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## A GLOSS TO THE REVIEW BY KONRAD GRACZYK

For the author of a book, reading a review prepared for publication is always a distinctive experience. I extend my sincere gratitude to Konrad Graczyk for reading my book on German crimes against Poles from the Ciepielów region who rescued Jews, and for composing a thoughtful, critical review. I deeply appreciate his positive remarks and, with humility, accept the observations he has made regarding errors in this work.

Yet there is a particular critique in the review that I feel compelled to address. Its author writes:

The reviewed work would benefit from providing historical context on the distinction between judicial and extrajudicial forms of repression that developed in response to offences such as leaving the ghetto or sheltering Jews. This distinction is not currently evident to the reader. Initially, punitive measures were carried out through judicial channels, but these did not disappear when extrajudicial methods emerged. The latter, lacking formal legal procedures, proved more

expedient for the German occupiers, aligning more closely with their objectives and facilitating a higher number of executions.

And a few pages later:

The implementation of extrajudicial repression had tragic consequences for many human lives. The executions carried out by the German military police were conducted without any legal procedures, regardless of the German criminal law introduced at the beginning of the occupation. If the provisions of the General Governorate legislation had been applied to the Ulma and Siniarski families, as well as to many other families mentioned in Sebastian Piątkowski's book, adults (for example, Józef and Wiktoria Ulma, Stanisław and Marianna Siniarski) would have been brought before the Special Courts for knowingly sheltering Jews. Under no circumstances would this apply to children, however, as their age did not allow them to be held criminally liable under the provisions of the German Criminal Code, which was applied in the General Governorate by authorities subordinate to the Main Department of Justice in the General Governorate.

Please forgive me, but I find it difficult to imagine informing the readers of my book that, although the military police officers from the stations in Ciepeliów and Lipsko were pathological murderers, only a few dozen kilometres away in Radom there was a "just" German court that would have considered the cases of the Kowalski, Obuchiewicz, Kosior, and Skoczylas families if they had been brought before it. Furthermore, even if that court had sentenced members of these families to death, they could have appealed – through a lawyer – to Governor-General Hans Frank for clemency, which might have been granted to at least some of them. Admittedly, this would not have necessarily meant regaining their freedom, but it would have saved the lives of these "criminals" threatening the "security of the Reich."

Both the reviewer and I inevitably view the past with a certain subjectivity, as reflected in our studies. In my view, the German police and judicial system pursued common criminal goals focused on mass extermination, some of which were masked by the pretence of "justice." There is a simple example that illustrates this: in the summer of 1942, when the Germans were preparing to move Aktion

“Reinhardt” to the left bank of the Vistula River, there were at least several dozen Jews in Radom prison. Most of them came from small towns and had been arrested for illegally leaving the ghettos or for failing to wear armbands with the Star of David. They might have considered themselves fortunate, as they did not die immediately in the fields or on country roads, shot by military police. Although each of them was awaiting a “trial,” on the night when the liquidation of the so-called large ghetto in Radom began, German guards led them out of the building and added them to the column escorted to the railway station, where a train was already waiting to depart for the Treblinka extermination camp. No one cared about their legal status – it had already been decided that they had no chance of survival.

I understand the reviewer’s belief that the underage residents of Ciepielów Stary, Rekówka, and other places I describe would not have been brought before a court. Yet does this mean they would not have been victims of repression that could lead to death? One case from Radom illustrates the point: the Germans held a teenager in the local prison for several months, only to execute him once he reached the age of majority. Everything was therefore carried out “with the full sanction of the law.” The youngest prisoners deported from Radom in January 1943 to the Majdanek concentration camp were 14 years old. Some of the children from Ciepielów and the surrounding area might therefore have had a “chance” of being included in this transport. As for the younger children, what became of them? Perhaps they would have been sent to the camp in Łódź, where the Germans held children as young as six.

One of Ernst Fraenkel’s theses, also cited by the reviewer, holds that to build an effective totalitarian state, one should not pay heed to existing legal norms but rather be guided by the state authority’s current prerogatives. One area where this belief was put into practice was the General Governorate. As Marek Mączyński – referenced in one of the footnotes – observed in his book, the German police did whatever they wanted here, unchecked by the judicial apparatus. We should not forget this.