

“The Harm in Hate Speech and in Holocaust Denial”, in John Steel and Julian Petley (eds.), *The Routledge Companion to Freedom of Expression and Censorship* (London: Routledge, 2024), chapter 18.

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## Abstract

This chapter begins by providing a general contextualisation of hate speech and the controversies around it. It then asks two questions: is Holocaust denial a form of hate speech? If the answer is positive, should Holocaust denial be banned?

**Section II** explains what is hate speech. **Section III** is concerned with the relationship between hate speech and hate crime. **Section IV** discusses Holocaust denial, explains why it is a form of hate speech and why it cannot and should not be protected by the Free Speech Principle. Appropriate legislation should be in place to bar it. Countries that suffered from the Nazi terror legislated against Holocaust denial.

## I. Introduction

This past year I have been writing a series of articles on Holocaust denial. The first concerns school teachers who “educate” their pupils that the Holocaust did not exist, arguing that this abuse of the role of educator should not be permitted (Cohen-Almagor, 2023b). The second article shows that the roots of Holocaust denial are rooted in the Holocaust (Cohen-Almagor, 2024a). The third article shows the similarity between liberal-absolutist arguments for free speech and the arguments made by Holocaust deniers (Cohen-Almagor, 2024b). The fourth article holds that hate speech bans promote democracy (Cohen-Almagor, 2024). This chapter argues that Holocaust denial is a harmful and hateful speech, that it should be taken seriously and that legislation is appropriate to bar it. First, I define hate speech and argue that this speech is closely connected to hate crime. Subsequently I discuss Holocaust denial and some of the false arguments that deniers promote. My argument is that with due appreciation for our liberal innate inclination to provide wide latitude to freedom of expression, we must also acknowledge the need for setting limits. Contra to the liberal argument, I believe that freedom of speech and - indeed - any freedom, is divisible. We should not treat hate-mongers in a neutral fashion. Education might not be sufficient to redress the harm in Holocaust denial. Therefore, legislation is in place to counter that speech.

## II. Hate Speech

The UN Strategy and Plan of Action on Hate Speech defines hate speech as

any kind of communication in speech, writing or behaviour, that **attacks** or uses **pejorative** or **discriminatory** language with reference to a person or a group on the basis of **who they are**, in other words, based on their religion, ethnicity, nationality, race, colour, descent, gender or other identity factor (emphasis in original) (UN, nd).

However, at present there is no universal definition of hate speech under international human rights law. The concept is still under discussion, especially in relation to freedom of opinion and expression, non-discrimination and equality.

Steven J. Heyman defines hate speech as expression that infringes the rights to dignity and recognition. In so doing, it causes wrongful injury to its targets. And it injures the community itself, which is constituted by mutual recognition and respect (Heyman, 2024). I define hate speech as a bias-motivated, hostile, malicious speech aimed at a person or a group of people

because of some of their actual or perceived innate characteristics. Hate speech is motivated by hate and is aimed to cause hatred. Hate speech expresses discriminatory, intimidating, disapproving, antagonistic and/or prejudicial attitudes toward those characteristics which include sex, race, religion, ethnicity, colour, national origin, disability, or sexual orientation (Cohen-Almagor, 2011).<sup>2</sup> Hate speech is intended to injure, dehumanize, harass, debase, degrade, and/or victimise the targeted groups, and to foment insensitivity and brutality towards them.

Furthermore, hateful messages desensitize members of the public on very important issues. They build a sense of possible acceptability of hate and resentment of the other which might be costlier than the cost of curtailing speech. Hate speech, in its various forms, is harmful not only because it offends but because it potentially silences the members of target groups and interferes with their right to equal respect and treatment. Hateful remarks are so hurtful that they might reduce the target group member to speechlessness or shock him/her into silence. The notion of silencing and inequality suggests great injury, emotional upset, fear and insecurity that target group members might experience. Hate undermines the individual's self-esteem and standing in the community (Moon, 2000a: 127; Moon, 2000: 182-199; Cohen-Almagor, 2005a: 3-23).

Hate speech presents itself in many different forms including direct talk, symbols contained in parades and cross burnings and, more recently, internet websites. It is speech that conveys a message of inferiority, is usually directed against a member/s of historically oppressed groups, and is persecutory, hateful, and degrading. In its various forms, hate speech should be taken seriously.

