

2018

Polityka Historyczna: Debating Holocaust Remembrance in Poland

Connor Kridle

Chapman University, kridl101@mail.chapman.edu

Follow this and additional works at: <https://digitalcommons.chapman.edu/vocesnovae>

 Part of the [Other History Commons](#), and the [Other Political Science Commons](#)

Recommended Citation

Kridle, Connor. "Polityka Historyczna: Debating Holocaust Remembrance in Poland." *Voces Novae: Chapman University Historical Review* 10, no. 1 (2018).

This Article is brought to you for free and open access by Chapman University Digital Commons. It has been accepted for inclusion in *Voces Novae* by an authorized editor of Chapman University Digital Commons. For more information, please contact laughtin@chapman.edu.

Polityka Historyczna: Debating Holocaust Remembrance in Poland

Connor Kridle

On February 6th, 2018 Polish President Andrzej Duda signed into law “the amendment to The Act on the Institute of National Remembrance,” or as many in the Western media referred to it, Poland’s “Holocaust law.”¹ In brief, the text of the amendment made it illegal to “publicly and contrary to the facts attribute[] to the Polish Nation or to the Polish State responsibility or co-responsibility for the Nazi crimes committed by the German Third Reich,” and the legislation was made “applicable to a Polish citizen as well as a foreigner.”² This act and the legislative events leading up to it ignited almost immediate and widespread controversy, with many worried about the effects such a law could have on free speech,³ broader historical interpretation,⁴ and appearances of antisemitism.⁵

To many people outside Poland, the passage of this law seemed like an aberration, a power grab by Polish nationalists in the government to try and change how the past is to be remembered, researched, and articulated both within and beyond Polish borders. The amendment to “the Act,” however, is no aberration. This amendment should be understood in the broader context of post-communist Polish struggles to define “Polishness,” and its struggle to incorporate the Holocaust into this definition and history. In this context, the amendment serves both a political and practical purpose. For the far-right Polish nationalists, for whom this project has been long in the making, the act both sanitizes what it means to be Polish and stifles examination of this ever-solidifying narrative. However, as many on the far-right in Poland see this amendment as a way of limiting debate on the past, others see power in questions, in dialogue, and in the inherent complexity of history.

¹ Michele Chabin, “At Auschwitz: remembering the Holocaust after the passage of a contentious Polish law,” USA Today, accessed 15 April 2018, <https://www.usatoday.com/story/news/world/2018/04/11/auschwitz-remembering-holocaust-after-passage-contentious-polish-law/507044002/>; and Magdalena Foremska, James McAuley, and Anne Gearan, “Tensions rise between U.S. and Poland over ‘Holocaust law’,” The Washington Post, accessed 10 April 2018, https://www.washingtonpost.com/world/europe/report-polish-officials-may-face-us-sanctions-over-holocaust-law/2018/03/07/845fd872-2224-11e8-946c-9420060cb7bd_story.html?noredirect=on&utm_term=.cc15c137dc2c.

² “Nowelizacja ustawy o IPN – wersja w języku angielskim- Certified Translation from the Polish Language: Act of 26 January 2018,” Ministerstwo Sprawiedliwosci, accessed 17 April 2018, <https://www.ms.gov.pl/pl/informacje/news,10368,art-55a-ust-1-ustawy-o-ipn-w-wersji-angielskiej.html#prettyPhoto>.

³ Barbora Černušáková, “Poland’s Holocaust Law Is a Dangerous Threat to Free Speech,” TIME Magazine, <http://time.com/5193301/poland-holocaust-law-freedom-speech-amnesty/>; and Vanessa Gera, “Polish Law Criminalizing Some Holocaust Law Speech Takes Effect,” <https://apnews.com/2a09f2c3d4ef4915b94aa6be620c9205>.

⁴ Jonah Shepp, “Poland’s Holocaust Law and the Right-Wing Desire to Rewrite History,” New York Magazine, <http://nymag.com/daily/intelligencer/2018/02/polands-holocaust-law-and-the-right-wings-revisionism.html>; and Remi Adekoya, “Poland’s Holocaust Denialism Will Come Back to Haunt It,” Foreign Policy, <http://foreignpolicy.com/2018/02/09/polands-holocaust-denialism-will-come-back-to-haunt-it/>.

⁵ Leonid Bershidsky, “Why Polish Jews Are Growing Uneasy,” Bloomberg, <https://www.bloomberg.com/view/articles/2018-02-27/polish-jews-are-growing-worried-about-anti-semitism>.

The idea of national remembrance is deceptively simple. To many in the United States or other western countries, such an idea is so commonplace that its myths and performances have gone largely unnoticed. But to the post-communist bloc and nations where the events of the Holocaust occurred, national remembrance was, and may continue to be, a fraught and complex issue in which members of political and cultural communities struggle with what it means for a nation to remember. For a nation to remember also brings forth the dilemma of who is to be considered as a member of that nation, a topic that itself opens up complicated and often dark reflections.

To understand the uniqueness and the subtle yet enigmatic nature of national remembrance, a theoretical framing is necessary. If the early to mid-twentieth century was the age of ideology, then the late twentieth and early twenty-first seem to be times of historical evaluation and revision. Nikolay Koposov's brilliant work *Memory Laws, Memory Wars* chronicles the rise of memory as a subject, and the intersection of memory, identity, and juridification in late twentieth century Europe.⁶ As Koposov highlights, "[b]efore the 1980s, the concept of memory, and of historical memory in particular, was only occasionally used," in academic work.⁷ Ideas and conceptions of "identity," as a sense of personhood, "came to prominence only with the emergence of interest in memory;" and it is these ideas of memory, "both individual and collective," that can be viewed as "custodians of identity."⁸ This connection between memory and identity is central to the formation of national narratives and identities used to unite nations in the aftermath of the Second World War and the fall of the Soviet Bloc.

