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IN THE MAJESTY OF THE LAW? JEWISH RESIDENTS OF WARSAW IN THE FACE OF GERMAN OCCUPATION ORDINANCES AND ACTIVITIES OF SONDERGERICHT WARSCHAU – PART I¹

Abstract

The article focuses on the attitude of the Warsaw's Jewish population toward selected, most significant anti-Jewish laws passed in the General Government during World War II. Due to the breadth of the analyzed material, the text is divided into two main parts. The first part presents the Ordinance on forced labor for the Jewish people of October 26, 1939, and the Ordinance prohibiting ritual slaughter of October 26, 1939. The objective of the different ordinances was to regulate the lives of Jews under occupation. The first ordinance led to the exploitation of, and the second led to discrimination against, Jews.

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The authors discuss their content, reception among Jews, and the practice of application by the German Special Court in Warsaw (Sondergericht Warschau). Indeed, the German Special Court in Warsaw considered cases involving violations of individual ordinances in the Warsaw District. To prepare the author analyzed literature on the subject, including memoirs, press articles, as well as archival sources of judicial provenance. Historical and formal-dogmatic methods were used during the research. The article looks at not only the reception of the anti-Jewish laws themselves by the population they targeted. Not only the trials and the enforcement of the imposed sentences were of particular interest to the authors, but also the strategies pursued by Warsaw's Jews to better cope with the new legislation that came into force under the German occupation. The research made it possible to show German legislative policy in the context of actions aimed at the exploitation, discrimination, stigmatization, and isolation of Jews.

Key words: Jews, Holocaust, occupation, law, special court

1. *Where did this diabolical plan come from, who treats people like this?*²

In his memoirs written years later, Władysław Szpilman, whose wartime story formed the basis of the screenplay of Roman Polanski's film "The Pianist",³ noted that a few days after the act of capitulation of Warsaw was signed on September 28, 1939, bilingual announcements from the German commander appeared on the walls of the city, promising the Polish population jobs, as well as the protection of the German state. Commenting on these events, Szpilman noted that a special paragraph of that announcement was devoted to Jews, who were "guaranteed the preservation of all rights, inviolability of property, as well as complete safety."⁴ However, as early as October 1939, the Germans introduced the first anti-Jewish ordinances that concerned forced labor for Jews and a ban on ritual slaughter. These stipulations were followed by further regulations on such matters as circulation of money,

² W. Hosenfeld, „*Staram się ratować każdego*”. *Życie niemieckiego oficera w listach i dziennikach*, translated by J. Tycner, W. Tycner, M. Tycner, P. Tycner, A. Tycner, edited by E.C. Król, W. Lipscher, Warszawa 2007, p. 293.

³ *The Pianist*, dir. by R. Polański, France–Poland–Great Britain–Germany 2002.

⁴ W. Szpilman, *Pianista. Warszawskie wspomnienia 1939–1945*, introduction and compiled by A. Szpilman, Kraków 2001, p. 27.

the requirement to wear armbands, mark stores, and bow to Germans, and restriction on residence.⁵

Aware of the conditions prevailing at the time, the Jewish residents of Warsaw knew well that it would be naive to believe the initial assurances of the occupation authorities:

“Days passed, there were no prospects for improvement, one lived in constant fear, and almost every day ordinances were issued against the Jews. There was no doubt that the Germans entered Poland with a death sentence for the Jews they had prepared in advance. They were prohibited to do anything. The restrictions applied to the practice of a profession, movement around the city, use of means of transportation, possession of objects and equipment, and finally, the obligation to wear visible yellow stars on clothing and to live only in strictly defined areas of the city was imposed. All of these ordinances were designed to humiliate and isolate Jews from the rest of the society, and to slowly physically destroy the Jewish community”

– bitterly commented Bronisław Erlich,⁶ who in these words aptly interpreted the goals of the German anti-Jewish legislation. In fact, Hitler’s legislation applicable to the Jews was, in a way, a mockery of the most elementary legal principles. The acts and ordinances issued by the Germans were intended as a veil to mask the criminal goals of the occupying power.⁷ This is because the real objective was to create the impression, not only among Jews, but in the world in general, that certain laws, perceived as harsh but just, applied to the Jewish people as well. However, the German legislation actually meant that the lives of Jews, let alone their property, were not protected by anyone.⁸

The purpose of this article is to present the attitude of Warsaw’s Jewish population toward selected normative acts issued by the German authorities to regulate the life of Jews under occupation. While working on the text, we were particularly interested

⁵ More information on this topic can be found in: B. Engelking, J. Leociak, *Getto warszawskie. Przewodnik po nieistniejącym mieście*, 2nd ed., Warszawa 2013, pp. 58–61.

⁶ B. Erlich, *Żydowskie dziecko Warszawy. Wspomnienia czasu zagłady*, edited by P. Wieczorek, Warszawa 2021, p. 40.

⁷ A. Eisenbach, *Hitlerowska polityka zagłady Żydów*, Warszawa 1961, p. 145.

⁸ N. Blumenthal, *Rząd w tzw. Generalnej Guberni a rozwiązanie kwestii żydowskiej*, [in:] *Ekspertyzy i orzeczenia przed Najwyższym Trybunałem Narodowym*, vol. VIII, selected and prepared for publication by C. Pilichowski, Warszawa 1981, pp. 66–67.

in the activities of the Special Court in Warsaw (Sondergericht Warschau), which was competent to consider cases involving violations of particular ordinances within the Warsaw District. Therefore, we decided to look not only at the reception of the anti-Jewish laws by the population they affected, but also at the trials, the enforcement of the imposed judgments, and the ways in which Warsaw's Jews attempted to deal with German legislation. In the analysis, we focused on the most important, in our opinion, normative acts the violation of which resulted in criminal proceedings. Consequently, our considerations included the Ordinance on forced labor for the Jewish population of October 26, 1939, the Ordinance prohibiting ritual slaughter of October 26, 1939, the Ordinance on marking Jews with an armband with the Star of David of November 23, 1939, and the Ordinance on residence restrictions, with special focus on its third version of October 15, 1941, which provided for the death penalty for unauthorized departure from the ghetto.