Hate speech calls for the discrimination of certain people, denying their right for equal protection and treatment as citizens in a democracy. It inflicts on its target emotional and psychological suffering, humiliation and distress. Sometimes it also evokes intimidation and fear (Delgado, 1982: 137).<sup>3</sup> Hate speech might also instigate violence against the target group. Hate speech is conducive to hate crimes (Cohen-Almagor, 2018: 671-681; Cohen-Almagor, 2009: 33-42; Cohen-Almagor, 2010: 125-132).

### **III. Hate crimes**

Hate speech has serious implications. Often, hate incites violence. Consequently, hate speech might lead to physical harm. It might lead to hate crimes. For example, in 1999, 21-year-old Benjamin Nathaniel Smith, an avowed Aryan supremacist, went on a racially-motivated shooting spree in Illinois and Indiana over the July 4th weekend. Targeting Jews, African Americans, and Asian-Americans, Smith killed two and wounded eight before taking his own life, just as law enforcement officers prepared to apprehend him (Anti-Defamation League, 2003: 22). Smith embarked on his killing spree after being exposed to internet racial propaganda. He regularly visited the World Church of the Creator (WCOTC) website, a notorious racist and hateful organisation founded in Florida in the early 1970s.<sup>4</sup> Smith was so consumed by the hate rhetoric of the WCOTC that he was willing to murder and to take his own life in pursuit of his debased hate devotion. (Wolf, 2004; Cohen-Almagor, 2016a: 77-123).

In 2009, James von Brunn entered the U.S. Holocaust Memorial Museum in Washington DC and opened fire, killing Security Guard Stephen Tyrone Johns before he was stopped by other security guards. Von Brunn, a die-hard white supremacist anti-Semite, was an active neo-Nazi for decades long before the internet became a viable public platform during the early

1990s. He utilised the internet to publish his tracts and to spew hatred-and had a long history of associations with prominent neo-Nazis and Holocaust deniers (Beirich, 2009; Cohen-Almagor, 2018a; Cohen-Almagor, 2018b).

In 2011, Anders Behring Breivik embarked on a murderous journey in which he detonated a truck bomb in front of a government building in Oslo, killing eight, and then went on a shooting spree in Utoya Island, murdering 69 others. Breivik was motivated by Islamophobia and fear. In his twisted mind, he thought that by killing members of the socialist Labour Party in Norway, this would generate rethinking of immigration policies so as to eventually lead to pan-European *coups d'état*, deportation of Muslims and execution of traitors. Via the internet, he connected to like-minded people, socialized with them, participated in their online and offline activities, and published his own bulky manifesto in which he legitimized violence and murder as justifiable means to secure White Europe and resolving the “immigration problem” (Breivik, 2011; Sears, 2011; Beaumont, 2011; Townsend and Pidd, 2011; Erlanger and Shane, 2011; Stewart, 2011).<sup>5</sup> The Breivik attack constitutes a milestone. If before there was a close link between hate speech and hate crime, since his attack we discern a further connection between hate crimes and terrorism.

In 2014, 73-year-old American Nazi Frazier Glenn Miller murdered three people at two separate Jewish Community Centers in Overland Park, Kansas. Miler founded the Carolina Knights of the Ku Klux Klan and was its “grand dragon” in the 1980s. In 1985, he founded another white supremacist group, the White Patriot Party (Beirich, 2014). Miller had spouted his venomous hatred against Jews on hate websites, including his own, and in his self-published book, *A White Man Speaks Out*. On Vanguard News Network (VNN) alone, Miller had more than 12,000 posts. The slogan of this anti-Semitic and white supremacist site is “No Jews, Just Right.” VNN founder Alex Linder has openly advocated “exterminating” Jews since December 2009 (Avlon and Dickson, 2014). In October 2018, Robert Gregory Bowers killed eleven people and wounded six others in a mass shooting at a synagogue in Pittsburgh, Pennsylvania (Robertson, Mele and Tavernise, 2018). It was the deadliest attack on the Jewish community in the United States. In 2022, Payton Gendron murdered ten people and wounded three others in a mass shooting at a grocery store in Buffalo, New York. Eleven of the victims were African American. Payton claimed that he was radicalized on the internet. Prior the racially motivated attack, he posted a long, rambling, white supremacist manifesto in which he meticulously outlined his motivation, far right (and far-fetched) conspiracy theories and murderous plans (Prokupecz, *et al.* 2022; Celona, 2022; Abbas, 2022). These examples are illustrative, certainly not exhaustive, demonstrating the harm in hate speech and showing a direct link between hateful words and acts of violence.

