



# HOLOCAUST DENIAL *and the* LAW

[ A COMPARATIVE STUDY ]

*by* ROBERT A. KAHN



# Holocaust Denial And The Law A Comparative Study

**Patrycja Grzebyk**



## **Holocaust Denial And The Law A Comparative Study:**

**Holocaust Denial and the Law** R. Kahn, 2004-06-18 From 1978 1996 Holocaust denial emerged as a major concern for the liberal democracies of Europe and North America This period also saw the first prosecutions of Holocaust deniers But these prosecutions often ran into trouble Holocaust Denial and the Law relates how courts in four countries Canada France Germany and the United States resolved the dilemmas posed by Holocaust denial litigation It also describes how in the United States student editors had to decide whether to run ads denying the Holocaust The book concludes that a given country's resolution of these dilemmas turns on its specific legal traditions and historical experiences

**Holocaust and Genocide Denial** Paul Behrens, Olaf Jensen, Nicholas Terry, 2017-05-18 This book provides a detailed analysis of one of the most prominent and widespread international phenomena to which criminal justice systems has been applied the expression of revisionist views relating to mass atrocities and the outright denial of their existence Denial poses challenges to more than one academic discipline to historians the gradual disappearance of the generation of eyewitnesses raises the question of how to keep alive the memory of the events and the fact that negationism is often offered in the guise of historical revisionist scholarship also means that there is need for the identification of parameters which can be applied to the office of the genuine historian Legal academics and practitioners as well as political scientists are faced with the difficulty of evaluating methods to deal with denial and must in this regard identify the limits of freedom of speech but also the need to preserve the rights of victims Beyond that the question arises whether the law can ever be an effective option for dealing with revisionist statements and the revisionist movement In this regard Holocaust and Genocide Denial A Contextual Perspective breaks new ground exploring the background of revisionism the specific methods devised by individual States to counter this phenomenon and the rationale for their strategies Bringing together authors whose expertise relates to the history of the Holocaust genocide studies international criminal law and social anthropology the book offers insights into the history of revisionism and its varying contexts but also provides a thought provoking engagement with the challenging questions attached to its treatment in law and politics

*Genocide Denials and the Law* Ludovic Hennebel, Thomas Hochmann, 2011 In *Genocide Denials and the Law* Ludovic Hennebel and Thomas Hochmann offer a thorough study of the relationship between law and genocide denial from the perspectives of specialists from six countries This controversial topic provokes strong international reactions involving emotion caused by denial along with concerns about freedom of speech The authors offer an in depth study of the various legal issues raised by the denial of crimes against humanity presenting arguments both in favor of and in opposition to prohibition of this expression They do not adopt a pro or contra position but include chapters written by proponents and opponents of a legal prohibition on genocide denial Hennebel and Hochmann fill a void in academic publications by comparatively examining this issue with a collection of original essays They tackle this diverse topic comprehensively addressing not only the theoretical and philosophical aspects of denial but also the specific problems faced

by judges who implement anti denial laws Genocide Denials and the Law will provoke discussion of many theoretical questions regarding free speech including the relationship between freedom of expression and truth hate memory and history

**The Oxford Handbook of Law and Humanities** Simon Stern,Maksymilian Del Mar,Bernadette Meyler,2020

How might law matter to the humanities How might the humanities matter to law In its approach to both of these questions The Oxford Handbook of Law and Humanities shows how rich a resource the law is for humanistic study as well as how and why the humanities are vital for understanding law Tackling questions of method key themes and concepts and a variety of genres and areas of the law this collection of essays by leading scholars from a variety of disciplines illuminates new questions and articulates an exciting new agenda for scholarship in law and humanities

Law and Memory Uladzislau Belavusau,Aleksandra Gliszczynska-Grabias,2017-10-19

Legal governance of memory has played a central role in establishing hegemony of monumental history and has forged national identities and integration processes in Europe and beyond In this book a range of contributors explore both the nature and role of legal engagement into historical memory in selected national law European and international law They also reflect on potential conflicts between legal governance political pluralism and fundamental rights such as freedom of expression In recent years there have been numerous monumental commemoration practices and judicial trials about correlated events all over the world and this is a prime opportunity to undertake an important global comparative scrutiny of memory laws

Against the background of mass re writing of history in different parts of the world this book revisits a fascinating subject of memory laws from the standpoint of comparative law and transitional justice

**History under attack** UNESCO,United Nations,2022-07-13

The Freedom to Be Racist? Erik Bleich,2011-09-01

We love freedom We hate racism But what do we do when these values collide In this wide ranging book Erik Bleich explores policies that the United States Britain France Germany and other liberal democracies have implemented when forced to choose between preserving freedom and combating racism Bleich s comparative historical approach reveals that while most countries have increased restrictions on racist speech groups and actions since the end of World War II this trend has resembled a slow creep more than a slippery slope Each country has struggled to achieve a balance between protecting freedom and reducing racism and the outcomes have been starkly different across time and place Building on these observations Bleich argues that we should pay close attention to the specific context and to the likely effects of any policy we implement and that any response should be proportionate to the level of harm the racism inflicts Ultimately the best way for societies to preserve freedom while fighting racism is through processes of public deliberation that involve citizens in decisions that impact the core values of liberal democracies

