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IS POLAND REFORMING ITS HOLOCAUST PAST?

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Exercise Solo Flight

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IS POLAND REFORMING ITS HOLOCAUST PAST?

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IS POLAND REFORMING ITS HOLOCAUST PAST?

Introduction

Poland recently passed a so-called, “Death Camps” law, that makes criminal any claim of Polish collusion in the Holocaust.¹ The *state* of Poland was not complicit in the Holocaust, the *nation* of Poland was not complicit, nor were there any “Polish Death Camps.” That a significant number of non-Jewish Poles knowingly persecuted and murdered many Jewish Poles, however, is undeniably true.² That distinction is crucial in understanding the folly of the Death Camps law.

The Holocaust was an appalling episode in modern human history that saw the genocide of European Jewry, and the successful annihilation of over five million Jews and five million others who were objectionable to the Third Reich.³ Ninety-percent of the Polish Jewish population, approximately three million Jews, were exterminated.⁴ There is no credible evidence suggesting that the *state* of Poland participated in this egregious

¹ Roger Cohen, “Awaken, Poland, Before It’s Too Late,” *The New York Times, Opinion, Op-Ed Columnist*, 16 February 2018, accessed online 14 March 2018, <https://www.nytimes.com/2018/02/16/opinion/awaken-poland-before-its-too-late.html?action=click&contentCollection=Opinion&module=RelatedCoverage®ion=Marginalia&pgty=article>. This article uses the term “Death Camps” law, as do many other authors on this subject.

² Lucy S. Dawidowicz, *The War Against the Jews 1933 – 1945* (New York: Holt, Rinehart and Winston, 1975); Martin Gilbert, *The Holocaust – A History of the Jews of Europe during the Second World War* (New York: Hold, Rinehart and Winston, 1986); Jan T. Gross, *Neighbours: The Destruction of the Jewish Community in Jedwabne, Poland* (Princeton: Princeton University Press, 2001); Antony Polonsky, *The Jews of Poland and Russia: A Short History* (Oxford: The Littman Library of Jewish Civilization, 2013). Many references discuss Polish connivance in Jewish persecution between 1939-1945. These are just four notable ones.

³ Robert Jan van Pelt, *The Case for Auschwitz* (Bloomington: Indiana University Press, 2002), 6. Van Pelt argues that the most reliable estimation of Jewish lives lost, throughout the Nazi killing effort, is 5.1 million; Louise Ridley, “The Holocaust’s Forgotten Victims: The 5 Million Non-Jewish People Killed by the Nazis,” *The HuffPost UK*, 27 January 2015, accessed online 22 April 2018, http://www.huffingtonpost.ca/entry/holocaust-non-jewish-victims_n_6555604. Examples of “other” persons objectionable to the Third Reich included a range of people from gay persons, gypsies, Roma, the disabled, political dissidents, those who did not fit into the concept of what an Aryan should be, to many others.

⁴ Lucy S. Dawidowicz, *The War Against the Jews 1933 – 1945 . . .*, 403.

massacre. In fact, the *state* of Poland was reduced to a government-in-exile that resided in France and England between 1939 to 1945.

Legislatively elevated by Poland's ruling Law and Justice Party (Prawo i Sprawiedliwość in Polish, or PiS) in January 2018, and signed into order less than three months later by Polish President Andrzej Duda on 6 April; the law establishes that whomever publicly states that the Polish *Nation*, or the *Republic* of Poland, is in any way responsible for Nazi committed crimes is liable for up to three years imprisonment (see Appendix 1 for the complete text of the law).⁵ It is this paper's position that PiS is trying to use the Death Camps law to reshape historical understanding of Polish history. By naming the *republic*, PiS is trying to solve a problem that does not exist. By identifying the *nation*, PiS is navigating a slippery slope in attempting to demonstrate that neither non-Jewish Polish individuals nor non-Jewish Polish groups assisted the Nazi cause of Jewish genocide – Hitler's "Final Solution to the Jewish Question."⁶ The new law still awaits final approval of Poland's constitutional court before finally coming into effect.⁷

Poland's Death Camps law has elicited huge debate and protest worldwide.⁸ The law encourages anti-Semitism in Poland; limits free speech; opens the doorway for the Polish government to re-write both Polish Holocaust history and Polish Jewish history;

⁵ "Polish leader signs controversial law on Holocaust speech," *CBS News*, 7 February 2018, accessed online 7 April 2018, <https://www.cbsnews.com/news/poland-andrzej-duda-holocaust-law-nazi-germany-war-crimes/>.

⁶ Robert Rozett and Shmuel Spector, *Encyclopedia of the Holocaust* (Jerusalem: The Jerusalem Publishing House, 2009), 214-215.

⁷ Ofer Aderet, "Israeli President to Polish Counterpart: We Cannot Deny That Poland and Poles Participated in Holocaust," *Haaretz*, 12 April 2018, accessed online 22 April 2018, <https://www.haaretz.com/world-news/europe/israeli-polish-presidents-to-take-part-in-march-of-the-living-1.5993292>.

⁸ The list of articles in the bibliography herein provides a testament to this statement.

significantly erodes Polish-Jewish and Polish-Israeli relations; and will imperil Poland's credibility on the international stage.⁹

Background on the Holocaust in Eastern Europe will be provided for context, and an overview of the centuries-long history of anti-Semitism entrenched in the Polish non-Jewish population. An analysis will follow of what the current Polish government believes is the problem that requires the enactment of the Death Camps law. Given that no credible scholar claims that the *state* of Poland was complicit in the Holocaust, evidence will be proffered demonstrating what PiS is really trying to achieve with the Death Camps law.

Throughout the references listed in this paper's bibliography, non-Jewish Polish citizens are referred to as "Poles," and Jewish citizens as "Jews"; an unfortunate divisive reference. The terms used herein will be "non-Jewish Poles" or "Jewish Poles," except within quoted text.

Abbreviated Overview of the Holocaust in Poland

Soon after coming to power in Germany in 1933, the Nazis opened their first official concentration camp with much fanfare at Dachau near Munich. Initially, it held political dissidents, homosexuals, common criminals and other enemies of the Third

⁹ David Ost, "Poles, Jews, and Post-Communist Insecurities," *Tikun* 18, no. 3 (May/June 2003): 70-76; Tara John, "Poland Just Passed a Holocaust Bill That Is Causing Outrage. Here's What You Need to Know," *Time*, 1 February 2018, accessed online 14 March 2018, <http://time.com/5128341/poland-holocaust-law/>; Tara John, "Poland Just Passed a Holocaust Bill That Is Causing Outrage. Here's What You Need to Know," *Time*, 1 February 2018, accessed online 14 March 2018, <http://time.com/5128341/poland-holocaust-law/>; David Harris, "Polish-Jewish Relations: A Case Study in What Can Go Wrong," *The Algemeiner*, 5 February 2018, accessed online 22 April 2018, <https://www.algemeiner.com/2018/02/05/polish-jewish-relations-a-case-study-in-what-can-go-wrong/>; Manuela Tobias, "Understanding Poland's 'Holocaust Law'," *Politifact*, 9 March 2018, accessed online 3 April 2018, <http://www.politifact.com/truth-o-meter/article/2018/mar/09/understanding-polish-holocaust-law/>.

Reich. As the 1930s progressed, the Jewish population of Dachau increased. While Dachau remains notorious for having treated its inmates with gruesome brutality, and while thousands met their death there, Dachau was not an extermination facility.¹⁰ What followed after the establishment of Dachau were many more forced labour and concentration camps throughout Germany and Nazi-occupied Europe. The primary purpose of these camps was not execution, but instead, it was generally slave labour and as holding (concentrating) facilities. Death occurred in tremendous numbers due to the perils of hard labour, over-crowding, malnourishment, summary executions, medical experiments and disease that were common in the camps.¹¹

The Nazis invaded Poland on 1 September 1939 in a violent blitzkrieg. In mid-September, the Soviets invaded Poland from the east. By end-September, Poland was roughly divided down the middle with the west occupied by the Nazis and the east by Soviet forces.¹²

By late 1939, 3.3 million Jews were living in Poland – ten percent of the Polish population and the most significant Jewish population among European countries.¹³ Through 1940, Nazi leaders were seeking the means to get rid of the estimated two

¹⁰ Dachau Concentration Camp Memorial Site webpage, accessed online 15 April 2018, <https://www.kz-gedenkstaette-dachau.de/index-e.html>; United States Holocaust Memorial Museum webpage, “Dachau,” accessed online 15 April 2018, <https://www.ushmm.org/wlc/en/article.php?ModuleId=10005214>; Doris L. Bergen, *War & Genocide: A Concise History of the Holocaust*, 2nd ed. (New York: Rowman & Littlefield Publishers, Inc., 2009), 64-65; Lucy S. Dawidowicz, *The War Against the Jews 1933 – 1945 . . .*, 48-87.

¹¹ Robert Rozett and Shmuel Spector, *Encyclopedia of the Holocaust . . .*, 171-173; Adam Jones, *Genocide – A Comprehensive Introduction*, 3rd ed. (New York: Routledge, 2017), 332; “The Jewish Virtual Library – The Holocaust Wing,” accessed online 3 May 2018, <http://www.jewishvirtuallibrary.org/the-holocaust>; Sigmund Knaul, *Quo Vadis* (Toronto: The Coach House Printing Company, 1993, with permission of the author). Knaul poetically illustrates life within the concentration camps throughout his memoir.

¹² Lucy S. Dawidowicz, *The War Against the Jews 1933 – 1945 . . .*, 394-397.

¹³ *Ibid.*, 394-403.

million Jews living within German-occupied Poland. Their struggle was in finding a country that would take the Jews. A system of ghettoization was approved with the initial intention of retaining and controlling the Jews until the time of deportation could be realized. While the Germans assuredly commissioned or forced the labour of many non-Jewish Poles in building and guarding the ghettos, these enclosures were designed, established and run by the Germans. The ghettos, like the concentration camps, were overcrowded and those confined within were starved of food, medical treatment, and the basics of human needs.¹⁴ “The core policy in the occupied territories of the East [between September 1939 and mid-1941] was ghettoization.”¹⁵ Jews died in the hundreds of thousands.¹⁶

In June 1941, the Nazis launched an eastern offensive, took the remainder of Poland from the Soviets and continued into Russia.¹⁷ In the two years that followed, an estimated 1.8 million Jews were rounded up and murdered by “point-blank rifle fire,” throughout eastern Europe and the German-invaded lands of the Soviet Union. The perpetrators were the men of the Einsatzgruppen; a formation of four death-squad battalions, some 3,000 soldiers specially trained and assigned to follow behind the advancing German army and conduct mass killings of Jews and any other persons considered a threat to Nazi authority or incongruent with its master race policies. The

¹⁴ Timothy Snyder, *Bloodlands – Europe Between Hitler and Stalin* (New York: Basic Books, 2010), 143-146.

¹⁵ Adam Jones, *Genocide – A Comprehensive Introduction . . .*, 325, 332.

¹⁶ *Ibid.*

¹⁷ Lucy S. Dawidowicz, *The War Against the Jews 1933 – 1945 . . .*, 394-397.

Einsatzgruppen were accompanied by SS, the Wehrmacht, and German police units.

Non-Jewish Poles are not recognized as having participated.¹⁸

As 1941 drew to a close, the Nazi leadership determined that mass killings by bullets were not only inefficient, but the psychological toll was too high for many of the executioners. At the Wannsee Conference convened in Wannsee, Germany (just outside of Berlin) in early 1942, options were discussed for realizing the Final Solution to the Jewish Question. Chaired by prominent Nazi official Reinhard Heydrich and attended by high-ranking Nazi members, the group agreed upon the process of gassing targeted people in large batches. To add efficiency, the victims were to be transported to the killers at industrialized liquidation centers, as opposed to dispatching the killers to the victims.¹⁹ Adolf Eichmann was selected to oversee the transportation network that was comprised principally of trains.²⁰ Because the majority of European Jews lived in Poland and the surrounding eastern European lands, all of the killing centres, six in total, were designed and established by the Nazis on Polish soil.²¹ Notwithstanding, from 1942 to

¹⁸ Adam Jones, *Genocide – A Comprehensive Introduction . . .*, 325-332; Father Patrick Desbois, *The Holocaust by Bullets - A Priest's Journey to Uncover the Truth Behind the Murder of 1.5 Million Jews*. (New York, Palgrave MacMillan, 2008). This book chronicles the mission of the author – a French Catholic priest - to personally find and demonstrate evidence showing the destruction of 1.5 million Jews in Ukraine by bullets at the hands of the Nazis. By personally visiting as many mass graves within the Ukraine as he could find and digging up the bullets and the bones, by interviewing as many eyewitnesses as he could find, and by reviewing extensive Soviet-era archives which document the massacres after the Nazis had left, Father Desbois provides convincing evidence of Nazi-organized mass murder of Ukrainian Jews by shooting during the period 1941 to 1944. The shootings were conducted principally by the German Einsatzgruppen.

¹⁹ Adam Jones, *Genocide – A Comprehensive Introduction . . .*, 332-337; Doris L. Bergen, *War & Genocide: A Concise History of the Holocaust . . .*, 164-168.

²⁰ Hannah Arendt, "Eichmann in Jerusalem-I," *The New Yorker*, 16 February 1963, accessed online 3 May 2018, <https://www.newyorker.com/magazine/1963/02/16/eichmann-in-jerusalem-i>.

