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The issue of different forms of collaboration, or favours granted to the German occupier, has not yet been the subject of a comprehensive monograph in Poland.¹ As is well-known, at the beginning of the war numerous, if marginal, attempts were made by some milieus to seek out a possible modus vivendi with the occupying forces.² Nonetheless, the entire issue would later be somewhat mythologized in the slogan ‘Poland, a country without Quisling’. Indeed, no real political collaboration with the occupier ever took place in Poland. However, as we know quite well today, this was because assessments of the possibility of such collaboration and of how it could be realized, when considered in the Third Reich’s diplomatic apparatus or in the Wehrmacht in the years 1939-1940 were from the outset dismissed out of hand by Adolf Hitler. Lesser known is the fact that, towards the end of the occupation, in 1944, attempts were made several times by the German side (at a relatively low administrative level) to neutralize the Polish Underground State in the name of fighting communism. Those attempts were strongly rejected by leadership of the Polish Underground.³ The vague manoeuvres in this direction undertaken by the National Armed Forces (Narodowe Siły Zbrojne, NSZ) or Józef Mackiewicz’s individual designs and efforts at the same time obviously had no chance of success.⁴ By drawing attention to these facts at the very beginning of this

¹ This essay is an attempt at a methodological reflection from the perspective of the history of law. It needs to be stressed that the body of literature dealing with the topic in general terms is vast, however, the strictly defined problem of activities regarded negatively in war-time reality remains rather less known, with one exception: the literature on the situation of Jews under German occupation. That literature, the older and more recent alike, raises a number of reservations, both when it questions negative phenomena and when these negative phenomena are exaggerated. Cf. older views and references to literature in R.C. Lukas’ The Forgotten Holocaust: The Poles Under German Occupation 1939-1944, (The University Press of Kentucky, 1986), (Polish Edition: Kielce, 1995), as well as the sociologist J.T. Gross’s earlier, more cautious analyses in Polish Society under German Occupation: The General Government, 1939-1944, (Princeton University Press, 1979). Little remembered today is C. Madajczyk’s fundamental work, Hitlerowski terror na wsi polskiej, 1939-1945, (Warsaw, 1965). I also refer to my own attempt (even today often unmentioned) to show the horror of the German occupation and some rather ugly social phenomena in the article ‘Patologie społeczne okresu okupacji hitlerowskiej’, in Czasy Nowożytnie, Vol. III, 1997, 5-20, reprinted in my book Polski Wiek XX. Studia i skice, (Włocławek, 2000).


³ E.g. the attempt by the police authorities of the GG following the arrest of the district command of the A.K. Krakow in the spring of 1944.

⁴ For a general discussion, see J. Kochanowski, ‘Selbst mit dem Teufel, Hauptsache in ein freies Polen. War während des Zweiten Weltkrieg ein gemeinsames Vorgehen von Polen und Deutschen gegen die UdSSR denkbar?’ in: ‘Kollaboration’ in Nordosteuropa..., 289-304. On the issue of Józef Mackiewicz, see my commentary in ‘Polaska, kraj bez Quislinga?’ 32-33. Mackiewicz also made an effort in the fall of 1944 (after the defeat of the Warsaw uprising!) to establish a journal in Krakow propagating the idea of a sui
essay, I want to emphasize, as I have done before, that all of this was something quite different from those kinds of actions, which, while detrimental to society and in the interest of the occupation authorities, did not constitute the realization of any political conception and which I describe as ‘collaboration from below’. It is also worth pointing out that in the first years following the German occupation (1944-1950) all, even doubtful and ambiguous, forms of contact with the occupation authorities, were extremely rigorously prosecuted by the postwar justice administration and, at this time, had broad popular support. This was also the case in some other countries of the occupied Europe, especially those where resistance against the occupier had not been particularly widespread (such as France) and which were now ‘compensating’ for their often inglorious past by taking revenge on a few selected scapegoats. In the years of classical Stalinism in Poland (1949-1955), however, accusations of alleged collaboration with the occupier were directed against the members of the Underground State, the Home Army, as well as any opponents of the ‘People’s government’ if they happened to have been involved in any kind of underground activity during the occupation. Subsequently, communist propaganda and, still later, various groups of former combatants began to construct the myth of the ‘complete unity of the nation’ in its fight against the oppressor. With time, everything that was complicated and difficult in the analysis of the real picture of society under German occupation, particularly all things sinister, began to be, to put it colloquially, ‘swept under the rug’. Today, the situation in Polish historiography, especially as regards the popular reception of these matters, which is often shaped by sensationalist journalists, is as follows: on the one hand, we have a strong continuation of the apologetic, ‘veteran’ strands, today often motivated by the political interests of different right-leaning parties; on the other, we see an increasing tendency towards a deglorification of the occupation history. There are certainly numerous issues here that deserve an objective examination in line with the current state of source research. In my opinion, however, the problem is that we are increasingly faced with a situation in which discussion of the difficult questions of the occupation period which requires considerable knowledge and needs to be handled with great methodological care is, instead, dominated by radical assertions coming from the representatives of both sides. What is sometimes clearly missing are statements from specialists who able to understand the full nature of Nazi occupation in all its complexity, recognizing in full the depth of horror of what I call ‘the occupation night’ (okupacyjna noc) particularly the years 1942-1943. We need

generis collaboration with the Germans against communism. The case of Mackiewicz was discussed extensively by T. Szarota in ‘Kollaboration mit deutschen und sowjetischen Besatzern aus polnischer Sicht-damals, gestern und heute’ in: ‘Kollaboration’ in Nordosteuropa..., 336-338.

5 The specific ‘historical politics’ of the People’s Republic was, to a large extent, de facto a realization of the historical vision of the Endecja, see K. Kwaśniewski, Smutek anegdot. Etniczne dygresje do wspomnień i pomysły refleksji (Poznań 2010). I am sympathetic to this thesis and have pointed out on different occasions before that, paradoxically, the nationalist-right circles both at home and abroad (J. Giertych) after 1945 were willing, following the directions of Roman Dmowski, to align themselves even with Soviet Russia!

