

Guilty or Innocent?:

Poland's Relationship with Jews and the Holocaust

By

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## **Abstract**

The Amendment to the Act on the Institute of National Remembrance was passed in 2018 by Polish President Andrzej Duda and the Polish Parliament. Through this law, the Polish government controls the historical narrative of the Holocaust. While Poland attempts to be seen as a victim of Nazi and Soviet rule, it is clear that the nation is not a victim, but instead a perpetrator of crimes against its Jewish population. The slew of pogroms during and after the Holocaust are some of the most evident ways that Poland attacked its Jewish community and continued to be complicit in antisemitism. The lawsuit against scholars, Barbara Engelking and Jan Grabowski prove that the “Holocaust law” in Poland has become one that targets Holocaust scholarship because it adds to the narrative that Poland is pressing about the Holocaust. Antisemitism in Poland stems back many years. Once Poland gained independence after WWI, the allies forced a signature of Poland on the ‘Polish Minority Treaty’. This treaty stated that Poland will give equal rights to its minorities and that they shall not be discriminated against. However, this treaty was broken. The goal of the Institute of National Remembrance is to erase Polish complicity, so that they are not found guilty of breaking this treaty. Overall, the law eradicates the problematic antisemitic actions of Polish citizens and those of Polish nationality during the Holocaust. The importance of understanding this law is vital to historical narrative. The larger consequences of this law consist of legal action and antisemitic and xenophobic crimes. Such as the lawsuit against Engelking and Grabowski and the growing hate crime statistics of antisemitic and xenophobic crimes in Poland.

## Table of Contents

<b>Introduction</b>	<b>1</b>
<b>Historiography</b>	<b>7</b>
<b>Chapter I Attacks on Jews in Poland by Polish Citizens: Polish Complicity during the Holocaust</b>	<b>13</b>
<b>Chapter II: The Amendment to the Act on the Institute of National Remembrance of 2018: Poland’s Revision of Holocaust History and Denier of Free Speech</b>	<b>36</b>
<b>Chapter III: The Lawsuit Against Barbara Engelking and Jan Grabowski:The Trial</b>	<b>63</b>
<b>Chapter IV: Post-Lawsuit Poland and their Far-Right Government: Modern Antisemitism</b>	<b>77</b>
<b>Conclusion</b>	<b>96</b>
<b>Bibliography</b>	<b>100</b>
<b>Primary Sources</b>	<b>100</b>
<b>Secondary Sources</b>	<b>101</b>

## List of Illustrations

<b>Figure 1: Polish League Against Defamation</b>	<b>70</b>
<b>Figure 2: Roger Waters</b>	<b>83</b>
<b>Figure 3: Roger Waters</b>	<b>84</b>
<b>Figure 4: Roger Waters Concert</b>	<b>84</b>
<b>Figure 5: Roger Waters Concert</b>	<b>85</b>
<b>Figure 6: Roger Waters SS Costume</b>	<b>85</b>
<b>Figure 7: RFK Jr. Twitter Post</b>	<b>86</b>
<b>Figure 8: Kazimierz Donly Bubble Party</b>	<b>90</b>

## Introduction

The Amendment to the Act on the Institute of National Remembrance of 2018 states that Poland will regulate documentation, storing, and collecting related to Nazi and Communist crimes from the years 1917 to 1990.<sup>1</sup> This amendment caused great controversy, not only in Poland, but other countries as well, specifically Israel and the United States.<sup>2</sup> The main problem that these countries have with the implementation of this law is its relation to Holocaust studies and how it has impacted this field in Poland.<sup>3</sup> The President of Poland, Andrzej Duda promoted this law, stating that Poland must not fall victim to slanderous accusations about their involvement during the Soviet and Nazi Eras.<sup>4</sup> However, critics allege that this law is clearly not one of Polish honor, but instead an amendment that diminishes Poland's complicity during the Holocaust. Scholar, Jonathan Zisook stated the following on the law, "Despite the international and domestic condemnation of the legislation, the law was passed in the Sejm, on January 26, 2018-on the eve of International Holocaust Remembrance Day!"<sup>5</sup> The day this law passed, was not only one of remembrance, but also an insult to Jewish people and Holocaust survivors worldwide. Through the law's implementation, many nations are appalled and have spoken out against it.<sup>6</sup> It is important to understand this law in its entirety because it clarifies how the Polish government controls historical narrative.

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<sup>1</sup> "Act on the Institute of National Remembrance," *EuroDocs*. BYU Harold B. Lee Library, December 17, 2021.

<sup>2</sup> Monika Rice, "Heroic and Unheroic Poland," *America* 219 (11): 28–33, 2018, 30.

<sup>3</sup> Ofer Aderet, "Israel Concedes to Poland's Demand: Students May Visit Memorials to Murderers of Jews," *Haaretz.com*, April 10, 2023.

<sup>4</sup> Jonathan Zisook, "The Politics of Holocaust Memory in Central and Eastern Europe: Contemporary Poland as a Comparative Case Study," *Becoming Post-Communist: Jews and the New Political Cultures of Russia and Eastern Europe XXXIII* (2023): 24–46. 29.

<sup>5</sup> *Ibid.*

<sup>6</sup> *Ibid.*

Poland is not a stranger to antisemitism and is guilty of many atrocious crimes that took place, not only during the Nazi occupation, but also during the Soviet era. One of the most violent of these crimes were pogroms, which were particularly gruesome because perpetrators were usually the neighbors of the Jews.<sup>7</sup> For example, there were a slew of pogroms in rural eastern Poland in 1941, after the Nazis had occupied the area.<sup>8</sup> These pogroms in eastern Poland spread like wildfire, first beginning on 5 July 1941 in Wąsosz, next in Radziłów on 7 July 1941.<sup>9</sup> The next and most famous of the three pogroms is Jedwabne, which occurred on 10 July 1941.<sup>10</sup> These attacks were all committed by Polish citizens; this was confirmed through surviving documents and by Jan Gross that the pogrom in Jedwabne was in fact coordinated by the town mayor and later carried out by the Polish inhabitants of Jedwabne and not the Nazis.<sup>11</sup> Pogroms also took place after the Holocaust ended. In Kielce on 4 July 1946 there was a massive attack on the Jews who had survived the Holocaust because a local child had gone missing from his home.<sup>12</sup> The missing child and his father later claimed he had been kidnapped by the local Jews, when he had been in a local village picking cherries.<sup>13</sup> Later the Jews faced brutal attacks because of this lie.<sup>14</sup> A crowd formed around the building where the surviving Jews had moved to in Kielce, and later when the police went to search the

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<sup>7</sup> Doris L. Bergen, *War & Genocide: A Concise History of the Holocaust*. Third Edition. Rowman & Littlefield, 2016, 16.

<sup>8</sup> Jan T. Gross, *Neighbors: The Destruction of the Jewish Community in Jedwabne, Poland*, Princeton, NJ: Princeton University Press, 2001, 57.

<sup>9</sup> *Ibid.*

<sup>10</sup> Gross, *Neighbors*, 75.

<sup>11</sup> Gross, *Neighbors*, 72-75.

<sup>12</sup> Jan Tomasz Gross, *Fear Anti-Semitism in Poland after Auschwitz; An Essay in Historical Interpretation*, New York, NY: Random House Trade Paperbacks, 2007, 83.

<sup>13</sup> Gross, *Fear*, 83.

<sup>14</sup> *Ibid.*

building for any kidnapped Christian children, the crowd took charge, murdering many of the Jews, leaving the survivors to give testimony of the assault.<sup>15</sup> Polish-Jewish tension existed before, during, and after the Holocaust, the burden of antisemitism has remained a Polish problem.

Holocaust scholarship is becoming increasingly suppressed in recent years.

Barbara Engelking and Jan Grabowski published a book, *Night Without End: The Fate of Jews in German-Occupied Poland*, which was written in 2018.<sup>16</sup> This work discusses eight counties in Poland during the Holocaust and the Polish-Jewish relations. The first chapter, written specifically by Engelking caused a great deal of controversy and even a lawsuit.<sup>17</sup> A section of Engelking's chapter described the actions of Edward Malinowski, a village leader in Malinowo, who had been accused of robbing a woman while she was in hiding during the Holocaust.<sup>18</sup> Engelking and Grabowski were both served with a lawsuit for libel by Filomena Leszczyńska (the niece of Edward Malinowski).<sup>19</sup> Leszczyńska's lawsuit asked for the apology of Engelking and Grabowski, as well as a revision to their work that slandered her uncle, and the final request was for 100,000 PLN.<sup>20</sup> In the end, Leszczyńska did not receive the 100,000 PLN because the court ruled that Engelking and Grabowski only issue a public apology and revise their work.<sup>21</sup> The

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<sup>15</sup> Gross, *Fear*, 85-94.

<sup>16</sup> Jan Grabowski, and Barbara Engelking, *Night Without End: The Fate of Jews in German-Occupied Poland*, Bloomington, IN: Indiana University Press, 2022.

<sup>17</sup> Stuart Dowell, "Grandma at Centre of Holocaust Defamation Row Tells Historians 'Write the Truth about History'," *The First News, The First News*, February 22, 2021.

<sup>18</sup> Ibid.

<sup>19</sup> Ibid.

<sup>20</sup> District Court in Warsaw, "Claim for Protection of Personal Rights and for Compensation," *Polish League Against Defamation*, 2019.

<sup>21</sup> Masha Gessen, "The Historians under Attack for Exploring Poland's Role in the Holocaust," *The New Yorker*, March 26, 2021.

apology that Leszczyńska demanded was not to her, but to the Polish population because she believes that Engelking and Grabowski were attempting to accuse Poles of murdering Jews, which was not the intent of the work.<sup>22</sup>

The ruling of Engelking and Grabowski's guilt was later overturned by the Warsaw Court of Appeal in August 2021.<sup>23</sup> This was repealed because the judge ruled that freedom of research and expression were violated.<sup>24</sup> Despite their acquittal, Engelking and Grabowski continue to suffer persecution in Poland. Recently, Grabowski was scheduled to speak at the German Historical Institute in Warsaw and the sound equipment was attacked by a far-right politician. This act prevented him from giving his lecture.<sup>25</sup> Engelking has received similar reactions.<sup>26</sup> In a recent televised interview, she claimed that Jews were horrified with the actions of Polish people during the Holocaust, which created outrage and a protest ensued days following.<sup>27</sup> However, Engelking and Grabowski continue to research and discuss the Holocaust.

Modern antisemitism in Poland stems not only from historical antisemitic roots in Poland which influenced the Polish Minority Treaty at Versailles, but also the Amendment to the Act on the Institute of National Remembrance. Once Poland became an independent nation in 1918, it was initially supposed to be a nation that included minorities; however, this quickly turned into a Catholic and xenophobic place, which

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<sup>22</sup> Stuart Dowell, "Grandma at Centre of Holocaust Defamation Row Tells Historians 'Write the Truth about History'," *The First News, The First News*, February 22, 2021.

<sup>23</sup>"Poland Appeals Court Overturns Libel Conviction of Holocaust Historians," *Legal Monitor Worldwide* August 20, 2021.

<sup>24</sup>"Poland Appeals Court Overturns Libel Conviction of Holocaust Historians," *Legal Monitor Worldwide*, August 20, 2021.

<sup>25</sup> Marsha Lederman, "Opinion: In Poland, the Truth about the Holocaust Continues to Come under Attack," *The Globe and Mail*, June 5, 2023.

<sup>26</sup> *Ibid.*

<sup>27</sup> *Ibid.*

persecuted minorities.<sup>28</sup> In 1919 at Versailles, the United States, Britain, France, Italy, and Japan forced Poland to sign a treaty regarding minorities and their treatment in the Polish nation.<sup>29</sup> The purpose of this treaty was to keep Poland from persecuting minorities within the nation.<sup>30</sup> However, Poland did not adhere to the Minority Treaty and therefore the nation has received a great deal of criticism, so they created a strategy to avoid liability. The Amendment to the Act on the Institute of National Remembrance states that Poland as a nation will not be guilty of any crimes during the years between 1917-1990.<sup>31</sup> However, Poland was not a nation in 1917, but the reason for this time frame is because of actions of Polish citizens during these years. Poland uses this time frame because it not only protects the nation from Soviet era crimes, but also crimes during the Nazi occupation.<sup>32</sup> This is unethical because Poland was not occupied by any nation from the end of the first World War until the beginning of the second one. The far-right government wants Poland to be viewed as a victim to the second World War and not a perpetrator.<sup>33</sup> The far-right government of Poland is pushing for an antisemitic and xenophobic state that remains primarily Catholic.<sup>34</sup>

The Amendment to the Act on the Institute of National Remembrance of 2018 erases the true history of not only the Holocaust, but also pogroms and other attacks on

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<sup>28</sup> D. Cymet, "Polish State Antisemitism as a Major Factor Leading to the Holocaust," *Journal of Genocide Research* 1 (2): 169-212, 1999, 172.

<sup>29</sup> Office of the Historian, "Treaty between the Principal Allied and Associated Powers and Poland, Signed at Versailles, June 28, 1919," *U.S. Department of State. U.S. Department of State*, Accessed May 2, 2023.

<sup>30</sup> *Ibid.*

<sup>31</sup> "Act on the Institute of National Remembrance," *EuroDocs*. BYU Harold B. Lee Library, December 17, 2021.

<sup>32</sup> *Ibid.*

<sup>33</sup> Ofer Aderet, "Israel Concedes to Poland's Demand: Students May Visit Memorials to Murderers of Jews," *Haaretz.com*, April 10, 2023.

<sup>34</sup> Monika Rice, "Heroic and Unheroic Poland," *America* 219 (11): 28-33, 2018, 30.

Jews from 8 November 1917 to 31 July 1990. This Act eradicates the problematic antisemitic actions of Polish citizens and those of Polish nationality during the Holocaust. This law suppresses speech, denies access to public records and documents pertaining to those of Polish nationality, citizens, and the government to the public, and regulates public education activities.<sup>35</sup>

The importance of understanding this Act is vital to historical narrative. Due to this Act, Poland now controls the narrative, which creates a rise in antisemitism. Antisemitism has always been a problem in Eastern Europe and this law creates a rise of antisemitic actions.<sup>36</sup> The larger consequences consist of lawsuits and antisemitic and xenophobic actions. For example, the lawsuit against Engelking and Grabowski and the spike in antisemitic and xenophobic crimes since the implementation of this law.<sup>3738</sup> This thesis will explore attacks on Jews in Poland by Polish citizens, the Amendment to the Act on the Institute of National Remembrance of 2018, the Lawsuit against Barbara Engelking and Jan Grabowski, and the far-right Polish government and modern antisemitism.

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<sup>35</sup> “Act on the Institute of National Remembrance,” *EuroDocs*, BYU Harold B. Lee Library, December 17, 2021.

<sup>36</sup> Monika Rice, “Heroic and Unheroic Poland,” *America* 219 (11): 28–33, 2018, 30.

<sup>37</sup> *Ibid.*

<sup>38</sup> Stuart Dowell, “Grandma at Centre of Holocaust Defamation Row Tells Historians 'Write the Truth about History',” *The First News*, *The First News*, February 22, 2021.

## Historiography

In 2018 the Amendment to the Act on the Institute of National Remembrance was signed by Polish Parliament into law.<sup>39</sup> Initially the law was introduced in September 2016 and later it became what is now known as “Holocaust Law” within Polish politics.<sup>40</sup> Essentially the Act states that Poland refuses to acknowledge any of their crimes against peace and humanity during the Third Reich and the entirety of the Soviet Union.<sup>41</sup> Many historians have struggled with this Act, as it opposes the majority of Holocaust scholarship in relation to Poland and its citizens during the Holocaust.

The research done on pogroms in Poland is specifically what suffers with the implementation of this recent law. Historiography of Polish participation in the Holocaust is being targeted, specifically by the far-right Polish government.<sup>42</sup> This means that historians are being targeted, primarily, Poles who work at an academic level, on the Holocaust in Poland.<sup>43</sup> Through this, historiography of the Holocaust in all forms is being targeted, which is done largely through legislation in Poland.<sup>44</sup>

Polish intellectuals considered pogroms and attacks on Jews soon after the Holocaust, but then once the Communist regime of the Soviet Union stifled this

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<sup>39</sup> Jonathan Zisook, “The Politics of Holocaust Memory in Central and Eastern Europe: Contemporary Poland as a Comparative Case Study,” *Becoming Post-Communist: Jews and the New Political Cultures of Russia and Eastern Europe* XXXIII (2023): 24–46, 28.

<sup>40</sup> Ibid.

<sup>41</sup> Ibid.

<sup>42</sup> Jan T. Gross, Steve Hurst, Piotr B., Jose Gines Mora, Clement Gavi, Paul Martin, Simon Israel, Varsovian Warsaw, and Mady Deutsch, *Criminalizing the Truth: By Jan T. Gross & Sławomir Sierakowski*, Project Syndicate, October 16, 2020.

<sup>43</sup> Ibid.

<sup>44</sup> Ibid.

scholarship.<sup>45</sup> After the fall of the Soviet Union, scholars once again began to reflect on pogroms and Jewish attacks in Poland.<sup>46</sup> The majority of this scholarship on the Holocaust has come about since the fall of communism, according to Rice; however, Poland's government has taken a turn from one extreme to the other and once again falling back into the role of an extreme far-right government. Jan Błonski was one of the first scholars to publish works on pogroms in Poland; however, his work was a comparative history, which described Poles as being indifferent and standing in solidarity with Jews, while ultimately being victims of the Nazis.<sup>47</sup> Through this scholarship, Jan Gross came to a different conclusion, which was that Poles had not been indifferent, but instead in certain cases, complicit.<sup>48</sup> While Gross's work came later, in the early 2000's, Błonski's was published in the late 1980's.<sup>49</sup> Scholarship on pogroms and attacks on Jews in Poland grew significantly towards a more self-critical historiographical narrative.<sup>50</sup> Historiography of Polish participation in the Holocaust was once silenced by the Soviet regime and grew from a Polish victimhood to a self-critical narrative.

Historians Barbara Engelking and Jan Grabowski have suffered at the hands of this Act in recent years due to their work *Night Without End: The Fate of the Jews in German-Occupied Poland*. This scholarship is done through discussions of Polish collaboration during the war, reporting on such trials, and modern-day antisemitism in

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<sup>45</sup> Jonathan Zisook, "The Politics of Holocaust Memory in Central and Eastern Europe: Contemporary Poland as a Comparative Case Study," *Becoming Post-Communist: Jews and the New Political Cultures of Russia and Eastern Europe* XXXIII (2023): 24–46, 31.

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

<sup>47</sup> *Ibid.*

<sup>48</sup> *Ibid.*

<sup>49</sup> *Ibid.*

<sup>50</sup> *Ibid.*

relation to the Holocaust laws. Like many Polish intellectuals, their Holocaust scholarship has been attacked by the government of Poland.<sup>51</sup> The scholarship is changing, Gross's work, like Engelking and Grabowski, gives a self-critical approach to the historiography of Polish participation in the Holocaust. However, the new form of Holocaust scholarship is slowly shifting backwards to how it was during the Soviet era. This scholarship is being silenced by the far-right in Poland. However, the self-critical version of historiography is quickly reversing to the solidarity with Jews and portrayal of Nazi victim narrative that was once written by Błonski. The new version of historiography on Polish complicity in the Holocaust is now shifting towards a revisionist form of history. Historians in Poland are now being silenced because of their more self-critical versions of historiography that grew in the early part of the twenty-first century.

Historians have attempted to rationalize with Polish President Andrzej Duda in response to the proposition of this Act. Patrick Manning, the former President of the American Historical Association, wrote a letter to President Duda in 2016, pleading that the law would not be enacted and that fellow historian, Jan Gross, would not be prosecuted for his work on the Holocaust.<sup>52</sup> Unfortunately, the Act was later passed, and Gross suffered from severe interrogations and legal proceedings.<sup>53</sup> This attack on free speech and education has continued since the initial introduction of the Act in 2016. Other historians have taken an interest in this case, specifically because Gross's work

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<sup>51</sup> Jan T. Gross, Steve Hurst, Piotr B., Jose Gines Mora, Clement Gavi, Paul Martin, Simon Israel, Varsovian Warsaw, and Mady Deutsch, *Criminalizing the Truth: By Jan T. Gross & Sławomir Sierakowski*, Project Syndicate, October 16, 2020.

<sup>52</sup> Patrick Manning, "Letter of Concern to Polish Government Regarding Treatment of Historian Jan Gross," *States News Service*, November 14, 2016.

<sup>53</sup> Masha Gessen, "The Historians under Attack for Exploring Poland's Role in the Holocaust," *The New Yorker*, March 26, 2021.

foregrounded the way pogroms in Poland are studied and researched. Historian and Gratz College director of Holocaust and Genocide Studies Program, Monika Rice found that although Gross's work is excellent in the eyes of most, the Polish government have tried numerous times to charge him with libel against the nation of Poland.<sup>54</sup> Gross has endured many years of this; however, more recently, newspapers have been reporting on the case of Engelking and Grabowski. The most recent knowledge of this law is coming from more journalistic outlets, specifically from Israel and the United States, who report on international law or Jewish studies.<sup>55</sup>

The scholarly discussion on far-right politics in Poland and the larger international context significantly relate to Holocaust scholarship in Poland today. According to Rice, the shift of the Polish government in the direction of the far-right is not only a Polish problem, but also a worldwide issue.<sup>56</sup> The problem of international antisemitism and Holocaust memory is specific to Central and Eastern Europe at this time, according to scholar Jonathan Zisook.<sup>57</sup> In Rice's work, she states that although President Duda is on the far-right side of politics, with the implementation of this law, even right wing lawmakers in the United States refused to meet him because of the blatant antisemitism of this Act that was passed in 2018.<sup>58</sup> Zisook states that since the initial introduction of the Act, Polish museums have begun to inflate numbers of how many Jews were saved by Poles during the war, even though the law had yet to be

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<sup>54</sup> Monika Rice, "Heroic and Unheroic Poland," *America* 219 (11): 28–33, 2018, 32-33.

<sup>55</sup> Monika Rice, "Heroic and Unheroic Poland," *America* 219 (11): 28–33, 2018, 30.

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

<sup>57</sup> Jonathan Zisook, "The Politics of Holocaust Memory in Central and Eastern Europe: Contemporary Poland as a Comparative Case Study," *Becoming Post-Communist: Jews and the New Political Cultures of Russia and Eastern Europe* XXXIII (2023): 24–46, 25.

<sup>58</sup> Monika Rice, "Heroic and Unheroic Poland," *America* 219 (11): 28–33, 2018, 30.

passed.<sup>59</sup> Despite having evidence, many Poles that are involved in government refuse to acknowledge the truth of historians findings, according to Rice.<sup>60</sup> Rice states that although there has been advances in academia regarding the Holocaust, the far-right party in Poland, which is currently governing, is threatening to reverse the progress already made in post-communist Poland.<sup>61</sup> Both Zisook and Rice have stated that there is extreme backlash against the Polish government for the passing of the ‘Holocaust law’.