Poland provides a vivid example of this interaction, and the recent amendment is another iteration in this long and complicated process, one with threads of political nationalism and historical skepticism. To understand the interaction of memory and law that takes place in the amendment, it is important to understand the mechanisms of memory laws as a category, their idealized function, and the context in which they arise.⁹ Memory laws are a fairly recent phenomenon that have arisen in specific political contexts in which they act as logical and necessary means to political ends. Places like Spain, the U.S., England, and especially France and Germany have utilized legal mechanisms common in their democratic nations to outline unacceptable understandings of the past.¹⁰ These laws exclusively "prohibit 'incorrect' interpretations of concrete historical events," demonstrating that "in the age of memory, Western historical consciousness has become centered not on 'master narratives' but on the fragments of the past that symbolically represent national communities."¹¹ Nations often choose to juridify remembrance of traumas and tragedies especially, which brings up the dilemma of who to include as a member of the victim nation.¹² Victimhood in this narrow sense relates to the way in which nations established after the Second World War or the fall of the USSR formed identities around the struggles of the political community toward independence, primarily from ideological enemies like fascism or communism. Nations like Poland formed national narratives

⁶ Nikolay Koposov, *Memory Laws, Memory Wars: The Politics of the Past in Europe and Russia* (Cambridge: Cambridge University Press, 2018).

⁷ Koposov, *Memory Laws, Memory Wars*, 11.

⁸ Koposov, *Memory Laws, Memory Wars*, 11-12.

⁹ Koposov, *Memory Laws, Memory Wars*.

¹⁰ Koposov, *Memory Laws, Memory Wars*, 8-11.

¹¹ Koposov, *Memory Laws, Memory Wars*, 13.

¹² Koposov, *Memory Laws, Memory Wars*, 13.

that encapsulated the destruction of their previous way of life at the hands of both Nazi and Soviet forces. The definitions of “Pole” and the stories to be recounted almost mythically encapsulate only a margin of the history. This process has not ceased as evidenced by the passage of the amendment.

The original law to which the amendment is directed is the 1998 Act on The Institute of National Remembrance, a law which sought to memorialize “the enormity of the number of victims [and] the losses and damages suffered by the Polish people during World War II and after it ended.”¹³ This 1998 law was expansive, with effects that encompassed nearly all public aspects of remembrance in Poland. It established institutes of remembrance, sought to reform education of the past, and included penal provisions that criminalized denial of the crimes “perpetrated on persons of Polish nationality or Polish citizens of other nationalities between September 1, 1939 until July 31, 1990.”¹⁴ The act created a body, known as the “Instytut Pamięci Narodowej” or IPN (which translates as the Institute of National Remembrance), whose primary function at the time was to gain access to the newly opened communist archives. The IPN also sought to make the documents concerning citizens’ lives under communism public, investigate and prosecute past crimes committed “on persons of Polish nationality or Polish citizens of other nationalities,” and fine or imprison “[a]nyone who publicly and contrary to the facts denie[d] [the] crimes” listed above.¹⁵

This original act did not explicitly mention the events of the Holocaust, but within its investigative purview it listed the ability to prosecute “crimes against humanity,” and the denial of such crimes.¹⁶ The act defines these crimes specifically as “crimes of genocide as understood by the Convention on the Prevention and Punishment of the Crime of Genocide, adopted on December 9, 1948 [...] as well as other serious persecutions based on the ethnicity of the people and their political, social, racial or religious affiliations.”¹⁷ This provision was not full of empty words and it was used in the prosecution and conviction of former Opole University History professor Dariusz Ratajczak, a Holocaust denier.¹⁸ The fact that the law was enforced at all, and specifically enforced in a way that comprehended memory of the Holocaust as worthy of protection, highlights that remembrance of the Holocaust, at least in a broad idea of the Holocaust, was understood as an aspect of Polish history worth outlining in law. The fact that a Polish citizen was prosecuted explicitly for Holocaust denial shows the breadth of the original law and the understanding that the Holocaust was to be a part of Polish memory.

This original act can itself be considered a memorialization of the past: a way for the Polish government to form a national understanding of past events by publicly acknowledging their occurrence and by utilizing the power of the state to investigate and prosecute those responsible for such acts or their denial. The exact understanding of the Holocaust that the State purports is a bit vague. This vagueness stems from who the state views as the perpetrators of

¹³ “The Act on The Institute of National Remembrance,” Instytut Pamięci Narodowej, <https://www.legal-tools.org/doc/fc69d7/pdf/>.

¹⁴ “The Act on The Institute of National Remembrance.”

¹⁵ “The Act on The Institute of National Remembrance.”

¹⁶ “The Act on The Institute of National Remembrance.”

¹⁷ “The Act on The Institute of National Remembrance.”

¹⁸ Maciej T. Nowak, “Guilty of Holocaust Denial. Negligible public harm?,” *Gazeta Wyborcza*, 11 December 2001, <http://auschwitz.org/en/museum/news/guilty-of-holocaust-denial-negligible-public-harm,227.html>.

these “crimes of genocide.”¹⁹ In the text of the act, as well as how it was implemented, the perpetrators are explicitly and singularly “the occupiers, the [sic] Nazism, and communism.”²⁰ Under the scope of this original act, the historical enemies of “persons of Polish nationality or Polish citizens of other nationalities,” and the parties responsible for tragic historical events are the Nazi and communist “occupiers.”²¹ The act thus functioned politically by creating a narrative of the past that fit the unique identity of Poland’s post-communist republic. This was an identity that saw the past as one of occupation. Poles, as explicitly stated in the act, were heroes fighting “for the sake of the independence of the Polish State,” and even more so they were fighting “in defence of freedom and human dignity” for all people.²² Thus, the prosecution of Holocaust denial was not one reinforcing the breadth of Holocaust memory, but instead aimed to reinforce the understanding that the Holocaust was not just a tragedy to be remembered, but a tragedy to be remembered as having distinctively Nazi origins.