6 …in all the countries which had suffered occupation a discourse flourished which emphasized the heroic deeds of the nation and minimized its sordid misdeeds’, P.T. Kwiatkowski, L.M. Nijakowski, B. Szacka, A. Szapociński, Między codziенноścią a wielką historią. Druga wojna światowa w pamięci zbiorowej społeczeństwa polskiego (Gdańsk-Warsaw, 2010). On p. 269 in that volume the authors relate views on the issue of Jews and the crimes against Jews. Of course, these specific tendencies in historiography became visible only after 1956.
finally to discuss these complex matters without hasty generalizations and in the broad comparative context of the whole of Europe. In the abstract one may assume that a particular moral weakness of an individual that, in a particular context, leads to negative outcomes, reflects only on that individual. However, one cannot simply ignore the circumstances, which, to a profound extent, shape the different aspects of people’s attitudes and actions. The writer of these words has on several occasions\textsuperscript{7} – and often at the price of being criticized or merely ignored – pointed out various dark sides of the German occupation and deconstructed several of those apologetic myths, including those concerning the life in the Polish countryside in the General Government.\textsuperscript{8} I have, however, always aspired to see these difficult matters in a many-sided fashion, with a full understanding of the realities of everyday life under German occupation and with consideration of the horror and tragedy that marked that period. It is worrying that, while already in the first years after the war Polish literature was able to capture the realities of that life in its many aspects – as in the prose of Tadeusz Borowski, Adolf Rudnicki, Jerzy Andrzejewski, Kornel Filipowicz, Stanislaw Grzesiuk, Stanislaw Lukasiewicz, Stanislaw Rembek and others – when I read the works of today’s young historians, and especially sociologists writing historical studies, I do not see such in-depth familiarity and understanding of the time and I do not recognize the atmosphere of the time in their work.

In recent years, in Poland and, more broadly, in Europe much attention has been given to the problem of collaboration and the history of the term itself. Let me add that, especially in popular rather than scholarly understanding, the term has come to be used as a nearly universal descriptor of a variety of situations, from the Middle Ages until our times. This has come under strong criticism from many specialists. Without entering into the full spectrum of these terminological debates, I would like to limit myself to the problem of the Third Reich’s occupation of Europe. I am leaving aside the question, to what extent the term ‘collaboration’ should be used in Polish historiography. There are, without a doubt, both pros and cons of broadening the use of the word. Let us at the outset agree on two statements: first, the term ‘collaboration with the occupier’ has come into use in world historiography and although its derivation is clear and precise, it is presently widely used and differently understood, including in historical studies.\textsuperscript{9} I do not think this can be avoided in the future. The terms historiography uses, which, as we know, are many, often share a similar fate: the disputes over the term ‘baroque’, or the question whether there ever existed ‘enlightened absolutism’, or how to define a totalitarian regime, are good examples. What is important is that the author specify, when needed, in what sense the given term is being used. Secondly, the original meaning of the term \textit{sensu stricto} is clear: it was first used by General Pétain, representing the satellite Vichy regime before the Third Reich, to denote the political collaboration with the Third Reich of the political or quasi-state structures which declared themselves willing to engage in such partnership. This is obviously a relation of dependence and submission to


\textsuperscript{8} On the countryside of the Kielce region see my commentary in the second part of this article.

\textsuperscript{9} The collective volume cited in footnote 2 is currently the most significant publication discussing the different aspects of the situation in Poland, Latvia, Czechoslovakia, Lithuania and the Soviet republics.
the German authorities but does not exclude, (at least, theoretically), seeking through such collaboration to represent, to some extent, the interest of the country or the nation.\textsuperscript{10} Such was possibly the point of departure: however the actual turn of events that followed, as exemplified especially by the cases of France, Norway, or Slovakia, exposed the thoroughly negative consequences of political partnership with the criminal regime of the Third Reich (although today not every case is evaluated in this way!), which in effect has led to the term ‘collaboration with the occupier’ being used after 1945 in different formerly Nazi-occupied countries to denote unequivocally negatively evaluated behaviour. This widely-held political judgment, we must remember, was also employed by communist regimes against their opponents (as, for instance, in Poland, Yugoslavia, Bulgaria or Lithuania). A broadening of the term ‘collaboration’ to refer to any and all possible acts of individuals or groups sometimes in highly disparate situations is, however, at inconsistent with the understanding of the term \textit{sensu stricto}.\textsuperscript{11} In Poland, during communist rule, the term was at first little known. The communist authorities passed a law for the prosecution of crimes of the German occupation period (Decree of 31 August 1944. Dz. U. Nr 4, poz. 4), which was to apply to Nazi war criminals and ‘traitors of the Polish Nation’. The decree, commonly known as the ‘August decree’ (\textit{sierpniówka}) had a draconian character and from the outset raised many doubts of a legal nature. However at the time of its promulgation and for many years public opinion in the country fully accepted the idea that uncompromising prosecution of crimes committed during occupation was necessary. It was, incidentally, intended as a punishment for criminals of the Third Reich rather than Poles. The term ‘collaboration’ does not appear in the decree at all: what is used is a highly general phrase sanctioning a death sentence to those ‘who took part in killings…serving the interests of the German authorities’ ['idąc na rękę władzy niemieckiej']. This formulation in Article 1 of the decree made possible in the years that followed the prosecution of opponents of the communist administration who, first of all, did not at all act to the benefit of the German authorities, and, secondly, whose possible participation in crimes could be – and indeed was – very broadly interpreted. In effect, some of the people convicted under the decree could not have been found guilty, if given a just trial, even of aiding or inciting murder, not to speak of actual participation in a concrete crime.