This subject reflects larger trends within Holocaust Studies, other than historical scholarship. Holocaust Studies is a multidisciplinary field, which calls for an interdisciplinary approach. There are a variety of scholarships from fields beyond the confines of history because this subject is larger than history itself. Therefore, not only historical scholarship is used throughout this work but also, sociological work, journalistic works, and legal documentation.

With the implementation of this law, antisemitism and hate crimes are growing. Rice discusses in her work that not only are historians under attack, but there are many antisemitic demonstrations and acts within Poland since 2018.<sup>62</sup> Manning states within his letter that not only is Gross being accused of libel, but at the time he also faced the possibility of having prestigious awards stripped from him due to his comments on Poland and their complicity with the Holocaust.<sup>63</sup> According to Rice, not only is Gross

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<sup>59</sup> Jonathan Zisook, “The Politics of Holocaust Memory in Central and Eastern Europe: Contemporary Poland as a Comparative Case Study,” *Becoming Post-Communist: Jews and the New Political Cultures of Russia and Eastern Europe XXXIII* (2023): 24–46, 27.

<sup>60</sup>Monika Rice, “Heroic and Unheroic Poland,” *America* 219 (11): 28–33, 2018, 32.

<sup>61</sup> Ibid.

<sup>62</sup> Ibid.

<sup>63</sup> Patrick Manning, “Letter of Concern to Polish Government Regarding Treatment of Historian Jan Gross,” *States News Service*, November 14, 2016.

being condemned for his research and comments on the Holocaust, but antisemitism and xenophobic hate crimes are on the rise in Poland due to the Act. She states, “Crimes committed from racial prejudice are on a sharp rise. There were 835 cases in 2013, 1621 in 2016 and 947 in the first six months alone of 2017.”<sup>64</sup> Rice states that when President Duda was signing the law, many Polish citizens stood outside and shouted antisemitic jargon to ensure that he would in fact sign the law.<sup>65</sup> Much like Rice, Zisook states that the law was made broad, so that applies to not only those living in Poland, but also foreigners.<sup>66</sup> Zisook also claims that although the idea behind the law seemed understandable, that Germany was responsible for the death camps, the law does not state anything about camps, but instead outlaws and form of complicity.<sup>67</sup> Both Zisook and Rice can agree that the implementation of this law has caused many issues within Holocaust memory.

The Amendment to the Act on the Institute of National Remembrance of 2018 continues to be contested by historians. Although many are in agreement on Poland’s far-right government that this law is important to the preservation of Polish history, historians like Manning, Rice, Zisook, and others fight against the far-right government of Poland and the oppression of free research and education. Historians may see the laws intentions differently; however, each are concerned at what has and could happen in response to the Act. Hate crimes have increased, and historians are being targeted. This

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<sup>64</sup> Monika Rice, “Heroic and Unheroic Poland,” *America* 219 (11): 28–33, 2018, 33.

<sup>65</sup> *Ibid.*

<sup>66</sup> Jonathan Zisook, “The Politics of Holocaust Memory in Central and Eastern Europe: Contemporary Poland as a Comparative Case Study,” *Becoming Post-Communist: Jews and the New Political Cultures of Russia and Eastern Europe* XXXIII (2023): 24–46, 28.

<sup>67</sup> *Ibid.*

work will examine how this Act has influenced Polish life and what has already happened regarding historians and freedom of research. Through this, the far-right government, and their relationship with the ‘Holocaust law’ will be investigated. The historians who have been charged for their works will be researched. Although many historians detest this Act, lawmakers in Poland see this differently, therefore, the Polish legal system will also be researched through this study.

Through this interdisciplinary work, the Polish Holocaust law will be analyzed and explained. It is vital to understand the law in its entirety because it shows how historical narrative has changed in Poland over the last few years and where it is headed. The larger consequences of this law consist of criminal charges, which historians are beginning to face. The consequences of this law must be taken seriously as well as understanding the law in its entirety to preserve the narrative of the Holocaust.

## **Chapter I: Attacks on Jews in Poland by Polish Citizens:**

### **Polish Complicity during the Holocaust**

The nation of Poland has an antisemitic background, and a pattern of attacks on minorities. This is a painful experience, not only for Poland itself, but mainly for the Jews who endured suffering at the hands of their neighbors. The Amendment to the Act on the Institute of National Remembrance passed in 2018.<sup>68</sup> Since the implementation of this law, the Holocaust has been a difficult subject to teach and study within Poland. In recent years Poland has begun to refute their involvement in the Holocaust. Although many

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<sup>68</sup> “Act on the Institute of National Remembrance,” *EuroDocs*, BYU Harold B. Lee Library, December 17, 2021.

Polish citizens were killed during the Second World War, they still committed crimes against the Jewish people. Many Poles were anti-fascist, but this did not reflect on their own personal antisemitism, which continued to linger. The lingering antisemitism is shown through several cases of pogroms that happened after the Holocaust had ended. These cases will be discussed later throughout this chapter. Throughout this discussion on pogroms, it will prove that throughout rural Polish communities, Jews were unwelcomed and often, brutally murdered by their Polish neighbors. Through the implementation of the Amendment to the Act on the Institute of National Remembrance of 2018, the Polish government has denounced the truth of Polish actions during the Holocaust. Although Poles were not always Nazis, there are many cases of them becoming SS members. In order for there to be any kind of justice for the Jews that were murdered in these pogroms, Poland must repeal this law and acknowledge their part in the Holocaust. Antisemitism throughout rural Poland had run rampant and transcended Nazi ideology through the horrific act of pogroms. Polish citizens in rural areas were fully responsible for pogroms, therefore the country of Poland should take responsibility for their part in the Holocaust.

This chapter will give background on Poland's complicity in the Holocaust and explain how the Amendment to the Act on the Institute of National Remembrance came into law to keep Poland from being condemned for their horrendous actions against the Jews of Poland. Throughout this analysis, attacks on Jews will be studied, but will primarily focus on pogroms over other actions because of the closeness between the Jews and their murderers and mass scale of the crime. Overall, this chapter will focus on

pogroms and attacks on Jews throughout Poland, which proves the guilt of Polish citizens during the Holocaust.

Pogroms are defined as a mass murder of Jewish people by non-Jews. This term was derived from the Russian word for “riot”.<sup>69</sup> They were common before, during and after the Holocaust. Although pogroms often stemmed from Nazi ideals, in many cases, Polish citizens would begin these attacks because of their antisemitism, according to several sources, it is proven that these acts were an aspect of the Holocaust. Antisemitism was strong throughout Poland, especially in rural areas. A pogrom is a massacre of Jewish people that stems from antisemitism. According to historian Doris Bergen, a pogrom is described as the following,

In many ways the Middle Ages—from around the ninth to the sixteenth centuries—were difficult times for Jews in Europe. Often crusades against Muslims and Christians accused of heresy started off or ended up with violent attacks on Jews. Such attacks, which later came to be known as *pogroms*, a word derived from the Russian for “riot,” were also common responses to outbreaks of plague or other disasters. For example, in many parts of Europe, the Black Death of 1348 sparked brutal pogroms, as Christians blamed Jews for somehow causing the epidemic of bubonic plague. Mobilized by such accusations, Christian mobs—sometimes spontaneously, sometimes urged on by state and church leaders—attacked Jewish homes and communities, plundering, destroying, raping, and killing. The scale of pogroms varied wildly, from brief local incidents to weeklong massacres that swept through entire regions.<sup>70</sup>

Here Bergen describes the origin of pogroms. Through this definition, she demonstrates how these attacks were strictly against Jews, therefore it is an antisemitic act and not a xenophobic one. Although many minorities were persecuted, these acts were strictly

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<sup>69</sup> Doris L Bergen, *War & Genocide: A Concise History of the Holocaust*, Third Edition, Rowman & Littlefield, 2016, 16.

<sup>70</sup> Bergen, *War & Genocide*, 16.

against the Jewish people and not any other ethnic minority, therefore this was antisemitic. Therefore, pogroms are violent acts against Jews.

Pogroms were common throughout rural Poland before, during, and after the Holocaust. Though rural Poland pogroms may have started in one town, they often spread through an entire region.<sup>71</sup> Although there were several attacks in cities, it was more common and spread faster throughout rural regions.<sup>72</sup> The attacks on Jews after the Holocaust prove that not all the aggressors of Jews were Germans. In this case and many cases after the war they were their Polish neighbors. The attacks on Jews spread like wildfire throughout rural towns of Poland. Jan Gross gives an example of the pogroms in the following rural towns: Wasosz on July 5, 1941, Radziłów on July 7, 1941, and Jedwabne on July 10, 1941.<sup>73</sup> These three villages were close in proximity which caused these attacks on Jews to spread so quickly. According to Tomasz Kamusella, the worst pogrom that took place in Poland was in Kielce after the Holocaust.<sup>74</sup> Through the Kielce pogrom, forty Jews were murdered in July 1946.<sup>75</sup> Pogroms did occur after the Holocaust, which caused many Jews to flee to other countries.<sup>76</sup> Pogroms lasted hours to days and were torture for Jews that often resulted in extremely brutal deaths. All these attacks were in rural areas and were started by Poles and not Germans, proving that Polish citizens were responsible. Pogroms are different from other acts of aggression

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<sup>71</sup> Jan T. Gross, *Neighbors: The Destruction of the Jewish Community in Jedwabne, Poland*, Princeton, NJ: Princeton University Press, 2001, 90-91.

<sup>72</sup> Gross, *Neighbors*, 57.

<sup>73</sup> Gross, *Neighbors*, 57.

<sup>74</sup> Tomasz Kamusella, "Encounters with Antisemitism," *Colloquia Humanistica*; No 9 (2020): Sephardim, Ashkenazim, and Non-Jewish Peoples: Encounters Across Europe; 289-308, 2022, 293.

<sup>75</sup> Antony Polonsky, *My Brother's Keeper: Recent Polish Debates on the Holocaust*, London: Routledge, 1990, 2.

<sup>76</sup> Tomasz Kamusella, "Encounters with Antisemitism," *Colloquia Humanistica*; No 9 (2020): Sephardim, Ashkenazim, and Non-Jewish Peoples: Encounters Across Europe; 289-308, 2022, 293.

because they specifically target Jews, and these massacres are native to the Eastern European region.

Many Polish citizens took part in pogroms in rural areas. Scholar, Krzysztof Persak narrates the roles that people take in pogroms, while describing the attack in Jedwabne. He describes this group as being a large number of Jedwabne residents as well as the town's mayor, those involved had many roles, such as, murdering the towns Jews, supervising these vicious attacks, taking Jews to the place of execution, robbing Jews, etc.<sup>77</sup> Through this, Persak fully describes what a pogrom looks like through the eyes of the perpetrators. These events were not random, the Polish townspeople had a motive and planned out these attacks against the Jewish people. They were brutal and inhumane in their attacks because they knew what the outcome would mean, death to the local Jews. These events were common, not only during the Holocaust, but for several centuries before and even a few years after. Not only was this common, but it was encouraged by the Nazis.<sup>78</sup> Although the Germans were the main perpetrators of antisemitic acts against Jews during the Holocaust, it was common for Polish citizens to commit hateful and violent acts against the Jews throughout their towns.

Contrary to popular belief, Nazis were not always the perpetrators of pogroms. They were also started and carried out by Polish citizens, especially in the rural areas. However, the horrific massacres that the Polish citizens brought upon their Jewish neighbors were not the same as the mortifying death and concentration camps that the Nazis had arranged. Although the Nazis were antisemitic, the Polish citizens also held

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<sup>77</sup>Krzysztof Persak, "Jedwabne before the Court," *East European Politics & Societies* 25 (3): 410–32, 2011, 412.

<sup>78</sup>Gross, *Neighbors*, 57.

very close antisemitic values as well. An example of this is from Gross's work. He describes how when the German military wanted the Jews of a Polish town to be eliminated, they would not carry out these acts by themselves, but the Polish citizens would do this without any kind of pay or incentive.<sup>79</sup> Both Gross and Persak make this abundantly clear throughout their works. The target is to prove that it was the Polish citizens committing crimes against Jews, not Nazis.

Pogroms in small towns were often coordinated beforehand, making these actions premeditated. For example, the pogrom in Jedwabne was coordinated by citizens of the town, which had ties to the previous mayor.<sup>80</sup> Gross states, "The massacre of Jedwabne Jews on July 10, 1941, was coordinated by the town's mayor, Marion Karolak. His name appears in virtually every deposition. He issued orders to others and was himself otherwise, more practically, engaged throughout the pogrom."<sup>81</sup> Here Gross gives an example of how Polish citizens were involved in the killing of Jews throughout their rural towns. Not only were citizens involved, but people who were involved with the Polish government coordinated this horrific act.<sup>82</sup> It is important to note Bergen's statement here on the origins of a pogrom, this act against Jews had been happening since the Middle Ages and they were often coordinated by Christians or non-Jews, much like these pogroms in rural areas of Poland during the Holocaust.<sup>83</sup> Many Jewish survivors recalled that the Polish citizens murdered Jews because of their deep-rooted antisemitism. The

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<sup>79</sup> Gross, *Neighbors*, 18.

<sup>80</sup> Krzysztof Persak, "Jedwabne before the Court," *East European Politics & Societies* 25 (3): 410–32, 2011, 412.

<sup>81</sup> Gross, *Neighbors*, 73.

<sup>82</sup> *Ibid.*

<sup>83</sup> Bergen, *War & Genocide*, 16.

Poles did not have to murder the Jews, but they did because of their severe hate for Jewish people. They somehow felt that the Jews needed to be eliminated.<sup>84</sup> Such coordinated attacks stemmed from antisemitic attitudes.

The question is often asked, “What did the Polish citizens have to gain from the death of their Jewish neighbors?” This question has been asked by each source that is used to further the exploration on this topic. Jeffrey Kopstein answers this by explaining that many Polish citizens considered Jewish culture as a threat to their national and political aspirations.<sup>85</sup> Polonsky also answers this question, he discusses that after the Prussian territories were divided, many of the Jews in the area identified with the German culture, which the ethnic Poles did not like, this caused them to see the Jews as a threat.<sup>86</sup> According to Gross, many Polish citizens disliked being under Soviet occupation in Eastern Poland (German-Soviet Boundary and Friendship Treaty).<sup>87</sup> Gross goes on to describe that because of the large population of Jews in Jedwabne, naturally they took positions working for the Soviet government, which supposedly caused anger and divisiveness between the Poles and Jews.<sup>88</sup> Several historians have tried to answer the question as to what the motive was behind the systematic murders of the Jews, but the answers are always different. The psychology behind the madness of antisemitism is yet to be understood and may never be, but the study of these murders is important to the remembrance of those whose lives were taken. It is vital to the study of the Holocaust to

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<sup>84</sup> Gross, *Neighbors*, 133.

<sup>85</sup> Jeffrey S. Kopstein and Jason Wittenberg, *Intimate Violence: Anti-Jewish Pogroms on the Eve of the Holocaust*, Ithaca: Cornell University Press, 2018, 62.

<sup>86</sup> Polonsky, *My Brother's Keeper*, 56-57.

<sup>87</sup> Gross, *Neighbors*, 42-43.

<sup>88</sup> *Ibid.*

pay attention to all the perpetrators because the Nazis were not the only antisemites in Europe. This antisemitism was widespread throughout rural areas of Poland.

Antisemitism was prevalent throughout all of Poland, but it was more extreme in rural areas. In rural Poland Jews suffered a great deal both in years before and after the Holocaust because Polish people would conduct pogroms throughout the small villages and towns. According to Polonsky the highest percentage of Jews were living within Poland before the Holocaust and most of them lived in towns.<sup>89</sup> It was difficult for Jews living in rural societies to trust the local Poles because they lived within their own Shtetls, which their Polish neighbors did not like.<sup>90</sup> Kopstein describes shtetls as, “...where Jews were demographically weighty and tended to be notably wealthier and more influential than their peasant neighbors.”<sup>91</sup> To clarify, this means, as Kopstein later states, that a shtetl is just a rural town where a large group of Jews live.<sup>92</sup> Shtetls were a common place for Jews to live in Poland. Kassow describes how shtetls became vulnerable because they were being left behind for larger cities instead of rural towns and villages.<sup>93</sup> According to Kopstein, because urban areas were constantly being bombarded and Jews were being taken away so quickly, there were not Jews left to testify about how severe pogroms were.<sup>94</sup> However, populations in urban areas were much larger than those of rural areas. Through this Kopstein would also have to argue that Jews from urban areas

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<sup>89</sup> Polonsky, *My Brother's Keeper*, 64.

<sup>90</sup> Kopstein, *Intimate Violence*, 24.

<sup>91</sup> Kopstein, *Intimate Violence*, 12.

<sup>92</sup> Kopstein, *Intimate Violence*, 13.

<sup>93</sup> Samuel D. Kassow, *Who Will Write Our History?: Emanuel Ringelblum, the Warsaw Ghetto, and the Oyneg Shabes Archive*, The Helen and Martin Schwartz Lectures in Jewish Studies, Bloomington: Indiana University Press, 2018, 45.

<sup>94</sup> Kopstein, *Intimate Violence*, 44.

died whereas Jews from rural areas did not. Both Jews from urban and rural areas were sent to concentration and death camps. It would be impossible to argue that only Jews from rural areas survived. Kopstein does discuss the issue of why pogroms happened and describes a hypothesis as to what the motive behind them was. He states, “If pogroms are about economic competition or plunder, then they should be most common in the shtetls, where competition was fierce and wealth differentials great.”<sup>95</sup> Here Kopstein makes a point to describe why rural Poland often fell victim to pogroms and how shtetls were affected by this. Since shtetls were only set up throughout rural areas of Poland, they were more likely to be attacked. Through Kopstein’s analysis, he describes how economic issues may have led to these massacres, however we cannot know the true motive of the Poles because there is never a clear answer. Since shtetls were set apart from the rest of Polish society, the Jews living there remained vulnerable to attacks. Not only did the Polish citizens of rural areas view Jews living in shtetls as a threat because of their ethnicity and religion, but they also saw them as competition because they were wealthier.<sup>96</sup> Was it antisemitism, economics, loans, religion, or something else? What is known is that these attacks were not at random, and they were conducted mostly by Polish citizens. However, it is important to note the difference in antisemitism throughout rural and urban areas of Poland.

Rural Polish life and urban Polish life was very different for Jews, but urban Jews also experienced violent attacks in the end. There are many sources that discuss Jewish life in rural Poland, however life in urban Poland is just as important. Kassow discusses

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<sup>95</sup> Kopstein, *Intimate Violence*, 48.

<sup>96</sup> Kassow, *Who Will Write Our History?*, 45.

life of Jews in both urban and rural areas. Through his work he states that urban life for Jews was difficult because Jews in cities often lived in the poorer areas.<sup>97</sup> However, it is noted by Kopstein that Jews living in shtetls (rural areas with a large Jewish population) were more wealthy.<sup>98</sup> He goes on to discuss that the wealth that the Jews had throughout shtetls also caused a sense of influence over the Polish neighbors who were poor.<sup>99</sup> The wealth of Jews over their neighbors at times resulted in tension. This tension grew over time, which caused the severe antisemitism to explode into hateful acts against Jews, such as pogroms. When Kopstein describes pogroms, he discusses that a great deal of the attacks that are mentioned are reported due to their large number of deaths, not because they happened.<sup>100</sup> Many pogroms are overlooked because the death toll is not as extreme as they are in attacks that culminate in a large number of deaths. Kopstein states, “The resulting urban bias almost certainly underestimates the true extent of violence and blinds us from uncovering causes that might be particular to rural areas.”<sup>101</sup> This explains why rural pogroms are often overlooked. Places like Jedwabne and Józefów only became famous because they were researched by very well-known historians, otherwise they would have remained nameless. These names are also not always recognized unless it is by a historian or a person whose family members lived through the Holocaust. Through Persak’s work, he makes a point to discuss the true reason for these crimes in rural Poland. He discusses how collaborators of the Soviets were half Poles and half Jews, there were six of them, through this he states, “According to some accounts, they were

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<sup>97</sup> Kassow, *Who Will Write Our History?*, 35.

<sup>98</sup> Kopstein, *Intimate Violence*, 12.

<sup>99</sup> Ibid.

<sup>100</sup> Kopstein, *Intimate Violence*, 43.

<sup>101</sup> Ibid.

tortured to death by a group of local Poles, and according to others, they were first beaten by local Poles and then subsequently shot by Germans.”<sup>102</sup> He then goes on to discuss how this caused a great deal of hostility, specifically towards the Jewish community.<sup>103</sup> Through this description, Persak explains that there were events that sparked the pogrom in Jedwabne and around the region. The situation mentioned above clearly proves that many of the Polish citizens throughout these small towns sided with the Nazis. It was often assumed that Jews were communist or at least sympathized with them, although there were Jewish communists, not all were, contrary to the stereotype. However, it is clear that many Jews were happier to take the side of the Soviets over the Nazis for obvious reasons. This antisemitism has lasted through several decades, it still affects the Polish government to this day in both rural and urban areas.

Barbara Engelking and Jan Grabowski’s work, *Night Without End: The Fate of Jews in German-Occupied Poland* made news in Poland because of its controversial nature. Engelking and Grabowski have been charged with libel because of the research.<sup>104</sup> Through their work, it is evident that certain Jewish counties throughout Poland suffered gravely at the hand of Polish citizens. The following counties are listed throughout their work; Bielsk Podlaski, Biłgoraj, Węgrów, Łuków, Złoczów, Nowy Targ, Dębica, and Bochnia.<sup>105</sup> Bielsk Podlaski county, according to Engelking was fairly urban and

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<sup>102</sup> Krzysztof Persak, “Jedwabne before the Court,” *East European Politics & Societies* 25 (3): 410–32, 2011, 411.

<sup>103</sup> Ibid.

<sup>104</sup> Masha Gessen, “The Historians under Attack for Exploring Poland’s Role in the Holocaust,” *The New Yorker*, March 26, 2021.

