
In the Textual World of Twenty-First-Century Holocaust Literature

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Managing Death. Polish Legitimate Cultures Concerning the Holocaust

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On April 19, 2023, on the eightieth anniversary of the outbreak of the Warsaw Ghetto Uprising, Barbara Engelking, a well-known and respected Holocaust researcher, said during the program *Kropka nad I* [Dotting the "I"], hosted on the independent TV station TVN by Monika Olejnik:

The Jews were unbelievably disappointed by the Poles during the war. [...] The Jews knew what to expect from the Germans. The German was the enemy and this relationship was very clear, black and white, while the relationship with the Poles was much more complex. [...] The Poles had the potential to become allies of the Jews and one could hope that they would behave differently, that they would be neutral, that they would show good-will, that they would not exploit the situation to such an extent, and that there would not be such widespread blackmail.¹

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¹ *Kropka nad I* [Dotting the "I"], TV-program, accessed 16 March, 2024, <https://tvn24.pl/go/programy/7/kropka-nad-i--odcinki,11419/odcinek-1353,SooE1353,1047606>. Unless otherwise noted, all quotes are translated by the author of this article.

The following day, Polish Prime Minister Mateusz Morawiecki posted an extensive, almost three-page comment on his official Twitter account. The general tone of the statement was established in the first paragraph:

On yesterday's program *Kropka nad I* on TVN24, outrageous words were uttered which have nothing to do with reliable historical knowledge. As Prime Minister, a historian and, above all, a Pole, I feel obliged to respond to the claims made on air. The fact that the Holocaust took place on Polish territory was a bitter paradox of history for a country that welcomed the Jews of Europe during the worst medieval and modern pogroms. It needs to be said out loud that the hecatomb of the Jewish people began with the destruction of the Polish state, an enclave of safety, so to speak, for Jews from all over Europe who had been fleeing persecution for centuries. Only after the liquidation of Poland as a state could the Germans begin their crimes. With the occupation, the Germans also destroyed the great culture, language and history of a nation that had been part of Europe for hundreds of years. Poland and the Poles were an obstacle and impediment to the Holocaust, not accomplices in it. The Righteous Among the Nations number almost 28,000 people from 51 countries. Of these, most are Poles – more than 7,000. It is estimated that the number should be much higher.²

Morawiecki went on to state that in Warsaw alone, some 70,000–90,000 Poles aided Jews despite being threatened with death for doing so, and that this figure was many times higher in the provinces.³ Engelking's "unscientific" statement was placed by the Prime Minister within the tradition of anti-Polonism: "The scandalous opinions – I repeat – OPINIONS – not facts and the anti-Polish narrative presented in some media are unfortunately the result of years of neglect by the Polish state as well. In the People's Republic of Poland, which was known for its top-down imposed, communist anti-Semitism, and later in Poland after 1989, the topic of Poles aiding Jews was neglected and rarely discussed. This was exploited by other countries

2 Mateusz Morawiecki, Post (Twitter), accessed August 26, 2023, https://twitter.com/MorawieckiM/status/1648986768429948928?ref_src=twsrc%5Etfw%7Ctwcamp%5Etwembed%7Ctwterm%5E1648986768429948928%7Ctwgr%5E3d79e4f9b4cbcb1549c3167a5a4fa848cd2a34dc%7Ctwcon%5Es1_&ref_url=https%3A%2F%2Fwyborcza.pl%2Falehistoria%2F712168129683953polacy-wszyscy-jestescie-bohaterami-to-mowilem-ja-morawiecki.html.

3 Prime Minister Morawiecki based his data on Gunnar S. Paulsson's book *Secret City: Jews on the Aryan Side of Warsaw (1940–1945)*, trans. Elżbieta Olender-Dmowska (Kraków: Znak, 2007), a passionate but strongly one-sided story, contested by historians of the occupation and by Holocaust scholars.

to spread their own narratives, unfavorable to Poland, and to disseminate a falsified historical politics. The results are the kind of pseudo-historical statements we heard yesterday on TVN24. We are fighting for Poland's good name in the world. This requires time and investment.”⁴

On the same day (April 20, 2023), Przemysław Czarnek, head of the Ministry of Education and Science, posted a comment on the ministry's official Twitter account: “I have commissioned a very broad inter-university study within the framework of the NPRH [National Programme for the Development of the Humanities – author's note] to demonstrate community by community the involvement of [Polish – P. Cz.] society in saving Jews during the Holocaust. So that people like those on TVN24 can never again insult Poles, [who were – P. Cz.] murdered by Germans for this reason.”⁵ In a radio statement, Minister Czarnek added: “This is scandalous, the unbelievable insolence of this lady, it's not the first time, after all. This woman does not understand what happened during the Second World War in Poland. This woman does not understand the tragedy of the Ulma family, for example, and this is just an example. [...] I do not intend to influence in any way the employment policies of the Institute of Sociology of the Polish Academy of Sciences – this is not my role. However, I will certainly review my financial decisions, because I will not provide significant funding to an institute which employs the kind of people who simply insult Poles.”⁶

Neither of these officials mentioned the issue of blackmail or the extortion payments collected from Jews in hiding, both of which were raised by Engelking. Instead, they adopted a strategy of challenging her authority. They both called the researcher's statement “scandalous,”⁷ both denied her words the

4 Mateusz Morawiecki, Post (Twitter).

5 Przemysław Czarnek, Post (Twitter), accessed August 26, 2023, https://twitter.com/CzarnekP/status/1648954700807454726?ref_src=twsrc%5Etfw%7Ctwcamp%5Etweteembed%7Ctwterm%5E1648954700807454726%7Ctwgr%5E06bc90507cefo3861e4c49ff86c42731b2c3c80d%7Ctwcon%5Esl1_ref_url=https%3A%2F%2Foko.press%2Fpremier-i-minister-nauki-atakuje-badaczke-zagladu.

6 “Minister Czarnek: Będę rewidował swoje decyzje finansowe dotyczące Instytutu Socjologii PAN” [I will certainly review my financial decisions concerning the Institute of Sociology of the Polish Academy of Sciences] Polska Agencja Prasowa, April 24, 2023, accessed August 26, 2023, <https://www.pap.pl/aktualnosci/news%2C1565003%2Cminister-czarnek-bede-rewidowal-swoje-decyzje-finansowe-dotyczace>.

7 For the sake of order, it should be recalled that Barbara Engelking is one of the most careful (meticulous in collecting materials and cautious in formulating conclusions) Holocaust researchers. Her books have set directions and methods for the study of Polish-Jewish relations during the war – especially her book *Jest taki piękny słoneczny dzień... Losy*

status of scientific facts (they were “opinions”), and both linked them to the propaganda of the communist period and negligence during the years since 1989. Both politicians contrasted such “opinions” on the prevalence of blackmail with a heroic version of wide scale aid given to Jews by Poles; they both considered ignoring this aid to be an insult to the good name of Poland and Poles, and described study of the Holocaust as essential for Poland’s future.⁸ Morawiecki’s threefold enumeration – “as prime minister, a historian and, above all, a Pole” – established the basis on which the Minister based his very real threats: in the name of the legitimate authorities, in the name of “real” science, and in the name of the nation; Czarnek, without hiding his bias, announced the commissioning of a study to document the involvement of the inhabitants of Polish communities in aiding the Jews. In doing so, the Minister considered “the feelings of Poles” as the only criterion for scientific validity⁹ and announced that he would apply financial pressure to researchers who “insult Poles.”¹⁰

Żydów szukających ratunku na wsi polskiej 1942–1945 (Warszawa: Stowarzyszenie Centrum Badań nad Zagładą Żydów, 2011) [English edition: *Such a Beautiful Sunny Day: Jews Seeking Refuge in the Polish Countryside, 1942–1945* (Jerusalem: Yad Vashem, 2016)], as well as the monumental collective studies co-edited by Engelking: *Zarys krajobrazu. Wieś polska wobec zagłady Żydów 1942–1945* [Outlines of a landscape. The Polish countryside towards the extermination of Jews 1942–1945] (co-edited with Jan Grabowski and Alina Skibińska; Warszawa: Centrum Badań nad Zagładą Żydów, 2011), *Prowincja Noc. Życie i zagłada Żydów w dystrykcie warszawskim* [The province of night: Life and the extermination of Jews in the Warsaw district] (co-edited with Jacek Leociak and Dariusz Libionka; Warszawa: Centrum Badań nad Zagładą Żydów, 2007) and *Dalej jest noc. Losy Żydów w wybranych powiatach okupowanej Polski* (2018) [English edition: *Night Without End: The Fate of Jews in German-Occupied Poland*], co-edited with Jan Grabowski (Jerusalem, Bloomington: Yad Vashem–Indiana University Press, 2022).

