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“YES, I PLEAD GUILTY.” THE MURDER OF JANKIEL LIEBERMAN
IN THE VILLAGE OF ROGÓW ON 1 FEBRUARY 1943:
A CASE STUDY¹

Aleksander Kuraj was a farmer in the village of Rogów, near Miechów. During the war, against German orders, he knowingly and selflessly hid a Jew – Jankiel Lieberman – in his barn. On 1 February 1943, he killed him with his own hands. After the war, members of Lieberman’s family, who had survived the Holocaust, reported that Kuraj had committed this crime. They demanded that the perpetrator be prosecuted and punished. Later – already in court – they asked for his sentence to be commuted. How is this possible?

Terror and Collective Responsibility

In every state, the legal system in force and the extent and manner in which state bodies and formations enforce the law directly impact the living conditions

¹ The original version of the text in Polish was also published in a volume on the martyrdom of the Polish countryside: M. Korkuć, “‘‘Tak, przyznaję się do winy.’’ Zabójstwo we wsi Rogów 1 lutego 1943 r. Studium przypadku,” in *Martyrologia wsi polskich w pamięci historycznej*, ed. by T. Sikora, E. Kołomańska, K. Jedynak, J. Staszewska, and H. Seńczyszyn (Kielce, 2021). The author would like to thank Tomasz Domański and Roman Gieroń for their help in gaining access to some of the archival material related to the subject described, as well as Ewa Kołomańska from the Mausoleum of the Martyrdom of Polish Villages in Michniów for her kindness and valuable comments.

and behaviour of the population. In the theory of law, the effects caused by applying law to different areas of life are referred to as the functions of law.² In the context of the operation of the German formation of the General Government (GG), Waclaw Uruszcak mentioned the functions of the law of the GG that were unknown in pre-war Poland. These were:

- the public terror function,
- the segregation function
- the elimination function,
- the extermination function.

The public terror function (or, in this case, the “mega repressive function”) was manifested above all in the numerous laws enacted by the Germans, which stipulated highly severe punishments, including the death penalty, for any behaviour that the occupiers interpreted as directed against the German administration or persons of German nationality.

The segregation function was based on the laws and regulations introduced into the legal system of the General Government as a result of the National Socialist theory of race. It led to the deliberately programmed disintegration of Polish society under the occupation and the break-up of its multinational and multiracial community. On the other hand, the elimination function of the GG law consisted of the “exclusion of certain categories of persons from social, economic or cultural life.” It affected the whole of Polish society but was particularly blatant in the case of the Jewish community, which was “excluded from normal life and made into a completely separate community at the mercy of the occupier.”

The extermination function of the law, on the other hand, is to be found wherever “the purpose of the law is to deprive people of life by killing them or, indirectly, by creating inhuman living conditions conducive to mass deaths.” Professor Uruszcak pointed out that the death penalty, which the GG authorities administered right, left and centre, “was not only a punitive measure but also an instrument of extermination.”³

An essential component of how the law of the *General Government*, *shaped in this way, affected social relations was the Germans’ application of the principle of*

² W. Uruszcak, “Perwersyjne funkcje niemieckiego ‘prawa’ w Generalnym Gubernatorstwie,” *Z Dziejów Prawa* 12 (2019), pp. 681, 687.

³ *Ibid.*, pp. 689, 693–694, 699.

collective responsibility. The second component of this phenomenon was the inhabitants' awareness that such a practice was taking place. It was paired with fear: the feeling that anyone could become a victim of such activities of the German occupation structures.

The principle of collective responsibility applied by the German Reich became one of the main instruments of forcing the conquered population to obey German orders. The mass and deliberately publicised terror was intended not only as a punishment but also as a preventive warning against the activities that the Germans criminalised. In addition, the Germans sought both immediate effects (instilling fear of illegal activities) and more far-reaching effects (forcing the population to take preventive action against illegal practices – for fear of collective responsibility). In other words, they aimed to make rural and urban dwellers, under the threat of collective responsibility, fight illegal activities and the people involved in them themselves. In this way, fear was to produce an additional paralysing effect: the awareness that the Germans, once they had detected illegal activities, would murder all bystanders in the vicinity without any special investigation of actual guilt. It was not uncommon for the behaviour of individuals to hold other residents responsible as well: family members, residents of neighbouring farms and other people from the same village or even random passers-by. This was the way to create a real psychosis of fear.

Therefore, during the bloody pacification of the villages, the Germans often ostentatiously demonstrated that they had complete freedom of action. They often herded together all the residents to force them to watch the makeshift investigations, tortures and killings and to realise that at any moment, they too could share the fate of the victims. In other cases, they carried out the massacre in the village itself, leaving the victims at the scene of the crime. They showed that they could and would act at their discretion, killing not only men but also women and children, regardless of “how guilty they were.”

In practice, during the occupation period, the Germans decided for themselves, according to their criteria (assumptions, impressions, fleeting emotions), who, in their opinion, knew about illegal activities and did not inform the authorities about the “crime.” This was also punishable by death. In occupied Poland, the Germans also freely killed those who, in their opinion, “might have

known” about illegal activities but failed to report them to the authorities.⁴ After all, the Governor General’s Decree of 31 October 1939 on the “suppression of acts of violence” in the GG already established the obligation to report to the authorities – in the event of acquiring knowledge thereof – any intention to commit vaguely defined “acts of violence,” defined simply as “disobedience to the decrees or orders of the German authorities.” Failure to report, even in the case of knowledge of any instances of incitement to such acts, was punishable by death.⁵

The Germans quickly found that to destroy, for example, the guerrillas, it was necessary to ruthlessly punish not only those who participated in the guerrilla warfare but, above all, those who provided any support to it, even if only incidental. This is why the instruction “Kampfanweisung für die Bandenbekämpfung im Osten” of 11 November 1941 also regarded undisclosed knowledge of the guerrillas’ whereabouts (even if temporary) as such a form of support: “Whoever supports the gangs by concealing their known whereabouts or otherwise – is liable to the death penalty. Collective punishment shall be generally ordered against villages in which the gangs have found any support.”⁶

Already at that time, the Germans saw the need to use methods of general terror to create such a psychosis of fear that the villagers, threatened with collective responsibility, would themselves, **out of concern for their safety**, support the eradication or destruction of those who, in defiance of the Reich’s proclaimed orders, engaged in any illegal activity. In a slightly earlier order, dated 28 July 1941, Himmler had already written: “Burn the villages to the ground – villages and settlements should be a network of support points whose **inhabitants kill every**

⁴ A prominent example from regions close to the area under discussion was the murder of Piotr Podgórski from the village of Wierbka near Pilica, who was murdered by the Germans on 12 January 1943, together with people found hiding in the village. The Germans killed him only because, based on their own *ad hoc* opinions, they considered that, as a member of the so-called village night watch, he might have known that Jews were being hidden in one of the farms (K. Samsonowska, “Dramat we wsi Wierbka i jego dalszy ciąg na zamku w Pilicy,” in “*Kto w takich czasach Żydów przechowuje?*”... *Polacy niosący pomoc ludności żydowskiej w okresie okupacji niemieckiej*, ed. by A. Namysło [Warsaw, 2009], p. 126).

⁵ See Uruszczak, “Perwersyjne funkcje,” p. 688.

⁶ As cited in J. Fajkowski and J. Religa, *Zbrodnie hitlerowskie na wsi polskiej 1939–1945* (Warsaw, 1981), pp. 10–11.

guerrilla and marauder of their own accord. Otherwise, such villages should cease to exist [emphasis mine – M.K.]”⁷

It was only a technical matter to extend such a philosophy to all other persons prosecuted by the Reich whose presence outside the places designated by the Germans was illegal, i.e., persecuted Jews and escaped prisoners of war (including Soviet prisoners of war). Indeed, only a few months later, the death penalty was introduced for aiding Jews in hiding. The “Third Regulation on the Restriction of Residency in the General Government”, issued by Hans Frank on 15 October 1941, provided for “the death penalty for all Jews who leave their designated district without authorisation.” In addition, it introduced the provision that “persons who knowingly provide such Jews with a hiding place shall be liable to the same punishment,” and that “instigators and helpers shall be liable to the same punishment as the perpetrator,” and “an attempted act shall be punished as an accomplished act.”⁸ In this way, the spiral of terror continued to widen and widen. Residents were also directly informed of the collective responsibility that could affect the perpetrators of crimes and their neighbours. For example, this was explicitly announced to the assembled residents in the village of Wolica, neighbouring the village of Rogów, which we will write about in detail below. One resident recalled:

At one of the meetings, which an official of the occupation authorities conducted, it was made known to the inhabitants of our village that it was forbidden to shelter Jews and that in the event of a discovery of people sheltering Jews, such people would be punished with death, and their farms, as well as those of the neighbouring villages, **would be burnt down** [emphasis mine – M.K.]⁹

⁷ As cited in *ibid.*

⁸ *Verordnungsblatt für das General Gouvernement* (The Journal of Regulations for the General Government) 99 (1941), p. 593.

⁹ Archiwum Instytutu Pamięci Narodowej [Archives of the Institute of National Remembrance, hereinafter AIPN], Główna Komisja Badania Zbrodni Hitlerowskich w Polsce [Chief Commission for the Investigation of Hitlerite Crimes in Poland, hereinafter GK], 392/1364, Files concerning the murder of Anna Furca and Rozalia Kurpiel in Czorsztyn, Minutes of the interrogation of Piotr Karcz, 7 April 1978, fols 10–14.