<sup>105</sup> Jan Grabowski, and Barbara Engelking, *Night Without End: The Fate of Jews in German-Occupied Poland*, Bloomington, IN: Indiana University Press, 2022.

approximately half the county was Jewish.<sup>106</sup> There were attacks on Jews in Bielsk Podlaski during the Holocaust; however, they were not as murderous and other counties neighboring the town, and in some instances, there were no fatalities.<sup>107</sup> Although many of the Jews who died in the Holocaust from this county, some were killed at the hands of the Poles. For example, the Polish underground murdered at least five Jews from Bielsk Podlaski and thirty-two Jews were murdered by Polish citizens, who were not recorded to be a part of the Polish underground.<sup>108</sup> There were assaults on the returning Jews after the Holocaust and in some cases within Bielsk Podlaski, Jews were in fact murdered in the post-war phase of Poland.<sup>109</sup> Biłgoraj was a more rural county, where many Orthodox Jews lived.<sup>110</sup> Polish-Jewish relations in Biłgoraj were strained, even before the Holocaust, and they did not improve.<sup>111</sup> Many Jews from Biłgoraj attempted to hide and although they made it into hiding, they were either murdered by German police or by local civilians; however, there were other causes of death, but these were the largest numbers that were murdered, many times they were denounced by Poles.<sup>112</sup>

Grabowski stresses that Węgrów county's proximity to Treblinka is significant to the study of the Holocaust and greatly influenced the local Jews.<sup>113</sup> Grabowski does mention that very few Jews from this county survived.<sup>114</sup> At one point, Węgrów had a large Jewish community, which dwindled after the Holocaust. The majority died in the

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<sup>106</sup> Grabowski and Engelking, *Night Without End*, 3.

<sup>107</sup> Grabowski and Engelking, *Night Without End*, 8.

<sup>108</sup> Grabowski and Engelking, *Night Without End*, 24-25.

<sup>109</sup> Grabowski and Engelking, *Night Without End*, 37.

<sup>110</sup> Grabowski and Engelking, *Night Without End*, 55-56.

<sup>111</sup> Grabowski and Engelking, *Night Without End*, 63.

<sup>112</sup> Grabowski and Engelking, *Night Without End*, 94-95.

<sup>113</sup> Grabowski and Engelking, *Night Without End*, 109.

<sup>114</sup> *Ibid.*

Holocaust, others with a violent homecoming.<sup>115</sup> Łuków Jews attempted many chances for survival, but in many cases, they were caught and murdered. In 1939 there were approximately 6,000 Jews in Łuków.<sup>116</sup> After the war there were only 140 survivors, making up 0.86% of the population.<sup>117</sup> Much like Bielsk Podlaski, Złoczów was also a rural county, made up of 72.3% of Jews.<sup>118</sup> The majority of Jews who wanted to hide had to rely on the non-Jewish locals, which approximately eighty-one of the local citizens offered help to the Jews.<sup>119</sup> Nowy Targ was made up of very few urban areas and the majority being rural, with a very small amount of Jews living within the county.<sup>120</sup> Many Jews who returned to Podhale, which was within Nowy Targ, were murdered after their return to the county, at the hands of Polish citizens.<sup>121</sup> Dębica consisted only of six percent of Jews before the Holocaust, in 1860, the relationship between Poles and Jews became increasingly hostile.<sup>122</sup> According to this work, in Dębica county, Jews living in a shtetl found life more difficult than village Jews, because they had more interactions with non-Jews.<sup>123</sup> In Bochnia county, once deportations had passed, if Jews were captured, local village leaders would have them deported, whereas Polish police and Germans officers would murder them in a forest.<sup>124</sup> Jews returning to Bochnia after the Holocaust faced antisemitism and although it was not as severe as it was in some places, Jewish

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<sup>115</sup> Grabowski and Engelking, *Night Without End*, 161.

<sup>116</sup> Grabowski and Engelking, *Night Without End*, 175.

<sup>117</sup> Grabowski and Engelking, *Night Without End*, 195.

<sup>118</sup> Grabowski and Engelking, *Night Without End*, 235.

<sup>119</sup> Grabowski and Engelking, *Night Without End*, 269.

<sup>120</sup> Grabowski and Engelking, *Night Without End*, 295.

<sup>121</sup> Grabowski and Engelking, *Night Without End*, 329-330.

<sup>122</sup> Grabowski and Engelking, *Night Without End*, 349-351.

<sup>123</sup> Grabowski and Engelking, *Night Without End*, 402.

<sup>124</sup> Grabowski and Engelking, *Night Without End*, 440.

survivors were in fact murdered and felt unsafe in their former surroundings.<sup>125</sup> In each of these counties, it is evident that although some Polish citizens did help Jews to survive, many of them murdered Jews or turned them in to Nazi officials, where they were later murdered. Many counties reacted differently to Jews coming back after the Holocaust, some were more hostile than others, but each county showed their antisemitism after the Holocaust. Many Jews who came back after the Holocaust felt unsafe within each county listed. The Polish citizens who lived in these counties often murdered Jewish survivors when they came back after the Holocaust, even in the mildest of counties. The one constant throughout each story of these counties is Polish complicity with the Nazis on their idea of antisemitism.

The Kielce pogrom is one of the most well-known attacks on Jews after the Holocaust had ended. The initial reason for the attack was a Polish boy had gone missing by his own volition, his parents worried and once he came back home, he was pushed to point out who had taken him and then accused a Jew who had done so.<sup>126</sup> Once again, the Poles had a deep-seated hatred against Jews and believed that Jews were out to murder Christian children.<sup>127</sup> The mob took the Jews from their residents in Kielce and were attacked.<sup>128</sup> The Polish police and soldiers gave the Jews over to the violent mob who beat, stabbed, and attacked the Jews violently, killing them and leaving some severely wounded.<sup>129</sup> Although this story is one that is fairly well-known, there is more to it than just Jews being murdered by Poles. Jews had come home after surviving the Holocaust,

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<sup>125</sup> Grabowski and Engelking, *Night Without End*, 459-461.

<sup>126</sup> Gross, *Fear*, 83-84.

<sup>127</sup> Ibid.

<sup>128</sup> Gross, *Fear*, 85-94.

<sup>129</sup> Ibid.

only to face severe antisemitism and hate. They had bothered no one since their arrival home and one child pointed a finger at Jews to avoid facing discipline and then Jews were attacked in a violent mob. This occurred a year after the Holocaust had ended. Gross describes how even the Communist party did not feel entirely bad about the situation in Kielce, no one felt sympathy for the crimes that the Jews had faced, only that they were unwilling to even condemn the perpetrators.<sup>130</sup> Although it is often the far-right that has traditionally attacked Jews, even the Communist party in Poland was unwilling to go so far as to defend the Jews, even after the Holocaust.<sup>131</sup> The Communist party at this time, was attempting to gain support from the masses, and they knew if part of their strategy was to defend Jews, whom the Poles hated, they would not be the popular political party and the masses would revolt.<sup>132</sup> Many antisemitic acts took place after the Holocaust and unfortunately this has affected how Poland views itself, even today.

Throughout the study of the Holocaust, it initially begins in 1939 and sometimes before; however, the study usually stops after liberation. Although the Holocaust was over once the war in Europe ended, Jews were often continually persecuted and felt lost, with nowhere to go after the war's end. Often, when Jews went back to their hometowns, many were met with hostility and sometimes, death. Although the above discusses that many Jews were attacked in certain counties within Poland, through Engelking and Grabowski's work, Gross also discusses this through his work on antisemitism within Poland during the post-war days. Gross discusses in his work the murder of Jews after the Holocaust and antisemitism in Poland continued. He states the following:

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<sup>130</sup> Gross, *Fear*, 120.

<sup>131</sup> Gross, *Fear*, 126-127.

<sup>132</sup> *Ibid.*

It appears that people frequently knew the murderers of Jews, and they spoke about the killings in a detached, matter-of-fact manner that caught the attention of an ethnographer forty years after the war. Aline Cała conducted her interviews about Jews who had once lived in the area with villagers in eastern and southeastern Poland in 1984. Out of ninety interviewees, twenty-seven mentioned some episode in which a Jew or several Jews had been killed after the war, and they often cited in their narrative the names of the perpetrators.<sup>133</sup>

Here, Gross describes how many Poles were aware of the violent attacks on Jews after the Holocaust ended. The way that Polish citizens discussed the events in such an indifferent manner is alarming. The Jews that were murdered after the Holocaust are often forgotten, and these murders are why the Amendment to the Act on the Institute of National Remembrance shields Poland from complicity until 1990.<sup>134</sup> Not only were Jews persecuted during and after the Holocaust, but local law officers in Poland were unwilling and uninterested in prosecuting anyone involved in the murder or persecution of Jews.<sup>135</sup>

The relationship between Poland and Jews today is not what anyone could have imagined before the start of the Holocaust. After the Holocaust the Jewish population severely decreased. Before the war “Jews were the second largest ethnic minority” according to Bilewicz, Winiewski, and Radzik.<sup>136</sup> They state that the Jewish population plummeted to almost nothing by 1989.<sup>137</sup> Lassner discusses throughout her work how Polish films in recent years show a great deal of antisemitism through Holocaust interpretations. She states:

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<sup>133</sup> Jan Tomasz Gross, *Fear Anti-Semitism in Poland after Auschwitz: An Essay in Historical Interpretation*, New York, NY: Random House Trade Paperbacks, 2007, 37.

<sup>134</sup> “Act on the Institute of National Remembrance,” *EuroDocs*, BYU Harold B. Lee Library, December 17, 2021.

<sup>135</sup> Gross, *Fear*, 52.

<sup>136</sup> Michal Bilewicz, Mikołaj Winiewski, and Zuzanna Radzik, “Antisemitism in Poland: Psychological, Religious, and Historical Aspects,” *Journal for the Study of Antisemitism* 4 (2): 423, 2012, 424.

<sup>137</sup> *Ibid.*

On 6 February 2018, Polish President Andrzej Duda signed into law amendments to the Institute of National Remembrance – Commission for the Prosecution of Crimes against the Polish Nation Act that criminalizes any explicit or implicit accusation that the ‘Polish nation’ was complicit in the Holocaust.<sup>138</sup>

Through this quote, Lassner is explaining that it is illegal in Poland to accuse the country of being an accomplice in the Holocaust even though Poland was in fact involved and murdered a great number of Jews. Once again Poland is killing its Jews for a second time by erasing their memory. Through Polonsky’s work there is a section about what it means for Poland to take responsibility and why it is important, especially for the younger generations. He describes how Poland cannot close its eyes to the bloody memories of the Holocaust, but instead they must accept their part in it.<sup>139</sup> Through this, Polonsky is making a point that the youths of Poland today refuse to take responsibility for their country’s actions. Although they themselves are not responsible, they must make others aware of what once happened so that history is not repeated. This Act that has been implemented is changing the way that the youths of Poland are reacting to the Holocaust. Instead of treating it as a horrific event that should never be forgotten and they are ignoring it. This is dangerous because it can lead to a rise in antisemitism throughout Poland. Polonsky gives an example of how antisemitism thrives today, through this he goes into detail about how antisemitism is a phenomenon that some generations take part in and that this view on stereotyping Jews is horrific and poisonous to the Polish government.<sup>140</sup> Here antisemitism is being called a marginal problem, which is

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<sup>138</sup> Phyllis Lassner, “The Quest for Holocaust Memory in Polish Films, 2012–2016,” *Holocaust Studies: A Journal of Culture & History* 27 (2): 201–17, 2021, 213.

<sup>139</sup> Polonsky, *My Brother’s Keeper*, 35.

<sup>140</sup> Polonsky, *My Brother’s Keeper*, 54.

debatable.<sup>141</sup> However, the point of this section is to describe that even though antisemitism may be looked at as marginal in places like rural Poland, this is what causes youths to forget the Holocaust. This idea is what causes the youths of Poland to become antisemitic and believe that the Holocaust was a small event when in fact it was an extreme and traumatizing time. Today antisemitism is still thriving throughout Poland due to the lack of teaching and education on the Holocaust and Judaism itself.

In recent years, the Polish government has implemented laws that cause the study of the Holocaust to be difficult. Poland's goal is to be seen as the victim instead of the perpetrator. Although many Polish citizens fought against the Nazi regime, many of the citizens still held antisemitic views and some even joined the Nazi SS. It is often overlooked that many Polish citizens joined the SS and, in some cases, it is even denied by the Polish League Against Defamation.<sup>142</sup> Browning supports the argument that this is incorrect by giving the following example: in a small town located outside of Warsaw called Józefów, a group of Polish police, who were affiliated with the Nazis and took orders from them, committed a mass murder of the Jewish community of that town.<sup>143</sup> Men, women, and children were murdered at this place because they were Jewish. Although it is recorded that many of the officers were disturbed by what they were being told to do, they still murdered.<sup>144</sup> It is important to note that many Poles state that they had no choice, but that is incorrect. If they had refused an order to murder, they would

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<sup>141</sup> Ibid.

<sup>142</sup> Polish League Against Defamation, "Polish League Against Defamation," *Polish League Against Defamation – The Good Name Redoubt*, Accessed June 2, 2023.

<sup>143</sup> Christopher R. Browning, *Ordinary Men: Reserve Police Battalion 101 and The Final Solution in Poland*, New York City, NY: HarperCollins Publishers, 2017, 61.

<sup>144</sup> Browning, *Ordinary Men*, 58.

have suffered no consequences.<sup>145</sup> Kamusella states that after the war many of the neighbors of the Jews were not only shocked that Jews had survived the war but were angry enough to commit another pogrom in order to keep the stolen land and property from their Jewish neighbors.<sup>146</sup> Through Kamusella's description of life in Poland in the 1980's, he shows how antisemitism was so prevalent that if someone uttered the word "Jew" there would be screaming involved.<sup>147</sup> Through this description it is obvious that Poland still refused to take responsibility for their part in the Holocaust many years after the fact. Polish citizens have clearly forgotten that Jews once made up a great deal of their nation and that they themselves were collaborators to the destruction of Jews in Poland. Teaching about the Holocaust in Poland is something that was not done for quite some time, which has led to its prevalence. Bilewicz discusses the teaching of the Holocaust and antisemitism in Poland throughout his work. He discusses how the teaching of Jews changed after 1965 because of the Second Vatican, however this teaching was not recognized in Poland until the 1970's and 1980's.<sup>148</sup> The Second Vatican introduced "Catholic teaching about Jews and Judaism after 1965," which had previously not been taught within Catholicism.<sup>149</sup> Through this description, Bilewicz proves that Poland has remained ignorant to its past by not teaching the basics about Jewish life. Many concentration and death camps resided in Poland; therefore, this topic

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<sup>145</sup> Browning, *Ordinary Men*, 61-62.

<sup>146</sup> Tomasz Kamusella, "Encounters with Antisemitism," *Colloquia Humanistica*; No 9 (2020): Sephardim, Ashkenazim, and Non-Jewish Peoples: Encounters Across Europe; 289-308, 2022, 293.

<sup>147</sup> Tomasz Kamusella, "Encounters with Antisemitism," *Colloquia Humanistica*; No 9 (2020): Sephardim, Ashkenazim, and Non-Jewish Peoples: Encounters Across Europe; 289-308, 2022, 290.

<sup>148</sup> Michal Bilewicz, Mikoiaj Winiewski, and Zuzanna Radzik, "Antisemitism in Poland: Psychological, Religious, and Historical Aspects," *Journal for the Study of Antisemitism* 4 (2): 423, 2012, 427.

<sup>149</sup> *Ibid.*

must be studied throughout the region. It is important to note that it was not until the 1970's and 1980's that Jews were being discussed throughout Poland.<sup>150</sup> Although Poland was under Nazi rule during the Second World War, the antisemitism of the Polish citizens was not a new concept. Antisemitism had been prevalent throughout Eastern Europe for several years. The presence of the Soviet force before the Nazis occupied all of Europe was considered to be a reason why Jews were not being murdered, however these acts of aggression were promoted by the Nazi ideology. To this day, antisemitism is prevalent throughout Poland because of the lack of education about Jews and the Holocaust. However, antisemitism is growing because of the current law enacted in Poland, the Amendment to the Act on the Institute of National Remembrance.<sup>151</sup> According to Lassner, this law was enacted in 2018 and has changed the way that the Holocaust is discussed throughout Poland. It is now illegal in Poland to accuse the country or its people of colluding with the Nazis.<sup>152</sup> This has caused a severe strain in Polish-Jewish relations, not only in past decades, but it has continued through today.

The Amendment to the Act on the Institute of National Remembrance states that between the years of 1917 to 1990, Poland cannot be held responsible for any crimes that took place within the nation.<sup>153</sup> After the end of World War I, Poland finally gained independence; however, there were stipulations. The United States, Great Britain, France, Italy, and Japan required a signature from Poland, stating that the nation would not

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<sup>150</sup> Ibid.

<sup>151</sup> Phyllis Lassner, "The Quest for Holocaust Memory in Polish Films, 2012–2016," *Holocaust Studies: A Journal of Culture & History* 27 (2): 201–17, 2021, 213.

<sup>152</sup> Ibid.

<sup>153</sup> "Act on the Institute of National Remembrance," *EuroDocs*, BYU Harold B. Lee Library, December 17, 2021.

infringe on the rights of any type of minority.<sup>154</sup> There are even specific articles concerning Jews specifically. Article 10 states the following:

Educational Committees appointed locally by the Jewish communities of Poland will, subject to the general control of the State, provide for the distribution of the proportional share of public funds allocated to Jewish schools in accordance with Article 9, and for the organization and management of these schools.<sup>155</sup>

In this Article, Poland must grant Jewish schools the allocated public funds. The reference to Article 9 discusses a budget for religious and educational purchases.<sup>156</sup>

Article 11 goes on to discuss the Jewish Sabbath and that this shall not be infringed upon for any reason.<sup>157</sup> Perhaps the reason that the Amendment to the Act on the Institute of National Remembrance begins in 1917 is because they had previously violated this treaty. Since the Soviet Revolution began in 1917, this law focuses on that year in relation to the beginning of their entanglement with minorities in Poland, specifically Jews. The question remains, what does Poland have to gain from this? Why would this law cover from 1917 to 1990, when the Soviet Union was in power? Although Soviet rule began in Poland after World War II, the Polish government implements the law covering 1917, why? Perhaps it was money or because of the pogroms that took place before Poland was overrun with Nazi or Soviet rule.

Overall, life for Jews in rural areas of Poland was more dangerous than larger cities because it was more common for pogroms to occur. This is shown through the

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<sup>154</sup> Office of the Historian, "Treaty between the Principal Allied and Associated Powers and Poland, Signed at Versailles, June 28, 1919," *U.S. Department of State. U.S. Department of State*, Accessed May 2, 2023.

<sup>155</sup> *Ibid.*

<sup>156</sup> *Ibid.*

<sup>157</sup> *Ibid.*

sources that discuss how Jews living in shtetls were wealthier and had more power over their poor neighbors.<sup>158</sup> Shtetls were an important aspect to Jewish life and culture throughout rural areas in Eastern Europe. Unfortunately, many shtetls were attacked because the Poles not only hated the Jewish culture, but somehow felt that Jews were communists. The Poles also felt it was unfair that the Jews living in shtetls were wealthier than them, therefore this antisemitism grew.<sup>159</sup> Many Polish people held onto their antisemitism from before and during the Holocaust, which caused pogroms to reoccur throughout rural areas after the Holocaust had ended. Pogroms date back to the Middle Ages and were not new during the Holocaust.<sup>160</sup> They continued to happen even after the Holocaust ended. Antisemitism is still prevalent throughout Poland today, especially in more rural areas because they refuse to acknowledge Polish involvement in the Holocaust. Urban Poland versus Rural Poland has shown that Jews living in shtetls were more hated by their Polish counterparts. The motive of the Polish citizens may never be fully known by historians. The counties of Bielsk Podlaski, Biłgoraj, Węgrów, Łuków, Złoczów, Nowy Targ, Dębica, and Bochnia, prove that antisemitism before and after the Holocaust were clear and Polish citizens were liable in their actions, especially after the Holocaust. The one factor that ties all the above counties together is the mass rioting and murder of Jews when they came home after surviving the Holocaust. Although some counties were considered milder than others, the Polish reactions were very similar. Some Polish counties did not murder a great number of Jews after their homecoming, but Jews were in fact murdered on their arrival. The Kielce pogrom is one of the most famous

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<sup>158</sup> Kopstein, *Intimate Violence*, 12.

<sup>159</sup> Kassow, *Who Will Write Our History?*, 45.

<sup>160</sup> Bergen, *War & Genocide*, 16.

attacks on Jews in the post-Holocaust world of Poland. Although the Jews of Kielce had not done anything, they were seen as having kidnapped Christian children, from some Polish superstition surrounding Jews. Many Jews were murdered after the war, not only in Kielce, but also other places. Since the Amendment to the Act on the Institute of National Remembrance expands through 1990, then Poland can once again not be found guilty of these crimes, even though there is testimony stating that events such as these have been committed by Polish citizens and not Soviet's or Nazis. This has affected the relationship between Jews and Poles. The relationship between Poland and Jews remains hostile, especially because the Polish government has made it illegal for anyone to accuse them of having taken part in the Holocaust.<sup>161</sup> This has caused antisemitism to be heightened. The lack of education on Jews, Judaism, and the Holocaust is dangerous. Antisemitism is prevalent in Poland for many reasons, but the lack of education is one that will affect the younger generations. Poland's current President, Andrzej Duda has made teaching of the Holocaust nearly impossible in Poland. Once again, the Poles were responsible for these pogroms in rural areas, therefore the Polish government should acknowledge and take responsibility for their complicity in the Holocaust. Poland remains a nation that has fallen victim to hatred and antisemitism. The Amendment to the Act on the Institute of National Remembrance revises the history of antisemitism surrounding the Holocaust. The Act expands beginning in 1917, to shield itself from falling liable to any acts of hate that breach the treaty that protects minorities within the Polish nation. Although the nation is not wholly responsible for the Holocaust, they were

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<sup>161</sup> Phyllis Lassner, "The Quest for Holocaust Memory in Polish Films, 2012–2016," *Holocaust Studies: A Journal of Culture & History* 27 (2): 201–17, 2021, 213.

perpetrators and by ignoring the past, denial comes with it. Poland's President Andrzej Duda has created a law that promotes Holocaust denial. The Poles are angry that they have been exposed for their murderous actions against Jews and therefore they refuse to acknowledge their controversial past. However, the Act itself is much more complicated than it may seem. This law has many intricate details that are vital to understanding its true meaning. Through this, there are many historians who are being brought to court in Poland because of the nature of their controversial research.