- 8 Mateusz Morawiecki, Post (Twitter): “A nation that knows nothing about its own past, is not proud of the achievements of its ancestors, allows their Memory to be tarnished – has no future.”
- 9 “Czarnek grozi PAN: ‘Nie będę dawał pieniędzy naukowcom, którzy obrażają Polaków,’” [Czarnek threatens PAN: “I will not give money to scientists who insult Poles”] *Głos Naukowców*, April 25, 2023, <https://glos.pl/czarnek-grozi-pan-nie-bede-dawal-pieniedzy-naukowcom-ktorzy-obrazaja-polakow>; accessed August 26, 2023: “I will not allow Prof. Engelking to insult Poles and call us blackmailers. I will not give money for this. Poles do not wish it.”
- 10 In the article “Polacy! Wszyscy jesteście bohaterami! To mówiłem ja, Morawiecki, premier, historyk i Polak,” [Poles! You are all heroes! This is what I said, Morawiecki, the Prime Minister, a historian and a Pole] (*Gazeta Wyborcza*, April 21, 2023) Beata Maciejewska quotes the words Min. Czarnek uttered during a radio programme: “[...] there will be funds for grants in those areas of research that relate to objective values and

Both statements seem symptomatic. The reactions of the Prime Minister and the Minister to Prof. Engelking's words were not only manipulative (the Prime Minister), deceitful and aggressive (the Minister). They also expressed panic. This is how people who are fighting for the highest stakes behave. But what are the stakes?

Old Death, New Life

The fact that both officials invoked the authority of the government, the nation and science, indicates that this conflict is over the basis for what constitutes a legitimate culture.¹¹

According to researchers,¹² a legitimate culture is an axiological frame of reference for society as a whole: it defines what brings prestige and shame, it sets the ceiling for social aspirations, establishes the measure for evaluating the lives of individuals and societies, and allows the value of past and present actions to be assessed. It should be possible to apply this frame of reference in the evaluation of all past, present and anticipated actions. However, although a legitimate culture is the basis for definitive judgements, it is not itself subject to evaluation. What legitimates it is that it provides legitimacy. It is not subject to questioning because, by setting the standard for judging all other forms of culture, it produces mechanisms that make it impossible to know its basis. It dictates obligatory patterns (of reading, writing, speaking, behaving), defends their inviolability and, at the same time, is itself defended by them. According to Pierre Bourdieu's inspiring term, it is a dominant cultural arbitrary whose reproduction influences the reproduction of power arrangements and power

are important for Poland, that examine important periods of our history or the involvement of the Catholic Church in fighting German or Soviet totalitarianism, in maintaining Polishness under the partitions. Swift and decisive decisions are badly needed in this regard. We will support the newly established philosophical and philological institutes."

11 Translator's note: In the original Polish text of the present article, the term *kultura prawomocna* is used to denote both the product and the source of two means of establishing cultural legitimacy. In English, the source of such legitimacy is often described as a "culture of legitimacy." To better reflect the source text and its roots in Bourdieu's model of culture, "legitimate culture" has been used as the equivalent for *kultura prawomocna* throughout the article – T. A.

12 See Pierre Bourdieu and Jean-Claude Passeron, *Reproduction in Education, Society and Culture*, trans. Richard Nice (London: Sage, 1990), 22–23.

relations.¹³ It is thus an official culture sanctioned by social institutions, but, at the same time, it endows these institutions with their own means of sanction. The stakes in this game are the means for representing what constitutes a legitimate culture, while its enactment is tantamount to gaining control over the circulation of meanings and values.

Meanwhile, the Holocaust – treated impartially – warrants asking precisely about how a legitimate culture functions in practice: in relation to the cultural (especially religious, patriotic and moral) basis for both aiding Jews and using violence against them, about the behavior of the Polish elites and masses towards Jews during the occupation, about the Polish idea of citizenship and nation, about the heritage of the legal sanctioning in German-occupied Poland of prewar anti-Semitism, about the position of Jews within Poland's social hierarchy and forms of action during the occupation that went beyond prewar expressions of contempt, about the attitude of the Catholic Church towards the Holocaust, about the reasons for people's hiding from other Poles the fact that they were aiding Jews, about the scale of wartime denunciation and blackmail, about postwar forms of Holocaust commemoration, and postwar digging for gold at the sites of former death camps... Studying the Holocaust likewise necessitates examining stories about the good relations between Poles and Jews in prewar Poland, of Poles' widespread solidarity with Jews during the Holocaust, of the warm reception received by Jews returning to their homes after the Holocaust. The study of the Holocaust is an expedition into the depths, to the very core, of Poles' uncertainties.

It is therefore understandable and justified to invoke the authority of the government, the nation and science to establish an operative, binding version of knowledge about the Holocaust. In order to exercise power in today's Poland, it is necessary to have control over the Holocaust narrative, and in order to control this narrative, it is necessary to have at one's disposal a legitimate culture. However, this applies not only to the current decade, but to the entire post-1989 period. After this turning-point, Polish culture and politics become intertwined by a new bond: from the moment independence was regained, any legitimate culture had to assimilate the Holocaust, i.e. transform it into a form that would allow the death of Poland's former Jews to lend its dark authority in the exercise of power – in managing social divisions, in establishing the limits of public debate and of art and science, in defining attitudes to the past, and in setting goals for the future.

¹³ Ibid.

Broadening the Rituals of Forefathers' Eve¹⁴

In the history of Polish legitimate culture¹⁵ more important than 1989 is the mid-1980s, during which key forms of cultural activity were directed at dismantling legitimacy. The rationale for such a conclusion is not only the diversity of cultural forms emerging in the mid-1980s, but also the unique carnivalesque atmosphere of anarchism that targeted all – especially national, Catholic and also proto-capitalist – hierarchies.¹⁶ In almost all registers of social life, activities emerged that contested both official and underground culture. This was the nature of the so-called “third circuit” in communication,¹⁷ which maintained its independence from state structures and from the underground culture of Solidarity; the artzines,¹⁸ that is the magazines created by small collectives, which emerged within the framework of the third circuit, parodied all officiality and allowed “immature” forms (humorous, irreverent, raw, amateurish) to speak out. Anti-hierarchism also manifested itself in the activities of artistic groups that combined moral scandal with political anarchism (TOTart from Gdańsk, Kultura Zrzuty [Pitch-In Culture]¹⁹). A less iconoclastic but more participatory carnivalesque practice was introduced into public life by the Orange Alternative happening movement.²⁰ A similar

14 The Polish term *dziady* [literally “grandfathers”], used here in the source text, refers in Slavic folklore both to the spirits of one’s forebears and to pre-Christian customs related to ritual commemoration of (and communion with) the dead. Today *dziady* is generally associated in Polish-Lithuanian-Belorussian culture with the pagan roots of celebrations surrounding All Saints’ Day and the title of Mickiewicz’s famed dramatic trilogy, traditionally translated in English as *Forefathers’ Eve* (Parts 1 to 3).

15 This category was used to describe Polish culture after the transformation by Joanna B. Bednarek – see *Żywotne zakłócenie. Skandal i przemiany kultury prawomocnej w Polsce 1989-2019*. Doctoral dissertation defended at Adam Mickiewicz University in 2021.

16 For the most comprehensive monograph on the phenomenon of resistance culture in the 1980s, see Marcin Kościelniak, *Egoiści. Trzecia droga w kulturze polskiej lat 80* (Warszawa: Instytut Teatralny im. Zbigniewa Raszewskiego, 2018).

17 See, among others, Entry: “trzeci obieg,” *Parnas Bis – Słownik literatury polskiej urodzonej po 1960 roku*, ed. Paweł Dunin-Wąsowicz and Krzysztof Varga (Warszawa: Lampa i Iskra Boża, 1995), 93; Entry: “trzeci obieg,” *Mały słownik subkultur młodzieżowych*, ed. Mirosław Pęczak (Warszawa: Wydawnictwo Naukowe Semper, 1992), 96.

18 The first monograph on artzine activity and poetic creation was written in German. See Michael Fleischer, *Overground: die Literatur der polnischen alternativen Subkulturen der 80er und 90er Jahre* (München: Otto Sagner, 1994).

19 See Kościelniak, *Egoiści*.

20 See Łukasz Kamiński, “Krasnoludki i żołnierze. Wrocławska opozycja lat osiemdziesiątych,” *Pamięć i Przyszłość* 2 (2008): 7–19.

tendency towards protest and provocation nature was characteristic of two important literary journals of the period: Poznań's "Czas Kultury" [Culture time] (1985),²¹ and Kraków's "Brulion" (1986),²² which dealt both seriously and comically with opposition culture.²³ Alongside these initiatives, a plethora of new value systems emerged, alongside new forms of association and action geared towards group bonding that blurred the boundary between creators and audiences, while also making no reference to "anti-communism" as a shared identity. Such a call for participatory engagement could also be seen in music subcultures (from rock to punk) and in close-knit communities of SF literature fans. All of these activities showed that social communication no longer fit into the "authorities/opposition" (communism/anti-communism) dichotomy into which Polish symbolic culture had become jammed after martial law.

Thus, in Polish culture of the mid-1980s a mass diffusion was taking place in practices on the streets, in artistic niches and in the popular register. A diverse culture was emerging, anchored in everyday communicative practices, engaging in group activity, and mocking all (ecclesiastical, national, Solidarity, etc.) authorities.

In this diffused movement, artistic activity often provided blueprints for a new and different society – one linked horizontally (and thus less hierarchical), rejecting existing codes, and consisting of many loose communities, giving social conflicts a ritualistic character, and blurring boundaries and cultural roles (especially between creator and viewer, professional and amateur).

