



FREEDOM OF EXPRESSION, DISSENTING HISTORIANS, AND THE HOLOCAUST REVISIONISTS

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FOR LIFE, LIBERTY AND PROPERTY

FREEDOM OF EXPRESSION, DISSENTING HISTORIANS, AND THE HOLOCAUST REVISIONISTS

DAVID BOTSFORD

One of the ironies of our time is that just as technology makes it ever easier to communicate ideas, the freedom to express those ideas is being subject to continuous erosion. The world-wide spread of electronic communications, and of the Internet in particular, is progressively reducing the power of the state to exercise control over the flow of information and ideas. In the years ahead we will experience not only a dramatic increase in access to the Internet, but also a vast extension of the range of material available on it, which appears to be entirely outside the control of any censoring body.¹ Arthur C. Clarke, the distinguished science-fiction writer and inventor of the communications satellite which largely made these developments possible, said as long ago as 1983 that:

[T]he debate about the free flow of information which has been going on for so many years will soon be settled — by engineers, not politicians. ... No government will be able to conceal, at least for very long, evidence of crimes or atrocities — even from its own people. The very existence of the myriads of new information channels, operating in real time and across all frontiers, will be a powerful influence for civilised behaviour. If you are arranging a massacre, it will be useless to shoot the cameraman who has inconveniently appeared on the scene. His pictures will already be safe in the studio 5,000 kilometres away; and his final image may hang you. Many governments will not be happy about this, but in the long run everyone will benefit.²

SERIOUS ATTACK ON PRESS FREEDOM

These insights appear to have eluded the British government. On 14th November, 1997, Saxon Burchnell-Wood, Noel Molland and Stephen Booth, the editors of *Green Anarchist*, were each sentenced to three years' imprisonment for "inciting their readers to carry out attacks on property and acts of violence".³ *Green Anarchist*, as its name implies, is a magazine which combines collectivist-anarchism with environmentalism. It publishes a "Diary" section which lists "direct-action" events worldwide, mostly without editorial comment. These include "ecotage", a name given to such actions as the disabling and damaging of property and machinery such as earth-moving vehicles on the sites of new roads. The prosecution successfully argued that by publishing such reports, the editors were "conspiring to incite persons unknown to commit further acts of violence".⁴ Other publications cited in court as examples of "conspiracy to incite", which have not so far been prosecuted include *Do or Die*, the annual publication of Earth First. The magazine *Index on Censorship* described the *Green Anarchist* case as "one of the most serious attacks for many years on press freedom in Britain".⁵

On 27th April 1998 a trial will begin at Harrow Crown Court which promises to be an even more fundamental attack on freedom of expression. Nick Griffin and Paul Ballard, both members of the British National Party, are being prosecuted under the Public Order Act 1986 for publishing material liable to incite racial hatred in the form of certain articles appearing in their magazine *The Rune*. Griffin is the editor of the magazine and Ballard the distributor. If convicted, they face a sentence of up to two years in prison each. The case is currently *sub judice*, and the press has not been permitted to publish any details of the prosecution's case. Nevertheless, Griffin is distributing for sale an edited version of the police audio tape of his interview while under arrest, and the Director of Public Prosecutions has accepted that this dis-

tribution is lawful. I have summarised the contents of this tape in an appendix to this paper, and will only point out here that one of the articles for which they are being prosecuted is one denying that the Nazis carried out a policy of extermination of Jews during the second world war.

The criminal offence of publishing material liable to incite racial hatred was introduced under the Race Relations Act 1965. The first prosecution was of Michael de Freitas, a Trinidadian Black Power advocate later known as Michael X, who was sentenced to a year's imprisonment for advocating the killing of white men who lay hands on black women. In virtually all cases, however, members of white racist groups, such as the National Front, British Movement and British National Party, have been prosecuted and fined or imprisoned for the breach of these laws. Subsequent legislation, such as the Race Relations Act 1976 and the Public Order Act 1986, have drastically widened the definition of "incitement to racial hatred". Under the latter Act a two-year prison sentence can be imposed merely for *possession* of literature wherever there is an "intent or likelihood" of inciting racial hatred. In 1997 three members of the National Socialist organisation Combat 18 were imprisoned for possessing material which spoke of "the myth of the Holocaust" and outlined the aim to "execute all Jews, who have actively helped to damage the White Race and to put into camps the rest until we find a solution to the eternal Jew".⁶ Libertarians are, of course, totally appalled by such opinions, but would argue that putting people into prison simply for possessing such material is a greater evil than their possession of it (as distinct from acting in accordance with the views expressed).