## **Chapter II: The Amendment to the Act on the Institute of National Remembrance of 2018:**

### **Poland's Revision of Holocaust History and Denier of Free Speech**

The Amendment to the Act on the Institute of National Remembrance of 2018 is a law that was passed in Poland that suppresses freedom of speech and attempts to revise the history of the nation. The law promotes the idea that Poland had no part in the Holocaust; however, this is not true. The Polish government's goal is to silence historians who strive to prove that Poland did play a role in the Holocaust. Although Poland was seized by Nazi Germany, they have very similar views on what they called, 'the Jewish problem.' This Act has caused an increase in antisemitism throughout Poland and has created a space for the far-right government to take control and remain in power. This law is dangerous in many ways; however, this chapter will focus primarily on how it affects Jews, specifically regarding the Holocaust. This Act is not only revising history, but it also allows those who are guilty to remain free. Those who speak out against this law are punished and subsequently, they are silenced by the government. This

suppression of speech is much like the dictatorship of Nazi Germany, especially because of the antisemitic nature of the law. Attacks on Jews in Poland go back centuries, perhaps millennia; however, not all Polish citizens or those of Polish nationality are antisemitic. Although the Polish government has made poor choices in how they handle the discussion of the Holocaust, there are hardworking Poles who continue to speak out against hate and educate others. This chapter is not written to condemn those Polish people, but rather to condemn the government for this law, as well as those of Polish origin who support this and antisemitic behavior.

The Polish government has already taken legal action against three historians of the Holocaust; Jan Gross, for his work *Neighbors: The Destruction of the Jewish Community in Jedwabne, Poland*, and Barbara Engelking and Jan Grabowski's book, *Night Without End: The Fate of Jews in German-Occupied Poland*. This work consists of stories of hardship for Jews and explains how many Polish citizens were more than eager to turn over their Jewish neighbors to the Nazi killing machine. Jan Gross is another Polish historian who has helped pave the way for Holocaust history regarding Polish antisemitism. Jan Gross is from Poland but moved to the United States in the late 1960's early 1970's.<sup>162</sup> Gross received his doctorate in the study of the Holocaust in Poland, although his mother is Christian, his father was Jewish.<sup>163</sup> Gross too is being targeted for his work; however, Engelking and Grabowski's case happened after this law was enacted, whereas Gross is only under investigation.<sup>164</sup> Many historians are being silenced due to

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<sup>162</sup> Ofer Aderet, "Historian Who Shed Light on WWII Massacres Goes From Honoree to 'Pole Hater,'" Haaretz.com, March 1, 2016.

<sup>163</sup> Ibid.

<sup>164</sup> Masha Gessen, "The Historians under Attack for Exploring Poland's Role in the Holocaust," *The New Yorker*, March 26, 2021.

this law, it will only get worse over time since the government is headed in the direction of far-right extremism. Not only does this law promote historical revisionism, it also suppresses free speech. This government resembles Nazi Germany in how Jewish history and truth are both silenced. However, this amendment promotes more than just antisemitism, it also promotes hate towards immigrants, other political parties, non-ethnic Poles, and others. Antisemitism has always been prevalent throughout Poland, but acts such as this promote antisemitism because of the government's power over historical events. The Amendment to the Act on the Institute of National Remembrance revises the history of the Holocaust, denies free speech, and promotes antisemitic ideology and actions.

The law aims to regulate Polish history, especially any and all acts that have demonstrated Polish collaboration with either the Nazi state and/or the Soviet Union. The Institute of National Remembrance was established in 1998.<sup>165</sup> Originally, Polish historians were thrilled with the Institute, because they believed it would be a promoter of history and the truth of what the Polish nation had faced during times of war; however, it eventually began to attack these historians due to their beliefs and works.<sup>166</sup> Later in 2018 the Act on the Institute of National Remembrance was passed, which revised the history of Poland with regards to both Nazi and Soviet rule. This Act regulates many activities that are vital to the study of history, as well as resources for historians; hence, the

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<sup>165</sup> "Commission for the Prosecution of Crimes against the Polish Nation," *Institute of National Remembrance*, Accessed May 29, 2023.

<sup>166</sup> Jan T. Gross, *Neighbors: The Destruction of the Jewish Community in Jedwabne, Poland*, Princeton, NJ: Princeton University Press, 2001, 172-173.

difficulty many historians face in Poland due to the implementation of this law. The Act states the following regarding the Holocaust:

The act regulates:

- 1) The recording, collecting, storing, processing, securing, making available and publishing of the documents of the state security authorities, produced and accumulated from 22 July 1944 until 31 July 1990, as well as the documents of the security authorities of the Third Reich and the Soviet Union relating to:
  - a) -the Nazi crimes,  
-the communist crimes,  
-other crimes against peace, humanity or war crimes, perpetrated on persons of Polish nationality or Polish citizens
  - b) other politically motivated reprisals, investigated by the officers of the Polish law enforcement agencies or the judiciary or persons acting on their order which were disclosed in the contents of the rulings made on the strength of the Act, dated 23 February 1991, on considering as invalid rulings made in the cases of persons oppressed for their activities for the cause of an independent Polish State (Journal of Laws of 2015 item 1583)<sup>167</sup>

This Act is clear that Poland cannot be held responsible for any crimes during the Holocaust. In another section of the article, it states that Poland also cannot be held responsible for any crimes between 8 November 1917 to 31 July 1990.<sup>168</sup> However, it is common knowledge that Poland was not ruled by other nations during the entirety of this period. Not only does this Act oppress speech, but also “the recording, collecting, storing, processing” of historical documentation.<sup>169</sup> This aspect alone destroys history, especially from the Holocaust. Engelking, Grabowski, and Gross have dedicated their careers to finding documentation on the Holocaust in Poland, as well as how the Polish nation and

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<sup>167</sup> “Act on the Institute of National Remembrance,” *EuroDocs*, BYU Harold B. Lee Library, December 17, 2021.

<sup>168</sup> *Ibid.*

<sup>169</sup> *Ibid.*

its citizens were involved. Through this Act, their work is being destroyed and banned because of the threat that it poses towards Poland.

The reason for the implementation of this Act is not only alarming, but also baffling. Why implement such a law? What is the purpose? Perhaps it is because of Gross's groundbreaking work on the Holocaust in Poland, or the work done by other Polish historians. These are just a few ideas that people have had to explain the implementation of this Act. However, the real reason is because of the use of the phrase "Polish death camp."<sup>170</sup> However, this phrase is not mentioned once throughout this Act, instead it is written in a general way, so that any speech against Polish complicity is criminalized. The PiS (Prawo i Sprawiedliwość), better known as the Law and Justice Party, implemented this law because of this phrase, or at least that is what they claim.<sup>171</sup> The PiS is a far-right political party in Poland, who came to power in 2015 and have remained the leading political party since.<sup>172</sup> The PiS is unique because, in 2005, when it first came to power, a "policy on history" was implemented.<sup>173</sup> Since 2015, the agenda of the PiS is to promote Holocaust negationism to complicate the culpability of Polish crimes against Jews.<sup>174</sup> Jan Gross was interviewed on this topic, and he believes that there is more to this Act other than attempting to persuade individuals to not use the phrase

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<sup>170</sup>Jan T. Gross, Steve Hurst, Piotr B., Jose Gines Mora, Clement Gavi, Paul Martin, Simon Israel, Varsovian Warsaw, and Mady Deutsch, *Criminalizing the Truth: By Jan T. Gross & Sławomir Sierakowski*, Project Syndicate, October 16, 2020.

<sup>171</sup> Ibid.

<sup>172</sup> Jonathan Zisook, "The Politics of Holocaust Memory in Central and Eastern Europe: Contemporary Poland as a Comparative Case Study," *Becoming Post-Communist: Jews and the New Political Cultures of Russia and Eastern Europe XXXIII* (2023): 24–46, 25.

<sup>173</sup> Jonathan Zisook, "The Politics of Holocaust Memory in Central and Eastern Europe: Contemporary Poland as a Comparative Case Study," *Becoming Post-Communist: Jews and the New Political Cultures of Russia and Eastern Europe XXXIII* (2023): 24–46, 37.

<sup>174</sup> Ibid.

“Polish death camps.” Gross states that it is important to note that the PiS is not only attempting to suppress speech, but specifically the speech of historians and educators of the Holocaust.<sup>175</sup> Within Gross’s interview, he stated that the PiS dominates the Institute of National Remembrance, therefore, they decide on what the past is and what they believe the truth to be, which in many cases is misleading and incorrect.<sup>176</sup> Through this, the interviewer noted that Gross is a professor of history at Princeton University after Gross had pointed out that the PiS does not regard him as a historian, but instead a journalist; Gross replied with the following:

Yes, but it is the Institute of National Remembrance that decides who is a scholar. And if the institute and others responsible for the new law were really worried about the impact of the phrase “Polish death camps,” they would never have allowed the current situation to arise. Before the legislation was introduced, the phrase was used at most a hundred times in international media. Now it’s been used millions of times. Moreover, people abroad are saying that this legislation is an attempt to cover up Polish society’s participation in the Holocaust. It’s really unprecedented how rapidly these PiS guys have managed to ruin Poland’s reputation.<sup>177</sup>

Here Gross points out just how much the PiS have demolished the Polish image. It is clear that the concept of this law has disrupted Poland’s position as a free nation. Not only does this contradict the initial motivation behind the law, but also demonstrates Poland’s complicity throughout the Holocaust. If the law had clearly stated that the phrase “Polish death camps,” was incorrect, since the death camps were not in fact put into place by the Poles, but instead the Germans, only then would this argument not be credible. Instead, the PiS has proven that their goal is to revise history and reject the truth

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<sup>175</sup> Jan T. Gross, Steve Hurst, Piotr B., Jose Gines Mora, Clement Gavi, Paul Martin, Simon Israel, Varsovian Warsaw, and Mady Deutsch, *Criminalizing the Truth: By Jan T. Gross & Sławomir Sierakowski*, Project Syndicate, October 16, 2020.

<sup>176</sup> Ibid.

<sup>177</sup> Ibid.

of Polish complicity during the Holocaust. Gross even stated that although there were in fact Polish citizens who were complicit, there were also many who attempted and some who succeeded in their aid to Jews during the Holocaust.<sup>178</sup> Once again, this work is not arguing that all Poles were murderers of Jews, only that this law is inaccurate because there are accounts of some Polish complicity.

Gross points out one vital aspect to Polish complicity, that Polish complicity was worse than the Germans; he stated the following. According to Gross,

Because the Poles weren't strangers to Poland's Jews. These people knew one another. When you read survivors' testimonies, they almost always say that the person who betrayed them or attempted to kill them was someone they knew. In [Jedwabne survivor] Shmuel Wasserstein's account, your hair stands on end when he says: And the worst of them were Jurek, Stasio, Józio, Maciek – all names in the diminutive form. This is crossing a different boundary. If foreign people from a foreign culture, wearing uniforms and speaking a different language, arrive and start murdering, that is very different from being sold out or having your throat slit by someone with whom you used to play soccer.<sup>179</sup>

Gross makes an important point in this statement. It is vital to keep the memory of Polish complicity alive, while at the same time not condemning all Poles and the Polish nation. There are many theories as to why this law was implemented, but only one reason that was stated by the PiS, which is clearly untrue. In all likelihood, Poland does not wish to be seen as a complicit nation, rather one that was heroic in attempts to save lives. This is evident through the way that Poland commemorates the Holocaust through its museums, which often reflect the nation's representation as victims.<sup>180</sup> Poland has created a narrative about the Holocaust, where they are portrayed, not only as victims, but also as saviors to

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<sup>178</sup> Ibid.

<sup>179</sup> Ibid.

<sup>180</sup> Ofer Aderet, "Israel Concedes to Poland's Demand: Students May Visit Memorials to Murderers of Jews," *Haaretz.com*, April 10, 2023.

the Jews.<sup>181</sup> The nation focuses on these aspects to such an extent that there are more “Righteous Among Nations” trees at Yad Vashem dedicated to Poles more than individuals from other countries.<sup>182</sup> Poland continues to represent itself in an innocent fashion.

Through Gross’s work, *Neighbors: The Destruction of the Jewish Community in Jedwabne, Poland*, he describes how Jews were murdered by their Christian neighbors. This work demolishes any question that Polish citizens did not murder innocent Jews as well as the idea that the Nazi’s intimidated the Poles into causing these acts of violence. Polish citizens were so antisemitic that instead of wanting to rid the town of Jews and drive them out, they were willing to murder every last one instead. Gross gives an example of this, “When the Germans proposed to leave one Jewish family from each profession, local carpenter Bronisław Szleziński, who was present, answered: We have enough of our own craftsmen, we have to destroy all the Jews, none should stay alive.”<sup>183</sup> Here it is evident that the Poles were more severe in their ideas of murdering Jews. Poles did not only carry out these acts of terror, but also relished in torturing them as well. Once again, Gross discusses the brutality of the murders, where Polish citizens forced Jews to sing and dance while they were being forced to participate in hard labor while being beaten and eventually were killed.<sup>184</sup> Not only were men murdered, but also

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<sup>181</sup> Ibid.

<sup>182</sup> Jan T. Gross, Steve Hurst, Piotr B., Jose Gines Mora, Clement Gavi, Paul Martin, Simon Israel, Varsovian Warsaw, and Mady Deutsch, *Criminalizing the Truth: By Jan T. Gross & Sławomir Sierakowski*, Project Syndicate, October 16, 2020.

<sup>183</sup> Gross, *Neighbors*, 18.

<sup>184</sup> Gross, *Neighbors*, 19-20.

women and children; once again, although this attack was committed by Poles, not all Polish citizens committed such atrocities.<sup>185</sup>

Through Gross's work alone, it is evident that Poland is responsible for the murder of many Jews; however, evidence does not end with Gross. Engelking and Grabowski base their entire work on relations between Poles and Jews during the Nazi occupation of Poland. They give many examples of how Poles were responsible for the deaths of the Jews in certain towns. One example, among the many, is in Bielsk Podlaski County where, "at least thirty-two Jews died directly at the hands of the county's residents."<sup>186</sup> There are countless examples of how Polish citizens murdered Jews during the Holocaust. Poland's antisemitism was aligned with Nazi values, especially regarding where the death camps should be built, "A remarkable document which is part of the memoirs of Józef Lipski, the Polish ambassador to Berlin from 1933 to 1939, unwittingly provides the clue to the main motive: Poland was chosen because it shared with Germany as a *national goal* the elimination of the Jews from its midst."<sup>187</sup> It is evident that Poland wanted to rid itself of Jews, but they were not only willing to force them out of the country, but also to murder them, "After all, it was Poland, not Germany which had come up one year before with the plan to exile the Jews to Madagascar."<sup>188</sup> Although Poland did commit heinous crimes, that does not condemn them of currently being antisemitic, this law proves that fact. These few examples are gruesome and should be enough

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<sup>185</sup> Ibid.

<sup>186</sup> Jan Grabowski, and Barbara Engelking, *Night Without End: The Fate of Jews in German-Occupied Poland*, Bloomington, IN: Indiana University Press, 2022, 24.

<sup>187</sup>D. Cymet, "Polish State Antisemitism as a Major Factor Leading to the Holocaust," *Journal of Genocide Research* 1 (2): 169-212, 1999, 170.

<sup>188</sup> Ibid.

evidence to discount the Amendment to the Act on the Institute of National Remembrance.

This Act is not only damaging Holocaust education, but it is also affecting Historians in a very negative light. Engelking and Grabowski have already been subpoenaed and taken to court by Filomena Leszczyńska.<sup>189</sup> Leszczyńska is the niece of Edward Malinowski, who served as mayor of Malinowo during the Holocaust.<sup>190</sup> Malinowski was portrayed in court as a hero and friend to Jews, whereas Grabowski and Engelking described him as, “a thief and Nazi collaborator.”<sup>191</sup> Engelking wrote in her chapter that Malinowski robbed a Jewish woman.<sup>192</sup> However, in the latest edition of the book, there is no mention of Malinowski. This section once read,

...and Estera Drogicka, who worked as a help in the German family of Fittkau in Rastenburg (Kętrzyn).<sup>193</sup> Previously, the section read, “Estera Drogicka (née Siemiatycka), having lost her family, and having obtained identity documents from a Belarusian woman, decided to report to Prussia for labor, in which she was helped by the village leader of Malinowo, Edward Malinowski (who then also robbed her) – in December 1942, she came to Rastenburg (Kętrzyn) as a domestic in a German Fittkau family.”<sup>194</sup>

Engelking and Grabowski’s most recent edition was published in 2022, making it the most recent publication.<sup>195</sup> The judge in the case ordered that Malinowski’s name be

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<sup>189</sup> District Court in Warsaw, “Claim for Protection of Personal Rights and for Compensation,” *Polish League Against Defamation*, 2019.

<sup>190</sup> Andrew Higgins, “Polish Court Orders Scholars to Apologize Over Holocaust Study,” *The New York Times*, February 9, 2021.

<sup>191</sup> *Ibid.*

<sup>192</sup> Stuart Dowell, “Grandma at Centre of Holocaust Defamation Row Tells Historians 'Write the Truth about History',” *The First News, The First News*, February 22, 2021.

<sup>193</sup> Grabowski and Engelking, *Night Without End*, 31.

<sup>194</sup> Stuart Dowell, “Grandma at Centre of Holocaust Defamation Row Tells Historians 'Write the Truth about History',” *The First News, The First News*, February 22, 2021.

<sup>195</sup> Jan Grabowski, and Barbara Engelking, *Night Without End: The Fate of Jews in German-Occupied Poland*. Bloomington, IN: Indiana University Press, 2022.

taken out of the book, which was done through the revision in the most recent edition.<sup>196</sup> This court case alone is a vicious attack on Holocaust studies and history. The nation of Poland is clearly erasing facts and the truth to replace them with opinions on how they can amplify their nationalistic far-right government. The Polish League Against Defamation supported Leszczyńska throughout the trial. Not only this, but they stated that Leszczyńska is “fighting for all of us so that we don’t have to bear the stigma ascribed to us by historians as perpetrators of the Holocaust.”<sup>197</sup> Here, it is clear that not only is the Polish government fighting for revision of history, but the Polish League Against Defamation as well. The League is fighting against exactly what it is supposed to protect, the truth. However, Engelking and Grabowski are not the only historians being attacked by Poland. Gross was forced to endure three grueling years of a case against him.<sup>198</sup> The government of Poland is so adamant about this law, that they forced Gross into hours of interrogation, as well as threatening to take away his “Order of Merit of the Republic of Poland” that had previously been awarded to him.<sup>199</sup> This Act is affecting historians who have written groundbreaking work in the field of Holocaust studies. The Polish government is doing everything possible to erase history and appear as a tolerant country when they are in fact the opposite. Poland’s long history of antisemitism is even more evident through this Act, especially when the Polish League Against Defamation is

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<sup>196</sup> Stuart Dowell, “Grandma at Centre of Holocaust Defamation Row Tells Historians ‘Write the Truth about History,’” *The First News*, February 22, 2021.

<sup>197</sup> *Ibid.*

<sup>198</sup> Masha Gessen, “The Historians under Attack for Exploring Poland’s Role in the Holocaust,” *The New Yorker*, March 26, 2021.

<sup>199</sup> *Ibid.*

supporting individuals who claim that the Holocaust is in no way Poland's problem or fault.

It is evident throughout Holocaust documentation that Poland was, in part, responsible for portions of the Holocaust. However, the Act denies any teaching or speech condemning Poland. Historians have published many works that discuss how Polish citizens are responsible for murdering Jews, so why implement such a law if they are innocent? The Polish government was unhappy with the way that Gross portrayed the country throughout his many works. Although Gross's research has been largely accepted among many, in Poland it is often ignored by teenagers and amongst the rest of the population there are mixed feelings.<sup>200</sup> This is specifically ignored by teenagers because events such as the Jedwabne pogrom are not part of school curriculum in Poland.<sup>201</sup> However, such atrocities are difficult to study, especially when individuals are forced to face the truth about the country to which they belong. Gross is a scholar on the topic of Jewish-Polish relations, unfortunately, he has been targeted by the Polish government because of this. The Polish government has taken Gross's work and attempted to charge him for it, "Whatever one thinks of Gross's book, politicians have attempted to charge him with libel against the Polish nation for publishing it...".<sup>202</sup> Although Gross has done groundbreaking work in this field, he is not immune to Polish hostility.

The Amendment not only disturbed many, especially Israel and the United States, but it also made its debut at an inopportune time to the Polish nation.<sup>203</sup> Polish

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<sup>200</sup>Monika Rice, "Heroic and Unheroic Poland," *America* 219 (11): 28–33, 2018, 30.

<sup>201</sup> Ibid.

<sup>202</sup> Monika Rice, "Heroic and Unheroic Poland," *America* 219 (11): 28–33, 2018, 32.

<sup>203</sup> Monika Rice, "Heroic and Unheroic Poland," *America* 219 (11): 28–33, 2018, 30.

antisemitism remains unscathed, even after the Holocaust, “The timing of the amendment, on the eve of International Holocaust Remembrance Day, only added to its incendiary effect.”<sup>204</sup> Poland continues to let antisemitism run rampant; however, historians are now becoming victims for publishing and teaching the truth about the Holocaust. Many countries worldwide are reacting negatively to this law, besides Israel and the United States, but also France and Ukraine.<sup>205206</sup> These countries react very negatively, especially because of the possibility that Poland, “...is trying to extract money from Germany for Jewish property,” which will of course not be given to the Jewish community there.<sup>207</sup> However, the countries that are expressing outrage over the law are primarily the United States and Israel.<sup>208</sup> The Israeli government has reacted in many ways, such as, survivor’s and politicians giving their reactions to newspapers, school trips to Poland being cancelled, etc.<sup>209210</sup> Antisemitism in Poland has gone so far as to imbed it throughout their education system.<sup>211</sup> Once again, although there are many antisemitic Poles throughout the country and the government, there are still those who strive to make a better future for the country by educating others about the future, such as, Gross, Engelking, and Grabowski, among others.

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<sup>204</sup> Monika Rice, “Heroic and Unheroic Poland,” *America* 219 (11): 28–33, 2018, 31.

<sup>205</sup> Jan T. Gross, Steve Hurst, Piotr B., Jose Gines Mora, Clement Gavi, Paul Martin, Simon Israel, Varsovian Warsaw, and Mady Deutsch, *Criminalizing the Truth: By Jan T. Gross & Sławomir Sierakowski*, Project Syndicate, October 16, 2020.

<sup>206</sup> Monika Rice, “Heroic and Unheroic Poland,” *America* 219 (11): 28–33, 2018, 30.

<sup>207</sup> Jan T. Gross, Steve Hurst, Piotr B., Jose Gines Mora, Clement Gavi, Paul Martin, Simon Israel, Varsovian Warsaw, and Mady Deutsch, *Criminalizing the Truth: By Jan T. Gross & Sławomir Sierakowski*, Project Syndicate, October 16, 2020.

<sup>208</sup> Ibid.

<sup>209</sup> Ibid.

<sup>210</sup> Ofer Aderet, “Israel Concedes to Poland’s Demand: Students May Visit Memorials to Murderers of Jews,” *Haaretz.com*, April 10, 2023.

<sup>211</sup> Monika Rice, “Heroic and Unheroic Poland,” *America* 219 (11): 28–33, 2018, 30.

