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Position Paper on Recent Holocaust-Related Polish Legislation

- The subject of the behavior of Poles towards Jews during and immediately after the Holocaust is a very complex and challenging chapter in the history of the Shoah. As such, it requires a sensitive, mature and carefully considered approach, which takes the complexity into account and seeks to convey honest, accurate and constructive messages for all the peoples involved: Jews, Poles, Germans and others.
- Sadly, the recently enacted Polish legislation does the opposite: Many of the important complexities are either ignored or distorted by it. The legislation deals with at least three distinct issues.
- One issue is the opposition to calling the concentration and death camps in Poland in World War II "Polish" camps. This is a justified and obvious demand: These were German camps on occupied Polish soil. No serious academician, politician or government objects to this Polish demand. Certainly, the State of Israel and its representatives have repeatedly, and for many years, expressed support for this position, including in relevant international forums. For example, in 2006 Yad Vashem worked with Polish authorities to ensure that UNESCO's official terminology to describe the Auschwitz-Birkenau camp would express its status as a German concentration and extermination camp.
- We are convinced that the appropriate way to combat historical misrepresentations is not by criminalizing upsetting, even false, but honestly-*intended* statements but rather by **reinforcing creative, effective educational activities**.
- The second issue is that the new legislation criminalizes anyone who claims that the Polish State or nation were responsible or partially responsible for the crimes perpetrated on Polish soil during the war. We note that there could be no act of "the Polish State" on Polish soil during the War, because Poland was occupied and terrorized by a foreign power. There was an underground anti-German political and military presence, that of course could not act as an open government. The Polish government-in-exile had only limited control over the underground. But this is not the point: **the issue under discussion is how many Polish persons behaved.**
- Contrary to many other countries under Nazi rule during WW II, there was *no* Polish collaborationist government exercising political collaboration with Nazi Germany. Nazi Germany had no wish to establish or negotiate with any Polish political group. The Nazis wanted to eliminate Polish nationhood as such.
- The third, and central, issue arising from the new Polish legislation is the question of Jewish-non Jewish relations on occupied Polish soil during the war. Many in Poland argue that the Polish people, as a collective entity, tried to rescue the Jews. There were, they say, huge numbers of Polish rescuers. The prototypical case that is often cited is that of the Ulma family, in the small southern Polish township of Markowa. The Ulmas, who tried to rescue two Jewish families, were betrayed by their Polish neighbors and murdered by the Germans, together with

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the Jews they had attempted to hide. That specific story, and others like it, are certainly worthy of study and remembrance. However, the new museum established in Markowa does something else: It seeks to present the *entire* Polish nation as "a nation of rescuers".

- Extensive research does not support this image or claim. *Participation of Poles in the murder of Jews during the War was widespread*. For instance, in the villages and small townships around Markowa, peasants went out with pitchforks and clubs to hunt down and kill the Jews who tried to escape, or handed them over to the Polish police who collaborated with the Germans, or handed them over to the Germans directly. This was repeated elsewhere in the Polish countryside.
- The initiative to recognize non-Jews who risked their lives to rescue Jews during the period of the Holocaust was a Jewish one, that preceded even the establishment of the State of Israel.
- The Polish Righteous were indeed real heroes. Their stories merit the attention and admiration that they receive in Israel and by the Jewish people and other nations around the world. To date, over 6,700 (out of approximately 21 million ethnic Poles at that time) have been recognized by Yad Vashem. This figure probably does not fully reflect the extent of those Poles who merit such recognition. However, it is surely *not* accurate to estimate that "hundreds of thousands of Poles" should be considered as Righteous. Nor is there factual basis to justify claims that a tree commemorating the entire Polish nation is supposedly "missing" at Yad Vashem.
- Moreover, those relatively few Polish Righteous had to protect Jews not only from the Germans, but also, in many cases, from their Polish neighbors.
- It should also be remembered that there was widespread antisemitism in Poland before World War II, in all strata of society.
- Most of the Polish underground movements were not friendly to Jews; some were hostile to them.
- It is vital to recall that since the end of Communist rule in Poland, its leadership, researchers and educators made remarkable strides in maturely and responsibly revealing, documenting, analyzing and commemorating the complexities of the wartime period in Poland. Polish academic and educational frameworks earned great admiration for these achievements.
- Nevertheless, it is unfortunately tempting for some – in various nations and circles – to be impatient with complicated historical realities and react to them with simplistic, inaccurate generalizations. Sadly, this problematic phenomenon is reflected in the current Polish legislation. As committed educators and believers in the human ability and responsibility to deal constructively with painful, complex issues, **we reject such oversimplifications.**

The recently enacted Polish legislation, though supposedly protecting scientific and artistic works from criminalization, undoubtedly will have a *negative* impact on free research, education and discourse: Who will determine what such works are? What about journalistic and artistic endeavors related to the Holocaust in Poland? What about educators who teach what scholars have said about these topics? What about scholars discussing their findings in media interviews?

- Furthermore, the new law will create a threatening public atmosphere in which students and researchers, particularly in Poland, are afraid to conduct open, in-depth discussion or publicize research regarding Holocaust-related documents, evidence and testimonies.
- Additionally, the very enactment of the law is liable to lead to an increase of antisemitism in Poland. Sadly, there are already indications that this is occurring.
- **We therefore hope and expect that the new law will be substantially modified by the Polish Constitutional Tribunal.**
- **Poland is an essential part of the Western cultural community and as such, we call upon its government to reaffirm Poland's commitment to the freedom of inquiry, research, publication and discourse.**
- We believe in the potential of Polish research and education to return to the positive path of mature understanding of the complexities of Poland's history, at which it excelled for many years. Israeli researchers and educators will eagerly engage their Polish counterparts in such a productive process.