The awareness that the Germans were also punishing people who knew about cases of helping those in illegal hiding and did not inform the authorities enhanced the threat psychosis. Information about crimes committed or collective pacifications of individual villages spread throughout the area. And they affected the inhabitants – in line with the terrorist intentions of the Germans.

The Village of Rogów

The events in Rogów and several surrounding villages near Miechów at the end of January/beginning of February 1943 show the consequences of such a chain of events. The village of Rogów is located more than 8 kilometers west of Książ Wielki. Today, it is the northern part of the Voivodeship of Lesser Poland, while before 1939, it was the southern part of the Voivodeship of Kielce. After September 1939, the village, like the entire western part of the country, found itself under German occupation.¹⁰ During the war, within the framework of the German occupation administration, Rogów was located in the southern part of the General Government (Kreishauptmannschaft Miechów, Cracow District). The events in Rogów analysed below have already been the subject of a reasonably detailed, albeit not entirely accurate, journalistic account.¹¹ In scholarly publications, they were mentioned only in passing. That also includes polemics with other publications, which we will return later.¹²

Nevertheless, it seems reasonable to discuss the whole sequence of events in detail, using scholarly tools, and to treat this case not only as an opportunity to recon-

¹⁰ The eastern half of Poland, up to the line of the rivers Pisa–Narew–Vistula–San, was occupied by the Soviet Union, which attacked Poland in collaboration with Germany in September 1939.

¹¹ The events of Rogów were discussed in detail by Piotr Gontarczyk, in a journalistic form (P. Gontarczyk, “Śmierć Jankiela Libermana, czyli o pewnej antycznej tragedii na polskiej prowincji w czasie II wojny światowej,” *Sieci* 46 [2018], pp. 100–103). Gontarczyk erroneously placed the events described in Rogów in 1944 instead of 1943, a mistake which probably arises from erroneous information found in some of the testimonies and documents included in the case file.

¹² Dariusz Libionka wrote about these events in broad terms, also erroneously placing the events in 1944 instead of 1943 (D. Libionka, “Powiat miechowski,” in *Dalej jest noc. Losy Żydów w wybranych powiatach okupowanej Polski*, ed. by B. Engelking and J. Grabowski, vol. 1–2 (Warsaw, 2018), pp. 162–163). Tomasz Domański, who also describes the essential details of the events, polemicalised quite extensively with this passage from Libionka’s article. Like Libionka, Domański erroneously placed the events in 1944 (T. Domański, *Korekta obrazu? Refleksje źródłoznawcze wokół książki „Dalej jest noc. Losy Żydów w wybranych powiatach okupowanej Polski,”* red. B. Engelking, J. Grabowski, 1–2, Warszawa 2018 [Warsaw, 2019], pp. 38–39). Again, the confusion was probably due to erroneous information entered in some of the testimonies and documents attached to the case file.

struct individual events but also as an essential contribution to the reconstruction of the specific nature of the German rule in the GG and the atmosphere of crime, terror and police impunity that reigned within it. This also involves reconstructing the consequences of these phenomena, including the psychological and social ones.

The village leader of Rogów under the Germans was Józef Gądek. It should be noted that the Germans in the GG abolished the local government (although they sometimes used this name). The inhabitants elected no bodies. The village leaders were appointed and dismissed at the governor's discretion from among the persons indicated by the German Kreishauptmann.¹³ Village leaders were appointed and dismissed by the Kreishauptmann himself, but he could use the mayor's suggestions for candidates.¹⁴ In addition, to tighten the control of the occupying authorities over the observance of their orders, the personal responsibility of the village leaders was introduced for how the German orders were enforced in the village or for the non-compliance with the orders of the Kreishauptmann in the area under their control.¹⁵

Under the new conditions, the village leader essentially became an officer of the German occupation administration, functioning at the lowest level, where he was responsible for implementing the orders he received.¹⁶ He had to declare that he would "faithfully and conscientiously discharge his duties in obedience to the German administration."¹⁷ At the same time, the villagers understood that disobeying the village leader's orders to enforce the Germans' orders would be interpreted not so much as the opposition towards him but as the direct opposition towards his German superiors. Every adult resident was aware that such disobedience could result in repression – at the discretion of the Germans. Depending on the seri-

¹³ Referring to the Kreishauptmann in Polish as a county starost – although this was somehow mechanically translated into Polish during the war – is as common as it is vague. Sometimes, it can even distract from the understanding of the specificity and scope of a starost's authority, which was incomparably greater for a wartime Kreishauptmann than for a pre-war starost. Czesław Madajczyk was right when he translated the name of this function, to distinguish it from that of the pre-war starosts, more literally as "the head of the district" (C. Madajczyk, *Polityka III Rzeszy w okupowanej Polsce*, vol. 1 [Warsaw, 1970], p. 215). The specific nature of this office can also be emphasised by retaining the original German name: Kreishauptmann.

¹⁴ B. Ługowski, "Funkcjonowanie urzędów gmin wiejskich w dystrykcie lubelskim Generalnego Gubernatorstwa w latach 1939–1944," *Studia z Dziejów Państwa i Prawa Polskiego* 2 (2018), p. 336.

¹⁵ *Ibid.*, p. 339.

¹⁶ Madajczyk, *Polityka III Rzeszy*, vol. 1, p. 216.

¹⁷ *Ibid.*, pp. 216, 221–222; Ługowski, "Funkcjonowanie urzędów," pp. 335, 342.

ousness of the offence or the extent of the disobedience, it could mean immediate arrest, exile to a concentration camp or even death.

Józef Gądek's position in the new social hierarchy imposed by the Germans was also strengthened by the fact that he had been registered on the German nationality list – he had become a Volksdeutscher, i.e. he “belonged to the German nation.” This formally gave him a privileged status vis-à-vis the Poles. “The village leader Gądek was feared in the village during the occupation because he was a Volksdeutscher,” Kuraj later said.¹⁸ This status also gave him protection from the Germans. “I would like to point out that the village leader Gądek was a Volksdeutscher [...] and he was feared by everyone in the village because, because of him, many people were taken from the village by the Germans for failing to hand over their quotas.”¹⁹ In the village, the village leader had a reputation of a strict enforcer of the German orders. It was said that he was “very rigorous for the Germans’ sake [in this manner in the original – MK]”²⁰.

Kuraj claimed, among other things, that he knew “from Skrzyniarz Józef from Rogów that the village leader Gądek denounced him [i.e., Skrzyniarz] to the Germans so that they would kill him [i.e. Skrzyniarz].” The threatened Skrzyniarz “escaped and hid until the war’s end.” This was already in 1944.²¹

An additional way of building a sense of collective responsibility among the inhabitants for the actions of others was the German demand that hostages be appointed from among the villagers. This was intended to make the villagers aware that they could not just pretend to obey German orders. They had to carry them out and observe the prohibitions because specific individuals could pay for sabotaging German orders with their lives. Mateusz Szpytma wrote the following about the nature of such actions:

In order to terrorise the population more fully and to enforce compliance with the German occupation’s legislation [the Germans] additionally used a peculiar

¹⁸ Archiwum Narodowe w Krakowie [National Archives in Cracow, hereinafter ANKr], Sąd Apelacyjny w Krakowie [Court of Appeals in Cracow, hereinafter SAKr], 1222, Aleksander Kuraj case files, Vol. 1, Minutes of the interrogation of Aleksander Kuraj, 28 June 1947, fol. 47.

¹⁹ *Ibid.*, Minutes of the interrogation of Jan Kucharz, 20 June 1947, fol. 51.

²⁰ *Ibid.*

²¹ *Ibid.*, Minutes of the interrogation of Aleksander Kuraj, 28 June 1947, fol. 48.

form of personalised collective responsibility. Namely, they appointed groups of hostages responsible with their lives for the conscientious execution of the authorities' orders. The hostages were appointed either by the village leader or by Blue policemen from among the villagers. The village leader had to designate potential victims – he had no right to refuse or evade such orders. During the occupation, the designated hostages also became a group used for specific tasks. Non-cooperation on their part could result in exile to a labour camp, and in the event of more severe offences, they were the first to be shot dead. It was thus a sophisticated method of using fear for the safety of themselves and their families as a form of psychological pressure. In this way, all residents were pre-emptively warned about which of them would pay first for potential insubordination. Subsequently, the responsibility may have fallen on the rest of the villagers anyway.²²

Such people were also designated in Rogów. And it was the village leader Gądek who was obliged to designate hostages that would be, in the first instance, responsible with their heads for disrespecting the German occupation orders. It is possible that these circumstances further entitled statements such as: “the inhabitants of Rogów were afraid of the village leader Gądek. Gądek was the master of life and death in the village.”²³

Kuraj and Lieberman

We know little about Jankiel (Jankel) Lieberman (Lieberman, Liebermann).²⁴ His past was not reconstructed during the investigation. We also do not find much information about his earlier life in the available records. It is known that before

²² M. Szpytma, “Zbrodnie na ludności żydowskiej w Markowej w 1942 roku w kontekście postępowań karnych z lat 1949–1954,” *Zeszyty Historyczne WiN-u* 40 (2014), p. 4.

²³ ANKr, SAKr, 1222, Vol. 2, Barrister Jan Kocznr's request for pardoning the remaining sentence and the forfeiture of property, 16 September 1950, fol. 387.