Recently, antisemitism in Poland has increased, especially since the PiS is the current ruling party.<sup>212</sup> The case against Engelking and Grabowski shows the extreme nature of this law. These scholars have been persecuted for doing exactly what all historians around the world do, which is research a topic, find evidence, and tell the public. If the Polish government is condemning this as a crime, then what comes next? Who is the next target of the Polish government? It is clear that Jews are not welcome in Poland. Antisemitic attacks have increased since this law was passed.

The increase in public manifestations of anti-Semitism is not the only symptom of growing hostile attitudes toward the other in Poland. Verbal attacks on foreigners tend more often now to turn to violence, from which even children are not spared. A 14-year-old Turkish girl was beaten on the street while the attackers were shouting “Poland for Poles!” Foreigners from Africa or India are routinely insulted with the “n-word” and also physically attacked. Crimes committed from racial prejudice are on a sharp rise. There were 835 cases in 2013, 1631 in 2016 and 947 in the first six months alone of 2017.<sup>213</sup>

It is obvious that the few years prior to this law that hate crimes were growing at an alarming rate. This amendment only encourages these actions. Poland is not only an antisemitic nation, but also one of xenophobia.<sup>214</sup> Germany is continuously blamed for the Holocaust and although they are the main country that surrounds the study of the Holocaust, many other nations also fell to appease and collaborate with the fascist country at the time. For example, France, who formed a collaborative Vichy government

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<sup>212</sup> Jan T. Gross, Steve Hurst, Piotr B., Jose Gines Mora, Clement Gavi, Paul Martin, Simon Israel, Varsovian Warsaw, and Mady Deutsch, *Criminalizing the Truth: By Jan T. Gross & Sławomir Sierakowski*, Project Syndicate, October 16, 2020.

<sup>213</sup> Monika Rice, “Heroic and Unheroic Poland,” *America* 219 (11): 28–33, 2018, 33.

<sup>214</sup> Monika Rice, “Heroic and Unheroic Poland,” *America* 219 (11): 28–33, 2018, 30.

with Nazi Germany.<sup>215</sup> Although Poland as a government was destroyed, the nation is no exception to antisemitism.<sup>216</sup> However, Poland has continuously been accused of antisemitism, it has increased significantly since the passing of the amendment.

Antisemitic demonstrations have taken place in Poland, where Jewish effigies are burned and hatred is spewed, not only did this take place during a neo-Nazi demonstration, but it was also for Polish Independence Day.<sup>217</sup> Research published about the Holocaust and Poland's complicity is regulated, yet neo-Nazi marches are allowed.<sup>218</sup> This is blatant antisemitism. The far-right extremists in Poland have created an antisemitism that rivals Nazi Germany and perhaps surpasses it in some ways. "One presidential advisor has claimed that Israel's protest stems from a "feeling of shame at the passivity of the Jews during the Holocaust.""<sup>219</sup> Here, the advisor is stating that not only is Israel incorrect in arguing against this law, but that Jews during the Holocaust were passive to their murders, which could not be further from the truth. This idea of blaming Jews for their own murders is a common antisemitic stereotype.<sup>220</sup> This trope is common, especially in Eastern Europe because of the complicity in the Holocaust.<sup>221</sup> The Holocaust is often distorted throughout Eastern Europe to justify complicity in the area.<sup>222</sup> Antisemitic actions across Poland often follow the stereotype that blame Jews for

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<sup>215</sup> Jan T. Gross, Steve Hurst, Piotr B., Jose Gines Mora, Clement Gavi, Paul Martin, Simon Israel, Varsovian Warsaw, and Mady Deutsch, *Criminalizing the Truth: By Jan T. Gross & Sławomir Sierakowski*, Project Syndicate, October 16, 2020.

<sup>216</sup> Ibid.

<sup>217</sup> Monika Rice, "Heroic and Unheroic Poland," *America* 219 (11): 28–33, 2018, 32.

<sup>218</sup> Ibid.

<sup>219</sup> Monika Rice, "Heroic and Unheroic Poland," *America* 219 (11): 28–33, 2018, 33.

<sup>220</sup> Cnaan Liphshiz, "It's Not Just Abbas: Blaming Jews for the Holocaust Is Widespread," *The Times of Israel*, May 5, 2018.

<sup>221</sup> Ibid.

<sup>222</sup> Ibid.

their own genocide, this is done in attempts to rationalize the actions committed by Poles during the Holocaust.

Antisemitism in Poland has gone to such extremes that the PiS has planned to outlaw certain Jewish customs, “The PiS has renewed its plans to outlaw kosher slaughter, with a penalty of four years imprisonment.”<sup>223</sup> However, in 2020, this outlaw was halted, to be later implemented in 2025.<sup>224</sup> The reason for the postponement is not known, although in Poland, it is a “\$1.8 billion industry,” and also negatively impacts farmers who produce kosher meats.<sup>225</sup> Kosher slaughter is immensely important to not only Jewish tradition, but also the dietary needs of those who keep kosher. Outlawing this breaks the Geneva Convention of 1949, which states, “(Art. 43). Thus: “Family honour and rights, the lives of persons and private property, as well as religious convictions and practice, must be respected”” kosher slaughter is among religious practice.<sup>226</sup> Poland did in fact sign the Geneva Convention Treaty of 1949. Even the argument that this only applies during wartime could then be contended by the current Russian-Ukrainian war refugees who would practice kosher slaughter. Overall, Poland has implemented many antisemitic laws into their constitution, making it difficult for Jews to live freely. Some examples of antisemitic laws within Poland are the Amendment to the Act on the Institute of National Remembrance, the outlaw of kosher slaughter, and a law on property stolen from Jews by Nazis. The Amendment to the Act on the Institute of National

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<sup>223</sup> Monika Rice, “Heroic and Unheroic Poland,” *America* 219 (11): 28–33, 2018, 33.

<sup>224</sup> Cnaan Liphshiz, “Poland Scraps Bill barring Ritual Slaughter, Vows to Introduce New One,” *The Times of Israel*, November 7, 2020.

<sup>225</sup> *Ibid.*

<sup>226</sup> “The Geneva Conventions of 12 August 1949,” *International Committee of the Red Cross*, Accessed May 2, 2023. 29. 29.

Remembrance already causes great difficulty in the teaching of Polish complicity.<sup>227</sup>

Although the outlaw of kosher slaughter has yet to be enacted, it soon will be.<sup>228</sup>

Recently, Polish President Andrzej Duda signed a bill that makes it more difficult for Jews to receive reparations on their pre-war homes.<sup>229</sup> There is now a time limit on the law which, "...sets a 30-year limit on challenges to such confiscations. As most happened soon after the war, many outstanding claims will now be blocked."<sup>230</sup> Duda signed this bill to "end an era of legal chaos," which has only caused backlash from the Israeli government.<sup>231</sup> Overall, these antisemitic laws have caused a great deal of strife in Polish-Jewish relations.

The Polish government blames Nazi Germany and the former Soviet Union for any and all crimes against not only Jews, but also minorities, war crimes, or any crimes during the years between 8 November 1917 to 31 July 1990.<sup>232</sup> However, Poland was not invaded by outside forces during all of the years listed. Throughout Poland's history, there is a great deal of antisemitic attacks on Jews, this was not only apparent during the years of the Holocaust. For example, Jan Gross published another piece of work, *Fear: Antisemitism in Poland After Auschwitz*, which describes the continuing antisemitism even after the Holocaust. In 1945 and 1946 after the Holocaust had ended, Jews were

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<sup>227</sup> "Act on the Institute of National Remembrance," *EuroDocs*, BYU Harold B. Lee Library, December 17, 2021.

<sup>228</sup> Cnaan Liphshiz, "Poland Scraps Bill barring Ritual Slaughter, Vows to Introduce New One," *The Times of Israel*, November 7, 2020.

<sup>229</sup> *Ibid.*

<sup>230</sup> *Ibid.*

<sup>231</sup> *Ibid.*

<sup>232</sup> "Act on the Institute of National Remembrance," *EuroDocs*, BYU Harold B. Lee Library, December 17, 2021.

being brutally attacked in pogroms in Poland, in Kraków, Rzeszów, and Kielce.<sup>233</sup> In the years following the Holocaust, antisemitism remained high; however, pogroms slowly died down and antisemitic hostilities remained. Gross stated in his work, “During the interviews Łoziński filmed in the mid-1980’s, forty years after the events, his subjects already knew the politically correct answer...but they did not necessarily agree with it.”<sup>234</sup> Here, Gross discusses how the Kielce pogrom impacted Polish society, and even forty years after this crime, Polish citizens were willing to preserve their honor by stating what they knew the interviewer wanted to hear; however, they did not believe what they were saying.<sup>235</sup>

Even in recent years, antisemitism has remained strong. Currently, Poland is being ruled by the far-right political party the PiS, which has promoted antisemitic behavior and downplayed Poland’s responsibility in the Holocaust.<sup>236</sup> The PiS is anti-immigrant, which shows not only disdain for Jews, but also those who are not ethnic Poles.<sup>237</sup> However, although this party is in power in Poland, there are still Polish citizens who dislike them and are attempting to speak out against this hatred. A news article describes the party as such:

Critics, however, label them neo-Nazis and fascists, Leading figures in the coalition make remarks and adopt positions many consider sexist, homophobic, xenophobic, and anti-Semitic. And observers say their increasing prominence is a result of normalization of hate speech by the PiS. “Things that would not be heard on television a few years ago are now part of the mainstream,” says Jacek Dziegielewski, a Gdansk-based

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<sup>233</sup> Jan Tomasz Gross, *Fear Anti-Semitism in Poland after Auschwitz: An Essay in Historical Interpretation*, New York, NY: Random House Trade Paperbacks, 2007, 81-83.

<sup>234</sup> Gross, *Fear*. 119.

<sup>235</sup> Ibid.

<sup>236</sup> Dominique Soguel, and Monika Rebala, “When the Right Wing Is Still ‘Too Socialist’: Poland’s Far-Right Unites,” *The Christian Science Monitor*, October 9, 2019.

<sup>237</sup> Ibid.

researcher with the anti-racism Never Again Association, pointing to an uptick in hate crimes since PiS came to power in 2015.<sup>238</sup>

The party is pushing for acts of violence and hate against those who are not ethnically Polish and Catholic. Although Poland is not alone in their antisemitism, they are also discriminatory to those who they deem unfit and those who do not conform to the nationalist narrative. However, Poland was not alone in discrimination during the Holocaust. Many countries faced German occupation and persecution of minorities by the Nazis. Poland was unique in that they would attack Jews to a point that Nazis were unwilling to go.

The law in question is not only denying the crimes committed by the Nazis, but also the Soviet Union. The Soviet Union imposed a pro-communist Poland after the end of the Holocaust and World War II, the Polish nation did not cease their antisemitism when they had a strong Soviet influence. Although, like many countries across Europe, the Soviet Union had a history of antisemitic behavior. Polish citizens continued antisemitic attacks after the Holocaust, which is covered up by the Amendment to the Act on the Institute of National Remembrance. Some examples of this antisemitism are the Kraków pogrom in August 1945 and the Kielce pogrom in July 1946.<sup>239</sup> During the Soviet era, many Jews fled small towns in Poland, moving to big cities, or out of the country due to the blatant antisemitism.<sup>240</sup> Gross has proven that not only were Polish citizens involved, but also the Polish government. He states, “Not only individuals but also the Polish state administration was involved in the disposition of Jewish

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<sup>238</sup> Ibid.

<sup>239</sup> Gross, *Fear*, 34-35.

<sup>240</sup> Gross, *Fear*, 36-37.

property.”<sup>241</sup> The Polish government published decrees in 1945, which took property that had been “German properties,” (which had been stolen from Jews) in the trusteeship of the Polish state.<sup>242</sup> The government took property that had previously been stolen from Jews and refused to give it back to the rightful owners. This example is among many; however, the crimes during the Holocaust are the focal point. Not only does this Act promote the guilt of Nazism and communism, but it also refuses to take any responsibility for crimes committed in Poland between certain dates. It states, “...as an expression of our belief that no unlawful action by the state against the citizens can be guarded as classified or left to oblivion...” meaning that the Polish state will not publish documentation that proves the guilt of the nation.<sup>243</sup> The Act goes on to discuss how the following apply to the state guarding citizens from Nazi and communist accusations, “conducting activities related to commemorating historic events, places, and persons in the history of the struggle and martyrdom of the Polish nation, both in the country and abroad, as well as the places of struggle and martyrdom of other nations within the territory of the Republic of Poland, in the period between 08 November 1917 and 31 July 1990.”<sup>244</sup> Poland is now considering itself to be a martyr, when the nation itself committed heinous crimes against its Jewish population and continues the blatant antisemitism in its modern day politics.

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<sup>241</sup> Gross, *Fear*, 47.

<sup>242</sup> Ibid.

<sup>243</sup> “Act on the Institute of National Remembrance,” *EuroDocs*, BYU Harold B. Lee Library, December 17, 2021.

<sup>244</sup> Ibid.

The revision of this history has caused Poland's hate crimes to escalate. These crimes have escalated drastically since the PiS took power in Poland.<sup>245</sup> People have been charged with the crime of "slander against the Polish nation" recently because of the implementation of this law.<sup>246</sup> Real crimes are occurring all over Poland, but the government is downplaying the hate crimes and charging those who speak out against the Polish state.<sup>247</sup> Hate crimes increased rapidly in 2018, the year that this amendment was enacted.<sup>248</sup> In 2017 hate crimes were 886, in 2018 hate crimes jumped to 1117.<sup>249</sup> This drastic increase of hate crimes grew rapidly after the implementation of this Act, which specifically denounces Polish involvement in the Holocaust or any other crimes against humanity. Modern antisemitism in Poland is constantly increasing; however, xenophobic hate crimes are now becoming extreme in Poland, along with crimes against race.<sup>250</sup> For example, those of different ethnicities throughout Poland are accosted often, especially if they are not white.<sup>251</sup> Since the revisionist law in Poland, hate crimes are rising significantly.

Prior to the Holocaust 3.3 million Jews lived in Poland, afterwards the population dropped significantly to 380,000; most of the Polish Jews had been murdered during the Holocaust.<sup>252</sup> Now less than 10,000 Jews live in Poland today, due to the Holocaust nearly 85% of the Jewish population of Poland was murdered and others left after the

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<sup>245</sup>Monika Rice, "Heroic and Unheroic Poland," *America* 219 (11): 28–33, 2018, 33.

<sup>246</sup> Vanessa Gera, and Monika Scislowska, "Holocaust Scholars Ordered to Apologize in Polish Libel Case," *The Columbian*, February 9, 2021.

<sup>247</sup>Monika Rice, "Heroic and Unheroic Poland," *America* 219 (11): 28–33, 2018, 32.

<sup>248</sup> "Poland," *OSCE Office for Democratic Institutions and Human Rights (ODIHR)*, February 14, 2023.

<sup>249</sup> Ibid.

<sup>250</sup> Ibid.

<sup>251</sup> Monika Rice, "Heroic and Unheroic Poland," *America* 219 (11): 28–33, 2018, 33.

<sup>252</sup> Yad Vashem, "Murder of the Jews of Poland," *Yad Vashem, The World Holocaust Remembrance Center*, Accessed May 2, 2023.

war.<sup>253</sup> Poland has very few Jews left; therefore, the government should not try to push out those who remain. To strengthen the Jewish community and gain their patriotism, they should not discriminate against them. However, once again Polish Jews are facing antisemitism at the hands of the Poles. Before, Jews faced this at the hands of Nazis, but the far-right government of Poland resembles nothing of its former communist state.

Poland prohibits many historical discussions regarding the Holocaust and antisemitism.

The law reads:

- 4) performing activities in the field of public education;
- 5) looking for resting places of persons killed in the fight for independence and unity of the Polish State, in particular those killed in the fight with the imposed totalitarian system or as a consequence of the totalitarian repressions or ethnic cleansing in the period between 08 November 1917 and 31 July 1990;<sup>254</sup>

This amendment regulates public education, this goes as far to state that one must receive permission by the Polish government to look for the resting places of people who were killed in between 1917 and 1990.<sup>255</sup> Poland has been a part of NATO for more than twenty years, which is supposed to be an organization of freedom; however, the country has been denying it.<sup>256</sup> Poland has aligned itself with countries who promote freedom when they are in fact showing blatant antisemitism throughout the nation.

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<sup>253</sup> World Jewish Congress, and Union of Jewish Religious Communities in Poland, "Community in Poland," *World Jewish Congress*, Accessed May 2, 2023.

<sup>254</sup> "Act on the Institute of National Remembrance," *EuroDocs*, BYU Harold B. Lee Library, December 17, 2021.

<sup>255</sup> *Ibid.*

<sup>256</sup> "Poland in NATO - More than 20 Years - Ministry of National Defence - Gov.pl Website," *The International Security Policy Department (Ministry of National Defence)*, Accessed May 2, 2023.

Since the implementation of the Act, Poland is currently in violation of a minority treaty that was signed in 1919.<sup>257</sup> After World War I, Poland finally gained independence; however, the nation had to sign a treaty at Versailles that kept the country from committing crimes against minorities.<sup>258</sup> This treaty is vital to the study of not only Polish law, but also the Holocaust in Poland, due to the precedence of the attacks on Jews and other minorities in Poland by Polish citizens before the Holocaust. It states the following:

Polish nationals who belong to racial, religious or linguistic minorities shall enjoy the same treatment and security in law and in fact as the other Polish nationals. In particular they shall have an equal right to establish, manage and control at their own expense charitable, religious and social institutions, schools and other educational establishments, with the right to use their own language and to exercise their religion freely therein.<sup>259</sup>

Through the Amendment to the Act on the Institute of National Remembrance, this treaty has been broken. This article alone describes the minorities who were persecuted during the Holocaust. The history of antisemitism was so extreme that not only the United States had Poland sign this, but also the British Empire, Italy, France, and Japan.<sup>260</sup> Although Poland broke this law during the Holocaust, the Polish government was taken over by the Nazi German army, so therefore, the government of Poland cannot technically be held responsible; however, the Polish citizens who committed these crimes can be. This treaty that was signed by Poland stated that the nation must sign this and that no other laws or

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<sup>257</sup> Office of the Historian, "Treaty between the Principal Allied and Associated Powers and Poland, Signed at Versailles, June 28, 1919," *U.S. Department of State. U.S. Department of State*, Accessed May 2, 2023.

<sup>258</sup> *Ibid.*

<sup>259</sup> *Ibid.*

<sup>260</sup> *Ibid.*

official actions could be taken against this treaty.<sup>261</sup> Therefore, the amendment that has been put into place in Poland in 2018 violates this treaty. Not only has Poland broken many international laws with this amendment, but they have also paved the way for a far-right government that has not only promoted antisemitic hate, but also crimes against those who are non-Catholic and non-ethnic Poles. Modern antisemitism in Poland has grown significantly since the PiS came into power in the late 2010's.<sup>262</sup> The history of Polish crimes against minorities is severe; however, the country is now returning to those roots by ratifying such an amendment that revises history.

Antisemitism has remained an issue throughout Poland. Even before the implementation of this Act, there were many Polish citizens who refused to look back on the attacks on Jews as a problem. Many remained indifferent in their feelings on Jewish assaults before, during, and even after the Holocaust. This can be seen especially during 1980's. Gross noted in his works, 2001 and 2006 that Polish people did not necessarily feel guilty for their actions after the Holocaust in regard to the mass murders and attacks. Poles in the 1980's argues that Jews were aware of the risk of coming back to their hometowns after the end of the war, and therefore the Polish people could not be held accountable for what happened to them, since it was about "social control."<sup>263</sup> In 1998, Polish documentary filmmaker, Agnieszka Arnold interviewed Polish citizens from Jedwabne to record the extent of the pogrom that had occurred during the Holocaust.<sup>264</sup> One of the interviewees described an old stereotype of Jews, which is that Jews were

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<sup>261</sup> Ibid.

<sup>262</sup> Dominique Soguel, and Monika Rebala, "When the Right Wing Is Still 'Too Socialist': Poland's Far-Right Unites," *The Christian Science Monitor*, October 9, 2019.

<sup>263</sup> Gross, *Fear*, 37-38.

<sup>264</sup> Gross, *Neighbors*, 24.

communist and therefore they must be dealt with.<sup>265</sup> Jews were thought to have been in the NKVD, or the Soviet secret police, which the Polish citizens resisted and why they met the Nazi invasion with open arms after the Soviets were pushed out.<sup>266</sup> Although Polish antisemitism is considered to be on the rise in relation to the Act on the Institute of National Remembrance, the question lies, did antisemitism ever actually go away? Has antisemitism in Poland remained since before the Holocaust? It is clear that through the treaty at Versailles, Poland was not allowed to infringe on the rights of minorities within the countries, specifically Jews, since there had been antisemitism in this area previously.<sup>267</sup> However, Poland continually broke the treaty, but after the end of the Holocaust, it is thought that antisemitism died down and then more recently it has been on the rise. Did Poland's antisemitism die down after the Holocaust? It is unclear that Poland's antisemitism ever reduced, but that it has festered over time and eventually the implementation of this Act revised the history of the Polish nation. However, Gross stated that he believed Poland had somehow come to terms with their participation in Jewish murders. Gross stated this in his work *Neighbors* in 2001, this was in regard to the Institute of National Memory that had been implemented in August of 2000.<sup>268</sup> Little did Gross know, this Institute would later attempt to revise the work he had researched, but also aimed to charge him for libel and slander against the Polish nation. In his work, he stated, "In conclusion, I believe that we have reached a threshold at which the new generation, raised in Poland with freedom of speech and political liberties, is ready to

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<sup>265</sup> Gross, *Neighbors*, 46-47.

<sup>266</sup> Ibid.

<sup>267</sup> Office of the Historian, "Treaty between the Principal Allied and Associated Powers and Poland, Signed at Versailles, June 28, 1919," *U.S. Department of State. U.S. Department of State*, Accessed May 2, 2023.

<sup>268</sup> Gross, *Neighbors*, 172.

confront the unvarnished history of Polish-Jewish relations during the war.”<sup>269</sup> Gross was certain that Poland was pursuing the truth of the Holocaust in attempts to reproach themselves for what happened on Polish soil. Although not all Polish citizens were guilty of antisemitism, there were those who remained antagonists to the Jews. Many believe that Poland was headed towards the direction of freedom of speech and the truth; however, Poland may have masked its antisemitism for some time, but the revival of the far-right movement in Poland, and in many other countries. The PiS party took power, after many years of calm once the Soviet Union lost power over Poland. Polish antisemitism is on the rise, but it is evident that it never truly departed after the Holocaust.

