland. He claimed that trying to separate Catholicism from Polishness by tearing the nation from religion and from the Church, would destroy the very essence of the nation.<sup>27</sup> Therefore, he rejected the right for Jews to live in Poland as equal citizens. Consequently, the *Endeja* attempted to revoke the rights of the Jews and accused them of conspiracy.<sup>28</sup> In this way, Dmowski tried to convince his supporters that Jews possessed limitless destructive power and that they were

---

<sup>23</sup> *Ibid*, p. 653.

<sup>24</sup> It is interesting to note that today's constitution also has an article about the place of the Catholic Church in the State. Article 25.4 – very similar to the one of 1921 – stipulates that the relations between the Republic of Poland and the Roman Catholic Church shall be determined by international treaty concluded with the Holy See, and by statute.

<sup>25</sup> *Konstytucja Rzeczypospolitej Polskiej, z dnia 17 marca 1921 roku, artykuł 109*, in *Dziennik Ustaw* N0 44, Warszawa, 1 czerwca 1921, p. 654.

<sup>26</sup> Roman Dmowski, *Kościół, Naród i Państwo* (Wrocław: Edition Nortom, 2013).

<sup>27</sup> Sabrina P. Ramet, *The Catholic Church in Polish History from 966 to the Present* (Las Vegas, NV: University of Nevada, 2017), p. 138.

<sup>28</sup> Beauvois, *La Pologne des origines à nos jours*, p.321.

ready to take over Poland.<sup>29</sup> Therefore, the only way to prevent this tragedy was to remove the rights of the Jews. This attitude weakened the legal protection and the principles of equality among citizens as guaranteed in the constitution, and raised doubts as to the practical implications of the adopted legal solutions. Consequently, the official opposition, which over the years gained momentum and influence, demonstrated its hostility vis-à-vis the constitution and laws put in place at the beginning of the Polish Second Republic. During the inter-war period, the National Democracy formed a political camp that created a press system with a strong nationalist hue. The party controlled press titles and had an efficient distribution network, and the anti-Jewish and nationalist propaganda was easily available throughout Poland. Because of the diversity of the publications, and the simplicity of the message, it attracted many followers. Among the newspapers used by Dmowski, the *Gazeta Poranna* (the Morning Newspaper), the *Gazeta Warszawska* (Warsaw Newspaper), the *Głos Prawda* (the Voice of Truth) and even the newspaper *Robotnik* (Worker) often published anti-Jewish articles during the inter-war period. Articles from these newspapers were designed to create a climate of violence and attempted to derail the democratic underpinnings of the constitutional system. For example, the *Gazeta Warszawska* published an article, on December 11, 1922, arguing that Jews were the ones manipulating the government.<sup>30</sup> Another example can be found in the *Gazeta Poranna*, where a Catholic priest, Father Lutoslawki, declared that the prime minister,

---

<sup>29</sup> Israel Oppenheim (Beer Sheva), "The National Democrats – Endejca – Attitude to the Jewish Question at the Outset," *Studia Podlaskie* 2. (1989), p. 116.

<sup>30</sup> *Po Wyborze prezydenta*, *Gazeta Warszawska*, December 11, 1922 in <https://polona.pl/press/gazeta-warszawska,Mjg0NjgwODE/>

Wincenty Witos, was marching under the command of the Jews, and therefore, subverted the wishes of the Polish majority.<sup>31</sup>

It was common for members of the clergy to take part in political life. In fact, the dominance of the Catholic Church was apparent in every sphere of life in Poland and found its way into social and legal contexts. One example of the primacy of the power of the Roman Catholic Church can be found in the debates surrounding the issue of ritual slaughter. In the 1920s and 1930s, Europe saw heated discussions about the cruelty of ritual slaughter as practiced in the Jewish religion. A law stipulating that animals must be stunned before being slaughtered was voted in several countries (Norway in 1929 and Soviet Russia in 1931), while a similar law was passed in other countries (Britain in 1933), but it gave exception to Jews and Muslims. In the Polish Second Republic, the question was discussed many times and was considered anti-Catholic. This debate coincided with the rise of anti-Semitism in the country. The motion to prohibit ritual slaughter was unsuccessfully raised at the Sejm in 1923, and again in 1928. It was not until 1936 in an anti-Semitic climate that the act was finally accepted by the parliament. The new law published in the journal of law on April 17, 1936, specified that ritual slaughter was forbidden.<sup>32</sup> Therefore, to legally slaughter animals, the Jewish community had to obtain a special permit, otherwise they faced legal consequences.

Despite the pressure from these groups, the controversy did not end with the passing of the law. During the 1930s, and especially after 1936, several animal welfare groups continued to criticize the Jewish community for the now-forbidden ritual slaughter. Newspapers such as the *W Obronie Zwierzat* (In the Defense of Animals) and *Swiat I*

---

<sup>31</sup> Gazeta Poranna, December 11, 1922 in <https://polona.pl/press/gazeta-poranna,ODgwMDQxNDg/>

<sup>32</sup> Dziennik Ustaw numer 70, pozycja 505 (1936) in <http://dziennikustaw.gov.pl/DU/1936/s/70/505>

*Przyjaciel Zwierząt* (The World and Friend of Animals) commented on a regular basis about the inhumane and, more importantly, anti-Catholic practices of the Jews. Not only did these groups criticize the way Jews killed their animals, but also the cruelty of the Jews in other areas of their life. One of the motivations from outside the animal welfare community came from anti-Semitic prejudices. As Plach wrote: “Consciously or not, anti-Semitism shaped animal protectionists’ definitions of cruel and humane, painful and painless, backward and modern, irrational and rational. Ultimately, [...] anti-Semitism formed an important component of the civilizing discourse that had become increasingly powerful since the nineteenth century.”<sup>33</sup> This way of thinking reflected a wider social discourse, seen through commonplace, clichés and the doxa, that affected the majority of the Polish population.<sup>34</sup> The issue of ritual slaughter, even if it seems superficial, touched at the core of Catholic values and reinforced the antisemitism in the Polish society. According to this paradigm, Jews were considered not only alien but also cruel and dangerous. The numerous articles published in Catholic newspapers as well as in publications devoted to the protection of the animals lead to the *Shehitah*<sup>35</sup> law that restricted the Jewish ritual slaughter of farm animals, starting on January 1<sup>st</sup>, 1937.<sup>36</sup> This new law had important consequences both socially and economically. First, on a social scale, it reinforced the anti-Semitic sentiment of Poles who believed that Jews were inhumane and cruel. On an economic level, the law closed several hundred Jewish butcher shops across Poland, throwing thousands of Jewish workers out on the street, eliminating

---

<sup>33</sup>Eva Plach, “Ritual Slaughter and Animal Welfare in Interwar Poland,” *East European Jewish Affairs*, vol. 45, N0 1, (2015), p.2.

<sup>34</sup> See : Marc Angenot, « Rhétorique du Discours Social », dans *Langue française* No 79, (1988) : p. 24-36.

<sup>35</sup> Shehitah or Shechitah is the Hebrew term to design the ritual slaughtering animals in the Jewish religion.

<sup>36</sup> *Jewish Telegraphic Agency*, Vol. 1 N0. 195, Sunday, March 29, 1936, p. 3 in jta.org

the majority of Jews from the industry.<sup>37</sup> This came as no surprise for the Polish government. Already in March 1936, Colonel Józef Beck, the Polish Foreign Minister, admitted during a meeting of the Joint Foreign Committee that he was aware that “the bill restricting kosher slaughtering passed by the Sejm would result in the Jewish communities suffering economic loss.”<sup>38</sup> Despite knowing the consequences of the bill, the Polish government did nothing to help the Jews. On the contrary, it used parliament and the justice system to make Jews outcasts and evict them from social and economic life.

#### The Criminal Code, Criminal Code of Procedures, and Members of the Courts Regarding the Legal Situation of the Jews

If the Constitution of 1921 was written in the spirit of the French Constitution, the Criminal Code and Criminal Code of Procedure were both organized around the existing codes in use during the partitions. Until 1919, three criminal codes were in use simultaneously: The Austrian Penal Code of 1852, the German Penal Code of 1871 and the Russian Penal Code of 1903. It was only in March of 1932 that the first Criminal Code of the Second Republic of Poland was published. Because the country was governed by three different legal traditions, the attempts to create a new code were an important step toward the unification of the country for the first time in 123 years. After lengthy discussions, the Polish Code of Criminal Procedure, published in 1928, and the Polish Criminal Code, published in 1932, became the first representations of Polish liberal legal

---

<sup>37</sup> Le Petit annuaire de la Pologne, vol.10, (Varsovie : Office Centrale de Statistique de la Pologne), 1939. p. 326.

<sup>38</sup> *Jewish Telegraphic Agency*, Vol. 1 N0. 195, Sunday, March 29, 1936, p. 4 in jta.org

thought.<sup>39</sup> The criminal code defined the crimes and determined punishments, while the code of criminal procedure specified the role and the behavior to be adopted by the members and participants of the court.

From the perspective of the theory of law, the Criminal code of 1932, adopted the principle of *subjectivization* (individualization) of guilt as well as of punishment. It means that the courts were given wide discretion to decide what would be just and fair, after full consideration of each given case. The judges were advised to take into consideration individual characteristics of the accused, and the circumstances which led them to commit the crime. Following the liberal spirit of the constitution, the criminal code gave a lot of power to judges. A legal expert, Professor Stanislaw Frankowski of the Saint Louis University School of Law explained:

The statutory minimum and maximum penalty levels were then set in a manner giving the judge enough latitude to impose a punishment fitting the circumstances of a particular case. In most instances a fine could be imposed instead of imprisonment. Even in those rare situations when imprisonment was the only sanction available, the judge was authorized to suspend its execution. Most importantly, in most instances the judge was able to impose a prison sentence of one month or a jail sentence of one week, i.e., at the minimum level fixed by the code [...] Under the key section on sentencing, a judge was to impose the punishment ‘within his discretion,’ primarily taking into account the defendant’s motive, personality traits, degree of intellectual maturity and other offenders related factors.<sup>40</sup>

This meant that judges had full control over the process and the outcome of a trial. Furthermore, and in line with the Constitution, the judges could not be recalled, arrested or prosecuted without the decision of a competent tribunal. The tribunals were independent,

---

<sup>39</sup> *Kodeks Postepowania Karnego*, 19 marca 1928 roku, in *Dziennik Ustaw* N0. 33, 20 marca 1928, Warszawa, and *The Polish Penal Code of 1932 and the Law of Minor Offenses* (Durham, NC: Duke University Press, 1939).

<sup>40</sup> Stanislaw Frankowski, *Introduction ton Polish Law* (Saint-Louis, MO: University School of Law, Kluwer Law International, 2005), p.343.

and this independence was assured by a regulation stating that their judgments could not be changed by either the executive or the legislative branch of the government. However, the courts were not empowered to review the validity of properly published laws. Even so, the courts' records show the prejudice and the bias of the judges of the Polish courts. Historian Mateusz Rodak argued that it was common for judges to give a verdict based on their own prejudices and bias.<sup>41</sup> Rodak noted that from the beginning of the Second Republic of Poland, anti-Semitic rhetoric had made its way into the judicial system. He gave the example of a judge in the district court of Kolomyja (now in Western Ukraine), who was not able to separate his personal beliefs and his job. In December 1922, the judge called for a boycott of Jewish shops during a trial for no obvious reason. Rodak also asserted that numerous judges openly expressed anti-Semitic opinions and that anti-Semitic rhetoric was heard from the bench. In Lublin in 1920, a group of demobilized soldiers were arrested and convicted for the murder of Jan Gilecki. The group of soldiers met Gilecki on the road and asked him if he was Jewish. Even though the victim assured the assailants that he was a Pole, just like them, they gave him a fatal beating. During the trial they gave intoxication as an excuse for the murder. Only one of the soldiers was convicted with a prison sentence.<sup>42</sup> Rodak explained that this kind of defense was common in the Polish courts during the inter-war period. He noted that in many cases, "even in the public prosecutor's office, drunkenness or general hatred for Jews was recognized as grounds for acquittal or for slight punishment by Polish courts."<sup>43</sup>

---

<sup>41</sup> Matusz Rodak, "Justizwesen und Strafverfolgungsorgane<sup>[SEP]</sup> der Zweiten Polnischen Republik im Umgang mit Juden," *Zeitschrift für Ostmitteleuropa-Forschung*, 62 (2013): p. 188.

<sup>42</sup> *Ibid.*, p. 198

<sup>43</sup> *Ibid.*

Because the judges could pronounce verdicts without any reference to the criminal code (regarding the circumstances of the crime and the criminal file of the accused, for example), a review of the code of criminal procedure is necessary. It outlines what kind of behavior – from police officers, lawyers, judges and all other members of the courts – was acceptable. It determined, for example, the circumstances that could oblige a judge to abandon a case. The Code of Penal Procedure of 1928 stipulated that if a judge was emotionally involved in a case or knew the complainant or accused, he must give the case to another judge.<sup>44</sup> It is also written that members of the courts should be objective in any case. They should not have prejudices or biases and must leave their personal lives and opinions at home when they worked. This was not the case in the Polish Second Republic. Judges, like other members of court as well as the Polish community at large, lived in an anti-Semitic environment, which had a direct bearing on their sentencing patterns.

Anti-Semitism was not only seen in court during the trials, but also in the Ministry of Justice and Lawyers' Associations. The *Supreme Council of Barristers* was quite explicit in its textbook, when, in 1937, it proposed a drastic measure to exclude Jews from the profession. Indeed, the association called for a *numerus clausus* for Jewish attorneys.<sup>45</sup> Furthermore, it did not include a single Jew in the list of the 63 candidates submitted to the minister of justice.<sup>46</sup> The government organ *Gazeta Polska* wrote that “the situation in the legal profession demands radical changes; attorneys as a body must serve the interests of the Polish people and must demonstrate Polish values in their spiritual life”.<sup>47</sup> In 1938, the

---

<sup>44</sup> *Kodeks Postepowania Karnego*, 19 marca 1928, Art. 39, p. 620.

<sup>45</sup> See: *Gazeta Polska*, May 10, 1937 in Polona.pl

<sup>46</sup> Harry M. Rabinowicz, *The Legacy of Polish Jewry* (New York, NY: Thomas Yoseloff Publisher, 1965), p. 76.

<sup>47</sup> *Gazeta Polska*, January 7, 1938 in Polona.pl

minister of justice, Witold Grabowski, passed a law giving him the right to “close the list of admission of lawyers and laws clerks anywhere in Poland, for an indefinite period of time.”<sup>48</sup> The objective was clear: to reduce the number of lawyers belonging to minority nationalities. The minister was obviously referring to Jews who represented at the time 39.7% of all the lawyers in the country (3,187 of 8,022), and 44% of the lawyers working in the capital. Once again, the government used its power in order to evict Jews from Polish society.

### Violence and Pogroms Before the War: Jews at the Courts, and the Failure of the Polish System of Justice

The Polish community must know that the Jewish question hangs over it like the sword of Damocles.<sup>49</sup>

*Dążenia żydów w dobie obecnej* (The Ambitions of the Jews in the present day),  
Jozef Kurszynski.<sup>50</sup>

To understand the functioning of the courts and the relations between the Polish majority and Jewish minority, this section shall examine the trial which followed a pogrom in Przytyk. Before the war, Przytyk, a small-town close to Radom, had 3,000 inhabitants, 90 percent of whom were Jews. On March 9, 1936, on *Shushan Purim* (the day after Purim), the Jewish merchants prepared a big fair, as was their annual custom. During the day, some members of the *Endecja* incited the Poles to boycott Jewish businesses. What began as a simple boycott quickly deteriorated into violence, and during the afternoon, rioters broke

---

<sup>48</sup> *Dziennik Ustaw 1938*, Nr 33 poz. 190, p. 13.

<sup>49</sup> David Engel, *The Shadow of Auschwitz The Polish Government-in-Exile and the Jews (1939-1942)* (Chapel Hill, NC: The University of North-Carolina Press, 1987), p. 12.

<sup>50</sup> Jozef Kruszynski (1877-1953) was a Polish Catholic Ecclesiastic, translator of the Bible and director of the Catholic University of Lublin. His writing was very influential in Catholic circles. See : Anna Jolanta Majdanik, “Between Fascination and Contempt, Jews and Judaism in the Writings of Re. Prof. Jozef Kruszynski (1877-1953), Pre-War Rector of the Catholic University of Lublin” in *SLH* vol. 8, 2019, p1-46.

furniture and windows not only in Jewish businesses but also in Jewish houses. In reaction to the rampage, the Jewish self-defence organization responded. At this point, the crowd became uncontrollable. The event resulted in the death of three people: two Jews, Yosef and Chaya Minkowski, and one Pole, Stanislaw Wiesniak.

This pogrom is significant in terms of shedding light on the relations between Jews and Poles on the eve of World War II.<sup>51</sup> Historian Joanna Michlic listed 150 Polish cities and towns that experienced this kind of violence during the prewar period, and especially between 1935 and 1937.<sup>52</sup> She wrote that smashing windows, plundering shops and private homes, and beating up Jewish villagers, students at universities and commuters in trains were the three most common forms of violence directed against Jews in inter-war Poland.<sup>53</sup> This violence was a direct result of the intensified anti-Jewish campaign lunched by *Endecja* in 1935 that proposed the *dejudaization* of the country (*odżydzanie Polski*). The speeches of the party members can be found in several publications and papers, including the *Warszawski Dziennik Narodowy*, which was one of the leading nationalist newspapers. In this paper, the question of the Przytyk pogrom was raised almost every week immediately following the event.<sup>54</sup> In the June 28, 1936, issue, one can read that “the events of Przytyk are not a pogrom but a war” (*To nie jest pogrom, to jest wojna*).<sup>55</sup> Furthermore, the journalist insisted on the violence committed by Jews against the Poles while adopting an ironic tone when discussing the killing of the two Jewish shoemakers.<sup>56</sup>

---

<sup>51</sup> A pogrom typically describes violence against Jewish people, particularly officially mandated slaughter. The word has been extended to any kind of violence perpetrated against Jewish properties, shops, and Jewish people as well.

<sup>52</sup> Joanna, Michlic, *Poland's Threatening Other: The Image of the Jew from 1880 to the Present* (Lincoln, NE: Board of Regents of the University of Nebraska, 2006).

<sup>53</sup> *Ibid.*, p. 119.

<sup>54</sup> See: *Warszawski Dziennik Narodowy* Nr. 79A, 81A, 101A, 175A.

<sup>55</sup> *Warszawski Dziennik Narodowy* Nr. 176 B 7/22 (28 Czerwca 1936, p. 5).

<sup>56</sup> *Ibid.*

After the pogrom in Przytyk, 14 Jews and 42 Poles were brought to trial at the district court in Radom (*Sąd okręgowy w Radomiu*). The pogrom, as previously mentioned, resulted in three deaths and almost one hundred injured people, however, only three charges were filed in court. The Jewish culprit who killed Stanislaw Wiesniak, was sentenced to eight years in prison. During the trial, Sholom Yehiel Lesko confessed to the investigating magistrate that “he had fired three bullets from the window of his home to frighten the crowd away. Fearful of a possible riot, he said, he had earlier purchased the gun in Radom.”<sup>57</sup> At the same time, four Poles were accused of the murder of the Minkowski couple killed with an axe in their own house. After their deaths, the killer(s) beat up Minkowski’s children, who were hiding in another room. The suspects were all acquitted for lack of evidence.<sup>58</sup> Furthermore, two Jewish members of the self-defence organization were condemned to five and six years in prison for possession of illegal weapons. The court rejected the claim that the Jewish defendants acted in self-defence and held them accountable for inciting a riot in the market by attacking peasants. The trials ended on June 26<sup>th</sup> and the Jews were charged with the crime of insulting the honor of the Polish nation under article 152: “Whoever shall publicly outrage or scoff at the Polish Nation or the Polish State is punishable by imprisonment up to 3 years, or by detention up to 3 years.”<sup>59</sup>

This legal process surrounding the Przytyk pogrom illustrates two things. First, these diametrically opposed verdicts between the murder committed by a Jew, (eight years

---

<sup>57</sup> Emanuel, Melzer, *No Way Out The Politics of Polish Jewry 1935-1939* (Cincinnati, OH: Hebrew Union College Press, 1997), p. 55.

<sup>58</sup> Stefan Niebudek, *Przytyk Wielki Proces Polakow z Zydami* (Warsaw: Sprawa Narodowa, 1936), p. 34

<sup>59</sup> See: *The Polish Penal Code of 1932 and the Law of Minor Offenses*, Chapter XXV “Offenses Against Public Order”, p 56.

of imprisonment) and the murders committed by Poles, (acquittal) demonstrate the bias of the court that had visibly strayed from procedure as dictated in the criminal code. Given their own subjectivity, the judges had the right to condemn or acquit depending on each case. To do so, they had to understand the motive of the accused and be able to recognize deviant behavior. During the investigation, the prosecutor explained the decision taken by the court by insisting that the Jewish shooter, who killed Wiesniak, considered himself superior to the Polish crowd.<sup>60</sup> He also mentioned that the panic and the riot were due to the sight of Wiesniak's blood in the street and not to the anti-Semitism of the crowd.<sup>61</sup> These statements – reported by the lawyer Stefan Niebudek, who did not take part in the trial as a member of the court, but as the clerk in charge of writing the trial record – legitimized anti-Semitic violence by making Jews responsible for their own misfortune and deaths. In the case of the pogrom of Przytyk, the members of the court appeared to have had a political agenda as well as harboring hostility toward the Jewish community.

We can also observe that the influence of public opinion could outweigh the letter of the law. The court seemed to have rejected the notion of equality of defendants and disregarded the letter and the spirit of the constitution and of the criminal code. Instead, they encouraged further anti-Semitic propaganda and sided with the discourse that echoed that of the National Democracy. Stipulating that the Jews were responsible for the violence in Przytyk during the events of March 1936 (while the Jews of Przytyk had previously asked the town hall for protection) legitimized the violence committed against them during that incident. The period preceding the Second World War shows that anti-Semitism was found in every sphere of Polish social life. The fact that the court did not punish these acts

---

<sup>60</sup> Stefan Niebudek, *Przytyk Wielki Proces Polakow z Zydami* (Warsaw: Sprawa Narodowa, 1936), p. 34.

<sup>61</sup> *Ibid*, p. 32.

of violence illustrates the power of anti-Jewish feelings and the influence of anti-Jewish propaganda. The Przytyk pogrom was not an exception. The violence perpetrated against Jews was done “in reaction” to Jewish violence. It was not framed as unprovoked violence, but rather as a measure of retribution against Jews who acted against Gentiles in the first place. The murder of the Minkowskis was not seen by the court or by the general population as a simple murder, but rather as a desperate act to avenge the death of Wiesniak.

The Przytyk trial highlights the role, the power, and the bias of the judge. The unrestricted power of judges in Poland could result in decisions that went against the criminal code and the code of criminal procedure. Following the Przytyk pogrom trial, the murderer of Wiesniak was condemned to eight years in prison. The testimony of the accused suggested that he had no intention to kill anybody while shooting at the crowd.<sup>62</sup> His intent was to scare away the angry crowd of Poles. The Criminal Code of 1932 stipulates, in article 225, murder (*zabójstwo*), “1. Whoever kills a man shall be punished by imprisonment for a period not shorter than three years up to life imprisonment or death penalty. 2. Whoever killed under the influence of strong emotion is punishable by imprisonment up to 10 years.”<sup>63</sup> More importantly, in article 230, manslaughter cases (*Nieumyślne spowodowanie śmierci*), stipulate that, “Whoever causes the death of a man unintentionally is punishable by imprisonment up to five years.”<sup>64</sup> The court did not even consider the possibility of extenuating circumstances.

Given the above-cited articles from the criminal code, it is hard to understand why the judges would send the accused Jew to prison for eight years, since obviously it was not

---

<sup>62</sup> *Ibid*, p. 44.

<sup>63</sup> *The Polish Penal Code and the Law of Minor Offenses*, p. 69.

<sup>64</sup> *Ibid*.

intentional. The judge, however, held the Jew responsible for starting the violence and rejected the self-defence thesis, just like the national newspapers asserted. The fact that the Poles who killed the Minkowskis were found not guilty due to lack of evidence is far more difficult to comprehend. We know that some Polish neighbors arrived right after the death of the shoemaker couple to save their children from being beaten by the murderer(s). These neighbors witnessed the crime. Moreover, the children saw (or at least heard) everything since they were hidden in the next room. With all these witnesses available, the fact that the court failed to find and to sentence any of the murderers, is telling. The Przytyk trial demonstrates the political bias of the judges who clearly sided with the racially radicalized, Polish mainstream, eager to see the Jews punished. This situation, which echoed the hateful discourse found in the newspapers and in the courthouse, was not an exceptional one. Historian Emanuel Melzer has noted that “the state showed no inclination at this time to control or condemn the radical *Endek* anti-Jewish propaganda that continued to be distributed. Newspapers began to agitate explicitly for Jewish blood to be spilled.”<sup>65</sup> He also notes a passage from an article from the Lodz newspaper that was read at a meeting of the *Sejm* by deputy Mincberg:

Blood has been spilled and will continue to be spilled in the future. Much blood will be spilled, for this is the only plank on which the debate over justice can be conducted... Today there is no way to confront the Jew, who wishes to take over Poland, other than to strike him with a sword or bullet. These are correct and usual arguments. There can be no verbal arguments or attempts to persuade; we are at war, and we must wage a war that is continuous and all encompassing. He who seeks to dissuade us from this war is a traitor.<sup>66</sup>

The vindictive tone used in this article is not surprising. The Jewish question was always approached with a certain aversion. In 1937, similar events took place in the city of Brześć.

---

<sup>65</sup> Melzer, *No Way Out the Politics of Polish Jewry*, p. 63.

<sup>66</sup> *Ibid* (quotes from *Sprawozdanie Sejmu*, no. 30, December 2, 1936).

A Jewish butcher, Wolf Szczerbowski, stabbed policeman Stefan Kedziora to death after the officer confiscated what he called “contraband meat.” Soon after, more violence erupted: Jewish shops and homes were destroyed, and Jews were assaulted. The nationalist press, just as in the aftermath of the pogrom of Przytyk, accused the Jews of inciting the violence. As explained Emanuel Melzer, “it appears that the OZON organ *Kurier Poranny* crossed a threshold when it responded to the Brześć incident by affirming the principle of Jewish responsibility.”<sup>67</sup> In addition, the press warned the Jews, stating that: “We wish to warn the Jews that they are responsible for the results of the method of thoughtless provocation employed by them.”<sup>68</sup> Like the Przytyk pogrom, the verdict of the court in Brześć is revealing. In Brześć, the Jewish butcher was sentenced to death. The verdict itself was in line with the criminal code (for a premeditated murder, the sentence could range from three years in prison to the death penalty) but not the reason given by the judge. Talking about the murder, “the court further speculated that his hostile attitude [against a Pole] was directly influenced by [...] a portion of Jewish people at large, which routinely expressed enmity of the state authority and the army.”<sup>69</sup> Like in Przytyk, the court allowed an anti-Semitic prejudice to blame the Jewish collectivity for the violence in the cities. The Przytyk trial and the Brześć case reveal more than violence between citizens. They expose the gap between the letter of the law and the social reality, and they represent the failure of the justice system in Poland during the inter-war period. While both the constitution and the criminal code in use were based upon democratic values and tolerance, the men in power – politicians and magistrates – frequently encouraged hatred and violence. The

---

<sup>67</sup> Melzer, *No Way Out the Politics of Polish*, p. 64-65.

<sup>68</sup> *Ibid*, p. 5.

<sup>69</sup> *Ibid*, p. 66.

exclusion of Jews from the legal mainstream gathered momentum during the period immediately preceding World War II.

A survey made by George Backer in 1936, and published in the *Jewish Telegraphic Agency* showed that anti-Semitism was at the core of the Polish administration, judicial, and social life. After conducting several interviews with the Jewish population of Warsaw, and the surrounding villages (in particular Karczew), Backer concluded that “anti-Semitism in Poland functions as an organized program, directed from the Sejm, where anti-Jewish attacks are applauded, and ensures their authors popularity.”<sup>70</sup>

Backer talked about the anti-Semitic propaganda generated by the government as anti-Jewish terrorism that broke down the institutions, namely the system of justice, that should protect all citizens of Poland. Polonsky described the same phenomenon of anti-Semitism in the Polish political sphere. According to Polonsky, “The main Jewish political groupings were reluctant to support the Centre-Left because of the anti-Semitism espoused by some of its members”.<sup>71</sup> Anti-Semitism and anti-Jewish violence were normalized by the majority of political parties regardless of their allegiance.

### The German Occupation

On September 1, 1939, Germany invaded Poland. In a few weeks, the whole country was occupied by the Nazis in the West and the Soviets in the East. Soon after the invasion, the Nazis established the Generalgouvernement (GG). Ruled by Hans Frank, a lawyer close to the *Führer*, the *Generalgouvernement* became - and remained during the

---

<sup>70</sup> George Backer, *The Jewish Telegraphic Agency*, vol 1. N0 195, p. 1. in jta.org

<sup>71</sup> Antony Polonsky, *The Jews in Poland and Russia a Short history* (Portland, OR, The Littman Library Of Jewish Civilization), 2013, p. 224.

six years of the war - an example of colonial entity. The GG shared many characteristics with traditional colonial systems. It was built upon a conquest, followed by an occupation, ruled through a political structure, dependent on the imperial center with a distinction made between colonizers and colonized based on language, race or religion.<sup>72</sup> Despite these elements of resemblance, historian David Furber explained that the distinction between the traditional colonial systems and the General Government was linked to two points. First, the colony was a neighboring country. "In expanding into Poland, Germany both returned to the former practice of overland expansion and turned away from the ocean. Crossing the ocean, the Europeans met people either unknown or sketchily known."<sup>73</sup> In the case of the General Government, the German colonizers were in a different country, however, they did not feel uprooted because of the proximity to their homes, but because of the economic and cultural gap. The second point raised by Furber is that Frank's colony was not used for trading with the center. "Here was no Nazi historical enterprise to bring civilization and commerce to the peoples in Europe, at least not as how the overseas colonizers allegedly understood it. At best, they could expect enslavement, at worst, death."<sup>74</sup> The colonized people of the *Generalgouvernement* were not destined to become Germans. Unlike the French, who presented colonization as a blurring of the differences between the colonizers and the colonized, Germany saw the inhabitants of the Government General as sub-humans used only to work as slaves for the Third Reich. All the decisions made by Hans Frank were made in order to make the Reich stronger. This model of colonization evolved throughout the war. Starting in the fall of 1939, the idea was to establish a territory ruled

---

<sup>72</sup> David, Furber, "Near as Far in the Colonies: The Nazi Occupation of Poland," *The International History Review*, Vol.26 (3), 01 September 2004, p.541.

<sup>73</sup> *Ibid.*

<sup>74</sup> *Ibid.*

by the Germans but never directly annexed to the Reich. As seen previously, this new territory was labeled as a *Nebenland des Reiches*, or simply, as a territory adjacent to the Reich. On 2 December 1939, Hans Frank described the GG as the first colonial territory of the German nation, “the farthest outposts of an administration run along the Reich method.”<sup>75</sup> Joseph Goebbels, the minister of propaganda, visited Lodz and Warsaw right after the conquest of Poland. The conclusion that he drew was that the people of Poland could not be left to govern themselves. They had to be directed by a German system. Regarding the Jews, he stated, “it is indescribable. These are no longer human beings, they are animals. For this reason, our task is no longer humanitarian but surgical. Steps must be taken here, and they must be radical ones, make no mistakes.”<sup>76</sup> The verdict on the Poles was just a little better: “The Poles’ dirtiness is unimaginable. Their capacity for intelligent judgment is absolutely nil.”<sup>77</sup> In fact, Goebbels believed that, without the German *savoir-faire*, Poland would fall into barbarism. “If Poland had still ruled for a few decades over the old parts of the Reich, everything would have been lice-ridden and decayed; only a purposeful, masterful hand could rule here now.”<sup>78</sup>

The idea of colonialism had been developed at the beginning of the war. Historian Diemut Majer wrote:

In Contrast to the Annexed Eastern Territories, whose purpose (Germanization) and status (Annexation) was established from the outset, the legal status and the faith of the occupied Polish territories (the General Government) were never concretely clarified because the Nazi leadership itself had developed a non-clear. [...] administrative policy and the treatment of “non-Germans” also demonstrate variations and contradictions, reflected, on the one hand, in an absurd policy of

---

<sup>75</sup> Dziennik Hansa Franka (Warszawa, Wydawnictwo: Wydawnictwo Prawnicze, biografia, autobiografia, pamiętnik, 1957), p. 10.

<sup>76</sup> Diemut Majer, “*Non-Germans*” *Under the Third Reich The Nazi Judicial and Administrative System in Germany and Occupied Eastern Europe, with Special Regard to Occupied Poland, 1939-1945* (Washington, DC, United States Holocaust Memorial Museum Press, 1993), p.18.

<sup>77</sup> *Ibid*, p. 19.

<sup>78</sup> *Ibid*.

economic overexploitation and on the other in the numerous measures to preserve the labor resources of the Poles.<sup>79</sup>

In December 1939, Governor Frank affirmed that the Führer's real desire was to create a new kind of colonial system or a buffer state and not to make a fifth German district (the four other jurisdictions already annexed were Warthegau, Danzing-West-Preussen, Zichenau and Schlesien).<sup>80</sup> Thus began the Nazis' experiment in the colonial laboratory of occupied Poland. During the war years, the Germans tried to determine, the fate of the weak and the primitive. Despite the strong desire and effort made by Frank to make an example of productivity of the General Government, the colonization process could never lead to a stable colony.

As early as 1939, the Germans had developed the idea of a colonial administration based on the Reich model itself. Consequently, they set up a unified administration, a new administrative model established between the traditional administration of a government and the standard administration of a colony.<sup>81</sup> Despite this goal, nothing stable (except the German terror regime) was created during the six years of war. On both the administrative and legal side, the place of non-Germans (Poles or Jews) in the General Government was never clearly defined. According to Frank, the *Generalgouvernement* served as a laboratory for administrative studies. In addition, it was a prototype for the future colonial acquisitions, and a model of colonial administrations.<sup>82</sup> As the government of Poland was already in exile and Frank had invested great efforts to avoid any interference from the Reich government, the situation of Poland was perfect for Third Reich leaders' colonialist

---

<sup>79</sup> *Ibid*, p. 261.

<sup>80</sup> In 1941, after Germans took the Soviet territories, they created 7 other colonies.

<sup>81</sup> Majer, "Non-Germans" Under the Third Reich, p.270.

<sup>82</sup> *Ibid*, p. 263.

ambitions. No interference came from Berlin or from the previous Polish government. Therefore, according to Hans Frank, it would be easy to impose new laws and regulations without having to deal and discuss with other members of its government.<sup>83</sup>

The division of the administrative work in the *Generalgouvernement*, which took place on three separate levels, characterized this unified administration. On the highest level there was the office of the General Governor (directly responsible to Hans Frank) which represented the central authority. Directly below was the administration of each of the four districts – Krakow, Radom, Warsaw and Lublin – (five after the inclusion of the District of Galicia in 1941). Each district was made up of several counties (*Kreise*),<sup>84</sup> managed by a *Kreishauptmann*, and some urban *Kreise* managed by a *Stadthauptmann*.<sup>85</sup> On the lowest administrative level were the city's, town's and municipalities' administrations, some of which were left in the hands of Poles while remaining overall under German supervision. If rural towns and counties were left in the hands of local administrators - mayors, village elders (*soltysi*) and their administrators – ghettos were administered by Jewish councils– *Judenrate* – set up by the Germans and working under the authority of the *Stadthauptmänner* in the cities and of the *Kreishauptmänner* in rural areas. The Jewish Councils were also subject to every German police authority in the area.

The Jewish councils were established in order to help the Germans with the enforcement of their “Jewish” regulations. In November 1939, Frank issued an order regarding the regulation for the establishment of the *Judenrate* in the occupied Polish territory. The order stipulated that in each Jewish community a body representing the Jews

---

<sup>83</sup> Dziennik Hansa Franka, p. 16.

<sup>84</sup> *Kreises* were administrative units that looked like American or English Counties. They were composed of many municipalities. See Diemut Majer, “*Non-Germans*” *Under the Third Reich*, p. 939.

<sup>85</sup> Majer, “*Non-Germans*” *Under the Third Reich*, p. 939.

would be formed. It was to consist of 12 Jews in communities with fewer than 10,000 Jews, and 24 representatives for a community of 10,000 inhabitants and more. The *Judenrat* would elect a chairman and a deputy from among its members. “It is the duty of the *Judenrat* through its chairman or his deputy to receive the orders of the German Administration. It is responsible for the conscientious carrying out of orders to their full extent. The directives it issues to carry out these German decrees must be obeyed by all Jews and Jewesses.”<sup>86</sup> At the beginning of the occupation, the Nazis created hundreds of ghettos within the *Generalgouvernement* in order to segregate, regulate and confine the Jews. There were several distinct types of ghettos including the closed ones—surrounded by walls and barbed wires – or the open ones.<sup>87</sup> This administrative division gave some real influence to Polish administrators, who operated at an even lower level. This represented one of the serious challenges for the General Governor and his administration, as it is explained by Diemut Majer:

The strongest basis of the Unified Administration was to be above all the rural and urban *Kreise* because the Governor General had rightly realized that this form of administration could function only if the lower administrative levels had sufficient freedom of action and were not choked by a supremacy at the centre. In this respect, the Governor General, sometimes even in opposition to his own administration, adhered to the principle of giving the medium and lower-level authorities as many powers as could be tolerated.<sup>88</sup>

In other words, General Frank conferred power to the lower administrative levels in order to give the illusion of freedom. The administration of the colony could not, however, function without its Polish employees. There were simply not enough ethnic Germans to fill the ranks. The fact that the Polish language was admitted as a second (unofficial)

---

<sup>86</sup> *Verordnungsblatt für das Generalgouvernement*, Cracow, p. 72-73 in <http://dlibra.umcs.lublin.pl/dlibra/publication?id=11395&tab=3>

<sup>87</sup> The ghetto question will be analyzed in detail in chapter 2.

<sup>88</sup> Majer, “*Non-Germans*” *Under the Third Reich*, p. 277.

language was an official recognition of this situation. As historian Stanislaw Piotrowski wrote in the introduction of Frank's diary, "Frank made German the official language with Polish only under sufferance. The daily ordinances were issued in both German and Polish, but the German ordinances were considered the authoritative version."<sup>89</sup> He also gave back some of the administrative powers to the Polish authorities. In reality, Frank was preparing the land for the Führer's planned *Lebensraum*, or living area, for future expansion.<sup>90</sup> As Piotrowski argued, "Hitler wanted the GG to become a big labor camp since Poles can never be skilled workers. Poles should have only one master: the German."<sup>91</sup> Raul Hilberg pointed out that the mayors and presidents of the Jewish councils were placed directly under the control of the Germans, and that the Polish mayors were mainly concerned with financial matters affecting the ghettos and public services in addition to the few sectors on which they were still exercising their powers.<sup>92</sup> The appropriation of Jewish and Polish properties in the General Government was one of the elements that city halls and *Judenrate* had to deal with. In Otwock.<sup>93</sup> As Pawel Szapiro noted:

There were Polish properties in the areas of the ghetto to be administered by the *Judenrat*, as well as ten businesses belonging to Poles, that the Germans hurried to liquidate at the end of 1940. To this town administration flowed a wave of petitions from the Polish population requesting exemptions from certain parts of the future ghetto and petitions from Jews requesting the enlargement of the territory allotted to them. The whole affair was definitely cut off with the decree Kreishauptmann Ruprecht on October 29, 1940, forbidding the examination of such petitions.<sup>94</sup>

---

<sup>89</sup> *Dziennik Hansa Franka*, p. 34.

<sup>90</sup> Meaning "Living space". The concept became a geopolitical goal for the Nazis that required a territory in Central and Eastern Europe for the Aryan race. Other populations would have to be removed permanently.

<sup>91</sup> *Dziennik Hansa Franka*, p. 43.

<sup>92</sup> Raul Hilberg, *Perpetrators Victims Bystanders: The Jewish Catastrophe 1939-1945*, (New York, NY: Harper Collins, 1992), p.140.

<sup>93</sup> Otwock is a small town near Warsaw (25km). The Ghetto of Otwock was the second largest one in the district of Warsaw.

<sup>94</sup> Pawel Szapiro, "After Words" in Calel Perechodnik, *Am I a Murderer* (Boulder, CO: Westview Press, 1996), p.218.

In this example, the Polish population of Otwock used the municipal administration to settle a conflict created (and which could only be solved) by the Germans. This administration served as a buffer for the Germans who used these other institutions to do their bidding and to avoid the local population. The same kind of conflict was found in the capital. During the fall of 1940, in Warsaw, the Municipal Council, the mayor Julian Kulski and the president of the *Judenrat*, Adam Czerniaków, were struggling over the boundaries of the ghetto. Even if the Germans had already made most decisions, the Municipal Council met and discussed the situation and tried to convince the Germans to postpone the date of the establishment of the ghetto. Ludwig Leist – the head of the department of German administration in Warsaw from October 1939 to March 1940 and the city governor of Warsaw from March 1940 to 31 July 1944 – informed the Municipal Board about the planned boundaries of the district designated for the Jews in September 1940. The attitude of the Municipal Board, directed by Julian Kulski, the mayor appointed to occupied Warsaw, was criticized by the president of the *Judenrat*. Czerniaków accused Kulski of defending only the interests of the Polish population even if it was not him who took the final decision. In his journal, the president of the *Judenrat* described each day that he had to meet with Kulski, as a *day of fighting*.<sup>95</sup> The local population was, therefore, divided. While the directives came from higher authorities, the Germans worked hard to rule without being a part of these conflicts. The office of the General Governor issued laws and decrees that were to be respected in every municipality of the *Generalgouvernement*, but placed the burden of the implementation of the laws to Poles and Jews.

---

<sup>95</sup> Adam Czerniaków, *Carnets du ghetto de Varsovie*. 6 septembre 1939-23 juillet 1942, p. 116.

### Regulations, Laws and Security

In prewar Poland, Jews had seen a steady erosion of their rights. One of the key characteristics of German rule was that the occupier exploited this pre-existing discrimination and built upon the existing anti-Semitic sentiments popular in Polish society. The purpose was to encourage Poles to accept Nazi propaganda, and to respect the new laws - even when those laws were to lead to murder and genocide. From the beginning of the war, some Jews were separated from the Aryan population by the creation of ghettos, walled or not. With this first step done, German authorities passed a series of regulations concerning Jews, which evolved until 1942, when Jews were declared outside the law throughout the General Government, except for a few isolated ghettos and working camps. The first anti-Jewish regulations issued in 1939 placed restrictions on the mobility of Jews. They were forbidden to leave the ghetto after curfew.<sup>96</sup> Other regulations sought to stigmatize them. This included wearing an armband bearing the Star of David and the separation of Jews and non-Jews on trains.<sup>97</sup> In January 1940, all Jews were forbidden to use railways without special permission.<sup>98</sup> Finally, in October 1941, the Germans introduced the death penalty for all Jews who left the ghetto.<sup>99</sup> In 1942, after the mass deportations to the extermination camps, Jews no longer had any civil status and it became legal - and strongly encouraged by the Nazis- to hunt them down like animals.<sup>100</sup> The harsh

---

<sup>96</sup> Archiwum Żydowskiego Instytutu w Warszawie [Archive of the Jewish Historical Institute in Warsaw], AŻIH 241/19 (10/16/1940).

<sup>97</sup> See: *Documents on the Holocaust, Selected Sources on the Destruction of the Jews of Germany and Austria, Poland, and the Soviet Union*, (Y. Arad, Y. Gutman, A. Margalot (editors), Yad Vashem, 1981), pp. 220-221.

<sup>98</sup> AŻIH 241/22 (01/26/1940).

<sup>99</sup> AŻIH 241/17 (01/15/1941).

<sup>100</sup> In several cities and in the country, Polish organised groups took care of the hunt for the Jews (*Judenjagd*) between 1942 and 1945. For more information see Jan Grabowski, *Hunt for the Jews*, (Bloomington, IN: Indiana University Press, 2013).

regulations introduced during the early days of the General Government did not, however, stop with the separation of Jews and non-Jews. During the first months of war, Hans Frank and his government also introduced several administrative and political measures which exacerbated divisions between Poles and Jews. In October 1939, the German authorities created the Blue Police (*Policja Polska Generalnego Gubernatorstwa*, henceforth PP). In 1939, throughout the General Government, there were around 5,000 German police officers. Because of their inability to control the whole territory, the Germans gave this task to Polish policemen. In 1943, there were more than 20,000 officers on duty.<sup>101</sup> When the Germans created it in the fall of 1939, the PP retained little of autonomy of the prewar Polish police, as the high-ranking officers received their orders directly from the German Order Police (*Ordnungspolizei*). The issue of the Blue Police and the Jewish Police will be examined in Chapter 3, where we will analyze the role played by these forces in the Polish legal system and what influences they had on the fate of Jews during the first years of the war. The focus will be on the role the Polish and Jewish police played in the fate of Jews since they were directly and indirectly controlled by the Nazis.

Hans Frank's administrators also used some members of the Jewish community to enforce orders and laws inside the ghettos. Since the Nazis did not want Poles and Jews to cohabit but still wanted to retain power over the Jewish population, they encouraged Jews to enter the ghetto police (JOD or *Jüdischer Ordnungsdienst*). Germans had little to do with the selection of candidates wishing to enter the JOD. The Polish police had the right to approve the selection, but the *Judenrate* did most of the work. The Germans offered these volunteers the assurance of protection, and a salary, but they were obligated, in return,

---

<sup>101</sup> Grabowski, "The Polish Police Collaboration in the Holocaust," p. 2.

to obey the orders of the occupier. In fact, the JOD was at first well perceived by the population of the ghetto. They were less severe and violent than the German or the Polish policemen. This perception changed with time, principally when it came to the mass deportation of the summer 1942, when the members of the JOD were seen as traitors and butchers of their own people. The creation of these police formations allowed the Germans to relieve their own police forces. The occupation authorities delegated to the local community a system of enforcement in all the towns and rural districts of the General Government. One of the primary concerns of the officers was to enforce the German regulations and anti-Jewish laws in all areas of public life of the General Government regardless of whether they were working for the Blue Police or the ghetto police. Therefore, the Germans never interfered in this administrative area.

Under Frank's administration, the Polish system of justice was one of the very few elements of Polish institutional life largely left intact in the hands of the Poles. Soon after the creation of the *Generalgouvernement*, the Germans put in place a two-tier system of justice. In February 1940, Frank determined that, "[...] where German security or economic interests were affected, German (special) laws were applied, for instance in the realms of police, criminal, and labor law; Polish law otherwise remained in force."<sup>102</sup> In other words, while the violations of German wartime regulations were automatically referred to the German courts (*Sondergerichte* and *Deutsche Gerichte*), the entire "common" criminality was still heard by the three levels of Polish courts: municipal court (*Sąd grodzki*), district court (*Sąd okręgowy*) and court of appeal (*Sąd apelacyjny*). These courts maintained their prewar competencies and powers. According to the criminal code of procedure of 1928,

---

<sup>102</sup> AZIH 241/272, Gubernator Generalny dla zajętych obszarów polskich [Hans] Frank. Proklamacja Gubernatora Generalnego.

the municipal courts “recognize crimes for which the law prescribes custodial sentences of up to two years or a fine or both, regardless of the additional penalties.”<sup>103</sup> By order of the Minister of Justice on November 23, 1929, issued in agreement with the Minister of the Treasury, the jurisdiction of municipal courts also included offenses under articles 144 and 145 of the penal and fiscal law. These articles recognized their substantive jurisdiction that was the consideration of appeals against judgments of peace judges. Municipal courts were also obliged to perform various court actions at the request of other common courts or special courts. The district court, for its part, “with the participation of a jury hears offences for which the law prescribes the death penalty or indefinite deprivation of liberty, crimes for which the lowest penal sentence is ten years of imprisonment, and for crimes the law considers political.”<sup>104</sup> Finally, the highest level of Polish judicial system operating during the German occupation was the Court of Appeal. This court heard appeals against judgments of lower courts, unless otherwise provided by law, and adjudicated in other cases indicated in this code.<sup>105</sup> The only significant change that the Germans made was to abolish the Supreme Court (*Sąd Najwyższy*) in the Decree on German Jurisdiction in the *Generalgouvernement* published on February 19, 1940.<sup>106</sup> Dr. Friedrich Gollert, German administrative jurist, explained in a 1941 bulletin that “only the former Supreme Court in Warsaw, which corresponded approximately to the German Supreme Court, was liquidated, as this institution had lost its right to exist with the disappearance of the Polish Republic.”<sup>107</sup> In some very rare cases (in the Lodz ghetto, for instance) the *Judenrat* created

---

<sup>103</sup> *Kodeks Postępowania Karnego 1928*, p. 618.

<sup>104</sup> *Ibid.*

<sup>105</sup> *Ibid.*

<sup>106</sup> Majer, “Non-Germans” under the Third Reich, p. 495.

<sup>107</sup> *Zwei Jahre Aufbauarbeit im Distrikt Warschau*, Im Auftrage des Gouverneurs des Distrikts Warschau. SA- Gruppenführer, Dr. Ludwig Fisher, p. 57.

a judicial apparatus inside the ghetto for the Jewish population, but the relevant municipal court of the nearest municipality heard common criminal cases. Crimes – regardless of their nature – committed by Poles or by Jews were solved at the municipal-court level without any intervention of the Germans.

The terms of personnel of the courts did not change after the German takeover. The members of the court, judges, prosecutors, registrars, and lawyers remained in place. The only exception was that Jews lost their right to work for judicial institutions. In the Warsaw District, 1,131 Jewish lawyers were purged from the former Warsaw Lawyers Association.<sup>108</sup> Thus, the Jews were completely removed from the judicial profession in Warsaw just as they were in other associations across the country. According to Gollert, the removal of Jewish barristers did not displease most of their Polish colleagues. The Polish lawyers and judges were imbued with anti-Semitic sentiments and were pleased about the *dejudaization* of their profession. Furthermore, the governor of the Warsaw District affirmed that 90% of the members of the Polish Lawyers Association had voted for the exclusion of Jewish members.<sup>109</sup> As these statements come from the German occupiers, they must be taken with reservation, however, it is true that the anti-Jewish bias in the Polish legal circles predated the war and became particularly strong and pronounced during the late 1930s. In addition to the eviction of the Jews from the legal system, the governor of the district of Warsaw, Dr. Ludwig Fischer, requested that each Polish lawyer, prosecutor and judge take the following oath: “In obedience to the German administration, I will faithfully fulfill my service in legal administration of justice.”<sup>110</sup> Even so, the

---

<sup>108</sup> *Ibid.*, p. 58.

<sup>109</sup> *Ibid.*

<sup>110</sup> *Ibid.*, p. 59.

Germans only intervened in cases tried by the Polish courts in exceptional circumstances. When the courts reopened in the winter of 1939/40 under the new German guidelines, Poles and Jews seeking justice, faced a system of justice similar to the one with which they had been familiar before the war, with the entire procedure based on Polish codes and laws.

Because of the Germans' lack of involvement in the Polish judicial sphere, the courts were a rare area where Poles and Jews could continue to interact without any overt interference and control by the German occupier. This situation – a Polish institution existing largely outside the sphere of interest of the German occupier – allows us to see these interactions from a different perspective. It allows us to analyze the involvement of judicial institutions in the everyday struggle for survival of Polish Jews during the first three years of the occupation, from the invasion of Poland in September 1939, to the mass deportations in the summer of 1942. During this period, the Polish courts tried thousands of cases involving Jews without any external interference from the Germans.

#### The Government in Exile, the Polish Underground, the Underground Courts and the Jewish Question

If the Polish system of justice was left in the hands of Poles, the real Polish government was in exile since the beginning of the war, first in France before moving to London. This government had no official power on the territory now occupied by Germany but was legitimate in a legal sense because of the power given to the president by the constitution of 1935, as a supreme organ of the State and the supreme commander of the armed forces.<sup>111</sup> At the same time, an unofficial and secret resistance apparatus (later to be called the “Polish Underground State”) was organized at the very beginning of the German

---

<sup>111</sup> Dariusz Stola, “The Polish Government in Exile: National Unity and Weakness,” *Holocaust Studies* Vol. 18 N0. 2-3, (Autumn/Winter 2012): p. 99.

occupation. The Polish underground was particularly robust in the *Generalgouvernement*, but it was also active in the areas incorporated into the Reich and in the East. Although later in the war, the resistance developed into a formidable fighting machine. In the beginning, it served as a source of intelligence and data gathering about the German system and strategy, for the authorities in exile, in the occupied territory. The data collected included labor policies, the creation of the concentration and extermination camps, about the new laws and regulations, and deportations and resettlements of population. Compared to this wide range of interests, the Government in exile and the Polish Underground demonstrated a profound lack of interest in the legal system in occupied Poland, and even less so in the fate of Jews who faced these courts. While almost totally absent from the judicial and administrative spheres of occupied Poland, the Government in exile had a real opportunity to get involved.

The Government in exile came into being in the aftermath of the German and Soviet invasions which destroyed the Second Polish Republic. The Polish government fled to France in September and re-constituted itself as the government in exile on October 2, 1939, under Prime Minister Wladyslaw Sikorski. The re-creation of this state apparatus was completed along with the new government, including Prime Minister Wladyslaw Sikorski, Deputy Prime Minister Prof. Stanislaw Stronski, Minister of Social Services Jan Stanczyk, Secretary of State Henryk Strasburger and Minister of Foreign Affairs August Zaleski, to name a few. The government moved to London in 1940 after the collapse of France. According to David Engel, in early governmental official declarations of principles, the prime minister announced that its sole purpose was the rebirth of a great and

sovereign Poland “that will be equally just for all citizens.”<sup>112</sup> Sikorski also promised publicly that the national minorities would henceforth enjoy, “justice, free national and cultural development and the protection of the law.”<sup>113</sup> However, the government formed in exile still came with political and ideological burdens and challenges which had allowed for the deterioration of the condition of Jews in prewar Poland.

David Engel, writing about the Polish government in exile, noted that its leaders hailed from several different political groups that had one thing in common: anti-Semitism. Among them, we find Finance Minister Adam Koc, founder of the *Sanacja* front organization OZON. Koc, in his “Thirteen Theses on the Jewish Question” of May 1937, had concluded that “the Jewish element weakens the normal development of Polish national and state force.”<sup>114</sup> General Józef Haller was yet another minister with “impeccable” anti-Semitic credentials. A former lieutenant general of the Polish army, Haller had commanded the troops responsible for several pogroms of Jews during the Soviet-Polish War of 1919-21. In light of the anti-Semitism of some of the members of the government in exile it is perhaps no surprise that the Jewish situation was never raised during the war. Engel also exposed that Sikorski’s government always discussed its democratic orientation for the future of Polish Jewry, but never its intention to solve the present problem facing Jews under the German occupation. The Minister of Labor and Welfare Affairs, Jan Stanczyk, on November 1 stated that

the Jews, as Polish citizens, shall in liberate Poland be equal with the Polish community, in duties and in rights. They will be able to develop their culture, religion and folkways without hindrance. Not only the laws of the state, but even

---

<sup>112</sup> Engel, *The Shadow of Auschwitz*, p. 52.

<sup>113</sup> *Ibid.*

<sup>114</sup> *Ibid.*, p. 53.

more the common sacrifices on the way toward Poland's liberation and the common sufferings in this most tragic time of affliction will serve to guarantee this pledge.<sup>115</sup>

This statement shows that after a year of occupation by the Nazis, which saw numerous anti-Jewish regulations passed, the government in exile criticized the Germans but still did not take action to protect Jews. No official help organization was created by the government in exile nor concrete action undertaken before the mass deportation of 1942. The Polish government knew about the anti-Jewish measures introduced by the Germans, but it did not attach any importance to these special measures directed against a large group of its own citizens.<sup>116</sup> This attitude was present from the beginning of the war and continued until the collapse of the German regime. The government in exile said explicitly in many communiqués that its purpose was to protect Polish citizens during the occupation but, more often than not, the idea of national obligations was construed on ethnic, rather than on citizenship-based principles. The Government in exile faced an important dilemma. On the one hand, it had to protect the Jews if it wanted to be trusted by the allies. As historian Dariusz Stola mentions Western Allies were not ready to make compromises towards anti-Semitism. One of the conditions of their support of the Polish State was tolerance and equality of rights for all citizens including the Jews.<sup>117</sup> On the other hand, the Polish government in exile feared that the suffering of the Jews would overshadow the suffering of the Poles. The statements emanating from the highest and most influential members of the government clearly demonstrate that the Polish government was worried about the future of the country and Jews were not considered equal citizens. The role of the London-based Ministry of Justice in exile during the war was to keep an eye on the judicial situation

---

<sup>115</sup> PISM-PRMK. 102/30c: *Protokol posiedzenia Rady ministrow*, 29 October 1940.

