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I. ARTYKUŁY

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THE DEFENCE LAWYERING STRATEGY OF A DEFENCE COUNSEL 'MAESTRO': LAWYERS AND LEGAL REASONING IN AUTHORITARIAN REGIMES[*]

STRATEGIA OBRONY MECENASA „MAESTRO": PRAWNICY I ROZUMOWANIE PRAWNICZE W PAŃSTWACH AUTORYTARNYCH

An analysis of the life account of the Polish defence lawyer Stanisław Hejmowski (1900–1969), who made a mark in the first national war crimes trial in 1946 and later in the Poznań June trials of 1956, reminds us of how defence lawyering strategies in high profile cases are born. This paper's findings draw on his recently discovered private personal archive and case notes, which have hitherto not been in the public domain. The investigation shows that Hejmowski's line of action exemplifies a strategy through which a civil lawyer may approach large-scale atrocities and crimes – but as a criminal defence lawyer. Through this analysis and a consideration of an unconventional figure we may hope to appreciate what legal reasoning signifies in authoritarian states.

Keywords: Stanisław Hejmowski; Poland; defence lawyers; authoritarian regimes; 1956 Poznań trials

Analiza życiorysu polskiego obrońcy Stanisława Hejmowskiego (1900–1969), który zapisał się w pierwszym narodowym procesie o zbrodnie wojenne w 1946 r., a później w poznańskich procesach czerwcowych w 1956 r., przypomina, jak rodzą się strategie obrońców w głośnych sprawach. Ustalenia zawarte w tym artykule opierają się na niedawno odkrytym jego prywatnym archiwum osobistym i notatkach ze spraw, które dotychczas nie były dostępne publicznie. Badanie pokazuje, że postępowanie Hejmowskiego stanowi przykład strategii, za pomocą której prawnik cywilny może podejść do okrucieństw i przestępstw na dużą skalę – ale jako obrońca w sprawach karnych.

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[*] I refer to the archival material from the Polish Institute of National Remembrance (*Archiwum Instytutu Pamięcie Narodowej*) as AIPN. All translations are my own. Any errors are mine alone.

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Mam nadzieję, że dzięki tej analizie i rozważeniu niekonwencjonalnej postaci docenimy, co oznacza rozumowanie prawne w państwach autorytarnych.

Słowa kluczowe: Stanisław Hejmowski; adwokat; strategia obrony; władza autorytarna; procesy poznańskie

I. INTRODUCTION

An analysis of the life account of the Polish defence lawyer Stanisław Hejmowski (1900–1969), who made a mark in the first national war crimes trial in 1946 and later in the Poznań June trials of 1956, reminds us of how defence lawyering strategies in high-profile cases are born.[1] Such cases are driven by attempts to seek justice for crimes of an egregious nature and are therefore themselves high-profile. The tactics deployed by defence lawyers in such cases are designed to attain certain goals of political and social justice. At the same time, there are lessons to be learned from cases that might not be considered high-profile but are equally important for justice. Hejmowski's success as a defence lawyer was based on education and training in a state in which five separate legal systems were in force, owing to the partition rule that lasted over a century in Poland. My findings draw on his recently discovered private personal archive and case notes, which have hitherto not been in the public domain. This paper's qualitative methodology elicits key points that can be applied to other case studies when seeking to understand developments that are similar or otherwise. This is the value of archives so long as we recognize their inherent limitations (Bowen, 2009). The discussion first considers defence lawyering strategies before turning to the notion of professional ethics, where the defence lawyer draws on an internal moral compass that prioritizes the client and their case within a wider context of achieving justice for the sake of the rule of law. This is followed by a brief biographical account of my Polish protagonist. Then I examine passages from his speeches in the *Arthur Greiser* case (1946) and in the Poznań June Trials (1956). The investigation shows that Hejmowski's line of action exemplifies a strategy through which a civil lawyer may approach large-scale atrocities and crimes – but as a criminal defence lawyer. Through this analysis and a consideration of an unconventional figure we may hope to appreciate what legal reasoning signifies in authoritarian states.

II. THE MAINSTREAM POSITION

Most of the literature in the field of international criminal justice and law has considered the victims (Dembour & Haslam, 2004; Jackson, 2023); the

[1] Please note that the change in spelling of the surname from *Hejmowski* to *Heymowski* was made by Stanisław Hejmowski's son. The private personal archive is referred to as the Heymowski family archive.

prosecutor (Ferencz, 1998); the courts (Schabas, 2020); or the perpetrators (Smeulers et al., 2019). Yet the defence lawyer as a key protagonist is largely ignored. The literature is divided into two groups broadly speaking: international criminal legal defence and domestic defence. Sophie Rigney's (2018) illuminating analysis of documentary films shows how defence lawyers occupy a space that entails critique and marginalization. Rigney herself was an international criminal legal defence lawyer. Any illustration of the space in question must focus on the narrative of the defence lawyer and how it differs from other narratives with regard to the divergent and conflicting aims of international criminal law. As Rigney observes, the 'international criminal law has an abundance of stated aims, including "ending impunity", giving victims a "meaningful" voice, ensuring peace and reconciliation, deterring future crimes, providing an historical record of the conflict, a socio-pedagogic, or didactic function, and setting out the "truth" of events' (p. 102). More often than not, international criminal legal trials carry a guilty verdict before proceedings have even begun. Defence lawyers for their part are viewed by their peers with some suspicion. This suspicion is compounded by the fact that defence lawyers are marginalized still further by the institutions and structures of international criminal law and are not supported by the international legal system.

III. LAWYERING STRATEGIES

A rich body of literature is devoted to lawyering strategies. Here, owing to limitations of space and considerations of relevance, the discussion will mention cause, relational, and disruptive lawyering only, before addressing rupture. Cause lawyers use the law to empower the weak in society: key writers have extended their analyses to include in this social movement lawyering, in which the emphasis in the case is upon the issue or cause (Boukalas, 2013; Sarat & Scheingold, 2013). Such a frame does not convincingly explain Hejmowski's work, which was not driven by a cause or implicated in movements. Instead his clients and their actions were also placed in a wider political context. Relational lawyering involves a collaborative exchange and understanding between the lawyer and client, the emphasis being upon communication and listening (Batesmith & Stevens, 2019). The approach may here extend to the lawyer mounting a sort of resistance to the power relations in play. This frame is also important because it encompasses resistance in authoritarian states, inasmuch as it shows how a lawyer can uphold the client's dignity even by means of seemingly inconsequential actions. Yet it does not fully explain Hejmowski's work, which was driven by a concern to locate the defendant's dignity within the wider context of state actions. We should also mention here disruptive strategies, like those employed at the trial proceedings in the 1969 Trial of the Chicago 7 by defence lawyers William Kunstler and Leonard Weinglass; in that trial Kunstler and Weinglass were found to be in contempt of

court 159 separate times (McDowell, 2020).[2] Certainly, Hejmowski can be said to have put a spanner in the state's strategy during the proceedings, yet he placed great weight in his speech on appealing to the court, using persuasion and adopting a quasi-prosecutorial stance. The notion of rupture as one that perhaps fits with his strategy will be addressed next.

IV. RUPTURE AS A DEFENCE LAWYERING STRATEGY

Rupture first appears as a strategy early in the twentieth century, when Hejmowski was learning the law. It was at the heart of the case mounted by Rosa Luxemburg's defence team at her militarism trial in Frankfurt-am-Main in 1914 (Grunwald, 2012). The charges against Luxemburg were slander: she had insulted the Royal armed forces. Her defence lawyers adopted a different tactic. News of the mistreatment of recruits by the military was reported in the press. The legal team brought this issue and the public debate about the armed forces into the courtroom. The move was political, and the fact that political struggle was taken into the courtroom would later symbolize a shift among Weimar lawyers away from the precept that the courtroom should be apolitical (p. 41). Luxemburg's defence lawyer, Paul Levi, had envisaged using the trial to argue a case and to attack the very core of the regime (to wit, Imperial Rule). This relied on a certain type of lawyering that some writers would then apply to Weimar. Levi portrayed the defendant and state prosecutor as engaged in a confrontation between two worlds: a political struggle and a 'poor devil's trial' provided a way for spectators to empathize with Luxemburg. One way to view this is to consider how Otto Kirchheimer's (1961, p. 419) work has been invoked and turned on its head.