Such a prospective society – expressing itself through multiple, diverse and relatively equal forms of activity – was significantly disrupted by literature. There was little of the offbeat energy of musical or performance groups in the literature of the mid-1980s. But these literary texts introduced a necessary dose of doubt, evoking the memory of social differences, the conflicts arising from them, and the violence that was carried out on such occasions. The combined criteria "memory–conflict–violence" defines a small constellation of works (Hanna Krall's *Sublokatorka* [The subtenant], Andrzej Szczypiorski's *Początek* [Beginning], Paweł Huelle's *Weiser Dawidek*, Piotr Szewc's *Zagłada*

21 For a selection of the editor-in-chief's sharpest columns, see Jerzy Grupiński, *Dziedzinniec strusich samiec. Kilka uwag o życiu umysłowym w Polsce* (Poznań: Obserwator, 1992).

22 See Marcin Wieczorek, *Brulion. Instrukcja obsługi* (Kraków: Korporacja Ha!art, 2005).

23 For a characterization of the literature of the 1990s from a generational perspective, see Jarosław Klejnocki and Jerzy Sosnowski, *Chwilowe zawieszenie broni: o twórczości tzw. pokolenia bruLionu (1986–1996)* (Warszawa: Sic!, 1996); Paweł Dunin-Wąsowicz, *Oko smoka. Literatura tzw. pokolenia brulionu wobec rzeczywistości III RP* (Warszawa: Lampa i Iskra Boża, 2000).

[Annihilation], Tadeusz Konwicki's *Bohin*, Adolf Rudnicki's *Teatr zawsze grany* [Theatre always performed] and *Krakowskie Przedmieście pełne deserów* [Krakowskie Przedmieście, full of desserts] (1986), Jarosław Marek Rymkiewicz's *Umschlagplatz*, Henryk Grynberg's *Kadisz* [Kaddish] Andrzej Kuśniewicz's *Nawrócenie* [Turnaround], Jacek Bocheński's *Stan po zapaści* [Conditions after the collapse])²⁴ that evoked the greatest social resonance in the latter half of the 1980s.

If the cultural activities discussed above designed and practiced a pluralistic society, literature offered a foundation for this pluralism – the memory of exterminated differences.²⁵ In all of the aforementioned texts, the spectators of Poland's former minorities return: first and foremost among them are the Jews, but they also include the Kashubians, Gypsies, Ukrainians, Lemkos, Lithuanians, and others. Literature evoked these communities and began to reveal the attitudes that Poles once held towards them. These varied recollections included images of ordinary neighborly coexistence, sympathy, camaraderie, friendship and even love, all of which were decisive factors in people's providing aid to minorities both during the war and in the times of the People's Republic of Poland. Alongside this, however, much more often and on a larger scale, literature evoked darker affects: dislike, disregard, contempt, disgust and hatred. In these cases, the plots took us through the successive stages of Poles' attitudes towards Jews: from the nineteenth century to the late 1920s, Poles tried to keep Jews isolated; in the 1930s they resorted to legal discrimination and street violence; during the war they maintained an indifferent acquiescence to the crimes committed by the Germans. This literature did not provide a full picture of this process or suggest sociological explanations. Rather, it directed readers towards repressed content and posed questions: how did ethnic differences disappear? If the Germans are to blame for the eradication of these differences, why is the memory of those who were exterminated not widely cultivated? Does the poor and reluctantly

24 To this we could add the two-hour version of Claude Lanzmann's film *Shoah* (TVP, 1985), Jan Błoński's essay "Biedni Polacy patrzą na getto," [The poor poles look at the ghetto] *Tygodnik Powszechny* 2 (1987), Jerzy Ficowski's ethnographic essays *Cyganie na polskich drogach* [Gypsies on Polish roads] (1953, 1985), *Demony cudzego strachu* [Demons of other people's fears] (1986), and *Cyganie w Polsce. Dzieje i obyczaje* [Gypsies in Poland. History and customs] (1989), and Erwin Kruk's novel *Kronika z Mazur* [Chronicle from the Mazury region] (1989).

25 Maria Janion, in her book *Do Europy tak, ale razem z naszymi umarłymi* [To Europe, yes, but together with our dead] (Warszawa: Sic!, 2000), identified the memory of the absent as a condition for the preservation of cultural continuity and the construction of a post-modern ethic.

expressed memory of Jews, Ukrainians, Lemkos and other minorities reveal any hidden secrets about Polish attitudes during and after the war?

Thus, in regard to one of the main hopes of the 1980s – the hope for a diverse and non-conflictual society – literature offered a warning. In doing so, it reached back to a deep-seated cultural memory, signaling a condition for such change. From this memory emerged the idea of “broadening the rituals of Forefather’s Eve”: prose proposed including the absent in the rituals of commemoration. The cultivation of memory was to restore names to absent people, to reconstruct their biographies, to re-establish them in specific places and communities, and – seemingly most importantly – to initiate a process of reparation. With the revival of Forefathers’ Eve, a circle was being formed that was essential to speaking out loud about such questions as: why do the absent haunt us? What should we do to give them and ourselves peace?

A desire for reparation directed at the past was combined with a warning for today’s society. This literature said that if we did not want a repeat of the past, equality between the social majority and its various – ethnic, religious, gender and sexual – minorities must become the basis for future relations. This prose did not point to any particular political system, but included in its preamble for a future social pact a reminder of the violence that rained down on minorities throughout the twentieth century.

Building a social order on the ethical principle of respect for the Other and the renunciation of violence had a deep and disheartening justification in past experience. However, this project concealed at least three troublesome issues. Firstly, it founded its order of differences on differences that no longer existed (between Poles and Jews, Lemkos, Kashubians, Ukrainians, Byelorussians, etc.), meaning that the focus of the order proposed by Polish literature of the late 1980s and early 1990s were the ghosts of the absent rather than the bodies of the present. Secondly, the exclusion of violence by the majority was based on the story of its victims, which in turn transferred to the new period a messianic element expressed in the recognition of suffering as a means of participation in history. Thirdly, this dramatic narrative of Polish modernity focused on the use of ethnically based violence against minorities, leading to a disregard for economic issues and the omission of victims belonging to the majority. The books in question did not help prepare readers to recognize market or political discrimination; divisions based on class and material wealth – with all their complexities – existed here merely as a backdrop against which new, diverse, consensually coexisting and mutually respectful identities were to be more fully presented.

Despite these worrying blank spots, this idea would have had a chance of success if, after 1989, it had been followed by the transformation of school education, a profound modernization of the Church, the introduction of the

theme of Polish indifference to the death of Jews into religion lessons and recognition of this attitude as the original sin of postwar Polish identity, and the creation of mechanisms to combat inequality. Things turned out differently, however, and the emancipation story conveyed through literature became the moral guarantor of a new legitimate culture.

How Neoliberalism Hijacked the Holocaust

An area where Poland's new political system found common ground with an emerging emancipatory culture that sided with the Other was in the deregulation of collective ties. From the point of view of the emancipation movements, only the dismantling of existing collective identities offered the Other – in Polish culture this included, above all, women, sexual others and Jews – a chance for equality²⁶: the delegitimization of Polish masculinity gave rise to hopes for loosening patriarchal ties and opening up to female Polish historical narratives (herstories)²⁷; the weakening of the heterosexual regime was a condition for the emancipation of sexual minorities; the dismantling of nationalism provided a basis for naming and possibly eliminating the ideological violence used by the majority against minorities (especially against Jews). Exposing the discriminatory aspects of identity and collective categories – like “nation,” “local community,” “Catholicism,” “masculinity,” “Polishness” or “patriotism” – offered a chance to move on to a new stage of modernity. For this reason, the 1990s saw the deconstruction of the story of the collective subject in Polish culture.

This appeared to be the dawn of a new historical period, one where the weaker, discriminated against, overlooked and marginalized minority subject would be granted fuller citizenship. However, this subject did not enter into a world in which freedom and equality were successfully established. The new world had shattered existing ties, seen as obstructing both democracy and capitalism. The political transformation in Central Europe began thanks to mass protests, but the implementation of regime change was based on the dismantling of collective subjects: there would have been no Solidarity and no victory in 1989 without the industrial proletariat, but there would have been no Polish capitalism without the rapid dismantling of the working class. In the early 1990s, the most important collective subjects – workers, farmers, the

26 See Kinga Dunin, *Czytając Polskę. Literatura polska po roku 1989 wobec dylematów nowoczesności* (Warszawa: W.A.B., 2004).

27 See Inga Iwasiów, *Rewindykacje. Kobieta czytająca dzisiaj* (Kraków: Universitas, 2002); *Gender dla średnio zaawansowanych. Wykłady szczecińskie* (Warszawa: W.A.B., 2004).

intelligentsia – turned out to be victors defeated by a history they themselves had ushered in.