Overall, this law denies freedom of speech and attempts to revise the history of Poland. This law promotes the revision of history by putting blame solely on Nazi Germany and the Soviet Union for any crimes of genocide or against humanity; however, Polish citizens were in fact responsible in many instances of antisemitic crimes, particularly during the Holocaust. The regulations of this law are specific to Nazi and communist crimes, but they also limit what the public can access.<sup>270</sup> Historical documentation can now be censored by the government of Poland, which has created a nationalistic nation. There are antisemitic laws within Poland, such as the outlaw of kosher slaughter, the Amendment to the Act on the Institute of National Remembrance, and the bill that impedes property reparations for Jews. Scholars such as Gross,

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<sup>269</sup> Gross, *Neighbors*, 173.

<sup>270</sup> “Act on the Institute of National Remembrance,” *EuroDocs*, BYU Harold B. Lee Library, December 17, 2021.

Engelking, and Grabowski have all fought for the right of free speech and the truth of history. Unfortunately, these scholars among others have been taken to trial, under the misconception that they are breaking the amendment by stating that Poland did have a part in the genocide against Jews. The Polish government and some of its citizens are unhappy with how the country is being portrayed since many historians have begun to speak out about the crimes against humanity that were committed by Polish citizens before, during, and after the Holocaust. This amendment denies free speech, especially for historians, many of whom are being silenced in Poland by this Act because they are unable to legally state the truth about how many attacks on Jews took place during the Holocaust. These attacks were committed by Polish citizens and not only by the order of the Nazis. Poland remains in denial about having taken a part in the Holocaust. However, the truth should not be a threat and Poland should be made to take responsibility for its troubled past. Modern antisemitism has grown vastly since the far-right PiS party came into power in recent years. Poland's revision to history is causing harm to the nation. Due to this Act, Poland has seen an increase in hate crimes because of the promotion of antisemitism. However, it is clear that Polish antisemitism never truly dissipated after the Holocaust, but instead covertly remained. Although, antisemitism is on the rise, Poland remained an antisemitic nation, even when it was thought to have been long since dead. Once again Poland is repeating the same history that has happened for millennia, which is the crime of antisemitism. However, lawsuits against historians in Poland are producing international headlines. Recently, the lawsuit against scholars in Poland is creating interest in Polish law and what the future will hold.

### Chapter III: The Lawsuit Against Barbara Engelking and Jan Grabowski:

#### The Trial

The Polish government's regulation on history has caused scholars difficulty, not only through their teachings, but also in research. Historians, Barbara Engelking and Jan Grabowski are some of the first scholars to be victims of the Amendment to the Act on the Institute of National Remembrance for their research on the Holocaust. The scholars were served with a lawsuit for libel, which was supported by the Polish League Against Defamation.<sup>271</sup> This lawsuit was permitted due to Poland's implementation of the Act, which passed the same year that Engelking and Grabowski's book was published. This Act not only revises history, but also makes it difficult for scholars to educate others due to the suppression of research.<sup>272</sup> Recent laws in Poland are creating a hostile place for those who research the Holocaust. This chapter will describe the case against Engelking and Grabowski and why the plaintiff received support from the Polish League Against Defamation.

In early 2021, Holocaust scholars, Barbara Engelking and Jan Grabowski were found guilty of libel against a Polish man, Edward Malinowski, who allegedly stole from a Jewish woman in the midst of the Holocaust.<sup>273</sup> Engelking and Grabowski were later

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<sup>271</sup> Polish League Against Defamation, "Polish League Against Defamation," *Polish League Against Defamation – The Good Name Redoubt*, Accessed June 2, 2023.

<sup>272</sup> Masha Gessen, "The Historians under Attack for Exploring Poland's Role in the Holocaust," *The New Yorker*, March 26, 2021.

<sup>273</sup> Stuart Dowell, "Grandma at Centre of Holocaust Defamation Row Tells Historians 'Write the Truth about History'," *The First News*, February 22, 2021.

ordered to apologize to the long-deceased man's niece, who initiated the lawsuit.<sup>274</sup> Their work that brought about this lawsuit is on the study of the Holocaust in Poland, *Night Without End: The Fate of Jews in German-Occupied Poland*. Throughout this work, Engelking and Grabowski describe eight counties within Poland and what happened to the Jewish inhabitants in each place. Through these counties, there is a common notion, which is that it was common that Polish citizens were willing to turn in their Jewish neighbors to the Nazis or attack them on their own.<sup>275</sup> The lawsuit was initially sent to the District Court in Warsaw on 17 May 2019; the plaintiff was Filomena Leszyńska (Malinowski's niece); the defendants were Engelking and Grabowski.<sup>276</sup> Leszyńska stated that her uncle, Malinowski, did not in fact steal from a Jewish woman, but instead, he hid her without payment, as well as many other Jews.<sup>277</sup> In the translation of the lawsuit, not only does Leszyńska ask for both Engelking and Grabowski to apologize and edit their work, but also to be paid reparations of 100,000 PLN.<sup>278</sup> Although the court records have not been released, the case itself gripped attention worldwide.<sup>279</sup>

*Night Without End: The Fate of Jews in German-Occupied Poland* is comprised of several essays by renowned Holocaust scholars. Each chapter discusses Jewish-Polish relations surrounding the Holocaust within eight counties. The eight counties are as follows: Bielsk Podlaski, Biłgoraj, Węgrów, Łuków, Złoczów, Nowy Targ, Dębica, and

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<sup>274</sup> Andrew Higgins, "Polish Court Orders Scholars to Apologize Over Holocaust Study," *The New York Times*, February 9, 2021.

<sup>275</sup> Jan Grabowski, and Barbara Engelking, *Night Without End: The Fate of Jews in German-Occupied Poland*, Bloomington, IN: Indiana University Press, 2022.

<sup>276</sup> District Court in Warsaw, "Claim for Protection of Personal Rights and for Compensation," *Polish League Against Defamation*, 2019.

<sup>277</sup> Ibid.

<sup>278</sup> Ibid.

<sup>279</sup> Vanessa Gera, and Monika Scisłowska, "Holocaust Scholars Ordered to Apologize in Polish Libel Case," *The Columbian*, February 9, 2021.

Bochnia.<sup>280</sup> The book goes into depth through each chapter on Jewish-Polish relations and how some Poles were willing to help their fellow Jews, but also many Poles either did not help, out of fear or their own antisemitism. Through their work, Engelking and Grabowski use many notable sources as well as survivor testimony, to insure factual evidence in each chapter. Although each chapter is written by several scholars, other than Engelking and Grabowski, the two edited this work and compiled each chapter together.<sup>281</sup> This qualitative analysis strives to unearth Polish behavior within the eight counties listed above.<sup>282</sup> Engelking and Grabowski do this in their work by focusing on microhistories within each of the counties, which stresses the horrors Jews faced and how Polish society treated the Jews during this time.<sup>283</sup> Engelking wrote the chapter that initially drew attention, especially from the Polish court system.<sup>284</sup>

The chapter written by Engelking discusses many historiographies from the county of Bielsk Podlaski.<sup>285</sup> She describes those who have lived in the region throughout centuries and how the citizens have lived in this county with the Jews. She describes the Polish-Jewish relations as such, “In the interwar period, Jews, who had settled in the county towns since the fifteenth century, made up about 50 percent of the towns’ population.”<sup>286</sup> The Jewish population had lived in this county for centuries and some Polish citizens of this county turned their backs on the Jews. She describes the difficulties

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<sup>280</sup> Jan Grabowski, and Barbara Engelking, *Night Without End: The Fate of Jews in German-Occupied Poland*, Bloomington, IN: Indiana University Press, 2022.

<sup>281</sup> Ibid.

<sup>282</sup> Grabowski and Engelking, *Night Without End*, IX.

<sup>283</sup> Ibid.

<sup>284</sup> Stuart Dowell, “Grandma at Centre of Holocaust Defamation Row Tells Historians ‘Write the Truth about History’,” *The First News*, February 22, 2021.

<sup>285</sup> Grabowski and Engelking, *Night Without End*, 3.

<sup>286</sup> Ibid.

that Jews from Bielsk Podlaski endured during the Holocaust, specifically the relationships between Poles and Jews.<sup>287</sup> Overall, the chapter gives a brief background of Jews in the county, and then focuses on Jewish life during the Holocaust and how this changed the relationship between Poles and Jews.<sup>288</sup>

Within Engelking's chapter, the passage that came into question for the court case is about Edward Malinowski.<sup>289</sup> The passage formerly read the following:

The passage in question read: "Estera Drogicka (née Siemiatycka), having lost her family, and having obtained identity documents from a Belarusian woman, decided to report to Prussia for labour, in which she was helped by the village leaser of Malinowo, Edward Malinowski (who then also robbed her) – in December 1942, she came to Rastenburg (Kętrzyn) as a domestic in a German Fittkau family."<sup>290</sup>

This passage focuses heavily on Estera Drogicka and what happened to her during the Holocaust. Engelking describes Drogicka's interaction with Malinowski, without giving a great deal of detail, just that he had robbed her.<sup>291</sup> However, this short passage created an angry response from Leszyńska.<sup>292</sup> The work was later edited, after Engelking and Grabowski were served with a lawsuit for this specific passage, by the niece of Edward Malinowski.<sup>293</sup> The Act that was passed in 2018 states that Polish citizens and those of Polish origin cannot be held liable for crimes committed against minorities in Poland under Nazi or Soviet occupation.<sup>294</sup> Through this, the passage written by Engelking is in

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<sup>287</sup> Grabowski and Engelking, *Night Without End*, 24.

<sup>288</sup> Grabowski and Engelking, *Night Without End*, 3-38.

<sup>289</sup> Stuart Dowell, "Grandma at Centre of Holocaust Defamation Row Tells Historians 'Write the Truth about History'," *The First News*, February 22, 2021.

<sup>290</sup> Stuart Dowell, "Grandma at Centre of Holocaust Defamation Row Tells Historians 'Write the Truth about History'," *The First News*, February 22, 2021.

<sup>291</sup> *Ibid.*

<sup>292</sup> *Ibid.*

<sup>293</sup> *Ibid.*

<sup>294</sup> "Act on the Institute of National Remembrance," *EuroDocs*, BYU Harold B. Lee Library, December 17, 2021.

violation of this Act. However, Poland as a nation, gives certain freedoms to its citizens, such as freedom of research and freedom of expression.<sup>295</sup> The lawsuit against Engelking and Grabowski is problematic, in more ways than one. Engelking wrote from historical documents, in particular for this passage, she used Court records of a criminal case against Malinowski to prove this case.<sup>296</sup> She was served with a lawsuit over defamation; however, Engelking wrote from factual evidence alone, therefore, should the Polish courts find themselves in legal trouble instead of Engelking, since this is where she received the information? With the Act passed in 2018, by the Polish Parliament, documentation in Poland is now secured, which makes for difficulties with investigations such as this.<sup>297</sup> Documents that pertain to Nazi occupation or Soviet influence are now in the archives of the Institute of Remembrance.<sup>298</sup> The Institute of Remembrance determines if a document can be inspected by the researcher.<sup>299</sup> Engelking researched her chapter thoroughly and used reliable sources to back up her statements. Even so, Filomena Leszyńska served Engelking and Grabowski with a lawsuit because of the statement made about her uncle, despite this crime against him having already been tried in a court of Polish law.<sup>300</sup> The court records used by Engelking acquitted Malinowski of collaborating with the Nazis because he had helped Jews hide and survive the Holocaust.<sup>301</sup> However, Engelking is not arguing that Malinowski helped to hide Jews,

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<sup>295</sup> “Poland Appeals Court Overturns Libel Conviction of Holocaust Historians,” *Legal Monitor Worldwide*, August 20, 2021

<sup>296</sup> Grabowski and Engelking, *Night Without End*, 48.

<sup>297</sup> “Act on the Institute of National Remembrance,” *EuroDocs*, BYU Harold B. Lee Library, December 17, 2021.

<sup>298</sup> *Ibid.*

<sup>299</sup> *Ibid.*

<sup>300</sup> Grabowski and Engelking, *Night Without End*, 48.

<sup>301</sup> Stuart Dowell, “Grandma at Centre of Holocaust Defamation Row Tells Historians 'Write the Truth about History',” *The First News*, February 22, 2021.

only that a Jewish woman had been robbed by him.<sup>302</sup> The argument does not condemn Malinowski of turning in Jews, only that he had robbed a Jewish woman, who he helped by hiding her, therefore, Engelking is not stating anything against the truth of what the court had ruled.<sup>303</sup> However, this still violated the Amendment to the Act on the Institute of National Remembrance, which in turn has suppressed freedom of speech.

Both Engelking and Grabowski are renowned scholars in the study of the Holocaust. Each have impressive positions at their esteemed institutions. Jan Grabowski is a history professor at the University of Ottawa and edited this work; Barbara Engelking is the director and founder of the Polish Centre for Holocaust Research in Warsaw.<sup>304</sup> Grabowski was born to a Jewish family in Warsaw, with a father who was a Holocaust survivor.<sup>305</sup> He also researches Jewish segregation in Poland, specifically in universities before the Nazi invasion.<sup>306</sup> Engelking is also Polish, and has written other works on the Warsaw Ghetto and Jews hiding in Aryan areas during the Holocaust.<sup>307</sup> The research done by each scholar is well-known, and each professor is trustworthy in their previous works; therefore, the lawsuit against them came as a shock to most, especially Holocaust scholars.

The trial began in October of 2019, the exact date and how long it lasted are unclear. The lawsuit was originally written on 17 May 2019.<sup>308</sup> Leszyńska stated that her

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<sup>302</sup> Ibid.

<sup>303</sup> Ibid.

<sup>304</sup> Ibid.

<sup>305</sup> Marsha Lederman, "Opinion: In Poland, the Truth about the Holocaust Continues to Come under Attack," *The Globe and Mail*, June 5, 2023.

<sup>306</sup> Ibid.

<sup>307</sup> "Dr. Barbara Engelking," United States Holocaust Memorial Museum, Accessed June 26, 2023.

<sup>308</sup> District Court in Warsaw, "Claim for Protection of Personal Rights and for Compensation," *Polish League Against Defamation*, 2019.

uncle's criminal court record used in *Night Without End*, was false.<sup>309</sup> She was represented by Monika Brzozowska-Pasieks, who claimed Engelking and Grabowski, "were not diligent in their research."<sup>310</sup> It is believed that Leszyńska lied in her testimony when her uncle was on trial after the Holocaust.<sup>311</sup> Malinowski is thought to not only have stolen from a Jewish woman, but also been complicit in murders of several dozen Jews, hiding in a Polish forest.<sup>312</sup> Leszyńska stated that her uncle had never collaborated with the Nazis or turned Jews over to them, and her testimony is thought to be the reason why he was acquitted.<sup>313</sup> Although many Jews after the Holocaust were grateful to those who helped them during that time, Engelking points out that many survivors felt that they must conceal the true nature of those individuals because they felt that they owed those who had helped them.<sup>314</sup> The Polish League Against Defamation back Leszyńska, this group only prioritizes defamation against the Polish nation and is aligned with the PiS, which is the far-right wing political party currently in power.<sup>315</sup> The Polish League Against Defamation argues that the case against Malinowo in the first place was misconducted due to mistaken identity.<sup>316</sup>

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<sup>309</sup> Stuart Dowell, "Grandma at Centre of Holocaust Defamation Row Tells Historians 'Write the Truth about History'," *The First News*, February 22, 2021.

<sup>310</sup> "Poland Appeals Court Overturns Libel Conviction of Holocaust Historians," *Legal Monitor Worldwide*, August 20, 2021

<sup>311</sup> Ibid.

<sup>312</sup> Ibid.

<sup>313</sup> Ibid.

<sup>314</sup> Ibid.

<sup>315</sup> Vanessa Gera, and Monika Scisłowska, "Holocaust Scholars Ordered to Apologize in Polish Libel Case," *The Columbian*, February 9, 2021.

<sup>316</sup> Polish League Against Defamation, "Polish League Against Defamation," *Polish League Against Defamation – The Good Name Redoubt*, Accessed June 2, 2023.



Figure 1. “Polish League Against Defamation.” Accessed June 2023. <http://www.anti-defamation.pl/plad/>.<sup>317</sup>

They state the following on the matter:

A few people of Malinowo informed against him. In the denunciation to “prosecutors by the District Court in Białystok”, they wrote that Malinowski as a village leader collaborated with Germans, harassed villagers, and robbed residents in cooperation with Germans. And that he reported to Germans about Jews hiding in the forest, near Malinowo. Germans came to the village and Malinowski took them to the hideout in which Jews were murdered, while Malinowski robbed a dead Jewish girl of her gold earrings. One of the informers was... Edward Malinowski. Does it mean Edward Malinowski informed against himself? He did not, the answer is simpler – in Malinowo there were at least two men called Edward Malinowski and a dozen men with the same last name (Malinowski). This means some other Edward Malinowski informed against Edward Malinowski – the plaintiff’s paternal uncle. And this is crucial for the case we investigate.<sup>318</sup>

The fact that Malinowski’s own uncle testified against him must mean that there was a strange dynamic within the family. His niece testified in his favor, yet his uncle testified against him for his criminal trial. What is the truth? Engelking believes he is guilty,

<sup>317</sup> Polish League Against Defamation, “Polish League Against Defamation,” *Polish League Against Defamation – The Good Name Redoubt*, Accessed June 2, 2023.

<sup>318</sup> Ibid.

although he was acquitted of any and all crimes in relation to his actions during both the second World War and the entirety of the Holocaust.<sup>319</sup>

Engelking and Grabowski were initially found guilty of misconstruing the truth within the first chapter and were forced to apologize and revise the chapter; however, they were not forced to pay any monetary reparations to Leszyńska.<sup>320</sup> The passage now reads, "... and Estera Drogicka, who worked as a help in the German family of Fittkau in Rastenburg (Kętrzyn)."<sup>321</sup> The first edition of the book with the passage above, told a great deal more about Estera Drogicka, unlike the revised edition. This case is gravely important, because it has given scholars a model of how Holocaust research will be dealt with, not only in Warsaw, but all of Poland.<sup>322</sup> Not only were Polish scholars worried about the verdict in regard to future Holocaust research, but scholars around the world worried, as well as those in Jewish groups worldwide.<sup>323</sup>

Later in August of 2021, the appeals were overturned in this case and Engelking and Grabowski are no longer considered to be guilty of the crime of defamation against Edward Malinowski.<sup>324</sup> Although Leszyńska and her lawyer were deeply disappointed with the outcome of this ruling, they stated that freedom of speech should not be infringed and, "... this protection does cover statements that do not pass the test of

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<sup>319</sup> Stuart Dowell, "Grandma at Centre of Holocaust Defamation Row Tells Historians 'Write the Truth about History'," *The First News*, February 22, 2021.

<sup>320</sup> Vanessa Gera, and Monika Scislowska, "Holocaust Scholars Ordered to Apologize in Polish Libel Case," *The Columbian*, February 9, 2021.

<sup>321</sup> Grabowski and Engelking, *Night Without End*, 31.

<sup>322</sup> Ibid.

<sup>323</sup> Andrew Higgins, "Polish Court Orders Scholars to Apologize Over Holocaust Study," *The New York Times*, February 9, 2021.

<sup>324</sup> "Poland Appeals Court Overturns Libel Conviction of Holocaust Historians," *Legal Monitor Worldwide*, August 20, 2021

reliability.”<sup>325</sup> Here Leszyńska and her lawyer are calling Engelking and Grabowski’s work not trustworthy, as well as their sources, which came from the Polish court system.<sup>326</sup> The judge that overturned the libel conviction believed that freedom of speech in this case was more important than an offense to someone, she stated:

It is not the subject of court proceedings to assess the methodology of conducted historical research, to criticize historical sources or to verify these sources, and thus to evaluate the historians workshop an unacceptable form of censorship and interference with the freedom of research and scientific work in a situation of obvious untruth resulting from ill-will and historical distortion. Thus, Judge Sadomska concluded that the Grabowski and Engelking conviction was a violation of freedom of research and freedom of expression.<sup>327</sup>

Here, it is clear that although many Polish people were pushing for the guilty verdict, not all Polish citizens promote this kind of justification for cases such as this.

Polish law regarding the Holocaust has become extremely strict. The Polish government continues to revise history. The following explains the excessive laws that alter history:

In 2018, Poland criminalized mentioning the complicity of the country in the Holocaust. Last week, the Poland President Andrzej Duda signed a bill severely restricting restitution and compensation for people whose properties were seized by Nazi occupiers, and expropriated during the country’s communist era. The bill will mostly affect Jews and their descendants who are the majority whose properties were confiscated during the Holocaust and subsequently expropriated by the country’s communist regime.<sup>328</sup>

The bill that President Duda signed causes problems for Jews throughout Poland. This new bill attempts to revise Polish history by stating that reparations will not be given to

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<sup>325</sup> Ibid.

<sup>326</sup> Grabowski and Engelking, *Night Without End*, 48.

<sup>327</sup> “Poland Appeals Court Overturns Libel Conviction of Holocaust Historians,” *Legal Monitor Worldwide*, August 20, 2021

<sup>328</sup> Ibid.

Jews, as if the Jews were not victims. Poland has done this because the government is pushing a narrative of Polish victimhood.<sup>329</sup> This bill was signed in 2021, which has added to the legal fiasco in Poland regarding the Amendment to the Act on the Institute of National Remembrance.

Through this Act, and the Bill from 2021, antisemitism is guaranteed to run rampant throughout Poland. The antisemitism in Poland currently is growing and will continue to do so until these Acts and Bills which distort the Holocaust in Poland are repealed and free speech can thrive. However, the Polish League Against Defamation continues to push for libel against both Engelking and Grabowski, even though the verdict was overturned and the two were acquitted. They state the following on the matter:

Thus, confronting the content of the chapter “Dalej jest noc” by Prof. Barbara Engelking, edited by herself and Prof. Jan Grabowski, with source materials, we discovered that these authors, in our opinion, managed the sources in the following – disturbing to us – way:

- 1) They skipped an important passage of the testimonies by Estera Drogicka aka Maria Wiśniewska, supporting Edward Malinowski, who did not collect any money from hiding and feeding her (“...although I did not have a red cent...”) – these words were replaced in the passage of the book with a square bracked “[...]”
- 2) They deleted Estera Drogicka aka Maria Wiśniewska’s words from the testimony: “In 1945 the fiancé of the girl whose earrings were taken by Malinowski said that Malinowski had returned these earrings to him, and praised him.”
- 3) They skipped/omitted testimonies of other Jews: Lejba Prybut and Chuna Kapłan, which proved Edward Malinowski, son of Stanisław, had helped Jews during the occupation and that it was a forester who informed about Jews hiding in the forest, and that Malinowski had returned earrings to the finance of the murdered Jewess.
- 4) There were no notes showing that Estera Drogicka aka Maria Wiśniewska was in Rastenburg – there was also no reference to

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<sup>329</sup> Ofer Aderet, “Israel Concedes to Poland’s Demand: Students May Visit Memorials to Murderers of Jews,” *Haaretz.com*, April 10, 2023.

sources describing her experiences at work; meeting a husband there, trading with Edward Malinowski, getting robbed by him – as the author writes in the body of the text.

