The (Non)political Taboo
Why Democracies Ban Holocaust Denial

Max Steuer
Comenius University in Bratislava
Faculty of Philosophy
Department of Political Science

General Conference
Charles University, Prague
9 September 2016
Due to copyright reasons, the full paper cannot be uploaded here. It can be requested through e-mail (max.steuer@uniba.sk).

This draft presentation is intended to provide a basic overview of the paper and is by no means exhaustive.

Thank you for understanding.

Max Steuer
1. **Introduction**: Dilemma of Truth and Politics
2. **The Specialty of the Holocaust**
3. **Holocaust Denial**: Between Law and Politics
4. **Methodology**: An Empirical Research Program?
5. **Analysis**: Justifications for banning Holocaust denial in three countries
6. **Conclusion**: A Decision to be Made – Promises and Pitfalls of Banning Denials
Introduction: Dilemma of Truth and Politics

Puzzles:

- Can something be legitimately excluded from discussion as a ‘non-political’ truth/lie?
- How is such a decision justified in a democratic system?
- What are the consequences of such exclusion?

Departure from Hannah Arendt’s example of ‘the philosopher versus the citizen’
The Specialty of the Holocaust

• A one-time horror or an outcome of normalcy?
• Unique and normal at the same time (cf. Bauman 1989)

• Is Holocaust different from other genocides (e.g. communist killings)? Where is the line?
  • Example of ‘savage life’ of Native Americans (Friedberg 2000)
Holocaust Denial

Definitions of HD

- ‘rejection of the historical fact’ that puts doubt on ‘uniqueness and authenticity’ of the event (Wistrich 2012)
- A type of ‘hate speech’ (?)
- ‘manifestation of moral relativism and cynicism (Lipstadt 1994)’
Holocaust Denial

- Historical truth argument ≠ justification of criminalization
- ‘Hate speech’ argument – holds if HD too grave attack on dignity (Knechtle 2005) or undermining democratic society and equality (Banstad 2014)
- The legal approach → can memories be kept in (by) law (cf. Douglas 2005)?
- The testimonies approach → their denial ‘kind of acceptance’
  - Criticism and replacement with ‘laboratories against Holocaust denial’ (Bellamy 2004)
Methodology: An empirical research program?

<table>
<thead>
<tr>
<th>Question</th>
</tr>
</thead>
<tbody>
<tr>
<td>Why is criminalization of Holocaust denial introduced in democracies?</td>
</tr>
<tr>
<td>Is it followed by criminalization of denials of other genocides or crimes?</td>
</tr>
<tr>
<td>Case of three Central European democracies where laws against HD introduced post-2000</td>
</tr>
<tr>
<td>Analysis of parliamentary discourse</td>
</tr>
<tr>
<td>How is the ‘right democratic attitude’ towards HD formed? (cf. Kahn 2004)</td>
</tr>
</tbody>
</table>
Argument of two MPs in 2001

MP Payne: “principle, according to which all expressions of hatred, envy and intolerance have the same basis and are equally dangerous for democratic society”

MP Jičínský: “one of the greatest advantages of democracy is and should be that ‘everybody can, as he wish, shout: get rid of democracy, get rid of capitalism, long live the revolution or anything else.”

Payne ‘won’; no deeper thoughts about the implications of laws against Holocaust (and other) denials
Justifications: Slovakia

- One MP driving the criminalization process
  - 2001: ‘Although it is true that one must stress freedom is at the centre of our civilization, we must still protect it. Only by protecting freedom do we prove that we value it above the blood spilled and lives lost fighting for it.’
  - 2011: Continue in the ‘somewhat difficult genesis of treatment of the problem,’ the core of which is ‘strictly speaking, protection of truth [...] in times when truth is being relativized.’

Protection of truth in the centre
2010: Agreement that new laws needed („HD on the rise“) but not on their scope

- MP Schiffer: Holocaust about ‘industrial extinction of humans’, not comparable to the ‘Gulag island or the inquisition’

Few months later (MP Balsai): ‘it is not possible to regulate the two in a different way, or pay attention to one and not to the other one’

Hungary ‘back on (Czechoslovak) track’
Promises and Pitfalls of Banning Denials

Empirical analysis → similar set of justifications, mixture of concerns and need to ‘protect the truth’, no thoughts on implications.

In all cases → introduction on bans of HD followed by bans on denial of crimes of communist regimes.

A ‘moral blackmailing’ element → what democrat would dare to vote against these laws?
Concluding Remarks

- **Banning Holocaust Denial**
  - Exclusion of truth from politics (back to Arendt)

<table>
<thead>
<tr>
<th>‘Political’ Holocaust</th>
<th>‘Administrative’ Holocaust</th>
</tr>
</thead>
<tbody>
<tr>
<td>Liars might win</td>
<td>Truth and memory might be weakened</td>
</tr>
</tbody>
</table>

Making Holocaust non-political (a political taboo) comes at a price of its depoliticization.

Careful consideration required, risks of spillover and undermining the normalcy-uniqueness duality.

2.9.2016


This presentation was supported by the Grant of Comenius University No. UK/186/2016
“The Influence of Regulatory Forms of Extreme Speech on Militarization of Democracy in Central Europe”.

http://www.politologiauk.sk/people/steuer