

Were Jews Virtually Excluded from the Jagiellonian University in Interwar Poland?

Over the years, Supreme Court of Canada Justice Rosalie Silberman Abella has gone out of her way to publicize that her father was “one of only four” or “one of the very few” or “one of just a handful of” Jews admitted into the law faculty at Kraków’s Jagiellonian University in 1930, allegedly due to the existence of a stringent quota (“*numerus clausus*”) on the admission of Jews, and that he was subjected to segregated seating imposed on Jewish students. This claim is demonstrably false.

The most recent - of a number of publications - where this claim has been made is *The Globe and Mail*, a Toronto-based daily newspaper.

- Opening Address at the Law Society of Upper Canada’s Benchers’ Retreat, October 14, 1999, Internet: <http://www.ontariocourts.on.ca/coa/en/ps/speeches/professionalism.htm> (“he was one of only 4 admitted to the law school in a class of over 100. The Jewish students were assigned special seats in the lecture rooms.”)
- Donna Bailey Nurse, “Just ‘Rosie’,” *University of Toronto Magazine*, Winter 2006, Internet: <http://www.magazine.utoronto.ca/winter-2006/rosalie-abella-supreme-court-of-canada-women-judges/> (“he was one of only four Jews permitted entry under quotas”)
- 350th Commencement, Yale University - Honorary Degrees, May 23, 2016, Internet: <http://news.yale.edu/sites/default/files/imce/HDProgram-5-20-16.pdf> (“one of only four Jewish students in his law school class at the Jagiellonian University in Kraków”)
- Rosalie Abella, “Justice and Peace,” *The Walrus*, June 1, 2016, Internet: <https://thewalrus.ca/justice-and-peace/> (“Because there was a quota on the number of Jews, he was one of very few admitted. There were special seats assigned to Jewish students. ”)
- Catherine Porter, “Revisiting Hate: ‘The world has not changed,’” *Toronto Star*, July 10, 2016, Internet: <https://www.thestar.com/news/insight/2016/07/10/revisiting-europes-heart-of-darkness.html> (“He stood during first-year lectures, refusing to sit in the seats reserved for the few Jews permitted by a university quota system.”)
- Sean Fine, “Doing Justice to His Dream,” *The Globe and Mail*, July 30, 2016, Internet: <http://www.theglobeandmail.com/news/national/doing-justice-to-her-fathersdream/article31207151/> (“he was one of just a handful of Jews accepted into the program in 1930. He also told her its classrooms had segregated seating, known as the bench ghetto, but that he stood, stubbornly, for most of his first year, rather than submit to being set apart.”)
- “The Nuremberg Symposium: An International Legal Symposium on The Nuremberg Laws & The Nuremberg Trials,” *Loyola of Los Angeles International and Comparative Law Review*, vol. 39 (2017) at 450 (“My father came to the Jagiellonian University in Krakow to study law in 1930, because there was a *numerus clausus*, a quota on the number of Jews admitted to the law school; he was one of very few Jews admitted in a class of over 100. Rather than sit in the seats reserved for Jewish students in the lectures, he told me he stood through most of his first year in the University. He graduated in 1934.) Internet: <http://digitalcommons.lmu.edu/cgi/viewcontent.cgi?article=1742&context=ilr>

In the interwar period, universities in many countries - including Canada and the U.S.A. - had restrictions in place on the admission of Jews, Blacks and other groups. It was practically impossible for a Jewish woman to be admitted to the study of law in Canada. Even today in Israel, Palestinians are significantly underrepresented at institutions of higher learning.

However, rather than a draconian quota that virtually shut out Jews, as alleged by Justice Abella, there was in fact a pattern of significant overrepresentation of Jews at the Jagiellonian University, especially in the field of law, when her father was enrolled there. Jews constituted a little less than ten percent of Poland's population, yet they made up more than forty percent of the law students. Nor were there separate seats for Jews (a so-called "ghetto bench"), as Justice Abella has claimed.

