

## *Quo Vadis, Revisionism?*<sup>1</sup> <sup>[1]</sup>

Joseph P. Bellinger

*The late Joseph Bellinger had intended the current article to be a chapter in a book that remained unpublished at the time of his death, The Prohibition of “Holocaust Denial.” — Ed.*

Over the past twenty-five years, throughout much of the western world, historical revisionism has sustained ever-harsher assaults on freedom of conscience and expression aimed directly at it. Explicitly anti-Holocaust-denial criminal statutes impose the consequences: question the Holocaust, go to jail. Unrepentant revisionists convicted under these oppressive laws can expect to serve lengthy sentences and appeals in most cases are routinely denied.

As of October 2008, fourteen countries had enacted laws either specifically prohibiting and punishing “Holocaust denial” or expressions of “racism.” These countries are Israel, France, Germany, Switzerland, Belgium, Austria, Spain, Czech Republic, Lithuania, Poland, and Slovakia, Denmark, the Netherlands, and Luxembourg.

Penalties range from the draconian 20 years in Austria (in “severe” cases) to up to one year under Belgium’s “Law against Racism.” Moreover, courts have ordered the public display of the verdict and its publication in one or more newspapers at the expense of the offender, and/or the forfeiture of the offender’s civil rights for up to 5 years.

In Austria, if the offense is considered to be a minor infringement, a specified administrative fine is applicable.

In the Czech Republic, denial of communist genocides and crimes against humanity are equally punishable under Article 261a, Penal Code. Poland’s Article 55 Law of the Institute of National Remembrance is similar to that of the Czech Republic and concerns National Socialist or communist crimes perpetrated between September 1, 1939 and December 31, 1989 against Poles or Polish citizens.

Denmark’s “Anti-Racism” law is not applied to “Holocaust denial” cases, while in the Netherlands, cases relative to “Holocaust denial” are routinely applied by the courts under Articles 137c and 137e of the Penal Code.

In Luxembourg the court may order the forfeiture of the convict’s civil rights and a ban on all teaching activities, for 5 to 10 years.

### **Holocaust Heresy**

On November 1, 2000, French historian and sociologist Serge Thion, fifty-eight years of age and father of three was summarily dismissed from the *Centre national de la recherche scientifique [CNRS]* without salary or severance pay as a result of his scholarly revisionist writings.

Five days later, the University of Lyons II instituted dismissal proceedings against revisionist scholar and publisher Jean Plantin to revoke his advanced studies degree. The final decision in the matter was left to France’s Jewish Education Minister, Jack Lang. Lang also happens to be a major figure in the French Socialist Party. The University shamelessly joined in the fray and announced that they hoped to strip Plantin of his master’s degree.

Similarly, in 2000, Jean-Louis Berger, 53, a French literature instructor at Lemberg High school in eastern France, was sentenced to 10 months’ imprisonment and a fine of \$20,000 for merely telling his class of 15-year-olds “Concentration camps were in fact labor camps. Gas chambers were used only to kill lice. There were no six million dead in the camps but only one million.”

Berger’s defense was that he had spoken as a “free man.” The fact that he had innocently attended a revisionist meeting in Paris earlier that year was used as a basis to secure conviction, and proves that the government went to great lengths to spy on him. The proceeds from his fine were doled out to the voracious LICRA and the family

of one of his students who complained.<sup>2</sup> <sup>[2]</sup>

Heeding perhaps the call of sanity, justice and reason in the midst of such madness, Swiss Justice Minister Christoph Blocher announced his determination on October 6, 2006 to revise Switzerland's anti-racism law. "I want people to be able to express themselves in Switzerland," the minister stated, "even if their opinion doesn't appeal to everyone."<sup>3</sup> <sup>[3]</sup>

During the course of a recent visit to Turkey, the justice minister had remarked that the 1994 anti-racism law, including sections aimed at squelching revisionist opinions, "gave him a headache." The minister's avowed intention unleashed a torrent of adverse criticism, prompting Pascal Couchepin, Swiss Minister of the Interior, to remark that the minister's comments were "unacceptable." Couchepin offered no intelligent reasons in support of that opinion.

The enlightened Swiss minister enunciated his profound belief that freedom of expression is more important than protecting the sensibilities of hostile minority groups, and that Swiss law should serve as a beacon to other nations. The minister said, "I do not want that an opinion cannot be uttered only because someone will be offended by it," and added that the definition of genocide is a question which must be decided by historians.<sup>4</sup> <sup>[4]</sup>

Nevertheless, opposition to such enlightened views is becoming increasingly more apparent, even in Switzerland, and to date no resolution has yet been adopted by either the Swiss parliament or via referendum that would repeal or revise the oppressive law.

Similarly, in Hungary Ibolya David, Hungary's Justice Minister, rejected a proposal from the Federation of Hungarian Jewish Communities in May 2001 for a law that would make Holocaust denial illegal. "Such a law would be unconstitutional," the minister stated, basing her decision on "numerous professional opinions" within the Justice Ministry.<sup>5</sup> <sup>[5]</sup>

Nevertheless, the Jewish community vowed to press the matter further.

The voice of sanity reigned again in Denmark, when on July 15, 2002 the Socialist People's Party MP, Pernille Frahm, refused to acquiesce in a law outlawing Holocaust denial throughout the European Union, commenting that "One should be very careful about outlawing political matters that have nothing to do with racism."<sup>6</sup> <sup>[6]</sup>

The proposed European Union law against Holocaust denial was based upon the following criteria:

Offenses concerning racism and xenophobia.