According to Kirchheimer (1961), political justice functions in a system that employs a special kind of communication. It relies on procedure. The trial serves as a weapon of attack but also as a defence of the existing regime (p. 419). The strategy of Luxemburg's defence team forced judges to admit their past military backgrounds and hence their potential bias. This enabled the defence lawyers to argue their own positions without the weight of bias, and at the same time exploit the media to disseminate their political message. Grunwald's (2012) work on Weimar is vital in this regard; the context and the legacy of rupture and its success is tied to political changes that permit analogous shifts in legal thinking to occur. Once rupture happens there is no going back.

Rigney (2018) explains that 'a defence lawyer's trial strategy may bring in greater contextual considerations, in order to challenge any alleged culpability' (p. 107). She refers to Martii Koskenniemi's (2002, pp. 30–31) work regarding 'critical theory put into practice' in relation to defence lawyers, such as the French-Algerian defence lawyer Jacques Vergès. Vergès is widely discussed

[2] As depicted in Netflix's *The Trial of the Chicago 7* (directed by Aaron Sorkin 2020).

and depicted in Barbet Schroeder's (2007) documentary film *The Terror's Advocate*. The reference in the title is to Vergès' defence of the French war criminal Klaus Barbie in 1984 (Chrisafis, 2013). This strategy has the defence lawyer fighting on behalf of the oppressed and recognize their agency only because of a clear understanding of the relations between power and resistance (Rigney, 2018, p. 107). Yet, while Vergès wrote about his judicial strategy, he was not clear as to what the notion of rupture might comprise (Chrisafis, 2013; Widell, 2012). Rupture as a defence strategy has been used across jurisdictions and in other high-profile cases (Baez & Hassellind, 2020). Defence lawyers locate the actions of the accused within a wider political framework that extends individual responsibility to key political actors. It challenges the master narrative or at least casts some doubt upon it (Hassellind, 2023; Schwöbel-Patel, 2021). 'The accused can also say "no" to the authority of the justice system' (Widell, 2013, p. 11). The trial becomes 'political' when it acquiesces in the political needs of those in power.

This section began with an exploration of the origins of the notion of rupture that defence lawyers have used as part of their strategies. But a good defence lawyer is also someone who understands ethics and the possible personal costs of their profession, which better informs what lies at the heart of this paper's protagonist. Ethics and loneliness, which are part of the defence lawyering strategy, are the subject of the next section.

V. ETHICS AND LONELINESS

The bridge between different types of defence work (international criminal legal defence and political cases) is the approach that the defence takes to his/her professional duty. As the Soviet defence lawyer Dina Kaminskaya (1982) argues, 'I defended anyone who needed my help; … it was my profession, and I saw no reason to withhold my help. … Even though my own political views influenced me, I acted basically from ethical convictions, and from a simple sense of professional duty' (p. 37).[3] Kaminskaya learned from the defence lawyers who were admired by her peers because they were good lawyers and outstanding orators (p. 26). In the 1960s period of political trials, Kaminskaya never feared arrest, because she believed the legal framework would protect her. She eventually saw her colleagues repressed and arrested, but she remained true to her defence work, though not without a cost.

Some defence lawyers emphasize the humanity of their clients by collapsing together perpetration and victimhood, in other words by showing a person can be both perpetrator and victim at one and the same time (Rigney, 2018, p. 117). Gerry Simpson (2007) remarks that international criminal law is 'passionately punitive' (p. 15). This punitive nature is frequently critiqued by de-

[3] Kaminskaya's position is compellingly portrayed in the Soviet film *Defence Counsel Sedov* (Tsymbal, 1988).

fence lawyers and featured in my protagonist's thinking too. Finally, in addition to the risk of being barred from the profession, there is a notable sense of loneliness in the work, as victims and perpetrators are presented as separate entities when in fact they are 'porous', as Mark Drumbl (2013) observes. Paweł Skuczyński (2021) sees the lawyer as an architect. In other words, the lawyer 'provide[s] the "connective tissue" in the social structure' and serves as a sort of buffer when social control fails (p. 364). The lawyer has a double responsibility: to the client and to the law, the latter being part of the social landscape. In many ways, Hejmowski was forced to adapt to the startlingly rapid pace of political change in Poland at that date, where the legal landscape was in flux. He did in fact fight to practice at his place of work with as much autonomy as possible. Skuczyński (2021, pp. 366–367) draws on Lon Fuller's (1963) writing about the 'internal morality of law' and how the lawyer, like the architect, is involved in the construction of social norms that at their core guide everyday life, rendering the lawyer's work paradigmatic (Graver, 2024, pp. 43–47). As we shall see, Hejmowski was a champion of lost causes, addressing experiences that were close to home.

VI. STANISŁAW HEJMOWSKI (1900–1969)

Stanisław Hejmowski was born in 1900 in what is now Latvia. His father Konstanty, or 'Miś' [Bear], was a lawyer but had formerly been a businessman (Hejmowski, Letter to his mother[4]). The family was very close (Figure A1).[5] Konstanty had three brothers, one of whom died young. They were all polyglots in an Anglophile household. Hejmowski went to a German-speaking school. He graduated in Petrograd and he experienced the Russian Revolution first-hand. He yearned after his youth in later years, as he notes in a letter to his mother. The political events of the time that he and his family witnessed would make their way into his defence speeches, which will be mentioned later. Hejmowski detested 'isms' and he studied political systems and history very closely (A. Heymowski, personal communication, August 2022).

Hejmowski himself was torn between music and the law; he almost chose a career as a concert violinist (Figure A2). The family left Petrograd in 1919. By the time the family reached Warsaw they had already experienced partition rule and a revolution. Poland had only recently reappeared as an independent nation. The decision made by Hejmowski to study law in Warsaw was significant. He would be taught by a remarkable set of academics, all trained before 1918 at the universities of former partitioning powers (Austro-Hungarian; German, or Russian; Davies, 1981, p. 297). These academics were 'comparatists by necessity', given that five different legal systems were in force at independence (Grebieniow & Rudnicki, 2022; Wagner, 1990). Compared to

[4] S. Hejmowski, Letter to his mother, 14 October 1961, in Blanka Łuszczewska, Heymowski family archive.

[5] All figures are available at https://pdflink.to/86f03601/

other nations at that time, the Polish experience, however, is noteworthy and significant as regards Hejmowski's training, in particular, Polish private law (Grzebieniow & Rudnicki, 2022).

Hejmowski graduated in 1924. He passed the judge's exam in March 1928 and started working as an assessor and then as a prosecutor at the District Court in Poznań. During this time he illustrated his attention to detail by challenging the composition of a judicial bench that was in breach of the rules of judicial impartiality – the news was reported across the country. In 1930 he joined the bar. In 1931 he defended his doctorate in civil law in the field of mortgage law at the Adam Mickiewicz University (then University of Poznań). His exam papers reflect his eye for detail (Heymowski family archive). Poznań was a vibrant city and the headquarters and stronghold of the National Democrats (*Endecy*) – as a result there was much anti-Semitism (Davies, 1982, p. 426). Hejmowski was on hand to defend Jewish business owners (Kirchner, 2022, p. 18). Likewise he defended communists. The common view at that time was that Hejmowski defended the weak whenever they stood in need of a lawyer (Świątczak, 2018, p. 52). Above all, Hejmowski maintained that a good defence lawyer should be a good civil lawyer (Gidyński, 1970, p. 166; Michalska, 2018, p. 77).[6]

Importantly, at this time, while ethics was not ignored the Polish Bar Association did not consider it a priority (Grudzinska, 2016). Leading criminal law professor Aleksander Mogilnicki however argued that 'barristers operate in the [wider] society' and claimed that 'the establishment of [an] ethical code would contribute to the development of the [Polish] legal profession' (Grudzinska, 2016, p. 336). The Polish government began to show an intense dislike for the Bar towards the end of the 1920s, this tension reaching its peak in the Brest Trials of 1931–1932 (Davies, 1982, p. 422). Mogilnicki criticized the government's actions, which he saw as infringing the rule of law (Grudzinska, 2016, p. 342). Hejmowski would have been aware of these events.