Debates about the occurrence of collaboration in Poland in recent years have been intense and I too participated in them. The most significant contributions were made by Tomasz Szarota,\textsuperscript{12} Jerzy Borejsza,\textsuperscript{13} Włodzimierz Borodziej\textsuperscript{14} and Piotr Madajczyk.\textsuperscript{15}

\textsuperscript{10} The definition \textit{sensu stricto} of the French collaboration presumed that the point of departure had been to soften the occupation regime, that is, a politics of ‘lesser evil’. It must be admitted that in the various forms of contact with the German authorities in the GG, e.g. in commune (\textit{gmina}) administration, fully subordinated to the decisions and control of the German authorities, being put between a rock and a hard place, also many times led to turning to the dangerous politics of trying to choose a lesser evil.

\textsuperscript{11} The great figure of the underground state, Stefan Korboński, was of the opinion after the war that one could only speak of collaboration if someone voluntarily cooperated with the German authorities to the detriment of the country or its citizens. A broadening of the use of this term to other epochs and actions unrelated to the German occupation must raise doubts.

\textsuperscript{12} Besides the cited work in German, see also: T. Szarota’s discussion in Karuzela na placu Krasińskich. \textit{Studia i szkice z lat wojny i okupacji}, (Warsaw 2007).

\textsuperscript{13} Beyond his contribution in the volume ‘Kollaboration’ in Nordosteuropa... see also: J. Borejsza, \textit{Stulecie zagłady}, (Gdańsk-Warsaw 2011), especially the essay „Ojczyzna potrzebuje agentów”, 236-244.
Some highly controversial opinions were also voiced. As a legal historian I would like to emphasize, from the legal point of view and in accord with Poland’s prewar criminal code, a distinction should be made when examining the occupation period, between unambiguous acts of treason and other offenses in the interest of a foreign power, on the one hand, and, on the other, different felonies committed during the occupation such as murder, robbery, or theft – in other words, criminal offenses – which obviously need to be strongly condemned since they were aggravated either by criminal motives specific to the epoch (antisemitism), or were acts committed during a period of occupation that created extraordinary conditions of impunity for their perpetrators. While the use of the historical term ‘collaboration’ cannot, in my opinion, be avoided, it seems to me that it would rather be helpful to speak of ‘collaboration from below’, referring to the broad spectrum of activities within structures subordinate to the occupation authorities or the those activities (of actors, journalists, visual artists) which were strongly condemned by the leadership of the Underground State, whose code of moral standards was incidentally, sometimes very strict and indeed unrealistic in the conditions of several years of occupation horrors. We may, in accordance with these ethical standards, judge those acts harshly, as was often the case after the war, leading perhaps to the social exclusion or disciplinary action by this or that professional body. Yet only some of these acts which were particularly harmful can qualify as treason. This ‘collaboration from below’ in its broad swaths involved the administrative activities of a variety of Polish agencies, including county offices and the ‘navy-blue police’ [policja granatowa], it also included different forms of inevitable economic collaboration, cultural collaboration and so on. It cannot be denied, as I have pointed out in no uncertain terms on a number of occasions, that these forms of collaboration, whether voluntary or coerced, highly dangerous or

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15 Recently, P. Madajczyk returned to this topic in his article ‘Zdrada i kolaboracja’ as a Polish ‘Flucht und Vertreibung’, in Dzieje Najnowsze, 42: 2010, 4, pp. 91-104. His discussion of terminology is vital and expresses a number of reservations with respect to excessive use of this term in other situations.


17 Treason included declaring oneself a Volksdeutsch in G.G., or a member of the so-called ‘Goralenvolk’, intelligence service, criminal acts such as denouncing or handing anyone over to the German authorities, blackmail of Jews in hiding, etc., etc.

18 Here it must be kept in mind – and I will return to this issue later on – that the offender’s actions to the benefit of the occupier may often lead to acquittal in the case of irresistible coercion, order from a superior, a state of higher necessity, or even mistake on the part of the offender.

19 Like professors Szarota and Borodziej, I am of the opinion, that some of the official dictates of the Underground State were practically, on the level of the county [gmina] or in the lives of common people, impossible to respect on everyday basis.

20 Wl. Borodziej (op.cit., 347) points out that the everyday German rule in the GG was based primarily on the ‘colonial’ method, i.e. a large part of the local administration (especially in the countryside) were Poles, who effectively acted within the framework set by the occupier. The question of whose interests they then served is always open to discussion, especially in matters of the economy: ‘Wer hat kollaboriert, wer versuchte nur zu überleben’ (347). [‘Who collaborated, and who only tried to survive’]
morally dubious, encompassed a broad range of people in the General Government.\textsuperscript{21} It should be added that in other parts of the country, particularly in the territories directly incorporated into the Third Reich and those previously – until 1941 – occupied by the Soviet Union, these matters looked very different.

I am emphasizing these issues so decidedly because in recent years (and not only in American historiography, which has many weaknesses in this area, but also among many young Polish historians) I can clearly see a failure to understand the complexity of these questions and a tendency to hasty generalization, usually rooted in superficial knowledge of the sources and a limited familiarity with the historical literature. Today, in order to work seriously on the history of the German occupation of Poland, one must know a really wide body of sources: one cannot detach the history of the Polish Underground from an understanding of the occupier’s policies in the different territories, from the evolution of those policies, and, first and foremost, from the matters of everyday life during occupation, economic capacities, the possibilities of underground activity, and so on.

I am one of the few – alas – historians who point out that it is neither true that ‘everyone fought’ nor that ‘everyone joined the underground’. Of the foreign historians, I would like to quote a recent statement by Gerhard Hirschfeld, who proposed that we see between resistance movement and acts of collaboration an a large grey area made up of those who sought ‘a modus vivendi with the occupiers’.\textsuperscript{22} In so far as the Polish case is concerned, I have for many years held the opinion which, as a historian of the Underground State, I must continuously emphasize: depending on the territory under German rule, there existed greater or smaller possibilities and greater or smaller motives for underground activity, to say nothing of the possibility of overt armed resistance. For the majority of Poles, both beyond the Bug river and under the direct authority of the Third Reich in the incorporated territories, the possibility of survival as well as underground activity were especially limited, and the hostile environment, with the presence of Germans, Ukrainians, Lithuanians, Belarusians and Soviet partisans – particularly dangerous. Survival had to come first. As a result, it was always a relatively small minority that was active in any of the structures of the Underground State. A considerable proportion of Poles in these territories had, in effect, to remain passive, even though, in general, their hearts were with the Polish national cause. A small minority,

