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*The Legal Status of Poles under German Occupation (1939–1945). Some Remarks on the Need for Research**

Abstract

The article describes the legal status of Poles residing within the territories occupied by Nazi Germany or areas incorporated into the Third Reich during the Second World War. The author points to the examples of the limitations placed on Poles in access to goods and services, including transport, healthcare, and cultural institutions. Furthermore, he reminds us of the orders and prohibitions derived from civil, administrative, and labour laws which were imposed on Poles. The author emphasises some significant differences between the Nazi occupation in Poland and in other European countries. As a result, he advocates the conduct of new research on the issue of the real situation of Poles in various occupied regions administered by the authorities of the Third Reich.

Key words: occupation of Poland by Nazi Germany, German occupational laws, legal status of Poles under German occupation and in the Third Reich.

Słowa kluczowe: okupacja hitlerowska, niemieckie prawo okupacyjne, pozycja prawna Polaka na terytorium okupowanym i w III Rzeszy.

The German occupation of Poland was radically different, from its early days, from the German rule in other occupied European countries, like in Bohemia, in France, the Netherlands, Norway, or Denmark. So far those differences, especially in the legal dimension, have not been sufficiently researched, least of all from a comparative perspective. Leaving aside some questions connected with this problem, I would like to focus on the status of the “ordinary Pole” who had to live under Nazi German rule during World

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War II. In general, Poland was divided in three zones of occupation: the western parts that were incorporated into the German Reich, the central area run as a separate administrative unit under the name Generalgouvernement [commonly abbreviated to GG], and the territories east of the River Bug, taken over from the Soviet Union in 1941, that were organized in administrative units (*Reichskommissariate*) with a legal status of their own.

It is well known that the crimes of genocide and the countless war crimes committed by the apparatus of the Nazi state were usually organized and executed outside the normal legal process, without the relevant normative measures being made public, and often even without written orders. The suspension or marginalization of traditional legal procedures was justified by the adoption of a new principle of legitimacy: the will of the Führer (*das Führerprinzip*), which, regardless of its formal expression, was credited with the supreme legal authority, and legitimized all policies and decisions that worked towards its realization.¹ Although the situation of the population of the occupied territories was determined primarily by the extralegal forms of German occupation, culminating in genocide and war crimes, the picture would not be complete without considering the legal position of the ordinary person who had to live under the formally enacted regulations of the occupation regime. This, mostly neglected, aspect of the German occupation during World War II deserves to be put in the focus of research and comparative analysis. This article tries to pave the way for this kind of study by looking at the situation of ordinary Poles facing just the laws and regulations of the occupation regime, and ignoring, for the sake of the narrowed focus, the arbitrary terror and violence. However, the question about the regulations imposed on the Polish population by the institutions of the Nazi state is by no means easy to answer. Third Reich was not a state of law, but, to use Franciszek Ryszka's apt formula it was "a state-of-emergency state".² In the Third Reich the fundamental questions about the hierarchy of legal norms, the problem of accessibility of new normative acts to the general public as well as many other problems of legislative procedure and enforcement were hardly discussed as the country was ruled with the methods of a totalitarian regime which made few concessions to formal rules. As a consequence it was not uncommon for the decision processes within the structures of the Third Reich during the war to become entangled in contradictions, disputes over competences and all kinds of ambiguities. These were usually resolved not by recourse to a system of legal norms, but by clearing the way for the institution with more weight and influence in the Nazi system of government. Its capstone was the will of the Führer, which, in the Third Reich's legal theory, represented the *auctoritas* of the highest law

¹ Let's note that although no written evidence of Hitler ordering the total extermination of the Jews has ever been found, the subsequent stages of the exclusion of the Jewish population from the rest of society (the process was begun in Germany before the war) were enforced as well through a raft of officially published legislation. Cf. F. Celnikier, *Żyd, czyli kto? Pojęcie Żyda w doktrynie i hitlerowskich poczynaniach prawodawczych. Studium absurdu i mistyfikacji* [The Jew, That Means Who? The Concept of the Jew in the Nazi Doctrine and Legislation: A Study of the Absurd and Mystification], Warszawa 2014 (with an Introduction by F. Ryszka and an Afterword written by the author of this article).

² Cf. F. Ryszka, *Państwo stanu wyjątkowego. Rzecz o systemie państwa i prawa Trzeciej Rzeszy* [The State-of-Emergency State: A Study of the State and the Law of the Third Reich], 1st ed., Wrocław-Warszawa-Kraków 1964; and my review article, *Państwo stanu wyjątkowego* [The State-of-Emergency State] [in:] S. Salmonowicz, *O rzemiośle recenzenta. Studia z warsztatu historyka* [The Reviewer's Craft: Studies from the Historian's Workshop], Warszawa 1999, p. 95–108.

itself, bound by no rules. That being said, the Nazis did care about certain rules, ranging from rationing to all kinds of decisions that purported to implement general policy lines, even if the decision-making institution (representing the administration, the party or the police) did not have the necessary formal competence to act in the way it did. In all, it would be wrong to assume that the diverse legislative activity was – as in the totalitarian Soviet state – insignificant.³ It should also be noted that whereas the thought of defeat was probably very far from the minds of the authors of those regulations, the edifice of new positive law that they built did offer some cover for those who were brought to account after the lost war. War criminals in the dock routinely defended themselves by claiming that they had acted strictly within the law or had merely followed superior orders. As the numerous acquittals handed down by post-war West German tribunals seem to indicate this plea was by no means ineffective.

If we go back to the German invasion of Poland in September 1939, the first thing that has to be said about it is that, from the point of international law, it was an act of aggression, i.e. a war in violation of international treaties and agreements. However, in the situation created by his unlawful act the aggressor is still obliged under international law to exercise his authority in accordance with the provisions of Hague convention which determine the scope of his competences and responsibilities. On legal grounds it is as indisputable as is the statement that all post-1939 German legal acts sanctioning the annexation of the territory of the Republic of Poland by the German Reich and bringing it under the sway of German law were null and void in international law. Having made that point clear, this discussion moves on to its chief concern which is the study of the legal status of Poles, citizens of the Republic of Poland, in the occupied territories, i.e. those whom the German authorities recognized as Poles or assigned into one of the classes of people with a hybrid Polish and German identity (those in the lower grades, whose German affiliations were often paltry at best, used to be given the condescending or derogatory sounding name *Wasserpolen*).⁴ My aim is not to expatiate on the unlawfulness of one or more policies of the Germans, but to explore – in as many regional variants as possible – what may be called the *official* view of the Poles who were expected to obey all the normative acts, orders and directives issued by the German authorities in all spheres of law, criminal, civil, administrative, labour, etc.