<sup>116</sup> Engel, *The Shadow of Auschwitz*, p.168.

<sup>117</sup> Stola, "The Polish Government in Exile", p.98.

in the occupied Polish territories. During the Second World War. There were two ministers charged with the Justice portfolio: Herman Lieberman who acted as Minister of Justice from September 1939 to 1941, and Karol Popiel, from 1941 until the end of the war. One would assume that these two ministers would try to play an important part in regulating, or at least influencing the Polish courts in GG, since it was one of the few remaining elements of the Polish administration left standing – and largely left alone - by the occupier. Yet, surprisingly, the records of debates show that the government in exile and its ministers of justice took minimal interest in this issue. Never was the question of the Polish courts raised in any meeting of the council of ministers.<sup>118</sup> Therefore, the role of the Ministry of Justice, within the government in exile, mattered only in respect to questions about the future of Poland, and never about its present state.

The question of the relations between the Polish underground and the Jews during the German occupation still raises strong emotions. As historian Shmuel Krakowski pointed out “Polish historiography has given extensive coverage to only one of many aspects of the Polish underground’s attitude towards the Jews – the help which they were given – and it has greatly exaggerated the scope of that aid.”<sup>119</sup> However, the reality of the situation was quite different. While historians revealed the help given to Jews, it is known that the contact between the Polish Underground and the Jews was not significant prior to the mass deportations of the summer 1942, and it did not improve much during the later period. The Polish Underground was not a homogenous group, but rather an association of several political and military entities with very different views. As mentioned previously,

---

<sup>118</sup> See: *Protokoły z Posiedzeń Rady Ministrów Rzeczypospolitej Polskiej, tom I-V*, (Kraków: Polska Akademia Umiejętności, 1994).

<sup>119</sup> Shmuel Krakowski, “The Polish Underground and the Extermination of the Jews,” in *Poles, Jews, Socialist: the Failure of an Ideal* (Portland, OR: The Littman Library of Jewish Civilization, 2008), p. 138.

their primary purpose was to fight the Nazis in order to restore a free and independent Poland. To do so, they also worked to ensure a counterbalance to the German power in place. They did so by spreading news from outside the territory – with the help of underground newspapers such as *Biuletyn informacyjny* or the secret radio broadcasts by the BBC – while making a permanent link with the government in exile (and therefore the Allies) and protecting the Polish population. During the occupation, the Polish Underground sent news about the tragic situation of the Jews to the government in exile on a regular basis. These reports became the primary source of information about the fate reserved for the Jews by the occupier, not just in London but worldwide.

If the Polish resistance informed the world about the situation of the Jews, it was still unwilling to consider Jews as co-citizens with equal standing in society and deserving of equal protection, empathy and social solidarity. This problem has been discussed by many historians over the years. The previously cited Shmuel Krakowski described this contradiction between the underground action and ideology and provided many examples of this uneasy relationship. The historian notes that “the democratic and socialist organization wanted and advocated equality for Jews in the future liberated Poland. But the majority of political groups in the Polish underground proclaimed more or less radical anti-Jewish programmes, demanding forcible Jewish emigration after the liberation of Poland and some political elements even proposed that Jews should continue to live in the ghettos after the German invaders had been repulsed.”<sup>120</sup> The spectrum of reactions to the problems faced by the Jewish population was wide-ranging. While some underground newspapers like the *Narod* (Nation), which was an organ of the *Stronnictwo Pracy* (Labor

---

<sup>120</sup> Krakowski, *The Polish Underground and the Extermination of the Jews*, p. 140.

Party), published an article entitled, “Jews Must Emigrate” in January 1942, others denounced the German policies against the Jewish population. One of these journals was the *Biuletyn Informacyjny Malopolski* (Information Bulletin Malopolska) that published on September 17, 1942, an article called “We Protest (*Protestujemy*)” where it is written that “Babies, children, youths, adults, the old, cripples, [...] murdered in cold blood, poisoned by gas, buried alive [...]. Not being able to resist it actively, the Leadership of Civil Warfare protests in the name of the entire Polish nation at the crime being perpetrated against the Jews.”<sup>121</sup> Even when the Polish Underground denounced the behavior of Germans toward the Jews, latent anti-Semitism was still generally felt. Krakowski quoted the famous letter written by Zofia Kossak-Szczucka in the name of the *Front Odrodzenia Polski* (Front for Polish Resurrection) in August 1942, in which she “simultaneously incorporates a protest against German genocide and anti-Semitic propaganda.”<sup>122</sup> Kossak-Szczucka wrote that, “One has no right to remain passive when crimes are being committed. Whoever keeps silent in the face of murder becomes the murder’s accomplice. He acquiesces who does not condemn. For this reason, we, the Polish Catholics, are speaking out. But our feelings towards the Jews have not changed. We still consider them to be political, economic, and ideological enemies of Poland.”<sup>123</sup> In Kossak-Szczucka’s letter one hears distinct echoes of pre-war anti-Semitism. Her vision of the Jews, even under the Nazi regime, had not changed. As it was before the war, Jews remained enemies of the State. The only slight difference she made was that Jews were enemies of the Poles, so Poles should have to deal

---

<sup>121</sup> *Protestujemy* in “Biuletyn Informacyjny Malopolski,” 1942, nr. 28 (17 September 1942), <https://polona.pl/item/biuletyn-informacyjny-malopolski-1942-nr-28-17-wrzesnia,Nzk0NzQ5NDc/0/#info:metadata>

<sup>122</sup> Krakowski, *The Polish Underground and the Extermination of the Jews*, p. 141.

<sup>123</sup> *Ibid.*

with it, and no one else. In a sense, Kossak-Szczuka's letter corroborated the prejudices and bias denounced by the Jews during the 1930s in Poland: Jews were trying to take over the country, and Polish culture. Examples of this form of common anti-Semitism are numerous. This one is particularly galling and striking since it comes from a person genuinely preoccupied with the fate of the Jews, one of the early advocates for the creation of "Zegota," or the Council for Aid to Jews.

Before the war, anti-Semitic rhetoric was a part of the everyday discourse, both in everyday life and in the political circles. These narratives did not disappear with the invasion of Poland; they lasted under the occupation and continued after the war. The discourse was associated with and followed by horrendous physical violence, as witnessed by the pogrom of Kielce, which happened on July 4, 1946. The consistency of anti-Semitic acts and rhetoric in Poland demonstrates more than just a hate or fear of Jews. It validates the thesis that for many Poles – from citizens to politicians to other government members both before and after the war – Jews were never considered equal citizens and were never truly part of the Polish social contract.

### The Judicial System and the Polish Underground

Beginning in 1942, the Polish resistance established underground secret courts of justice to prosecute Poles who collaborated with the German occupier.<sup>124</sup> During the period of extermination of the Polish Jews from 1942 to 1944, and the hunt that followed (the so-called *Judenjagd*), the Polish Underground created this judicial apparatus in order to bring

---

<sup>124</sup> See: Joshua D. Zimmerman, *The Polish Underground and the Jews, 1939-1945* (New York, NY: Cambridge University Press, 2015); Halik Kochanski, *The Eagle Unbowed, Poland and the Poles in Second World War* (Harvard, MA: Harvard University Press, 2012); Nechama Tec, *Resistance: Jews and Christians who Defied the Nazi Terror* (Oxford: Oxford University Press, 2013), to name a few.

potential collaborators of the German regime to court. Historian Stefan Korbonski wrote that “the basis for the establishment of the underground courts had been provided by the resolution of the Ministers Committee for Homeland Affairs of April 16, 1940, which stated that: it is within the competence of the special courts to pronounce death sentences on oppressors, traitors, spies, and *agents provocateurs*.”<sup>125</sup> This was a way for the government in exile to claim and to enforce its authority on the occupied territory. The secret courts employed regular judges and prosecutors, trying to preserve the decorum of a regular system of justice. Because it was a special institution that concerned itself only with the question of collaboration during the German occupation, the court did not use the Criminal Code of 1932, like the Polish courts, which were in function at the same time. Instead, it employed a military code drafted by the government in exile. This new code “legislated their structure, defining their composition, procedure, and manner of carrying out justice.”<sup>126</sup> In pronouncing death sentences, the courts based their decisions on articles 93-113 – Special Statutes<sup>127</sup> – of the Criminal Code of 1932, which stated that “whoever commits the crime of treason, espionage, instigation or oppression of the Polish people, is liable to the penalty of death.”<sup>128</sup> The Ministerial Committee for Homeland Affairs and the code created in May 1940 conferred on the underground court the particular status of state courts.

Although the underground special courts were offering an opportunity to re-establish the power of the Polish government in exile, their functioning had little to do with

---

<sup>125</sup> Stefan Korbonski, *The Polish Underground State, A Guide to the Underground 1939-1945* (New York, NY: Hippocrene Books, 1981), p. 74.

<sup>126</sup> *Ibid.*

<sup>127</sup> These articles fall under chapter XVII “Offenses Against the State” and chapter XVIII “Offenses Against External Interests of the State and International Relations”.

<sup>128</sup> Korbonski, *The Polish Underground State*, p. 74.

the system of justice of the Polish Second Republic, and had even less to do with the one in place during the German occupation. Even if they acted in the name of the Polish people, the Polish Underground courts were not a judicial equivalent of a regular court. The people allowed to testify, to judge and to appear in front of these courts were all members of the Polish resistance. Because they were regulated under the special courts, the death penalty was more than a possibility. The underground special courts worked differently from the regular courts. They consisted of three judges, among whom a minimum of one member should have been a professional judge, a lawyer or at least a graduate of a law school. The presiding judge was the one with full power. He determined if the defendant was to be called or brought in front of the court as long as the defendant's appearance did not put the existence of the court or the underground in jeopardy. If absent, the accused was defended by a court-appointed attorney. There was no possibility of appealing the imposed sentence, but each sentence had to be approved by the respective District Government Delegate.<sup>129</sup> In general, the underground courts received cases of collaboration with the Nazi regime regarding the fate of Poles but not Jews. Given the overall lack of social solidarity with the Jews it is hardly surprising that Poles who denounced, killed or otherwise harmed the Jews were very rarely punished by the underground justice. For the most part, these courts dealt with crimes of collaboration committed by Poles against other Poles, or against the organized resistance. Korbonski also wrote that "penalties of flogging and head-shaving were also used by Civil Resistance, particularly in the countryside [...] [it] was used, for instance, in case of misappropriation of Polish property; head-shaving was the penalty for women who consorted with the Germans and attended German parties."<sup>130</sup> The first death

---

<sup>129</sup> *Ibid.*

<sup>130</sup> *Ibid.*, p. 76.

sentence pronounced and carried out in the capital was given to Roman Leon Swiecicki, a lieutenant of the Blue Police.<sup>131</sup> Swiecicki was accused of collaboration, especially for the part he played in street roundups and at the German courts which sentenced Poles to death. Not only was the police officer sentenced to death, but the news was echoed in the underground press, radio and in 3,000 posters plastered on the Warsaw walls. The goal was to let Poles know that the Polish Underground had a certain power over the population. If the official underground courts were authorized and legitimized by the Polish government in exile, several other underground groups decided to do the same without the consent of London. Korbonski noted that other underground organizations “usurped for themselves the prerogatives of the courts and passed their own sentences, liquidating those they deemed guilty.”<sup>132</sup> The Underground system of justice was, therefore, an amalgamation of several organizations, most of them faithful to the government in exile but often pursuing their own agendas.

### Conclusion

This short contextualization of the Polish administration and social life, before the war and at the beginning of the German occupation, demonstrates that the relations between Poles and Jews were never easy. First, with the establishment of the Second Republic, the proclamation of the March Constitution and the formation of the Polish system of justice, Jews were treated as second-class citizens. Anti-Semitism was an important part of political and social life in Poland before the German invasion of September 1939 and continued to

---

<sup>131</sup> Tadeusz Piotrowski, *Poland's Holocaust Ethnic Strife, Collaboration with Occupying Force and Genocide in the Second Republic, 1918-1947* (Jefferson, NC: McFarland, 1998), p.110.

<sup>132</sup> Korbonski, *The Polish Underground State*, p. 74.

be an important factor throughout the Second World War. Second, the chapter also analyzed the attitudes of the Government in exile and that of the Polish Underground toward the plight of the Jewish Polish citizens. It is noteworthy that Polish resistance rarely engaged in helping the Jews, although overt acts of physical violence toward them were also rare. It is obvious that the government in exile and its apparatus on the ground, in occupied Poland considered “the Jewish question” as a problem to be solved in the future – after the future collapse of the German army – but decided against taking action in the meantime.

**Chapter II**  
**Geography, Demography and Statistics Regarding the Jewish Population of Warsaw, Otwock and Siedlce, Before and During the Occupation.**

The situation of Jews in Poland evolved quickly from the end of the First World War to the invasion of Poland in 1939. Demographically, the Jewish population grew rapidly following the establishment of the Polish Second Republic, and during the inter-war period. The census of 1921 shows that there were 2,845,364 Jews living in Poland.<sup>1</sup> This number increased to 3,113, 933 in the census of 1938 (made in 1931), mainly because of the migration of Jews from Ukraine and Soviet Russia.<sup>2</sup> On the eve of World War II, the 3 million Jews of the Second Republic of Poland represented almost 10% of the total population (31, 915, 779 people).<sup>3</sup> These numbers seriously underestimate the real number of Jews, some of whom decided not to self-identify. To have a better understanding of the place played by Jews in Polish society and of their representation in the judicial system during the German occupation, it is important to understand the evolution of the Jewish community under the Second Republic. To do so, this chapter aims to be a contextualization of the situation in the Warsaw District before and during the German occupation. This chapter draws a statistical portrait of the social and legal Jewish situation in the three municipalities under study: Warsaw, Siedlce and Otwock. This short overview of the situation before the war in the Capital District shows the difficulties facing Jews who were both a huge part of the Polish society and yet highly rejected by Poles.

---

<sup>1</sup> *Pierwszy powszechny spis Rzeczypospolitej Polskiej z dnia 30 Wresnia 1921 Roku* (First Census of the Second Republic of Poland, September 30, 1921), Warszawa, Główny urząd statystyczny Rzeczypospolitej Polskiej tom XXXI, p. 33.

<sup>2</sup> *Rozporządzenie Rady Ministrów z dnia 2 wrzesnia 1931 roku w sprawie przeprowadzenia drugiego powszechnego spisu ludności* (Ordinance of the Council of Ministers of September 2, 1931 regarding the conduct of the second census), in *Dziennik Ustaw* 1931, nr 80, p.15.

<sup>3</sup> *Ibid.*

### The Warsaw District: Statistics and Demography

The area under study – the Warsaw district – did not exist under the Polish Second republic. The borders were determined by the Germans at the start of the occupation. A discussion of the characteristics of the Warsaw District is necessary before analyzing the Jewish situation within Warsaw. After the collapse of Poland in September 1939, the Germans annexed the territories of Pomerania, Poznan, Lodz, and Silesia to the Reich. The Germans established the *Generalgouvernement* on October 26, 1939. Placed between territories annexed by Germany to the West and by the Soviet-Union to the East, the *Generalgouvernement* covered approximately 96,000 km<sup>2</sup> and had an initial population of 11.5 million people. During the first year of the occupation, the population increased by about 860,000 people namely because many Poles and Jews were expelled from the German-annexed territories and resettled in the *Generalgouvernement*. In early 1941, the GG counted over 12 million inhabitants, 2 million of whom were Polish Jews.<sup>4</sup> The Germans divided the new territory into four districts: Warsaw, Krakow, Radom, and Lublin. After Operation Barbarossa – the code name for the German invasion of the Soviet Union launched on June 22, 1941 – a fifth district was created in the *Generalgouvernement*: Galicia.

The Warsaw District consisted of 16,860 km<sup>2</sup> and had a population of 3,000,000 people – including 540,000 Jews (roughly 18% of the total population).<sup>5</sup> The Germans created 10 *kreise* (counties) in this district: Garwolin, Grojec, Łowicz, Mińsk Mazowiecki, Ostrów Mazowiecki, Siedlce, Skierniewice, Sochaczew, Sokołów, and Warschau-Land.

---

<sup>4</sup> This number increased to 17.4 million inhabitants spread over a territory of 141,000 km<sup>2</sup> after the operation Barbarossa and the incorporation of District Galizien into the *Generalgouvernement*.

<sup>5</sup> *The United States Holocaust Memorial Museum Encyclopedia of Camps and Ghettos, 1933-1945*, (Washington, DC: Geoffrey P. Megargee, 2018), p. 358.

Each of these territories was governed by a *Kreishauptmann* (a district chief) and a governor.

**Map 1: German occupation of Poland, 1942**



From *Holocaust Encyclopedia* <https://encyclopedia.ushmm.org/content/en/gallery/poland-maps?parent=en%2F4879>

The governor of the Warsaw District was Dr. Ludwig Fischer. The new authorities established 60 ghettos in the Warsaw District between 1939 and 1942. Most of the initial ghettos were open. Several of them were only transitional, as Jews were quickly sent to larger ones, such as the Warsaw ghetto, which held roughly 460,000 individuals at its peak. While most ghettos were very small and counted only a few hundred Jews, several larger ghettos were set up to contain thousands of Jews. Among the larger ones were Węgrów

(pop. 9,000)<sup>6</sup>, Falenica (pop. 6,000), Sokołów-Podlaski (pop. 7,000), Minsk-Mazowiecki (pop. 5,000-6,000), and two of the towns under study, Siedlce (pop. 13,000)<sup>7</sup> and Otwock (pop. 12,000).<sup>8</sup>

**Map 2: Ghettos in the Warsaw Region**



*The United States Holocaust Memorial Museum Encyclopedia of Camps and Ghettos, 1933-1945, p. 363.*

This research focuses on three municipalities in the Warsaw District: Warsaw, Siedlce, and Otwock. These three communities observed the same German regulations, which were implemented at the same time with few exceptions.<sup>9</sup> From a judicial point of

<sup>6</sup> Skorowidz gmin Rzeczypospolitej Polskiej ludność i budynki (Index of the communes of the Republic of Poland, population and buildings) in [http://maps.mapywig.org/m/m\\_documents/PL/SKOROWIDZ\\_GMIN\\_RP\\_CZ\\_I\\_WOJ\\_CENTRALNE\\_I\\_WSCHODNIE\\_1933.pdf](http://maps.mapywig.org/m/m_documents/PL/SKOROWIDZ_GMIN_RP_CZ_I_WOJ_CENTRALNE_I_WSCHODNIE_1933.pdf)

<sup>7</sup> USHMM RG-15.285/1/96 Akta miasta Siedlca.

<sup>8</sup> APWO Akta miasta Otwocka 1056 k.67.

<sup>9</sup> Sometime the regulations were implemented a few days apart. The establishment and the closure of the ghettos, by examples, were all made during the fall of 1940, but not at the exact same day.

view, these three towns were legally linked to each other. There were three different levels of courts in Poland before the war which continued under the German occupation: municipal, district, and appellate. The town of Otwock had a first-instance tribunal that dealt with small-time criminal acts. The Municipal Court of Otwock was the first and only judicial apparatus for several villages in the region, mainly Józefów, Karczew, Garwolin, Wawer, and Falenica. When the offence was too serious, it was sent to the district court. For towns associated with the municipal court of Otwock, these cases were sent to Warsaw or Siedlce. The second town under study is Siedlce. In addition to a municipal court, it also had a second-instance court and numerous municipal courts of the region depended on it such as Luków, Węgrów, Garwolin, Żelechów, Mińsk-Mazowiecki, Mordy, and Sokołów-Podlaski, to name a few. When the municipal and the district courts were not able to arrive at a verdict acceptable to all parties, the case was sent to the court of appeal in the capital. Looking at these three levels of justice gives us the chance to understand the Jewish population and their interactions with the local Poles from more than ten cities and villages.

#### Warsaw: Jews and Poles in the Polish Capital Before the German Occupation

Between the First and Second World War, more than 3 million Jews lived in Poland representing around 10% of the total population.<sup>10</sup> More than 75 percent of the Polish Jews lived in large cities during this period. The largest populations of Jews outside of Warsaw were in Lodz (202,497), Lwow (99,595), Krakow (56,525), and Vilnius (66,006). According to the same census, Warsaw, had a Jewish population of approximately 352,659,

---

<sup>10</sup> *Rozporządzenie Rady Ministrów z dnia 2 wrzesni 1931 roku w sprawie przeprowadzenia drugiego powszechnego spisu ludności* (Ordinance of the Council of Ministers of September 2, 1931 regarding the conduct of the second census), in *Dziennik Ustaw* 1931, nr 80, p.15.

representing about 30% of the total population (1,171,898).<sup>11</sup> It was the largest Jewish community in the country, and the second largest in the world.<sup>12</sup> Demographically, Jews living in Warsaw were mostly self-employed, artisans and workers. Thirty percent of the Jewish population was involved in commerce and 15 percent were members of liberal professions.<sup>13</sup> Contrary to popular belief, Warsaw Jews were not all wealthy. The Northern District of Warsaw – often referred to as the *ghetto* – was very poor, and 50 percent of its inhabitants were Jews. During the prewar years, two demographic processes can be observed in the capital. Firstly, the Christians moved from the city center (the poorest quarters) to the richer suburbs. Secondly, the Jews moved to the center, where the housing situation was bad because of general architectural depreciation and overcrowded buildings.<sup>14</sup> This specific neighborhood was also called a *ghetto*. Yet, it had nothing to do with the ghettos created by the Nazis during the Second World War. The term refers to a specific part of the city inhabited only or mostly by Jews. In the capital, this quarter was situated in the north end of the city, in the maze of streets around Nalewki. At the heart of the ghetto, one could find Jewish restaurants and active street life with markets and peddlers.<sup>15</sup> The Jewish ghettos from this period existed because of two intertwined phenomena: external pressure from the Polish community and voluntary choices made by the members of the Jewish community. The external pressure is explained by historians Barbara Engelking and Jacek Leociak as “the limitation of rights to urban space and could be paraphrased as *you can’t live there*, with the subtext that you could live anywhere

---

<sup>11</sup> *Statystyka Polski, Pierwszy powszechny spis Rzeczypospolitej Polskiej z dnia 30 września 1921 roku. Mieszkania. Ludność. Stosunki zawodowe*. Tablice państwowe, (1927) IX-XI.

<sup>12</sup> *The Yad Vashem Encyclopedia of Ghettos*, p. 897.

<sup>13</sup> *Ibid.*

<sup>14</sup> Barbara Engelking, Jacek Leociak, *The Warsaw Ghetto*, p. 16.

<sup>15</sup> YIVO at [yivoencyclopedia.org/article.aspx/warsaw](http://yivoencyclopedia.org/article.aspx/warsaw)

else.”<sup>16</sup> In addition, living in a close community allowed the Jews to focus on communal, social and religious activities. From this perspective, the Jews of Warsaw were separated into two categories. The first one, representing the largest part of the Jewish population, lived in the urban space often referred to as the ghetto. These inhabitants were artisans and traders, though they were often unemployed and living on the threshold of misery. Forty-seven percent of Warsaw Jews were employed in industry, working in small factories or artisan workshops. The second major category consisted of Jewish bourgeois or industry owner families.

**Table 1. Socio-Occupational Structure of Warsaw by Ethnoreligious Affiliations, 1931**

Category	Group by Category		Category by Group	
	Poles	Jews	Poles	Jews
Major Capitalist	3%	6%	52%	47.5%
Professionals	1%	3%	51%	49%
Lower Middle-Class	14%	43%	86%	54%
Whites Collar Workers	20%	13%	81%	19%
Blue-Collar Workers	57%	33%	83%	17%
Others	6%	2%	86%	14%

Adapted from [yivoencyclopedia.org/article.aspx/warsaw](http://yivoencyclopedia.org/article.aspx/warsaw)

Anti-Semitic acts eventually became frequent in the Polish capital. Starting with the election of Prime Minister Gabriel Narutowicz in 1922, openly anti-Semitic acts were committed by Poles in Warsaw. Since 1925, universities applied a *numerus clausus*, a quota of Jewish students to be admitted to the university, even if in doing so they found

<sup>16</sup> Engelking and Leociak, *The Warsaw Ghetto*, p. 24.

themselves in direct contradiction to the constitution. After the death of Marshall Pilsudski in 1935, the situation of Jews in Warsaw – as was the case with Jews in Poland as a whole – deteriorated drastically. In the capital, politicians and civilians called on Jews to emigrate. In universities, so-called ghetto-benches were introduced. During this period, Jewish students were required, under the threat of expulsion, to sit in a left-hand side section of the lecture halls reserved henceforth exclusively for them. In 1931, the University of Warsaw saw a series of violent acts directed against the Jews. This segregation and this violence were endorsed by the *Endek* propaganda: “Students, do not hesitate to be brutal [...] do not be ashamed. The word progress, science, and democracy may sound very well but behind them is concealed the disgusting Jewish spirit. Remember, if you have a Jew or a communist in a lonely spot, hit him with an iron bar in his teeth. Do not be afraid and do not feel sorry for him.”<sup>17</sup>

### Jews and Poles in the Capital During the First Years of Occupation

The Polish capital surrendered to the Germans on September 28, 1939. A month later, the military administration of Warsaw was replaced by a German civil administration, under the orders of Ludwig Fischer, the governor of the district. On October 4<sup>th</sup>, the *Judenrat* of Warsaw was created under the presidency of engineer Adam Czerniaków. The engineer at the head of the Jewish Council and the other twenty-four members were called to serve German interests.<sup>18</sup> By October 2, 1940, Governor Fischer issued a decree in which

---

<sup>17</sup> « The Battle of the Ghetto Benches, » in *The Jewish Quarterly Review*, vol. 55, N0. 2 (October 1964), p. 154.

<sup>18</sup> The main job of the *Judenrat* was to manage the daily life of the Jewish community, to maintain public order, to put in place the Jewish police force<sup>18</sup> (JOS), to administrate a form of legal system for the Jews, and to take care of the maintenance of the power grid and sewage system. To accomplish these tasks, the *Judenrat* had to employ roughly 6,000 Jews.

he specified the establishment of the Warsaw Ghetto by the end of the month. After the deadline was pushed back a few times, the Jews were eventually forced to move into their new quarters starting on November 1, 1940, and the ghetto was closed two weeks later, on November 16th. The Jewish community in the former capital had to pay for the erection of the wall, and Jewish forced laborers were put to work to ensure its construction. The wall was 18 kilometers long and 3.5 meters high, topped with broken glass and barbed wire. Later, the ghetto was divided into two sections called the small and the large ghetto, which was linked by a wooden bridge for pedestrians. All in all, the ghetto measured a little more than 3.5 km<sup>2</sup>. Over the next two years, due to the resettlement of many Jewish communities from the area, its population eventually increased to 460,000 people. Initially, the population of the ghetto represented 30% of the total population of Warsaw. After the closure of the ghetto, the Jews were forced to live in an area which represented just 2.4 percent of the area of the city.<sup>19</sup> There were 1,700 buildings in the ghetto, 1,360 of which were residential, including a total of 14,000 apartments. This situation was more than difficult for Jews who had to live with six to ten people crammed into each room.<sup>20</sup> Because it was the largest ghetto in the *Generalgouvernement*, more than 50,000 additional Jews from smaller towns around the capital were moved into the Warsaw Ghetto in January 1941.<sup>21</sup>

---

<sup>19</sup>*The Yad Vashem Encyclopedia of Ghettsos*, p. 902.

<sup>20</sup> *Ibid.*

<sup>21</sup> Additional refugees and deportees entered the ghettos later the same year. The overpopulation of the ghetto created tragic and massive problems, including malnutrition, epidemics, and death. Children made up about one third of the ghetto's population (roughly 150,000). Most arrived in the ghetto with their parents, but others were orphans.

### Map 3: Warsaw Ghetto



AŻIH 245/125

The establishment of the Warsaw ghetto coincided with the creation of many other ghettos in the Warsaw District and throughout the GG.<sup>22</sup> In cities and towns all over the district, Jews were separated from the Polish population and required to move in a specific area.

During the first years of the occupation, Jews living in the Warsaw Ghetto experienced increasing difficulties. The first anti-Jewish decrees appeared in Warsaw in November 1939. They concerned the mandatory wearing of an armband marked with the star of David for all Jews over the age of twelve, and limitations on the amount of cash Jews could possess. The Germans started to confiscate Jewish businesses in the city. During November 1939, 95,000 of the 175,000 Jewish workers fell into poverty and were compelled to sell their possessions in order to survive.<sup>23</sup>

<sup>22</sup> *The United States Holocaust Memorial Museum Encyclopedia of Camps and Ghettos, 1933-1945*, p. 359.

<sup>23</sup> *The Yad Vashem Encyclopedia of Ghettos*, p. 900.

### Otwock: A History of the Jewish Town

The Jews started to settle in Otwock at the end of the 19<sup>th</sup> Century. Otwock became known as a resort town (located some 25 km from Warsaw). The town was built in the middle of a pine forest on loose, sandy soil. Due to its proximity to the capital, it became a popular summer resort and offered a spa to treat lung diseases. Before the war, Otwock was highly regarded as a health center, visited by almost 12,000 tourists per year. The population grew quickly due to the prospect of jobs offered by the city. In the 1920s, the total population of Otwock was around 8,500, including 5,400 Jews. In 1939, the city had a population of 24,000, including 13,500 Jews (representing 56 percent of the total).<sup>24</sup> The majority of the Jewish community of Otwock worked in the tourism and health industry. There were two types of clinics operating in Otwock: those to treat tuberculosis and other lung diseases, and those to help the poor. Otwock also enjoyed a certain popularity among rich people (especially Jewish ones) thanks to their tourist resorts. Adam Czerniaków, the president of the *Judenrat* of Warsaw from 1939-42, used to go to Otwock during the weekends to relax and enjoy nature.<sup>25</sup>

Religious life in Otwock was very important in the Jewish community. The first brick synagogue was built around 1890. In 1910, the town held three prayer houses and a ritual bathhouse. Otwock had gained its independence from the town of Karczew in 1916. Only the Jewish cemetery of Otwock remained in the Karczew commune.<sup>26</sup> Even so, it was still not enough for the numerous believers living in Otwock. In 1920, two new synagogues were built in the town and in 1927, a larger synagogue was erected on the property of villa

---

<sup>24</sup> *Ibid*, p. 564.

<sup>25</sup> Czerniaków, *Carnets du ghetto de Varsovie*, p. 97.

<sup>26</sup> Even during the first years of the German occupation, the Jews of Otwock were allowed to go to Karczew to bury their dead in the cemetery.

owners Szlama and Chawa Goldberg which could accommodate 650 people. During the 1930s, the Jewish population continued to grow. In 1938, the town held twenty prayer houses able to accommodate the Jewish community.

Jewish social life in Otwock was well organized to help the poor. During the 1930s, there were thirty-five Jewish organizations tied to healthcare, cultural education, professional, and political aid.<sup>27</sup> Additionally, the Jewish community was involved in several anti-tuberculosis associations. Even if the March Constitution guaranteed each citizen the right to preserve their nationality and their language, Jewish children were often sent to Polish school. There were four schools in Otwock, including two for Jewish children.

#### Jews and Poles in Otwock During the First Years of Occupation

Otweek was occupied by Germans on September 29, 1939. In October of the same year, the Germans established a *Judenrat* headed by Ysrael Lasman. Its main role was to remit ransom payments to the Germans and provide teams for forced labor. Jews in Otwock were shipped to labor camps in the Lublin area, and many others were resettled to the town of Tyszowce. The first order for the establishment of a Jewish ghetto in Otwock was issued in July 1940. It was contested by Otwock's mayor, Jan Gadomski, because of "the status of resort and the townlet economic life resting on its medical institutions."<sup>28</sup> The mayor asked to postpone the establishment of the ghetto because he wanted to keep the sanatorium

---

<sup>27</sup> See: USHMM RG:15.349/2/486 (Selected record from State Archives in Warsaw and its branches in Otwock, Mława, Grodzisk Mazowiecki, Pułtusk and State Archives in Płock. Serie Otwock Starostwo powiatowe Warszawskie 1939-1945).

<sup>28</sup> *Ibid.*.

– that was mainly administrated by Jews – in the hands of Poles. The request was denied by the Germans, and in September 1940, the ghettoization of the Jews in Otwock began.

The ghetto was separated into three sections called the residential, villa and sanatorium areas. As described Marian Finkelman, a survivor of Otwock, the residential ghetto was located in the old section of the town “beside the bazar at the beginning of Swiderska Street and the marketplace on Karczewska Street [...] The villas section was on the other side of the railway tracks. Wire fences lined each side of the tracks which resembled those found on large animal traps with several openings.”<sup>29</sup> The last two quarters were connected by a single street, and only Jews with a medical permit – doctors or employees of health institutions – were allowed to live in the sanatorium area. The entire Jewish community was forcibly resettled in these localities. Among those, 1,500 Jews - who had resided into the townlet for less than six months and were mostly patients in the sanatoriums - were ordered to leave within two weeks.<sup>30</sup> In order to secure assistance during the settlement of the ghetto, the Nazis formed a Jewish Order Service headed by Bernard Kronenberg. His first job, as chief of the Jewish police force was to dismantle some of the ghetto’s houses, and use the bricks to build a wall around it. However, the ghetto of Otwock was not completely closed off by brick walls, and the rest of it was guarded by police officers or surrounded by barbed wire and fences.

A decree of the Warsaw district *Kreishauptmann* published on January 10, 1941, ordered the closing of the Jewish residential and therapeutic districts.<sup>31</sup> Starting on January 15<sup>th</sup>, Jews were no longer allowed to exit the ghetto except for employment and were going

---

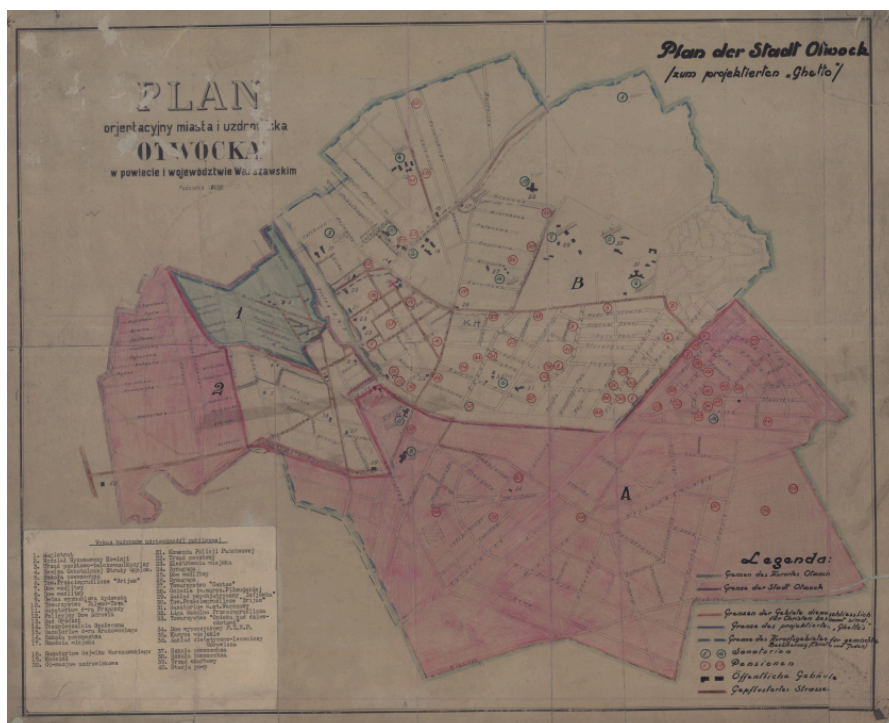
<sup>29</sup>Marian Finkelman, *Out of the Ghetto A Young Jewish Orphan Boy’s Struggle for Survival* (Montreal: A publication of the Concordia University Chair in Canadian Jewish Studies, 2000), p. 11.

<sup>30</sup> *Ibid*, p. 565

<sup>31</sup> AŻIH 241/226 (Announcement: About a Jewish residential area).

under police supervision. As for the rest of the Jewish population, they were only allowed to leave the ghetto under a special pass system that was controlled by the German authorities. During this period, anyone who crossed the ghetto border without permission was at risk of being shot without further investigation.<sup>32</sup>

**Map 4: Orientation plan (and ghetto) of Otwock**



AŻIH 245/100

### Jews and Poles in the Siedlce Region

The city of Siedlce is situated about eighty km east of Warsaw. Before 1939, Siedlce was a part of the former Siedlce District in the *voivode* of Lublin.<sup>33</sup> At the end of

<sup>32</sup> *The Yad Vashem Encyclopedia of Ghetos*, p. 565.

<sup>33</sup> Arkadiusz Bereza and Witold Okninski, *Sadownictwo Siedleckie Tradycje i wspolczesnosc* (Warsaw: Wolters Kluwer Polska SA, 2009), p. 159.

the 19<sup>th</sup> Century, the Jews of Siedlce represented 67% of the total population (10, 094 Jews out of 15,131 people).<sup>34</sup> The Jewish community owned one Jewish hospital, one old-age facility, and one orphanage. In addition to these establishments, the community maintained some religious institutions, including Hebrew and Yiddish kindergartens, a Hebrew and a Yiddish elementary school, and some Jewish libraries.<sup>35</sup> Furthermore, some Jews in Siedlce participated in the communist movement. “As a group that was discriminated against and that at the same time strove toward emancipation, it was receptive to this ideology.”<sup>36</sup> It must be stressed that at the same time, the ideology of communism was deeply alien and even offensive to the great majority of religious Jews. The political Jewish community lived in parallel to the Polish one, however, socially, they used to live together and share institutions like schools and hospitals. Jews were also participating in many aspects of regular Polish life by exercising liberal professions like doctors or lawyers. Furthermore, Jews and Poles worked together in some self-help organizations. For example, the *Union of Agriculture Workers in the Food Industry in Poland – Siedlce Division* was founded by eight members: four Jews and four Poles.<sup>37</sup> In opposition to the existing prejudice that wanted Jews to live isolated from the rest of society because of their language and religion, the Jews of Siedlce by the nature of their work were always in contact with the Polish population. Soon after the establishment of the Second Republic, a process of assimilation began, as Jews had to send their children to Polish-language schools. However, many Jews already spoke Polish and participated in Polish social life,

---

<sup>34</sup> APS/2368/Akta miasta w Siedlcach “Liczebnosc mieszkancow Siedlce”(Files of the city of Siedlce “Number of inhabitants of Siedlce”), p. 215.

<sup>35</sup> *The Yad Vashem Encyclopedia of Ghettos*, p. 708.

<sup>36</sup> Edward Kopowka, *The Jews of Siedlce 1850-1945*, p. 95.

<sup>37</sup> *Ibid*, p. 147.

and a small number of Jews became *polonized* by converting to Christianity. This choice was regarded as a radical one, even by the assimilated Jews. One example of these conversions is Adolf Hubert Gancwol-Ganiewski. In 1895, he opened a photography studio in Siedlce, which he ran until August 1942, when he was deported to the Treblinka death camp.<sup>38</sup> Gancwol was a Jew that converted to Lutheranism in 1928. At the same time, he took the more Polish-sounding name Ganiewski. Regardless of this, he was put in the ghetto during the war and shared the fate of the Jewish population of Siedlce.

Everyday interactions and positive relations between Polish and Jewish communities were not enough to completely eradicate anti-Semitic sentiments among Poles. The difficult economic context led to competition between Polish and Jewish shopkeepers. These rivalries often ended in fights between businessmen and customers. Like many cities in the eastern part of Poland, Siedlce saw several acts of violence directed against the Jews between the world wars, principally after the Polish-Soviet war, between 1919 and 1921. Jews were considered to be supporters of the Soviet-Union, but in actual fact, only a minuscule portion of Jews were members of the Communist Party at the beginning of the 20<sup>th</sup> century. Even Wincenty Witos, the premier of Poland from 1920-21 harbored and expressed similar anti-Jewish sentiments. When he visited Siedlce in 1920, he was surprised to see Jews in the civic guard with white and red armbands, and did not believe their allegiance to the Polish state was sincere.<sup>39</sup> In 1920, twenty-five Jews were killed in the city by Polish soldiers and civilians because they were suspected of collaborating with the enemy. Anti-Semitic acts did not stop after the Soviet-Polish war. In 1936, as a repercussion of the pogrom of Przytyk, Minsk-Mazowiecki, a city between

---

<sup>38</sup> *Ibid*, p. 98.

<sup>39</sup> *Ibid*, p.65.

Siedlce and the capital, experienced a severe wave of violence. Some Jews fled to Warsaw to escape the attack while the remaining two thousand were besieged for four days.<sup>40</sup> During this event, hundreds of Jews were injured and fifty-six were killed.

### Jews and Poles in the Siedlce Region During the First Years of Occupation

Just before the outbreak of the Second World War, there were 15,283 Jews living in Siedlce.<sup>41</sup> The German army entered the town on September 11, 1939. Immediate measures were taken against the Jews. First, the Germans plundered Jewish shops with the help of the local population. They then abducted Jews for forced labor in a camp near Węgrów and murdered anyone who showed signs of disobedience.<sup>42</sup> The Jewish population of Siedlce was terrified, and many managed to leave the city and flee to other unoccupied towns or simply went into hiding in the woods. Two weeks after the arrival of the Germans, the Soviets entered the town.<sup>43</sup> It was decided at first that this area of Poland would be left in the hands of Soviets, which did not ultimately happen. On October 10, 1939, the Germans re-entered Siedlce and incorporated it into the district of Warsaw. One of the first measures taken by the Germans was to ration the food for Poles and Jews. After that, the Jews of Siedlce were severely discriminated against with regards to the supply of food, which was administered by Poles. In November 1939, the Germans established a *Judenrat* of 25 members led by the Zionist activist Nachun Weintraub in order to help them enforce the new regulations and deal with the many Jews arriving from surrounding towns and villages. The Jewish population grew quickly, and the *Judenrat* had no choice but to

---

<sup>40</sup> Rabinowicz, *The Legacy of Polish Jewry*, p. 57.

<sup>41</sup> *Ibid*, p. 276.

<sup>42</sup> USHMM Zespół Żydowska Samopomoc Społeczna, 1939-1945 RG- 15.190M 211/294, p. 45

<sup>43</sup> *Ibid*.

place the homeless in the synagogue while they waited for housing. On Christmas Eve 1939, Germans, aided by Polish police, burned down the great synagogue, killing the Jewish refugees inside.<sup>44</sup>

During the first year of the war, Jewish refugees arrived in Siedlce from other towns in the region, increasing the Jewish population considerably. During the fall of 1940, the Germans authorized the *Judenrat's* initiative to establish a workshop in Siedlce and allowed some of the forced laborers, who were initially sent to camps during the first months of the war to return to the city. German regulations were introduced at the same time in other cities in the Warsaw District: the mandatory wearing of an armband with the Star of David, curfews, permits required for train travel, etc. Contrary to the western part of the district of Warsaw, the ghetto was set up during the summer of 1941 and then sealed off with barbed wire fence during the autumn of the same year. Two ghettos were created in Siedlce, and 10,000 Jews were forced to move into the large ghetto, erected in the area that was once the marketplace. The smaller ghetto, known as the Triangle "Drainek," (a very poor neighborhood) had to house 2,000 Jews. Jews from nearby villages such as Czuryły, Domanice, Krzeslin, Niwiski, Skorzec, Skupie, Stara Wieś, Wiśniew, Wodynie, Zbuczyn, Sucho Zebry were relocated into the Siedlce ghettos, raising the number of Jews to 12,000.<sup>45</sup> The ghetto was severely overcrowded, with up to fifteen people living in small and unsanitary units. A lot of people had to sleep in hallways or live in the street because of this severe lack of suitable and adequate living quarters.<sup>46</sup>

---

<sup>44</sup> *Ibid.*

<sup>45</sup> APS Zbior afiszy okupacyjnych powiatu siedleckiego (Siedlce County collection of Posters from the occupation: Order of November 25, 1941).

<sup>46</sup> It is also important to note that during the winter of 1941-42, a typhus epidemic broke out because of the overcrowding and the wretchedness of the ghetto. In June 1942, Jews were sent from the ghetto to the Majdanek camp, marking the beginning of the mass deportations. In August 1942, the SS, Ukrainian troops, and Polish policemen surrounded the large ghetto. The extermination started on August 22, 1942. The Jews

## Map 5: Siedlce Plan



Siedlce ghetto plan in

<https://www.jewishgen.org/yizkor/siedlce3/sie175.html?fbclid=IwAR2eC8Cnju8hPU3baZnQ4dpN7BPmo8ggK6JtdYQPvY4aEKzsaEpbvdhMP3M>

### Principal towns of the Siedlce Region Represented at the District Court of Siedlce

The district court of Siedlce heard cases from municipal courts in the area, namely from Węgrów, Luków, Garwolin, and Sokołów-Podlaski. These cities, smaller than Siedlce, had a similar demography. Indeed, the Jewish population on the eve of the German invasion represented roughly 50% of the population (5,200 Jews were counted in Węgrów, 6,200 in Luków, 3,000 in Garwolin, and 5,000 in Sokołów). The Jewish population in these cities, like the one in Siedlce, were concentrated in the trade and craft industries. During the war between Poland and Russia, several pogroms had occurred in almost every one of these locations.<sup>47</sup> These towns all possessed municipal courts that dealt with minor offences. Other than from Siedlce, cases of Jews going to court for this study came mainly

---

in Siedlce and 9,300 others from the towns of Mordy and Łosice were brought near the remains of the synagogue. Following a selection, 2,300 Jews were murdered in the square and in the Jewish cemetery. Six hundred men from ages 16 to 40 were transferred to the small ghetto. The rest, approximately 10,000 in number, were sent to the train station and put on a train for Treblinka. Among those, 2,000 were killed on the platform because of the lack of room on the train. The remaining Jews in the small ghetto were killed during the winter of 1943.

<sup>47</sup> *The Yad Vashem Encyclopedia of Ghettoes* p. 925 and 975.

from two other large towns: Sokołów-Podlaski (which represented 22% of the total accusations between 1939 and 1942), and Węgrów (roughly 19% of the cases). One must note that 24% of the accusations found at the district court of Siedlce were from the county of Garwolin, bordered by the Siedlce County to the northeast. In order to have a better idea of the situation in the region before and during the first years of the German occupation, let us take a closer look at these municipalities.

The town of Sokołów-Podlaski, is situated forty km south of Siedlce. Most of the Jews were craftsmen, shopkeepers, or industrial workers plying their trade mostly in the garment, wood, and metal industries. The Jews from Sokołów-Podlaski were reputed to support the Polish Communist Party and its youth movement, even if a small portion of the Jews, were in fact members of the Communist Party. Because of these rumors, six Jews were accused of aiding the Bolsheviks and were murdered by Polish soldiers in 1920. Like many other municipalities in the region, Sokolow-Podlaski experienced anti-Semitic agitations and violence in the 1930s. In 1937, the town was the site of a violent pogrom where a few dozen Jews were injured, and several shops were vandalized. In September 1939, Sokołów-Podlaski passed from German hands into Soviet possession, before eventually returning to the Germans. During this time, Jewish houses were looted by the occupiers as well as by the Poles. On September 28, 1940, Jews from the town were forced to move into a ghetto. The ghetto in Sokołów was an open one, at least until late 1941. In the summer 1942, the ghetto housed 5,800 Jews and in September of that same year, all but fifty-eight of them who remained behind to clean were sent to the death camp of Treblinka.<sup>48</sup>

---

<sup>48</sup> *Ibid*, p. 737.

Before the war, the city of Węgrów belonged to the district of Lublin and had a Jewish population of 5,200, representing half of the total population.<sup>49</sup> On September 10, 1939, the Germans entered Węgrów and engaged in anti-Semitic attacks. During the first week, they arrested and then executed some of the town's wealthiest Jews. On November 28, 1939, the Germans established a *Judenrat* and a Jewish Police Service in order to enforce German regulations.<sup>50</sup> In December 1940, the Jews of Węgrów, were transferred to an open ghetto. The ghetto was sealed during the summer 1942 with 8,000 Jews inside. The deportations to Treblinka started in September 1942, with the help of the SS, local policemen and Ukrainian forces. Many Jews tried to escape the mass deportation and were killed in the forest near Węgrów as well as in the Jewish cemetery. The Germans only spared the lives of the members of the *Judenrat*, and some of the Jewish policemen, in order to ethnically cleanse the ghetto. At the end of 1942, a second ghetto was created and a few hundred (200-300) Jews from the Węgrów region moved in. They were all shot by the Germans in May 1943.

In the next pages, we will analyze data found in documents from the municipal court of Otwock and the district court of Siedlce. These two courts have been chosen for further study because their files represent a clear picture of the plight of the Jews from the Warsaw District living in small towns and villages outside the capital. From a micro historical perspective, one can assume that the situation of the Jews was similar in all the other towns within the district of Warsaw.

---

<sup>49</sup> *Ibid*, p. 924.

<sup>50</sup> *The United States Holocaust Memorial Museum Encyclopedia of Camps and Ghettos, 1933-1945*, p. 462.

### Jewish Criminality in the Second Republic of Poland (1919-1939): Overview

Gathering statistics about Jewish criminality in Poland before the war is particularly difficult for many reasons. Poland regained its independence in 1918 after more than one hundred and twenty years of partition between Russia, Austria, and Germany. It took almost fourteen years to unify the criminal justice system, that coincided with the creation of the first Polish criminal code. Therefore, statistics regarding criminality before 1932 – namely, the type of crimes committed in the country and the sentences received for them – are almost impossible to gather because certain offences included in the criminal code in some parts of the country were excluded in other parts. It was difficult to get a sense of the type of criminality that prevailed at the time, as crimes were treated differently, depending on which criminal code was used before 1919. It is, however, possible to draw a portrait of the criminals within the Polish Second Republic, as some data was collected for the whole country.

At the end of the 1920s, the Polish Ministry of Justice published summarized information concerning crime in the former Russian part of the country for the years 1921 and 1922. In 1930, the Central Statistical Office of the Polish Second Republic published a study dealing with crime in Polish society during the years 1924 and 1925. With help of these studies, the *Statistique Criminelle* endeavored to assimilate all the different crimes and their penalties from the three ex-territories of Poland.<sup>51</sup> It established a common, abridged classification of the three previous criminal codes in use and was subdivided into seventy-five headings. Each heading provided information about where the offence took

---

<sup>51</sup> *Statistique Criminelle Personnes condamnées et acquittées irrévocablement en 1924 et 1925* (Warsaw : Nakładem Głównego Urzędu Statystycznego, 1930) in <https://pbc.gda.pl/dlibra/publication/37500/edition/39122/content>

place, the alleged offender's age, sex, religion, ethnic nationality, degree of education, family status, as well as whether the accused was a recidivist or intoxicated at the moment of the crime.<sup>52</sup> Even if this source seems reliable, it remains problematic. The problem is with the definition of Jew itself. In the *Statistique Criminelle*, Jews fell under two categories: religion and ethnic nationality. While some declared themselves to be of Polish nationality, the majority claimed their religion was Judaism and that they belonged to the Jewish nationality. From 1925 onward, the data changed, and more Jews claimed to be of Polish nationality. This change was due to the anti-Semitic movement of the far right developing in Poland since the establishment of the Second Republic. It was also one of the consequences of the war between Poland and Soviet-Russia and the myth of Judeo-Bolshevism that grew during the years after the end of the war. Since 1920, the Polish government and population explained their anti-Semitic sentiments and justified the anti-Semitic violence because Jews, as it was claimed, had supported the Bolshevik during the war.<sup>53</sup> By changing their national identity, Jews wanted to protect themselves against violent expression of prejudice. This phenomenon can be seen through the *Statistique criminelle* where Jews claimed that they belong to the Polish nationality to get more compassion from the judges who were almost always Polish and hardly ever Jewish. The second problem that must be taken into consideration before providing some statistics about Jewish criminality in Poland, is the willingness for Jews to use the Polish system of justice. It is important to note that several lawsuits between Jews themselves were settled

---

<sup>52</sup> Hersch Liebmann, "Polish Criminal Statistics: Its Use for a Comparative Study of the Jewish and Non-Jewish Criminality in Poland," *Journal of Criminal Law and Criminology*, vol. 7, issue 2, article 4, 1936, p.192.

<sup>53</sup> See the testimony of Marian Pietrzak, „Zydowski legion z 1920 roku” *Sokolow Podlaski dawniej I dzis oraz opowiadania podlaskie z lat 1863-1945* (Sokolow Podlaski, 2002), p. 123-124.

in Poland by rabbinical arbitration and, therefore, do not appear in crime statistics. Even if these kinds of lawsuits are in majority considered to be in the sphere of civil law, some of them were of a criminal nature, which makes the statistics of Jewish crime somewhat inaccurate.

Despite this problem, it is possible to draw some conclusions about Jewish and Polish criminality before the outbreak of World War II in the ex-Russian part of the country. The Jews officially represented a total of 2,065,000 people, representing almost 10 percent in this part of the Polish territory. According to the *Statistique Criminelle*, under the Second Republic of Poland, 53,964 sentences were handed out for a criminal offence between 1923 and 1928. Among this total, 3,943 were from Jewish offenders, representing 7.3 percent of all convictions.<sup>54</sup> Regarding these statistics, Jews were not more or less criminal than their non-Jewish fellow citizens, but they did not commit the same type of crimes. The statistics on the nature of the offences indicate that Jews were accused of offences such as stealing, fraud, and falsification (which represented over 26% of all of the Jewish offences) and bribery (representing over 40%).<sup>55</sup> The Jews were twenty times more likely to be involved in commercial crimes than their Polish fellow citizens.<sup>56</sup> Unlawful acts such as theft, murder, robbery, bodily injury, and banditry represented less than 2% of Jewish crimes during this period while this was the category with the greatest number of Polish accused.<sup>57</sup> These statistics show that, contrary to the Polish criminality, the Jewish one change drastically over time. Before the war, Jews were mostly accused of financial

---

<sup>54</sup> *Statistique Criminelle*, p.196.

<sup>55</sup> Rodak, "Justizwesen und Strafverfolgungsorgane des Zweiten Polnischen Republik im Umgang mit Juden," p. 189.

<sup>56</sup> *Statistique criminelle*, p. 35.

<sup>57</sup> *Ibid.*

crimes because they worked in trade and in the financial sector in general. Jewish criminals were in fact businessmen and industrial owners. During the war, the situation changes as the profile of criminals. It was petty crimes that were committed by Jews due to the difficult situation of war and the occupation. Jewish criminals were no longer the same before and during the war. In fact, the vast majority of Jews arrested during the war were first-time offenders.

### Jewish Criminality in the Warsaw District During the German Occupation: Limitations and Problems

It is difficult to present a complete portrait of the Jewish judicial situation in the three courts under study during the wartime period, mainly due to missing archival documentation. The Warsaw Court of Appeal fire in 1944 means that there is no data for the number of cases judged by this court. During my research, I found mention of Warsaw Court of Appeal cases in the court documents for Otwock and Siedlce. However, all Warsaw District courts reported to the Warsaw Appellate Court, so those cases could have come from at least ten other towns and cities, making it impossible to produce valid statistics for the Warsaw Appellate Court.

In the Siedlce's district court, I also faced some difficulties in the process of gathering accurate statistics. First, the courts under the jurisdiction of the district court changed between the beginning of the German occupation and 1941. For example, certain cases from the municipal court of Luków were sent to the district court of Lublin, and others to the court in Siedlce. These changes happened during 1939 and 1940. It is therefore impossible to assemble an accurate time series of the criminality from the district court of Siedlce. Second, the court documents from the war period are catalogued according to four

different indexes: by the name of the accused, by the name of the victim, by geography, and by type of crime. The main issue is that the number of cases in each of these inventories is not the same. While some cases do not come up using one index, they appear two or three times with a different reference number in other indexes. I noticed that most of these mistakes concerned cases from 1939. To counteract these problems, I decided to build a sample. I took all the cases found via the center's finding aids starting from the first case involving Jews after the establishment of the *Generalgouvernement* (the trial took place on October 28, 1939) until the last entry found of a Jewish accusation in 1942 (the trial took place on July 4, 1942). Therefore, even if it is impossible to have detailed statistics from the court records, the analysis gives us a relatively substantial portrait of the criminality in the Siedlce region.