²¹ Lucy S. Dawidowicz, *The War Against the Jews 1933 – 1945 . . .*, 129-149. Dawidowicz notes on page 129 that the location of Auschwitz as a death centre was selected given its easy rail access, isolation from populated areas, and ready availability of camouflage and concealment; Hannah Arendt, "Eichmann in Jerusalem-I," *The New Yorker*, 16 February 1963, accessed online 3 May 2018,

1945, means of mass killings in the concentration camps by overwork, torture, beatings, starvation, and summary executions continued.²² With the advent of the Nazi extermination centres, the death rate spiked astronomically, as noted by Doris Bergen in her book, *War & Genocide: A Concise History of the Holocaust*:

At the beginning of 1942, even after three years of war, ghettoization, torture, and forced labour, 75 percent of the Jews who would be murdered in the Holocaust were still alive. By the beginning of 1943, 75 percent of the approximately six million who would be killed were already dead.²³

Both Bergen and Jones provide maps of the locations of the various ghettos, labour camps, and extermination centres.²⁴ Table 1 provides a summary of the Nazi death camps. By the winter of 1945, the Soviets had recaptured all of Poland.²⁵ As the Second World War ended in 1945, only an estimated 300,000 of the original 3.3 million Polish

<https://www.newyorker.com/magazine/1963/02/16/eichmann-in-jerusalem-i>; “Extermination Camp,” *Wikipedia*, last edited 25 April 2018, accessed online 3 May 2018, https://en.wikipedia.org/wiki/Extermination_camp. Both Arendt and Wikipedia note other camps throughout Nazi-occupied Europe (other than the six “pure extermination” camps in Poland) that operated extermination facilities (or were initiating infrastructure toward that end) that may have been based on gassing, shootings or similar means, but the prime purpose of these other camps was not extermination.

²² Adam Jones, *Genocide – A Comprehensive Introduction . . .*, 332-337; Doris L. Bergen, *War & Genocide: A Concise History of the Holocaust . . .*, 164-168.

²³ Doris L. Bergen, *War & Genocide: A Concise History of the Holocaust . . .*, 182-183.

²⁴ Adam Jones, *Genocide – A Comprehensive Introduction . . .*, 334; Doris L. Bergen, *War & Genocide: A Concise History of the Holocaust . . .*, 166.

²⁵ Lucy S. Dawidowicz, *The War Against the Jews 1933 – 1945 . . .*, 394-397.

Table 1 – Particulars of the six Nazi death camps.

Facility Name	Location ¹	Period of Operation	Estimated People Killed ²	Remarks
Auschwitz-Birkenau	70 km W of Krakow.	Summer 1941 to January 1945.	2,000 000	Started earlier as a labour camp. Continued as combined labour camp/killing centre. Fixed-in-place and technologically advanced gassing chambers (using Zyklon B)/crematoria.
Belzec	290 km E of Krakow. Near to Lublin.	March 1942 to Spring 1943.	600,000	Fixed-in-place gassing facilities based on diesel.
Chelmno	300 km NW of Warsaw.	December 1941 to December 1942. Briefly reactivated in 1944.	340,000	Killing by mobile gas truck. Corpses buried in surrounding forests, later exhumed and cremated in open pyres.
Majdanek	300 km SE of Warsaw, within 12 km of Belzec and less than 2 km from Lublin.	Constructed in 1940 under Soviets for POWs. Commenced killing operations under Germans in summer 1941. Evacuated by German forces July 1944.	200,000	
Sobibór	230 km SE of Warsaw.	April 1942 to October 1943.	250,000	Closed shortly after an uprising by Jewish inmates. Built solely as a killing centre.
Treblinka	100 km SW of Warsaw.	July 1942 to late 1943.	800,000	Jewish workers revolted in August 1943, after which the Germans gradually shut down the camp.

Note 1: all death camps were located in Poland.

Note 2: estimated number – includes both Jews and non-Jews.

Sources: Adam Jones, *Genocide – A Comprehensive Introduction* . . . , 332-337; Doris L. Bergen, *War & Genocide: A Concise History of the Holocaust* . . . , 166-191; Lucy S. Dawidowicz, *The War Against the Jews 1933 – 1945* . . . , 129-149; Timothy Snyder, *Bloodlands – Europe Between Hitler and Stalin* (New York: Basic Books, 2010), 253-276, 409-414; United States Holocaust Memorial Museum webpage, accessed online 15 April 2018, <https://www.ushmm.org/wlc/en/article.php?ModuleId=10005214>. Dates of operations and total number killed vary between the four authors. The numbers above are the best estimation staying toward the more conservative figures. Robert Jan van Pelt, *The Case for Auschwitz* (Bloomington: Indiana University Press, 2002).

Jews had survived.²⁶ There appears no allegation or indictment in any of the researched publications of this paper (see Bibliography) that the *state* or *nation* of Poland was in any

²⁶ *Ibid.*, 397.

manner complicit in the conception, design, development or operation of any of the death camps, or in the conception or operation of the Einsatzgruppen.²⁷

History of Anti-Semitism in Poland

Poland's revisionist Death Camps Law suggests there is no significant history of widespread anti-Semitism in Poland, yet a remarkable number of non-Jewish Poles have expressed anti-Semitic sentiment for many generations. Their prejudice is sourced in three areas: the Christian churches of Poland have preached for centuries that the Jews were responsible for the death of Jesus Christ; during the latter half of the second millennium in Poland, the majority of the population was made up of non-Jewish peasant farmers overseen by Jews which fostered resentment; and an influential proportion of Polish intelligentsia who distrusted the Jews during this same period.²⁸

Anti-Semitism in Poland before World War II

As early as the 5th Century, Christian leadership had established broad claims against the Jews as responsible for the murder of Jesus Christ and espousing Judaism as a religion that was both false and harmful to Christianity. Due mainly in part to the aforementioned Christian revulsion of the Jews, Jewish population numbers began rising substantially in eastern Europe (primarily present-day Poland-Lithuania) after being expelled from England, France, Spain and present-day Germany in the period 1200 to 1550 A.D. By 1750, the Jewish population of Poland-Lithuania reached an estimated

²⁷ Piotr Wróbel, personal conversation, 10 April 2018. At the time of this writing, Wróbel was an Associate Professor in the Department of History at the University of Toronto. He is a recognized expert in the fields of Polish and East-Central European history, Polish Jewish history and Polish-Jewish relations.

²⁸ Piotr Wróbel, personal conversation, 10 April 2018.

750,000 out of a total population of 14 million (higher than five percent). Concurrently during this period, the Catholic church continued its official teachings of contempt toward the Jews while certain superstitions about the Jews as a “pariah people” flourished.²⁹ Historian Anthony Polonsky remarks:

Of these the most important were the belief that the Jews were responsible for spreading disease, specifically the plague, which had devastated Europe in the fourteenth century; the belief that the Jews used Christian blood for ritual purposes especially for the making of matzah; and the belief that the Jews desecrated the host.³⁰

Throughout the period from 1500 up to World War II, the Jews within the Commonwealth of Poland-Lithuania, “. . . were also subject to periodic outbreaks of popular violence . . . in a general atmosphere of contempt and hostility.”³¹

The Jews of Poland-Lithuania occupied a privileged existence under the Christian nobles of this region. The nobles had established a disproportionate economic and political dominance in the region by the 15th century. As early as the 13th century, the Polish Kings had invited the Jews to the Polish-Lithuanian territory to undertake “certain necessary functions of minting, banking, and foreign trade.”³² Under the nobles, the Jews, . . . acquired leases on mills, tolls, and taxes, and on brewing and distilling. They played an important role in the vital grain trade down the Polish rivers to the Baltic and were the indispensable craftsmen of the rural economy in small towns and villages: carpenters, cobblers, tailors, tar-makers.³³

²⁹ Antony Polonsky, *The Jews of Poland and Russia: A Short History* (Oxford: The Littman Library of Jewish Civilization, 2013), 1-6. At the time of this writing, Antony Polonsky was a Professor of Holocaust Studies at Brandeis University in Waltham, Massachusetts. His book cited herein is his condensed version of his earlier award-winning and exhaustive, three-volume series under the same title.

³⁰ Antony Polonsky, *The Jews of Poland and Russia: A Short History* . . . , 8.

³¹ *Ibid.*, 9-10.

³² *Ibid.*, 11-13; Antony, Polonsky, “The Jews in Poland/Lithuania and Russia: 1350 to the Present Day,” *YIVO Centre for Jewish Studies – Guest Lecture*, 22 October 2013, accessed online via YouTube 16 April 2018, <https://www.youtube.com/watch?v=33yXUrm5uMs>.

³³ Antony Polonsky, *The Jews of Poland and Russia: A Short History* . . . , 13.

Under the nobles, the Jews were afforded protection in exchange for the provision of their services, yet not respect. Most Jews within Poland-Lithuania lived in noble towns. The Jews, as a result, often played the role of middle-management and tax collector, between the large peasant population and the ruling nobility. The elevated position of the Jews also engendered a strong disdain amongst the peasants.³⁴ In 1920, an estimated 64 percent of the Polish population of 27 million people were peasant farmers. According to a 1931 census, only 0.6 percent of Polish farmers were Jewish but made up almost 62 percent of those deriving a living from trade in Poland. Within the fluctuating economics of the 1920s and 30s, most of Poland's Jews involved in trade wound up in deep poverty. Notwithstanding, by the 1931 census, 46 percent of all lawyers and 50 percent of all doctors in Poland were Jewish, which further contributed to resentment amongst the non-Jewish peasants.³⁵

As the industrial revolution flourished and urban centres swelled, many with a sizeable Jewish demographic, the Polish intelligentsia increasingly saw the cities as “corrupt and degenerate.” For the anti-Semites amongst them, the blame of criminality was pinned on the Jews. Jews were popularly held responsible for, “prostitution, the white slave trade, racketeering, burglary” and many more criminal activities. As the 19th century drew to a close, so did the power of the nobility and the protection afforded the

³⁴ *Ibid*, 15-16.

³⁵ Adam Zamoyski, *The Polish Way – A Thousand Year History of the Poles and their Culture* (New York: Hippocrene Books, 1995) 345-347.

Jews. This combined with a rise in nationalism throughout Poland that occurred in waves in the late 1800s, early 1900s, early 1920s and 1930s, further undermined the Jews.³⁶

In his book, *The Polish Way*, Adam Zamoyski also discusses the political turbulence of the 1920s and 1930s in Poland and how it directly fanned the flames of anti-Semitism.³⁷ Zamoyski's comments are supported by research as presented by the *YIVO Encyclopedia of Jews in Eastern Europe* which notes the following:

The deterioration of relations between Jews and Poles in interwar Poland, complicated by the aggressive anti-Jewish policies of the National Democrats (Endecja), led to several incidents of interethnic violence and pogroms. The most notorious of these were in Grodno (7 June 1935), Przytyk (9 March 1936), and Brześć nad Bugiem (Brest; 13 May 1937).³⁸

Anti-Semitism in Poland during World War II

While many non-Jewish Poles were perpetrators, there were also a significant number of rescuers, making it equally difficult to concretely implicate the *nation* of Poland as complicit or responsible for Nazi aggression against the Jews.

The German army launched their offensive against the Russians in June 1941 and pushed east into the Soviet-occupied territories of Poland. As the German army rapidly advanced, it left behind it a land mostly ungoverned until the region was stabilized toward the end of that summer. In its wake, a wave of anti-Jewish pogroms swept across Poland and some borderlands. These pogroms, while numerous and the cause of suffering and thousands of Jewish murders, occurred only in several but indeed not all Polish urban

³⁶ Antony Polonsky, *The Jews of Poland and Russia: A Short History* . . . , 110, 204-205, 207, 224-225.

³⁷ Adam Zamoyski, *The Polish Way – A Thousand Year History of the Poles* . . . , 345-347.

³⁸ The YIVO Encyclopedia of Jews in Eastern Europe, accessed online 23 April 2018, <http://www.yivoencyclopedia.org/article.aspx/Pogroms>.

centres.³⁹ Perhaps the most studied and hotly debated of these pogroms occurred in the northeastern Polish town of Jedwabne. Based on extensive research, in his book *Neighbors*, Jan Gross provides a detailed accounting of the massacre. A significant portion of Jedwabne's Jewish population (between 400 to 1600 persons) was murdered by a sizeable measure of Jedwabne's non-Jewish members (approximately 100 persons), mostly in one day, while the remainder of the non-Jewish Poles stood by.⁴⁰

These were mass slaughters occurring in different locales throughout Poland and perpetrated by local non-Jewish civilian groups. But there is a distinction to be made against the Nazi killing operations. By order of Nazi official Reinhard Heydrich, to the Einsatzgruppen, the work of massacring Jews was not to involve local Poles (non-Jewish) who were nonetheless to be allowed and enabled to conduct pogroms (without Nazi assistance). In the case of some pogroms, local Polish municipal officials and German officials corroborated in the planning.⁴¹ Accounts also exist of the Polish Home Army (the organized Polish resistance, whose leadership remained in contact and followed guidance from the London-based Polish Government-in-Exile) and the Polish Blue Police

³⁹ Jeffrey S. Kopstein and Jason Wittenberg, "Deadly Communities: Local Political Milieus and the Persecution of Jews in Occupied Poland," *Comparative Political Studies* 44, no. 3 (2011): 260-268.