Public incitement to violence or hatred for a racist or xenophobic purpose or to any other racist or xenophobic behavior which may cause substantial damage to individuals or groups concerned;

Public insults or threats towards individuals or groups for a racist or xenophobic purpose;

Public condoning for a racist or xenophobic purpose of crimes of genocide, crimes against humanity and war crimes as defined in Articles 6, 7 and 8 of the Statute of the International Criminal court;

Public denial or trivialization of the crimes defined in Article 6 of the Charter of the International Military Tribunal appended to the London Agreement of 8 April 1945 in a manner liable to disturb the public peace;

Public dissemination or distribution of tracts, pictures or other material containing expressions of racism and xenophobia;

Directing, supporting of, or participating in the activities of a racist or xenophobic group, with the intention of contributing to the organization's criminal activities.

In January 2000, British Home Office Minister Michael O'Brien informed reporters that the British government rejected plans to enact Holocaust denial legislation supported by Prime Minister Tony Blair. Jewish groups reacted with dismay and dissatisfaction, complaining that the country's "anti-racism" laws failed to result in a sufficient number of prosecutions and convictions.<sup>7</sup> <sup>[7]</sup>

Operating on the dictum that the “squeaky wheel gets the grease,” a number of Jewish organizations have repeatedly urged and subsequently applauded the successful suppression and prosecution of “deniers.”

Deborah Lipstadt, who was hired to teach Holocaust history at the Jesuit Pontifical Gregorian University closely affiliated with the Vatican, candidly wrote, “David Irving’s arrest and three-year jail sentence for having denied the Holocaust has been met with a chorus of cheers in the Jewish community.”<sup>8</sup> <sup>[8]</sup>

Deborah Lipstadt was right. Jewish organizations do generally applaud the prosecution of people who express dissident opinions concerning the Holocaust. For example, Shimon Samuels, the international relations director of the Simon Wiesenthal Center, expressed his satisfaction that the rising prosecutions of revisionists were part of an overall trend in Europe to try and atone for the Holocaust.

Shimon’s approbation, however, hardly addresses the issue of how the prosecution of “deniers” offers effective atonement for what did or did not occur during the Holocaust. Shimon stressed the point of view that “Unlike in America, there is not much difference in Europe between hate speech and hate crime. And there seems to be a new willingness to use those laws when it comes to Holocaust denial.”<sup>9</sup> <sup>[9]</sup>



A heretic of an earlier time, Galileo Galilei was forced by the Inquisition in 1633 to retract his belief that the Earth moves around the Sun – or face a sentence of death.

Source: Ottavio Leoni [Public domain], via Wikimedia Commons

## **International Thought Crime**

Israel may have assumed the lead in enacting Holocaust denial legislation when the nation enacted a “Global Holocaust Deniers” bill in the Knesset on July 20, 2004. This unprecedented law outlawed “Holocaust denial” even if committed overseas or outside of Israeli territory and was passed by unanimous vote. In theory, the law would enable the state of Israel to demand the extradition of any individual overseas for “Holocaust denial.”

The bill was drafted by Knesset member Aryeh Eldad of the National Union party as a counterthrust against former Palestinian Authority Prime Minister Mahmoud Abbas for a doctoral dissertation he had authored twenty years prior in which he estimated that less than one million Jews had perished at the hands of the Nazis.<sup>10</sup> <sup>[10]</sup>

In effect, the bill provides for any Holocaust denier to be prosecuted in Israel. Eldad has reasoned, “What I want is that if a Holocaust denier publishes a book in England, he will be considered a criminal in Israel.” Apparently there will be no amnesty for such deniers even if they should change their opinions. “Once a denier, always a denier.”<sup>11</sup> <sup>[11]</sup>

Justice Minister Tommy Lapid seconded that denying the Holocaust “is a neo-Nazi crime. Anyone involved in this belongs to the group of criminals whom our arm must reach anywhere in the world... We will not hunt them,

but they should know that they are on our list of criminals. I am very satisfied and happy that this will be entering our law books.”<sup>12</sup> <sup>[12]</sup>

French National Front leader Bruno Gollnisch, who serves as a professor of Japanese civilization and Japanese law at Lyons University III, faced similar travails as Jean Le Pen when he remarked that the existence of Nazi gas chambers was a matter of legitimate debate for historians. Gollnisch stated, “There isn’t a serious historian around who totally sticks by the conclusions of the Nuremberg Trials. I’m not questioning the existence of concentration camps, but on the number of deaths, historians can discuss it. As to whether gas chambers existed, that’s up to the historians to determine.”<sup>13</sup> <sup>[13]</sup>

*The Jewish Press* reported that the simple remarks “could see Gollnisch removed from his post as a professor at the University of Lyon III, while the European Parliament could sanction Gollnisch, who is also a member of the legislative body.”

The article went on to report that the University “provided shelter for a far-right kernel,” of academics among its staff, apparently supporting the notion that left or far-left academics are the only people who should be employed at universities.