In the next pages, records from the municipal court in Otwock and the district court in Siedlce will be quantitatively analyzed. Because the percentage of Jews is similar: between 30% and 50% of the population, I believe that the Jewish cases found in these two courts are representative of any other cities and towns from the Warsaw district. Much of the population in these cities was made up of traders who were in daily interaction with the Polish population. To draw an accurate portrait of the Jewish legal situation in Otwock and Siedlce during the war, I have decided to provide statistics in terms of both number of cases and total number of accused individuals. A case could include several charges against different accused for different crimes. Therefore, different articles of the criminal code can be relevant to a single case. For example, a case of shoplifting could have one person charged with theft and another charged with dealing in stolen goods. The accused in cases concerning theft were normally judged under article 257 of the criminal code: "Whoever

shall take from a person the chattel of another, with the purpose of appropriating it.”<sup>58</sup> Under chapter XXXIX: *Offence against property*. But, if a second individual took part in the crime by buying, keeping or selling the goods that had been stolen, they would be charged under article 161 of the criminal code. Furthermore, every accused received a separate accusation, investigation, interview, and verdict. This hypothetical case allows us to understand the different motives of the accused, as well as their distinctive characteristics, including sex, age, place of residence, occupation, religion, matrimonial status, and so on.

Some Statistics Concerning Jews of Otwock in Municipal Court During the German Occupation (September 1939 – December 1942)

From the beginning of the establishment of the *Generalgouvernement* in 1939, until the mass deportations in 1942, the criminal section of the municipal court of Otwock recorded 303 criminal cases. Among those cases, there were 474 accused individuals (332 Poles, eighty-nine Jews), and fifty-three cases were registered at the court without any charges being filed. During the period under study, Jews represented 18.5 percent of all accusations at the municipal court of Otwock. However, the portrait is a slightly different when we look at it in chronological order. From September to December 1939, there were twenty-six accusations, among which only four accused were Jewish. The next year, of the 140 accusations filed with the municipal court, only ten concerned Jewish individuals. 1941 was the year with the most recorded crimes. A total of 211 accusations were registered, among which seventy (or 33 percent) concerned Jewish accused. The last year

---

<sup>58</sup> *The Polish Penal Code of 1932 and the Law of Minor Offenses*, p. 76.

in this study is the least relevant. Between January and June 1942, where the study stops, only five Jewish defendants were found, which represents less than 5 percent of the 105 cases filed at the court. It is important to note that in Otwock, a German regulation from the beginning of 1942 preventing Jews from leaving the ghetto under any circumstances had been enforced. Furthermore, some testimonies confirm that Jews found outside their assigned district from time to time were shot by Polish police officers.<sup>59</sup> For this reason, it is fair to believe that Jews decided to stay in the ghetto, which resulted in fewer arrests, and therefore, fewer accusations filed in court against the Jews.

**Table 2: Cases from the municipal court of Otwock: September 1939 – June 1942**

<b>CASES/YEAR</b>	<b>1939</b>	<b>1940</b>	<b>1941</b>	<b>1942</b>	<b>TOTAL</b>
Jews	3 (14.2%)	6 (6.3%)	30 (24.1%)	2 (3.3%)	<b>41 (13.5%)</b>
Poles	18 (85.7%)	51 (54.2%)	78 (62.9%)	57 (96.7%)	<b>209 (69%)</b>
Cases without accusation	-	37 (39.3%)	16 (39.3%)	0	<b>53 (17.5%)</b>
<b>TOTAL</b>	<b>21</b>	<b>94</b>	<b>124</b>	<b>59</b>	<b>303</b>

---

<sup>59</sup> *The Yad Vashem Encyclopedia of Ghetos*, p. 565.

**Table 3: Accusations made at the municipal court of Otwock: September 1939- June 1942**

<b>ACCUSED/YEAR</b>	<b>1939</b>	<b>1940</b>	<b>1941</b>	<b>1942</b>	<b>TOTAL</b>
Jews	4 (15.3%)	10 (7.5%)	70 (33.2%)	5(4.7%)	<b>89 (18.7%)</b>
Poles	22 (84.7%)	85(64.3%)	125 (59.2%)	100(95.3%)	<b>332 (70%)</b>
Cases without charge	0	37 (28%)	16(7.5%)	0	<b>53 (11.2%)</b>
<b>TOTAL</b>	<b>26</b>	<b>132</b>	<b>211</b>	<b>105</b>	<b>474</b>

When we compare Jewish criminality at the municipal court of Otwock by year, the portrait of criminality becomes more interesting. There were few Jewish crimes registered in 1939 and in 1942 (less than 5 percent of the total accusations for each year). Here, the percentage is taken into consideration and not the number of accused because the study starts after the establishment of the *Generalgouvernement*, in October 1939 and therefore, few cases registered in 1939. Fewer cases were also listed in 1942 (even before the mass deportation) due to the reinforcement of German regulations which prevented Jews from leaving the ghetto in any circumstances. One can imagine that, given this dangerous situation, going to the court was no longer a priority. However, between 1940 and 1941 we saw a massive increase of the percentage of Jewish crimes. Only 8 percent of the accused in 1940 court cases were Jewish, before leaping to 33 percent in 1941. Observation of this variation make us believe that the markedly higher percentage of Jewish accused is a direct consequence of the social and the economic situation created by the war. Therefore, the nature of the crimes they allegedly committed should reflect the difficult situation in Otwock during the period under study. In the next pages, an analysis of the crimes

committed by Jews will be made to create a more accurate portrait of the type of criminality.

### Jewish Crimes Over Time: What Offences Were Perpetrated and When?

The most common crimes committed by Jews in both 1940 and 1941 can be grouped under two categories: *offences against public order*, and *crimes against property*.<sup>60</sup> Among the eighty-nine accusations filed against Jews, forty-four or 49 % were made under article 257 – theft. Articles 160 and 161 – appropriation of stolen property and disposing, reselling or concealing of stolen property – were the second and third-most common articles used against Jewish defendants during this period. They appear twenty-seven times in the records, representing 30 percent of all Jewish accusations, and concern the sale of stolen goods. Most of these crimes were perpetrated in 1941. No accusations featuring these articles were listed in 1939, and only six such charges were laid before the court in 1940. These numbers may reflect the rapid deterioration of the economic situation for Jews during the German occupation. One can say that the court records allow us to better understand the evolution of the Jewish situation in Poland, year after year. The crimes committed by Jews show a state of economic despair and, more importantly, the erosion and destruction of Jewish social life. The other common crimes were registered in Chapter XXI of the criminal code under *Offences Against Public Authorities and Offices*.<sup>61</sup> These cases concern seven Jewish accused in three different judicial cases, representing 8 percent of all Jewish accusations all of which occurred in 1941. Two of these three crimes were committed against the Jewish police in the Falenica ghetto located next to Otwock.

---

<sup>60</sup> *The Polish Penal code of 1932 and the Law of Minor Offenses*, p.56.

<sup>61</sup> *Ibid*, p. 51.

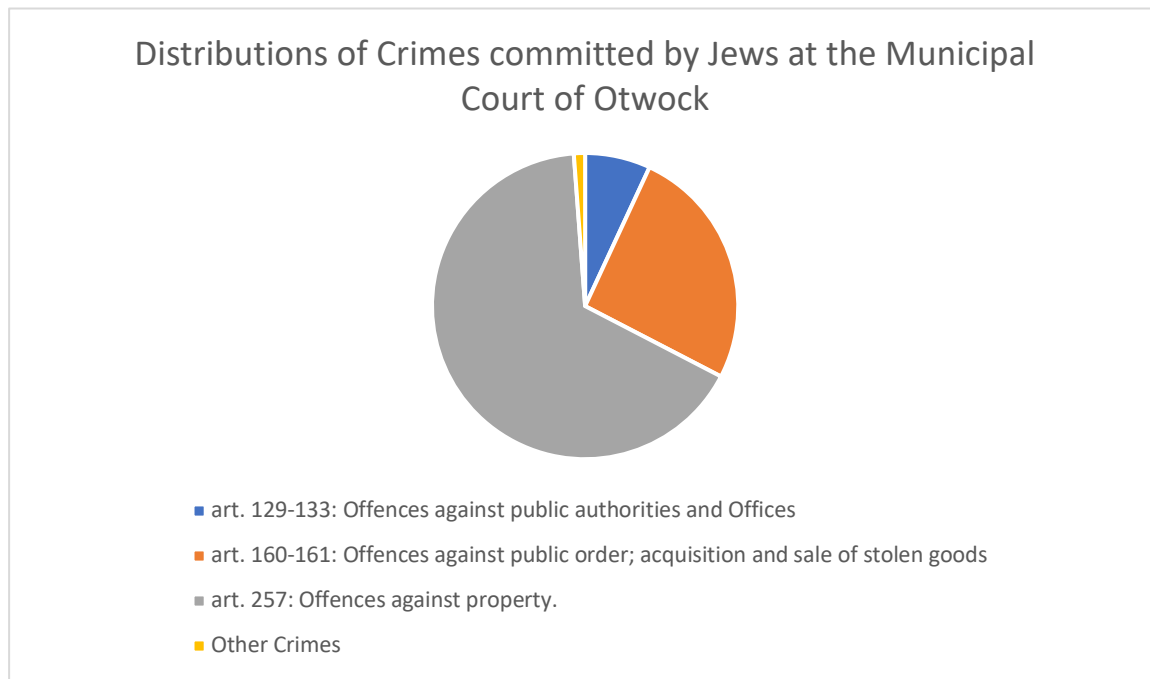
In both cases, the Jewish defendants (who all lived in Falenica ghetto) viciously attacked the officers inside a police station. The defendants accused the police officers of abuse of power and of unlawful behavior towards the Jewish population. These cases exemplify the rejection of German-imposed Jewish authority, which led to significant social problems inside the ghetto. We will look at the tense relations between Jews and the Jewish Police in Chapter 3.

**Table 4: Most Common Crimes Tried at the Municipal Court of Otwock:  
September 1939- June 1942**

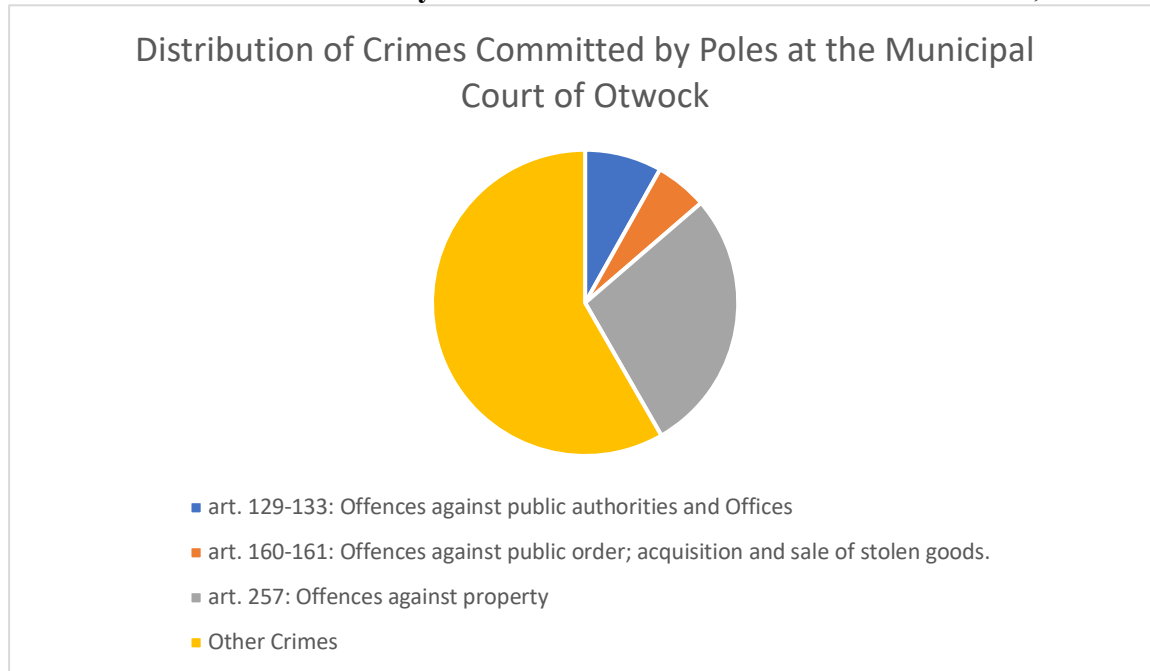
<b>ARTICLES/ACCUSATIONS</b>	<b>JEWS</b>	<b>POLES</b>	<b>Others</b>	<b>TOTAL</b>
Art. 129-133: Offences against public authorities and Offices	11 (2.3% of the total accusation)	25 (5.3%)		<b>32</b>
Art. 160-161: Offences against public order; acquisition and sale of stolen goods.	27 (5.7%)	17 (3.6%)		<b>42</b>
Art. 257: Offences against property	44 (9.3%)	86 (18.1%)		<b>128</b>
Other offenses	7 (1.5%)	204 (43%)	53 (11.2%) without accusation	<b>272</b>
<b>TOTAL</b>	<b>89 (19%)</b>	<b>332 (70%)</b>	<b>53 (11%)</b>	<b>474</b>

By comparing Jewish crime to Polish crime, several observations can be made. First, Poles were much more numerous, accounting for 70% of total cases, compared to 19% among Jews. This is not surprising since Jews represented a smaller percentage of the total population (roughly 10%).

**Table 5: Crimes Committed by Jews Tried at the District Court of Otwock:  
September 1939 – June 1942**



**Table 6: Crimes Committed by Poles Tried at the District Court of Otwock, 1939-42**



According to *La Statistique Criminelle*, Jewish criminals made up roughly 10% of criminals, matching their percentage of the population. It is therefore possible to see some increase in Jewish crime during the war. But the most interesting fact is found in the type of criminality of Jews compared to Poles. As mentioned above, the crimes most committed during the war are those relating to theft, concealment and offenses against public order. These three categories represented more than 90% of the Jewish criminality between September 1939 and June 1942. Before the war, Jews were rarely accused of these crimes and were instead among the white-collar criminals. On the Polish side, these three same categories represent only 39 % for the same period. Variety of crimes was far more important for Polish criminals than for Jewish ones. This data indicates two things. Firstly, that the Jewish criminality was a consequence of the war since the percentage of Jewish criminals evolved with the invasion of Poland and the Nazi regulations. Secondly, since the most common crimes were linked to theft and handling stolen goods, it may suggest that the court preferred to keep the Jews in the Polish system instead of sending them to the German court. As already mentioned, smuggling was severely punished by the Germans. The Blue Police were mandated to arrest and send to German Court any Jews caught smuggling, mainly food, into the ghetto. The majority of Jewish arrests were made for theft and concealment of food. It is therefore possible that police and members of the court - to save the Jews from facing the harshness of the German court or for the sake of justice itself – accused Jews under Polish laws, instead of German ones to keep them in the Polish system.

Jewish Accused at the Municipal Court of Otwock: Hardened Criminals or Victims of War?

Another element of this study can be found in the category of Jewish criminals who were called before the court during the German occupation. Statistics of war-time offenders show that accused Jews in Otwock and the surrounding area were largely first-time offenders. Of the eighty-eight Jewish accused during the period under study, only eight were considered repeat offenders. If we look closely at the individuals in question, we notice that only four among them were hardened criminals before the war. Three of them were members of a violent criminal gang that had assaulted and stolen from people on a train.<sup>62</sup> In 1941, they were again charged for a violent assault, this time against police officers. The one other repeat offender was a 69-year-old woman (in 1941), who had been accused six times of theft between 1919 and 1941. The woman in question, Estera Taub, was a laundress born in Warsaw who had lived in Otwock during her adulthood.<sup>63</sup> A review of her judicial file reveals that she was extremely poor, illiterate and a widow.<sup>64</sup> She committed her first four crimes before 1932 and was judged according to the Russian law while all later cases occurred during the war, between 1939 and in 1941.<sup>65</sup> Her last accusation concerned theft of bread at the marketplace. Estera Taub was considered a repeat offender, but I find it important to note that her situation was quite different from that of the members of a criminal organization, or professional thieves.

---

<sup>62</sup> APWO /8843.

<sup>63</sup> APWO 78/206/8829.

<sup>64</sup> *Ibid*, Dane Osobę Oskarżonego (Information about the accused) p. 7.

<sup>65</sup> Until de creation of the Polish criminal code in January 1932, a part of the territory of the Second Republic, in this case the Warsaw area, still used the partitioning's criminal code as before the independence of the country.

The five other repeat offenders started their criminal activities during the German occupation. I consider these people to be victims of war rather than criminals since they did not commit crime before the invasion of the country before 1940. Furthermore, all four Jews accused of theft under article 257 of the Criminal Code committed their felonies in 1941. The stolen objects in these cases included clothes, underwear, bread, gardening tools, and – in one case - a pig. Except for the farm animal (which was of great value during the war), the other stolen objects were basic items. Moreover, only one of the thieves was also accused of selling the stolen goods. The four others kept the objects for their own use or were arrested before having time to sell the objects. Quite clearly, these Jews were not hardened criminals in Otwock. Survivor Israel Cymlich, who was sent to the Mokotów prison in Warsaw during the war, was of the same opinion: incarcerated Jews were usually not your typical criminals. He explains in his testimony that most of the Jews that were sent to prison never committed crimes before the war.<sup>66</sup> They were usually people who had found themselves in an impossible life situation due to the wartime regulations introduced by the Germans.<sup>67</sup> More than 90% of suspects facing the municipal court of Otwock were first-time offenders. The statistics are virtually the same for the other courts under study. Even if the crimes were more serious at the district court of Siedlce – as the district court heard cases carrying heavier punishments and political offences – most Jewish accused, more than 90 percent of the studied group, were committing their first offence.

---

<sup>66</sup> Israel Cymlich and Oskar Strawczynski, *Escaping Treblinka* (New York, NY and Jerusalem: Yad Vashem and The Holocaust Survivors' memoirs project, 2007), p. 15.

<sup>67</sup> We will discuss and analyze the situation of the Jews in prison in chapter 5.

Some Statistics Concerning Jews in the Municipal District Court of Siedlce During the German Occupation (October 1939 – December 1942)

For the period under study, the sample I made includes 495 cases with a total of 907 accusations from the district court in Siedlce. Among these accusations, there were eighty-two – less than 1 percent of all accusations – Jews accused in seventy different cases, 824 Poles accused in 424 cases, and one accusation against a German defendant. In our sample, Jews represented less than 10 percent of the total of the filed accusations and they appeared in 14 percent of all cases. It appears that Jews were less represented in the district court of Siedlce than in the Municipal Court of Otwock, even if in both places they represented around 10% of the total population. The reason for this major variation is because German regulations differ. However, the statistics per year show the same phenomenon. The archives of the municipal court of Otwock, present 1939 and 1942 as featuring the fewest charges against Jews in percentage for each year, while in 1940 and in 1941, we see 37 and 38 accusations, representing respectively, 45 and 46 percent of all Jewish accusations.

**Table 7: Cases from the District Court of Siedlce: September 1939 – June 1942**

<b>CASES/YEAR</b>	1939	1940	1941	1942	Total
Jews	3 (15%)	35 (14%)	28 (14.2%)	4 (14.2%)	<b>70</b>
Poles	17 (85%)	214 (85.6%)	169 (84.8%)	24 (84.8%)	<b>424</b>
Others	0	1 (0.4%)	0	0	<b>1</b>
<b>TOTAL</b>	<b>20</b>	<b>250</b>	<b>197</b>	<b>28</b>	<b>495</b>

**Table 8: Accusations made at the District Court of Siedlce: September 1939 – June 1942**

<b>ACCUSED/YEAR</b>	<b>1939</b>	<b>1940</b>	<b>1941</b>	<b>1942</b>	<b>TOTAL</b>
Jews	3 (8.8%)	37 (9.5%)	38 (8.5%)	4 (10.8%)	<b>82 (9%)</b>
Poles	31 (91.2%)	351 (90.2%)	409 (91.5%)	33 (89.2%)	<b>824 (90.8%)</b>
Others	0	1 (0.03%)	0	0	<b>1 (0.2%)</b>
<b>TOTAL</b>	<b>34</b>	<b>389</b>	<b>447</b>	<b>37</b>	<b>907</b>

Jewish Crimes Over Time: What Offences Were Perpetrated and When?

The crimes tried at the district court in Siedlce are qualitatively very different from those heard by the municipal court in Otwock. As mentioned previously, the court in Siedlce was a second-instance court. As described in articles 19 and 20 of the Polish Code of Procedure of 1928:

Article 19: The district court examines the means of appeal against town court decisions and complaints about the actions of the investigating judge. Article 20: District courts with the participation of a jury recognize the case: a) For offences for which the law is to be prescribed the penalty of death or indefinite deprivation of liberty. b) for crimes for which the lowest statutory penalty is ten years' imprisonment. c) for crimes that the law deems to be political.<sup>68</sup>

Hence, the district courts dealt with cases considered more serious than those tried in municipal court. For this reason, defendants at the court of Siedlce were generally accused under different articles of the Criminal Code. The most common crime tried in the district court of Siedlce during this time is registered in the Criminal Code of 1932 under Chapter

<sup>68</sup> *Kodeks Postepowania Karnego*, 1928, p. 33.

XXXV: *Offences Against Life and Health*.<sup>69</sup> Article 240 was the one used most often and reads: “Whoever shall participate in an affray or a battery against another, if death or an injury specified in article 235 or 236 result there from, is punishable by imprisonment up to five years.”<sup>70</sup>

The second and third articles most invoked were articles 257 and 160. As in the municipal court of Otwock, robbery and the sale of stolen goods was very common. The difference lies in the value of the stolen goods. The higher the value, the more serious the crime. Therefore, we found many cases concerning the theft of farm animals, such as pigs, poultry, cows, and horses. In the case of the latter two animals, they were the most expensive and therefore represented a more lucrative resale and would therefore be heard by the court in Siedlce. As for articles 160 and 161, they both referred to acquisition and sale of stolen goods but with some slight differences in interpretation. At the municipal court, the sale of stolen goods was usually registered under article 161, which stipulated, “Whoever shall acquire [...] or receive any article which from the surrounding circumstances he should have known was obtained through the commission of an offence [...] is punishable by detention up to three years, or a fine.”<sup>71</sup> However, article 160 states, “Whoever shall acquire or for any purpose shall receive any article obtained through the commission of an offence [...] is punishable by imprisonment up to five years, and by a fine.”<sup>72</sup> The penalties for an offence committed under article 160 were higher, since the criminal ostensibly had to be aware of the fact that the object obtained came from a criminal

---

<sup>69</sup> *The Polish Penal Code of 1932 and the Law of Minor Offenses*, p. 69.

<sup>70</sup> These articles refer to the following body injuries: deprivation of sight, hearings, power of speech, capacity to procreate; permanent mental illness, serious incurable disease dangerous to life, and other impairments that endanger life for a period of at least 20 days. See *The Polish Penal Code of 1932 and the Law of Minor Offenses*, p. 71

<sup>71</sup> *Ibid*, p. 58.

<sup>72</sup> *Ibid*.

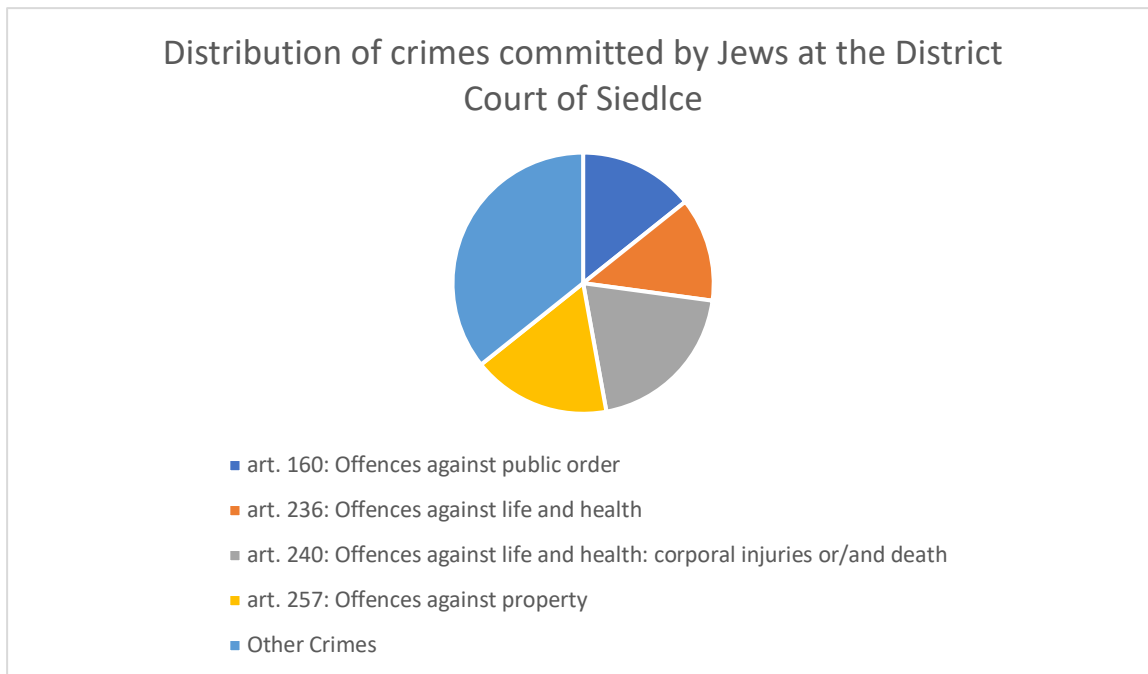
act, while someone accused under Article 161 should also have known it, but their intent was not criminal. Like the similar cases found in the municipal court of Otwock, these crimes were largely committed in 1941. Furthermore, most Jews accused of either theft or of selling stolen goods were not hardened criminals. This information clearly confirms our hypothesis that it was the war conditions and the context of the Nazi occupation which transformed otherwise law-abiding Jews into criminals. It also reflects the dramatic economic situation affecting Jews in Poland, and more specifically in our case, Jews from the district of Warsaw.

**Table 9: Most Common Crimes Tried at the District Court of Siedlce, September 1939 – June 1942**

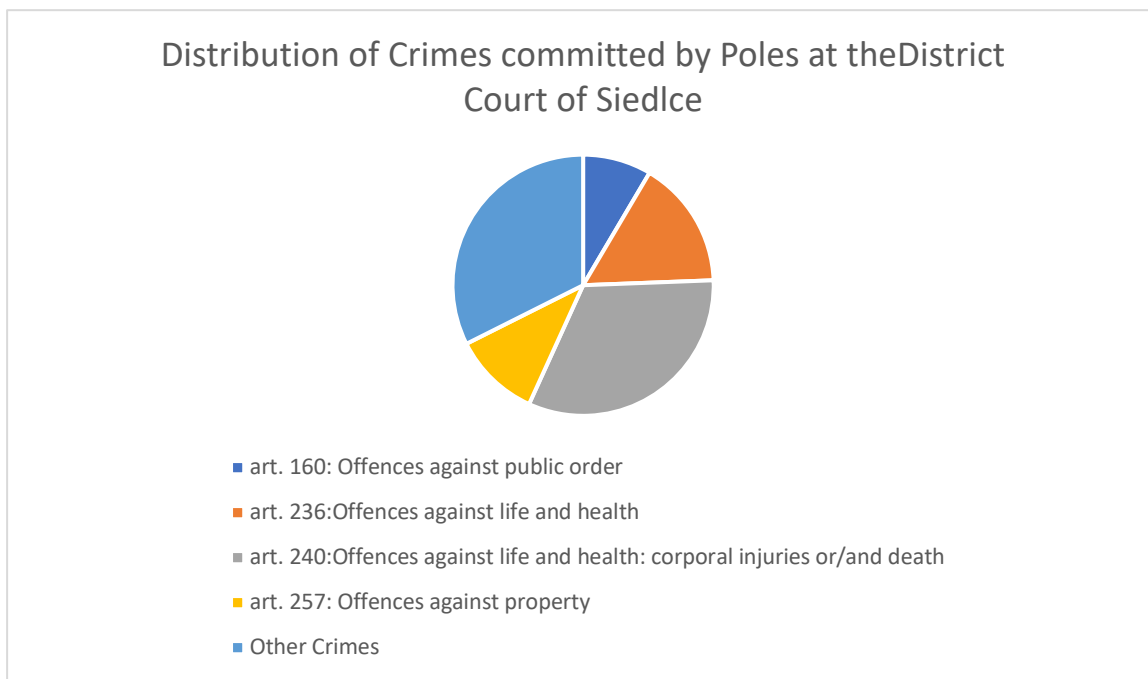
ACCUSED/ARTICLE	JEWS	POLES	TOTAL
160: Offences against public order; acquisition and sale of stolen goods.	10 (12.5%)	70 (87.5%)	80
236: Offences against life and health: corporal injuries	9 (6.4%)	131 (93.6%)	140
240: Offences against life and health: corporal injuries or/and death.	14 (4.9%)	267 (95.1%)	281
257: Offences against property.	12 (11.9%)	89 (88.1%)	101

Comparing the Jewish and Polish criminality in the Siedlce region, one can see that the portrait looks like the one in Otwock: Jews represented approximately 10% of all crimes. Unlike Otwock, there was not a significant increase in Jewish cases in 1941. The analysis of the Otwock court shows that the Jews instead committed petty crimes, such as petty theft. The district court of Siedlce does not receive these crimes, which are dealt with in municipal courts. As the criminality of Jews during the war was mainly due to difficult conditions, it does not appear as much in the statistics of Siedlce which dealt with more important cases.

**Table 10: Crimes Committed by Jews Tried at the District Court of Siedlce: September 1939 - June 1942**



**Table 11: Crimes Committed by Poles Tried at the District Court of Siedlce, 1939-42**



### Jews as Victims in Polish Crimes Committed in the Region of Siedlce

Another intriguing phenomenon visible in the files of the Siedlce court (and one which I do not find in the Otwock files) is the number of Jews who suffered at the hand of ethnic Poles. This phenomenon is most likely related to the increased severity of the offences allegedly committed. As mentioned previously, the most common crimes perpetrated by Jews and tried at the court in Siedlce are registered under the category of *crimes against Property*. The same applies to the Polish accused who represented 114 of the 129 individuals accused of this type of crime. When we take a closer look at these cases, we notice that several Poles were accused of appropriation of Jewish property that had been entrusted to them. This all had to do with the impending deportations and extermination of Jews. Leaving one's goods with trustworthy Poles was considered the only viable solution for saving the movables. Sometimes, Poles stole only the goods – clothes, jewelry, furniture – but other times, they kept all property entrusted to them, including the real estate. As historian Jan Grabowski explained, “thousands of people from different walks of life and from various strata of Polish society decided to take part in the process of expropriating Jewish wealth.”<sup>73</sup> The historical literature already discusses the question of expropriation and *Aryanization* of Jewish wealth. These court documents expand our knowledge by demonstrating how some Jews used the Polish justice system to try to take back their property. Furthermore, the court record show that contrary to popular belief, Jews asked help from the criminal court instead of the civil one to solve these conflicts. Polish nationalist historiography don't look at these judicial cases and continue to see the

---

<sup>73</sup> Jan Grabowski, “The Role of Bystanders in the Implementation of the “Final Solution” in Occupied Poland,” *Yad Vashem Publication*, (2015), p. 120.

*Aryanisation* of Jewish properties as bona fide errors on the part of the Poles.<sup>74</sup> Rather, the court documents present the Poles as often anti-Semitic people who took advantage of the Jews at the very beginning of the war. The question of looting Jewish property will be elaborate in Chapter 4.

### Conclusion

This chapter was an overview of the Jewish situation before and during the German occupation in the Warsaw district. My goal was to introduce some thoughts and observations dealing with the Jewish social and economic life in order to allow us to better understand the issue of Jewish criminality during the war. In the preceding pages, I presented a statistical portrait of the Jewish criminality during the German occupation of Poland using the files from selected courts. The statistics from before the war represented Jews as financial criminals. This kind of crime disappeared with the German Occupation, since Jewish industries and shops were taken by the Germans. It is my contention that the war-time regulations and the legal and social context of the occupation forced Jews to engage in certain criminal acts. This chapter has demonstrated that the largest number of accusations against the Jews was filed in 1941 – both in the municipal court of Otwock and in the district court of Siedlce. I was able to show that the most common crimes committed by Jews during the first years of the war fell under the category of theft and resale of goods. These crimes were common in 1941 because of the horrible economic situation brought about by the occupation. These results confirm that Jews engaged in criminal acts (such as the theft of food and valuables for resale) in order to survive. Other common crimes

---

<sup>74</sup> *Ibid.*

involved offences against life and health as well as offences against authorities. Several Jews assaulted police officers as well as other Jews and Polish civilians during the occupation. These crimes were necessary in 1941, when both economic and social life deteriorated rapidly.

This analysis continues in the next chapters, where these phenomena are investigated through an examination of different cases – both from the municipal court of Otwock and from the district court of Siedlce. I was able to show that the most common crimes committed by Jews during the first years of the war fell under the category of theft and resale of goods. These crimes were necessary in 1941, when both economic and social life deteriorated rapidly.

**Chapter III**  
**Beyond the Social Fabric: Relations between Polish Officials and Jews**

*C'est par un état de violence permanente que le despote peut faire valoir sa volonté sur le corps social tout entier. Le despote est donc celui qui exerce en permanence — hors statut et hors-la-loi, mais d'une manière qui est complètement intriquée dans son existence même — et qui fait valoir d'une façon criminelle son intérêt. C'est le hors-la-loi permanent, c'est l'individu sans lien social.<sup>1</sup>*

The *authority* of a person or institution implies trust, obedience and respect. By metonymy, the term frequently refers to institutions that enjoy such an influence as the state, the church or the army. Situations change with the destruction of a state. After the Second World War, Hannah Arendt talked about the crisis of authority. She said that the concept of authority “vanished from the modern world” with the rise of totalitarian regimes.<sup>2</sup> She argued that without a particular kind of governmental power to ground politics, humanity lost its freedom. Therefore, repression, inequality and abuse of power became synonymous with a society without higher authority. Poland during the German occupation followed Arendt’s description of the authoritative void.

In his essay, *Discipline and Punish*, published in 1971, Michel Foucault also highlighted the question of authority. Foucault believed that the power held over a society is not supposed to be repressive, but productive, and that hierarchy between the governmental institutions and its employees is the key to a stable and functional society. Together, these two entities strive to create a social contract that will be respected by all groups of society, be they governmental, subordinate or anywhere in between. Foucault also made the distinction between punishing – which refers to pre-modern society – and

---

<sup>1</sup> Michel Foucault, *Les anormaux* (Paris : Édition Galimard Le seuil, 1999), p.89.

<sup>2</sup> Hannah Arendt, *Between Past and Future* (New York, NY: Penguin, 1968), p.68.

disciplinary – which refers to modern society that prefers to reintegrate the criminals into the community. To this end, Foucault spoke of the prison as no longer a niche of isolation, but as a place of learning.<sup>3</sup> He demonstrated that the criminal in the modern period will be judged in court not only according to his crime, but also according to his degree of understanding of the laws, his level of education, and intelligence. Representatives, whether police officers or members of the court, who determine the sentence will therefore honor this code of ethics before deciding the punishment. The system of justice put in place during the Second Polish Republic adhered to Foucault's definition of discipline. The subjectivity of judges was welcomed in the process of justice, because the goal was not to imprison the criminals but rather to give them a better chance to be part of the social contract by educating them. In actual fact, under the Second Polish Republic, judges were supervised by higher authorities (Ministry of Justice) and by public security who made sure the code of ethics was respected and its representatives remained unbiased. Under the German occupation, there were still Polish institutions and representatives of justice (policemen, members of the court), but the higher powers of the state were replaced. Germans reestablished the Polish Police Service at the beginning of the occupation primarily to maintain order and enforce German regulations. The Blue Police also enforced Polish laws in areas where Germans decided not to interfere, which gave them enhanced powers over society.

According to historian Diemut Majer, the legal structure put in place in the *Generalgouvernement* “largely prevented the implementation of discriminatory practices by boundless interpretation of the regulations.”<sup>4</sup> Poles living in the *Generalgouvernement*

---

<sup>3</sup> Michel Foucault, *Surveiller et punir* (Paris : Éditions Gallimard, 1975), p. 139.

<sup>4</sup> Mayer, “*Non-Germans*” *Under the Third Reich*, p. 507.

retained some of their institutions during the autumn of 1939. The system of justice remained in place, except for the Supreme Court which was abolished. Majer wrote:

In Contrast to the Annexed Eastern Territories, whose purpose (Germanization) and status (annexation) were established from outset, the legal status and the faith of the occupied Polish territories (the General Government) were never concretely clarified because the Nazi leadership itself had developed non-clear notions. In this respect, administrative policy and the treatment of 'non-Germans' also demonstrate variations and contradictions.<sup>5</sup>

This lack of clear leadership affected not only the Germans but also the remaining elements of Polish administration left in place during the German occupation. The German initiative to leave some power in the hands of the Poles reinforced the inequality between representatives of the Polish authority and the Jews. The existence of a Polish system of justice and its apparatus functioning within a state controlled by Germans, was in many ways peculiar. Firstly, Germans allowed a part of the Polish administration to continue, but in the absence of a legitimate government, the administration functioned in a void. Therefore, police officers and magistrates made decisions without having to defer to their previous political and institutional masters, the Ministry of Public Security and the Ministry of Justice. Secondly, Germans required that the Polish authorities work within two different frameworks of regulations: the German and the Polish ones. As such as they needed to understand both systems in order to determine if a criminal offence should be heard in the German or the Polish court. Finally, because of their lack of interest in day to day criminal justice, the occupier did not supervise the courts in any way. Therefore, the Germans were

---

<sup>5</sup> *Ibid*, p. 261.

rarely involved in the Polish judicial system. Consequently, they left most of the decisions to Poles, officers and court members.<sup>6</sup>

In this chapter, the actions of two agents of power will be reviewed: the Blue Police and the court officials. These two groups represented one of the most important elements of what was left of the prewar Polish authorities. The absence of legitimate state authority gave great leeway to the police officers and members of the court to make decisions influenced by personal feelings, values, and prejudice. This chapter will demonstrate that in the absence of regulations and supervision from both the German occupier and the Polish state, policing of the Jews was often rife with instances of abuse of power, oppressive behaviors and occurrences of anti-Semitism.

### The Blue Police

After the collapse of the Polish state and the establishment of the *Generalgouvernement*, former Polish police officers were among the first to be called back to duty by the occupier. In their new functions, they had a special role to play. Initially, their job was to respect and enforce German regulations, including those dealing with the “Jewish question.” Officers were ordered to control the Jews to make sure they respected the curfews, and obeyed the branding regulations. In addition, they also had to enforce the old Polish laws to maintain order. In small cities and towns, Germans were rarely present to oversee the work of Poles which often resulted in Polish police and Jewish police working side by side as the primary authority. This peculiar situation allows us to take a

---

<sup>6</sup> See: «Zwei Jahre Aufbauarbeit im Distrikt Warschau Im Auftrage des Gouverneurs des Distrikts Warschau, SA- Gruppenführer Dr. Ludwig Fisher», Copyright by Buchverlag Deutscher Osten G. m. b. H. Krakau, Druck : NKW Warschau, Marschallstr 3/5.

new look at not only the relations between Jewish civilians and Polish policemen, but also at the relations between the officers of the Polish and Jewish police forces. The court records are of great value in that they provide evidence of the everyday work of Polish justice officials and shed further light on the legal process. If the topic of the participation of the Blue Police during the Holocaust is now being investigated by some historians, the study of this “blue force”, as a cooperative part of the Polish judicial system during the same period has yet to be done.

### Police in the Polish Second Republic and in the GG

*Przysięgam Panu Bogu Wszchemogącemu na powierzonym mi stanowisku pożytek Państwa Polskiego oraz dobro publiczne mieć zawsze przed oczyma; Władzy zwierzchniej Państwa Polskiego wierności dochować, wszystkich obywateli kraju w równym mając zachowaniu, przepisów prawa strzec pilnie, obowiązki swoje spełniać gorliwie i sumiennie, rozkazy przełożonych wykonywać dokładnie, tajemnicy urzędowej dochować. Tak mi Panie Boże dopomóż!*<sup>7</sup>

The Polish Police was established on July 24, 1919.<sup>8</sup> The Polish Police worked on the basis of the Police law, which was defined as “the policy of public safety, peace and order for all citizens of the Polish State.”<sup>9</sup> To be accepted as police officer one had to be of Polish nationality, twenty-three to forty-five years old, have good physical strength and health, be able to speak, write and count in Polish, and have a clean judicial record.<sup>10</sup> In

---

<sup>7</sup>The pledge of oaths made by Polish policemen, Policja Województwa Śląskiego, 1933 in <http://policjapanstwowa.pl/policja-panstwowa/rota-przysiegi/> ““I swear to God Almighty on the position entrusted to me with the benefit of the Polish State and the public good always in your sight, the authority of the Lord's Polish fidelity, all citizens of the country in the same respect keeping the law regulations diligently, obeying their duties diligently and conscientiously, orders of superiors exactly, keep official secrets, God help me!”.

<sup>8</sup> Rodak, *Jutsizwesen und Strafverfolgungsorgane des Zweiten Polnischen Republik im Umgang mit Juden*, p. 187.

<sup>9</sup> *Ibid*, p.188.

<sup>10</sup> *Ustawa o Policji Państwowej*, in Dziennik Ustaw # 363 z dnia 24 Lipca 1919 roku, Art. 26 in <http://dziennikustaw.gov.pl/DU/1919/s/61/363>

theory, every Polish citizen could pursue a career in the police force. Nevertheless, between 1919 and 1939 very few Jews served on the force. In 1936, there was a total of twenty-three Jewish police officers nationwide, half of whom were working in the Warsaw Police Department. This represented less than 1 % of the Warsaw Police Force, and the smallest group of non-Catholic policemen.<sup>11</sup> Furthermore, the police training manuals depicted derogatory characterizations of Jewish citizens. One could determine from these handbooks that Jews were mostly focused on their financial gain. Jews were also seen – according to the same manuals - as people who only took care of their own kind.<sup>12</sup> As a result, these national police force of 30,000 officers could be described as anti-Semitic.

Historical sources demonstrate that many officers of the Polish Police held strong anti-Semitic convictions. In his research, historian Boleslaw Sprenzel indicated that Polish police officers during the two decades of the Second Polish Republic often used physical violence.<sup>13</sup> Police officers intimidated the people and even let civilians who shared their political agenda to use violence against their opponents without interfering. For example, during the riot against the election of Narutowicz in 1922, members of the state police passively watched as the militants of the National Democratic Party assaulted left-wing politicians in the National Assembly. The alleged political neutrality of police officers was quickly viewed as a myth. After the murder of Gabriel Narutowicz, the perceived threat posed by ethnic minorities continued to heavily influence the method of policing in Poland. Historian Andrzej Misiuk echoed Sprenzel, contending that the Polish police was used as

---

<sup>11</sup> Robert Litwinski, *Korpus Policji w II Rzeczypospolitej. Sluzba I zycie prywatne* (Lublin: Wydawnictwo UMCS, 2010), p. 55.

<sup>12</sup> Rodak, *Jutsizwesen und Strafverfolgungsorgane des Zweiten Polnischen Republik im Umgang mit Juden*, p. 196.

<sup>13</sup> Boleslaw Sprenzel, *Policja Panstwowa a Organy Wladzy Publicznej w Polityce Ochrony Biezpieczenstwa Wewnetrznego w Polsce w Latach 1918-1939* (Torun: Wydawnictwo Naukowe Uniwersytetu Mikoaja Kopernika, 2011), p. 326.

a political tool at the end of the 1920s in order to intimidate the electorate.<sup>14</sup> Poland in the 1930s – especially after the death of Marshall Pilsudski in May 1935 – lived through periods of major crises. With the economy devastated by the Great Depression, after the introduction of the new (and undemocratic) April 1935 Constitution and a slate of new anti-Semitic regulations, the police became more and more active. At the end of the 1930s, the targets of the police were all minorities considered to be public enemies – Ukrainians and Germans, were accused of espionage and sabotage, and Jews were considered as the “natural” enemy of the state.<sup>15</sup>

In October 1939, Polish police officers were instructed to report to work, and to maintain public order and to enforce the new German regulations. The Blue Police, as they were commonly known, were thus reestablished. The Germans asked the officers of the former police order to join the ranks of the new organization. No Jews were allowed in this police force and Polish higher officers were replaced with Germans. The Polish officers were now required to implement the new German laws and regulation for Poles and Jews. The Germans quickly introduced several regulations directed against the Jews. Starting on December 1, 1939, all Jews aged 12 and older were ordered to wear armbands, and severe restrictions were placed on their mobility, access to their personal financial resources, public transportation, and much more. In 1940, the German authorities started to implement the state-wide policy of concentrating Jews in ghettos, with many regulations. The Polish Police oversaw enforcing most, if not all, of these regulations. In towns with small ghettos, the German presence was less conspicuous, so the role and the presence of Polish officials

---

<sup>14</sup> Andrzej Misiuk, “Police and Policing Under the Second Polish Republic 1918-1939,” *Policing Interwar Europe Continuity, Change and Crisis, 1918-1940* (New York, NY: Palgrave McMillan, 2007), p. 168.

<sup>15</sup> *Ibid*, p. 169.

grew accordingly. During the occupation, the view of Jews as a hostile party to the State remained in the minds of the Polish police. Franciszek Banas, a former police officer who guarded the Krakow ghetto during the occupation, noted in his memoirs that in general, members of the Blue police were driven by Antisemitic sentiments and work in police stations was characterized by anti-Jewish atmosphere.<sup>16</sup> His memoir suggested that he himself shared anti-Semitic sentiment typical of the pre-war period even if he helped out several Jews during the occupation.<sup>17</sup> Banas was even a victim of his colleague's anti-Semitism and beaten by them because of his altruistic behavior towards the Jews. Systemic anti-Semitism was also observed by Tadeusz Krasnosdębski, a police officer who served in Dabrowa Tarnowska and Otfinow.<sup>18</sup> Like Banas, Krasnosdębski highlighted common Polish prejudices and bias of the Blue police that pushed them to act against the Jews whether it was to blackmail them or to hurt them. Depending on the visibility of the German presence in each area, Polish police officers could function with a surprising level of self-governance, and independence. One of the few survivors of Otwock, Stanislaw Nissenszal, a former Jewish police officer in the ghetto of Otwock, noted in his testimony about the police and the members of the city hall of Otwock that "the local government authority headed by the mayor Gadowski were hostile to the Jewish population from the beginning of the German occupation."<sup>19</sup> For the former Jewish police officer, this hatred for the Jews was felt in the actions taken by the Polish authorities. The Blue Police had more power and

---

<sup>16</sup> Franciszek Banas, *Moje wspomnienia* (Rzeszów: Instytut Pamięci Narodowej), 2009, p. 131.

<sup>17</sup> Franciszek Banas helped the ghetto inhabitants during the war and was a member of the Home Army (Armia Krajowa or AK). In 1981, he received a medal and the title of Righteous Among the Nations for saving the Jakubowicz family during the war. See Yad Vashem [YVA] The Righteous Among the Nations Database, file M.31.2/1824

<sup>18</sup> See: Tadeusz Krasnosdębski, *Policjant konspiratorem, Szesnaście lat na muszce Gestapo i bezpieki* (Kraków: Instytut Pamięci Narodowej), 2008.

<sup>19</sup> AŻIH, Testimony collection 301 (1945-1947), file 4064, testimony of Stanislaw Nissenszal, p. 2.

more freedom, which meant more opportunities to help or harm the Jews. In this historical essay entitled *Polish Jewish Relations during the Second World War* – written in hiding during the war – historian Emanuel Ringelblum claimed that the Blue Police played the most lamentable role in the extermination of the Jews of Poland. “They have been an enthusiastic executor of all the Germans directives regarding the Jews.”<sup>20</sup> Ringelblum explored ways in which Polish officers mistreated and exploited the Jews. He noted different stages of anti-Semitic behaviors at the beginning of the occupation that included blackmailing, the involvement of police officers in the mass deportation of 1942, to the hunting down of Jews during the last period of occupation.

In addition to enforcing the German regulations, the Polish police officers were asked to maintain Polish prewar regulations. Police officers working inside, or outside the ghettos were required to intervene pursuant to the Polish prewar Criminal Code and to act accordingly – as long as the lawless acts did not involve German citizens or did not violate any German regulations. In cases where German laws were violated, officers were supposed to send the culprits to the Special German court (*Sondergericht*). In all other cases where only Polish laws were affected, the Blue Police needed to enforce Polish regulations. Historian Diemut Majer highlighted that:

supervision of the Polish judiciary [by the Nazis] was not highly efficient. Political control of the system depended on specific spot check, and the effect could never be as sweeping as the incorporation of non-Germans into the German legal system. Nor was the German judiciary without its technical problems: the chronic overload of the justice authorities, shortage of staff and language difficulties made it impossible to implement the right to review Polish ruling in any significant measure.<sup>21</sup>

---

<sup>20</sup> Ringelblum, *Polish-Jewish Relations During the Second World War*, p. 133-134.

<sup>21</sup> Majer, “Non-Germans” *Under the Third Reich*, p. 492-493.

The lack of control by the German authorities was obviously noticed by Polish policemen. In the absence of the occupier, Police officers had to enforce two types of regulations at the same time, effectively giving the Blue Police the possibility to decide the fate of citizens, in particular that of Jews, by either sending them to the German *Sondergericht*, or by keeping them within the Polish judicial system.

### Polish Police and the Jewish Question

Existing studies of the Blue Police during the Holocaust largely focus on denunciations and deportations of the Jews. Much less is known about the relations between Jewish and Polish policemen before the mass deportations and many questions remain unanswered. How did things go when the Germans were not around, in small towns like Otwock and the ones from the Siedlce region? In everyday life, did the “Blue” policemen have a role to play in determining the fate of the Jewish community in occupied Poland? Using records from the Municipal Court of Otwock and the district court of Siedlce, this part analyzes the relations between Polish officers and Jews from the creation of the Blue Police in the autumn of 1939 until the end of the mass deportations in the autumn of 1942. This analysis is limited to a few towns in the district of Warsaw. Further research will show whether the conclusions can be applied to the entire *Generalgouvernement*.

The police officers were supposed to send all Jews found in violation of German regulations directly to the German Special Courts.<sup>22</sup> As the war progressed, the laws regarding Jews multiplied and became more severe. On January 26, 1940, Jews were

---

<sup>22</sup> Among the first regulations passed, we note the ban on Jews walking around the parks and taking the public transportation, the obligation to wear the distinctive armband.

forbidden to use trains.<sup>23</sup> One year later, on October 15, 1941, Hans Frank passed a decree forbidding the Jews to leave the ghetto except with special permissions and introduced the death sentence for any Jews found outside the “Jewish living areas.”<sup>24</sup> According to this so-called “Third Regulation”, any Jew found on the Aryan side of the city without a valid excuse would face the death penalty. In the eyes of the occupier, these strict regulations were intended to control and to terrorize the Jews and to further mobilize the Polish police. More importantly, it meant that Polish police officers were the primary authority in charge of monitoring the borders of the ghettos and the train stations to ensure that Jews were not violating these new regulations. Jews intercepted outside the ghettos were to be transferred by the Polish authorities directly to the Germans for further treatment. Because of the many arrests regarding the Third Regulation (death penalty for any Jews found outside the Ghetto), the Germans decided to immediately deliver Jews to one of the Warsaw prisons before forwarding their files to the *Sondergericht*. Following the introduction of this regulation, the Germans decided to “drop most of the cases against Jews accused of illegal commercial transactions. These cases came under the authority of the ghetto commissioner and therefore carried lighter penalties.”<sup>25</sup>

The Polish court records constitute an excellent source of historical evidence regarding the implication of the Blue Police in the fate of the Polish-Jews during that time. A single court file could include many letters from different police officers, from different police stations and from different towns. Testimonies of police officers who participated in arrests, as well as the correspondence of the Jewish police, and the replies of the courts

---

<sup>23</sup> AŻIH 241/222.

<sup>24</sup> AŻIH 241/256 and AŻIH 241/262.

<sup>25</sup> Jan Grabowski, “Jewish Defendants in German and Polish Courts in the Warsaw District, 1939-1942,” *Yad Vashem Studies*, 2007, p. 55.

are common in these records. In some cases, letters from certain policemen directly asking the German Kripo to take part in a case were found. Policemen had to testify, fill out formal papers and take an oath in front of the courts, just as they did before the war.<sup>26</sup> The court files allow to present a new hypothesis regarding the impact of the Polish police officers on the fate of the Jewish population. Polish officers were supposed to be the first to enforce the German regulations in small cities and towns, but with limited German supervision, they did not always do so. The next pages will discuss cases of police officers who did not respect the Nazi regulations. Oftentimes, before the mass deportations starting during the summer of 1942, police officers neglected to enforce German laws regarding the Jewish question and decided the Jews' fate in other ways.

#### When the Polish Police Are Involved Directly in Criminal Cases

The Blue Police, by its very nature, was almost always the first to respond to a criminal act. Therefore, in every court file, there is at least one page of information about the officer on duty, about the police station involved, and testimonies from police officers who witnessed the crime and/or who were afterwards present at the scene. These judicial records can tell a lot and give information about relations between Polish police officers and Jews during the German occupation. As the people in charge, and therefore protected by this privileged status, Polish officers tended to speak openly, oftentimes revealing their prejudices and biases in the process. Articles directly involving policemen in criminal offences were the articles 125 to 139, written under Chapter XXI of the Criminal Code

---

<sup>26</sup> The German criminal police or *kriminalpolizei* is the standard term for the criminal investigation agency within the German police forces.

“Offences against Public Authorities and Offices.”<sup>27</sup> These articles included insulting an officer (articles 127–128), use of violence against officers (articles 129–133) and bribing an officer (articles 134–135). In Otwock, between 1939 and the mass deportation of the summer 1942, the municipal court heard 21 cases of *offences against an officer*. In 18 of them, the accused were Poles, and the three others were Jews. These infractions represented 10 percent of the total number of crimes during this period. In 15 cases involving Poles there was no condemnation. Sometimes, the accused was found not guilty or the case was abandoned due to lack of evidence. Therefore, the accused only had to pay for the court procedure (normally less than 50 zlotys). In only one case was the accused found guilty of “public insult of an officer” and condemned to 2 months of home detention.<sup>28</sup> In 17 out of 18 cases, the officers were not able to provide any proof of why they arrested the suspects. In these cases, the accused were generally helped by witnesses who came to court on their behalf. As no witnesses were able and willing to corroborate the policemen’s assertions, is it possible that the Police officers of Otwock used the judicial system as a threat to control the local population? The verdicts concerning the three Jewish suspects were noticeably different from the Polish ones.

In September 1940, Aron Ptakus, a 45-year-old Jewish laborer, was accused of assaulting a Polish officer, Feliks Gorzkowski, while travelling on a train from Falenica to Otwock.<sup>29</sup> The policeman said that he arrested the Jew because he was obviously involved in smuggling.<sup>30</sup> Ptakus was accused of resisting arrest, assaulting a police officer and,

---

<sup>27</sup> *The Polish Penal Code of 1932 and the Law of Minor Offenses*, p. 51-53.

<sup>28</sup> Archiwum Państwowe w Warszawie, filia w Otwocku, zespół Sad Grodzki w Otwocku, [APWO 78/206] akta nr.8763.

<sup>29</sup> APWO 78/206 nr. 8789.

<sup>30</sup> *Ibid*, Protokół Przesłuchania Świadka (Interrogation record of the witness), p.8.

finally, of trying to flee. When the judge asked Ptakus what happened that day, the accused presented a very different story. Ptakus said that he was not smuggling and that was why he resisted his arrest and he insisted that he had never assaulted anyone.<sup>31</sup> In May 1941, during the trial, Ptakus was accused under Article 133 of the Criminal Code for assaulting an officer and was sentenced to one week in prison in addition to paying the court fees.<sup>32</sup>

In reading the Ptakus' case, some major differences with the cases involving Polish accused can be seen. Firstly, no witness came to court to testify on Ptakus' behalf, even though the alleged crime took place in broad daylight on a train full of people. Secondly, the police station had endorsed the policeman's version without questioning his handling of the matter. In his testimony, the policeman said that he arrested Ptakus because he was involved in smuggling. Smuggling was strictly forbidden and punishable by German laws. According to the German regulations, a Polish police officer who found a Jew guilty of smuggling had to send him directly to the German court. Officer Gorzkowski chose to follow a different plan of action. In addition to smuggling, Ptakus was on a train between Falenica and Otwock, thus violating another German law. As of January 1, 1940, German regulations made it illegal for Jews to use (without permission) public transportation.<sup>33</sup> The decision taken by Officer Gorzkowski to send Ptakus' case to the Polish court allows us to consider some hypotheses. At first glance, it looks like Officer Gorzkowski was trying to spare the Jew from the German court, where he would have been harshly treated. But a closer examination shows that it is more likely an abuse of power. There were no Germans posted on the train between Otwock and Falenica. Furthermore, Grozkowski was the only

---

<sup>31</sup> *Ibid.*

<sup>32</sup> *Ibid*, Wyrok (Verdict), p. 29-30.