\textsuperscript{21} Let me quote from my article ‘Poland: a country without Quisling’: ‘Calling for research on a number of specific questions, I also pointed out the fact that a great percentage of Gestapo agents and other persons who served the occupation apparatus were never punished and that, at least in some milieus, it was not a marginal issue.’ It is worth adding that it was the Underground State that collected evidence that would have lead to the punishment of traitors and perpetrators, and the disintegration of the noncommunist resistance movement structures often precluded the persecution of wartime cases. For a primary source study of the reality of denunciation, see Barbara Engelking’s ‘Szanowny panie gestapo’, Donosy do władz niemieckich w Warszawie i okolicach w latach 1940-1941 (Warsaw, 2003). Social psychology and social anthropology in general have long been unsuccessful in the assessment of such issues. The writer of these words has also long occupied himself with the study of the ‘SB files’ [files of the Security Service in postwar Poland]. The most saddening are the cases of persons who volunteered to take up the profession of a denunciator in, say, the 1970s’ Poland without any evidence suggesting they did so under coercion.

eagerly or criminally served the German occupier. In the General Government the situation was in some respects different, but also in many ways unclear.

The term ‘collaboration from below’ which I am proposing may be used to denote those attitudes or acts towards the occupation authorities that were evaluated negatively, but at the same time it excludes political collaboration. One may, however, as does Professor Szarota, give a distinctly broad meaning to the term ‘collaboration’ which he defined as follows (although, referring only to the German occupation):

Collaboration is cooperation with the occupier and the refusal to conform to the clear prohibitions and warnings of the Polish Underground State, which was exploited propagandistically by the occupier and caused harm to the Polish national group.23

In my view the difficult problem here is the question of the motives and attitudes of persons whose actions during the German occupation were judged critically. In the light of available and reliable sources, these are hard to assess. Even when we have documented statements given by the accused after the war, it is clear that in many cases they do not necessarily present their true motives but rather try to offer explanations that might allow for more lenient treatment. Therefore, actions that were indirectly or even directly advantageous from the point of view of the occupier’s interests may have resulted from a variety of circumstances difficult to evaluate today, especially on a statistical scale: duress, terror, fear of the courts, or (for a variety of reasons) of one’s own social environment, antisemitism in cases of crimes against Jews (quite rarely the sole motive, usually in combination with other motivations), class motives (frequent in crimes committed in rural areas) and, perhaps above all, the desire to profit, in one way or another, as well as other purely criminal motives. And then there is the issue of denunciations to German authorities made out of resentment, hatred, and sometimes for reasons that could only be explained by psychiatry.

I would thus propose that the term ‘collaboration from below’ be used to denote attitudes and acts deemed negatively as involving a relationship with the occupation forces, but which did not involve any form of political collaboration. In each case, however, it would have to be established that such acts did indeed have negative consequences. As is generally known, the navy-blue police in the General Government was as a whole a collaborationist formation; nevertheless, many of its officers, often coerced into the service, were at the same time involved in underground resistance structures and have no crimes on their consciences. In the postwar period, the communist authorities ignored such exculpatory factors, since they resulted from the policemen’s involvement with the Polish Underground State. At the same time, some acts of broadly defined collaboration did actually fulfil the criteria of treason. Some of these attitudes, acts and omissions could ultimately also have been subject to legal prosecution under other laws, or at least have been condemned on political or moral grounds. However, many of the murky aspects of the occupation period (murder, robbery, plunder, theft), even if not directly the result of the occupiers’ orders or in accordance with their interests must nonetheless qualify as criminal offenses. Since they were committed during an occupation, they deserve especially severe treatment, especially if their victims were Jews, persecuted by the German occupier.

23 T. Szarota, op. cit., 341.
By way of a general comment, I would like to draw attention to some issues related to what might not necessarily be labeled as collaboration with occupying forces, although in some publications the term is unwarrantedly broadened to include these wartime phenomena. A few words need to be said, therefore, about certain topics in the history of the Polish countryside in the General Government in light of the recent research focusing exclusively on the tragic issue of the Jews, particularly in the years 1942-45. In German or American historiography, as well as in the media in those countries, we have recently seen some worrying tendencies towards generalizations that are often at odds with basic facts. These publications offer us an image of certain aspects of the Holocaust, which can also be found in some works in Poland and which, although it might be accord with certain troubling facts, is nonetheless constructed in such a way that the role of the organizers and executors of the ruthless occupation of the Polish territory from September 1939 onwards undergoes a partial, or even total, erosion and gets pushed out to the margins of the main conclusions of the authors. It is also beyond doubt that in recent times in Germany, particularly in popular discourse, the country is worrying and thus seeks to justify the crimes of the National Armed Forces (Narodowe Siły Zbrojne) and other events of 1945.

For a review of the historical scholarship, I refer the reader to two significant publications: K.P. Friedrich, ‘Juden in Polen während der Schoa. Zu polnischen und deutschen Neuerungen,’ Zeitschrift für Ostmittel Europa Forschung, 47(2): 1998, 231-274, and A. Polonsky, ‘Beyond Condemnation, Apologetics and Apologies: On the Complexity of Polish Behaviour Toward the Jews during the Second World War,’ in: The Fate of the European Jews 1939-1945. Continuity or Contingency?, J. Frankel, ed., New York 1997, 190-224. I suspect that in the face today’s one-sided literature on the topic A. Polonsky might revise certain proportions in his reflections. K.P. Friedrich, on the other hand, is right in solidly documenting the existence of two contradictory myths, or rather emergent historical stereotypes, universalized beyond truthfulness: the myth that it was the Poles who enabled the German atrocities, expressed primarily in American scholarship, and the myth of the Polish nationalists, who insist on viewing the communist rule in Poland as the rule of ‘Jew-communism’, or ‘żydokomuna’ and thus seek to justify the crimes of the National Armed Forces (Narodowe Siły Zbrojne) and other events of 1945-1946.
not only depicted as the main perpetrator of the Second World War but as its victim. Admittedly, there does exist a limited, yet solid literature on the subject (particularly from the 1960s and 70s),

which shows without omissions Germany’s war crimes and their historical background, but today it seems as though these works are beginning to fade into oblivion

and the blame for the Holocaust is ever more frequently put exclusively on Ukrainians, Lithuanians, and most recently also on Poles.