The process of dismantling collective entities was rooted in a troublesome nonculpable guilt on the part of culture. Both Polish culture and Poland's economic transformation were working towards the same thing – deregulation. Their objectives, of course, were different. Cultural work sought to raise awareness of the damaging power of the family, the nation and male identity, and pointed to the need to develop new bonds – ones based on choice, granting more freedom to the individual, and promoting equality and reciprocity. Capitalism, on the other hand, was interested in individualism, not in new bonds: the success of the economic transformation was conditioned on the transformation of collective subjects into a collectivity of separate subjects. However, the difference between capitalism and critical culture became blurred where neoliberal rhetoric met emancipatory discourse: neoliberals attacked the social demands of workers and peasants, while proponents of emancipation criticized the oppressive nature of the masculocentric, national or Catholic community. The object of criticism – collective subjects – was a shared one.²⁸

This ad hoc discursive alliance allowed Polish liberal-capitalist democracy to appropriate the Holocaust. This assimilation consisted in transforming the Holocaust into a delegitimization of nationalism and, more broadly, into evidence of the dangerous power inherent in collective subjects – especially the nation or religious community. When viewed in this way, the Holocaust needs to be seen as a challenge to the renewal of collective ties;²⁹ however, neoliberal discourse essentially incorporated the Holocaust into a broader process of weakening collective ties. This discourse warned against collectivism, recalled the criminality of nationalism and racism, and realized that

28 This discourse implied a rather simple social contract. It argued that social conflicts would disappear if, in democratic and free-market realities, everyone would strive for their own success (career, health, wealth, recognition) without interfering in other people's lives. There was room for association in this contract, but the only collectives that were desirable were those with a pragmatic (e.g. to set up a non-public school or business) or ludic (e.g. to throw a festival) orientation. On the delegitimization of collective problems, see *Cudze problemy. O ważności tego, co nieważne. Analiza dyskursu publicznego w Polsce*, ed. Marek Czyżewski, Kinga Dunin and Andrzej Piotrowski (Warszawa: Ośrodek Badań Społecznych, 1991).

29 See Kinga Dunin, *Czytając Polskę*, 48: "It is the Holocaust present in museums, on monuments, in cinema and television, in official politics and political contestation that is the axiological warp of the world of late modernity." It should be added that the weaving of the axiological warp was attempted by means of "political contestation," while "official politics" tended to tear apart the social fabric.

ideological unity always leads to collective violence. In the public debate of the 1990s, an effective defense mechanism against collective identities was created: if workers stood up for workers' interests, this was labelled an entitlement mindset and snubbed as an attempt to return to communism; if someone called for protection of the Polish labor market or Polish products, they were accused of nationalism and their attitude compared to fascism. A syntax was thus created that allowed every collective subject to be placed in the light of suspicion, and every suspicion to be justified by the memory of mass violence. In this way, neoliberal discourse hijacked the Holocaust to use as a means of self-legitimization and appointed itself as the guardian of a new legitimate culture.

Since the 1990s, it has been possible to use the Holocaust as a label to situate oneself within a legitimate culture. This required shifting the shame from "being Jewish" to "being a persecutor of Jews." After the debate on *Neighbours*, the Polish right wing often levelled the accusation that the cult of Holocaust victims was designed to make Poles feel ashamed – to instill in members of the Polish nation a sense of dishonor about the deeds of their ancestors. These accusations seem misplaced: the error, the fault, the negligence of the first legitimate culture lay in the fact that it made it all too easy to free oneself from the shame associated with the Holocaust. The Holocaust was, within this culture, not a machine for shaming, but the exact opposite, a machine for self-purification. It is no coincidence that in the literature of the 1980s one can observe biographical operations that prevented this kind of self-absolution: writers did not assume the role of judges of the nation, but simulated a kinship with Jews (this is what Tadeusz Konwicki did in *Bohni* and Jarosław Marek Rymkiewicz did in his autobiographical essay *Umschlagplatz*), assigning a new identity to social dispositions and signaling that they were ready to accept the possible stigmatization associated with Jewishness.³⁰ This fostered thinking that was less focused on the guilt of the (co-)perpetrators of the Holocaust than on Polish attitudes towards Jews. In public discourse, however, distancing oneself from the shame associated with the Holocaust took on the form of dissociating oneself from its ideological sources (nationalism,

30 This kind of operation was parodically depicted in later literature as being too easy – see the scene from Igor Ostachowicz's novel *Noc żywych Żydów* [Night of the living Jews] (Warszawa: W.A.B., 2012) between a girl (nicknamed "Skinny") and her boyfriend, which is a model in this respect: "Skinny, with a haze of melancholy in her eye, whispered to me, with her hot breath on my cheek, that her nationality was probably Jewish, although no one is certain because her family hid this fact both from the world and from her, so it's just intuition, but you know... Poor me, an unhappy punk, robbed of the remnants of my aggression and contempt. 'Skinny, I beg you, cut the crap, after all, Baryła is your Slavic surname' [...]" (13).

fascism, racism) or its contemporary derivatives (neo-fascism). The associated critique of collective subjects endowed Jewish identity with the quality of being the only acceptable one, and made the Jewish experience of death an exemplary form of suffering. As a result, the clash of various social memories turned into a battle for exclusivity.³¹ Artistic works (e.g. Bieńczyk's *Tworki* or Bożena Keff's *Utwór o matce i Ojczyźnie* [A piece about mother and fatherland]) made it difficult to simply identify with the victims of the Holocaust,³² differentiated perspectives, mixed languages, and encouraged an empathetic reading while at the same time creating a readerly distance. Political discourse, meanwhile, used the Holocaust to delineate a "correct" sensibility, one which neither broadened social empathy nor helped to connect diverse social problems. Thus, in the Poland of the 1990s, it was possible to empathize with the victims of the Holocaust and yet remain completely indifferent to current exclusions, especially if they affected members of the majority (e.g. the unemployed or the "mohair berets," i.e. older women declaring their attachment to the Catholic Church). The memory of the Holocaust, incorporated into the mechanisms for producing distinctions, became a tool for hierarchizing suffering and isolating social groups.

This diffused process meant that the cultural capital of neoliberalism grew, while at the same time the social assimilation of the Holocaust was dangerously simplified. In place of a reform of the educational system, an overhaul of Catholicism, a new labelling of public space, a rethinking of the social foundations of prewar anti-Semitism and, above all, a systemic transformation of the Holocaust into a building block of contemporary connectedness, there was merely a simple ritual. In it, the Holocaust appeared as a utilitarian *sacrum* in the service of individuality.³³

31 Michael Rothberg, in his inspiring book *Multidirectional Memory. Remembering the Holocaust in the Age of Decolonization* (Stanford: Stanford University Press, 2009) writes that treating the Holocaust as an exceptional event leads to a hierarchization of suffering and sustains various forms of discrimination in the contemporary world. The method of counteraction proposed by the author is to analyze genocide together with slavery and colonialism.

32 See Dorota Krawczyńska, "Empatia? Substytucja? Identyfikacja? Jak czytać teksty o Zagładzie?," *Teksty Drugie* 5 (2004).

33 A profanation of this *sacrum* was a play by the duo Paweł Demirski / Monika Strzępka, *Sztuka dla dziecka* [A play for children] (Jeleniogórski Theatre, January 23, 2009). The authors invented an alternative past (Germany wins the Second World War) leading to a non-alternative present: after 1968, the whole of Europe is systematically plunged into the religion of the Holocaust. The lives of the younger generations are built on the dominant trauma, leading to the disappearance of non-Holocaust sensibilities and a weakening of historical consciousness: "For in the post-Nazi Europe invented by

This individualistic aspect is perhaps what led this first legitimate culture to be characterized by an organizational nonchalance. This can be seen in the disproportion between the abundance of outstanding texts on the Holocaust and the deficit of sustainable infrastructure. The turn of the century saw a growing number of important works, for example prose by Henryk Grynberg, Hanna Krall, Ida Fink, Wilhelm Dichter, Michał Głowiński, Marian Pankowski and Piotr Matywiecki; films such as Agnieszka Holland's *Europa, Europa* (1990), Dariusz Jabłoński's *Fotoamator* [Photographer] (1998), Jan Łomnicki's *Jeszcze tylko ten las* [Just beyond this forest] (1991), Andrzej Wajda's *Korczak* (1990) and *Wielki Tydzień* [Holy Week] (1995) and Paweł Łoziński's *Miejsce urodzenia* [Birthplace] (1992); scholarly monographs by Barbara Engelking, Jacek Leociak, Jan Tomasz Gross, Jan Grabowski and others – but no mechanisms had emerged to translate these works into educational programs;³⁴ this growing Holocaust library was not matched by the growth of institutions whose activities included issues concerning the Holocaust, Jewish culture or Polish Jewish relations; controversy grew,³⁵ but the law protecting the independence of

Strzępka and Demirski, no one attaches any importance to national roots any more, the sense of guilt has spread uniformly like the "piggery" in Witkacy's well-known poem, and the cultivation of trauma has become the only ritual that is universal and arouses strong emotions," Grzegorz Niziołek, "Ale to nieprawda i groteska," *Didaskalia* 1 (2009). The authors of the performance showed "a story in which only one narrative dominates, only one group of victims has the right to survive in people's memories. Other problems have to give way to the only rightful trauma" (Joanna Derkaczew, "Mechaniczny płacz po Holocauście" (*Gazeta Wyborcza*, January 31, 2009). The performance was satirically exaggerated, but for all its bias it revealed the paradox of contemporary society (including Polish society), which looks for the sources of life in trauma and finds that trauma turns the living into puppets.