²⁴ Jankiel Lieberman's name was phonetically rendered as Liberman in the transcribed minutes of the witnesses' and defendants' testimonies. In official court documentation, corrected notations appear in two versions: Lieberman and Liebermann. This text adopts the spelling Lieberman as the most likely, without definitively prejudging what was the actual spelling. The phonetic spelling was used by Libionka, Gontarczyk, and Domański (Libionka, “Powiat miechowski,” p. 168; Domański, *Korekta obrazu*, p. 38; Gontarczyk, “Śmierć Jankiela Libermana”).

the war, he ran a shop in Rogów. However, he belonged to the poorer part of the Jewish community. He was married to Chaja (née Romankiewicz).²⁵

Aleksander Kuraj was a simple man, a poor farmer. He was born in 1901. He completed two forms of primary school. In 1919, he served in the Polish-Bolshevik war as a soldier of the 8th Legions Infantry Regiment. He never had a criminal record. He cultivated a farm of several hectares. In 1937, he started to build a house and a barn, but he looked for extra work on other farms due to the lack of funds. He had nine children. In early 1943, his eldest son was 17–18 years old. Kuraj was still relatively young at the time, only 41 years old. During the German occupation, he had to support his family from his small farm. Not surprisingly, he also did forestry work as a lumberjack. As it was found in the records, he “led a modest life.”²⁶ In the context of moral judgements, it was later written in the court documents that Kuraj, up to the time of the 1943 events, “had gone through life impeccably.”²⁷

The fates of Kuraj and Lieberman were linked at the turn of 1942 and 1943. On 5 September 1942, the Germans began the liquidation of the Wolbrom ghetto. The liquidation of the Miechów ghetto followed in November 1942. In the closing months of that year, after the German murders of Jews in and around Miechów, Jankiel Lieberman hid in the woods. We do not know where he stayed, with whom or how he spent the night. “However, a hard winter came, and the conditions for survival became tough.”²⁸ At the end of 1942 or the beginning of 1943, Lieberman farm, equipped only with a sheepskin coat and a feather quilt, arrived at the Kuraj’s. We can guess that, in the winter conditions, survival had become much more difficult or outright impossible in the places where he had lived so far. Lieberman sought help. He had no choice, even though he was well aware that the Germans threatened the death penalty for any form of help to the Jewish population. He

²⁵ ANKr, SAKr, 1222, Vol. 2, Statement by Jakób Romankiewicz and Aron Romankiewicz (brothers-in-law of Jankiel Lieberman) concerning the case of the accused Aleksander Kuraj, 10 October 1949, fol. 343.

²⁶ *Ibid.*, Vol. 1, Minutes of the interrogation of Aleksander Kuraj, 28 June 1947, fol. 45; *ibid.*, Vol. 2, Letter from the Citizens’ Militia station in Kozłów, 9 June 1950, fol. 400.

²⁷ *Ibid.*, Sentence of the Court of Appeals in Cracow, 15 November 1949, fol. 373.

²⁸ *Ibid.*, Barrister Jan Kocznur’s request for pardoning the remaining sentence and the forfeiture of property, fol. 386a.

came here precisely because he had known Aleksander Kuraj before the war and trusted him. And he was not mistaken.

Aleksander Kuraj was motivated “only by compassion for the helpless and poor Jew, persecuted by the occupiers.”²⁹ He was also aware that he was acting illegally against the laws imposed by the Germans, against the orders of the authorities who, by segregating society according to their racial criteria, were already denying the Jews the right to live. They also denied the right to live to all those who helped them. The Germans posted posters all over the General Government announcing the death penalty for any form of help. Kuraj knew he was taking a massive risk on himself and his family. The inhabitants were also informed of such prohibitions at village meetings. As already mentioned, in the neighbouring village of Wolica, it was announced that “sheltering Jews” was forbidden and that if such cases were discovered, the perpetrators would be punished by death. At the same time, their farms and those of their neighbours would be burnt down.³⁰

The issue ceased to be theoretical after Jankiel Lieberman, hiding from the Germans, knocked on his door in the winter of 1942/1943. When a particular man needed help stood before Kuraj, the farmer had to choose. And he made a decision that, as it later turned out, changed his life.

What was his motive? He knew that his primary duty as the head of the family was to ensure its survival, but he wanted to combine this with a reflex of humanity towards the persecuted, shelter-seeking Lieberman.³¹ There was certainly no question of any gratuity. “I would like to point out that I took Lieberman in at his request, free of charge,”³² “I didn’t derive any benefit from it because he was a poor man,”³³ he testified several years later. This is how the situation was described in interventions that were undertaken for Kuraj’s sake: “[...] even though Kuraj was himself in difficult material conditions and burdened with a large family of his wife and nine children, he rushed to help Lieberman completely selflessly, motivated

²⁹ *Ibid.*

³⁰ AIPN, GK, 392/1364, Minutes of the interrogation of Piotr Karcz, 7 April 1978, fols 10–14.

³¹ The dilemma of whether it is possible to put the lives of one’s family at risk in order to help others under the kind of conditions that were created by the German occupation is an extremely difficult one – the one that sometimes requires asking questions without getting good answers.

³² ANKr, SAKr, 1222, Vol. 1, Minutes of the interrogation of Aleksander Kuraj, 28 June 1947, fol. 48.

³³ *Ibid.*, Minutes of the interrogation of Aleksander Kuraj, 20 June 1947, fol. 16a.

only by compassion.”³⁴ What was Kuraj hoping for? He certainly hoped that the matter could be kept secret. Perhaps he was only thinking of making it easier for Jankiel to get through the most frosty time? We don’t know precisely what they agreed on.

A hiding place was prepared in the barn under the threshing floor, where Lieberman, equipped with a sheepskin coat, a pillow and a feather quilt, could lie down and survive in this position. The entrance hole was covered with hay. Kuraj knew he would be heavily burdened with the cost of feeding the hiding person. Lieberman, in turn, understood that Kuraj was struggling to feed his family of eleven. He knew that he would have to share food, which was barely enough to feed his children at the end of winter. And even so, he knew that what he gave Lieberman was insufficient. “I gave him some food, but not enough because I didn’t have any myself.”³⁵ Therefore, Lieberman had to get extra food somewhere to survive. Everything indicates that he had places in this or some surrounding village where he was not given shelter but was given food. Under German regulations in occupied Poland, it was also illegal to feed a Jew, even incidentally. The mere feeding of a hiding Jew was punishable by death. Kuraj knew that Lieberman sometimes left his hiding place: “Lieberman would sometimes leave at night, but where he went, he did not tell me,”³⁶ “Lieberman would sometimes leave; he was with me for over a month.”³⁷ A later statement of reasons for the court’s judgment also described how Lieberman “only left his hiding place in the barn at night to go under its cover to the villagers to ask for support. The villagers, who knew Li[e]berman well – as he came from the same village – never refused to help him.”³⁸

But everything has its price. The fact that Lieberman was on the move meant that the number of people who knew about him was growing. The secret, the disclosure of which would have meant the death of all those who helped Lieberman to survive, was no longer a secret. The news must also have reached the village leader, Gądek. We do not know how the village leader felt about everything the Germans

³⁴ *Ibid.*, Vol. 2, Barrister Jan Kocznur’s request for pardoning the remaining sentence and the forfeiture of property, fol. 386a.

³⁵ *Ibid.*, Vol. 1, Minutes of the interrogation of Aleksander Kuraj, 28 June 1947, fol. 48.

³⁶ *Ibid.*, Minutes of the interrogation of Aleksander Kuraj, 28 June 1947, fol. 16.

³⁷ *Ibid.*, Minutes of the interrogation of Aleksander Kuraj, 28 June 1947, fol. 49.

³⁸ *Ibid.*, Vol. 2, Judgment of the Court of Appeals of 15 September 1949, fol. 369a.

were doing to the Jews – from persecution to mass murder. Even if he wanted to get on in life by obtaining the status of a Volksdeutscher, we have no documents that can shed more light on his views. We know that, as the village leader, he was obliged to participate and did participate in enforcing German orders. Did he care about putting the Jew Lieberman into the hands of the Germans? Did he – like the Germans – deny him the right to live? Both questions posed in this way must be answered negatively. This is not to defend the village leader by force. His acceptance of the status of a Volksdeutscher and the actions described above were facts that put him in a negative light. But this does not mean that we can *a priori* ascribe to him additional intentions and views about which no trace can be found in the documents.³⁹ He could (and in the light of the official duties at the time should) have reported the matter to the police station. However, under such circumstances, this could have led to repeating the situation in Wierzbica. The blood of the entire Kuraj family would have burdened the village leader's conscience. Or perhaps there would have been more people held responsible? Who knows? Maybe, as the village leader, knowing all the residents personally, he wanted to avoid the burden of such responsibility. After all, he knew about Lieberman's illegal hiding by one of the farmers, but it was unknown who else from the village might have been involved in helping him, if only with food. Or perhaps he was primarily afraid that the Germans would also hold him responsible because – despite his status as a Volksdeutscher – he was not disciplined enough and could not ensure that the German occupation's regulations were observed in his area.

In the context of the Lieberman case, it gives food for thought to how the village leader reacted to rumours (or already specific information) that a person of Jewish nationality might be hiding illegally at Kuraj's house. As has already been pointed out, according to his duties, he should have informed the German services immediately. He did not, even though he was, after all, "rigorous."