⁴⁰ Jan T. Gross, *Neighbors: The Destruction of the Jewish Community in Jedwabne, Poland* (Princeton: Princeton University Press, 2001), 1-200. At the time of the massacre, the total population of Jedwabne was estimated at 3,000 people, half of whom were Jewish, half non-Jewish, and all of whom were Polish citizens under German occupation; Yoram Galim, Lieutenant Colonel (retired), Judge Advocate General, Israeli Defense Force, email conversation, 2 May 2018. LCol(R) Galim stated: "Until a few months ago I was sure that Jedwabne was a single case of a mass murder of Jews by Poles. From Mirosław Tryczyk's book "Miasta Śmierci - Sąsiedzkie pogromy Żydów w latach 1941-1942" (Towns of Death - Pogroms of Jews by the neighbors in the years 1941-1942) I learned that there were about 14 "Jedwabnes" (all in the same area around Łomża)."

⁴¹ Jeffrey S. Kopstein and Jason Wittenberg, "Deadly Communities . . .", 264.

being responsible for denunciations and the murder of Jews.⁴² Several parties within the Government Delegation – the underground Polish government in Poland – are believed to have favoured removal of the Jews from Poland.⁴³ There also exist many Holocaust survivor testimonies of non-Jewish Polish wartime hostility toward the Jews.⁴⁴

While it is undeniable that hefty numbers of non-Jewish Poles persecuted Jews, it is also well established that the Poles were responsible for the highest number of rescues amongst the Nazi-occupied European countries. Many survivor testimonies recount non-Jewish Polish compassion.⁴⁵ The Polish Home Army, factions of which were known perpetrators as mentioned above, also had elements that monitored the Jewish plight, sourced weapons and assistance to Jews, and provided frequent situation updates to the Allies.⁴⁶ The Polish underground in concert with the Polish Government-in-Exile made

⁴² Jan T. Gross, *Neighbours* . . . , 90; Joanna Beata Michlic, “At the Crossroads: Jedwabne and Polish Historiography of the Holocaust,” *Dapim: Studies on the Holocaust* 31, no. 3 (2017): 298, 302; Doris L. Bergen, *War & Genocide: A Concise History of the Holocaust* . . . , 124-125.

⁴³ Antony Polonsky, *The Jews of Poland and Russia: A Short History* . . . , 336; Piotr Wróbel, personal conversation, 24 April 2018. According to Wróbel, there were such organizations, but they did not cooperate with the Delegation and its directorship, the Polish Government-in-Exile.

⁴⁴ Sigmund Knaul, *Quo Vadis* . . . , within the chapter entitled *Quo Vadis – Where to?*; Stearn-Szykman, Hanka. *My Years as a Hefling – 1942 to 1945* (Toronto: 1995, with permission of the author), 6; Haim Hetch, “Two Barns,” Apple Film Production, Children of Jewish Holocaust Survivors site, uploaded 25 January 2015, accessed 3 May 2018, <https://cjhsa.org/2015/01/25/two-barns-english-version/>. A documentary description of the complexity of the behavior of the Poles towards the Jews during the Holocaust. Shevach Weiss, a former Chairman of the Knesset and a former Israeli Ambassador to Poland, speaks about the barn in Jedwabne and about the one in which his life was saved by non-Jewish Poles. These three references provide just three testimonies amongst estimated thousands.

⁴⁵ Max Eisen, *By Chance Alone* (Toronto, HarperCollins Publishers Ltd., 2016), 117-124; Sigmund Knaul, *Quo Vadis* . . . , within the chapter entitled *Quo Vadis – Where to?*

⁴⁶ Daniel Tilles. “The ‘Polish death camps’ controversy: Poland is not the only country that should confront its Holocaust history,” *Notes from Poland – Inne Spojrzenia Na Polskę*, 31 January 2018, accessed online 5 April 2018, <https://notesfrompoland.com/2018/01/31/the-polish-death-camps-controversy-poland-is-not-the-only-country-that-should-confront-its-holocaust-history/>; Doris L. Bergen, *War & Genocide: A Concise History of the Holocaust* . . . , 124-125; Piotr Wróbel, personal conversation, 24 April 2018. According to Wróbel, there were indeed members of the Home Army murdering Jews, but the leadership was against it.

significant efforts to expose the Nazi genocide of the Jews throughout the war.⁴⁷ Żegota, the Polish Council to Aid Jews, one of a kind amongst the Nazi-occupied countries, was responsible for saving an estimated 4,000 Polish Jews.⁴⁸ There were hundreds and possibly thousands of instances of non-Jewish Poles across Poland hiding Jews. And while the Nazis provided incentives to those who would terrorize the Jews, the Nazis would equally apply cruel and often fatal punishment to those who would dare help the Jews.⁴⁹ Ultimately, Yad Vashem has bestowed the title of “Righteous Among the Nations” to 6,706 Polish rescue cases, the largest by far amongst 51 countries in the Yad Vashem Righteous Database.⁵⁰

In *Neighbors*, Gross explains the slippery slope of whether or not the Polish *nation* was complicit in the Holocaust. In so doing Gross also propounds that non-Jewish Poles denouncing Jews to the Nazis, and Polish pogroms sanctioned under the Nazis, were not forced by the Nazis but contributed nonetheless to The Final Solution. Gross states,

Usually the canon of collective identity is assembled from deeds that are somehow special, striking, or remarkable. It is made up, in other words, of

⁴⁷ Samantha Power, *A Problem from Hell – America and the Age of Genocide* (New York: Harper Perennial, 2003) 31-33; Antony Polonsky, *The Jews of Poland and Russia: A Short History . . .*, 335-336.

⁴⁸ “Jewish Resistance: Konrad Żegota Committee,” *The Jewish Virtual Library* site, accessed online 3 May 2018, <http://www.jewishvirtuallibrary.org/the-379-egota>.

⁴⁹ Antony, Polonsky, “The Jews in Poland/Lithuania and Russia: 1350 to the Present Day,” *YIVO Centre for Jewish Studies – Guest Lecture*, 22 October 2013, accessed online via YouTube 16 April 2018, <https://www.youtube.com/watch?v=33yXUrm5uMs>.

⁵⁰ “Righteous” page, *Yad Vashem* webpage, accessed online 17 April 2018, <http://www.yadvashem.org/righteous/statistics.html>. Many argue that Poland leads the other European nations in Jewish-rescues by such a large gap given that its pre-war Jewish population was so much higher than the other European countries. The statistics should not be so dismissed. The Righteous Database is incomplete, and a more in-depth understanding/assessment of the figures is required. It is also likely that the real number of non-Jewish Poles who hid Jews was much higher than 6,706, because many of them were executed with their whole families and with the hidden Jews, and no one remained to inform Yad Vashem about them.

actions that depart from routine, that are unusual. And even though it is only a Fryderyk, a Jan, or a Mikolaj who has actually performed such deeds, as constructive components of the canon they also belong to the collective “us.” Hence, Polish music, most deservedly, is proud of “our” Chopin; Polish science of “our” Copernicus; and Poland thinks of itself as a “bastion of Christianity [*przedmurze chrześcijaństwa*]” in no small part because King Jan Sobieski defeated the Turks in an important battle near Vienna. For this reason, we are entitled to ask whether deeds committed by the likes of Laudanski and Karolak [both were Jedwabne non-Jewish perpetrators and remarkably, Karolak was the town's mayor at the time of the massacre] – since they were so striking and unusual – engage Polish collective identity as well.⁵¹

Do we paint the wartime non-Jewish Poles as perpetrators or rescuers? It would appear that non-Jewish Poles were both. Historian Padraic Kenney argues that Polish citizens do bear collective accountability.⁵² Undoubtedly, a significant number of non-Jewish Polish individuals, across a spectrum of Polish districts, were not guilty of directly assisting the Nazis, but of sharing the spirit of the Nazi goal of *Endlösung* – to obliterate European Jewry.⁵³ Polish-Canadian historian Jan Grabowski wrote in 2017: “They [non-Jewish Poles] were realizing their own dream of a Jew-free Poland.”⁵⁴ Ownership of that guilt and apology do factor into reconciliation.⁵⁵ While the Germans have chosen to own their responsibility for the Holocaust, non-Jewish Poles have not.⁵⁶ A comparison can be

⁵¹ Jan T. Gross, *Neighbours . . .*, 90.

⁵² Padriac Kenny, “Wina, wojna, naród [Responsibility, the War, and the Polish Nation],” *Kultura liberalna*, 23 February 2018, received via email from the author, 25 March 2018.

⁵³ Gilbert, Martin, *The Holocaust – A History of the Jews of Europe during the Second World War* (New York: Hold, Rinehart and Winston, 1986), 152. This is reference only to where the term *Endlösung* was picked from, as opposed to the idea expressed in the preceding sentence, which represents an opinion of this paper's author.

⁵⁴ Colin Perkel, “Canadian Holocaust scholar says he’s a target of Polish ‘hate’ campaign,” *The Globe and Mail*, 20 June 2017, accessed online 6 May 2018, <https://www.theglobeandmail.com/news/national/canadian-holocaust-scholar-says-hes-a-target-of-polish-hate-campaign/article35393029/>.

⁵⁵ Adam Jones, *Genocide – A Comprehensive Introduction . . .*, 736-737. Jones dedicates a section to the power of an apology in discussing “Justice, Truth, and Redress.”

⁵⁶ Adam Jones, *Genocide – A Comprehensive Introduction . . .*, 664.

readily made with Turkey's refusal to recognize the Armenian Genocide and the Ottoman Empire's part in it.⁵⁷ According to Grabowski: "Each time historians have tried to shed light on the untold part of Polish history [reference made to domestic anti-Semitism], authorities have responded with hostility."⁵⁸

Anti-Semitism in Poland from World War II to 2018

Anti-Jewish violence, including pogroms and murders at the hands of non-Jewish Polish citizens, continued throughout Poland in the immediate post-war period. Many of these episodes involved the cooperation of Polish state officials.⁵⁹ Another notable wave of Polish nationalism and aggressive anti-Semitism surfaced during the so-called "March Events" of 1968, which saw unprecedented student protests against the Soviet puppet government. The results were beatings at the hands of Polish security forces, imprisonments and more migration of Jews out of Poland.⁶⁰ With the fall of Communism in Poland in 1989, the 26 years that followed saw the dominance of neoliberalism in Poland and a reckoning with its anti-Semitic past.⁶¹ As the Law and Justice Party rose to

⁵⁷ "Erdogan: Turkey will 'never accept' genocide charges," *Deutsche Welle*, 4 June 2016, accessed online 4 May 2018, <http://www.dw.com/en/erdogan-turkey-will-never-accept-genocide-charges/a-19307115>.

⁵⁸ Jan Grabowski, "Muzzling Holocaust law casts shadow over 75th anniversary of the Warsaw Ghetto Uprising," *Day 6 – CBC Radio*, 14 April 2018, accessed online 14 April 2018, <http://www.cbc.ca/radio/day6/muzzling-holocaust-law-casts-shadow-over-75th-anniversary-of-the-warsaw-ghetto-uprising-1.4616441>.

⁵⁹ Jan T. Gross, *Fear: Anti-Semitism in Poland after Auschwitz* (New York: Random House Trade Paperbacks, 2006), 34-39, 58-60, 81-82.

⁶⁰ Jan T. Gross, "Law, Justice, and Memory in Poland." *Jewish Review of Books*, Spring 2018, accessed online 21 April 2018, <https://jewishreviewofbooks.com/>; Irena Grudzinska-Gross, "March 1968, The Last Exodus of Polish Jews, Fifty Years Later," *Seminar at the University of Toronto, George Ignatieff Theatre*, 26 March 2018; Timothy Snyder, *Bloodlands . . .*, 374-375.

⁶¹ Markiewicz, Agnieszka, "Parliament's action imperils Polish-Jewish relations," *Religion News Service - Commentary*, 5 February 2018, accessed online 4 May 2018, <https://religionnews.com/2018/02/05/parliaments-action-imperils-polish-jewish-relations/>.

power in 2015, a resurgence of nationalism, right-wing extremism, xenophobia, and anti-Semitism has played out yet again.⁶² The Jewish population of Poland was estimated at just 30,000 people as of 2018.⁶³

What is Law and Justice trying to accomplish?

By instituting the Death Camps law, the PiS government and its supporters wish to broaden a nationalist agenda; glorify the so-called suffering nation of Poland; and avoid state accountability as it relates to property restitution.

Since inception, PiS has touted the aim of the Death Camps law as to protect Poland's good name, mainly as it relates to the false moniker of “Polish death camps.” But if the objective was simply to correct that specific historical falsehood, PiS could have done so easily. “Instead, the goal of this legislation was . . . to falsify the history of the Holocaust in the service of toxic nationalism.”⁶⁴ Historian Marci Shore provides a similar yet more descriptive statement of the real aim of PiS:

⁶² Matthew Taylor, “‘White Europe’: 60,000 nationalists march on Poland’s Independence Day,” *The Guardian – International Edition*, 12 November 2017, accessed online 3 May 2018, <https://www.theguardian.com/world/2017/nov/12/white-europe-60000-nationalists-march-on-polands-independence-day>.

⁶³ Piotr Wróbel, personal conversation, 10 April 2018. Wróbel estimated the 2018 Jewish population in Poland at 30,000 people; The World Factbook, a Central Intelligence Agency site, accessed online 22 April 2018, <https://www.cia.gov/library/publications/the-world-factbook/>. The CIA estimated that the total Polish population of almost 38.5 million, included 0.4% of persons claiming the following religions as of 2012: Jehovah's Witness, Buddhist, Hare Krishna, Gaudiya Vaishnavism, Muslim, Jewish, Mormon.