Hejmowski spent World War II in Warsaw working in a wholesale paper business (Stanisław Hejmowski file, Poznań Bar Association). Little is known about his activities. It was Hejmowski's knowledge of German that helped him survive. His brothers did not fare well. Hejmowski lost his younger brother Marian in the Katyń massacre in 1940, committed by the Soviet Union's secret police, at the orders of Joseph Stalin; his older brother Witold, who had been a judge in Cieszyń, died at Neuengamme concentration camp near Hamburg in 1944.[7]

After the war Hejmowski moved back to Poznań to continue his legal career. He maintained his uncompromising stance during the tumultuous aftermath of World War II, and during the Stalinist period. In the course of one of his defence cases his daughter was threatened with arrest if he continued his work (Świątczak, 2018, p. 54). There was a deep mistrust of the pre-war judicial

[6] Hejmowski took on the case of Prof. Czesław Znamierowski in a lawsuit (Michalska, 2018, p. 77).

[7] Heymowski family archive. In 2023, the Arolsen archives returned Witold's watch and gold wedding ring.

cohort and as a consequence a vigorous campaign of indoctrination in Marxism-Leninism-Stalinism was initiated. The 'war over the judiciary' had two objectives: to destroy all pre-war tendencies in the decision-making process and to undermine the prestige of the legal profession (Fijalkowski, 2010; Lityński, 1991; Mcgiel, 1994 Rzepliński, 1989; Turlejska, 1989). The authorities appointed judicial candidates who had not satisfied the basic requirements stipulated by the law up to that point, and furthered their aims by creating special schools under the auspices of the Ministry of Justice to train the new judges on aspects of the people's justice (Fijalkowski, 2010, p. 97). Lawyers, including many of his peers, who had trained in pre-war Poland, contributed to this teaching. At the same time, the Polish dispensation of justice was furthering the development of international criminal law at the Supreme National Tribunal (*Najwyższy Trybunał Narodowy*, SNT) in such a way as to undermine the 'war against the judiciary' campaign. Both narratives were reinforced by Soviet legal propaganda. The communist regime was not yet fully established, and pre-war judicial officials were not all prepared to acquiesce in political indoctrination. Nonetheless, relations were not overtly confrontational, as communists held the balance of power in Polish-Soviet relations (Gulińska-Jurgiel, 2019, p. 355).

One of the key figures who shaped the Polish judiciary during 1944–1949 was Leon Chajn (Korzeniewska-Lasota & Lasota, 2016). Chajn did not hide his suspicion of judges who had trained in the inter-war period (note: he himself had been) because he found those working during the tenure of Witold Grabowski, Minister of Justice from 1936 to 1939, to be reactionary and working for state interests (Korzeniewska-Lasota & Lasota, 2016, pp. 321–322). Chajn often contributed articles to the main broadsheets of the day, outlining his views about the role that the judiciary should have. In addition to stressing that judges should not stand in the way of socialism's progress in the construction of the Polish state, he also emphasized that German war criminals should not go unpunished. It could be that Chajn's wish to subordinate the Polish judiciary completely was circumvented by Wacław Barcikowski, who was appointed First President of the Supreme Court without Chajn having a say in his appointment, a fact that might explain Chajn's hesitation to take the judicial oath before Barcikowski (Korzeniewska-Lasota & Lasota, 2016, pp. 321–322). While the Polish authorities were creating two national courts to address war crimes, they were aware that an international audience was interested in these developments, and in particular the proceedings before the SNT. The first trial was of the utmost importance, as evidence that legal procedures were followed and that there had been no breach of what today's reportage would refer to as due process standards.

VII. THE 1946 GREISER TRIAL

The Supreme National Tribunal was created further to an agreement concluded by the Allies to punish all the major war criminals of the European Axis at the International Military Tribunal at Nuremberg, as set out in the

Charter of the International Military Tribunal of 8 August 1945. Hejmowski asked twice if he could be excused from defending Arthur Greiser at the first SNT trial, given that he had lost family members (his brothers) during the war. Arthur Karl Greiser (22 January 1897 – 21 July 1946) was a Nazi German politician, SS-*Obergruppenführer*, *Gauleiter* and *Reichsstatthalter* (Reich Governor) of the German-occupied territory of *Wartheland*. He was one of the persons primarily responsible for organizing the Holocaust in occupied Poland and for numerous other crimes against humanity. Hejmowski recounted how he himself had been expelled from the Bar by the Germans during the occupation, and then lost his two beloved brothers: 'To be honest, it is hard to ask of me the defence of Arthur Greiser' (Gidyński, 1970, p. 66). The Polish authorities denied his request. As he was attached as defence counsel to this state court, he could not refuse to take a case. Together with Jan Kręglewski, he undertook the defence. The trial was held in the auditorium of the Adam Mickiewicz University in Poznań and garnered widespread press coverage.[8] While Hejmowski had acquired a vast amount of experience as a defence lawyer, for this case – there is no doubting it – he had to dig deep (Gidyński, 1970, p. 166). It is obvious that Hejmowski took a great risk defending Greiser. His colleagues observed that '[h]is views triumphed over personal safety, over the possibility of practicing the profession. It was the fulfilment of what can proudly be called a duty defence and sacrifice' (Gidyński, 1970, p. 66; see also Hirsch, 2020, pp. 246–252; Ross, 2008).[9]

Hejmowski began his speech by saying that the defence did not stand in the way of the court and its processing of vast amounts of material.[10] He argued that the trial was important for Poland because of what had happened to the Poles and to their country. He asserted that Greiser would be tied to all events and actions taken against Poles: in other words, Greiser represented the system and his name was associated with the atrocities that had taken place. Hejmowski asked whether this was fair. Hejmowski understood that what he was saying would raise eyebrows. He stated that, ethically, as Greiser's defence lawyer, this was problematic, and not something that defence lawyers should ask. He claimed that 'to us [the defence counsel] the accused is only a human being, a person that suffers. As defence lawyers we will defend the accused with all our expertise and knowledge, because if we did not, the Polish judicial system would be compromised' (Greiser Trial, para. 353).

Before engaging with the specific charge of crime against peace, Hejmowski questioned the legal basis for the violation of the legal principle of

[8] Footage from the Greiser trials is shown in Agata Ławniczak's 2008 documentary film *Maestro*.

[9] It should be noted that 'The British Bar Association released a statement on 28 October 1945, stating that British lawyers should not appear as counsel for the German defendants as such an action would be "undesirable." While no other country's bar association released a similar statement, it is likely to assume that American, French, and Soviet lawyers tacitly agreed it would be inappropriate for one of their own to defend someone with whom their country had just waged a war' (Ross, 2008, p. 4).

[10] Acknowledgment of the work undertaken by the Commission for the Investigation Against Nazi Crimes and lawyers at the UN War Crimes Commission.

nulla poena sine lege, in light of the legal thinking at that time, in Polish legal circles and elsewhere (Wierczyńska & Wierczyński, 2020). In other words, Hejmowski questioned *ex post facto* law that criminalizes conduct that was legal when originally performed (Greiser Trial, para. 353). Hejmowski engaged with the testimonies of experts, many of whom were eminent Polish international lawyers, such as Prof. Ludwik Ehrlich, whose assessment of war crimes legislation was needed, this being new legal territory, so to speak. Hejmowski argued that the international treaties relied on by the prosecution had been drafted at a time in history that understood war differently – as one waged between two states (Greiser Trial, para. 355). Ehrlich's position was articulated in his 1932 publication, *Law of Nations,* in which he advocated the notion of good faith and limited state sovereignty (inherent in international law; Greiser Trial, para. 355; Hachkevych, 2018). Referring to the Polish Supreme Court's position on contractual issues, namely the Court's refusal to deduce rights and obligations from international treaties, Hejmowski rejected the notion of the supremacy of international law. In his view, the lack of domestic law on the matter meant that third party rights and obligations did not exist. He queried the notion that Polish jurisdiction could enable the trial of Greiser (Greser Trial, para. 357). He drew parallels between the good faith clause that exists in private law and the Paris Pact of 1928, also known as the Kellogg-Briand Act. He relied on his strengths as a private lawyer to challenge the state's position regarding Greiser's culpability. He cast doubt on whether this good faith clause had been honoured by the parties that signed the Paris Pact, noting that Germany was one of the first signatories. He recalled that the Pact outlawed aggressive war and placed in doubt the view that war was a legitimate instrument of foreign policy. The notion of an aggressive war was part of the prosecutorial case at Nuremberg. Hejmowski's line of enquiry mirrored that of other legal questions put at that time and one that Nuremberg had to find an answer to: individual criminal responsibility for crimes against peace and the matter of *nulla poena sine lege* (Hirsch, 2020). Hejmowski's comments showcase the legal debates at that juncture in relation to the supremacy of international law in the Polish constitutional legal order. The nature of good faith among international lawyers continues to be debated with respect to how the clause provides rights in international law (Rheinhold, 2013).