He knew that this threatened the death of Kuraj and his entire family. A part of the file shows that he sent Jan Kucharz, Wincenty Kucharz and Jan Gądek to Kuraj "with the instruction that they should warn Kuraj that if he was sheltering a Jew in his house, he should chase him away because in case the Germans found out,

³⁹ For example, no thread appears in the case file to attribute anti-Semitic views to the village leader.

he [Kuraj] and his whole family would be killed.”⁴⁰ Jan and Wincenty Kucharz and Jan Gądek went to Kuraj. They communicated to him everything that the village leader had instructed them to say. Kuraj, for his part, was to assure them “that he was not sheltering any Jew.”⁴¹

It should be noted that the village leader’s envoys, on his behalf, only demanded that Kuraj should stop helping Lieberman and should make him go away. They were not soliciting for Lieberman to be captured or harmed. They wanted Kuraj to “cause the Jew hiding with him to escape.”⁴² At that time, in mid-January 1943, it may not have occurred to them that a victim of persecution caught by the Germans could be a real threat if he began to impart information about who he was staying with. The village leader’s messengers accepted Kuraj’s assurances and reported them to the village leader.

It did not take a keen mind to see that the situation was becoming increasingly dangerous for both Kuraj and Lieberman. However, nothing happened in the following days. For the next two weeks, Lieberman continued to hide in Kuraj’s barn. He survived there until the end of January 1943. The situation changed when news of what had happened in the village of Wierzbica, a few kilometres away, and several other villages spread throughout the area. There, officers of the occupying forces carried out operations designed to spread panic and terror. And indeed, they did spread panic and terror.

The Massacre in Wierzbica

In the villages of Wierzbica and Wolica, which were only a few kilometres from Rogów, local farmers hid members of the Wandersman Jewish family. One of the Jews in hiding, Paweł Wandersman, was arrested in January 1943. During interrogation, he was promised his life if he would indicate all the houses where he had been helped and all the places he knew where members of his family or other Jews had been hidden. On 9 January 1943, a punitive expedition composed of offic-

⁴⁰ ANKr, SAKr, 1222, Vol. 1, Judgment of the District Court in Cracow of 18 December 1947, fol. 212.

⁴¹ However, Kuraj himself at one point denied that they had previously been at his place (*ibid.*, Minutes of the interrogation of Aleksander Kuraj, 28 June 1947, fol. 48).

⁴² *Ibid.*, Vol. 2, Request by the convicted Józef Miś and Jan Kucharz for exercising the right of pardon, 4 January 1950, fol. 380a.

ers from various German police formations (including Blue policemen) brought Wandersman to Wolica and Wierzbica.⁴³ These events were briefly described by Tadeusz Seweryn, in 1943, the head of the underground Social Resistance of the District Delegation of the Government of the Republic of Poland in Cracow: “in Wierzbica, the municipality of Kozłów (Miechów County), on 29 January 1943, the Nazis shot three families, fifteen people in total [...]. For what reason did the Nazis carry out such a massacre? Because three Jews were hiding with these families.”⁴⁴ Wandersman named one by one the families who had illegally helped the Jews. The officers shot Jan Gądek, his wife Władysława and his mother-in-law Balbina Bielawska on the spot for helping Jews. The entire group of officers then drove to Wierzbica.

Paweł Wandersman took the gendarme Nowak to the Książek family, and after bringing them in, the gendarme Nowak found 2 Jews at the Książek family's place who had come from Żarnowiec. It was a married couple. [...] Upon entering,

⁴³ In Nogiec's study, included in the book by Władysław Bartoszewski and Zofia Lewinówna (J. Nogiec, “Strzały w Wierzbicy,” in W. Bartoszewski and Z. Lewinówna, *„Ten jest z ojczyzny mojej”*. *Polacy o pomocy Żydom 1939–1945* [Warsaw, 2007], p. 616) we shall find information that the person who pointed to the specific farmsteads was a Jew by the name of Naftul, the Wandersmans' son-in-law. Nogiec based his testimony on the testimony of Bronisław Kucharski, one of the then-severely injured residents of Wierzbica. Bronisław Kucharski made the same assertion in his testimony in the 1970s (AIPN, GK, 392/1364, Minutes of the interrogation of the witness Bronisław Kucharski, Wrocław, 7 October 1977, fols 1–5). It should be noted, however, that he was only 11 years old during the occupation and might not have had a complete understanding of the personalities of the adult Jewish inhabitants of the village. He could have mistakenly assigned the wrong names to the participants in the events, especially as he could not remember the name of the Naftul in question. On the other hand, another witness, Piotr Karcz, who was older than Kucharski, aged 26 at the time, did not doubt that the German “guide” was Paweł Wandersman. (AIPN, GK, 392/1364, Minutes of the interrogation of Piotr Karcz, 7 April 1978, fols 10–14). Martyna Grądzka-Rejak also writes about the fact that the “guide” of the Germans was Paweł Wandersman and not Naftul (M. Grądzka-Rejak, “Ratować nawet za cenę życia,” *Dziennik Polski*, 4 April 2016, <https://dziennikpolski24.pl/ratowac-nawet-za-cene-zycia/ar/9823204> [accessed 31 October 2020]). Grądzka-Rejak only mentions some doubts in her published study. However, the bibliography indicates that she did not use Karcz's testimony (see *Represje za pomoc Żydom na okupowanych ziemiach polskich w czasie II wojny światowej*, ed. by M. Grądzka-Rejak and A. Namysło [Warsaw, 2019], pp. 202–204). The role of the guide is assigned to Naftul in Libionka's (Libionka, “Powiat miechowski,” p. 168) and Domański's studies (Domański, *Korekta obrazu*, p. 38.). The same applies to Gontarczyk (Gontarczyk, “Śmierć Jankiela Libermana”). See R. Gieroń, *Półmrok. Procesy karne w sprawie przestępstw okupacyjnych popełnionych przez chłopów wobec Żydów w województwie krakowskim* (Cracow, 2020), p. 206.

⁴⁴ “Relacja Tadeusza Seweryna,” in Bartoszewski and Lewinówna, *„Ten jest z ojczyzny mojej”*, p. 613.

the gendarme Nowak shot this Jewish couple and four people who were in the house at the time and who were members of the Książek family.⁴⁵

The murdered Książek family was a married couple, Piotr (often misnamed Franciszek)⁴⁶ and Julia, and their sons, Jan and Zygmunt.⁴⁷ The officers were then directed to the home of the Nowaks from Wierzbica, where they murdered a disabled man named Nowak and his several-year-old daughter for helping Jews.

From Nowak's house, the expedition went to Kucharski's house. To all these inhabitants, gendarme Nowak was led by Paweł Wandersman. Upon arriving at the Kucharskis' place, gendarme Nowak shot eight people who were present there at the time. Out of these eight people, two people survived, namely the father of the family – Izidor Kucharski, who was shot in the back of the head, but the wound, as it turned out later, was not fatal. His son Bronisław Kucharski also survived.⁴⁸

As a result of the shooting, both of them were mutilated for life: Izidor Kucharski lost an eye, and Bronisław Kucharski completely lost his sight. Murdered were Izidor's wife, Anna Kucharska and their four children: Mieczysław (15 years old), Bolesław (9 years old), and twins Józef and Stefan (5 years old). Their grandmother, Julianna Ostrowska (86), was also shot dead. Wandersman also led officers to other houses, such as where his family sold some of their belongings. Wandersman himself was, after the executions at the homes of the Gądek, Książek, Nowak and Kucharski families, shot dead by German officers together with Stanisław Tocho-wicz, whom he met on the way, near the village of Żabiniec.⁴⁹

⁴⁵ AIPN, GK, 392/1364, Minutes of the interrogation of Piotr Karcz, 7 April 1978, fols 10–14.

⁴⁶ This has been explained by Piotr Książek's grandson, Wojciech. W. Książek, see *id.*, "Mord mej rodziny i sąsiadów – Żydów w Wierzbicy. Starajmy się robić swoje," <https://wojciechksiazek.wordpress.com/mord-mej-rodziny-i-sasiadow-zydow-w-wierzbicy-starajmy-sie-robic-swoje/> (accessed 15 October 2020).

⁴⁷ *Represje za pomoc Żydom*, pp. 202–204.

⁴⁸ AIPN, GK, 392/1364, Minutes of the interrogation of Piotr Karcz, 7 April 1978, fols 10–14.

⁴⁹ *Ibid.*, Minutes of the interrogation of the witness Bronisław Kucharski, Wrocław, 7 October 1977, fols 1–5; Minutes of the interrogation of Piotr Karcz, 7 April 1978, fols 10–14; *Represje za pomoc Żydom*,

News of these events quickly spread throughout the area. As the Germans intended, their acts of cruelty caused panic in the surrounding villages. The heightened sense of danger must have affected at least those people who were in some way involved in helping Jews or at least possessed knowledge of their hiding and illegal help being given to them. In the post-war files of the Kuraj case, direct reference was made to these events:

A few days before the incident, the German police had discovered Jews in several villages in the vicinity. They had, therefore, murdered not only the families of those with whom Jews had been found but also those [about] whom the found Jews had declared that they had been helping them. So, in the village of Wierzbica, directly bordering on Rogów, thirteen people fell victim.⁵⁰

Kuraj himself also recalled that, a few days earlier, “Gestapo had shot dead 17 or 18 people in the village of Wierzbica, 4 kilometers away, apart from the Jews they were hiding.”⁵¹ Later on, in the case file, one could find statements underlining that Kuraj “was aware of the mortal danger that threatened him and his entire family for sheltering a person of Jewish nationality. Despite this, he did not expel Lieberman from his farm but continued to hide him and help him with total devotion, putting his own life and that of his large family in danger.”⁵²

Over the next two days, news of what had happened in Wierzbica and Wolica spread through the area. The inhabitants of Rogów were overwhelmed by the mass murders that had taken place nearby. At the very least, those who knew that help was being given to Jews in this village must have feared that new acts of terror would be committed in their village.

pp. 202–204. See M. Korcuć, “Niemieckie zbrodnie w Wierzbicy i Wolicy. Ekshumacja i pierwszy pogrzeb rodziny zamordowanej za pomoc Żydom w 1943 roku,” *Polish-Jewish Studies* 3 (2022), pp. 435–438; *id.*, “German Crimes Committed in Wierzbica and Wolica. Exhumation and the First Funeral of a Family Murdered for Helping Jews in 1943,” *Polish-Jewish Studies* 3 (2022), pp. 637–640.

