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TYPES OF PENALTIES FOR HELPING JEWS BETWEEN
1939 AND 1945. TYPOLOGY AND OVERVIEW:
GERMAN REGULATIONS IN FORCE IN SELECTED AREAS
OF OCCUPIED EUROPE. A RESEARCH RECONNAISSANCE

The topic of aid provided to the Jews in various European countries occupied by the Third Reich has long been a subject of interest to historians, particularly those residing in those countries affected.¹ The vast majority of studies deal with the attitudes of local non-Jewish societies towards the Holocaust, and emphasise mainly laudable attitudes and the heroes, whose deeds were sometimes inscribed in the historical context and the occupation-era reality of the country in question.² However, it is often difficult to find in these works

¹ The literature in the field addressed in the title of the paper concerning particular countries can be found in the footnotes, later on in this article; we do not reproduce these bibliographic entries in a collective footnote.

² Cf. also: *Solidarität und Hilfe für Juden während der NS-Zeit. Regionalstudien*, vol. 1: *Polen, Rumänien, Griechenland, Luxemburg, Norwegen, Schweiz*, ed. W. Benz, J. Wetzel (Berlin, 1996); vol. 2: *Ukraine, Frankreich, Böhmen und Mähren, Österreich, Lettland, Litauen, Estland* (Berlin, 1998); vol. 3: *Dänemark, Niederlande, Spanien, Portugal, Ungarn, Albanien, Weißrußland* (Berlin, 1999); vol. 4: *Slowakei, Bulgarien, Serbien, Kroatien mit Bosnien und Herzegowina, Belgien, Italien* (Berlin, 2004).

comprehensive information on the criminal and civil responsibilities imposed by Nazi authorities or collaborating governments for aiding Jews.³ This is all the more important as German legislation in this regard was one of the key elements affecting attitudes towards the Holocaust. Due to a lack of sufficient research on the subject, the same myths and generalisations as well as unverified data continue to be reiterated in the literature in the field, especially regarding the number of people repressed by the occupying or collaborationist authorities – including those who were murdered – for helping Jews.⁴

This article aims to compile and present the current state of knowledge on the consequences that threatened citizens for providing various types of support to the Jews in selected countries in Western Europe and the Balkan Peninsula, where the problem has been most visible and thus most thoroughly studied by historians. The cases analysed are: Serbia, the Independent State of Croatia, Albania, Greece, France (the occupied zone and the Vichy state), Belgium and the Netherlands.⁵ An outline of the behaviour of local non-Jewish societies towards the anti-Jewish policy of the Nazis and the governments of selected occupied and collaboration-

³ Marek Jan Chodakiewicz was one of the first authors to write about the issue of punishment both in the General Government and in other countries of occupied Europe: "The death penalty for hiding Jews was in force in Poland, in the occupied part of the Soviet Union, in Serbia and – at least theoretically – in the Czech Republic and Norway; in other countries, the same act was punishable by imprisonment or a labour camp. Throughout Europe, people of great stature, individualists, decided to help Jews at the risk of losing their freedom or their lives. Unfortunately, most citizens were afraid to give such help. Many were interested in taking over Jewish property. But only a minority acted actively against Jews, for instance in the form of a denunciation." (M.J. Chodakiewicz, *Żydzi i Polacy 1918–1955. Współistnienie – Zagłada – komunizm*, Warsaw, 2000, p. 350).

⁴ For more on this subject, cf. *Represje za pomoc Żydom na okupowanych ziemiach polskich w czasie II wojny światowej*, vol. 1, ed. M. Grądzka-Rejak, A. Namysło (Warsaw, 2019). The book was also published in English: *Persecution for Providing Help to Jews in Occupied Polish Territories During World War II*, vol. 1, ed. M. Grądzka-Rejak, A. Namysło, Warsaw 2022. Cf. *Stan badań nad pomocą Żydom na ziemiach polskich pod okupacją niemiecką – przegląd piśmiennictwa*, ed. T. Domański, A. Gontarek (Warsaw–Kielce, 2022).

⁵ In recent years, the issue of criminalisation of helping Jews in Western European countries has been addressed in general terms by Bogdan Musiał in chapter 6 "Penalizacja pomocy Żydom w innych krajach oraz powojenny los niemieckich sprawców," in B. Musiał, *Kto dopomoże Żydowi...* (Poznań, 2019), pp. 209–214. An article published in the 1960s is also worth mentioning: T. Berenstein, A. Rutkowski, "O ratownictwie Żydów przez Polaków w okresie okupacji hitlerowskiej," *Biuletyn ŻIH* 3 (35) (1960), pp. 3–46. Although the authors focused on aid provided to Jews and sanctions for it in the GG, they pointed out many examples from other occupied European countries. The text is at times laconic and requires critical reading, but it is nonetheless one of the first studies to extensively describe the issues of aid and penalties for it in various occupied countries.

ist countries in Europe attitudes towards it will be the background to this issue. One reference point for the facts discussed here is the description of the German authorities' conduct towards those who supported Jews in the General Government (GG).

General Government

German plans for the Polish territories occupied in September and October 1939 envisaged special treatment for the General Government. The Governorate was to become a colony of the Third Reich and a reservoir of cheap labour. Obedience to the authorities was enforced through terror and intimidation of the local population. In order to make the population de-nationalised, in the first weeks of the war the occupiers started to exterminate the Polish intelligentsia and leadership. Between September 1939 and April 1940, as part of the so-called *Intelligenzaktion*, SS and *Selbschutz* formations exterminated approximately 50 thousand representatives of this social group in Pomerania, Greater Poland and Silesia. Thereafter, between May and July 1940, in the course of the *Extraordinary Pacification Aktion* (*Außerordentliche Befriedungsaktion*, AB), the Germans arrested approximately ten thousand representatives of the Polish intellectual and political elites, and murdered about 3,500 of them. This article only hints at the occupier's terror against Poles, implemented from the first days of the war and it should be noted there is an extensive literature in this matter.⁶ We acknowledge that the occupier's terror is one of the important factors affecting Polish-Jewish relations during the period in question. Further, we examine the issues related to the punishments for helping Jews only.

The history of Polish-Jewish relations in the GG can be divided into three main phases: the period before the beginning of Operation Reinhardt, the period when it was carried out, and the period after it ended, when the few Jews who had survived the deportations to the death camps were already hiding on the so-called Aryan side. From the perspective of research on repression for contacts and various forms of aid, the second and third phases are particularly important,

⁶ We already published more on this in the article "Relacje polsko-żydowskie w okresie II wojny światowej. Kontekst i uwarunkowania," in *Represje za pomoc Żydom*, vol. 1.

although the normative act regulating punishments for helping Jews was already introduced in the autumn of 1941, i.e. before the essential stage of the physical extermination. However, the current research indicates that most of the repression, including summary executions, took place after the start of the mass deportations of Jews. Since then, the role of the Special Courts has been reduced, replaced with execution of punishments in the moment of discovery of the very act of aid given.

Faced with the quick and efficient so-called 'liquidation actions' in the following localities of the various GG districts, Jews subsequently adopted various attitudes and survival strategies. Most of them, following the orders of the authorities, turned up at assembly points, from where they were sent to the transports. Researchers are still searching in the sources for the answers for the questions regarding to what extent the Jews were aware of where they were being sent, and how it affected their decisions.⁷ Their actions were influenced by a variety of factors, such as having a family, the poor health state caused by their previous stay in the ghetto, or their belief in false information that the purpose of the deportations was resettlement to the labour camps. Few, both in the face of deportation and before it, undertook various forms of collaboration with the occupier, hoping that by doing so they would save their own lives and their next of kin.⁸ Some Jews, according to research – a rather small percentage of the inhabitants of ghettos and other Jewish concentrations that escaped deportation – chose to seek shelter on the so-called 'Aryan side' as a chance for survival. Some carried out a reconnaissance before leaving the ghettos, others avoided it – if the deportation at the last moment, and still others jumped out of speeding trains and the escape was successful – tried to hide in an area unknown to them. Some of those in hiding tried to make contact with non-Jewish acquaintances or strangers, while others tried to remain incon-

⁷ Cf. e.g. M. Ferenc, „Každy pyta, co z nami będzie”. *Mieszkańcy getta warszawskiego wobec wiadomości o wojnie i Zagładzie* (Warsaw, 2021).

⁸ The issue of the various forms of Jewish cooperation is a difficult and complex one, affected by a number of factors. For more information about it, cf. among others: W. Mędykowski, „Przeciw swoim. Wzorce kolaboracji żydowskiej w Krakowie i okolicy,” *Zagłada Żydów. Studia i Materiały* (hereinafter *ZŻSM*) 2 (2006), pp. 202–220; A. Jarkowska-Natkaniec, *Wymuszona współpraca czy zdrada? Wokół przypadków kolaboracji Żydów w okupowanym Krakowie* (Cracow, 2017). Cf. also: T. Frydel, „Powiat dębicki,” in *Dalej jest noc. Losy Żydów w wybranych powiatach okupowanej Polski*, ed. B. Engelking, J. Grabowski, vol. 2 (Warsaw, 2018), pp. 361–522; S. Datner, *Zagłada Białegostoku i Białostoczczyzny. Notatki dokumentalne* (Warsaw, 2023).

spicuous and live independently under an assumed identity.⁹ The attitudes and behaviour of Jews facing genocide per se are not the focus of this article, so this question is not analysed here comprehensively but notwithstanding, this issue needs to be outlined because without the various actions on the part of the Jews undertaken during Aktion Reinhardt there would have been possibly no one left to be helped. Hence, the authors of this study have taken the liberty of only hinting at these themes, and the literature in the field indicated in the footnotes will allow readers to explore them in greater depth themselves.

The attitudes of the non-Jews towards those seeking rescue from the Holocaust varied. Some people, more or less aware of the consequences of their actions, decided to help. They did so incidentally or for a longer time, selflessly, or in return for covering the costs of hiding, or for payment or the promise of benefits to materialise after the war. Others, for various reasons, took no action at all. Their motivations were complex, and often stemmed from individual experiences. Some sympathised with the Jews but did not try to help them. Some suppressed their perception of the problem, averted their eyes from those seeking help and treated them with indifference. There were also those who did not think about the issue at all, focusing on their own problems. Some felt satisfaction or contentment at the removal of Jews from their cities and towns. They manifested this in public or among their next of kin, e.g. with gestures, verbally or in other ways. There were also those who turned fugitives and helpers in to the authorities, or even themselves in various circumstances murdered people hiding on their own farms or far away from them – e.g. in the forests – hoping to obtain valuables or other material goods, and sometimes because of fear of punishment for having previously helped them.¹⁰ Some were encouraged by “rewards” offered by the Germans for informa-

⁹ Cf. M. Melchior, *Zagłada a tożsamość. Polscy Żydzi ocaleni „na aryjskich papierach”*. Analiza doświadczenia biograficznego, Warsaw 2004; J. Nalewajko-Kulikov, *Strategie przetrwania. Żydzi po aryjskiej stronie Warszawy* (Warsaw, 2004); G. Berendt, “Żydzi zbiegli z gett i obozów śmierci,” in *Zagłada Żydów na polskiej prowincji*, ed. A. Sitarek, M. Trębacz, E. Wiatr (Łódź, 2012), pp. 121–158; M. Grądzka-Rejak, “‘Od dłuższego czasu straciłem wszelki kontakt z żydami i żydostwem’. Neofici w okupowanym Krakowie w świetle materiałów Archiwum Kurii Metropolitalnej w Krakowie,” *ZŻSM* 13 (2017); *eadem*, “‘Myśmy się nawzajem poznawały po oczach...’ Z badań nad strategiami przetrwania kobiet żydowskich funkcjonujących ‘na powierzchni’ po tzw. aryjskiej stronie w okupowanym Krakowie i okolicach,” *Pamięć i Sprawiedliwość* 26 (2015).

¹⁰ The literature in the field concerning both help and negative attitudes is quite extensive. See e.g.: N. Aleksion, “Polska i zagraniczna historiografia na temat stosunków polsko-żydowskich w okre-

tion about Jews in hiding and people helping them. Depending on the locality or the district, such a “reward” could take the form of money, sometimes increased by a kilogram (or more) of sugar, a litre of alcohol, a cubic metre of grain, a ration of food or wood, or the victim’s shoes and clothes, or other items found on them. In Częstochowa, the reward for turning in a Jew in hiding was 200 zlotys; in Warsaw, it was 20 percent of the value of the property found with the arrested person.¹¹

The spectrum of human attitudes and behaviour in the face of the Holocaust was very wide and depended on many different factors, individual characteristics and circumstances. Nor was it always the case that people consistently adhered to a position once taken. An analysis of the sources reveals the varied motivations and, to some extent, the circumstances in which particular events took place. These records often show a study of the nature and behaviour of people in a borderline

sie drugiej wojny światowej,” *ZŻSM* 1 (2005), pp. 32–51; D. Libionka, “Polskie piśmiennictwo na temat zorganizowanej i indywidualnej pomocy Żydom (1945–2008),” *ZŻSM* 4 (2008), pp. 17–80; E. Rączy, “Historiografia polska przełomu XX/XXI stulecia wobec zagłady Żydów oraz stosunków polsko-żydowskich. Zarys problematyki,” *Białostockie Teki Historyczne* 15 (2017); T. Berenstein, A. Rutkowski, “O ratownictwie Żydów,” pp. 3–46; S. Datner, *Las sprawiedliwych* (Warsaw, 1968); W. Bartoszewski, Z. Lewinówna, *Ten jest z ojczyzny mojej. Polacy z pomocą Żydom 1939–1945* (Cracow, 1966; second edition Cracow, 1969); *Polacy–Żydzi 1939–1945*, ed. S. Wroński, M. Zwolakowa (Warsaw, 1971); M. Arczyński, W. Balcerak, *Kryptonim „Żegota”. Z dziejów pomocy Żydom w Polsce 1939–1945* (Warsaw, 1979); T. Prekerowa, *Konspiracyjna Rada Pomocy Żydom w Warszawie 1942–1945* (Warsaw, 1982); W. Bielawski, *Zbrodnie na Polakach dokonane przez hitlerowców za pomoc udzielaną Żydom* (Warsaw, 1987); *Those Who Helped: Polish Rescuers of Jews During the Holocaust*, ed. R. Walczak, H. Muszyński, J.P. Śliwczyński, I. Borowicz, T. Prekerowa, part 3 (Warsaw, 1997); A. Żbikowski, *U genezy Jedwabnego. Żydzi na Kresach północno-wschodnich II Rzeczypospolitej, wrzesień 1939 – lipiec 1941* (Warsaw, 2006); E. Rączy, *Pomoc Polaków dla ludności żydowskiej na Rzeszowszczyźnie 1939–1945* (Rzeszów, 2008); „Kto w takich czasach Żydów przechowywał?...” *Polacy niosący pomoc ludności żydowskiej w okresie okupacji niemieckiej*, ed. A. Namysło (Warsaw, 2009); *Polacy i Żydzi pod okupacją niemiecką 1939–1945. Studia i materiały*, ed. A. Żbikowski (Warsaw, 2006); *Zagłada Żydów na polskiej prowincji*; M. Szpytma, *Sprawiedliwi i ich świat. Markowa w fotografii Józefa Ulmy* (Cracow, 2015, second edition, revised and updated); *Relacje o pomocy udzielanej Żydom przez Polaków w latach 1939–1945*, selected and edited by S. Piątkowski, vol. 1–7 (Lublin–Warsaw, 2018–2023); *Stan badań nad pomocą Żydom*; B. Engelking, *Jest taki piękny słoneczny dzień. Losy Żydów szukających ratunku na polskiej wsi 1942–1945* (Warsaw, 2011); J. Grabowski, *Judenjagd. Polowanie na Żydów 1942–1945. Studium dziejów pewnego powiatu* (Warsaw, 2011); T. Markiel, A. Skibińska, „Jakie to ma znaczenie, czy zrobili to z chciwości?” *Zagłada domu Trynczerów* (Warsaw, 2011); *Klucze i kasa. O mieniu żydowskim w Polsce pod okupacją niemiecką i we wczesnych latach powojennych, 1939–1950*, ed. J. Grabowski, D. Libionka (Warsaw, 2014); J. Kowalska-Leder, “‘Coraz to nowe żądania, coraz to nowe grymasy’. Relacja władzy i podporządkowania między Polakami a Żydami w kryjówkach po aryjskiej stronie,” *ZŻSM* 12 (2016), pp. 209–241; A. Bikont, *Nigdy nie byłaś Żydówką. Sześć opowieści o dziewczynkach w ukryciu* (Wołowiec, 2023); *Dalej jest noc*, vol. 1–2.

¹¹ G. Berendt, “Cena życia – ekonomiczne uwarunkowania egzystencji Żydów po ‘aryjskiej stronie,’” *ZŻSM* 4 (2008), p. 119.

situation, in a state of anomie, that escaped patterns and generalisations. Two opposite attitudes are most often discussed in the research – active assistance in rescue and active collaboration in capturing Jews, blackmailing them or murdering them. No less important, however, is a thorough analysis of the reactions, behaviour and motivations of those people who are collectively described as indifferent or bystanders.¹²

Several factors could influence these actions and motivations: the wide-ranging terror imposed by the occupying forces, the legislation introduced by occupier, and the practical enforcement of orders by the authorities.¹³ The aftermath of the so-called “Second GG Residence Restriction Regulation” of 29 April 1941 (*Zweite Verordnung über Aufenthaltsbeschränkungen im Generalgouvernement*) brought about locally introduced acts that regulated separating Jews from the rest of the population in particular localities. One such place was Warsaw. Heinz Auerswald,¹⁴ the Commissioner of the Jewish quarter in Warsaw, issued an order on 30 June 1941, under which “the control authorities are instructed to use weapons against anyone who tries to evade apprehension by escaping.” Auerswald was in charge of sealing the borders

¹² Cf. E. Janicka, “Obserwatorzy uczestniczący zamiast świadków i rama zamiast obrzeży. O nowe kategorie opisu polskiego kontekstu Zagłady,” *Teksty Drugie. Teoria literatury, krytyka, interpretacja* 3 (2018), pp. 131–147. DOI: 10.18318/td.2018.3.8. <https://journals.openedition.org/td/9631>, accessed 12 June 2024; K. Koprowska, *Postronni? Zagłada w relacjach chłopskich świadków* (Cracow, 2018); B. Engelking, *Jest taki piękny słoneczny dzień*; J.T. Gross “‘Ten jest z ojczyzny mojej...’, ale go nie lubię,” in *idem*, *Upiorna dekada. Trzy eseje o stereotypach na temat Żydów, Polaków, Niemców i komunistów 1939–1948* (Cracow, 2001); J. Kowalska-Leder, *Nie wiem, jak ich mam cenić. Strefa ambiwalencji w świadectwach Polaków i Żydów* (Warsaw, 2019).