The formulation ‘Polish extermination camps – Auschwitz and Majdanek’ that keeps recurring in the media, is not, in fact, a linguistic error, as is sometimes naively argued.

I am among those historians who fully recognize the tragic dimension and exceptional character of the crime of the Holocaust. Hence the problem arises of the ways in which the world, Europe, and our own society reacted to genocide on a scale unprecedented – statistically, and therefore also morally speaking – in European history. It must be said that the entire civilized world at the time, when confronted with the planned, progressive realization of the Holocaust by the Third Reich, absolutely failed to rise to the occasion, judging from the moral, political, and even military perspective. The easiest thing to do was, of course, to refuse to give credence to gruesome reports, refuse to accept the facts and go on pretending that they may just not be true. Let me briefly mention the fact that among the powers and moral authorities of this world, everyone failed: the pope in Vatican, the Christian churches generally in almost all countries in Europe, the neutral states, like Switzerland. The allied forces – with their very different capacities to act – failed too. One need only to mention Jan Karski’s futile mission, the silence of the British government (and the BBC), as well as another, perhaps lesser-known, fact that the American government with its ‘normal’ visa policy precluded in 1939-1941 mass attempts by Jews from France, Italy, and other countries to escape across the Atlantic ocean to the US. Almost all the countries of Latin America which were remote from the war acted similarly. It is only from the most recent research that we have learned in some detail about the everyday lives of the Jewish population under the Vichy government. It is a fact that in France, like in Slovakia – a satellite state of the

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26 Cf. R. C. Lukas, op. cit. – in dealing with Jewish issues (121-151) it is a well-balanced essay. It is true that the author is unaware of some upsetting materials published in recent years (i.e. the anti-Jewish acts of the population of Podlasie in 1941), but that correction granted, many of his statements are closer to the realities of the period than are the works of both the apologetic strand and the peculiar ‘negationism’ regarding Polish affairs that may be found in Gross’s school of scholarship. One can absolutely not accuse Lukas of minimizing Polish anti-Semitism.

27 See the excellent bibliography in the monograph by the Canada-based sociologist Tadeusz Piotrowski, _Poland’s Holocaust, Ethnic Strife, Collaboration with Occupying Forces and Genocide in the Second Republic, 1918-1947_, (Jefferson – London, 1998). The work has an unusual title and some flaws, but it deals with both German and Soviet crimes. I do not support the use of the term ‘Holocaust’ with reference to genocide of Poles – the terms Shoah, or Holocaust, should be used to denote the genocide of Jews. Piotrowski is indignant by the complete silence surrounding the issue of crimes against Poles in American scholarship. It is also worth keeping in mind, as Piotrowski reminds us on pages 104-107, that crimes against Jews in hiding were also committed by Russians and brigades of the People’s Army (Armia Ludowa) (G. Korczyński, Moczar).

28 It is characteristic that when the American historian Daniel J. Goldhagen in his _Hitler’s Willing Executioners. Ordinary Germans and the Holocaust_ (New York, 1996) put forward a daring thesis about a deeply rooted tradition of German antisemitism and the Germans’ overwhelming support for Holocaust policies, he was so immediately and decisively attacked in both the US and Germany that his academic career was practically broken. On the other hand, all kinds of academic quasi-libels about Poles can be published in the US without raising any reservations.
Third Reich – or in the Netherlands, in other words in countries where the German occupation was extremely mild, if compared to the situation in Poland, the fate of Jews were tragic. This because of the eager collaboration of state institutions of those countries (police, administration and other authorities) with the German occupier. A quarter of the French Jewish population was openly turned over to the Germans in spite of the fact that the assimilated French Jews theoretically could have much greater chances of survival than the typical Polish Jew, usually poorly assimilated with the Polish society and in conditions of an occupation that was both extremely cruel to Jews and lasted for years. It can also be said that, in many ways, Polish society as a whole did not pass that difficult test either. It was, however, an extraordinary trial. In a contribution to the debate around Professor Jan Błoński’s famous article (regrettably not referred to by most of those discussing these issues today), I pointed out that saving Jews in Poland required heroism and courage, but also a minimum of ‘technical’ and ‘economic’ means.\(^{29}\) However one cannot expect the general public to be heroic and it is astonishing that researchers with degrees in sociology do not understand that: heroism in the face of grave dangers looming cannot be a mass phenomenon in any nation.\(^{30}\) It may be added that, as is known not only to psychologists who specialize in stress research, courage on the frontline is psychologically easier and at the same time a necessary element of a certain community, whereas quasi-civic courage in extreme conditions continuing day after day during German occupation in Poland required much greater determination and had to take into account that the person involved was risking the lives of his or her entire family, and perhaps even community (the village).\(^{31}\)

The German occupation was from its inception a period of fear and mass terror, of lesser or greater suffering for the whole of Polish society.\(^ {32}\) Unfortunately, it is not true that suffering or being exposed to horrendous circumstances ennoble the soul. Rather, we observe that in extreme conditions (as evidenced by numerous psychological and sociological experiments) the majority of people yield to situations that are beyond their ability to tolerate: a Darwinian struggle for survival takes over and only a few are capable of a heroism transcending their deepest emotional engagement fostered by patriotic slogans, religion, individual ethics or the defense of their own family. It is clear that a heroism in defense of one’s family, ‘one’s own’, however they may be defined, was more easily found than lending a helping hand to others, strangers, who, on top of it, bring with them the danger of the occupier’s repression.\(^ {33}\) That was the basis of the tragic fate of

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\(^{31}\) R. Lukas, op.cit. 100: ‘The German occupation had a demoralizing impact on the populace. The terror campaign against the Jews and Poles, the government delegate [Piekałkiewicz – S.S.] noted, increasingly deadened the basic instincts of horror and pity’.