With this starting point the main problem lies in distinguishing between those rules which were part of a legal regime introduced in a given territory for its Polish population – noting whether they were adopted in a formal way – and various one-off measures or

³ Cf. the multivolume source editions like *Hitlergesetze*, Hrsg. R. Beyer, 7th ed., Leipzig 1939; or Rafał Lemkin's collection of regulations published in various gazettes and bills by the German authorities in the zones of their occupation, cf. R. Lemkin, *Rządy państw Osi w okupowanej Europie* [Axis Rule in Occupied Europe], Warszawa 2013. The latter compilation, originally published in English in 1944, understandably covers only part of ground. Unfortunately, until now no comprehensive collection of German printed sources in this category has been published.

⁴ This label was used to refer to broad spectrum of persons, from ethnic Germans *sensu stricto* (*Volksdeutsche*) to “half-“ or “quarter-Germans”. The latter were often recruited under direct pressure, or by other means, although most of them had only little or no connections with Germany. The indigenous residents of the territories incorporated into the German Reich – Śląsk (Silesia), Pomorze (Danzig-Westpreussen), Wielkopolska (renamed Wartheland), – were entered into the higher grades of the *Volksliste*, which gave them a status (with rights, but also obligations) similar to that of German citizens (*Reichsdeutsche*).

practices that even in the light of the official legal order would be unlawful and unjustified by any formally valid rule. All of them were of course unlawful and invalid, but, suppose we do make a distinction and try to find out what were the obligations of a Pole, citizen of the Republic of Poland, who decided to accept the new rules of the game in order to carry on with his life, even if forced into rather narrow bounds. How secure was his position, how safe was from the penalties and reprisals of the occupation regime? Was it similar to the situation of the citizens of other occupied countries in Western and Northern Europe? These are the leading questions that need to be researched in depth in order to compile a comparative study of this aspect of the burden of the Nazi occupation across Europe. For this approach, let's make one more point clear, it is not important to establish whether a given institution exceeded its statutory powers, e.g. whether a particular regulation of the regional Chief of Police and the SS complied with his formal competences or the some general decree issued in Berlin⁵, but rather to find out what it meant (as part of the German system of law formally in force) for the situation of the Poles in various zones of occupation.

The importance of researching this aspect of the German occupation is hard to overestimate. So far it has been given some, though rather slight, attention in Polish historiography, and even less, if any, in the standard European histories of the Second World War. In effect, only few people outside Poland know that the occupation regime in Poland was **radically** different from that in France, Holland, Bohemia, Denmark or Norway. Overlooking these differences in, for example, Holocaust studies – out of ignorance or some ulterior motive – leads to serious distortions when comparisons are made. The attitude of each society to the Holocaust was a complex affair, influenced by various factors. Very important among them were the type of policy adopted by those in charge of a particular zone of occupation, the scale of terror, and the scale of political collaboration with the German authorities. The severity of the occupation regime as well as the level of effective control it was able to achieve determined to a large extent the fate of the Jews in a given territory; however, in actual fact, their relative chances of survival often depended on a conjunction of several factors (including the time factor, i.e. the length of the occupation of a given area).

As the German authorities preferred to act in ways which deliberately skirted all formal procedures, it is extraordinarily difficult to identify those situations when some regulations affecting the Poles (or a sizable part of the Polish population) and obliging them to act or to do something subject to sanctions were actually issued. In a state which upholds the rule of law you can expect as a matter of course that the laws are not only non-contradictory and hierarchically ordered but also have to be made public in a way appropriate to their target and scope. It is a fundamental principle of any jurisdiction that the citizen (subject) is obliged to respect those regulations that have been published in the proper form and have come into force since a given forward date, i.e. that they cannot be used to penalize an act that had taken place prior to their enactment. However, as we

⁵ Competence wrangling between various institutions was quite common. For example, there was a chronic strife between the central institutions of the Reich (especially the Ministry of the Interior) and Arthur Greiser, the Governor of Warthegau, who kept issuing his own regulations concerning matters already dealt with by the Reich legislation; his measures aimed at the Poles were invariably far harsher and more repressive.

all know the apparatus of the Third Reich produced many regulations that violated the maxim *lex retro non agit*; moreover, the authorities (especially the security services) and the courts often worked in accordance with directives that were confidential and were to remain so.⁶ We also know that even prior to the outbreak of World War II in Germany itself the authorities made decisions (which affected German citizens) that drew directly or indirectly on the will of the Führer and the implementation of those decisions did not depend at all on their being published. As such practices had already been admitted into the legal doctrine and the administrative routine of the German Reich before 1939, they could well expand and dominate the “legislative process” for the occupied Polish territories.

There every branch of the German apparatus of power, if it believed it had the competence to issue orders for the Polish population (also at the level of regions, towns, etc.), created laws and regulations that made up and were part of the law of occupation for the Poles. The publication of such decisions was not indispensable, and therefore not important, as the authorities could rely on enforcing regulations taken behind closed doors through the use of various punitive measures. In general, however, local authorities did make their decisions public in one way or another.⁷ Announcements for the general public were published in the regional gazettes, or Polish-language newspapers (that was at least the rule in the GG). Various *Bekanntmachungen* were also sent round to local branches of the administration or printed as bills to be posted in public places and municipal offices. Regulations that dealt with police work were usually not made public, although, of course, that did not prevent them from being implemented.⁸ Even

⁶ For a general view of the legislative process in the Third Reich cf. K. Kroeschell, *Rechtsgeschichte Deutschlands im 20. Jahrhundert*, Göttingen 1992, p. 77: “Immer häufiger enthielten die Gesetze Ermächtigungen zum Erlass von Durchführungsbestimmungen, die nicht selten vom geltenden Recht abweichen durften. Da solche Verordnungen oftmals nicht in den amtlichen Organen, sondern *anderswo veröffentlicht wurden* [emphasis in the original], war oft zweifelhaft, ob das im Reichsgesetzblatt publizierte Recht überhaupt noch in Geltung stand”. This is what Kroeschell says about the efforts of Wilhelm Frick, Reich Minister of the Interior, to get things under control: “Versuche des Reichsinnenministers Frick, in diesen Wirrwarr 1937 durch ein Gesetz über die Reichsgesetzgebung wieder Ordnung zu bringen, blieben *ergebnislos* [my emphasis]”. Consequently, it does not make much sense to try to establish whether a given law (regulation) issued by the occupation authorities during the war was formally correct; what matters is whether it was treated as valid and implemented accordingly.

⁷ For example, *Verordnungsblatt des Militärbefehlshabers Danzig-Westpreussen*. The official law journals in the regions infrequently changed their names during the war. The gazette for Wartheland (Wielkopolska) started originally as *Verordnungsblatt des Reichsstatthalters im Reichsgau Wartheland* (its contents were partly in Polish).