¹³ In this article, we have reviewed the legal acts concerning punishments for helping Jews in the GG issued at different levels of the German administration. Some of these acts have already been cited in the literature in the field (cited collectively in B. Musiał’s publication, *Kto dopomoże Żydowi...*). Others are the result of archival research and appear in the pertinent literature for the first time. Cf. i.a. L. Górnicki, “Z problematyki podmiotów prawa cywilnego i praw podmiotowych prywatnych obywateli polskich w Generalnym Gubernatorstwie,” *Studia nad Autorytaryzmem i Totalitaryzmem* 42 (4) (2020), pp. 71–117. DOI <https://doi.org/10.19195/2300-7249.42.4.4>.

¹⁴ Heinz Friedrich Auerswald (1908–1970), a lawyer, worked as a lawyer in Bremen before the war. He joined the SS in 1933 and became a member of the NSDAP party in the late 1930s. After the outbreak of the Second World War, he was sent to the Eastern Front as an order police officer (*Schutzpolizei*). In occupied Warsaw, he became an employee of the civilian German administration. He served as a desk officer for the German national group and the head of the Population and Welfare Sub-department in the Office of the Head of the Warsaw Distrikt. In May 1941, he took up the post of the Commissioner for the Jewish residential quarter [i.e. ghetto] in Warsaw, which he supervised. He officially held the aforementioned post until January 1943, although in practice his role changed when the deportation of Jews to the Treblinka extermination camp began in the Summer of 1942.

of the Warsaw Ghetto and eliminating individual smuggling and mass smuggling, as well as other illegal commercial contacts between Jews and the so-called Aryan side. His regulation was also a convenient formula for police patrols to legalise the murder of Jews residing and captured outside of their designated part of the city. In order to communicate this information to the Jews, the regulation was published in the columns of the collaborationist newspaper *Gazeta Żydowska* (Jewish Gazette).¹⁵

It is worth adding that this legal act forbidding Jews to go to the so-called Aryan side was recorded in Emanuel Ringelblum's notes. The exact date of this note is missing, but it was dated June 1941: "An order forbidding passage to the other side is ready."¹⁶ On 22 July 1941, Claus Volkmann, the district governor (*Kreishauptmann*) in Krasnystaw, issued an order "on the use of public resources by Jews, loitering by Jews."¹⁷ Under this regulation, Jews were prohibited from using "the means of public transportation (such as omnibuses, taxis, horse-drawn carriages and sledges) provided by locally operating professional entrepreneurs."¹⁸ Offences against this part of the order were punishable by fine and imprisonment, or one of these penalties.

The second part of this act dealt with the "wandering of Jews." The district governor emphasised that their excessive movement resulted in the spread of typhoid germs ("the eradication of typhoid fever is possible if the ban on Jewish wandering is absolutely maintained.")¹⁹ Jews apprehended on the so-called Aryan side without permission were to be fined one thousand zlotys, and repeat offenders, in addition to a financial penalty, were to be sent to a labour camp in Augustów. The regulation obliged gendarmerie and Polish Police officers to act:

On the authority of the district governor, the gendarmerie will appoint and collect these fines. At the same time, any money in the possession of a Jewish

¹⁵ *Gazeta Żydowska*, No. 52 of 30 June 1941.

¹⁶ *Archiwum Ringelbluma. Konspiracyjne Archiwum Getta Warszawy*, vol. 29: *Pisma Emanuela Ringelbluma z getta*, ed. J. Nalewajko-Kulikow (Warsaw, 2018), p. 274.

¹⁷ In the second part, it concerned "a call to Ukrainians to volunteer for guard duty." *Archiwum Instytutu Pamięci Narodowej* (Archives of the Institute of National Remembrance, hereinafter AIPN), Główna Komisja (The Main Commission, hereinafter GK), 196/334, collection *Najwyższy Trybunał Narodowy w Warszawie 1946–1948, Proces Józefa Bühlera*, pp. 125–126.

¹⁸ *Ibid.*

¹⁹ Here and hereafter, in the original regulations, the spelling of the word "Jew" has been in the lower case (*żyd*).

person encountered will be confiscated. The Polish Police should also stop and identify wandering Jews, and confiscate any money found on them and hand it over to the gendarmerie in Krasnystaw.

This regulation aggravated the isolation of the Jews, but did not directly refer to possible Polish aid to them. Nevertheless, it was one of the regulations targeted at Jews illegally crossing the ghetto's borders. This act was part of a broader policy of restricting the rights of the latter and in propaganda terms portraying them as carriers of typhus germs.

The change came with the *Dritte Verordnung über Aufenthaltsbeschränkungen im Generalgouvernement*, i.e. the "Third GG Residence Restriction Regulation" of 15 October 1941.²⁰ It stated that "Jews who leave their designated district without authorisation are liable to the death penalty." The death penalty for helping Jews was in force in the five Districts (*Distrikte*) in the GG. This was also the area in which it was most likely to be enforced during the World War II. Given the coincidence of the timing of this regulation with the preparations for Aktion Reinhardt, it was intended to keep the Jews concentrated at selected points prior to the planned deportations. In addition, however, a provision was introduced that was of vital importance for the survival strategies being pursued on the so-called Aryan side and for Polish-Jewish relations in the GG. For it said: "Anyone who knowingly hides Jews shall be subject to the same penalty [death]."²¹ It was the first legislation threatening Poles with the death penalty on a large scale for taking specific actions. Kazimierz Iranek-Osmecki, writing about Polish-Jewish relations during the World War II, took note of the conditions created by the Germans and the activities they undertook to drive Poles into the machinery of the Holocaust:

The Germans wanted to find allies in Poles in this crime. [...] they assigned rewards for complicity in the extermination of the Jews; they punished with death those who helped the Jews. Poland was the only country among all those

²⁰ It is worth adding that Hans Frank issued the first GG residence restriction regulation on 13 September 1940. The second one was dated 29 April 1941.

²¹ The Third GG Residence Restriction Regulation of 15 October 1941, *Verordnungsblatt für das Generalgouvernement* (Journal of Regulations for the GG) 1941, No. 99, p. 595.

occupied by the Germans where they applied the death penalty for this act of mercy towards the Jews. The Polish nation took the side of the Jews and did not allow to be used in this criminal action. It condemned the German crimes. It gave comprehensive aid to the Jews. In giving it, thousands of Poles suffered death at the hands of the occupying forces.²²

Leaving aside the inaccurate information that only in the occupied Polish territories was the death penalty in force, as well as regarding the number of repressed persons, it is important to point out the entanglement of Poles in the Holocaust with the use of the law. When analysing this legal act, it should be stressed that the ordinance made precise that criminalisation of a deed was implemented when such shelter was given consciously. Hence, in case of confrontation or judicial proceedings there was a possibility to prove that one did not have information about the person's origin.

The following paragraphs of the regulation were also important: "(2) Inciters and aiders shall be punished in the same way as the perpetrator, an attempted act shall be punished as an accomplished act. In milder cases, heavy imprisonment or prison may be adjudicated. (3) Sentencing shall be carried out by the Special Courts." Thus, not only active assistance in providing shelter ("gives a hideout") was to be punished by death, but also complicity and persuasion in providing support or other contacts. Literally interpreting the provision, only assistance consisting in "giving shelter," i.e. providing housing ("a hiding place," etc.) was punishable by the aforementioned penalty. The regulation did not cover other forms of contact, such as emergency aid (apart from accommodation), the transfer and sale of food, the handing over of correspondence, medicines, etc. However, in practice, repressions were also applied for these forms of support, although, as the stories analysed and described below show, the harshest punishments were usually administered precisely for the provision of shelter.²³ Another reason, as understood by the occupier, for sentencing to death was the act of omission, i.e. failure to provide information about Jews in hiding.²⁴ The issuing of this regulation was interpreted, among other

²² K. Iranek-Osmecki, *Kto ratuje jedno życie... Polacy i Żydzi 1939–1945*, (Warsaw, 1981), p. 245.

²³ Cf. *Represje za pomoc Żydom*.

²⁴ Cf. *Relacje o pomocy*.

things in line with the Nazi propaganda, as a safeguard against the possible spread of diseases.²⁵ It should be noted that, according to the cited legislation, sentences were to be passed before the so-called Special Courts. However, over time, this was abandoned, as it were, leaving it to the commanders of the retaliation expeditions to decide each time on the punishments to be applied to the suspects, including the possible murder of those who were helping Jews.²⁶

As a result, in the weeks and months that followed, the governors of the various *Distrikts* and lower-level German officials (*Kreishauptmänner*, district governors) drafted similar regulations. As early as 30 October 1941, the district governor of Grójec issued an announcement forbidding aid to Jews. The spreading typhus was cited as the reason:

The epidemic typhus is spreading in our county in an alarming way. In almost every case of disease, it can be ascertained that the spreaders of this sickness are

²⁵ The collaborationist newspaper *Nowy Głos Lubelski*, published an extensive commentary on the regulation in question: "According to a regulation issued these days by the Governor-General, Jews who leave their designated quarter without permission are subject to the death penalty. The same punishment is administered to anyone who knowingly gives refuge to such persons. The Special Court is competent to hear these cases. Since the establishment of the Gen[eral] Gov[ernorate] the administrative authorities have been making constant efforts to issue all possible measures to safeguard the health of the population. Experience has shown that, especially in the larger cities, the main spreaders of epidemics were Jews, who therefore had to be separated from the rest of the Aryan population by designating special closed districts for them. Practice in a very short time demonstrated the validity of such a regulation, as we see, for example, in Warsaw. Unfortunately, however, it was discovered that some Jews, in spite of the explicit statutory regulations issued in this direction, constantly attempted to leave the quarter assigned to them. In view of this state of affairs, the Governor-General felt it necessary to impose a severe but nevertheless just punishment on all those who in any way contribute to the transmission of infectious diseases from the Jewish quarters. It is noteworthy in this connection that the new regulation makes no difference whatsoever between a Jew who possibly carries germs of a disease out of a Jewish quarter and persons who give shelter to such Jews outside the Jewish quarter despite the fact that they know that such an act is not only forbidden but, what is more, that they contribute to exposing the broad masses of the population to the danger of contracting diseases." As cited in: *Brama Grodzka Teatr NN*: <https://teatrnn.pl/wydarzenia/wydarzenie/rozporzadzenie-o-zakazie-opuszczania-gett/>, accessed 24 May 2024.

²⁶ Cf. e.g. K. Graczyk, *Sondergericht Kattowitz Sąd Specjalny w Katowicach 1939–1945* (Warsaw, 2020); A. Namysło, "Represje na polskich obywatelach za udzielanie pomocy ludności żydowskiej w świetle niemieckich akt procesowych," in *Zagłada Żydów na polskiej prowincji*; A. Namysło, "Persecution of Polish Citizens for Providing Help to Jews in the Light of Procedural Files of German Special Courts," in *The Holocaust and Polish-Jewish Relations: Selected Issue*, ed. M. Grądzka-Rejak, A. Sitarek (Warsaw, 2018); M. Becker, *Sądownictwo niemieckie i jego rola w polityce okupacyjnej na ziemiach polskich wcielonych do Rzeszy 1939–1945* (Warsaw, 2020).

Jews. It is therefore necessary to prevent Jews from roaming the Grójec district by all means. For this reason, it is necessary that none of the villagers in the district should, under any circumstances, allow a Jew into their dwellings, or provide them with food either as alms or for money.²⁷

Failure to comply with this announcement was subject to punishment: “it is therefore forbidden for the population of the district to take in Jews or give them anything to eat. Those who do not comply with this ban will immediately be arrested and sent to a forced labour camp for an extended period of time.”

It should be noted that the announcement was issued when there was no longer a ghetto in Grójec. The liquidation of the Jewish quarters in the towns near Warsaw took place in the winter and spring of 1941. Jews from this area were brought to Warsaw.

Thereafter, on 10 November 1941, the Governor of the Warsaw Distrikt, Ludwig Fischer, issued a supplementary announcement to Hans Frank's regulation. The name of the act already indicated that it concerned the death penalty for the unauthorised leaving of the so-called Jewish residential districts. The wording of this act states:

In recent times in numerous proven cases epidemic typhus has been spread by Jews who have left their designated residential districts. In order to prevent the danger this poses to the population, the Governor-General has decreed that a Jew who unauthorised leaves his designated residential district in the future will be punished by death. The same punishment shall be imposed on anyone who knowingly gives such Jews shelter or helps them in any other way (e.g. by providing accommodation, maintenance, by taking them on vehicles of any kind, etc.). Judgement shall be passed by the Special Court.

²⁷ Archiwum Akt Nowych (Central Archives of Modern Records, hereinafter AAN), collection Niemieckie władze okupacyjne – zbiór akt [German occupation authorities – collection of records], 2/1335/0/5.5/104, Announcement of the Grójec district governor on the ban to provide help to Jews of 30 October 1941, p. 121, <https://www.szukajwarchiwach.gov.pl/skan/-/skan/8da91e26f06f1dc486a40ea0ccfccd89cef33eb2cf696f969896d8ccb614d4fd>.

Here, therefore, attention was drawn once again to the issues of cleanliness that resounded in the Nazi propaganda and the alleged spread of the disease by Jews imputed to them by this propaganda. Motivating their provisions on sanitary grounds, Germans greatly expanded the categories of activities that were criminalised, adding occasional activities such as helping Jews to move about. At the end of the regulation, it was emphasised that it would be ruthlessly enforced: “I call upon the entire population of the Warsaw Distrikt to draw special attention to this new statutory provision, because from now on merciless severity will be applied.”²⁸ Such a provision was clearly designed to deter the population from engaging in aid activities. Given the available sources, it is impossible to determine the actual impact of this legislation on the individual decisions made to provide (or not to) aid to Jews.

In his occupation-era notes, Emanuel Ringelblum did not refer to the regulation of 15 October 1941, but pointed to a piece of legislation from early November of that year. His comment probably referred to a regulation issued by Ludwig Fischer: “In the first decade of November [19]41 an order was issued which threatens Jews who leave the ghetto without a pass with the death penalty. This was the outcome of Frank’s last stay in Warsaw. This order had a certain, albeit small, effect on prices.”²⁹

Ringelblum referred to Hans Frank’s visit to Warsaw in October 1941. The General Governor received information about the living conditions in the ghetto from the ghetto commissioner Heinz Auerswald and the head of the Transferstelle, Max Bischof. It is worth adding that in the following pages of his notes, Ringelblum described examples of the implementation of this regulation in practice. Between 1 and 10 November 1941, he noted:

Ghetto commissar Auerswald demands absolutely that the Jew[ish] police form their own execution platoon to carry out sentences in the Jew[ish] prison at Zamenhofa [Street]. Szeryński, a neophyte who prays in church every Sunday

²⁸ AIPN GK, 141/74, vol. 9, Der Gouverneur [des Distrikts Warschau] – Dr. [Ludwig] Fischer: Bekanntmachung (Betrifft: Todesstrafe für unbefugtes Verlassen der jüdischen Wohnbezirke), Warschau: 10. November 1941. [Dr [Ludwig] Fischer: Announcement (Subject: Death penalty for unauthorised leaving of Jewish residential quarters), Warsaw, 10 November 1941].

²⁹ *Archiwum Ringelbluma*, vol. 29, p. 309.

and is known as a huge bribe-taker, had already agreed to this when he was threatened with execution himself if he refused. It would be horrible if the Jews themselves had to be executioners! Moreover, for this offence [leaving the ghetto without a pass], there are approximately 100 Jews in prison, facing the threat of the death penalty.³⁰

As a meticulous chronicler of events in the Warsaw Ghetto, Ringelblum described the prevailing mood there after the first mass execution for crossing the ghetto's borders:

The death sentence that was carried out on 8 Jews, including six women, shocked all of Warsaw. We have seen various things in Warsaw and in other cities, especially in Lithuania, where they carry out mass executions, but all this pales in comparison with the fact that 8 people were shot for having crossed the ghetto's threshold. The news of the intention to issue an order to shoot people for leaving the ghetto spread throughout the city during Frank's last stay in Warsaw. This is said to have been the project of Auerswald, whom the Jews regarded at first as a friend and a decent man. The sentences on eight people were carried out in the Jewish prison at Gęsia [Street] 24 [...] Auerswald was late for the execution, and said: 'Schade, zu spät' [Pity, too late]. There were some SS officers present at the execution who smoked cigarettes and behaved cynically while it was taking place. They also say that Leist was at the execution. Among the Jews [were present]: Szeryński, Lederman and Lejkin, who are said to have distinguished themselves by being particularly fierce when dragging the convicts out of their cells. The prosecutor read out the sentence and then the execution took place. The street in front of the prison was black with people. The screams of relatives could be heard. The sentence was carried out on Tuesday at half past eight in the morning. One of the six women was a beggar, another was a mother, and another was 16 years old and despaired terribly before the execution. Also present was Rabbi Weinberg, who brought the will of one of the convicted men. The story goes that the convicted men behaved peacefully. Auerswald's red death

³⁰ *Archiwum Ringelbluma*, vol. 29, p. 310.

sentence posters appeared in the streets. Characteristically, all eight convicts were caught by Polish policemen. One woman lost her life over 100 zloty. This was because she wanted to give the policeman only 50 zloty and he demanded 100 zloty. One of the two men was a glazier who supported his family through work [done] outside the ghetto. There are now 400 Jews arrested, 20 of whom the court has already sentenced to death. They say that also among the Germans this verdict caused a big stir. After all, cases of people being shot for leaving the ghetto have not been known before. This is the first case of its kind in history. The whole affair, as well as the threat of the death penalty in general, had little effect on the smuggling, which continues unabated.³¹

In the days and weeks that followed, Ringelblum provided further examples of executions for crossing the ghetto's borders.