Due to the limitations arising from the breath and scope of the addressed issue, the article is divided into two parts. In the first part, we analyzed the phenomenon of exploitation to which the Jewish people were subjected as a result of the enforcement of the forced labor ordinance, as well as the discrimination implemented under the ordinance banning ritual slaughter. Both processes, imposed and consciously carried out by the occupying German authorities, took place, so to speak, on the eve of the Holocaust. Alongside these were two other processes. One was stigmatization due to the application of the ordinance to mark Jews with an armband with the Star of David, and the other was isolation (ghettoization) resulting from the implementation of the ordinances restricting their residence. The issue of stigmatization and isolation of Jews, in terms of both judicial practice and public perception, is addressed in the second part of the article.

The research thus made it possible to show German legislative policy in the context of actions aimed at the exploitation, discrimination, stigmatization, and isolation of Jews. We chose to cover German anti-Jewish legislation from the perspective of the Warsaw Jews for two main reasons. Firstly, the capital of occupied Poland (and later the ghetto created there) was the place of residence for the largest community of Jews in occupied Europe.⁹ Secondly, the surviving sources, including court materials, allow

⁹ In 1939, just before the Third Reich invaded Poland, Warsaw was home to nearly 380,000 Jews, making up about 30% of the city's total population. The data presented herein are estimates

a much better grasp of the problem in the case of Warsaw and the special court there, than in the case of other Jewish communities in the General Government (GG). It should also be noted that, unlike in the case of most other special courts in the GG, a significant amount of original archival material from the Warsaw court has survived to this date.

2. **Exploitation: Ordinance on forced labor for the Jewish population of October 26, 1939.**

The normative act providing for Jews' forced labor in the General Government (a separate normative act also made labor compulsory for Poles¹⁰) was published as early as the first issue of the "Journal of Ordinances of the General Governor for the Occupied Polish Territories." It was thus included in the first tranche of ordinances signed by Governor-General Hans Frank. The Ordinance on the introduction of forced labor for the Jewish population of the General Government (GG) of October 26, 1939¹¹ was relatively laconic and consisted of two provisions. According to the first one, forced labor was immediately imposed on Jews residing in the GG, and for this purpose they were conscripted into "units of forced laborers." The second provision stipulated that the Higher SS and Police Commander would issue regulations implementing the ordinance, but he could designate areas east of the Vistula where the ordinance was not to be implemented. However, areas of this kind were never designated. A short time later, two such executive orders, dated December 11 and 12, 1939, were issued by Friedrich Wilhelm Krüger, the Higher SS and Police Commander in the GG.

The first order consisted of nine paragraphs. Pursuant to them, as of January 1, 1940, all Jews in the GG were forbidden to change their place of residence or lodging without written permission from the competent German administration body outside the boundaries of the municipality of their previous place of residence, as well as to abandon that place and engage in vagrancy. Jews who arrived in the GG were required to immediately (within 24 hours) register their place of residence with the mayor

by the Statistical Department of the Capital City of Warsaw made in August 1939. See: "Biuletyn ŻIH" 1970, no. 73, p. 104.

¹⁰ Journal of Ordinances of the General Governor for the occupied Polish areas (JOGGOPA) 1939, no. 1, p. 5.

¹¹ JOGGOPA 1939, no. 1, p. 6.

and inform the local Judenrat of their arrival. The Judenrat was required to keep a corresponding written list, which it was to submit to the mayor every Monday. Jews newly arriving in the GG were also subject to prohibitions on changing their place of residence without written permission from the German administration. The order further stipulated that Jews in the GG were prohibited from using roads, streets, and squares from 9 pm to 5 am without written permission. These restrictions, however, were not to apply in a state of public or personal emergency. For violations of the above provisions, the order provided for the immediate imposition of aggravated and prolonged forced labor, regardless of other applicable laws. The last provisions of the order concerned the public announcement of its entry into force and the exclusion of its application to Jews covered by the bilateral German-Soviet agreement on the resettlement of the Ukrainian and Belarusian populations.¹²

The second executive order consisted of ten provisions and included specific provisions on forced labor. The regulation stipulated that all Jewish residents of the GG aged 14 to 60 were subject to forced labor, which generally lasted two years and was subject to extension unless an “educational effect” was achieved within that time. Those obligated were subject to evaluation in terms of their strength and learned occupation if they were to be placed in camps. The registration of those obligated to work was to first cover males aged 12 to 60, and was to be done on the basis of a public call from the mayor. The work was to be performed on the basis of a special call from the German authorities: the called Jews were to appear punctually at the designated assembly point, taking with them food for two days and a blanket for sleeping.