#### **IV. Holocaust denial**

Holocaust denial is propaganda that seeks to deny the reality of the Holocaust, the systematic mass murder of six million Jews and millions of others deemed ‘inferior’ by the Nazi regime. Misrepresenting their propaganda as ‘historical revisionism’, Holocaust deniers attempt to disseminate their radical, ill-founded ideas by offering dubious data and arguments against the well-established historical facts of the Holocaust.

In 2022, The UN has adopted a resolution aimed at combating Holocaust denial and is urging member states and social media firms to help fight anti-Semitism. The resolution lists distortion or denial of The Holocaust as:

- Intentional efforts to excuse or minimise the impact of The Holocaust or its principal elements, including collaborators and allies of Nazi Germany

- Gross minimisation of the number of the victims of The Holocaust in contradiction to reliable sources
- Attempts to blame the Jews for causing their own genocide
- Statements that cast The Holocaust as a positive historical event
- Attempts to blur the responsibility for the establishment of concentration and death camps devised and operated by Nazi Germany by putting blame on other nations or ethnic groups (BBC, 2022).

In the United States and the United Kingdom, Holocaust denial is a protected speech. The common assumption is that the way to deal with falsity is by counter-speech and education. For many years I thought that history is the decisive factor in guiding governments whether or not they need to legislate against Holocaust denial. It is understandable that Germany bars Holocaust denial, given the horrors of Nazi Germany. Germany understands the need to ensure that Nazi and Fascist elements in their midst will not resurge. It is expected from Israel, the only Jewish state, to take a strong stand against Holocaust denial. Jews take the Holocaust very seriously and any attempt to deny or belittle the Holocaust touches open, infected nerves. There are nine million Jews living in Israel, and six million souls are hovering over them. The Holocaust is a constant traumatic presence in Israel.

In 2018, a CNN poll showed that a third of Europeans in the poll said they knew just a little or nothing at all about the Holocaust (Green, 2018). This is an example of ignorance. In 2019, the *Guardian* published a public poll that showed one in 20 British adults did not believe the Holocaust happened, and 8% said that the scale of the genocide has been exaggerated. Almost half of those questioned said they did not know how many Jews were murdered in the Holocaust, and one in five grossly underestimated the number, saying that fewer than two million were killed (Sherwood, 2019).

The same year, 2019, the European Commission against Racism and Intolerance reported that anti-semitic, anti-Muslim and other racist hate crimes were increasing in Europe at a startling rate (European Commission, 2019). In 2020, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) reported a record number of 3,207 statistical and 3,757 descriptive hate crime incidents reported by civil society, which translates into a minimum of 4,621 hate crime victims (OSCE, 2020).<sup>6</sup> The internet proliferates the challenge. With a stroke of the keyboard, bigots can disseminate hatred to millions of people via social, and other, networks (Cohen-Almagor, 2022). The European Commission reported a daunting number of posts and comments on social media, specifically Facebook, Instagram and YouTube. YouTube reported having removed 47 million hate comments between September and December 2020, while Facebook/Instagram removed 22.1 million posts between July and September 2020 (European Commission, 2021). The companies are unable, to date, to rid themselves completely of these anti-social forms of expression.

The results of a 2020 survey, conducted in the United States, are more disturbing. They showed that almost two-thirds of young American adults did not know that 6 million Jews were killed during the Holocaust, and 11% believed Jews caused the Holocaust (Sherwood, 2020). Almost a quarter of respondents (23%) said they believed the Holocaust was a myth, or had been exaggerated, or they weren't sure. One in eight (12%) said they had definitely not heard, or didn't think they had heard, about the Holocaust. More than half (56%) said they had seen Nazi symbols on their social media platforms and/or in their communities, and almost half (49%) had seen Holocaust denial or distortion posts on social media or elsewhere online (ibid.).