⁵⁰ ANKr, SAKr, 1222, Vol. 1, Judgment of the District Court in Cracow of 18 December 1947, fol. 212.

⁵¹ *Ibid.*, Minutes of the interrogation of Aleksander Kuraj, 29 August 1947, fol. 109.

⁵² *Ibid.*, Vol. 2, Barrister Jan Kocznur’s request for pardoning the remaining Aleksander Kuraj’s sentence and the forfeiture of his property, fol. 386a.

The Psychosis of Fear

In such a situation, the village leader, Gądek, did not wait for the worst fears to come true. “After this incident [i.e. after the massacres in Wierzbica – M.K.], one day [i.e. Monday, 1 February 1943], the village leader Gądek started to roam around the village and gather the men, saying that they would go for a search, but where and for what – that he did not say.”⁵³

The village leader gathered a dozen people in this way. “It was only when he led us to Kuraj’s home that he told us we were going to look for Jews,” Jan Kucharz testified years later in the investigation.⁵⁴ He explained, evidently answering a straightforward question, that the village leader had gathered them “while not talking about killing.”⁵⁵ Kucharz himself, a thirty-three-year-old resident of Rogów in 1943, had additional reasons for concern: he was on the list of hostages in the village. He had three young children at the time. At the same time, he had already been used to carry out German orders.⁵⁶ One of the hostages was Józef Miś, whom the village leader also came to take for the search. Years later, he gave the following testimony: “I said I wouldn’t go, and he told me: “Then do you want to be responsible for a Jew in case he is at Kuraj’s?” If the Germans came and found out that I didn’t want to go to Kuraj, they would shoot me. I was afraid, and that’s why I went.”⁵⁷

⁵³ *Ibid.*, Vol. 1, Minutes of the interrogation of Jan Kucharz, 20 June 1947, fols 50a–51.

⁵⁴ *Ibid.*.

⁵⁵ *Ibid.*.

⁵⁶ *Ibid.*, fols 50–50a. Kucharz was an ambiguous figure, to say the least. He was used by the village leader and his German superiors to implement the occupation authorities’ orders to designate people for forced labour in Germany. The testimonies show that Kucharz fulfilled these tasks with evident commitment. We do not know today if and how this was influenced by the fact that he was a hostage. Many people were of an unequivocally negative opinion of him. “Kucharz gathered people from the village and drove them to the municipality of Kozłów, and from there the Germans took [them] to Germany for forced labour. He [...] sent poor people, while he did not send rich people,” – testified Maria Uchto (Oddziałowe Archiwum Instytutu Pamięci Narodowej w Krakowie [Branch Archives of the Institute of National Remembrance in Cracow], Wojewódzki Urząd Spraw Wewnętrznych w Krakowie [Voivodeship Office of the Interior in Cracow], 010/3998, Registered case for observation concerning Jan Kucharz, Vol. 1, The Testimony of Maria Uchto, 13 March 1950, fol. 35; The Testimony of Teofila Sieradzka, 22 February 1950, fol. 24; The Testimony of Władysław Sieradzki, 28 February 1950, fol. 28; The Testimony of Jan Kania, 25 February 1950, fol. 30; The Testimony of Zofia Tokarz, 22 February 1950, fol. 26; The Testimony of Julia Burska, 22 February 1950, fol. 24; The Testimony of Józef Skrzyński, 22 February 1950, fol. 22; The Testimony of Stanisław Kowal, 23 February 1948, fol. 18).

⁵⁷ ANKr, SAKr, 1222, Vol. 1, Minutes of the interrogation of Józef Miś, 28 June 1947, fol. 55a.

On 1 February 1943, after dark, the people gathered by the village leader went to Kuraj's farm. He was also horrified by the events in and around Wierzbica. When he heard voices approaching, he was afraid that they were Germans. His first instinct was to flee into the fields with his son. His wife Helena sent another son to warn Lieberman as well. But he did not manage to do so.⁵⁸ Only after a while did Kuraj hear Polish in the darkness, and he realised these were not Germans. After cautiously approaching the house, he recognised the voices of people from the village. "The village leader came up to me and asked me where was the Jew hiding," he said. Kuraj again lied that "there was none."⁵⁹

In this situation, the village leader ordered the gathered people to search the house. Nothing was found there. Then they went to the attic. They searched the pigsty. They did not see anyone. So they went to search the barn. Kuraj hoped they wouldn't find the hiding place: "I told them not to search because there was nothing to search for, but they did," he testified.⁶⁰ Miś and Kucharz, who took part in this "search," later stated that "they knew beforehand that no Jew could be hidden in the house of the accused Kuraj since the accused Kuraj had been warned, so he made the Jew who had been hiding with him run away, all the more so as he knew what repressions were the Germans using for this purpose, as in the village of Wierzbica." They also explained, "that they knew that in winter [due to the temperatures at that time – M.K.] no one would hide a Jew in a barn, nor would he survive if he was hidden in a barn in winter."⁶¹

It is possible that this was indeed the case. It is possible that this was merely a defence strategy adopted years later. However, it is difficult to reject this argument unequivocally. Both claimed that "the search was a sham; it was a mystification to mislead the Germans into thinking that something was being done." He recalled that "they did not want to go to search, and they resisted the village leader, which made him eventually threaten them that he would hand them over to the police." They pointed out that "it was not only them who pretended to

⁵⁸ *Ibid.*, Vol. 2, Judgment of the District Court in Cracow of 13 July 1949, fol. 297a.

⁵⁹ *Ibid.*, Vol. 1, Minutes of the interrogation of Aleksander Kuraj, 20 June 1947, fol. 16a.

⁶⁰ *Ibid.*, Minutes of the interrogation of Aleksander Kuraj, 28 June 1947, fol. 45.

⁶¹ *Ibid.*, Vol. 22, Request by the convicted Józef Miś and Jan Kucharz for exercising the right of pardon, 4 January 1950, fol. 380a.

do the search, but [also] everyone else whom the village leader had assigned to do it.”⁶² It was entirely by chance that Lieberman’s hiding place was found. Miś “went to the barn of the accused Kuraj, together with others, on the orders of the village leader, and for the sake of appearances turned over sheaves, pretending to search, and then by chance his foot fell into a hole, which turned out to be Lieberman’s hiding place, from which he came out upon having been called by the accused Kuraj and the village leader.”⁶³ Later it was even speculated that “the fact of the discovery of the pit where Liebermann was staying **was a pure coincidence**, which might not have happened if someone present had not shouted, perhaps in spite of himself, that the leg of the accused had fallen into a hole, which attracted the attention of the village leader” [emphasis mine – M.K.].⁶⁴ Jan Kucharz understood that, as a hostage, he would be the first to be held responsible for Kuraj’s illegal actions. He got carried away and “slapped Kuraj in the face twice, while crying out: you said you didn’t have a Jew, and there is one!”⁶⁵ Kuraj confirmed that: “for lying, I was hit.”⁶⁶ Kucharz himself, during the post-war trial, admitted that he had at the most pushed him away, while asking: “what have you done.”⁶⁷ Later, the District Court, in passing sentences, despite everything, noted that Kucharz’s assumption that the accused Kuraj got rid of the Jews was all the more correct as it was a period of particular intensification towards the extermination of Jews by the German authorities in the county of Miechów. As a result, the German police murdered not only the families of those with whom Jews were found but also the persons who – as the Jews who were caught declared – had been helping them.⁶⁸

This is also how the situation of Kucharz and Miś was later explained: “The fact of finding a Jew was undesirable to them [they understood this,] realising what awaited them and others for this, having in mind the incidents in the nearby vil-

⁶² *Ibid.*, fol. 380.

⁶³ *Ibid.*. Miś “found the hole in the floor where Lieberman sat” (*ibid.*, Vol. 1, Minutes of the interrogation of Aleksander Kuraj, 28 June 1947, fol. 45).

⁶⁴ *Ibid.*, Request by the convicted Józef Miś and Jan Kucharz for exercising the right of pardon, 4 January 1950, fol. 380.

⁶⁵ *Ibid.*, Vol. 1, Minutes of the interrogation of Aleksander Kuraj, 28 June 1947, fol. 47.

⁶⁶ *Ibid.*, Minutes of the interrogation of Aleksander Kuraj, 20 June 1947, fol. 16a.

⁶⁷ *Ibid.*, Vol. 2, Minutes of the main hearing, 15 September 1947, fol. 348.

⁶⁸ *Ibid.*, Sentence of the District Court in Cracow of 13 July 1949, fol. 297a.

lages and that so many people were shot dead for this, for example in the village of Wierzbica.”⁶⁹

The Crime

The finding of Lieberman had become a fact. In the whole loop of events, it was clear that none of the participants in this event could explain to the German authorities that they did not know about the illegal hiding of the man on Kuraj's farm. They had all acquired knowledge of illegal help being given to a Jew. In the eyes of the German authorities, the release of Lieberman could incriminate everyone. For it was now formally incumbent on everyone to inform the German authorities. They brought Lieberman home. There, a meeting was held.