Craftsmen, especially workshop owners, were expected to make their tools, accessories, and machinery available at the assembly point. They were prohibited from freely disposing of these items, and in particular were not allowed to sell or pledge them without written permission. It was also forbidden to take them away and hide them. The purchase of such tools was also prohibited without written authorization. The order went on to include punitive provisions regarding its announcement and entry into force. The penalty of up to ten years in a tough prison was provided for a Jew obligated to work, who failed to report to a call to report for registration, provided false or incomplete personal data, feigned incapacity or little ability to work, failed to take his craft tools with him or violated the prohibitions concerning such items

¹² A. Weh, *Das Recht des Generalgouvernements*, Krakow 1940, pp. 492–493.

despite being instructed to provide forced labor, failed to appear at the designated assembly point despite being instructed to provide forced labor, or otherwise evaded forced labor. The same punishment was imposed on a member of the Judenrat who, despite the issuance of appropriate instructions by the German administration, did not promptly and carefully carry out the registration of Jews and who provided assistance to a Jew so that he partially or completely evaded forced labor. An analogous punishment was imposed on the behavior of others that involved intentional obstruction of the performance of forced labor, inciting or aiding and abetting violations of the executive order, particularly misrepresentation or attempted misrepresentation, and that involved purchasing or taking actual possession of tools from a Jew obliged to provide forced labor without written authorization. In the case of Jews, in addition, tough prison sentences, forfeiture of all property could be ordered, and special courts were competent to adjudicate such cases.¹³

Although officially forced labor for all male Jews aged 14 (later 12) to 60 was announced on October 26, 1939, the Germans had already been catching Jews on the streets and forcing them to perform various jobs. In the case of Warsaw, at first the work involved mostly removing rubble from the city, cleaning streets, reloading work, and cleaning private apartments and German offices. Street roundups meant that many Jews were simply afraid to leave their homes. The Warsaw Judenrat pledged to provide each day the number of laborers designated by the authorities. However, this in no way met the identified needs, and the roundups continued because the more people the municipality supplied, the more the Germans demanded. Barbara Engelking and Jacek Leociak report that in October 1939 there were an average of 381 Jewish workers a day at various posts, in November there were 999 of them, in December there were 1,584, and in February 1941 there were as many as about 2,000. However, the demand of the German army and German companies for free laborers continued to grow.¹⁴

¹³ Ibidem, pp. 494–495. Also, see: *Verordnung über die Einführung des Arbeitszwangs für die jüdische Bevölkerung des Generalgouvernements. Vom 26. Oktober 1939*, [in:] K.M. Pospieszalski, *Hitlerowskie „prawo” okupacyjne w Polsce. Część II: Generalna Gubernia. Wybór dokumentów i próba syntezy*, „Documenta Occupationis” vol. VI, Poznań 1958, pp. 560–562. *Erste Durchführungsvorschrift zur Verordnung vom 26. Oktober 1939 über die Einführung des Arbeitszwangs für die jüdische Bevölkerung des Generalgouvernements. Vom 11 Dezember 1939*, in: Ibidem, pp. 560–562; *Zweite Durchführungsvorschrift zur Verordnung vom 26. Oktober 1939 über die Einführung des Arbeitszwangs für die jüdische Bevölkerung des Generalgouvernement (Erfassungsvorschrift). Vom 12 Dezember 1939*, [in]: ibidem, pp. 562–564.

¹⁴ B. Engelking, J. Leociak, *Getto warszawskie. Przewodnik po nieistniejącym...*, op. cit., pp. 161–162.

The introduction of forced labor was perceived by Jews as a step towards the gradual intensification of terror. Shortly after the public announcement of this ordinance, Szpilman noted: “We were to be executioners of ourselves, to prepare our own demise with our own hands, to commit a kind of legally sanctioned suicide.¹⁵ After the creation of the closed district in Warsaw, the issue of forced labor camps was described as follows:

“The Nazi occupier is not satisfied with creating ghettos for Jews. He is not satiated by the fact that he has confined more than half a million Jews to a small area in Warsaw and is bringing new tens of thousands from surrounding towns there. They are preparing to take the male part of the population, mainly the youth, by force to the notorious German “labor camps” on a large scale. [...] Hundreds martyred to death, thousands cripples will remain forever as a reminder of the barbaric German treatment of those unfortunate who ended up in a camp.”¹⁶

The registration of all Jews aged 12 to 60, resulting from Frank’s ordinance on forced labor, was handled by the Jewish community in Warsaw. The first such registration was organized between February 5 and 14, 1940. At the time, 121,265 people reported to perform labor.¹⁷ The next registration took place in the second half of February and ended on March 26, 1940. At the time, it covered Jews aged 16 to 25.¹⁸ Initially, people volunteered for the labor, and those who registered often included refugees from other cities or people in difficult financial situation, but the extremely harsh conditions at the places of labor and the growing need for laborers meant that, as already mentioned, even those who volunteered could not meet the growing demand.¹⁹ The Germans continued to carry out street roundups, which intensified over time to the point that “Jews lay hidden in attics, basements and other hiding places” to avoid being sent to a labor camp.²⁰ In time, they even began to “come with orders

¹⁵ W. Szpilman, *Pianista. Warszawskie wspomnienia...*, op. cit., p. 41.

¹⁶ *Archiwum Ringelbluma. Konspiracyjne Archiwum Getta Warszawy. Prasa getta warszawskiego: Bund i Cukunft*, vol. 16, compiled by M. Rusinek-Karwat, A. Jarkowska-Natkaniec, Warszawa 2016, p. 605.

¹⁷ E. Ringelblum, *Kronika getta warszawskiego wrzesień 1939 – styczeń 1943*, introduction and compiled by A. Eisenbach, transl. by A. Rutkowski, Warszawa 1983, p. 85.

¹⁸ *Ibidem*, pp. 85–86.

¹⁹ B. Engelking, J. Leociak, *Getto warszawskie. Przewodnik po nieistniejącym mieście...*, op. cit., p. 162.