<sup>33</sup> AŻIH, 241/22.

police officer working in this area.<sup>34</sup> If he had wanted to spare the Jew, he could have simply let him go free. Never in his testimony did Gorzkowski, his colleagues from the police station or the judge discuss the violation of German regulations, making the situation appear premeditated, or, at least, as anti-Semitic. Nobody knows for sure what was on the mind of Gorzkowski that day, and why the judge accepted his version of the facts. It appears that they exercised their freedom of action (and lack of German supervision) to have recourse to the Polish system of justice, in which they could – to an extent – control the fate of the Jewish suspects.

The second and third cases where Jews were accused of offences against Polish officers are linked together. These two cases were opened on October 3, 1941, when 31-year-old Dawid Zylberman entered the Jewish police station and assaulted Jewish policemen in the Otwock ghetto. According to the first victim, ghetto policeman Goldberg, Zylberman used “extreme violence and committed acts of terror in order to free his brother-in-law, Icek Handfus, arrested earlier by the ghetto police.”<sup>35</sup> The Jewish policeman accused Zylberman of threatening him with a knife, throwing bricks at the police station and breaking windows. Seeing that he could neither reason with Zylberman nor control him, Goldberg called the Polish police station of Otwock and asked for help.<sup>36</sup> The Blue Police came into the ghetto and, after a fight, arrested Zylberman. The Jew was later accused of assaulting a Polish police officer at the municipal court of Otwock. Zylberman gave a very different version of the events. The man admitted having entered the Jewish police station in order to ask why they had arrested his brother-in-law. He denied having

---

<sup>34</sup> APWO 78/206 nr. 8789, Protokół Przesłuchania Świadka (Interrogation record of the witness), p.8.

<sup>35</sup> APWO 78/206/8844.

<sup>36</sup> *Ibid*, Protokół Przesłuchania Świadka (Interrogation record of the witness), p. 6.

used violence and throwing bricks. According to him, he was the victim in this affair and Goldberg was the guilty party. He explained that police officer Goldberg had hit him in the face instead of giving him an answer to his questions, and then called the Polish Police for his arrest.<sup>37</sup> When the Polish police came for him, Zylberman resisted aggressively. The Blue Police finally took him into custody and later transferred him to the Polish police station before finally sending him to court for trial. In August 1942, six months after the crime, the court found Zylberman guilty and sentenced him to six months in prison for assaulting a Polish police officer. He was also ordered to pay a fine of twenty zlotys to cover the court fees.

In the case of Zylberman, the Blue Police took over from the Jewish Police in a matter that, at first, did not involve one of their own. Once they were called, the Jewish police became witnesses and not victims of the crime. The charges against Zylberman were laid by the Blue Police and not by the Jewish Order Service. In the verdict, the judge noted that Zylberman had assaulted only one Polish officer. The alleged attack and threats against Jewish officer Goldberg, and throwing bricks and breaking of the windows of the Jewish police station, were never entered into the original accusation. The removal of the Jewish policemen from the case shows that the Polish officers exercised their power over the Jews, police or civilians. Zylberman's assault, the beating of policeman Goldberg, became irrelevant issues unworthy of further investigation. These were, after all, matters between Jews, which were of lesser importance to the court. What mattered was the harm inflicted by a Jew upon a Polish police office. In one way, this case demonstrates the level of importance attached to common criminality at the Otwock court. The Jewish Police were

---

<sup>37</sup> *Ibid*, Protokół Przesłuchania Podejrzanego (Interrogation record of the suspect), p. 5.

tasked with the enforcement of Polish and German laws and regulations, just like their Polish counterparts. They could even legally leave the ghetto and seek recourse in the Polish system of justice. But in this particular case, they had no influence over the proceedings. Knowing that anti-Semitism was common at the time, it is possible to see in this case that Jewish civilians and Jewish police were also subjected to the abuse of power of the Blue Police.

The example illustrating the extent of control of the Blue Police over the Jews can also be found in the case of Szlama Nirensztejn. In 1941, this eleven-year-old Jewish boy was placed under arrest by the Blue Police.<sup>38</sup> Wladislaw Ciborek, a twenty-year-old Pole, called the police to report a robbery that took place at his home. A Polish officer named Stefan Wisniewski joined Ciborek, and together the two men dragged the boy in front of the municipal court. They accused Nirensztejn of stealing a clock, a half-load of bread and 100 grams of sugar. Ciborek said he knew the child well because he often came around his house to beg for food. This day in question, when the child showed up, nobody was home except a janitor. When Ciborek arrived at home, he noticed the objects missing. The young man said in his statement that he grabbed Nirensztejn by the arm and pushed him in the direction of the court, helped by a police officer. The boy resisted and cried a lot. Ciborek insulted the Jewish boy yelling and calling him a “nasty little Jew.”<sup>39</sup> Once in front of the court, and during the primary investigation, the boy declared that he did not steal the clock, or the bread or the sugar. He only asked for some bread because he was hungry.<sup>40</sup> The trial did not take place: article 12 of the Polish penal code of 1932 stipulates clearly that “no

---

<sup>38</sup> APWO 78/206/8830.

<sup>39</sup> *Ibid*, Dochodzenia (Investigation), p. 10.

<sup>40</sup> *Ibid*, p. 11.

child under the age of sixteen can be accused in a criminal case and, therefore, cannot be sued.”<sup>41</sup> Furthermore, they never found the missing clock, so there was no evidence of any wrongdoing. The file was quickly closed, and the boy released.

As exceptional as it is, the case of Szlama Nirensztejn could illustrate the abuse of power demonstrated by the Polish police. The officer knew the law regarding the arrest of children, but still chose to force Nirensztejn to appear in front of the court. The child’s arrest could also serve as an example of latent anti-Semitism present among the policemen and the own agency of actors who, one needs to remember, acted without direct German presence. The case of Szlama Nirensztejn cannot be taken as a proof of the tendency of anti-Semitism because of its exceptional character. But it certainly highlights how individual choice – here the decision taken by an official to bring a young boy to the tribunal – could have an important impact. In his book *The Lost*, Daniel Mendelson described free will during the war. He writes: “Everything that happened, happened because someone made a decision. To pull a trigger, to flip a switch, to hide, to betray. This is what adds to the record of historical facts the invisible dimension of morality.”<sup>42</sup> The documents from the court show a new dimension of freewill and immorality. The case of the hungry Jewish boy dragged to court over a piece of bread seems to be a point in case.

---

<sup>41</sup> *The Polish Penal Code of 1932 and the Law of Minor Offenses*, p. 22.

<sup>42</sup> Daniel Mendelson, *The Lost* (New South Wales, Australia: Harper Collins Publishers), p. 100.

Image 1: Szlama Nirensztejn Birth Certificate

Rzeczpospolita Polska

Województwo *Warszawskie*  
 Powiat *Warszawski*  
 Gmina  
 Miasto *miasto Stare*  
 Parafia

Do użytku ksiąg ludności i spisu wojkowego

OTWÓRKA  
 OPŁATA MIEJSKA  
 OPŁATA KANTONOWA

**Wypis z aktu urodzenia**

Wydany na zasadzie ksiąg stanu cywilnego  
 za rok *1930* No *16*

Oświadczamy, że *Szlama Nirensztejn*  
 urodził się w *Starym* dnia *dwudziestego stycznia*  
 tysiąc dziewięćset *trzydziestego* (*1930*) roku  
 z ojca *Szymon Gersela*  
 i matki *Estery* z domu *Perel*

Zgodność niniejszego z oryginałem zaświadczam  
 w *Starym* dnia *28 Lutego* 19*30* roku.  
 Urzędnik stanu cywilnego, *burmistrz: M. Górnicki*

8L

pracown. Administracji Gmin., Warszawa, ul. Żorawia 27.

APWO 78/206/8830, p.9.

The immorality of some of the police officers can also be seen through other cases where Polish policemen, without getting directly involved in a crime, used the criminal code and code of procedure to manipulate and convict Jews. During a trial in the District Court of Siedlce, Moszko Zylberstejn, twenty-seven years old, was accused of offence against reputation, and offence against administration of justice (articles 255 and 143 of

the Criminal Code).<sup>43</sup> During the preliminary interrogation, the main witness, a Polish policeman working for the criminal police of Siedlce, Officer Grycan, testified. According to the officer, on May 28, 1940, he met Officer Kucinski after work on his way home. While walking together, Kucinski asked him if he wanted to accompany him to settle “certain cases.”<sup>44</sup> They went to 27 Pulaski Street, Siedlce, and knocked on the door of a “Jewish house that was unknown” to him.<sup>45</sup> Grycan reported that his colleague was given 150 zlotys by the Jew living there (named Zylbersztejn) and made him sign an obscure document.<sup>46</sup>

On August 5<sup>th</sup>, 1940, during his interrogation regarding the accusation of dealing stolen goods, Zylbersztejn affirmed the same thing: Officer Kucinski, accompanied by another policeman, knocked on his door to discuss his last arrest.<sup>47</sup> The accused said that the police officer forced him to pay 150 zlotys and, in exchange, promised to drop the case. The Police officer made him sign an unknown document (the accused is illiterate, therefore he could not read the document and signed it with an X). Evidently, Police Officer Kucinski did not keep his promise. Zylbersztejn was again accused, this time of offence against administration of justice and of a false testimony (article 143) he gave in court, and offence against reputation (article 255) for lying about the misconduct of a police officer.<sup>48</sup> The verdict was handed down on May 5, 1941. In spite of the testimony of Officer Grycan which supported Zylbersztejn’s (namely that Officer Kucinski forced the accused to give him a bribe), Zylbersztejn was found guilty of offence against reputation. He was sentenced

---

<sup>43</sup>Archiwum Państwowe w Siedlcach, zespół Sad Okręgowy w Siedlcach, [APS 62/1572] akta nr. 142.

<sup>44</sup> *Ibid*, *Protokół Przesłuchania* (Report of hearing), p.43.

<sup>45</sup> *Ibid*.

<sup>46</sup> *Ibid*.

<sup>47</sup> *Ibid*, *Akt Oskarżenia* (Indictment), p. 63.

<sup>48</sup> *Ibid*, p. 65.

to three months of home arrest and a fine of 50 zlotys.<sup>49</sup> As for Kucinski, his work was never questioned. He joined the criminal police in Lowicz that same year, and never appeared in court to testify.

The exact same tactic was used in the District Court of Warsaw in May 1940, where Jechuda Tojtera and Zyskinda-Szmul Fuks, two Jews from the capital, were accused of illegal currency trading.<sup>50</sup> During their arrest at the criminal police station, they apparently tried to bribe the on-duty police officers that day: Jozef Sobczynski, the director of the Polish Criminal Police of Warsaw, and Jozef Handtke. The Jews supposedly suggested to the policemen to pay them fifty zlotys, then 100 zlotys, in exchange for their release.<sup>51</sup> In their declarations, both accused denied this, but their words were not taken seriously by the judges.<sup>52</sup> Both accused were found guilty of bribing officers under article 134 of the Criminal Code.<sup>53</sup> They received a sentence of six months' imprisonment and had to pay fifty zlotys for the court fees.<sup>54</sup>

Here again, the police officers testified in court, in front of judges and the accused that the Jew tried to bribe them. The Jew denied these allegations because they were already arrested for another crime so why risk a more severe sentence for an offence against administration of justice? Two hypotheses: first, the accused actually tried to bribe the police officers and therefore must have known that that these officers were easily corruptible. One does not try to bribe a *Kripo* officer without expectation that it will work. The Polish police officers could also have played the game of bribing, taken the money,

---

<sup>49</sup>*Ibid*, Wyrok (Verdict), p.128.

<sup>50</sup> Archiwum Państwowe w Warszawie, zespół Sad Okręgowy w Warszawie (State Archives in Warsaw, coll. District Court in Warsaw), [APW 72/639/5373].

<sup>51</sup> *Ibid*, Akt Oskarżenia (Indictment), p. 2.

<sup>52</sup> *Ibid*, Protokół Rozprawy Główniej (Minutes of the main hearing) p. 60.

<sup>53</sup> *The Polish Penal Code of 1932 and the Law of Minor Offenses*, p.53.

<sup>54</sup> APW 72/639/5373, Wyrok (verdict), p. 72.

after which, they could have accused the Jews of trying to corrupt an officer. A second possibility is that the Jews told the truth, and they never tried to bribe anyone. The policemen could have lied so that the Jews would receive a harsher sentence. In this scenario, it is also possible that they invented the bribe story to keep the case within the Polish judicial system instead of sending them over to the German court for the crime of illegal currency trading (which was prosecuted by the occupier, in German courts, as a breach of German regulations). The cases of Jechuda Tojtera and Zyskinda-Szmul Fuks are not the only examples of corruption within the Blue Police. Many testimonies from the time depict the misconduct of police officers.<sup>55</sup> The court documents add to this knowledge by showing proof coming from official documents and not only from personal ones. It seems implausible that so many Jews would try to free themselves using a tactic that would most certainly fail. It is more likely the case that they were wrongfully accused.

### The Polish Police and the Jewish Order Service

The literature regarding Jewish police is still unclear about the organization's impact and responsibility regarding the fate of the Jewish population. The Jewish Police, named by the Germans and controlled by the *Judenrat*, is often considered a collaborator of the Nazi regime, even if most Jewish police officers eventually died together with all other Jews. The literature has shown that Jews working voluntarily for the Germans were considered traitors by the Jewish community. The Jewish police, like the Polish force, worked to enforce German regulations. In Warsaw, like in other closed ghettos, the Jewish policemen were stationed at the gates and made it difficult for the hungry population to

---

<sup>55</sup> See: AZIH 302/324, testimony of Izrael Cymlich and Emanuel Ringelblum, *Polish Jewish Relations During the Second World War*.

bring in desperately needed food or to trade with the Aryan side.<sup>56</sup> Historians Barbara Engelking and Jan Grabowski noted in their book *Przestępczość Żydów w Warszawie, 1939–1942* (Jewish Criminality in Warsaw, 1939–1942) that the “opinion regarding the Jewish Police was neutral, or even kind in the beginning of the occupation. This changed radically in the spring 1941, when the Germans ordered the Jewish police to take part in round-ups to Labor camps.”<sup>57</sup> Itzhak “Antek” Zuckerman, the leader of the *Zydowska Organizacja Bojowa – ZOB* (Jewish Fighting Organization) – saw the situation the same way.<sup>58</sup> He noted that Jewish policemen, with their goose-stepping, emblems, salutations and the extra food rations, enraged the starving population of the Warsaw ghetto. In his testimony, survivor and former Jewish police in the Otwock ghetto, Stanislaw Nissenszal corroborated Zuckerman’s words. He explained that, because of the catastrophic food situation in Otwock, Jews were hostile to the Jewish administration (Judenrat and Jewish Order Service) since the establishment of these institutions.<sup>59</sup>

The Jewish Police was also known as the force that, in many ways, decided the fate of the Jews. Zuckerman wrote in his chronicle on the mass deportation of July 1942 in Warsaw saying that “Every German would have been less efficient than a Jewish policeman.”<sup>60</sup> Calel Perechodnik, a Jewish policeman from Otwock, described in his diary the reality of the situation between Jewish officers and the local population. He explained that, beginning in 1942, Jewish police determined which Jews would be sent to the Treblinka punitive labor camp. He also noted that some Jewish officers took advantage of

---

<sup>56</sup> Engelking and Grabowski, *Przestępczość Żydów w Warszawie*, p 62.

<sup>57</sup> *Ibid*, p.63.

<sup>58</sup> Itzhak Zuckerman, *A Surplus of Memory: Chronicle of the Warsaw Ghetto Uprising* (Berkeley, CA: University of California Press, 1993).

<sup>59</sup> AŻIH 301/4064, testimony of Stanislaw Nissenszal, p. 4.

<sup>60</sup> Zuckerman, *A Surplus of Memory*, p. 209.

the situation by promising to release certain individuals from labor camps in exchange for money. He wrote, talking about the commandant of the *Ghetto Polizei*, Kronenberg “he saved the ghetto from deportation, took the occasion to fill his pocket, and a few decent people that he did not like, he sent them to camp.”<sup>61</sup> The same comment can be found in Nissenszal’s testimony. Talking about Kronenberg, he said that the Jewish population feared him because he was close with the Germans and was closely cooperating with the *Arbeitsamt*, the German Bureau of Labor.<sup>62</sup> Perechodnik’s memoir and Nissenszal’s testimony illustrated the reasons why the population of Otwock believed the Jewish police officers were on the side of the Germans until the deportation of August 1942. Even so, neither author elaborates on the everyday life relations between the Jewish Police and the population of the ghetto. What we know about these relations is limited. The focus was clearly on enforcement of the German regulations, and on these moments of crises in which the Jewish Police took a leading role, such as the seizure of Jews for work or deportation to the Treblinka death camps. However, the work of the Jewish police was also to keep the peace – by enforcing German regulations – inside the ghetto. Even if the Jewish Order Service police acted as a German instrument, it was often confronted with simple, common crimes and conflicts that had nothing to do with the Germans’ bidding. The Jewish Service Order investigated many minor offences committed by Jews and, therefore, was expected to play a role at the Polish court. Several testimonies show that even if some among the Jewish police officers were appointed by the Germans, others joined their ranks for personal reasons, be it greed, fear or hope for survival.

The Jewish policemen indeed enforced German regulations, but their job was

---

<sup>61</sup> Calel Perechodnik, *Am I a Murderer?* (Boulder, CO: Westview Press, 1996), p. 14.

<sup>62</sup> AŻIH 301/4064, testimony of Stanislaw Nissenszal, p.3.

primarily to keep the peace inside the ghetto. On an everyday basis, Jewish officers encountered problems that had nothing to do with German regulations. Therefore, they had to appeal to other legal bodies. One of them was the *Judenrat* – the Jewish Council – a self-enforcing intermediary that served the German administration and served as the first respondent in the ghetto at the same time. In the *Generalgouvernement*, the *Judenraete* of most ghettos did have a legal apparatus. The task of confronting difficult wartime situations – constant changes in the size of the ghetto population, inadequate food supply, diseases, death – was almost impossible to handle by themselves. The Jewish Police regularly faced crimes like theft, fights and threats. As part of their work, they had to send the criminal to the municipal court on the Aryan side of the town. It was as if a bridge had been erected between the Jewish and Polish Police forces, both working for one common goal, the upholding Polish law. The court documents highlight this teamwork. Through the lens of the Jewish cases, we see Jewish police in constant communication with the Polish authorities and the court. We also encountered different cases where the Jewish policemen became victims simply because they were Jews.

#### Mirror Situations: The Role the Court Played in Helping a Jewish Police Officer

At the municipal court of Otwock, twenty-one cases dealing with offences against officers were heard during the period from the autumn 1939 to the autumn of 1942. In comparison to those cases, two cases were found where the Jewish police accused a Pole of assaulting them while they were performing their duties. On April 16<sup>th</sup>, Icek Fleising, a Jewish policeman in the Otwock ghetto, crossed into the Aryan side to get to the German

*Arbeitsamt* (Bureau of Labor).<sup>63</sup> On his way, he encountered one Zygmunt Zakrzewski, 20 years old, and obviously drunk. The intoxicated man had a knife in his hand and ran after the Jewish policeman yelling, “*Parszywy Zyd !*” (“Dirty Jew! Scabby Jew!”).<sup>64</sup> Fleising tried to reason with the Pole, explaining that he needed to go to the *Arbeitsamt*. The man with the knife was, however, so aggressive that the police officer had no choice but to return to the ghetto. After the incident, Fleising was more concerned with the potential German reprisals than with the drunken Pole. He filed a complaint with the municipal court against Zakrzewski.<sup>65</sup> To help him, Jewish Police Station where he worked also sent a letter to the *Arbeitsamt* explaining that: “Police Officer #88 had to go to *Arbeitsamt* but had to leave his functions when he was threatened with death by a man in the street. For this reason, he was not able to accomplish his duty regarding the German bureau of Labor.”<sup>66</sup> The German office refused to get involved in what seemed to be a purely Polish-Jewish matter and sent a copy of the letter to the Gestapo. The local office of the Gestapo refused to take any action, indicating that no German interests or German citizens had been hurt in the affair. As for the court, it acquitted the accused for the lack of evidence.<sup>67</sup>

---

<sup>63</sup> APWO 78/206/8799.

<sup>64</sup> *Ibid*, Protokół, (Record of the witness), p. 5.

<sup>65</sup> *Ibid*, letter from the Ghetto-Polizei to the Municipal court of Otwock, April 16, 1941, p. 7.

<sup>66</sup> *Ibid*, letter from the Ghetto-Polizei to the *Arbeitsamt* of Otwock, April 16, 1941, p. 8.

<sup>67</sup> *Ibid*, Wyrok (Verdict), p. 17.

Image 2: letter from the Ghetto-Polizei to the Arbeitsamt of Otwock, April 16, 1941.

HETTO-POLIZEI  
Stadt OTWOCK

An das Arbeitsamt, Nebenstelle 17  
in O t w o c k

Dienstmeldung  
des Ghetto-Polizisten Flejsyng Izaak, Dienstnummer 88.

Am 16. April ds Js um 16 Uhr wurde ich dienstlich abgeordnet Vorladungen des hies. Arbeitsamtes in das Arische Wohnviertel zu verteilen. Gegen 19 Uhr wurde ich auf der Okrzeistr./Kresy/ von einem Polen, der ein Messer auf mich zog, überfallen, und drohte mir den Hals zu über-schneiden. Meine Erklärung, dass ich jetzt im Dienste bin und das ich für's Arbeitsamt Vorladungen zu verteilen habe, half leider nicht.

Daraufhin musste ich meine Arbeit beschränken und ging davon.-  
Wie ich nachher feststellen konnte sind die Personalien des Überfallers wie folgt: Zakrzewski Zygmunt, wohnhaft in Swidry Wielkie.  
Zeugen dieses Vorfalls waren: Cybulski Zygmunt, wohnh. Swidry Wielkie, Krzykowski - Okrzei 58, Otwock.

Da wir in der letzten Zeit bei der Zustellung von Vorladungen des hiesigen Arbeitsamtes schon öfters gestört wurden, bitten wir um Kenntnissnahme und Veranlassung uns ungestört weiterhin arbeiten zu lassen.-

Otwock, den 17. April 1941

ARBEITSAMT WARSCHAU  
Nebenstelle 17  
Otwock, Matejki 1  
Tel. Otwock 57-21

Urschriftlich  
An die  
Sicherheitspolizei  
O t w o c k

mit der Bitte übersandt, das Weitere gegen den ZAKRZEWSKI Zygmunt, wohnhaft in Swidry Wielkie, zu veranlassen.  
Von dem Ergebnis erbitte ich Mitteilung.

Otwock, d. 25. 4. 41

Leiter der A.A. Nebenstelle 17

*H. Rückner & Co.*

APWO 78/206/8799p. 8.

The second example of a Jewish Police officer being assaulted by an ethnic Pole happened in Falenica, a small town five kilometers from Otwock. Around one o'clock in the afternoon on July 22, 1941, Jewish police officer Josek Frojman started his rounds at

the train station in Falenica.<sup>68</sup> Szymon Nowak, a railway worker, slapped the police officer across the face for no apparent reason and poured water on his head in front of the people waiting for the train on the boarding platform. Not knowing how to react to this aggression, Frojman returned to his police station and with his colleagues wrote a letter of complaint to the Polish Police station of Falenica. In the letter addressed to the chief of the local Polish Police, they explained what happened during the afternoon, saying that “a shameful accident happened to Officer Frojman, who was beaten, insulted and defamed.”<sup>69</sup> Because the Jewish police had no power over Polish citizens, the Polish Police arrested Nowak a week later and the head of the police station, Corporal Juchewicz interrogated him. The accused admitted that he had beaten and insulted the Jewish officer, but during the trials the next month, Nowak was acquitted because of lack of evidence despite his own testimony and the letter sent by the Jewish Police station.<sup>70</sup> The main difference between the case involving Polish and Jewish officers can be found in the verdict. The Jewish police, contrary to the Polish one, did not receive compensation for the crimes in which they were victims. The second difference appears in the attitude of the officials in charge of the cases. When an officer of the Blue Police lodged a complaint with the court involving assault or insult, a case was built up: witnesses were called to testify, and other police officers came to court to support the version of events presented earlier by one of their colleagues. But in the cases of Jewish officers, no one was called to the tribunal to corroborate the information. The cases were abandoned even before they had a chance to start. Furthermore, these two crimes against a Jewish officer took place in the middle of the day

---

<sup>68</sup> APWO 78/206/8836.

<sup>69</sup> *Ibid*, Letter from the Jewish Police Station of Falenica to the Polish Police Station of Falenica on July 25, 1941, p. 3.

<sup>70</sup> *Ibid*, Wyrok (Verdict), September 21, 1941, p. 12-13.

in a public place (one in the middle of the street and the other one on the platform of the train station). Therefore, many people had observed the crime, but none of the witnesses were called to testify in court. Once again, these cases show the difference between the position of the Blue Police and their Jewish counterparts. Both organizations used the Polish system of justice, but they were never truly equal in front of the law.

### The Judges and Prosecutors: Omnipotence in Court

The figure of the Polish judge as well as other members of the court has received little or no attention on the part of scholars of Polish-Jewish relations during the Holocaust. Historian Mateusz Rodak argued that it was common for judges to give a verdict based on their own prejudices and biases. Rodak noted that from the beginning of the Second Republic of Poland, anti-Semitic rhetoric had found its place in the judicial system. According to him, traces of subjective tendency were also apparent in the provision authorizing the judges to determine the severity of a crime and fixing the penalty.<sup>71</sup>

According to article 24, Section 1 of the Penal Code:

the Court may fix his penalty for attempt within the limits provided for the corresponding offence. [...] The judges are given discretion by the Code to decide the severity of the penalty to be imposed. The judge may fix the degree of penalties at his option, subject to the provision of the Code pertaining to the adjustment of the penalty according to the personality of the offender (article 54).<sup>72</sup>

Throughout the German occupation, the judges working at the court were of the same attitude as before the war (except for the Jewish judges, who had been removed). Therefore, the same prejudices and biases can be observed during the period under study. In addition,

---

<sup>71</sup> Rodak, *Justizwesen und Strafverfolgungsorganen* der Zweiten Polnischen Republik im Umgang mit Juden, p.190.

<sup>71</sup> *Ibid*, p. 4.

<sup>72</sup> *Ibid*, p. 13-14.

the judges no longer had to contend with any oversight on the part of the non-existent ministry of justice, or other branches of the government. This subjectivity can be seen in many cases where the judges decided to disregard jurisprudence and/or ignore logical proofs for one reason or another.

During the autumn of 1939, Chaim Lewin was expelled from the municipal court of Siedlce for giving false testimony in a domestic affair.<sup>73</sup> Lewin was working for a Pole named Stanislaw Celinski, and witnessed him in a quarrel with Ewa Bartosiak about the expensive price for the replacement of a broken window. Lewin supposedly lied in front of the court despite being warned by the judge about the oath he signed and the responsibility regarding his declaration. Because Lewin did not change his testimony, he was then accused of perjury.<sup>74</sup> In April 1940, Chaim Lewin was charged at the district court of Siedlce under article 140 of the Criminal Code that stipulates, “Whoever is giving testimony to be used as proof before a court or other authority shall make false statements or shall conceal the truth, is punishable by imprisonment up to 5 years, or by detention.”<sup>75</sup> On June 24, 1941, judge Lozinski sentenced Lewin to six months in prison in addition to paying 20 zlotys in court fees. Prosecutor Michalowski, appealed the judgment of Lozinski the next day, arguing that it was not severe enough. Michalowski argued that Lewin was a grown man of “forty some years” and, therefore, he must have been aware of the possible consequences of giving a false testimony.<sup>76</sup> Lewin’s lawyer thought differently. He asked for an acquittal because he found that the sentence was unfair. On October 3, 1941, the judges from the Appellate Court of Warsaw – Leczynski, Kotarba and Rychlinski – made

---

<sup>73</sup> APS 62/1572/ 357.

<sup>74</sup> *Ibid*, Akt Oskarżenia (Indictment), p. 24.

<sup>75</sup> *The Polish Penal Code of 1932 and Law of Minor Offenses*, p. 53-54.

<sup>76</sup> APS 62/1572/ 357, Wywod Apelacji (Reason for the appeal), p. 59.

the final decision. Not only did the judges in Warsaw go against the prosecutor's wishes of a more severe sentence, but they also decided against the first judgment given by judges in Siedlce. They considered that Lewin was not lying about the domestic affair – since he had no interest in lying – but rather was not well informed about the nature of the conflict. Furthermore, the judges criticized their colleagues in Siedlce. In the final verdict, they noted that the district court omitted certain important information regarding Lewin. Firstly, the district court did not take into consideration that the witness had no interest in the case, therefore they had no reason to lie. Secondly, the judges mentioned that the prosecutor did not take into account the difficult times of the war, that could lead to a higher price for the window.<sup>77</sup> Therefore, the Appellate Court of Warsaw reduced Lewin's sentence to three months in prison and 15 zlotys fine. Reading the comments made by the Warsaw judges in the justification of their decision, one can see that the judges of the court of appeal concluded that the first sentence (six months in prison) was far too harsh for the crime. The judges from Warsaw pointed out that “the first judgment was based on wrong premises, based on prejudices, and had little to do with the code of justice.”<sup>78</sup> This case shows that it was easy for judges to go beyond the law and give a sentence based on their own interpretation of the facts. Prosecutor Michalowski appealed Lewin's case to the capital because he wanted a tougher penalty. The judges demonstrated that his request was inadmissible in addition to reversing the first verdict. The Appellate court was able to signal the prejudices surrounding the verdict of the Siedlce district court and proved that the leeway of a judgment had a limit. Without the prosecutor's intervention, the court of appeal

---

<sup>77</sup> *Ibid*, Wyrok (Verdict), p. 72.

<sup>78</sup> *Ibid*.

would never have seen the injustice regarding Lewin case and the accused would have received a harsher sentence than necessary.

Another case that illustrates the prejudices of the judges took place at the district court of Siedlce. In July 1940, a Polish worker named Kazimierz Konaszuk was accused under Chapter XXV “Offences Against Life and Health,” and article 236 “corporal injury or impairment of health” of the Criminal Code.<sup>79</sup> Konaszuk explained in the accusation record that he saw two Jews, Towja Wajnsztejn (the victim) and Chil Korenblum (a witness) on a carriage en route to Siedlce.<sup>80</sup> He said he threw a rock at them because they were driving on the wrong side of the road. The rock hit Wajnsztejn and hurt him. In his testimony, Wajnsztejn declared that he knew the accused and that they were already in conflict when he was attacked. He also noted that after throwing the rock, Konaszuk also hit him in the face with his hand.<sup>81</sup> The crime was corroborated by two other witnesses (Chil Korenblum and Konaszuk’s co-worker, Jan Przegalinski), the rock was brought to court as a proof of the assault, and the severity of the injury was confirmed by Dr. Feliks Hasko.<sup>82</sup> In court, Konaszuk explained himself, saying that it was a simple accident and “anyway, they are Jews, we shouldn’t believe what they say! (Są Żydami i tak wierzyć nie należy!)”<sup>83</sup> After hearing all the testimonies, Judge Sieminski found that Konaszuk’s deed was not a crime and that the complaint must be made through private or civil law and at a lower level of court. For these reasons, the judge stayed the proceedings.

---

<sup>79</sup> APS 62/1572/ 149.

<sup>80</sup> APS 62/1572/149, Akt Oskarżenia (Indictment), p. 30.

<sup>81</sup> *Ibid*, Protokół Przesłuchania Ofiary (Interrogation record of the victim), p. 27.

<sup>82</sup> *Ibid*, Protokół Przesłuchania Świadka (Interrogation record of the witness), p. 28, Akt Oskarżenia (indictment). p.31, Medical note from Dr. Hasko sent to the District court of Siedlce, p. 3.

<sup>83</sup> *Ibid*, Akt Oskarżenia (indictment), p.31.

The case of Towja Wajnsztejn is probably the clearest illustration of the freedom afforded to the judge in the Polish system of justice. Not only did Sieminski disregard the proofs brought to him in court – a medical note and the testimony of witnesses – he also went against every jurisprudence. It is clearly written in the Criminal Code under article 236 “Whoever shall cause corporal injuries or impairment of health, which does not endanger life, or endangers it only temporarily and disturbs the functioning of a bodily organ for a period of at least twenty days [...] is punishable by imprisonment up to five years.”<sup>84</sup> The medical note brought to court indicated that “Wajnsztejn suffers from a fracture of the angular ridge that violated the function of his spine.”<sup>85</sup> The doctor specified that this serious injury prevented the victim from working for at least twenty days.<sup>86</sup> In the criminal code of procedure in use during the war, it is written that the judges, “can alter the sentence by decreasing it, if he thinks that the accused does not understand his crime.”<sup>87</sup> In other words, the judge has the right to lower a sentence if the accused is mentally challenged or was unable to understand his action while committing the crime. Here, not only did Konaszuk know what he was doing, he did it because the Jews were bothering him. It looks like the only reason why the judge rejected the case is that he did not consider Wajnsztejn a member of the Polish community. By denying him the right to a trial for an offence that he was the victim of, Sieminski denied the Jewish citizen his rights.

Another case that addresses the issue of bias of Polish judges against Jews is found at the district court of Siedlce in the case of Mordko Zylbersztejn, a shopkeeper and father

---

<sup>84</sup> *The Polish Penal Code of 1932 and the Law of Minor Offenses*, p.70.

<sup>85</sup> APS 62/1572/149, Akt Oskarżenia (Indictment), p. 28.

<sup>86</sup> *Ibid*, Medical note from Dr. Hasko sent to the District court of Siedlce, p. 3.

<sup>87</sup> *Kodeks Postępowania Karnego*, in *Dziennik Ustaw* #33, 20 marca 1928, artykuł #40, p. 620.

of four children accused in 1940 of selling stolen goods.<sup>88</sup> The case went to appeal in Warsaw while the prosecutor placed Zylbersztejn in temporary detention, which went directly against the criminal code of procedure. The code stipulated that a temporary detention was needed if the criminal was a danger to society, if he lived outside the country or if he was a repeat offender.<sup>89</sup> Zylbersztejn did not match any of these criteria. His lawyer sent a letter asking the court to remove his client from custody, arguing that Zylbersztejn was on his first offence, was not dangerous and was born and lived in the city of Siedlce. He also noted that “Zylbersztejn’s detention has a very serious impact on his family, consisting of his wife and four children, who live off his income and are now suffering from deprivation.”<sup>90</sup> Even with the proof that the Jew was treated in a way which was contrary to the normal procedure, the decision of the court remained unchanged and Zylbersztejn stayed in temporary detention. This last case demonstrates that the magistrates could use their powers to discard the rules of procedure and the existing jurisprudence. Several other cases from the district courts of Siedlce point at the agency of the judges and the way in which they exercised their choices. Harsh sentences and unjustified penalties imposed on the Jews point to latent anti-Semitism and abuse of power of the members of the court.

Some judges saw what they wanted to see in order to satisfy a political or ideological agenda. But it is important to emphasize that the freedom the judges granted themselves was not always harmful for the Jewish defendants. Sometimes cases demonstrate real empathy with regards to the Jews and the difficult conditions under which

---

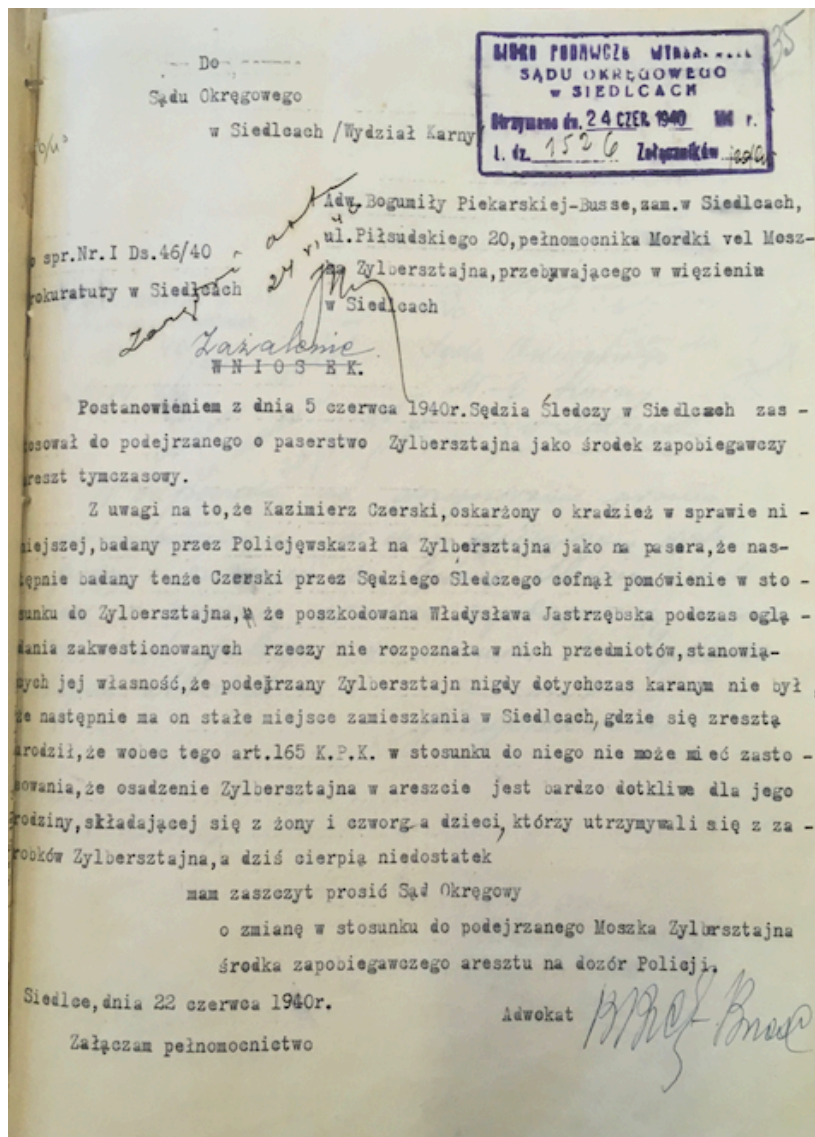
<sup>88</sup> APS 62/1572/142.

<sup>89</sup> *Kodeks Postępowania Karnego*, 19 marca 1928, P.627.

<sup>90</sup> APS 62/1572/142, Letter from Bogumily Piekarski-Busse to the District court of Siedlce, p. 35.

they lived during the German occupation. Piotr Stefanowicz, one of the principal judges at the municipal court of Otwock, used the power given by his profession to help, or at least not to impose undue hardships on Jews from his municipality.

**Image 3: Letter sent by lawyer Bogumily Piekarski-Busse to the District Court of Siedlce in the case of Mordko Zylbersztajn**



APS 62/1572/142, p.35.

In several cases, this judge gave less severe sentences to Jews, knowing their behavior was certainly due to the oppressive, poverty-ridden conditions prevalent in the ghetto. In July

1941, three Jewish hardened criminals – Icek and Alter Rosztein and Majer-Menach Glinksberg – were arrested for stealing a cow and hiding its meat. The first arrest was made by the Polish Police in Otwock and the case was sent to the municipal court for further action.<sup>91</sup> Because of the severity of the crime, it was quickly sent to the district court in Warsaw. Normally, suspects already having criminal records, were supposed to be arrested and detained for the time of the trial, even if it took months. Piotr Stefanowicz in his last entry, prevented the temporary detention of the accused, saying that, “they already lived in the ghetto (Otwock), and therefore, they already found themselves under constant surveillance.”<sup>92</sup>

A similar case was found at the district court of Siedlce. In May 1941, a Jewish man, Chil Roterman, along with a Pole, Apolinary Dębski, were both accused of buying and selling stolen goods.<sup>93</sup> They were charged under Article 160 of the Criminal Code – “whoever shall acquire [...] any article obtained through the commission of an offence [...] is punishable by imprisonment up to five years, and a fine.”<sup>94</sup> During the first hearing, in July of the same year, they admitted that the material they bought was stolen.<sup>95</sup> They already knew, even before the purchase, where the equipment came from and to whom it belonged. Several witnesses testified that both men stole material worth more than 1,000 zlotys. The trials took finally place on September 2, 1941. Despite Roterman’s previous testimony and the numerous witnesses brought to court, Judge Popowski was more lenient than one would expect. He found Roterman not guilty. His Polish partner was found guilty

---

<sup>91</sup> APWO 78/206/8821, Areszt (Arrest), p.1.

<sup>92</sup> *Ibid*, Wyrok (Verdict), p.32.

<sup>93</sup> APS 62/1572/408.

<sup>94</sup> *The Polish Penal Code of 1932 and Law of Minor Offenses*, p. 58.

<sup>95</sup> APS 62/1572/408, p. 32.

but was exempted from punishment. The judge explained that the accused committed the infraction because of dire poverty (“*czynu dopuścił się z nędzy*”) and, therefore, he lacked criminal intent.<sup>96</sup>

In a less obvious way, another judge from Otwock, Zdzisław Dąbrowski, was also lenient toward the Jews arrested and brought before the court. Often, Dąbrowski recognized the guilt of the accused, but released him or her anyway. He explained that the Jews did not have any money to pay the court fees, and putting them in prison sounded more like a death threat than a useful penalty.<sup>97</sup> The case of Estera Taub demonstrated this power conferred to the judge, and the empathy that could save lives. Estera Taub, sixty-nine-year-old Jewish widow living in the ghetto of Otwock and working as a laundress.<sup>98</sup> She was found guilty on seven occasions of stealing food.<sup>99</sup> Every time, the Blue Police of Otwock sent her in front of the judge and every time, she was released without any sentence or fee to pay. Judge Dąbrowski, on July 1941, explained that he released her because the reasons for the crime were obvious: poverty and hunger due to the war-time situation.<sup>100</sup>

### Poles Embracing German Regulations: Exceptional Cases

However surprising and rare, some court records show officials asking the Germans to intervene in Polish affairs. In July 1940, police officer Jan Krzyszkiewicz from the police office of Międzylesie received a call regarding a case of domestic violence. When he arrived at the apartment the assailant, Karol Stelcer tried to flee. Krzyszkiewicz

---

<sup>96</sup> *Ibid*, Wyrok (verdict), p.62.

<sup>97</sup> APWO 78/206/8829.

<sup>98</sup> *Ibid*, Dane o Osobie Oskarżonego (Information about the accused), p. 7.

<sup>99</sup> *Ibid*, Zapytanie o Karalność (Request for penalty), p. 8.

<sup>100</sup> *Ibid*, Wyrok (Verdict), p. 19.

chased and caught the man, and brought him in to the local police station. Later, Stelcer hit the policeman on the head and insulted him before trying to escape again. Krzyszkiewicz took out his gun in order to restrain the accused, eventually firing a bullet which hit Stelcer's left hip.<sup>101</sup> Stelcer's trial began soon after the arrest and ended on November 30, 1940, at the municipal court of Otwock. The accused was condemned to six months in prison.<sup>102</sup> This situation had nothing to do with the German court, since all participants were Polish, and no German regulations had been violated. Yet, the police station of Międzyzylesie tried to involve the German system of justice in the case. During the procedure, the police station – where the victim worked – sent several letters to the German Court (*Sondergericht*), asking to take interest in the case. The victim tried to convince the Germans that he was not a victim of a simple assault, because this was in fact an attack against the forces of order of the *Generalgouvernement*. The policeman wrote that the trial must serve as an example for the population and demonstrated that, in the *Generalgouvernement*, one cannot attack officers, because they represented the (German) law. This case showed how Poles sometimes tried to use Nazi regulations to further their own agendas and interests. The police officers of Międzyzylesie wanted to prove to the Polish population that they were as important and respectable as the Germans. They clearly wanted to use the threat and fear of the Nazis in order to gain more obedience and respect from the public. This rare and unique case shows that greed and abuse of power by Polish officials were evident in several ways and that the anti-Semitic agenda was just one of many.

---

<sup>101</sup> APS 62/1572/290, Akt Oskarżenia (Indictment), p. 31.

<sup>102</sup> *Ibid*, Wyrok (Verdict), p. 73.

Of all the cases from the district court of Siedlce discussed in this research, only one of the accused was not of Polish nationality, nor of Catholic or Jewish faith. On August 27, 1940, the trial of 42-year-old widow Paulina Bakte began.<sup>103</sup> She was accused of prostitution under Article 208 of the Criminal Code, which stipulates, “Whoever with motives of gain, shall facilitate lascivious acts on the part of other persons, is punishable by imprisonment up to five years.”<sup>104</sup> Bakte was condemned to one year of imprisonment, 40 zlotys in court fees and lost her public and civic rights.<sup>105</sup> This situation was, at first sight, not unusual. What made this situation exceptional was that the accused was not a Polish citizen but was in fact a German and an Evangelical Protestant. During the trial, Bakte pleaded not guilty and asked to be released from custody. In the report of Caporal Gwiazdzinski, the accused admitted she did not feel guilty and that she did not think she should be arrested because she was a German citizen.<sup>106</sup> This argument did not convince the judge, and the sentence was handed down.

This case raises many questions regarding the Polish judicial system and the German regulations. The German court was supposed to receive cases involving German citizens or when a German regulation was violated. In this unique situation, a German woman was accused of prostitution and the client in question was a German soldier. She recognized, during the investigation, that she should not be in a Polish court, but then why had she never asked to be transferred to a German court? There is not enough evidence to draw a conclusion from this particular case, but some hypotheses can be drawn from what we already know about how Polish Court was managed. Perhaps she was afraid of reprisals

---

<sup>103</sup> APS 62/1572/299, Raport (Report), p. 1.

<sup>104</sup> *The Polish Penal Code of 1932 and the Law of Minor Offenses*, p.66.

<sup>105</sup> APS 62/1572/299, Wyrok (Verdict), no page.

<sup>106</sup> *Ibid*, Raport (Report), p.1.

knowing the German laws concerning prostitution. But more importantly, why did the officials keep this case in the Polish district court despite knowing she was a German citizen and being aware of the German regulation regarding German citizens? This behavior suggested that the judge acted independently and exercised discretion resulting in an abuse of power over a non-Polish defendant. Knowing the difficult situation in Poland and the way Germans treated Poles, another argument could be made. Maybe the judges wanted to flex their muscles and put in place an individual belonging to the German “master race.”

In most of the cases analyzed here, the magistrates worked hard to explain why a particular case was treated by the Polish and not by the German system of justice. For that reason, it is not uncommon to find written notes directed at German officers explaining the nature of the crime and the measures taken by Polish officials, even if Germans almost never interfered with Polish criminal cases. The notes written in German were part of the rules imposed by the occupiers to ensure that Poles remembered that, despite the independence of their court, the Germans still controlled the country. One example can be found at the Municipal Court of Otwock, in an otherwise-banal case of insulting an officer. After the arrest of a Pole, the commander-in-chief of the police station in Miedzylesie, Tadeusz Chwialkowski, chose to be explicit in the accusation, saying: “no German regulations have been violated.”<sup>107</sup> The purpose of this note is obviously in order to prevent any inquiries on the part of the Germans. These notes left in the middle of cases contained nothing exceptional. These short declarations as the one written by Chwialkowski were found in almost every document signed by the Polish police station. Even so, never German

---

<sup>107</sup>APS 62/1572/290, Akt Oskarżenia (Indictment), p. 3.

officers answered or looked after them. It is important to mention their existence because, even with the corruption of the police, their abuses of power over both Polish and Jewish civilians and the latent anti-Semitism that characterized their actions, these notations were reminders that the Blue Police and the court members were still subordinates to the Nazis and that they feared them greatly.

### When the Germans Took Over the Polish System of Justice

German never looked up to Polish court records. During my reading of the hundreds of cases used in this research, I found only one exception where Germans intervened in the outcome of a verdict. In Garwolin (a town located 60 kilometres from Siedlce), on September 22, 1940, Tadeusz Kalinski, an employee working for the municipality, assaulted a Jew, Don Mendl, and extorted money from him. The incident took place in the middle of the street, in front of several witnesses. As reported to the court by a witness, “the more Kalinski beat the Jew the more he asked for money.”<sup>108</sup> Kalinski was accused of extortion under article 261 of the Criminal Code. The article stipulated, “Whoever for the purpose of obtaining for himself or for another a material profit shall by violence or threat of use of immediate violence compel another to dispose of his own property or that belonging to another, is punishable by imprisonment up to 10 years.”<sup>109</sup> Because of the severity of the accusation as well as the numerous pieces of evidence provided by the many witnesses of the crime, the Municipal Court of Garwolin sent the case to the District Court of Siedlce. On January 3, 1941, Kalinski went to Siedlce and, once again, pleaded not guilty. He confessed that he took money from Mendl but refused to admit that he gave him

---

<sup>108</sup> *Ibid.*

<sup>109</sup> *The Polish Penal Code of 1932 and Law of Minor Offenses*, p. 77.

a beating. He said he could not remember anything because he was drunk that day.<sup>110</sup> Despite the violence committed by Kalinski, the court handed down a sentence of six months in prison, with the loss of public and honorary rights for a period of two years. In addition to the sentence, Kalinski had to pay the court fees. The accused was not satisfied with the verdict and appealed to the Court of Warsaw, where the verdict was upheld. At this point, Kalinski would normally have another option but to serve the sentence. But, as noted previously, Kalinski worked for the municipality of Garwolin. Because of the nature of his administrative work, he must have been in contact with some German officers. On September 11, 1941, the Appeal Court of Warsaw received a letter from the German department of justice that released Kalinski from his previous sentence. The letter stipulated, “Regarding the case of the accused Kalinski in Garwolin, without any other investigation or further request [...] there would be no notification on the criminal record, and no monitoring of the management during the period of probation as well as the payment of the fees.”<sup>111</sup> No further investigation took place, and the accused only had to pay 10 zlotys for the court procedure.<sup>112</sup> This closed the Kalinski case. The man was set free without any further question.

Kalinski’s case reveals a lot about the judicial systems in the *Generalgouvernement* and the relationship between the German and the Polish branches. Firstly, it demonstrates that a German intervention, even if rare, was always a possibility. German jurisdiction was superior to the Polish one, even if the Germans took very little interest in the Polish system of justice. The Germans could at any time take up cases and change sentences. This also

---

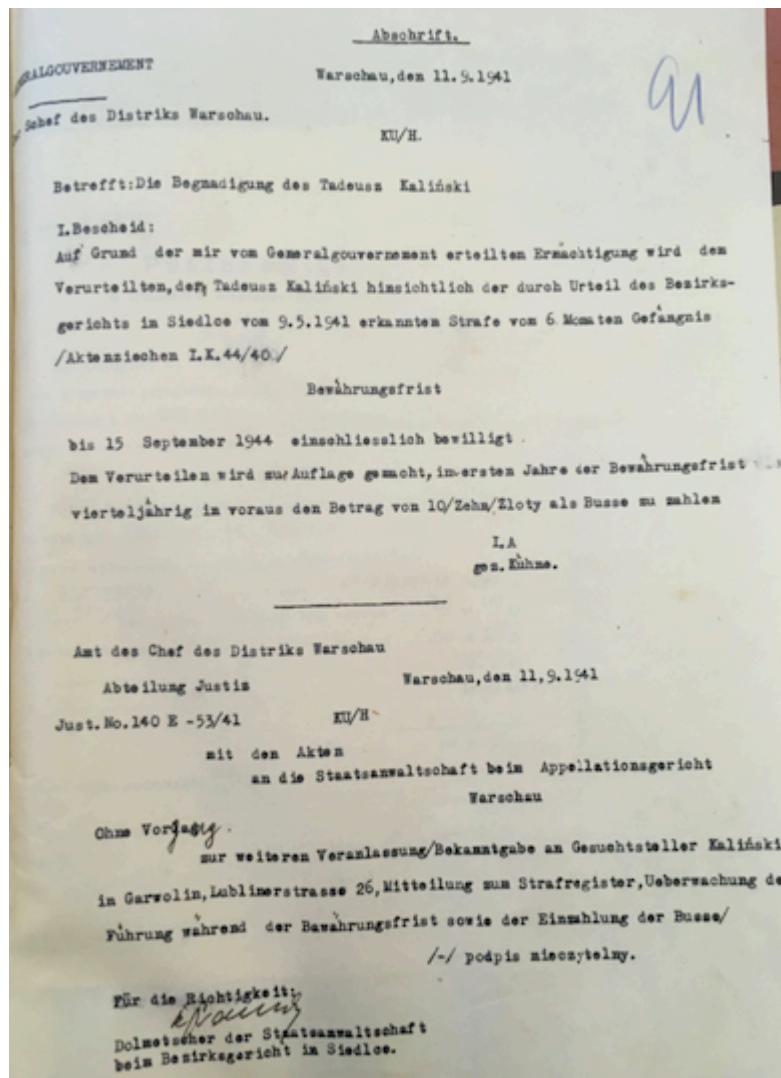
<sup>110</sup> APS 62/1572/290, Akt Oskarżenia (Indictment), p. 31.

<sup>111</sup> APS 62/1572/290, Letter from the German department of Justice cancelling Kalinski’s case, p. 91.

<sup>112</sup> *Ibid.*

demonstrates that even if the judicial system was mostly left in the hands of Poles, the power they had remained illusory.

**Image 4: Letter from the German department of Justice cancelling Tadeusz Kalinski's case**



APS 62/1572/290, p.91

Secondly, different interpretations and hypotheses regarding the interest of Germans in the Polish system of justice can be found. It is plausible to think that the

German court ordered the case to be dropped because Kalinski was working for the municipality of Garwolin. Because of this position, he was probably friends with a German administrator who was ready to help him out. It is also a possibility that the case was dismissed because Kalinski assaulted a Jew. Finally, this case shows that Polish and German anti-Semitism often went hand in hand. Thus, Kalinski escaped a prison sentence for committing an anti-Semitic act and by seeking help from people more anti-Semitic than him. Perhaps Germans would have refused to help Kalinski clear his case if he had a fight with a Polish compatriot instead of a Jewish one.

### Conclusion

In contemporary writings, there is evidence to be found exposing the role played by the Blue Police in settling of the fate of the Polish Jews. Witnesses' testimonies and diaries show how the policemen were often driven by anti-Semitism when interacting with the Jews. The documents from the municipal court of Otwock and from the district court of Siedlce, while supporting the thesis of anti-Semitism, also present another form of hatred, this time led by abuse of power. By their two different functions as representatives of the Germans and the Polish laws and regulations, Polish police officers had the opportunity to impact the fate of the Jews since the beginning of the war. The current historiography discusses the Polish Police from a social point of view. Witnesses, like Emanuel Ringelblum and Chaim Kaplan, saw police officer acting in the street, intimidating Jews or arresting them. The court documents present what happens after these events widely commented by the actors of the time. They show that once at the police station or in front of the court, the Blue Police acted in the same way. This position of

power was also used by members of the court when it came to Jewish cases. Because there was no head of the Polish state, police officers and members of the court created opportunities and took advantage of the situation by creating their own rules designed to either hinder or help the Jews.

The phenomenon of the empowerment of the members of the court and the Blue Police highlighted in this chapter, also challenges the traditional historiography that claims that officers only collaborated with Germans under coercion. In reality, some of the power was bestowed by the Germans at the beginning of the war so they could avoid dealing with common criminality themselves. As a result, the latent anti-Semitism that dominated the ranks of the police and the courts in the Warsaw District was exploited as never before. These cases also demonstrate that if the Germans did not necessarily force Jewish denunciation in the first years of the war, they certainly legitimized the hatred of the Jews. The power structure that they installed in the name of the Polish system of justice achieved this result.

#### **Chapter IV** **Life Continues - Polish-Jewish Relations in Everyday Life**

The historical literature about Polish-Jewish relations demonstrates that anti-Semitism was common during the German occupation. The national historians, however, seek to prove that this prejudice was due only to the German occupation. In both cases, arguments are based largely on personal documents: diaries, journals, testimonies coming from both Poles and Jews. The argument used by the nationalist historians (and eagerly embraced by today's Polish authorities) is that the authors of critical comments were lying about the hateful acts perpetrated by Poles against the Jews.<sup>1</sup> However, court documents offer a different perspective on the relations between Poles and Jews since they come from official sources, made by Polish authorities. The depositions, the interrogations, and testimonies are all formatted in the same way. In contrast to a private journal or diary, people are talking spontaneously in front of the court while they answer questions, and they are under oath. In addition to providing information about the behavior of the officials, the court documents help to understand the relations between Poles and Jews on a social level. The crimes committed against the Jews, and depositions given by Poles illustrate how engrained anti-Semitism was in the minds of Poles. Because of format of these documents and the way they were recorded, the court documents are a viable source of information that integrates the historiography by giving a different perspective on the rejection of the Jews by Poles.