⁸ For a general survey of the GG media that carried the official decrees and announcements cf. A. Wrzyszczyk, *Okupacyjne sądownictwo niemieckie w Generalnym Gubernatorstwie 1939–1945. Organizacja i funkcjonowanie* [The German Occupation Justice System in the Generalgouvernement, 1939–1945: Its Structure and Functioning], Lublin 2008, p. 357–362. In the GG, in addition to the official law journal, which kept changing its name (later a separate edition in three languages was published for Distrikt Galizien), there was also the bilingual *Amtlicher Anzeiger für das Generalgouvernement / Dziennik Urzędowy dla Generalnego Gubernatorstwa*. The greatest number of laws and regulations were issued in the years 1939–1941. These included a spate of punctilious regulations concerning the Jews (it was prior to mass extermination) and, separately, Polish citizens of Jewish descent. Apart from running these specialized periodicals, the German authorities also published collections of GG legislative acts in book form, e.g. the 1940 *Prawo Generalnego Gubernatorstwa. Rozporządzenia Generalnego Gubernatora* [The Law of the Generalgouvernement: Decrees of the General-Governor]. The legal basis of all subsequent GG legislation was the Führer’s Decree

if the picture that emerges from this brief survey is one of great confusion, it begs the question whether it is possible to distinguish between one-off decisions, taken in what may be called extra-legal emergency mode, from those measures that had the appearance of valid legislation. In my opinion the only distinction that could realistically be made with regard to the legal acts of the German authorities in occupied Poland is the following. Individual acts, usually unequivocally criminal (such as seizure or requisition of property, or deportations that could not be justified by any general rule), undertaken by the German authorities on their own initiative, *ad hoc*, not covered by provisions of a general rule, must qualify as crimes or grievous breaches of administrative justice. What also characterized them was their limited duration (connected with a specific situation) and their limited scope (their target was a relatively small group of people); i.e. they lacked the permanence and general applicability of general norms. Quasi-arbitrary acts of this kind, rogue by any standard of legality (even if condoned in some extreme situations by the defence of necessity), are excluded from this analysis of the normative order which determined the legal status of a Pole in any of the German zones of occupation during World War II.⁹ While staking out this line of division I do not for a moment forget that from the early hours of 1 September 1939 until the last days of German occupation individuals and institutions, ethnic Germans who held Polish citizenship (and became implicated in the crimes of the Selbstschutz), soldiers of the Wehrmacht, members of

of 12 October 1939 on the Administration of the Occupied Polish Territories. It empowered the Council of Ministers for the Defense of the Reich, the Reich Plenipotentiary for the Four-Year Plan and the General-Governor to make law by decree. As it turned out, it was the last of the them, Hans Frank, that became by far the most prolific legislator for the GG. His close collaborator Albert Weh compiled another collection of GG legislation entitled *Übersicht über das Recht des Generalgouvernements*, which went through two printings, in 1943 and 1944, at the Burgverlag Krakau (plus a separate edition for Distrikt Galizien). Joseph Bühler's *Das Generalgouvernement: Seine Verwaltung und seine Wirtschaft*, which offered general information with a propagandist slant, had several impressions, the last one in 1943. Information about current and new regulations was also circulated by newsletters or brochures, some of them for internal use only. Official information for the Poles in general (though directed through institutional go-betweens) was provided by the magazine *Poradnik: Miesięcznik służbowy dla Wójtów* [The Guide: An Official Monthly for the Wójt (Village Heads)]. Finally, the general audience could be reached directly by Polish-language newspapers or bills posted in public places. Cf. S. Dąbrowa-Kostka, *Hitlerowskie afisze śmierci* [Nazi Death Bills], Kraków 1983; and Z. Leszczyński, *Obwieszczenia śmierci w dystrykcie lubelskim* [Announcements of Death in the Lublin District], Lublin 1994. Cf. also A. Wrzyszczyński's *Ustawodawstwo okupacyjne dla dystryktu Galicja 1941–1944* [Legislation for the Occupied District Galizien, 1941–1944] [in:] *Studia z historii państwa, prawa i idei. Prace dedykowane Profesorowi Janowi Malarczykowi* [Studies in the History of the State, the Law and Ideas: A Collection of Articles in Honour of Professor Jan Malarczyk], ed. A. Korobowicz and H. Olszewski, Lublin 1997, p. 483–500.

⁹ Hans Frank's legislative acts can be divided into three categories: 1/ public proclamations of general rules, which were relevant for the legal system of the GG; 2/ decrees; and 3/ regulations (*Verordnungen*), which affected directly the residents of the GG. At the same time the higher SS and Police leader in the GG had the right to issue regulations that were made public in various ways or not at all. The district chiefs were in habit of producing one implementing order after another, often creating new obligations and prohibitions, of whose existence the general public was not informed. Numerous regulations, formally concerned with public order or public law offences, in fact curtailed the rights of the Polish community and exposed their members to prosecution by special courts notorious for arbitrary, heavy-handed sentences. German special courts in the GG were mainly concerned with these matters – apart from the strictly criminal violations of the law of occupation (labour discipline) as well as other offences against public law, taken up by the special courts with the consent of or at the request of administrative organs or the public prosecutors' office. Cf. A. Wrzyszczyński, *Okupacyjne sądownictwo*, p. 138–145.

the various police forces, as well as representatives of the German administration could just go along with the guidelines of the Third Reich's policy towards Poland (which amounted to resolute "ethnic warfare"), and thus find even *post factum* an excuse or immunity from prosecution for the war crimes or other criminal acts they committed in the service of the German Reich against the citizens of the Republic of Poland, i.e. Poles, Jews, Romas, and others. However, due to the peculiar nature of this category of criminal acts (for reasons indicated above) they should not be taken into account in the analysis of the legal status of a Pole under German occupation. Also outside the scope of such a study will be the tragedy of the Holocaust, which has already mobilized an unprecedented research effort worldwide, resulting in a well-documented picture of the war against the Jews, from the initial phases of discrimination and repression to the final act of genocide. Decisive for this study is the fact that from the early days of the German occupation, *via facti* or because of various regulations, the Jews (or more broadly people of Jewish origin) were singled out for special treatment, which made their situation markedly different from the legal status of the Poles.