²⁰ *Archiwum Ringelbluma. Konspiracyjne Archiwum Getta Warszawy*, Vol. 32: *Pisma rabina Szymona Huberbanda*, compiled by A. Ciałowicz, Warszawa 2017, p. 27.

and take [Jews] right out of their homes.”²¹ The scale of the problem is shown by the records, according to which the Warsaw Ghetto was supposed to supply 30,000 laborers in March 1940 alone.²²

Some Jews went to great lengths to avoid being sent to forced labor. This is because, according to Ringelblum, “one could [be] officially bought out for 10–25 zlotys” from the camps.²³ However, this option was not available to everyone: “The rich lived, dressed, ate, drank, without fear of being sent to the camp; with money, you could always buy yourself out. At the same time, the poor swelled and died of starvation or disease in front of others,” read the memoirs of Calel Perechodnik.²⁴ Those who did not have money, looked for other solutions to avoid the labor camp. This is because information was reaching the Warsaw ghetto about the horrible treatment of the workers by the leaders of the camp crews, and the scarce food causing starvation.²⁵ Many Jews volunteered to work in the countryside, for example, to work for German landowners, which supposedly would provide them with better living conditions.²⁶

However, not everyone managed to escape or avoid responsibility for violating Hans Frank’s ordinance. Jews evading their labor obligations were ruthlessly punished. The surviving court files on the subject include the notable case of Aron Israel Szejnberg, who was sentenced in August 1941 to 2 years and 6 months in a tough prison for such a violation and for not wearing a Zionist armband.²⁷ Similar sentences were imposed on Majsze Grinfas – 3 years in prison (for evasion to perform forced labor)²⁸ and to Moroka Halpern, Gerszon Wajtman, and Josek Grynszpan, each sentenced to 2 years in a tough prison (for evasion to perform forced labor and not wearing the Zionist armband).²⁹

²¹ *Archiwum Ringelbluma. Konspiracyjne Archiwum Getta Warszawy. Dzienniki z getta warszawskiego*, vol. 23, compiled by K. Person, Z. Trębacz, M. Trębacz, Warszawa 2015, p. 222.

²² *Archiwum Ringelbluma. Prasa getta warszawskiego: Bund i Cukunft...* op. cit., pp. 774–775.

²³ E. Ringelblum, *Kronika getta warszawskiego wrzesień 1939 – styczeń 1943...*, op. cit., p. 146.

²⁴ C. Perechodnik, *Czy ja jestem mordercą?*, compiled by P. Szapiro, Warszawa 1995, p. 28.

²⁵ E. Ringelblum, *Kronika getta warszawskiego wrzesień 1939 – styczeń 1943...*, op. cit., p. 279.

²⁶ *Ibidem*, p. 168.

²⁷ State Archive in Warsaw (APW), Special Court in Warsaw (SSW), ref. 435, Urteil vom 7. August 1941, sheet 35.

²⁸ *Ibidem*, 643/685, Urteil vom 16. März 1942, sheets 44–45.

²⁹ *Ibidem*, 643/796, Urteil vom 5. Mai 1942, sheets 91–92.

The sentences were somewhat different when people were charged only with arbitrary abandonment of the place of forced labor. It seems that the sentences awarded in these proceedings by the Warsaw Special Court were a little more lenient. The surviving files of the Sondergericht Warschau contain information on only two such cases with sentences. The first concerns Bencjan Różański who on July 1, 1940 was assigned to work at the company Polewski in Kamion on drainage work. Różański supposedly left the workplace without permission just over a week later, and despite being called in writing twice, he did not report to Polewski again. For this act, the Warsaw Special Court imposed on him a sentence of one year in a tough prison.³⁰ The situation was similar in the case of Menachem Ostrowicz, who was sent to forced labor by the Warsaw Judenrat in early April 1941. After about three weeks, Ostrowicz left without permission the place to which he had been sent, for which, as in Różański's case, he was sentenced to one year in prison.³¹

Warsaw's Jews were divided in their opinions regarding the provisions of the ordinance on forced labor. In early February 1940, Emanuel Ringelblum noted: "The issue of labor camps is constantly on the agenda (...). Some want to leave Warsaw for cities in the Reich where there are no labor camps. Others don't want to register, still others think it's not so tragic."³² In time, however, even these more optimistic opinions changed, and the Judenrat constantly complained about the insufficient number of volunteers coming forward.³³ Another problem was that many Jews, both those called up by the Arbeitsamt and those who volunteered, ultimately failed to show up for work.³⁴ The Warsaw Special Court cases cited above show that work was also evaded by people who have been sent to a camp. The desire to prevent inclusion on the Judenrat's list resulted in a proliferation of incidents of threats associated with demands of ransom from wealthy Jews in the ghetto. Jewish intermediaries showed up at apartments warning that arrests would follow if a certain amount was not paid.³⁵

³⁰ Ibidem, 643/211, Strafbefehl vom 21. Dezember 1940, sheets 32–33.

³¹ Ibidem, 643/286, Strafbefehl vom 5. Juli 1941, sheets 35–36.

³² E. Ringelblum, *Kronika getta warszawskiego wrzesień 1939 – styczeń 1943...*, op. cit., p. 87.

³³ *Adama Czerniakowa dziennik getta warszawskiego 6 IX 1939 – 23 VII 1942*, compiled by M. Fuks, Warszawa 1983, p. 135.

³⁴ Ibidem, p. 141

³⁵ E. Ringelblum, *Kronika getta warszawskiego wrzesień 1939 – styczeń 1943...*, op. cit., p. 253.