⁶⁴ Jan T. Gross, “Law, Justice, and Memory in Poland,” *Jewish Review of Books*, Spring 2018, accessed online 21 April 2018, <https://jewishreviewofbooks.com>; Applebaum, Anne, *et al.* “Polish Law denies reality of the Holocaust.” *The Guardian News*, 5 February 2018, accessed online 22 April 2018, <https://www.theguardian.com/world/2018/feb/05/polish-law-denies-reality-of-holocaust>. Signed by 88 persons, many of them recognizable scholars, this is a letter of protest pleading the Polish government not to sign the proposed legislation into law. The authors specifically state: “The intention behind this bill was to defend the good name of Poland, that much is clear. When Poles hear the words “Polish camps,” they assume, often overreacting, that they are being accused of being responsible for Auschwitz (when Jan Karski wrote about “Polish camps” he was describing “camps located in Poland”). This bill goes further than that – it assumes the Poles’ complete innocence, framing them as the only guiltless nation in Europe. This is not the way to reclaim Poland’s collective dignity.”

The rejection of the universal — the insistence on Polish exceptionalism — is at the heart of Poland’s “historical policy,” which aims to control the narrative of the 20th century in such a way as to glorify and exonerate Poles. The underlying principles are simple: a trope of Christ-like martyrdom; a Manichaean division between innocence and guilt, and an assurance that everything bad came from outside.⁶⁵

To further understand, consider Poland’s relatively recent history of nationalism.

Freelance journalist Jacob Mikanowski writes,

The answer has much to do with currents underlying Polish political life. For 200 years, Polish politics has oscillated between two nodes: the insurrectionaries and the state builders. From the 1794 Kosciuszko Uprising against Russia to the Solidarity movement of the early 1980s, a heroic confrontation with a powerful oppressor occupies the moral center of Poland’s politics. But while the heart of the nation lies with the insurrectionaries, most of the responsibility falls on the state builders.⁶⁶

Mikanowski goes on to explain that the two most influential parties in Poland since the fall of communism in 1989 have been in the state builder camp – the Democratic Left Alliance and the centrist Civic Platform.⁶⁷ The state builders drove Poland toward a pluralist society, more cosmopolitan and western in attitude, and even more willing to acknowledge the appalling role of some of its people in Jewish suffering between 1939 and 1945.⁶⁸

⁶⁵ Marci Shore, “Poland Digs Itself a Memory Hole.” *The New York Times, Opinion, Op-Ed Contributor*, 4 February 2018, accessed online 14 March 2018.
<https://www.nytimes.com/2018/02/04/opinion/poland-holocaust-law-justice-government.html>.

⁶⁶ Jacob Mikanowski, “Lessons on the Holocaust, from Warsaw’s No. 35 Tram,” *Sunday Review, Opinion*, 17 February 2018, accessed online 14 March 2018,
<https://www.nytimes.com/2018/02/17/opinion/sunday/poland-holocaust.html>; Rick Noack, “Poland’s Senate passes Holocaust complicity bill despite concerns from U.S., Israel,” *The Washington Post, WorldViews*, 2 February 2018, accessed online 14 March 2018,
https://www.washingtonpost.com/news/worldviews/wp/2018/02/01/polands-senate-passes-holocaust-complicity-bill-despite-concerns-from-u-s-israel/?utm_term=.7c651c5caa60. Noack also states that nationalism is part of the agenda sought by Law and Justice in instituting the Death Camps law.

⁶⁷ Jacob Mikanowski, “Lessons on the Holocaust, from Warsaw’s No. 35 Tram,” *Sunday Review, Opinion*, 17 February 2018, accessed online 14 March 2018,
<https://www.nytimes.com/2018/02/17/opinion/sunday/poland-holocaust.html>.

⁶⁸ Piotr Wróbel, personal conversation, 10 April 2018.

When the insurrectionist Law and Justice Party came to power in 2005 and again in 2015, their stated objective was,

. . . the start of a new era, a Fourth Republic, sweeping away the Third Republic inaugurated in 1989. Over the centuries, Polish insurrectionists fought Austrians, Prussians, Russians, Nazis, and Soviets. All of these battles infected the country's politics with a particularly fatalistic, death-seeking variety of nationalism.⁶⁹

Since the fall of Communism in 1989, Poland's economy has burgeoned.⁷⁰ Poland has also grown socially and become more "European." The latter in particular may be part of the cause underlying the popular PiS national agenda. And now, with little threat of an invading army, Poland has chosen to refute its past and maneuver itself toward a Poland that is less cosmopolitan, less westernized, more conservative, and most importantly, toward a more "pure" Poland (implying whiter and more Christian).⁷¹

Mikanowski discusses the glorification of the so-called suffering Poland when he states,

But most of all, Law and Justice has focused on presenting itself as a defender of the nation's honor. This means exalting martyrs (the insurrectionaries of 1944, the "cursed soldiers" who fought Communism

⁶⁹ Jacob Mikanowski, "Lessons on the Holocaust, from Warsaw's No. 35 Tram," *Sunday Review, Opinion*, 17 February 2018, accessed online 14 March 2018, <https://www.nytimes.com/2018/02/17/opinion/sunday/poland-holocaust.html>.

⁷⁰ The World Bank, "Data," accessed online 4 April 2018, <https://data.worldbank.org/indicator/NY.GDP.PCAP.CD?end=2016&locations=PL&start=1993>. The following indicators for Poland reveal significant overall positive gains since 1992: "GDP (current US\$)," "GDP per capita (current US\$)," "GDP Growth," and "Inflation, consumer prices (annual %)." Of particular note, there were declines in all these areas in 2006 and 2015, at the same time that Law and Justice came to power and nationalism saw a revival.

⁷¹ Jacob Mikanowski, "Lessons on the Holocaust, from Warsaw's No. 35 Tram," *Sunday Review, Opinion*, 17 February 2018, accessed online 14 March 2018, <https://www.nytimes.com/2018/02/17/opinion/sunday/poland-holocaust.html>; Matthew Taylor, "'White Europe': 60,000 nationalists march on Poland's independence day," *The Guardian – International Edition*, 12 November 2017, accessed online 3 May 2018, <https://www.theguardian.com/world/2017/nov/12/white-europe-60000-nationalists-march-on-polands-independence-day>.

after the war) and punishing “slanderers.” A nationalism founded on glorifying collective sacrifice has curdled into a chauvinism of pain.⁷²

In his book *Neighbors*, Jan Gross also discusses this idea of glorification. Gross very plainly acknowledges, as many other scholars have done, that non-Jewish Poles did suffer significantly during World War II. Nonetheless, Gross states,

Poland, once a dominant power in Europe, was partitioned by its more powerful neighbors throughout much of the nineteenth and twentieth centuries, and its elites organized several heroic but unsuccessful uprisings. “For your freedom and ours,” was the traditional watchword of victims. Both ideas – that the persecuted weak are right until proved otherwise, and that the liberty of mankind is universal – were embedded in the Romantic mythos. Nineteenth-century Polish messianism portrayed Poland as “the Christ of Nations.” *But* during the Second World War, Poles failed to recognize a fellow victim, not in some far-off land but living right across the street. And this attitude, in a manner of speaking, continued in the post-war period.⁷³

Consider the words of the current President of Poland, Andrzej Duda, in 2018. On 12 April 2018, the Presidents of Israel and Poland stood together, at the Birkenau Nazi death camp, to commemorate the 30th annual event of *The March of the Living*. Duda’s words were incredibly disturbing. In his ten-minute speech, he fully acknowledged the astonishing scale of the genocide of the Jews perpetrated by the Nazis. Duda goes on to falsely declare that for the 1,000 years before 1939, the land of Poland welcomed Jews and that together Jews and non-Jews lived a peaceful co-existence. Duda misleadingly continues by stating that Jews and non-Jews fought together to realize Poland’s independence 100 years ago (in the period 1918 to 1920), fought together to build Poland during the interwar period, and again fought arm-in-arm against the Nazis. In his

⁷² Jacob Mikanowski, “Lessons on the Holocaust, from Warsaw’s No. 35 Tram,” *Sunday Review, Opinion*, 17 February 2018, accessed online 14 March 2018, <https://www.nytimes.com/2018/02/17/opinion/sunday/poland-holocaust.html>.

⁷³ Jan T. Gross, *Neighbors* . . . , 119.

concluding remarks, he notes that Poland is fulfilling its duty of safeguarding the memorials of the Holocaust and suggests that non-Jewish Poles take great pride in this and will not let the Holocaust be forgotten.⁷⁴ Jan Grabowski stresses how such declarations are historically inaccurate and serve a purpose of glorifying Poland despite overwhelming substantiation that many non-Jewish Poles viciously persecuted their Jewish neighbours throughout the Nazi occupation.⁷⁵

While virulent nationalism and self-glorification play critical roles in the PiS objectives behind the Death Camps law, accountability, as it relates to property restitution, is a crucial third driver.⁷⁶ Of the three million Polish Jews killed between 1939 and 1945, a significant number owned property – both private and communal (synagogues, cemeteries, schools, etc.). Many non-Jewish Poles assumed property ownership from their Jewish neighbours in the wake of deportations.⁷⁷ Under the Nazis, a massive amount of Jewish property was expropriated, acquired and nationalized, and

⁷⁴ Andrzej Duda (speech, March of the Living, Auschwitz-Birkenau, Poland), 13 April 2018, accessed online 17 April 2018, <https://www.bing.com/videos/search?q=polish+president+march+of+the+living+speech&view=detail&mid=14B9385FF6914AA600DA14B9385FF6914AA600DA&FORM=VIRE&adlt=strict>.

⁷⁵ Jan Grabowski, “Poland must remember the truth of the Warsaw uprising,” *The Globe and Mail*, 4 May 2018, accessed online 6 May 2018, <https://www.theglobeandmail.com/opinion/article-poland-must-remember-the-truth-of-the-warsaw-uprising/>.

⁷⁶ Max Eisen, personal conversation, 17 April 2018. Mr. Eisen is a Toronto based Holocaust survivor of both Auschwitz and Mauthausen concentration camps. He contended that avoidance of the massive financial burden associated with property restitution is a key driver behind the Death Camps law. Also, this paper's author is the son of a Polish Holocaust survivor, Sigmund Knaul, who came from a large family. Only Sigmund, one half-brother, and an uncle (and his small family) survived. It is believed that the family-owned properties. His memoir [Sigmund Knaul. *Quo Vadis* (Toronto: The Coach House Printing Company, 1993, with permission of the author)] explains some background. Recent research under his name through Yad Vashem has provided other fragments of information.

⁷⁷ Timothy Snyder, *Bloodlands* . . . , 352.

further nationalized under the post-war Communists.⁷⁸ The estimated total value of the lost property exceeds one billion dollars US.⁷⁹

Poland is the only country amongst Central and Eastern European states to have never introduced a comprehensive property restitution law. A concordat was established in 1997, but it was constrained to claims of communal property only, with differentiation as to Jewish or non-Jewish former ownership. Of the 5,814 applications made, only 22 percent had received rulings as of 2008, and of the resolved claims, very few have led to restitution or compensation.⁸⁰ To date, there has not been any legislation passed regarding personal property, relegating private claimants to the complicated Polish courts where no plaintiff has met with success. PiS announced a series of proposals in the Fall of 2017 that will reportedly bring in legislation paving the way for property restitution. However, compensation is limited to “20 percent of the property’s prewar value or 25 percent in Polish government bonds.” Furthermore, who is allowed to submit a claim is very constrained and how to process the claim is exceedingly complicated.⁸¹ These proposed measures have met with much disappointment and controversy, and they appear linked to the PiS Death Camps law. Highlighting the dispute have been some of the recent

⁷⁸ Jan T. Gross, *Fear . . .*, 47-51; Max Minckler and Sylwia Mitura, “Roadblocks to Jewish Restitution: Poland’s Unsettled Property,” *Humanity in Action*, 2008, accessed online 21 April 2018, <https://www.humanityinaction.org/knowledgebase/115-roadblocks-to-jewish-restitution-poland-s-unsettled-property>.

⁷⁹ JTA, “Poland to partially compensate Jewish, private-owned looted property,” *The Times of Israel*, 13 October 2017, accessed online 21 April 2018, <https://www.timesofisrael.com/poland-to-partially-compensate-jewish-private-owned-looted-property/>.

⁸⁰ Max Minckler and Sylwia Mitura, “Roadblocks to Jewish Restitution: Poland’s Unsettled Property,” *Humanity in Action*, 2008, accessed online 21 April 2018, <https://www.humanityinaction.org/knowledgebase/115-roadblocks-to-jewish-restitution-poland-s-unsettled-property>.

⁸¹ Christian Davies, “Are Poland’s Proposed Holocaust Restitution Laws a Form of Historical Denial?” *Tablet – Europe*, 18 January 2018, accessed online 21 April 2018, <http://www.tabletmag.com/jewish-news-and-politics/253433/poland-holocaust-restitution-laws>.

pernicious remarks from the Polish ruling party, such as that by PiS Senator Jerzy Czerwinski stating in February 2018 that opponents of the Death Camps law harbour a “hidden agenda” aimed at a money grab. Czerwinski further exclaimed: “After all, we know that Jewish circles, including American, but mostly the state of Israel, are trying to get restitution of property or at least compensation.”⁸²

The Immediate Impacts of the “Death Camps” Law

Less than one month after the law was enacted, the effect has been immediate and perforating to the veil of collective memory; eroding of Polish-Jewish and Polish-Israeli relations; and thinning of Poland’s credibility on the international stage.