The general rules which the Poles were obliged to observe can be divided into two categories. The first included provisions of criminal law applied generally in the German Reich during the war and laws and regulations that were aimed specifically at the Poles. It is noteworthy that only the Jews and the Poles were the target of a whole raft of special criminal legislation. To the other category belonged normative acts determining the status of Poles under the German occupation, such as special regulations in the sphere of labour law, civil law (in particular family law), as well as a myriad of administrative measures of a blatantly discriminatory and repressive nature. These public-order regulations ranged from a system of identity cards, residence and work permits, through economic burdens and limitations (food contingents, rationing) to restrictions on religious life and freedom of movement in and out of one's place of residence or the use of public transport. They, too, served as a legal basis for the suppression of Polish schools and universities, cultural life, sport clubs, etc. So in the end, I am quite sure about it, the study of the status of Poles under the German occupation will have precious little to show by way of rights or guarantees they could enjoy or claim, but a great deal about the extraordinary burden of obligations and prohibitions, of oppression and repression they had to bear.

The policy guidelines of Nazi Germany towards the Poles are well known and amply documented by both Polish and German historians.¹⁰ The general idea was in fact a plan of genocide for the Polish nation. Too ambitious to be implemented on a full scale during the war, it was executed only partially, or at times even given up in the face of resistance by the local population and the the Polish underground (i.e. Aktion Zamosc – ethnic cleansing of the rural areas round the town of Zamość in 1942–1943*).

It seems to me that the study project I am proposing here should explore the legal aspects of the German occupation of Poland in three time segments, 1939–1940, 1941–1942, and 1943–1945. Obviously, not all of the territories that belonged to Poland before 1939 would be covered in each section. What should also be obvious that although the policies were not uniform in all areas of occupation, there was a perceptible harden-

¹⁰ Cf. Der "Generalplan Ost". *Hauptlinien der nationalistischen Planung- und Verwaltungspolitik*, Hrsg. M. Rössler, S. Schleiermacher, Berlin 1993; and G. Eisenblätter, *Grundlinien der Politik des Reiches gegenüber dem Generalgouvernement 1939–1945*, Frankfurt am Main 1969. * Ed.

ing of the German approach from the middle of 1941, and especially after the battle of Stalingrad. If we look at the evolving situation from a local perspective, putting aside the competence wrangling (resulting principally from the ambitions of key institutions of Nazi Germany), it is clear that all regulations targeting the Poles that were pushed further than that the general rules of the Reich or that represented unprecedented shortcuts in orderly procedure eventually did get Berlin's approval.

Any attempt to assess the state of research in this particular field is bound to produce a rather differentiated picture. While we can find a fascinating miscellany of first-hand material in reconstructions of everyday life in various regions (most notably Czesław Łuczak's studies of life in the Wartheland) and cities – mainly Warsaw, but also Cracow and Poznań – studies and collections with a legal focus are relatively narrow in scope. The landmark works by Karol Marian Pospieszalski and Franciszek Ryszka are now more than fifty years old. Of those few that have followed in their tracks Andrzej Wrzyszczyński is arguably the leading historian of the legal aspects of the German occupation of Poland.¹¹ I can only hope that Professor Wrzyszczyński and his collaborators will pick up the tread pointed out in this article. The research would have to concentrate first on the most complex situation in the GG, leaving out for a separate study the case of Distrikt Galizien (Eastern Małopolska). It was incorporated into the GG in 1941 and the German policy there was heavily influenced by the Ukrainian factor.¹² Further differentiation would be needed in the case of each of the territories incorporated into the Reich, Pomorze (Danzig-Westpreussen), Wielkopolska (Wartheland), Silesia. A separate chapter, too, would have to be given to the territories annexed to East Prussia (Ostpreußen), i.e. powiat Działdowo (Soldau) in 1939, a part of Białystok Voivodship in 1941. Bezirk Białystok was placed under civilian administration headed by the gauleiter of East Prussia Erich Koch, whose policies often diverged from those of Hans Frank (GG) or Arthur Greiser (Wartheland). City of Wilno with a large part of the Wilno Voivodship became part of the Generalbezirk Litauen (which meant that the Poles had to reckon with both the Germans and parallel institutions of their Lithuanian collaborators). The remaining parts of the Wilno Voivodship, the former Voivodship of Nowogródek and northern Polesie (Voivodship of Brześć nad Bugiem) formed, together with the adjoining areas of East Belarus with the capital Minsk, Generalbezirk Weißruthenien, nominally part of Reichskommissariat Ostland, while the southern part of Polesie, Volhynia (Pol. Wołyń, Ger. Wolhynien) were joined to the rest of the occupied Ukraine under the official name Reichskommissariat Ukraine. The German rule in Belarus and Ukraine was little better than shambolic. Each of the main players, Alfred Rosenberg, Heinrich Himmler, the military command of the Wehrmacht – had their own agenda and changing priorities. One of the problems was the treatment of Ukrainians and Belorussians. Rosenberg wanted to play up the anticommunist

¹¹ Professor Zygmunt Mańkowski, *Niemieckie "prawo" w Generalnym Gubernatorstwie 1939–1945: Kontrowersje* [German "Law" in the Generalgouvernement, 1939–1945: Controversies] [in: *Z historii państwa, prawa, miast i Polonii. Prace ofiarowane Profesorowi Władysławowi Ćwikowi w czterdziestolecie jego pracy twórczej* [From the History of the State, Law, Towns and the Polish Migrants: A Festschrift in Honour of Professor Władysław Ćwik], ed. J. Ciągwa and T. Opas, Rzeszów 1998, p. 155–166.

¹² Those questions were examined at greater length by Andrzej Wrzyszczyński. It might be added that also in parts of Distrikt Krakau the minority group known as Lemkos (Łemkowie) were set against the Poles. The Greek Catholic Lemkos were issued special Ukrainian identity cards, while Krynica in the south-east of the region became the seat of various Ukrainian institutions.

nist (“liberation”) card and enlist the nations of the USSR in the service of the Reich, but usually lost out to his hard-line rivals who had the backing of Hitler. Hitler was opposed to making broader concessions to the Ukrainians, Belorussians, or Cossacks as a matter of principle. The competence strife and fluid conditions further east did not prevent the Germans from producing a stream of administrative legislation.¹³ The pioneering, and to some extent still relevant, study of the legislation produced by the Third Reich for the occupied territories is Rafał Lemkin’s comprehensive survey, published in English in 1944.¹⁴ Its source material, if only because of its publication date, cannot be but fragmentary, and yet, as its recent Polish edition demonstrates, the book remains a signal achievement of an outstanding Polish specialist in international law, author of the definition of genocide adopted by the United Nations in 1948. After the war the task of collecting the evidence of the German occupation was entrusted with the Main Commission for the Investigation of Nazi Crimes in Poland in 1939–1945. In 2000 its archives were given over to its legal successor, Institute of National Remembrance (IPN), which is also active in this research field. During the war the policies and crimes of Nazi Germany were being documented by various agencies of the so-called Underground State in occupied Poland and the Polish Government in Exile. Most of the materials that had been collected by the General Command of the Association of Armed Struggle – the Home Army (KG ZWZ-AK) and the Government Delegation for Poland were destroyed in the Warsaw Rising in 1944. Another major research centre which published a large number of sources and historical studies of the occupation was Western Institute [Instytut Zachodni], which started work immediately after the end of the war in Poznań. The pride of place among the publications of Instytut Zachodni belongs to the documentary studies by K.M. Pospieszalski.