To summarize this thread, it is worth adding that before the Warsaw ghetto was established, Jews worked at 130 “outposts”³⁶ (places of forced labor), where they performed such work as, for example, removal of rubble, cleaning of the city, and cleaning of barracks and private residences of German dignitaries. Professionals were sent to tailor shops as well as car repair and radio-telegraph equipment repair shops. The greatest intensification of the work performed by Warsaw’s Jews occurred in late 1939 and 1940. In January 1940, the “outposts” employed an average of about 1,500 Jewish workers. It should be noted, however, that the numbers rose steadily, reaching a peak in August 1940 (about 10,600 people each day). From September to the end of December 1940, there was a noticeable decline in the number of employees, although the figures continued to remain high (about 5,000 people a day in December 1940). After a while, the Warsaw Judenrat introduced a system of paid exemptions from forced labor, which by and large did not solve the problem, since the involved expenses involved were borne by the Judenrat, which could not cover all the costs. This led to dramatic conflicts between Jews. In addition, regardless of the quotas provided by the Judenrat, the Germans all the time arranged round-ups of Jews in streetcars, offices, and cafes, in particular hunting for well-dressed people, and often extorting ransoms.³⁷ “Hashkiveynu!”³⁸ – they call out to a Jew on the street during a roundup for work [...] ‘The air is clean,’ they say after the roundup is over,” recalled Emanuel Ringelblum.³⁹

3. Discrimination: Ordinance prohibiting ritual slaughter of October 26, 1939.

The first edition of the “Journal of Ordinances of the Governor-General for the Occupied Polish Territories” also included the Ordinance prohibiting ritual slaughter of October 26, 1939.⁴⁰ It consisted of only two paragraphs. The first immediately banned ritual slaughter, understood as “tormenting slaughtering of animals by gradual letting

³⁶ “Outpost” as the term used in the sources to refer to places of forced labor for Jews in the Warsaw area.

³⁷ R. Sakowska, *Ludzie z dzielnic zamkniętej. Z dziejów Żydów w Warszawie w latach okupacji hitlerowskiej, październik 1939 – marzec 1943*, Warszawa 1993, p. 42–43.

³⁸ “Hashkiveynu” (Hebrew) – this is the first word of one of the Jewish evening prayers, which colloquially means “turn back.”

³⁹ E. Ringelblum, *Kronika getta warszawskiego wrzesień 1939 – styczeń 1943...*, op. cit., p. 103.

⁴⁰ Ordinance prohibiting ritual slaughter of October 26, 1939, JOGGOPA 1939, no. 1, p. 6.

of blood for the purpose of the so-called kosher meat consumption.” On this occasion, disapproval was expressed of any kind of tormenting of animals in an area controlled by Germany. The second paragraph provided for tough prison sentences for more than one year for committing ritual slaughter; co-perpetration, incitement, and aiding and abetting were punished in the same way, while attempt was considered equal to an actual perpetration. The execution of a tough prison sentence could also take place in concentration camps.

Although the prohibition of ritual slaughter was one of the first acts of the German authorities targeting the Jewish population in the GG, the idea was not entirely new. Even before the war, regulations were introduced in the Third Reich to prohibit such practices. To be more precise, the legislation required stunning animals with electric current, which was motivated by humanitarian reasons. This slaughtering method basically meant that the meat could not be kept kosher. The situation was further complicated by another ordinance that banned the import of kosher meat. The issue of ritual slaughter was also taken up during the interwar period by the authorities in Poland. A proposal to ban such practices was submitted to the Warsaw City Council as early as 1928, and in 1936, the Animal Welfare Society launched a campaign against shechita. The bill to abolish ritual slaughter, which received the official support of the Polish episcopate, was brought to the Polish parliament in February 1936. The matter sparked numerous protests, both domestically and internationally, as the actions were considered to harm the religious freedoms of Polish citizens of the Mosaic faith. In addition, serious socio-economic effects were also highlighted, because a ban on ritual slaughter would cause not only Jews who engaged in slaughtering, but also those responsible for brokering and selling meat, to lose their jobs. The law was finally passed (with government amendments) in March 1936, and formally went into effect on January 1, 1937. According to the adopted law, ritual slaughter was to be banned in three provinces, while it was to be severely restricted in the others.⁴¹

The Polish legislature’s plans were soon put into effect by the German occupation authorities, who as early as October 1939 introduced a ban on ritual slaughter in the GG, which greatly complicated the daily existence of pious Jews. Before the war, there were 26 slaughterers in Warsaw who performed ritual slaughter of poultry, and they

⁴¹ B. Engelking, J. Leociak, *Getto warszawskie. Przewodnik po nieistniejącym mieście...*, op. cit., p. 656. See: J. Żyndul, *Zajścia antyżydowskie w Polsce w latach 1935–1937*, Warszawa 1994, pp. 69–72.

did their work in special slaughterhouses located at the marketplaces at 44 Zamenhofska Street, 1 Twarda Street, as well as at Bazar Janasz and others, in addition to the suburbs of Warsaw's districts Praga and Wola.⁴² The same was true of the ritual slaughter of cattle, which until the outbreak of the war took place on the grounds of the municipal slaughterhouse in Praga, at Sierakowskiego Street, where there was a separate building dedicated specifically for these purposes. Only slaughterers approved by the rabbinate and appointed by the community were authorized to perform ritual slaughter of cattle and swine. On the basis of a written statement, each of them received from the slaughterhouse's management a written permit to perform slaughter there. Before the war, the slaughterhouse at Sierakowskiego Street employed 27 slaughterers and 25 certifiers, whose job was to place a stamp with the word "Kosher" on all the parts of the meat deemed kosher.⁴³

Although the notice published in October 1939 forbidding Jewish ritual slaughter mentioned only the slaughter of cattle, slaughterers engaged in poultry slaughter were also afraid to continue their work. According to Rabbi Szymon Huberband, who left an extensive account of religious life in Warsaw during the war, it was not fear of the German authorities, as they did not know when, where, and by whom ritual slaughter was carried out. Rather, the concern stemmed from uncertainty about the Polish Blue Police officers who had to be paid not to write down any reports that might harm Jews. As Huberband recalls, there were situations where police officers not assigned to an area showed up during the animal slaughter ritual, thus causing the Jews to incur additional costs. As a result of such activities, police officers and agents were said to have appropriated up to 80% of the earnings from the slaughter.⁴⁴ As for the slaughter of cattle, according to Huberband's account, older and better-off Jews stopped it shortly after the German order was published. Younger slaughterers, on the other hand, continued to practice their profession. Slaughter was carried out in barns, sheds, and in the ruins between Niska and Stawki Streets. According to the surviving estimates, until the time the ghetto was closed, about 50–60 head of cattle and the same number of pigs were slaughtered weekly.⁴⁵

⁴² *Archiwum Ringelbluma. Konspiracyjne Archiwum Getta Warszawy, Vol. 32: Pisma rabina Szymona Huberbanda...*, op. cit., p. 76.