In his book *Nineteen Eighty-Four*, George Orwell satirized how totalitarian regimes rewrite the history of their country. Memory, always selective, is intimately tied to the identity that we as human beings wish to portray of ourselves.⁸³ Scholars and journalists have warned that the Death Camps law will stifle free speech and alter collective memory. Ironically, and shockingly, the Polish government has rebuked that to focus the discussion on Poland's involvement in the Holocaust could lead [non-Jewish] Polish youth to believe that their country was indeed involved in war crimes.⁸⁴ With this

⁸² Vanessa Gera and Monika Scislowka, “Poland signs controversial bill banning its blame for Holocaust crimes,” *Globe News*, 6 February 2018, accessed online 6 May 2018, <https://globalnews.ca/news/4009351/poland-holocaust-bill/>; Jan Grabowski, “Poland must remember the truth of the Warsaw uprising,” *The Globe and Mail*, 4 May 2018, accessed online 6 May 2018, <https://www.theglobeandmail.com/opinion/article-poland-must-remember-the-truth-of-the-warsaw-uprising/>. Grabowski also discusses the issue of stolen property, restitution, and Czerwinski’s remarks.

⁸³ Adam Jones, *Genocide – A Comprehensive Introduction . . .*, 332-337; Doris L. Bergen, *War & Genocide: A Concise History of the Holocaust . . .*, 663-664.

⁸⁴ Rick Noack, “Polish president signs Holocaust bill, drawing rare U.S. rebuke,” *The Washington Post, WorldViews*, 6 February 2018, accessed online 14 March 2018, https://www.washingtonpost.com/news/worldviews/wp/2018/02/06/polish-president-to-sign-holocaust-bill-despite-international-concerns/?utm_term=.b97a9385a9c6.

new law, PiS is attempting to fortify their desired identity of the heroic and guilt-free Poland. And to enable themselves, PiS has embarked on draconian efforts to interfere in the operation of Polish museums; “to legalize government control of the media;” to alter the structure and control of the independent judiciary; to alter court dockets; to purge “cultural institutions of critical voices;” and have refused “to comply with constitutional opinions.”⁸⁵ The US State Department, the European Commission, and the European Union have all advised that these measures may compromise their relations with Poland.⁸⁶ Perhaps Jan Gross sums up the effect best when he states, that the “Death Camps” law,

. . . aims to muzzle the extraordinarily rich and honest Polish historiography of the Holocaust produced over the last 20 years, which has provided the record of Poles’ complicity in the persecution of their Jewish fellow citizens.⁸⁷

Gross also adds that by the letter of the Death Camps law, many Polish survivors [the number would be well into the thousands] would be criminally liable for their

⁸⁵ Marci Shore, “Poland Digs Itself a Memory Hole.” *The New York Times, Opinion, Op-Ed Contributor*, 4 February 2018, accessed online 14 March 2018, <https://www.nytimes.com/2018/02/04/opinion/poland-holocaust-law-justice-government.html>; Roger Cohen, “Awaken, Poland, Before It’s Too Late,” *The New York Times, Opinion, Op-Ed Columnist*, 16 February 2018, accessed online 14 March 2018, <https://www.nytimes.com/2018/02/16/opinion/awaken-poland-before-its-too-late.html?action=click&contentCollection=Opinion&module=RelatedCoverage®ion=Marginalia&pgtype=article>; Christian Davies, “Poland’s president signs controversial law despite protests,” *The Guardian*, 25 July 2017, accessed online 14 March 2018, <https://www.theguardian.com/world/2017/jul/25/polands-president-signs-controversial-law-despite-protests>.

⁸⁶ Manuela Tobias, “Understanding Poland’s ‘Holocaust Law’,” *Politifact*, 9 March 2018, accessed online 3 April 2018, <http://www.politifact.com/truth-o-meter/article/2018/mar/09/understanding-polish-holocaust-law/>; Nick Robins-Early, “Poland Passes Law that EU says Threatens Country’s Democracy – the new bill gives the ruling nationalist party extensive powers over the courts,” *HuffPost*, 22 July 2017, accessed online 4 May 2018, https://www.huffingtonpost.ca/entry/poland-controversial-judicial-bill_us_5970bad2e4b0aa14ea7805be.

⁸⁷ Jan T. Gross, “Law, Justice, and Memory in Poland,” *Jewish Review of Books*, Spring 2018, accessed online 21 April 2018, <https://jewishreviewofbooks.com>.

testimonies if they have implicated non-Jewish Poles in Holocaust-era war crimes.⁸⁸

Already as of March 2018, the Polish League Against Defamation (RDI) - a non-profit supporter of the Law and Justice Party - filed a legal case against the website of Pagina 12 - an Argentinian newspaper - under the Death Camps bill. Allegedly Pagina 12 used a photograph of post-World War II anti-Communist Polish rebel fighters in an article regarding the 1941 Jedwabne pogrom.⁸⁹

These actions stand to reinforce the right-wing notions of supporters of the Law and Justice Party, as seen in recent polls in Poland.⁹⁰ But worse, such manoeuvres stand to reshape the minds of children, the effects of which we cannot yet quantify. And in today's age of rapid information flow, the impact can and already has stretched beyond Poland's borders with nationalist fervour on the rise in Hungary and the Czech Republic.⁹¹

The consequences of the Death Camps law to Polish-Jewish relations are foreboding. Apprehension has been expressed by various Jewish communities that the law will raise tensions between Jews and non-Jews in Poland.⁹² And this has been quantified. The poll mentioned above was conducted in Poland in February 2018 before

⁸⁸ *Ibid.*

⁸⁹ Toi Staff and AFP, "First Poland Holocaust law complaint targets Argentina paper," *The Times of Israel*, 3 March 2018, assessed online 7 May 2018, <https://www.timesofisrael.com/first-poland-holocaust-law-complaint-targets-argentina-paper/>.

⁹⁰ CBOS Public Opinion Research Centre, "Discussion about the Amendment to the Law on the IPN (Institute of National Remembrance)," February 2018, survey carried out in February 2018 on a representative random sample of adults resident in Poland, received via email in English translation from Dr. Jacek Kucharczyk, Instytut Spraw Publicznych [Institute of Public Affairs], Poland, 11 April 2018.

⁹¹ Volker Wagener, "Rising nationalism and the EU's split with the East," *Deutsche Welle*, 8 January 2018, accessed online 4 May 2018, <http://www.dw.com/en/rising-nationalism-and-the-eus-split-with-the-east/a-42073959>.

⁹² Agnieszka Markiewicz, "Parliament's action imperils Polish-Jewish relations," *Religion News Service - Commentary*, 5 February 2018, accessed online 4 May 2018, <https://religionnews.com/2018/02/05/parliaments-action-imperils-polish-jewish-relations/>.

the Polish President approved the law. Of those polled, a significant percentage agreed with the implementation of the Death Camps law. Moreover, a substantial proportion felt that the law and its associated punishment are effective countermeasures to combat perceived false statements regarding Poland's participation in the Holocaust. The poll also suggests that a considerable percentage of [non-Jewish] Poles do not understand why Jewish communities have expressed concern over the Death Camps law.⁹³

Several journalists and scholars have written that Polish-Jewish relations are greatly imperiled since Law and Justice came to power in 2015, and more specifically by the introduction of the "Death Camps" law.⁹⁴ Since the bill was first approved by the

⁹³ CBOS Public Opinion Research Centre, "Discussion about the Amendment to the Law on the IPN (Institute of National Remembrance)," February 2018, survey carried out in February 2018 on a representative random sample of adults resident in Poland, received via email in English translation from Dr. Jacek Kucharczyk, Instytut Spraw Publicznych [Institute of Public Affairs], Poland, 11 April 2018. The opening page of the survey provided the following general commentary: "The amendment of the Institute of National Remembrance Act has whipped up a political storm both at home and, in particular, abroad. The articles added to the Act, which were intended to protect the good name of Poland, have brought about protest from Israel and criticism from the USA, and there have been expressions of concern from Jewish communities. Critics of the new law say that it could block discussion about the attitudes of Polish people towards the Holocaust (what is known as the chilling effect). Despite reservations about the new law passed by Sejm, the Senate voted it through without further amendment. The President expressed an understanding of Jewish sensibilities, in particular, those of Holocaust survivors, [he] nonetheless signed the Act, simultaneously referring it for examination by the Constitutional Court. The Court is to pronounce on whether the new Article 55a places unauthorized limits on freedom of speech and whether it meets the requirement of adequate definition, one of the principles of the rule of law in a democratic state. By this requirement, laws must be formulated clearly, to enable individuals to foresee the consequences of their actions and to judge whether what they do is illegal and thus punishable by law, or not."

⁹⁴ Roger Cohen, "Awaken, Poland, Before It's Too Late," *The New York Times, Opinion, Op-Ed Columnist*, 16 February 2018, accessed online 14 March 2018, <https://www.nytimes.com/2018/02/16/opinion/awaken-poland-before-its-too-late.html?action=click&contentCollection=Opinion&module=RelatedCoverage®ion=Marginalia&pgty pe=article>; Jan T. Gross, "Law, Justice, and Memory in Poland," *Jewish Review of Books*, Spring 2018, accessed online 21 April 2018, <https://jewishreviewofbooks.com>; Rick Noack, "Polish president signs Holocaust bill, drawing rare U.S. rebuke," *The Washington Post, WorldViews*, 6 February 2018, accessed online 14 March 2018, https://www.washingtonpost.com/news/worldviews/wp/2018/02/06/polish-president-to-sign-holocaust-bill-despite-international-concerns/?utm_term=.b97a9385a9c6; Marci Shore, "Poland Digs Itself a Memory Hole," *The New York Times, Opinion, Op-Ed Contributor*, 4 February 2018, accessed online 14 March 2018, <https://www.nytimes.com/2018/02/04/opinion/poland-holocaust-law-justice-government.html>; Manuela Tobias, "Understanding Poland's 'Holocaust Law'," *Politifact*, 9 March

Polish lower house of parliament on 26 January 2018 – the day before the anniversary of the liberation of Auschwitz in 1945 - the rhetoric between Polish and Israeli government officials has been corrosive. In response to the bill passing the lower house, the Opposition leader in the Israeli parliament, Yair Lapid, tweeted the following inaccurate statement on 27 January,

I utterly condemn the new Polish law which tries to deny Polish complicity in the Holocaust. It was conceived in Germany, but hundreds of thousands of Jews were murdered without ever meeting a German soldier. There were Polish death camps, and no law can ever change that.⁹⁵

Two days later, President Duda made the statement: “There was no participation by Poland or the Polish people as a nation in the Holocaust.”⁹⁶

Israeli-Polish friction was again public on 17 April 2018 at the annual *March of the Living* ceremony, held in Birkenau. Ahead of the march in a private meeting, the President of Israel, Reuven Rivlin, said to his Polish counterpart, “. . . we cannot deny the fact that Poland and Poles lent a hand to the annihilation.”⁹⁷ Whereas the implication that “Poland”, either the *state* or the *nation*, was complicit in the Holocaust is an unproven, contentious and an inflammatory inference, nor were there ever any “Polish death camps.” Following the closed-door meeting, there was the speech by President Duda, the

2018, accessed online 3 April 2018, <http://www.politifact.com/truth-o-meter/article/2018/mar/09/understanding-polish-holocaust-law/>.

⁹⁵ Ruth Eglash and Avi Selk, “Israel and Poland try to tamp down tensions after Poland’s ‘death camp’ law sparks Israeli outrage,” *The Washington Post: WorldViews*, 28 January 2018, accessed online 22 April 2018, https://www.washingtonpost.com/news/worldviews/wp/2018/01/27/it-could-soon-be-a-crime-to-blame-poland-for-nazi-atrocities-and-israel-is-appalled/?utm_term=.712a50350384.

⁹⁶ Joel Gunter, “Holocaust law wields a ‘blunt instrument’ against Poland’s past,” *British Broadcasting Corporation (BBC) News*, 3 February 2018, accessed online 14 March 2018, <http://www.bbc.com/news/world-europe-42920934>.

⁹⁷ Ofer Aderet, “Israeli President to Polish Counterpart: We Cannot Deny That Poland and Poles Participated in Holocaust,” *Haaretz*, 12 April 2018, accessed online 22 April 2018, <https://www.haaretz.com/world-news/europe/israeli-polish-presidents-to-take-part-in-march-of-the-living-1.5993292>.

inaccurate details of which have already been discussed herein.⁹⁸ Freelance journalist David Harris writing in February 2018, described well the alarming state of Polish-Jewish relations as follows:

The core lesson will doubtless be that the moderate voices — committed to finding common ground on difficult issues, as befits friends — were outshouted and outmaneuvered by shrill, uncompromising voices, for whom any concession was seen as weakness, if not capitulation.⁹⁹

Conclusion

In the year 2000 libel trial of Irving-versus-Lipstadt/Penguin Books, in London, UK, Holocaust denier David Irving contended that the Nazis had no organized program to liquidate European Jewry. Irving staked his claim on the assertion that the Nazis did not build any extermination centres and that significant numbers of Auschwitz inmates simply perished due to the brutalities concomitant with life in a concentration camp. The trial hinged on disproving Irving's argument that there had been no homicidal gas chambers at Auschwitz. When Justice Charles Gray ruled in favour of the Defense, he concluded that based upon,

. . . the convergent evidence relied on by the Defendants . . . no objective, fair-minded historian would have serious cause to doubt that there were gas chambers at Auschwitz and that they were operated on a substantial scale to kill hundreds of thousands of Jews.¹⁰⁰

⁹⁸ Andrzej Duda (speech, March of the Living, Auschwitz-Birkenau, Poland), 13 April 2018, accessed online 17 April 2018, <https://www.bing.com/videos/search?q=polish+president+march+of+the+living+speech&view=detail&mid=14B9385FF6914AA600DA14B9385FF6914AA600DA&FORM=VIRE&adlt=strict>.