In domestic legal systems, the purpose of good faith is to balance out the inequalities between the parties. In international law this 'asymmetrical power balance, whether real or perceived, is absent' (Rheinhold, 2013, p. 46). Hejmowski's legal analysis offers a valuable and unexplored insight into the legal thinking among Polish lawyers at that time, one that merits further research, in particular his critique of the way good faith in international law was being interpreted. When Hejmowski asked whether Greiser bore individual criminal responsibility for actions taken by other actors, like the police, who took orders directly from Berlin, his concern was the misapplication of Polish criminal law and attempts made by the experts to have the Hague Convention fill in these legal gaps (Greiser Trial, para. 362).

The main piece of domestic legislation was the 1944 August Decree that stated that 'whoever assisted the German occupation authorities in the commission of murder of civilians or POWs, or in their mistreatment or persecution, or act[ed] to the detriment of individuals pursued or sought by German occupation authorities for any reason ... by denouncing, capturing, or deporting them, is subject to the death penalty, or imprisonment of up to fifteen and no less than three years, or for life' (Greiser Trial, para. 353). Hejmowski argued that the 31 August 1944 Decree could not apply to Greiser because the Decree referred to collaboration with the occupier and Greiser was himself the occupier. Throughout the speech he stressed that this was a legal, factual analysis, a part indeed of his job. He stated that Greiser's actions must be taken as representing the country he had fought for, and that it was his job to quell dissent. Hejmowski noted that the death penalty was not the Polish way of peace and tolerance. His closing remarks attracted the most attention:

> It does not matter if Greiser should live. What matters are principles of legality and morality. It concerns Polish legal thinking, which does not involve revenge. If Greiser's death could resurrect at least one victim of the Gestapo, to wipe one tear from [the face of] a Polish child – I would vote for it myself. So why this death? For revenge? I don't believe in the way to a better future mankind over which, like a triumphal arch, the gallows will rise! And if anyone should say that the Germans had no heart for us and [that] they knew no pity, then tell him, Gentlemen, in the wording of his verdict: Yes, the Germans would have sentenced Greiser to death. But if we were to act like Germany, we would not have the moral right to judge them. We derive this from the purity of our legal thought, from our national morality and an everlasting sense of law, ingrained deep in the conscience of a Polish judge. … Germany will sooner or later get a democratic government, they will get a democratic system, will be admitted to the United Nations and for the next 1000 years we will have to be neighbours with such Germans. (Greiser Trial, para. 364)

In Agata Ławniczak's 2008 documentary film *Maestro*, Hejmowski claims that the German war criminal needs a defence lawyer, and a fair trial, not only for himself but for the state and the broader international implications. Hejmowski might not have obtained the acquittal of Greiser – that was never going to happen – but he may have felt there was a chance that the death sentence would not be imposed. In any event he left his mark, as was noted in both the domestic and the international sphere by virtue of the rigorous defence he had mounted (Gidyński, 1970, p. 167). In this regard Hejmowski was not alone in the region, for his Czech counterpart Kamill Resler defended in a like manner Karl Hermann Frank, the commander of Nazi police in the Protectorate of Bohemia and Moravia (Drápal, 2018; Polisenký, 1998). Hejmowski resumed his work in his home-cum-office at ul. Słowackiego (Słowacki Street) in Poznań. He went on to defend members of the Polish Home Army (Palestra, 2007). His time there could be equated with that of an architect; the notion of a 'legal edifice' discussed by Lon Fuller (1963) and Kim Lane Scheppele (2021), and the spaces in question, or social norms, are constructed according to a rational perspective on human behaviour and needs (Skuczyński, 2021, pp. 367–368). It was here that Hejmowski drew on his skills as a defence lawyer to assist so many individuals in this city. Hejmowski's defence of Greiser

was a recognition of ethics and morality. His education, and experience early on in his profession of the state abusing its authority are clues that his professional ethics were strong at an early age and that his vision of the rule of law, and a political and social justice goal, was clear.

VIII. POZNAŃ JUNE 1956 EVENTS

Ten years after the *Greiser* trial, Hejmowski took on the greatest high-profile case in his career. Once again, Hejmowski witnessed at first-hand events that would turn the world upside down. Hejmowski was an eye-witness to what occurred during those momentous days.

On 28 June 1956 a slow procession of workers from the Joseph Stalin Metal Works in Poznań was joined by other workers from at least seven other factories and companies. They made their way to the castle, which is surrounded by public buildings. As Hejmowski's colleague, another defence lawyer, later recalled:

> Those who saw this procession will probably remember it until the end of their lives. When they walked in an orderly manner, they walked [in a] disciplined way, with pride and with dignity. But let us not forget that it was not a crowd of strollers, a crowd of gawkers, or a crowd of supporters … it was a boiling and raging crowd walking, an angry crowd. As it built up, as the sound of their steps intensified, so did the temperature of the emotions. Such a mood is like dynamite. Any spark becomes dangerous. (Institute of National Remembrance, 2021, p. 5)

The demonstrations began to take on a national anti-communist and anti-Soviet character, as exemplified in the slogans: 'We Want Bread'; 'We Want a Free Poland'; 'Down With Bolshevism'; 'We Demand Free Elections Under UN Control'; 'Russians Go Home', and the like. The people demanded that either the President of the Council of Ministers Józef Cyrankiewicz or the First Secretary of the Communist Party Edward Ochab come to Poznań. Some protesters went to the public buildings to chant their slogans and display their banners. Others stormed the city jail to release demonstrators who had been detained; they seized weapons. Devices for jamming Western broadcasts were hurled from the rooftops. The first shots were fired at the Office of Public Security, a building that symbolized repression and terror for many. Exchanges of fire continued well into the night. The government's response came the next day in the form of 10,000 troops and 360 tanks to disperse the crowds. That night Cyrankiewicz addressed the nation, declaring that 'any provocateur or lunatic who raises his hand against the People's Government may be sure that this hand will be chopped off by the People's Government' (Institute of National Remembrance, 2021, p. 7). The National Institute of Remembrance estimates some 58 casualties, with 650 persons sustaining serious injuries. Romek Strzałkowski, who was 13, was the youngest casualty and became a symbol. Eventually 132 individuals were indicted. Only three trials were

held, collectively known as the Poznań June Trials: the Trial of Three (a lynch mob killed a police officer); the Trial of Nine; and the Trial of Ten. In 1953 Hejmowski joined the Lawyers' Group No 5 (*Zespół Adwokatów Nr 5*) and it was this firm that would represent the accused in the Poznań June Trials. The defence team comprised Stanisław Hejmowski and, *inter alia*, Adam Barszczewski, Stefan Jauksz and Władysław Rust. Hejmowski was involved in the first and last of the June trials (Świątczak, 2018, p. 56). He worked with Jauksz on Sroka's defence in the Trial of Three, discussed next.