A 2022 UNESCO publication shows that Holocaust denial and distortion is present on all online platforms. 49 per cent of all content on public Telegram channels that discusses the Holocaust either denies or distorts its history. 19 per cent of all Holocaust-related public Twitter content either denied or distorted the history. 17 per cent of public TikTok content that related to the Holocaust either denied or distorted the Holocaust. Eight per cent of public Holocaust-related content on Facebook was either Holocaust denial or distortion, and three per cent of material posted publicly on Instagram discussing the Holocaust either denied or distorted the history (UNESCO, 2022a).

Holocaust denial revises and distorts history. Holocaust deniers hold that history is always the one put forward by the victor but it is not necessarily the “true” history. Their role is to present the “truth” as it was (ECtHR, 2003). While Holocaust deniers deny the “story” of Jewish genocide during WWII, Holocaust distorters do not deny that the Nazis and their collaborators sought to murder the Jews of Europe but still they significantly misrepresent the historical record. Both deniers and distorters wish to revise what we know about the past by exposing what had “really” happened during the 1930s and 1940s. Both deniers and distorters purport to tell us the unabashed “truth”, the one that has been hidden from us by powerful forces who shamelessly dared to fabricate history. Both deniers and distorters present Nazi Germany in a more positive light. In revising history, deniers and distorters blend together unsubstantiated claims, fractions of truth, accusations, false stories, distorted evidence and imaginary “facts”. Holocaust deniers are blunter and more explicit than distorters in their explanation as to why people wrote the “victor’s history” with so many “lies”. Holocaust deniers include hate speech in their assertions that those of speak about the Holocaust created this unimagined hoax, “Holohoax”, the greatest historical hoax in history for the benefit of “the Jews” (Harwood, 1974).

Stormfront is a major internet hub for racist literature and information.<sup>7</sup> It makes available for free a “Holocaust deprogramming course” for interested readers who wish to know the “true” facts about the topic. The course offers an alternative history according to which Auschwitz was merely a pleasant labour camp. Photos show inmates working in factories. Jewish workers were compensated for their labour with “scrip printed specifically for their use in stores, canteens and even brothels” (Stormfront, 2022). Its alternative history says that the official Auschwitz camp death certificates revealed that the death toll for all inmates Jews and non-Jews at Auschwitz “between May 1940 through to December 1944 was 74,000 of which roughly only 30,000 were Jews” (Ibid.) Official records from International Red Cross prove that the “‘Holocaust’ was a fraud. Released records, sealed for years, show ‘concentration camp’ death totals of only 271,301” (Ibid.). Many of the inmates died as a result of typhus and starvation due to the Allied forces bombardment (Ibid.). Furthermore, “When the Russians were about to overrun Auschwitz in January 1945 around 60,000 prisoners which included many tens of thousands of Jews chose to leave Auschwitz and go west with the retreating German SS in January of 1945” (Ibid.). The Allies used torture against their German prisoners to force them to provide fraudulent confessions to crimes they never committed (Ibid.). The Allies fabricated stories about gas chambers used to exterminate the Jews. In fact, the course teaches, “The only written plan for genocide during World War II was not a German plan to exterminate the Jews but rather a Jewish plan to exterminate the Germans” (Ibid.). Jews are masters of deceit and trickery, maintained Brandon (1981).

According to the deniers, the Holocaust is the product of partisan Jewish interests, serving Jewish greed and hunger for power. Some Jews disguised themselves as survivors, carved numbers on their arms and spread atrocious false stories about gas chambers and extermination machinery. Maria Poumier argues that “The official version of the history of the Second World War, in particular its chapter on the persecution of the Jews, is tainted with monstrous willful lies (and not only with exaggeration on the number of victims), intended to spread terror amongst Jews and non-Jews, over several generations, and to prompt erratic reflexes in the face of any novel situation even remotely involving Jews” (Poumier, 2014).

