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Poland

Polands legislated antisemitism

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Today in Poland, remembering Poles' complicity in the Holocaust is subject to punishment.

In 2006, the Sejm, Poland's lower house of parliament, passed a law which stated: "Whoever publicly accuses the Polish Nation of participation in, or responsibility for, communist or Nazi crimes is punishable by imprisonment of up to three years."

That, however, was during the nationalist Law and Justice Party's first two-year reign, when the party did not control the Constitutional Tribunal, Poland's highest court. As a result, the law did not go into effect. Twelve years later, at the initiative of the Deputy Minister of Justice, the law was reintroduced in parliament and passed the Sejm in amended form on January 26, 2018 – the eve of International Holocaust Remembrance Day. [1] It then passed in the Senate, the upper house of parliament, on February 1 at two o'clock in the morning, without amendments. Several days later it was signed by President Andrzej Duda of the Law and Justice Party (PiS).

The law's passage was covered as a major story by most of the world's major media outlets. All reported the same thing: Poland denies the Holocaust. But to understand the alarm this episode caused in Israel, the US, Russia, Germany and other countries, let us take a look at this controversial law and the heightened state of tension between Poland and its foreign partners that has suddenly become apparent after years of going unnoticed.

Articles 55a and b of the revised "Law on the Institute of National Remembrance – Commission for the Prosecution of Crimes against the Polish Nation" now states: "Whoever publicly and, contrary to fact, ascribes responsibility or shared responsibility to the Polish Nation for Nazi crimes committed by the Third Reich (...) is subject to punishment by fine or imprisonment for up to 3 years." And what's more: "This law applies to both Polish citizens and foreigners in the event of infraction, regardless of the regulations in force in the place where the offense is committed."

Legislative monstrosities like these, written in a hurry and voted through parliament in the dead of night, are a specialty of the PiS. That they are strange, absurd, and imprecise is not just a result of the haste in which they are written and the lack of any prior consultation or discussion. This law, which contradicts both the constitution and common sense, was designed deliberately. Its purpose is to give PiS chairman Jarosław Kaczyński – who exercises total power in Poland, even though formally he's just an ordinary member of parliament – and his acolytes the ability to prosecute any case they deem necessary at a given moment. Given PiS control of the courts, article 55 can even be enforced retroactively as an ex post facto law.

This legislation allows them to indulge racists, homophobes, and antisemites on the one hand and, on the other, to prosecute "communists," foreigners, historians, publishers, and witnesses to the Holocaust.

History Repeats Itself

The roots of the law should be sought in the year 2000, when a book by a Polish historian and long-time US resident, Jan T. Gross, came out in Poland: *Neighbors: The Destruction of the Jewish Community in Jedwabne, Poland*. Gross describes how in July 1941, in the Wehrmacht-occupied Polish town of Jedwabne, Poles tortured, murdered, and finally burned their Jewish neighbors in a barn.

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Gross's book caused shock waves in Poland and led to one of the longest and most explosive debates since the fall of really existing socialism in 1989. The facts were indisputable: without any help from the Germans, only their encouragement and approval, Poles in Jedwabne murdered at least several hundred defenseless Jews, including women, children, and the elderly, tormenting them in an unimaginable way. Their motives – cited by both perpetrators and witnesses – were revenge for alleged collaboration with the USSR (the territory of Jedwabne had been occupied by Soviet forces from September 1939 to June 1941) and an excuse to rob and to rid themselves of competition.

Over the course of the discussion provoked by Gross's book, new facts began to emerge – memoirs, accounts, documents (previously silenced, hidden, or forgotten) – that completely undermined the existing understanding of Poland's history during World War II.

It turned out that Poles, represented in previous historical accounts – whether by communists in the 1945-1989 period, or by right-wing liberals, nationalists, and neoliberal post-communists since 1990 – as only victims of either German or Soviet terror, were in fact complicit in the Nazi Holocaust. In the book *My z Jedwabnego* (*We from Jedwabne*), published in 2004, Anna Bikont presented a brilliant reconstruction of the events on the territory near Jedwabne following German occupation in July 1941. She showed that there were in fact many towns where Poles, without the participation of Germans, only their permission, murdered their Jewish neighbors. Descriptions of the pogroms included elaborate torture, rape, mutilation, and ended with burning their victims alive. It was so shocking that it caused a large segment of public opinion, together with right-wing historians and journalists, to simply deny these facts as impossible and unbelievable.

It also turned out that remembering seventy-year-old crimes is dangerous: one of the families that had hidden Jews in Jedwabne was forced to emigrate abroad after the publication of Gross's book, while the town mayor who participated in opening the cemetery for the victims – along with then-president Aleksander Kwasniewski, who also apologized to Jews for these crimes on behalf of Poles – was dismissed. Witnesses and authors of the accounts have received frequent death threats and in some cases there have even been assassination attempts.

From the dozens of memoirs and diaries of Jewish victims and survivors, as well as historical studies that have been published in Poland over the last twenty years, it has become clear that Jews in hiding were more afraid of Poles than of Germans. Germans could not recognize Polish Jews, while Poles picked them out unerringly. Some Poles, of course, helped or tried to help Jews in hiding, but they did so in opposition to the majority. This majority was infected with the prewar, pan-European virus of antisemitism and saw the Jews as their mortal enemies.