Mariusz Kulczykowski authored a monograph on this very topic, *Żydzi-studenci Uniwersytetu Jagiellońskiego w Drugiej Rzeczypospolitej (1919-1939)* [Jewish Students at the Jagiellonian University during the Second Republic (1919-1939)] (Kraków: Polska Akademia Umiejętności, 2004). This 734-page study published in 2004 by the Polish Academy of Learning is based on extensive archival research. According to Professor Kulczykowski's in-depth, documented study, there was no *numerus clausus* before or during the period Justice Abella's father attended the Jagiellonian University (1930-1934), and Jews were not segregated from non-Jews. (Such restrictions were introduced in some faculties only in 1937-1939 to address the problem of significant Jewish overrepresentation.)

According to Kulczykowski's authoritative study, **the number of self-declared Jews enrolled in the study of law at the Jagiellonian University** is as follows (at p. 66, Table 9):

- In 1926/27, of 2,144 students, 770 were Jews (including 76 females), or 35.91%;
- in 1927/28, of 2,495 students, 972 were Jews (including 117 females), or 38.96%;
- in 1928/29, of 2,525 students, 1,074 were Jews (including 121 females), or 42.54%;
- in 1929/30, of 2,565 students, 994 were Jews (119 females), or 38.75%;
- **in 1930/31, of 2,660 students, 1,084 were Jews (169 females), or 40.75%;**
- in 1931/32, of 3,096 students, 1,182 were Jews (230 females), or 38.18%;
- in 1932/33, of 3,049 students, 1,167 were Jews (246 females), or 38.28%;
- in 1933/34, of 2,970 students, 910 were Jews (191 females), or 30.64%.

Kulczykowski's study lists by name (at pp. 501-702) **310 new Jewish students accepted into the law program in 1930**, among them Justice Abella's father. In fact, 1930 was a bumper year for the admission of Jews, as the spike in the percentage of Jews over the previous year shows. Kulczykowski's book is available in major libraries around the world, including the University of Toronto, so there is no excuse for not accessing it, especially for someone who, like Justice Abella, is well connected to historians. Unfortunately, such false claims are rather frequent in the reporting on Polish-Jewish relations.

The *Globe and Mail* article also claimed - falsely - that the historian Emanuel Ringelblum was "shut out of medicine because of Jagiellonian's *numerus clausus*." Ringelblum never applied to study medicine at the Jagiellonian University. He applied to the University of Warsaw in 1920. Moreover, it is not at all clear that the reason for his rejection was his ethnicity or religion. At the time, Jews constituted 31.4 percent

of the students at the University of Warsaw and Ringelblum was accepted into another field of studies (history). Moreover, Kulczykowski's monograph states categorically (at p. 471) that the Faculty of Medicine at the University of Warsaw rejected quotas when they were first proposed in 1923.

What is particularly disturbing about the *Globe and Mail* article authored by Sean Fine is the derision that is heaped on the Jagiellonian University official who took issue with Justice Abella's claim. He is portrayed as a "denier," that is, essentially a liar. The ugly passage, with its highly suggestive heading, reads as follows:

Facing, even now, a denial of discrimination

The morning after the Nuremberg symposium, the Abellas are in an archival room at Jagiellonian. A school official brings down a large, bound book containing records of every law student in 1930, including her father's. [...] But when she mentions the numerus clausus, the school official denies it existed, becomes agitated, can barely catch his breath as he pours out his views in Polish to Katarzyna du Vall, a young lawyer serving as interpreter. [...]

Afterward, outside the building, Justice Abella is not happy.

The discrepancy in the number of Jews admitted is critical: were Jews virtually excluded and forced to take special seats, as the article alleges, or were they significantly overrepresented? This fundamental divergence carries with it important implications for a proper assessment of the narrative and historical record.

Accounts, especially second hand ones, can be very unreliable. In some cases, false memory could be at play. Rather than approaching Justice Abella's father's account with caution and examining the evidence carefully, the article promotes an uncritical acceptance of its accuracy and denigrates a reputable official who takes issue with it. The high-profile provenance of the claim (a Supreme Court justice who is married to a prominent historian) only enhances its supposed reliability. This approach strikes us as lacking in objectivity.

The Globe and Mail refused to publish a letter from the Canadian Polish Congress or a correction regarding this matter. If a newspaper provides a broad forum to one community to air its grievances against another, then surely even-handedness would require that the aggrieved community be given an opportunity to respond. In this case, the veracity of the information submitted to counter the story is beyond any doubt whatsoever. One is, therefore, left wondering - quite legitimately - why the *Globe and Mail* is so intent on keeping this information from its readers. Rather than respect the outcome of a reality check, the *Globe and Mail* champions a Jewish ethno-nationalist narrative.