---

<sup>1</sup> This argument is so common that Polish nationalists used it even outside the historical debate. For example, in 2018, a nationalistic newspaper, *Do Rzeczy*, commented the death of the last Jewish survivor of Węgrów who's testimony highly with the headline "The Last Jew of Węgrów was lying".

Treating Jews as second-class citizens, and as outsiders from the national community was a part of Polish life before the Second World War. Many Polish civilians, who appeared in court in various capacities, and lived within the same social fabric, expressed their prejudices openly. During the German occupation, especially the first years of the war when the Jews were not restricted to one area of the towns, Poles and Jews continued to live together and encountered each other in all walks of life: in the street, at the market, etc. The court documents show that, even after the closure of ghettos, and until 1941, when Germans banned Jews from leaving the ghetto, Jews continued to take part in economic and social life. Inevitably, conflicts arose, and Poles like Jews used the courts to settle matters. On a social level, the court records answer several questions regarding the relations between Poles and Jews in small towns of the Warsaw District, and show the impact that non-Jewish Poles had on the fate of their Jewish neighbors during the Holocaust. Were Poles and Jews living in peace and working together? Was the language used by the Poles to speak of the Jews pejorative? What types of conflicts were most likely to go to court? Consequently, this institutional framework shows not only some of the changes of legal system before and during the war, but it also sheds light on everyday life at the time. Through the lens of these court documents, this research analyzes social practices and processes which were not imposed by the Germans, but which were deeply rooted in Polish culture. More importantly, these social interactions deal with themes that are less present in historical literature which tends to focus on the more dramatic aspects of Polish-Jewish relations (ghettoization, deportation, *aryanization* of Jewish property, blackmail, rescue, lack of rescue, etc.).

The German occupation, even with its fundamental importance for understanding Polish-Jewish relations, is not the only framework that needs to be analyzed. One needs to consider not only the realities of wartime but also the prewar social tensions and attitudes (including the rampant anti-Semitism) which played a defining role in later developments. To complete the portrait of Polish-Jewish relations during the German occupation, one must observe these interactions between inhabitants from a new perspective, on the ground level, and outside the spectrum of the German terror. Courts documents show that there was a sense of normalcy in everyday conflicts between Poles and Jews. During the first years of the occupation and until the deportations of Jews to extermination camps, Poles and Jews continued to go to the court to solve banal conflicts such as theft, neighborhood quarrels, fights, etc. as it was before the invasion of Poland. Furthermore, the importance of these court documents lies in the very context in which they were produced. Unlike the documents used in current historiography about the Holocaust in Poland, these were created in the frame of daily life, because the courts operated outside the administrative and judicial system introduced by the Germans in 1939. Furthermore, court documents tend to reflect the attitudes of Jews and Poles in a unique way. Contrary to diaries and memoirs, the testimonies and interrogation found in court records were not made with the intention to be used as historical proof, but rather in the present moment to solve an injustice. Therefore, the statement given, and the vocabulary used by the accused and the victims are spontaneous, and indicative of a long-entrenched tension and prejudice between Jews and Poles prior to the war. In all these cases, we deal with social phenomena predating the German occupation.

One could think that the ghettoization of the Jewish population in occupied Poland meant the end of regular relations between Poles and the Jewish population. In the collective memory, the ghettos became closed spaces, surrounded by high walls, barbed wires, and guarded by armed Germans. In reality, most ghettos in the *Generalgouvernement* were open ones, and the supervision was largely left to the Polish and Jewish policemen. In those towns, Poles and Jews interacted with little interference from the Germans. As mentioned previously, the courts were one of the few physical spaces where Jews and Poles could openly interact without violating German regulations. It can be said that the judicial records present a space without the occupier. Even with all the restrictive German regulations, even after the establishment of the ghettos, Poles and Jews continued to have frequent encounters outside the scope of wartime limitations.

This chapter analyzes different forms of social interactions between Poles and Jews during the first years of the war. The focus is particularly on anti-Semitism that was more often than not at the heart of these relations. To make a precise analysis of the Polish attitudes towards the Jews, and the complexity of the relations between them, the notion of anti-Semitism is divided into two major categories: latent and active. I borrowed the expression “latent anti-Semitism” from Professor Shulamit Volkov from the University of Tel Aviv. Volkov explained in an interview given to Amos Goldberg and Orna Elboim that “There is a kind of anti-Semitism [...] that cannot of itself lead to action – certainly not violent action – against Jews [...] The facts that comment about Jews were common in pre-World War II Germany was nothing unique. It was a common feature of European

tradition.”<sup>2</sup> Following Volkov’s thoughts, the concept of latent anti-Semitism can be defined as a hatred existing throughout the society, is a part of everyday life but does not seek violence. This form of hatred can be recognized by everyday actions and comments that exclude Jews from society like the myth of Judeo-Bolshevism or the stereotype of the wealthy Jew. These myths were well rooted in the society and considered as “normal” but did not lead to any direct anti-Jewish action. In contrast, the “active” anti-Semitism can demonstrate itself through violence or overt hateful acts. These actions toward the Jews, mostly via assaults and insults, comes from a deep anti-Semitic sentiment that cannot be exclusively explained by the occupation or any wartime situation. If some Poles took advantage of the lack of surveillance due to the collapse of the Second Polish Republic to act according to their own values and feelings regarding the Jewish question, others simply continued using the path of anti-Semitism that was already preexisting. This particular form of hatred is distinguished from “latent” anti-Semitism. Even if it also comes as a result of negative feelings toward the Jews, latent-anti-Semitism can be explained in part by elements deeply rooted in the social fabric of the Polish Second Republic and the changes made by the war situation.

From these two forms of anti-Semitism, this chapter analyzes cases involving Poles stealing Jewish properties during the campaign of 1939, and cases of theft and dealing stolen goods after being entrusted by Jews. Polish thieves stole from Jews because they had the opportunity to do so. Several Poles explained and tried to legitimize their behavior in court by arguing that they stole Jewish goods; therefore, it did not matter. In these

---

<sup>2</sup> *From Latent Anti-Semitism to the Final Solution*, an interview with Professor Shulamit Volkov, Head of the Graduate School of History, Tel Aviv University, January 30, 1997, [https://www.yadvashem.org/odot\\_pdf/Microsoft%20Word%20-%203662.pdf](https://www.yadvashem.org/odot_pdf/Microsoft%20Word%20-%203662.pdf)

situations, the Jews were perceived as “others,” outsiders of the community and, therefore, they had no need to participate in the legal process. Jews entrusted Poles with their homes and property because they trusted them. However, these neighbors, usually, hastened the process of stealing and then selling the stolen goods. In such cases, we notice a paradox in the way we perceive and understand Polish society. While the Jews had faith in their Polish neighbors to entrust them with all their goods, Poles acted as if Jews were not members of their community. Here again, Poles rejected the Jews from the Polish social contract made after the First World War and signed as part of the Constitution of 1921. The last part of this chapter will be devoted to elements that came from the grey zone of relations between Poles and Jews. In addition to latent and active anti-Semitism, we find a series of other types of behavior ranging from cooperation to denunciation. Among these, there are many cases of partnership between Jews and Poles in committing crime, where we clearly see that Poles did not consider Jews to be equal, even though they might have worked hand in hand. The information found in court documents exposes that, sometimes, the most banal behaviors tell us the most about the historical reality of the war period.

### **Latent Anti-Semitism: Gentile Poles Take Over Jewish Goods at the Beginning of the War.**

The racial discrimination against Jews in this eastern region of occupied Poland had a distinct history and, after the Russian revolution, was tied to the concept of *Judeo-Bolshevism*. Joanna Beata Michlic defined four major waves of anti-Jewish violence that swept through inter-war Poland.<sup>3</sup> The first one was rooted in the process of the formation

---

<sup>3</sup> Joanna Michlic, *Ethnic Nationalism and the Myth of the Threatening Other: The Case of Poland and Perceptions of its Jewish Minority, 1880-1968*, thesis submitted at University of London, 2000, p. 104. <http://discovery.ucl.ac.uk/1382246/1/394081.pdf>

of the new Polish nation-state and was in reaction to the end of the Polish-Soviet War. During this war, and after the end of that conflict in 1921, several pogroms took place in eastern Poland and in the western part of the Soviet Union. Some Polish soldiers entering towns and cities attacked the Jews on the pretext that they were allied with the Communists. According to Michlic, “these officers and soldiers shared the conviction: that Jews as a collectivity were the enemy of the Polish nation-state and that they collaborated with Poland’s other enemies – the Ukrainians and the Bolsheviks.”<sup>4</sup> Some of the most acute cases of anti-Jewish hostilities in these territories were committed in April 1919. Among those, the killing of Jews by the military unit in Pinsk on 5 April 1919, in Lida on 16 and 17 April, and in Vilnius on 20 April 1919. These massacres were listed and commented in different newspapers around the world, namely the *Nowy Dziennik* a Zionist newspaper based in Krakow.<sup>5</sup> The American Jewish Joint Committee also published a version of the event based on the account of its representative Barnet Zuckerman. Zuckerman made a report after interviewing survivors of the massacres. His report was also used by the Polish parliament to discuss the Jewish situation in Poland.<sup>6</sup> The violence in Poland during the year of 1919 was also a part of the Morgenthau Report, officially the Report of the Mission of the United States to Poland. This mission, that was appointed by the American Commission to Negotiate Peace after World War I, was to investigate the treatment of the Jewish people in Poland. Morgenthau mentioned different pogroms committed on the Polish territory between July and September 1919.<sup>7</sup> *The Yad Vashem Encyclopedia of the*

---

<sup>4</sup> *Ibid*, p. 113.

<sup>5</sup> Nowy Dziennik 1919, N0.218 In *Jagiellonska Biblioteka Cyfrowa* : [jbc.bj.uj.edu.pl/dlibra/publication](http://jbc.bj.uj.edu.pl/dlibra/publication)

<sup>6</sup> Barnet Zuckerman report in Archives.JDC.org

<sup>7</sup> Morgenthau Report in Henry Morgenthau, *All in a Lifetime* (New York, NY: New York Public Library, 1922).

*Ghettos During the Holocaust* echoed the newspaper articles. Several entries mention anti-Jewish violence in these areas, namely on November 10, 1920, in Siedlce.<sup>8</sup> During this pogrom, perpetrated by Polish Soldiers, twenty-five Jews were killed because they were suspected of collaboration with the Soviets.<sup>9</sup> At the same time, in the city of Sokolow Podlaski, Polish soldiers and local inhabitants murdered six Jews accused of aiding the Bolsheviks.<sup>10</sup> The same pattern of violence is also found in the smallest towns in the area, like Garwolin and Luków. Even if the violence was perpetrated mostly by soldiers and police officers, the local civilians also acted with hostility toward Jews, who were now seen as enemies of the Polish state. This attitude of hostility continued after the war, and carried into the 1930s, when other acts of violence perpetrated by Poles against the Jews occurred in the area. The message carried by these acts of violence was clear: Jews were no longer considered members of the national community. “Poland for Poles” cried the *Endecja* slogans, and more and more voices were raised in favor of forced emigration of Jews from the Second Republic.

Seizure of Jewish property was one of the first German decisions after their takeover of Poland. This so-called *aryanization* had started a few months after the invasion of Poland. In the city of Siedlce and its surrounding area, the German occupation started on September 11, 1939. Six days later, when the Soviet Union invaded the eastern part of Poland, the Germans transferred Siedlce and other towns and villages in the eastern part of the conquered country to the Soviets. On October 10, 1939, the situation changed again, and the Germans took back Siedlce and the adjacent area and placed it within the

---

<sup>8</sup> William W. Hagen, *Anti-Jewish Violence in Poland* (Cambridge: Cambridge University Press, 2018), p.240.

<sup>9</sup> *The Yad Vashem Encyclopedia of the ghettos*, p.708.

<sup>10</sup> *Ibid*, p. 737.

administrative borders of the newly-created district of Warsaw in the *Generalgouvernement*.<sup>11</sup> During the commotion of this first month of occupation, the Jews from the towns of Siedlce, Węgrów, Luków, and Garwolin (to name just a few) were severely persecuted by the occupier. Many among them were forced to move away from their houses and shops and had to leave town to find a safe place to live. Many Jews from the Siedlce region fled under the Soviet occupation since the border was open and largely unguarded in the initial chaos. According to Chaim Kaplan, notorious educator and diarist from the Warsaw ghetto, the journey east was sudden and extremely dangerous for Jews.<sup>12</sup> For that reason, Jews, before they set out for the perilous trip, left their belongings with trusted neighbors. When some of them came back, they found a problematic social situation. Since the beginning of the occupation, Jewish shops were plundered, and Jews were conscripted for forced labor and persecuted first by the occupier and second by some local Poles taking advantage of the situation. Jews were no longer welcome in their own village and as Havi Dreifuss, wrote, “with the destruction of the Polish political system, the country was in total chaos, and this situation – among other factors – was used as an excuse for attacks on the country’s Jewish population.”<sup>13</sup>

In all this chaos, one phenomenon highlights truly the degree of persecution of Jews during the first months of the occupation: the appropriation of Jewish houses and the looting of Jewish property. Several Jews, who returned home once the September campaign had ended, found their houses occupied by Poles – often friends to whom they had entrusted their property – and/or of which had been emptied of all their belongings.

---

<sup>11</sup> *The Yad Vashem Encyclopedia of the Ghettos*, p.709.

<sup>12</sup> Chaim Kaplan, *The Warsaw Diary of Chaim A. Kaplan* (New York, NY: Macmillan Company, 1973), p. 70.

<sup>13</sup> Dreifuss, *Relations Between Jews and Poles*, p. 56.

Havi Dreifuss noted that this reality was often described by Jews as “Poles’ attempt to take advantage of the war in order to improve their own situation and to acquire financial privileges.”<sup>14</sup> These behaviors were not necessarily seen as harmful to the Jews. In traditional sources – Jewish testimonies, diaries, memoirs, etc. – the situations involving acts committed against the Jewish population by Poles were sometimes justified by the wartime situation. In other words, Jews tended to justify the anti-Semitic actions of their Polish neighbors in order to believe that they were equal citizens and a part of Polish society. For example, Pawel Bohm, described in his testimony Poles attacking Jews in the street for no particular reason. Bohm excuses this behavior as being a result of the fear of the Germans.<sup>15</sup> A similar viewpoint is found in Emanuel Ringelblum’s Diary. The historian wrote in September 1939 that Poles attacked Jews in Warsaw during the September campaign. The witness describes the violence against the Jews as being a rise of antisemitism that characterized the early days of the war.<sup>16</sup> It is only in his last writing, in 1944, that Ringelblum admitted that anti-Semitism was typical of Polish society in general and was not coming only from the German occupation. The same argument can be found in the case of less violent acts, like theft of Jewish properties. Current historiography and Jewish testimonies justify these crimes by talking about the difficult times under the German occupation. In reality, Poles who stole Jewish properties, took advantage of the political and social situation created by the realities of the occupation but were predominately driven by old prejudices. The juridical documents present Polish accused

---

<sup>14</sup> *Ibid*, p. 97.

<sup>15</sup> YVA, M10 AR1/457, Testimony of Pawel Bohm, p. 2.

<sup>16</sup> Emanuel Ringelblum Diary, p. 6.

showing no remorse and talking freely about what they really think of their Jewish neighbors.

The theft of Jewish houses and looting were crimes often brought to the attention of the district court of Siedlce during the first months of the war. These cases were tried at the second level of court under chapter XXXIX and article 262 of the Criminal Code as “Offences Against Property.” This article stipulated that: “Whoever shall appropriate a chattel of another is punishable by imprisonment up to three years or by detention up to three years.”<sup>17</sup> Section 2 of the article specifies that whoever shall appropriate property entrusted to him, “is punishable by imprisonment up to five years, or by detention.”<sup>18</sup> Generally, in these cases, the anti-Semitic prejudice can be found in the arguments presented to the judges by the local Poles, rather than in the crime itself.

In September 1939, Eljasz Malcman, a Jew from the town of Węgrów, abruptly left his home in fear of the German invasion.<sup>19</sup> Before leaving, he asked a trusted neighbor, Stanislaw Flak, to take care of his valuables and to bring them to his cousin, Regina Malcman.<sup>20</sup> When Malcman came back in November, the cousin confirmed that she had never received the valuables and that Flak must have stolen them. The value of the stolen property amounted to more than 2,000 zlotys, so because of the seriousness of the crime, Malcman decided to seek justice in court. The accused, Flak, explained in a letter – from his lawyer to the court of Siedlce – that he wanted to protect the valuables and, for that reason only, buried them in the forest. He said he was arrested by a German soldier and

---

<sup>17</sup> *The Polish Penal Code of 1932 and the Law of Minor Offenses*, p. 77.

<sup>18</sup> *Ibid.*

<sup>19</sup> APS 62/1572/ 315.

<sup>20</sup> *Ibid.*, (Interrogation of the witness), p. 9.

had no choice but to give them all he had, including Malcman's properties.<sup>21</sup> Three witnesses – the cousin, Flak's wife, and his neighbor – all testified in court. They all corroborated – but without any proof – the theft hypothesis and confirmed that a German soldier took the goods. In this case, the judges sided with the plaintiff, saying the accused and witnesses were lying about the theft. During the last hearing in April 1941, Flak was condemned to one year and six months in prison.<sup>22</sup>

The reason invoked by Flak was a common one in cases of theft of entrusted Jewish property during the first weeks of the German occupation. During the same period in Węgrów, a Polish couple, Waclaw and Anna Decyk, promised to take care of the property of their Jewish neighbors, Chana Wysocka, and Marian Jablonkow, while they were gone.<sup>23</sup> When the Jews came to take back their property, the couple told them it was taken away by the Nazis.<sup>24</sup> During the investigation, the police found all the missing items – worth more than 1,000 zlotys – hidden in the attic and the lining of some cushions in Decyk's house.<sup>25</sup> A similar situation took place involving a Jewish family from the village of Daćgobi, twenty kilometers south of Siedlce. Ludwik Jastrzebinski, a thirty-four-year-old farmer, was accused of stealing for 8,500 zlotys worth of goods from a Jewish house.<sup>26</sup> The residents of the house, Henryk Geysmer, Mariana Jungsta and Stanislaw Gorzelewski, had been evacuated on September 10, 1939, when the Nazis entered the town. They entrusted their property to the accused, but instead, he stole the valuables and sold them.<sup>27</sup>

---

<sup>21</sup> *Ibid*, letter from the office of Dr. Alfred Oleksy to the District court of Siedlce, p. 15.

<sup>22</sup> *Ibid*, Wyrok (Verdict), p. 49.

<sup>23</sup> APS 62/1572/351.

<sup>24</sup> In some documents, like this particular one, pages are missing. The document starts at p. 65. Information is found about the investigation and the verdict but nothing about the first 64 pages nor their content.

<sup>25</sup> APS 62/1572/351, Akt Oskarżenia (Indictment), p. 67.

<sup>26</sup> APS 62/1572/242.

<sup>27</sup> *Ibid*, Protokół Przesłuchania Świadka (Interrogation of the witness), p. 2.

When the Jews came back on October 21, 1939, they discovered that all their belongings had disappeared. The trial took place at the district court of Siedlce almost two years later. Judge Popowski condemned Jastrzebski, under Article 261 of the Criminal Code, to one year in prison and forced him to pay forty zlotys in court fees in addition to the fees for the procedure.<sup>28</sup> His lawyer, Irena Plazejewska, disagreed with the verdict and asked for acquittal. According to her, the property of the Jews had been given to her clients and not entrusted.<sup>29</sup> The misunderstanding was the fault of the Jews, who should have made their request clear. The case went to the Appellate Court in Warsaw. On June 13, 1941, Judges Wojtynowski, Kotarba and Rychlinski determined that Jastrzebinski's lawyer was right, and the sentence was reduced to six months' imprisonment and 30 zlotys for court fees. As for the procedure, the district court of Siedlce reimbursed the accused.

Even if the verdicts differ, the patterns found in these cases are similar. Jews trusted their Polish neighbors and were betrayed by them. As mentioned previously, during the decades before the Second World War, the county of Siedlce had experienced a series of anti-Semitic acts which was the result of the exacerbation of the myths surrounding the Jews. For example, that the Jews were rich and avaricious. Without being as violent as the prewar events, these judicial cases show a real indifference from Poles towards their Jewish neighbors. More importantly, they represent a continuity of attitude between the Second Republic of Poland and the German occupation. Another example of the transition between the prewar anti-Semitism to the war period, theft of Jewish goods can be seen in the case of one Zygmunt Janiak.<sup>30</sup> During the summer of 1941, this man from Kaluszyn, found

---

<sup>28</sup> *Ibid*, Wyrok (Verdict), p. 32.

<sup>29</sup> *Ibid*, Letter from the lawyer, p. 34.

<sup>30</sup> APS 62/1572/514.

himself in the district court of Siedlce under suspicion of stealing goods ,worth 200 zlotys, from a Jew named Erlich Ruch.<sup>31</sup> The crime was a simple theft, but Janiak's file showed that he was a repeat offender, sentenced twice before the war: once to one month in prison, and the second time to three months in prison, for anti-Semitic speeches and incitement to violence.<sup>32</sup> When added to the burglary case, this information suggests deliberate targeting of Jewish victims, hence a possible anti-Semitic agenda.

### Robbing Jews Simply Because They Were Jewish

The previous cases analyzed show that several Jews believed that they had good relationship with their neighbors, enough to entrust them with all of their possessions, not only just their valuables. In other cases, Poles waited for the departure of the Jews to enter illegally into their houses and steal valuables, without necessarily knowing the owner personally. In most of these cases, the accused admitted in a way or another that the crimes were only committed because the property belonged to Jewish people. These common situations started at the beginning of the war and continued throughout the German occupation.

During the night of June 27, 1941, Bronislaw Rozpara and his two sons, Tadeusz and Jerzy, robbed their Jewish neighbor Anastazja Galazka of 1,000 zlotys. Fearing war-time thefts and robbery, the Jewish woman, who lived in Stoczek, had dug a hole near her house in which she hid some clothes. The pit contained about 20 meters of home-made canvas, curtains for two windows, two woolen shawls and eight linen bags.<sup>33</sup> In addition

---

<sup>31</sup> A small town some 30 km West from Siedlce.

<sup>32</sup> APS 62/1572/514, Akt Oskarżenia (Indictment), p.2.

<sup>33</sup> APS 62/1572/416, Akt Oskarżenia (Indictment), p.34.

to burying her own goods, she also buried valuables belonging to a friend, Sura Losicka. Knowing about the hiding place and the value of the goods, Bronislaw Rozpara and his sons dug up the goods during the night and later hid them in the forest. During the audience, the women stated that all the objects had been stolen. Rozpara defended himself, claiming that they were a lying-Jews, and that he did not steal anything. But the investigation found the missing objects in the forest and footprints around the first hiding place. During his son's interrogation, Jerzy Rozpara, compared them. "The comparison of Jerzy's boot marks on the ground confirmed that they were his tracks. Jerzy, when questioned, admitted that he had collaborated with his brother and father to steal the Jewish goods."<sup>34</sup> Even with Jerzy's confession, Rozpara and his sons were finally discharged in 1942 and in 1944.<sup>35</sup> As for Galazka, she died before the trial in December 1941.<sup>36</sup>

In November 1940, Wladyslaw Glowka, a farmer from Garwolin, broke into an empty Jewish apartment because the Jews who used to live there were sent to another town.<sup>37</sup> He stole whatever he could find in the house, because he said, "Jews are known to have great things."<sup>38</sup> A few months later, Stefan Kwasniewski, a rich farmer who owned a large farm, stole 20 kilograms of beans and 23 kilograms of groats from his Jewish neighbor, Uszer Bekerman.<sup>39</sup> During his temporary arrest, the accused explained he did not want a Jew to have food. "I heard that Jews were taking away our food, that is why I stopped a Jew and took away his beans and cereal."<sup>40</sup> Because Kwasniewski, admitted his

---

<sup>34</sup> *Ibid*, Akt Oskarżenia (Indictment), p.35.

<sup>35</sup> *Ibid*, Wyrok (Verdict), p.147.

<sup>36</sup> It is interesting to note that no official document testifies the death of Galazka, only a handwritten note was added in the original indictment.

<sup>37</sup> APS 62/1572/319, Akt Oskarżenia (Indictment), p.12.

<sup>38</sup> *Ibid*, Protokół przesłuchania podejrzanego (Report of the interrogation of the suspect), p. 6.

<sup>39</sup> APS 62/1572/505, Dane o osobie oskarżonego (Information about the accused), p. 2.

<sup>40</sup> APS 62/1572/505, Akt Oskarżenia (Indictment), p.54.

crime, the judges were lenient, and he was sentenced to one year in prison and had to pay forty zlotys in court fees.

In these few cases, Poles appeared to be quick to justify and legitimize the theft of Jewish property: Jews have money, Jews are thieves, Jews do not deserve what they have, etc. In the Polish collective imagination, Jews were rich, and they could not be trusted. The crimes discussed above point to the fact that the Jews were never considered equal citizens by some Poles. With the start of the war, these Poles thought that they could easily - without any consequence, regret or doubt - take whatever they wanted from the Jews, since the state no longer offered Jews any protection. However, they forgot about the judicial system and/or they did not expect Jews to use it. These Polish neighbors took advantage of the vulnerability of the victims to obtain money and valuables. These cases are examples of the latent or passive anti-Semitism that existed at the time. Indeed, the Poles who stole Jewish property rarely reverted to physical violence. The history of Poland during the Holocaust raises serious questions about Polish behavior towards Jews. Several historians, among those Emanuel Ringelblum, discussed the passivity of Poles when confronted with the fate that Germans reserved for the Jews. Ringelblum noted the apathy of Poles during the deportation of July 1942. He writes, “On the Aryan side complete silence reigned while the drama was enacted before the eyes of hundreds of thousands of Poles. There was no appeal from the calling for defense, there was no word of comfort, there was not even a promise or at least moral support.”<sup>41</sup> The court documents show another face of this reality, where passivity never existed. Each action was rationalized. Historian Omer Bartov stated: “What is the meaning of passivity when you move into a home vacated by your neighbors

---

<sup>41</sup> Ringelblum, *Polish Jewish Relations*, p. 158.

[...] when you tear about their floorboards to look for gold, when you sleep in their bed?”<sup>42</sup>

The Poles who stole from Jews during the first months of the war acted in full awareness. The anti-Jewish sentiments that informed their actions came from the stereotype of the wealthy Jew, a Jew who acquired his wealth in a dishonest way, therefore – went the argument – taking his property is not really theft, it is simply national retribution. This way of thinking is not only visible in court documents, but also in several Polish and Jewish interrogation records. Poles told the truth in front of the court and justified their actions to steal from Jews because of systemic prejudice. The same things can be found in Jewish testimonies. For example, Frania Lewkowicz, a Jewish woman from Lodz who moved to Otwock in December 1939, experienced a similar situation. When she moved in the town, she noticed that Poles were curious about her valuables because she was a Jew. They asked questions about her belongings and their value until she was robbed. She wrote: “One night, several armed and masked men broke into my parents’ home. They threw everything upside down, but to our good fortune they did not find anything valuable. They then took father’s fur coat and some more things.”<sup>43</sup> For an unknown reason, Lewkowicz did not file a complaint at the municipal court of Otwock for this crime committed by Poles. Contrary to traditional historiography, the court records show that many Jews used legal services to try to take back what had been taken from them by anti-Semites. These documents show what happened after the crime was committed and shed light on the justifications given by Poles who broke the law.

---

<sup>42</sup> Omer Bartov, “Wartime Lies and Other Testimonies, Jewish-Christian Relations in Buczacz, 1939-1944”, *East European Politics and Societies: and Cultures*, 2011, p. 492.  
<https://doi.org/10.1177/0888325411398918>

<sup>43</sup> AŻIH 301/7003, Testimony of Fania Lewkowicz, p. 2.

### Beating and Insulting Jews

Anti-Semitic acts that were committed by Polish civilians were most likely committed without any second thought or recognition of antipathy toward Jews. Stealing Jewish goods was, objectively, a non-violent act, but it reveals society rejection of the Jews. While this form of anti-Semitism was common before and during the German Occupation, there was also evidence of crimes that were more violent, yet just as common, as the latent anti-Semitism already discussed. The best-known book about Polish violence against Jews remains the aforementioned *Neighbors* by Jan T. Gross. In his historical essay describing the massacre of the Jews of Jedwabne, in July 1941, Gross pointed out that it was not only the German occupation but local anti-Semitism that drove the community to commit this atrocity with impunity. Through his research, Gross demonstrated that the Nazi occupation of Poland was used only as an excuse for some Poles to act against the Jews. In other words, the German Occupation served to legitimize the hatred that already existed before the war and it was used to justify any kind of violence without precedent. Gross was not the only one to highlight anti-Semitic actions taken by local Poles, without the presence of the Germans. In his book, *Hunt for the Jews*, historian Jan Grabowski also indicated the cruelty of some Polish communities concerning the denunciation and killing of Jews. Other research conducted by well-known historians highlighted the same tragic fact: the violence committed against Jews was not only the result of the German Occupation and its monstrous propaganda, but also the result of decades of prewar anti-Semitism in Poland.<sup>44</sup>

---

<sup>44</sup> See: Barbara Engelking, *Such a Beautiful Sunny Day, Jews Seeking Refuge in the Polish Countryside, 1942-1945* (Jerusalem: Yad Vashem Publications, 2016) and already mentioned, Jan Grabowski, *Je le connais c'est un Juif!*

Despite incontestable evidence, the Polish national narrative still explains this violence as the byproduct of the German Occupation.

The Polish judicial system was free from German surveillance. Because this study focuses on the first years of the war, when the German regulations were not at their most severe, we can see that anti-Semitism and violence against Jews were commonplace. Unlike the violence described by Gross and Grabowski, the aforementioned incidents illustrated in court documents come from a non-organized anti-Semitic sentiment, driven only by hatred that existed before the war. The vast majority of Poles who appeared in court were not part of any organized group and did not commit their crime to please the Germans. The violence they perpetrated against the Jews was often spontaneous. Furthermore, during the legal investigation, Poles tended to describe and justify their actions by stating their hatred toward the Jews, as this was a normal and accepted sentiment in their society.

Most cases of violence against Jews were sent directly to the district court due to the severity of the offences. In the Polish judicial system, cases involving physical aggression needed to be tried in front of three judges and a jury. During the German occupation, the judges stayed, but no jury was involved in any trial. The court documents analyzed in the following pages are mostly registered in Chapter XXXV of the Criminal Code, “Offenses against Life and Health” under article 236, “Whoever shall cause (a) corporal injury or impairment of health [...] (b) permanent disfigurement or permanent deformation of the body is punishable by imprisonment up to five years” and article 240,

“Whoever shall participate in an affray or a battery against another, shall use arms, a knife or other dangerous weapon, is punishable by imprisonment up to five years.”<sup>45</sup>

It is important to note that, in the region of Siedlce, which lies near the border shared with the Soviet Union, Nazi regulations were not the same as those in the rest of the Warsaw district. For example, ghettos were created later near Siedlce in 1941. Without this constraint of movement, the Jews could travel from one village to another without breaking any German laws. It also meant that there was less control by the Germans and fewer Polish policemen on the roads. Therefore, Jews and Poles could cross paths in everyday life situations, just like before the war. These roads became the theatre of several assaults against Jews.

Many cases found in the District Court of Siedlce involved Poles assaulting Jews solely because of their racial background. In these situations, the assaults and robberies were simply explained by the fact that Jews did not deserve to have money, food or whatever goods they had with them. In many cases, the assault was extremely violent. Beyond the virulent anti-Semitism of these crimes, the indifference with which other Polish “bystanders” dealt with this hatred was noticeable. On January 30, 1940, Moszek Wisznia and seven other Jews were going to Chruszczewka – a small village near Węgrów – when Wladyslaw Krzeminski stopped them for what seemed at first like an armed robbery.<sup>46</sup> Krzeminski jumped on the cart, took a revolver from his pocket and asked them to give him their money. After getting the money, he insulted the Jews by calling them dogs. The accused tried to steal the carriage, but without success because of the snow on the road.

---

<sup>45</sup> *The Polish Penal Code of 1932 and the Law of Minor offenses*, p. 70-71

<sup>46</sup> APS 62/1572/208.

Then, he struck Wisznia in the back with a knife, seriously injuring him.<sup>47</sup> At this point, the accused called another Pole, who was hidden in the forest, and asked him to help: “Bronek! Come here! I have Jews!”<sup>48</sup> Wisznia lost consciousness after that. He reported this crime a few weeks later. Even with evidence of serious injury and anti-Semitism, the judges only took the robbery into consideration. Furthermore, the prosecutor tried to throw out the case saying that it was not a crime since the accused was drunk when he robbed and beat the Jew. Krzeminski was therefore only sentenced to eight months in prison.<sup>49</sup>

A similar situation happened a few months later. On September 16, 1940, Roman Paszkowski, a machinist, was arrested by the criminal police in Warsaw.<sup>50</sup> During the previous few months, Paszkowski had committed several crimes on the roads near Węgrów: theft, intimidation and assaulting Jews, assaulting an officer, and resisting arrest.<sup>51</sup> Five Jews and the president of the *Judenrat* of the village of Stoczek, Eliaz Malcman, came to court to testify against Paszkowski.<sup>52</sup> They had all been a victim, in one way or another of the accused during the previous few weeks. Paszkowski admitted in his testimony that his behavior was often the result of insobriety, and was directed only at Jews. He also added that he held strong opinions against Jews, and that’s why he liked to insult and beat them.<sup>53</sup> The case was closed on October 14, 1941, and Paszkowski was convicted only for his crime of assaulting a police officer despite several testimonies which were heard in court. He was sentenced to 11 months in prison.<sup>54</sup>

---

<sup>47</sup> *Ibid*, Doctor’s note, p. 45.

<sup>48</sup> *Ibid*, Protokół Przesłuchania Świadka (Hearing of witness), p. 44.

<sup>49</sup> *Ibid*, Wyrok (Verdict), p. 53.

<sup>50</sup> APS 62/1572/294.

<sup>51</sup> *Ibid*, Akt Oskarżenia (Indictment), p. 39.

<sup>52</sup> *Ibid*, Protokół Przesłuchania Świadka (Hearing of the Witness), p. 5,6,7,8 and 9.

<sup>53</sup> APS 62/1572/294, Protokół Przesłuchania Pojedynanego (Hearing of the suspect), p.11.

<sup>54</sup> *Ibid*, Wyrok (Verdict), p. 115-116.

In these two cases, not only do we see evidence of violent anti-Semitism, but also the weak response from officials of justice. In the Krzeminski trial, the prosecutor attempted to close the case because the accused was drunk, and therefore not in control of his actions when he admitted he hated Jews in front of the court. However, the request was dismissed by the Court of Appeal in Warsaw. Under Chapter II of the Criminal Code, Article 17 stipulated that people were not criminally responsible for their action if they were unable to recognize the nature of their acts, but “the provision is not applicable if the limitation of capability is a consequence of intoxication resulting from the fault of the offender.”<sup>55</sup> The prosecutor should have known this condition, but for some reason he tried to bypass it. Similar bias can be observed in the trial of Paszkowski. In this case, the accusation was made under article 133 which concerns the “assault against an officer” and not “against the civilian.” This decision, which fell under the sole discretion of the judge – pushing away the Jews from the trial – also demonstrated the weak position left to the Jew in a case in which he was the victim. With this decision, the judges admitted that Jews were not important enough to be considered legitimate plaintiffs in a lawsuit. In both cases, Jews were denied their rights as victims of violent crime and their rights as Polish citizens. The Siedlce District Court thus recognized that Jews were not included in the social and legal pact which otherwise continued to govern the society.

These were not unique cases since anti-Semitic acts were common and could often be found in court documents. On September 23, 1940, another trial concerning Poles beating and stealing from Jews took place at the district court of Siedlce.<sup>56</sup> On the road between Ryczysk and Żelechów, two Poles, Jan Gromek and Tadeusz Kotulski, stopped a

---

<sup>55</sup> *The Polish Penal Code of 1932 and the Law of Minor Offenses*, p. 25.

<sup>56</sup> APS 62/1572/490.

Jewish carriage. Lejb Berewi, a tailor, was driving the cart when Poles jumped out of the forest, stopped the cart and began to steal the bags of grain.<sup>57</sup> Then, they beat him with clubs, threatened, and insulted him. Once in police custody, the two accused complained about their situation. They informed the officers that they were drunk during the robbery, and they only beat-up Jews because they hated Jews. They also admitted that a third Pole – allegedly someone who had already killed Jews – joined them in the act, showing to the court that their actions against Jews were common and less serious. After all, they did not kill a Jew this time.<sup>58</sup> They were sentenced to six months in prison, which is a lenient a sentence considering the gravity of the crime committed. When one compares this sentence with the cases involving only Poles, one can see that sentences are generally much longer and can go up to the maximum penalty of 10 years in prison.<sup>59</sup>

On November 8, 1941, on the road between Węgrów and Stoczek, Binem Szwarcberg was bringing home a transport of rye.<sup>60</sup> At one point, he encountered a forest ranger, Franciszek Groszkowski, and his friend, Zygmunt Komorowski, who stopped him. They asked several questions about his merchandise and shortly afterwards accused him of smuggling.<sup>61</sup> Groszkowski started to beat the Jew with his gun with such a force that he broke the rifle butt. Then he loaded the broken rifle and fired twice in the direction of Szwarcberg. After this violent altercation, the ranger took the Jew in the forest and demanded 200 zloty, to cover the cost of repairing the broken shotgun. Szwarcberg gave

---

<sup>57</sup> *Ibid*, Akt Oskarżenia (Indictment), p. 28.

<sup>58</sup> *Ibid*.

<sup>59</sup> For example : the case of Jan Olywi (APS 62/1572/398) the accused was sentenced to three years in prison for a fight in the street involving three other Poles; Another case (APS 62/1572/417), the accused name Michal Stanislawski was sentenced to eight month in prison and lost his public rights for two years for to have beaten and injured a Pole in the street.

<sup>60</sup> APS 62/1572/670.

<sup>61</sup> *Ibid*, Akt Oskarżenia (Indictment), p. 2.

him the money which did not prevent the Pole from giving the Jew one more beating.<sup>62</sup> During the final hearing on September 8, 1942, the ranger defended his actions, saying that he was convinced the Jew was a smuggler. At which point he admitted that he gave Szwarcberg a beating because the Jew “pretended to be a Pole.”<sup>63</sup> The two Poles were sent to prison for, respectively, six and nine months.

On another occasion, in November 1940, a drunk Pole, Rajmund Woznicki, attempted to extort money from two Jews, Motel and Etki Bergman, to buy more vodka.<sup>64</sup> The Jews refused to hand over the money, and Woznicki beat them up. The Jews reported the incident the same day to the court. The accused was condemned to one month in prison.<sup>65</sup> This very lenient verdict for the crime committed was due to the drunkenness of the accused during the infraction. According to the judges, the accused was unable to understand the impact of his actions.<sup>66</sup> In opposition to the Krzeminski case, the judges did not consider Article 17 which outlines the responsibility of intoxicated parties. Furthermore, they did not pay attention to the testimony of the accused, in which he plainly expressed his hatred for the Jews. Despite the very lenient sentence, Woznicki’s lawyer decided to launch an appeal seeking complete exoneration for his client. The lawyer argued that his client was provoked by the Jews which was the sole reason for his behavior, therefore, he could not be found guilty.<sup>67</sup> Unfortunately, we don’t know the conclusion of the case since the file for the Appellate Court was not preserved.

---

<sup>62</sup> *Ibid*, Protokół Rozprawy Głównej (Minutes of the main trial), p. 25.

<sup>63</sup> *Ibid*, Wyrok (Verdict), p. 35.

<sup>64</sup> APS 62/1572/496.

<sup>65</sup> *Ibid*, Wyrok (Verdict), p. 38.

<sup>66</sup> *Ibid*.

<sup>67</sup> *Ibid*, Letter from Pierkarska Busse, lawyer, p. 41.

Cases of theft involving Poles often led to anti-Semitic violence. Furthermore, there was usually a spontaneous collaboration among Poles to legitimize these attacks. The last case that is analyzed in this section will highlight this fact. On August 21, 1940, three Poles trespassed into a garden belonging to a Jew in order to steal strawberries.<sup>68</sup> What was at first a simple theft of fruits turned into a violent assault against the owners of the garden, Josek-Herszek Fiszbaum and his wife Szyja. When the Jews came out to ask the Poles to leave their property, the thieves suddenly attacked them and inflicted severe harm upon Josek Fiszbaum.<sup>69</sup> The theft was most likely brought on because of the breakdown of Polish society: the lack of food could have motivated the Poles to steal the fruits. But the ensuing violence against the Jews cannot be solely explained by the occupation. Instead, it is the deeply rooted anti-Semitism of Polish customs that allowed Poles to act violently against the Jews even if they were the one trespassing. Deeply rooted anti-Semitism and the certainty of being superior to Jews, even with the threat of a lawsuit, prompted Poles to continue to take anti-Jewish measures and physically harm and almost kill Jews.

#### Humiliation as a Distinctive Element of Crimes Against Jews

Demonstrations of anti-Semitism are obvious when it comes to cases of extreme violence like those presented above. Yet, the hatred that some Poles showed toward Jews can also be found in less serious offences. For example, Jews also suffered varying degrees of humiliation. As already mentioned, the decades preceding the war were extremely difficult for the Jewish society in Poland. The Jews were subjected to a series of restrictive, often humiliating regulations. For example, the *numerous clausus* in the universities and

---

<sup>68</sup> APS 62/1572/222.

<sup>69</sup> *Ibid*, Akt Oskarżenia (Indictment), p. 37.

exclusion from certain professions, served above all to push the Jews out of certain spheres of social life, and to present them as second-class citizens. In addition to restrictive regulations, there was a constant threat of physical violence, pogroms and widespread theories of Judeo-communist conspiracy. And then, there was the issue of humiliation which, although absent from the Criminal Code, became a growing problem for the harassed Jews.

On June 5, 1940, Szymon Szarfarc from Garwolin, went in a public market, on the shore of the Vistula River, with his friend's son to buy some fish.<sup>70</sup> They were interrupted by two Poles, Jozef Jurek and Stanislaw Baran.<sup>71</sup> The Poles publicly threatened to drown them if they did not give them their money. They started asking for a few zlotys, then a few dozens of zlotys and so on until Szymon Szarfarc had no more money to give.<sup>72</sup> When asked why they humiliated their victims, Jurek answered jokingly that he knew it was against the law, "but the devil must have possessed us."<sup>73</sup> A similar situation happened in June 1941.<sup>74</sup> Srul-Chaim Halsztuk and his son Luzer were attacked by two Poles, Henryk Grynokorn and Jan Osiadacz, near Garwolin. The two Jews were robbed, threatened with death and beaten.<sup>75</sup> The Poles took all the Jews' money, and afterwards told them to undress and submerge themselves in the river nearby. All this time, they threatened the Jews with a weapon. Nothing more happened to Halsztuk and his son after that. Grynokorn and Osiadacz gave back a part of the money to Halsztuk and left. The Poles confessed that they committed the crime only for the pleasure of humiliating the Jews.

---

<sup>70</sup> APS 62/1572/283.

<sup>71</sup> *Ibid*, Akt Oskarżenia (Indictment), p. 7.

<sup>72</sup> *Ibid*, Akt Oskarżenia (Indictment), p. 8.

<sup>73</sup> *Ibid*, Protokół przesłuchania Podejrzanego (Hearing of the suspect), p.6.

<sup>74</sup> APS 62/1572/511.

<sup>75</sup> *Ibid*, Akt Oskarżenia (Indictment), p. 62.

In chapter 3, the case of Kazimierz Konaszuk, who was accused of an offence against life and health, specifically under article 236 “Corporal injury or impairment of health” was discussed.<sup>76</sup> This case is yet another example of systemic humiliation of Jews. Konaszuk, like the other Poles accused of assaulting Jews, demonstrated hatred against his victim and took pleasure in humiliating him even in front of the court. During his first audience, he explained to the court: “I hit him and hurt him bad, but by accident. I threw the rock because the Jews were driving on the wrong side of the road.”<sup>77</sup> This explanation would have made sense if the accused did not also add that “they are Jews. We should not believe what they say anyway.”<sup>78</sup> By stating that the Jews were all liars, the accused demonstrated his profound bias against them.

The humiliation of Jews was not always directly associated with the nature of the crime. Reading the court documents, one can find several cases where Jews were deprived of their dignity while facing the bench. This kind of disrespect found during some judicial proceedings represents what is probably the most visible demonstration of structural anti-Semitism. In the last chapter, the case of Tadeusz Kalinski was discussed. On September 22, 1940, the employee of the municipality of Garwolin beat up Don Mendl in the middle of the street and stole his money “just because he [was] a Jew.”<sup>79</sup> Not only did Kalinski humiliate the Jew during the crime, but by asking for his verdict and sentence to be revised three times, and by getting an annulment by the Nazis themselves, Kalinski humiliated his victim, and demonstrated that Jews were not equal citizens and, therefore, were not entitled to protection under the law.

---

<sup>76</sup> APS 62/1572/149.

<sup>77</sup> APS 62/1572/149, Akt Oskarżenia (Indictment), p. 28.

<sup>78</sup> *Ibid.*

<sup>79</sup> APS/1572/290.

Another case that reveals the intentional humiliation is the one of Szlama Nirensztejn, the young boy accused of stealing bread and sugar, who had been dragged in front of the court by a vigilante Pole and a Blue Police officer. Nirensztejn's case testifies to the presence of anti-Semitism via the numerous insults and humiliations that the two Poles inflicted upon the boy. Facing the court and during the first and only hearing of this case, one of the Poles described the events. He spontaneously called the eleven-year-old boy *Zydzia*k which loosely translated means by "nasty little Jew." Not only did the Pole use a very common insult toward the Jewish child, but he did it, without any hesitation, in front of the judge.

The last case analyzed in connection with the humiliation of Jews is one that the court refused to hear, even though it was brought to the court by the *Judenrat* of the ghetto of Otwock. This case shows the harsh reality of the relation between Poles and Jews. In 1940, after the closing of the ghetto in Otwock, Polish children who were on their way to school threw rocks at Jewish houses. For several weeks, these children insulted and tried to hurt the Jews with stones. This "game" became a ritual so alarming for the inhabitants of the ghetto that they asked for help from the *Judenrat*. It was only after one Jew was seriously hurt by a stone thrown through the window of his house, that a complaint was filed by the *Judenrat*, and the case was sent to municipal court. The court took the depositions of the *Judenrat* but, since the accused were all minors, no official accusation could be made, and therefore, no trial took place. While judicial documents do not reveal anything new about the justice system, it informs us that children could not be sued under Polish law, and it tells us a lot about the reality of Polish-Jewish relations during the war. Firstly, this deepens our understanding of this historiography. This case proves that the

ghettos, contrary to popular thought, were not hermetically sealed places. The Polish kids that threw stones in the ghetto were not inside it, but the two spaces were close and open enough for them to be able to break a window and cause serious injury. Secondly, this incident completes the historiography of Judeo-Polish relations, which maintains that anti-Semitism was at the heart of the crime. The fact that the Jews needed to raise the issue with the *Judenrat*, demonstrates that it was a serious problem. One could presume that this situation was the direct consequence of the German policies – and obviously, the German occupation legitimated this behavior. But Polish children acting violently against Jews and insulting them was a phenomenon rooted in Polish customs and common in Otwock. In his testimony, survivor Marian Domanski from Otwock, described similar rituals from before the war. He said that during the year 1935 “quite often on the way to school the boys from the Catholic School attacked us because we were Jewish [...] Because of these frequent scuffles, the entrance to our school was moved to the back of the building.”<sup>80</sup> Children were willing to insult and throw rocks at the Jews, because anti-Semitism was accepted and inconsequential. The cases analyzed in this section prove that Poles insulted Jews quite often without any fear of reprisal or judicial reprimand from the court. It is logical to assume that Polish children, like the ones involved in this case, would assimilate these ideas. They would learn from poor adult behaviors, like the one presented in these cases, that Jews were different, unwelcome and undeserving of co-existence among the Poles.

---

<sup>80</sup> Marian Domanski, *Fleeing from Hunter* (Toronto: The Azrieli Foundation, 2010), p. 3.

### **Court Documents as a Representation of the Relations Shaped by the War**

This chapter has demonstrated that court records are an important archival source which enables us to better understand the relations between Poles and Jews during the Holocaust. These documents do not present a new reality in the history of Polish Jewish relations but complete the existing historiography, by presenting prejudice against the Jews as being the result of the Second Republic mentality, and not only the consequence of the occupation. Different levels of anti-Semitism encountered during the German occupation were related to anti-Semitic biases and prejudices deeply rooted in prewar Poland. Other anti-Semitic behaviors were tied to the German anti-Jewish regulations introduced after 1939. The court documents also show how different realities were transformed by the occupation. Although anti-Semitism was a dominant behavior within the Polish society, not all Poles acted against the Jews. In smaller towns like Otwock, we can see lots of examples of cooperation between Poles and Jews. Current historical literature has discussed the question of smuggling. After the closure of ghettos, some Jews were helped by Poles, and went outside the precincts of the Jewish quarter to illegally bring back food and other scarce items. Historian Havi Dreyfuss noted that: “smuggling [...] served as income for the Aryans and non-Aryans who forged a joint alliance that brought merchandise from the Aryan side to the Jewish side. Within this framework there exists a strong solidarity; people rely on mutuality and do everything they can in order to achieve a partnership.”<sup>81</sup> The relationship described by Dreyfuss held true when smuggling was successful, when both sides were making profit, or pursuing a mutually advantageous association. But in some cases, when the police officer who arrested the criminal could –

---

<sup>81</sup> Dreyfuss, *Relations Between Jews and Poles*, p. 128.

or would – not tell it was a smuggling operation, they sent the thief to the Polish court and the solidarity between Poles and Jews quickly broke down. Traditional historiography present when smugglers succeeded, like in Dreyfus work, or when smugglers were sent to the German court. This research exposes the phenomenon of smuggling seen through Polish court documents. Even though Polish courts did not deal with smuggling (since the crime fell under the German jurisdiction), we found among the court documents numerous cases where Poles and Jews were acting together and obviously involved in smuggling, but for one reason or another, were accused of theft of food and goods at the Polish court. These crimes figured in the Criminal Code under the chapter “Offences against property” and selling stolen items, which fell under offences against public order.<sup>82</sup> The court records complete the historiography of Polish-Jewish relations by showing what happened when smugglers – Poles and Jews – were arrested and sent to the Polish court. Not only did the solidarity between Poles and Jews fall apart, but biases and prejudices against Jews reemerged.

During the summer of 1940 in Siedlce, a Pole, Kazimierz Czerski, and a Jew, Mordko Zylbersztejn, were accused respectively of theft and selling stolen goods in the same judicial case. The stolen and then later sold objects came from Wladyslaw Jastrzebski’s house and were worth approximately 5,000 zlotys.<sup>83</sup> The two accused were considered accomplices in this crime and were consequently tried together. The first investigation suggested that when Zylbersztejn bought the goods from Czerski, did not know that they were stolen.<sup>84</sup> In addition to that, the court put forward the fact that Czerski

---

<sup>82</sup> *The Polish Penal Code of 1932 and the Law of Minor Offenses*, p. 78.

<sup>83</sup> APS 62/1572/142, Akt Oskarzenia (Indictment), p. 48.

<sup>84</sup> *Ibid.*

was a repeat offender while Zylbersztejn was on his first offence. With all this information in hand, the judge condemned Czerski to one year in prison in addition to a fine of 40 zlotys, while Zylbersztejn was sentenced to six months in prison and a fine of 100 zlotys.<sup>85</sup> Despite the mild sentence (which could have been much more severe given the value of the stolen goods, and the fact that Czerski had already been found guilty of theft several times), the prosecutor wanted to appeal, but only in the name of Czerski. In a letter to the Appellate Court of Warsaw, he explained that: “regarding the sentence given to Zylbersztejn, the court gave him the lower criminal sanctions; this kind of mild treatment is not justified, because the accused [Czerski] was not guilty.”<sup>86</sup> Even with the dramatic demand from the prosecutor, the verdict was upheld after appeal because the court in Warsaw “did not see any interest in it.”<sup>87</sup>

In January 1940, Jozef Morski, a Pole from Parysów – A village in Garwolin County, 60 km south-west from Siedlce – organized a band of thieves.<sup>88</sup> The small criminal organization had several members, half of whom were Jewish. Together, they robbed houses and shops – mostly Jewish ones – and resold the stolen property. The official accusation took place on July 6, 1940, after several different offences committed between January and May of that same year. The stolen goods were, for the most part, food worth more than 7,000 zlotys.<sup>89</sup> During the trial, three thieves faced the court: the head of the gang, Morski, and two Jews, Lejzor Gutmorgen and Chaim Kuperband. While the Jews admitted their guilt and confirmed that Morski was their leader, Morski refused to admit

---

<sup>85</sup> *Ibid*, Wyrok (Verdict), p. 77.

<sup>86</sup> *Ibid*, Letter of J. Miciejewski to the Appellate court of Warsaw, no page number.

<sup>87</sup> *Ibid*, Apelacja (Appeal) p.51.

<sup>88</sup> APS 62/1572/254.

<sup>89</sup> *Ibid*, Akt Oskazenia (Indictment) no page number.

that he had stolen anything. He affirmed he only sold the (stolen) items he bought from the Jews.<sup>90</sup>

A few months later, this time at the Municipal Court of Otwock, a Jew named Szajndla Rajchman was accused of stealing a bathrobe from a Polish woman, Karolina Tomaszewska. At first sight, this case seems innocuous. The woman officially accused the man on August 9, 1940, at the Police station of Otwock.<sup>91</sup> She affirmed that the accused entered her house by infraction on December 27, 1939, and took the bathrobe. She said he then tried to sell it at the market.<sup>92</sup> The accused defended himself, swore that he bought the bathrobe from her, and the selling of it had nothing to do with the case in question.<sup>93</sup> Even the sergeant at the Otwock Police Station, after his own investigation, confirmed that they did not any trace of entry by infraction and, furthermore, they did not find the stolen item. According to him, there was no way to establish if the crime actually happened.<sup>94</sup> Even so, the judge took the side of the alleged victim, Karolina Tomaszewska, and condemned Rajchman to pay a twenty zlotys' fee or to spend two days in detention. In addition to the sentence, the judge forced Rajchman to buy a new robe to the victim.

The last cases analyzed show that even when they were partners in crime, Poles and Jews were not equal in front of the law within their own partnership. In Czerski cause, not only did the Polish accused sell stolen items to Zylbersztejn without telling him the truth about their provenance, but he also believed that the verdict was not fair for him. In the second trial, the Polish accused tried to remove himself from the case even if he was the

---

<sup>90</sup> Protokół Przesłuchania Pojedynanego (Hearing of the suspect), no page number.

<sup>91</sup> APWO 78/206/8699 letter from the Police station of Otwock to the Municipal court, p. 5.

<sup>92</sup> *Ibid*, Protokół (Minutes), p. 21.

<sup>93</sup> *Ibid*, Wywiad (Investigation), p. 9.

<sup>94</sup> *Ibid*, Protokół (Minutes), p.21.

mastermind of the group. These are only two examples of several. Often, when Jews and Poles were accused in the same case, the Poles had taken advantage of the Jews. One of the most common examples of this unequal situation is when a Pole and a Jew were accused respectively of theft and for selling stolen goods. In most of these cases, the Jews who sold the stolen goods did not know that these were in fact stolen items. They learned the truth about the crime once in front of the court and already accused. In the cases of Kazimierz Czerski, this fact was taken into consideration, and Czerski was charged with a higher prison sentence than his accomplice Zylbersztejn. The last of the three cases mentioned shows that the victim seemed to have something to hide and sought to implicate a Jew by accusing him of stealing goods. The accusation was made without any proof: no bathrobe was found and no proof of the infraction in the apartment. The judge weighed the words of the victim and the accused and decided who was right even if there was no evidence. The ridiculous fees that were levied on the accused show that the situation was disproportional, and that in most Polish-Jewish relations, there was inequality. In society, Poles and Jews were never egalitarian. These last cases demonstrate that, in front of the court, it was easier to falsely accuse a Jew and condemn him or her than to consider that a Pole could be lying.