On 21 November 1941, Eberhard Schöngarth, the commander of the Security Police (*Sicherheitspolizei*, SiPo) in the GG, issued the so-called order to shoot (German: *Schießbefehl*) Jews who were outside the ghettos.³² Police officers received the authorisation to kill these people, including women and children.³³ According to the wording of this document, the order was allegedly introduced due to concerns about the spread of typhoid fever, which Nazi propaganda equated with “wandering” Jews. In all likelihood, as in the case of the establishment of ghettos, this was merely a propaganda effort to justify the measures taken. The wording indicated:

[S]ince it is known that Jews can only be stopped by force, whereby they mostly resist and take every opportunity to escape, therefore, with the approval of the higher SS and Police Commander, firearms must be used to the greatest extent possible. I therefore order that at the slightest resistance such wandering Jews

³¹ *Ibid.*, pp. 313–314.

³² AIPN, GK, 362/633, p. 15; See also *Die Verfolgung und Ermordung der europäischen Juden durch das nationalsozialistische Deutschland 1933–1945*, vol. 9: *Polen: Generalgouvernement August 1941–1945*, ed. K.-P. Friedrich (Munich, 2014), pp. 131–132.

³³ J.A. Młynarczyk, S. Piątkowski, *Cena poświęcenia. Zbrodnie na Polakach za pomoc udzielaną Żydom w rejonie Ciepłelowa* (Cracow, 2007), pp. 50–51; For more on the so-called third phase of the Holocaust, see D. Libionka, *Zagłada Żydów w Generalnym Gubernatorstwie. Zarys problematyki* (Lublin, 2017), pp. 248–258.

or if they try to escape are to be shot immediately. This order is to be strictly obeyed in order to effectively prevent the spread of epidemic typhus by loitering Jews who have left the ghetto without permission. The results of this order are to be reported to me on a regular basis.³⁴

The *Schießbefehl* not only enabled (and even ordered) the shooting of Jews residing outside the ghettos without special permissions, but also, in this regard, significantly influenced the activities of the Special Courts.

On 17 December 1941, a proclamation was issued by Heinz Werner Schwender, the district governor of Łowicz, “about the death penalty for giving aid to Jews.”³⁵ Here, too, the sanitary argument was invoked: “Recently there have been numerous cases of inhabitants of the Łowicz district falling ill with epidemic typhoid. It was found that the spreaders of this disease are Jews.”³⁶ It went on to indicate what should be done in the event of a contact with them: “In order to prevent the spread of this disease, I recommend that any wandering Jew be handed over to the nearest police station. Furthermore, all contact with Jews should be avoided.”³⁷ These arguments were reinforced by drawing attention to the punishments for providing support to ghetto fugitives: “anyone who assists Jews in leaving a place of isolation without permission from the authorities, or otherwise aids them, faces the threat of the death penalty.”³⁸ As in the case of Grójec, the district governor’s proclamation was issued when there was no longer a ghetto in Łowicz. The decision to deport almost all its inhabitants to Warsaw was taken on 22 February 1941, and the resettlement was to be completed by mid-March. Only about 100 craftsmen and Judenrat officials, employed at the Work House, were left behind. After a few months, when they had completed the tasks assigned to them, they were deported too.³⁹

³⁴ Cited after: B. Musiał, *Kto допоможе Żydowi*, pp. 94–95.

³⁵ AAN, 2/1335/0/5.5/104, p. 98; <https://www.szukajwarchiwach.gov.pl/skan/-/skan/e7dbbddf-f5a43ecc0304a58aedc7b8e37c2c7be306e9d0a9ce93c9dbc9910afc>.

³⁶ *Ibid.*

³⁷ *Ibid.* To strengthen the message, reference was made in the text of this proclamation to the opinion of an official doctor, who claimed that “even after a short conversation with a Jewish woman, a villager, who by that time had already died, had been infected with typhus.”

³⁸ *Ibid.*

³⁹ B. Engelking, “Życie codzienne Żydów w miasteczkach dystryktu warszawskiego,” in *Prowincja Noc. Życie i zagłada Żydów w dystrykcie warszawskim*, ed. B. Engelking, J. Leociak, D. Libionka (Warsaw, 2007), pp. 119–221; J. Petelewicz, “Dzieje ludności żydowskiej w Łowiczu 1939–1945,” part 1, *Teka His-*

On 1 January 1942, the order of the Governor of the Radom Distrikt Ernst Kundt, issued on 11 December of the previous year “concerning the restrictions on the residence of Jews in the Radom Distrikt,” came into force.⁴⁰ It reiterated the provisions of the Governor General’s regulation of 15 October 1941 which prohibited Jews from leaving ghettos and other designated Jewish places of concentrations. Paragraph 3 of this act forbade giving them assistance, but the catalogue of forbidden acts was broader than indicated in the basic document: “It is forbidden to lend shelter, food or other assistance or to facilitate the departure of Jews who do not comply with the provisions of par. 1 and 2.”⁴¹ It further clarified: “It is prohibited for all drivers and vehicle owners to allow Jews to use their vehicles.”⁴² According to this regulation, the punishment for “knowingly lending shelter to such Jews”⁴³ was death.

Also, during the deportations from the ghettos to the extermination camps carried out as part of Aktion Reinhardt, local announcements were issued reminding the public of the sanctions for obstructing these actions or giving shelter to Jewish escapees. Such acts were made public in the Cracow Distrikt, for example. While we have not found such a document for Cracow city, they appeared in other major cities in the Cracow Distrikt. Rzeszów is a noteworthy example. From the end of June 1942, the ghetto there became a concentration place for Jews from the surrounding smaller ghettos in Błażowa, Czudec, Głogów Małopolski, Kolbuszowa, Leżajsk, Łańcut, Niebylec, Sędziszów Małopolski, Sokołów Małopolski, Strzyżów, and Tyczyn. Just before the resettlements, the Germans issued an announcement in which helping Jews was declared as punishable with the death penalty. This was mentioned by Walery Sanecki, who lived in Rzeszów during the occupation:

On my way home from my usual activity, I noticed new announcements. There would be nothing to mention – because the Germans did not spare announce-

toryka 11 (1998), pp. 89–118; part 2, *Teka Historyka* 12 (1998), pp. 91–124; “Łowicz,” in *The Yad Vashem Encyclopedia of the Ghettos During the Holocaust* ([Jerusalem], 2009), pp. 417–418.

⁴⁰ Archiwum Państwowe w Radomiu (State Archives in Radom, hereinafter APR), collection Zbiór afiszów, plakatów i druków ulotnych z lat 1939–1945 [Collection of posters, placards and leaflets 1939–1945], 58/1192/0/-/481; <https://www.szukajwarchiwach.gov.pl/skan//skan/55cd3015eacda8ac5cd998da2fb24127c650c2f58204d4c6ad790941c9a116f5>.

⁴¹ *Ibid.*

⁴² *Ibid.*

⁴³ *Ibid.*

ments of various content – if it were not for the fact that the content of this announcement made such a depressing impression on me that I still cannot forget it. The local Kreishauptmann (the district chief, being the already mentioned bloody oppressor of the Polish and Jews [Heinz] Ehaus), ordered the Jews living in the surrounding villages and towns to ‘resettle’ immediately to the Rzeszów ghetto. The order was put in some short, sharp sentences that were very harsh and intent on depriving as many Jews as possible of their lives in the process. Failure to comply with the very short time limit for carrying out the order was punishable by immediate death; for deviating from the designated route (not always the shortest) – again death; for attempting to escape, hide or possess objects to facilitate hiding – again immediate death. Even the Polish population faced the death penalty for selling or giving away anything that would facilitate hiding. In practice, this meant that even the sale or donation of a small amount of food was punishable by death, because food is indispensable for hiding, and the Germans in such cases always did much more than they announced.⁴⁴

Already at this stage, the German occupier tried to show the inhabitants of the so-called Aryan side the consequences of trying to trade with and to help Jews. Sanecki reported that during the July deportations from the Rzeszów ghetto to the Bełżec death camp (7–8, 11, 14–15 and 17–18 July 1942), a similar notice was issued. Citizens faced punishment both for helping the deported and for watching the deportation action:

For the duration of this procession of Jews to Golgotha, the streets through which this procession was marching were closed to other traffic. The inhabitants of the houses along these streets had to sit in their flat, doors and windows had to be closed. It was also forbidden to look out of the windows. But in spite of this prohibition, many Poles hiding behind the curtains saw very well the indescribable and truly Dantesque scenes that took place at every step.⁴⁵

⁴⁴ Archiwum Żydowskiego Instytutu Historycznego (Archives of the Jewish Historical Institute, hereinafter AŻIH), collection Zbiór relacji Żydów ocalałych z Zagłady [Collection of testimonies of Jews – Holocaust survivors], 301/2305, Testimony of Walery Sanecki, p. 26.

⁴⁵ *Ibid.*, p. 32.

The aforementioned announcements are similar to the occupier's resolutions issued in other towns in the Cracow Distrikt.

On 24 June 1942, an announcement was made in Przemyśl ("To the Ukrainian and Polish Population of the Przemyśl district and the Town of Przemyśl") that read:

In order to carry out the deportation of Jews ordered by the SS and the Police Commander of the Cracow Distrikt, I announce: I. On Monday, 27 July 1942, the resettlement of Jews in the county and town of Przemyśl begins. II. Any Ukrainian or Pole who attempts to interfere in any way with the deportation of Jews will be shot.⁴⁶

The same sanction faced citizens for helping persons who had escaped from deportation sites. One can also point to an announcement issued in Bochnia, in the Cracow Distrikt, signed by the governor of the Krakau-Land district, Albert Schaar, entitled "To carry out the deportation of Jews from Bochnia ordered by the SS and Police Commander in the Distrikt Krakau." It states:

On 24.[0]8.1942, the deportation of Jews begins in Bochnia. 2) Any Pole who in any form whatsoever endangers or hinders the deportation of Jews by his actions, or who provides assistance through such actions, will be shot. 3) Any Pole who, during or after the deportation, takes in a Jew, hides or assists in doing so, will be shot. 4) Any Pole who enters the home of a resettled Jew without permission, will be shot as a looter. 5) Standing in the streets during the operation is prohibited. Windows are to be kept closed. 6) Persons who have taken possession of any items for money or free of charge from Jews since 15.[0]8.1942 are to return them by 1.[0]9.1942 to the competent mayor with confirmation of receipt. Violations will be severely punished.⁴⁷

⁴⁶ AŻIH, collection Obwieszczenia i zarządzenia władz okupacyjnych. 1939 – 1945 [Announcements and orders of the German occupation authorities. 1939–1945], 241/228, To the Ukrainian and Polish Population of the Przemyśl District and the Town of Przemyśl.

⁴⁷ Archiwum Narodowe w Krakowie (National Archives in Cracow), collection Zbiór afiszy [Collection of placards] ([1877] 1888 – 1999 [2011]), 29/4182/113 (former reference: Archiwum Narodowe w Krakowie, Oddział w Bochni – National Archives in Cracow, Division in Bochnia, collection Zbiór afiszy, 29/182/113).

According to this document, those who gave refuge to fugitives, obstructed deportations and were caught stealing were liable to the death penalty. Receiving goods from Jews was also punished, but it was not specified how. Identical in content was an announcement made on 22 August 1942, also signed by Schaar, concerning the deportation from Wieliczka.⁴⁸ The announcement of 25 August 1942 was of the same nature. "To course of the resettlement of Jews from the Neumarkt/Dunajec district." It stated:

1. The resettlement is to be conducted in the Neumarkt/Dunajec district on 30 August 1942. (2) Any Pole who hinders or obstructs the resettlement in any way, or through his actions supports a Jew, will be shot. (3) Any Pole who accepts or hides a Jew during or after resettlement shall be shot. (4) Any Pole who enters the flat of a resettled Jew without permission shall be shot as a looter. (5) On the day of the resettlement, stopping in the street is forbidden and windows are to be closed.⁴⁹

A similar announcement was made before the deportation from Skawina, where a gathering site was established for Jews also from the surrounding settlements. This was mentioned by Kazimierz Sedlaczek, who was present in Skawina at the time of the deportation of the inhabitants of the local ghetto to the Bełżec death camp:

At the end of August 1942, the witness left for Skawina near Cracow to examine the business records of the chicory factory [...]. Upon leaving the railway sta-

⁴⁸ "To conduct the resettlement of Jews from Wieliczka ordered by the SS and Police Commander in the Krakau Distrikt, I announce the following:

1) On 27.8.1942, the resettlement of Jews in Wieliczka begins.
2) Every Pole who, in any form whatsoever, endangers or hinders the resettlement of Jews by his actions, or who provides assistance through such actions, will be shot.

3) Any Pole who, during or after the resettlement, takes in a Jew, hides or assists in doing so will be shot.

4) Any Pole who enters the dwelling of a resettled Jew without permission shall be shot as a looter.

5) Standing out in the streets during the operation is forbidden. Windows are to be closed [...]" AŻIH, collection *Obwieszczenia i zarządzenia władz okupacyjnych. 1939 – 1945* [Announcements and orders of the German occupation authorities. 1939–1945], 241/268, Announcement. To conduct the resettlement of Jews from Wieliczka ordered by the SS and Police Commander in the Krakau Distrikt.

⁴⁹ Warsaw Ghetto Museum, MGW-A/331, Announcement. To conduct of the resettlement of Jews from the Neumarkt/Dunajec district governor on 25 August 1942.

tion, he was taken aback by the eerie silence and depopulation in the streets of the town. Posters in Polish and German with the printed signature Sz. Schaar, Kreishauptmann, were spread all over the walls of the town. The entire placard was printed, only the dates and place names were written out in coloured pencil. The placard stated that on 27 August it was ordered that Jews were to be expelled, that all Jews were to assemble at the Market Square under death penalty, that also under death penalty no Pole was allowed to look out of the window, or to be in the street, or to provide any help to a Jew.⁵⁰

All of the aforementioned acts were intended to deter potential onlookers, as well as people who, for various motives, might provide support to the fugitives. In this way, the Germans sought to streamline the process of liquidating individual ghettos.

On 5 September 1942, the commander of the SS and Police of the Warsaw Distrikt, Ferdinand von Sammern-Frankenegg, issued a proclamation “concerning the death penalty for supporting Jews who crossed the border of the Jewish residential district without authorisation.” The document stated:

In recent times, a greater number of Jews have got out without authorisation from the residential district designated for them. They are still staying in the Warsaw Distrikt. I would like to remind you that the third regulation of the Governor General, dated 15 October 1941, stipulates that not only Jews will be sentenced to death for crossing the border of the Jewish residential district, but anyone who in any way assists them in hiding. I point out that the assistance given to a Jew is not considered to be only giving them lodging and food, but also transporting them by any means of transport, buying various goods from them, etc. I appeal to the people of the Warsaw Distrikt to report immediately to the nearest police or gendarmerie station any Jew who is staying outside the Jewish residential district without permission. Whoever has helped a Jew, or is still helping a Jew, and reports to the nearest police or gendarmerie station by 4 p.m. on 9 September 1942, shall not be subject to criminal liability. Also not

⁵⁰ AŻIH, collection Zbiór relacji Żydów Ocalałych z Zagłady [Collection of testimonies of Jews – Holocaust survivors], 301/4701, p. 2, Testimony of Kazimierz Sedlaczek. (The testimony of 19 December 1945 was written down by the minutes clerk in the third person.) The original spelling has been kept.

subject to criminal liability shall be anyone who, by 9 September 1942, 4 p.m., sends items purchased from a Jew to the address in Warsaw, Niska 20, or reports this to the nearest police station or gendarmerie.⁵¹

The document broadened the scope of activities subject to repressions, ranging from providing shelter (even for one night) to offering emergency aid, and engaging in business contacts. Importantly, the previously ordered punishments were waived for those who voluntarily reported to the police or gendarmerie post within the specified timeframe, turned in individuals in hiding to the German authorities, or returned belongings obtained from Jews, whether in return for help, or by purchase. This was undoubtedly a kind of a peculiar reward/abolition to encourage the surrender of those in hiding.

On 15 September 1942, an announcement was published by the deputy district governor of Tarnów, Dr. Karl Pernutz, concerning the expulsion of the Jews of Tarnów.⁵² It stated:

[P]ara. 1. On 16 September 1942, a resettlement of Jews will take place. Para. 2. Any Pole who in any way obstructs the resettlement operation will be subject to the severest punishments. Para. 3. Any Pole who, during or after the resettlement operation, takes in a Jew or gives him shelter will be shot. Para. 4. Passes authorising entry to the Jewish residential district shall cease to be valid on the publication of this announcement. Persons who nevertheless enter the Jewish residential district shall be subject to severe punishments and risk being shot. Para. 5. Whoever directly or indirectly buys, receives as a gift or otherwise comes into possession of anything from a Jew shall be liable to severe punishments. Every Pole who has in his possession things which are the property of a Jew is obliged to immediately report this fact to the Security Police in Tarnów, otherwise he will be treated as a plunderer and subject to the severest punishments. Para. 6. During the transport

⁵¹ AIPN, GK, 141/75, vol. 4/1, Collection of placards and posters (mainly from the General Government). The announcement of the SS and Police Commander in the Warsaw Distrikt of 5 September 1942 concerning the death penalty for supporting Jews who crossed the border of the Jewish quarter without permission.