⁴³ *Ibidem*, p. 78

⁴⁴ *Ibidem*, p. 77.

⁴⁵ *Ibidem*, pp. 79–81.

The situation of religious Jews in Warsaw changed dramatically after the closing of the ghetto. While live poultry could still be smuggled over the wall, the ritual slaughter of cattle almost completely ceased, as there was no way to bring the animals into the closed district. In view of these difficulties, it was decided that the best solution would be to conduct slaughtering outside the ghetto and then smuggle in kosher meat. However, care was taken first to get the slaughterer out of the ghetto. Jews who decided to carry out ritual slaughter outside the ghetto would first shave their beards, then put on non-Jewish clothing, and then leave the ghetto with the group going out to work. Ritual slaughter carried out in this manner took place in Pelcowizna, Ochota, and Bródno. The obtained meat was then smuggled into the ghetto by bribing policemen and Volksdeutsche.⁴⁶

Although the ritual slaughter of meat for the Warsaw Ghetto residents was carried out in secret, not all those involved managed to keep it a secret. The local Sondergericht has surviving records of cases against Jews for violating the ordinance banning ritual slaughter. These cases unequivocally show that illegal slaughter was carried out not only, as Rabbi Huberband's extensive account suggests, by professional slaughterers. The described ordinance did not indicate the specific penalty prescribed for its violation, so defendants were given different sentences, most likely depending on the scope of the act. For example, two Jews, Josef Hufnagel and Kirszenblat Szulim, and a Pole, Aleksander Wieczorek, who were accused of ritual and illegal slaughter and meat trade, were sentenced by a court verdict on August 22, 1941 to 6 months, 4 years and 1 year, and 6 months in a tough prison, respectively.⁴⁷ On the other hand, Alter Wolański, who was accused of ritual and illegal slaughter in May 1942, was sentenced to 1 year and 6 months in a tough prison.⁴⁸

However, the case of Jankiel Gewis, who was acquitted by the Warsaw Sondergericht, is completely different from the others. Gewis was charged with continuously conducting ritual slaughter of animals at his residence in Nowy Jędrzejów from late 1939 to February 1940, together with his brother Joel Gewis and his wife's brother-in-law Wulf Gotlieb. The operative part of the verdict in the case of Jankiel Gewis stated that Joel Gewis and Wulf Gotlieb had already been validly punished by the judgment

⁴⁶ Ibidem, pp. 83–100

⁴⁷ APW, SSW, 377, Urteil vom 22. August 1941, sheets 96–97.

⁴⁸ Ibidem, 297, Urteil vom 22. Mai 1942, sheets 69–70.

of the Special Court in Warsaw on June 7, 1940, while in the case of Jankiel himself, the court could not, on the basis of the evidence, rule with sufficient certainty that he was an accomplice. The defendant was said to have claimed that he knew nothing about the slaughter being carried out by his brother Joel and the carter Gotlieb. Moreover, no evidence had been gathered that would allow for the conviction of the accused. Although during the investigation a butcher knife which was used to commit these acts was found hidden in the defendant's bed, the court ultimately concluded that "this allows the safe conclusion that the knife was hidden there by the two already convicted perpetrators without the defendant's knowledge."⁴⁹

In the course of our research on the issue discussed in this article, we came across the case of two Jewish butchers, father and son named Wyszowski, who were caught slaughtering a calf in early July 1941 in Cegłów in the Mińsk Mazowiecki district. In the context of the consideration of the ordinance banning ritual slaughter and of the application of the catalog of sanctions, the story of Szymon (father) and Nechemia (son) seemed puzzling to us, since they were sentenced to death for illegal slaughter, which Frank's ordinance did not provide for. Unfortunately, the judgment issued in this case has not survived, but only a prison file with limited content that mentioned the sentence and the generic name of the act (illegal slaughter).⁵⁰ Knowledge of the criminal law of the Third Reich and the jurisprudence of the special courts gave rise to the assumption that the magnitude of the Wyszowskis' "criminal" activity was greater, and in the trial before the Special Court in Warsaw they were attributed a larger number of illegally slaughtered animals, which made it possible to classify the act as a so-called "wartime economic crime" under Sec. 1 of the ordinance on the wartime economy.⁵¹

This regulation, which was in effect in Germany, was also applied by the special courts of the General Government. For this reason, the researchers' findings on the jurisprudence of other special courts can be a point of reference. In Katowice, the death penalty was imposed on perpetrators of a wartime economic crime that involved slaughtering a large number of animals, which resulted in the production of 335 to 385

⁴⁹ Ibidem, 50, Urteil vom 28. November 1940, sheets 47–48.

⁵⁰ United States Holocaust Memorial Museum Archives (hereinafter: USHMA), Criminal Prison Warsaw-Mokotów District, RG-15.113M, File # 30191 Chemia Wyszowski; ibidem, File # 30192 Szymon Wyszowski.