Most of the participants of the meeting were frightened and embarrassed. The documents show that no one imposed himself with proposing solutions: “in Kuraj's home [the village leader] asked all of us what we should do with it, to this nobody wanted to decide anything, they said to the village leader ‘do whatever you want’”.⁷⁰ So they all tried to avoid the decision (and therefore the responsibility for it – also in their conscience) and to put the duty on the village leader. This was because, in principle, they were all subject to criminal liability for potentially concealing knowledge of the fact. The other solution was to hand Lieberman over to the Germans, which meant death for him anyway. In theory, the village leader and the other inhabitants would have been protected from liability as those who obediently obeyed German orders. However, after the events of three days before in the neighbouring villages, in such circumstances, it had to be taken into account that Kuraj and his family were in danger of being murdered. The same happened to the Kucharski, Książek and Nowak families in Wierzbica and Wolica. In such a situation, the village leader ordered the peasants to stay home with Kuraj and Lieberman. He, with the most endangered inhabitants, the hostages Józef Miś and Józef Kucharz, went out into the yard. There, they conferred. After a while, they summoned Kuraj. They decided that the only way out was to kill Lieberman by themselves. After the disastrous experiences in the area, they decided that this

⁶⁹ *Ibid.*, Request by the convicted Józef Miś and Jan Kucharz for exercising the right of pardon, 4 January 1950, fols 380a–381.

⁷⁰ *Ibid.*, Vol. 1, Minutes of the interrogation of Jan Kucharz, 20 June 1947, fol. 53.

was the only thing that would protect the village from repeating the events in Wierzbica.⁷¹

Today, it is easy to ask the question: how can we be sure that Jankiel Lieberman, had he been captured, would have acted the same way as Wandersman in Wierzbica and Wolica? Of course, there was no certainty. They did not know whether he would. But they also did not know if he would not since it had happened once. They were afraid of a repetition of the murders of a few days ago. This is how the German system of terror, combined with the ostentatious use of collective responsibility, was supposed to work and did work. The inhabitants' questions were: What will the Germans do when the news reaches them that Lieberman has been released by them all in defiance of the occupation orders? Will the Germans look this time only for the "perpetrators" of the given help, or will they punish a more significant number of residents?

It is worth noting a rather characteristic thing here: there was no one in this group who, taking advantage of the impunity guaranteed by the German state, would have been ready to commit murder. No one wanted to be a murderer – including the village leader, a Volksdeutscher. No one wanted to take responsibility for the shedding of innocent blood. So those in front of the house also tried to pretend, like peasants sometimes do, that they were on the sidelines: if Kuraj was sheltering Lieberman illegally (and lying, denying the facts), then let him sort it out all by himself, and let him take it on his conscience. After all, it was him and his family who were in the greatest danger – they were the ones who would have paid with their lives if the village leader, following German orders, had taken Lieberman to the police.

Kuraj must have realised that on one side of the scale was the murder of Lieberman himself, and on the other, the death of Lieberman together with Kuraj and his entire family. Jozef Miś testified that "when the village leader was left alone with Kuraj in his house, he allegedly told him that if he did not kill him, the Germans would do to him what they had done in Wierzbica."⁷²

Those standing in front of the house were straightforward: it was Kuraj who was to kill "for sheltering him." In turn, Kuraj himself later testified: "I resisted,

⁷¹ *Ibid.*, Minutes of the interrogation of Aleksander Kuraj, 20 June 1947, fol. 16a.

⁷² *Ibid.*, Minutes of the interrogation of Józef Miś, 28 June 1947, fol. 58.

and then the village leader threatened me that he would take a cart and take me to the German gendarmerie, saying that ‘they would kill me and my whole family.’”⁷³

Other testimonies also confirm that the village leader, understanding his responsibility to enforce the Germans’ orders, made things clear: “he ordered us all to take Lieberman to his house, announcing that he would take him [together] with Kuraj to the Germans.”⁷⁴ Kuraj explained that he could not kill a man; he explained “that he, after all, could not even kill a sick calf. Explanations and requests came to no avail.”⁷⁵

No one was going to take responsibility for these “criminal” – in the light of the Germans’ orders – actions of Kuraj in favour of Lieberman. At the same time, no one believed that the affair could be kept secret. Desperate, Kuraj tried to propose that Lieberman be released. “The village leader said that when the Gestapo catches the Jew, he would turn them all in, and they would [all] be shot,”⁷⁶ the scenario of a few days ago from Wierzbica will repeat itself. The first to pay for it with their lives would be Kuraj’s family of eleven. However, no one could guarantee that the Germans would stop there. Therefore, if Kuraj did not deal with the matter himself, the village leader, not wanting to expose himself to the charge of failing to comply with the German orders, would take Lieberman to the Gestapo station anyway. And then, too, the Germans might murder Kuraj’s entire family.

This dramatic logic of state repression was designed to make Kuraj realise that nothing could save Lieberman’s life anyway. The point was that to save his family from death at the hands of the Germans, Kuraj himself would have to become the murderer of the man he had illegally and devotedly helped for several weeks.

The village leader pointed to the tool – a giant railway spanner. Lieberman was led out of the house. Years later, Kuraj testified: “I felt compelled at the time, so when the village leader pointed to the railway spanner to me – as a tool – I took it and hit Lieberman from behind on the head [...] once.”⁷⁷ He claimed that “the

⁷³ *Ibid.*, Minutes of the interrogation of Aleksander Kuraj, 28 June 1947, fol. 46.

⁷⁴ *Ibid.*, Minutes of the interrogation of Jan Kucharz, 20 June 1947, fol. 53.

⁷⁵ *Ibid.*, Vol. 2, Barrister Jan Kocznur’s request for pardoning the remaining Aleksander Kuraj’s sentence and the forfeiture of his property, fol. 387.

⁷⁶ *Ibid.*, Vol. 1, Minutes of the interrogation of Aleksander Kuraj, 29 August 1947, fol. 108a.

⁷⁷ *Ibid.*, Minutes of the interrogation of Aleksander Kuraj, 28 June 1947, fol. 46.

man fell and died on the spot.”⁷⁸ All of this was happening in the backyard. Kuraj, when the village leader

Ordered to harness horses to take Kuraj and Liberman to the Gestapo [...], was stunned with fear. Witnesses Antoni Rozworski, Jan Zasada and Stanisław Kania stated that Kuraj was dazed with fear, that he was almost unconscious, that he was shaking and did not know what was happening to him. When Gądek pressed an iron spanner into his hand, Kuraj struck Lieberman with it. The blow was fatal.⁷⁹

This is how the moment of the murder itself was later described. This was confirmed by the opinion of an expert who examined the corpse in 1947: “the deceased died as a result of a blunt force trauma inflicted with a considerable force, due to the damage to the central nervous system. The death was instantaneous.”⁸⁰

Years later, Kuraj’s defence lawyer tried to describe his mental state at that moment. He tried to describe what is intangible and impossible to describe. The defence counsel wrote:

The Court of Appeals found that Kuraj committed the act he was accused of only because of a tragic coincidence. Dazed by a violent course of events [that unfolded before him], no longer in control of his mind, already plunged in his opinion into the abyss of death, counting his life in minutes, clearly seeing the death of his innocent family [...], finding in his reasoning no other way out, and there was no such way – he kills.⁸¹

It is characteristic that the few members of Lieberman’s family who survived the Holocaust also approached Kuraj’s fate with empathy:

⁷⁸ *Ibid.*, Minutes of the interrogation of Aleksander Kuraj, 20 June 1947, fol. 16a.

⁷⁹ *Ibid.*, Vol. 2, Barrister Jan Kocznur’s request for pardoning the remaining Aleksander Kuraj’s sentence and the forfeiture of his property, fol. 387.

⁸⁰ *Ibid.*, Vol. 1, Report on the examination of the body of Jankiel Lieberman, 21 June 1947, fol. 38a.

⁸¹ *Ibid.*, Vol. 2, Barrister Jan Kocznur’s request for pardoning the remaining Aleksander Kuraj’s sentence and the forfeiture of his property, fol. 386a.

Also, two simple Jews, Jakub and Aron Romankiewicz [who, before they knew the exact circumstances of the case, demanded an investigation into it – M.K.] understand the tragedy of the case. In their letter to the court, they declare that Aleksander Kuraj, whom they have known since his youth as an honest and good man, had no other way out of the situation. As the closest of the family of Jank[ie]l Lieberman, who was their brother-in-law, the Romankiewicz declared that they held no grudge against Kuraj and believed he deserved to be exempted from criminal responsibility.⁸²

Kuraj later testified: “Immediately after killing Lieberman, I went to dig a hole” behind the barn. How he survived all this – will remain his secret.

Gądek considered any such case of illegally hiding people wanted by the Germans in the village to be a problem: “The next day, the village leader was at Antoni Nowak’s house looking for Jews, but he did not find them [Jews].”⁸³

Under such circumstances, the problem of punishment for helping Lieberman essentially disappeared because the hiding Jew was already dead. The terror took its toll without involving the uniformed services of the GG. As Kuraj’s defence counsel said years later:

In the opinion of the Court [of Appeals], the tragedy of the case lies in the fact that this terrible act was committed by a man whose life up to that moment had been impeccable, a man who, after all, had never raised a hand against anyone in his life, who could not even kill a sick calf, that he committed this act against a person to whom he had shown the highest degree of compassion and kindness.⁸⁴

Two Different States

An analysis of the cause-and-effect logic of the events that took place in this area between 29 January and 1 February 1943 reveals the horrific murders committed by the German services in several villages and then the dramatic consequences of

⁸² *Ibid.*

⁸³ *Ibid.*, Vol. 1, Minutes of the interrogation of Aleksander Kuraj, 28 June 1947, fol. 48.