IX. TRIAL OF THREE

The Trial of Three began on 27 September 1956. The accused in this case were Józef Foltynowicz (aged 20), Jerzy Sroka (aged 18), and Kazimierz Żurek (aged 18). The charges were the same in all the trials: violation of Articles 1, 2, and 3 of the 13 June 1946 Decree on the Reconstruction of the State, and of Article 163 of the 1932 Criminal Code. The 1946 Decree was a draconian piece of legislation. It was known as the 'Little Criminal Code' and its focus was quite particular, as Siemaszko (2016) notes: 'The Decree of June 13, 1946, on offences posing a particular threat to state reconstruction (the so-called Little Criminal Code) was one of the key legislative instruments incorporated into Poland's communist penal law. The Decree was intended not only to combat political opposition but also to force Polish society into obedience towards the communist authorities' (p. 1).

Article 163 of the 1932 Criminal Code had been partially replaced by the 1946 Decree. It concerned espionage, sabotage, and the illegal possession of firearms (Indecki & Jurewicz, 2014, pp. 100–101; Wielec, 2022, pp. 100–101). Importantly, when interviewed on 17 July 1956, the Public Prosecutor General, Marian Rybicki, made clear the prosecutorial approach to the June events in question, stating that the 'prosecutorial bodies exercise [the] utmost prudence and fairness [in distinguishing] in the course of the investigation between workers who joined the strike and demonstrators upset with the failure to have their legitimate grievances addressed and troublemakers, criminals, and provocateurs' (Świątczak, 2018).

Hejmowski's task was not easy. Evidence existed to attest to the officer having been beaten up. Hejmowski needed to draw attention to the age of the defendant, his upbringing, and the effect of mob actions on his behaviour. He reached outside the box to pull out the common theme between the three issues: neither the law nor justice operate in a vacuum. The court agreed to let two professors of sociology testify as experts at the trial: Prof. Józef Chałasiński (University of Łódź) and Prof. Tadeusz Szczurkiewicz (University of Poznań). In his speech Hejmowski revealed his defence strategy (one that he would expand upon in the Trial of Ten), namely, that the prosecution was wrong to assert that this had been the act of a social group of hooligans when in fact it was a matter of hooliganistic actions

(Hejmowski, 1956).[11] Hejmowski relied on the above experts in pointing to the effects that the war had had on Polish society and on the youth in particular, including his client. Hejmowski identified a single lack of authority figures, their absence in turn rendering young people more susceptible to mob behaviour, which was rampant on the day of the events in question. As Jastrząb (2008) has noted, the part played by these experts' testimonies in the cases and subsequent sentencing cannot be overstated. Hejmowski also argued that it was incorrect to base the charges on the 1946 Decree, as the state had rebuilt itself by 1956, and that the conditions under which the Decree had been drafted no longer existed. His colleagues in their defence speeches at the Trial of Three chipped away at the master narrative by questioning not only the state response to the protesters but also the collective responsibility – which was shared – for the damage that followed (Jastrząb, 2010). Sroka's sentence was four years and six months, significantly less than what had been originally called for.

X. TRIAL OF TEN

The Trial of Ten began on 5 October 1956. The charges were the same. Hejmowski defended Roman Bulczyński, aged 19, who faced ten years to life, or even a death sentence for his actions. He was accused of illegal possession of firearms, terrorizing, disarming, and shooting at police from two different police stations, robbing a warehouse of firearms, and stopping trains at the main railway station. As in the Trial of Three, the defence lawyer referred to the expert witness testimonies in setting the scene: 'on 28 June 1956 what occurred on the streets of Poznań was, from a sociological and psychological point of view, one seamless whole' (Hejmowski, 1956). Hejmowski directed his speech at his former courtroom nemesis, Prosecutor General Rybicki. He noted that at their last meeting in court, Rybicki had not objected to his legal knowledge *per* se but to Hejmowski's lack of knowledge about Marxism. This time, Hejmowski turned the tables on Rybicki to show that in fact he did know his Marxism, as he noted with a chuckle (Hejmowski, 1956). He cited various criminal legal provisions that had been violated but were not mentioned in the indictment (Hejmowski, 1956). The law had been broken by many people, the defence lawyer added, and they would go unpunished for actions taken during the events in question. He questioned the rationale of the prosecution's case in charging a select few and not everyone, including state agents. In other words, both the state and the people bear responsibility.

Hejmowski further refined the speech he had delivered at the Trial of Three: this was not a social class of hooligans, but simply the actions of hooligans. And these political crimes seemed to come from the working class itself. Hejmowski asked the court whether such a position was not indeed Marxist.

[11] Such as crimes enumerated in the Little Criminal Code (Articles 14, 22, 25) and the 1932 Criminal Code (Articles 133, 154, 163).

He explained that all the accused were young, none older than 23, and that all were your average working-class youth; he emphasized their interest in sports and technology. He demanded the evidence that they had acted against working-class interests. He then wondered why the security police had immunity and why it was that no one had asked to 'testify to the truth that the prosecutor spoke about' (Hejmowski, 1956). The point was compounded: 'Fires are not extinguished with bullets and bullets are not fed to people who cry for bread!' (Hejmowski, 1956). At this juncture he recalled witnessing the events in Petrograd, the Russian Revolution, where there had been no winners but simply bodies and heart-rending loss (see Hejmowski's doodle after witnessing the events in Petrograd himself, Figure A3).

Hejmowski brought these questions and memories into the court and so to speak alongside the defendants. He compelled the court to look at the tiniest of details from those two days in June, details that might easily have been missed, risking as a result a miscarriage of justice. He referred to the legal commentary of his colleague and prosecutor in the *Greiser* trial, a professor of criminal law, Mieczysław Siewierski, regarding criminal actions. Siewierski himself was a victim of the August 1944 Decree, his actions purportedly having led to the 'fascistization' of Poland; he was spared the death sentence because of the October thaw after Stalin's death in 1953 (Heymowski family archive; Fijalkowski, 2023, pp. 152–158). This was an extremely bold reference. Hejmowski and his peers knew that this thaw was precarious and easily reversed – there being evidence for this in, amongst other things, the application of the 1946 Decree and the military clampdown by the authorities. Hejmowski's critique of the Polish authorities' handling of the suspects was unforgiving: 'After the defendant [Bulczyński] is called by the [court] chairman, [the latter] hurries him, and bowing low to the court he hastily utters a prepared phrase [to the effect] that he wishes to thank the authorities of the People's Republic of Poland and for the fact that he was treated correctly in the investigation… in the twentieth century, a free man, a citizen of our country, must thank the authorities that he was not beaten during the investigation! (Hejmowski, 1956; Świątczak, 2018, p. 58). Hejmowski went on to say that there was a common denominator in the distortions in the past, which should not return, and in the errors of the past: the *Urząd Bezpieczeństwa* (UB), the Polish security police. He criticized the UB for their silence and for not coming forward to clarify what had happened.

Hejmowski showed how Bulczyński was the embodiment of the working class, by establishing that in fact he needed to work to support his family, that he understood what it meant to work. Like Isorni and the 'Woodsman of Orgerus', Hejmowski made good use of this young man's image to set him apart (Kaplan, 2000, p. 117).[12] Hejmowski invoked the famous Delacroix painting of

[12] Kaplan (2000) writes about one of Isorni's clients at a 1942 trial, a young communist from Orgerus. Isorni referred to him as a woodsman, owing to the boy's physique, and kept repeating the term during the proceedings. The defendant was spared the guillotine and no one in the courtroom seemed to be aware that there was no forest in Orgerus.

revolutionary France from 1830, *Liberty Leading the People* that depicts an armed woman holding the French flag accompanied by two others who are likewise armed, indicating that the Polish authorities would assuredly have had the three of them, a veritable symbol of revolution though they were, arrested for hooliganism (Hejmowski, 1956; Gidyński, 1970, p. 171; see Figure A4).

Possibly in reference to Romek Strzałkowski, the youngest casualty at the 1956 events, Hejmowski referred to a young boy he had seen in the crowd, but later lost sight of. Hejmowski quoted from the Polish playwright Stanisław Wyspiański's work, *November Night*, scene 8: 'I will not waste the shed blood | This blood will fertilise the fields and the soil | And some day I will give the homeland to the sons of this blood' (Trial transcript, Heymowski family archive; Świątczak, 2018, p. 59). He did so, asking the court to bear this in mind when sentencing the accused: 'Each judgement is the last judgement only for the judges who issued it. The accused have further chances, the judges have none. And that is why, before this irrevocable decision for you gentlemen judges, let there be an hour of great spiritual concentration. Go deep into your hearts, into your consciences. And then, before your eyes, gentlemen judges, let the white and red banner flutter, held high in the hands of a Polish child!' (Hejmowski, 1956; Świątczak, 2018, p. 59). On the day the verdict was to be delivered the court announced that the trial would resume, owing to there being further witnesses. This never came to pass.