Serge Cwajgenbaum, secretary-general of the European Jewish Congress, opined that Gollnisch’s comments proved that “this man, who calls himself a scholar, is totally ignorant of history,” alleging without proof that Gollnisch’s comments were “not academic, but politically and ideologically based.”<sup>14</sup> <sup>[14]</sup>

Joining the campaign to stifle Gollnisch, the Paris-based International League against Racism and Anti-Semitism, [LICRA] demanded that the European Parliament take action against Gollnisch. In a letter to Josep Borrell, parliament president, LICRA President Patrick Graubert urged the parliament to enforce sanctions against Gollnisch “for his revisionist comments which place in doubt the historical veracity of the existence of the gas chambers.”<sup>15</sup> <sup>[15]</sup>

Borrell hardly needed encouragement, and quickly joined in with the chorus of those demanding Gollnisch be held legally liable for his statements. Borrell grunted, “I hope you will be held accountable for your slanders by the courts.”<sup>16</sup> <sup>[16]</sup>

In 1991, Gollnisch had already aroused the ire of the left when he publicly called for “respect for freedom of expression for educators who exercise a critical perspective towards the history of the Second World War.”<sup>17</sup> <sup>[17]</sup>

The so-called “far-right-harboring University of Lyons III” took pains to distance itself from Gollnisch’s remarks and called upon France’s minister of education to initiate disciplinary proceedings.

Upon being informed of these facts, Gollnisch commented, “I don’t know if I am going to be chased out of my chair in Japanese civilization and law or even put in prison for this phrase, but I assume responsibility for it.” Gollnisch adamantly refused to issue an apology for his statements and criticized the “thought police and the considerable interests who want to prevent this debate,” adding that “It was in the interests of the State of Israel to have endless discussions about reparations.”<sup>18</sup> <sup>[18]</sup>

## **Genocide Envy**

A recent trend has emerged in which various ethnic groups seek equal status and recognition under laws prohibiting the denial of genocide. Jewish groups such as the Anti-Defamation League (ADL) registered their displeasure over such attempts based upon their belief that such recognition will “diminish the uniqueness of the Holocaust.”

A controversy was ignited in the United States in August 2007 when the ADL voiced its opposition to a Congressional resolution put forward by Representative Adam Schiff of California to officially recognize the Armenian genocide. The ADL had consistently lobbied against adoption of the resolution.

Abraham Foxman, then director of the ADL, referred to the resolution as “counterproductive” and expressed concerns as to the possible negative effect the legislation would have on Jews living in Turkey.<sup>19</sup> <sup>[19]</sup>

Rather ironically, leading representatives of the Armenian community in Boston accused the ADL of “genocide denial.”<sup>20</sup> <sup>[20]</sup> Armenian National Committee representative Grace Kehetian Kulegian lambasted the ADL for

preaching “tolerance” while practicing “divisiveness and denial.”<sup>21</sup> <sup>[21]</sup>

John Walsh, a commentator for *Counterpunch* Magazine, was even more explicit in his criticisms of the ADL and its controversial director, writing that

...the ADL has long denied that the Turkish massacre of 1.5 million Armenians from 1915 to 1923 amounted to genocide. Turkey is of course an ally and arms purchaser of Israel's, but the denial antedates this alliance. A good friend of mine, an Israeli expatriate, tells me that when he went to school in Israel, mention of the Armenian genocide was verboten so as not to detract from the "uniqueness" of the Jewish genocide under the Nazis and to maintain a "monopoly on suffering," as he puts it. Shoah business does not like the competition.<sup>22</sup> <sup>[22]</sup>

In an effort to defuse the situation and maintain cordial relations with Turkey, the Israeli embassy in Ankara proffered that the Jewish state acknowledges the "horrible events" and the "terrible suffering" the Armenians endured, but urged Jews not to take sides.<sup>23</sup> <sup>[23]</sup>

Israeli President Shimon Peres phoned Turkish Prime Minister Recep Tayyip Erdogan to assure him of Israel's desire to maintain close bilateral ties.

Within days, Mr. Foxman and the ADL reconsidered their position and called upon the mediation of Elie Wiesel to smooth over the dispute. According to John Walsh,

Upon reflection and with the help of that great humanitarian, Elie Wiesel, who seems to be acting as a kind of Jewish Billy Graham and who has never acknowledged the injustice done the Palestinians, Foxman [now] thinks that it was a genocide after all. (Of course according to their newspaper ad of several days back this means that the national ADL is now abandoning Turkish Jewry to a horrible fate.)<sup>24</sup> <sup>[24]</sup>

Elie Wiesel had momentarily saved the day.

Nearly a year earlier, on October 12, 2006, France passed the “Armenian Genocide Law” - an act that was strongly denounced by the Turkish government. This legislation now makes it a crime in France to deny that the Ottoman Turks massacred an estimated 1.2 million Armenian Christians during the years 1915-1917.