Additionally, the *Globe and Mail* article contains two unwarranted generalizations that are not supported by objective evidence, namely, that Poland promotes "ethno-nationalism" and excludes Jewish suffering. Such generalizations are seldom used by the media with respect to democratic countries. In fact, the acceptance of such generalizations in relation to Jews is used nowadays to "prove" anti-Semitic attitudes.

The charge of "ethno-nationalism" is bizarre. Every country embraces a national narrative, but this does not necessarily preclude conveying information about the diverse aspects of that country's past. The *Globe and Mail* article ignores Poland's enormous efforts to keep the memory of its Jews alive.

Warsaw's Museum of the History of Polish Jews POLIN is not some exception to an alleged "ethno-nationalist" agenda, as the article alleges. In addition to that Jewish museum, whose operating budget - including the salary of 120 employees - is borne entirely by Polish taxpayers (something the *Globe and Mail* article neglects to mention), the Polish state fully funds the Jewish Historical Institute in Warsaw, which employs 46 persons. The Polish state also finances all sorts of historical and cultural projects as well as countless scholarly publications on Jewish-related matters. Various levels of government also operate, fund or subsidize many other Jewish heritage museums and cultural centres such as:

- Jewish History and Culture Museum in Kraków, a branch of the History Museum of the City of Kraków (<http://www.mhk.pl/branches/old-synagogue>)
- Museum of Mazovian Jews in Płock, a branch of the Mazovian Museum (<http://synagogaplocka.pl/en>)
- Grodzka Gate - NN Theatre Centre in Lublin, a local government cultural institution with a heavily Jewish focus (http://teatrnn.pl/node/78/the_grodzka_gate_%E2%80%93_nn_theatre_centre)
- Jewish museums in Tykocin (<http://www.muzeum.bialystok.pl/s,muzeum-w-tykocinie,47.html>), Włodawa (<http://www.muzeumwlodawa.pl/>), Leszno (http://www.muzeum.leszno.pl/strona_PL/about)
- "Świętokrzyski Sztetl" Museum and Education Centre in Chmielnik (<http://www.swietokrzyskisztetl.pl>)
- "Szydłowiec Shtetl" ("Szydłowiecki Sztetl") Educational Cultural Centre in Szydłowiec
- Galicia Jewish Museum in Kraków (with a branch in Lesko), a non-governmental institution (<http://www.galiciajewishmuseum.org/en>)
- Jewish Museum in the city of Oświęcim (not at the Auschwitz camp), a non-governmental institution (<http://ajcf.pl/en/museum/>)

In March 2017, the Polish government announced plans to establish two new museums devoted to Poland's Jewish heritage, focusing on the Warsaw Ghetto and Hassidism, and allocated 32 million złoty just to start them up. Ongoing government funding for their upkeep and staff will also have to be provided.

By way of comparison, Poles have settled in many countries including Canada, yet none of those countries has established or funds Polish heritage museums or pays the salary of any curator or researcher in that field. Yet various levels of government have provided generous grants to Jewish organizations in Canada for Holocaust education. (Nate Leipziger, *The Weight of Freedom*, Toronto: Azrieli Foundation, 2015, pp. 237-238.) Double standard?

Poland also hosts renowned Jewish cultural festivals annually, such as the Jewish Culture Festival in Kraków (<http://www.jewishfestival.pl/en/jewish-culture-festival/>) and Singer's Warsaw Festival (<http://www.festiwaltingera.pl/en/>), which are second to none and attract large audiences. Jewish organizations in Poland received \$250,000 US in grants from the Polish state in 2016 for various community-based activities. The Polish community in Canada receives no such assistance from any level of government.

There are hundreds of Holocaust memorials located throughout Poland and local commemorations take place frequently. Holocaust education meets international standards. According to the International Holocaust Remembrance Alliance, a reputable intergovernmental organization that disseminates objective information, "Both state and local government institutions, universities, research institutes and

schools are extensively involved in Holocaust commemoration." (<https://www.holocaustremembrance.com/member-countries/holocaust-education-remembrance-and-research-poland>)

It appears that a double standard is being employed with regard to Poland. Surely it is time to move beyond crude ethno-nationalist stereotypes in this context.