34 The Holocaust, Polish Jewish relations, blackmail, and the Jedwabne massacre were not included in the teaching content of Polish history and language textbooks until after 2010; see Hanna Węgrzynek, "Problematyka Zagłady w polskich podręcznikach szkolnych," *Studia Żydowskie. Almanach* 6 (2016): 160–172, accessed August 19, 2023, <https://doi.org/10.56583/sz.162>. Sylwia Karolak in her monograph *Doświadczenie Zagłady w literaturze polskiej 1947–1991. Kanon, który nie powstał* (Poznań: Nauka i Innowacje, 2014) analyses (based on teaching programs, reading lists and textbooks for primary and secondary schools) the ineffective process by which the school canon of texts on the Holocaust was shaped.

35 The most important public disputes of the 1980s and 1990s included: the conflict over the construction of the Carmelite nuns' convent at Auschwitz (1985–1993); the conflict over the location of a church in Birkenau (1994); the dispute over the presence of crosses in the "field of ashes" at Birkenau (1996–1997); the dispute over the "papal cross" in Auschwitz's gravel pit (1998–1999); the debate around two articles by Michał Cichy: "Wspomnienie umarłego" (a review of Calel Perechodnik's memoir *Czy ja jestem mordercą?* [Am I a murderer?]) in *Gazeta o Księżkach* 11 (1993), supplement to *Gazeta Wyborcza*, Decem-

cultural and scientific institutions was not strengthened. Individual initiatives were numerous, while organizational networks remained weak and financial support irregular and uncertain. The Holocaust was not tethered to collective life through educational initiatives in schools and churches, was not accompanied by coverage in government-funded media, and was not supported by initiatives to introduce signs of either Jewish life or death in Poland into public space. As a result, Holocaust-related works and activities came to resemble a movement to build a road network solely for its own use.

However, the movement had the strongest possible legal protection. In 1999, a parliamentary act established the Institute of National Remembrance – Commission for the Prosecution of Crimes against the Polish Nation. The Act defined the duties and prerogatives of the new institution, which included the right to prosecute certain acts. The most important provision concerning the Holocaust – Article 55 – stated that “Whoever publicly and contrary to the facts denies the crimes referred to in Article 1(1),³⁶ shall be subject to a fine or imprisonment for up to 3 years.” This was the foundation of the first legitimate culture: it pointed to past crimes, set the boundaries of freedom of speech, allowed for punishment to be meted out for lying, included Jews within the category of Polish citizens, and expanded the chronological field of inquiry to 1990. A tool was created to protect the search for truth.

A year later (2000) Jan Tomasz Gross’s book *Sąsiedzi: Historia zagłady żydowskiego miasteczka* was released in Poland (published in 2001 in English translation as *Neighbours: The Destruction of the Jewish Community in Jedwabne, Poland*). An unprecedented debate began, consisting of some 800 newspaper articles, a dozen or so books, hundreds of media interviews, and numerous seminars and conferences. The main dispute over the book’s claims ended

ber 15, 1993; and “Polacy – Żydzi: Czarne karty powstania” (*Gazeta Wyborcza*, January 29, 1994). For a discussion of these conflicts, see Piotr Forecki, *Od “Shoah” do “Strachu.” Spory o polsko-żydowską przeszłość i pamięć w debatach publicznych* (Poznań: Wydawnictwo Poznańskie, 2010); Bartłomiej Krupa, *Opowiedzieć Zagładę. Polska proza i historiografia wobec Holocaustu (1987–2003)* (Kraków: Universitas, 2013).

36 “The acts specified in Article 1, point 1 of the Act are: a) those committed against persons of Polish nationality or Polish citizens of other nationalities in the period from 1 September 1939 to 31 July 1990:

- Nazi crimes,
- communist crimes,
- other crimes constituting crimes against peace, humanity or war crimes.”

[Note: I have omitted point “b”] Source: *Act of 18 December 1998 on the Institute of National Remembrance – Commission for the Prosecution of Crimes against the Polish Nation* (based on *Dziennik Ustaw* [Journal of laws], 2023, item 102).

after two years, but the aftermath ultimately provoked the birth of a second legitimate culture.

An Exchange in Legitimate Cultures

In August of 2001, at the height of the debate surrounding Jan T. Gross's book *Neighbours*, the daily *Rzeczpospolita* published an article by Andrzej Nowak entitled *Westerplatte or Jedwabne*.³⁷ According to the author, in contemporary Polish historiography one of two models is practiced: monumental or critical. The monumental model is "a succession of lofty examples, a teacher of honour," while the critical model "finds corpses and tracks down criminals; it aims to uncover the sins of our past and condemn the perpetrators." The clash between them "is a clash between the history of national glory and the history of national disgrace, or rather an aggressive assault by the latter on the former."

Neither of the two historiographies, the author writes, strives for truth, as both interpret the past "for the use of the present." The first idealizes to evoke pride, the second demonizes to evoke shame ("in essence [it is – P. Cz.] idealization *a rebours*. Critical history is the result of a quest not for truth but for shame"). The difference between these historiographies lies in their social objectives: "[...] monumental history, the history of heroes, serves to build a community, most often a national one; it sustains a reflexive loyalty to it." In contrast, "the aim of the creators and propagandists of critical history is, of course, to stop this drive towards collectivity, to inhibit this reflexive allegiance. But they offer no real community in return. It is impossible to create a community of shame."³⁸ Pride in shame is an absurdity that sooner or later reveals itself. We can feel proud as a community at the monument to the heroes of Westerplatte; at the monument in Jedwabne, we will not be able to feel the unifying pride of being able to afford being collectively ashamed about what happened there."

In Nowak's text – a mixture of philosophical suspicion and political conclusions – one finds a new set of rules for dealing with the Holocaust, and thus the outline of a second legitimate culture. This culture, of course, did not

37 Andrzej Nowak, "Westerplatte czy Jedwabne," *Rzeczpospolita*, August 1, 2001.

38 As an aside, it is worth noting that Nowak viewed as impossible that which constitutes the foundations of Christian morality (experiencing shame is the result of the ability to distinguish between good and evil, so it is a source of pride for the Christian and the building block of the bond that forms a community). Understandably, the author used the word "absurd" in a negative sense, although the term had appeared in Christian thought (Tertullian, Pascal, Kierkegaard) as a means serving to reconcile contradictions (between faith and reason, existential uncertainty, ethics...).

come into being immediately after the article appeared or even because of it. Its birth was a process that had either slowed down or accelerated at different points throughout the 1990s. The two-year debate surrounding Gross's *Neighbours* provided this process with a discursive critical mass, that is a set of rationales, methods and goals. These found their expression in Nowak's article, which was so frank as to compromise its lofty cause.

Central to this new strategy towards the Holocaust was the imagining of the fundamental addressee of political action as an affective community. Such a collective, according to the new legitimate culture, is not a ready-made nation – for the members of the collective subject are united not by a uniform origin or symbolic culture, but by a common need for recognition. This need, felt by individuals, can only be satisfied by providing recognition to the collective as a whole. It is therefore necessary to create a reservoir of common sublime experiences and to exclude compromising experiences.

For a legitimate culture constructed in such a way, anything that helped strengthen the affective community was considered important, while anything that threatened to fracture it was considered dangerous; anything that had no influence on it was considered irrelevant. For this reason, this new approach to the Holocaust, initiated during the debate on Gross's book, began with declarations about limiting the autonomy of historical researchers and the instrumental suspension of truth. Truth as an object of scientific inquiry had shown itself to be something undesirable, since the aim of historiography should be to create a collective bond. According to this second legitimate culture, we study the past not to discover the truth, but to reign over the present. This control – according to another argument that diminishes the importance of historiography – is affective, not discursive: only by arousing pride can historiography determine collective identity, establish strategic divisions and set collective goals. What is desirable, therefore, is a historiography that can transform the past into pride and thus create the broadest possible community.

The new principles, enunciated during the debate over *Neighbours*, heralded the transference of Holocaust issues from the plane of facts to the plane of affects. The founding act in this treatment of the new legitimate culture was Article 132a, passed in October 2006 by the Sejm and introduced into the Kodeks karny [Penal code] in March 2007. The article was entitled "Pomówienie Narodu Polskiego" [Slandering the Polish Nation] and stated that "Whoever publicly slanders the Polish Nation for having participated in, organized or been responsible for communist or Nazi crimes shall be punished with imprisonment of up to three years." It was placed in the Code between Article 132, which stated the punishment for "misleading the intelligence services of the Republic of Poland," and Article

133, which set out the consequences for “publicly insulting the nation or Poland.” Article 132a itself exonerated Poles from involvement in communist and Nazi crimes, and thus provided legal protection for the nation’s claim of innocence. The nation, as is evident from the similarities between Articles 132a and 133, was protected primarily from the emotional side, thereby acquiring the status of an affective subject. The physical proximity of these three articles blurred the boundaries between the state and nation, and allowed for legal action in response to any claim that Poles had murdered Jews.