Holocaust deniers and distorters make arguments that defy history: That there was no plan to murder all Jews and the Wannsee conference of German bureaucrats was not held to set or coordinate a program of systematic mass murder of Europe’s Jews (Kulaszka, 1994). They rely on the fact that no extermination plan was explicitly discussed at Wannsee. The protocol does not mention extermination of Jews. Deniers also rely on the fact that the Nazis hid their real intentions. They did not use the terms “murder” or “extermination” but terms such as “removal”, “deportation”, “resettlement” and “evacuation” (Harwood, 1974). Holocaust deniers further claim that there was a plan to evacuate the Jews but no Holocaust. Some revisionists admit there was Jewish genocide of a smaller magnitude but not a detailed plan. Hitler did not sanction Holocaust. Some argue that Hitler even did not know about the Holocaust. It is also argued that the German army refused to kill Jews (, Against Holocaust Distortion, 2021).<sup>8</sup>

The International Holocaust Remembrance Alliance (IHRA) provides contemporary examples of antisemitism in public life, the media, schools, the workplace, and in the religious sphere. One example concerns Holocaust denial. It holds: “Denying the fact, scope, mechanisms (e.g. gas chambers) or intentionality of the genocide of the Jewish people at the hands of National Socialist Germany and its supporters and accomplices during World War II (the Holocaust)” (IHRA, 2022).

Holocaust denial should be taken seriously. Deniers maliciously spread hate and falsehoods. The likelihood of harm is certain not only on the target group but on society at large. The magnitude of harm is grave, and the harmful consequences have long term effect. This hate speech negatively affects the status of Jews in society and also civility and peace. Populist leaders might exploit hateful messages to harvest political gains by promoting division and by targeting a vulnerable minority. Hate messages may create chaos and destabilise democratic order (Cohen-Almagor, 2012).

## **V. Holocaust denial legislation and important precedents**

Israel and several European countries adopted legislation criminalizing the Nazi message, including denial of the Holocaust. These include Austria (article 3h of the Verbotsgesetz, “Prohibition Statute”, 1947), Belgium (Belgian Negationism Law), the Czech Republic (Article 405 of the Criminal Code), France (No 90-615 of 13 July 1990), Germany (Section 130 of the German Penal Code), Hungary (‘ (269/C § of Act IV, 1978 Criminal Code), Italy (Article 5 of Law 167/2017), Liechtenstein (section 283 of the criminal code), Lithuania (Article XV of the Criminal Code) (Republic of Lithuania, 2018), Luxemburg (Article 136 of the Criminal Code), the Netherlands (Articles 137c, 137d and 137e of the penal code concerning hate speech), Poland (Dz.U. 1998 nr 155 poz. 1016), Romania (Law 217), Slovakia (§ 422(d) of the Criminal Code), Spain (Article 510.1, lett. c of the criminal code), and Switzerland (article 261bis of the Penal Code), (European Parliament, 2022).

Germany prohibits Holocaust denial due to its sensitivity to the horrors of the Nazi era. Section 130 of the 1985 German Penal Code prohibits denial or playing down of the genocide committed under the National Socialist regime (§ 130.3), including through dissemination of publications (§ 130.4). This includes public denial or gross trivialization of international crimes, especially genocide/the Holocaust. Holocaust denial was outlawed as an ‘insult’ to personal honor (i.e. an ‘insult’ to every Jew in Germany) and a penalty was set under the 1985 law of up to one year in prison or a fine.

Many European countries also have broader laws against libel or inciting racial hatred. France, a country that is highly sensitive to WWII, passed the Gayssot law (named after French MP J. C. Gayssot) in 1990. The law punishes by heavy fines or imprisonment any "public expression of denial of the Genocide perpetrated on the Jews by the Nazis during WWII." This law was used to condemn the infamous Holocaust denial academic, Robert Faurisson (Goldberg, 2000: 257-260) as well as some of his followers, notably the philosopher Roger Garaudy, in 1999.<sup>9</sup> Article R645-1 of the French Penal Code prohibits the public display of Nazi uniforms, insignias and emblems (Bazyler, 2021).