#### Difficult Cohabitation Among Poles and Jews

Court documents are a valuable source of information regarding everyday life in Poland during the war and the relations between Poles and Jews upon the eve of the Jewish extermination perpetrated by Nazi Germany. Anti-Semitism was a part of Polish culture before the war and these documents showed the behavior of Poles at the beginning of the occupation. Polish criminals were involved in crimes against Jews that could not be linked

to the war. Nevertheless, through the years, we see several crimes committed against Jews that can be explained by the painful situation of the war in Poland. From the end of 1941 until the mass deportation of the summer of 1942, there is evidence of different kinds of Polish crimes and or behaviors related to the German occupation. In January 1942, in Otwock, three Poles – Feliks Kasprzak, Andrzej Urbanski and Henryk Wojciechowski – were accused of stealing wood, more precisely two pines, from the Jewish ghetto.<sup>95</sup> Their crime was witnessed by Jews living in the area and immediately reported to the Jewish police, and then to the Polish police station.<sup>96</sup> After the trial, Kasprzak and Wojciechowski were sentenced to one and three weeks of home arrest, respectively, while Urbanski, who was only seventeen years old, received a warning.<sup>97</sup> In this situation, it is easy to define the motive of the accused. It was cold in January. In 1942, the situation in Otwock was terrible for Jews but also for Poles: there were no jobs and no food. Poles, like Jews, were trying to survive. During the hearing, the accused recognized their crime and admitted that the stolen wood was to heat the house. It was therefore an act of survival, and not an act committed against Jews even if they picked up the wood in the Jewish area.

### Conclusion

Looking at daily life in the Warsaw District during the first year of the war, one can see the behavior of Poles regarding the Jews as a direct result of the German occupation. As we know, Jews were often persecuted – blackmailed, denounced, beaten, insulted – by Poles daily. Looking through the lens of court documents, we discovered a

---

<sup>95</sup> APWO 78/206/8889.

<sup>96</sup> *Ibid*, letter from the Jewish Police to the Polish Police, p. 46.

<sup>97</sup> *Ibid*, Wyrok (Verdict), p. 51.

new reality. Far from being only the result of the war, anti-Semitism was also the result of years of prejudice and bias against the Jewish community. The court documents showed that these behaviors were common before the war and continued during the German occupation. At the beginning of the war, Jews often entrusted their property to Polish neighbors. Sometimes, Poles stole the house or emptied it. Other times, the anti-Semitic actions taken by Poles were violent. Poles beat Jews, stole from them and humiliated them just because they were Jews. The testimonies of the accused Poles showed anti-Semitic rhetoric that existed before the war. Beyond the hatred of Jews, these cases also demonstrate the inequality between Poles and Jews facing the law. Poles were willing to put all of the blame on the Jews, even if they were partners in crime. We can therefore say that court records prove that Jews were rejected from the social contract with Poles, and that this rejection existed prior to the war and continued under the German occupation.

## Chapter V

### Was a Normal Life Possible?

On September 4, 1940, Dawid Zylbersztejn accused his twenty-five-year-old brother, Jankiel Zylbersztejn of stealing his cow.<sup>1</sup> Even though the conflict involved two members of the same Jewish family, Dawid went to the police station in Falenica and filed a complaint. Legal proceedings against Jankiel began the same day. The alleged victim testified against his brother, explaining how and when he noticed the theft of the cow. Because of lack of evidence – the cow had never been found – the case was closed two months later.<sup>2</sup>

The court documents used for this research show that Jews from the Warsaw District used the Polish system of justice to resolve conflicts which did not involve members of the outside community. Often during the early years of occupation, Jews took the risk of leaving the ghettos to make formal complaints in court, even when the conflict at hand only involved other Jews. The decision to go to court, outside the ghetto, could have been taken for different reasons. Jews needed a special permit to leave the “Jewish quarters.” Hence, they could use the permission to leave the ghetto as a survival strategy which enabled them to conduct vital activities outside the ghetto, such as selling their personal properties, smuggling food and otherwise trading with Poles. But the risks of being outside the ghetto, even armed with a pass, were high. As demonstrated in previous chapters, Jews were often denounced or attacked by Poles while on the so-called “Aryan side.” Historians have demonstrated that Jews were easy prey for blackmailers (commonly

---

<sup>1</sup> APWO 78/206/8726.

<sup>2</sup> *Ibid*, Biuro Ewidencji Ludności (Population register office), p. 27.

referred to as the *shmaltzovniks*). There is ample evidence of Jews expressing their fear of Polish co-citizens. The testimony of a Jewish survivor from Warsaw read: “durant l’Occupation, je n’ai personnellement subi aucun mal du fait des Allemands. Bien sûr, j’avais conscience de la menace. Mais quand je sortais dans la rue, je craignais plus la rencontre d’un *szmalcownik* polonais qu’un Allemand.”<sup>3</sup> The desire to go outside of the ghetto even when it was highly risky suggests a hypothesis: by going to court in person, by referring their legal problems to the Polish judiciary, the Jews emphasized their attachment to the last remaining vestiges of the prewar system of governance, one which still preserved their status as members of the Polish society –despite the ostracizing policies of the Germans. Indeed, having recourse to the Polish system of justice could have been an excuse to carry out smuggling and illicit trade, but the court files show how serious Jews were regarding their law cases. These same documents also describe Jewish relationships within the ghetto and draw a different (but no less accurate) portrait of Jewish life during that time in history. Historians have described the harsh realities of Jewish life in the ghettos: poverty, homelessness, hunger, fear, death. Historians of the Warsaw ghetto, Abraham Lewin and Emanuel Ringelblum, provided ample evidence of these horrors in their writings from the period.<sup>4</sup> From their vantage point, they observe many different interactions between Jews: among them, small-time crime and smuggling. Ringelblum described, on November 19, 1940, how Jews from Otwock smuggled food into the Warsaw ghetto by train.<sup>5</sup> He also noted how smuggling became an economic necessity for the inhabitants of the ghetto. Following a dire shortage of bread in the ghetto, he notes: “they smuggle money

---

<sup>3</sup> Grabowski, *Je le connais, c’est un Juif!*, p. 41.

<sup>4</sup> Abraham Lewin, *A Cup of Tears*, Edited by Antony Polonsky (New York, NY: 1988), and as previously mentioned: Emanuel Ringelblum, *Notes from the Warsaw Ghetto*

<sup>5</sup> *Ibid*, p. 90.

and products out, provisions in”.<sup>6</sup> Like other witnesses of the period, Ringelblum and Lewin discussed the work of the smugglers. Sometimes they noted the arrests that happened in the street and the punishment given by the Nazis (public executions), but never do they mentioned Jews being on trial at the Polish court.

The court documents show what happened after a crime had been committed, and the arrest of the Jewish suspect. Jews facing the court had to provide several pieces of information not only regarding the circumstances of the crime, but also several personal details. Beyond the findings about Jewish criminality, the information about Jews found in court records might change some misconceptions about the Holocaust. Notably, the fact that criminal Jews were automatically sent to the Germans. Court files prove that Jews were present in the Polish system of justice even when the crime they committed could have been sent to the German court. Also, court documents give information about the death of some of the Jews that happened before the mass deportations of 1942. Even if the numbers are not that high, they show the variety of deaths that happened during the first years of the war. More importantly, court documents contrast with the traditional historiography by showing Jews involved in their community, inside and outside the ghetto, even after its closure. On a memorial level, the court documents provide information about every person involved in a case: the plaintiffs, the accused, the witnesses, etc. These files give information about the criminal activity in which Jews were allegedly involved, but also about their personal lives. Every court record has identification cards containing a person’s basic information: name, parent’s names, place of birth, place of residence, age, occupation, religion, etc. Of the three million Polish Jews who died

---

<sup>6</sup> *Ibid*, p. 98.

during the Holocaust, the majority will remain anonymous. Nevertheless, court documents provide information about the many ordinary Jews who did not have a chance to leave any trace of their existence in any other traditional historical sources. Among these documents, I found an important number of Jewish death certificates, which list the cause of death. These certificates explain the disappearance of many Jews before the mass deportation of 1942. This information allows us to distinguish the Jews who had died at the hands of the Nazis, from those who died from other causes, namely those who perished in prisons or ghettos. I believe these court documents could provide a more complete perspective on the existing historiography of Polish and Jewish relations, by revealing the place that Jews held in Polish society, thereby by removing their anonymity.

After the ghettos were closed, members of the Jewish community did all they could to create semblance of a normal life for their people by resuming cultural and social activities.<sup>7</sup> This was a survival strategy since Jews needed to believe they had some control over their situation. History overlooks the daily life that still existed, especially outside large urban centers. German occupiers were less present in most of the smaller cities and towns, and therefore were less threatening to the Jews. Despite the Nazis creating and enforcing strict new regulations, many Jews continued to live as normal a life as possible. Ordinary activities, and even banal conflicts were a part of daily affairs in the ghettos. One of the reasons why so little is known about everyday life in Jewish communities during the war is that the sources most commonly used in historical literature – mostly personal accounts (testimonies, journal, diaries, etc.) or official sources (newspapers and official documents from the German or the Polish administration) – emphasize mostly the most

---

<sup>7</sup> In the Warsaw ghetto, for example, the Jewish community continued to stage plays at the local theatre.

difficult moments suffered by the Jewish population during the war. This chapter examines the everyday life of Jews from the beginning of the war, in September 1939 to the mass deportations in the summer of 1942, seen through the lens of these documents. The sources verified corroborate the information found in the traditional historiography while expanding upon the knowledge of everyday life of Jews in the ghettos. With this information in hand, one can paint a more accurate portrait of Jewish life in the Warsaw District of the *Generalgouvernement* by showing that even though Jews fell victim to the policies of extermination, not all died at the hands of the Nazis.

### **Jewish Everyday Life During the German Occupation**

Beyond the desire to be a part of the Polish community, continuing their prewar activity as Poles was a part of a Jewish survival strategy. In *Navigating Terrain of War*, Henryk Vigh discussed the importance of everyday life ritual during war time.<sup>8</sup> Some aspects of normal life do not change, even under the harsh conditions. Obviously, the basic needs of daily life are the first to remain fulfilled eating, sleeping, taking care of family members, etc. However, when in a crisis, new forms of everyday routine, that Vigh named *social navigation*, emerge. The social anthropologist explains that civilians persecuted by occupiers are *coping in crisis* instead of *coping with crisis*.<sup>9</sup> The sociologist Laurent Gayer, also focused on the topic, explaining that these social navigations are

régulièrement soumises à réévaluation et ajustées à l'environnement sociopolitique [...] dans les situations de répression ou de confrontations ouvertes s'extirper de la vie nue, c'est avant tout défendre son droit [...] si ces formes fragiles de recomposition du quotidien peuvent être investies de significations politiques – circuler, travailler, entretenir une famille envers et contre tout – il faut pourtant souligner qu'elles peuvent résulter d'une désillusion face aux stratégies de

---

<sup>8</sup> Henryk, E., Vigh, *Navigating Terrains of War* (New York, NY: Berghahn Books), 2007.

<sup>9</sup> *Ibid*, p. 151

« suspension de la vie quotidienne », exemplifiée par les restrictions socioculturelles.<sup>10</sup>

With this perspective, certain behaviors and activities were done daily to help the Jews get through the difficult circumstances under which they were living. Many Holocaust survivors explained how everyday life actions, especially those made in a perspective of solidarity and mutual help, gave them the strength to survive the war. For example, within the Warsaw ghetto, Jews maintained some of the voluntary organizations that helped the weak and the needy, and organized an educational network, even if it was banned by the Nazis.<sup>11</sup> Survivor Vladka Meed, explained in her testimony how important it was for Jews to maintain their normal activities during the occupation. She said that several teenagers from the ghetto were involved in teaching the younger children's songs, and how to write in order to “give them a little bit of life.”<sup>12</sup> This social navigation can also be found in different social activities practiced within the ghetto. Adam Czerniaków, the president of the Judenrat of the Warsaw ghetto, noted in his diary on August 1, 1940, that the *Judenrat* was paying taxes for a new sign for the movie theatre.<sup>13</sup> Others, like David Landau, pursued a family dream. In his interview, the survivor mentioned that he got married at the rabbi's house in the ghetto, and had a wedding dinner at his in-laws even though it was against the law.<sup>14</sup>

Referring one's problems to the system of justice can also be interpreted as a pursuit of normalcy from before the war. Despite the fact that it was complicated and dangerous,

---

<sup>10</sup> Laurent Gayer, « La normalité de l'anormal : recomposer le quotidien en situation de guerre civile, » *Critique internationale* 2018/3 (N.80), p. 81 – 190.

<sup>11</sup> *The United States Holocaust Memorial Museum Encyclopedia of Camps and Ghettos* p. 458.

<sup>12</sup> VHA 15196, Vladka Meed, 6:50 minutes.

<sup>13</sup> Czerniaków, *Carnet du ghetto de Varsovie*, p. 99.

<sup>14</sup> VHA 5644, David Landau, 3:30 minutes.

Jews continued to make claims in Polish courts during the war even when there were no Poles involved in the crime. Indeed, the court documents show that some Jews used the Polish system of justice even if a Jewish apparatus was established inside some ghettos. The *Judenrat*, because it was the only Jewish public body recognized by the German authorities, was, from the beginning, asked to pass judgment in litigation between inhabitants of the ghetto.<sup>15</sup> The first thing established by the Jewish judicial apparatus was a mediation panel. In several ghettos – such as Otwock, Żyrardów, Cracow, Lwow and Łowicz to name a few – those quasi-judicial bodies took care of various types of conflicts between Jewish inhabitants.<sup>16</sup> Only members of the *Judenrat* could be on this board. The legal office of the Council was headed by a secretary who had to be a professional lawyer.<sup>17</sup> In the ghetto of Otwock, until January 1941, 226 cases were filed, among which 106 were considered settled.<sup>18</sup>

The Second Republic of Poland (1919-39) guaranteed – in theory – equal rights for the Jews, but this was not enough to guarantee their security. Nevertheless, despite their general exclusion from social and political activities, many Jews continued to insist on their rights as members of the Polish society. Historian, Havi Dreifuss, highlighted this reality while discussing the issue of anti-Semitic acts committed during the invasion of Poland by Nazi Germany. Using Jewish sources covering the war period, like journals and diaries, Dreifuss noted how Jews considered themselves to be members of Polish society and how they perceived anti-Semitic Poles to be a minority in Polish society.<sup>19</sup> Dreifuss also

---

<sup>15</sup> Trunk, *Judenrat*, p.181.

<sup>16</sup> Nothing indicates that the Warsaw ghetto had a court department during the war, but sources had showed there were one in the ghetto of Otwock.

<sup>17</sup> Sylwia, Szymanska, *Ludność Żydowska w Otwocku*, p. 28.

<sup>18</sup> *Ibid.*

<sup>19</sup> Dreifuss, « La Pologne et les Polonais vus par les Juifs polonais », in *Juifs et Polonais*, p. 114.

explained that even if persecution was common during the inter-war period, under the occupation, Jews wanted to believe that the experience of war and German repression, was common to both the Polish and Jewish nations. Therefore, persecution of Jews by the Poles was considered something rare and exceptional by Jewish people. Dreifuss underlined this question while discussing rioters attacking Jews in Warsaw in March 1940, during the so-called “Easter Pogrom.” She mentions how Jews saw the rioting Poles as enemies of Poland. Citing Ringelblum, she continued, “Jews expressed the belief that this activity, so harmful to Poland, would be denounced by a new Polish society that would surely develop in the future.”<sup>20</sup> This attitude was not new, nor was it due to the war. Historian Henri Minzeles argued that since the beginning of the 20<sup>th</sup> century in Poland, Jews desired to be integrated into Polish culture. He noted that a part of the Jewish community, especially the portion that dwelled in the cities, “abandonnaient peu à peu la pratique religieuse et le yiddish, considéré comme une langue du ghetto.”<sup>21</sup> He also noted that Jews tried to get involved in the political life of the Polish Second Republic, but “s’ils se considéraient comme Polonais et rien que Polonais, [...] aux yeux des Polonais de souche, ils restaient des *Zyd*, des *Zydek*, des *youpins*.”<sup>22</sup> Referring one’s legal problems to the Polish system of justice can be construed as an act of belonging to the “imagined” prewar community based on the universally applied laws.

In September 1940, Srul Kahan, a building owner in Otwock, was accused under articles 239 and 256 of the Polish Criminal Code of violation of body integrity and

---

<sup>20</sup> Dreyfuss, *Relations Between Jews and Poles During the Holocaust*, p. 90.

<sup>21</sup> Henri Minzeles, *Une histoire des Juifs de Pologne, Religion, culture, politique* (Paris : Éditions La Découverte, 2006), p. 219.

<sup>22</sup> *Ibid*, p. 220.

defamation by Izrael Lewenblum, one of his tenants.<sup>23</sup> The disagreement between the two Jews started in August of 1940 when Lewenblum failed to pay his rent. Furious, the apartment's owner insulted and hit his tenant in the face.<sup>24</sup> Lewenblum lodged a complaint at the Polish police station in Otwock, claiming he was the victim of an abusive owner who insulted and humiliated him, and that he wished to sue him. The investigation started in September 1940 and lasted until March 1941. Lewenblum felt comfortable enough with the Polish judicial system to go to court and denounce this injustice, despite all the anti-Semitic events occurring during the German occupation, and after the establishment of ghettos.

In August 1941, Jakub Blimbaum was accused under article 256 of public defamation by his dentist Rywka Glik-Liberman.<sup>25</sup> The conflict happened in May of the same year, when the dentist failed to provide her client with a new dental prosthesis. The reason for the delay given by the doctor was the lack of dental material in Otwock.<sup>26</sup> The dentist claimed that she had to go to Warsaw to find the missing material, but she could not leave the ghetto in Otwock due to new German regulation regarding the right for Jews to leave the Jewish Quarter.<sup>27</sup> When the client learned that he would not receive his treatment, he was furious and yelled at the dentist, "you are not a doctor, you are a shit (*Pani jest dla mnie nie lekarz-dentysta, a gówno*)!"<sup>28</sup> Worried about her reputation, Glik-Liberman filed a complaint with the municipal court, accusing Blimbaum of defamation. The legal process was long, starting in December 1941 and ending on July 28, 1942.<sup>29</sup> Both

---

<sup>23</sup> APWO 78/206/8695.

<sup>24</sup> APWO/78/206/8695, Wywiad (Interview), p. 6.

<sup>25</sup> APWO 78/206/8827.

<sup>26</sup> *Ibid*, Akt Oskarżenia (Indictment), p.2.

<sup>27</sup> AZIH 241/221.

<sup>28</sup> *Ibid*, p.3.

<sup>29</sup> *Ibid*, Protokół Rozprawy Głównej (Minutes of the main trial), p. 18 and Wyrok (Verdict), p. 60.

the accused and the defendant were present in court throughout the process, which ended just a few days before the mass deportation.<sup>30</sup>

These two situations, stated as personal conflicts rather than judicial matters, could have easily been solved privately or inside the ghetto of Otwock via the *Judenrat*. In the first case, the defendant tried to demonstrate the injustice and humiliation he faced by showing the ignominy of his landlord. He was ready to speak up in front of the court to prove he was a victim and that his case deserved the attention of a criminal court. In the second case, the dentist tried to protect her reputation after being insulted by a client. She also felt humiliated and thought that her case was a judicial matter. Both accused went outside the ghetto to find help at the court. During the war, especially in 1941 when the German regulations became extremely severe, Jews did not want to risk travelling outside the ghetto for fear of arrest or death, just to win a trivial legal dispute. But Jews risked their life daily to go outside the ghetto to find food or to smuggle different items. They might have used the excuse of going to the court to carry out these essential tasks. But by May 1941, it was almost impossible to cross the border of a ghetto without facing serious problems with the Blue Police, or local Poles, even with official permission to leave the Jewish Quarter.<sup>31</sup> This points to two things. Firstly, the court documents are an rich source when it comes to studying Jewish life during the occupation. Secondly, these cases illustrate just how much Jews believed the system of justice would help them. Both plaintiffs filed complaints at the Polish court even if they could have gone to the Jewish

---

<sup>30</sup> It is important to note that Jews already knew about the mass deportations since it started in Warsaw on July 24, 1942. In his testimony, Calel Perechodnik affirmed the Jewish population of Otwock talked about their own deportations. See Calel Perechodnik, *Am I a Murderer?* p. 26.

<sup>31</sup> *The Yad Vashem Encyclopedia of Ghettos*, p. 565.

apparatus inside the ghetto. When it came to uphold their rights as citizens or defending their professional reputations, they still turned to the Polish judicial system even if going outside the ghetto was dangerous.

The cases of Glik-Liberman and Kahan represent the kind of personal affairs that escalated into regular court proceedings. In some cases, even members of a same family brought each other to court. This type of behavior was found in the case of Moszek Dolina, a Jew from Żelechów, a small village sixty km from Siedlce.<sup>32</sup> In May 1940, the 29-year-old man was accused of stealing goods from both his mother and his wife. The two women decided to go to the court to file a complaint. Because the value of the stolen objects exceeded 1,500 zlotys, the case went directly to the district court of Siedlce.<sup>33</sup> The court was far away from the complainant's home and the women never got permission to leave Żelechów. Even so, they managed to be involved in the trial by recording their testimonies and sending them to the district court. The fact that these Jews were ready to risk their lives by going outside the ghetto to another town to file the complaint is another demonstration of the trust they put in the Polish system of justice to help them despite their "racial profile" during the German occupation.

All the aforementioned cases involved Jews who lived apart from the rest of Polish society in the ghettos. Historian Henri Minczeles, noted that some Jews from big cities had been integrated into Polish life and culture since the 19<sup>th</sup> century. These cases demonstrate that even Jews from smaller towns like Otwock, or villages like Żelechów, were also convinced that they had a place in the Polish society. In a wartime situation, it also demonstrates that Jews continued to use Polish services such as police stations and court

---

<sup>32</sup> APS 62/1572/130.

<sup>33</sup> *Ibid*, Akt Oskarzenie (Indictment), p. 15.

knowing that reprisal from the authorities was a possibility. Even if appearing in court is not the most common societal activity, the fact that it seemed a logical choice for many Jews shows that it was considered an integral component of upholding their everyday life under the Polish Second Republic.

### The Curious Burglaries in Otwock

Some interesting cases which were heard by the Otwock's municipal court during the fall of 1940 are worthy of a close look. The court documents represent different types of conflicts that occurred among Jewish civilians. During the first years of the war, several Jews went to court to declare stolen items. None of these cases went to trial, but the information found in the document, helps us to better understand the Jewish inhabitants of Otwock. On November 18, 1940, Chajna Sztajman went to a Falenica police station to report a robbery of clothes and sheets which were worth 100 zlotys.<sup>34</sup> The victim admitted that she did not know who was responsible for the robbery. Three days later, she came back to the police station with a witness, Francisz Khane, who also lived in the ghetto. He admitted that he didn't know how much had been stolen, nor who was the thief. He only noticed some of the missing objects.<sup>35</sup> The complaint was filed with Sergeant Kazimierz Filomowski but since nobody was accused, and no proof of the stolen objects was found Sztajman's case never went to trial.<sup>36</sup>

Chana Sztajman's case is one of many where Jew reported a robbery. Between October and November 1940, there were fifty-two cases of stolen items – clothes, vehicles,

---

<sup>34</sup> APWO 78/206/8754, Protokół Przyjęcia Ustnego Zawiadomienia o Prześpiństwie (Oral notification of the Crime), p.1.

<sup>35</sup> *Ibid*, Protokół Przesłuchania Świadka (Hearing of the witness), p. 4.

<sup>36</sup> *Ibid*.

farm animals, food – taken from Jews living in the Otwock ghetto. In all these cases, the accusing party went to a Polish police station – outside the Jewish Quarter – to lodge a complaint. Every plaintiff had to give personal information: full name, date of birth, their parents' names, and home address. They had to give details about the stolen items, the circumstances of the crime, the value of the stolen items, if there were witnesses, and, of course, if they wanted to file charges. All these proceedings were suspended or closed due to the lack of evidence. More specifically, they all lacked a suspect. In most cases, the burglar was not seen by the victim and disappeared without leaving any trace. Therefore, there was simply no one to blame and no case to take in front of a judge. Because of the lack of evidence, the police never investigated these crimes. They simply took the deposition and closed the file.

Cases of small robberies such as Chajna Sztajman's raise several questions regarding Jewish life during the war. Why did Jews risk their lives looking for help outside the ghetto, instead of using the apparatus available inside through the *Judenrat* for simple robberies worth a couple of zlotys? Why would they look for help from a system that had already demonstrated its overt anti-Semitism? Many hypotheses can be raised here. First, going outside the ghetto was dangerous. Jews needed a special permit to go to court. Once this permission was granted, and the complaint filed at the court or the police station, one could pursue other activities – for example smuggling – before going back to the ghetto. In this perspective, leaving the ghetto to go to court could be considered a survival strategy. One may also think that going outside the ghetto, to the court, to solve matters that involved only Jewish civilians, was a way to continue living as they had before the war.

Françoise Milewski, the daughter of a Holocaust survivor from one of the regions under study discussed how important it was for Jews to maintain normal activities during the war.<sup>37</sup> She explained how in Żelechów, where her family lived during the occupation, several social organizations still functioned even a few days before the deportation of the summer 1942: “[...] c’est encore la vie. On y parle d’huile de foie de morue à donner aux enfants du dispensaire [...] On projette de monter un hôpital [...] Pour les enfants, il faut un lieu d’étude et de récréation. [...] C’est bien dérisoire, surtout en Juin 1942, trois mois avant les déportations, mais c’est la vie.”<sup>38</sup> Milewski described this reality several times: *c’est la vie*. It’s life, it is “still” life. Even with the poverty, the diseases, and the constant fear, life continued.

The cases shared above all display the Jews’ desire for a normal life, even during these tragic times. I would go even further to suggest that it was the prewar Polish life that Jews were seeking with these acts. They continued to perform normal activities, went shopping at the market, visited the dentist, fought with their neighbors, and asked for help at the police station or in court. They walked down the street of the “Aryan side,” even if it was forbidden by the occupant, to file a complaint. Even when there was no proof of the theft, they reported crimes. All these actions were done in order to maintain their illusion that life was just as it had been before the German occupation, in what little remained of the Polish Second Republic.

### **Court Documents as a Representation of Jewish Life Under the German Occupation**

---

<sup>37</sup> Françoise Milewski, *Un livre du souvenir. À la recherche d’une famille juive décimée en Pologne* (Paris : Édition La découverte), 2009.

<sup>38</sup> *Ibid*, p. 71 and 73.

While Germans did not directly participate in the Polish judicial process, the Nazi occupation had an impact on all parts of Polish and Jewish life, and the system of justice was no exception. The next pages will discuss the brutal realities of poverty, disease, displacement, and death, and the connection that these had with German regulations imposed during the occupation.

Even if the direct correlation between poverty and crime has already been established, it is important to note that it was not always as clearly outlined as in the cases referenced thus far. Poverty can be defined in many ways. The case of Jakub Blimbaum, the man accused of defamation by his dentist, showed another side of the financial and material difficulties Jews faced during the German occupation. The reason he insulted his dentist in the first place was because of the lack of medical equipment. The dentist explained that her office in Otwock no longer had materials to produce the prosthesis that the accused required. The lack of material was endemic to all of the *Generalgouvernement*, as the Germans conducted a policy of economic exploitation in their colony.<sup>39</sup> Furthermore, the doctor asserted that under German regulations she could not leave the ghetto and take the train to find new material. The German regulations were very clear about the potential consequences of leaving the ghetto without permission, and she did not want to take any chances.

The population of the region of Siedlce experienced a series of displacements at the beginning of the war due to the changes in occupation. Many Jews lost their houses to Poles during these deportations, while occupying forces transferred residents to different localities. The Nazis regrouped the Jews in order to *aryanyze* their belongings and because

---

<sup>39</sup> Majer, "Non-Germans" *Under the Third Reich*, p. 261.

it was easier to control them once they were all in one place.<sup>40</sup> Consequently, homelessness became a real problem in many ghettos. Adam Czerniaków, the president of the *Judenrat* in Warsaw, called attention to this housing problem in his diary. He noted how he had heard many homeless children begging outside his building for food, and had seen the arrival of thousands of Jews from elsewhere in Europe which caused this lack of housing.<sup>41</sup> The same phenomenon was found in smaller ghettos and is discussed in a few testimonies. Frania Lewkowicz addressed the problem in her testimony recorded after the war.<sup>42</sup> She explained how in 1939, when she and her family moved from Lodz to Otwock, one of her cousins could not find a place to live and “was refused inclusion in the list of local residents.”<sup>43</sup> But in January 1940, Lewkowicz’s cousin had the chance to move to another town which would have been impossible a few months later. He found a place to live in the town of Kaluszyn but it was not the case for all Jews, especially those who had to move after the creation of the ghettos.<sup>44</sup>

Court records echo these testimonies by showing numerous cases of homeless Jews. Documents from the Otwock municipal court provide several examples of Jews with no address arrested for small crimes. Joel Lewin was one of them. In 1940, Lewin, a 23-year-old metal worker, was accused of stealing clothing.<sup>45</sup> In the record of interrogation for the suspect on November 22, 1940, Lewin wrote that he was homeless.<sup>46</sup> The files from the Lewin case showed that he was living in Warsaw before the war. He later moved to

---

<sup>40</sup> Spoliation measures aimed at transferring the ownership of Jewish property to non-Jews.

<sup>41</sup> Czerniaków, *Carnets du ghetto de Varsovie*, p. 23.

<sup>42</sup> AZIH 301/7003, testimony of Frania Lewkowicz, April 7th, 1946.

<sup>43</sup> *Ibid*, p. 2.

<sup>44</sup> Small town 30 km West from Siedlce.

<sup>45</sup> APWO 78/206/8761.

<sup>46</sup> *Ibid*, Zapisek o Rozpytaniu Podejrzanego (Record of investigation the suspect), p. 4.

Falenica, and finally into the ghetto of Otwock, where he had no address.<sup>47</sup> We found a similar story in the case of Rajzy Bajzman, this twenty-five-year-old farmer was accused of abandoning his 4-week-old baby.<sup>48</sup> In his testimony, he explained he did so because he had no place to live since his deportation in Otwock.<sup>49</sup> What is particularly interesting to note is that all homeless Jews arrested and tried by the municipal court to Otwock were first-time offenders. Survivor Israel Cymlich, came to the same conclusion. In his testimony, he noted that most Jews in prison during the war were on their first offence, having never committed a crime before.<sup>50</sup> Furthermore, many homeless men still had jobs and families at the time they appeared in court. These cases provide a new perspective on the causes and consequences of overpopulation in ghettos by presenting the direct links between homelessness and crime.

Besides homelessness, poverty was probably the most common reality facing Jews during the war. Current Holocaust literature describes this subject matter by showing what resulted directly from it: mainly starvation, sickness and death. However, the court documents studied in this research paint a different portrait of Jewish poverty and sickness. They expose that criminality was a natural consequence of poverty. Most Jews who appeared in court during this period had a clean criminal record. These people were simply trying to survive despite numerous difficulties imposed by the war. The most basic theory of crime highlights this correlation between poverty and criminality. The argument is that economic deprivation creates social strain and social disorganization. The American criminologist, Lance Hannon, argued that “from a social-strain perspective, poverty leads

---

<sup>47</sup> *Ibid*, Osoby Poszukiwanej (Wanted), p. 26.

<sup>48</sup> APWO 78/206/8656.

<sup>49</sup> *Ibid*, Akt Oskarżenia (Indictment), p.6.

<sup>50</sup> Cymlich, *Escaping Hell in Treblinka*, p. 15.

to a high proportion of motivated offenders.”<sup>51</sup> In other words, poverty encourages crime. The offenders Hannon discusses were rarely longtime criminals. They were regular citizens motivated by the stark realities of their poor economic situations. Jews living in the *Generalgouvernement* were economically and socially disadvantaged due to German-imposed restrictions and terror. Furthermore, they were constantly threatened by Poles and Germans outside the ghetto. The motivation that pushed them to become thieves was very simple: survival. Since most Jews were in a perilous situation during this period, the number of criminal offenders in their community was much higher than it was before the war.

On May 24, 1940, Mordko Zylbersztejn, a Jewish shopkeeper from Siedlce, was charged under Article 160 of the Criminal Code for selling stolen goods.<sup>52</sup> Zylbersztejn, a father of four, was illiterate and had no previous criminal record.<sup>53</sup> He claimed that he bought the stolen items from a Pole, Kazimierz Czerski, without knowing their provenance.<sup>54</sup> He tried to sell the objects himself for 170 zlotys and was accused of reselling stolen property.<sup>55</sup> Zylbersztejn was found guilty and condemned to six months in prison. In addition, he had to pay a fine of 100 zlotys. The lawyer in charge of his case filed an appeal in Warsaw, and asked the judges not to leave his client under temporary arrest during the trial, by referring to article 165 of the Code of Criminal, a procedure which stated that, “temporary arrest is made only if the accused is a danger to society or if he is a repeat offender.”<sup>56</sup> The lawyer argued that his client had no previous criminal record before

---

<sup>51</sup> Lance Hannon, “Criminal Opportunity Theory and the Relationship Between Poverty and Property Crime,” in *Sociological Spectrum*, 22 (2002), p. 364.

<sup>52</sup> APS 62/1572/142.

<sup>53</sup> *Ibid*, Protokół Przesłuchania Podejrzanego (Hearing of the accused), p. 11.

<sup>54</sup> *Ibid*.

<sup>55</sup> *Ibid*.

<sup>56</sup> *Kodeks Postępowania Karnego*, 19 marca 1928, p.627.

this infraction and committed the crime only to be able to feed his family. The lawyer argued that his client was not a criminal, but rather a victim of the war, and should not be punished as a result. The prosecutor rejected this, arguing that “nowadays, it is particularly important to punish people receiving stolen goods.”<sup>57</sup>

The same behavior can be seen in the already discussed case of Moszek Dolina, who stole clothes and other items from his own mother and wife in order to sell them.<sup>58</sup> He explained to the court that he wanted to sell the stolen objects due to the financial difficulties he had faced since the beginning of the war. Like Zylbersztejn, Dolina was a first-time offender. The same argument stands out in the case of Sane Jagodowicz. The man from Siedlce accused along with two other men of stealing two cows from a neighbor in July 1941.<sup>59</sup> As in the other cases, Jagodowicz and his friends did not have criminal records prior to this offence. During the first hearing, they admitted they took part in the robbery and stole the animals.<sup>60</sup> Jagodowicz explained that he committed the crime because he was poor and was living a life of misery since the beginning of the war.<sup>61</sup>

These cases reflect the Jewish community’s struggle with war-time poverty. Right from the beginning of the war, many regulations damaged the Jewish economy. Among these sanctions was one concerning the currency in circulation. A severe restriction was imposed stipulating the maximum amount of money Jews that could carry on their person (2,000 zlotys per family) and how much they could take from their bank account (a

---

<sup>57</sup> APS 62/1572/142, Wyrok (Verdict), p. 84.

<sup>58</sup> APS 62/1572/131.

<sup>59</sup> APS 62/1572/548.

<sup>60</sup> *Ibid*, Protokół Przesłuchania Podejrzanego (Hearing of the accused), p.4.

<sup>61</sup> *Ibid*, Akt Oskarżenia (Indictment), p. 56.

maximum of 250 zlotys per week).<sup>62</sup> This regulation made it impossible for Jews to conduct any significant legal business transaction. Numerous cases detailed in court documents show this reality: ordinary civilians committing small crimes in order to sell stolen goods to buy food or other essential items. Several survivors' testimonies state that crime was often the only way that they could get through the war. Marian Domanski, a survivor from Otwock, explained how food was already a scarcity for the residents of the ghetto in 1940. "Food was constantly on every ghetto dweller's mind. Everyone was talking about food; shortage was increasing every day and people were in danger of dying from starvation. They became desperate and panicky. Hunger, combined with sickness, began to decimate the Jewish population of Otwock."<sup>63</sup> Stealing food from outside the ghetto to bring it in became everyday business in most cities. The court documents highlight another perspective on criminality: the necessity for individuals to find food, and smuggle it into the ghetto in order to survive. In the *Generalgouvernement*, smuggling was a crime sent to German Court. But many of the Jews arrested for stealing food were, in fact, smuggling it into the ghetto. The Blue Police and members of the court decided to judge these crimes under the Polish regulation instead of sending the Jews to the *Sondergericht*. One case discussed the issue where Polish police arrested a Jew in the train who was "obviously involved in smuggling."<sup>64</sup> Under the German occupation, the policeman should have sent the Jew directly to German Court, but he decided otherwise. Smuggling was an everyday reality of life, and it became a court reality as well. As the historian of the Warsaw ghetto

---

<sup>62</sup> « Jewish Memorandum to the Authorities on the Economic Situation of the Jews Following the Occupation, » in *Document of the Holocaust*, (Edited by Yitzhak Arad, Israel Gutman and Abraham Margalio (Lincoln, NE: University of Nebraska Press, 1999), p. 199.

<sup>63</sup> Domanski, *Fleeing from the Hunter* p. 14.

<sup>64</sup> APWO78/206/8789.

and witness, Abraham Lewin, wrote, “Smuggling was undertaken partly by individuals who hoped, in this way, to provide for themselves and their families.”<sup>65</sup> These people became small-time criminals and thieves who went often unnoticed by the Germans, but occasionally appeared in Polish courts not as smugglers but as thieves. Lewin’s words verify the argument that the wartime situation brought about by the German occupation and subsequent regulations put in place forced Jews to become criminals. Domanski argued that “it became a choice of dying from hunger by simply staying put or leaving the ghetto and risking our lives to obtain food.”<sup>66</sup> Historian, Emanuel Ringelblum, noted in his diary, “a hundred persons were shot near Warsaw. Among the Jewish victims of the smuggling, there were tens of Jewish children between five and six years old, whom the German killers shot in great numbers.”<sup>67</sup> Domanski and Ringelblum highlighted how the act of smuggling was an organized activity and was hardly punished by the Germans when the smugglers were caught and sent into the German's court. But even if smuggling was a crime punishable in the German system of justice and not the Polish one, the Polish court heard cases where Jews formed groups of organized criminals to fight the poverty imposed by the occupier.

In Siedlce in January 1940, Josek Morski formed a group of Jewish thieves.<sup>68</sup> Together, they stole from many Jewish shops and homes during the winter of 1940. They took whatever they could: clothes, objects of value, meat, fruits, vegetables, and even farm animals. When they were arrested, the police calculated that the total value of goods stolen

---

<sup>65</sup> Lewin, *A Cup of Tears*, p. 22.

<sup>66</sup> *Ibid*, p. 15.

<sup>67</sup> Ringelblum, *Notes from the Ghetto*, p. 277.

<sup>68</sup> APS 62/1572/254.

during these burglaries reached approximately 10 000 zlotys.<sup>69</sup> Even if the group seemed to be well-organized and the members behaved as if they were professional burglars, none of the accused had previous criminal records and, at the time of their first arrest, in the spring of 1940, they were unknown to the authorities.<sup>70</sup> The court documents show that this group was formed as a direct result of the wartime situation in Poland, which is proof of direct correlation between war, poverty, and crime.

On the nights of May 20 and May 21, 1941, Abram Ajzenkajt, a fifty-three-year-old man, was charged with six counts of robbery under Article 257 of the Criminal Code.<sup>71</sup> He was charged with stealing poultry (nine hens) and a pig from his neighbor Jan Popis.<sup>72</sup> This was Ajzenkajt's sixth accusation since the beginning of the war. However, the father of three had never been arrested before then. The accused was not a hardened criminal and most likely committed these crimes for the sole purpose of surviving. A desire to survive was at the heart of the widespread Jewish criminality during the occupation. Warsaw historian, Abraham Lewin, noted this phenomenon in his diary. He wrote: "people die in great numbers of starvation, the typhus epidemic or dysentery, they are tortured and murdered by the Germans in great numbers, but they do not escape from life by their own desire. On the contrary, they are tied to life by all their senses, they want to live at any price and to survive the war."<sup>73</sup> Lewin did not speak of the rise of Jewish criminality, but made note of a phenomenon directly connected to it. Jews were ready to do anything to survive, including becoming thieves and bandits at the risk of being arrested.

---

<sup>69</sup> *Ibid*, Akt Oskarżenia (Indictment), p. 5

<sup>70</sup> *Ibid*, Dane Osobę Oskarżonego (Information about the accused), p. 7

<sup>71</sup> APWO 78/206/8808.

<sup>72</sup> *Ibid*, Zatrzymany (Arrest), p. 3.

<sup>73</sup> Lewin, *A Cup of Tears*, p. 70.

### The Reality of the War: An Exceptional Case

Most of the cases described on the previous pages reflect the main problems of life during the war: poverty, conflict, deportation, and homelessness. Searching through court documents from the wartime period, some extreme cases show how differently the war affected people. At the district court of Siedlce, we found a judicial case that shows the harshest reality of the war. This case is not representative of the majority of those found in the court archives, but it is so striking that it deserves our attention. The case paints a portrait of Jewish life that can help us understand the tragic reality under the German occupation. This exceptional case belongs to Boruch Gerszt and his 21-year-old daughter, Hena.<sup>74</sup>

On March 13, Hena Gerszt gave birth to a baby that she could not keep. She asked her father to get rid of the child. Her father, a shopkeeper, left the newborn on a garbage can in the street. The baby was found by a Polish neighbor named Bernard Armatowski, who called the police station in Sarnaki.<sup>75</sup> Gerszt was accused under article 242 of the Criminal Code for exposing a human life to direct danger.<sup>76</sup> His daughter was also charged, but under article 26 of “instigation” for aiding in the accomplishment of a felony for convincing her father to commit a crime.<sup>77</sup> During the preliminary investigation, the Gerszts admitted that they had abandoned the baby in the street because they could not afford to keep him.<sup>78</sup> During the investigation, Gerszt and his daughter, along with the

---

<sup>74</sup> APS 62/1572/150.

<sup>75</sup> APS 62/1572/150, Protokół Przyjęcia (Admission), p.1.

<sup>76</sup> *The Polish Penal Code of 1932 and the Law of Minor Offenses*, p. 71-72.

<sup>77</sup> *Ibid*, p. 26.

<sup>78</sup> APS 62/1572/150, Akt Oskarżenia (Indictment), p. 9.

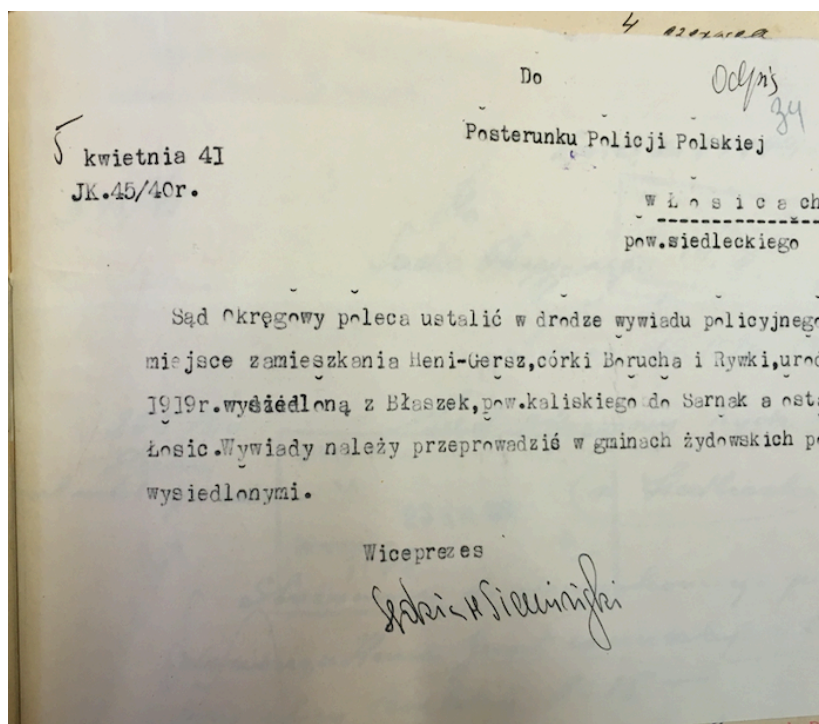
Jewish population of Sarnaki, were displaced to Łosice. The Siedlce police tried to bring them to the tribunal without success. In 1945, after the end of the war, the Gerszt file was finally closed. Hena Gerszt, and her father were never found. This uncommon case sheds light on several interesting facts about Jewish life during the occupation. Even if cases of abandoning and discarding newborns in the street were highly unusual, one can see through this act the miserable realities that Jews faced during the first years of the war: poverty, fear and, death. During the interrogation, the Gerszts explained clearly why they abandoned the baby. The daughter was not married, and the baby's father was missing. We understand from her statement that her father was displaced after the verdict, and likely ended up in a work camp. Furthermore, the Gerszts did not have enough money to take care of the child. So, they chose to get rid of the baby. But why leave a newborn on a garbage can in the street and not in a less visible place?

To have a deeper understanding of the wartime situation, we must also question the meaning of the gesture. French historian Christophe Regina, one of the few historians to look at the issue of infanticide and abandonment of infants, explained that the location where a baby is left is never trivial.<sup>79</sup> Leaving a baby in a place where it is less likely to be found suggests the parents wanted the baby to die. Alternatively, abandoning a baby in the street in front of a shop on a container in order for someone to find him shows the desire not only to save the child, but to illustrate the difficult situation that forced the parents to get rid of their infant in the first place. According to Regina's theory, by leaving the baby alive "on" a garbage can and not "in it," on a street frequented by Poles, the Gerszts well explained their living situation.

---

<sup>79</sup> Christophe Regina, *Genre, mœurs et justice, Les Marseillaises et la violence au XVIIIe siècle* (Aix-en-Provence : Presse universitaire de Provence, 2015).

**Image 5: letter from the police station of Łosice to the district court of Siedlce, dated April 5, 1941**



APS 62/1572/150, p.34.<sup>80</sup>

They did not want the baby to die and were hoping that someone would find the infant and give him a better life. Furthermore, by leaving the baby on the Aryan side of the town they were likely looking for a Pole and not a Jew to take care of the child. Knowing what the Germans had planned for their people, they must have thought the baby would have a better future living with Poles rather than Jews. The Gerszts' gesture pointed out the harsh reality of their living situation. This is, of course, only a hypothesis, but it seems unthinkable that there was no implicit message in this type of behavior.

<sup>80</sup> The letter explained that the Gerszts were deported to the ghetto of Łosice and could not go to court (the interview could only be done from the Jewish district).

### The Influence of German Regulations on Polish Trials

Cases tried before the district court of Siedlce were often far from where both, the victims and the accusers, resided. The district court of Siedlce received cases from twenty-one communes, from as far as 100 kilometers away. In many cases, Jews did not have the time, nor the inclination to ask for the precious card that would permit them to travel to the court, simply because the journey was too risky, and so long.

The case of Moszek Dolina, who stole goods from his own mother and wife mirrored the impact of the German regulations during the occupation.<sup>81</sup> As already stated, the final trial was held without the participation of the accused or the victims. In a telegram sent to the court on August 5, 1940, Dolina explained: "I am not able to take the train to Siedlce (due to the German regulations), therefore I could not attend to the audience."<sup>82</sup> They asked for the case to be transferred to the Municipal Court of Sobolew where they lived so that they would not have to obtain special permission to attend the proceedings. The request was denied, and the trial eventually took place in September 1940 at the district court in Siedlce without the presence of the accused Jew.

A similar situation was found in the case of Srul Kahan, the building owner from Warsaw accused of defamation by one of his tenants in Otwock.<sup>83</sup> The judicial investigation started in September 1940, shortly before the closure of the Warsaw ghetto. By the time the trial began in 1941, however, Kahan could no longer leave the ghetto due to the same Nazi regulations. Therefore, he was not able to participate in the trial. Similarly Josek-Herszek and his wife, Szyja-Boruch Fiszbaum, who had been physically assaulted

---

<sup>81</sup> APS 62/1572/130.

<sup>82</sup> APS 62/1572/130, Telegram, p. 21-22.

<sup>83</sup> APWO 78/206/8695.

by two Poles who stole strawberries from their garden, were expected to travel a great distance for the trial.<sup>84</sup> This crime happened in Sobienie-Jeziory in the county of Garwolin, almost 100 kilometers from Siedlce. Because of the long distance to travel to the court and the German regulations in place, the Fiszbaums could not attend the trial, therefore, they did not testify against their perpetrators, and the accused were released without any further investigation.<sup>85</sup>

Even if the process of execution of justice continued as it had before the war, one can see that the German regulations put in place during the early years of the war had a major influence on the course of judicial proceedings. One can notice the impact of the regulations regarding the restriction of movement. We have seen through different cases that it was difficult for Jews to obtain the proper permissions to travel. As a result, they were penalized by their absence in court. This situation was a direct consequence of the German occupation, and it resulted in Jews remaining second-class citizens. Furthermore, Jews were already denied social, political, and judicial benefits by Poles. We can see in Fiszbaum's case that the court did not take into consideration any of the challenges faced by Jews as a result of the occupation.

### Deportations, Diseases, and Death

Despite the attempts to create normalcy, the realities of war were always present. In records analyzed from the municipal court in Otwock, the district court in Siedlce and the Appellate court in Warsaw, from 1939 to 1942, there is evidence that Jewish cases had been discontinued or closed only years later. Most of these trials were either postponed or

---

<sup>84</sup> APS 62/157/222 see chapter IV for more details.

<sup>85</sup> *Ibid*, letter sent by the Fiszbaum to the District court of Siedlce, p. 66.

halted because witnesses, victims, and other key trial participants went missing. Because of the German occupation, Jews were often displaced. Sometimes they were sent to work camps or simply relocated to other towns. Other times, the participants failed to show up in court because they were too sick to travel or died during their hearings from hunger, disease, or murder at the hands of Germans or Poles. Many cases were closed after the war because the Jews involved in them were dead. In all of these cases, Jews simply disappeared. Very often the court documents represent the last trace of their existence. These judicial files have become the last traces of Jewish life before the extermination. One of the biggest problems regarding the Holocaust historiography is the lack of information about Jews. Most of the Jews who died during the Holocaust remain anonymous, especially in Poland. As 90% died during the war, the collective Jewish memory has also disappeared. Add to this the *aryanization* of Jewish properties and Jewish businesses, the destruction of synagogues and Jewish art, it is difficult to find any remaining evidence of Jewish life and death in Poland. The court documents, even if they concern only few Jews, give crucial information about the period and the last moments of the soon to be extinct Jewish community.

In May 1941, three Poles assaulted Chana Finkelsztejn, a sixty-year-old farmer, at a market in the municipality of Huszlew, some forty kilometers east of Siedlce.<sup>86</sup> The first hearing took place almost a year later on April 18, 1942, and was quickly adjourned because Finkelsztejn, who lived in the ghetto of Łosice, could not get the necessary permission to travel to Siedlce.<sup>87</sup> On June 21, 1942, the hearing was again postponed. This time, Finkelsztejn and her son, Gerszon, who was at the market the day of the altercation

---

<sup>86</sup> APS 62/1572/542.

<sup>87</sup> *Ibid*, Rozprawa Główna (Main hearing), p. 20.

and was supposed to testify in favor of her mother, were both absent. During the audience with the disgruntled party, it was established that Finkelsztejn was deported on August 21, 1942, and sent to an undetermined destination. Therefore, the trial was cancelled due to lack of evidence. The commander of the police station in Łosice brought this information to the attention of the court. Today, we know that the Jews of Łosice went through two deportations during the summer and the fall of 1942. The first one took place in July, when thousands of Jews were forced to march from Łosice to the Siedlce train station to be later transported to the death camp at Treblinka. They were herded and corralled by the SS and by Ukrainian auxiliaries. During this march, 1,000 Jews were killed on the way to Siedlce, and around 5,500 were loaded onto trains and deported to the death camp.<sup>88</sup> The second wave of deportations happened at the end of November 1942. Knowing that the trial took place in August, we can assume that Finkelsztejn and her son were part of the first mass deportation, but we lack precise information.

Sometimes, cases took years to close, as it was challenging to conduct a trial during the war. This is the case of Rachela Jedwab, a Jewish woman from Żelechów who was accused of giving false testimony.<sup>89</sup> The woman was charged twice: first in front of the municipal court in Garwolin, in November 1940, then before the district court in Siedlce in September 1941.<sup>90</sup> The judicial file reveals that the first audience was postponed because one of the witnesses, a family member of the accused, was sick and unable to appear in court.<sup>91</sup> Later, the hearing was adjourned on September 30, 1942, after the accused did not show up. The next day, the case was officially suspended for an indefinite period. The

---

<sup>88</sup> *The Encyclopedia of Ghettos During the Holocaust*, p. 499.

<sup>89</sup> APS 62/1572/386.

<sup>91</sup> *Ibid*, Medical note dated September 23rd, 1941, p. 101.

judges noted that “the Jews were deported on September 30, 1942, by the Germans in an unknown direction.”<sup>92</sup> Today, we know that the Jews in Żelechów were deported to Treblinka at the end of September 1942.<sup>93</sup> One can assume that the members of the court did not have this information at the time or did not want to share it. Even if they did not know that Rachel Jedwab would never show up again in court, they adjourned the case instead of cancelling it. The case remained open in the district court of Siedlce until the legal expiry date, which was two and a half years after it was opened.

Similar information is found in the case of Lejbus Gutrajman and Icek Dystel, two Jews from Sobienie-Jeziory.<sup>94</sup> In April 1942, they were charged for the theft of a transmission belt from a factory in Warsaw worth 8,000 zlotys.<sup>95</sup> The trial was suspended on October 14, 1942, because of the deportation of the Jews in an “unknown direction.”<sup>96</sup> In reality, the Jews were already dead by October since the eradication of the ghetto happened on September 27, 1942.<sup>97</sup> The case was canceled definitively in April 1947.<sup>98</sup>

*Aktion Reinhard*, the code name for the Nazi operation to exterminate the Jews living in the five districts of the *Generalgouvernement*, killed the majority of Polish Jews. The disappearance of 90% of the Jewish population in Poland is reflected in many court cases. Even when the court documents do not mention the mass deportation of 1942, we notice that many files were abandoned during that summer. In Otwock, a gang of bandits was arrested in September 1941.<sup>99</sup> The five Jews were accused of robbery worth 700 zlotys.

---

<sup>92</sup> *Ibid*, letter to the court, p. 22.

<sup>93</sup> *The Encyclopedia of the ghettos during the Holocaust*, p. 975.

<sup>94</sup> APS 62/1572/607.

<sup>95</sup> *Ibid*, Akt Oskarżenia (Indictment), p. 66.

<sup>96</sup> *Ibid*, Wyciąg z Protokołu Wspólnego Posiedzenia Niejawnego (Closed Joint Meeting Protocol), p. 78.

<sup>97</sup> *The United States Holocaust Memorial Museum Encyclopedia of Camps and Ghettos*, p. 437.

<sup>98</sup> APS 62/1572/607, Postanowienie (Decision), p.79.

<sup>99</sup> APWO 78/206/8774.

The first audience took place in March 1942.<sup>100</sup> The investigation continued until the summer of 1942, at which point the Jews of Otwock were sent to the extermination camp. Since the accused were no longer in Otwock, no verdict was delivered, and the case was never officially closed. We note the same phenomenon in the case of Szymon Szarfarc, a man from the small village of Samogoszcz who was beaten by Poles.<sup>101</sup> Szarfarc was scheduled to testify in court during the main audience but was absent during the proceedings. The verdict noted that “all of them appeared at the hearing except for Szarfarc and his son, because two weeks previously, all Jews were deported from the Maciejowice settlement.”<sup>102</sup> This situation was a regular occurrence since the outset of the war. Some villages were too small and not enough Jews lived there, so the Nazis decided to relocate the Jewish communities to other towns in order to create ghettos of a reasonable size. Nobody knows for sure where the Szarfarc were sent. Given the location of the village of Maciejowice, they had probably been relocated somewhere in the district of Lublin. For this reason, the Siedlce district court could no longer communicate with them. Fortunately, Szarfarc’s deposition had already gone on record and could be taken into consideration during the trial.

In rare cases, the displacement of Jews saved them from serving a harsh prison sentence or paying a fine. This was the case for Chaji Gutmark, a local merchant from Otwock.<sup>103</sup> On November 7, 1940, Gutmark was working at the market. He was arrested by an officer from the National Control of Hygiene’s Food Testing Department regarding

---

<sup>100</sup> *Ibid*, Protokół Rozprawy Głównej (Main hearing), p. 97.

<sup>101</sup> APS 62/1572/283.

<sup>102</sup> *Ibid*, Rozprawa Główna (Main hearing), p. 66.

<sup>103</sup> APWO 78/206/8787.

the ingredients in the tea he was selling.<sup>104</sup> The artificial sugar used for the hot beverage was illegal, and the accused was condemned to pay a fine of fifteen zlotys, however, the sentence was quickly suspended, and Gutmark never had to pay the fees.<sup>105</sup> The same month, the ghetto was created, and the accused was forced to move.<sup>106</sup> The judge could have enforced the sentence since the Jews still had the right to use the Polish judicial service, but he decided otherwise, explaining that he considered ghettoization as a sufficient sentence for Gutmark.