⁵² AIPN, GK, 141/51, vol. 10.

of Jews from the assembly site to the railway station, public access to the streets and squares through which the transport will pass is prohibited. When the transport approaches the streets in question, the inhabitants are to close the entrance gates of the houses and windows and refrain from observing the transport. Failure to comply with the above regulations will be subject to severe punishments.⁵³

The order had a more elaborate content than acts from, for example, Bochnia or Wieliczka. Nevertheless, the criminal sanctions indicated therein were similar to those in other towns.

On 24 September 1942, an announcement was issued in Częstochowa concerning the “detention of Jews in hiding.” It stated:

There is a need to remind that under para. 3 of the Gen[eral] Gov[ernorate] Residence Restriction Order of 15 October 1941, Jews who leave the Jewish residential district without permission are subject to the death penalty. Pursuant to this order, persons who knowingly give shelter to such Jews, provide them with food or sell them food articles, are also punishable by death. The non-Jews are hereby strongly warned against: (1) giving shelter to Jews; (2) providing them with food; (3) selling them food articles.⁵⁴

This document, identical to the others cited above, also expanded the catalogue of criminalised acts. In doing so, attention was drawn to the act of “knowingly” giving aid to Jews. Thus, in this case, there was a chance to defend oneself with the argument that the accused person did not in fact know whom they supported. On 1 November 1942, the regulation of Friedrich Wilhelm Krüger, Higher SS and Police Commander in the GG “On the Establishment of a Jewish Residential Quarter in the Warsaw and Lublin Distriks,” dated 28 October of that year, came into force, which indicated in which localities the so-called residual ghettos (*Restgetto*) were to operate. It stated:

⁵³ *Ibid.*

⁵⁴ AŻIH, collection Obwieszczenia i zarządzenia władz okupacyjnych. 1939–1945 [Announcements and orders of the German occupation authorities. 1939–1945], 241/13, Announcement. Subject: Detention of Jews in hiding, Częstochowa 24 September 1942; <https://biblioteka.teatrnn.pl/dlibra/show-content/publication/edition/18643?id=18643&dirids=1>, accessed 5 June 2024.

[P]ara. 2. All Jews within the meaning of the Regulation on the definition of the term “Jew” in the General Government of 24 July 1940 (Journal of the GG Regulations, p. 231) in the Warschau and Lublin Distrikts are to take up residence in one of the Jewish residential quarters listed in paragraph 1 for the Warschau Distrikt or, alternatively, the Lublin Distrikt by 30 November 1942. All other persons must have left the Jewish residential quarters by this time, unless they have been granted a police residence permit. Further details will be regulated by an order of the competent district governor (SS and police commander). From 1 December 1942, no Jews in the Warschau and Lublin Distrikts will be permitted to stay outside or leave a Jewish residential quarter without a police permit. From 1 December 1942, other persons are permitted to stay in or enter a Jewish residential quarter only on the basis of a police permit. Permits are granted by the district chief administrative officer responsible for the Jewish residential quarter – the Commissioner of the Jewish residential quarter for the Warschau Ghetto. Jews employed in military and armaments establishments and placed in closed camps shall be exempted from the obligation to choose a Jewish residential quarter. Para. 3. Jews who contravene the provisions of Paragraph 2 shall, under the existing provisions, be liable to the death penalty. The same punishment shall be imposed on anyone who knowingly gives refuge to such a Jew, i.e. who, in particular, places a Jew outside a Jewish residential quarter, feeds him or hides him. Whoever becomes aware of a Jew unlawfully residing outside a Jewish residential quarter and fails to report this to the Police, shall be subject to police security measures. Non-Jews who, contrary to the provisions of para. 2, do not leave the Jewish residential quarter on time or who enter it without a police permit, shall be subject to a fine of up to one thousand zlotys converted to a custodial sentence of up to three months in criminal and administrative proceedings. The punitive decisions shall be issued by the district governor (town governor).⁵⁵

⁵⁵ *Eksterminacja Żydów na ziemiach polskich w okresie okupacji hitlerowskiej. Zbiór dokumentów*, ed. T. Berenstein, A. Eisenbach, A. Rutkowski (Warsaw, 1957), pp. 313–314; Police regulation concerning the establishment of a Jewish residential quarter in the Warschau and Lublin Distrikts, dated 28 October 1942, *Verordnungsblatt für das Generalgouvernement* 1942, No. 94; AIPN, GK, 196/333, p. 275.

This regulation was reminiscent of the Governor General's decree and again sanctioned the death penalty for persons providing aid to Jews ("whoever, in particular, places a Jew outside the precinct of a Jewish residential quarter, feeds or hides him.")⁵⁶ It also extended the catalogue of behaviour penalised by the occupying forces, as it listed not only the provision of shelter. On November 12, 1942, an analogous regulation came into force for the Cracow, Radom and Galicia Distrikts.⁵⁷

Bogdan Musiał pointed out that Krüger's regulations of 28 October and 10 November 1942 "standardised and at the same time aggravated the criminal sanctions for aid to Jewish fugitives shown by non-Jewish inhabitants of the GG. Although it was mainly Poles whom the regulations concerned, theoretically, the other inhabitants of the GG, i.e., Ukrainians, Volksdeutsche and Reichsdeutsche (Germans, citizens of the Reich),⁵⁸ were also subject to these provisions."⁵⁹ It is worth rounding off these reflections with one rather obvious observation. Krüger's regulations were introduced at a time when the vast majority of ghettos and Jewish communities that had not been placed in the so-called "sealed quarters" no longer existed. The crucial phase of Aktion Reinhardt was conducted in the GG in the summer and early autumn of 1942. By November of that year, mainly "residual ghettos" were in operation. This is important in the context of helping Jews staying already on the so-called Aryan side.

Despite a certain unification and bringing order to German legislation as a result of Krüger's activities, there were still provisions issued by the authorities stipulating repression for help given to Jews. On 16 November 1942, Ludwig Fischer, Governor of the Warsaw Distrikt, issued an announcement "concerning the creation of six residual ghettos in the Warsaw Distrikt," which reminded people of the punishments for helping Jews and for not reporting the fact of such help being provided.⁶⁰ Paragraph three of this announcement referred to the consequences

⁵⁶ Police regulation concerning the establishment of a Jewish residential quarter in the Warschau and Lublin Distrikts, dated 28 October 1942, *Verordnungsblatt für das Generalgouvernement* 1942, No. 94, p. 666.

⁵⁷ B. Musiał, *Kto dopomoże Żydowi*, p. 129.

⁵⁸ For more on the punishments imposed on the citizens of the Reich, cf. *Ibid.*, pp. 143–145.

⁵⁹ *Ibid.*, p. 133.

⁶⁰ AIPN, GK, 141/75, Collection of placards and posters (mainly from the General Government). Announcement of 16 November 1942 concerning the establishment of six residual ghettos in the Distrikt Warschau, reminding of the punishments for helping Jews and for failing to report the fact of having provided such help; L. Landau, *Kronika lat wojny i okupacji*, vol. 2: *Grudzień 1942 – czerwiec 1943* (Warsaw, 1962), p. 32.

of aiding persons who had escaped from the ghettos and those who stayed in the designated six “residual ghettos”:

Jews who contravene the provisions of para. 2 shall, according to the existing provisions, be liable to the death penalty. (2) The same punishment shall be imposed on anyone who knowingly shelters such a Jew, i.e., who, in particular, places, feeds or hides a Jew outside the precinct of a Jewish residential quarter. (3) Whoever becomes aware that a Jew is unlawfully residing outside a Jewish residential quarter and fails to report this to the police shall be subject to police security measures (e.g. placement in a concentration camp). (4) Persons, who are not Jewish and who, contrary to para. 2, fail to leave the Jewish residential quarter on time or who enter it without a police permit, shall be liable, in criminal and administrative proceedings, to a fine of up to one thousand zlotys converted to a custodial sentence of up to three months.⁶¹

Particularly noteworthy is the third point, which indicated the possibility that a person helping members of the Jewish community could be sent to a concentration camp.

The enforcement of the aforementioned regulations and the application of repressive measures mainly concerned provincial areas (villages, hamlets, small towns). After the liquidation of subsequent ghettos, special pursuit groups were sent all over the area to “track down” Jewish fugitives and those who tried to give them shelter. It was not uncommon for Poles (including entire families) being caught committing such a crime to be shot on site, have their property looted and destroyed, be brutally beaten, or be brought before German special or interim courts.⁶² Information about such incidents spread all over the area and heightened the fear among those at whose homes the Jews were sheltered. Also, the local authorities, including, for example, the so-called Blue Police [*Polnische Polizei*], used such incidents to discourage the local population from helping.⁶³ In addition, the inhabitants of villages and towns witnessed the repression inflicted on their

⁶¹ *Ibid.*

⁶² For more on this, cf. *Represje za pomoc Żydom*; see also *Relacje o pomocy*.

⁶³ See *Dalej jest noc*, vol. 2, pp. 470–477; J.A. Młynarczyk, S. Piątkowski, *Cena poświęcenia*, p. 74.

neighbours for helping Jews (and other activities in contravention of the German occupation legislation). The beating, arresting and shooting of people (including family members of witnesses to the events) took place in front of bystanders and, as a result, stayed in their memory and resonated. Historian Marcin Zaremba, elaborating on this theme, noted:

During the occupation [to generally summarise this phenomenon], people lived in immense tension. Everyone, from the occupier's point of view, could have "something on their conscience." In addition, the Germans did not stick to any legal regulations, they were unpredictable. To enforce obedience, they usually used blunt, senseless violence, which created an atmosphere of terror. Increased repression put people in a state of collective psychosis manifested in: runaway attitudes, atomisation and a wave of apocalyptic rumours.⁶⁴

These considerations relate to the impact of both stories about one's own experiences, as well as circulated information and rumours, concerning mass murders and other punishments for helping Jews, on the latter's relations with Poles in the GG. This issue requires further research.⁶⁵

It is worth referring at this point to an official document of the SS and Police of the Galicia Distrikt (*Distrikt Galizien*), recalled by Filip Friedman. According to this source, between October 1943 and June 1944, among the 1,541 Ukrainians sentenced to death for various offences, such as belonging to the resistance movement or sabotage, there are about 100 who were sentenced and murdered for helping Jews. The death penalty regulation referred to by the author was dated 2 October 1943.⁶⁶

⁶⁴ M. Zaremba, *Wielka trwoga. Polska 1944–1947. Ludowa reakcja na kryzys* (Cracow–Warsaw, 2013), p. 106.

⁶⁵ Cf. 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), pp. 39–66; G. Berendt, "Beyond Human Imagination. The Married Couple of Wołosiańscy from Drohobych as an Instance of Individual Assistance Given to Many Jews During German Occupation in 1939–1945," in *Poles Saving Jews During World War II*, ed. K. Cegielska, Z. Kłafka (Toruń, 2016). For information on the circulation of information, see also M. Ferenc, „Każdy pyta co z nami będzie.”

⁶⁶ Ph. Friedman, "Ukrainian-Jewish Relations During The Nazi Occupation," in *The Nazi Holocaust: Public Opinion and Relations to the Jews in Nazi Europe*, vol. 1, ed. M.R. Marrus (Berlin, 1989), pp. 387–388.

The contents of the regulations cited above, issued at various decision-making levels and in various parts of the GG, contained similar provisions on criminal accountability for supporting Jews. The number of these legal acts, the circumstances in which these were issued, and its territorial scope were posted throughout the GG, both in large cities and in the provinces, where the mayors were responsible for their promulgation, indicating that the general population of the country was aware of the punishments imposed for helping Jewish neighbours. Of course, this does not give researchers a clear answer to the question of the extent to which the inhabitants of the so-called Aryan side were really aware of the threat. It is sometimes a long way from the existence of a legal act to people being aware that its provisions also apply to them, and that the punishments stipulated therein will be carried out.

Nonetheless, given that the above-mentioned announcements were posted in cities, towns, as well as in the countryside (the mayors were responsible for this) and the information about punishments for helping Jews spread, it can be assumed that – knowing the occupier's regulations – people widely talked about them. The testimonies of the Jewish survivors include references to the dilemmas and discussions held on this subject by those helping them.⁶⁷ In any case, the legal system is an important consideration when analysing the relationship between Christians and Jews, including decisions to provide aid to the latter. Due to the diversity of life situations, it is difficult to create a pattern of how these decisions were made and applied in practice. Often the circumstances of the incident, including the form of support provided, played a significant role, which influenced the type of punishments. Bogdan Musiał indicated the significance of the Krüger regulation, which – on pain of sanctions – imposed an obligation on residents to provide all information about Jews illegally leaving the ghettos and staying on the so-called Aryan side. This act also extended the responsibility for sheltering Jews to the household members (regardless of whether they were aware of it or not).⁶⁸ In December 1942, priests were ordered to read the following regulation in the churches of the Janów Lubelski district:

⁶⁷ Cf. i.a. *Relacje o pomocy*.

⁶⁸ B. Musiał, *Kto dopomoże Żydowi*, pp. 130–131.

Immediately report to the police or the gendarmerie which strangers and suspects are staying in the village and, in particular, give the names of those inhabitants who give shelter to bandits and various travellers, as this is the only way to prevent bandits from staying in the village. Detaining bandits is punishable by death, affecting not only the hosts but also their family members and neighbours, along with the confiscation of property.[...] According to an order of the Kreishauptmann of 23 October 1942 [...] liable to the death penalty shall be all inhabitants and neighbours who detain Jews, provide them with food or assist them in escaping, and especially anyone who puts carts at the disposal of Jews.⁶⁹

The content of this regulation may explain the intensification of implementing the harshest punishments. However, it does not bring any closer to answering the question of why, in some cases, the Germans zealously applied collective responsibility, in others they administered the lowest penalties possible, and still in others they did so only when they faced disciplinary consequences. Poorly sourced issues include bribes and other forms of benefits. Bogdan Musiał pointed out that the so-called *Schutzhaft*, or preventive detention, was used more frequently in the first years of the occupation.⁷⁰ The biographies of repressed individuals, known to researchers, indicate that after the liquidation of the ghettos during Aktion Reinhardt (from late 1942 onwards), other forms of punishment were used more frequently than the death penalty.⁷¹

Polish Territories Incorporated into the Third Reich

The results of historical research indicate that in the Second Polish Republic territories incorporated into Germany, no general regulation on the death penalty for helping Jews was introduced. Prohibitions of aiding Jews appeared locally at the time of the liquidation of particular ghettos, e.g. on 24 June 1942 in the district of Blachstädt (Blachownia, then Upper Silesian Province), after all the Jews had been expelled, the local district governor issued a “public warning,” which read that “whoever would help Jews by hiding them or aiding them in any other way

⁶⁹ As cited in M.J. Chodakiewicz, *Żydzi i Polacy*, p. 185.

⁷⁰ B. Musiał, *Kto dopomoże Żydowi*, p. 149.

⁷¹ Cf. *Represje za pomoc Żydom*.

is to expect the severest punishment. Also those persons will be held criminally accountable who, knowing of an unlawful stay of Jews in the Blachstädt County, do not immediately report this to the nearest police station or gendarmerie.”⁷²

However, there are no known cases of this regulation being implemented in practice.

The lack of a fundamental regulation of the matter at a district or provincial level did not mean that there was no repression for helping Jews. In a dozen or so known cases in the areas mentioned, the Germans deported the vast majority of the convicts to concentration camps or imprisoned them, although there were also death sentences. Among others, in June 1941, the death sentence was pronounced by the Special Court in Włocławek against Zenon Rzymkowski for delivering meat to the ghetto in Kutno. The Germans communicated the news of his execution by means of the so-called “death placards” posted in this town. In addition to the data of the executed man, they added a photograph of his body hanging on the gallows. However, Rzymkowski was not accused of contacts with Jews, let alone of helping them, but of illegal trading and thus breaking the regulations on war economy and animal slaughter.⁷³

In conclusion, the problem of criminal accountability for helping Jews in the territories incorporated into the Reich requires further detailed research.

Reichskommissariat Ukraine and Reichskommissariat Ostland (Volhynia, Polesie, Navahrudak Region, Eastern Białystok Region, Vilnius Region)

In the context of the recurring discussion on whether the death penalty for aid to Jews was introduced only in the General Government, attention should be drawn to the areas mentioned in the subtitle, which fell into German hands as a result of the Third Reich’s invasion of the USSR. Strict legislation, including the death

⁷² M. Łyszczarz, *Sosnowiec w okresie okupacji hitlerowskiej (4 IX 1939 r. – 27 I 1945 r.). Szkice monograficzne* [Sosnowiec under the Hitlerite Occupation (4 September 1939 – 27 January 1945). Monographic Sketches], Sosnowiec 1970, typescript in the collections of the Institute of National Remembrance’s Library, Branch in Katowice, n.p.

⁷³ AIPN, GK, 73/43, Oberlandesgericht Posen Justizpressestelle; Der Oberstaatsanwalt beim dem Sondergericht in Leslau. (Collection of copies of indictments drawn up by the Public Prosecutor’s Office at the Special Court in Włocławek, in cases referred for trial by the Special Court in Włocławek; includes documents dated from June to September 1941); *Relacje o pomocy*, vol. 7: *III Rzesza i ziemie wcielone do Rzeszy*, selected and edited by S. Piątkowski (Warsaw, 2023).

penalty, was in force in these areas, linked, among others, to the commencement of the murdering of Jews by the Einsatzgruppen.⁷⁴ Based on current knowledge, it is likely that no legal act introducing the aforementioned sanction was passed in these areas. However, in practice, repressions for helping Jews – including killings – were carried out. The absence of a sanction similar as in the GG might be related to the plan to conduct mass executions of Jews by shooting, rather than deporting them to death camps. Holocaust historians Israel Gutman and Naama Galil have pointed out the great contrast between Western and Central, and Eastern European countries in this matter.⁷⁵ They stressed that, for example, in the Netherlands and France, those who provided help to Jews were threatened with deportation to a concentration camp, while in occupied Poland and in the occupied territories of the USSR, such people were shot together with those they were hiding. Ukrainian Holocaust historian, Igor Shchupak, on the other hand, wrote that the Germans first and foremost imposed an obligation on mayors (district governors) to inform on Jews in hiding. “Ordinary residents” were warned of the consequences of sheltering them or other forms of aid. It was pointed out that there were various sanctions for doing so, including the death penalty.⁷⁶ As an example, Shchupak cited an announcement from Berdyczów that said:

(1) Every mayor or village leader shall be obliged to arrest, while cooperating with the local police, and hand over to the SD police in Berdyczów every Jewish person from other villages, especially if the person has been staying here since 24 December 1942. (2) All local residents are forbidden to shelter or hide Jewish persons from other villages. (3) Whenever a Jewish person is found to be residing somewhere without permission, the entire family giving shelter will be punished with death. (4) The same punishment will be applied to the mayor – village leader who does not immediately comply with para. 1.