Hate, Politics, Law Thomas Brudholm,Birgitte Schepelern Johansen,2018-06-01

References to hate have become ubiquitous in the modern response to group defamation and violence in liberal democracies Whether expressed in speech acted out in criminal conduct or seen as the fuel of terror and extremism hate is persistently considered a vice an evil and a threat to the modern liberal democracy But what exactly is

at stake when societies oppose hate In *Hate Politics Law Critical Perspectives on Combating Hate* Thomas Brudholm and Birgitte Schepelern Johansen have gathered a group of distinguished scholars who offer a critical exploration and assessment of the basic assumptions ideals and agendas behind the modern fight against hate They explore these issues and provide a range of explanatory and normative perspectives on the awkward relationship between hate and liberal democracy as expressed for example through anti hate speech and anti hate crime initiatives The volume further examines the presuppositions and ideological roots of fighting hate as well as its blind spots and limits It also includes discussions on the definition and meaning of hate the longer and broader history of the concept of hate and when and why fighting hatred became politically salient While most research on hate crime is written and published in order to prevent and combat hate *Hate Politics Law* takes a much needed theoretical historical and exploratory approach to hatred

**The Content and Context of Hate Speech** Michael Herz, Peter Molnar, 2012-04-09 The contributors to this volume consider whether it is possible to establish carefully tailored hate speech policies that are cognizant of the varying traditions histories and values of different countries Throughout there is a strong comparative emphasis with examples and authors drawn from around the world All the authors explore whether or when different cultural and historical settings justify different substantive rules given that such cultural relativism can be used to justify content based restrictions and so endanger freedom of expression Essays address the following questions among others is hate speech in fact so dangerous or harmful to vulnerable minorities or communities as to justify a lower standard of constitutional protection What harms and benefits accrue from laws that criminalize hate speech in particular contexts Are there circumstances in which everyone would agree that hate speech should be criminally punished What lessons can be learned from international case law

**Blasphemy and Freedom of Expression** Jeroen Temperman, András Koltay, 2017-11-16 This book details the legal ramifications of existing anti blasphemy laws and debates the legitimacy of such laws in Western liberal democracies

**Memory and Punishment** Emanuela Fronza, 2018-02-27 This book examines the criminalisation of denials of genocide and of other mass atrocities in Europe and discusses the implications of protecting institutional historical memory through criminal law The analysis highlights the tensions with free speech investigating the relationship between criminal law and historical memory The book paves the way for a broader discussion about fake news post truth scenarios and free expression in a digital world The author underscores the need to protect well founded factual records from the dangers of misinformation Historical denialism and the related jurisprudence represent a key step in exploring this complex field The book combines an interdisciplinary approach with criminal law methodology It is primarily aimed at academics practitioners and others who wish to deepen their understanding of historical denialism remembrance laws speech crimes and freedom of expression Emanuela Fronza is Senior Research Fellow in Criminal Law and Lecturer in International and European Criminal Law at the School of Law University of Bologna She is a Principal Investigator within the EU research consortium *Memory Laws in European and*

Comparative Perspectives funded by HERA Humanities in the European Research Area      **Responsibility for negation of international crimes** Patrycja Grzebyk, History is no longer the exclusive domain of historians but is now often used as a tool for politics It is not without reason that the term state historical policy has been coined which must be a kind of aberration for those who believed that the role of history is to objectively determine the course of events The fact is however that the distortion of historical facts the concealment of crimes is now part of the information war Therefore new acts of public international law EU law and national law are introduced in order to combat public condonation denial or gross trivialisation of the core international crimes which are certain forms and expressions of racism and xenophobia States have to determine for themselves how they understand denial or gross trivialization which may lead to abuse In many cases when introducing criminal law provisions States wish to decree historical truth to establish once and for all the general facts and determine who was the victim and who was the perpetrator This does not have to be the result of bad will but of a desire to exclude the possibility of nuance which could turn into dangerous trivialisation The aim of this publication is to specify the reasons for holding accountable for denial of international crimes indicate legal obligations in this respect look at the Polish case both in terms of criminal provisions partly repealed and standards of a civil law nature and compare the Polish regulation with the legal systems of other states which were chosen because of the region Central and Eastern Europe or due to having current problems with denial of crimes or doubts about prosecution on this account      *Memory Laws, Memory Wars* Nikolay Koposov, 2018 A major contribution to our understanding of present day historical consciousness through a study of memory laws across Europe      Freedom of Expression Ioanna Tourkochoriti, 2021-11-11 A comparison of French and American approaches to freedom of expression with reference to the historical social and philosophical contexts