This narrative fit the political environment of its formation well. In the mid to late 1990s when this movement arose, Poland was free from communism but fragile and trying to find its way in a new geopolitical world dominated by the West. This narrative and its mechanisms accomplished dual objectives. By acknowledging the brutality of the Holocaust, its geographical centrality on Polish soil, and by prosecuting those who denied the Holocaust itself, Poland looked—in form if not in substance—similar to other Western European nations where such legislation was common. The specific treatment given to the idea of perpetration in Nazi crimes, though, allowed this new Polish republic to unify under an altered narrative of the past. This narrative allowed members of this new Polish nation to be treated as heroes and as victims in the fight for their own independence and the broader struggle for Western virtues of human dignity and freedom. The explicit language of the act and its implementation formulated a historical narrative in which the Holocaust existed, but as a grand plan instituted by Nazi occupiers on a populace that was trying to expel these very same “occupiers.”²³

This homogenized view of the past was crystallized further in response to new political dilemmas in the recent amendment passed by Polish legislators in 2018. This new amendment functions primarily by making what was largely implicit in the original act explicit. The amendment now adds, “Ukrainian nationalists and members of Ukrainian formations collaborating with the German Third Reich,”²⁴ as perpetrators of crimes against Poles rather than referring to those groups under the blanket term “occupiers” as in the previous law.²⁵ The amendment also inserts a new section entitled: “Protection of the reputation of the Republic of Poland and the Polish Nation,” under which the IPN is explicitly empowered to broaden its purview from the narrow aim of the original legislation. The IPN is now mandated to focus its attention and resources on those that “attribute[] to the Polish Nation or to the Polish State responsibility or co-responsibility for the Nazi crimes committed by the German Third Reich [...] or for any other offences constituting crimes against peace, humanity or war crimes, or otherwise

¹⁹ “The Act on The Institute of National Remembrance.”

²⁰ “The Act on The Institute of National Remembrance.”

²¹ “The Act on The Institute of National Remembrance.”

²² “The Act on The Institute of National Remembrance.”

²³ “The Act on The Institute of National Remembrance.”

²⁴ “Act of 26 January 2018.”

²⁵ “The Act on The Institute of National Remembrance.”

[that] grossly diminishes the responsibility of the actual perpetrators of these crimes.”²⁶ In essence, this textual maneuvering further expands the list of “occupiers” to include Ukrainian collaborators, while simultaneously failing to include historical examples of Polish collaboration. Nowhere in the document is this idea of Polish collaboration even contemplated. In fact, with the 2018 amendment to the original law, the idea of Polish collaboration is now expressly prohibited. This recent textual addition shows the understanding that the Nazis obviously did not act alone, but it disallows attribution of collaboration to Poles in any manner.

This latest amendment is more than pure memorialization; it goes further, seeking to prosecute the act of historical work itself. It seems that this nuance was at least considered by the authors of the amendment because it is explicitly noted that “[a]n offence is not committed if the perpetrator [...] acted within the framework of artistic or scientific activity.”²⁷ This distinction is not present in the original amendment and thus seems to uncover the motives behind the latest amendment. The original law, having no clause exempting historical or scientific work, implicitly understands the factual underpinnings of research into the Holocaust and war crimes in the Second World War. The new amendment though, with its distinction against prosecuting researchers and artists, seems to be acknowledging the presence of a valid historical debate on Polish actions during the Holocaust as well as a valid fear of silencing this debate.

The inclusion of researchers and artists as some sort of exempted class with respect to the penal provisions of the new amendment highlight some of the confusing aspects of the amendment itself, as well as how such a provision is to even be enforced. This phrase also brings forth questions, such as: Who is to enforce such a provision and thus determine the bounds of scientific and artistic activities? What are these activities and what are not? This vagueness empowers the state to make case-by-case determinations as to who is and is not to be considered a valid researcher or artist. By implementing a vague and sweeping law, the Polish state can now act as arbiter over its history in a way that could certainly stifle speech about and investigation into the past.

It is not surprising given the expansiveness of such a law and given the distinct political context of Poland vis-a-vis other nations, that its passage has resulted in controversy both at home and abroad. Journalists abroad largely see the moves as politically motivated, fearing what the restriction of speech about, and research into, the Holocaust could precipitate in Poland or what this move could inspire similar governments to pursue. Politicians in the United States, Israel, and Germany have condemned the passage of the amendment and have highlighted troubles they have with its implementation and the underlying political motivations behind it. Within Poland, the opinions are complicated. Some on the political right see this as a watershed moment of Polish sovereignty in which Poland will not be guided by outside influences but rather by “our own decisions and the interests of our country,” as Polish Minister of the Interior Joachim Brudziński put it.²⁸ Others see it as popularizing debate and discussion about the past

²⁶“Act of 26 January 2018.”

²⁷“Act of 26 January 2018.”

²⁸ “‘Poland guided by national interest’ says official after US senators slam restitution bill,” Radio Poland, 28 March 2018, <http://www.thenews.pl/1/10/Artykul/356172,Poland-guided-by-national-interest-says-official-after-US-senators-slam-restitution-bill>.

and as a means to give media attention to historical groups- and thus empower a countermovement against the motives behind the amendment.²⁹

To understand why the Holocaust is such a difficult and frayed issue in Polish politics it is important to better situate it within Poland's complex past. The geographic centrality of Poland, with its borders acting as the separation between "the East" and "the West," has played a powerful role in the shaping of its culture and its history. Prior to the the First World War and especially before the Second, Polish society was one that included a relative amount of openness and tolerance among what were very diverse groups.³⁰ Much of this cultural climate stemmed from the multi-ethnic makeup of modern Poland in which different ethnic groups, including a large population of Jews, called Poland home.³¹ This Poland was destroyed by Nazi Germany in 1939, with the multi-ethnic society and the political characteristics underlying it exterminated in order to create a hierarchical Nazi ethnstate.

Poland's history during the period of the Second World War is especially complicated. The broad governing authority and most institutional infrastructure was destroyed not long after German invasion in September 1939. When the German military took hold of the country, specific groups of Nazi soldiers (the Einsatzgruppen, essentially mobile killing units) engaged in targeted murders of the intelligentsia, religious authority, and other politically situated groups in order to instill disorganization and quell possible uprisings.³² This was not just another act of war, but how the Nazi military began dismantling the country and destroying most common ways for Poles to operate cohesively and in large, organize groups. It is also important to recognize that the Nazis chose specific groups of Poles as the first to be murdered, noting a hierarchy of influence still relevant in Poland today. These actions, along with the subsequent Soviet invasion of Poland, reduced the country essentially to its geographic elements and the relative strategic importance it could play in the War. Nazi forces pushed further east and eventually took control of all nominal Polish territory, expanding the subjects and land that fell under the established governing arm, the General Government.³³ At this point in Polish history, the term "Poland" carried little to no political import, as the Polish government only functioned in exile and the only Poles with political influence left within the former borders were now partisans, imprisoned, or perpetrators all lacking consistent goals and means.³⁴

That there was no functioning Polish state does not mean that Poles were exclusively victims of Nazi and Soviet barbarity. Polish collaboration is well documented.³⁵ In many instances, Poles needed varying degrees of motivation by Nazi authorities to turn on their neighbors,³⁶ take ownership of property that did not belong to them,³⁷ and also kill Jews

²⁹ Forum for Dialogue, e-mail message to supporters, 23 February 2018.