Researchers from the Polish Center for Holocaust Research estimate the number of Jews murdered directly by Poles or denounced by them to be in the tens of thousands. Some estimates even speak of 100,000 victims. The perpetrators of these murders and denunciations were: Polish policemen, Polish employees of the German construction service, members of the volunteer fire brigades, peasants, and city dwellers. Jews were also killed by partisan units of all political stripes: the extreme right-wing National Armed Forces (NSZ), the majority Home Army (AK), and the Peasant Battalions (BCh). Even some troops of the communist People's Guard (later renamed the People's Army) committed some murders, although for the most part Jews who were in the ranks of the People's Guards or under their protection survived.

It follows that during World War II Poles killed more of their fellow citizens than the German occupiers did during the 1939 invasion of Poland, the Warsaw Uprising of 1944, or in response to other underground and partisan activities. These facts are so dangerous for Polish nationalists, who celebrate the image of Poland as an innocent victim, that they have resorted to a statutory ban on their dissemination. [2]

On February 11, 2018, Polish prime minister Mateusz Morawiecki said, "Poland's sovereign authorities did not expel

Jews, did not do, actually, what the sovereign authorities in all other European countries did.” It is therefore worth reminding the Prime Minister of several facts that may shatter his unblemished image of Poland.

For example, during the Polish-Soviet War in mid-August 1920, the Polish authorities in Jabłonna, near Warsaw, interned about 17,000 Polish soldiers and officers of Jewish origin because, as Jews, they were automatically identified with communism and the Bolsheviks. Among them there were many volunteers, including Alfred Tarski, who later became one of the most famous logicians of all time.

When, at the end of October 1938, the Germans deported several thousand Jews of Polish citizenship to Poland (including, among others, Marcel Reich-Ranicki, who later became a famous German literary critic), Polish border guards refused to let them enter the country and the deportees were forced to camp on the border for several months in terrible conditions, under the open sky. Some of them were later allowed to return to Germany. The direct pretext for the German deportation was the decision of the Polish authorities to withdraw citizenship to all Poles living abroad — which mainly harmed Jews.

On January 10, 1939 — only a few months before the outbreak of World War II — the Polish government officially declared a plan to expel Polish Jews to Africa. A special commission was even sent by the government to Madagascar to investigate the possibility of resettling Polish Jews on the island. The Prime Minister, Felicjan Sądowski, in response to an inquiry from 116 Polish deputies, said that the Polish government was diligently seeking territories for the emigration of Polish Jews and considering other related matters, such as “funding for the implementation of the emigration program, regulation of issues of the transfer and liquidation of property and capital.”

Punishment for Speaking the Truth

According to Polish law, I could be sentenced to three years in prison for what I have written here. The Polish president, prime minister, minister of foreign affairs, and other officials from the ruling Law and Justice Party falsely insist that the law poses no threat to academic research or artistic activity. They claim this law is only aimed at those who “contrary to fact, ascribe responsibility or shared responsibility to the Polish nation for Nazi crimes committed by the Third Reich.” Who will evaluate what is a “fact”? Polish courts have now been subordinated to the Minister of Justice and the General Prosecutor and staffed with his people. Moreover, no one knows what exactly is meant by the (capitalized) “Polish Nation,” particularly as Polish uses the same word for both “nation” and “people” (naród).

The passage of this law has had the opposite effect from that intended: today the entire world is talking about Polish antisemitism. Polish nationalists (supported by at least half the voters) cannot stand the fact that their Catholic grandparents denounced and murdered Jews during the war and so they have passed a law to seal the lips of Holocaust victims who accuse Poles of complicity in their Gehenna. It is a slap in the face for victims of Nazi genocide and evidence that today’s Poland is returning to the grim antisemitic tradition of the 1930s. It also bears a resemblance to what happened in Poland in 1968-69, when the communist party instigated an antisemitic campaign and several thousand Jews, most of whom had miraculously survived the Holocaust, were forced to flee the country.

Today, of course, Poland is a different country. But the attitude of the right-wing politicians currently in charge is probably related to their belief that we will go on for years living in a Poland cut to their measure: a Poland of obscurantist clericalism, chauvinism, and utter hypocrisy. The support of nearly half the population gives them reassurance. This Poland is very similar to the one from the late 1930s — officially antisemitic, quarreling with its neighbors, directing a policy of colonization against its minorities, imperialistic towards its weaker neighbors (Lithuania, the partition of Czechoslovakia with Hitler).

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The spread of an anti-immigrant and antisemitic atmosphere, which had gone unnoticed for years, has now resulted in racist incidents occurring on the streets of Polish cities on a near-daily basis and thousands marching under the slogans of “White Europe” and “Jews to Israel.” Finally, on November 18, 2015, an effigy of an orthodox Jew was burned on the market square in Wroclaw. Or consider, for that matter, a recent demonstration of Polish nationalists in front of the presidential palace under the slogan, “Take off the kippah, sign the bill” (i.e., the law discussed in this article, which the president ultimately signed). All this is the result of the deliberate policies of the current government.

The political trend in Poland, like that in Turkey, Israel, Russia, Hungary, and many other countries, is clear and easy to predict. There is no need for a dictatorial system to implement statutes threatening citizens with prison for exercising freedom of speech. In Turkey, one can be sent to prison for public use of the Kurdish language or talking about the Armenian genocide. Now today, in Poland, the memory of Poles’ complicity in the Holocaust is subject to punishment. What only recently seemed impossible in the country of Auschwitz and Treblinka – the legal denial of antisemitism on the part of Polish society – has become reality.

PS:

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[1] <https://theintercept.com/2018/03/03/even-poland-never-enforces-new-holocaust-law-lot-damage-already-done/>

[2] <https://www.jacobinmag.com/2015/11/timothy-snyder-bialoszewski-memoir-warsaw-uprising>