Robert Faurisson was one of the most notorious Holocaust deniers in the world who dedicated much of his adult life to that obsession of spreading lies and absurd conspiracy theories about powerful Jews who control history, governments and the world at large. In 1991, Faurisson and two other Holocaust deniers, Messrs and Boizeau, were found guilty of having committed the crime of “contestation de crimes contre l'humanité” and imposed on them fines and costs amounting to FF 326,832. The Holocaust deniers appealed to the Court of Appeals in Paris (Eleventh Chamber). On 9 December 1992, the Eleventh Chamber, under the Presidency of Mrs. Françoise Simon, upheld the conviction and fined Messrs, Faurisson and Boizeau a total of FF 374,045.50. Faurisson then appealed to the United Nations Human Rights Committee (UNHRC, 1996). France argued that Faurisson statements amounted to racial discrimination as he declared that French law was casted concretely “the orthodox Jewish version of the history of the Second World War” (Ibid). Under the guise of historical research, Faurisson sought to accuse the Jewish people of having falsified and distorted history. The Jews, he argued, created the myth of the extermination of the Jews. Faurisson also designated a former Chief Rabbi as the author of the Gayssot law, whereas the law is of course of parliamentary origin. France regarded this statement as another illustration of Faurisson’s methods to fuel anti-Semitic propaganda. France argued that these and other statements amount to racial discrimination, prohibited under Article 20 of the International Covenant of Civil and Political Rights that holds: “Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law”.<sup>10</sup>

The Committee rejected Faurisson’s appeal, arguing that it was satisfied that the Gayssot Act, “as read, interpreted and applied to the author's case by the French courts, is in compliance with the provisions of the Covenant” (UNHRC, 1996).

In 1996, the Association of the Sons and Daughters of Jews Deported from France lodged a criminal complaint, together with an application for leave to join the proceedings as a civil party, against Samisdat Roger Garaudy publishers and Garaudy for the offence of denying crimes against humanity. In 1998, Garaudy was found guilty and sentenced him to a fine of FRF 30,000. It awarded the civil parties one franc in damages and compensation of FRF 10,000 (ECtHR, 2003). In 1998, both Garaudy and the public prosecutor appealed against the verdict. In December 1998, the Paris Court of Appeal upheld the lower court's

judgment and added a suspended term of six months' imprisonment (Ibid.). Garaudy then appealed to the Court of Cassation that, in 2000, dismissed the appeal. Garaudy was similarly convicted in four other proceedings for the same offences of denying the Holocaust.

In its five judgments, the Paris Court of Appeal decided that Garaudy's offences amounted "to deconstructing the values on which the fight against racism and particularly anti-Semitism are based", and that "the author twist[ed] his comments in such a way as to discredit the Jewish community as a whole, arouse hostility towards it by associating himself with revisionist theories ... and undermine not only the values of the community in question but the universal values of our civilisation" (Ibid.).

Let me further mention that the European Court of Human Rights considered a complaint against Germany, made by X who was denied displaying and selling of brochures arguing that the assassination of millions of Jews during the Second World War was a Zionist fabrication. The Commission held that "it was neither arbitrary nor unreasonable to consider the pamphlets displayed by the applicant as a defamatory attack against the Jewish community and against each individual member of this community" (European Court of Human Rights, 1982). By describing the historical fact of the assassination of millions of Jews as a lie and Zionist swindle, the pamphlets not only gave a distorted picture of the relevant historical facts but also attacked the reputation of Jews described as liars and swindlers. The restrictions on the applicant's freedom of expression were justified to protect the reputation of others, but are also necessary in a democratic society. "Such a society rests on the principles of tolerance and broad-mindedness which the pamphlets in question clearly failed to observe" (Ibid.). The protection is particularly justified when it is designed to protect groups which have historically suffered from discrimination (Ibid.).

## **VI. Conclusion**

Democracy is no different than other systems of government in that the very principles that underlie the system might bring about its destruction. "The democratic catch" is unavoidable. Unlimited liberty would lead to chaos, anarchy and self-destruction (Cohen-Almagor, 1994; 2005; 2006). Absolutist and unlimited freedom of expression that endorses free speech principle with no regard to the consequences of the speech is not likely to remedy hatred in society. More speech, devoid of the principles of respect for others and not harming others, is not better than qualified, measured and balanced speech. Only our awareness of the "democratic catch", and our venture to reach compromises within and between democratic principles will make liberal democracy viable and sustainable. This is a delicate and compelling task. One that demands integrity as well as cautiousness, sensitivity and political astuteness.