The five-hundred-thousand-strong Armenian community in France had pressed for the bill. Patrick Devedjian, an Armenian politician in France, appealed to the “Holocaust” to justify the imposition of the law, remarking, “Imagine for a second that Germany today denied the Holocaust. It is totally unacceptable.”<sup>25</sup> <sup>[25]</sup>

Jewish groups tend to concur with such analogies, since they lend legitimacy to their own position. This fact was not lost on legal minds including Harvard Law School Professor Alan Dershowitz, who, in unison with Massachusetts State Representative Rachel Kaprielian, used the controversy as an opportunity to buttress the foundations of “the Holocaust Industry.” Dershowitz and Kaprielian wrote,

For any organization or official to believe that there are differing sides to the Armenian Genocide is as much an outrage as it would be for Germany to say that the work of Jewish scholars, witnesses, and victim testimonies represented merely the 'Jewish side' of the Holocaust.<sup>26</sup> <sup>[26]</sup>

In a rather amazing admission, Jonathan Sarna, a professor of Jewish history at Brandeis University, proclaimed, “There’s a huge irony here. The Armenian community is using all the strategies we invented to deal with Holocaust denial.”<sup>27</sup> <sup>[27]</sup>

Highly critical of the passage of this new law was Timothy Garton Ash of the *Guardian*, who wrote,

What a magnificent blow for truth, justice and humanity the French national assembly has struck... Vive la France! But let this be only a beginning in a brave new chapter of European history. Let the British parliament now make it a crime to deny that it was Russians who murdered Polish officers at Katyn in 1940. Let the Turkish parliament make it a crime to deny that France used torture against insurgents in Algeria... No one can legislate historical truth. In so far as historical truth can be established at all, it must be found by unfettered historical research, with



historians arguing over the evidence and the facts, testing and disputing each other's claims, without fear of prosecution or persecution.

Far from creating new legally enforced taboos about history, national identity and religion, we should be dismantling those that still remain on our statute books. Those European countries that have them should repeal not only their blasphemy laws but also their laws on Holocaust denial. Otherwise the charge of double standards is impossible to refute. What's sauce for the goose must be sauce for the gander.<sup>28</sup> [28]

Ash was likewise critical of French-Jewish philosopher Bernard-Henri Levi, whom he charged with having gone "through some impressive intellectual contortions to explain why he opposed any laws restricting criticism of religion but supported those on Holocaust denial. It was one thing, he argued, to question a religious belief, quite another to deny a historical fact. But this won't wash. Historical facts are established precisely by their being disputed and tested against the evidence. Without the process of contention – up to and including the revisionist extreme of outright denial – we would never discover which facts are truly hard... Only when we are prepared to allow our own most sacred cows to be poked in the eye can we credibly demand that Islamists, Turks and others do the same. This is a time not for erecting taboos but for dismantling them. We must practice what we preach."<sup>29</sup> [29]

Ironically, some European nations today practice and preach a message radically different from Mr. Ash's enlightened point of view. Few countries evince more energy in prosecuting "deniers" than France. Sadly, today's France is no longer the France of Voltaire, who famously wrote:

One man cannot say to another: 'Believe what I believe, and what you can not believe, or you shall perish... Believe, or I detest thee; believe or I shall do thee all the harm I can... Monster, you do not share my beliefs, you shall be a thing of horror to your neighbors, your city, and your province.'<sup>30</sup> [30]

### Limiting Free Speech

The number of prominent individuals prosecuted for thought crime is steadily increasing. On January 3, 2006, Georges Theil, 65 years old and a former elected official from the British National Front, was found guilty of "Crimes against humanity for denying the Holocaust," (!) under the Fabius-Gayssot Act of July 13, 1990. Theil had dared to publicly question the existence and operation of Nazi gas chambers when, during the course of a television program, he referred to Nazi gas chambers as "a fantasy." Theil was subsequently sentenced to six months' imprisonment without parole, saddled with the substantial costs of publishing the verdict in two newspapers, and ordered to pay a \$12,000 fine along with a remittance of \$4,800 to each of the eleven plaintiffs who lodged a complaint against him. An additional remittance of \$4,800 to each of the plaintiffs to recover their court costs, and a payment of €90 to cover procedural fees was also imposed by the court.<sup>31</sup> [31]

In July 2006, Robert Faurisson stood trial for comments he made on Iranian television early in 2005. Judgment was rendered three months later, when Faurisson was sentenced to three months' suspended imprisonment and ordered to pay a fine of €7500. In addition he was ordered to pay €1 in damages and €1500 in legal expenses to each of the three organizations that brought charges against him. Such organizations routinely abuse the justice system by filing harassing lawsuits designed to exhaust and financially cripple their perceived opponents.

Arguments advanced in support of enacting Holocaust denial laws are invariably weak and unconvincing. For example, Robert A. Kahn, author of the book *Holocaust Denial and the Law: A Comparative Study*, advanced the following arguments in defense of Holocaust denial laws, proclaiming that even in the United States, "freedom of speech is not unlimited." According to Kahn:

One of the most important restrictions on speech applies to what the Supreme Court refers to as "true threats." This category includes acts such as threatening the life of the president, as well as burning a cross with intent to intimidate another.

Kahn argues that "both of these policies are relevant to the Holocaust denial context." Seeking to provide a rational argument for Germany's rigid prosecution of "deniers," he writes,

Just as Americans view a threat on the president's life as a serious national security matter, Germans

view Holocaust denial as a veiled attempt to rehabilitate the Nazis, a serious concern given the country's past. This is why Germans ban not only Holocaust denial but also the swastika, the Nazi salute and the singing of the first verse of 'Deutschland über alles.'

Kahn's argument is poorly reasoned and emotive, for Germany's national anthem dates back to 1841 and was not adopted as the anthem of the NSDAP.<sup>32</sup> [32]

Kahn asserts that nations are sensitive about "speech that denies crimes committed in its name," but the crimes of the Zionist government are blatantly omitted from Kahn's thesis, and one is tempted to suspect that Kahn may very well "deny" them.

