

The Boston Globe

Can hate be eradicated from the public arena?

We cannot insist on living by the principle of ‘do not offend’

Flemming Rose

February 7, 2015

That utopian dream is what’s driving the European Union’s efforts to ban “hate speech,” a difficult-to-define concept that European governments keep trying to apply in more and more contexts. It’s based on an interpretation of the Holocaust that has become the founding narrative for European integration: that evil words beget evil deeds.

Supporters of these bans argue that anti-Semitic speech and propaganda in Germany paved the way for the genocide of European Jews, and that if only the government had clamped down on the verbal attacks on the Jews in the years prior to Hitler’s coming to power, the Holocaust wouldn’t have happened. In order to prevent future mass killings, therefore, Europe needs tough laws against hate speech. If only Europe can create an insult- and hate-free public space, then it will achieve eternal peace.

I think it’s a disputable assertion, even though anti-Semitic speech did play an important role in mobilizing the Nazi regime. Timothy Snyder, a Yale historian and author of “Bloodlands,” a brilliant book that focuses on the mass killings in Eastern Europe from 1933 to 1945, points out that if anti-Semitism had been the decisive trigger, then one should have expected a Holocaust in Germany between 1933 and 1939. Yet in spite of widespread anti-Semitism in Eastern Europe in the 500 years preceding World War II, more Jews were killed in any week of 1942 than during all anti-Jewish pogroms in East European history.

Nevertheless, the European Union in 2007 obligated all member states to pass laws criminalizing the denial of the Holocaust. At the time, the British Holocaust denier David Irving was serving a three-year prison term in Austria. It coincided with the Danish cartoon crisis, when Muslims around the world protested the publication of 12 cartoons of the prophet Muhammad in my newspaper, Jyllands-Posten.

Muslims often confronted me with Irving’s imprisonment. Why, they asked, is David Irving behind bars, while you are walking free? He offended the sensibilities of the Jews, but you offended the most sacred figure to Muslims, they added.

Researching my book “The Tyranny of Silence: How One Cartoon Ignited a Global Debate on the Future of Free Speech,” I looked into the status of free speech in Weimar Germany. To my surprise, I found that Weimar Germany had hate speech laws, and that they were applied against anti-Semites like Julius Streicher, the publisher of the Nazi newspaper Der Stürmer; Joseph Goebbels, Hitler’s minister of propaganda; and Theodor Fritsch, a journalist and publisher of anti-Semitic propaganda. Streicher was sent to jail twice, and Goebbels lost every case that

Bernhard Weiss, the deputy police chief of Berlin (and frequent target of anti-Semitic vilification), brought against him for defamation.

I was also surprised to learn that the majority of laws against Holocaust denial in Europe were passed after the fall of the Berlin Wall. I had assumed they were passed in the decades following the end of World War II to prevent a repetition of the Holocaust. Instead they were enacted only after the end of the Cold War, at a time when it was difficult to argue that denying the Holocaust equaled incitement to violence. It had more to do with memory politics. Though it was done out of good intentions to protect the dignity of the victims, it has triggered a wave of similar laws in other countries resulting in an assault on free speech. Several states in Eastern Europe have passed laws criminalizing denial of the crimes of communism. Latvia has passed a law banning denial of the fact that Latvia in the years from 1940 until 1991 was occupied by Nazi Germany and the Soviet Union. The Ukrainian government wants a law against denial of the millions of hunger deaths in 1932-1933 as genocide, and Russia has adopted a law criminalizing criticism of the Soviet Union during the World War II.

The debate about European alleged double standards when it comes to free speech and its limits is back on the agenda after the killings of 12 people at the satirical magazine Charlie Hebdo and four Jews at a kosher shop in Paris. A Muslim organization in France has brought charges against Charlie Hebdo for incitement to religious hatred, but it's likely that the magazine will be acquitted as in earlier cases. At the same time, the French comedian and anti-Semite Dieudonné is awaiting judgment on charges of incitement to ethnic or racial hatred, and is on trial for "glorifying terrorism" after having posted on Facebook, "Je me sens Charlie Coulibaly" ("I feel like Charlie Coulibaly"), an apparent reference to Amedy Coulibaly — the gunman who killed the four victims in the kosher market. Over the past decade or so, Dieudonné has been convicted eight times for anti-Semitic speech.

There are historical reasons for the fact that it isn't a criminal offense to mock a religious doctrine, while it's a crime to deny the Holocaust or say something racist. I do think there is a difference between the two, but it's a moral one. Moving forward in an increasingly multicultural, multiethnic, and multireligious world, it's important to understand that more cultural diversity doesn't call for less diversity of speech, but for more. For if we insist on living by the principle of "do not offend," we will end in a tyranny of silence.

Flemming Rose is the foreign editor of the Danish newspaper Jyllands-Posten and author of "The Tyranny of Silence: How One Cartoon Ignited a Global Debate on the Future of Free Speech." He was just nominated for the Nobel Peace Prize.