



ROUTLEDGE

# Censorship

*A World Encyclopedia*

EDITED BY  
DEREK JONES



CENSORSHIP

A WORLD ENCYCLOPEDIA

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## [Holocaust: Denying the Holocaust](#)

Denial of certified historical facts is not uncommon; this encyclopedia also documents the 1940 Katyri massacre, the 1915 Armenian genocide, and the 1937 Nanking massacre, all of which have been denied by interested parties. In many countries, small but active minorities deny the Holocaust, claiming that the Nazi extermination of the Jews never took place. Around this extremist core, there are others who partially deny, justify, or minimize it. This viewpoint, as old as the Holocaust itself, is disquieting because, despite the destruction of evidence during the Nazi efforts to cover up the mass killings, thousands of documents and testimonies by both the victims and perpetrators of the Holocaust make it an incontrovertible fact. As Roger Errera, a French judge, put it, the aim of those who deny it is "the destruction of the dead's only 'grave', that is, our memory, and the erosion of all awareness of the crime itself". Two basic questions arise: first, should Holocaust denial be censored? And second, should it be tolerated as history?

Should Holocaust denial be censored because it is a he that utterly offends the memory of the Jews (and the other victims of the Holocaust)? Although those who deny it have occasionally been the target of physical violence, barred from libraries and archives, and thus censored *de facto*, the question normally centres around legal restraints. Different legal instruments have been used: administrative restrictions against Holocaust deniers' journals; civil proceedings against them based on laws against group libel and incitement to hatred, discrimination, violence or racism; suspension from academic institutions; decisions by some countries to bar entry rights to them; and, finally, laws especially designed to criminalize Holocaust denial.

Although in many courtrooms those who deny the Holocaust have had to pay damages or have been temporarily and partially censored, some of their most prominent opponents have made important objections against legal countermeasures. A trial, their argument goes, gives the deniers an additional platform on which they can expound their views before the court and the press; the cases of Ernst Zündel in Canada and Robert Faurisson in France, for example, were widely publicized. When they are convicted or have their publications banned, they transform themselves into martyrs for free speech. Even when they are silenced, others take their place and, to circumvent the law, subtly change their strategies. Moreover, the argument continues, historical truth should be the province of historians, it should not be decreed by politicians or judges. In cases of specific laws against denial, it is further argued that laws about racial hatred and group libel, while not punishing historical falsification itself, at least strike at the usually accompanying accusations against the Jews of lying about their own history. Moreover, specific laws would create the wrong impression among those sceptical of official wisdom, that the truth about the Holocaust is too fragile for debate and cannot do without legal protection. Finally, they add, if Holocaust denial is criminalized, so also should denial of other historical crimes, at the risk of creating a never-ending series of taboos. Others, however, have defended specific legislation

on the grounds that the Holocaust has a unique historical character. This was the object of a *Historikerstreit* (historians' debate) in the Federal Republic of Germany in 1986. In addition, the other laws need living victims who demand damages, and they will, therefore, become less applicable to future cases of Holocaust denial.

There seems to be no easy solution to the problem, all the more because Holocaust deniers themselves have sued their opponents for libel. For example, French historian George Weliers, a specialist on World War II history working at the Centre de Documentation Juive Contemporaine, was sued by Robert Faurisson in 1990 because he had called him a "falsifier of the history of the Jews during the Nazi period". He was found not guilty of libel. In 1996, David Irving sued the British writer and journalist Gitta Sereny in a similar case; his 2000 lawsuit against Deborah Lipstadt and Penguin Books failed and he was ordered to pay considerable costs; he appealed, and lost. The US journalist I.F. Stone once said that freedom is a risky business; there is no freedom without abuses. The legal philosopher Ronald Dworkin elaborated: the cost of freedom of speech may be nearly unbearable for those offended by it, "but freedom is important enough even for sacrifices that really hurt". It is doubtful, however, that those making the sacrifices will agree.