Specifically referring to "deniers," Kahn claims that revisionist arguments and scientific evidence are "insulting to groups," yet the purpose of historical inquiry is not based upon concerning itself with people's feelings and sensitivities, but what can be historically and scientifically documented and proved. The psychiatrist's couch remains the best venue for addressing people's feelings and emotional hurts.

Kahn proclaims "when the Germans or French (Kahn omits all mention of Israel) decide to ban Holocaust denial, they do so in the context of a history of restricting speech that insults groups. This tradition stretches back to the early 20th century when it was illegal to insult the military, judges and large property owners."

Kahn raises issues that contradict each other and are ultimately irrelevant. By the same token, one may also argue that it constitutes a grievous insult to the German people and their descendants if they are wrongfully accused of heinous crimes, which they in fact never committed or approved of. Thus, Kahn's points may be argued either way.

Kahn cites the case of *Beauharnais v. Illinois* [1952] as proof that the United States Supreme Court held that group-libel laws were constitutional. The case in question was a rather late decision of the Supreme Court in 1952 under Felix Frankfurter.

The Court upheld an Illinois law making it illegal to publish or exhibit any writing or picture portraying the "depravity, criminality, unchastity, or lack of virtue of a class of citizens of any race, color, creed or religion." In rendering his opinion, Frankfurter argued that the speech conducted by the defendant breached libel, which he reasoned to be outside the protection of the 1st and 14th Amendments.

However, Kahn fails to supply the evidence in support of the suggestion that revisionists are willfully libeling anyone. Moreover, the criterion obviously does not apply to revisionist historians and application of the law would appear to be one-sided, as revisionists are libeled, smeared and lumped in the same group as "anti-Semites" or "hate mongers," and no one protests in their defense. Thus, it may be argued that revisionists are denied equal standing under the law.

Kahn appears to be more concerned with the "symbolic" or deterrent or psychological effect Holocaust denial laws may have in dissuading prospective revisionists from publicly airing their views. Thus, the objective in such a case would serve to intimidate individuals from freely expressing their opinions because they are objectionable to specific parties.

In fact, Kahn applauds the Soviet-style show trials and the rough justice directed against revisionists in Europe, and lauds the news blackout with respect to the trials.

One is also struck by the author's repeated polemical attacks upon the "right wing." By way of contrast, one will search in vain for any similar criticism of the left. This leaves the reader with the impression that a social stigma ought to be attached to right-wing ideologues. Thus, one can easily arrive at the distinct conclusion that the right wing is being singled out as a criminal enterprise or conspiracy against the rest of mankind. Such absolutes nearly always constitute an imminent danger to our basic human rights and civil liberties in general.

Kahn triumphantly proclaims that "Holocaust denial laws" are a "signal that society has taken a stand against hate" and "does not depend on imprisoning deniers."

Yet, if Holocaust denial laws do not "depend on imprisoning deniers," Kahn must explain why so many individuals are languishing behind bars throughout Europe for precisely that reason. Even granting the possibility

that Kahn is correct, what practical difference does it make whether the accused are imprisoned, calumniated, slandered, libeled, mischaracterized and dehumanized? All characterizations inevitably lead to the same inevitable denouement: contempt for the offender and ostracism from mainstream society.

Kahn wisely sidesteps the issue of whether the United States ought to adopt laws proscribing Holocaust denial, but it is clear that he has no solid objections to upholding the status quo in those countries that do.<sup>33</sup> <sup>[33]</sup>

In fact, the media frequently and irresponsibly refers to historical revisionists as “neo-Nazis.” On September 9, 2003, a Belgian court convicted Siegfried Verbeke of minimizing the Holocaust after distributing pamphlets. Stripped of his civil rights for 10 years and sentenced to one-year suspended prison term, Verbeke, a 63-year-old Belgian of German extraction, remained unrepentant and confirmed to the press that he stuck “one hundred percent” to his views. “Three centuries ago people were burned at the stake, so a one year prison sentence is not that bad,” he asserted.

The Belgian court asserted that Verbeke had shown no respect for the victims of the Nazi extermination of six million European Jews.

Attorney Paul Quirijnen, an attorney representing Belgium’s official “anti-racism” center, which had instituted proceedings against Verbeke under a law banning Holocaust denial, grumbled, “There is a limit, which I call tolerance,” adding that “the historical truth” could not be denied.<sup>34</sup> <sup>[34]</sup>

Yet, if the Holocaust believed in by Paul Quirijnen is ‘the truth,’ why does it require punitive laws to compel belief? What historical ‘truth’ is so sacred that it cannot ever be called into question or revised? What sort of “truth” necessitates harsh punishments in cases of non-compliance?

Ernst Zündel’s appeal was rejected by the German Federal Court in Mannheim on September 12, 2007. The appeals court upheld trial judge Ulrich Meinerzhagen, who in rendering his judgment declared, “It is of absolutely no relevance whether the Holocaust happened or not. Denying it is a punishable offense. That is the only thing that matters to the court.”

In the fallout following the Zündel trial, the Mannheim state attorney’s office filed charges against Zündel’s defense team, notably Juergen Rieger and Sylvia Stoltz for “incitement of the masses.” According to a statement issued by the prosecutor’s office, Zündel’s attorneys repeatedly disputed and played down the alleged genocide of Jews in World War Two. The state attorney’s office is seeking their disbarment.