⁷⁴ Aus der Verordnung Rosenbergs über die Einführung der Todesstrafe für Ungehorsam gegenüber den Okkupationsbehörden [From the Rosenberg’s decree on implementation of death penalty for disobedience to the occupation authorities].

⁷⁵ I. Gutman, N. Galil’ [И. Гутман, Н. Галиль], *Katastrofa i pamyat’ o ney* [Катастрофа и память о ней] (Jerusalem, 2007), p. 237.

⁷⁶ For more on this topic: I. Shchupak, “The Rescue of Jews from the Nazi Genocide by the Inhabitants of Eastern Galicia,” *European Spatial Research and Policy* 28 (2021), pp. 73–96.

The document was signed by the Gebietskommissar (District Commissioner).⁷⁷ It is worth noting that it extended the death penalty to family members living in the same house as the person hiding Jews, regardless of the degree of awareness of the fact. This procedure aimed to intimidate the local population and also to introduce antagonism within families. Moreover, introducing the responsibility of the local authorities, if Jews in hiding were found in the area under their authority, generated an additional conflict of interest and meant that people deciding to help had to be even more cautious.

The Germans also encouraged the inhabitants of Galicia and Podolia to report cases of Jews in hiding. An informer whose report would help capture one of them was promised a reward: “in an amount determined by the SS and the Chief of Police,”⁷⁸ and therefore determined locally. Shchupak writes about Ukrainians executed for hiding Jews in many towns and villages in the Vinnytsia region and the Dnipropetrovsk, Kyiv, Lviv and Kharkiv regions, but does not give the names of people repressed.⁷⁹

Similarly, in the area of the General Commissariat Ostland, which included, among others, the north-eastern Borderlands of the Second Polish Republic, thus far researchers have not found a legal act introducing the death penalty for those providing shelter or any other support to Jews as valid throughout its territory. However, in the State Archive of the Grodno region, there is an official announcement about the death penalty for helping Jews, issued in Słonim on 22 December 1942. The German town administration informed about the threat of shooting for hiding Jews in houses or on farms of the town’s inhabitants. They were also ordered to immediately report to the gendarmerie any information about Jews in the area living on their own or hiding at someone’s house.⁸⁰ The date of the document shows that it was made public several months after the liquidation of the local ghetto. For as early as 29 June 1942,

⁷⁷ R. Szuchta, P. Trojański, *Holokaust. (Nie)odrobiona lekcja historii*, trans. N. Tkaczenco (Warsaw–Cracow, 2023), p. 434.

⁷⁸ I. Shchupak, “The Rescue.”

⁷⁹ The scholar indicated the relevant literature: “Ubili odnosel’chan prinyavshikh evreev. Akt. Khar’kovskaya oblast’, Dergachevskiy r[ayon], Semenovka [Убили односельчан принявших евреев. Акт. Харьковская область, Дергачевский р-н, Семеновка],” in *Dokumenty obvinayut. Holokost: sviditel’sva Krasnoy Armii* [Документы обвиняют. Холокост: свидетельства Красной Армии], elaborated by F.D. Sverdlov, ed. I.A. Al’tman [сост. Ф. Д. Свердлов, изд. И.А. Альтман], (Moscow, 1996).

⁸⁰ Yad Vashem Archives (hereinafter AYV), M.41, 3/48, Gosudarstvenyi Arkhiv Grodenskoy Oblasti, Grodno [Государственный Архив Гродненской Области, Гродно], p. 6.

the Germans had murdered some ten thousand Słonim Jews in the nearby Pietralewicz, leaving about 800 of them alive to clean up the area after the (former) ghetto.

Of particular note in this context is the case of Father Adam Sztarek and the nuns Ewa (Bogumiła Noiszewska) and Marta (Kazimiera Wołowska), who were arrested in Słonim for helping Jews and executed on the nearby Pietralewicka Mountain on 18 December 1942,⁸¹ a few days before the aforementioned document came into effect. Perhaps it had already been made known, or the repression was being applied without any legal basis.

Balkan Countries

Before the outbreak of the Second World War, a total of between 1.4 and 1.8 million Jews lived in the Balkan states.⁸² Their extermination proceeded differently in each of these countries. This was due to several factors: the situation of the members of the ethnic group in question in the past, their citizenship status under the occupation (citizens of the countries mentioned or refugees), the attitude of the non-Jewish communities and the role of the local governments in carrying out the tasks imposed on them by the German overlords. The latter was related to the attitude of the local authorities towards the expansionist and annexationist policies of the Third Reich. This policy was initially supported by Yugoslavia and Bulgaria, both of which joined the so-called Tripartite Pact in March 1941. Bulgaria remained in it until September 1944, while Yugoslavia in April 1941 refused to allow German troops intending to attack Greece to pass through its territory. It was then that Germany, along with Italy, Bulgaria and Hungary, invaded its territory. The Third Reich then annexed northern Slovenia, while Italy annexed the southern part of that country and north-western Dalmatia, at the same time establishing a protectorate over Montenegro. Albania, which had already been incorporated into Benito Mussolini's state in April 1939, received lands inhabited by ethnic Albanians – Kosovo and a small part of Macedonia. Bulgaria⁸³ was granted most of Macedonia and Western Thrace, while Vojvodina,

⁸¹ AYV, Department of the Righteous Among the Nations, Adam Sztarek's Documents, M.31.2/9178.

⁸² The Balkan states, according to the political division of the inter-war period, included Albania, Bulgaria, Greece, Yugoslavia, Romania and Hungary.

⁸³ Bulgaria was an ally of Germany, and initially its government was willing to deport "its" Jews to German death camps. Eventually, nine thousand to eleven thousand of them were deported from the annexed

a part of Slovenia (Prekmurje) and some Croatian lands (Barania and Medzimurje) were incorporated into Hungary. On other territories of Croatia and in Bosnia and Herzegovina, the Independent State of Croatia (NHD) was created, fully dependent on Italy and the Third Reich. Central Serbia, northern Kosovo and Banat came under German military administration. On 1 September 1941, a National Salvation Government collaborating with Berlin was formed there, headed by Milan Nedić.⁸⁴ The Germans occupied also a greater part of Greece.

Following the Balkan campaign of 1941, over one hundred and fifty thousand Jews resided in territories occupied by the Third Reich.⁸⁵ After the capitulation of Italy in September 1943, Albania also came under the German occupation with its Jewish community, which numbered about 400 before April 1941, a significant percentage of whom were refugees from Germany and Austria. After the incorporation of Kosovo and parts of Macedonia into Albania, this number rose to over 1,500 as a result of an influx of over a thousand refugees from Macedonia, northern Serbia, Germany, Austria and occupied Poland.⁸⁶

territories of Western Thrace and southern Dobrudja. However, another deportation, this time from Plovdiv and Kiustendil, planned for March 1943, was stopped by the government in Sofia. This was the result of protests of the Bulgarian society, the Orthodox Church, and also Dymitar Peshhev MP, who petitioned Tsar Boris III to stop the deportation. Metropolitan Kirill of Plovdiv, later Patriarch, announced the opening of all Orthodox churches to Jews. As a result, on 24 May 1943, the authorities called off the deportation of forty-eight thousand people. It is estimated that 78 per cent of the sixty-five thousand Bulgarian Jews survived the war (cited after: M. Bar-Zohar, *Beyond Hitler's Grasp: The Heroic Rescue of Bulgaria's Jews*, Holbrook, MA, 1998; F.B. Chary, *The Bulgarian Jews and the Final Solution, 1940–1944*, Pittsburgh, 1972). In contrast, in the pre-World War I Romanian state territory called Regat, operations against Jews followed the typical pattern: violence, confiscation of property and the creation of ghettos. The conflict between the Bucharest government and the Germans helped to limit the number of deportees. However, more than four hundred and twenty thousand Romanian Jews were murdered during the Holocaust.

⁸⁴ E. Gitman, *When Courage Prevailed: The Rescue and Survival of Jews in the Independent State of Croatia 1941–1945* (St. Paul, 2011), pp. 20–23; R. Hilberg, *Zagłada Żydów europejskich*, vol. 2 (Warsaw, 2018), p. 882; *Die Verfolgung und Ermordung der europäischen Juden durch das nationalsozialistische Deutschland 1933–1945*, vol. 14: *Besetztes Südosteuropa und Italien*, ed. S. Berger, S. Schmid, E. Lewin, M. Vassilikou, (Munich, 2017), pp. 37–42.

⁸⁵ K. Vidakovic-Petrov, "The Holocaust in Yugoslavia: Questions of Identity," in *Hiding, Sheltering and Borrowing Identities: Avenues of Rescue During the Holocaust*, ed. D. Michman (Jerusalem, 2017), p. 343; J. Tomasevich, *War and Revolution in Yugoslavia 1941–1945: Occupation and Collaboration* (Stanford, 2001), p. 583.

⁸⁶ P. Mojzes, *Balkan Genocides: Holocaust and Ethnic Cleansing in the Twentieth Century* (New York, 2011), p. 93; T. Czekalski, "Bałkańska ziemia obiecana? Problem Holokaustu w albańskich badaniach nad przeszłością," *ZŻSM* 11 (2015), p. 533; M. Ristović, "Yugoslav Jews Fleeing the Holocaust 1941–1945," in *Remembering for the Future: The Holocaust in an Age of Genocide*, ed. J.K. Roth, E. Maxwell, M. Levy, W. Whitworth (London, 2001), pp. 40, 512–526.

Serbia

After the occupation regime had been installed, approximately sixteen thousand Jews resided in Serbia. As early as April 1941, legislation was introduced to eliminate them from professional, social and economic engagement, as well as to stigmatise them, impose forced labour on them, and deprive them of their property (the so-called Aryanisation). According to Raul Hilberg, thus “the first [th]ree phases of the extermination process were introduced in a single day.”⁸⁷ From July 1941, mainly in retaliation for partisan actions, the Germans conducted mass executions of Serbs and Jews, and in December they began deporting the latter to the Sajmište concentration camp near Belgrade, where they were gassed in a special car. By May 1942, some seven to ten thousand people had been murdered there. Apart from the occupied territories of Poland and the USSR, only in Serbia were Jews not transported out of the country, but murdered on the spot. These operations resulted in the deaths – according to various estimates – of some 13–14.8 thousand Jews, and only a fifth of those who had lived in Serbia before the war managed to survive the war.⁸⁸

The operations of the Germans against Jews were actively supported by the civil administration and police of the Nedić government, as well as by volunteer troops (Serbian National Guard), members of the nationalist fascist party ZBOR headed by Dimitrij Ljotić and the party’s armed organisation, the Serbian Volunteer Corps.⁸⁹ Between 1942 and 1944, their actions resulted in at least 455 Jews being captured and handed over to the Germans. Consequently, many Serbian Jews attempted to cross the border into territories under Italian or Hungarian occupation, which

⁸⁷ R. Hilberg, *Zagłada Żydów europejskich*, p. 849; M. Ivanković, A. Stojanović, “Anti-Semitic Propaganda and Legislation in Serbia 1939–1942: Content, Scale, Aims and Role of the German Factor,” *Istorija 20. Veka* 37 (2) (2019), pp. 91–98, <https://www.jevrejskadigitalnabiblioteka.rs/bitstream/handle/123456789/1380/AntisemitskaPropaganda.pdf?sequence=1&isAllowed=y>, accessed 30 July 2024.

⁸⁸ R. Hilberg, *Zagłada Żydów europejskich*, pp. 860–861; P. Longerich, *Holocaust: The Nazi Persecution and Murder of the Jews* (Oxford, 2010), pp. 300–301; J. Frussetta, “The Final Solution in southeastern Europe: Between Nazi catalysts and local motivations,” in *The Routledge History of Holocaust*, ed. J.C. Friedman (London – New York, 2011), p. 265; M.F. Levy, “A Tangled Tale: The Survival of Serbian Jews during World War II,” *Serbian Studies: Journal of the North American Society for Serbian Studies* 27 (2013), pp. 15–16.

⁸⁹ R. Tucović, “Collaboration of the special police in the implementation of the ‘Final Solution’ in Occupied Serbia (1941–1944),” *Limes Plus: Journal of Social Sciences and Humanities* 15 (2–3) (2018), p. 46, https://www.academia.edu/41920162/HOLOCAUST_AND_RESTITUTION_IN_FORMER_YUGOSLAVIA_Legal_and_Historical_Challenges, accessed 30 July 2024.

were considered safe at the time. Others hid in the villages, usually claiming the identity of Serbian refugees from the Independent State of Croatia.⁹⁰

Michele Frucht Levy mentioned three factors that could have helped Yugoslavian Jews to survive the war. The first and most important was the relatively lenient policy in the Italian occupation zone (until capitulation of Italy in September 1943), as it was not subjected to the regulations coming from the authorities in Berlin. The second was the institutional chaos within the German occupation forces, which reduced the effectiveness of their operations. The third factor was the:

[A]id of non-Jews throughout Serbia and in all areas through which or to which Jews fled. Eyewitness testimonies, petitions, letters and other documents repeatedly suggest the crucial importance of such aid, provided in various forms and for various motivations by non-Jewish Serbs, Croats and Muslims, Islamic and Catholic clergy, partisans and Chetniks and members of both the Nedić government, and the Italian, Croatian and German armed forces.⁹¹

It is difficult to estimate what percentage of Jews survived the war thanks to this aid.⁹² Helping Jews was punishable by death. Interestingly, for many years the question of sanctions for this support was neither addressed by Serbian scholars nor by Holocaust researchers. Only Belgrade historian Milan Ristović, in his article “Jews in Serbia during World War Two: Between ‘The Final Solution to the Jewish Question’ and ‘The Righteous Among Nations,’” mentioned that “[un]til 30 May 1941 there was a strict prohibition on helping Jews. The sanction for breaking the rule and for providing any aid to Jewish refugees was to share their horrific fate

⁹⁰ S. Heim, “The Holocaust in the European Context: Using Experiences from Other Countries for The Persecution of Jews in Serbia,” in *Eskalacija u Holokaust. Od streljačkih vodova do gasnog kamiona koncentracionog logora na Sajmištu: Dve odlučujuće faze Holokausta u Srbiji / Escalating into Holocaust: From execution squads to the gas van of the concentration camp at Sajmište: Two defining phases of the Holocaust in Serbia*, ed. V. Pavlaković (Belgrade, 2017), pp. 101–105; S. Schmid, “The Holocaust in Serbia in the European Context: The Serbian Case as a Part of Shared European Past,” in *ibid.*, pp. 109–117; *Die Verfolgung und Ermordung der europäischen Juden durch das nationalsozialistische Deutschland 1933–1945*, vol. 14, pp. 43–46; R. Tucović, “Collaboration of the special police,” p. 46.

⁹¹ M.F. Levy, “A Tangled Tale,” p. 19.

⁹² By 2022, the Yad Vashem Institute had honoured 139 Serbs with the title of The Righteous Among the Nations.

in one of the camps or execution sites.”⁹³ Ristović was probably referring to one of the provisions of the decree on Jews and Gypsies of April 1941.⁹⁴

This decree, signed by SS-Obersturmführer Karl Pamer, was published in the *Verordnungsblatt des Befehlshabers Serbien* on 24 December 1941 and came into force on 22 December. Its content read as follows:

It is forbidden, under death penalty: to give accommodation to or to hide Jews; to receive for safekeeping, to buy, to exchange or to obtain in any other legal transaction valuable objects of any kind, furniture and money from Jews.⁹⁵

On 13 January 1942, the content of the decree was reported by the Jewish Telegraphic Agency:

The death penalty will be carried out against any person in Serbia who hides Jews or finances or assists them, the Serbian newspaper *Novo Vreme* reported here today. [...] All property in the custody of Jews must be declared to the German military authorities in Belgrade before 15 January, writes the newspaper. Any agreements or contracts concluded with Jews from 6 April onwards must also be reported. Failure to comply with these regulations will be punishable by death.⁹⁶

This decree encompassed a much wider range of activities subject to the highest sanctions compared to the regulation issued on 15 October 1941 in the General Government.

⁹³ M. Ristović, “Jews in Serbia During World War Two: Between ‘The Final Solution to the Jewish Question’ and ‘The Righteous Among Nations,’” in M. Fogell, M. Ristović, M. Koljanin, *Serbia: Righteous Among Nations* (Belgrade, 2010).

⁹⁴ This regulation ordered that all persons in Serbia with property obtained from Jews since 6 April 1941, the date of Hitler’s invasion of Yugoslavia, or who were indebted to Jews, should submit details of such transactions to the Nazi occupation authorities within a month. All transactions between Serbs and Jews, even those concluded before the Nazi invasion, were declared null and void. Any contract or agreement made with the intention of circumventing the anti-Jewish law was to be severely punished.

⁹⁵ Document received courtesy of the Serbian historian Milan Koljanin.

⁹⁶ *Jewish Telegraphic Agency. Daily News Bulletin*, 13 January 1942, No. 10, p. 3. M.F. Levy writes in his article equally enigmatically: “Finally, aid to Jews in any form was criminalized,” without explaining the meaning of this statement (cited after: M.F. Levy, “A Tangled Tale,” p. 17).