³⁰ Norman Davies, *God's Playground: A History of Poland Volume II 1795 to the Present* (New York: Columbia University Press, 2005), 291-322.

³¹ Davies, *God's Playground*, 176-195.

³² David M. Crowe, *The Holocaust: Roots, History, and Aftermath* (Boulder: Westview Press, 2008).

³³ Saul Friedländer, *Nazi Germany and the Jews 1939-1945: The Years of Extermination* (New York: HarperCollins, 2007), 30-37.

³⁴ Davies, *God's Playground*, 323-366.

³⁵ Jan Gross, *Neighbors: The Destruction of the Jewish Community in Jedwabne* (Princeton: Princeton University Press, 2001); and Friedlander, *Nazi Germany and the Jews 1939-1945*; among others.

³⁶ Gross, *Neighbors*; and Friedlander, *Nazi Germany and the Jews 1939-1945*; among others.

³⁷ Gross, *Neighbors*; and Friedlander, *Nazi Germany and the Jews 1939-1945*; among others.

themselves.³⁸ As the book *Neighbors* by Jan Gross documents vividly, the murderers of Jews in Poland were exclusively the Nazi invaders, and in many instances could have been neighbors who had lived next door or in the same community for generations.³⁹ The village that Gross describes in such harrowing detail, Jedwabne, was the site of violence not wholly unique in Polish history.⁴⁰

The events of the massacre took place over the course of a few days in July 1941 when around 2,200 Poles (of whom somewhere around 1,500 were Jewish) inhabited Jedwabne.⁴¹ Included in these events, Polish Jews were forced into the town square where they were ordered to pick grass while enduring rounds of beatings by a group of Polish men.⁴² The Jews of Jedwabne were also ordered to dismantle the statue of Lenin that had been erected by the previously occupying Soviet forces, and then were marched in two separate groups to a barn.⁴³ The first group of Polish Jews were shot and buried within the barn and the second, much larger group was locked inside as the barn was set ablaze.⁴⁴ The Jedwabne massacre cuts to the heart of the issue surrounding Polish complicity. Upon release in Poland, Gross's book ignited debates about its truthfulness and the extent to which Poles could have actually done such a thing. This revival of the memory of Jedwabne highlight the fraught way that the events of the Holocaust fit within Polish identity and national history.

Polish identity from this time, however, is not encapsulated solely by those who chose to be perpetrators. Poles were also among those who chose to risk everything to save friends,⁴⁵ neighbors,⁴⁶ and even strangers.⁴⁷ In fact Poland is home to highest number of the Righteous Among the Nations⁴⁸ of any country.⁴⁹ Over 6,700 Poles risked all that they had, including their own lives, in order to help Jews escape or hide during Nazi occupation of the country.⁵⁰ Poles were also themselves victims of Nazi brutality. Approximately 1.9 million non-Jewish Poles

³⁸ Gross, *Neighbors*; and Friedlander, *Nazi Germany and the Jews 1939-1945*; among others.

³⁹ Gross, *Neighbors*.

⁴⁰ Other notable examples include the Tykocin pogrom of 1941 and the Kielce pogrom of 1946.

⁴¹ Gross, *Neighbors*, 1-7.

⁴² Gross, *Neighbors*, 56-65.

⁴³ Jan Gross, *Neighbors*, 60-61.

⁴⁴ Jan Gross, *Neighbors*, 61.

⁴⁵ Janina Tarnowski, Astoria, New York, 12 November 2000, interview 51366, USC Shoah Foundation for Visual History and Education, University of Southern California, accessed 15 April 2018.

⁴⁶ Jack Pariser, Laguna Beach, California, 4 December 1995, interview 9514, USC Shoah Foundation Institute for Visual History and Education, University of Southern California, accessed 15 April 2018.

⁴⁷ Rose Curczinski, San Francisco, 31 August 1997, USC Shoah Foundation Institute for Visual History and Education, University of Southern California, accessed 15 April 2018.

⁴⁸ The Righteous Among the Nations are non-Jews who took on incredible risks in order to rescue or save Jews during the Holocaust. These people, if caught, were often executed or sent to concentration or death camps. "About the Righteous," The Righteous Among the Nations, Yad Vashem, Accessed 10 March 2018, <https://www.yadvashem.org/righteous/about-the-righteous.html>.

⁴⁹ "About the Righteous."

⁵⁰ "About the Righteous." This number, while nominally large, does also represent the complexity of Polish identity during the time. When calculated on a per-capita basis, the amount of Polish Righteous is actually quite low compared to other nations. If it is assumed that Poland's wartime population was near 24,00,000 as most estimates have it, then 6,700 individuals is a pretty measly number (under 1%). Data from: Kazimierz Piesowicz, "Demographic effects of World War II" [Demograficzne skutki II wojny swiatowej.] *Studia Demograficzne*, No. 1/87, (1987) 103-36 pp.

were killed by Nazi forces and over one million were deported within German-occupied territory and into forced labor.⁵¹

After the War, the project of creating a unifying political or ethnic conception of what it meant to be Polish was left unaddressed by the Soviet government in control, which favored a more ideological unification. In this context the historic losses faced by Polish Jews and gentiles alike at the hands of both Nazi and Soviet forces were primarily glossed over. Instead of allowing for a distinctly Polish understanding of the past, the post-war Soviet-backed government quickly sought to devise memorializations of the war that emphasized the Soviet, or ideologically communist, aspects of Polish experience during the harrowing times. With this ideological framing, memorializations did not discuss Jewish death but instead opted for phrases like the “International Memorial for Victims of Fascism,”⁵² and often referenced murdered Jews as “innocent Soviet citizens.”⁵³ The effects of this ideological vocabulary both helped shield Polish complicity in murder and took away important markers of identity from the dead. By referencing murderers as exclusively fascist and the murdered as exclusively communist citizens, this era of memory stalled significant investigation into the past and forbid much uncovering of the complexities surrounding true victimhood and complicity.

