

The August Trials: The Holocaust and Postwar Justice in Poland

By Andrew Kornbluth. Cambridge, MA and London: Harvard University Press, 2021. Pp. 352. Cloth \$45.00. ISBN 978-0674249134.

Gabriel N. Finder

University of Virginia, retired

Andrew Kornbluth examines more than four hundred immediate postwar trials of ethnic Polish defendants accused of anti-Jewish crimes during the Nazi occupation of Poland. The so-called August trials, a creation of the August Decree promulgated by the provisional Soviet-installed communist government in August 1944, encompassed primarily Polish-on-Polish violence under Nazi occupation. But they could not help but also address vast Polish-on-Jewish violence, which occurred especially in the Polish countryside in the years 1942–1945, when thousands of ethnic Poles, acting largely on their own initiative, looted, blackmailed, and either killed Jewish Poles or handed them over to the Germans or to their accomplices, the Polish Blue Police. To complicate matters, Polish society, both during and after the war, was wont to shield the perpetrators or remain silent because a significant proportion of Poles remained inactive in the face of, acquiesced in, or approved anti-Jewish violence, while thousands benefited in material ways, large and small, from it.

According to conventional wisdom, the August trials were blunt instruments of political lustration. Kornbluth, however, distinguishes them from trials based on the decree *On the Defense of the State*, promulgated in October 1944, which, vesting jurisdiction in military courts, was meant to suppress the anti-communist opposition. (The August Decree was eventually applied outside the military court system to high-profile figures in the anti-communist underground starting in 1950, but then only in the “secret section” of the Warsaw city court.) Indeed, the judiciary in civilian courts remained a semi-independent holdover from the interwar period because however much the communist authorities wanted to remake the judiciary in their own image after 1945, they needed prewar jurists, since the legal profession, including judges, had been devastated during World War II. However, returning legal personnel had generally been antisemitic and nationalistic (not to mention anti-communist) before 1939, and they remained antisemitic and nationalistic after the war. Even if there was a critical mass of judges from the interwar period who remained faithful to legal principle after the rise of the communists to power, their political orientation led many of them to adopt tactics to resist or mitigate the unwanted responsibility imposed by the new regime of punishing Poles for wartime anti-Jewish violence. They consequently adopted a highly restrictive interpretation of the August Decree, minimizing offenders’ culpability, which was reflected in low conviction rates and relatively light sentences for the convicted.

While courts generally ascribed a lack of agency to Polish perpetrators, their Jewish victims were often blamed for their own demise, depicted as criminals or bandits. Officials in the Ministry of Justice criticized judges’ lenient approach to the August docket. But the apparent conflict between the government and the judiciary was essentially a smokescreen since the unpopular regime was loath to alienate the population through a wholesale judicial purge of Poles responsible for anti-Jewish crimes under Nazi occupation. Ultimately, Kornbluth argues, “The upshot was that the punishment of Polish collaborators operated within a set of understood parameters and followed a predictable pattern resulting most commonly in acquittal or a mild sentence, rarely and only in the most extreme cases in a death sentence with a high likelihood of commutation” (200). The verdicts demonstrate

“the outlines of an unspoken but increasingly stable tripartite arrangement among state, society, and judiciary over the punishment of accused collaborators, one that was largely untouched by the voices of the victims and their advocates” (225).

With the imposition of authoritarian, Stalinist rule, in 1949–1950, the regime revised the August Decree, widening the interpretation of participation in the physical act of killing to include indirect aid and support, in the effort to increase conviction rates and stiffen penalties. But in a concession to popular discontent with the August trials, the regime reversed course in 1951 with a new law on parole, in 1952 with a law on amnesty for those convicted under the August Decree for blackmail and exploitation for material benefit, and in 1956, the year of the Polish Thaw, with a general amnesty that applied to all prisoners sentenced for August crimes, with the exception of those relatively few convicted of direct participation in murder. The unwritten collusion between the communist government, the society, and the judiciary ultimately “creat[ed] a legally codified memory of the occupation from which the evidence of Polish participation in the ethnic cleansing of the Jews was excised” (268). The book never examines, however, how the results of the August trials were transmitted in the media to help shape a national exculpatory narrative.

“If the government, judiciary, and society all had a say in the outcome of the trials, the voice of one key party was conspicuously absent: the Jews” (221). The number of Jewish survivors who could testify was minimal, since most victims of Polish-on-Jewish violence had been killed, while surviving Jewish witnesses were emigrating or unwilling to testify, out of fear, lack of faith in the judicial process, or emotional exhaustion, resignation, and the impulse to proceed with their lives. A noticeable exception was Abram Rozenman, whose entire family had been killed. Having nothing more to lose, he denounced four Poles for murder, but his testimony yielded meager results: two of the accused at that trial were acquitted, one was sentenced to three years, and the fourth to eight years in prison. Absent from the book are the efforts of historians from the Central Jewish Historical Commission and its successor, the Jewish Historical Institute in Warsaw, who advocated for Jewish victims. Feeling duty-bound to document the anti-Jewish crimes of the Nazis and their collaborators in pursuit of retribution, they supplied Polish prosecutors with documents and statements collected from survivors. In other words, Jews involved in the August trials were not just onlookers but also exercised agency. Furthermore, the August trials of Polish collaborators were not conducted in isolation. The 1944 August Decree was also the basis for the trials of thousands of German and Austrian Nazis who had been active in Poland. However, whereas these trials generated sympathy for Jews, the trials of Polish collaborators were mostly exercises in blaming the victims. Indeed, both sets of trials were trials of displacement: In one, Poles displaced their guilt onto Germans and Austrians; in the other, they displaced their guilt onto the victims—the Jews.

Andrew Kornbluth’s book is important because it both challenges the misconception of the communists’ ironclad grip on the Polish legal system and further elucidates the origins of the perversion of Holocaust memory behind the Iron Curtain. Thanks to Kornbluth’s compelling study, scholars of postwar Poland must now seriously take the August trials into account.

doi:10.1017/S0008938922000759