There is a temptation to see this defence strategy as one of rupture. It is as if the state was put in the dock. Certainly the Poznań June Trials discussed above are set out as the appeals of workers against the official workers' republic, with the trials thus being politicized. These appeals might then be seen as real workers' demands against the hypocrisy of an official workers' republic that supposedly represents them, but that in reality only silences them. Yet, the trials are examples of a defence lawyering strategy that deploys professional ethics and an admiration of the law itself to bring out the hypocrisy of the regime. It is a painful exercise for Hejmowski, who is a dedicated servant of the state, an admirer of the law. He wants the law fixed because he sees the wider goal of protecting the rule of law. He expects the state to perform its duties, namely to protect its workers' interests. Hejmowski's references in these high-profile cases recalls Nelson Mandela's 1963–1964 trial, where Mandela's prescient comments about freedom and equality for all people formed the basis for the country's (South Africa's) democracy (Derrida, 2014).

The Poznań June Trials received widespread publicity across Europe and all over the world. Representatives from various embassies, the American and the French among them, were in court. *The New York Times*, *Life*, *Newsweek*, and the *Daily Telegraph and Morning Post* covered the Poznań June Trial: Frederick Elwyn Jones, a member of the British prosecution team at Nuremberg, called it one of the most important trials of the twentieth century (Gidyński, 1970, p. 168; 'Polish Justice', 1956; 'Appeal for Leniency at Poznan Trial', 1956). Hejmowski was 56 at that time, and at the height of his powers. His speech from the Trial of Ten was transmitted internationally, his daughter listening to it in Sweden, by accident, one morning over breakfast.

Of the many letters of thanks that Hejmowski received from his clients and their relatives a great number can be found in the Polish archives. In one sent by the workers from the State Institute the defence lawyer was thanked for his lawyering not only in the name of the accused but also in the name of the victims (AIPN, File PO 756[13]). Other cards, unsigned, thank the 'hero' (AIPN, File PO 756). These testimonies seem to speak for one and all. Thus, in another letter, signed 'one of many', the author reveals that he does not know the accused but insists that the case itself concerns 'all Poles' (AIPN, File PO 756). It was impossible to contain the momentum with the genie now being out of the bottle. In these two cases, the Trial of Three and the Trial of Ten, the common thread is the kind of state and polity we wish to live in. Hejmowski forced the state and those present in the courtroom to answer this question. He disrupted the official narrative regarding the 'power of the people' and not surprisingly, after the trials, the government attempted to hide the 1956 events and to write them – and therefore Hejmowski – out of history. In this they did not succeed (Grzelczak, 2011). As noted by one commentator, 'Hejmowski's voice often penetrated the walls of the courtrooms and reached the public opinion of cities, provinces, all of Poland, and in two cases – all over the world' (Gidyński, 1970, p. 168).

XI. MAESTRO

In March 1956 the authorities initiated surveillance of Hejmowski under the code name 'Maestro' (AIPN, File PO 708/09[14]). He was suspected of spying, of engaging in anti-State activity and of being hostile to the People's Republic, his activities during the war being used against him. His conversations with his clients were wire tapped. Subsequently a disciplinary hearing was launched in which he lost his estate owing to allegations of corruption. In fact, he was 'dead' before he passed away, being no longer permitted to meet clients and take on cases. He could no longer do what he loved. '[T]he magnitude of the sacrifice is not determined by the size of the talent; rather it is the value to everyone of the things he sacrifices' (Kaminskaya, 1982, p. 39). In 1961 he suffered a heart attack and in 1967 a stroke that left him paralysed, to the satisfaction of the authorities. He passed away in 1969. His death went unannounced, in order to deter funeral goers (Świątczak, 2018, pp. 61–62). The documentary film *Maestro* revealed the names of the colleagues who had collaborated with the security police. In 2006, the Polish National Institute of Remembrance (*Instytut Pamięci Narodowej*) in Poznań organized a special event to commemorate Hejmowski. His flat is now a museum, and there is a street named after him.

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[13] AIPN, File PO 756 – Documents and materials concerning the lawyer Stanisław Hejmowski, 1914–1998.

[14] AIPN, File PO 708/09 – Documents and materials concerning the surveillance of the lawyer Stanisław Hejmowski, code name 'Maestro'.

XII. HEJMOWSKI'S STRATEGY

Hejmowski's strategy was based on that of a civil lawyer. As noted above, Hejmowski recognized that being a civil lawyer was the key to a good defence, a career which he devoted his life to and at which he excelled. Hejmowski would have absorbed the energy and innovation that existed in Poland during its massive legal transformation in the interwar period. It is worth bearing in mind that he chose to stay in Poland, as did many of his peers who had trained in interwar Poland, who were at the SNT and in the wider legal profession. Some colleagues fared better than others. They stayed because they wished to contribute to Poland and legal thinking, despite the political changes (AIPN, File PO 756). In a way he pays homage to this. The other part of his motivation came from personal experience, which he draws on directly in speeches.

The civil law is focused on individual duties to others in society. Rights and obligations were the perspective that Hejmowski adopted when critiquing international law in *Greiser*. Above all he could see that that court would reflect a future in which justice prevailed because the law had been applied correctly and fairly. References to Polish law and morality were invoked as a means for the court to keep focused on what is really at stake: the kind of state we envisage. In the Poznań June Trials he went further, to show that there is objectionable conduct that everyone is responsible for, starting with not making any one individual culpable for the actions of a mob. He revealed the state's failure towards its working class and went outside the law to sociology to show the losses suffered by post-war youth. He pleaded for mitigation in sentencing. At the heart of the arguments in these two cases is the way that we treat each other. To recall, criminal law pertains to the *delict* against society. Simply put, there is a contract that members of society are bound to when it comes to conduct. Hejmowski shows that the criminal and the civil law are not mutually exclusive where notions of social opprobrium are concerned: here it is the Polish state in its treatment of individuals, the People's Republic against its workers. This case was about keeping the authorities in check.

Hejmowski reminds us again of the professional duty a defence lawyer has, one that carries a great personal and professional stake, for all to see nationally and internationally. As Barbara Babcock puts it: 'When a defence lawyer takes the stand, the lawyer is also on the line, and when the defence fails, the lawyer feels it' (p. 1514). Others also argue that 'no lawyer should refuse for reasons personal to himself to take any case because of the nature of the crime alleged' (p. 1516). As regards the alienation felt by defence lawyers noted above, and the ever-present question of 'How can you defend someone when you know he is guilty? … The real issue is, [h]ow can freedom-loving people continue to convict, incarcerate, and even execute without adequate counsel?' (p. 1517). There has been much thought devoted to the importance of legal defence in the UK over the centuries (Melinkoff, 1973, p. 144).

The discussion about lawyering is intertwined with rhetoric, with performance. Yet this performance of duty is much more: it is tied to a professional

ethics and a reverence for values that are embodied in the lawyer and the duty to protect the wellbeing of the client. I would add that in life and in the courtroom Hejmowski displayed a bravado reminiscent of thrillers in film or literature. Atticus Finch from *To Kill a Mockingbird* novel is a hero among burgeoning and seasoned lawyers and is often treated by them as if he were an actual person (Lubet, 1999). In this article a real-life Atticus Finch has been discussed.

In both high-profile cases discussed in this paper, the common denominator is a defence lawyering strategy derived from civil law concepts. In *Greiser*, this came from Heymowski's proclivity towards civil law and his using it to build the defence case. This was evident in his analysis of the Paris Pact, for example. In the Poznań June Trials, Hejmowski was driven by his commitment to the community, first and foremost the accused (young defendants, lost in society), Poznań's workers, and the victims of the state and mob violence, to make a case more widely about workers across Poland who felt the same sentiment toward the government. Hejmowski recognized that the rule of law did not yet exist in Poland, so he did not waste his time wielding that particular sword overtly.