The substantive proximity of Articles 132a and 133 was quickly confirmed in practice. Shortly after Jan Tomasz Gross’s book *Fear: Anti-Semitism in Poland after Auschwitz: An Essay in Historical Interpretation* was published July 2006, a group of right-wing Polish senators demanded that Gross be prosecuted under Article 133 of the Penal Code (for “publicly insulting the nation or Poland”).³⁹ A preliminary investigation was initiated by the District Public Prosecutor’s Office in Krakow to determine whether the content of Gross’s book likely violated Article 133 or the newly added article 132a (“Slandering the Polish Nation”). On February 11, 2008, after concluding its preliminary investigative proceedings, the Public Prosecutor’s Office issued a decision not to launch a formal investigation.⁴⁰ However, if an investigation had been launched, it would have had to have been limited to Article 133 of the Criminal Code, as during the course of the investigative proceedings, Article 132a came under legal scrutiny: in January 2007, Polish Ombudsman Janusz Kochanowski challenged the article and requested a ruling by the Constitutional Tribunal as to its legality. On September 19, 2008, the Tribunal ruled that the article was incompatible with the Polish Constitution.⁴¹

This legal episode thus consisted of a lawsuit concerning an existing “paragraph” and a parliamentary vote to add a new article. The complexity of these actions helps to illuminate the differences between the first and second legal

39 For more on the right-wing reception of the book, see Łukasz Opozda, “Lęk przed ‘Strachem’: recepcja książki Jana Tomasza Grossa w środowiskach polskiej skrajnej prawicy,” in *Antysemityzm, Holokaust, Auschwitz w badaniach społecznych*, ed. Marek Kucia (Kraków: Wydawnictwo Uniwersytetu Jagiellońskiego, 2011), 139–167.

40 The grounds for the refusal included both articles (132a and 133 of the Penal Code) and stated that “no statements constituting slander, insulting the Polish nation or incitement to hatred on the basis of national differences were found in the publication.” The full text of the “Decision to refuse to open an investigation” is available at: <https://bip.brpo.gov.pl/pliki/1202889384.pdf>, accessed August 19, 2023.

41 Wyrok Trybunału Konstytucyjnego, sygn. akt K 5/07, accessed September 7, 2023, <https://sip.lex.pl/akty-prawne/dzu-dziennik-ustaw/wyrok-trybunalu-konstytucyjnego-sygn-akt-k-5-07-17487119>.

cultures. The first treated the Holocaust as a lesson in distrust of all collective entities – especially the nation and the religious community, that is, collectives formed on ideological grounds and defined by strong negations (Poles vs. Jews, Catholics vs. dissenters/non-believers). Enlightenment thinking was manifest in this; according to it, it was assumed that individuals could liberate themselves from any sort of social affiliation, that rationality in humanity was stronger than emotion, and that truth, apart from constitutional protection, did not need institutional support. Holocaust content was meant to strengthen social criticism in rational individuals. Possible differences of opinion in public debates are conducive to social life, as individuals confronted with opposing claims about the Holocaust can (must) arrive at their own view. Under the pressure of individualized positions – transmitted primarily by science and the media – the attitude of politicians and the position of the Catholic Church will change. Messages about the Holocaust therefore do not need to be coordinated, as social communication is the most powerful and influential sphere for the free exchange of views.

The second legitimate culture begins with the assumption that human beings are emotional rather than rational and social rather than individual. Consequently, the only addressee of political action should be the affective community – a collection of separate people united by the desire to feel pride in belonging to a community. In relation to the Holocaust, this means treating cultural institutions as distribution points for a unified message.

The formulation of such a message, however, faces an obstacle. This was concisely expressed by Nowak, who stated: “at the monument in Jedwabne, we will not be able to feel [a] unifying pride.” This meant that the Holocaust should be left to the Jews.⁴² Accordingly, the second legitimate culture proceeded to repartition the Holocaust according to nationality. The boundaries between persecutors, victims and bystanders were to coincide closely with national identity: the victims of the Holocaust were Jews, the executioners were Germans, and the bystanders were Poles. Such a division allowed for recognition that the murder of Jews was the rule on the German side and the exception on the Polish side. This served to maintain a division in accounts: Germans were to feel guilty, Jews were allowed to mourn, Poles were allowed to show sympathy. *Neighbours* disrupted these divisions: the Germans remained the persecutors, but some Polish outsiders were turned into perpetrators; the murders committed by the Poles turned out not to be exceptional but

42 Tomasz Sommer (editor-in-chief of “Czas”), uttered a sentence during a discussion about Gross’s *Fear* that is the quintessence of isolationist thinking: “Let’s forget about the Jews, let’s finally start dealing with Poland” (Tomasz Sommer, “Zapomnieć o Żydach,” *Czas*, January 19, 2008).

the result of “ordinariness,” that is a stable and deeply rooted set of beliefs that dehumanized the Jews; the guilt of the Germans did not disappear, but this did not exempt the Poles from facing a re-examination of their conscience.

Unlike the representatives of the first legal culture, who learned nothing and changed nothing, the organizers of the second culture learned their lessons very quickly. They recognized that in order to protect the impermeability of national borders, it was necessary to use existing legal regulations and introduce new ones. Their content – focused on protecting the affective comfort of the nation rather than the truth about the Holocaust – was to serve not only to mete out punishment for words already published, but also to deter the publication of such texts in the future.⁴³ The failure of the legislative initiative (Article 132a) meant that a national division of the Holocaust was impossible and that the fate of the Jews could not be isolated from the attitudes of the Poles. Consequently, another method emerged within the second legitimate culture. This consisted in legitimizing the violence used by Poles against Jews.

Marek Jan Chodakiewicz became an exponent of such a concept as the author of the books *Massacre in Jedwabne, July 10, 1941. Before, During, and After*⁴⁴ and *After the Holocaust. Polish-Jewish Relations 1944–1947*.⁴⁵ In both publications, the author affirmed the factuality of the killings carried out by Poles both during the occupation (in Jedwabne) and after the end of the war. However, he stated that the violence was justified. In *After the Holocaust*, he wrote that the killings of Jews after 1944 were a reaction to “the actions of Jewish Communists who fought to establish a revolutionary Marxist-Leninist regime in Poland,” to “the deeds of Jewish avengers, who endeavored to exact extrajudicial justice on Poles who allegedly harmed Jews during the Nazi occupation” and to “the efforts of the bulk of members of the Jewish community, who attempted to reclaim their property confiscated by the Nazis and subsequently

43 The repressive censorship is allowed by Polish law, the preventive one is illegal. However, the combination of repressive and preventive censorship was openly discussed by Mateusz Piskorski in a parliamentary speech, during which he justified the need for Article 132a: “Why is this relevant? It is important in the context of, among other things, the speeches of some revisionists such as Jan Tomasz Gross, at the moment publishing another book in the United States spitting on the Polish nation. This book is to be published in Poland next year, according to an announcement, and perhaps the publisher will pause to think before deciding to publish this book here, in the context of the regulations we are adopting. (Applause).” Quoted from *Stenographic report of the 22nd sitting of the Sejm of the Republic of Poland on 20 July 2006*, Warszawa 2006, 300.

44 See Marek Jan Chodakiewicz, *Massacre in Jedwabne, July 10, 1941. Before, During, and After* (Boulder: East European Monographs, Columbia 2005).

45 Marek Jan Chodakiewicz, *After the Holocaust. Polish-Jewish Conflict in the Wake of World War II* (Boulder: East European Monographs, Columbia 2003).

taken over by the Poles.”⁴⁶ Furthermore, on the basis of his calculations, the author concluded that between 1944 and 1947 “in self-defense or in revenge, acting independently or in concert with the Stalinists, denounced, abused, and despoiled at least 7,000 Poles, even killing some of them,” while during the same period “probably a minimum of 400 and a maximum of 700 Jews and persons of Jewish origin perished” in Poland.⁴⁷ From the author’s reflections, it therefore appears that the killing of Jews after the war was: 1) part of the general struggle against communism, or 2) an act of self-defense against 2a) self-appointed avengers, or 2b) self-appointed revindicators of Jewish property. A comparison of Chodakiewicz’s statistics further proves that the losses suffered by Poles exceeded those on the Jewish side tenfold.

Chodakiewicz’s book was a moral and scientific curiosity. Nonetheless, it needs to be included within a discussion of the second legitimate culture, as it hinted at a way out of the trap created by attempts to isolate the Holocaust from the “Polish nation.” Segregation, based on the claim that the Holocaust was a mass crime perpetrated on Jews by Germans, required the negation of Polish participation in the killing, which, in the face of thousands of pieces of evidence, proved impossible. It was even more difficult to deny the postwar killings of Jews by Poles. The way out proposed by Chodakiewicz was to create a legitimization of violence against Jews, the second legitimate culture opened up to a discourse of radical anti-communism. It was based on recognition of the struggle against the postwar regime as a supreme rationale justifying any action. Thus, crimes committed against Jews became part of a war of independence; Jewish victims (including women and children) were labelled functionaries or beneficiaries of communism, while the perpetrators of crimes – if they belonged to the partisans – were granted the status of heroes.