⁵¹ *Kriegswirtschaftsverordnung vom 4. September 1939* [Regulation on the wartime economy of November 4, 1939], RGBl. 1939, p. 1609.

kilograms of meat, as well as on perpetrators who stole 328 kilograms of leather for the production of shoes.⁵² In Frankfurt am Main, even perpetrators of illegal slaughter of a few animals weighing 750 kilograms received lenient punishments; however, this was criticized by the German Ministry of Justice. In Bydgoszcz, death sentences were imposed in one case for the slaughter of seven pigs, a cow, and a calf, and in another for the slaughter of livestock weighing about 2,000 kilograms.⁵³ Therefore, it seems to us that the case of Szymon and Nechemia Wyszowski should not be treated as an unprecedented prosecution for violation of the ordinance banning ritual slaughter because apparently in this case the Warsaw Special Court adopted a different legal qualification.

The regulation banning ritual slaughter posed difficulties not only in the procurement of meat itself. For various reasons, many truly pious Jews did not accept meat from illegal sources as kosher. First of all, the meat was not boned, and in these not always suitable slaughtering conditions the slaughterers, who were often completely dependent on the butchers, had no way of disqualifying meat that would normally be considered non-kosher. In addition, they pointed to a general lack of control and supervision over the kosherness of meat, which caused pious Jews to stop consuming kosher meat from the illegal slaughter carried out in Warsaw. This attitude also translated into the attitude of the slaughterers, who concluded that since non-religious Jews eat any meat they are told is kosher, and religious Jews do not eat meat at all, there is no reason to delegate a slaughterer to the secret slaughterhouses.⁵⁴ In March 1941, Ringelblum noted: "Rabbis admit that kosherness has not been observed so scrupulously lately.

However, it is difficult to observe kosherness in today's conditions, and besides, bacon is cheaper than kosher fat."⁵⁵ The solution to the problem for pious Jews could have been the kosher certificates carried by those smuggling meat into the ghetto, or bringing live cattle into the ghetto to be slaughtered by local slaughterers. It must be emphasized,

⁵² K. Graczyk, *Sondergericht Kattowitz. Sąd Specjalny w Katowicach 1939–1945*, Warszawa 2020, p. 346.

⁵³ G. Weckbecker, *Zwischen Freispruch und Todesstrafe. Die Rechtsprechung der nationalsozialistischen Sondergerichte Frankfurt/Main und Bromberg*, Baden-Baden 1998, pp. 222–223, 621–622.

⁵⁴ *Archiwum Ringelbluma. Konspiracyjne Archiwum Getta Warszawy*, Vol. 32: *Pisma rabina Szymona Huberbanda...*, op. cit., pp. 84–85.

⁵⁵ E. Ringelblum, *Kronika getta warszawskiego wrzesień 1939 – styczeń 1943...*, op. cit., pp. 253–254.

however, that such alternatives, if only because of the involved costs, were not available to all residents of the Warsaw ghetto.⁵⁶

The ban on ritual slaughter was not the only form of religious repression against adherents of Judaism. From the first days of the war, religious persecution manifested itself in the destruction of synagogues and the desecration of the Torah and objects of worship. Distinguished by their attire, pious Jews very often fell victim to the sadistic practice of cutting off of beards.⁵⁷ Also, in early 1940, the Germans banned communal prayers in synagogues and private dwellings. Adam Czerniaków noted as early as on January 5, 1940, that he was ordered to “close the temple, synagogues, mikvahs.” As one might guess, not all of Warsaw’s Jewish residents complied with this order, which caused the Judenrat’s chairman to be admonished by the police authorities. Because of their religion, Jews also often became the object of mockery, repression, and torture. An attack against this religious community was also a conspicuous objective of the actions of the occupying authorities. The calendar of repressions and crimes was adapted by the Germans to the Judaic ritual year. The best example of this is the fact that ten Jews each were often shot in public executions, which was commented on derisively with the statement that this creates a minyan (or prayer quorum, amounting to ten adult males, required for certain prayers and rituals).⁵⁸

4. Conclusion

The ordinances imposing forced labor and prohibiting ritual slaughter discussed in this part of the article were the first general legal acts in the General Government that concerned the Jewish population. They should be regarded as acts of a repressive nature that contained specific injunctions and prohibitions accompanied by the threat of various types of punishment and were enforced by the German authorities mostly in a ruthless manner, which in turn was intended to have a preventive effect on the Jewish community.

⁵⁶ *Archiwum Ringelbluma. Konspiracyjne Archiwum Getta Warszawy*, Vol. 32: *Pisma rabina Szymona Huberbanda...*, op. cit., p. 84.

⁵⁷ Ch. A. Kaptan, *Dziennik 1939. Megila życia*, translated and compiled by B. Górecka, Warszawa 2019, p. 129.

⁵⁸ B. Engelking, J. Leociak, *Getto warszawskie. Przewodnik po nieistniejącym mieście...*, op. cit., pp. 655–657.

The forced labor ordinance partly legalized the previous actions that had been carried out by the German authorities, such as forcing Jews to clean the streets. While these cases were *ad hoc* and individual, the ordinance enabled the general institutionalization of the exploitation of Jews, which soon manifested itself in the form of labor camps. The introduction of the ordinance was also accompanied by the “administrative” capture of the Jewish population by registering those subject to forced labor. Such registers were important in the perpetration of subsequent actions that targeted Jews. The ordinance banning ritual slaughter, which referred in its content to the idea of humane treatment of animals, resulted *de lege* and *de facto* in a further deterioration of the status of the Jewish population, this time also in the sphere of religion. Indirectly, it had a significant impact on the daily life of Warsaw’s Jews, as it became the cause of problems in obtaining kosher meat, and consequently forced Jews to leave the ghetto or purchase food illegally.

The second part of the article presents two more anti-Jewish actions that preceded their extermination, namely stigmatization and isolation. The considerations presented in this article lead to questions about the impact of anti-Jewish ordinances on the situation of Warsaw’s Jews, their attitude to the laws adopted by the occupying authorities, and their ways of coping with the new wartime reality. There is also a separate legal question of how the ordinances adopted by the German occupiers were enforced.