September 2017 REV

APPENDIX

Barbara Kirshenblatt-Gimblett, Chief Curator of the Core Exhibition, POLIN Museum of the History of Polish Jews:

In the 1990s her parents accompanied her to Poland, where she was teaching a seminar on Jewish culture, and together they traveled to Opatów, the town where Mayer was born. “My father stopped people in the street to get them to tell him what they remembered from before the war,” she says. “One young man invited us to his home, which was similar to my father’s home, just two rooms. His grandmother, relatives and neighbors gathered, and they started to talk. This young man persuaded the municipality to display my father’s painting in the county seat headquarters.”

But the story doesn’t end there. “A short time after the exhibition, the town decided, for the very first time, to commemorate the deportation of the Jews to Treblinka in September 1942,” Kirshenblatt-Gimblett continues.

“The local church organized a mass in memory of the murdered, and the town’s youth read out testimonies of residents who witnessed the deportation. Nearly 6,500 Jews, more than two-thirds of the town’s inhabitants, were sent to their deaths; 500 were marched to Sandomierz to a forced labor camp. ... Since then, at their own initiative, they organize an annual ceremony, which I think is amazing. When you approach people with trust, it can bring out their best.” (Gilad Meltzer, “‘Every Cultural Institution Which Isn’t Perceived as 100% ‘pro-Israel’ Is Taking a Serious Risk’,” Haaretz Magazine, May 26, 2020)

Another report from Tarnów and its vicinity, a PIS stronghold in southeastern Poland:

This blog has been written by Joan Salter, a survivor of the Holocaust who has kindly agreed to be our first guest blogger.

For over 10 years I have visited Tarnow, a large town near Krakow, every June to take part in the town’s commemoration of its murdered Jews. Many Jews have only negative thoughts about Poland: that anti-Semitism is part of its history and that all Poles happily stood by, if not actually collaborated, as the Nazis exterminated their neighbours. I would not wish to airbrush the past with a rosy glow, however the history of the Jews in Poland is much more nuanced than many appreciate. ...

I write this blog so that those who read it will gain some insight into the past and the work being done in Poland to keep the memory of its Jews alive.

For two decades and more Adam Bartosz has worked tirelessly not only to commemorate the terrible fate of this region’s Jews but to bring alive the lives they lived, their involvement with and their contribution to their local communities. In June 2012 my husband and I joined the commemorations organised each year by Bartosz. As every year, they commenced in the woods. Here, surrounded by local cadets, school children and adults, as well as journalists and reporters, Bartosz spoke of the terrible events which took place here, exactly seventy years ago. Professor Jonathan Webber, an orthodox Jew living in Poland though originally from London sang the traditional prayer for the soul of the departed, El Moleh Rachamim, and the priest from Tarnow cathedral (director of Diocesan Museum) recited prayers in Polish. Together with another survivor, I took part in laying flowers in honour of our families murdered there. A local elderly Pole gave witness to how as a young boy playing with his friends in the woods, he had witnessed the event when 800 children had been marched from the local Jewish orphanage and shot in the woods. This area is now enclosed and a memorial stone dedicated to these unnamed children.

On the Sunday, we travelled with a group organised by Professor Webber to the village of Brzostek. Professor Webber, a social anthropologist, first travelled to Poland many years ago to this town from where his grandfather had emigrated at the turn of the last century. The only apparent evidence that Jews had once lived there was a strip of uncultivated land at the edge of a field which locals identified as the ancient Jewish Cemetery. Except for the fact that the topography differed to the rest of the cultivated field, there was no evidence of it being a cemetery. It was not walled off, no tombstones remained. Determined to reclaim and rededicate this as Jewish sacred ground, Webber located an old map. He contacted another descendent of Brzostek and together they financed the work. Determined that the local

community felt connected with this project, he hired local contractors. The area was not to be walled in but enclosed with railings. When the contractor finished the work, he reported to Jonathan that several grave stones had re-appeared over night. In all 55 grave stones of the estimated 450 Jews buried in this cemetery were returned by the local villagers.

On this summer's day in 2012, we said prayers for the Jews buried in the cemetery as well for the 500 Jews of Brzostek who are not buried there but who were murdered by the Nazis. On this occasion, we were accompanied by two elderly survivors of the massacre in Brzostek. Now in their 80's they recounted their experiences on the terrible day in August 1942 when the Nazis rounded up the Jews in the square, humiliated them before shooting them. The few who survived were hidden by neighbours.