The legitimization of violence against Jews as a fight against the communist regime was linked to a project, ongoing since 2001, to establish a day of remembrance for soldiers of the anti-communist underground. On 14 March 2001, the first resolution of the Sejm was passed recognizing “the merits of the independence organizations and groups who, after the end of the Second World War, decided to undertake an unequal fight for Poland’s sovereignty and independence”;⁴⁸ in the original resolution only the *Wolność*

⁴⁶ Chodakiewicz, *After the Holocaust*, 1.

⁴⁷ *Ibid.*, 213.

⁴⁸ Uchwała Sejmu Rzeczypospolitej Polskiej z dnia 14 marca 2001 r. w sprawie hołdu poległym, pomordowanym i prześladowanym członkom organizacji “Wolność i Niezawisłość” [Resolution of the Sejm of the Republic of Poland of March 14, 2001 on paying tribute to the

i Niezawisłość [Freedom and Independence] organization was mentioned by name. Over the following years, the list was expanded, with such general terms as “soldiers of the second conspiracy,” “soldiers of the anti-communist underground” and “cursed soldiers” being used interchangeably. In 2009, veterans’ organizations asked the Sejm to establish March 1 as the Day of Soldiers of the Anti-Communist Underground. In 2010, a legislative initiative to establish the holiday was sponsored by President Lech Kaczyński. After his death, the project was continued by President Bronisław Komorowski, who on February 9, 2011 signed the “Act of February 3, 2011 on the Establishment of the National Day of Remembrance of the Cursed Soldiers.”⁴⁹

The establishment of the new holiday, I should make clear, did not legitimate antisemitism, but it did blur the line between it and anti-communism, and above all – from the point of view of the Jewish victims – sanctioned violence as a social tool for self-organization and self-help. At this point, further differences between the two legitimate cultures become apparent. The first was founded on the renunciation of violence and the recognition of the Other as the model human being of postmodernity; representing a non-majority identity, the Other was exposed to discrimination, so the attitude towards him or her became a test of the tolerance of democratic society and a challenge for the law. The second legitimate culture was oriented towards the majority, so that the social, cultural or legal needs of the majority were considered the primary responsibilities of the state and politics. The collective was not given the right to use violence, however, it was equipped with qualities (dignity, pride) that were presented as values threatened by unethical external actions. This legitimated the treatment of inconvenient truths (“Poles helped the Germans murder Jews”) as attacks on the nation’s good name, which in turn led to violence against the “outsider” being considered a means of defence. This perverse reversal was well illustrated by the title of a public discussion devoted to *Fear* and annotated by one daily newspaper: *Spór o książkę Grossa. Polacy-Żydzi: kto się kogo bał?* [The dispute over Gross’s book. Poles-Jews: Who was afraid of whom?].⁵⁰ Jews, as Jerzy Robert Nowak argued in public speeches, were and still are to be feared, because “the Jews

fallen, murdered and persecuted members of the organization “Freedom and Independence”], accessed March 3, 2024, <https://isap.sejm.gov.pl/isap.nsf/download.xsp/WMP20010100157/O/M20010157.pdf>.

49 Ustawa z dnia 3 lutego 2011 r. o ustanowieniu Narodowego Dnia Pamięci “Żołnierzy Wyklętych”, accessed March 3, 2024, <https://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU20110320160>.

50 *Rzeczpospolita*, January 11, 2008.

are attacking us.”⁵¹ The Polish majority, it thus follows, did not use violence and did not commit crimes – it was and is a victim defending itself against someone else’s onslaught. The portrayal of the majority as threatened by the minority, though, was rather rarely used by mainstream politicians. There were two reasons for this: firstly, the inversion carried a genetic burden, as it was first used against the Jews in the Third Reich; and secondly, it opened up a pathway from anti-communism to fascism.⁵²

The weaknesses of the two methods discussed – the nationalization of the Holocaust and the legitimization of violence against the Jews – led to the creation of another method: the Polonization of the Holocaust. This method was used on a smaller or larger scale throughout the entire postwar period – after all, the basic message of the communist authorities was that the Poles were the nation that suffered most under Nazi occupation, and that Auschwitz was a symbol of the mass martyrdom of Poles. However, after 1989, reliable monographs were published that presented with great accuracy the total number of Holocaust victims (1.1 million) and the number of Jews exterminated at Auschwitz (1 million).⁵³ The use of this method by the second legitimate culture has little in common with the propaganda of the communist regime; what is common to both is the solicitation of victim status. The Polonization of the Holocaust, which serves this purpose, places a strong emphasis on Polish Jewish relations, with a special focus on Poles providing aid to Jews.

It is worth discussing the infrastructure behind this method in more detail. If the first legitimate culture was lacking in terms of infrastructure, the second culture has shown a tendency to place all cultural institutions under its jurisdiction – whether by legal, semi-legal or illegal means – and control its message concerning the Holocaust. The infrastructure supporting the second legitimate culture is, moreover, more extensive and complete, as is well demonstrated by the example of the Ulma family from Markowa – Poles murdered

51 On the series of speeches given by Jerzy Robert Nowak, see Marta Cobel-Tokarska, “Bo ‘Żydzi atakują nas’... Tournée Jerzego Roberta Nowaka z wykładami potępiającymi ‘antykatolicką i antypolską książkę,’” *Zagłada Żydów. Studia i Materiały* 4 (2008): 634–635.

52 In December 2021, the District Court in Hajnówka sentenced the organizer of the March in Memory of the Cursed Soldiers to one year of “restricted freedom,” consisting of the obligation to perform 40 hours of volunteer social work per month, in connection with the propagation of fascism (*Dziennik Gazeta Prawna*, December 3, 2021; accessed August 19, 2023, <https://www.gazetaprawna.pl/wiadomosci/kraj/artykuly/8306141,wyrokmarszu-zolnierzy-wykletych-w-hajnowce.html>).

53 See, for example, Franciszek Piper, *Ilu ludzi zginęło w KL Auschwitz. Liczba ofiar w świetle źródeł i badań* (Oświęcim: Wyd. Państwowego Muzeum w Oświęcimiu, 1992).

on March 24, 1944 by German gendarmes for hiding Jews.⁵⁴ At the end of 2007, the idea of creating the Ulma Family Museum of Poles Saving Jews during the Second World War in Markowa was first proposed; after all of the necessary formalities were completed (2009: Podkarpackie provincial assembly adopts a resolution; 2011: Museum-Castle in Łańcut assumes oversight over construction work; 2013: the local government of the Markowa municipality provides land for construction) the Museum officially opened on March 17, 2016. In 2018, by decision of the President of the Republic of Poland, the anniversary of the death of the Ulma family (March 24), was declared the National Day of Remembrance of Poles who rescued Jews under German occupation.⁵⁵ On October 19, 2018, an Orchard of Remembrance (modelled on the Garden of the Righteous Among the Nations at Yad Vashem) was created at the Ulma Museum; illuminated plaques were placed in the Orchard with the names of 1500 Polish towns and cities where Polish Righteous Among the Nations rescued Jewish people.

The infrastructure created in this example is made up of points which suggest the existence of a larger whole: the museum is dedicated to Poles who saved Jews, and not only to the Ulma family, which makes it possible to treat the institution as being a representation of a broader, still unexplored community of the Righteous. A single point thus becomes a link from which lines of a network run out in different directions: from Markowa to the towns and cities where Jews were helped; from the Ulma family to thousands of other Poles; from the Court of Remembrance to the Garden at Yad Vashem. All of this is reinforced in the state order by a holiday that officially consecrates both a particular family and all Poles who saved Jews.⁵⁶ One museum and one garden – remarkable in their effect – create an implicit network that, with its vastness, inverts the previous proportions: if Gross's and other "revisionist" books showed indifference and denunciation, blackmail, the looting of property, rape and murder as the rule, one that grew out of pre-war antisemitism,

54 Those killed were: Jozef Ulma, his wife Wiktoria (who was heavily pregnant), their six children, and the eight Jews hiding in the Ulma home from autumn 1942 to 24 March 1944.

55 Dziennik Ustaw, 2018 [Journal of laws], item 589, Ustawa z dnia 6 marca 2018 r. o ustanowieniu Narodowego Dnia Pamięci Polaków ratujących Żydów pod okupacją niemiecką [Act of March 6, 2018 on the establishment of the National Day of Remembrance of Poles Rescuing Jews under German occupation].

56 The beatification of Józef and Wiktoria Ulma and their children is scheduled for September 2023. In order to coordinate the related activities and disseminate knowledge about the Ulma family and the memory of other Poles who saved Jews during the Second World War, the President of the Republic of Poland, Andrzej Duda, appointed the Committee for the Celebrations Accompanying the Beatification of the Ulma Family.

then “Markowa” (Museum, Orchard, Day of Remembrance) says that helping was the norm.