\(^{32}\) Cf. C. Madajczyk, Polityka III Rzeszy w okupowanej Polsce, Vol. I-II, Warsaw 1970. Incidentally, I recall that the party apparatus of the GDR was opposed to the publication of this work in East Germany.

\(^{33}\) At the same time: ‘[l]ife in the world of the partisans in eastern Poland was extremely cruel, perhaps the worst of any place in Europe. Human life had no value, and incidents or barbarity and betrayal were commonplace. Everyone, including the Jews who lived and operated in this bitter world, was affected by it. Jews were also involved in robbery, rape, and pillage’, R. C. Lukas, op.cit., 82. After all, this comment
Jews in Poland and beyond. As a historian of law, I am aware of a fact that must necessarily be part of any such considerations of people’s attitudes in period of German occupation, namely that the specific circumstances of the universe of the Nazi concentration camps or the Gulag often annul the legal responsibility for their acts of persons who were often at once the perpetrators of crimes and the victims of the system. Descriptions, sometimes exceedingly toned down, of life in the camps and the circumstances of survival, may not convey these dilemmas. In order to apprehend the moral problems of the time of totalitarianisms in proper light, we still need to read writers like Tadeusz Borowski, Stanisław Grzesiuk, Stanisław Rembek, Gustaw Herling-Grudziński, Alexander Solzhenitsyn, Yevgenia Ginzburg, Varlam Shalamov or Janusz Bardach. After the war, one could ask oneself whether, according to the principles of criminal law, people who sometimes committed highly reprehensible deeds had acted in a constant state of higher necessity. The history of the time of the crematoria is testimony to the fact that in some circumstances moral and legal judgments fail to apply to such horrific and tragic events. A historian studying such issues cannot pass final verdicts from the podium of his safe and civilized existence; this would smack of moral hypocrisy.

When it comes to the persecution of Holocaust perpetrators, we know very well that West German courts not only applied to those criminals the regular criminal laws of the 1871 Penal Code, but usually adopted interpretations of these laws favorable to the accused which mitigated sentences or even led to acquittals. And it was not just a matter of recognizing the ‘state’s higher necessity’ or the obligation to obey the superiors’ orders, but also of completely dismissing the Nuremberg rules, which usually made possible the acquittal of the perpetrators – the executioners as well as the planners – of their crimes.

A whole series of studies in recent years regarding the countryside of the Kielce region and Lesser Poland (Małopolska) in general, have focused exclusively on matters of the Jewish population in the years 1942-1945. Filling in the various gaps in our historical knowledge that are a legacy of the communist period would, without a doubt, be both expedient and legitimate if it were not for the limiting of these studies (particularly those conducted not by professional historians but in the Institute of Philosophy and Sociology of the Polish Academy of Sciences or in the American ‘Gross school’) to a very narrow perspective exclusively on the fate of Jews considered in isolation, sometimes astonishing isolation, from the context of the period and from the broader literature on the Polish countryside – a perspective so narrow that it easily leads to tendentiousness. As someone who has written on several occasions an in different referring primarily to the Grodno region and Volhynia could just as well, mutatis mutandis, apply to the Kielce region in the spring of 1944.

34 It should be emphasized, however, that during the communist period the image of life in the countryside in the General Government underwent various falsifications: most troubling topics were avoided (except charges against NSZ [National Armed Forces] or AK [Home Army]), foregrounded, especially in publications related to ZSL (United People’s Party, Zjednoczone Stronnictwo Ludowe), was the ‘countryside’s fight’ against the occupier. K. Przybysz’s attempt at a synthetic study, Chłopi polscy wobec okupacji hitlerowskiej 1939-1945. Zachowania i postawy polityczne na terenie Generalnego Gubernatorstwa (Warsaw, 1983) first of all praised of the fight against occupying forces. It is, rather, in non-academic literature that we find depictions of everyday life in the occupied countryside free of eulogies – in the writing of Jan Józef Szczepański, or Stanisław Rembek, and especially in Okupacjaby Stanisław Łukasiewicz, or in Kazimierz Wyka’s brilliant observations.
contexts written about the pathologies of life under German occupation, including crimes and various forms of collaboration with the Nazis, I can now, in my capacity as a historian of law, point out the one-sidedness of this research, which, on the one hand, all but obliterates the fundamental element of the context—the German repression and terror—and, on the other, completely dismisses the serious problems specific to the tragic situation of the countryside precisely in the last years of the occupation. In some areas (such as the Kielce, Miechów, Lublin, or Rzeszów regions) the situation of Polish villages and manors [dwory] was steadily worsening. Starting from the autumn of 1941, and certainly from the spring of 1943, villages were witness to a number of processes, which led to nothing short of a war of all against all. Allow me to list only the main elements of this situation:

1. Common banditry, caused only by demoralization and the wretched living conditions under occupation, but also, if not primarily, to the fact that following the September Campaign a large contingent of dangerous criminals were released from Polish prisons and, in general, the criminal underclass under German rule by default had attained particularly favorable conditions for their activities, as testified to by the events in the villages of Małopolska [Lesser Poland].

2. Another issue of no minor significance was that the many activities of formally partisan or otherwise anti-German groups, which in practice often involved acts of plunder, robbery, and different forms of violence, even murder, directed at both villagers and, especially, the local gentry, as well as Jews in hiding. Such acts were committed by the soldiers, increasingly demoralized toward the end of the war, either of the AK, or Bataliony Chłopskie (Peasants’ Battalions), or Narodowe Siły Zbrojne, or, after a certain point also squads of Armia Ludowa (People’s Army) active in the area acting as pro-Soviet partisans, who, it should be stressed, on Polish territory, typically avoided direct military action against German forces and instead focused on intelligence, subversion, and sabotage directed against AK and local landed gentry. The victims of their attacks, politically or otherwise motivated, were AK units, left-wing activists (targeted by the NSZ), but it was primarily the villages that suffered as the object of abuse from both German forces and different ‘forest soldiers’. One needs also keep in mind that common bandits, too, often tried to pass as partisan units and different military groups, when in

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35 An incomplete record lists 769 bloody retaliation actions that Germans carried out in the countryside of the General Government and in which, among other damages, about 300 villages were pacified, of which in over twenty villages the numbers of casualties were between 100 and 400 people. Most of these villages were in the regions of Kielce, Lublin, Miechów, and Rzeszów. Cf. Cz. Madajczyk, Hitlerowski terror na wsi polskiej, 1939-1945, Warsaw, 1965, pp. 9-10.