The long shadow that communism and the Polish communist governments had cast over Polish memory work was nominally relinquished with the fall of communism in 1989. While the years of communist rule froze much Polish examination of the past by allowing only a narrow band of acceptable interpretations and narratives, its removal did not change much with regard to the Holocaust. The immediate post-communist years were primarily focused on economic expansion and the uncharted territory of independence. As the new republic found its footing, it could more thoroughly examine its past and create new narratives fit for a new Poland.

The primary goals of the post-communist space revolved around reevaluating the status of Soviet era monuments and Soviet-bent historical narratives that were commonplace and visible throughout Poland. In practice this meant both a tearing down and building up of memorializations. Monuments dedicated to prior Soviet leaders or to historical events with primarily Soviet importance were removed and or replaced. Holidays themselves were even changed, with the “National Holiday of Poland’s Rebirth” swapped for the proclamation of Polish independence and the celebration of the first Polish constitution.⁵⁴ Physical spots of memory were also altered. Street and square names were changed, like the over 150 in Warsaw alone, to fit the new narrative that those with political power in the post-communist nation sought to devise.⁵⁵ The primary shift of this narrative was to include the recently defunct Soviet-

⁵¹ “Polish Victims,” United States Holocaust Memorial Museum, Accessed 20 March 2018, <https://www.ushmm.org/wlc/en/article.php?ModuleId=10005473>.

⁵² As the Soviet Auschwitz memorial was originally named in 1967. Pam R. Jenoff, “Managing Memory: The Legal Status of Auschwitz-Birkenau and Resolution of Conflicts in The Post-Communist Era,” *The Polish Review* 46, no. 2 (2001): 131-53.

⁵³ As some memorials or post-war Soviet trials used. Lucjan Dobroszycki and Jeffery S. Gurock, *The Holocaust in the Soviet Union: Studies and Sources on the Destruction of the Jews in the Nazi-occupied Territories of the USSR, 1941-45*, (London: Routledge Press, 2016).

⁵⁴ Ewa Ochman, *Post-Communist Poland: Contested Pasts and Future Identities*, (New York: Routledge Press, 2014).

⁵⁵ Ochman, *Post-Communist Poland*.

backed government as an occupational force with ideological goals, similar to the earlier classification of Nazi forces during the communist period.

As Poles began to articulate this new understanding of the past, the inevitability and difficulty of facing the Holocaust became apparent. An early and representative flashpoint in this struggle can be seen in the “crosses at Auschwitz” controversy, which heated up in the late 1980s and early 1990s after Carmelite nuns opened a convent near Auschwitz I, and later erected a cross on the grounds of Auschwitz II.⁵⁶ This controversy brought in leaders from the Catholic and Jewish faiths, who converged on Auschwitz and tried to explain the relative (and religious) importance of the site to each faith. While the nuns were eventually forced to leave the grounds, the controversy that the debates ignited indicated a new direction for Polish nationalism that sought to more fully face the Holocaust, but in a distinctly Catholic and Polish manner. Independence had allowed this new nationalism to form; a nationalism that incorporated suffering and salvation in a complex religio-national manner. In this context the controversy was more than religious. It signaled the centrality of Auschwitz to a Polish identity synonymous with Catholic symbolism and thus imported on a historical site of the Holocaust, Catholic religious ideation with Polish political goals. In bringing in Auschwitz these disparate elements of Polish identity became fused. As the gates around Auschwitz were adorned with crosses and Polish flags the connection of a new Polish republic, Catholicism, and trauma central to this new nationalism became visible.

This budding nationalism sought to incorporate physical sites of tragedy in Poland’s past, and thus necessarily had to include sites of the Holocaust. The manner in which these sites and this history was included, however, served primarily political aims. To this new nationalism, the Holocaust represented Polish suffering that, when combined with the emergence of the third republic in 1990, could be cast as a tragic event leading to salvation through a new government grounded in Catholicism.⁵⁷ In order to accomplish this, Polish nationalists would need to claim these historical sites of memory, and in some cases memory itself, as Polish in this distinctive religio-political manner. It was similar to the Soviets in many ways because the sites or memories were allowed to speak only in a vocabulary spoken and chosen by those in political control. This meant reorienting these sites and their history away from places of Jewish murder and toward Christian eschatological importance and Polish political reference. The crosses at Auschwitz, therefore, were not to be interpreted exclusively as Christian symbols, but as Polish ones- a unification of symbolism that Polish nationalists deemed correct and important.

This process of the formation of a comprehensible nationalism and Polish identity is inherently political in nature. The broad political currents in Poland have followed a similar arc to those in the rest of Europe proper, and have even at times resembled those of the United States. Recently there has been a global rise of far-right parties and politicians set on national sovereignty and grounded in exclusivist rhetoric, and Poland is no exception.

The government of Poland operates as a multiparty parliamentary system in which a unitary executive (the President) is elected to a five-year term. Parliament includes the 460 member Sejm (lower house) who serve four year terms, and the 100 member Senat (upper house)

⁵⁶ Geneviève Zubrzycki, *The Crosses of Auschwitz: Nationalism and Religion in Post-Communist Poland*, (Chicago: University of Chicago Press, 2006).

