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The Polish (non-German) judiciary in the Lublin District of the General Government 1939-1944

Summary

The subject of the work is the issue of the Polish (non-German) judiciary in the Lublin District of the General Government (hereinafter: GG) in the period from 1939 to 1944. Referring to the Ernst Fraenkel's theory of the dual state, the research thesis of the work assumes that the Polish (non-German) judiciary in the Lublin District of the GG was an element of the normative state, operated within the law and was not used by the German occupants to apply judicial terror to any of the nationalities.

The main purpose of the work was to present the structure and organization of the Polish (non-German) judiciary operating in the Lublin District in 1939-1944, primarily in the context of changes and restrictions introduced by the occupation authorities to the judiciary system of the Second Polish Republic. The work is also intended to indicate the place of Polish (non-German) judiciary in the administration of the General Government and its relations with the German judiciary, as part of the dualism of the judiciary in GG. The issue of administrative supervision and judicial supervision exercised over Polish (non-German) courts in the Lublin District also requires examination, and thus indicates how much influence the German authorities had on the functioning of these courts. To complement the picture of Polish (non-German) courts, the bar and notary public operating in the General Government have been characterized as well as the prosecutor's office. The jurisdiction of the Polish (non-German) courts was also presented in the work; personal (who could be a party to proceedings before these courts), substantive (what types of cases were considered, especially in criminal cases) and local, in relation to the Lublin District. It was also necessary to present court law, including legal acts and the so-called duplicate law introduced by the German occupier in the General Government. At work, attempts were made to reconstruct the proceedings in criminal and civil matters. A lot of changes in the proceedings were introduced by the duplicate law. The legal status of the Jewish population and broadly understood Ukrainian issues in Polish (non-German) courts also required determination, and above all the issue of the use of Ukrainian language by Polish (non-German) courts. The policy pursued by the occupier in the General Government had an important impact on the activity of Polish (non-German) courts, the work tried to indicate this influence, especially in relation to the course of proceedings. The purpose of the work will also be to present the staffing of the courts and the personnel policy used in them, also in relation to applicants and with an indication of the social situation of judges and other judicial staff. The work also made an comparison, how much the employment status and the national structure of the judges changed (Ukrainian judges and those inscribed on the *Volkslist*). The work also attempts to identify all the dead and fallen as a result of war,

lawyers and court employees from the Lublin District.

The study uses two research methods used in legal sciences: historical-legal and statistical. The work is mainly based on the materials from eight archives and broadly uses the legal acts issued by the GG authorities.

The work consists of a list of abbreviations, introduction, factual introduction, five chapters, ending, bibliography, list of tables and annexes. Strict chapters of work were preceded by a factual introduction about the courts during the Polish defensive war of 1939 and the first months of occupation on the territory of the General Government.

Only the problematic arrangement of chapters was adopted in the work. The first chapter concerns the organization of the Polish (non-German) judiciary in the General Government, this chapter indicates the legal basis for the activity of the Polish (non-German) judiciary in the General Government and the place of this judiciary in the GG judicial model. Issues related to the changes introduced by the occupiers to the pre-war general judiciary system, ways of starting courts in the General Government were discussed, and differences between Polish (non-German) courts in the four primary districts and in the Galicia District were presented. The following subsections are devoted to the forms of supervision (administrative and judicial) exercised over the Polish (non-German) judiciary and the scope of jurisdiction of that judiciary. The bar and notary in the General Government and the status of the Polish (non-German) judiciary in the light of international law were discussed separately.

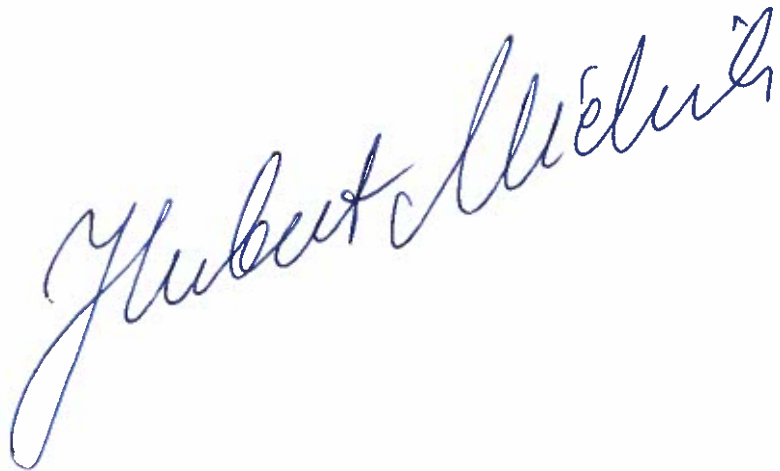
The second chapter of the work is devoted to the law applicable in the Polish (non-German) judiciary in the General Government. This chapter separately discusses the issue of the continued validity of Polish law in the General Government and general issues regarding German legislation. The legal status of the Jewish population was also presented as specific to other national groups in the General Government and general changes introduced to pre-war Polish judicial law, referring to both private law and criminal law. In the following subsections, the most important, published legal acts used by Polish (non-German) courts are discussed. Separate subsections present legal acts in the field of substantive and procedural criminal law, substantive civil and procedural law, commercial law, labor law and social security law, court costs and legal assistance provided by Polish (non-German) courts.

The following chapters concern the main topic of the work. The third chapter presents the organization of the Polish (non-German) judiciary in the Lublin District of the General Government. Issues related to the organization of the prosecutor's office, bar and notary's office in the Lublin District were also discussed. A separate subsection indicates the administrative supervision of the German authorities. The staffing issues were also discussed, which also included nationality issues among judges (judges inscribed on the Volkslist and Ukrainian judges), judicial traineeship, social situation, and the losses of the Lublin judiciary suffered in World War II.

Chapter four deals with proceedings before Polish (non-German) courts in the Lublin District of the General Government. The first subchapter was devoted to the discussion of the duplicate law issued by the district authorities, which affected criminal and civil proceedings. Separately presented is the procedure of verifying the verdicts of Polish (non-German) courts in the Lublin District and the impact of the policy of the occupation authorities on proceedings before Polish (non-German) courts in the Lublin District of the General Government, separately relevant for the subject of the work. Referring to the section on the legal status of Jewish people, a legal and legal situation of the Jewish population in proceedings before Polish (non-German) courts in the Lublin District of the General Government was also developed. Due to the introduced provisions on the use of the Ukrainian language in proceedings before Polish (non-German) courts, this issue also required a separate discussion. The last point of this chapter concerns legal aid provided by Polish (non-German) courts in the Lublin District of the General Government.

The last chapter of the work concerns selected aspects of the functioning of the Polish (non-German) courts in the Lublin District of the General Government. The legal theses passed in criminal and civil cases by the Court of Appeal in Lublin were presented in detail. Based on the analysis of the repertory of courts, the types of criminal and civil cases flowing to Polish (non-German) courts during the occupation were discussed. The last section deals with the movement of court cases.

The ending, in addition to summarizing the thesis and indicating the most important conclusions resulting therefrom, also includes the legal issues of judgments issued by courts during the occupation and a general evaluation of the Polish (non-German) judiciary in the Lublin District. Annexes were also developed for the purposes of the work.

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