The other component of Hejmowski's defence lawyering strategy is ethics. Hejmowski implicates the state in both cases. David Luban claims that Lon Fuller's 'internal morality of law' is a legal-philosophical concept related to ethical conditions that must be met by all those who apply law, such as judges, and above all lawyers, including advocates and legal advisers (Luban, 2000). Considered in this light, law is a common mission that involves those who make the law, those who apply it, and those who provide legal assistance (Fuller, 1963, pp. 145–146). Hejmowski decided to stay in Poland and not emigrate with his family because he felt that 'as long as there is someone that needs my help, I will stay' (Ławniczak, 2008).

Hejmowski's approach was an appeal to the deeper resources of legality, the retrieval of its inherent dignity, to oppose any of its superficial formalist manifestations. His strategy aligns with Fuller, in other words, it deploys natural law, and sees morality as a form of human excellence (Luban, 2000). This goes beyond the duty of a lawyer and reaches out to a notion of higher justice. This goal propels some lawyers like Hejmowski and is premised on aspiration and a clear recognition that the client's wellbeing is at stake, as well as the integrity of the state. Jacques Derrida's (2014, pp. 19–20) letter to Nelson Mandela resonates: Derrida engages with the matter of admiration of Mandela, because Mandela also admired the very law that was used against him, by appealing to a higher sense of justice that he himself argues applies to him, his people, to all. What he admired raises his own persona to another level through an appeal to conscience and consciousness of the law.

The analysis of the defence lawyering strategy of this particular lawyer is significant, owing to the lack of focus on the defence lawyer in high-profile cases, as discussed above with respect to war crimes trials. While there is a rich area of work about lawyering strategies, including defence lawyers, there is more work to be done with respect to the components that comprise

the strategy, located in the life account and speeches, and the way that the defence lawyer reads law as professional ethics. This specific analysis points to the value of the bottoms-up approach and moreover reminds us that defence lawyers can have a clear vision about what is ultimately at stake – that being the rule of law.

XIII. CONCLUDING REMARKS

We can only understand international criminal law and other legal jurisdictions if we understand history. This legal life account points to a lawyer of unique education and training at a particular time. Hejmowski, placed great emphasis on oratorical skills and he also was dedicated to achieving the goals of social justice. Hejmowski successfully shaped principles of legal certainty and bringing meaning to legal reasoning under repressive political rule.

As discussed above, some defence lawyers emphasize the humanity of their clients working at great risk of being barred from the profession and losing their lives. Hejmowski was an architect in his own peculiar way. He never wavered from his double responsibility: to the client and to the law, during a time when the legal and political landscape was constantly changing. His approach to lawyering demonstrates strategies of resistance to authoritarian regimes, and how to emancipate the profession from during periods of the maladministration of justice.

As John Berger noted, '[h]ope is not a form of guarantee, it's a form of energy, and very frequently that energy is strongest in circumstances that are very dark' (Slawson, 2017). Hejmowski's strategy, in fact, should continue to inspire today's lawyers. A high cost was paid, but Hejmowski's defence lawyer strategy and his vision of the world embodies hope in the face of oppression.

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References / Bibliografia

Baaz, M., & Strandberg Hassellind, F. (2020). The international criminal trial as a site for contesting historical and political narratives: The case of Dominic Ongwen. *Social & Legal Studies*, *30*(5), 790–809. https://doi.org/10.1177/0964663920971836

Babcock, B. (2005). The duty to defend. *Yale Law Review*, *114*(6), 1489–1520. https://www.jstor.org/stable/4135746

Batesmith, A., & Stevens, J. (2019). In the absence of the rule of law: Everyday lawyering, dignity and resistance in Myanmar's 'disciplined democracy'. *Social and Legal Studies*, *28*(5), 573–599. https://doi.org/10.1177/0964663918807739

Boukalas, C. (2013). Politics as legal action/lawyers as political actors: Towards a reconceptualisation of cause lawyering. *Social and Legal Studies*, *22*(3), 395–420. https://doi.org/10.1177/0964663912471552

Bowen, G. A. (2009). Document analysis as a qualitative research method. *Qualitative Research Journal*, *9*(2), 27–40. https://doi.org/10.3316/QRJ0902027

Chrisafis, A. (2013, 16 August). Jacques Vergès, French lawyer who defended Klaus Barbie, dies aged 88. *The Guardian*. https://www.theguardian.com/world/2013/aug/16/jacques-verges-dies-klaus-barbie

Davies, N. (1982). *God's playground. A history of Poland* (vol. 2). Oxford University Press.

Dembour, M.-B., & Haslam, E. (2004). Silencing hearings? Victim-witnesses at war crimes trials. *European Journal of International Law*, *15*(1), 151–177. https://doi.org/10.1093/ejil/15.1.151

Derrida, J. (2014). Admiration of Nelson Mandela, or the law of reflection. *Law and Literature*, *26*(1), 9–30. https://doi.org/10.1080/1535685X.2014.896149

Dorin McDowell, J. (2020, 15 October). The true story of the Trial of the Chicago 7. Smithsonian. https://www.smithsonianmag.com/history/true-story-trial-chicago-7-180976063/

Drápal, J. (2018). *Defending Nazis in postwar Czechoslovakia: The life of K. Resler, defense counsel ex officio of K. H. Frank*. University of Chicago Press.

Drumbl, M. (2015, 14 April). The Ongwen trial at the ICC: Tough questions on child soldiers. *Open Democracy*. https://www.opendemocracy.net/en/openglobalrights-openpage/ongwen-trial-at-icc-tough-questions-on-child-soldiers/

Editorial. (1956, 5 October). Polish Justice. *Daily Telegraph and Morning Post*.

Ferencz, B. B. (1998). Telford Taylor: Pioneer in international criminal law. *Columbia Journal of Transnational Law*, *37*, 661–664.

Fijalkowski, A. (2010). *From old times to new Europe*. Ashgate.

Fijalkowski, A. (2023). *Law, visual culture, and the show trial*. Routledge. https://doi.org/10.4324/9781003405771

Fuller, L. L. (1963). *Morality of law*. Yale University Press.

Graver, H. P. (2024). *Democracy and lawlessness: The penitentiary laws and civil disobedience in Norway 1928–1931*. Springer. https://doi.org/10.1007/978-3-031-69055-6

Grudzinska, A. (2016). Ethics of Polish Bar Association in the interwar period according to Aleksander Mogilnicki. *Studia Iuridica Lublinensia*, *25*(3), 335–343. https://doi.org/10.17951/sil.2016.25.3.335

Grunwald, H. (2012). *Courtroom to revolutionary stage: Performance and ideology in Weimar political trials*. Oxford University Press. https://doi.org/10.1093/acprof:oso/9780199609048.001.0001

Gidyński, J. (1970). Stanisław Hejmowski. *Kultura*, *1–2*(268–269), 164–174.

Grebieniow, A., & Rudnicki, J. (2022, 11 November). A mixed jurisdiction in the Middle of Europe? Poland's interwar experience 1918–1939 [Blog]. *British Association of Comparative Law*. https://wp.me/p80U0W-1k2

Grzelczak, P. (2011). Poznański Czerwiec w polityce historycznej PZPR w latach 1980–1989 [The Poznań June events in the political history of the communist party 1980–1989). *Przegląd Zachodni*, *1*, 245–261.

Gulińska-Jurgiel, P. (2019). How to punish National-Socialist crimes in Poland. In P. Gulińska-Jurgiel, Y. Kleinmann, M. Řezník & D. Warneck (Eds.), *Ends of war: Interdisciplinary perspectives on past and new Polish regions* (pp. 346–370). Wallstein.

Hejmowski, S. (1956). Speech in 'Trial of Ten'. [On file with author.]

Hirsch, F. (2020). *Soviet judgment at Nuremberg: A new history of the International Military Tribunal after World War II*. Oxford University Press. https://doi.org/10.47348/AYIH/2020/a9

Indecki, K., & Jurewicz, J. (2014). *The key issues on Polish criminal law*. Wydawnictwo Uniwersytetu Łódzkiego. https://doi.org/10.18778/7969-430-3

Institute of National Remembrance. (2021, June 29). The 65th Anniversary of Poznań June 1956. https://eng.ipn.gov.pl/en/news/8395,The-65th-anniversary-of-Poznan-June-1956.pdf

Jackson, J. (2023). *France on trial: The case of Marshal Pétain*. Allen Lane.