36 M. Borwicz, ‘Factors influencing the relations between the General Polish Underground and the Jewish Underground’ in: Jewish Resistance during the Holocaust: Proceedings of the Conference on Manifestations of Jewish Resistance, Jerusalem, April 7-11, 1968, Meir Grubsztein, ed., (Jerusalem 1971), pp.: 360-61, wrote about the anarchy of different lower level commanders. This remark concerned the Armia Krajowa (Home Army). I have once pointed out a significant, if rather rarely noted, fact that the lower rank commanders in a given underground organization, if threatened with sanctions for embezzlement or disobedience, would ‘run away’ to other organizations. Examples are many: ‘Ogień’ in Podhale; ‘Kmicic’, the NSZ colonel previously sentenced to death by an AK court, just like another NSZ colonel, Witold A. Komierowski, alias ‘Sulima’, a professional officer, under the threat of a trial, left AK. Such case were many among the lower ranks.

37 There is still no larger work that would address the role of the Red Army units transferred across the front, whose main goal in the G.G. was diversion, which included stark acts of violence.
action, would sometimes use fabricated badges and other false signs of identification in order to confuse the Germans. The biggest everyday problem for peasants, leaving aside the threat of German retaliation for any help given to partisans, was providing food for various armed groups that would appear in the village at night. Here we can see the dramatic plight of the groups of Jewish fugitives, hiding in the woods, usually unarmed, and obliged to obtain the necessities of life in local villages. If a strong local military authority (AK, BCH) existed in the given area, some attempts were made to ration the provisions to partisan units. However, in places where different armed and mutually hostile units would appear regularly, especially from the spring of 1944 the whole burden fell on the inhabitants of villages and manors. In general, the obtaining of food supplies by all those groups that had no connection to local population had the nature of plunder, and any resistance was typically met with overt violence. As a historian familiar with these issues, I am therefore of the opinion that the ‘night of occupation’ in the countryside of the Kielce or Miechów regions, was at the time becoming a truly tragic night: the real ability to feed ‘everyone’ was declining and the peasants burdened with demands beyond any reasonable measure (unable to keep even the last horse, or the last pig!) would sometimes resist with all their powers. We should bear in mind that a denunciation to the German authorities regarding any help given to partisans or fugitives, could result in the pacification of the entire village. It may seem absurd that in various western handbooks we often read about the Czech Lidice or the French Oradour-sur-Glane (one of its kind!), which are usually equated with the destruction of Warsaw, while the fact that, in the Kielce region alone, between ten and twenty villages were raided by Germans leaving no one alive, seems entirely to escape any knowledge about the German occupation of Poland. This comparative perspective cannot be ignored. It reveals conditions that had very real effects on the attitudes of rural population and their sometimes unfairly criticized indifference, or passivity, in the face of the suffering of others. So, yes, there did occur common crimes motivated by antisemitism, denunciations and turning over of fugitive Jews, there also were cases of murder. We must write about all that, keeping in mind that broader context of the period: the permission to rob or murder certain categories of the country’s inhabitants was not created by Poles, but by Germans.

It is beyond the scope of this essay to discuss in detail Jan Gross’s last book, *Golden Harvest*, which was devoted to the issue of the Polish society’s enrichment, *per fas et nefas*, but in Gross’s view, more often by means of crime, through the mass murder of the Jews organized in Poland by Germans. This issue, in general terms, has long been known to specialists on the period, although, of course, for a variety of reasons, these matters were not highlighted in the time of the People’s Republic: there is no doubt that the murder of the Jewish population created, especially in small towns, a peculiar economic vacuum: the Germans sought to take possession of everything of any significant financial value and which could be transferred directly to Germany, but, for obvious reasons, houses, immovables, workshops, and other workplaces, which were the property of Jews, remained in place, just like some of the less valuable movables, of no interest to the Germans. The German authorities either administered on-site the main elements of those properties, or even sold them to the local population at auctions of a specific type (not to mention various forms of corruption on the different levels of local

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38 With Irena Grudzińska-Gross, (Kraków, 2011).
German authorities), and also allowed the appropriation or even looting of some of that property. I am among the quite large number of contemporary authors, who, for some reason, are not cited in publications of ‘Gross’s school’! I wrote years ago that the question of the socio-economic fate of Jewish property is still little known and it includes: ‘the problem of the taking over by segments of the Polish population of the economic functions fulfilled previously by Jewish communities, particularly in the small towns of southern, central, and eastern Poland.’ I emphasized quite straightforwardly that related to it was a certain social advancement of the Polish petite-bourgeoisie during the war; I also pointed out the role of the lumpenproletariat and the criminal underclass’s in the process. While Jan Gross does not refer to my work, he is, in fact, realizing my postulate; his method of doing it, however, is sometimes technically questionable; just as in some of his other works, it is emotional, not to say tendentious, which may be excused in the memoirs of Holocaust survivors, but should not occur in monographs of scientific character. Personally, as a historian with a much greater comparative and general research experience, I have long been of the opinion that the myth of the patriarchal countryside, full of everyday virtues, created primarily in Scandinavian literature in the late nineteenth century and then continued in Germany’s ‘Blut und Boden’ literature, absolutely does not and never did correspond with the realities of life not only in the Polish or Ukrainian countryside, but either in French or Bavarian. There is no doubt that during the occupation period as well as in the first years following the end of the war in Polish territories (although the little civil war continued until 1947 or 1948) various drastic acts of greed were committed by the mob on different occasions. It was not only the case of the abhorrent murders of Jews returning to their properties, or the searches for gold in the remains of those murdered by the Germans. We also know quite well what the realization of the ‘land reform’ sometimes looked like to those in noble manors, how the cultural attainments sometimes of many centuries was destroyed if it couldn’t be utilized. Writing about these issues in a generalizing way and an elevated tone of a righteous moralist is unbefitting of a serious historian, who knows that, unfortunately, the history of mankind is more than just Chopin’s music or the poetry of Leśmian or Tuwim, but also a record of usually merciless and often abhorrent struggle for survival, described not without reason as a realization of a kind of social Darwinism. As specialists in economics today know, the postwar rapid and practically unique in Europe progression of