⁹⁹ David Harris, "Polish-Jewish Relations: A Case Study in What Can Go Wrong," *The Algemeiner*, 5 February 2018, accessed online 22 April 2018, <https://www.algemeiner.com/2018/02/05/polish-jewish-relations-a-case-study-in-what-can-go-wrong/>.

¹⁰⁰ Robert Jan van Pelt, *The Case for Auschwitz* (Bloomington: Indiana University Press, 2002), ix.

Grey sent a clear message: at some point, the mountains of testimonies, forensic evidence, records and surviving witnesses make the event undeniable.

The Holocaust did occur and between 10 to 11 million people, a little more than half of them Jewish, were brutally murdered by the Nazis – by bullets, by gassing, by death marches and by the devastation commensurate with deplorable life in the camps. The bulk of the Jews killed were Polish – some three million citizens. It was a well thought-out and progressively venomous plan born in Adolf Hitler's book *Mein Kampf* and pursued with vigour by the Nazis.¹⁰¹ The Polish government does not deny this. It has never tried to deny it.

Neither the *state* of Poland nor the Polish *nation* assisted or colluded with the Nazis in their conduct of the Final Solution. However, a large number of non-Jewish Poles shared the Nazis' fervor to rid Europe of the Jews, and thus contributed willingly to the Nazis' ultimate objective. Many of those non-Jewish Poles denounced Jews, prosecuted massacres or willingly stood by and watched while others did the dirty work. Across Poland, non-Jewish Poles did not conspire between communities but acted independently – savagely victimizing their Jewish neighbours – suggesting a collective or societal hatred. It is this aspect of the Holocaust in Poland that the 2018 ruling Law and Justice Party would like to wish away.

It must be stressed that no credible source has accused the *state* or *nation* of Poland of complicity in the Nazi's Final Solution. One only has to look at a 2016 Maclean's Magazine article which chronicles an open argument on this subject between

¹⁰¹ Robert Rozett and Shmuel Spector, *Encyclopedia of the Holocaust* . . . , 318.

University of Ottawa historian Jan Grabowski and the Polish Embassy's Chargé d'affaires in Ottawa. The Polish high representative defends the *state* and *nation* of Poland, yet where there is no accusation made, all the while side-stepping any accountability for slaughter during World War II at the hands of many individual non-Jewish Poles.¹⁰²

Juxtaposed against an incredible number of Jewish rescuers and compassionate events, the fact is that non-Jewish Polish civilians willingly slaughtered thousands of Jews. The PiS government has rashly thrown a shroud of nationalism over Poland's ugly past by instituting the Death Camps law. The law is also an attempt to glorify Poland and avoid what could amount to billions of dollars in property restitution claims.

The negative impacts of the law are far-reaching leading to deep rifts in Polish-Jewish and Polish-Israeli relations. Collective memory of the Holocaust is being twisted, and Poland's credibility within Europe and on the international stage is being compromised. And by attempting to reshape Poland's, and the world's view of the shameful part of its Holocaust past to meet a nationalist agenda, the Law and Justice Party is making Poland weaker as a nation, not stronger.¹⁰³

The Law and Justice Party has a strong support base within Poland. The controversy is likely to get worse before it gets better. The question then is: quo vadis – where to? Law and Justice is unlikely to change its nationalist/anti-Semitic tune, but that is what needs to happen, or PiS needs to be voted out of office. The how is not readily

¹⁰² “The Polish Embassy in Ottawa responds to Jan Grabowski,” *Maclean's*, 30 September 2016, accessed online 6 May 2018, <http://www.macleans.ca/news/world/the-polish-embassy-in-ottawa-responds-to-jan-grabowski/>.

¹⁰³ Matthew Taylor, “White Europe’: 60,000 nationalists march on Poland’s Independence Day,” *The Guardian – International Edition*, 12 November 2017, accessed online 3 May 2018, <https://www.theguardian.com/world/2017/nov/12/white-europe-60000-nationalists-march-on-polands-independence-day>.

answered, but perhaps it lies in external pressure from the European Union and the European Commission. Or maybe it rests with the Security Council where Poland presently holds a seat. Indeed, the international community must find a manner in which to work with Poland and bring about a change in attitude about its past. Israel would be wise to adopt accuracy in its stated opposition to the Death Camps law. Christian churches in Poland must cease preaching anti-Semitic angles. Most importantly, Jewish and non-Jewish Polish children should be taught an understanding and love of one another as opposed to hatred.¹⁰⁴

PiS is indeed trying to use the Death Camps law to reshape historical understanding of Polish history. Historian Antony Polonsky summed up his 2013 YIVO lecture with the following quote from Polish philosopher Leszek Kolakowski: “We study history, not in order to know how to behave or to succeed but to know who we are!”¹⁰⁵

¹⁰⁴ Agnieszka Markiewicz, “Parliament’s action imperils Polish-Jewish relations,” Religion News Service - Commentary, 5 February 2018, accessed online 4 May 2018, <https://religionnews.com/2018/02/05/parliaments-action-imperils-polish-jewish-relations/>.

¹⁰⁵ Antony, Polonsky, “The Jews in Poland/Lithuania and Russia: 1350 to the Present Day,” *YIVO Centre for Jewish Studies – Guest Lecture*, 22 October 2013, accessed online via YouTube 16 April 2018, <https://www.youtube.com/watch?v=33yXUrm5uMs>.

APPENDIX 1

Text of Poland's Holocaust Non-Complicity Law

The Institute of National Remembrance – Commission for the Prosecution of Crimes against the Polish Nation Act, the War Graves and Cemeteries Act, the Museums Act, the Liability of Collective Subjects for Acts Prohibited under Punishment Act, and the Prohibition of Propagating Communism or Other Totalitarian Systems through the Names of Buildings, Facilities and Areas of Public Use Act

Article 1. The Institute of National Remembrance – Commission for the Prosecution of Crimes against the Polish Nation Act of 18 December 1998 (Polish Journal of Laws of 2016, item 1575) is hereby amended as follows:

(1) Article 1:

(a) item 1a) shall read:

“a) Nazi crimes, communist crimes, crimes committed by Ukrainian nationalists and members of Ukrainian units collaborating with the Third Reich, and other felonies that constitute crimes against peace, crimes against humanity or war crimes, committed against persons of Polish nationality or Polish citizens of other nationalities between 8 November 1917 and 31 July 1990.

b) item 2 shall be followed by item 2a, reading:

“2a) protecting the reputation of the Republic of Poland and the Polish Nation;”;

(2) Article 2 shall be followed by Article 2a, reading:

“Article 2a. Within the meaning of the Act, crimes committed by Ukrainian nationalists and members of Ukrainian units collaborating with the Third Reich constitute acts committed by Ukrainian nationalists between 1925 and 1950 which involved the use of violence, terror or other human rights violations against individuals or population groups. Participating in the extermination of the Jewish population and genocide of citizens of the Second Polish Republic in Volhynia and Eastern Malopolska [Lesser Poland] also constitute a crime committed by Ukrainian nationalists and members of Ukrainian units collaborating with the Third Reich.”;

(3) Article 45a shall read:

“Article 45a. Investigations concerning crimes referred to in Articles 54–55a are initiated by a prosecutor of a branch commission.”;

(4) Article 53n is hereby repealed;

(5) section 6b shall be followed by section 6c, reading:

“Section 6c Protecting the reputation of the Republic of Poland and the Polish Nation Article 53o. Protecting the reputation of the Republic of Poland and the Polish Nation shall be governed by the provisions of the Civil Code Act of 23 April 1964 (Polish Journal of Laws of 2016, items 380, 585 and 1579) on the protection of personal rights. A court action aimed at protecting the Republic of Poland’s or the Polish Nation’s reputation may be brought by a non-governmental organisation within the remit of its statutory activities. Any resulting compensation or damages shall be awarded to the State Treasury. Article 53p. A court action aimed at protecting the Republic of Poland’s or the Polish Nation’s reputation may also be brought by the Institute of National Remembrance. In such cases, the Institute of National Remembrance shall have the capacity to be a party to court proceedings. Article 53q. The provisions of Article 53o and Article 53p shall apply irrespective of the governing law.”;

6) Article 55 shall be followed with Articles 55a and 55b, reading:

“Article 55a. 1. *Whoever claims, publicly and contrary to the facts, that the Polish Nation or the Republic of Poland is responsible or co-responsible for Nazi crimes committed by the Third Reich*, as specified in Article 6 of the Charter of the International Military Tribunal enclosed to the International agreement for the prosecution and punishment of the major war criminals of the European Axis, signed in London on 8 August 1945 (Polish Journal of Laws of 1947, item 367), or for other felonies that constitute crimes against peace, crimes against humanity or war crimes, or whoever otherwise grossly diminishes the responsibility of the true perpetrators of said crimes – *shall be liable to a fine or imprisonment for up to 3 years. The sentence shall be made public.* 2. *If the act specified in clause 1 is committed unintentionally, the perpetrator shall be liable to a fine or a restriction of liberty.* 3. *No offence is committed if the criminal act specified in clauses 1 and 2 is committed in the course of the one’s artistic or academic activity.* Article 55b. *Irrespective of the regulations in force at the location of committing the criminal act, this Act shall apply to Polish and foreign citizens in the event of committing the offences referred to in Articles 55 and 55a.*”¹⁰⁶

¹⁰⁶ Toi Staff, “Full text of Poland’s controversial Holocaust legislation,” *The Times of Israel*, 1 February 2018, accessed online 14 March 2018, <https://www.timesofisrael.com/full-text-of-polands-controversial-holocaust-legislation/>. This text is copied as it appears on *The Times* webpage. However certain phrases in Article 6 are italicized herein as they are specific areas that this paper focuses upon.

BIBLIOGRAPHY

- Aderet, Ofer. "Israeli President to Polish Counterpart: We Cannot Deny That Poland and Poles Participated in Holocaust." *Haaretz*, 12 April 2018. Accessed online 22 April 2018. <https://www.haaretz.com/world-news/europe/israeli-polish-presidents-to-take-part-in-march-of-the-living-1.5993292>.
- Applebaum, Anne *et al.* "Polish Law denies reality of the Holocaust." *The Guardian News*, 5 February 2018. Accessed online 22 April 2018. <https://www.theguardian.com/world/2018/feb/05/polish-law-denies-reality-of-holocaust>.
- Ardent, Hannah. "Eichmann in Jerusalem-I," *The New Yorker*, 16 February 1963. Accessed online 3 May 2018. <https://www.newyorker.com/magazine/1963/02/16/eichmann-in-jerusalem-i>.
- Bergen, Doris L. *War & Genocide: A Concise History of the Holocaust*, 2nd Edition. New York: Rowman & Littlefield Publishers, Inc., 2009.
- Bill, Stanley. "The Politics of Heroism: The Museum of Poles Saving Jews in World War II." *Notes from Poland – Inne Spojrzenia Na Polskę*, 31 March 2016. Accessed online 5 April 2018. <https://notesfrompoland.com/2016/03/31/the-politics-of-heroism-the-museum-of-poles-saving-jews-in-world-war-ii/>.
- CBOS Public Opinion Research Centre. "Discussion about the Amendment to the Law on the IPN (Institute of National Remembrance)." February 2018. Survey carried out in February 2018 on a representative random sample of adults resident in Poland. Received via email, in English translation, from Dr. Jacek Kucharczyk, Instytut Spraw Publicznych [Institute of Public Affairs], Poland, 11 April 2018.
- Cohen, Roger. "Awaken, Poland, Before It's Too Late." *The New York Times, Opinion, Op-Ed Columnist*, 16 February 2018. Accessed online 14 March 2018. <https://www.nytimes.com/2018/02/16/opinion/awaken-poland-before-its-too-late.html?action=click&contentCollection=Opinion&module=RelatedCoverage®ion=Marginalia&pgtype=article>.
- Dachau Concentration Camp Memorial Site webpage. Accessed online 15 April 2018. <https://www.kz-gedenkstaette-dachau.de/index-e.html>.
- Davies, Christian. "Are Poland's Proposed Holocaust Restitution Laws a Form of Historical Denial?" *Tablet – Europe*, 18 January 2018. Accessed online 21 April 2018. <http://www.tabletmag.com/jewish-news-and-politics/253433/poland-holocaust-restitution-laws>.