The earliest of them, dated 1946, was titled *Polska pod niemieckim prawem 1939–1945 (Ziemie Zachodnie)* [Poland under German Law, 1939–1945 (The Western Territories)]; it was the first volume of a series called *Badania nad okupacją niemiecką w Polsce* [Studies of German Occupation of Poland]. The books in the series is an invaluable collection of sources, even if it does not cover a range of particulars which are important for a reassessment of the legal status of Poles in the Nazi Reich. In the conclusion the author writes: “The following list is not complete, yet it includes all the notable pieces of legislation, regulations and ordinances defining the legal position of [members] of the Polish

¹³ Sets of local regulations started to appear as soon as the German army seized the former eastern Poland in 1941. They were followed by Alfred Rosenberg’s legislation published in the *Verordnungsblatt des Reichsministers für die besetzten Ostgebiete*, but in practice more important than the general rules set down by the Berlin ministry were the orders and regulations of the regional authorities published, in the case of RK Belarus, in the *Amtsblatt des Generalkommissars für Weissruthenien*. Quite a number of articles on the subject of law in the occupied territories – too much steeped national-socialist ideology to be of any value – were published in periodicals like *Zeitschrift der Akademie für das Deutsche Recht* or *Deutsches Recht*. Among a handful of books on the legal aspects of the occupation were H.J. Klee’s, *Bürgerliche Rechtspflege in den eingegliederten Ostgebieten und Behandlung polnischen Vermögens*, Berlin, n.d and the serial publication *Die Eingliederung der Ostgebiete in Recht und Wirtschaft: Loseblattsammlung in laufender Folge*, Hrsg. August Lutzeyer, Bad Oeynhausen, 1940 ff.

¹⁴ Cf. *Axis Rule in Occupied Europe: Laws of Occupation, Analysis of Government, Proposals for Redress*, orig. published by the Carnegie Endowment Press, Washington 1944; now also available in Polish as *Rządy państw Osi w okupowanej Europie w okupowanej Europie. Prawa okupacyjne, analiza rządzenia, propozycje zadośćuczynienia*, transl. A. Bieńczyk-Missala et al., Warszawa 2013.

nation in the Western territories of the Republic of Poland under German rule during the last war” (p. 257). He also admits that he was not able to get hold of all the official and quasi-official source material, let alone those that were secret or confidential. That caveat referred in particular to the regulations from the year 1944 and 1945. However, it can be assumed that on the whole Pospieszalski’s work provides a fairly accurate picture of the general legislation concerned with the Poles even if the numerous regulations produced at the lower levels (regional and local) of the Nazi state are not included in his survey. Nor does he make any reference to Lemkin’s work (perhaps because of the censorship?). What is also missing in his work – though he was a specialist in international and constitutional law – is the question of how the concept of “the sources of law” can be applied *in concreto* to the law of Nazi Germany, especially after 1939.¹⁵

Let me now briefly examine some of the elements of the legal status of the Poles in the various zones of German occupation. The actual situation of the average Pole trying to carry on under the oppressive regulations of the German authorities could not, as I have already pointed out, be reduced to a common denominator; in fact, in many cases it is hardly possible to reconstruct the conditions in detail. The differences resulted not least from the varying chances of getting round or finding loopholes in some regulations.¹⁶ Apart from German policy at large, there were also other factors that determined the life of the Polish population (and the chances of underground activity) like for example the balance of Poles and Germans, or other ethnic groups ill-disposed towards the Poles, in a given area, its economic and geographical profile (rural or urban, accessible or remote, etc.). In Wartheland (Wielkopolska) the desire to change the ethnic balance of

¹⁵ Among the most important studies by K.M. Pospieszalski are *Hitlerowskie “prawo” okupacyjne w Polsce. Cz. II. Generalna Gubernia. Wybór dokumentów i próba syntezy* [Hitler’s Occupation “Law” in Poland, Vol. II. The Generalgouvernement – Selected Documents and a Reassessment], Poznań 1958, and Volume V of the *Documenta Occupationis Theutonicae*, Instytut Zachodni: Poznań 1952. The sources edited by Pospieszalski immediately attracted a lot of attention. The most incisive review of Pospieszalski’s first book, published in 1946, was written by K. Kolańczyk in “Czasopismo Prawno-Historyczne” (hereafter CPH), 1948, Vol. 1. There, on p. 165, Kolańczyk concludes that “as a rule higher-level authorities did not restrain the zeal with which the institutional lower levels implemented the guidelines of national policy.” Another specialist in the criminal policy of the Third Reich, Professor Tadeusz Cyprian took it even further in his review of Vol. V of Pospieszalski’s *Documenta*: “The content of the collected documents demonstrates the Nazi way of thinking. Every unlawful act is based on “law”, every regulation on “statute”; there is no arbitrary excess in the extermination ordinances because the circumspect Nazi “legislator” had given all [the criminal acts] the full cover of the “Law” (CPH, 1954, Vol. 6, issue 1, p. 424). Even if this is an overgeneralization, it is worth taking note of.

¹⁶ Some years ago we (this author jointly with Jerzy Serczyk) made a comparative study of the level of difficulty facing Polish resistance, or the Underground State, in various parts of occupied Poland. The article did not provoke any discussion... Here is our ranking for the GG on a descending scale of “tough life” for the Poles: 1) Kraków and Nowy Targ county with Zakopane; 2) Kraków and Lwów Voivodships within the borders of the GG until mid-1941; 3) Voivodship of Lublin; 4) Warsaw and Kielce Voivodships within the borders of the GG; 5) the Greater Warsaw area (especially along the line Komorów-Podkowa Leśna). Cf S. Salmonowicz and J. Serczyk, *Z problemów kolaboracji w Polsce w latach 1939–1945* [Problems of Collaboration in Poland, 1939–1941], “Czasy Nowożytnie” 2003, Vol. 14, p. 43–66; the problem is discussed at greater length in S. Salmonowicz, *Spoleczeństwo polskie w latach 1939–1945. Uwagi o sytuacji badawczej* [Polish Society in 1939–1945: An Assessment of the State of Research] [in:] *Kaszubi – Pomorze – Gdańsk. Księga Jubileuszowa Profesora Józefa Borzyszkowskiego z okazji 70. rocznicy urodzin* [Kashubians – Pomerania – Gdańsk. A Festschrift in Honour of Professor Józef Borzyszkowski for His 70. Birthday], ed. C. Obracht-Prondzyński, K. Lewalski, T. Rembalski, Gdańsk 2016.

the population was a key factor in the policy of terror unleashed from the early days of the occupation (deportations to the GG, terror, genocide) by Gauleiter Arthur Greiser. In Danzig-Westpreussen a wave of summary executions and deportations conducted with the help of the Selbstschutz militias lasted until the early months of 1940; it was followed by the systematic colonization of the region by tens of thousands of Germans, mostly from the Altreich.