⁵⁷ Zubrzycki, *The Crosses of Auschwitz*.

who also serve four year terms. Since Poland's first free (i.e. no direct communist influence) parliamentary elections in 1991 and presidential elections in 1990, the country has gradually shifted from far left and liberal parties to the center-right. During the majority of the 1990s and into the early 2000s Polish politics was primarily a contest between left-leaning and liberal parties and ideologies.⁵⁸ The 1991, 1993, 1997, and 2001 parliamentary elections were all won by more left-leaning or liberal political parties, and in each election these types of parties often fought between each other, as the conservative parties were much less powerful, prominent, or organized.⁵⁹

The political tides shifted dramatically in the presidential election of 2005 and the parliamentary elections of 2007. During this shift, the politics of Poland swung from primarily left-leaning and open to the West and Europe to conservative, religious, and inwardly-focused. In the presidential election of 2005, candidates from three right-wing and center-right parties (Law and Justice, Civic Platform, and Self Defence of the Republic of Poland) garnered a massive 84.5% of the total votes cast.⁶⁰ The most popular of the parties, the Law and Justice Party (or PiS for Prawo i Sprawiedliwość), should be considered a nationalist party (although its leaders deny support for this nomenclature).⁶¹ The party's past election programs have referenced broad "historical experiences," inherent "civilizational values," and a distinctly Polish "lived fate" as unifying conceptions of the Polish "nation."⁶² The PiS considers this Polish nation to be "related in an inextricable way with Christianity," and it often uses quotes from the Polish Pope John Paul II in a religio-political manner.⁶³

Though they may sound like it, the PiS are not a fringe political group. Far from it, the PiS is experiencing popularity at all-time highs⁶⁴ due in large part to their expansive social spending programs, popular euro-skeptic rhetoric, and firm Catholic cultural values.⁶⁵ As such a powerful and popular party, the PiS plays a central role in outlining and defining what it means to be Polish. The rhetoric and the stances that the PiS takes on issues like immigration, church and state relations, and social or welfare programs both reflects (to an extent) the will of the party's voters and the will of the Polish political elite in power.⁶⁶

⁵⁸ Dieter Nohlen and Philip Strover, *Elections in Europe: A Data Handbook*, (Baden-Baden: Nomos Verlagsgesellschaft 2010).

⁵⁹ Nohlen and Strover, *Elections in Europe*.

⁶⁰ "Voting Results: Presidential Election The Republic of Poland 2005," National Electoral Commission, accessed 5 April 2018, <http://prezydent2005.pkw.gov.pl/PZT/EN/WYN/W/index.htm>.

⁶¹ They are nationalist in that they support an ethno-national rather than primarily political conception of Polish identity. The leaders deny this, calling nationalism dangerous and preferring instead to be viewed as patriotic. Lech Kaczyński, "Patriotism does not mean nationalism," *Polska Times*, 11 November 2011, accessed 20 March 2018, <http://www.polskatimes.pl/artukul/59272,lech-kaczynski-patriotyzm-nie-oznacza-nacjonalizmu,id,t.html>.

⁶² Brian Porter-Szücs, "PiS in their own words," *PiS 2014 Election Program*, 5 February 2016, accessed 5 March 2018, <http://porterszucs.pl/2016/02/05/pis-in-their-own-words/>.

⁶³ Brian Porter-Szücs, "PiS in their own words."

⁶⁴ Ben Stanley, "Pooling the Poles: pooled polling trends and seat estimates for Polish parties," 5 April 2018, accessed 10 April 2018, http://rpubs.com/Ben_Stanley/PTP.

⁶⁵ Aleks Szczerbiak, "Explaining the popularity of Poland's Law and Justice government," London School of Economics, 26 October 2017, accessed 10 April 2018, <http://blogs.lse.ac.uk/europpblog/2017/10/26/explaining-the-popularity-of-polands-law-and-justice-government/>.

⁶⁶ Aleks Szczerbiak, "Explaining the popularity of Poland's Law and Justice government."

When the PiS put forward the “Holocaust Law,” it did not do so as a last-ditch effort to form a ruling majority with a fringe group or to win concessions from an extremist constituency. Far from it, the PiS holds power tightly enough that it can pursue aims like the “Holocaust Law” without much opposition. In this context, the Law is a single, albeit a concrete and legalistic, manifestation of a broader political current that seeks to politicize history in furtherance of nationalistic aims and the formation of a more novel Polish nationalism. In pursuing the law, the PiS is using its control over the IPN (Institute of National Remembrance) to begin erasing debate on issues like Jedwabne and to put an end to what some on the right call a “pedagogy of shame” that seeks historical understandings of Polish complicity in the Holocaust.⁶⁷ The exact mechanisms at play involve power over funding and the ability to designate certain issues as contrary to the interests of the Polish nation and thus outside the realm of acceptable inquiry.⁶⁸ In this environment, Polish nationalism is reaching back into the past in order to quiet debate and cease investigation in the present. To those in power, multiple meanings and differences of identity are unimportant to political unification and the glorification of a distinct idea of Polishness is more politically relevant. With Poles portrayed as exclusively heroes and victims, it does not help further political goals to engage in history that discusses perpetration, complicity, or murder.

These actions and this emphasis by the PiS do not mean that history or memorialization have ceased. Far from it, museums like the “Ulma Family Museum of Poles Saving Jews in World War Two” and others like it⁶⁹ have been recently opened, showing the consistent interest in the past.⁷⁰ But the aim of this museum and its particularly specific name serves purposes beyond those purely historical. By emphasizing the heroism of some Poles, the museum tries to metonymically include all Poles in such a category. Glorifying the heroes is admirable and there is no wrong in such an action, but to the Polish government in power this is the only history that should exist. Another recent example was the 2017 court battle over Poland’s newly established, comprehensive Museum of the Second World War. Right before the grand opening, the PiS government deemed the museum inadequately Polish and subsequently had it renovated and merged with a smaller museum that focuses exclusively on Polish struggle during the War.⁷¹ The government was not interested in a museum that highlighted the breadth of wartime experience and instead favored one that furthered political renditions of history. These actions follow broader acts of historical revisionism in the realm of teaching, where the PiS has fought to make teaching history an “obligation to the nation” that furthers political goals above pedagogical ones.⁷²

⁶⁷ Joanna Sawicka, “How PiS re-interprets Polish history,” *Polityka Insight*, 19 July 2016, accessed 25 March 2018, <http://www.politykainsight.pl/en/politics/politicsofmemory/1668996,1,how-pis-re-interprets-polish-history.read>.

⁶⁸ Joanna Sawicka, “How PiS re-interprets Polish history.”