The deportation of Jews during the Holocaust is a well-studied subject. Nevertheless, the emphasis is largely put on deportations to concentration or death camps rather than on the relocation from one town to another. Since the beginning of the war, Jews were forced to permanently leave their homes due to relocation, ghettoization, or being sent to work camps. The court documents make an important distinction between these moves and allow us to paint a more precise portrait of the situation Jews faced in the early years of the war. Furthermore, these documents can help us to trace the different journeys of the Jewish Poles prior to their extermination.

### Diseases and Death

As noted in this chapter, a very common crime perpetrated by Jews during the first years of the occupation was poverty driven theft. Indeed, stealing food or other items to sell them became a way for Jews to support themselves and avoid deeper misery. Another reality of the war reflected in the court records was the prevalence of diseases. During the

---

<sup>104</sup> *Ibid*, Akt Oskarżenia (Indictment), p. 3.

<sup>105</sup> *Ibid*, The inspection of the State Facilities of Hygiene declare that the substance was illegal in the sale of food, p.1.

<sup>106</sup> *Ibid*, Wyrok (Verdict), p. 28.

German occupation, one of the main problems Jews faced was rampant epidemics. Undernourishment in overcrowded ghettos, combined with the harsh weather, led inevitably to serious illnesses. The court records show how disease - mainly typhus and tuberculosis - spread rapidly during the first years of war. The documents of the court reveal the impact that this reality had on the daily life of Jews. Indeed, several cases were postponed because the key participants were too sick to appear in court. Normally, a note from the doctor confirmed the reason for their absence. That is what happened to Josek Morski, the leader of a burglary gang discussed earlier.<sup>107</sup> The first audience was supposed to take place on August 28, 1940, but was postponed to November 3, 1940, because Morski had a serious case of pneumonia and a pulmonary hemorrhage, while Josek Waksman, one of the witnesses, had a bad flu.<sup>108</sup>

Morski's trial is not the only one in which sick Jews were unable to go to court. Many other cases revealed the same problem, especially during the winter of 1940-41 when several typhus and pneumonia epidemics ravaged the ghettos. Because of the severity of the epidemic, some judicial cases were never closed. The participants that were previously sick ended up dying, and the court had no choice but to close the case. The court documents present diseases and deaths as a direct consequence of the overpopulation and unsanitary living conditions in the ghettos. The documents also highlight the widespread malnutrition created by the low caloric ratio in the food that the Nazis gave to the Jews.<sup>109</sup> In addition to illustrating the dire medical situation faced by the Jews, the court documents provide incorrectly state the true Jewish death toll, showing that it was not always due to a direct

---

<sup>107</sup> APS 62/1572/254.

<sup>108</sup> *Ibid*, note from Doctor Krassowski from Garwolin, p. 122 and 123.

<sup>109</sup> Engelking and Leociak, *The Warsaw Ghetto*, p. 412.

action from Germans, but rather a result of the harsh regulations they imposed upon the Jewish population. An important number of books and articles of the historical literature concerning Polish Jews focuses on the last episode of the Holocaust. They explain the disappearance of the three million Polish Jews with the extermination that started in the spring of 1942. Yet, a portion of the Jewish population in Poland died before the mass deportation of the summer of 1942. Of these three million deaths, nearly two million occurred in extermination camps. According to Jan Grabowski, 150,000 to 200,000 Jews died between the end of 1942 and 1945 during the *Judenjagd*, a mass hunt for Jews organized by the Nazis with the involvement of Polish civilians.<sup>110</sup> Statistically, we could say that between 600,000 and 800,000 Polish Jews died before the deportation of the summer of 1942 from different causes: mainly diseases and hunger. Current historiography does not focus on this question, since we do not know with certainty exactly how these thousands of Jews died. However, the court records can be of great help to find out these answers. All court records involving Jews which were postponed or closed before or at the onset of the mass deportations fall under this category. Some of these documents included information about the disappearance of the accused. For example, letters from the *Judenrat*, notes from the prosecutor and even sometimes the death certificate of the accused.<sup>111</sup> These documents serve to justify why the case was closed. Therefore, it is possible to differentiate these deaths from those who died during or after the mass deportations.

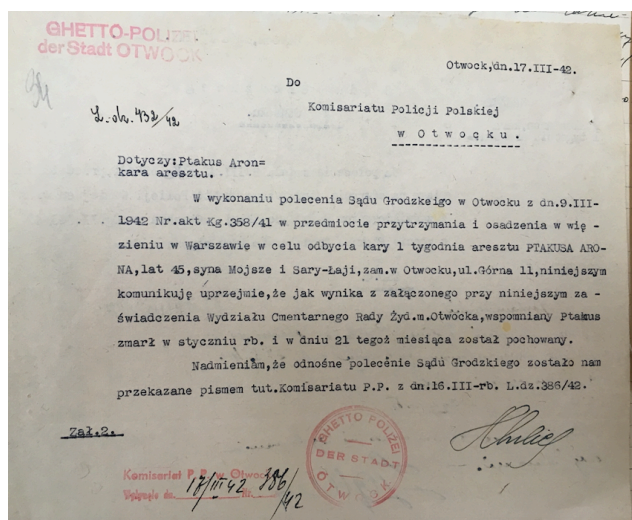
---

<sup>110</sup> It is difficult to have one clear statistic on the matter when it comes to discussing the number of Jews in the *Generalgouvernement* that escaped the death camps and were killed between 1942 and 1945. While historian Jan Grabowski, in his book “Hunt for the Jews”, argued that between 150,000 and 200,000 Jews died during the *Judenjagd* for the whole territory (except District Galicia that was created after Operation Barbarossa in June 1941), other historian, like Barbara Engelking, in her book “Jest taki piękny szloneczny dzien” estimated the number at 120,000. For details see Tomasz Frydel, *Genocide from Below. Village Society and the Holocaust in the General Government – The Case of Dębica County* (PhD dissertation, University of Toronto, 2021).

<sup>111</sup> Some of the documents used for this research can be found in the index.

The case of Aron Ptakus is one example of such a case.<sup>112</sup> Ptakus was arrested on a train by an officer of the Blue Police. He was convicted of assault against an officer, and sentenced to one week in prison. The sentence was pronounced on May 27, 1941, by the judge of the municipal court of Otwock, Florian Janczewski. But in March 1942, Ptakus had not yet served his sentence. The police station in Otwock sent a letter to the court and to the Jewish police station in the ghetto asking for an explanation.<sup>113</sup> The ghetto police informed the Polish police station that Aron Ptakus had died on January 18, 1942, and was buried on January 21, 1942, at the Otwock Jewish cemetery.<sup>114</sup> A note from the *Judenrat* also corroborated this fact.<sup>115</sup> The cause of Ptakus' death is unknown, but by the notes sent from the Jewish police station, we can conclude that he likely died in the ghetto and was not murdered by Germans or Poles.

**Image 6: Letter to the Criminal Police Station of Otwock from the Jewish Police Station of the Otwock Ghetto, dated March 17, 1942**



APWO 78/206/8789, p. 34

<sup>112</sup> APWO 78/206/8789.

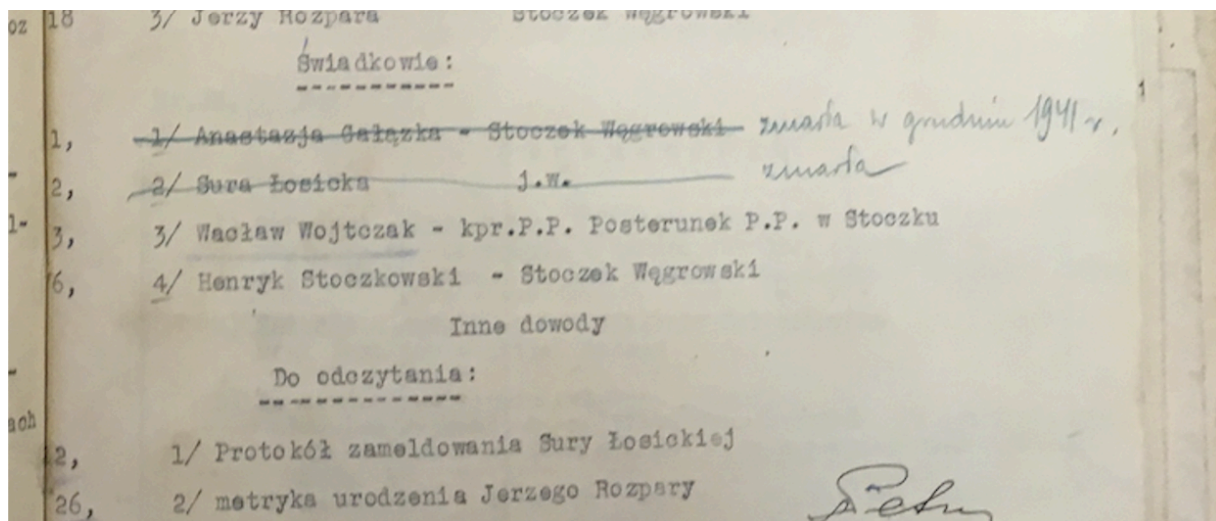
<sup>113</sup> *Ibid*, Letter from the Criminal Police Station of Otwock to the Jewish Police Station of the Otwock Ghetto, dated March 17<sup>th</sup>, 1942, p. 33.

<sup>114</sup> *Ibid*, Letter from the Jewish Police Station of Otwock to the Polish Police Station dated March 16<sup>th</sup>, 1942, p. 34.

<sup>115</sup> *Ibid*, Note from Otwock *Judenrat* written on March 16<sup>th</sup>, 1942, p.35.

This hypothesis can be applied to several other cases involving the death of a participant of a judicial affair, such as the death of Rywka Mansklajd, a 48-year-old woman accused of stealing clothes worth 1000 zlotys. The arrest was made in October 1941, but Mansklajd died in the ghetto before the verdict was delivered on March 30, 1942.<sup>116</sup> Like in Ptakus' case, the cause of her death remains unknown. This situation also echoes the one of Anastazja Galazka the female victim of a robbery committed by her neighbors, Bronislaw Rozpara and his sons. In 1941, Galazka hid her valuables in a hole that she dug after which her neighbor came and stole everything. The main trial took place during the spring of 1942, but Galazka was not present. A small note written by hand on the official accusation indicates that the woman and her main witness, Sura Losicka, were dead.

### Image 7: Indictment in the Case of Anastazja Galazka



APS 62/1572/416, p.34. We can see the name of Anastazja Galazka is crossed. It is noted her death took place in December 1941 (Zmarła w grudniu 1941). As for her witness, Sura Losicka, it is only noted that she is dead (zmarła), without further details.

<sup>116</sup> *Ibid*, Wypis z Aktu Śmierci (Death Certificate), p. 62.

While some Jewish defendants died in the ghetto during their court procedures, others died in prison while waiting for the verdict. We know little about the living conditions of Jews in penitentiaries during the occupation. Israel Cymlich, a survivor of the Treblinka extermination camp, discussed the imprisonment of Jews during the war in his memoirs.<sup>117</sup> Cymlich was arrested for smuggling food in the Miedzylesie ghetto and sent to the notorious Mokotów Prison, during the summer of 1940. He remained in prison for two years before being sent to Treblinka. During his incarceration, he learned about the inner workings of the prison. The penitentiary, like the system of justice, was managed by a Polish administration, and headed by a largely absent German administration. In prison as it was in court, Polish officials were in control. According to Cymlich, Jewish inmates, who represented 10% of the prison population, were separated from Poles during incarceration. There were only two wards for Jews, and both were situated in the basement. Talking about the Jewish prisoners, he noted, “most of them were intelligent people who had never transgressed the law.”<sup>118</sup> Cymlich, by that affirmation, confirmed that the vast majority of Jews who were arrested during the war were not hardened criminals.

Cymlich went on to explain that, in order to survive a prison sentence, Jews had to know and respect a few rules which proved difficult for first-time offenders. Primarily, it was important to share food and to give money to the Polish guards, in order to ensure a good sleeping spot and to receive food rations in return. When Jewish prisoners had money, they were very well-fed. In rare cases, Jews committed small crimes in order to return to prison just so that they could eat. In the Jewish wards, there were only 24 beds for an average of 63 prisoners. Even if a prisoner had a bed, the general conditions were difficult

---

<sup>117</sup> Cymlich, *Escaping Hell in Treblinka*, 2007.

<sup>118</sup> *Ibid.*, p. 15.

to the extreme. The wards were overcrowded and lacked fresh air. Cymlich added that they “were let out (in the prison yard only) three days a week for a half-an-hour stroll.”<sup>119</sup>

He mentioned that Jewish prisoners were often very sick, especially during the winter of 1940-41, when an epidemic of tuberculosis killed 25% of the incarcerated Jewish population.<sup>120</sup> This epidemic affected more Jews than Poles since they were confined to the basement and were more numerous in their cells. According to Cymlich, Jews also died in prison when they were not able to pay the guards for food or protection. In both municipal and district court archives, we encountered several cases of Jews dying in prison during the investigation or during their sentence. When a prisoner died in prison, a doctor on staff filled out a form explaining the cause of death. Then the director of the prison sent a note to the court in order to enable the magistrates to close the file. In this study, both Polish and Jewish prisoners were sent to the Siedlce prison or, more often, to the notorious Rakowiecka prison of Mokotów in Warsaw.

A study of the cases of Jews accused who died in prison reveals a strange pattern. In 1941, a trial involving seven Jews took place at the municipal court in Otwock.<sup>121</sup> They were accused of robbery and of selling stolen goods. Of the seven accused Jews, two died during the trial. The first one, Jankiel Majsklajd, died on November 17, 1941, while awaiting trial in the Mokotów prison. We learned in a letter from the prison doctor, that the cause was starvation.<sup>122</sup> The second death happened right after the final audience. Symcha Binsztok, one of the accused, was condemned to one year in prison for his crime. He was then sent to the Mokotów prison, where he died on May 7, 1942. Again, the doctor sent a

---

<sup>119</sup> *Ibid*, p. 17.

<sup>120</sup> *Ibid*, p. 20.

<sup>121</sup> APWO 78/206/8848.

<sup>122</sup> *Ibid*, Opinia Lekarza Więziennego (Prison: medical opinion, November 18<sup>th</sup>, 1941), p. 47.

note, and again, the cause of death was ruled to be starvation.<sup>123</sup> The prison sent a death report to the municipal court of Otwock, and the case was closed.<sup>124</sup>

A very similar case happened in Otwock during the same period. Four Jews living in the ghetto were accused of robbing the *Zofiowka* psychiatry institute, the largest hospital situated in the area.<sup>125</sup> The institution commonly hired Jews as janitors, doorkeepers, and security agents. The main accused, Hersz Josk Kucharski, was sentenced twice: once by the municipal court in Otwock on September 28, 1941, and again at the Appellate Court of Warsaw on December 13, 1941 – to two months in prison.<sup>126</sup> He was found dead on March 21, 1942, like the others, from starvation.<sup>127</sup> The prison sent a notification to the municipal court in Otwock to close the file.<sup>128</sup> The same information is found in the files of Michal Kogan, a 58-year-old Jewish man from Warsaw who was incarcerated by the German special court in October 1940.<sup>129</sup> It is also the case of Jankiel Mansklajd, a fifty-one-year-old man from Otwock.<sup>130</sup> Both accused were sent to Mokotów Prison in Warsaw. Both men died from starvation on January 19, 1941, and November 15, 1941, respectively. Looking at this evidence, one could deduce that dying of starvation in prison was common, however, in all of the records studied for this research, no evidence of a single Pole dying of hunger during the same period was found. This observation makes it possible to raise a hypothesis about how the penitentiary system worked during the German occupation.

---

<sup>123</sup> *Ibid*, Opinia Lekarza Więziennego (Prison: medical opinion, May 27<sup>th</sup>, 1942), p. 126.

<sup>124</sup> *Ibid*, Zawiadomienie o Śmierci Więźnia (Notification of the death of the prisoner, May 27<sup>th</sup>, 1942), p.127.

<sup>125</sup> APWO 78/206/8792.

<sup>126</sup> *Ibid*, Wyrok (Verdict), p. 96.

<sup>127</sup> *Ibid*, Opinia Lekarza Więziennego (Opinion of the prison doctor), p. 185.

<sup>128</sup> *Ibid*, Zawiadomienie o śmierci Więźnia (Notification of the death of the prisoner), p. 185.

<sup>129</sup> USHMM The Criminal Prison Warszawa-Mokotów District, RG.15.113M/657/23180 Michal Kogan's file, Zawiadomienie o Śmierci Więźnia p.11.

<sup>130</sup> APWO 78/206/8848, Zawiadomienie o Śmierci Więźnia (Notification of the death of the prisoner), p.70.

Firstly, the documents show that when a Polish prisoner died, the cause of death was always different (disease, murder, old age, etc.). For example, Leon Wisniewski, a Polish thief from Siedlce, died on September 25<sup>th</sup>, 1941 of tuberculosis which was rampant at the time.<sup>131</sup> Secondly, we noted that nobody died from starvation in prison except for Jews. Like Cymlich explained in his memoir, food was not an issue for Poles in prison and for Jews willing to follow the Polish guards' rules. Cymlich also observed that most of the Jews in prison were not real criminals, but ordinary civilians who were first-time offenders. These Jews were obviously not familiar with the prison procedures that could have helped them to avoid starvation. Taking these facts into consideration, some hypotheses can be formulated. Mainly that Jews who died from starvation did so because they were treated worse than the other prisoners. Knowing that there was a corrupt system in place and that many Jewish first offenders were not aware of it can suggest that they suffered greatly from the Polish guards' viciousness as reported by the Israel Cymlich's testimony. Like this research has already demonstrated in Chapter 3, Poles working as officials of the Polish system of justice in the *Generalgouvernement* – Blue Police, members of the court, and in this case, prison employees – were working under German supervision and direction. However, the Germans were not interested by the small-time criminality, nor the fate of the Jews in prison and therefore did not pay attention to the harsh practices within these Polish institutions. Under these conditions, Polish prison guards could have contributed to Jewish deaths on their own volition, since they knew that no higher authority, German or Polish, would investigate their actions.<sup>132</sup>

---

<sup>131</sup> APS 62/1572/227, *Zawiadomienie o Śmierci Więźnia* (Notification of the death of the prisoner), p. 87.

<sup>132</sup> A study of Mateusz Rodak showed that like the Police officers, prison guards were the same ss before the war. Rodak argued that these guards were often uneducated men, and generally sought to assert their

Furthermore, once the medical official announced the death of an inmate to the court, the judges signed before the file was definitively closed. Judges who sent these Jews to prison - often for a first and small offence - knew that the Jews were susceptible to die of starvation during their imprisonment, since they were notified of this regularly by the prison doctors. One can argue that, in the absence of German authorities and Polish government oversight, the remaining Polish officials, police officers, judges, and prison guardians were responsible for sealing the fate of the Jews who passed through the system of justice, and contributed to their misery.

### Conclusion

The current historiography describes the first years of the war as a period of fierce repression and terror. Even so, the Jewish population, especially those in smaller ghettos, like the ones describe in this research, tried to lead a normal life. Court documents highlight the hope with which the Jews wished of having a life that was not representative of the war. Jews inside ghettos attempted to recreate their lives by continuing regular activities: shopping at the market, making purchases, and going to see the doctor. The court documents put into light these moments of a certain tranquility as well as those of banal quarrels. Furthermore, because the judicial service was used by Jews coming from different social cases, it paints a more accurate portrait of the Jewish society during the war and documents give information about people who never appeared in traditional historiography. Despite the greatest effort made, everyday life was still marked by the German occupation and the war. Poverty, sickness, and death became a part of normal life since the beginning of the war. Furthermore, the German presence was felt everywhere,

---

authority over the weakest. one assumption is that because no higher authority oversaw their work left them free to intimidate, hurt and frighten Jews in prison.

even if they were not as involved in small towns as they were in larger cities. The harsh regulations imposed by the occupier and the constant surveillance of the Blue Police, and by the local Poles made the desire for a normal life difficult for Jews to achieve. The court documents from the Warsaw District add to the current historiography by showing the dichotomy of the Jewish life under the German occupation.

Finally, legal sources tell the story of people who have left no trace in current historiography. By means of these documents, some unknown Jews, living in the regions of Siedlce and Otwock, are now identified and part of their history is now understood. Beyond the general knowledge of these individuals, court documents present a less well-known facet of Jewish life in Poland. These documents give voice to homeless Jews, to less educated ones, to those who are generally relegated to the status of a third role in the testimonies used in history.

## Epilogue

### Polish Court Documents During the German Occupation as a New *Lieu de Mémoire*

The documents found in the court archives add new information to the current historiography regarding the Jewish life and death in the *Generalgouvernement*. This new evidence demonstrates the continuity between the treatment of Jews – unequal and anti-Semitic – during the Second Republic of Poland and under the German occupation. The court records can be considered as a sort of new, virtual *Lieu de mémoire* of the Jewish victims of the Holocaust. French historian Pierre Nora noted: “ces lieux, il fallait les entendre à tous les sens du mot, du plus matériel et concret [...] au plus abstrait et intellectuellement construit [...] la mémoire en effet est un cadre plus qu’un contenu, un enjeu toujours disponible, un ensemble de stratégies, un être là qui vaut moins parce qu’il est que parce que l’on en fait.”<sup>1</sup> According to this definition, a *lieu de mémoire* can be a monument, an important person, a museum, an archive, as well as a symbol, a motto, an event or an institution. Le *lieu de mémoire*, whatever form it takes, turns into an object of knowledge and a source of emotion. It becomes a trace of the past that takes on new meaning when given the name and function of memory. The documents from the Polish courts meet this definition by adding essential information about some individuals otherwise condemned to anonymity by history until now.

When we look what the current historiography tells us about the Jews of the *Generalgouvernement*, we notice that most of the ones who left traces in the traditional

---

<sup>1</sup> Pierre Nora, *Les lieux de mémoire* (Paris : Éditions Gallimard, 1997), p. 15-16.

sources used in history are generally educated and wealthy people, and mostly of urban background. As we have mentioned, this is an inaccurate representation of everyday Jewish life in Poland. Most of the Jews who lived in the *Generalgouvernement* left no memoirs or diaries. Many were illiterate. Many of them did not belong to any organization— like the Bund, the Żydowska Organizacja Bojowa (Jewish Combat Organization), or the Oneg Shabbos – and did not survive the war. They also did not take part in major events like insurrections. Therefore, these people are not statistically represented in sources normally used by historians. Most died anonymously in the ghettos, in death sites, or somewhere in between during the first stage of the genocide (1939-42). Among all the Jews represented in the Polish courts during this period (as victims, witnesses or accused), only a few appeared in postwar sources. Documents from the ghettos, like those found in the Ringelblum Archives, showed how many deaths at the beginning of the war were due to malnutrition, diseases, or poverty. We have noted the court documents present the ghettos' reality from a different perspective. These files become *Lieu de mémoire* since they transcend the current historiography by escaping the oblivion reserved for them.

#### The Shoah Name Database

In addition to bringing new information to light, the court documents can also help memorial institutions to improve their data. The *Central Database of Shoah Victim's Names* is a collection of evidence created by the Institute Yad Vashem in Jerusalem. The aim of this initiative is to reconstruct the life stories of each individual victim of the Shoah. With the help of Holocaust survivors and witnesses of the time, it has collected and recorded the names and bibliographical information of more than one million victims of the Holocaust from different regions of Europe. Since 2004, the Shoah Name Database has

expanded. It can be found on Yad Vashem's webpage with close to three-million victims documented. The families and individuals are being encouraged to help the center complete the historical record through the submission of Pages of Testimony, photographs, and other personal documentation about the victims.<sup>2</sup> Today, the Central Database of Shoah Victim's Names is still looking to complete its collection, as the number of living Holocaust survivors and witnesses is dwindling. The database is still a work-in-progress. To complete it and be able to give back a history and a memory to the missing victims, Yad Vashem needs to diversify its source of documentation. Information about victims, even if incomplete, can be found in many other documents from the war period. The court documents discussed in this paper could contribute significantly to the Shoah Names Database and help them to achieve their goal, because court documents have all the basic information about the people participating in a trial. In every record, we found forms with important pieces of information: name, surname, name of the parents, place of birth, current address, work, marital status, children, education, religion, citizenship. These forms were mandatory every time someone was accused at a municipal or district court in Poland. Furthermore, we found a similar form for every litigant participating in a judicial case. Therefore, we have the basic information in hand for every Jew involved in a judicial case. Since Jews of occupied Poland used the court on a regular basis before the mass deportation of 1942, we can add their information to the Shoah Name Database.

The nature of the archives in question, also gives us other valuable insights into the life and death circumstances of Polish Jews. As already highlighted, some of the litigants

---

<sup>2</sup> These forms to fill with basic information about a victim: name, date of birth, place of birth, place where the victim lived during the war, marital status, name of the husband or wife, kids, photographs of the victims, documents that proves the information etc. These forms are generally filled by relatives of the victims – children, husband/wife, grandchildren, cousins or simply by amateur researchers or historians.

died during or after their trials. Therefore, a death certificate was sent to the court. Today, with these certificates in hand, we can distinguish different types of deaths – whether a Jew died in the ghetto, in prison, or if they were deported. The other documents from the courts – letters from the police station, the prison, and the *Judenrat* – also help us to understand the Jews' fate. With these papers in hand, we can determine when exactly the deportations happened and where the victims were deported. In the Shoah Name Database, the expression “Death during the Holocaust” is used to say that a person was not found after the war, because no one knows exactly when or where the person died. The Jew in question became a victim of the Holocaust, without any further details. These court documents allow us to clarify this information by providing a place and time of death, and this clarification helps bring us closer to historical truth regarding the fate of Polish Jews. It is true that the majority died in gas chambers or on the way to death camps, but many others died from different causes, in different places. Court records put into light these differences by documenting the lives of those who perished. These distinctions help us to paint a more precise portrait of the situation Jews faced during the occupation, and they give us a better understanding of the relationships between Gentiles and Jews.

Documents from Polish courts also show how Poles influenced Jewish life under the German occupation. Even if Poles – civilians and officials – did not blackmail, denounced or kill Jews, they made decisions that changed their lives. They interfered with Jews daily by stealing from them, insulting them, and physically harming them. Other times, Poles helped Jews. In one way or another, their interactions changed the course of their lives. On a more intellectual level, this opens up a discussion about the phenomenon of bystanders. Knowing that a lot of Jews died in the first years of the war raises several

questions that, until today, remained a taboo topic: did the interaction between Poles and Jews before the occupation result in the disappearance of the Jewish community during the occupation? What role did Poles play in the harsh realities faced by their Jewish neighbors at the beginning of the war? With the extensive power conferred to the court members and other officials, and with little or almost no interaction from the Germans, could Poles have done more to save the Jews?

Finally, the court records could help the Shoah Names Database correct some of the erroneous information. Accuracy must be called into question because the people who were willing to give information about a family member were often estranged from that individual and therefore hardly knew the person in question. One such example can be found in the case of Aron Ptakus, the previously discussed Jewish man accused of insulting and assaulting a Polish police officer in Otwock in 1941. We know the accused died before the implementation of his sentence. When we looked for Ptakus's name in the Shoah Name Database, we found this information: "Aron Ptakus was born in Ostrow Mazowiecka, Poland in 1897 to Moszek and Leja. He was a storekeeper and businessman and married to Szajna née Rozjenblum. Prior to WWII he lived in Ostrow Mazowiecka, Poland. Aron Ptakus was murdered in the Shoah. This information is based on a page of testimony submitted by a researcher, Judie Goldstein Ostrow."<sup>3</sup> Comparing this information to the document found in the municipal court of Otwock filed by Ptakus himself, we found that he was born on April 15, 1897, in Ostrow Mazowiecka. His mother's surname was Berztejn. He was living in Otwock on 8/11 Górna Street and was a laborer.<sup>4</sup> If we look to

---

<sup>3</sup> Yad Vashem, Page of Testimony Name Memorial Collection, item ID 4332827  
[https://yvng.yadvashem.org/index.html?language=en&s\\_lastName=Ptakus&s\\_firstName=Aron&s\\_place=poland&s\\_dateOfBirth=&s\\_inTransport=](https://yvng.yadvashem.org/index.html?language=en&s_lastName=Ptakus&s_firstName=Aron&s_place=poland&s_dateOfBirth=&s_inTransport=)

<sup>4</sup> APWO 78/206/8789, Protokół Przesłuchania Podejrzanego (Hearing of the suspect), p.3.

the other forms in Ptakus's file, we also find that he died on January 18, 1942,<sup>5</sup> and was buried in the Jewish cemetery on January 11, 1942.<sup>6</sup> In addition to these small discrepancies, we can also add that Aron Ptakus had six children aged from 22 months to 8 years old, had no criminal record before this incident, he knew how to read and write, and did not perform his military service.<sup>7</sup>

**Image 8: Hearing of the suspect, from Aron Ptakus' case**

3.

**PROTOKÓŁ PRZESŁUCHANIA PODEJRZANEGO.**

Otwock dnia 14-1-1942 r. w godz. 10-12 w Suchodolu  
 ul. Pol. Korym. Otwocku  
 działając na mocy polecenia Pana Wiceprokuratora \_\_\_\_\_ Rejonu Prokuratury Sądu Okręgowego  
 w \_\_\_\_\_ z dnia 1942 r. L. \_\_\_\_\_ wydanego na podstawie  
 art. 20 przep. wpraw. K.P.K., wobec nieobecności Sędziego na miejscu, zachowując formalności wymie-  
 nione w art. 253, 240, 258 i 259 K.P.K. 1) przy udziale protokolanta 2) obecności świadków  
 Policznika Edwarda Kpr. pól. Korym. w Kami-  
 szejm Pol. Korym. w Otwocku

3) których uprzedziłem o obowiązku stwierdzenia swymi podpisanymi zgodności protokołu z przebiegiem  
 czynności.  
 przesłuchałem niżej wymienion. \_\_\_\_\_ w charakterze podejrzan. Otrzymałszy wyjaśnienie, jakie  
 przestępstwo zarzuca się i jakie dowody zebrano, podejrzan. oświadczył:  
 Personalna moje są następujące:  
 Imię i nazwisko (rodowe nazwisko mężatek i wdów): Aron Ptakus

Przerwisko: \_\_\_\_\_  
 Wiek (dzień, miesiąc i rok urodzenia): 15-11-1897  
 Imię i nazwisko ojca i matki: Mojsze i Sara-Laja  
 Nazwisko rodowe matki: Ruzynski  
 Miejsce i powiat urodzenia: Otwock, Karłowicki  
 Przynależność państwowa: pol. cho.  
 Narodowość: żydowski  
 Stan (żonaty, zamężna, rozwiedzion., separowan., wpoln.) żonaty  
 Stosunki rodzinne (liczba dzieci, wiek ich i t. d.) 6 dzieci w wieku 2-8 lat  
 Miejsce zamieszkania: Otwock ul. Górna 111

Wykształcenie: czyta i pisze  
 Wyznanie: nie wyznaje  
 Zawód (zawód rodziców u małoletnich, zawód ojca u mężatek) robotnik  
 Stan majątkowy: nie posiada  
 Służba wojskowa i przynależność do P. K. nie służył

Ordery i odznaczenia: \_\_\_\_\_  
 Sprawowanie opieki lub kurateli: \_\_\_\_\_  
 Zaopatrzenie ze Skarbu Państwa (emerytura, renta i t. d.) \_\_\_\_\_  
 Poniesione kary: nie posiada

Co do zarzucanego mi przestępstwa wyjaśniam: Nie przyznaję się do stawienia czynnego oporu policjantom w dniu 11 stycznia 1942 r. w Otwinowie

18 MAR 1942  
 Kłopot o karykaturę

P. P. śled. Nr. 36.  
 24.000 III 1940. 1 - 3 Niepotrzebne wykreślić.

APWO 78/206/8789, p.3.

<sup>5</sup> *Ibid*, Note from Otwock *Judenrat*, dated Mars 16<sup>th</sup>, 1942, p. 35.

<sup>6</sup> *Ibid*, Letter from the Ghetto police station to the Polish Police station, dated Mars 17<sup>th</sup> 1942, p.34.

<sup>7</sup> *Ibid*, Protokół Przesłuchania Podejrzanego (Hearing of the suspect), p.3.

The case of Aron Ptakus is not the only one that could help make important corrections to the existing databases and records. Similar data can be gleaned from every court document involving Jewish victims, accusers, or witnesses. Not only does this new information correct some existing inaccuracies, it also adds a human dimension to the historical record of the Polish Jews. Because of these documents, Aaron Ptakus is no longer a simple statistic. He had a tangible past, with a date of birth and death. More importantly, Ptakus is no longer the victim to whom one could have only attributed the words "murdered during the Shoah." Thanks to the court documents, we now know that Ptakus, in fact, died in the ghetto and that his remains were buried in the Jewish cemetery in Otwock. Even though there is no tombstone in his name, Ptakus has thus been spared the anonymity of the hundreds of thousands murdered at Treblinka. The court documents can corroborate, correct and expand the information about Jewish victims, and they can also create new data. Take, for example, Szlama Nirensztejn, a 11-year-old Jewish boy accused of stealing from a Pole. His name does not appear in the Shoah Names Database, however, the boy lived and died sometime between 1941 (after his trip to court) and 1945. In his file, we found his birth certificate, which gives us crucial information about the child (date and place of birth) and some information about his parents. It is now known that Szlama Nirensztejn was the son of Estera Perel and J-Geszel Nirensztejn.<sup>8</sup> Both parents were missing from the Shoah Names Database list until now.

---

<sup>8</sup> APWO 78/206/8830, Birth certificate, p. 9.

## Conclusion, Summary and Perspectives

In 1945, at the end of the war, the world learned about the extermination camps and how six million Jews lost their lives. While European Jews tried to pick up the pieces of their pre-war life, a heavy silence fell over Europe. No one wanted to face the horror of gas chambers and survivors were not ready to talk about what happened to them during the war. Testimonies from survivors started to resonate loudly only a few decades after the Holocaust. At the same time, European countries only half-heartedly admitted that they had failed to protect their Jewish citizens. Europe was more concerned with the reconstruction of its economy and worried about the beginning of the Cold War. In Poland, one of the countries most affected by World War II, the situation was quite different. Most of the Jewish survivors faced new difficulties when they returned from the camps. They were no longer welcome in their villages and hometowns and some of them had lost their houses. Furthermore, prejudice and bias against Jews were rampant. While Europe was trying to heal after six years of unrest and violence, Poland saw a rise of violence toward Jews. On July 4, 1946, in Kielce, an outbreak of violence happened against the Jewish community center's gathering of refugees and Holocaust survivors. In just twelve hours, thirty-seven Jews were killed, and a few dozens were wounded, most of whom were Holocaust survivors. The reason given for this violence was a rumor, namely the alleged kidnapping of a Polish child by the Jews. This false claim plunged back into the fears that surrounded an old blood libel: Jewish ritual murder of Christian children.<sup>9</sup> The authorities

---

<sup>9</sup> The ritual murder myth was first reported in 1144 in w, England and was commonly reported all around Europe until the 20<sup>th</sup> Century. This myth says that the Jews kidnap, kill and use the blood of Catholic children in order to prepare the Jewish holy bread – the matza – for Easter.

investigated a building where a Polish boy claimed to have been held in the basement. It was evident that the boy was lying since there was no basement in the searched building. Even so, Polish soldiers, officers of the militia and segments of local population took part in the pogrom. This event, which took place right after the Holocaust, shocked the international community and raised important questions.<sup>10</sup> How could a massacre of this magnitude and scope have happened to Jews just one year after the Second World War? Could a pogrom of this size be only the consequences of the Nazi occupation?

Since its election in 2015, the PiS government has worked to silence research on this subject and to defend the myth of Poland's historical innocence. In July 2016 Education Minister, Anna Zalewska, told a conference that she did not know who participated in this violence, despite ample evidence on the subject. According to the minister, it was clear that anti-Semites participated in the event, but it is impossible to know if they were Polish.<sup>11</sup> To add insult to injury, rather than marking the lives of the Jews who died there, PiS has placed a commemorative plaque honoring the Righteous Among the Nations in front of the building at 7 Planty Street. The Kielce pogrom became a symbolic event which testified to the power of murderous prejudice – unchanged by the Holocaust. Nonetheless, the city has become a site where the history of the Jews, victims of the Holocaust and then the hatred of their neighbours, is being rewritten in order to shift focus away from the victims and to the Righteous Among the Nations. But the event of 1946,

---

<sup>10</sup> For a collection of documents relating to the pogrom and the trials that followed, see Stanislaw Meducki and Zenon Wrona, *Antyżydowskie wydarzenia kieleckie, 4 lipca 1946: Dokumenty i materiały* (Kielce, Kielce Towarzystwo Naukowe), 1992. For reactions to the pogrom see the New York Time, July 5 1946 <https://www.nytimes.com/1946/07/05/archives/peles-kill-26-jews-in-kielce-pogrom-two-others-die-in-rioting-say.html>.

<sup>11</sup> “Kompromitacja minister Zalewskiej. Nie wie kto mordował Żydów w Kielcach i Jedwabnem?” *Newsweek Polska*, 14 July 2016.

coupled with the large number of people who participated in the slaughter demonstrates that anti-Semitism was systemic in the Polish Second Republic just as it was during and after the war. Even so, today's Polish nationalistic historians and members of the government argue that anti-Semitism during the war was a phenomenon created solely by the occupation, and they reject a suggestion that their community or system of government is anti-Semitic.

The analysis of courts documents integrates the historical dispute between nationalists who refuse to see anti-Semitism and historians who demonstrate the responsibility and the collaboration to the Nazis of some Poles in the Holocaust. The judicial files, as a new source of information, show us that anti-Semitism was, in fact, systemic. Through the analysis of court documents from three municipalities in the Warsaw District – Otwock, Siedlce and the capital itself – this dissertation examined two main elements that demonstrate this systemic anti-Semitism in Poland. First, the existence of a Polish administration under the German occupation that was largely independent of the German occupier. This judicial apparatus worked according to prewar practices. All decisions taken by Polish administrators were based on the laws of the Second Republic of Poland. Second, it explored the everyday Jewish life seen through the prism of Polish court documents. The court files depict the Jewish experience from different perspectives. This research demonstrates that life continued outside the spectrum of the German occupation. Furthermore, it shows that relations between Poles and Jews were complex, and not just because of the war raging on Polish territory. There was a continuity of prewar behavior. To get a clear picture, the court records were analyzed from three different perspectives: political (and administrative), legal, and social. This dissertation shows the roles that were

played by the Poles and the power that they had over the Jewish population in a sphere where Germans were almost entirely uninvolved. To gain a better understanding of the Polish administration during the war, a detailed portrait of the political, judicial, and social situation in Poland was presented, from the creation of the Second Republic to the beginning of the Second World War. Poland regained its independence after the end of the First World War. After 121 years spent under the control of three different empires – German, Russian, and Austro-Hungarian – the country finally had its own constitution and laws. It was noted that, in theory, Poland looked like a welcoming country for Jews. The constitution and the codes of law stipulated equality among all citizens living in Poland regardless of their country of origin or their religion. The reality of the prewar period was quite different. Anti-Semitic acts were common in all spheres of Polish life, both political and social. After the murder of Gabriel Narutowicz, the so-called Jewish president, Jews were never considered equal citizens. The situation became more obvious in the 1930s, with the passage of many laws against the Jewish community, and the pogroms that persisted until the German invasion. During the early years of the war, police officers, lawyers, judges, and prosecutors from the prewar period were called back to duty. The three levels of court which functioned in the *Generalgouvernement* were the Municipal, District and Appellate Courts, which all used the same textbooks and the laws written during the Second Republic of Poland.

To complete the contextualization, this research looked at the social interactions between Poles and Jews during the inter-war period. We noted that most Jews from small towns and cities represented between ten and twenty percent of the population. Contrary to what the Polish historical literature suggests, Jews were well integrated into Polish

society since they spoke Polish and were in constant relation with Poles. Chapter 2 highlights the Jews' place in the judicial system. The quantitative analysis of courts proceedings during the war shows that the majority of Jews were not hardened criminals. We note that the major factors that led Jews to participate in criminal activities were related to the war and the terrible living conditions.

With a clear understanding of the relations between Poles and Jews from a political perspective (from the creation of the Second Republic of Poland to the German occupation), this micro-historical research analyzes the court files from an administrative and legal perspective. The dissertation shows that the members of the court could use their discretion vis-à-vis the plaintiffs and defenders. Through careful analysis of trial documents, bias and prejudices regarding Jews is prevalent. Judges, prosecutors, and lawyers often disregarded the spirit and the letter of the law to pursue their own agendas, or they ignored or discarded specific evidence in order to strike against the Jews. This fact is evident when we see different verdicts and sentences that were dealt to both Poles and Jews who had committed similar crimes. Polish police also used their power to control the population and disregarded German regulations in order to keep criminals within the Polish system of justice. Police officers tended to treat Polish and Jewish defendants differently, providing clear evidence of the existing anti-Semitism.

On a social level, this dissertation looks deeply into the daily life of civilians – both Jews and Poles – during the early years of war. The court documents provided insights regarding the everyday relations between Poles and Jews. Since there were no Germans involved in Polish courts, Poles and Jews who frequented these institutions tended to talk freely, without any fear of reprisal from the occupant. In the court documents under study,

Polish anti-Semitic behavior is apparent and includes incidences of insults, violence, and crimes against Jews. Jews were often beaten by Poles before trials and continued to be insulted in court. Even when the crime charged against a Jew was non-violent, Poles tended to justify the use of excessive aggression using anti-Semitic rhetoric.

Beyond the revelations regarding the relations between the Polish State, officials, civilians, and Jews, the court documents provide additional valuable information about how Jews lived: their occupation, family situation, level of education, and the places of residence. This insight paints an accurate portrait of the Jewish population from small towns in Eastern Poland and goes against the cliché that Jews were well educated and rich. The Jewish community from this region spoke Yiddish as their mother tongue but, because of their work with the public, they also spoke Polish conversationally.<sup>12</sup> The working situation in addition to their academic background proves that they had a humble accommodation. Court records can also be used in a memorial perspective by saving victims from historical anonymity.

The Holocaust led to the extermination of 6 million Jews from all over Europe. Half of those victims were from Poland. The Jewish Question and the relations between Poles and Jews during the German occupation were rarely raised as major issues of concern in post-war historiography, because it is accepted that the Germans were solely to blame for the deaths of Polish Jews, and that Poles were the victims who had to watch the mass-murder of their Jewish co-citizens. According to historiographical discourse, the Poles were thus limited to the role of simple bystanders. More recently, historians have added a new perspective to this binary vision of the past (where only Jews and Germans had a role

---

<sup>12</sup> I did not put an emphasis on the level of language used by the Jews in front of the court. Nevertheless, it would have been an interesting analysis to understand their degree of integration into Polish society.

to play) by redefining the very concept of “bystander.” The literature of the history of the Holocaust in Poland changed along with the new century. Historians immersed in a new historical reality became increasingly interested in the relations among civilians during the war and the different roles they played. It is now impossible to see Polish society as entirely passive and deprived of agencies regarding the fate of Jews. While some historians and Polish officials highlight the courage that some Poles showed in helping Jews during the war, others have pointed out that other Poles also denounced, blackmailed, and even killed Jews during the same period. After all, anti-Semitism was quite common in the years before the war. Is it possible that anti-Semitism arose from individual choice, or did the Government of the Second Republic have encouraged anti-Semitic behavior?

This dissertation takes a fresh look at the history of Polish-Jewish relations through the lens of an until-now unexplored type of archival documentation namely these from Polish courts. The micro-analysis of court documents from three levels of the Polish court system which were preserved under the German occupation – the Municipal Court (Otwock), the District Court (Siedlce) and the Appellate Court (Warsaw) provide us with legal evidence regarding the process of justice of the Jews, and informs us about the everyday going on Poles and Jews alike during the war. This reliable information adds to current historiography helps to complete the ever-evolving picture of Polish-Jewish relations during the Second World War.

The exploration of the judicial records from three Polish courts presents new evidence concerning the living conditions of Jews during the occupation. This research is the first one to analyze the Polish system of justice during the war. It shows that the system of justice was still fully functional during the war and remained unsupervised by the

Germans. Even though members of the court needed to prepare some forms in German, Nazi never interceded in Polish cases. Furthermore, it is the first research that reveals the division that existed between the Polish and the German judicial systems and shows their absolute independence from each other. This micro-historical research proves that Jews from small villages were willing to use the Polish system of justice, even if there was a Jewish judicial apparatus in almost every ghetto (organized under the supervision of the Judenrat). It demonstrates that Jews were more integrated into Polish society than the traditional historiography and nationalists propose. The history promoted by the Polish government and nationalistic historians is therefore brought into question. The court records demonstrate that both Poles and Jews continued to interact on a daily basis even after the closure of the ghetto. Court documents present Polish anti-Semitism and prejudices against the Jews that predate the war. Furthermore, because the cases analyzed present Poles, under oath, expressing their hatred against the Jews, it can be used against the nationalistic historiography that maintains that anti-Semitic acts were committed in reaction to the German occupation.

This dissertation demonstrates that Poles, working within the judicial system during the war (as well as those working for the police departments and in prisons), maintained control over daily operations. Some of these Polish officials took advantage of the power conferred to them by the Nazis and acted against the Jews. The findings point out how prewar anti-Semitism continued under the German occupation. Much of the current Polish historiography regarding Polish-Jewish relations during the Holocaust, argues that the violence perpetrated against the Jews was committed by Poles as a result of the harsh German regulations at that time. This research demonstrates the contrary. Wartime anti-

Jewish violence was in fact a continuation of similar practices rooted in the prewar period.

The most important contribution of this research remains the exploration and uniqueness of the source material, as a method to study Polish-Jewish relations. This administrative source material invalidates the nationalistic historiography that rationalizes anti-Semitism under the context of German propaganda and fear of the occupier. More importantly, it highlights and exposes the freedom that the Polish institution maintained during the occupation. The sample used for this study, however small, fulfilled the research aims to reveal the continuity of anti-Semitic attitudes and behavior between the Second Republic of Poland and the German occupation. This research takes its place in the literature alongside that of other historians as it seeks to present a more truthful portrait of the time period in history.

Nevertheless, this dissertation is limited in scope because it only highlights the findings of one of the district court systems. It is therefore my hope that this work will open new paths of research. It is evident that the wartime Polish administration had a serious impact on Jewish lives. Further study of governmental organizations could highlight a new dimension of the relations between Poles and Jews before and during the Holocaust. For example, the analysis of the documents found in city hall archives – correspondences between mayors and *Judenrat*, documents from different services shared by both Poles and Jews like the water system, electricity and sewer systems, etc. – could allow us to understand the true nature of the relations between Poles and Jews outside the more commonly analyzed spectrums. It could further reveal how the German occupation was not completely different from the prewar period. By retaining certain powers, the Polish

administration played an important role in the fate of Jews during the first stage of the war. This role was determined by the prewar behavior of the Polish administration and, therefore, Polish citizens. It is this false vision that must be highlighted: the false vision that there was a disconnection between normal life and the period of the war, has enabled the Poles to justify their abhorrent behavior during the Nazi occupation.

Much has been written about the level of complicity European governments had with their Nazi occupants, but almost nothing in response about the role played by small administrative systems of cities and rural communities in Poland. Nevertheless, archival documentation found in Polish municipal archives raises new questions and opens up a unique pathway of exploration into the nature of interactions between Jews and Poles during the Second World War. Contrary to popular belief, the closure of the ghettos and the establishment of an administration within them did not separate the Jewish and Polish administrations. Despite the duplication of services, collaboration between the two administrations was inevitable. By searching the sources from city halls, legal services, and *Judenrate*, it is possible to see a dialogue between the Aryan side and the ghetto that was constant and involved several administrative and legal spheres (sewage systems, order service, municipal taxes, fire department, prisons, etc.). Because of the lack of involvement of Germans in this administrative sphere, one can see that the administrative processes allowed Poles and Jews to continue to interact without any overt interference from the German occupier. This reality offers us the opportunity to analyze these relations from a different perspective. One can see that the wartime relationship between Poles and Jews is complex and that the immense amount of work needed to fully comprehend has yet to be completed. Anti-Semitism was, commonly, at the heart of daily relations. This hatred was

present well before the German occupation and is still present in Poland today.<sup>13</sup> However, I believe that something even more powerful than the information discovered about Polish-Jewish relations can be taken from this dissertation. Thanks to the work of many members of these courts during the war, valuable information about Jews hailing from these municipalities is now available for the first time. More than just factual data, this information highlights the existence of these previously forgotten people, from their everyday banalities, to the tragedies they endured during the Holocaust. Their lives, whether simple or complicated, are now known, and can finally be commemorated like the others who did not survive the war.

---

<sup>13</sup> In recent years, many anti-Jewish events have taken place on Polish soil. To name a few, one can remember the monumental nationalistic march of November 11th, 2017, where Poles reaffirmed their desire for a country (and for some all Europe) exclusively for white Catholics. Among the comments and slogans shouted during the march: “Remove Jewry from power”, “Pure Poland, White Poland”, “Refugees get out!”. More recently, the town of Pruchnik saw civilians and children burn a Jewish effigy during Easter 2019. For more information see: <https://www.theguardian.com/world/2017/nov/12/white-europe-60000-nationalists-march-on-polands-independence-day> and <https://www.bbc.com/news/world-europe-48012965>

## Annexes

Index of Names

\* This index lists all Jews who appear (as accused, victim, witness) in documents from the Otwock Municipal Court and the Siedlce District Court. They do not all appear in the thesis. The majority of these Jews do not appear on the list of Yad Vashem's Shoah Names Databases. This index is therefore intended to help in collecting data.