In April 2007, after six years of discussion and negotiations, the European Union approved criminal measures against “Holocaust denial.” Representatives from the 27-nation bloc agreed to impose jail sentences upon those who deny or trivialize the Holocaust.

The controversial proposal calls for the courts to impose a sentence of three years’ imprisonment for those who “deny genocide.”

Supporters of the legislation proclaimed that the rules would “aim to penalize anyone who incited to hatred or violence, and anyone who publicly condoned, denied or grossly trivialized crimes of genocide, crimes against humanity and war crimes.”

Naturally revisionists of other histories are exempt from the list of those who might be exposed to public hatred and contempt. When a number of Baltic nations demanded that those who denied major Soviet atrocities should be included on the list, their proposal was rejected. Thus the alleged genocide of the Jews during the Second World War is the only genocide referred to under the new rules, which will still require the ratification of national parliaments as well as the European Parliament.”<sup>35</sup> <sup>[35]</sup>

In Australia, revisionist Frederick Töben, director of the Adelaide Foundation, faced troubles of a legal nature after being denounced by Jeremy Jones, the former president of the Executive Council of Australian Jewry. Newspapers gloated that Töben was unable to find a lawyer to defend him against allegations that he has “raised serious doubt about the Holocaust.”<sup>36</sup> <sup>[36]</sup>

During the course of a night hearing, Jones importuned the Federal Court to jail Dr. Töben for allegedly breaching a four-year-old court order because his website suggested “it is unlikely that there were homicidal gas



chambers at Auschwitz.”<sup>37</sup> <sup>[37]</sup>

Dr. Töben had previously spent seven months in a German prison in 1999 on a bogus charge of “inciting racism.”

Dr. Töben had served as one of the keynote speakers at the so-called “Holocaust denial” conference hosted by Iranian President Mahmoud Ahmadinejad in Tehran in 2006.

On its website, the United States White House issued a statement condemning the conference:

The United States condemns the conference on the Holocaust convoked by the Iranian regime on Monday in Tehran. While people around the world mark International Human Rights Week and renew the solemn pledges of the Universal Declaration on Human Rights, which was drafted in the wake of the atrocities of World War II, the Iranian regime perversely seeks to call the historical fact of those atrocities into question and provide a platform for hatred. The gathering of Holocaust deniers in Tehran is an affront to the entire civilized world, as well as to the traditional Iranian values of tolerance and mutual respect. The United States will continue to support those in Iran and elsewhere who seek to promote human rights and dignity, and will stand with them in their efforts to overcome oppression, injustice, and tyranny.<sup>38</sup> <sup>[38]</sup>

The White House’s platitudinous statement betrayed a smugness and air of moral superiority vis-à-vis hypocritical references to “tolerance, mutual respect” and “human rights and dignity” while seeking to deny these rights to the attendees of the conference.

Neither does the White House statement nor the sentiments expressed therein accord with the disgraceful manner in which the President of Iran was treated during his recent visit to Columbia University, where he was characterized by University President Lee Bollinger as a “petty and cruel dictator,” ...brazenly provocative or astonishingly uneducated.”<sup>39</sup> <sup>[39]</sup>

In response to these gibes, the Iranian President stated,

In Iran, tradition requires when you invite a person to be a speaker, we actually respect our students enough to allow them to make their own judgment and don’t think it’s necessary before the speech is even given to come in with a series of complaints to provide vaccination to the students and faculty.<sup>40</sup> <sup>[40]</sup>

The subject of the Holocaust was naturally raised by Bollinger, who remarked,

...you held a two-day conference of Holocaust deniers. For the illiterate and ignorant, this is dangerous propaganda. This makes you, quite simply, ridiculous.

Bollinger’s comments imply that “dangerous propaganda,” in the form of “Holocaust heresy,” ought to be suppressed and President Ahmadinejad receive public censure for upholding the democratic principle whereby all people should be allowed an opportunity to freely express their opinions without fear of retribution by the government.

Particularly discomfiting to critics of the Tehran Conference was the fact that a number of Orthodox Jews also participated at the function. Austrian Rabbi Moishe Ayra Friedman used the occasion to lament the fact that the Holocaust was being used to legitimize the suffering of other peoples and that he wanted to break the taboo on discussing it. The enlightened Rabbi remarked that the main thing “was not Jewish suffering in the past but the use of the Holocaust as a “tool of commercial, military and media power.”<sup>41</sup> <sup>[41]</sup>

The spirit of intolerance that today characterizes much of Europe has seeped by steady increments into mainstream academic institutions in the United States. For example, DePaul University recently said “Sayonara, Professor” to Norman Finkelstein, the controversial author of *The Holocaust Industry* and a consistent critic of Zionist policies.