Other Serbian historians, Mladenka Ivanković and Aleksandar Stojanović, wrote about an amendment to the abovementioned decree, which appeared in April 1942, and was published in the *Journal of Regulations of the Military Commander in Serbia*. According to this amendment, all persons:

[W]ho owned Jewish property, kept Jewish property or were indebted to a Jew were to report to the German police authorities within 30 days. All agreements made with Jews after 6 April 1941, even those that were not concluded to cover up property or to hide property, were to be reported. The population of occupied Serbia was warned that even cases in which there was only a suspicion that some property might be Jewish were to be reported, on pain of severe punishments.⁹⁷

The historians further explain:

According to paragraph 22 of the original Jewish and Gypsy Order of May 1941, which was confirmed and extended by a decree of April 1942, the punishment for not declaring or hiding Jewish property or for showing any opposition to the said anti-Semitic decrees was 'imprisonment and a fine or one of the two. In severe cases, the penalty is imprisonment or death.'⁹⁸

It is challenging to find information in the works concerning aid to persons of Jewish nationality in Serbia, whether the above-mentioned regulation was enforced. An analysis of numerous testimonies of those who aided Jews has yielded little so far. Only one shows that the regulation was applied in practice. Andrej Trumpej, a monk from Slovenia, was a vicar of the Church of Saints Cyril and Methodius in Belgrade from 1929. At the time of the deportation of the local Jews to the death camps, he helped the family of his compatriot Antonije Ograjenšek, who, having previously married Avram Kalef, had embraced Judaism and brought up her daughters, Matilda and Rachel, in that faith. When it became apparent that all

⁹⁷ M. Ivankovic, A. Stojanović, "Anti-Semitic propaganda," p. 94.

⁹⁸ *Ibid.*

Jews would be deported, Antonije turned to Fr. Trumpej for help. She had her old birth certificate, confirming that she was a Christian, but above all she wanted to protect her children. The priest issued fake baptismal documents for the girls in the names of Breda and Matilda Okrajšek. He also enrolled them in the Matija Ban secondary school. Although no one in the new neighbourhood knew them, the headmaster of the school, a *Volksdeutscher* called Orthaber, knew of their Jewish origin. Nevertheless, he complied with Trumpej's request and did not reveal the secret to anyone until the end of the war. The vicar also issued similar documents to two Jewish sisters, allowing them to join a group of workers sent to forced labour in Germany under false names. On the day they were due to leave Belgrade, someone recognised them and turned them in to the Germans. As a result, Fr. Trumpej was arrested. Brutally interrogated, he was not broken, and did not reveal to the Germans any information about the people he had helped. After spending several months in a Gestapo prison, he was released.⁹⁹

Croatia

As mentioned above, the NHD, created by the Germans on 16 April 1941 in the lands of Croatia and Bosnia and Herzegovina, was, contrary to its name, fully dependent on the Axis states. It was headed by Ante Pavelić, leader of the local fascists, known as the *Ustaše*. Initially, his statehood was home to thirty-five to forty thousand Jews.¹⁰⁰

As in Serbia, the first anti-Jewish regulations, based on the Third Reich legislation, were introduced by the authorities in Zagreb as early as April 1941. As Esther Gitman estimated, by May 1945 "589 anti-Jewish regulations and decrees appeared in Croatian dailies."¹⁰¹ The next stage of this policy was the deportation of Jews from the cities to concentration camps and, from November 1941 onwards, to the extermination camps Jasenovac and Stara Gradiška. More than 19,000 of them were murdered there.¹⁰² In August 1942, the deportation of approximately

⁹⁹ "Tumpej Andrej," <https://collections.yadvashem.org/en/righteous/4045495>; see also <https://beotura.rs/en/andrej-tumpej-pravednik-medju-narodima/>, accessed 30 July 2024.

¹⁰⁰ E. Gitman, *When Courage Prevailed*, p. XXIII; R. Hilberg, *Zagłada Żydów europejskich*, pp. 882–883.

¹⁰¹ E. Gitman, *When Courage Prevailed*, p. 28.

¹⁰² R. Hilberg, *Zagłada Żydów europejskich*, p. 888.

five thousand Jews from the NHD to German extermination centres, mainly to Auschwitz, began. In May 1943, another deportation followed. Only the so-called honourable Aryans, considered important to the Croatian state and holding special letters, the so-called *Schutzbriefe*, remained on site.¹⁰³

Also “ordinary” citizens participated in the crimes initiated mainly by local fascists,¹⁰⁴ and some of the Catholic clergy supported the anti-Semitic policies of the state. In cities such as Sarajevo, Zagreb and Osijek, the *Ustaša* systematically searched for Jews, making any aid practically impossible. According to historians Ivo and Slavko Goldstein, the risk of hiding persons of Jewish nationality increased especially after the publication of an announcement stating that any aid provided to them was subject to the severest punishment.¹⁰⁵ Nonetheless, there were people who, to the best of their ability, tried to bring help and rescue, although many of their testimonies indicate that notices were posted warning that anyone who hid Jews in their home would be killed. Ahmed Sadiq-Šaralop moved from Macedonia to Sarajevo in 1913. There he befriended many Jews, including Isidor Papo, with whom he traded. After some time, the Muslim moved again, this time to Konjic, where he opened a shop. One day, in mid-1941, he noticed Papo with his wife and two children at the railway station, boarding a train bound for Sarajevo. He warned his friend that the Germans were conducting deportation operations in that city. He took the whole family to his home, where they remained until they could obtain documents allowing them to reach the Italian occupation zone. Sadiq-Šaralop was denounced and, in the last transport, deported to Jasenovac, where he died.¹⁰⁶

¹⁰³ N. Bartulin, *Honorary Aryans: National-Racial Identity and Protected Jews in the Independent State of Croatia*, (New York, 2013), pp. 61–87; Y. Radchenko, “‘The Poglavnik... Raises His Heroic Right Hand in Honor of Ukraine’: Ustaša-Melnkite Cooperation in the Genocide in the Independent State of Croatia, 1941–1945,” in *Yad Vashem Studies* 2 (49) (2021), pp. 95–97; *Die Verfolgung und Ermordung der europäischen Juden durch das nationalsozialistische Deutschland 1933–1945*, vol. 14, pp. 170–191.

¹⁰⁴ Schmidt cites the findings of Dragan Cvetković, according to whom between twenty-one thousand and twenty-three thousand Jews (74.6 per cent) were killed by the *Ustaše*, seventy-two hundred to seventy-seven hundred (25 per cent) by the Germans and 130 Jews (0.4 per cent) by Italians. As cited in *Die Verfolgung und Ermordung der europäischen Juden durch das nationalsozialistische Deutschland 1933–1945*, vol. 14, p. 195.

¹⁰⁵ I. Goldstein, S. Goldstein, *The Holocaust in Croatia* (Pittsburgh, 2016). The authors do not elaborate on this theme, nor do they refer to documents that could confirm this.

¹⁰⁶ “Ahmed Sadiq-Šaralop,” <https://collections.yadvashem.org/en/righteous/4017307>.

Brothers Vid and Anto Milošević were carpet traders in Sarajevo. After the authorities closed down Jewish shops, they offered their neighbour Leon Altarac a job. Soon their business became a hideout for many Jews despite warnings and threats of arrest. In November 1942, the Ustaša raided their shop and arrested both brothers and the people they were hiding. They were deported to Jasenovac. After spending 13 months in the camp, the Miloševices were released on 13 December 1943.¹⁰⁷

Albania

Albania, occupied from 1939 by Italy and from 1943 by Germany, was one of the countries with the highest percentage of Jewish survivors. Their rapid influx in 1939 led to the first laws against them, issued by the local Italian-controlled government, which concerned an immigration ban and announced the deportation of new arrivals. Subsequent orders eliminated representatives of Jews from economic, social and political engagement. However, those acts were not strictly enforced, so Jews felt relatively safe in Albania. The situation changed after the Wannsee Conference in January 1942. Under German pressure, the Italians rounded up 51 Jews in a camp in Pristina and in March 1942 handed them over to the Germans, who deported them to the Sajmište concentration camp in Serbia and murdered them. The others were placed in a camp in Berat, where they remained until the capitulation of Italy.¹⁰⁸

The occupation of Albania by the Third Reich in November 1943 complicated the situation of the resident Jews. In the northern and central parts of the country, there were about eight hundred (other sources say that about eighteen hundred to two thousand), mainly refugees from Yugoslavia, Bulgaria and other European countries.¹⁰⁹ The Germans introduced anti-Jewish legislation, but Jews did not need to wear markings. As late as November, they demanded that the collaborationist Albanian authorities compile a census of the Jews living in their country, but this demand was ignored. Nonetheless, in April 1944, members of the Albanian Muslim

¹⁰⁷ "Vid i Anto Milošević," in *Holocaust in Yugoslavia*, ed. N. Fogel (Kragujevac, 2013), n.p.

¹⁰⁸ P. Mojzes, *Balkan Genocides*, p. 94; B.J. Fischer, *Albania at War 1939–1945* (West Lafayette, IN, 1999), p. 187.

¹⁰⁹ T. Czekalski, "Bałkańska ziemia obiecana?," p. 537.

Nazi 21st Mountain SS Division “Skanderbeg” arrested 281 Jews¹¹⁰ from Pristina and deported them to the Bergen-Belsen concentration camp, where more than a half of them perished.¹¹¹

Most of the members of the national minority discussed went to the mountains, where Albanian peasants, according to the customary hospitality rules (known as *besa*), hid them until the end of the war or transported them to Adriatic ports, from where they could escape to Italy.¹¹² Almost two thousand people were rescued in this way, of whom, it is estimated, several hundred survived until the end of the war in hiding. According to the Albanian historian Apostol Kotani, during the German occupation Albanians were to risk their own lives to protect Jews from deportation.¹¹³ However, the scholar fails to inform on the basis of which sources he has formed such an opinion. Nor does he give an example of the Germans’ repressive actions.

The aid for the Jews in Albania is illustrated by the story of Eugen and Elsa Hochberg and their daughter Miriam and relative Adela. The family tried to make their way to Italy via Kosovo and Albania, using false documents with the name of Hadžić. They reached Prizren in Albania, where they rented a room in a house belonging to the Jovanović family. The eldest son of this family, Petar/Pero, assumed responsibility for the family in hiding. As a result of a denunciation which took place in early 1944, the Germans arrested the Hochbergs except for Miriam, who remained in the house with Petar. The next day, the latter was also arrested, as the occupiers suspected that he was hiding a Jewish girl. They tortured him, but the boy maintained that Miriam was Serbian, which was supposedly evidenced by her blue eyes. Eventually Petar was released from custody.¹¹⁴ It should be added that in Albania and Yugoslavia, Jews also joined partisan units.

¹¹⁰ The Albanian historian Sinani considers this figure to be inflated. He believed that only a few dozen people were arrested. After *ibid.*, p. 541.

¹¹¹ P. Mojzes, *Balkan Genocides*, pp. 94–95; *Die Verfolgung und Ermordung der europäischen Juden durch das nationalsozialistische Deutschland 1933–1945*, vol. 14, pp. 78–88; S. Shinani, *Albanians and Jews: The Protection and Salvation: A Monographic Study* (Tirana, 2014), pp. 231–248.

¹¹² N.H. Gershman, *Besa: Muslim Who Saved Jews in World War II* (Syracuse, NY, 2008); *Rescue in Albania: One Hundred Percent of Jews in Albania Rescued from Holocaust* (Cathedral City, CA, 1997), pp. 42–44; I. Nidam-Orvieto, I. Steinfeldt, *The Rescue of Jews in Albania through the Perspective of the Yad Vashem Files of the Righteous Among the Nations*, as cited in: <https://www.yadvashem.org/righteous/resources/rescue-of-jews-in-albania-through-yad-vashem-files.html>.

¹¹³ A. Kotani, *A History of Jews in Albania* (Lulu, 2012).

¹¹⁴ “Jovanović Pero,” <https://collections.yadvashem.org/en/righteous/4015481>, accessed 30 July 2024.

Greece

After the occupation of Greece by the Axis powers in April 1941, western Macedonia, eastern Thrace, western Crete and islands in the northern Aegean came under the German occupation. Western Thrace was incorporated into Bulgaria, while the central part of the country, eastern Crete, islands in the southern Aegean and in the Ionian Sea came under the Italian occupation.¹¹⁵ There were approximately seventy-two thousand Jews living in the entire Greece at the time. As many as fifty-five thousand of them, including a community of about forty-three thousand in Thessaloniki, found themselves in areas governed by the Germans.¹¹⁶

In the first phase of deportation, which lasted from 20 March to 19 August 1943, more than forty thousand Jews from Thessaloniki were deported to Auschwitz, where the vast majority of them were murdered. Also in March 1943, the extermination of Jews from the territories incorporated into Bulgaria began. More than four thousand people were deported, first to concentration camps in that country and then to Treblinka.¹¹⁷ In this situation, there was a massive flight of Jews to the relatively safe Italian zone, whose authorities tried to ignore the anti-Semitic orders of their allies. It was not until September 1943, after this zone had been occupied by the Third Reich, that the Germans between March and July 1944, deported over five thousand Jews from this zone to Auschwitz.¹¹⁸ Overall, more than 80 per cent of Jews lost their lives during the Second World War.

The remainder hid thanks to the help of Greeks, and around a thousand of them fought in partisan units linked to the local resistance movement, the National Liberation Movement. Greek administrative and ecclesiastical authorities protested against the deportation operations.¹¹⁹

¹¹⁵ For more information, see L. Poliakov, *Jews under the Italian Occupation* (New York, 1983).

¹¹⁶ *Die Verfolgung und Ermordung der europäischen Juden durch das nationalsozialistische Deutschland 1933–1945*, vol. 14, pp. 59–78.

¹¹⁷ N. Tzafleris, "Persecution and Rescue of the Jews of Volos During the Holocaust in Greece (1943–1944)," in *Hiding, Sheltering, and Borrowing Identities*, pp. 125–144.

¹¹⁸ *Die Verfolgung und Ermordung der europäischen Juden durch das nationalsozialistische Deutschland 1933–1945*, vol. 14, pp. 65–69.

¹¹⁹ Loukás Karrer (1909–1985), the mayor of the Zakynthos island, and Metropolitan Bishop Chrysostomos (1890–1958) prevented the deportation of 274 Jews. When the occupation authorities demanded a list of them, the bishop wrote only two names on it – his own and that of the mayor. Meanwhile, the Jews took refuge in the mountains, in the villages and in the homes of Christians. In this way, they survived on the island until the end of the occupation, i.e. October 1944. Metropolitan Demetrios Bishop Ioakim

In the literature in the field concerning the extermination of the Greek Jews, there are passages suggesting that helping them was fraught with risk. Indeed, on 3 October 1943, General Jürgen Stroop¹²⁰ issued in Athens a regulation concerning Jews. He imposed a curfew, ordered Jews to return to their permanent places of residence, etc. Under point 4, he decreed that those who disobeyed his orders would be executed, and that non-Jewish residents who hid or helped them in escaping would be sent to concentration camps or face harsher punishments.¹²¹ This regulation was binding also in other regions of Greece.¹²²

Michael Matsas, a Greek Holocaust survivor, in his book, which is not strictly academic, recalled a clergyman who lost his life helping Jews, Father Vasiliov, who helped Greek officers¹²³ get to the Middle East. He was denounced and executed with other civilians and ten officers.¹²⁴ Matsas also described the story of Father Irinaios Typaldos, who performed his ministry in the central Catholic Church in Athens while also working as a secretary at the Spanish embassy. Owing to this, he helped Jews by issuing them Spanish identity cards. In 1944, he was arrested, and was interrogated by the Gestapo, and then sent to prison for several weeks. He was released thanks to the intervention of the Spanish embassy.¹²⁵

Already two years earlier, the Jewish Telegraphic Agency, on 19 October 1942, had reported:

(Alexopoulos, 1873–1959) behaved similarly. In September 1943, he and the rabbi of the local Jewish community, Moshe Pesach (1869–1955), who had cooperated with the Greek resistance, refused to give the Germans a list of names of the thousand-strong community of Volos. With the help of the inhabitants of the town and neighbouring villages, the Metropolitan hid almost 700 people in the Pelion mountains.

¹²⁰ Following the suppressing of the Warsaw Ghetto Uprising and the liquidation of that district, Stroop was stationed in Greece from early September 1943, where he was involved in the takeover of areas previously occupied by Italians. He served as the Higher SS and Police Commander (HSSPF) in Athens. Among his tasks was the reorganisation of the police there. Stroop also carried out the deportation of several thousand Greek Jews to the Auschwitz II Birkenau death camp. He then served from November 1943 to March 1945 as the SS and Police Commander in Wiesbaden.

¹²¹ M. Matsas, *The Illusion of Safety: The Story of the Greek Jews During the Second World War* (Phoenix, 1997), p. 99.

¹²² Michael Matsas stated that in Agrinion, where he was living, this regulation was published in the local newspaper on 8 October 1943. Bogdan Musiał, on the other hand, states that on 4 November 1943 in Athens, the Germans were to announce that helping Jews in escape would be punished by death, as cited in B. Musiał, *Kto dopomoże Żydowi*, p. 214 (footnote 299).

¹²³ M. Matsas does not explicitly state that these were Jewish officers, but he nevertheless includes this case in the paragraph on aid given to this ethnic group.

¹²⁴ M. Matsas, *The Illusion of Safety*, p. 174.

¹²⁵ *Ibid.*; <https://collections.yadvashem.org/en/righteous/4042989>.