Holocaust denial constitutes a special category of speech that does not merit protection. It is far from being innocent. Holocaust denial is a form of hate speech because it wilfully promotes enmity against an identifiable group based on ethnicity and religion. It is designed to underestimate and justify murder, genocide, xenophobia and evil. Holocaust denial assumes a form of legitimacy to racism in its most evil manifestation to date, under the guise of pursuit of "truth".

Up until a few years ago, I believed banning Holocaust denial is not necessary in places like Britain. It is necessary in Israel and Germany, for obvious reasons; it is understandable in countries that were subject to Nazi occupation and horrors, but there was no need for specific legislation in other countries. Recently I changed my mind.



I changed my mind because of a few reasons. First, denying the Holocaust became an important instrument in promoting hatred against Jews and propagating antisemitism. Second, the level of ignorance among youth is such that we need to deny Holocaust deniers any legitimacy.<sup>11</sup> We need to undermine their ability to spread lies. Third, the way people read news today facilitates the promotion of conspiracy theories, including Holocaust denial. Many people, especially young people, do not read newspapers and do not watch BBC news or any other major news channel (Twenge, *et al*, 2018; Eddy, 2022; Eddy, 2022b). They are fed by social media, and the algorithms tailor the news for them, feeding them with news they like and want to hear. Their world becomes narrow and focused. It is much easier now to spread lies on a mass scale to those who are interested or open to hear lies. Fourth, many schools in the world do not teach the Holocaust. Fifth, non-Jews are less likely to be interested in the subject. The Holocaust is perceived as a “Jewish thing”, to the extent that some believe the Jews were at fault in their experience of genocide. Sixth, the number of survivors is decreasing rapidly. Not many survivors remain to tell their stories. Seventh, technology facilitates advanced means to doctor documents and photos, falsify genuine documents and photos, and create alternative historical reality.<sup>12</sup> Eighth, antisemitism does not go away. In some places, it is on the rise (ADL, 2023). Haters make a connection between Israeli policies in the Palestinian Occupied Territories and the Holocaust, depicting Israelis as Nazis and blaming the Jews for every bad thing that is happening in the world, including spreading the biggest hoax of all time: The Holocaust. And finally, hate speech is directly related to hate crimes (Cohen-Almagor, 2015). Some people act upon their hatred. Holocaust denial is part of global antisemitism that moves bigots to take weapons into their hands and murder Jews.

In 2019, YouTube announced it would ban hateful content, including Holocaust denial. In 2020, the German government allocated special funding for the creation of a Global Task Force against Holocaust denial and distortion. It is important to record the words of the last survivors among us. It is important to discuss the holocaust in schools and universities. It is vital that Internet Service Providers (ISPs) ensure that they won’t provide a platform to hate speech and incitement of violence against vulnerable populations (Cohen-Almagor, 2016).<sup>13</sup> Evil thrives when passivity prevails. We all need to be proactive in the continued relentless battle against all forms of racism, hatred and bigotry.

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## Notes

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<sup>1</sup> I thank Bhikhu Parekh for his constructive comments. All websites were accessed during December 2022.

<sup>2</sup> For further discussion, see Cohen-Almagor (2015) and Anderson and Barnes (2022).

<sup>3</sup> See also Greenawalt (1995: 47-70).

<sup>4</sup> For information on ‘World Church of the Creator’, see <http://www.wcotc.com/>; <http://www.apologeticsindex.org/c171.html>; Berkowitz (1999); Greyhavens (2007).

<sup>5</sup> See also Bangstad (2016: 231-250).

<sup>6</sup> See also European Commission (2021).

<sup>7</sup> <https://www.stormfront.org/forum/>

<sup>8</sup> See also UNESCO (2022); Butz (1982).

<sup>9</sup> Text of the law may be found at <http://www.phdn.org/negation/gayssot/>. For a useful discussion on French historical revisionism, see Vidal-Naquet (1980), (in English).

<sup>10</sup> See International Covenant on Civil and Political Rights, Adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966, entry into force 23 March 1976, in accordance with Article 49.

<sup>11</sup> See Conference on Jewish Material Claims Against Germany (2023).

<sup>12</sup> Stormfront, “Holocaust deprogramming course”.

<sup>13</sup> For further discussion, see Newman (2010).