References

Archival sources

National Archives in Warsaw, Special Court in Warsaw.

United States Holocaust Memorial Museum Archives, Criminal Prison in Warsaw-Mokotów District.

Printed sources

Archiwum Ringelbluma. Konspiracyjne Archiwum Getta Warszawy, Volksdeutsche, Vol. 32, comp. by A. Ciałowicz, Warszawa 2017.

Archiwum Ringelbluma. Konspiracyjne Archiwum Getta Warszawy. Dzienniki z getta warszawskiego, vol. 23, comp. by K. Person, Z. Trębacz, M. Trębacz, Warszawa 2015.

Archiwum Ringelbluma. Konspiracyjne Archiwum Getta Warszawy. Prasa getta warszawskiego: Bund i Cukunft, vol. 16, comp. by M. Rusinek-Karwat, A. Jarkowska-Natkaniec, Warszawa 2016.

Journal of Ordinances of the General Governor for the occupied Polish areas 1939.

Pospieszalski Karol M., *Hitlerowskie „prawo” okupacyjne w Polsce. Część II: Generalna Gubernia. Wybór dokumentów i próba syntezy*, “Documenta Occupationis” 1958, vol. VI.

Reichsgesetzblatt (RGBl.) 1939.

Weh A., *Das Recht des Generalgouvernements*, Krakow 1940.

Diaries, memoirs

Adama Czerniakowa dziennik getta warszawskiego 6 IX 1939 – 23 VII 1942, comp. by M. Fuks, Warszawa 1983.

Erlich Bronisław, *Żydowskie dziecko Warszawy. Wspomnienia czasu zagłady*, ed. P. Wieczorek, Warszawa 2021.

Hosenfeld Wilm, *„Staram się ratować każdego”. Życie niemieckiego oficera w listach i dziennikach*, transl. by J. Tycner, W. Tycner, M. Tycner, P. Tycner, A. Tycner, eds E.C. Król, W. Lipscher, Warszawa 2007.

Kapłan Chaim Aron, *Dziennik 1939. Megila życia*, transl. and comp. by B. Górecka, Warszawa 2019.

Perechodnik Calek, *Czy ja jestem mordercą?*, comp. by P. Szapiro, Warszawa 1995.

Ringelblum Emanuel, *Kronika getta warszawskiego wrzesień 1939 – styczeń 1943*, introd. and comp. by A. Eisenbach, transl. by A. Rutkowski, Warszawa 1983.

Szpilman Władysław, *Pianista. Warszawskie wspomnienia 1939–1945*, introd. and comp. by A. Szpilman, Kraków 2001.

Compilations

Blumenthal Nachman, *Rząd w tzw. Generalnej Guberni a rozwiązanie kwestii żydowskiej*, [in:] *Ekspertyzy i orzeczenia przed Najwyższym Trybunałem Narodowym*, vol. VIII, selected and prepared for publication by C. Pilichowski, Warszawa 1981.

Eisenbach Artur, *Hitlerowska polityka zagłady Żydów*, Warszawa 1961.

Engelking Barbara, Leociak Jacek, *Getto warszawskie. Przewodnik po nieistniejącym mieście*, 2nd ed., Warszawa 2013.

Graczyk Konrad, *Sondergericht Kattowitz. Sąd Specjalny w Katowicach 1939–1945*, Warszawa 2020.

Sakowska Ruta, *Ludzie z dzielnicy zamkniętej. Z dziejów Żydów w Warszawie w latach okupacji hitlerowskiej, październik 1939 – marzec 1943*, Warszawa 1993.

Weckbecker Gerd, *Zwischen Freispruch und Todesstrafe. Die Rechtsprechung der nationalsozialistischen Sondergerichte Frankfurt/Main und Bromberg*, Baden-Baden 1998.

Żyndul Jolanta, *Zajścia antyżydowskie w Polsce w latach 1935–1937*, Warszawa 1994.

Press

„Biuletyn ŻIH” 1970, no. 73.

Film

The Pianist, dir. by Roman Polański, France–Poland–Great Britain–Germany 2002.

► SUMMARY

In the Majesty of the Law? Jewish Residents of Warszawa in the Face of German Occupation Ordinances and Activities of Sondergericht Warschau – Part I

The purpose of this article is to present the attitude of the Jewish population of Warsaw to the provisions arising from selected normative acts that were issued by the German authorities during World War II. The objective of the different ordinances was to regulate the lives of Jews under occupation. Due to the volume of the analyzed material, the text is divided into two main parts. In the analysis, we focused on the most important, in our opinion, normative acts the violation of which resulted in criminal proceedings. Consequently, our considerations included the Ordinance on forced labor for the Jewish population of October 26, 1939, and the Ordinance prohibiting ritual slaughter of October 26, 1939 (in the first part), as well as the Ordinance on marking Jews with an armband with the Star of David of November 23, 1939, and the Ordinance on residence restrictions (in the second part), with special focus on its third version of October 15, 1941, which provided for the death penalty for unauthorized departure from the ghetto.

Another important aspect addressed during the research was the activity of the Special Court in Warsaw (*Sondergericht Warschau*), the competence of which included the adjudication of cases of violations of particular ordinances within the Warsaw District. Therefore, in the article, we looked at not only the reception of the anti-Jewish laws themselves by the population they targeted. We were also particularly interested in court trials, the enforcement of the imposed sentences, and the strategies of Warsaw's Jews that were intended to help them cope with the German legislation. The research made it possible to show German legislative policy in the context of measures aimed to exploit, discriminate, stigmatize, and isolate Jews.