

The project aims to examine the role of law and the judiciary in the Holocaust. The Holocaust, or the Extermination of European Jews, was carried out mostly in Polish lands occupied by the Third Reich. Its central element was the "Reinhardt" operation, which affected two million Jews living in the General Government (GG). The role of the SS in the Holocaust is widely known, but questions about the relationship of judicial law and courts to the Holocaust have not been asked so far. Sources of legal provenance have rarely been used by historians of the Holocaust, and even when they did, they limited themselves to factual information, neglecting legal analysis. The project was based on the perception of this lack. The project's innovation lies in reaching for a new source resource - normative acts and court decisions - and using it in research on the Holocaust. The implementation of the project will allow for the determination and description of the participation of the judiciary in the Holocaust. Initial research has shown that this participation varied depending on the type of court system in the GG (German, Polish-non-German) and the applied court law (criminal, civil). The research will be multi-faceted, although its main plane will be legal acts and acts of application of the law. On their basis, it will be possible to trace the four phases of anti-Jewish policy (exploitation, discrimination, stigmatization, isolation) and examine their determinants. The main plane of research will be legal acts and court decisions (judicial repression), but the course of extrajudicial repression will also have an auxiliary value. It is necessary to examine the judgments of German special courts based on anti-Jewish legislation in the General Government (e.g. in cases of not wearing the armband with the Star of David and on forced labor). A special place in the research will be taken by the third regulation on residence restrictions issued by the General Governor Hans Frank on 15 October 1941, which penalised under penalty of death the unauthorized leaving of the ghetto by a Jew and the conscious granting of shelter to a Jew outside the ghetto. This act was an example of judicial repression against Jews and people providing them with help. It raises a number of questions about judicial practice – for example, in what situations did German special courts in the GG consider the granting of shelter as conscious and how the line of jurisprudence, established on the basis of theses resulting from the judgments, changed over time. The results of the research will make it possible to answer the question of whether this jurisprudence can be assessed as direct participation in the Holocaust. In the case of this legal act, the German occupation authorities, regardless of judicial repression, also decided to introduce extrajudicial repression, carried out by police formations, which over time began to dominate. In this area, it is necessary to examine the reasons for which some Jews and their assistants were brought before special courts, while in other cases they were shot without a court verdict. The psychological aspect of judicial activity also requires examination – how judges issuing death sentences addressed this issue, and what their significance was for policemen and gendarmes implementing extrajudicial repression. The attitude of Polish (non-German) courts in the GG towards Jews also requires examination. It seems that they did not participate directly in the Holocaust as part of their judicial activity. Their case law should be examined, including establishing the criteria that determined the jurisdiction of courts in cases concerning Jews. It is necessary to answer the question of whether classical (pre-war) criminal law was also used to discriminate against Jews and what the role of Polish (non-German) courts was in this context. This will enable the development of the charges most frequently brought against Jews and the penalties imposed. Detailed research is also required on the possibility of effective legal defense (e.g., the use of lawyers, appeals against verdicts) and the attitude of courts and witnesses towards Jewish defendants (e.g., anti-Semitic prejudices in the justifications). The implementation of the project will contribute to the emergence of a new trend in Holocaust studies and to the determination of the previously unknown role of the judiciary in the extermination of Jews.