- 5) There was no information suggesting that Estera Drogicka aka Maria Wiśniewska was a so-called “earwitness”, that she was not in Malinowo when Jews were murdered – as opposed to the witnesses: Kaplan and Prybut and numerous Polish witnesses, villagers who directly witnessed the event that took place in the forest, near Malinowo.<sup>330</sup>

This passage attempts to fracture Engelking’s work on the chapter in question. Engelking used a legitimate source in her short excerpt, while the above passage describes much more than is discussed throughout the work in question. The Polish League Against Defamation makes the claim that Engelking and Grabowski are misusing sources, which Leszyńska also stated, as did her attorney in the court case.<sup>331</sup> What the League stated agrees with Leszyńska. From this, it can be concluded that the PiS supports Leszyńska in this lawsuit.<sup>332</sup> Here, the Polish League Against Defamation seems to make a case against Engelking and Grabowski; however, it is known that this group highly aligns themselves with the PiS, which is an enemy of Holocaust studies. The Polish League Against Defamation does nothing for the minorities within Poland, which is traditionally what anti-defamation leagues do, but instead this group is a far-right extremist league that only fights for the justice of the Polish nation. On the front page of their website, the group lists myths about Poland and the Holocaust, they go on to discuss how the Amendment to the Act on the Institute of National Remembrance does not in fact state that no Polish

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<sup>330</sup> Polish League Against Defamation, “Polish League Against Defamation,” *Polish League Against Defamation – The Good Name Redoubt*, Accessed June 2, 2023.

<sup>331</sup> “Poland Appeals Court Overturns Libel Conviction of Holocaust Historians,” *Legal Monitor Worldwide*, August 20, 2021

<sup>332</sup> Marsha Lederman, “Opinion: In Poland, the Truth about the Holocaust Continues to Come under Attack,” *The Globe and Mail*, June 5, 2023.

citizen can be found guilty of collusion, but it does not say that they will not be tried for libel like Engelking and Grabowski.<sup>333</sup> On the initial webpage for the Polish League Against Defamation, they have letters addressed to every single outlet or person that has accused Poland of having laws that make the study of the Holocaust inaccessible.<sup>334</sup> Each letter written is more abrupt and rude than the previous. Finally, at the end of the home webpage, they add myths surrounding Poland and the Holocaust, claiming that Poland was a victim of the second World War and that Poland never collaborated with Germany.<sup>335</sup> However, it can be concluded through previous research that Poland was in fact searching for a way to rid itself of the Jewish population living there.<sup>336</sup> It is evident that Poland continues to conceal the involvement it had during the Holocaust. Although not all Polish citizens were involved in the collaboration with Nazis and Poland as a nation had been invaded by the Nazis, the antisemitism had been there from the beginning, even before the country had been taken over.

Overall, the lawsuit against Engelking and Grabowski exhibited two key points. Poland's new laws regarding the Holocaust show a danger to Holocaust scholarship, not just within Poland, but concerning all scholars who work on the subject. When writing on the topic of Holocaust law, there is the possibility of being criticized by anyone who supports such laws, even academics. Engelking and Grabowski's trial, although painful to Holocaust scholars, created a worldwide reaction to this lawsuit. Although the initial

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<sup>333</sup> Polish League Against Defamation, "Polish League Against Defamation," *Polish League Against Defamation – The Good Name Redoubt*, Accessed June 2, 2023.

<sup>334</sup> Ibid.

<sup>335</sup> Ibid.

<sup>336</sup> D. Cymet, "Polish State Antisemitism as a Major Factor Leading to the Holocaust," *Journal of Genocide Research* 1 (2): 169-212, 1999, 170.

verdict was overturned, their work was still edited, excluding any mention of Malinowski.<sup>337</sup> Engelking and Grabowski continue to be targeted by the Polish government since the verdict was repealed.<sup>338</sup> The Amendment to the Act on the Institute of National Remembrance will continue to cause legal trouble for Holocaust historians. However, the Polish League Against Defamation will most likely be the most enthusiastic group in regard to such laws. This group not only enjoys, but relishes in criticizing and censoring not only historical writings, but also documentation that perhaps portrays Poland in an unflattering light. Through the Polish League Against Defamation, it is evident that this group is an ally with the radical PiS party and will continue to support such a far-right party.<sup>339</sup> This group also supports speech that is contradictory to history and factual evidence, such as former court documents in order to achieve their main goal, which is to prove the innocence of Poland.<sup>340</sup> However, antisemitism in Poland will continue to grow if the nation does not repeal such laws that incentivize hate against minority groups. Leszyńska's lawsuit against Engelking and Grabowski has caused a worldwide reaction to Holocaust law in Poland.<sup>341</sup> Although Polish organizations (ex. Polish League Against Defamation) and far-right political parties (ex. PiS) detest works that portray Poland as being complicit to the Holocaust, trials such as

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<sup>337</sup> Vanessa Gera, and Monika Scislowska, "Holocaust Scholars Ordered to Apologize in Polish Libel Case," *The Columbian*, February 9, 2021.

<sup>338</sup> Marsha Lederman, "Opinion: In Poland, the Truth about the Holocaust Continues to Come under Attack," *The Globe and Mail*, June 5, 2023.

<sup>339</sup> Vanessa Gera, and Monika Scislowska, "Holocaust Scholars Ordered to Apologize in Polish Libel Case," *The Columbian*, February 9, 2021.

<sup>340</sup> Polish League Against Defamation, "Polish League Against Defamation." *Polish League Against Defamation – The Good Name Redoubt*, Accessed June 2, 2023.

<sup>341</sup> Vanessa Gera, and Monika Scislowska, "Holocaust Scholars Ordered to Apologize in Polish Libel Case.]," *The Columbian*, February 9, 2021.

this are vital to the scholarship of what Holocaust law is in Poland and how antisemitism is growing globally. Antisemitism is once again becoming a severe problem in Poland.

#### **Chapter IV: Post-Lawsuit Poland and their Far-Right Government:**

##### **Modern Antisemitism**

In recent years blatant antisemitism has been shown throughout Poland. Not only is it shown through hate crimes, but also in recent laws that have been enacted. The Amendment to the Act on the Institute of National Remembrance of 2018, the PiS party, and the Polish League Against Defamation are all organizations that stand for antisemitism. Each of the above is not only antisemitic, but also comes from the far-right wing of Polish government. Barbara Engelking and Jan Grabowski are continuing to be targeted by the Polish government.<sup>342</sup> Through their recent studies and interviews, they are victims of harassment from Polish Nationalists.<sup>343</sup> The Amendment to the Act on the Institute of National Remembrance of 2018 states that Poland, as well as its citizens and those of Polish nationality cannot be convicted of crimes against the Jewish people during the Holocaust.<sup>344</sup> The Polish League Against Defamation states that it is a group that is patriotic and only wants the truth about Poland to be discussed.<sup>345</sup> However, each of the above is far-right and nationalistic, not patriotic. The law, PiS, and League all oppose historians like Gross, Engelking, and Grabowski from using evidence to teach

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<sup>342</sup> Marsha Lederman, "Opinion: In Poland, the Truth about the Holocaust Continues to Come under Attack," *The Globe and Mail*, June 5, 2023.

<sup>343</sup> Ibid.

<sup>344</sup> "Act on the Institute of National Remembrance," *EuroDocs*, BYU Harold B. Lee Library, December 17, 2021.

<sup>345</sup> Polish League Against Defamation, "Polish League Against Defamation." *Polish League Against Defamation – The Good Name Redoubt*, Accessed June 2, 2023.

others about Polish complicity from 1917-1990.<sup>346</sup> These inaccurate memory laws have caused antisemitism to grow vastly, not only in Poland, but all of Europe. Recently, antisemitism has once again become a European problem; however, this is not a European problem only, but a worldwide issue that must be addressed. Antisemitism has become synonymous with antizionism, not only because of their hatred against the Jewish people as a whole, but also the Jewish idea of having their own land. When the nation state of Israel is compared to Nazis, this is an antisemitic notion because of the Holocaust.<sup>347</sup> The argument that Jews do not have ties to their historical land of Israel is not only antizionist, but also antisemitic.<sup>348</sup> However, although many antisemites call for the end of Israel as a state, it is not out of compassion for Palestinians, but instead, their hatred of Jews. It is not the Israeli government that they hate, but the Jewish people. There are many examples of this that will be used throughout this chapter. Antisemitism has grown significantly through Poland, as well as Europe. Through this chapter, growing antisemitism will be proven through global statistics on antisemitic crime, antisemitic protests/actions, and interactions with Israel.

The far-right government in Poland has stifled the voices of historical memory, researchers, and promoted antisemitism worldwide. This can be seen, not only in courts of law around the world, but also throughout social media. Through social media, a new age of antisemitism has begun, there is no escaping modern antisemitism in the age of technology. Not only are ordinary individuals spewing antisemitism, but also celebrities.

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<sup>346</sup> “Act on the Institute of National Remembrance,” *EuroDocs*, BYU Harold B. Lee Library, December 17, 2021.

<sup>347</sup> “Anti-Zionism and Antisemitism - Ajc.Org,” AJC Campus Affairs, Accessed June 26, 2023.

<sup>348</sup> *Ibid.*

For example, Bella Hadid spreads false information about the Jewish people and nation of Israel, she called Israeli Jews, “a group of colonizers” and then went on to call Israel an “apartheid” state.<sup>349</sup> However, the Palestinian population “...has grown from 1.37 million in 1948 to 14 million today.”<sup>350</sup> Robert Kennedy Jr. also took to social media to call antisemite Roger Waters a “global hero” after Waters paraded around on stage in a Nazi uniform.<sup>351</sup><sup>352</sup> Antisemitism is being promoted internationally because of the growing following of antisemitic celebrities.

Barbara Engelking and Jan Grabowski continue to be harassed in Poland due to their work that they refuse to abandon. Just within the past week, Grabowski, who remains teaching at the University of Ottawa, faced an attack while attempting to speak in Warsaw.<sup>353</sup> In this attack, Grabowski was unable to speak, although he was not physically harmed, the event kept him from giving his speech at the German Historical Institute of Warsaw.<sup>354</sup> The attack is described as the following, “University of Ottawa professor Jan Grabowski was just starting his talk at the German Historical Institute in Warsaw when a far-right member of Parliament rushed the stage, attacked the sound system, and smashed Prof. Grabowski’s microphone to prevent him from speaking.”<sup>355</sup> It is evident that not only is Poland leaning to the far-right through its President, Andrzej

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<sup>349</sup> Merona Leadership Foundation, Merona Leadership, “Bella Hadid - Like Father, Like Daughter,” *StopAntisemitism*, March 18, 2023.

<sup>350</sup> *Ibid.*

<sup>351</sup> StopAntisemitism, “Stopantisemitism on Instagram: Roger Waters Is a Vile Jew Hater and Promotes Palestinian Violence against the Jewish People and Nation. That Same Violence Killed His Father, Robert F. Kennedy. We Have No Words,” *Instagram*, May 28, 2023.

<sup>352</sup> Merona Leadership Foundation, “Roger Waters Draws Criticism for Comparing the Holocaust to the Israeli-Palestinian Conflict,” *StopAntisemitism*, May 25, 2023.

<sup>353</sup> Marsha Lederman, “Opinion: In Poland, the Truth about the Holocaust Continues to Come under Attack,” *The Globe and Mail*, June 5, 2023.

<sup>354</sup> *Ibid.*

<sup>355</sup> *Ibid.*

Duda, but also throughout its Parliament. Grabowski planned to speak on the issues with Poland and Holocaust history.<sup>356</sup> Many are familiar with Engelking and Grabowski and what their research consists of, due to the lawsuit that they faced. However, the ruling was overturned, but Polish Nationalist organizations, such as the Polish League Against Defamation refuse to support the later ruling.<sup>357</sup>

Grabowski is not the only scholar of the two to face hostility within Poland, Engelking has also recently faced a great deal of malevolence. Recently, Engelking has been targeted by the Polish government for an opinion she gave during an interview.<sup>358</sup> The following was stated on the matter, "...Because of a TV interview in April, in which she said Jews were disappointed with Poles during the war."<sup>359</sup> Jews today have found antisemitism to be quite strong, specifically in Poland. The following was stated about modern antisemitism in regard to the attack on Grabowski, ""So I'm listening to a lecture about the 1930s, and suddenly the 1930s are now," Prof. Morgentaler told me."<sup>360</sup> Although the lawsuit made Engelking and Grabowski's lives more complicated and hostility came with this, each of the scholars continues to fight for the truth of the Holocaust and each fight antisemitism in modern day Poland by condemning actions and laws that attempt to revise the history of the Holocaust in the Polish nation.<sup>361</sup>

Despite these disturbing clashes, the PiS party or the "Law and Justice" party have protestors marching against them.<sup>362</sup> Although it seems that Poland is far-right and

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<sup>356</sup> Ibid.

<sup>357</sup> Ibid.

<sup>358</sup> Ibid.

<sup>359</sup> Ibid.

<sup>360</sup> Ibid.

<sup>361</sup> Ibid.

<sup>362</sup> Ibid.

cannot be changed, the following was reported, “At the same time, there is unrest against the right-wing Law and Justice ruling party, with an election coming this year. On Sunday, an estimated 500,000 anti-government protesters marched in Warsaw.”<sup>363</sup> Through this, it is evident that the PiS has people fighting against their agenda, which largely is due to the Amendment to the Act on the Institute of National Remembrance of 2018, which caught attention worldwide. According to *The Times of Israel*, this protest was the largest recorded demonstration since the end of communism, thirty years ago.<sup>364</sup> Even well-known anti-communist leaders in Poland marched with the group against Poland’s far-right government.<sup>365</sup> “Lech Walesa, a former Polish president, Nobel Peace Prize winner and leader of the fight against communism, joined opposition figures at the head of the march ahead of legislative elections in the autumn.”<sup>366</sup> This is no longer a left-wing versus right-wing fight, this is a fascist versus everyone else fight. Poland claims to be a right-wing country; however, the country believes that the traditional right-wing is not far enough.<sup>367</sup>

The far-right government in Poland is concerning citizens throughout the country because of the controversial rhetoric. The PiS party although is pushing for lower taxes, which initially interests individuals is also pushing a certain agenda, which is anti-immigrant, far-right nationalistic, and pro-Catholic.<sup>368</sup> Although lower taxes and pro-

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<sup>363</sup> Ibid.

<sup>364</sup> AFP, “Half a Million March in Polish Anti-Government Protest, Say Opposition Leaders,” *The Times of Israel*, June 4, 2023.

<sup>365</sup> Ibid.

<sup>366</sup> Ibid.

<sup>367</sup> Dominique Soguel, and Monika Rebala, “When the Right Wing Is Still ‘Too Socialist’: Poland’s Far-Right Unites,” *The Christian Science Monitor*, October 9, 2019.

<sup>368</sup> Ibid.

Catholic are not bad characteristics of a party, it is difficult for those who are not Catholic, therefore, it would be more inclusive and wiser for a party to be pro-freedom of religion. The PiS is so far-right that they would rather have a political party of people that they disagree with to stay away from socialist ideology and have neo-Nazis within the party.<sup>369</sup> The PiS party has become much more relaxed in their language and no longer seem to be worried with the accusations that they make towards minority groups.<sup>370</sup> This can especially be seen in reference to those who are not ethnic Poles,

The new prominence of the Polish far-right has worried many that their language and agenda is becoming normalized, at least in part due to the PiS's own rhetoric. Calls for a mono-ethnic Poland, for example, have replaced outright racist slurs. Equating adherence to the Muslim faith with a risk of terrorist behavior is another hallmark of the Polish far-right world view. Language such as the "Holocaust Corporation" – the notion that the contemporary Jewish Community tries to profit from the 20<sup>th</sup>-century mass killings – betrays anti-Semitic sentiment in the ranks of PiS, Konfederacja, and the All-Polish Youth.<sup>371</sup>

The Polish government sees the right-wing as "do-nothing and too liberal."<sup>372</sup> However, traditionally the right-wing side of any government is supposed to be conservative and not liberal. This statement is highly concerning, when the Polish government believes the right-wing of government to be liberal or "too socialist".<sup>373</sup> The Polish government is no longer far-right, but is instead a nationalistic authoritarian fascist government, which has created an uneasy environment for minorities.

Modern day antisemitism is not only extreme in Poland but is growing worldwide and in places that may be shocking. In May of 2023, Roger Waters compared Shireen

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<sup>369</sup> Ibid.

<sup>370</sup> Ibid.

<sup>371</sup> Ibid.

<sup>372</sup> Ibid.

<sup>373</sup> Ibid.

Abu Aqleh (a journalist for *Al Jazeera*, who was unfortunately killed while in a combat zone) to Anne Frank, an innocent teenager who was murdered by the Nazis in a camp during the Holocaust.<sup>374</sup> Waters did this in Berlin at a concert, where he was dressed in a Nazi SS uniform and had a fake rifle, which he shot into the crowd.<sup>375</sup>



376

Figure 2. Roger Waters in a Nazi uniform, “US Denounces Roger Waters Performance in Berlin as Antisemitic,” Photograph by *The Times of Israel*, June 6, 2023. Berlin, Germany. <https://www.timesofisrael.com/us-denounces-roger-waters-performance-in-berlin-as-antisemitic/>

<sup>374</sup>Merona Leadership Foundation, “Roger Waters Draws Criticism for Comparing the Holocaust to the Israeli-Palestinian Conflict,” *StopAntisemitism*, May 25, 2023.

<sup>375</sup> Ibid.

<sup>376</sup> Matthew Lee, “US Denounces Roger Waters Performance in Berlin as Antisemitic,” *The Times of Israel*, June 6, 2023.

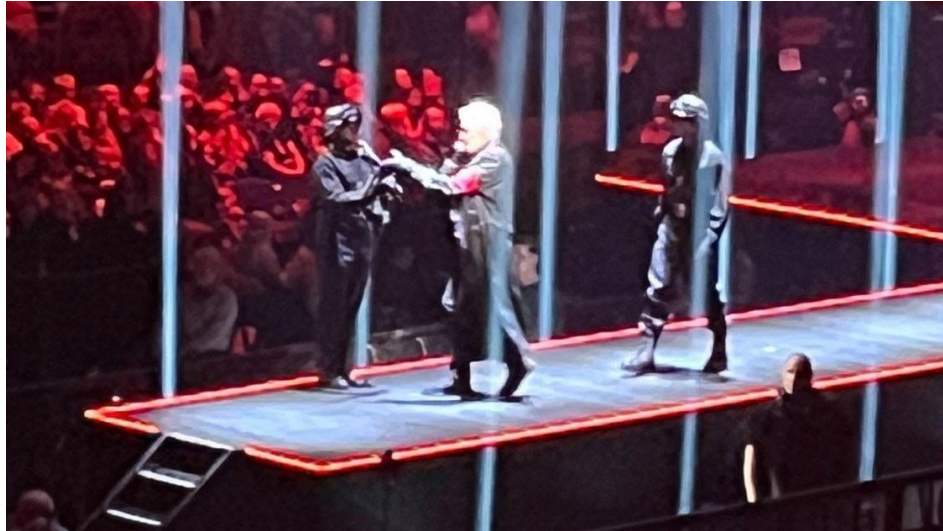


Figure 3. Roger Waters in a Nazi Uniform at Berlin Concert from *StopAntisemitism's*, “Antisemite of the Week Update: Roger Waters,” *Photograph by StopAntisemitism*, May 29, 2023. Berlin, Germany. <https://www.stopantisemitism.org/antisemite-of-the-week-11/antisemite-of-the-week-update-roger-waters>

In 2013, “he used a large inflatable pig with a Star of David to signify Jewish greed and control,” which caused a great deal of controversy.<sup>378</sup>



Figure 4. Inflatable pig at Roger Waters Concert, which depicts a Star of David “Antisemite of the Week Update: Roger Waters,” *Photograph by StopAntisemitism*, May 29, 2023. Berlin, Germany. <https://www.stopantisemitism.org/antisemite-of-the-week-11/antisemite-of-the-week-update-roger-waters>

<sup>377</sup> Merona Leadership Foundation, “Antisemite of the Week Update: Roger Waters,” *StopAntisemitism*, May 29, 2023.

<sup>378</sup> *Ibid.*

<sup>379</sup> *Ibid.*



380

Figure 5. Roger Waters Concert, Comparing Shireen Abu Akleh to Anne Frank “Antisemite of the Week Update: Roger Waters,” *Photograph by StopAntisemitism*, May 29, 2023. Berlin, Germany.

<https://www.stopantisemitism.org/antisemite-of-the-week-11/antisemite-of-the-week-update-roger-waters>



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Figure 6. Image of Roger Waters Concert in Nazi uniform. Photograph from *StopAntisemitism* Instagram, May 24, 2023. Berlin, Germany. <https://www.instagram.com/p/Csm5z3-Nb-j/>.

<sup>380</sup> Ibid.

<sup>381</sup> StopAntisemitism, “Stopantisemitism on Instagram: ‘Just When You Thought How Low Could a Jew Hater like Roger Waters Go, He Went on to Compare the Murder of Anne Frank to a Palestinian Reporter’s Accidental Death Covering the Israel/Palestinian Conflict. Shame on Frankfurt Authorities and the Mercedes Benz Arena in Berlin - a Place from Where Jews Were Once Deported by the Nazis - for Providing This Vile Jew Hater a Venue for His Concert!’” *Instagram*, May 24, 2023.

Later, Robert F. Kennedy Jr. (who is running for President of the United States in the Democratic primary against President Joe Biden in 2024) called Waters a “global hero” and then compared him to George Orwell.<sup>382383</sup>



Figure 7. Robert F. Kennedy and Roger Waters tweets. Photograph by *StopAntisemitism* Instagram, May 28, 2023. <https://www.instagram.com/p/Csy4NDcL9ap/>.

Not only has antisemitism in Poland been extreme, but it is openly displayed in Germany, which has strict laws against such things, and also in the rhetoric of politicians in the United States. Waters claimed that this demonstration was in alliance with the BDS, movement, which “boycotts and sanctions against Israel,” however, this is clearly an act of antisemitism and not one of anti-Israel opposition.<sup>385</sup> The BDS (Boycott, Divestment, and Sanctions) movement calls for, “...the elimination of Israel as a Jewish State.”<sup>386</sup> Earlier this year, Jewish graves were vandalized in Australia, a Ukrainian synagogue was hit by a Russian missile and in New Jersey, a Molotov cocktail was thrown at a

<sup>382</sup> Shannon Bond, “Robert F. Kennedy Jr. Announces He’s Running for President,” *NPR*, April 19, 2023.