**Racism on the Internet** Yaman Akdeniz, Council of Europe, 2009-01-01 Racism was a pressing social problem long before the emergence of the digital age The advancement of digital communication technologies such as the Internet has however added a new dimension to this problem by providing individuals and organisations with modern and powerful means to propagate racism and xenophobia The use of the Internet as an instrument For The widespread dissemination of racist content is assessed in detail by the author The problem of racist content on the Internet has naturally prompted vigorous responses from a variety of agents including governments supranational and international organisations and from the private sector This book also provides a detailed critical overview of these regulatory and non regulatory initiatives      *Revisionist Histories* Marnie Hughes-Warrington, 2013-07-18 Revision and revisionism are generally seen as standard parts of historical practice yet they are underexplored within the growing literature on historiography In this accessibly written volume Marnie Hughes Warrington discusses this paucity of work on revision in history theory and raises ethical questions about linear models and spatial metaphors that have been used to explain it Revisionist Histories emphasises the role of the authors and audiences of histories alike as the writers and rewriters of history Through study of digital environments graphic novels and

reader annotated texts this book shows that the sides of history cannot be disentangled from one another and that they are subject to flux and even destruction over time Incorporating diverse and controversial case studies including the French Revolution Holocaust Denial and European settlers contact with Native Americans and Indigenous Australians Revisionist Histories offers both a detailed account of the development of revisionism and a new more spatial vision of historiography An essential text for students of historiography

*Dangerous Ideas* Eric Berkowitz, 2021-05-04 This engrossing history of censorship is an urgent timely read for our era of social media trolls fake news and free speech debates The Economist How restricting speech continuously shapes our culture props up authorities and maintains class and gender disparities Through compelling narrative historian Eric Berkowitz reveals how drastically censorship has shaped our modern society More than just a history of censorship *Dangerous Ideas* illuminates the power of restricting speech how it has defined states ideas and culture and despite how each of us would like to believe otherwise how it is something we all participate in This engaging cultural history of censorship and thought suppression throughout the ages takes readers from the first Chinese emperor's wholesale elimination of books to Henry VIII's decree of death for anyone who imagined his demise and on to the attack on Charlie Hebdo and the volatile politics surrounding censorship of social media Highlighting the base impulses driving many famous acts of suppression Berkowitz demonstrates the fragility of power and how every individual can act as both the suppressor and the suppressed

*The Milošević Trial* Timothy William Waters, 2015 The international trial of Slobodan Milošević who presided over the violent collapse of Yugoslavia was already among the longest war crimes trials when Milošević died in 2006 Yet precisely because it ended without judgment its significance and legacy are specially contested The contributors to this volume including trial participants area specialists and international law scholars bring a variety of perspectives as they examine the meaning of the trial's termination and its implications for post conflict justice The book's approach is intensively cross disciplinary weighing the implications for law politics and society that modern war crimes trials create

**Encyclopedia of Violence, Peace, and Conflict**, 2008-09-05 The 2nd edition of Encyclopedia of Violence Peace and Conflict provides timely and useful information about antagonism and reconciliation in all contexts of public and personal life Building on the highly regarded 1st edition 1999 and publishing at a time of seemingly inexorably increasing conflict and violent behaviour the world over the Encyclopedia is an essential reference for students and scholars working in the field of peace and conflict resolution studies and for those seeking to explore alternatives to violence and share visions and strategies for social justice and social change Covering topics as diverse as Arms Control Peace Movements Child Abuse Folklore Terrorism and Political Assassinations the Encyclopedia comprehensively addresses an extensive information area in 225 multi disciplinary cross referenced and authoritatively authored articles In his Preface to the 1st edition Editor in Chief Lester Kurtz wrote The problem of violence poses such a monumental challenge at the end of the 20th century that it is surprising we have addressed it so inadequately We have not made much progress in learning how to cooperate with one

another more effectively or how to conduct our conflicts more peacefully Instead we have increased the lethality of our combat through revolutions in weapons technology and military training The Encyclopedia of Violence Peace and Conflict is designed to help us to take stock of our knowledge concerning these crucial phenomena Ten years on the need for an authoritative and cross disciplinary approach to the great issues of violence and peace seems greater than ever More than 200 authoritative multidisciplinary articles in a 3 volume set Many brand new articles alongside revised and updated content from the First Edition Article outline and glossary of key terms at the beginning of each article Entries arranged alphabetically for easy access Articles written by more than 200 eminent contributors from around the world

**History in a Post-Truth World** Marius Gudonis, Benjamin T. Jones, 2020-10-06 History in a Post Truth World Theory and Praxis explores one of the most significant paradigm shifts in public discourse A post truth environment that appeals primarily to emotion elevates personal belief and devalues expert opinion has important implications far beyond Brexit or the election of Donald Trump and has a profound impact on how history is produced and consumed Post truth history is not merely a synonym for lies This book argues that indifference to historicity by both the purveyor and the recipient contempt for expert opinion that contradicts it and ideological motivation are its key characteristics Taking a multidisciplinary approach this work explores some of the following questions What exactly is post truth history Does it represent a new phenomenon Does the historian have a special role to play in preserving public memory from alternative facts Do academics more generally have an obligation to combat fake news and fake history both in universities and on social media How has a post truth culture impacted professional and popular historical discourse Looking at theoretical dimensions and case studies from around the world this book explores the violent potential of post truth history and calls on readers to resist



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