A detailed examination of the orders and prohibitions imposed on the Poles in those two, or any other, regions is beyond the scope of this article; its aim is to outline and recommend such an examination. At this point I would just like to draw attention to the fact that apart from the general legislation targeting the Poles there was a large number of similar regulations and ordinances at the lower levels of the Nazi regime. Their provisions, which affected directly nearly all aspects of life of the population, show a notable degree of dissonance across the various parts of Poland under German rule.

“By” far the most important of the general rules, made on the Reich level, were the criminal laws, revised in 1939 and expanded drastically in December 1941 (they referred equally to the Jews, as if that could matter in the least in a situation when the Holocaust was already under way). Next in the order of importance was a set of decrees imposing forced labour obligation on all Poles (including minors – with small differences in age limit depending on time and place). The category of the general rules also includes decrees banning Polish institutions in the sphere of education, science, culture and sport, with some narrow exceptions in the GG. In the territories incorporated into the Reich, Polish schools were either shut down or replaced by German schools for Polish children, an administrative manoeuvre intended to speed up the process of Germanization.

A number of regulations in force in the Reich were also adopted in part in the GG. They included 1) regulations concerning travel, especially the use of public transport and private vehicles; 2) detailed regulations concerning access to a range of public places from cultural institutions to sport and leisure facilities (Poles were barred from theatres, concert halls, parks, swimming pools, stadiums, and even cinemas and restaurants – the application of the bar varied); 3) all kinds of segregation rules with the ensuing prohibitions and often drastic penalties; 4) regulations in the sphere of labour law, civil law and public administration with countless discriminatory obligations and restrictions for the Poles; 5) regulations concerning access to goods and services (food rationing, residence and work permits) as well as the licencing of business activity.

Let us exemplify this general view by taking a closer look at the situation in Wartheland ruled by Reichsstatthalter Arthur Greiser.¹⁷ In his province Greiser led the way in introducing regulations which pushed the discrimination of the Poles further than the general legislation of the Reich. Some symbolic concessions made in 1944, when the Nazis were losing the war, were not significant enough to suggest that the viciously hardline policy was to be altered. The easing of restrictions was no doubt caused by the needs of the armaments industry and agriculture; the move could also be regarded as belated windowdressing on the part of a regime facing the prospect of being made accountable for its conduct. If the Gauleiters of East Prussia and of Wartheland were the

¹⁷ A valuable addition to the abundant Polish literature on the subject is Catherine Epstein's *Model Nazi: Arthur Greiser and the Occupation of Western Poland*, Oxford 2010 [Polish edition, transl. J. Włodarczyk, Wrocław 2011].

top contestants in a competition to make the life of Poles in their domains as hard as possible, Greiser would win that race. To take one example, he raised the age of marriage to 28 for Polish men (and 25 for women). In Upper Silesia the marriageable age was 25 and 23. When ultimately the Reich Ministry of the Interior set the minimum limit at 25 and 23 respectively, but allowing individual provinces to go their way way, Greiser used this clause to keep up his draconian law intended to curtail the birth rate of the Polish population. The grotesque bidding was joined in January 1944 (sic) by Heinrich Himmler who raised the marriage age for Poles across the whole Reich to Greiser's norm. Practically in all spheres of life, i.e. insurance, health service, labour and family law, the Warthegau regulations concerning Polish residents and labourers were even more discriminatory than anywhere else. The same was true of travel restrictions and the use of public transport or private vehicles, both within the province or over its border, which were in force in the Reich as a whole. These restrictions made communication between members of the resistance precarious at all times, but especially when an urgent warning was to be sent out. As a rule the Poles had no right to own cars (with some exceptions in the GG); in many districts they needed a special travel permit to board a train or coach, and in some places a permit to own and use a bicycle. In this respect, the situation of Poles in the GG was relatively better. In Warsaw they had access to an extensive tram network and were able to hire horse-drawn coaches or rikshas. A Pole could also own a telephone, although the setting up of a new line required some permissions. The fact that most telephone exchanges were operated by Polish staff enabled the resistance even to turn some officially registered lines for their own communications. In the territories incorporated into the Reich the Poles had only a restricted and heavily controlled access to the telephones and postal service. Another circumstance which hindered the operations of the resistance were the large numbers of Germans all around the place. In Upper Silesia, where the sense of national identity was often fluid and the divisions ran across communities and families, the Gestapo found it much easier to trace and take out practically all resistance cells.

A good insight into the workings of a regional German authority in the GG is offered by Robert Seidel's thorough, well-documented study of Distrikt Radom in 1939–1945.¹⁸ Although he does not examine systematically the relationship between the acts of the German administration and their legal framework, his book contains a lot of detailed information that is relevant for this type of research.¹⁹ One of the questions which a study

¹⁸ For a detailed account of the policy of a German regional authority in the GG see R. Seidel, *Deutsche Besatzungspolitik in Polen. Der Distrikt Radom 1939–1945*, Paderborn–Zürich 2006. Although he does not examine systematically the legal anchors of the individual acts issued by the administration of Distrikt Radom, his book is full of highly relevant details and shows the scope of discretion enjoyed by German decision-makers at the district and county level. Yet the question whether these decisions were arbitrary, one-off measures or created new legal norms remains. Seidel's bibliography does not include A. Wrzyszczyński's article *Z działalności Sądu Specjalnego w Radomiu (1939–1945)* [A History of the *Sondergericht* of Radom, 1939–1945], CPH, 2001, Vol. 53, Issue 1, p. 329–344.

¹⁹ Cf. R. Seidel, *Deutsche Besatzungspolitik*, p. 56: "Die Bestrafung mit Straflager wie auch andere repressive Methoden, die von den Kreishauptleuten und Gouvernoren praktiziert wurden, entbehrten im GG jeglicher gesetzlichen Grundlage". This assessment does not affect the fact that such general measures, even if put in force in one district or county were legal norms issued by the occupation authority; the Poles who failed to obey them were threatened with severe penalties. Seidel notes that the GG central government never looked into this lawmaking "practice" (i.e. found nothing wrong with it). This confirms my claim that the

like that gives rise to is the legal justification of the punitive raids to raze to the ground Polish villages and kill their inhabitants. Were these raids that became almost regular and were ordered by the Distrikt Gouverneurs in any way covered by the law of occupation or provisions of penal law? A similar question may be asked about the mass deportations, ordered at the highest level of Reich government, and mass resettlement projects. So for instance, Aktion Zamosc involved the wholesale confiscation of land and property in a rural belt near the town of Zamość, the forced deportation of most the villagers, and the abduction of a large number of their children so that they could be brought up as Germans. The project, which in many respects amounted to genocide, was implemented by a series of confidential decrees and regulations that were draped in (*quasi*-) legal language.