Jastrząb, Ł. (2008). Opinia Profesora Józefa Chałasińskiego wygłoszona w podczas procesów poznańskich w 1956 roku [Prof. Józef Chałasiński's expert testimony in the Poznań Trials of 1956]. *Przegląd Zachodni*, *2,* 91–122.

Jastrząb, Ł. (2010). Przemówienia obrońców w procesach poznańskich w październiku 1956 r. [The speeches of defence attorneys in the Poznań Trials of October 1956]. *Przegląd Zachodni*, *3,* 247–266.

Kaminskaya, D. (1982). *Final judgment: My life as a Soviet defence attorney*. Simon & Schuster. https://doi.org/10.2307/1340927

Kaplan, A. (2000). *The collaborators: The trial and execution of Robert Brasillach*. University of Chicago Press.

Kirchheimer, O. (1961). *Political justice*. Princeton University Press.

Kirchner, B. (2022). Po stronie słabszych [On the side of the vulnerable]. *Przewodnik Katolicki: Poznański Czerwiec 1956*, *2*, 18–19.

Korzeniewska-Lasota, A., & Lasota, M. (2016). Leona Chajna poglądy na wymiar sprawiedliwości [Leon Chajn's viewpoints on the judiciary]. *Miscellanea Historico-Iuridica*, *15*(2), 317–326.

Koskenniemmi, M. (2002). Between impunity and show trial. *Max Planck Yearbook of United Nations Law*, *6*, 1–35. https://doi.org/10.1163/18757413-00601002

Ławniczak, A. (Director). 2008. *Maestro* [Film]. Documentary.

Luban, D. (2000). Natural law as professional ethics: A reading of Fuller. *Social Philosophy and Policy*, *18*, 176–205. https://doi.org/10.1017/S0265052500002831

Lubet, S. (1999). Reconstructing Atticus Finch. *Michigan Law Review*, *97*(6), 1339–1362. https://doi.org/10.2307/1290205

Mcgiel, J. (1994). 'Frenzy and ferocity': The Stalinist judicial system in Poland, 1944–1947, and the search for redress. *The Carl Beck Papers in Russian and Central European Studies*, *1101*, 26–33. https://doi.org/10.5195/cbp.1994.58

Melinkoff, D. (1973). *The conscience of a lawyer*. West Publishing.

Michalska, I. (2018). Polish universities between the world wars and their communities as accounted by the "Ilustrowana Republika" newspaper. *Biuletyn Historii Wychowania*, *39*(1), 69–84.

Palestra (Editors). (2007). Odznaczenia dla adwokatów-obrońców w procesach "Poznańskiego Czerwca 1956" [Recognition of defence lawyers in the Poznań June 1956 Trials]. *Palestra*, *52*(1–2), 373–374. https://palestra.pl/pl/czasopismo/wydanie/1-2-2007

Polisenský, J. (Director). (1998). *Ex offo* [Film].

Proces Artura Greisera przed Najwyższym Trybunałem Narodowym, 1946 [The Arthur Greiser Trial Before the Supreme National Tribunal, 1946; on file with the author].

Rheinhold, S. (2013). Good faith in international law. *UCL Journal of Law and Jurisprudence*, *2*, 40–63. https://doi.org/10.14324/111.2052-1871.002

Rigney, S. (2018). 'You start to feel really alone': Defence lawyers and narratives of international criminal law in film. *London Review of International Law*, *6*(1), 97–123. https://doi.org/10.1093/lril/lry009

Ross, J. A. (2008). Göring's trial, Stahmer's duty: A lawyer's defense strategy at the Nuremberg War Crimes Trial, 1945–46. *Madison Historical Review*, *5*(1), Article 3. http://commons.lib.jmu.edu/mhr/vol5/iss1/3/

Rzepliński, A. (1989). *Sądownictwo w Polsce Ludowej: między dyspozycyjnością a niezawisłością* [The judiciary in Poland: Between disposability and independence]. Oficyna Wydawnicza "Pokolenie".

Schabas, W. (2020). *An introduction to the International Criminal Court*. Cambridge University Press.

Sarat, A, & Scheingold, S. (2006). *Cause lawyering and social movements*. Stanford University Press.

Scheppele, K. L. (2012). Judges as architects. *Yale Journal of Law and the Humanities*, *24*, 345–361.

Schwöbel-Patel, C. (2021). *Marketing global justice: The political economy of international criminal law*. Cambridge University Press.

Schroeder, B. (Director). 2007. *The terror's advocate* [Film]. Documentary.

Siemaszko, K. (2016). Criminal liability for statements in the light of the case law generated by regional courts in regions incorporated into Poland following World War II. *Law, Crime and History*, *6*(2), 1–14.

Simpson, G. (2007). War crimes: A critical introduction. In T. McCormack & G. Simpson (Eds.), *The law of war crimes: National and international approaches* (pp. 1–15). Polity Press.

Smeulers, A., Weerdesteijn, M., & Holá, B. (Eds.). (2019). *Perpetrators of international crimes theories, methods, and evidence*. Oxford University Press.

Skuczyński, P. (2021). Metaphor of a lawyer as an architect and the concept of law. *Ordines*, *2*, 363–372.

Slawson, N. (2017, 2 January). John Berger: A life in quotes. *The Guardian*. https://www.theguardian.com/books/2017/jan/02/a-life-in-quotes-john-berger#:~:text=Hope%20is%20not%20a%20form,can%20reach%20to%20feeling%20immortal.%E2%80%9D

Sorkin, A. (Director). 2020. *The trial of the Chicago 7* [Film].

Special Correspondent. (1956, 5 October). Appeal for leniency at Poznan Trial. *The Daily Telegraph and Morning Post*.

Strandberg Hassellind, F. (2023, May 10). Symposium on 'Marketing Global Justice' – Managing contanimated resistance tactics? Some notes in mediatization, the strategy of rupture, and Jacques Vergès'. *Opinio Juris*. http://opiniojuris.org/2023/05/10/symposium-on-marketing-global-justice-managing-contaminated-resistance-tactics-some-notes-on-mediatization-the-strategy-of-rupture-and-jacques-verges/

Świątczak, K. (2018). W hołdzie obrońcom poznańskiego czerwca – zapomniany poznański prawnik Stanisław Hejmowski [A tribute to the defenders of Poznań June: The forgotten Poznań lawyer Stanisław Hejmowski]. *Kwartalnik Prawo – Społeczeństwo – Ekonomia*, *1*, 49–62.

Tallgren, I. (2002). The sensibility and sense of international criminal law. *European Journal of International Law*, *13*, 561–595. https://doi.org/10.1093/ejil/13.3.561

Tsymbal, E. (Director). 1988. *Defence counsel Sedov* [Film].

Turlejska, M. (1989). *Te pokolenia żałobami czarne… Skazani na śmierć i ich sędziowie 1944–1954* [These generations in black mourning dress… Condemned to death and their judges]. Aneks.

Wagner, W. J. (1990). Legal problems of inter-war Poland (1918–1939). *The Polish Review*, *25*(1), 27–36.

Widell, J. (2012, April). Jacques Vergès, devil's advocate: A psychohistory of Vergès' judicial strategy. Faculty of Law, McGill University, Montreal.

Wielec, M. (2022). Poland: National regulations in the shadow of the common past – Criminal law. In E. Váradi-Csesma (Ed.), *Criminal legal studies: European challenges and Central European responses in the criminal science of the 21st century* (pp. 99–124). Central European Academic Publishing. https://doi.org/10.54171/2022.evcs.cls_4

Wierczyńska, K., & Wierczyński, G. (2020). Stefan Glaser: Polish lawyer, diplomat and scholar. In F. Mégret & I. Tallgren (Eds.), *The dawn of a discipline: International criminal justice and its early exponents* (pp. 306–334). Oxford University Press. https://doi.org/10.1017/9781108769105.013