We then travelled to the Catholic cemetery where the son and daughter of Rivka Reiss dedicated a memorial stone to Maria Jalowiec, their mother's neighbour who hid Rivka and another Jewish girl for two years, right under the noses of the Germans camped on their farm. Maria's grandson, Tadeusz, now an elderly man, bore witness to how as an eight year old boy he smuggled food into the barn for the two girls. His grandmother told him the food was for the cows, but he understood the reason for the secrecy and kept it. When the Germans confiscated their house, Maria smuggled the girls out to a local priest who she knew was hiding Jews. He took them in, saying that he might as well be shot for 16 Jews as the 14 already hidden. These Poles deserve to be commemorated as Righteous among the Nations.

After this we travelled to a local school where a magnificent lunch was put on for us and we were welcomed by local dignitaries. Students from the creative arts department put on an entertainment based on their own work created in memory of the Jewish people who had lived and died in the area. We were greeted with Hebrew words and poems and songs about vanished neighbours and a need for tolerance. Professor Webber has initiated an annual prize for the work of the most creative student and last year's winner put on a power-point presentation of his travels to Greece paid for by the prize. This year five students were awarded scholarships, financed by an elderly survivor who had been hidden by a local farmer.

Then, the most gruelling event of the day: in temperatures nearing 40 degrees, we climbed up into the Podzamcze forest outside the town of Kolaczyce. Here on another sweltering day on 12th August 1942, 260 Jewish men, women and children were brought to this lonely place from Brzostek, Kolaczyce and the nearby villages to be brutally murdered and then buried here in a mass grave. Then, as in forests all over Poland, the evidence was covered over. An unknown person, at an unknown time had placed a stone there marking the site of this mass grave. Now in cooperation with the Gmina of Kolaczyce, a new memorial has been created by the Brzostek Jewish Heritage Project funded by Professor Webber and other descendants of the Jews of this area. It retains the old memorial stone but now covers the full extent of the mass grave. Although a rough path into the forest had been prepared, in the heat of the afternoon, the climb into the forest almost defeated many of us. It was the need to pay homage to those so cruelly murdered there that drove us on. ...

Throughout these commemorations, we walked openly as a group of Jews. Nowhere did we encounter any evidence of hostility. In every place we were welcomed by the local mayor and local people walked with us. In Tarnow, with only a handful of Jewish visitors, it was local people who filled the seats at a play based on the testimony of the last commander of the Jewish uprising in Warsaw. At a concert in front of the Bimah, the only relic remaining in the town of its many synagogues, again there was a full house of locals who clapped hands enthusiastically in time with the Yiddish music. I sat next to a tiny lady beautifully dressed in Roma costume; another of Tarnow's population decimated by the Nazis. ...

In the woods of Zbylitowska Gora, a Bishop stood alongside an orthodox Jew. In the Jewish and Catholic cemeteries of Brzostek and the forest of Podzamcze the Dean of the Parish, Fr. Dr Jan Cebulak and the Chief Rabbi of Poland, Rabbi Michael Schudrich, stood side by side. Jews recited their prayers, Catholics theirs. In our tradition we placed stones in remembrance of the dead, Catholics placed flowers. Two communities united in remembrance of the horrific fate of the Jews of that area.

The National Holocaust Centre and Museum, Laxton, Nottinghamshire

<https://www.holocaust.org.uk/blog/70-years-on>

"Scholar" Shelley Salamensky offers an "alternative" reality, based on her "intuitive" crude, racist stereotypes, about the "super-racist" and hateful citizens of southeastern Poland ...

“While Polish national politics may be edging from far-right to right-center, Poland’s southeast corner is a stronghold of anti-abortion, anti-feminist, anti-gay, anti-immigrant, and—with burgeoning Roma communities in Slovakia, just a few miles away—anti-Roma sentiment. It is still possible to encounter medieval Catholic notions of Jews as Christ-killers and money-grubbers ...”

(Shelley Salamensky, “Poland’s Jews: Under a New Roof,” *New York Review of Books Daily*, December 6, 2014, <https://www.nybooks.com/daily/2014/12/06/polands-jews-new-roof-polin/>)