- Davies, Christian. "Poland's president signs controversial law despite protests." *The Guardian*, 25 July 2017. Accessed online 14 March 2018.
<https://www.theguardian.com/world/2017/jul/25/polands-president-signs-controversial-law-despite-protests>.
- Dawidowicz, Lucy S. *The War Against the Jews 1933 – 1945*. New York: Holt, Rinehart and Winston, 1975.
- Debois, Father Patrick. *The Holocaust by Bullets – A Priest's Journey to Uncover the Truth Behind the Murder of 1.5 Million Jews*. New York: Palgrave Macmillan, 2008.
- Duda, Andrzej. Speech, March of the Living, Auschwitz-Birkenau, Poland, 13 April 2018. Accessed online 17 April 2018.
<https://www.bing.com/videos/search?q=polish+president+march+of+the+living+speech&view=detail&mid=14B9385FF6914AA600DA14B9385FF6914AA600DA&FORM=VIRE&adlt=strict>.
- Eglash, Ruth, and Avi Selk. "Israel and Poland try to tamp down tensions after Poland's 'death camp' law sparks Israeli outrage." *The Washington Post: WorldViews*, 28 January 2018. Accessed online 22 April 2018.
https://www.washingtonpost.com/news/worldviews/wp/2018/01/27/it-could-soon-be-a-crime-to-blame-poland-for-nazi-atrocities-and-israel-is-appalled/?utm_term=.712a50350384.
- Eglash, Ruth, and Avi Selk. "Poland's Senate passes Holocaust complicity bill despite concerns from U.S., Israel." *The National Post*. Accessed online 14 March 2018.
<http://nationalpost.com/news/world/polands-senate-passes-holocaust-complicity-bill-despite-concerns-from-u-s-israel>.
- Eisen, Max. *By Chance Alone*. Toronto, HarperCollins Publishers Ltd., 2016.
- Eisen, Max. Personal conversation. 17 April 2018.
- "Erdogan: Turkey will 'never accept' genocide charges." *Deutsche Welle*, 4 June 2016. Accessed online 4 May 2018. <http://www.dw.com/en/erdogan-turkey-will-never-accept-genocide-charges/a-19307115>.
- Evans, Richard J. "From Nazism to Never Again." *Foreign Affairs* (January/February 2018): 8-15.
- "Extermination Camp." *Wikipedia*, last edited 25 April 2018. Accessed online 3 May 2018. https://en.wikipedia.org/wiki/Extermination_camp.

- Frankl, Viktor E. *Man's Search for Meaning – the Introduction to Logotherapy*. 4th Edition. Boston: Beacon Press, 1994.
- Friedländer, Saul. *Nazi Germany and the Jews, 1933-1945*. New York: Harper Perennial, 2009.
- Galim, Yoram. Email conversation. 2 May 2018.
- Gera, Vanessa, and Monika Scisłowska. "Poland signs controversial bill banning its blame for Holocaust crimes." *Globe News*, 6 February 2018. Accessed online 6 May 2018. <https://globalnews.ca/news/4009351/poland-holocaust-bill/>.
- Gilbert, Martin. *The Holocaust – A History of the Jews of Europe during the Second World War*. New York: Hold, Rinehart and Winston, 1986.
- Glenday, James. "Poland's President signs off on highly controversial Holocaust law." *ABC News*, 7 February 2018. Accessed online 14 March 2018. <http://www.abc.net.au/news/2018-02-07/poland-president-signs-off-on-highly-controversial-holocaust-law/9404338>.
- Grabowski, Jan. "Muzzling Holocaust law casts shadow over 75th anniversary of the Warsaw Ghetto Uprising." *Day 6 – CBC Radio*. 14 April 2018. Listened to and accessed online 14 April 2018. <http://www.cbc.ca/radio/day6/muzzling-holocaust-law-casts-shadow-over-75th-anniversary-of-the-warsaw-ghetto-uprising-1.4616441>.
- Grabowski, Jan. "Poland must remember the truth of the Warsaw uprising." *The Globe and Mail*, 4 May 2018. Accessed online 6 May 2018. <https://www.theglobeandmail.com/opinion/article-poland-must-remember-the-truth-of-the-warsaw-uprising/>.
- Gross, Jan T. *Fear: Anti-Semitism in Poland after Auschwitz*. New York: Random House Trade Paperbacks, 2006.
- Gross, Jan T. "Law, Justice, and Memory in Poland." *Jewish Review of Books*, Spring 2018. Accessed online 21 April 2018. <https://jewishreviewofbooks.com>.
- Gross, Jan T. *Neighbours: The Destruction of the Jewish Community in Jedwabne, Poland*. Princeton: Princeton University Press, 2001.
- Grudzinska-Gross, Irena. "March 1968, The Last Exodus of Polish Jews, Fifty Years Later." *Seminar at the University of Toronto*. George Ignatieff Theatre, 26 March 2018.

- Gunter, Joel. "Holocaust law wields a 'blunt instrument' against Poland's past." *British Broadcasting Corporation (BBC) News*, 3 February 2018. Accessed online 14 March 2018. <http://www.bbc.com/news/world-europe-42920934>.
- Harris, David. "Polish-Jewish Relations: A Case Study in What Can Go Wrong." *The Algemeiner*, 5 February 2018. Accessed online 22 April 2018. <https://www.algemeiner.com/2018/02/05/polish-jewish-relations-a-case-study-in-what-can-go-wrong/>.
- Hetch, Haim. "Two Barns." Apple Film Production. *Children of Jewish Holocaust Survivors* site. Film uploaded 25 January 2015. Accessed online 3 May 2018. <https://cjhsa.org/2015/01/25/two-barns-english-version/>.
- Hinshaw, Drew. "Poland's Controversial Holocaust Bill Becomes Law." *The Wall Street Journal*, 6 February 2018. Accessed online 14 March 2018. <https://www.wsj.com/articles/polands-controversial-holocaust-bill-becomes-law-1517928756>.
- Hoffman, Eva. "Hearing Poland's Ghosts." *The New York Review of Books*, 22 March 2018. Accessed online 5 April 2018. <http://www.nybooks.com/articles/2018/03/22/hearing-polands-ghosts/>.
- John, Tara. "Poland Just Passed a Holocaust Bill That Is Causing Outrage. Here's What You Need to Know." *Time*, 1 February 2018. Accessed online 14 March 2018. <http://time.com/5128341/poland-holocaust-law/>.
- Jones, Adam. *Genocide – A Comprehensive Introduction*. 3rd Edition. New York: Routledge, 2017.
- JTA. "Poland to partially compensate Jewish, private-owned looted property." *The Times of Israel*, 13 October 2017. Accessed online 21 April 2018. <https://www.timesofisrael.com/poland-to-partially-compensate-jewish-private-owned-looted-property/>.
- Kaufman, Jonathan. *A Hole in the Heart of the World – The Jewish Experience in Eastern Europe After World War II*. New York: Penguin Books, 1997.
- Kennedy, Paul. "On Tyranny: 20 lessons from the 20th Century." *Canadian Broadcasting Corporation (CBC), Ideas, Commentary*, 23 February 2018. Accessed online 14 March 2018. <http://www.cbc.ca/radio/ideas/on-tyranny-20-lessons-from-the-20th-century-1.4547458>.
- Kenny, Padriac. "Wina, wojna, naród [Responsibility, the War, and the Polish Nation]." *Kultura liberalna*, 23 February 2018. Received via email from the author, 25

March 2018.

Knaul, Sigmund. *Quo Vadis*. Toronto: The Coach House Printing Company, 1993. With permission of the author.

Kolbert, Elizabeth. "The Last Trial – A great-grandmother, Auschwitz, and the arc of justice." *The New Yorker, Letter from Berlin*, 16 February 2018. Accessed online 14 March 2018. <https://www.newyorker.com/magazine/2015/02/16/last-trial>.

Kopstein, Jeffrey S., and Jason Wittenberg. "Deadly Communities: Local Political Milieus and the Persecution of Jews in Occupied Poland." *Comparative Political Studies* 44, no. 3 (2011): 259-283.

Krzywiec, Grzegorz. "Polish anti-Semitism: The last European closet, cultural code, or social problem?" *Institute for Human Sciences*. Accessed online 4 April 2018. <http://www.iwm.at/publications/5-junior-visiting-fellows-conferences/vol-xxix/grzegorz-krzywiec-2/>.

Lilienheim, Henry. *The Aftermath – A Survivor's Odyssey Through War-Torn Europe*. Montréal: DC Books in association with DLI Productions, 1994.

Markiewicz, Agnieszka. "Parliament's action imperils Polish-Jewish relations." *Religion News Service - Commentary*, 5 February 2018. Accessed online 4 May 2018. <https://religionnews.com/2018/02/05/parliaments-action-imperils-polish-jewish-relations/>.

Matthews, David. "Historians fear 'censorship' under Poland's Holocaust law – Academic exemptions to legislation threatening those who say Poles played any part in Second World War genocide may not go far enough." *The World University Rankings*, 21 February 2018. Accessed online 7 April 2018. <https://www.timeshighereducation.com/news/historians-fear-censorship-under-polands-holocaust-law>.

Mazower, Mark. *Dark Continent – Europe's Twentieth Century*. New York: Vintage Books, 2000.

Michlic, Joanna Beata. "At the Crossroads: Jedwabne and Polish Historiography of the Holocaust." *Dapim: Studies on the Holocaust* 31, no. 3 (2017): 296-306.

Mikanowski, Jacob. "Lessons on the Holocaust, from Warsaw's No. 35 Tram." *Sunday Review, Opinion*, 17 February 2018. Accessed online 14 March 2018. <https://www.nytimes.com/2018/02/17/opinion/sunday/poland-holocaust.html>.

Minckler, Max, and Sylwia Mitura. "Roadblocks to Jewish Restitution: Poland's Unsettled Property." *Humanity in Action*, 2008. Accessed online 21 April 2018.

<https://www.humanityinaction.org/knowledgebase/115-roadblocks-to-jewish-restitution-poland-s-unsettled-property>.

Noack, Rick. "Poland's Senate passes Holocaust complicity bill despite concerns from U.S., Israel." *The Washington Post, WorldViews*, 2 February 2018. Accessed online 14 March 2018.

https://www.washingtonpost.com/news/worldviews/wp/2018/02/01/polands-senate-passes-holocaust-complicity-bill-despite-concerns-from-u-s-israel/?utm_term=.7c651c5caa60.

Noack, Rick. "Polish president signs Holocaust bill, drawing rare U.S. rebuke." *The Washington Post, WorldViews*, 6 February 2018. Accessed online 14 March 2018.

https://www.washingtonpost.com/news/worldviews/wp/2018/02/06/polish-president-to-sign-holocaust-bill-despite-international-concerns/?utm_term=.b97a9385a9c6.

Ost, David. Poles, Jews, and Post-Communist Insecurities. *Tikun* 18, No. 3 (May/June 2003): 70-76.

Perkel, Colin. "Canadian Holocaust scholar says he's a target of Polish 'hate' campaign." *The Globe and Mail*, 20 June 2017. Accessed online 6 May 2018.

<https://www.theglobeandmail.com/news/national/canadian-holocaust-scholar-says-hes-a-target-of-polish-hate-campaign/article35393029/>.

"Poland's Senate passes controversial Holocaust bill." *BBC News*, 1 February 2018. Accessed online 14 March 2018. <http://www.bbc.com/news/world-europe-42898882>.

"Polish leader signs controversial law on Holocaust speech." *CBS News*, 7 February 2018. Accessed online 7 April 2018. <https://www.cbsnews.com/news/poland-andrzej-duda-holocaust-law-nazi-germany-war-crimes/>.

Polonsky, Antony. *The Jews of Poland and Russia: A Short History*. Oxford: The Littman Library of Jewish Civilization, 2013.

Polonsky, Antony. "The Jews in Poland/Lithuania and Russia: 1350 to the Present Day." *YIVO Centre for Jewish Studies – Guest Lecture*, 22 October 2013. Accessed online via YouTube 16 April 2018.

<https://www.youtube.com/watch?v=33yXUrm5uMs>.

Power, Samantha. *A Problem from Hell – America and the Age of Genocide*. New York: Harper Perennial, 2003.

Ridley, Louise. "The Holocaust's Forgotten Victims: The 5 Million Non-Jewish People Killed by the Nazis," *The HuffPost UK*, 27 January 2015. Accessed online 22

April 2018. http://www.huffingtonpost.ca/entry/holocaust-non-jewish-victims_n_6555604.

“Righteous” page. *Yad Vashem* webpage. Accessed online 17 April 2018.
<http://www.yadvashem.org/righteous/statistics.html>.

Robins-Early, Nick. “Poland Passes Law that EU says Threatens Country’s Democracy – the new bill gives the ruling nationalist party extensive powers over the courts.” *Huffpost*, 22 July 2017. Accessed online 4 May 2018.
https://www.huffingtonpost.ca/entry/poland-controversial-judicial-bill_us_5970bad2e4b0aa14ea7805be.

Rozett, Robert, and Shmuel Spector. *Encyclopedia of the Holocaust*. Jerusalem: The Jerusalem Publishing House, 2009.

Shore, Marci. “Poland Digs Itself a Memory Hole.” *The New York Times, Opinion, Op-Ed Contributor*, 4 February 2018. Accessed online 14 March 2018.
<https://www.nytimes.com/2018/02/04/opinion/poland-holocaust-law-justice-government.html>.

Snyder, Timothy. *Bloodlands – Europe Between Hitler and Stalin*. New York: Basic Books, 2010.

Staff, Toi and AFP. “First Poland Holocaust law complaint targets Argentina paper.” *The Times of Israel*, 3 March 2018. Assessed online 7 May 2018.
<https://www.timesofisrael.com/first-poland-holocaust-law-complaint-targets-argentina-paper/>.