<sup>383</sup> StopAntisemitism, “Stopantisemitism on Instagram: Roger Waters Is a Vile Jew Hater and Promotes Palestinian Violence against the Jewish People and Nation. That Same Violence Killed His Father, Robert F. Kennedy. We Have No Words,” *Instagram*, May 28, 2023.

<sup>384</sup> Ibid.

<sup>385</sup> Matthew Lee, “US Denounces Roger Waters Performance in Berlin as Antisemitic,” *The Times of Israel*, June 6, 2023.

<sup>386</sup> “Anti-Zionism and Antisemitism - Ajc.Org,” AJC Campus Affairs, Accessed June 26, 2023.

synagogue, as Ambassador Linda Thomas-Greenfield claimed, this all happened in one week.<sup>387</sup> Antisemitism has in fact grown at an alarming rate.

It is clear, not just in Poland, but worldwide, antisemitism is growing at an alarming rate. Jews worldwide are once again facing a raving antisemitism that they cannot hide from, since this is the age of social media. According to the ADL, there are 31,326,029 adults in Poland and 10,964,110 of these people hold antisemitic attitudes and values, 42% of these views are from men and 28% are from women.<sup>388</sup> However, the growing antisemitism is not just in Poland, but worldwide. 53% of these antisemitic Poles believe that “Jews have too much power in international finance markets,” which shows the age-old antisemitic attitude towards Jews about money.<sup>389</sup> Although there are many Poles who are not antisemitic, there are still approximately 10,964,110 people in Poland who are.<sup>390</sup> Of those people, 62% believe that Jews are more allied to Israel than to their home country.<sup>391</sup> The ADL goes on to list more antisemitic tropes that have been used for many years; however, the percentages of people who believe them is what is astounding. Although 10% may not seem like a large percentage, it is in regard to this statement, “Jews are responsible for most of the world’s wars”<sup>392</sup> 10% of Polish citizens truly believe that the above is true of Jews. This trope seemed to have dissipated after the Holocaust, not only because of the severity of what the Jews faced, but also because it

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<sup>387</sup> Linda Thomas-Greenfield, and Douglas Emhoff, “Remarks at a U.S. Hosted, High-Level Side Event on Globalizing Efforts to Combat Antisemitism,” *United States Mission to the United Nations*, February 9, 2023.

<sup>388</sup> “Poland,” *ADL/Global 100*, Accessed June 7, 2023.

<sup>389</sup> *Ibid.*

<sup>390</sup> *Ibid.*

<sup>391</sup> *Ibid.*

<sup>392</sup> *Ibid.*

simply is not true. However, in 2015, Poles who believed that Jews held more loyalty to Israel was only 51%, which grew 11% over the span of eight years.<sup>393</sup> The difference between these years is the implementation of the Amendment to the Act on the Institute of National Remembrance of 2018.

According to a Jewish association in Warsaw, there were 488 antisemitic attacks in 2022.<sup>394</sup> The lead reporter on this project was Anna Zielińska, who claimed 86% of these crimes were committed online, through harassment/insults.<sup>395</sup> There is a Polish organization called Czulent, which promotes tolerance and works with the Polish Jewish communities to help their cause.<sup>396</sup> However, Czulent has faced a number of attacks from antisemitic individuals and organizations because of their close work with the Jewish community, the attacks are described below:

Czulent's 2022 report detailed one violent act that resulted in injury, four additional violent attacks, 20 threats, 34 instances of damage to Jewish property and memorial sites, 68 cases of antisemitic mass mailings and 372 instances of "abusive" behavior.<sup>397</sup>

It is clear that Czulent and any other organization that is friendly with the Jewish community in Poland could possibly be attacked. Although not all Poles are antisemitic, the hate crimes in Poland have grown since the implementation of the 'Holocaust law'.

Some of the most antisemitic language comes from the far-right party and its politicians, specifically Grzegorz Braun.<sup>398</sup> Braun accuses Ukrainian refugees of

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<sup>393</sup> Ibid.

<sup>394</sup> Dinah Spritzer, "Jewish Group's Report Finds Rise in Antisemitic Incidents in Poland," *The Times of Israel*, April 25, 2023.

<sup>395</sup> Ibid.

<sup>396</sup> Ibid.

<sup>397</sup> Ibid.

<sup>398</sup> Ibid.

attempting to create a meshed nation with Poland, much like a “Judeo-Poland,” which has caused an attack on refugees as well, in Poland, eighty-four cases of antisemitic acts were also anti-Ukrainian in 2022.<sup>399</sup> Not only are many of the far-right politicians in Poland antisemitic and anti-Ukrainian, but they are also anti-American. Braun once again made a claim against Jews, but also the United States, stating that the United States was a “political and military tool of Jewish blackmail against Poland”<sup>400</sup> which is a completely ridiculous fallacy.<sup>400</sup> The United States has fought for reparations to Jews from the Holocaust; however, Poland was very angry with this proposition:

Over the past five years, specific political developments have fueled negative attitudes toward Jews, she noted. In 2019, thousands of Polish nationalists protested in front of the US Embassy in Warsaw against US efforts to require Poland to compensate Jews whose families lost property during the Holocaust.<sup>401</sup>

Poland refuses to pay any type of reparations to Jews, especially from the Holocaust, this is especially the case because of the Amendment to the Act on the Institute of National Remembrance. Through this, Poland cannot be held liable for any crimes committed against Jews or any other minorities while it was being controlled by Nazi or Soviet occupation.<sup>402</sup> More antisemitic attacks in Poland have happened in 2023.

Recently, a Polish town had a festival for its children, where it threw a bubble party, this was celebrated on a holiday that honors its children, on June 1.<sup>403</sup> There is nothing antisemitic about this holiday and it would be difficult to make this event into a

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<sup>399</sup> Ibid.

<sup>400</sup> Ibid.

<sup>401</sup> Ibid.

<sup>402</sup> “Act on the Institute of National Remembrance,” *EuroDocs*, BYU Harold B. Lee Library, December 17, 2021.

<sup>403</sup> Merona Leadership Foundation, “Outrage after Polish City Hosts Foam Party for Children over Jewish Burial Grounds,” *StopAntisemitism*, June 7, 2023.

hate crime; however, Poland was able to find a way into making it antisemitic, once again. This “bubble party” was thrown over the site of a former Jewish cemetery in Kazimierz Dolny, not only this, but Jewish bodies are still buried in this area.<sup>404</sup>

Kazimierz Dolny is a tourist attraction next to the Vistula River.<sup>405</sup>



Figure 8. A Foam Party for Children’s Day in Poland on a Jewish Graveyard. Photograph by *StopAntisemitism*, July 7, 2023. Kazimierz Dolny, Poland. <https://www.stopantisemitism.org/antisemitic-incidents-146/polish-city-hosts-bubble-party-for-children-over-jewish-burial-grounds>

This party, thrown over this burial ground was not something that was unknown to those who had planned it, as it had only been fifty years since the graveyard had been demolished; however, the Jewish bodies were never moved.<sup>407</sup>

The former cemetery, now a children’s play area next to an elementary school, was demolished roughly 50 years ago, but the bodies were not removed. Jewish headstones were used to pave roads and used as building materials throughout Eastern Europe during the communist era. Schudrich said that for the past five years, representatives of Polish Jewry have been trying to work with several mayors of Kazimierz Dolny, including the current one, as well as the town council, to move the cemetery so that it

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<sup>404</sup> Ibid.

<sup>405</sup> Ibid.

<sup>406</sup> Ibid.

<sup>407</sup> Ibid.

would not function as a playground. He estimated that a few hundred Jews are buried in the site.<sup>408</sup>

It is clear that the Polish town and its inhabitants did in fact know about the bodies buried within this cemetery and there is no reason for this party to have taken place over a Jewish burial ground.<sup>409</sup> Not only is this one antisemitic crime, but there are layers to this because of the “children’s play area” and an elementary school next to a desecrated graveyard of Jews, whose tombstones were removed and used in horrific and detestable way.<sup>410</sup> The Jewish population in Kazimierz Dolny has been vast for centuries.<sup>411</sup>

Jews have lived in Kazimierz Dolny since the 14<sup>th</sup> century. The town today is a major local tourist attraction known for its stunning architecture on the banks of the Vistula river. Before the Nazi invasion in World War II, there were 1,400 Jews in Kazimierz Dolny, roughly half of its population. Fewer than 20 of the town’s Jewish inhabitants are thought to have survived the Holocaust.<sup>412</sup>

Although this town has many centuries of history with Jews, it is evident that their antisemitism is just as old. The children’s party on top of a Jewish graveyard seems to be something that would have taken place during the Holocaust; however, this type of antisemitism still exists in Poland. Although this holiday is one that is not offensive and is very difficult to make antisemitic, Poland’s hatred towards Jews is so strong, that they cannot seem to agree on any kind of moral values. Michael Shudrich, a local Jew, stated the following about the bubble party that took place on June 1: The party “puts into question whether further talks about the site make sense, and casts doubt on whether,

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<sup>408</sup> Ibid.

<sup>409</sup> Ibid.

<sup>410</sup> Ibid.

<sup>411</sup> Ibid.

<sup>412</sup> Ibid.

regardless of religion, both parties are guided by common values drawn from it.”<sup>413</sup> This activity is something that happened during the Holocaust; however, such acts are once again occurring, and the Amendment to the Act on the Institute of National Remembrance is assisting the memory of Poland in its revision of the Holocaust.

Antisemitism in Poland is not shown just through hatred of Jews, but also through Holocaust revision and denial. In April of 2023, Israel agreed for Israeli youth to visit Poland for a Holocaust-education trip once again.<sup>414</sup> It had been cancelled a year earlier for a punishment to the Polish government for the implementation of the Amendment to the Act on the Institute of National Remembrance of 2018, by President Duda and the Polish Parliament.<sup>415</sup> However, the Israeli government decided earlier this year to reestablish the trip for Israeli students to visit sites of atrocity.<sup>416</sup> Many historians and scholars are furious about the decision, because Israeli students will now be forced to visit sites where non-Jews were killed by Germans, changing the narrative of the Holocaust and showing Poland as a victim of Nazi crimes and not as collaborators.<sup>417</sup> Specific places, such as the Markowa Ulma-Family Museum of Poles Who Saved Jews in World War II. This museum opened in 2016 and focuses on the Ulma family, which is believed by the Poles to have hid eight Jews during the Holocaust and were martyrs because of their bravery.<sup>418</sup> This family did something wonderful with their lives; however, one family does not make up for a country of people who were more willing to

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<sup>413</sup> Ibid.

<sup>414</sup> Ofer Aderet, “Israel Concedes to Poland’s Demand: Students May Visit Memorials to Murderers of Jews,” *Haaretz.com*, April 10, 2023.

<sup>415</sup> Ibid.

<sup>416</sup> Ibid.

<sup>417</sup> Ibid.

<sup>418</sup> Ibid.

aid Germans than their Jewish neighbors. This museum attempts to create a different narrative about Polish actions during the war.<sup>419</sup>

The historians mainly take issue with the fact that the museum aims to portray Poles as a nation of rescuers of Jews while ignoring more recent research, which shows that such heroes were a drop in the bucket compared to the vastly more common phenomenon of Poles aiding the Germans, either by turning in Jews or by helping to kill them. This museum “should be avoided at all costs,” Grabowski warns. “If there were a museum of Holocaust distortion, this would be it.”<sup>420</sup>

Here, the museum Grabowski is referring to is the Markowa Ulma-Family Museum of Poles Who Saved Jews in World War II.<sup>421</sup> Scholars like Jan Grabowski have spoken out against this agreement, and called it a “Holocaust denier’s dream” and a “Polish wish-list” when describing the indoctrination of Israeli youths by the Polish government.<sup>422</sup> Although there were some Polish citizens who did in fact help Jews and fought for their country against the Nazi’s, Grabowski stated that many were “ruthless murderers of Jews during and after the war,” and these individuals are described as Polish martyrs to Israeli youths.<sup>423</sup> Scholars are highly disappointed with this decision, for more than one reason. The outrage at this trip has caused many to criticize not only the Polish government, but its citizens as well.<sup>424</sup>

Professor Havi Dreifuss, a historian at Tel Aviv University and Yad Vashem, called this list of sites “outrageous” and says that “most of them are dubious at best and controversial at worst.” She notes that some of the sites on the list “ignored documented aspects of Poles’ involvement in the murder of Jews,” and others actually “glorify Poles who were involved up to their necks in the murder of Jews.”<sup>425</sup>

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<sup>419</sup> Ibid.

<sup>420</sup> Ibid.

<sup>421</sup> Ibid.

<sup>422</sup> Ibid.

<sup>423</sup> Ibid.

<sup>424</sup> Ibid.

<sup>425</sup> Ibid.

The Israeli people are unhappy with the decision to travel to Poland, however the students are not obligated to visit.<sup>426</sup> Although many are angry at this agreement, Poles are overjoyed with the decision; however, Yad Vashem stated that they will not be taking part in the formation of the trip because it, “include problematic sites that are inappropriate for an educational tour.”<sup>427</sup> Yad Vashem sends delegates on these trips for the students, they stated that those individuals would not be attending the controversial sites.<sup>428</sup> However, Israel’s Education Ministry stated that although Poles have asked to include certain sites to the list, Israel has not committed to any of the sites yet.<sup>429</sup> Although many are angry, Israel’s Education Ministry has a goal and that is to teach Israeli youths to continue their education about the Holocaust and part of this is to travel to Poland.<sup>430</sup>

The Polish government has targeted scholars through this new wave of antisemitism. The stifling of the study of the Holocaust in Poland has caused antisemitism to grow, scholars to be persecuted, and the far-right to reign over Polish law. Engelking and Grabowski continue to face persecution not only by Polish individuals, but also the Polish government because they refuse to stop teaching the truth about the Holocaust.<sup>431</sup> The far-right government in Poland has taken over and continues to believe that the right-wing governments around the world are either liberal or “too

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<sup>426</sup> Ibid.

<sup>427</sup> Ibid.

<sup>428</sup> Ibid.

<sup>429</sup> Ibid.

<sup>430</sup> Ibid.

<sup>431</sup> Marsha Lederman, “Opinion: In Poland, the Truth about the Holocaust Continues to Come under Attack,” *The Globe and Mail*, June 5, 2023.

socialist.”<sup>432</sup> This far-right government in Poland has created a place where hate crimes are tolerated, not only against Jews, but refugees as well.<sup>433</sup> Hate crimes against Jews have risen, not only in Poland, but worldwide. This has grown especially through social media. Social media has also created a breeding ground of antisemitism on an international level. Along with the Children’s Day celebration, which took place on top of a Jewish graveyard, Poland has also attempted to teach Israeli youths that Poland was a martyr during the Holocaust and should be regarded in the same way as the Jewish nation.<sup>434</sup><sup>435</sup> Worldwide there has been a spike in antisemitism according to Ambassador Linda Thomas-Greenfield.<sup>436</sup> Even celebrities have been committing acts of antisemitism, such as Roger Waters. Waters dressed as an SS soldier and fired a fake machine gun into the crowd, while also comparing a journalist who unfortunately was killed in a combat zone to Anne Frank, a teenage girl who was murdered by the Nazis.<sup>437</sup> However, this is not the first time since Waters has committed such an atrocious antisemitic act.<sup>438</sup>

Overall, Poland has become a place where antisemitism thrives in the face of Holocaust revision and denunciation. This nation will continue this path until the far-right

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<sup>432</sup> Dominique Soguel, and Monika Rebala, “When the Right Wing Is Still ‘Too Socialist’: Poland’s Far-Right Unites,” *The Christian Science Monitor*, October 9, 2019.

<sup>433</sup> Dinah Spritzer, “Jewish Group’s Report Finds Rise in Antisemitic Incidents in Poland,” *The Times of Israel*, April 25, 2023.

<sup>434</sup> Merona Leadership Foundation, “Outrage after Polish City Hosts Foam Party for Children over Jewish Burial Grounds,” *StopAntisemitism*, June 7, 2023.

<sup>435</sup> Ofer Aderet, “Israel Concedes to Poland’s Demand: Students May Visit Memorials to Murderers of Jews,” *Haaretz.com*, April 10, 2023.

<sup>436</sup> Linda Thomas-Greenfield, and Douglas Emhoff, “Remarks at a U.S. Hosted, High-Level Side Event on Globalizing Efforts to Combat Antisemitism,” *United States Mission to the United Nations*, February 9, 2023.

<sup>437</sup> Foundation, Merona Leadership, “Roger Waters Draws Criticism for Comparing the Holocaust to the Israeli-Palestinian Conflict,” *StopAntisemitism*, May 25, 2023.

<sup>438</sup> Merona Leadership Foundation, “Antisemite of the Week Update: Roger Waters,” *StopAntisemitism*, May 29, 2023.

government falls. Antisemitism in Poland never died, but only lurked in the shadows until the PiS took power.

### Conclusion

The authors of the legislation and PiS MPs have never once in their lives read the testimony of a Jew who survived the Holocaust in Poland. The story contained in such memoirs is always pretty much the same: before these lucky few finally managed to come across someone decent who helped them, they all experienced betrayal, blackmail, rape, robbery, and the like at the hands of their fellow Polish citizens. That is why Holocaust survivors are reacting to this law as if this were an attack on their own memories of what happened. The front pages of Israeli newspapers are filled with survivors' stories and politicians' reactions.<sup>439</sup>

-Jan Gross

Polish antisemitism will unfortunately never fully go away; however, it can lessen if the nation takes the steps to repeal the Amendment to the Act on the Institute of National Remembrance of 2018. To do so, the Polish nation would have to face repercussions of their actions during the Holocaust, a prime example of this would be the pogroms that occurred during that time. This law causes a great deal of controversy, not only in Poland, but also worldwide.<sup>440</sup> The far-right government in Poland will continue to push the nation to continue to be an antisemitic and xenophobic country. Until the PiS is defeated, minorities in Poland will continue to struggle, especially Jews.

Although the PiS and this law are transparent with their motives, there are many challenges to this research. Due to the many historians and scholars being heavily

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<sup>439</sup> Jan T. Gross, Steve Hurst, Piotr B., Jose Gines Mora, Clement Gavi, Paul Martin, Simon Israel, Varsovian Warsaw, and Mady Deutsch, *Criminalizing the Truth: By Jan T. Gross & Slawomir Sierakowski*, Project Syndicate, October 16, 2020.

<sup>440</sup> Monika Rice, "Heroic and Unheroic Poland," *America* 219 (11): 28–33, 2018, 30.

investigated by the Polish government, many are unwilling to comment on the current problems within Poland, especially in the case of Barbara Engelking and Jan Grabowski, served with a lawsuit.<sup>441</sup> With many scholars being scrutinized by the Polish government, their speech is being suppressed, which causes great difficulty in researching such a topic. Another major challenge is the regulation of documents and how they can be viewed, especially regarding who can view them.<sup>442</sup> There are many challenges in researching this law due to major regulations in Poland regarding historical documentation.

The importance of this topic currently is the rapidness of this law and the reactions of the Polish government. Scholars have begged the Polish government to cease investigation on fellow historians who have written work on the Holocaust in Poland and have been persecuted and investigated for it.<sup>443</sup> Historians and scholars are facing horrendous investigations and persecution by the Polish government, including attacks in public spaces by individuals who are not only in the PiS party, but also politicians themselves are committing violent acts.<sup>444445</sup> Holocaust survivors are dying, and it is essential to honor those who are still living, especially in a country where many of the camps were located. These survivors are desperate for one final attempt to rectify the past and teach about antisemitism; therefore, Poland should repeal this law.

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<sup>441</sup> Masha Gessen, "The Historians under Attack for Exploring Poland's Role in the Holocaust," *The New Yorker*, March 26, 2021.

<sup>442</sup> "Act on the Institute of National Remembrance," *EuroDocs*, BYU Harold B. Lee Library, December 17, 2021.

<sup>443</sup> Patrick Manning, "Letter of Concern to Polish Government Regarding Treatment of Historian Jan Gross," *States News Service*, November 14, 2016.

<sup>444</sup> Marsha Lederman, "Opinion: In Poland, the Truth about the Holocaust Continues to Come under Attack," *The Globe and Mail*, June 5, 2023.

<sup>445</sup> Masha Gessen, "The Historians under Attack for Exploring Poland's Role in the Holocaust," *The New Yorker*, March 26, 2021.

The future study of this law and the conditions surrounding it may consist of another severe spike in antisemitism. Poland may once again fall victim to its prejudices and Jews in Poland may have to flee, in the footsteps of their ancestors; however, this could change. If the Polish government shifts towards the middle and does not remain far-right, the nation may have the opportunity to rectify this law. Currently, the Polish nation seems to be fully invested in the PiS party, which is thriving. This party is particularly popular amongst Catholic bishops and with Poland being a predominantly Catholic nation, it seems that the party will stay in power for quite some time.<sup>446</sup>

The future of this law is unknown, the lengths that the PiS will go to keep this law in place is also unknown. Although Poland has been guilty of antisemitism, it is never too late for the nation to rectify its past. It is likely that the PiS will remain in power for the foreseeable future, and if this changes, the next ruling party may still be far-right leaning. With the far-right government in place, Poland may add to this law and altogether revise history in attempts to create a narrative of an innocent and victimized Poland throughout the Second World War. However, one aspect of this party is clear and that is the suppression of speech that condemns Poland for their complicity with Nazi or Soviet occupiers.<sup>447</sup>

Overall, the Polish government and the Amendment to the Act on the Institute of National Remembrance have created a nation of suppression, not only of speech, but also of free thinking. Once again, the Polish nation is one of Catholicism, antisemitism, and

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<sup>446</sup> Monika Rice, "Heroic and Unheroic Poland," *America* 219 (11): 28–33, 2018, 30.

<sup>447</sup> Jan T. Gross, Steve Hurst, Piotr B., Jose Gines Mora, Clement Gavi, Paul Martin, Simon Israel, Varsovian Warsaw, and Mady Deutsch, *Criminalizing the Truth: By Jan T. Gross & Sławomir Sierakowski*, Project Syndicate, October 16, 2020.

xenophobia. Jews have often been regarded as free thinkers, and many in Poland, specifically Catholics have had an issue with this for many years.<sup>448</sup> Even before the Holocaust the head of the Catholic Church in Poland stated the following, “*There will be a Jewish problem as long as the Jews remain...* It is a fact that the Jews are fighting against the Catholic Church, persisting in free thinking, and are the vanguard of godlessness, Bolshevism and subversion.”<sup>449</sup>

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<sup>448</sup> D. Cymet, “Polish State Antisemitism as a Major Factor Leading to the Holocaust,” *Journal of Genocide Research* 1 (2): 169-212, 1999, 170.

<sup>449</sup> *Ibid.*

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