The official commemoration of the Righteous crowned a decade-long effort to shut down research on the Holocaust as a Jewish tragedy and open up research on the Holocaust as a Polish experience. In 2006, the project “Poles rescuing Jews” was added to the national registry of Central Research Projects of the Institute of National Remembrance (IPN), while an earlier project, “Holocaust of Jews on Polish Lands,” was designated “completed.” The culmination of this project was a collection of articles titled *Poles and Jews under German Occupation, 1939–1945. Studies and Materials* with a foreword by Jan Żaryn, director of the IPN’s Bureau of Public Education. At the time, Żaryn stated explicitly: “We are now closing a certain stage of research. [...] in the following years the BEP [Bureau of Public Education] will take up new issues.”⁵⁷

The Ulma family thus provided a complement to research and education programs, justified state consecration, and allowed the phantasms of national innocence to be reactivated. This innocence – threatened by slander – was to be defended by another effort to introduce an article into the Criminal Code protecting Poland and Poles from being accused of complicity in the Holocaust. The initiative in this case came from the Polish government, which in 2018 proposed an amendment to the Act on the Institute of National Remembrance. It proposed the introduction of Article 55a, which stated: “Whoever, publicly and contrary to the facts, attributes to the Polish Nation or the Polish State responsibility or co-responsibility for Nazi crimes committed by the German Third Reich [...] or for other crimes constituting crimes against peace, humanity or war crimes, or otherwise grossly diminishes the responsibility of the actual perpetrators of such crimes, shall be subject to a fine or imprisonment of up to three years.” The amendment was passed by the Sejm in January 2018 and became effective in March of that year; however, harsh criticism from Israel and the United States (and Ukraine), as well as the President’s recommendation to refer the legislation to the Constitutional Court, led the Sejm to pass further amendments to the IPN Act in June 2018, which repealed Article 55a.

The article focused, like a lens, on the most important actions regarding the Holocaust undertaken within the second legitimate culture. Above all, it pointed to a constancy in terms of purpose, which was (and is) to take control of the Holocaust narrative. The essence of these actions consists in 1) establishing an official version of event that says: “Poles are innocent of any crimes against the Jews and, moreover, numerous Poles saved Jews during the

57 *Polacy i Żydzi pod okupacją niemiecką 1939–1945. Studia i materiały*, ed. Andrzej Żbikowski (Warszawa: Instytut Pamięci Narodowej, 2006), 6.

Holocaust at the cost of their own lives"; 2) placing this version under legal protection. Constancy in these efforts is evidenced by the fact that Article 55a of the Act on the IPN repeated (the previously discussed) Article 132a of the Penal Code, which provided for a sentence of three years' imprisonment for slandering the Polish Nation "of involvement, organization or responsibility for Communist or Nazi crimes," and which was declared unconstitutional in 2008. Article 132a of the Penal Code, as we recall, was situated between an article stipulating the punishment for "misleading the intelligence services of the Republic of Poland" (132) and the article specifying the consequences of "publicly insulting the nation or Poland" (133), which gave the Nation the status of a State. An attempt was made in 2018 to insert Article 55a into an even more important piece of legislation by adding it to Article 55 of the Law on the IPN (of 1998), a fundamental provision providing punishment for denial of the Holocaust, also known as the "Auschwitz lie." In this context, Article 55a was a perfectly symmetrical creation: it placed an equal sign between the Nation and the State, and statutorily declared the Nation/State an entity innocent of any crimes committed against Jews. If Article 55a had been approved, punishment for the "Jedwabne lie" (my term) would have appeared alongside punishment for the "Auschwitz lie." The foundation for the second legitimate culture would thereby be laid out alongside the foundation for the first culture.

The article was strongly criticized and subsequently rescinded. However, the very fact that it made references to earlier initiatives demonstrates that the methods discussed as part of the second legitimate culture towards the Holocaust followed one another and were not mutually exclusive. Each of them could return at any time, albeit in a modified version: Article 55a of the Act on the IPN (which essentially says that all mass crimes are the work of Nazism or Communism, ideologies for which the Polish Nation/State bears no responsibility) was intended to supplement Article 55 of the Act on the IPN, and in this respect, was a paraphrase of Article 132a of the Penal Code (of 2006) guaranteeing legal protection to the Polish Nation against slanderous claims about Polish complicity in the Holocaust; the legitimization of violence against Jews argued for during the debate over Gross's *Fear* (2006–2008) returns each year during Remembrance Marches for the Cursed Soldiers; the Polonization of the Holocaust, which consists in treating the few righteous as a synecdoche for society as a whole, serves to delegitimize research on anti-Semitic violence and justifies subsidizing research on the mass nature of aid given to Jews.

In doing so, the repeated recurrence of legislative initiatives demonstrates that, within the second legitimate culture, the Holocaust is treated as a test of governmental effectiveness. Controlling the content of public discourse on

the Holocaust has become a test of the government's ability to control public debate and maintain control over any conflict. Without mastery over the Holocaust, sovereign power cannot be firmly established.

Summary

In no country and in no society is it possible for two legitimate cultures to co-exist. Their simultaneous existence, after all, is not simply a manifestation of pluralism or an element of the culture wars being waged in the media. Two legitimate cultures produce two opposing orders, and thus tear the state apart. What tears the state apart here is duplication – the duplication of structures, of organizational arrangements, of teaching content and, above all, of the laws and institutions that enforce it. This is precisely the kind of doubling and tearing apart of the state that we are dealing with now in Poland today.

This does not mean that the truth about the Holocaust can resolve this conflict. It does mean, however, firstly, that ending the doubling of state structures is inconceivable without taking the Holocaust into account and, secondly, that neither of the two legitimate cultures I have discussed here can help in this regard. Both – not necessarily equally – are responsible for the current crisis, so they are part of the problem, not the solution.

The first of these cultures, whose legitimizing power extended from 1989 to 2015, granted freedom to culture and science because it did not value culture and science, seeing them merely as areas of individual achievement; the second of these cultures, which legitimated political power in the period from 2005 to 2007, and then again from 2015 to 2023, treats art and science as tools for the production of collective emotions, and thus limits their freedom. The former fostered the production of many outstanding works but lacked a stable infrastructure; the latter has an increasingly powerful network of institutions to keep texts within the boundaries of their propaganda functions.

Despite essential differences, the two legitimate cultures share certain similarities. They both attempt to separate the present from the Holocaust: the first claimed that after the Holocaust no jointly planned history is possible anymore (thereby legitimizing critical attitudes towards the “nation” and other collective subjects), while the second argued that the heroic rescue of Jews defined Poles’ relation to the Holocaust and that no further reckoning was required (thereby legitimizing censorship or violence towards claims that Poles persecuted Jews). Both cultures also shared in common their instrumentalization of the Holocaust: the first transformed the Holocaust into a justification for the dismantling of social bonds, the second uses it as a means for reactivating the “nation”; the first feared collective pride, the second cannot accept shame being cast on the collective; the first treated the

Holocaust as a problem to be solved by each of us alone, the second recognizes the Holocaust as a problem that only the nation can and has the right to solve. As a result, neither culture is able to translate past mass crimes into today's collective "mass" life: the first allows one to hold the delusion that it is sufficient to reject antisemitism in order to create a society free of conflicts, the second propagates the notion that it is sufficient to restore the nation in order to manage conflicts.

For Holocaust scholars – historians, sociologists, literary critics – the result is a task that is easy to identify, but difficult to carry out. Since both legitimate cultures have their share in the crisis of the state and since neither of them can do anything about it, the measure of the value of research should therefore be to remain independent of both. On this basis, we can formulate a necessary question, but one that represents only a point of departure: is it possible to have a legitimate culture that does not use the truth about crimes once committed by Poles either to weaken social bonds or to nationalize them?

Translated by Thomas Anessi

Abstract

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Managing Death. Polish Legitimate Cultures Concerning the Holocaust

The article deals with two legitimate cultures that were created in Poland after 1989. „Legitimate culture” means the axiological frame of reference that defines the criteria of prestige and dishonor, that is, the criteria of supreme values and anti-values. No authority (in Poland or any other country) can exist without controlling legitimate culture. However, legitimate culture in Poland is threatened by a history of domestic violence against Jews (massive pre-war Polish anti-Semitism, the murder of Jews during the Holocaust, the murder and persecution of Jews in the post-war period). Consequently, any Polish authority must control Holocaust-related content. The first concept of Holocaust management, created within the framework of the first legitimate culture (corresponding to the legal and institutional arrangements of 1989–2005 and 2007–2015) treated the Holocaust and Polish attitudes toward Jews as: an affirmation of the need to weaken the “nation,” the religious community and other collective entities; a problem that each Pole individually solves on his/her own. The second legitimacy culture (2005–2007; 2015–2023) works to: recognize the Holocaust as a problem that only the Polish nation can resolve; criminalize claims that Poles murdered Jews; present (and justify) violence against Jews as a struggle against communism; and portray Poles helping Jews as the norm, which the majority met during the occupation. The first culture of legitimacy used the Holocaust to weaken the social bond; the second uses the Holocaust to reactivate nationalism. Both cultures are responsible for the current crisis of social communication, and therefore another legitimate culture is needed to emerge from this crisis.

Keywords

legitimate culture, power, Holocaust, anti-Semitism, Poles murdering Jews, nationalism, anti-communism, Poles saving Jews