⁶⁹ Another is the “Mausoleum of Struggle and Martyrdom.” “Mauzoleum Walki Męczeństwa,” accessed 10 April 2018, http://www.muzeum-niepodleglosci.pl/mauzoleum_szucha/.

⁷⁰ “The Ulma Family Museum of Poles Saving Jews in World War II,” accessed 10 April 2018, <https://muzeumulmow.pl/en/museum/history-of-the-ulma-family/>.

⁷¹ Joanna Berendt, “Court Clears Takeover of Poland’s New World War II Museum,” *New York Times*, 5 April 2017, 7 April 2018, <https://www.nytimes.com/2017/04/05/arts/design/poland-new-world-war-ii-museum-court-clears-takeover.html>.

⁷² Krzysztof Jaskułowski, Piotr Majewski & Adrianna Surmiak, “Teaching the nation: history and nationalism in Polish school history education,” *British Journal of Sociology of Education*, 39:1, 77-91, (2017).

The Law should be understood in this political context. It is not a one-off act of revisionism, but one tool among many that Polish nationalists have been using over much of the post-communist years to try and formulate a national narrative that prioritizes Polish martyrdom and sees Polish identity as exclusive and inapplicable to Poles of other ethnicities, especially Jewish Poles. The Holocaust in this context remains largely taboo because of the difficult questions that its events bring up regarding Polish complicity or perpetration. Polish nationalism grounded in victimhood and martyrdom for Catholic or Western virtues becomes less convincing and more complicated if Poles were murderers or Nazi collaborators themselves. By seeking to teach history in a distinct way, augment museums toward a distinctly Polish reading of the past, and to explicitly outlaw speech that runs counter to this broader narrative the PiS (and Polish nationalists writ large) are trying to change historical understanding itself. By politicizing history and engaging in *Polityka Historyczna* (the politics of history), Poland's right-wing is melding the past, as other regimes have before, and using the complexity of Polish history to further political aims in the present.

The PiS, though popular and politically powerful, does not represent all Poles. Especially with regard to the recent law, the government in power may speak loudest but does not represent all voices within Poland on this issue especially. There are Polish groups like the Forum for Dialogue who have partner programs with schools throughout the country to educate younger Poles about the breadth of Jewish history in Poland including the events of the Holocaust.⁷³ Though this law could be portrayed as a death knell for groups like the Forum, groups like these view it as anything but. In fact, through the controversy stirred up by the political motivations and vague language of the law, groups like the Forum are receiving widespread media attention and a lively discussion has again awoken in Poland- seemingly contrary to the intentions of the law. Polish support for the law is also far from unanimous, and it is unclear whether it will ever be politically viable for the PiS to implement the law in a practical and meaningful way.⁷⁴ What is clear, however, is that the law has not stifled debate nor has it silenced inquiry into the past. If anything, the law may spur more questioning and more research into the topics that have brought forth such a heated political battle. In that sense, there may be room for optimism, because even though the existence of such a law is cause for concern, the backlash and counter-movement against the spirit of the law have shown that the history of the Holocaust is still very much alive in Poland, something that other western countries may not even be able to claim.⁷⁵

⁷³ "Programs," Forum for Dialogue, accessed 5 April 2018, <http://dialog.org.pl/en/programs/>.

⁷⁴ Agata Szwedowicz, "CBOS: 40 proc. Polaków jest za nowelą ustawy o IPN, 51 proc. uważa, że dezinformacji należy przeciwdziałać inaczej," *Dzieje.PL*, accessed 25 March 2018, <http://dzieje.pl/aktualnosci/cbos-40-proc-polakow-jest-za-nowela-ustawy-o-ipn-51-proc-uwaza-ze-dezinformacji-nalezy>.

⁷⁵ Maggie Astor, "Holocaust is Fading From Memory, Survey Finds," *New York Times*, accessed 15 April 2018, <https://www.nytimes.com/2018/04/12/us/holocaust-education.html>.

Bibliography

- “About the Righteous.” The Righteous Among the Nations. Yad Vashem. Accessed 10 March 2018. <https://www.yadvashem.org/righteous/about-the-righteous.html>.
- Adekoya, Remi. “Poland’s Holocaust Denialism Will Come Back to Haunt It.” *Foreign Policy*, 9 February 2018. Accessed 10 March 2018. <http://foreignpolicy.com/2018/02/09/polands-holocaust-denialism-will-come-back-to-haunt-it/>.
- Astor, Maggie. “Holocaust is Fading From Memory, Survey Finds.” *New York Times*. Accessed 15 April 2018. <https://www.nytimes.com/2018/04/12/us/holocaust-education.html>.
- Berendt, Joanna. “Court Clears Takeover of Poland’s New World War II Museum.” *New York Times*, 5 April 2017. Accessed 7 April 2018. <https://www.nytimes.com/2017/04/05/arts/design/poland-new-world-war-ii-museum-court-clears-takeover.html>.
- Bershidsky, Leonid. “Why Polish Jews Are Growing Uneasy,” *Bloomberg*, 26 February 2018. Accessed 10 March 2018. <https://www.bloomberg.com/view/articles/2018-02-27/polish-jews-are-growing-worried-about-anti-semitism>.
- Černušáková, Barbora. “Poland's Holocaust Law Is a Dangerous Threat to Free Speech.” *TIME Magazine*, 9 March 2018. Accessed 10 March, 2018. <http://time.com/5193301/poland-holocaust-law-freedom-speech-amnesty/>.
- Crowe, David M. *The Holocaust: Roots, History, and Aftermath*. Boulder: Westview Press, 2008.
- Curczinski, Rose. San Francisco, 31 August 1997. USC Shoah Foundation Institute for Visual History and Education, University of Southern California. Accessed 15 April 2018.
- Davies, Norman. *God’s Playground: A History of Poland Volume II 1795 to the Present*. New York: Columbia University Press, 2005.
- Dobroszycki, Lucjan and Jeffery S. Gurock. *The Holocaust in the Soviet Union: Studies and Sources on the Destruction of the Jews in the Nazi-occupied Territories of the USSR 1941-45*. London: Routledge Press, 2016.
- Friedländer, Saul. *Nazi Germany and the Jews 1939-1945: The Years of Extermination*. New York: HarperCollins, 2007.
- Gera, Vanessa. “Polish Law Criminalizing Some Holocaust Law Speech Takes Effect.” Associated Press, 1 March 2018. Accessed 10 March 2018. <https://apnews.com/2a09f2c3d4ef4915b94aa6be620c9205>.
- Gross, Jan. *Neighbors: The Destruction of the Jewish Community in Jedwabne*. Princeton: Princeton University Press, 2001.