In an astounding statement loaded with irony and hypocrisy, Dean Chuck Suchar attempted to justify Finkelstein’s dismissal on grounds that his teachings conflict with “Depaul’s Vincentian Values,” which include

*respect for the opinions of others...*<sup>42</sup> <sup>[42]</sup>

Finkelstein, who is Jewish, has long criticized the way Jews have handled the Holocaust and has called leaders of American-Jewish groups "Holocaust mongers." His views led the university to cancel Finkelstein's only course, "Equality in Social Justice," a week before fall classes began. According to the *Chicago Tribune*, Dean Chuck Suchar found Finkelstein's teachings to be conflicting with "DePaul's Vincentian Values" which include respect for the opinions of others—leading us to wonder why the university doesn't respect his.<sup>43</sup> <sup>[43]</sup>

Another flagrant example of intolerance occurred at Georgetown University in 2007, when Bruce Leichty, an immigration lawyer who has defended Ernst Zündel, was escorted off campus by security guards for passing out leaflets to members of the German Lawyers Association.<sup>44</sup> <sup>[44]</sup>

A thought-provoking article penned by Gerard Alexander, a scholar from the American Enterprise Institute, identified a specific methodology at work in Europe, which he perceived as the "greatest erosion of democratic practice in the world's advanced democracies since 1945."<sup>45</sup> <sup>[45]</sup>

Citing three disturbing trends used to stifle free speech, Alexander notes that archaic anti-Nazi laws are being adopted in nations where no threat of Nazism is present. Moreover, cleverly formulated laws provide provisions to sanction any speech determined by the powers that be to "incite hatred" against groups based upon religion, race or ethnicity. Third, the laws themselves are interpreted "so loosely that they chill not just extremist views but mainstream ones too."<sup>46</sup> <sup>[46]</sup>

Alexander underscores the fact that since 1945, the extremely marginalized right wing has never posed any serious threat to Germany or Austria, and has never garnered more than five percent of the popular vote in regional elections.

Nevertheless, anti-Nazi legislation in Germany and Austria has dramatically increased—a fact that Alexander describes as "unfortunate," because "anti-Nazi laws gradually expanded to cover other historical events."

Alexander cites the case of the eminent Princeton historian of the Middle East, Bernard Lewis, who was asked in an interview with *Le Monde* about the mass murder of Armenians in Turkey during World War I. While conceding that terrible massacres had indeed occurred, Lewis questioned whether genocide was really intended as part of a preconceived plan undertaken by the Turkish government.

Lewis's comments fell foul of France's controversial genocide laws, which prohibit denial of "crimes against humanity." Several activist groups filed a formal complaint against Lewis, who was subsequently found guilty of not being "objective enough" in regard to historical events that the European parliament had officially certified as genocide.

Thus, the State arrogates to itself the authority to dictate compulsion of belief on pain of punishment, presuming to dictate to individuals what they may or may not believe on the basis of pre-approved "politically correct" content. Genocide laws are being used as a deterrent to compel historians to parrot the politically correct interpretation of certain historical events or else suffer dire consequences.

Alexander notes with evident alarm that,

...a stream of rules now prohibits the broadcast, including online, of any program or ad that incites 'hatred based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation' or – crucially – is offensive to religious or political beliefs.<sup>47</sup> <sup>[47]</sup>

These rules are frequently employed by governments to disband political parties of which they disapprove.

In the context of modern society, it is no longer the provenance of any Church or religion to punish "blasphemy" and "heresy"; it is now up to the State.

Much of the responsibility for this sordid state of affairs appears to rest with organizations referred to by Alexander as the "antiracism industry," which would include such organizations as LICRA or MRAP [Movement against Racism and for Friendship between Peoples in France, and the Muslim Union of Italy, which routinely file complaints and suits and often serve as the direct beneficiaries when fines are imposed.

Alexander asserts “the real danger posed by Europe’s speech laws is not so much guilty verdicts, as an insidious chilling of political debate, as people censor themselves in order to avoid legal charges and the stigma and expense they bring.”

Europe’s speech laws are written and applied in ways that leave activists on the political left free to whitewash the crimes of leftist regimes while inciting contempt and hatred against the usual *betes noires* of the left.

Alexander notes with some degree of concern that “Socialist and extreme-left political parties have played central roles in the design of free speech laws and sends an important signal to the broader culture when Hitler is the symbol of evil while Stalin and Mao are given a pass, and when, in effect, Pat Buchanan’s ideas risk indictment while Michael Moore’s are protected.”<sup>48</sup> <sup>[48]</sup>

The perceived ultimate targets of such laws are religious bodies, moderates and conservatives, who are with increasing frequency denounced and reviled as “bigoted” and/or “racist.”

In underlining the inherent danger in such laws and policies, Alexander writes,

Laws against any speech that causes “offense” are biased because they have the insidious effect of conflating bigoted speech and constructive criticism, two kinds of speech that should be sharply distinguished from each other. The result is the stigmatization of certain kinds of thinking about social problems and public policy that American conservatives, moderates, and even many liberals recognize as a legitimate part of serious debate. These speech laws will not ultimately silence extremists—whose careers will not end if they are called bigots and who often seek out controversy—but they can silence reasonable people who do not want that label and do not want a scandal.<sup>49</sup> <sup>[49]</sup>

These laws are in fact the fruits of a deliberately cultivated policy designed to suppress a human being’s most inalienable possession and right: our reason and the right to freely express our opinions without fear of government repression.

Alexander supports the suggestion adopted by Human Rights Watch, which “insists that governments should ban speech only when it ‘constitutes imminent incitement’ to violence and other unlawful acts and urges reform of these laws, including repeal of Holocaust denial laws.”