⁸⁴ *Ibid.*, Vol. 2, Barrister Jan Kocznur’s request for pardoning the remaining Aleksander Kuraj’s sentence and the forfeiture of his property, fol. 386a.

the crimes committed in other places. And although in Rogów – unlike Wierzbica – there were no uniformed German officers physically present on the day of the crime, it is difficult to see Lieberman’s murder as an event detached from the realities of the occupation, the German law and the terror generated and sanctioned by the might of the German Reich. Here we have a murder that was a tragedy of two people, both the victim and the killer. There is the poor, persecuted Jew and the poor Polish farmer who helps him illegally. But there are also the German authorities in the Kreishauptmannschaft and the criminal “law” in force. Finally, there is panic in the village that the events of Wierzbica will happen again.

It was clear that officers acting on behalf of the state could also come to Rogów at any time to administer punishment for “acts of violence against the reconstruction of the General Government” or – for offences against the orders of the “Regulation on the Restriction of Residency in the General Government.” In this way, due to acts of state terror, the imposed legal system, which was binding then, revealed its effectiveness. There is no doubt that, in this case, how the state organs and armed formations enforced the GG laws directly impacted the behaviour of the village leader, the people he mobilised, and Aleksander Kuraj himself. In this way, the crime in Rogów embodied the function of the law presented at the beginning of this article – in this case, the murderous regulations in force in the General Government.

It is difficult not to see that the crime in Rogów was an attempt to prevent a German punitive expedition that threatened the village for illegally sheltering one of the stigmatised. The possibility of such a scenario was determined by the fact that the village belonged to an area over which the German Reich exercised undivided power, and the population was deprived of any protection against the crimes of that state. The information published in one of Józef Guzik’s books, which attributes this murder to someone else, is not true. Its author gave the personalities of Jankiel Lieberman and correctly indicated the village of Rogów. However, neither the date of the murder (May 1943) nor the circumstances are accurate in his study. Guzik writes that Lieberman was “shot by the gendarmerie.” It is difficult to get over such untrue data.⁸⁵ However, the above events are not fairly shown,

⁸⁵ See J. Guzik, *Raławickie wezwania. Monografia okupacyjna ziemi miechowskiej 1939–1945* (Wawrzeńczyce, 1987), p. 178.

even in the more elaborate accounts. In one, the crime committed against Jankiel Lieberman is presented simply as a “murder without police involvement.”⁸⁶ In the abbreviated narrative, there was no space to show the essence of the events or their context, i.e. the earlier murders in Wierzbica and the neighbouring villages. This is even though the author mentions the massacre in Wierzbica and its surroundings in another part of the book but does not link these facts in the slightest with the story of Kuraj.⁸⁷ Under these circumstances, the events were reduced to an incident in which the village leader Gądek and a group of peasants “surrounded the buildings and thoroughly searched the barn.” The author mentions that Gądek “blackmailed and threatened Kuraj that he would go to the police.”⁸⁸ And the mere fact of blackmail was supposed to have led to the murder of Lieberman by Kuraj. But are we uncovering the facts by reducing the whole event to a story that took place only and exclusively in Rogów, only and exclusively between peasants and Poles (leaving out the fact that Gądek was a Volksdeutscher), without the involvement of any factors of the higher order, without the context of the German murders in the area? Such an account certainly does not bring us any closer to understanding the actual dimension of the tragedy of Aleksander Kuraj and Jankiel Lieberman. After all, it was not a question of residents disapproving of their neighbour’s hiding a fugitive. It is challenging to consider the story as presented in its entirety if it was told without the context of the acts of terror in the neighbouring villages. Likewise, the picture of events will be incomplete without taking into account the German Reich, its legal system and the widespread terror as a fundamental causal factor or the creator of this reality, in which Aleksander Kuraj, an honest man ready to make sacrifices, became a murderer.

It would not be an overstatement to say that such events would not have been possible in pre-war Poland but became possible under the rule of the German Reich. Drawing attention to the role of the German state terror is essential to show

⁸⁶ Libionka, “Powiat miechowski,” p. 162.

⁸⁷ It is possible that this is due to a misplacement of events in time. While Libionka places the murder in Wierzbica on 29 January 1943, his account of Lieberman’s murder erroneously states that it took place more than a year later, on 1 February 1944. In doing so, as mentioned above, he makes the same mistake that other authors have made. Admittedly, this significantly changes the context and the direct coincidence of events (see Libionka, “Powiat miechowski,” pp. 162, 168).

⁸⁸ *Ibid.*, pp. 162, 168.

the actual panorama of human attitudes during the German occupation. After all, the simplest definition of terror states that it is “violence and cruelty, or threats of their use, directed against people to intimidate them.”⁸⁹ Therefore – if the story told above is to be an actual case study, showing elements of a broader phenomenon – it is worth paying a little more attention to the fundamental differences between the situation of the inhabitants of Rogów under the German Reich and their situation a few years earlier – in independent Poland. Let us focus on some, albeit key, elements of this story.

In 1943, under the “racial” hierarchy imposed by the Germans, Germans and Volksdeutsche stand higher on the social ladder than Poles, not to mention Jews. In Poland before the war, all inhabitants were equal before the law – regardless of religion or nationality.

In 1943, the village leader orders the village men to turn up at his command to perform unspecified tasks. In doing so, he threatens the resisters with penalties that may be administered by the state (German) police authorities. Some are held hostage, forced to risk their necks for the actions of others. Before the war, there was freedom of assembly in Poland, and the village leader had no right to force people to participate by threats.⁹⁰ He could invite them, at the most. There were no hostages or collective responsibility. There were even fewer state sanctions for disregarding the village leader’s invitation. The police did not deal with such matters, and the village leader had no such powers. If, in this or any other village before the war, the village leader had wanted to coerce someone into obeying his orders – he would have exposed himself to ridicule or, upon crossing the boundaries of punishable threats or personal inviolability, to criminal liability.

In 1943, in the General Government, the village leader sends the people gathered at his command to someone else’s farm. He orders a search. This search

⁸⁹ *Słownik języka polskiego*, <https://sjp.pwn.pl/szukaj/terror.html> (accessed 31 October 2020).

⁹⁰ Moreover, the village leader could be held criminally liable under Article 250 of the 1932 Polish Penal Code: “Whoever threatens another person with the perpetration of a crime or a misdemeanor to his or her detriment or to the detriment of his or her relatives, if the announcement is likely to be fulfilled and the threat is likely to arouse fear in the threatened person, shall be liable to imprisonment of up to two years or to the penalty of arrest of up to two years.” (*Polski Kodeks Karny z 11 VII 1932 r. wraz z prawem o wykroczeniach, przepisami wprowadzającym i utrzymanymi w mocy przepisami kodeksu karnego austriackiego, niemieckiego, rosyjskiego i skorowidzem. Komentarzem zaopatrzyli Kazimierz Sobolewski i dr Alfred Laniewski wiceprokuratorowie Sądu Apelacyjnego we Lwowie* [Lvov, 1932], p. 132).

is carried out in all the farmer's rooms. In Poland before the war, the village leader had no right to carry out any searches. He could, at the most, visit another farmer as a guest. Even the police should have had a search warrant. If other villagers tried to force their way into someone else's farm without an invitation, it would be an unlawful raid and, if force were used, an assault. If reported by the victim, the State Police were obliged to prosecute the perpetrators of such a raid.⁹¹

In 1943, the Jew Lieberman goes into hiding because he understands that he is committing a crime punishable by death by staying in Rogów without permission from the state authorities. In Poland before the war, the Jew Lieberman was a free citizen, staying wherever he wanted. No one threatened him with death for moving anywhere. If someone had tried to restrict his freedom or freedom of movement, he could have called the State Police for help.

In 1943, the Jew Lieberman, by entering the house of the farmer Kuraj, exposed him to the death penalty from the state authorities – following the orders that were in force. The farmer, by taking in a Jewish acquaintance under his roof, became – according to the German regulations – a criminal who exposed himself and his family to responsibility in the form of the death penalty. In pre-war Poland, the state had nothing to do with who visited whom or where. No one was threatened with death or any punishment for receiving visitors. The state had nothing to do with who received whom under their roof. And those supporting people in need enjoyed social respect – and also found appreciation of the state institutions.

In 1943, Lieberman is hiding, sleeping in the woods, on Kuraj's farm. He lives in a hole hollowed out in the threshing floor under a layer of straw. And everyone understands that there is no other way out. In Poland, before the war, an innocent man sleeping in the forest or a hole under the threshing floor of a barn would have been considered mentally disabled at best because he did not have to hide from anyone.

⁹¹ Article 252.1 of the 1932 Polish Penal Code stated: "Any person who breaks into another person's house, flat, premises, room, enterprise, fenced property connected with a dwelling or fenced property serving as a place of residence, or any person who, contrary to the demand of an authorised person, fails to leave such a place, is liable to a penalty of arrest of up to 2 years or a fine." (*ibid.*, p. 133).