Finally, I would like to make a brief comparison of the German policy towards the Poles with the situation in occupied France where the Germans behaved in completely different way. After the *de facto* capitulation in June 1940 France was divided into two nearly equal parts, of which one came under direct German military occupation and the other (*Zone libre*) remained under the rule of the collaborationist Vichy government. Until November 1942, when Germans took over the *Zone libre*, Marshal Pétain's government persecuted (either voluntarily or under German inspiration) General de Gaulle's supporters (there were not that many of them), communists, left-wing activists and some special categories of "undesirables". Apart from the Jews, who were the target of repressive measures that reached their climax in forced deportations to the death camps, the majority of the French people, both in the so-called French State and in the *Zone occupée*, led basically normal lives, even if made harder by the worsening economic situation and food shortages. French cultural life was put under the supervision of German and Vichy censors, but that did not prevent it from carrying on as before. The system of education from schools to universities was functioning normally, theatres and museums were open, film studios and publishing houses did not stop working, quality magazines and scientific periodicals continued to be published. Anything that did not collide with the interests of the occupation authority could maintain its legal existence. Numerous members of the French cultural and artistic elite rubbed shoulders with the German officials and officers stationed in Paris. Only the Jews and some left-wingers did not participate in the widespread *accommodation*. The German authorities did not discriminate the French people *per se*; in fact, the Parisians had the impression that many Germans admired French culture. Sport, the entertainment industry and social life flourished as ever, and even books that were critical of the Nazi ideology were released for printing.²⁰ The

regulations and penal sanctions issued for a territorial unit by the authority in charge were part of the German law of occupation. It was also a constitutive element of the legal status of Poles in occupied Poland. Zygmunt Mańkowski focuses on this aspect of the occupation when he writes "Real life in the Generalgouvernement was highly complex and cannot be boiled down to martyrology. Most Poles both in the towns and in the country lived after all within the bounds of the law which to some extent was observed because it offered a chance of survival (which could not be said of the situation of the Jews)." (Z. Mańkowski, *Niemieckie "prawo"*, p. 156). For years I have been trying to make the same point, i.e. that only a minority put up a struggle while the majority tried, in spite of all the hardships and hazards, to survive. Survival was highest imperative for them personally and their families.

²⁰ Here is one of many examples. Antoine de Saint-Exupéry's *Pilote de guerre*, an autobiographical novel about the war 1939–1940, was published in the United States in 1942 and hailed almost unanimously

fact of mass collaboration of the French with the German authorities is beyond dispute, but so is a certain restraint in the German approach to the problem of dealing with the defeated France. However, the apparently successful formula of occupation came under strain in late 1942 after the Allied landing in North Africa. It was followed by the extension of German military control over the south of France and the rise of active resistance, for the most part communist. That in turn led to harsh retaliations. It should be noted, however, that the repressive measures against the Free France Forces, the communists and the Jews, though masterminded by the Germans, were executed by the agencies of the Vichy government – not just the secret service, police and state administration, but also by the French courts which continued to punish those involved in the resistance with exemplary severity until early 1944. So, as even this general comparison shows the radical difference between the nature of the occupation regime in Poland and in France. In France the sphere of everyday life was left practically intact and the regime began to step up brutal repression and terror from late 1942 onwards. The occupation of France came to an end within a few months of the Normandy landing in June 1944. In Poland the occupation, a bloody reign of terror from the first to the last day, lasted for over five years. Few people outside Poland know about those differences. It seems that in the West the interest in the German occupation of Poland was practically nonexistent in the period 1945–1989, and has remained so – especially in the media – ever since.

Bibliography

Sources

Amtlicher Anzeiger für das Generalgouvernement / Dziennik Urzędowy dla Generalnego Gubernatorstwa

Amtsblatt des Generalkommissars für Weissruthenien.

Das Generalgouvernement. Seine Verwaltung und seine Wirtschaft, ed. Bühler, 1943.

Poradnik. Miesięcznik służbowy dla Wójtów.

Prawo Generalnego Gubernatorstwa. Rozporządzenia Generalnego Gubernatora, Kraków 1940.

Übersicht über das Recht des Generalgouvernements, bearb. A. Weh, Krakau 1943, 1944.

Verordnungsblatt des Reichsministers für die besetzten Ostgebiete.

Die Eingliederung der Ostgebiete in Recht und Wirtschaft: Loseblattsammlung in laufender Folge, Hrsg. A.

Lutzeyer, Bad Oeynhausen, 1940 ff.

Documenta Occupationis Theutonicae, ed. K.M. Pospieszalski, Vol. V, Poznań 1952.

Hitlergesetze, Hrsg. R. Beyer, 7th., Leipzig 1939.

by the American press as the “best answer” to the crimes of the Third Reich. A few months later in November 1942 it was published legally, without any problem, with the blessing of the German censor, in Paris by Gallimard. More on France under German occupation cf. R. Paxton, *La France de Vichy 1940–1944*, 1st ed., Paris 1973; cf. also my review in CPH, 1976, Vol. 28, Issue 1, p. 206–208; and my article *Francuscy naziści po latach* [French Nazis Many Years Later], “Przegląd Humanistyczny” 1979, Issue 4, p. 363–372.