<b>Name</b>	<b>Birth and death</b>	<b>Place of residence</b>	<b>Comments and documents annexed</b>	<b>Archive</b>
<b>AJZENKAJT, Abram</b>	10-25-1911 / ?	Otwock	p.196: hearing of the <i>accused</i>	<b>APWO 78/206/8809</b>
<b>ALBRUT, Chil</b>	05-18-1920 / ?	Falenica		<b>APWO 78/206/8843</b>
<b>ATELBAUM, Esterze</b>	10-07-1920 / ?	Otwock		<b>APWO 78/206/8847</b>
<b>BAJZAN, Rajzy</b>	-	Otwock		<b>APWO 78/206/8656</b>
<b>BEKERMAN, Uszer</b>	1924 / ?	Sobienie Jezior		<b>APS 62/1572/505</b>
<b>BINSZTOK, Szymon</b>	12-10-1904 / ?	Otwock		<b>APWO 78/206/8866</b>
<b>BLASZKA, Szymon</b>	09-11-1914 / ?	Falenica		<b>APWO 78/206/8843</b>
<b>BLIMBAUM, Jakub</b>	04-20-1883 / ?	Otwock		<b>APWO 78/206/8827</b>
<b>BLUMENKRANC, Rojza</b>	-	Stoczek		<b>APS 62/1572/670</b>
<b>DOLINA, Moszek</b>	03-15-1911 / ?	Warsaw		<b>APS 62/1572/130</b>
<b>DOLINA, Sury</b>	-	Zelechów	Mother of Moszko Dolina.	<b>APS 62/1572/130</b>
<b>DYSTEL, Icek</b>	12-15-1912 / 1942	Sobienie-Jezior		<b>APS 62/1572/607</b>

<b>FAJGENBAUM, Jankiel</b>	1922 / ?	Sobienie Jezior		<b>APS 62/1572/548</b>
<b>FAJGENCWAJ, Kelman</b>	09-15-1892 / ?	Otwock		<b>APWO 78/206/8847</b>
<b>FELD, Jozef-Teofil</b>	1897 / ?	Warszawa		<b>APWO 78/206/ 8691</b>
<b>FISZBAUM, Josek-Herszek</b>	-	Sobienie-Jeziory		<b>APS 62/1572/222</b>
<b>FISZBAUM, Szyja-Boruch</b>	-	Sobienie-Jeziory		<b>APS 62/1572/222</b>
<b>FISZER, Mejlech</b>	-	Sokolow		<b>APS 62/1572/676</b>
<b>FLEISING, Icek</b>	-	Otwock	p. 134 : letter from the Ghetto-Polizei of Otwock to the Arbeitsamt, April 16, 1941	<b>APWO 78/206/8799</b>
<b>FRAJMAN, Henia</b>	1891 / ?	Otwock		<b>APWO 78/206/8849</b>
<b>FRAJMAN, Icek</b>	08-03-1913 / ?	Otwock		<b>APWO 78/206/8849</b>
<b>FRAJTAG, Chaim</b>	-	Miedzeszyn	*He was a policeman in the ghetto of Miedzeszyn	<b>APWO 78/206/8844</b>
<b>FROJMAN, Josk</b>	-	Miedzeszyn		<b>APWO 78/206/8836</b>
<b>FRYDMAN, Bajle</b>	01-26-1900 / ?	Otwock		<b>APWO 78/206/8866</b>
<b>FRYDMAN, Motek</b>	1890 / ?	Otwock		<b>APWO 78/206/8849</b>
<b>FRYDMAN, Nusyna-Dawida</b>	11-22-1902 / ?	Otwock		<b>APWO 78/206/8866</b>

<b>FRYDMAN, Rywke</b>	04-08-1924 / ?	Otwock		<b>APWO 78/206/8866</b>
<b>GALAZKA, Anastazja</b>	? / 12-1941	Wegrow		<b>APS 62/1572/416</b>
<b>GELBARDA, Mordki</b>	1903 / ?	Falenica		<b>APWO 78/206/8816</b>
<b>GELLART, Estera</b>	1920 / ?	Falenica		<b>APWO 78/206/8760</b>
<b>GERSZT, Hena</b>	06-12-1919 / ?	Sarnaki	p.220 letter to the court	<b>APS 62/1572/150</b>
<b>GERSZT, Boruch</b>	1876 / ?	Sarnaki	p.220 :letter to the court	<b>APS 62/1572/150</b>
<b>GEYSMAN, Henryk</b>	-	Siedlce		<b>APS 62/1572/242</b>
<b>GLIK-LIBERMAN, Rywy</b>	-	Otwock		<b>APWO 78/206/ 8827</b>
<b>GLINKSBERG, Majer-Menach</b>	02-20-1893/ ?	Falenica		<b>APWO 78/206/8821</b>
<b>GLINSKI, Srul</b>	05-06-1903 / ?	Falenica		<b>APWO 78/206/8760</b>
<b>GLINSKI, Szoela</b>	05-16-1903 / ?	Falenica		<b>APWO 78/206/8760</b>
<b>GOLDBERG, Rywka</b>	12-22-1908 / ?	Otwock		<b>APWO 78/206/8810</b>
<b>GRABIE, Szmul</b>	08-01-1899 / ?	Otwock		<b>APWO 78/206/8798</b>
<b>GRYNBLAT, Chil Mordko</b>	11-15-1920 / ?	Sokolow		<b>APS 62/1572/414</b>
<b>GURMAN, Mordko</b>	-	Sokolow		<b>APS 62/1572/670</b>
<b>GURTMARK, Chaji</b>	1907 / ?	Otwock	p. 267: Tea bag used as proof of the crime.	<b>APWO 78/206/8787</b>

<b>GUTMACHER, Mendl</b>	1925 / ?	Otwock		<b>APWO 78/206/8848</b>
<b>GUTMORGEN, Lejzor</b>	1922/ ?	Parisow		<b>APS 62/1572/254</b>
<b>GUTRAJMAN, Lejbus</b>	09-01-1917 / 1942	Sobienie- Jeziory	p.227 letter from the court to the police station (about the death of the accused) / Closed Joint Meeting Protocol.	<b>APS 62/1572/607</b>
<b>GWIAZDA, Majer</b>	1904 / ?	Sobienie Jezior		<b>APS 62/1572/548</b>
<b>HALSZTUK, Luzer</b>	1917 / ?	Sobienie Jeziory		<b>APS 62/1572/511</b>
<b>HALSZTUK, Srul-Chaim</b>	1892 / ?	Sobienie Jeziory		<b>APS 62/1572/511</b>
<b>HANOWER, MOSZEK</b>	07-12-1917 / ?	Otwock		<b>APWO 78/206/8826</b>
<b>JAGODOWICZ, Sane</b>	09-25-1923 / ?	Karczew		<b>APS 62/1572/548</b>
<b>JEDWAB, Rachela</b>	09-11-1917 / ?	Zelechow	p.226 information about the deportation of the Jews from Zelechow.	<b>APS 62/1572/386</b>
<b>JOSPERSZTEJN, Liby</b>	-	Sokolow		<b>APS 62/1572/676</b>
<b>JUNGST, Marian</b>	-	Zamosc		<b>APS 62/1572/242</b>
<b>JURBLUM, Idezy</b>	06-08-1881 / ?	Otwock		<b>APWO 78/206/8786</b>
<b>KAHAN, Srul</b>	11-27-1890 \ ?	Warsaw		<b>APWO 78/206/ 8695</b>
<b>KALISZER, Taub</b>	03-01-19154 / ?	Falenica		<b>APWO 78/206/8760</b>

<b>KARPMAN, Szai</b>	07-25-1893 / ?	Otwock		<b>APWO 78/206/8847</b>
<b>KAUFMAN, Chaim Srul</b>	1916 / ?	Otwock		<b>APWO 78/206/8767</b>
<b>KORCZAK, Herz</b>	1927/ ?	Siedlce		<b>APS 62/1572/471</b>
<b>KORNBLUM, Chil</b>	1922/ ?	Siedlce		<b>APS 62/1572/ 149</b>
<b>KRUSZEWSKI, Bencjan</b>	-	Falenica	A letter from the Police station to the court (p.75) explain that Kruszewski was deported with the Jews of Falenica on July 19, 1942.	<b>APWO 78/206/8844</b>
<b>KRUSZEWSKI, Motel</b>	-	Falenica	A letter from the Police station to the court (p.75) explain that Kruszewski was deported with the Jews of Falenica on July 19, 1942.	<b>APWO 78/206/8844</b>
<b>KUCHARSKI, Hersz-Josk</b>	06-14-1905 /03-21-1942	Otwock	p.239Notification about the death of a prisoner. *Kucharski is one of the many Jews who died in prison during his incarceration. A letter from the doctor and the notification about his death was sent to the court explaining that Kucharski died from hunger.	<b>APWO 78/206/8792</b>
<b>KUPERBAND, Chaim</b>	1921 / ?	Parisow		<b>APS 62/1572/254</b>
<b>LEWIN, Chaim</b>	0?-03-1896 / ?	Siedlce		<b>APS 62/1572/357</b>

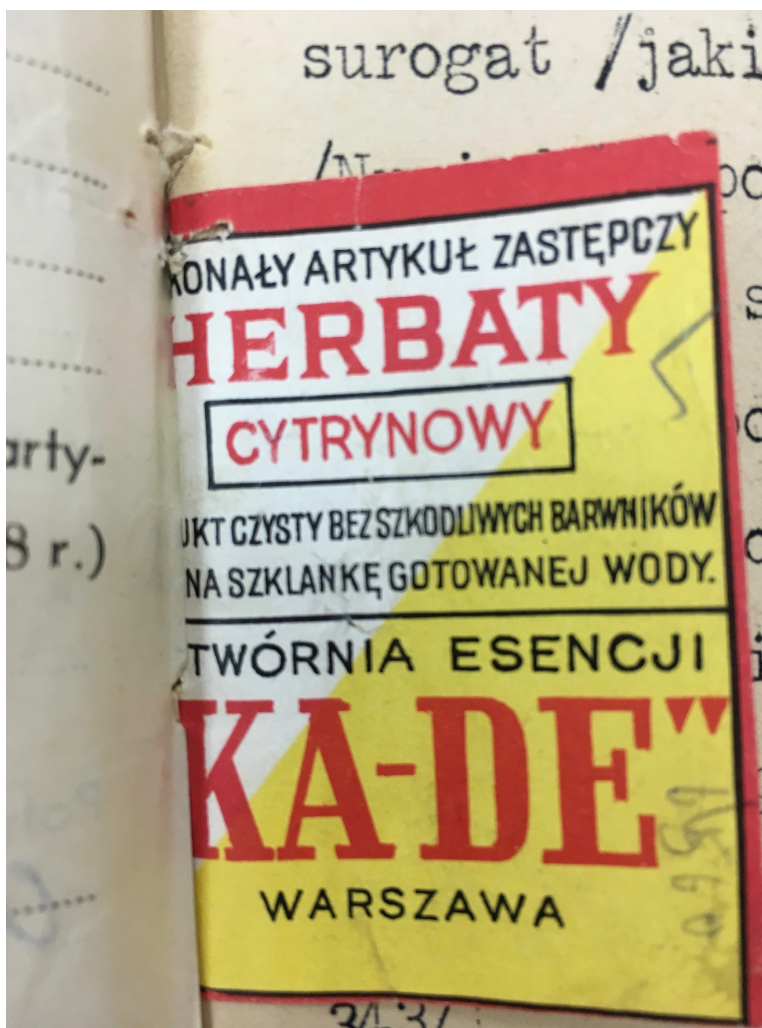
<b>LEWIN, Joel</b>	02-13-1918 / ?	Otwock (in the street)		<b>APWO 78/206/8761</b>
<b>MADENBERG, Chaim-Josk</b>	1911 / ?	Sterdyn		<b>APS 62/1572/158</b>
<b>MAJSKLAJD, Jankiel</b>	? / 11-17-1941	Otwock		<b>APWO 78/206/8848</b>
<b>MALCMAN, Elijasz</b>	1908 / ?	Wegrow		<b>APS 62/1572/315</b>
<b>MANSKLAJD, Rywka</b>	1889 / 03-31-1942	Otwock	p.269 Death Certificate	<b>APWO 78/206/8848</b>
<b>MENDL, Don</b>	1890 / ?	Osieck	p. 270: Cancellation of the case by the Germans	<b>APS 62/1572/290</b>
<b>MORGENSZTER, Jankiel</b>	-	Sokolow		<b>APS 62/1572/676</b>
<b>NIRENSZTEJN, Szlama</b>	01-09-1930 / ?	Otwock	p.129 Birth certificate.	<b>APWO 78/206/8830</b>
<b>ORENSZTEJNA, Wolfa</b>	1893 / ?	Wegrow		<b>APS 62/1572/125</b>
<b>PIOTROWICZ, Henryk</b>	-	Miedzeszyn	*Henryk Piotrowicz was a policeman in the ghetto of Miedzeszyn.	<b>APWO 78/206/8844</b>
<b>PTAKUS, Aron</b>	04-15-1897 / 21-01-1942	Otwock	p. 124-125: Verdict/ p.145: First hearing + p. 133: letter from the Ghetto-Polizei regarding the death of Ptakus.	<b>APWO 78/206/ 8789</b>
<b>RAJCHMAN, SZAJNDLA</b>	1907 / ?	Otwock		<b>APWO 78/206/8699 and 8760</b>
<b>ROSZTEJN, Alter</b>	1918 / ?	Falenica		<b>APWO 78/206/8821</b>
<b>ROTSZTEJN, Ick</b>	1923 / ?	Falenica		<b>APWO 78/206/8821</b>

<b>RUBINSZTEJN, Moszko</b>	? / 07- 03-1942	Sokolow		<b>APS 62/1572/676</b>
<b>RUCH, Erclich</b>	1911 / ?	Kaluszyn		<b>APS 62/1572/514</b>
<b>SAPIERSZTAJN, Srula</b>	05-12- 1915 / ?	Falenica		<b>APWO 78/206/8852</b>
<b>SLON, Dawid</b>	1918 / ?	Zelechow		<b>APS 62/1572/471</b>
<b>SZARFARC, Izrael-Michel</b>	-	Maciejowiac h		<b>APS 62/1572/283</b>
<b>SZARFARC, Szymon</b>	11-14- 1898 / ?	Maciejowiac h		<b>APS 62/1572/283</b>
<b>SZCZUPAK, Chana</b>	12-24- 1891 / ?	Sokolow		<b>APS 62/1572/676</b>
<b>SZCZUPAK, Motel</b>	-	Sokolow		<b>APS 62/1572/676</b>
<b>SZERMAN, Ruchijaj</b>	1904 / ?	Falenica		<b>APWO 78/206/8760</b>
<b>SZPIRO, Chany</b>	1882 / ?	Otwock		<b>APWO 78/206/8785</b>
<b>SZTAJMAN, Chajna</b>	1903 / ?	Falenica		<b>APWO 78/206/ 8754</b>
<b>SZWARCBERG, Binem</b>	-	Sokolow		<b>APS 62/1572/670</b>
<b>TAUB, Estera</b>	06-03- 1891 / ?	Otwock		<b>APWO 78/206/8829</b>
<b>TOTTERMAN, Chil</b>	04-10- 1895 / ?	Garwolin		<b>APS 62/1572/408</b>
<b>WAJNSZTEJN, Twoja</b>	1922 / ?	Siedlce		<b>APS 62/1572/ 149</b>
<b>WISZNIA, Mosze</b>	1923 / ?	Warszawa		<b>APS 62/1572/208</b>

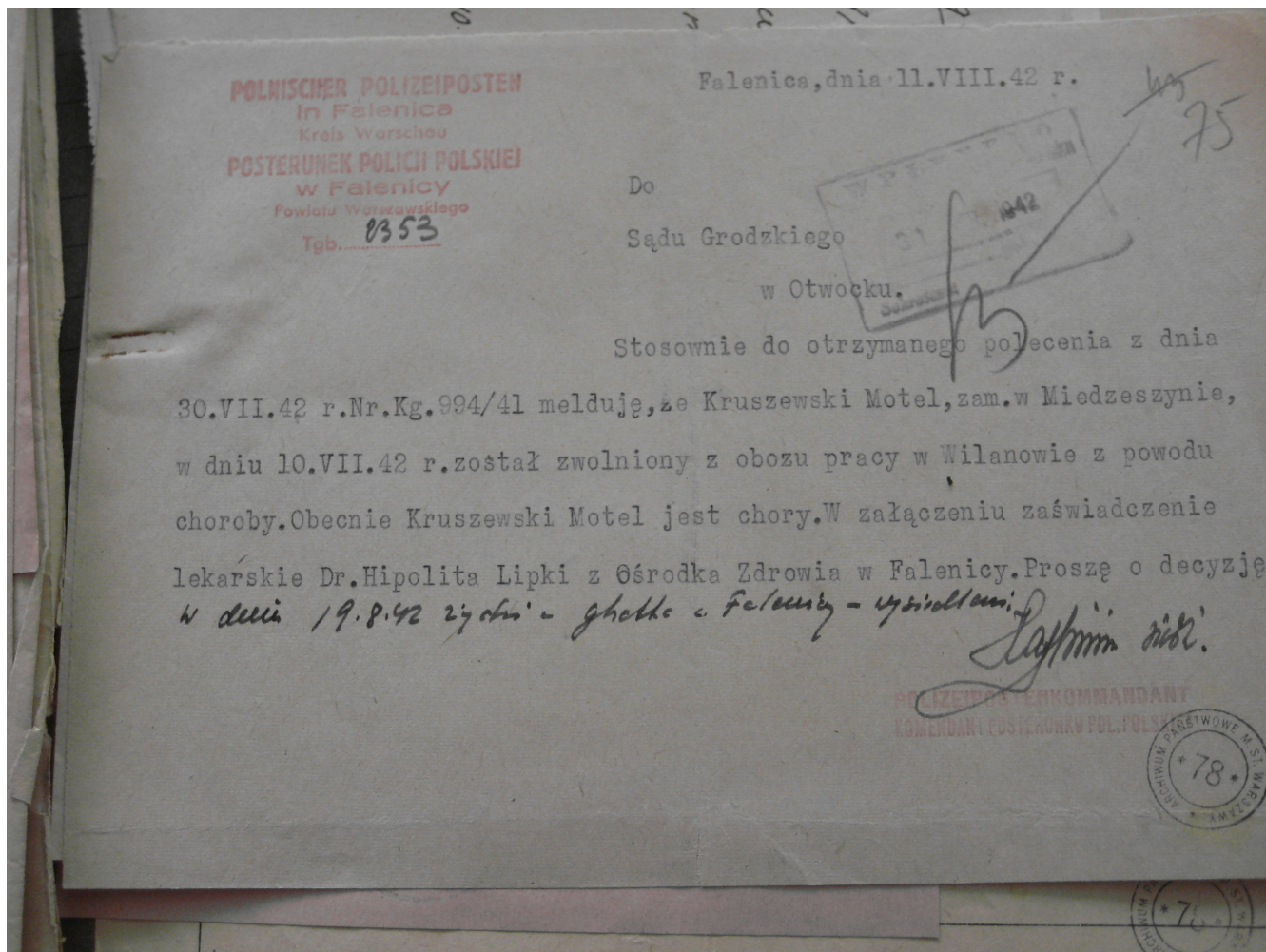
<b>ZELIKOWICZ, Izrael</b>	1881 / ?	Otwock		<b>APWO 78/206/8866</b>
<b>ZYLBERBAUM, Szrul</b>	-	Siedlce		<b>APS 62/1572/147</b>
<b>ZYLBERMAN, Abraham</b>	-	Otwock	*Father of Sonia Zylberman	<b>APWO 78/206/ 8767</b>
<b>ZYLBERMAN, Dawid</b>	08-07- 1910 / ?	Falenica		<b>APWO 78/206/8844</b>
<b>ZYLBERMAN, Sonia</b>	1920 / ?	Otwock	*Daughter of Abraham Zylberman	<b>APWO 78/206/ 8767</b>
<b>ZYLBERSZTEJN, Berka</b>	-	Falenica	*Brother of Dawid- Jankiel Zylbesztejn.	<b>APWO 78/206/8726</b>
<b>ZYLBERSZTEJN, Dawid-Jankiel</b>	1915 / ?	Falenica	*Brother of Berka Zylbersztejn	<b>APWO 78/206/8726</b>
<b>ZYLBERSZTEJN, Mordko</b>	02-16- 1913 / ?	Siedlce	p. 145: letter from the lawyer (not to leave Zylbersztejn in temporary arrest)	<b>APS 62/1572/142</b>
<b>ZYNDERMAN, Chaim</b>	12-01- 1883 / ?	Otwock		<b>APWO 78/206/8866</b>

Documents

APWO/78/206/8787: Chill Gutmark. Tea bag used as proof of the crime (p. 237)



APWO/78/206/8844: Motel Kruszewski. Letter explaining the deportation of the accused (p.140).



APWO 78/206/8848: Rywka Mansklajd, Death Certificate (p.245).

Generał-gubernator  
 wództwo powiat warszawskie  
 miasto O t w o c k

Do użytku rejestru mieszkańców  
 Wolne od opłaty stempłowej.

**Wypis z aktu śmierci**

Na podstawie ksiąg stanu cywilnego za rok 1942 № 525, stwierdzam, że

Rywka Mansklajd

na rodziców Shoszek i Bajka z domu


przedsiedziot dwa mający(a)


w Otwocku dnia trzydziestego pierwszego


miesiąca marca roku tysiąc dziewięćset czterdziestego drugiego.

Zgodność niniejszego wypisu z oryginałem zaświadczam

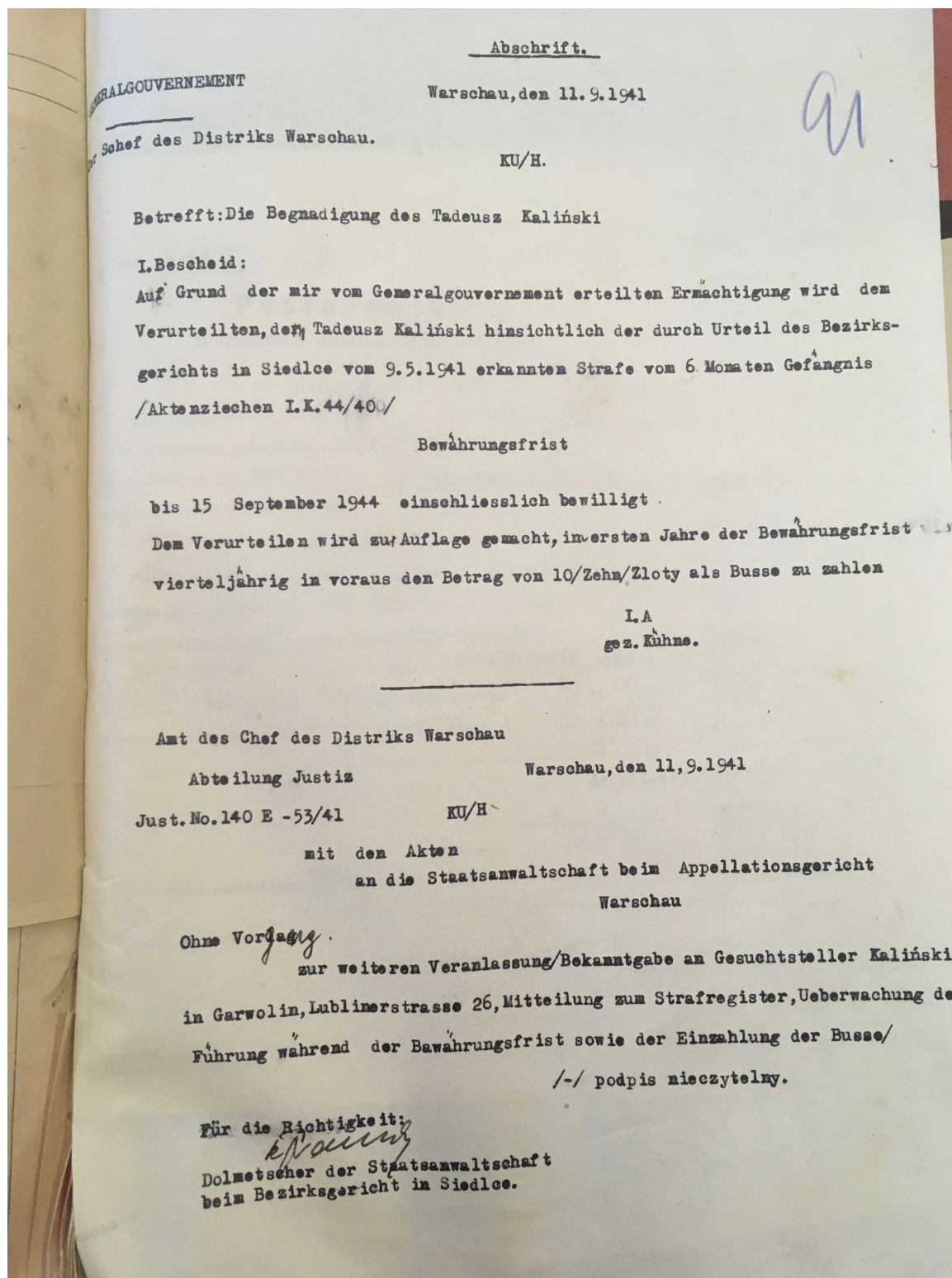
Otwock, dnia 30 miesiąca maja 1942 r.

Urzędnik Stanu Cywilnego  
 ZASTĘPCA BURMISTRZA  






APS 62/1572/290: Don Mendl. Cancellation of the case by the Germans (p.162).



## BIBLIOGRAPHY

### 1. Primary Sources

#### 1.1 Archival Documents

American Joint Committee Archive [JDC]  
Barnet Zuckerman report

Archiwum Państwowe w Siedlcach, [APS62] (National Archives of Siedlce)  
[APS 62/1572] zespół Sad Okręgowy w Siedlcach (District Courts)  
[APS 62/36] zespół Akta Miasta Siedlce 1781-1950 (City of Siedlce)  
[APS 62/253] zespół Akta Miasta Węgrowa 1912-1950 (City of Węgrow)

Archiwum Państwowe w Warszawie, filia w Otwocku [APWO 78] (National Archives of Warsaw Branch of Otwock)  
[APWO 78/206] zespół Sad Grodzki w Otwocku (Municipal Court)  
[APWO 78/1] zespół Akta Miasta Otwocka 1916-1950 (Files from the city of Otwock)

Archiwum Państwowe w Warszawie, [National Archives of Warsaw: APW72]  
[APW 72/639] zespół Sad Okręgowy w Warszawie (District Court of Warsaw)

Archiwum Żydowskiego Instytutu w Warszawie AZIH (Archive of the Jewish Historical Institute in Warsaw)  
[AZIH 301] Testimony collection (1945-1947).  
AZIH 301/566/Jundel Konopka  
AZIH 301/1753/Rudolf Sleckman Rubin  
AZIH 301/4064/ Stanislaw Nissenszal  
AZIH 301/7003/Fania Lewkowicz

AŻIH 241: Announcements and orders of the occupation authority collection  
241(1939 – 1945)

AZIH 241/221  
AZIH 241/222:

AZIH 241/223  
 AZIH 241/224  
 AZIH 241/225  
 AZIH 241/226  
 AZIH 241/262  
 AZIH 241/263  
 AZIH 241/264  
 AZIH 241/265  
 AZIH 241/274

The Polish Institute and Sikorski Museum in London [PISM]

[PISM / PRM] Council Ministers – Archives of the Prime Minister (1939-1945)  
 [PISM / A. 5- A. 80] Documents of Polish Ministries, Diplomatic Posts and  
 Official Civilian Institutions, 1919-1991.  
 [PISM/PRMK 02/30c] Protokół posiedzenia Rady ministrów, 29 October  
 1940.

Unites States Holocaust Memorial Museum [USHMM]

[RG.15.008M] German Occupation Records from the Archive of New Records,  
 Poland.  
 [RG.15.113M/657/23180] The Criminal Prison Warszawa-Mokotow District  
 [RG.15.349M] Selected Records from State Archives in Warsaw and its Branches  
 in Otwock, Mława, Grodisk Mazowiecki, Pultusk and State Archives in Plock.  
 [RG- 15.190M 211/294] *Żydowska Samopomoc Społeczna, 1939-1945*.  
 [RG.67.035M] Selected records from the World Jewish Congress.

Visual Historical Archive [VHA]

VHA/5644/David Ladau  
 VHA/15196/Vlada Meed

Institute for Jewish Research [YIVO]

[yivoencyclopedia.org/article.aspx/warsaw](http://yivoencyclopedia.org/article.aspx/warsaw)

Yad Vashem [YVA]

M10 AR1/457, Testimony of Pawel Bohm.

## 1.2 Published Sources

### 1.2.1 Newspapers and periodicals

*Biuletyn Informacyjny Maloposlki*

N0. 28/1942

*Do Rzeczy*

*Dziennik Ustaw (journal of laws)* <http://dziennikustaw.gov.pl/>

N0. 33, 20 marca 1928, *Kodeks Postępowania Karnego, 19 marca 1928 roku*  
 N0. 44, 1 Czerwa 1921, *Konstytucja Rzeczypospolitej Polskiej, 17 marca 1921 roku,*  
 N0. 70/505/1936

*Gazeta Polska* (polona.pl)

May 10, 1937

January 7, 1938

*Gazeta Poranna* (polona.pl)

December 11, 1922

*Gazeta Warszawska* (polona.pl)

December 11, 1922

*Jewish Telegraphic Agency*

Vol. 1 N0. 195

*Newsweek Polska,*

14 July 2016

*New York Time* ([nytimes.com/1946/07/05](http://nytimes.com/1946/07/05))

*Nowy Dziennik* (*Jagiellonska Biblioteka Cyfrowa* <https://jbc.bj.uj.edu.pl>)

N0.218 /1919

*Warszawski Dziennik Narodowy* (*Jagiellonska Biblioteka Cyfrowa* <https://jbc.bj.uj.edu.pl>)

N0. 79 A 7/22

N0. 81 A 7/22

N0. 101 A 7/22

N0. 175 A 7/22

N0. 176 B 7/22

### 1.2.2 Edited and Printed Sources

*Das Generalgouvernement*, Leipzig : Karl Baedeker, 1943.

*Statistique Criminelle Personnes condamnées et acquittées irrévocablement en 1924 et 1925*, Varsovie: Głównego Urzędu Statystycznego, 1930.

<https://pbc.gda.pl/dlibra/publication/37500/edition/39122/content>

*Kodeks Karny I Prawo o Wykroczeniach 1932*, Łódź, Marian Ginter – Księgarnia Wydawnictw Prawniczych, 1947.

*Le Petit annuaire de la Pologne vol.10*, Varsovie : Office Centrale de Statistique de la Pologne, 1939.

*Minorities Treaty Between the Principal Allied and Associated Powers (The British Empire, France, Italy, Japan and the United States) and Poland, Signed at Versailles (28 June 1919)* <http://www.forost.ungarisches-institut.de/pdf/19190628-3.pdf>

*Pierszy Poweszechny spis Rzeczypospolitej Polskiej z dnia 30 wresnia 1921 roku (Le premier recensement général de la République polonaise du 30 septembre 1921)*, Warszawa : Głównego Urzędu, Statystycznego, 1927.

*Protokoły z Posiedzeń Rady Ministrów Rzeczypospolitej Polskiej, tom I-V*, Kraków: Polska Akademia Umiejętności, 1994).

*Dziennik Rozporządzeń dla Generalnego Gubernatorstwa 1939-1943*  
<http://dlibra.umcs.lublin.pl/dlibra/publication?id=11395&tab=3>

### 1.2.3 Memoirs and Diaries

Banas, Franciszek, *Moje wspomnienia*, Rzeszów: Instytut Pamięci Narodowej, 2009.

Borowski, Tadeusz, *Le monde de pierre*, Paris : Christian Bourgeois Éditeur, 1992.

Borwicz, Michel, *L'insurrection du ghetto de Varsovie*, Paris : Édition La découverte, 1999.

Cymlich, Israel, *Escaping Hell in Treblinka*, New York, NY: Yad Vashem and the Holocaust Survivors' Memoirs Project, 2007.

Czerniaków, Adam, *Carnets du ghetto de Varsovie*, Paris : Éditions La découverte, 2003.

Domanski, Marian, *Fleeing from Hunter*, Toronto: The Azrieli Foundation, 2010.

Edelman, Marek, *Mémoires du ghetto de Varsovie*, Paris : Éditions Liana Levi, 1999.

FINKELMAN, Marian, *Out of the Ghetto A Young Jewish Orphan Boy's Struggle for Survival*, Montreal: A publication of the Concordia University Chair in Canadian Jewish Studies, 2000.

- Frank, Hans, *Dziennik Hansa Franka*, Warszawa: Wydawnictwo Prawnicze, biografia, autobiografia, pamiętnik, 1957.
- Gradowski, Zalmen, *Au cœur de l'enfer*, Paris, Éditions Kimé, collection Texto, 2001.
- « Jewish Memorandum to the Authorities on the Economic Situation of the Jews Following the Occupation », in *Document of the Holocaust*, Edited by Yitzhak Arad, Israel Gutman and Abraham Margalio, Lincoln, (NE): University of Nebraska Press.
- Kaplan A, Chaim, *The Warsaw Diary of Chaim A. Kaplan*, New York, NY: Macmillan Company, 1973.
- Korczak, Janusz, *Ghetto Diary*, New Haven (CT): Yale University Press, 2003.
- Krasnosdębski, Tadeusz, *Policjant konspiratorem, Szesnaście lat na muszce Gestapo i bezpieki*, Krakow: Instytut Pamięci Narodowej, 2008.
- Lasner, Rutka, *Le journal de Rutka*, Paris : Éditions Robert Laffont, 2008.
- Lemkin, Rafael and Malcom McDermott, *The Polish Penal Code and the Law of Minor Offences*, Durham, NC: Duke University Press, 1939.
- Lewin, Abraham, *Journal du ghetto de Varsovie. Une coupe de larmes*, Paris : Éditions Plon, 1990.
- Malachi, Hinda, « Hinda and Chanina Malachi diary », in *Journal of the Polish Center for Holocaust Research*, 2008.
- Milch, Baruch, *Can Heaven be Void ?*, Jerusalem: Yad Vashem, Editing Foreword by Shosh Milch-Avigal, 2003.
- Morgenthau, Henri, *Morgenthau Report: All in a Lifetime*, New York, NY: New York Public Library, 1922.
- Niebudek, Stefan *Przytyk Wielki Proces Polakow z Zydami*, Warsaw: Sprawa Narodowa, 1936.
- Perehodnik, Cael, *Am I a Murderer? Boulder, CO: Westview Press, 1996.*
- Rajchman, Chil, *Je suis le dernier Juif. Treblinka (1942-1943)*, Paris : Éditions les Arènes, 2008.
- Ringelblum, Emanuel, *Notes from the Warsaw Ghetto*, New York, NY : McGraw-Hill Book Company inc., 1958.

Stroop, Jürgen, *Zydowska Dzielnicza Mieszkaniowa w Warszawie Juz Nie Istnieje!*, Warsaw: Institut Pamięci Narodowej, 2009.

Turkow, Ionas, *La lutte pour la vie*, Paris : Éditions Honoré Champion, 2005.

Wiernik, Jankiel, *Une année à Treblinka*, Paris : Éditions Vendémiaire, 2012.

Zuckerman, Itzhak, *A Surplus of Memory: Chronicle of the Warsaw Ghetto Uprising*, Berkeley, CA: University of California Press, 1993.

“Zwei Jahre Aufbauarbeit im Distrikt Warschau”, In *Auftrage des Gouverneurs des Distrikts Warschau. SA- Gruppenführer*, Dr. Ludwig Fisher, 1942.

## 2. Secondary Sources

### 2.1 Articles and Chapters

Adamczyk-Garbowska, Monika, « *Compléter la mémoire – les yizker-biher (« livres du souvenir ») comme témoignage et inspiration.* » *Juifs et Polonais 1939-2008* p. 401-412. Paris : Albin Michel, 2009.

Angenot, Marc, “Rhétorique du Discours Social.” *Langue française* No 79, 1988, p. 24-36.

Bartov, Omer “Wartime Lies and Other Testimonies, Jewish-Christian Relations.” *East European Politics & Societies*, July 2011, p. 486-511.

Ben-Sasson, Havi, « La Pologne et les Polonais vus par les Juifs polonais pendant la Shoah : un regard qui a évolué. » in *Juifs et Polonais 1939-2008*, p. 109-122, Paris : Albin Michel, 2009.

Blonski, Jan “The Poor Poles Look at the Ghetto.” *Tygodnik Powszechny*, January 11 1987.

Buczacz, 1939-1944.” *East European Politics and Societies and Cultures*, 2011, p.486-511.

Cala, Alina, “Denying the Holocaust in Poland.” *Journal for the Study of Antisemitism*, vol.7(2), 2015, p. 121-133.

Coutin, Willy, “Chronologie de la destruction des Juifs de Pologne.” *Revue d’histoire de la Shoah*, vol.197(2), 2012, p. 719-736.

Czop, Andrzej I Mariusz Sokołowski, "Historia Polskich formacji policyjny od II Wojny Światowej do czasów współczesnych." *Kultura Bezpieczeństwa. Nauki-Praktyka-Refleksje* 13 (2013). 28-47.

Dean, Martin, "Poles, in the German Local Police in Eastern Poland and their Role in the Holocaust." *Polin Studies in Polish Jewry*, 18 2005, p. 353-366.

Dean, Martin, "Les conseils juifs en Pologne orientale et en Union soviétique sous l'occupation allemande." *Revue d'Histoire de la Shoah*, vol.185(2), 2006, p. 291-308.

Engel, David, "Citizenship in the Conceptual World of Polish Zionists." *The Journal of Israeli History*, Vol. 27, No 2, September 2008, p.191-199.

Engel, David, "On Studying Jewish History in Light of the Holocaust." *United States Holocaust Memorial Museum*, August 2007.

Engelking, Barbara « *Cher Monsieur Gistapo... . La délation aux autorités allemandes en Pologne dans les années 1940-1941. » Juifs et Polonais 1939-2008*, p. 45-60. Paris : Albin Michel, 2009.

Frankowski, Stanislaw, "The Polish Criminal Justice System After World War II – Selected Problems." *University of Pittsburgh Law Review*, vol.44(1), 1982, p. 139-161.

Frommer, Benjamin, "Postscript: The Holocaust in Occupied Poland, Then and Now." *East-European Politics & Societies*, August 2011, Vol.25(3) p. 575-580.

Furber, David, "Near as Far in the Colonies: The Nazi Occupation of Poland." *The International History Review*, Vol.26(3) (01 September 2004): 541-579.

Gayer, Laurent, "La normalité de l'anormal : recomposer le quotidien en situation de guerre civile.» *Critique internationale* 2018/3 (N0 80), p. 181-190.

Getter, Marek, "Policja Polska w Generalnym Gubernatorstwie 1939-1945." *Przegląd Policyjny* 1-2 (1996), p.74-91.

Ginzburg, Carlo « Signes, traces, pistes. Racine d'un paradigme de l'indice. » *Le Débat*, no 6, 1980, p. 3-44.

Grabowski, Jan, "Jewish Defendants in German and Polish Courts in the Warsaw District, 1939-1942." *Yad Vashem Studies*, Jerusalem, 2007, p.1-32.

Grabowski, Jan « Le chantage et la dénonciation des Juifs à Varsovie, 1939-1943.» *Juifs et Polonais 1939-2008*, p. 17-32. Paris : Albin Michel, 2009.

Grabowski, Jan, "Rescue for Money: Paid Helpers in Poland, 1939-1945." *Search and Research – Lectures and Papers*, 2008, p.1-54.

Grabowski, Jan, "The Role of Bystanders in the Implementation of the "Final Solution" in Occupied Poland." *Yad Vashem Publication*, Jerusalem, 2015, p.250-278.

Grabowski, Jan, "The Polish Police Collaboration in the Holocaust." Washington, DC: *United States Holocaust Memorial Museum, Jack, Joseph and Morton Mandel Center for Advanced Holocaust Studies*, 2017, p.1-32.

Hannon, Lance, "Criminal Opportunity Theory and the Relationship Between poverty and Property Crime." *Sociological Spectrum*, 22, 2002, p.363-381.

Husson, Édouard, "L'appareil de terreur de Himmler, le commandement de la Wehrmacht et les projets génocidaires du régime nazi. Le développement des méthodes d'extermination en Pologne et en Union soviétique (1939-1941)." *Revue d'histoire de la Shoah*, vol.187(2), 2007, p.59-92.

Koch, Gertrud, « Mystification et évidence dans les photos prises dans le ghetto de Lodz .» *Juifs et Polonais 1939-2008*, p. 141-170. Paris : Albin Michel, 2009.

Katz, Steven T., "The Unique Intentionality of the Holocaust." *Modern Judaism*, Vol.1, N0.2 (September 1981), p. 161-183.

Kolish, Evelyn, "L'histoire du droit et les archives judiciaires." *Les Cahiers du droit*, vol. 34, numéro 1, 1993, Faculté de droit de l'Université Laval, p. 289-307.

Kopstein, Jeffrey S. and Jason Wittenberg, "Deadly Communities: Local Political Milieus and the Persecution of Jews in Occupied Poland." *Comparative Political Studies*, March 2011, vol.44(3), p. 259-283.

Kos-Rabcewicz-Zubkowski, Ludwik, "Polish Constitutional Law." In *Polish Law Throughout the Ages*, edited by Wencslas J. Wagner, p. 224-256. Stanford, CA, Hoover Institution Press, 1970.

Krakowski, Shmuel, "The Polish Underground and the Extermination of the Jews." In *Poles, Jews, Socialist: the Failure of an Ideal*, p. 138-147. Portland, OR: The Littman Library of Jewish Civilization, 2008.

Krzeminski, Ireneusz, "Polish-Jewish Relations, Antisemitism and National Identity." *Polish Sociological Review*, N0. 137 (2002), p. 25-51.

Alexandra Laignel-Lavastine, « La place de la Shoah dans l'œuvre de Milosz : *Témoin, donc coupable.* » In *Juifs et Polonais 1939-2008*, p. 273-292. Paris : Albin Michel, 2009.

Leder, Andrzej, "La revolution des somnambules." *Revue d'études comparatives est - ouest*, 2016, p. 29-55.

Dariusz Libionka, « L'État polonais clandestin et la question juive », in *Juifs et Polonais 1939-2008*, p.61-78. Paris : Albin Michel, 2009.

Liebmann, Hersch, “Polish Criminal Statistics: Its Use for a Comparative Study of the Jewish and Non-Jewish Criminality in Poland”, *Journal of Criminal Law and Criminology*, vol. 7, issue 2, article 4, 1936, p.190-202.

Malgorzata Melchior, « Les Juifs aryens » : stratégies de survie et problème d'identité. » In *Juifs et Polonais 1939-2008*, p.369-388. Paris : Albin Michel, 2009.

Misiuk, Andrzej, “Police and Policing Under the Second Polish Republic 1918-1939”, in *Policing Interwar Europe Continuity, Change and Crisis, 1918-1940*, p.159-171. New York, NY: Palgrave MacMillan, 2007.

Oppenheim, Israel (Beer Sheva), “The National Democrats – Endejca – Attitude to the Jewish Question at the Outset” *Studia Podlaskie* 2, p. 105-121.

Pulawski, Adam, “The Polish Government in Exil in London, The Delegatura, The Union of Armed Struggle Home Army and the Extermination of the Jews.” *Holocaust Studies*, Vol. 18, N0 2-3 (Autumn/Winter 2012):119-144.

Plach, Eva P., “Ritual Slaughter and Animal Welfare in Interwar Poland.” *East European Jewish Affairs* Vol. 45, N0 1 (2015): 1-25.

Polonsky, Antony, “Writing the History of the Jews of Poland and Russia.” *European Judaism* 2013, vol.46(2), p. 4-8.

Jacques Revel, « Micro-analyse et construction du social. » *Jeux d'échelle La micro-analyse à l'expérience*, Paris : Éditions Gallimard, 1994, p.19-36.

Rodak, Mateusz, “Justizwesen und Strafverfolgungsorgane der Zweiten Polnischen Republik im Umgang mit Juden”, *Zeitschrift für Ostmitteleuropa-Forschung* 62, 2013: 187–204.

Subrahmanyam, Sanjay, “On World Historians in the Sixteenth Century.” *Representations* 91, 2005, p.1-29.

Szurek, Jean-Charles, “Le génocide juif en Pologne: aperçu de quelques problèmes historiographiques.” *Cahiers Internationaux de Sociologie*, Nouvelle Série, Vol. 96, tome II (janvier-juin 1994): 165-175.

Stola, Dariusz, “The Polish Government in Exile: National Unity and Weakness.” *Holocaust Studies* Vol. 18 N0. 2-3, (Autumn/Winter 2012): 95-118.

Sulek, Antoni, "Ordinary Poles look at the Jews." *Eastern European Politics and Societies*, Vol.2 N02, (2012): 425-444.

Rabinowicz, Harry, "The Battle of the Ghetto Benches." *The Jewish Quarterly Review*, vol. 55, N0 2 (October 1964), p. 151-159.

Rudnicki, Szymon, "Jews in Poland Between the Two World Wars." *Shofar* 2011, vol.29(3) p.4-23.

Tarnowska, Anna, "Legal Basis of the Treasury System in Local Governments in the Second Republic of Poland." in *Prawo Budжетowe Panstwa i Samorzadu*, vol.1(2)01 December 2013, p.41-59.

Marcin Urynowicz, « La délégation du gouvernement de la République polonaise de Londres et le financement du Conseil d'aide aux Juifs (*Zegota*).» *Juifs et Polonais 1939-2008*, (Paris : Albin Michel), 2009, p. 79-94.

Wierzcholska, Agnieszka, "Helping, Denouncing, and profiteering: A Process-Oriented Approach to Jewish-Gentiles Relations in Occupied Poland from a Micro-Historical Perspectives." in *Holocaust Studies*, (2016), p.34-58

## 2.2 Monographies and Dissertations

Ajnekiel, Andrzej, *Polsko-francuski sojusz wojskowy*. Warsaw: Akademia Obrony Narodowej, 2000.

Arendt, Hannah, *Between Past and Future*. New York, NY: Penguin, 1968.

Arendt, Hannah, *The Origins of Totalitarianism*. New York, NY: Harcourt, Brace & World, 1973.

Bauer, Yehuda, *Rethinking the Holocaust*. New Haven, CT: Yale University Press, 2001.

Beauvois, Daniel, *La Pologne des origines à nos jours*. Paris : Éditions du Seuil, 2003.

Bereza, Arkadiusz and Witold Okninski, *Sadownictwo Siedleckie Tradycje i wspolczesnosc*. Warsaw: Wolters Kluwer Polska SA, 2009.

Bikon, Anna, *The Crime and the Silence Confronting the Massacre of Jews in Wartime Jedwabne*. New York, NY: Farrar, Straus and Giroux, 2015.

Blanc, Louis, *Histoire de la constitution française du 25 février 1875*, <http://gallica.bnf.fr/ark:/12148/bpt6k24229m>

Brykczynski, Paul, *Primed for Violence Murder, Antisemitism, and Democratic Politics in Interwar Poland*. Madison, WI: The University of Wisconsin Press, 2016.

Buczowski, Konrad, *Criminality and Criminal Justice in Contemporary Poland: Sociopolitical Perspectives*. Farnham: Ashgate Publishing, 2015.

Cherry, Robert and Annamaria Orla-Bukowska, *Rethinking Poles and Jews. Troubled Past, Brighter Future*. Plymouth: Rowman & Littlefield Publisher, 2007.

Dmowski, Roman, *Kościół, Naród i Państwo*,. Woclaw: Edition Nortom, 2013.

Dreyfuss, Havi, *Relations between Jews and Poles During the Holocaust. The Jewish Perspective*. Jerusalem: Yad Vashem Publications, 2009.

Du prel, Max Freiherr, *Das General-Gouvernement*. Konrad Tritsch Vwrlag Würzburg, 1942.

Ebbe, Obi N, *Comparative and International Criminal Justice Systems: Policing, Judiciary, and Corrections*. Milton Park, Didcot: Taylor & Francis, 2013.

Engel, David, *In the Shadow of Auschwitz The Polish Government-in-Exile and the Jews (1939-1942)*. Chapel Hill, NC: The University of North-Carolina Press, 1987.

Engel, David, *The Holocaust in Poland*. New York, NY: Oxford University Press, 2012.

Engelking, Barbara, *On ne veut rien vous prendre... Seulement la vie, des Juifs caches dans la campagne polonaise. 1942-1945*, Paris: Éditions Calmann-Lévy, 2015.

Engelking, Barbara and Jan Grabowski, *Przestępczość Żydów w Warszawie 1939-1942*. Warsaw: Stowarzyszenie Centrum Badan na Zagłada Żydów, 2010.

Engelking, Barbara and Jan Grabowski, *Dalej jest noc, Losy Żydów w wybranych powiatach okupacyjnej Polski*. Warsaw: Centrum Badan na Zagłada Żydów, 2018.

Engelking Barbara et Jacek Leociak, *The Warsaw Ghetto. A Guide to the Perished City*, Warsaw: The Kosciuszko Foundation, 2009.

Foucault, Michel, *Les anormaux*. Paris : Édition Galimard Le seuil, 1999.

Frankowski, Stanislaw *Introduction to Polish law*. Saint-Louis, MO: University School of Law, Kluwer Law International, 2005.

Friedlander, Saul, *Les années de persécutions L'Allemagne nazie et les Juifs, 1933-1939*. Paris : Éditions du Seuil, 1997.

Friedlander, Saul, *Les années d'extermination L'Allemagne nazie et les Juifs, 1939-1945*. Paris : Éditions du Seuil, 1997.

Friedman, Philip, *Their Brothers' Keepers*. New-York, NY: Holocaust Library New-York, 1978.

Garlinski, Jozef, *Poland in the Second World War*. London: The Macmillan Press LTD, 1985.

Gilbert, Martin, *The Routledge Atlas of the Holocaust*. New York, NY: Routledge, 2009.

Grabowski Jan, *Je le connais, c'est un Juif! Varsovie 1939-1943 : le chantage contre les Juifs*. Paris : Éditions Calmann-Lévy : Mémorial de la Shoah, 2008.

Grabowski, Jan, *Klusze i Kasa, od mieniu zydowskim w Polsce pod okupacja niemiecka i we wczesnych latach powojennych 1939-1950*. Warsaw : Centrum Badan na Zaglada Zydow, 2014.

Grabowski, Jan, *Hunt for the Jews: Betrayal and Murder in German-Occupied Poland*. Bloomington, IN: Indiana University Press, 2013.

Gross, Jan T., *Polish Society Under German Occupation The Generalgouvernement, 1939-1944*. Princeton, NJ: Princeton University Press, 1979.

Gross, Jan T., *Neighbors: The Destruction of the Jewish Community in Jedwabne, Poland*, Princeton. NJ: Princeton University Press, 2001.

Gross, Jan T., *Fear Anti-Semitism in Poland After Auschwitz*, New York, NY: Radom House Publisher, 2007.

Gross, Jan T., *Golden Harvest*. Oxford: Oxford University Press, 2012.

Gross, Jan T., *The Holocaust in Occupied Poland: New Findings and New Interpretations*. New York, NY, Peter Lang, 2012.

Gutman, Israel and Shmuel Krakowski, *Unequal Victims, Poles and Jews During World War II*. New York, NY: Holocaust Library, 1986.

Gutman, Israel, *Encyclopedia of the Holocaust*. New York, NY: Macmillan, 1995.

Hagen, William, W., *Anti-Jewish Violence in Poland, 1914-1920*. Cambridge: Cambridge University Press, 2018.

Hartog, François, *Régimes d'historicités. Présentisme et expériences du temps*. Paris. Éditions du Seuil, 2003.

- Hempel, Adam, *Pogrobowcy Kłeski, rzecz o policji "granatowej" w Generalnym Gubernatorstwie 1939-1945*. Warsaw: Państwowe Wydawnictwo Naukowe, 1990.
- Hilberg, Raul, *La destruction des Juifs d'Europe I*. Paris : Éditions Gallimard, coll. Folio Histoire, 2005.
- Hilberg, Raul, *La destruction des Juifs d'Europe II*. Paris : Éditions Gallimard, coll. Folio Histoire, 2005.
- Hilberg, Raul, *La destruction des Juifs d'Europe III*. Paris : Éditions Gallimard, coll. Folio Histoire, 2005.
- Hilberg, Raul, *Perpetrators Victims Bystanders: The Jewish Catastrophe 1939-1945*. New York, NY: Harper Collins, 1992.
- Hilberg, Raul *The Politics of Memory The Journey of a Holocaust Historian*. Chicago, IL: Ivan R. Dee Inc. 1996.
- Himka, John-Paul and Joanna Michlic, *Bringing the Dark Past to light: The Reception of the Holocaust in Post-Communist Europe*. Lincoln, NB: University of Nebraska Press, 2013.
- Janicka, Elzbieta and Thomas Zukowski, *Philo-Semitic Violence New Polish Narrative About Jews after 2000*. Warsaw: Instytut Badan Literackich PAN, 2016.
- Jedruch, Jacek, *Constitutions, Elections and Legislatures of Poland, 1493-1993 A Guide to their history*. New York, NY: Hippocrene Books, 1998.
- Jedrzejewicz, Waclaw, *Josef Pilsudski une biographie*. Lauzanne: Éditions l'Âge d'homme, 1986.
- Katz, Steven T., *The Holocaust and Comparative History*. New York, NY: Leo Baeck Institute, 1993.
- Katz, Steven T., *The Holocaust in Historiographical Context, Vol. 1 The Holocaust and Mass Death Before in the Modern Age*. New York, NY, Oxford University Press, 1994.
- Kichelewski, Audrey, *Les Survivants: les Juifs de Pologne depuis la Shoah*. Paris: Éditions Belin, 2018.
- Kochanski, Halik, *The Eagle Unbowed, Poland and the Poles in Second World War*. Harvard, MA: Harvard University Press, 2012.
- Kopowka, Edward, *The Jews of Sieldce 1850-1945*. New York, NY): JewishGen Inc, 2009.

Korbonski, Stefan, *The Polish Underground State, A Guide to the Underground 1939-1945*. New York, NY: Hippocrene Books, 1981.

Kozłowski, Maciej, Andrzej Folwarczny, Michał Bilewicz, Israel Gutman, *Difficult Questions in Polish-Jewish Dialogue: how Poles and Jews See Each Other : a Dialogue on Key Issues in Polish-Jewish Relations*. New York, NY : American Jewish Committee, 2006.

Krajewski, Stanisław, *Poland and the Jews Reflections of a Polish Jew*. Krakow: Austeria, 2005.

Krakowski, Shmuel, *The War of the Doomed Jewish Armed Resistance in Poland, 1942-1944*. New York, NY: Holmes & Meier Publisher inc., 1984.

Lanicek, Jan and James Jordan, *Governments-in-Exile and the Jews During the Second World War*. London: Vallentine Mitchell, 2013.

Leczyk, Marian, *La science historique polonaise dans l'historiographie mondiale*. Warsaw : Ossolineum, 1990.

Leociak, Jacek, *Text of the Face of Destruction Account from the Warsaw Ghetto reconsidered*. Warsaw: Żydowski Instytut Historyczny, 2004.

Litwinski, Robert, *Korpus Policji w II Rzeczypospolitej. Służba I życie prywatne*. Lublin: UMCS, 2010.

Locke, John, *Le droit avant l'État*. Paris, Éditions Michalon, 2004.

Longerich, Peter, *Holocaust The Nazi Persecution and Murder of the Jews*. New York, NY: Oxford University Press, 2010.

Maciejewski, Tadeusz, *Historia ustroju i prawa sądowego Polski*. Warsaw: C.H. Beck, 2011.

Marrus, Michael, *L'Holocauste dans l'histoire*. Paris : Éditions Flammarion, 1994.

Mayer, Diemut, *Non-Germans » Under the Third Reich The Nazi Judicial and Administrative System in Germany and Occupied Eastern Europe, with Special Regard to Occupied Poland, 1939-1945*. Washington, DC: United States Holocaust Memorial Museum Press, 1993.

Meducki, Stanisław and Zenon Wrona, *Dokumenty I materialy*. Kielce: Kielce Towarzystwo Naukowe, 1992.

Melzer, Emanuel, *No Way Out the Politics of Polish Jewry 1935-1939*. Cincinnati, OH: Hebrew Union College Press, 1997.

Mendelson, Daniel, *The Lost*. New South Wales, Australia: Harper Collins Publishers, 2009.

Michlic, Joanna, *Ethnic Nationalism and the Myth of Threatening Other: the Case of Poland and Perceptions of its Jewish Minority, 1880-1968*, PhD dissertation, University of London, 2000.

Michlic, Joanna, *Poland's Threatening Other: The Image of the Jew from 1880 to the Present*. Lincoln, NE: Board of Regents of the University of Nebraska, 2006.

Michman, Dan, *Pour une Historiographie de la Shoah Conceptualisations, terminologie, définitions et problèmes fondamentaux*. Paris, In Press, 2001.

MICHMAN, Dan, *The Emergence of Jewish Ghettos During the Holocaust*. New York NY: Cambridge University Press, 2011.

Milewski, François, *Un livre du souvenir. À la recherche d'une famille juive décimée en Pologne*. Paris : Édition La découverte, 2009.

Minczeles, Henri, *Une histoire générale du Bund. Un mouvement révolutionnaire juif*. Paris : Éditions Denoël, 1999.

Minczeles, Henri, *Une histoire des Juifs de Pologne, Religion, culture, politique*. Paris : Éditions La Découverte, 2006.

Nora, Pierre, *Les lieux de mémoire*. Paris : Éditions Gallimard, 1997.

Ogonowski, Jerzy, *Sytuacja Żydów w Rzeczypospolitej Polskiej 1918-1939*. Warsaw: Żydowski Instytut Historycznym im Emanuela Ringelbuma, 2012.

Ogonowski, Jerzy, *Uprawnienia językowe mniejszości narodowych w Rzeczypospolitej Polskiej 1918-1939*. Warsaw : Wydawnictwo Sejmowe, 2000.

Paulsson, Gunnar S., *Secret City The Hidden Jews of Warsaw, 1940-1945*. New Haven, CT: Yale University Press, 2002.

Paczkowski, Andrzej, *The Spring Will Be Ours: Poland and the Poles from Occupation to Freedom*. Philadelphia, PA: Pennsylvania University Press, 2003.

*Prawo Polityczne Rzeczypospolitej Polskiej 1918-1939*. Warsaw: Wydawnictwo Sejmowe, 2002.

Potel, Jean-Yves, *La fin de l'innocenc: La Pologne face à son passé juif*. Paris: Éditions Autrement, 2009.

- Prekerowa, Teresa, *Zegota commission d'aide aux Juifs*. Paris: Éditions du Rocher, 1999.
- Piotrowski, Stanislaw, *Dziennik Hansa Franka*. Warsaw: Wydawnictwo Prawnicze, 1957.
- Piotrowski, Stanislaw, *Proces Hansa Franka*. Warsaw: Wydawnictwo Prawnicze, 1970.
- Piotrowski, Stanislaw, *Hans Frank's Diary*. Warsaw: Panstwowe Wydawnictwo Naukowe, 1961.
- Piotrowski, Tadeusz, *Poland's Holocaust Ethnic Strife, Collaboration with Occupying Force and Genocide in the Second Republic, 1918-1947*. Jefferson, NC: McFarland, 1998.
- Polonsky, Antony, *Politics in Independent Poland 1921-1939*. Oxford: Oxford University Press, 1972.
- Polonsky, Antony, *My Brother's Keeper? Recent Polish Debates about the Holocaust*. London: Routledge, 1990.
- Rabinowicz, Harry M., *The Legacy of Polish Jewry*, New York, NY: Thomas Yoseloff Publisher, 1965.
- Ramet, Sabrina P, *The Catholic Church in Polish History from 966 to the Present*. Las Vegas, NV: University of Nevada, 2017.
- Rawls, John, *A Theory of Justice*. Cambridge, MA: The Belknap Press of Harvard University Press, 2005.
- Regina, Christophe, *Genre, mœurs et justice, Les Marseillaises et la violence au XVIIIe siècle*. Aix-en-Provence : Presses universitaires de Provence, 2015.
- Ringelblum, Emanuel, *Polish-Jewish Relations During the Second World War*. Evanston, IL: North-Western University Press, 1974.
- Rosner, Anny, *Historia ustroju i prawa polskiego*. Warsaw: Wolters Kluwer, 2012.
- Rousseau, Jean-Jacques, *Du contrat social*. Paris : Éditions Gallimard Le Seuil, 1999.
- Rousseau, Jean-Jacques, *Discours sur l'Origine et les fondements de l'inégalité parmi les hommes*. Paris : Éditions Gallimard Le Seuil, 1999.
- Sprengel, Boleslaw, *Policja Panstwowa a Organy Wladzy Publicznej w Polityce Ochrony Biezpieczenstwa Wewnetrznego w Polsce w Latach 1918-1939*. Torun: Wydawnictwo Naukowe Uniwersytetu Mikoaja Kopernika, 2011.

- Snyder, Timothy, *Bloodlands Europe Between Hitler and Stalin*. New York, NY: Basic Books, 2010.
- Snyder, Timothy, *Black Heart The Holocaust as History and Warning*. New York, NY: Tim Duggan Books, 2015.
- Stachura, Peter D., *Poland 1918-1945: An Interpretative and Documentary History of the Second Republic*. London: Routledge, 2004.
- Szurek, Jean-Charles and Annette Wiewiorka, *Juifs et Polonais 1939-2008*. Paris : Albin Michel, 2009.
- Szymanska, Sylwia, *Ludnosc Zydowska w Otwocku*. Warsaw: Zydowski Instytut Historyczny w Polsce, 2002.
- Tec, Nechama, *Resistance: Jews and Christians who Defied the Nazi Terror*. Oxford: Oxford University Press, 2013.
- Traverso, Enzo, *La violence nazie une généalogie européenne*. Paris: Éditions La Fabrique, 2002.
- Traverso, Enzo, *Le passé: mode d'emploi histoire, mémoire, politique*. Paris: Éditions La Fabrique, 2005.
- Traverso, Enzo, *L'histoire comme champ de bataille. Interpreter les violences du XX<sup>e</sup> siècle*. Paris: Éditions La Découverte, 2011.
- Trunk, Isaiah, *Judenrat The Jewish Council in Eastern Europe Under Nazi Occupation*. Lincoln, NE: University of Nebraska Press, 1972.
- Turkow, Jonas, *En Pologne, après la liberation: l'impossible survie des rescapés juifs*. Paris: Calmann-Levy, 2008.
- Vern thompson, Larry, *Nazi Administration Conflict: The struggle for executive Power in the General Government of Poland, 1939-1943*, PhD dissertation, Madison, WI: University of Winsconsin, 1967.
- Vigh, Henryk, E., *Navigating Terrains of War*. New York, NY: Berghahn Books, 2007.
- Waele, Jean-Michel and Anna Paczesniak, *Comprendre la Pologne: société, politique et institutions*. Paris: L'Harmattan, 2016.
- Wagner, Wencelas, J. (edited by), *Polish Laws Throughout the Ages*. Stanford, CA: Stanford University Press, 1970.

Winston, Martin, *The Dark Heart of Hitler's Europe*. London: I.B. Tauris & Co. Ltd, 2015.

Zimmerman, Joshua D., *The Polish Underground and the Jews, 1939-1945*. New York, NY: Cambridge University Press, 2015.

*The United States Holocaust Memorial Museum Encyclopedia of Camps and Ghettos, 1933-1945*. Washington, DC: Geoffrey P. Megargee, 2018.

*The Yad Vashem Encyclopedia of the Ghettos During the Holocaust* New York, NY: New York University Press, 2010.