In recent decades the concept of historical truth has been debated fiercely among historians. Most have become keenly aware that many historical statements are often of an indirect and conjectural nature, that historical truth is relative, not absolute. The most penetrating question in this debate has been: if historical truth is elusive, how can we distinguish honest historians from liars and falsifiers? Karl Popper's principle of falsification is the key to the answer: even when historical truth is not entirely knowable, it is possible to know historical untruth and ban it. In Michael Ignatieff's words: "the function of honest historians is simply to purify the argument, to narrow the range of permissible lies". This principle is the basis of a minimal but strict truth regime, such as that formulated by Cicero: "The first law for the historian is that he shall never dare utter an untruth. The second is that he suppress nothing that is true" (*De Oratore*, ILis).

How, then, do Holocaust deniers fit into the historical profession? They do not. In order to acquire academic status, they attempt to create the impression that they represent a historical school. Indeed, they call themselves "revisionists" and the others "exterminationists". They create an infrastructure of academic paraphernalia, find their own publishers, and name their periodicals *Journal of Historical Review*, *Annates d'Histoire Revisionniste*, or *Historische Tatsachen*. They sometimes utilize the writings of reputable scholars, and present their discussions at conferences as respectable. Among the Holocaust deniers there are three groups: those who are not historians (the large majority), those who pretend to be historians, and those who have received (some) historical training. None of them comply with the truth regime as described above. The implications for the small group of professionally trained historians among the deniers are particularly grave. They have abdicated the responsibility to respect the dead, keep their memory alive, and denounce falsification. However, the community of historians cannot ignore them; it has an obligation to refute their historical lies and to report on their activities, however reluctantly. Many historians have indeed done so. One example was the 1979 declaration by 34 leading French historians vigorously condemning Holocaust denial in the newspaper *Le Monde*. Marc Bloch and Anthony Grafton have reminded us that false testimonies and forgeries formed the incentives for the development of historical criticism in the 17th century. Incessant refutation of the theses underlying

Holocaust denial may lead to a fruitful contemporary continuation of that practice.

ANTOON DE BAETS

## Further Reading

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## [Holocaust: Dangers of Relativization](#)

Against the background of the German law that prohibits the public denial of the Holocaust, there have been several attempts since the 1980s, not so much to argue that the Holocaust did not take place, as to relativize its impact. In 1980, the historian Ernst Nolte reduced the singularity of the Holocaust to the "technical procedure of gas", provoking an argument among some historians about whether Auschwitz and the other death camps were unique or, rather, distorted copies of, and reactions to, Stalin's Gulag. According to Nolte, the actions of the Nazis - the National Socialists - and those of the communists were equally criminal. Then, in 1984, chancellor Helmut Kohl spoke during a speech to the Israeli legislature, the Knesset, about the "mercy of the late birth". However, after fierce protests from many German historians in the mid-1980s, president Richard von Weizsacker appeared to nip in the bud a movement that might ultimately have abolished the censorship of Holocaust denial, by reiterating the singularity of the Third Reich.

The issue arose once again after German unification in 1990, with special reference to the *Mahn- und Gedenkstätten*, former concentration camps in East Germany that had been preserved as memorials to the victims. At the end of World War II, up to 60,000 Germans had been interned in one such camp, at Sachsenhausen, known as *Speziallager No. 7*. Those reorganizing the memorial in 1991 seized on this fact in the third edition of a booklet entitled *Sachsenhausen, 1936-1950*, in which they stated that:

Sachsenhausen is in the first place a scene of National Socialist and SS crimes. But it is also a scene of another ideological crime that had *no less* [italics mine] implacable consequences. The credo of National Socialism and of Communism were *the same*: the enemy must be destroyed.

This equation was, to say the least, ironic: among those interned at Sachsenhausen in 1945 there had been hundreds of former SS guards.

Further ironies arose in 1992 in the course of the "Waldheim trial", in which charges were brought against a judge who had pronounced 20 death sentences in 1950; and in the trial of two former citizens of East Germany who, on 4 June 1947, had killed Oberstabsrichter Erich Kallmerten in an internment camp for prisoners of war in Lithuania. Kallmerten, a former Nazi judge, had passed hundreds of death sentences on deserters and partisans. If he had not been murdered, he might, like almost all other former Nazi judges, have evaded punishment altogether.