Other publications

- Celnikier F., Żyd, czyli kto? Pojęcie Żyda w doktrynie i hitlerowskich poczynaniach prawodawczych. *Studium absurdu i mistyfikacji* [The Jew, That Means Who? The Concept of the Jew in the Nazi Doctrine and Legislation: A Study of the Absurd and Mysification], Warszawa 2014.
- Cyprian T., A review of *Documenta Occupationis Theutonicae*, ed. K.M. Pospieszalski, Vol. V, Poznań 1952, “Czasopismo Prawno-Historyczne” 1954, Vol. 6, Issue 1.
- Dąbrowa-Kostka S., *Hitlerowskie afisze śmierci* [Nazi Death Bills], Kraków 1983.
- Der “Generalplan Ost”. *Hauptlinien der nationalistischen Planung- und Verwaltungspolitik*, Hrsg. M. Rössler, S. Schleiermacher, Berlin 1993.
- Eisenblätter G., *Grundlinien der Politik des Reiches gegenüber dem Generalgouvernement 1939–1945*, Frankfurt am Main 1969.
- Epstein C., *Model Nazi: Arthur Greiser and the Occupation of Western Poland*, Oxford 2010 [Polish edition: Wzorcowy nazista. Arthur Greiser i okupacja Kraju Warty, transl. J. Włodarczyk, Wrocław 2011].
- Klee H.J., *Bürgerliche Rechtspflege in den eingegliederten Ostgebieten und Behandlung polnischen Vermögens*, Berlin, n.d.
- Kolańczyk K., A review of K.M. Pospieszalski, *Polska pod niemieckim prawem 1939–1945 (Ziemie Zachodnie)* [Poland under German Law 1939–1945 (The Western Territories)] [in:] *Badania nad okupacją niemiecką w Polsce* [Research into the German Occupation in Poland], Vol 1, Issue 1, Poznań 1946, “Czasopismo Prawno-Historyczne” 1948, Vol. 1.
- Kroeschell K., *Rechtsgeschichte Deutschlands im 20. Jahrhundert*, Göttingen 1992.
- Lemkin R., *Rządy państw Osi w okupowanej Europie w okupowanej Europie. Prawa okupacyjne, analiza rządu, propozycje zadośćuczynienia* [Axis Rule in Occupied Europe: Laws of Occupation, Analysis of Government, Proposals for Redress], orig. published by the Carnegie Endowment Press, Washington 1944, Polish transl. by A. Bieńczak-Missala *et al.*, Warszawa 2013.
- Leszczyński Z., *Obwieszczenia śmierci w dystrykcie lubelskim* [Announcements of Death in the Lublin District], Lublin 1994.
- Mańkowski Z., *Niemieckie “prawo” w Generalnym Gubernatorstwie 1939–1945: Kontrowersje* [German “Law” in the Generalgouvernement, 1939–1945: Controversies] [in:] *Z historii państwa, prawa, miast i Polonii. Prace ofiarowane Profesorowi Władysławowi Ćwikowi w czterdziestolecie jego pracy twórczej* [From the History of the State, Law, Towns and the Polish Migrants: A Festschrift in Honour of Professor Władysław Ćwik], ed. J. Ciągwa and T. Opas, Rzeszów 1998, p. 155–166.
- Paxton R., *La France de Vichy 1940–1944*, 1st ed., Paris 1973.
- Pospieszalski K.M., *Hitlerowskie “prawo” okupacyjne w Polsce. Cz. II. Generalna Gubernia. Wybór dokumentów i próba syntezy* [Hitler’s Occupation “Law” in Poland, Vol. II. The Generalgouvernement – Selected Documents and a Reassessment], Poznań 1958
- Pospieszalski K.M., *Polska pod niemieckim prawem 1939–1945 (Ziemie Zachodnie)* [Poland under German Law 1939–1945 (The Western Territories)] [in:] *Badania nad okupacją niemiecką w Polsce* [Research into the German Occupation in Poland], Vol 1, Issue 1, Poznań 1946.
- Ryszka F., *Państwo stanu wyjątkowego. Rzecz o systemie państwa i prawa Trzeciej Rzeszy* [The State-of-Emergency State: A Study of the State and the Law of the Third Reich], 1st ed., Wrocław–Warszawa–Kraków 1964.
- Ryszka F., *Przedmowa* [Preface] [in:] F. Celnikier, Żyd, czyli kto? Pojęcie Żyda w doktrynie i hitlerowskich poczynaniach prawodawczych. *Studium absurdu i mistyfikacji* [The Jew, That Means Who? The Concept of the Jew in the Nazi Doctrine and Legislation: A Study of the

- Absurd and Mysification], Warszawa 2014.
- Saint-Exupéry A., *Pilote de guerre*, Gallimard 1942.
- Salmonowicz S., *Francuscy naziści po latach* [French Nazis Many Years Later], “Przegląd Humanistyczny” 1979, Issue 4.
- Salmonowicz S., *Państwo stanu wyjątkowego* [The State-of-Emergency State] [in:] S. Salmonowicz, *O rzemiośle recenzenta. Studia z warsztatu historyka* [The Reviewer’s Craft: Studies from the Historian’s Workshop], Warszawa 1999, p. 95–108.
- Salmonowicz S., *Posłowie* [Afterword] [in:] F. Celnikier, *Żyd, czyli kto? Pojęcie Żyda w doktrynie i hitlerowskich poczynaniach prawodawczych. Studium absurdu i mistyfikacji* [The Jew, That Means Who? The Concept of the Jew in the Nazi Doctrine and Legislation: A Study of the Absurd and Mysification], Warszawa 2014.
- Salmonowicz S., A review of R. Paxton, *La France de Vichy 1940–1944* (1st ed., Paris 1973), “Czasopismo Prawno-Historyczne” 1976, Vol. 28, Issue 1.
- Salmonowicz S., Serczyk J., *Z problemów kolaboracji w Polsce w latach 1939–1941* [Problems of Collaboration in Poland, 1939–1941], “Czasy Nowożytne” 2003, Vol. 14.
- Salmonowicz S., *Spoleczeństwo polskie w latach 1939–1945. Uwagi o sytuacji badawczej* [Polish Society in 1939–1945: An Assessment of the State of Research] [in:] *Kaszubi – Pomorze – Gdańsk. Księga Jubileuszowa Profesora Józefa Borzyszkowskiego z okazji 70. rocznicy urodzin* [Kashubians – Pomerania – Gdansk. A Festschrift in Honour of Professor Józef Borzyszkowski for His 70. Birthday], ed. C. Obracht-Prondzyński, K. Lewalski, T. Rembalski, Gdańsk 2016.
- Seidel R., *Deutsche Besatzungspolitik in Polen. Der Distrikt Radom 1939–1945*, Paderborn–Zürich 2006.
- Wrzyszc A., *Okupacyjne sądownictwo niemieckie w Generalnym Gubernatorstwie 1939–1945. Organizacja i funkcjonowanie* [The German Occupation Justice System in the Generalgouvernement, 1939–1945: Its Structure and Functioning], Lublin 2008.
- Wrzyszc A., *Ustawodawstwo okupacyjne dla dystryktu Galicja 1941–1944* [Legislation for the occupied Distrikt Galizien, 1941–1944] [in:] *Studia z historii państwa, prawa i idei. Prace dedykowane Profesorowi Janowi Malarczykowi* [Studies in the History of the State, the Law and Ideas: A Collection of Articles in Honour of Professor Jan Malarczyk], ed. A. Korobowicz and H. Olszewski, Lublin 1997, p. 483–500.
- Wrzyszc A., *Z działalności Sądu Specjalnego w Radomiu (1939–1945)* [A History of the Sondergericht of Radom, 1939–1945], “Czasopismo Prawno-Historyczne”, 2001, Vol. 53, Issue 1.