In 1943, the people of Rogów feared a repetition of the experience of the neighbouring villages, where German policemen murdered ordinary people with their families. This was an unthinkable situation in pre-war Poland. If someone had murdered individuals or an entire family, he would have been prosecuted by the state authorities. The police ensured the safety of citizens. Article 225.1 of the 1932 Penal Code stated simply and clearly, making no distinction based on religion or nationality: "Any person who kills a man is liable to a penalty of imprisonment of no less than five years, life imprisonment or the death penalty."⁹²

In 1943, the village leader and other villagers witnessed a crime against a Jewish villager. Everyone knew that the state structures would not deal with such a case because the murdered person was a Jew in hiding. Nobody believes that the perpetrator of the crime should hide from the state authorities. Under the authority of the German Reich, this was indeed the case. Moreover, everyone knew that the state structures would intervene if the victims remained alive. And there was a fear of collective responsibility. In pre-war Poland, Lieberman had the same right to life and legal protection as everyone else. All citizens were aware that any murder was a crime that would be prosecuted by law and the state services. And in such circumstances, the crime would be investigated. In free Poland, a citizen who murdered another person was prosecuted for this crime by the state authorities. He was a criminal who murdered a fellow citizen (whose nationality did not matter).

This list of circumstances could be continued, showing the vast gap between the realities of the two states (the German Reich and the Polish Republic) before and after 1939. It is difficult to imagine the sequence of events that made Aleksander Kuraj kill a man had he and the entire village, region and state not been under the rule of the German Reich, its criminal laws and services.

The Judgment of Kuraj

Kuraj's story had its finale after the war. This event was by no means a collective secret of Rogów. People talked about it. It also acquired much false information – like any rumour news. As long as the Germans were in control of the area,

⁹² *Ibid.*, p. 118.

there was no question of punishing the perpetrator. After the German occupation, the time came to square some accounts.

Poland did not regain its independence in 1945. The Soviet Union, as one of the main Allied powers, imposed a new enslavement on the Poles in place of the German occupation – a Communist version of totalitarianism. It did not allow the legal authorities of the Republic of Poland to return to the country from London. USSR forcibly annexed the whole of eastern Poland, which the United States and Great Britain accepted at Yalta. Stalin imposed on the people a puppet communist government entirely dependent on Moscow. The crimes committed during the war and those still committed after the war by the USSR and the Communists were not even allowed to be spoken of.

However, crimes committed on German orders or in compliance with German orders became the subject of court proceedings. Today, when we look through the trial files, the difference between the trials of the Germans and their collaborators and the trials of the soldiers of the independence underground fighting after the war is striking. In the former – although also far from perfect – we are confronted with incomparably greater evidentiary and procedural diligence. In the latter, the judiciary was, as a rule, only an extension of the communist security apparatus.

Only a tiny part of Jankiel and Chai Lieberman's family survived the Holocaust. Jankiel's brother-in-law, Chai's brother Jakób Romankiewicz, stayed, among others. On 20 May 1947, he filed a report with the district headquarters of the *Milicja Obywatelska* (Citizens' Militia) about the crime against Jankiel Lieberman. He based it on the news he had heard, which only magnified the horror of the events. According to what he heard, Aleksander Kuraj murdered Lieberman by brutally cutting off his head with an axe. Romankiewicz was aware that Kuraj had been coerced into doing so (although he was partly inaccurate in naming the incident's participants, and mixed up persons and functions).⁹³ However, the assassination of Lieberman was a fact.

On 13 January 1949, the District Court in Cracow found Aleksander Kuraj guilty of the charge, stating that his act fulfilled an "order from a superior German

⁹³ ANKr, SAKr, 1222, Vol. 1, Report of receipt of an oral report of a crime, 20 May 1947, fol. 39.

authority.”⁹⁴ Finally, on 15 November 1949, the Court of Appeals, despite saying “that the accused Kuraj had indeed acted under the threat of annihilation of himself and his family consisting of his wife and nine children,” sentenced him to seven years of imprisonment, loss of public rights and forfeiture of all property.⁹⁵ The village leader, Gądek, was not subject to investigation – he had already died.

The Supreme Court, in dismissing the cassation of the sentence, in its ruling of 1 July 1949, also referred to the participants’ awareness of the events that the crime was consistent with the imposed law of the German Reich. This was an aggravating circumstance: “the accused, in killing Lieberman, **foresaw and accepted** that he would act in compliance with the demands of the German police authorities” [emphasis mine – M.K.].⁹⁶

The villagers stood up for Kuraj. However – and this is particularly important – eventually, the two Romankiewicz brothers – i.e. Lieberman’s brothers-in-law who survived the Holocaust – also took his side. The same ones who had reported the crime in 1947. When they became aware of all the circumstances of the case, as early as the autumn of 1949, they wrote to the Court as follows:

Based on the information gathered, we came to the conclusion that Aleksander Kuraj, whom we had known since his youth and whom we knew to be an honest and good man, had selflessly hidden our brother-in-law from the German occupiers at the risk of his own life and that of his family, and that only under the influence of threats and orders from the village leader Gądek, having no other way out of the situation, terrified and almost unconscious out of fear for the lives of his large family and his own life, had he been forced to commit the deed he was accused of.⁹⁷

For those who lived in the area immediately after the war, it was clear that the bloody events in Wolica and Wierzbica were linked to those in the neighbouring

⁹⁴ *Ibid.*, Vol. 2, Judgment of the District Court in Cracow of 13 January 1949, fol. 295a.

⁹⁵ *Ibid.*, Judgment of the Court of Appeals in Cracow, 15 November 1949, fols 368a, 372a.

⁹⁶ *Ibid.*, Judgment of the Supreme Court from the cassation hearing of 1 July 1949, fol. 320.

⁹⁷ *Ibid.*, Statement by Jakób Romankiewicz and Aron Romankiewicz (brothers-in-law of Jankiel Lieberman) on the case of the accused Aleksander Kuraj, 10 October 1949, fols 343–343a.

Rogów. The historian Tomasz Domański, writing about the crime in Wierzbica, stated that:

This experience [i.e. the massacre of the inhabitants of the villages of Wierzbica and Wolica, where the guide of the torturers was a captured Jew who led them to the people who had helped him illegally] showed that any previously sheltered person, under the influence of the struggle for their survival, can become an instrument of crime used against the former benefactors.⁹⁸

On the other hand, the story of the tragedy of the two people from Rogów – Jankiel Lieberman, the victim of the crime, and Aleksander Kuraj, who became his murderer – unfortunately shows the brutal victory of the German totalitarian state over the reflexes resulting from the noblest understanding of humanity and love of one's neighbour. A triumph of the state which, through the fear and helplessness of the civilian population faced with the state machinery of violence, deepened by the awareness of the experience of entire families of those who had just been murdered, was able to coerce ordinary peasants in a neighbouring village into the kind of behaviour that the Germans needed. The sort of behaviour they wanted to programme the conquered population into using universal terror.

The totalitarian German Reich was able to make a civilian, a noble benefactor, murder a defenceless man in the name of the safety of his family (and other families). One whom he had previously risked his life to help. Simply because the German Reich had introduced and brutally enforced a law based on racial segregation, public terror and the extermination of entire social and national groups. These, Domański wrote, were indeed “infernal loops” created by “a combination of German terror, the enforcement of criminal laws and fear that gripped whole communities rendered helpless in the face of the violence of the German occupation.”⁹⁹

Let the words of the already quoted letter from the Holocaust survivors, Jankiel Lieberman's brothers-in-law, the Romankiewicz brothers, to the court, be the

⁹⁸ Domański, *Korekta obrazu*, p. 38.

⁹⁹ *Ibid.*

concluding message of this story: “As the closest relatives of Jankiel Lieberman’s family, we declare that we hold no grudge against Aleksander Kuraj and believe he deserves to be exempted from criminal responsibility.”¹⁰⁰

However, the court did not grant the request made by the victim’s family. Aleksander Kuraj was imprisoned. It was only after he had served most of his sentence, i.e., five years, that he was released early on parole under an extraordinary commutation of his sentence.

¹⁰⁰ ANKr, SAKr, 1222, Vol. 2, Statement by Jakób Romankiewicz and Aron Romankiewicz (brothers-in-law of Jankiel Lieberman) on the case of the accused Aleksander Kuraj, 10 October 1949, fols 343–343a.

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SUMMARY

The story of the murder of Jankiel Lieberman, a Jewish resident of the village of Rogów near Miechów, who was hiding from the Germans. The crime was committed on 1 February 1943 by Aleksander Kuraj, a peasant from Rogów, who risked his life by selflessly helping Lieberman. This happened under the conditions of the psychosis of fear that gripped the inhabitants after the massacre in the neighbouring villages of Wierzbica and Wolica. There, a captured Jew led German officers to all the families who had illegally helped the Jewish population persecuted by the Germans. Once identified, the families were murdered one by one. The text shows the specificity of the German state terror in the General Government and the far-reaching effects of Germany's criminal policy towards the Jewish and Polish populations. After the war, Aleksander Kuraj was tried for the murder of Lieberman.

Holocaust survivors of Lieberman's family reported the crime. After becoming familiar with the circumstances of the case, they wrote a letter to the court requesting his exemption from criminal responsibility.

KEYWORDS

- Germany • German Reich • crimes • German occupation
- General Government • Holocaust • Poles • Jews
- repression for helping Jews • Polish-Jewish relations under the German occupation • German law • crimes • Rogów • Wierzbica • Wolica
- Poland during World War II • crimes in the Polish countryside