Staff, Toi. “Full text of Poland’s controversial Holocaust legislation.” *The Times of Israel*, 1 February 2018. Accessed online 14 March 2018.
<https://www.timesofisrael.com/full-text-of-polands-controversial-holocaust-legislation/>.

Stearn-Szykman, Hanka. *My Years as a Heftling – 1942 to 1945*. Toronto: 1995. With permission of the author.

Taylor, Matthew. “‘White Europe’: 60,000 nationalists march on Poland’s Independence Day.” *The Guardian – International Edition*, 12 November 2017. Accessed online 3 May 2018. <https://www.theguardian.com/world/2017/nov/12/white-europe-60000-nationalists-march-on-polands-independence-day>.

The Jewish Virtual Library. Accessed online 22 April 2018.
<http://www.jewishvirtuallibrary.org>.

- “The Polish Embassy in Ottawa responds to Jan Grabowski.” *Maclean's*, 30 September 2016. Accessed online 6 May 2018. <http://www.macleans.ca/news/world/the-polish-embassy-in-ottawa-responds-to-jan-grabowski/>.
- The World Bank. “Data.” Accessed online 4 April 2018. <https://data.worldbank.org/indicator/NY.GDP.PCAP.CD?end=2016&locations=PL&start=1993>.
- The World Factbook. A *Central Intelligence Agency* site. Accessed online 22 April 2018. <https://www.cia.gov/library/publications/the-world-factbook/>.
- The YIVO Encyclopedia of Jews in Eastern Europe. Accessed online 16 April 2018. <http://www.yivoencyclopedia.org>.
- Tilles, Daniel. “The ‘Polish death camps’ controversy: Poland is not the only country that should confront its Holocaust history.” *Notes from Poland – Inne Spojrzenia Na Polskę*, 31 January 2018. Accessed online 5 April 2018. <https://notesfrompoland.com/2018/01/31/the-polish-death-camps-controversy-poland-is-not-the-only-country-that-should-confront-its-holocaust-history/>.
- Tobias, Manuela. “Understanding Poland’s ‘Holocaust Law’.” *Politifact*, 9 March 2018. Accessed online 3 April 2018. <http://www.politifact.com/truth-o-meter/article/2018/mar/09/understanding-polish-holocaust-law/>.
- Totten, Samuel, and Paul R. Bartrop. *The Genocide Studies Reader*. New York: Routledge Taylor & Francis Group, 2009.
- United States Holocaust Memorial Museum webpage. Accessed online 15 April 2018. <https://www.ushmm.org/wlc/en/article.php?ModuleId=10005214>.
- Van Pelt, Robert Jan. *The Case for Auschwitz*. Bloomington: Indiana University Press, 2002.
- Wagener, Volker. “Rising nationalism and the EU’s split with the East.” *Deutsche Welle*, 8 January 2018. Accessed online 4 May 2018. <http://www.dw.com/en/rising-nationalism-and-the-eus-split-with-the-east/a-42073959>.
- Wittenberg, Jason and Jeffrey Kopstein. “Yes, some Poles were Nazi collaborators. The Polish Parliament is trying to legislate that away.” *The Washington Post, Monkey Cage, Analysis*. 2 February 2018. Accessed online 14 March 2018. https://www.washingtonpost.com/news/monkey-cage/wp/2018/02/02/yes-some-roles-were-nazi-collaborators-the-polish-parliament-is-trying-to-legislate-that-away/?utm_term=.12018c1047b8.

Wróbel, Piotr. Personal conversations. 5 April, 10 April and 25 April 2018.

Zamoyski, Adam. *The Polish Way – A Thousand Year History of the Poles and their Culture*. New York: Hippocrene Books, 1995.

- Kolbert, Elizabeth. "The Last Trial – A great-grandmother, Auschwitz, and the arc of justice." *The New Yorker, Letter from Berlin*, 16 February 2018. Accessed online 14 March 2018. <https://www.newyorker.com/magazine/2015/02/16/last-trial>.
- Kopstein, Jeffrey S., and Jason Wittenberg. "Deadly Communities: Local Political Milieus and the Persecution of Jews in Occupied Poland." *Comparative Political Studies* 44, no. 3 (2011): 259-283.
- Krzywiec, Grzegorz. "Polish anti-Semitism: The last European closet, cultural code, or social problem?" *Institute for Human Sciences*. Accessed online 4 April 2018. <http://www.iwm.at/publications/5-junior-visiting-fellows-conferences/vol-xxix/grzegorz-krzywiec-2/>.
- Lilienheim, Henry. *The Aftermath – A Survivor's Odyssey Through War-Torn Europe*. Montréal: DC Books in association with DLI Productions, 1994.
- Markiewicz, Agnieszka. "Parliament's action imperils Polish-Jewish relations." *Religion News Service - Commentary*, 5 February 2018. Accessed online 4 May 2018. <https://religionnews.com/2018/02/05/parliaments-action-imperils-polish-jewish-relations/>.
- Matthews, David. "Historians fear 'censorship' under Poland's Holocaust law – Academic exemptions to legislation threatening those who say Poles played any part in Second World War genocide may not go far enough." *The World University Rankings*, 21 February 2018. Accessed online 7 April 2018. <https://www.timeshighereducation.com/news/historians-fear-censorship-under-polands-holocaust-law>.
- Mazower, Mark. *Dark Continent – Europe's Twentieth Century*. New York: Vintage Books, 2000.
- Michlic, Joanna Beata. "At the Crossroads: Jedwabne and Polish Historiography of the Holocaust." *Dapim: Studies on the Holocaust* 31, no. 3 (2017): 296-306.
- Mikanowski, Jacob. "Lessons on the Holocaust, from Warsaw's No. 35 Tram." *Sunday Review, Opinion*, 17 February 2018. Accessed online 14 March 2018. <https://www.nytimes.com/2018/02/17/opinion/sunday/poland-holocaust.html>.
- Minckler, Max, and Sylwia Mitura. "Roadblocks to Jewish Restitution: Poland's Unsettled Property." *Humanity in Action*, 2008. Accessed online 21 April 2018. <https://www.humanityinaction.org/knowledgebase/115-roadblocks-to-jewish-restitution-poland-s-unsettled-property>.

Noack, Rick. "Poland's Senate passes Holocaust complicity bill despite concerns from U.S., Israel." *The Washington Post, WorldViews*, 2 February 2018. Accessed online 14 March 2018. https://www.washingtonpost.com/news/worldviews/wp/2018/02/01/polands-senate-passes-holocaust-complicity-bill-despite-concerns-from-u-s-israel/?utm_term=.7c651c5caa60.

Noack, Rick. "Polish president signs Holocaust bill, drawing rare U.S. rebuke." *The Washington Post, WorldViews*, 6 February 2018. Accessed online 14 March 2018. https://www.washingtonpost.com/news/worldviews/wp/2018/02/06/polish-president-to-sign-holocaust-bill-despite-international-concerns/?utm_term=.b97a9385a9c6.

Ost, David. Poles, Jews, and Post-Communist Insecurities. *Tikun* 18, No. 3 (May/June 2003): 70-76.

Perkel, Colin. "Canadian Holocaust scholar says he's a target of Polish 'hate' campaign." *The Globe and Mail*, 20 June 2017. Accessed online 6 May 2018. <https://www.theglobeandmail.com/news/national/canadian-holocaust-scholar-says-hes-a-target-of-polish-hate-campaign/article35393029/>.

"Poland's Senate passes controversial Holocaust bill." *BBC News*, 1 February 2018. Accessed online 14 March 2018. <http://www.bbc.com/news/world-europe-42898882>.

"Polish leader signs controversial law on Holocaust speech." *CBS News*, 7 February 2018. Accessed online 7 April 2018. <https://www.cbsnews.com/news/poland-andrzej-duda-holocaust-law-nazi-germany-war-crimes/>.

Polonsky, Antony. *The Jews of Poland and Russia: A Short History*. Oxford: The Littman Library of Jewish Civilization, 2013.

Polonsky, Antony. "The Jews in Poland/Lithuania and Russia: 1350 to the Present Day." *YIVO Centre for Jewish Studies – Guest Lecture*, 22 October 2013. Accessed online via YouTube 16 April 2018. <https://www.youtube.com/watch?v=33yXUrm5uMs>.

Power, Samantha. *A Problem from Hell – America and the Age of Genocide*. New York: Harper Perennial, 2003.

Ridley, Louise. "The Holocaust's Forgotten Victims: The 5 Million Non-Jewish People Killed by the Nazis," *The HuffPost UK*, 27 January 2015. Accessed online 22 April 2018. http://www.huffingtonpost.ca/entry/holocaust-non-jewish-victims_n_6555604.

"Righteous" page. *Yad Vashem* webpage. Accessed online 17 April 2018. <http://www.yadvashem.org/righteous/statistics.html>.

- Robins-Early, Nick. "Poland Passes Law that EU says Threatens Country's Democracy – the new bill gives the ruling nationalist party extensive powers over the courts." *Huffpost*, 22 July 2017. Accessed online 4 May 2018. https://www.huffingtonpost.ca/entry/poland-controversial-judicial-bill_us_5970bad2e4b0aa14ea7805be.
- Rozett, Robert, and Shmuel Spector. *Encyclopedia of the Holocaust*. Jerusalem: The Jerusalem Publishing House, 2009.
- Shore, Marci. "Poland Digs Itself a Memory Hole." *The New York Times, Opinion, Op-Ed Contributor*, 4 February 2018. Accessed online 14 March 2018. <https://www.nytimes.com/2018/02/04/opinion/poland-holocaust-law-justice-government.html>.
- Snyder, Timothy. *Bloodlands – Europe Between Hitler and Stalin*. New York: Basic Books, 2010.
- Staff, Toi and AFP. "First Poland Holocaust law complaint targets Argentina paper." *The Times of Israel*, 3 March 2018. Accessed online 7 May 2018. <https://www.timesofisrael.com/first-poland-holocaust-law-complaint-targets-argentina-paper/>.
- Staff, Toi. "Full text of Poland's controversial Holocaust legislation." *The Times of Israel*, 1 February 2018. Accessed online 14 March 2018. <https://www.timesofisrael.com/full-text-of-polands-controversial-holocaust-legislation/>.
- Stearn-Szykman, Hanka. *My Years as a Hefling – 1942 to 1945*. Toronto: 1995. With permission of the author.
- Taylor, Matthew. "'White Europe': 60,000 nationalists march on Poland's Independence Day." *The Guardian – International Edition*, 12 November 2017. Accessed online 3 May 2018. <https://www.theguardian.com/world/2017/nov/12/white-europe-60000-nationalists-march-on-polands-independence-day>.
- The Jewish Virtual Library. Accessed online 22 April 2018. <http://www.jewishvirtuallibrary.org>.
- "The Polish Embassy in Ottawa responds to Jan Grabowski." *Macleans's*, 30 September 2016. Accessed online 6 May 2018. <http://www.macleans.ca/news/world/the-polish-embassy-in-ottawa-responds-to-jan-grabowski/>.
- The World Bank. "Data." Accessed online 4 April 2018. <https://data.worldbank.org/indicator/NY.GDP.PCAP.CD?end=2016&locations=PL&start=1993>.
- The World Factbook. A *Central Intelligence Agency* site. Accessed online 22 April 2018. <https://www.cia.gov/library/publications/the-world-factbook/>.

- The YIVO Encyclopedia of Jews in Eastern Europe. Accessed online 16 April 2018.
<http://www.yivoencyclopedia.org>.
- Tilles, Daniel. "The 'Polish death camps' controversy: Poland is not the only country that should confront its Holocaust history." *Notes from Poland – Inne Spojrzenia Na Polskę*, 31 January 2018. Accessed online 5 April 2018.
<https://notesfrompoland.com/2018/01/31/the-polish-death-camps-controversy-poland-is-not-the-only-country-that-should-confront-its-holocaust-history/>.
- Tobias, Manuela. "Understanding Poland's 'Holocaust Law'." *Politifact*, 9 March 2018. Accessed online 3 April 2018. <http://www.politifact.com/truth-o-meter/article/2018/mar/09/understanding-polish-holocaust-law/>.
- Totten, Samuel, and Paul R. Bartrop. *The Genocide Studies Reader*. New York: Routledge Taylor & Francis Group, 2009.
- United States Holocaust Memorial Museum webpage. Accessed online 15 April 2018.
<https://www.ushmm.org/wlc/en/article.php?ModuleId=10005214>.
- Van Pelt, Robert Jan. *The Case for Auschwitz*. Bloomington: Indiana University Press, 2002.
- Wagener, Volker. "Rising nationalism and the EU's split with the East." *Deutsche Welle*, 8 January 2018. Accessed online 4 May 2018. <http://www.dw.com/en/rising-nationalism-and-the-eus-split-with-the-east/a-42073959>.
- Wittenberg, Jason and Jeffrey Kopstein. "Yes, some Poles were Nazi collaborators. The Polish Parliament is trying to legislate that away." *The Washington Post, Monkey Cage, Analysis*. 2 February 2018. Accessed online 14 March 2018.
https://www.washingtonpost.com/news/monkey-cage/wp/2018/02/02/yes-some-oles-were-nazi-collaborators-the-polish-parliament-is-trying-to-legislate-that-away/?utm_term=.12018c1047b8.
- Wróbel, Piotr. Personal conversations. 5 April, 10 April and 25 April 2018.
- Zamoyski, Adam. *The Polish Way – A Thousand Year History of the Poles and their Culture*. New York: Hippocrene Books, 1995.