

The Institutionalization of Conflicting Historical Memories: A Comparative Analysis of the
Laws Surrounding Holocaust Denial in Germany and Poland

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These attacks on history and knowledge have the potential to alter dramatically the way established truth is transmitted from generation to generation. Ultimately the climate they create is of no less importance than the specific truth they attack—be it the Holocaust or the assassination of President Kennedy. It is a climate that fosters deconstructionist history at its worst. No fact, no event, and no aspect of history has any fixed meaning or content. Any truth can be retold. Any fact can be recast. There is no ultimate historical reality.

Holocaust denial is part of this phenomenon. It is not an assault on the history of one particular group. Though denial of the Holocaust may be an attack on the history of the annihilation of the Jews, at its core it poses a threat to all who believe that knowledge and memory are among the keystones of our civilization.¹

—Deborah Lipstadt, *Denying the Holocaust*

The past is important, but it is how we as a society conduct contemporary conversations surrounding the past that truly matters. Countries have a responsibility to create platforms to discuss and dissect their full pasts, including both their prideful and shameful moments. Without an open dialogue that is supported by historical facts, the collective memory of the past is threatened. Nowhere is the tension of how to properly deal with a traumatic history more evident than with Germany and Poland. With each country passing separate laws about how the public is allowed to talk about their country's respective destructive roles in the Holocaust, these conversations dictate how these country's citizens mature and view their ancestral guilt. Through purposefully engaging with their country's shameful past and eliminating all possible avenues for irresponsible and inaccurate historical revisionism, Germany, perhaps at the extent of her reputation and foreign relationships, protects the true narrative of the Holocaust; Poland, on the other hand, sacrifices the truth, at the expense of the Jewish people, to perpetuate a false narrative of total innocence and complete victimization. These conflicting approaches towards how the Holocaust is discussed endangers the validity of our society's collective memories and potentially diminishes the suffering of the Jewish people.

¹ Deborah E. Lipstadt, *Denying the Holocaust: the Growing Assault on Truth and Memory* (Penguin Books, 2016).

The tragic history of the Holocaust has, for legitimate reasons, centered around the German state. The Wehrmacht and the Nazi party were responsible for the mass genocide and the deaths of millions of Jews; however, the Germans were not alone. Before continuing the argument, I want to clarify that by acknowledging other countries' involvements in the Holocaust I am not attempting to absolve Germany of their sins or diminish the horrific actions taken by their government against the Jewish people; rather, I intend to construct a more complete and accurate historical narrative. Therefore, while Germany is rightfully cast as the lead villain in the Holocaust, there were also several key supporting actors: one of these supporting villains being Poland.

Although often portrayed as a victim in the second World War, Poland's past is multi-layered. According to the POLIN Museum of the History of Polish Jews, a museum that has recently been the subject of controversy for being labeled as "politically biased" in favor of the pro-Polish and ruling Law and Justice Party, a number of Poles risked their lives to save Jews.² Yad Vashem, Israel's official memorial to the victims of the Holocaust, confirms this claim by accrediting Poland with the highest Numbers of the Righteous (non-jews who took great risks to save Jews during the Holocaust) with 6,992 rescuers.³ While this number is substantial, it is also deceiving and proportionally negligible when considering that Poland harbored over 3.3 million Jews before the start of the war. Moreover, the museum also admits that "a small minority of Poles" either extorted money from Jews hiding from the Germans or outed them. They also concede that Nazis recruited local collaborators to round up Jews for the

² Reuters, "Poland Names New Head of Jewish Museum as Tensions Rise," *Ynetnews*, February 27, 2020, www.ynetnews.com/article/rJv00PwH4U.

³"Names of Righteous by Country," *Yadvashem.org*, 2020, www.yadvashem.org/righteous/statistics.html.

camps and that there were antisemitic pogroms during and after the war.⁴ In his 2001 publication of *Neighbors*, author Jan Tomasz Gross, a Professor of History at Princeton, detailed one of the most infamous pogroms with the 1941 massacre in the town Jedwabne.⁵ This pogrom saw Polish villagers burn up to 1,600 Jewish men, women, and children alive and trapped in a barn.

Even with such a clear history of Polish crimes committed against the Jews, the Polish people often attempt to distance themselves from their atrocities by emphasizing their accurate role as victims. It is true that Poland suffered greatly during the war. After the German occupation began in 1939, over six million Polish citizens were killed during the war—roughly one-fifth of the country’s pre-war population. Moreover, about 140,000 Poles were sent to Auschwitz during this period.⁶ While these tragic statistics are integral to the overall construction of the historical conception of the Holocaust, it is equally important to address the atrocities committed by these same Polish countrymen to complete the full picture.