The Greek Information Office reported today that the Nazi occupation authorities in northern Greece had launched a campaign of persecution against Jews. Greek priests were being urged to tell their parishioners that Jews were an 'inferior race' and asked them not to help the victims of the Germans. Most of the clergy refused and called for all possible help. Many priests were arrested and their churches were closed and handed over to the military. One monk was executed for hiding Jews pursued by the Gestapo. A secret fundraising was organised in Athens to help victims of persecution. The Germans found out about this, arrested the leaders and threatened anyone offering such help with punishment.¹²⁶

The same source, on 2 May 1943, reported arrests among the Greek clergy:

As reported in the London press today, six hundred Greek priests were sent by the German occupation authorities to concentration camps for refusing to give anti-Jewish sermons as directed by the Nazis. Not only did the priests refuse to comply with the German order, but they also exhorted their congregations to give every possible assistance to the Jews in Greece. A delegation of the Jewish community in Alexandria, Egypt, visited the Greek Orthodox Patriarch in the city and thanked him for the stand against anti-Jewish measures taken by the Greek churches.

A few months later, on 26 November 1943, the same newspaper wrote:

The fate of Athens' fifteen thousand Jews depends on the outcome of the fierce battle being waged between the Greek population which is hiding Jews, and the German occupation authorities, who have ordered the arrest and deportation of every Jew in Greece, the Greek government-in-exile revealed today. In an eight thousand-word report describing the situation of Jews in Greece, the government gives an account of how the population rescued Jews from under the nose of the Gestapo and has so far successfully hidden them despite intensive searches by

¹²⁶ *Jewish Telegraphic Agency: Daily News Bulletin*, No. 241 of 19 October 1942, p. 3.

the Nazis. The report confirms that at least fifty thousand of Thessaloniki's sixty thousand Jews were deported and that western Thrace and eastern Macedonia, which the Bulgarians occupied, are now completely *judenrein*. The report reveals that a few weeks after the capitulation of Italy, members of a special commission set up by Alfred Rosenberg, the chief Nazi theorist of 'race,' to exterminate European Jewry arrived in Athens and demanded that Chief Rabbi Barzilai give them a list of all the Jews living in the Greek capital. Pleading that he needed at least three days to secure such a list, the chief rabbi took advantage of the delay to destroy all records relating to the Jewish community and then disappeared. The three-day delay also gave the Greek patriots time to take most of the Jews out of the city. Jewish families were dispersed and individual members were given shelter in the homes of non-Jews. Meanwhile, the patriots, assisted by Greek civil and religious officials, and the Greek police, some of whom were secret members of resistance groups, prepared false documents for the Jews. The Rosenberg Commission took immediate countermeasures. It issued a decree ordering the Jews to return to their homes and report to the police in their home districts on pain of the death penalty. They also warned the heads of (non-Jewish) families to report to the police the identity of any non-Jewish family member staying in their homes. Severe penalties were also stipulated for failure to report, in some cases including death. However, the German threats failed. Only three hundred families reported to the police. Greek families adopted hundreds of Jewish children, claiming them as their own, and entire Jewish families found refuge in homes in the countryside. The Greek government report commends Archbishop Chrysostomos and other clergy for helping the Jews and intervening with the Germans on their behalf. It indicates that the Jewish question had become a national issue and even the puppet prime minister was forced to protest against the Germans.¹²⁷

Countries Occupied by the Third Reich in Western Europe

In the summer of 1940, Western European countries found themselves under German occupation. The forms it took were derived from the Third Reich's policy objectives in the area. These included the maintenance of order, the smooth inte-

¹²⁷ *JTA*, 26 November 1943, No. 102, p. 2.

gration of local economies into Berlin's war effort, and cooperation with the local bureaucracy. Jews, integrated and assimilated into the local communities, made up a small proportion of the total population – ranging from 0.75 per cent in Belgium and France to 1.5 per cent in the Netherlands.

The Holocaust process began in these countries in the spring of 1942. Until then, unlike in the occupied Polish territories or Soviet territories occupied since June 1941, the policy of the Third Reich focused on imposing various restrictions on Jews, but they were not explicitly barred from contact with the rest of the population. Consequently, in the area in question, there were milder penalties for helping Jews. The highest sanction was deportation to a concentration camp (which could be fatal), but among the penalties there was also imprisonment, deprivation of a job or position, and a fine. Historians point to several reasons for this. Representing a relatively small percentage of the total population, Jews were not a challenge for the German genocidal measures in relation to the countries of Eastern Europe. After a series of regulations discriminating against and, to some extent, isolating Jews from local communities, Germans immediately set about deporting them to extermination camps located in occupied Polish lands. Another factor, determining the legal solutions regulating the general population's contacts with Jews, was its attitude towards Jews during the first years of the occupation.

France

At the end of 1939, France was home to approximately three hundred and fifty thousand Jews, with half being assimilated local citizens and the other half comprising of refugees and immigrants without French citizenship. After the defeat in June 1940, its northern part was occupied by the Third Reich, while the southern part – with Vichy, to which the government moved from Paris – remained unoccupied until November 1942.

As a result, the situation of Jews depended on which part of France they resided in.¹²⁸ The Germans consequently, by mid-1942, introduced anti-Jewish regulations in both zones, mostly not differing in content and purpose from those known in

¹²⁸ E. Benbassa, *The Jews of France: A History from Antiquity to the Present* (Princeton, NJ, 1999), p. 166.

other occupied countries. The mass extermination of Jews begun in March 1942. Up to July 1944 in extermination camps (mainly in KL Auschwitz) more than seventy thousand French Jews were murdered.¹²⁹

The historian Julian Jackson wrote that the behaviour of the French in the first two years of the occupation was characterised by indifference and aversion towards Jews and that the first occupier's regulations against them did not make a special impression on the general population. Only when the Germans made it compulsory for Jews to wear the Star of David, some French, in protest against the stigmatisation, pinned such stars or signs resembling them on their clothes, for which they were interned in a special camp.¹³⁰ Tal Bruttman added that:

However, whether French or German law was applied, the sanctions stipulated for breaking it fell exclusively on Jews, and all the regulations that appeared in France did not include the question of criminal responsibility for helping Jews. Only in one area do anti-Semitic regulations in France refer to and impose sanctions for helping Jews. This concerns the question of "economic Aryanisation." In November 1941, a few weeks after the introduction of the "Aryanisation" policy, two laws were promulgated one after the other stipulating criminal sanctions against violators of their provisions: from one to five years' imprisonment and a fine of between ten thousand and twenty thousand francs "for any person, even a non-Jew, who, on his own behalf or on behalf of another individual, would take action to violate the provisions of the above law."¹³¹

The amendment of this regulation was linked to the practice of formal and in fact fictitious seizure of property by "Aryan" associates of Jews. The same author concludes:

Apart from the legislation related to "Aryanisation," no anti-Semitic laws were targeted against non-Jews and no laws prohibited, for example, taking them

¹²⁹ R. Hilberg, *Zagłada Żydów europejskich*, pp. 753–820.

¹³⁰ J. Jackson, *France: The Dark Years 1940–1944* (Oxford, 2003).

¹³¹ T. Bruttman, "Polityka antyżydowska, 'ostateczne rozwiązanie' i pomoc udzielana Żydom we Francji Vichy w latach 1940–1945," *ZŻSM* 11 (2015), pp. 139–140.

under one's roof. By way of comparison, it should be reiterated that, from the summer of 1940, the German army informed in local orders that providing a soldier of an enemy army with lodging would be punishable by death. This law was, moreover, was extended to the entire occupied zone by a decree of 10 October 1940. Help given to Jews could be sanctioned under common law, not under specific anti-Semitic provisions. This applied, for example, to the provision of false documents or food supplies (e.g. the sale of goods to people without ration cards).¹³²

The empathy of the French increased in the summer of 1942, after the first brutal mass arrests of Jews in the south of the country.¹³³ Persons involved in helping them were also arrested at this time. Following a wave of deportations, the Catholic Church also became involved in helping members of the Jewish community. On 23 August 1942, the Archbishop of Toulouse, Cardinal Jules-Géraud Saliège, sent a pastoral letter to the parishes under his authority, protesting against the deportation of Jews. Other bishops followed his example. The letters were read out by priests in churches, which was seen by the Vichy government as a call to help Jews. The Church also joined in the operation of hiding Jewish children.¹³⁴ As a result, following the order of the head of the Vichy government Pierre Laval, several priests were arrested in the Lyon archdiocese, including the Jesuit Pierre Chaillet, the right hand of the local archbishop Pierre-Marie Gerlier. Chaillet, together with Abbot Alexandre Glasberg (a convert from Judaism), was active in the *Amitié chrétienne*, an organisation that helped Jews. Among others, its members provided them with housing, false documents, food ration cards and financial assistance. They also hid their children in Catholic families. The abovementioned Jesuit took part as well in rescuing 108 such children from the Venissieux camp near Lyon. In December 1942, he was accused of hiding 80 Jewish children, and the Vichy Interior Ministry ordered him to reveal the addresses of their hiding places. When the friar refused, he was locked up in a psychiatric hospital for two

¹³² *Ibid.*

¹³³ J. Jackson, *France*, p. 375; M. Marrus, R. Paxton, *Vichy France and the Jews* (New York, 1981), pp. 270–279.

¹³⁴ J. Jackson, *France*, p. 376.

months. In February 1943, the Gestapo raided the offices of the Amitié Chrétienne and arrested all its members, including Chaillet, who, while waiting to be interrogated, swallowed the documents incriminating his organisation. After a brutal beating, he was released and placed under house arrest. Undeterred, he continued to campaign in his underground newspaper for the cause of giving aid to Jews. Until the end of the war, he was persecuted by the Gestapo.¹³⁵

Representatives of various underground organisations, including Suzanne Spaak, an activist of the National Movement Against Racism (MNCR) and the communist Red Orchestra, took part in rescuing Jewish children facing deportation to German extermination camps. In early 1943, she was involved in rescuing 163 children who had been placed in Union Générale des Israélites de France (UGIF) centres.¹³⁶ She hid some of them in her own home, providing them with clothing and food coupons and arranging for their relocation to safe places in different parts of the country. Following the arrest of the Belgian Red Orchestra activists in the spring of 1942, and the exposure of the organisation's network in France, the Gestapo detained more than 600 people over the next 18 months, including Suzanne Spaak in Paris. Placed in Fresnes prison in October 1943, she was tortured and then, on 12 August 1944, about a fortnight before the liberation of Paris, murdered.¹³⁷

The inhabitants of the village of Le Chambon sur Lignon, an isolated village located on the hilltop of Vivarais, in the Auvergne department of south-central France, also took part in the relief effort. More than three thousand of them, led by Pastor André Trocmé, his wife Magda and his clerical assistant, Edouard Theis, supported almost five thousand Jews between December 1940 and September 1944. Locals gave them shelter in their own homes, hotels, schools and workplaces, new identity cards were made for them and they were guided across the border into Switzerland. In February 1943, for organising the hiding of Jewish children, the pastor, his assistant and Roger Darcissac were arrested by the French police for a month.¹³⁸

¹³⁵ *Ibid.*

¹³⁶ E. Benbassa, *The Jews of France*, p. 175.

¹³⁷ S. Spaak, as cited in <https://www.yadvashem.org/yv/en/exhibitions/righteous-women/spaak.asp>.

¹³⁸ S. Zuccotti, *The Holocaust, the French, and the Jews* (Lincoln, NE, 1999), p. 229; P. Henry, *We Only Know Men: The Rescue of Jews in France During the Holocaust* (Washington, 2014), pp. 6–43.

At the beginning of 1944, probably influenced by changes in the war situation, the Germans began to treat those providing aid to Jews more harshly. Bruttman stated on this period as follows:

In Grenoble, the Kommando used various methods to discourage such behaviour [i.e. helping Jews]. All those suspected of sheltering or protecting Jews were arrested, which the French police regularly communicated during the Grenoble operation. During the preparations for the roundup on 4 February 1944 in Paris, Heinz Röthke informed the French police that henceforth those 'sheltering Jews or giving false information to prevent their arrest' would be held 'personally accountable.' Neither sheltering Jews nor facilitating their escape probably resulted in punishments harsher than a few days' detention: people of Aryan origin were released after a longer or shorter stay at the Hotel Suisse et Bordeaux. It did happen that such persons were sent to prison or a camp, but this was due to the discovery of their other underground activity, unrelated to helping Jews.¹³⁹

The historian goes on to give the example of Paul Croux, who was arrested by the SS on 12 February 1944 "for hiding a Jew." He was deported to the Compiègne camp, then to the Mauthausen Concentration Camp, where he died on 25 August that year. "Although the reason for his arrest was helping a Jew," wrote Bruttman, "Croux was nevertheless sent to the camp for another reason – during the arrest of his lodger, the Germans found incriminating documents confirming his membership of the Résistance." In the last weeks of the summer of 1944, those who provided help to members of the Jewish community, and especially those who gave them shelter, were exposed to brutal repression. Bruttman used the example of Huguette Dubois, who was arrested in Lyon on 15 July 1944 along with her husband Raphaël Rosner, a Jew. Rosner was killed a few hours after his arrest, while his wife was detained and interrogated about "receiving Jews or prisoners of war." After being detained for weeks, Dubois was declared "*verjudet*" (Judaised) and was sent to the Ravensbrück concentration camp on 11 August 1944. Joséphine Chatre and her brother Claudius, on the other hand, were arrested in Lyon on

¹³⁹ T. Bruttman, "Polityka antyżydowska," p. 196.

28 June 1944 for hiding a Jewish couple. Both were sent to a concentration camp. Bruttman concludes: "In the summer of 1944, the situation in France, although due to the imminent liberation for a short time and in a decidedly milder form, evolved towards what was known from the East. And there was a high price to pay for helping the Jews."¹⁴⁰

According to Susan Zuccotti's findings, 75 per cent of over three hundred thousand Jews living in France in 1940, including thirty thousand in Paris, survived the war. Approximately one hundred and forty thousand to one hundred and fifty thousand were in hiding, either on their own or in an organised manner, throughout the country. Between twenty thousand and thirty thousand Jews were saved owing to the help of Jewish organisations, which placed them (mainly children) in non-Jewish homes. Nearly fifty thousand fled to Switzerland or Spain.¹⁴¹

Belgium

In this country, similar to France, the public largely remained indifferent to the anti-Semitic policies of the occupying power,¹⁴² although protests were held in several cities by the non-Jews against the Germans' moves. The local governments of several cities manifested their solidarity with Jews by slowing down or blocking their registration, which, as it later turned out, served as the basis of deportation operations. In June 1942, a conference of 19 mayors of the Brussels region took place, at which officials refused to promulgate the regulation of 4 June 1942 on the compulsory marking of Jews in their areas. Those opposed to the introduction of this compulsory marking were the Mayor of Brussels, Joseph Van De Meulebroeck, the municipal government of Liège, as well as the Archbishop of Mechelen, the Primate of Belgium Cardinal Joseph-Ernest van Roey.¹⁴³ The first printed protest against the deportations of Jews appeared in September 1942 in underground Catholic newspapers: *La Libre Belgique* and *De Vrijshutter*. The protests and the

¹⁴⁰ *Ibid.*

¹⁴¹ S. Zuccotti, *The Holocaust, the French, and the Jews*, p. 237.

¹⁴² D. Michman, "Historical Introduction," in *The Encyclopedia of the Righteous among the Nations: Belgium*, ed. I. Gutman, D. Michman, S. Bender, vol. D [4], (Yad Vashem, 2005), p. XXIII. Cf. also M. Van Den Wijngaert, "The Belgian Catholics and the Jews During the German occupation 1940–1944," in *Belgium and the Holocaust: Jews, Belgians, Germans*, ed. D. Michman (Jerusalem, 1998).

¹⁴³ M. Van Den Wijngaert, "The Belgian Catholics," p. 229.

slowing down of the registration of Jews made it easier for many of them to find refuge before the deportations to the extermination camps began, and the RSHA abandoned its plan to deport Jewish men over 65 and Jewish women over 60 to forced labour camps.¹⁴⁴

Aid activities intensified during the mass deportations of Jews to extermination camps. Hiding them, according to a decree issued by the Germans on 1 June 1942, was punishable by imprisonment and a fine.¹⁴⁵ By the end of the occupation, more than 40 per cent of the Jews were in hiding, and in June 1944, according to a Security Police and SD plenipotentiary, 80 per cent of them had false identity cards.¹⁴⁶ Israeli historian Dan Michman estimated that around twenty-five thousand found refuge with Belgian families.¹⁴⁷ It is difficult to estimate on the basis of the existent literature in the field how many Belgians were repressed due to non-compliance with the regulation of 1 June 1942.

The Netherlands

Compared to other Western European countries, legislation against Jews was introduced most quickly in the Netherlands (by November 1941) and was also most strictly enforced. In the following years, the area where Jews could reside was gradually restricted. Between January 1942 and April 1943, resettlements created a large concentration of Jews in eastern Amsterdam, after which, in April 1943, they were only allowed to live in Rotterdam and The Hague. From early July 1942 to October 1943, Dutch Jews were deported in waves to the extermination camps at Auschwitz and Sobibor. About one hundred and two thousand of them died there.¹⁴⁸

Hilberg noted that the success of the Germans' anti-Jewish policy in the Netherlands was largely due to the integration of Nazi ideology into the occupation regime from the outset. Unlike in Belgium and the occupied part of France, in the

¹⁴⁴ *Ibid.*, p. 231.

¹⁴⁵ B. Musiał, *Kto dopomoże Żydowi*, p. 210.

¹⁴⁶ M. Paldiel, "The Rescue of Jewish Children in Belgium During World War II," in *Belgium and the Holocaust*, ed. D. Michman (Jerusalem, 1998), p. 307.

¹⁴⁷ D. Michman, "Historical Introduction," p. XXVII.

¹⁴⁸ R. Hilberg, *Zagłada Żydów europejskich*, pp. 702–738; J. Presser, *Ashes in the Wind: The Destruction of Dutch Jewry* (Detroit, 1988).

Netherlands the Germans established their civilian administration, namely the SS and party-dominated Reichskommissariat, headed by the Austrian-born lawyer and Nazi Arthur Seyss-Inquart.