- Jaskułowski, Krzysztof; Piotr Majewski; and Adrianna Surmiak. "Teaching the nation: history and nationalism in Polish school history education." *British Journal of Sociology of Education*, 39:1, 77-91, (2017).
- Jenoff, Pam R. "Managing Memory: The Legal Status of Auschwitz-Birkenau and Resolution of Conflicts in The Post-Communist Era." *The Polish Review* 46, no. 2 (2001): 131-53.
- Kaczyński, Lech. "Patriotism does not mean nationalism." *Polska Times*, 11 November 2011. Accessed 20 March 2018. <http://www.polskatimes.pl/artykul/59272,lech-kaczynski-patriotyzm-nie-oznacza-nacjonalizmu,id,t.html>.
- Koposov, Nikolay. *Memory Laws, Memory Wars: The Politics of the Past in Europe and Russia*. Cambridge: Cambridge University Press, 2018.
- "Mausoleum of Struggle and Martyrdom." "Mauzoleum Walki Męczeństwa," accessed 10 April 2018, http://www.muzeum-niepodleglosci.pl/mauzoleum_szucha/.
- Nohlen, Dieter and Philip Strover. *Elections in Europe: A Data Handbook*. Baden-Baden: Nomos Verlagsgesellschaft 2010.
- Nowak, Maciej T. "Guilty of Holocaust Denial. Negligible public harm?," *Gazeta Wyborcza*, 11 December 2001. Accessed 10 March 2018. <http://auschwitz.org/en/museum/news/guilty-of-holocaust-denial-negligible-public-harm,227.html>.
- "Nowelizacja ustawy o IPN – wersja w języku angielskim- Certified Translation from the Polish Language: Act of 26 January 2018." Ministerstwo Sprawiedliwosci, 2 February 2018. Accessed 10 March 2018. <https://www.ms.gov.pl/pl/informacje/news,10368,art-55a-ust-1-ustawy-o-ipn-w-wersji-angielskiej.html#prettyPhoto>.
- Ochman, Ewa. *Post-Communist Poland: Contested Pasts and Future Identities*. New York: Routledge Press, 2014.
- Pariser, Jack. Laguna Beach, California. 4 December 1995. USC Shoah Foundation Institute for Visual History and Education, University of Southern California. Accessed 15 April 2018.
- Piesowicz, Kazimierz. "Demographic effects of World War II." "Demograficzne skutki II wojny swiatowej." *Studia Demograficzne*, No. 1/87, (1987).
- "'Poland guided by national interest' says official after US senators slam restitution bill." *Radio Poland* 28 March 2018. Accessed 30 March 2018. <http://www.thenews.pl/1/10/Artykul/356172,Poland-guided-by-national-interest-says-official-after-US-senators-slam-restitution-bill>.
- "Polish Victims." United States Holocaust Memorial Museum. Accessed 20 March 2018. <https://www.ushmm.org/wlc/en/article.php?ModuleId=10005473>.

- Porter-Szücs, Brian. "PiS in their own words." PiS 2014 Election Program 5 February 2016. Accessed 5 March 2018. <http://porterszucs.pl/2016/02/05/pis-in-their-own-words/>.
- "Programs." Forum for Dialogue. Accessed 5 April 2018. <http://dialog.org.pl/en/programs/>.
- Sawicka, Joanna. "How PiS re-interprets Polish history," Poilityka Insight 19 July 2016. Accessed 25 March 2018. <http://www.politykainsight.pl/en/politics/politicsofmemory/1668996,1,how-pis-re-interprets-polish-history.read>.
- Shepp, Jonah. "Poland's Holocaust Law and the Right-Wing Desire to Rewrite History." New York Magazine 3 February 2018. Accessed 10 March 2018. <http://nymag.com/daily/intelligencer/2018/02/polands-holocaust-law-and-the-right-wing-revisionism.html>.
- Stanley, Ben. "Pooling the Poles: pooled polling trends and seat estimates for Polish parties." 5 April 2018. Accessed 10 April 2018. http://rpubs.com/Ben_St Stanley/PTP.
- Szczerbiak, Aleks. "Explaining the popularity of Poland's Law and Justice government." London School of Economics 26 October 2017. Accessed 10 April 2018. <http://blogs.lse.ac.uk/europpblog/2017/10/26/explaining-the-popularity-of-polands-law-and-justice-government/>.
- Szwedowicz, Agata. "CBOS: 40 proc. Polaków jest za nowelą ustawy o IPN, 51 proc. uważa, że dezinformacji należy przeciwdziałać inaczej." Dzieje.PL. Accessed 25 March 2018. <http://dzieje.pl/aktualnosci/cbos-40-proc-polakow-jest-za-nowela-ustawy-o-ipn-51-procwaza-ze-dezinformacji-nalezy>.
- Tarnowski, Janina. Astoria, New York, 12 November 2000. USC Shoah Foundation for Visual History and Education, University of Southern California. Accessed 15 April 2018.
- "The Act on The Institute of National Remembrance." Instytut Pamięci Narodowej. 18 December 1998. Accessed 10 March 2018. <https://www.legal-tools.org/doc/fc69d7/pdf/>.
- "The Ulma Family Museum of Poles Saving Jews in World War II." Accessed 10 April 2018. <https://muzeumulmow.pl/en/museum/history-of-the-ulma-family/>.
- "Voting Results: Presidential Election The Republic of Poland 2005." National Electoral Commission. Accessed 5 April 2018. <http://prezydent2005.pkw.gov.pl/PZT/EN/WYN/W/index.htm>.
- Zubrzycki, Geneviève. *The Crosses of Auschwitz: Nationalism and Religion in Post-Communist Poland*. Chicago: University of Chicago Press, 2006.