While portraying this full history of the Holocaust is essential, many Polish citizens and government officials are not eager or willing to concede any amount of blame. When discussing the Pole’s role in the Holocaust, Polish Prime Minister Mateusz Morawiecki tweeted this metaphor as a summary of his defense:

A gang of professional thugs enters a two-family house. They kill the first family almost entirely. They kill the parents of the second, torturing the kids. They loot and raze the house. Could one, in good conscience, say that the second family is guilty for the murder of the first?⁷

⁴ Tara John, “Poland Just Passed a Holocaust Bill That Is Causing Outrage. Here’s What You Need to Know,” *Time Magazine*, February 1, 2018.

⁵ Alex Duval Smith, “Polish Move to Strip Holocaust Expert of Award Sparks Protests,” *The Guardian*, February 13, 2016.

⁶ “Poles in Auschwitz.”

⁷ John.

The Prime Minister's twisted metaphor already begins with a division amongst the Polish people. The "professional thugs" are the Germans while the two families are the Poles and the Jews. In his metaphor, he equates the second family, the Poles, as unequipped bystanders with no power to save the first family, the Jews. Moraweicki's distorted historical metaphor dissolves Poland of any guilt when in reality, they had a large influence over the suffering of their Jewish neighbors. The Polish people play up their accurate role as victims; however, where they fail to properly address their history is in their equally accurate role as perpetrators. Poland was not completely innocent in the genocide of the Jews, but rather guilty of the same crimes committed by the Germans, albeit on a smaller scale.

Although both Germany and Poland share a history of violence against the Jewish people, Germany's manner of dealing with its role in the Holocaust could not be more different. Although arguably unavoidable due to its prominent role in the Holocaust, Germany addresses its past head-on and has implemented laws to institutionalize the ugly truth. The Nationalist Socialist Party, or the Nazi Party, is considered a criminal organization and has been banned. Moreover, "Germany has criminalized denial of the Holocaust and also banned the use of insignia related to Hitler's regime and written materials or images promoting the Nazi message."⁸ The punishment for Holocaust denial in Germany is imprisonment for up to five years. Even jokes about the Holocaust are met with severe disapproval and reprehensions. Germany takes complete responsibility for its past, and in doing so, ensures that truth can not be manipulated or hijacked to perpetuate false histories.

⁸ Michael J Bazyler, "Holocaust Denial Laws and Other Legislation Criminalizing Promotion of Nazism," *Yadvashem.org*, 2020.

In Poland, the government has taken an alternative legal route to deal with their country's past. In 2018, the Polish government passed a bill that outlawed blaming Poland for any crimes committed during the Holocaust. The law states that "whoever accuses, publicly and against the facts, the Polish nation, or the Polish state, of being responsible or complicit in the Nazi crimes committed by the Third German Reich... shall be subject to a fine or a penalty of imprisonment of up to three years."⁹ Although the Polish government has since backtracked on the punishment aspect of the law, changing it to a civil rather than criminal offense, the legislature still insists that the law was implemented to "defend the good name of Poland."¹⁰ It is no secret that the motivation behind the law was to protect the false narrative of complete Polish innocence. The law endangers the true history of the Holocaust and distorts our society's collective memory.

The ways in which these two countries legalize how the past is discussed also affect the present. According to data collected by the Anti-Defamation League, a leading anti-hate organization, 48% of Poland's population harbors antisemitic attitudes, while the number in Germany is only 15%.¹¹ Moreover, in Germany, 42% of the population believes that "Jews still talk too much about what happened to them in the Holocaust," while in Poland, that number is 74%. The data suggest that, even though Germany is more historically connected with antisemitism, modern-day Poland is more antisemitic than Germany. These statistics appear to directly correlate with the country's respective laws surrounding Holocaust denial. Germany's upfront approach has allowed the country to heal, while Poland's denial, encouraged by government policies, has led to a pent-up dislike of the Jewish people.

⁹ Adam Easton, "Poland Holocaust Law: Government U-turn on Jail Threat," *BBC News*, June 27, 2018.

¹⁰ *Ibid.*

¹¹ "Map of People Who Harbor Antisemitic Attitudes in Europe," *ADL*, 2019.

Both Germany and Poland have complex and difficult pasts. Germany, often labeled as the sole villain in the Holocaust, has made an active effort to address its past. Poland, a legitimate victim of Nazi aggression as well as an under-the-radar perpetrator of antisemitism, has attempted to shun and alter its ugly history. Albeit in different ways, both governments have held active initiatives to preserve and codify a specific narrative. These two strategies, while both attempting to overcome a difficult past, have yielded dramatically different results. Germany's forthrightness has led to the country taking steps in a positive direction while Poland's evasion of its past has complicated the country's modern relations with the Jewish community. As Deborah Lipstadt pointed out in her book *Denying the Holocaust*, "Though denial of the Holocaust may be an attack on the history of the annihilation of the Jews, at its core it poses a threat to all who believe that knowledge and memory are among the keystones of our civilization."¹² At the end of the day, the priority lies within the protection of the truth, and, as showcased in Germany and Poland, a direct conversation and accountability are both required to properly preserve the true collective memory of the Holocaust.

¹² Lipstadt

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