As laws restricting freedom of speech continue to proliferate, it is only inevitable that a backlash must ensue as enlightened individuals question the authority and disinterestedness of the State, even while recognizing that the true value of a democracy does not lie in extending the right of expression to government-approved opinions but in granting the same right of expression to all citizens – especially those who express unpopular or controversial opinions.

Where is revisionism going? Perhaps this question can best be answered by recalling the case of Galileo Galilei, who was forced by the Inquisition in 1633 to retract his heretical belief that the Earth moves around the Sun – or face a sentence of death. On the occasion of his recantation, Galileo is said to have muttered the words, “*Eppur si muove!*”

In a similar manner, revisionists, the heretics of our modern age, may recite in unison with the spirit of Galileo, “Still, it moves.”

#### Notes:

<sup>1</sup> <sup>[50]</sup> Latin: "Where are you going?" A well-known religious usage of this phrase comes from the apocryphal “Acts of Peter.” Peter is fleeing Rome where he faces likely crucifixion. Along the way, he meets a risen Jesus. Peter asks Jesus “*Quo vadis?*,” to which Jesus replies, “*Romam vado iterum crucifigi*” (“I am going to Rome to be crucified again”). Peter thereby gains the courage to continue his ministry and return to Rome where he is martyred by being crucified upside-down.-Ed.

<sup>2</sup> <sup>[51]</sup> *Jewish Chronicle*, June 6, 2000.

- 3 <sup>[52]</sup> “Blocher insists on revised anti-racism law,” *Swissinfo*, October 6, 2006.
- 4 <sup>[53]</sup> “Swiss Minister wants to legalize Genocide deniers,” *European Jewish Press*, October 10, 2007.
- 5 <sup>[54]</sup> [www.ita.org/story.asp?story=7608](http://www.ita.org/story.asp?story=7608) <sup>[55]</sup>
- 6 <sup>[56]</sup> [www.cphpost.periskop.dk/default.asp?id=23060](http://www.cphpost.periskop.dk/default.asp?id=23060) <sup>[57]</sup>
- 7 <sup>[58]</sup> “Holocaust Denial Law Rejected by Home Office,” *Forward*, January 28, 2000, page 2.
- 8 <sup>[59]</sup> “History-not censorship, is the greatest weapon,” *Jewish Telegraphic Agency*, Volume 58, No. 22, February 24, 2006.
- 9 <sup>[60]</sup> “Europe Seen Cracking Down on Holocaust Revisionists,” Marc Perelman, *Jewish Forward*, New York, November 25, 2005, online: <http://forward.com/articles/2320/europe-seen-cracking-down-on-holocaust-revisionist/> <sup>[61]</sup>
- 10 <sup>[62]</sup> “Global Holocaust-deniers bill passed in Knesset,” *The Jerusalem Post*, Tuesday, July 20, 2004.
- 11 <sup>[63]</sup> Ibid.
- 12 <sup>[64]</sup> Ibid.
- 13 <sup>[65]</sup> “French Politico: Gas Chambers Debatable,” *The Jewish Press*, Friday, October 22, 2004.
- 14 <sup>[66]</sup> Ibid.
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- 16 <sup>[68]</sup> Ibid.
- 17 <sup>[69]</sup> Ibid.
- 18 <sup>[70]</sup> Ibid.
- 19 <sup>[71]</sup> “ADL Local Leader Fired on Armenian Issue,” *Boston Globe*, August 18, 2007.
- 20 <sup>[72]</sup> “Boston Armenians: ADL guilty of genocide denial,” *The Jerusalem Post*, September 2, 2007.
- 21 <sup>[73]</sup> Ibid.
- 22 <sup>[74]</sup> “Abe Foxman’s Genocidal Denial Road Show,” *Counterpunch*, August 22, 2007.
- 23 <sup>[75]</sup> “US Jewish Group retracts stance on Armenian Genocide,” *European Jewish Press*, August 25, 2007.
- 24 <sup>[76]</sup> Op. Cit.: “Abe Foxman’s Genocidal Road Show.”
- 25 <sup>[77]</sup> “US Jewish group retracts stance on Armenian genocide.”  
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- 26 <sup>[79]</sup> “Under Pressure, ADL admits: Turks’ Armenian Massacre Was Genocide,” *Haaretz*, August 27, 2007.  
<http://www.haaretz.com/hasen/spages/896179.html> <sup>[80]</sup>
- 27 <sup>[81]</sup> “Armenian Genocide Debate Exposes Rifts at ADL,” *Jewish Daily Forward*, August 22, 2007.
- 28 <sup>[82]</sup> “This is the moment for Europe to dismantle taboos, not erect them...Far from criminalizing denial of the Armenian genocide, we should decriminalize denial of the Holocaust.,” *The Guardian*, October 19, 2006.
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- 31 <sup>[86]</sup> “Jewish Telegraphic Agency, *Forward*, Jan. 6, 2006, p. 8.

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- 33 <sup>[88]</sup> Robert A. Kahn, *Jewish Week*, “Why Europeans Criminalize Holocaust Denial,” March 3, 2006.
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- 35 <sup>[91]</sup> “German Academics: Stop treating Israel as special.” [www.jnewswire.com/article/1383](http://www.jnewswire.com/article/1383) <sup>[92]</sup>
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- 47 <sup>[108]</sup> Ibid.
- 48 <sup>[109]</sup> Ibid.
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