Representatives of the local social elite collaborated with German authorities. As Jozeph Michman wrote: “The anti-Jewish policy was an element of the multifaceted policy of collaboration with the occupier, from which the Dutch collaborationist government derived economic profit (among other things).”¹⁴⁹ The same author added that one element in the success of the Nazis’ operations was that, although Jews had been formally full citizens of the Netherlands for over 150 years, their status had never been respected in practice.¹⁵⁰ According to Michman, an equally important factor was the attitude of the victims themselves, who were not fully aware of the Germans’ true intentions and hence cooperated with them in the deportations. Also, the lowland topography of the country, devoid of high hills, made it difficult for the persecuted to hide, and the heavily guarded border made it impossible to escape across it.¹⁵¹

As a result, the percentage of Jewish survivors in this country was lower than in France or Belgium. On the other hand, it was in the Netherlands that the earliest public protests against the discrimination of Jews took place. Following the German order of 5 October 1940, which excluded Jews from the civil service, Leiden University professor Rudolph Pabus publicly opposed these measures, which resulted in his arrest. In February 1941, there was a series of Dutch protests against the activities of members of the local Nazi party in Amsterdam, which included the burning of synagogues. In response, the authorities arrested 400 Jews from that city and from Rotterdam, who were deported to the Buchenwald concentration camp. This, in turn, led to the first mass protest against anti-Jewish operations, which took place on 25 February 1941. On that day, a wave of strikes broke out in North Holland and Utrecht, and more than eighteen thousand workers in the arms industry stopped working. As a consequence, the Germans surrounded the

¹⁴⁹ J. Michman, “Historical Introduction,” in *The Encyclopedia of the Righteous Among the Nations. Rescuers of Jews During the Holocaust*, ed. I. Gutman, S. Bender, vol. 2, *The Netherlands*, ed. J. Michman, B.J. Flim (Yad Vashem, 2004), p. XIX.

¹⁵⁰ *Ibid.*

¹⁵¹ *Ibid.*, p. XXI; R. Hilberg, *Zagłada Żydów europejskich*, pp. 702–715.

predominantly Jewish district of Amsterdam, expelled all non-Jewish residents from it, and created a ghetto.¹⁵²

The outcome of these events was that Seyss-Inquart communicated publicly in his speech on 21 March 1941 that helping Jews would be punishable. He reportedly said, “We will attack Jews anywhere, and those who join them will face the same consequences.”¹⁵³ Thus, he threatened the Dutch that if they supported Jews, they would share their fate. In practice, according to Michman, no such cases occurred. Those who were arrested for helping Jews were sent to prisons or concentration camps in Germany. This was confirmed by the SS and Police Commander Hans Rauter in a letter to Heinrich Himmler in September 1942, in which he announced that anyone who assisted in hiding Jews, or even in crossing the border, would be sent to a concentration camp.¹⁵⁴

Support for Jews was the reason for the execution of the Protestant, pacifist, teacher Johan (Joop) Westerweel. In 1940, he and his wife Wilhelmina moved to Rotterdam, where he became the director of one of the Montessori schools. During the occupation, he became involved in helping Jews. From August 1943, together with a group of friends (called the Westerweel group), he helped young refugees from Germany and Austria who wanted to go to Palestine; among other things, he hid fifty pioneers from the Zionist organisation He-Chalutz. Realising that hiding these people was not enough to save them, the group began to look for ways to help them escape from the Netherlands. In December 1943, Joop led a number of youths to France. At the same time, his wife was arrested for trying to free one of the most active Zionist activists from prison. In March 1944, Westerweel and his colleague Bouke Koning were stopped at the Dutch-Belgian border with two Jewish women they were escorting. The teacher was imprisoned in a camp in Vught and executed on 11 August 1944.¹⁵⁵

¹⁵² R. Hilberg, *Zagłada Żydów europejskich*, p. 717, L. Baron, “The Dutchness of Dutch Rescuers: The National Dimension of Altruism,” in P. Oliner, S.P. Oliner, L. Baron, L. Blum, *Embracing the Other: Philosophical, Psychological, and Historical Perspectives on Altruism* (New York, 1992), p. 312. DOI: <https://doi.org/10.18574/nyu/9780814762622.003.0022>.

¹⁵³ J. Michman, “Historical introduction,” p. XVIII.

¹⁵⁴ *Ibid.*

¹⁵⁵ Joop Westerweel, as cited in https://www.yadvashem.org/yv/en/exhibitions/righteous-teachers/westerweel.asp?WT.mc_id=wiki. For more, see H. Schippers, *Westerweel Group: Non-Conformist Resistance Against Nazi Germany: A Joint Rescue Effort of Dutch Idealists and Dutch-German Zion-*

The period of mass deportations of Jews to the death camps was a testing time for conduct of the Dutch. In the summer of 1942, during the operation to organize the transports, the head of the Amsterdam Metropolitan Police wrote to Hans Rauter, noting that the Dutch who observed the police activities showed both sympathy and indignation. On 26 July 1942, in a letter to Seyss-Inquart, the local bishops openly condemned the deportations of Dutch workers and Jews. One of the authors of the letter, the Archbishop of Utrecht Johannes de Jong, who before the war had been regarded as a fervent opponent of Nazism, financed various relief efforts for Jews and urged other bishops to cooperate.¹⁵⁶ In the province of Limburg, among others, some 2,500 to 3,500 Jews were in hiding, thanks to the activity of the local Bishop Lammers. In addition, thanks to the help of the province's inhabitants and a good topographical location (many caves on the Belgian border), it was possible to smuggle about three thousand of them through Belgium and France to Spain and Switzerland. At that time, about twenty-eight thousand more remained in hiding.¹⁵⁷

In the Netherlands, helping Jews was punishable by imprisonment as well as by being sent to a camp. As a rule, convicts did not leave their own country, although there are known cases of them being taken to concentration camps in the Reich. It is worth quoting at this point the findings of Marnix Croes:

The surviving archives of the Security Police do not contain clear data on the number of Dutch people arrested for helping Jews in hiding, but they do provide some clues. A reinterpretation of the known statistics yields the following result: on 9 May 1943, 1,604 Dutchmen were in custody for helping Jews in hiding. This represented 30 per cent of all Dutch people held in "preventive detention" at the time, which is quite a substantial percentage (usually, if people who helped Jews were punished, they received short sentences of preventive detention, referred to as *Schutzhaft*. Only in the most severe cases were they sent to one

ists (Berlin–Boston, 2019); Y. Lindeman, "All or Nothing: The Rescue Mission of Joop Westerweel," in *Making a Difference: Rescue and Assistance During the Holocaust: Essays in Honor of Marion Pritchard*, ed. D. Scrase, W. Mieder, K. Quimby Johnson (Burlington, 2005), pp. 241–265.

¹⁵⁶ J. Michman, "Historical Introduction," pp. XVIII–XIX.

¹⁵⁷ *Ibid.*

of the concentration camps in Germany). Several months later, their number had risen to 1997, i.e. 20 per cent of the total number of inmates at that time.¹⁵⁸

This number probably included Casper ten Boom and his two daughters Cornelia (Corrie) and Elisabeth from Haarlem in North Holland – Calvinists with strongly anti-German views. At the end of 1942, the three of them joined the BeJe group, which took its name from the abbreviation Bartelijorisstraat, i.e. the street where the family lived. The members of this organisation found shelter for dozens of Jews, including many children. Corrie was in constant contact with those in hiding and provided them with food ration cards. The operation was financed by wealthier Jews and by ten Boom family themselves, who ran a jewellery shop. On 28 February 1944, the family was denounced. Those in hiding escaped in time, but the father and his daughters, as well as 30 other associates, were detained. Casper ten Boom, who was 84 years old at the time, died after ten days in German prison Oranjestad in Scheveningen, South Holland. His daughters were interned in the same place for the first three months, after which they were taken to the concentration camp in Vught and then to Ravensbrück. In December 1944, Betsie died. Corrie was released two weeks later and returned to Haarlem. The Jews protected by this family remained in hiding until the end of the war.¹⁵⁹

In June 1943, Henriëtte (Hetty) Voûte was arrested. She was an activist of the Utrecht Children's Committee (*Utrechts Kindercomité*), engaged, among others, in protecting Jewish children against the Holocaust. Her main task was to obtain food ration cards for them and to take them to places of hiding. Along with her, the Germans arrested Gisela Wieberdink (Söhnlein), who from the Autumn of 1942 was one of the most important underground activists and liaisons between the aforementioned committee and the Amsterdam Student Group (Amsterdamse Studentengroep, ASG)¹⁶⁰ and was involved mainly in smuggling Jewish children

¹⁵⁸ M. Croes, "Zagłada Żydów w Holandii a odsetek ocalałych," *ZZSM* 4 (2008), p. 238; J. Michman, "Historical Introduction," p. XXVII.

¹⁵⁹ <https://www.yadvashem.org/righteous/stories/voute-wieberdink-soehnlein.html>.

¹⁶⁰ In July 1942, a group of students from the University of Amsterdam came into contact with the Utrechts Kindercomité (UKC), which was in charge of finding shelter in their city for Jewish children from Amsterdam. Thus, on the initiative of Piet Meerburg and Jur Haak, the Amsterdam Student Group (Amsterdamse Studentengroep, ASG) was founded, whose activities focused, among other things, on

to hideouts in the south of Holland. Both were sent to KL Vught, and then to KL Ravensbrück.¹⁶¹

Persecutions affected also Tineke Wiwbaut (Guilonard). Following in the footsteps of her father (d. in 1939), who refused to do business with the Germans after Kristallnacht, she became active in the resistance movement. When her Jewish classmates had to leave high school in Amsterdam in 1941, she and her classmates arranged hiding places, food ration cards and false identity cards for them. Shortly afterwards, she joined the armed underground under the pseudonym Thea Beerens. After she was compromised, she was arrested on September 17, 1943, for her underground activities and for helping the Jewish Moritz family. She was sent to KL Vught and later to various concentration camps in Germany.¹⁶²

Another story is also worth quoting. Johannes Bogaard, a farmer from the village of Nieuw Vennepe, was brought up in a Calvinist family where the contents of the Bible were treated with great respect and the Jews were regarded as the “chosen people.” His religious convictions led him to a decision to help them during the occupation. He not only hid Jews on the family farm, but also went to Amsterdam to bring them safely to his home. In addition, he provided them with false documents, funds and food. He was assisted in this by his close family.

At the end of 1942, the Germans raided his farm and caught 11 Jews in hiding. They deported them to a camp and also arrested Johannes’ father. This was a warning to them to stop helping Jews. Nevertheless, the family continued their activities. On 6 October 1943, the Germans came to the Bogaard farm again in the course of an investigation into the murder of a Danish SS-Man allegedly committed by one of those in hiding. At that time, 34 Jews were caught and deported. The family managed to hide others away – in haystacks, a rain canal and farm buildings. Bogaard’s father, brother and sister were arrested and sent to German concentration camps. After these experiences, Johannes decided to

rescuing the youngest children. The organisation was supported by Dr Fiedeldij Dop, a well-known doctor-pediatrician in the Netherlands at the time, who urged the parents of his Jewish patients to place them under its care. Thanks to this, 70 children were successfully hidden outside the city at the end of August 1942. By the end of the war, the ASG, through the contacts it made, had found shelter for 350 children, while the UKC had rescued around 400.

¹⁶¹ <https://www.yadvashem.org/righteous/stories/voute-wieberdink-soehnelein.html>.

¹⁶² <https://www.yadvashem.org/righteous/stories/voute-wieberdink-soehnelein.html>.

seek a safer refuge for people in his care. In and around his farm – in the homes of family members and neighbours – around 300 people were in hiding between 1941 and 1943. In 1963, he was awarded the title of The Righteous Among the Nations.¹⁶³

It is estimated that in the Netherlands, during the German occupation, twenty-four thousand to twenty-five thousand Jews stayed in hiding with the help of organised and individual efforts. Out of this figure, twelve thousand to seventeen thousand survived, including four thousand children. At least twelve thousand Jews were captured by the occupying forces and their collaborators.¹⁶⁴

Conclusion

World War II saw the segregation of Jews, their exclusion from economic and social life, and ultimately their physical extermination, take diverse forms across countries that were either occupied by or allied with the Third Reich. In an article published in 1960, Tatiana Berenstein and Adam Rutkowski pointed out several factors that influenced this:

The challenge of rescue efforts clearly varied across these countries. It depended largely on the intensity of the occupier's terror against the population in a given country and on the attitude of the population, on the degree to which it was infected with the venom of anti-Semitism. The repressions used by the occupying forces for helping Jews also played a major role. In the occupied countries in the West and in the satellite countries (later, in fact, also occupied), we do not encounter an official warning by the authorities that there was a death penalty for helping Jews. There is also a deafening silence in the documents (concerning France, Belgium, the Netherlands, etc.) about the execution of death sentences on Frenchmen, Belgians, Danes, etc., arrested for hiding persecuted Jews. The situation is different in Poland and in the occupied Soviet territories.¹⁶⁵

¹⁶³ M. Gilbert, *The Righteous: The Unsung Heroes of The Holocaust* (New York, 2003).

¹⁶⁴ B. Moore, *Victims and Survivors: The Nazi Persecution of the Jews in the Netherlands, 1940–1945* (London – New York, 1997), p. 147.

¹⁶⁵ T. Berenstein, A. Rutkowski, "O ratownictwie," p. 16.

The intensification of the aforementioned process depended on the size of the Jewish community in a given country; the nature of the occupation; the course of the installation of the German authorities; and their approach to the local population. The outcome of this policy was the introduction of legislation regulating or penalising contacts between Jews and the rest of the population. As indicated in this study, these laws were introduced in various countries at various times under the German occupation and the severity of punishments was not uniform.

The analysis presented above makes it possible to catalogue the forms of repression used against citizens of occupied countries for helping Jews.¹⁶⁶ These were:

- (1) criminal, civil and administrative sanctions, imposed in the course of the proceedings by the judicial authorities
- (2) deprivation, damage or destruction of property
- (3) physical abuse (beatings, torture, other forms of coercing testimonies), and psychological abuse (e.g. threats against the suspect or his relatives)
- (4) restriction and/or deprivation of liberty (including arrest, imprisonment in varying terms)
- (5) deportation to a labour and/or concentration camp
- (6) loss of life.¹⁶⁷

These sanctions could be applied individually or in combination, in any arrangement. Occasionally, the lighter sanctions were used as a warning and deterrent to those providing further support to Jews.

The severity of the punishments for undertaking aid activities (or being aware of such) and their enforcement was not standardised and depended on the coun-

¹⁶⁶ In this article, we use the definition developed for the research project "Register of facts of repression against Polish citizens for helping the Jews during the Second World War." According to this definition, repression is defined as the activities of the Third Reich military and civilian authorities, above all the courts and the public prosecutor's office, the police authorities and the security services with the complicity of the Nazi party and its affiliated and collaborating organisations, against people who, to some extent, violated the rules of interaction with the Jews regulated by the German occupation law. We also refer to some findings presented in: M. Grądzka-Rejak, A. Namysło, "Prawodawstwo niemieckie wobec Polaków i Żydów na terenie Generalnego Gubernatorstwa oraz ziem wcielonych do III Rzeszy. Analiza porównawcza," in *Stan badań nad pomocą Żydom; eadem*, "Relacje polsko-żydowskie," pp. 7–63.

¹⁶⁷ *Represje za pomoc Żydom*, p. 72.

try. One important reason for these differences was Nazi ideology and the related policy of treating local communities as more or less related to the Germanic race. Another factor was the degree of involvement of the authorities and societies of the occupied countries in the Holocaust. An important element was the timing and stage of the implementation of the “final solution” in the different territories.

In general, the toughest laws were applied in Eastern Europe. In the General Government, in the Reichskommissariat Ukraine, Reichskommissariat Ostland (Volhynia, Polessia, Navahrudak region, eastern Białystok region, Vilnius region), in Serbia, and in several other regions, the highest level of punishment was introduced and enforced. This was due to several reasons. The eastern part of the continent had the highest number of Jews and was, therefore, the most susceptible to acts of solidarity from other population groups. The Holocaust in this area had many phases and began simultaneously with the German occupation. Moreover, Eastern Europeans knew from their own experience what violence, terror and genocide were, and were often conscious witnesses of at least some stages of the Holocaust.

In Western Europe, the death penalty was not introduced and the most severe sanction for helping Jews was deportation to a concentration camp. In this part of Europe, the process of the Holocaust unfolded through a series of brief successive deportation waves. In the mentality of non-Jewish, local societies, unaffected by terror and repression to a degree comparable to Eastern Europe, extermination often remained beyond people’s perception, including the conjectures of the Jewish victims themselves. Nevertheless, being acquainted with the punishment system for providing various forms of aid to Jews in occupied Europe requires continued in-depth source research. Although contemporary historiography recognises the importance of this issue in the context of particular European countries (and thus not only Polish territories), it remains difficult to find specific, documented examples of the activities discussed in this article, as well as specific data or even estimates.

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SUMMARY

Help given to the Jews in various European countries occupied by the Third Reich has been a subject of interest to historians and researchers in other academic fields for many years now. This particularly concerns the local researchers. An analysis of the studies shows that most of them deal with the attitudes of local non-Jewish societies towards the Holocaust and highlight mainly praiseworthy attitudes and their heroes, whose deeds were sometimes inscribed in the historical context and the reality of the occupation of the specific country. An issue that remains on the periphery of this research is the subject of criminal and civil liability for helping Jews introduced by the Nazi authorities or governments collaborating with the Third Reich. This article aims to put together and present the current state of knowledge on the consequences faced by citizens for providing various types of aid to the Jews in selected countries in Western Europe and the Balkan Peninsula, where the problem was most prominent and thus has been most thoroughly studied by historians. The cases analysed are: Serbia, the Independent State of Croatia, Albania, Greece, France (the occupied zone and the Vichy State), Belgium and the Netherlands. An important part of the article is also taken up by a discussion of the legal grounds for repression for aid in the General Government.

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KEYWORDS

Holocaust • General Government • Third Reich • helping Jews • persecution for helping Jews • occupied Europe • penalties • punishments • death penalty • sentences • Special Courts