39 When it comes to the appropriation of possessions left in the vacant Jewish houses, it seemed, in the eyes of peasants, that those things were practically ownerless, while theoretically still German, and hence the moral ‘easiness’ of such appropriation. If the peasants were antisemites, they had no moral qualms, and even if they weren’t, they had what at that time was a universal justification: if it doesn’t fall into German hands – all the better.

40 S. Salmonowicz, ‘Social pathologies...’ 63.

41 K. P. Friedrich, op.cit. 238, wrote: ‘Die Aussicht, an der Neuverteilung des jüdischen Eigentums teilzuhaben, war in den Okkupationsjahren einer der Gründe, die manche Polen zu gegen Juden gerichteten Handlungen veranlassten.’ ‘The prospect of participation in the redistribution of Jewish property was one of the reasons some Poles in the occupation years arranged acts directed against Jews’ One cannot fail to see, as historians note in other countries as well, how the countryside of Galicia and the Congress Kingdom – impoverished throughout the course of the nineteenth and first half of the twentieth centuries, much of that time under serfdom – brutally manifested its greed, just like it would do later in reaction to the land reform of 1944-45.

42 Professor Piotr Machcewicz, a specialist on these issues, pointed out a number of flaws in the descriptions Gross provided in his book, see Gazeta Wyborcza, January 15-16, 2011.
the German Federal Republic towards prosperity, is not only and not so much an effect of the Germans’ diligence plus the Marshall Plan, but also and perhaps more significantly, an effect of Germany’s profit from the plunder of the entire continent in the years 1939-1945, and especially the plunder of Jewish possessions.\footnote{The following words from Marcin Zaremba’s article about Gross’s book seem accurately to capture the general judgment of the specific tendency of its author: ‘In Golden Harvest the reader will find only one sentence in which the author concedes that Germans pillaged other nations, too!’ (‘Biedni Polacy na Żniwach’, \textit{Gazeta Wyborcza}, January 15-16, 2011). Most Polish readers may know it, but the American edition of Gross’s book will, of course, help further propagate a negative historical stereotype about Poles, always at a disadvantage in the ‘historical politics’ of the Western nations relative to the interests of Russia and Germany, always treated with respect, and not without passing over their crimes.}

This question does not usually appear in German and American research. It would perhaps be expedient if Prof. Gross chose to study this difficult problem comparatively in a European framework. At this moment, however, I am afraid that this kind of publications, one-sided in their message and, obviously, finding immediate response in American or German media, serve primarily to strengthen negative and long-established anti-Polish stereotypes in both Germany and the US. Who if not sociologists should be wary of this.

In conclusion, I would like to offer a couple of mainly methodological conclusions. First, questions relating to the German occupation of Poland, because of towards postwar West Germany, to the communists, and especially because of the recently widely publicized issues concerning the situation of Jews, in Poland as well as abroad (primarily in the US and Germany) continue to carry a great weight of ideological and ethnic stereotypes and often serve as expressions of opposite radical tendencies. Under such conditions, it is exceptionally important that one closely follows the rules for conducting of solid historical research, possesses sufficient knowledge of the time period and avoids sensational, journalistic generalizations or hastily-formulated hypotheses based solely on a narrow selection of specific sources. It is never a waste of time to keep warning young researchers, to whom the principle of ‘participant observation’ no longer applies, against insufficiently critical analysis of the sources we have to rely on regarding the events of the occupation. This caution must apply both to sources originating in the occupation authorities, the Underground State information, postwar research conducted under communist censorship and, especially, to the credibility of court files of the People’s Republic justice system, and all forms of first person accounts, which raise very serious issues of verification. Their evaluation must depend on a number of conditions: who is giving or writing the account, to whom, and when. The credibility of such sources, whether they be reports by village dwellers, former partisans (of any of the different political camps) or Holocaust survivors, can never be assessed as a whole. Usually, every account has some pros and cons and, as far as only possible, the data it provides has to be verified by other available sources. As a researcher who has worked for years on the history of Armia Krajowa, I must say that, alas, accounts only recorded after the fall of communism came at an additional cost: after many years the human memory proves fallible, some later experiences and readings (!) and, especially, political choices, define, sometimes decisively, the conscious and unconscious departures from the realities of the period, from facts uncomfortable to the author of the account, which in the end makes the account itself more or less unreliable.

We are aware of the subjective limitations that weigh especially heavily on twentieth century historiography. In controversial questions – in spite of any good will of
both parties – it is usually difficult to count on a full agreement of opinions between German and Polish, or Russian and Polish historians. We have made some progress over the years in the works of the Joint Polish-German Commission for the Revision of School Textbooks. Such progress is still lacking between the Polish historians and the specialists on Jewish issues from different countries. I have written frequently about Polish antisemitism, about the problem of the discrimination of Jews from the Middle Ages until our days in different parts of Europe. But as I observe the international literature devoted to the destiny of Jews in the time of the Third Reich, I too often see a lack of solid comparative perspective, a lack of broader historical knowledge about Poland’s past, and very frequently I notice various tendencies, sometimes quite far removed from the basic minimum of objectivism. One may certainly argue about judgments or interpretations of events, but not about facts which should be known to all in sufficient degree.

Translated by Grzegorz Sokoł