The British courts have so far ruled that historical arguments denying the Holocaust are not a form of incitement to racial hatred and therefore cannot be prosecuted under these laws. There was never any indication that these laws were ever intended to apply to arguments about history. Publications denying the Holocaust may be lawfully imported, published and distributed without official restriction. In 1996, Michael Howard, the Conservative Home Secretary, negotiated an opt-out from a European Union agreement to introduce laws to criminalise Holocaust denial. In the same year, the Board of Deputies of British Jews called for the first time for the introduction of such laws in Britain. Although this request was rejected by the Conservative government, the Labour Party announced in September 1996 that it intended to make Holocaust denial into a criminal offence, punishable by two years' imprisonment. The *Sunday Times* reported that

Jack Straw, the shadow home secretary, is expected this week to call for the outlawing of right-wing intellectuals and political campaigners who claim the Holocaust never happened or was unknown to Hitler.

The right-wing historian David Irving, who argued that the diaries of Joseph Goebbels proved Hitler was unaware of the extermination programme against the Jews, would be among those facing possible prosecution. ... Labour's support for legislation follows an all-party campaign by the London-based Holocaust Educational Trust.⁷

Janice Lopatkin, spokeswoman for the trust, said:

There is a gap in the legislation because courts do not regard Holocaust-denial material as insulting to Jews.⁸

Lord Merlyn-Rees, former Labour Home Secretary, said:

It is wrong to deny the Holocaust. It is done for anti-semitic reasons and it should be made a criminal offence.⁹

This is the same politician who, as Home Secretary in 1977, refused to ban the National Front march through Lewisham on the libertarian grounds that the NF had the right to freedom of speech. That march ended in the most ferocious street battle seen in Britain since the 1930s. If his Lordship was then so committed to the principle of freedom of speech that he authorised the NF demonstration, and police protection of that demonstration, despite the known risk of violence, we are entitled to ask why he now calls for the introduction of laws which would imprison people for two years simply for expressing an historical opinion which differs from his own. Between the Home Office and the House of Lords, he seems to have taken a detour to Damascus.

A Labour Party spokesman said:

We already accept that there are limits to absolute freedom of speech, and Holocaust denial is often used as a means of spreading anti-semitic propaganda.¹⁰

At its 1996 conference, the Labour Party voted unanimously in favour of a motion to introduce such a law. Tony Blair has made several announcements that Jack Straw, who is now Home Secretary, is exploring possible ways to change the law in this direction. In 1997, Mike Gapes MP (Labour, Ilford South) introduced a Holocaust Denial Bill which failed because of the dissolution of Parliament before the May general election. The introduction of this bill led to considerable discussion in the media about the merits or otherwise of the introduction of such a law. John Major, who was then Prime Minister, Paddy Ashdown, leader of the Liberal Democrats, and the historian Lord Russell all went on record as opposing the introduction of such a law, as did Dr Anthony Lehrman, director of the Institute for Jewish Policy Research. No proposals have been heard so far since Labour took office about any legislation which would curtail or prohibit the right to deny the Holocaust.

Nevertheless, if in the forthcoming *Rune* trial Griffin and Ballard are successfully convicted of "incitement to racial hatred" simply for making an historical argument that the Holocaust never happened, then such a conviction would establish a very ominous precedent from the point of view of freedom of expression. It would mean that the distribution of any publication denying the Holocaust could suddenly be deemed illegal and liable to prosecution, and thus be effectively prohibited. The way in which law works in Britain would mean that once a court had ruled that Holocaust denial *per se* is a form of "incitement to racial hatred", it would mean that any person who denies the Holocaust could receive up to two years in prison. Such a change to the law would be the first time in which it has ever been a criminal offence in Britain to express an opinion on an historical subject. And this change in the law would have taken place without any public or Parliamentary discussion of its nature and implications.

HOLOCAUST DENIERS ARE NOT NECESSARILY NAZIS

The purpose of the present paper is not in any way to defend Holocaust denial, but simply to give an accurate description of what it is and what it is not, and to describe efforts in other countries to use the law against it. I will then put forward an argument, based on the nature of historical inquiry, in defence of the right of Holocaust revisionists (as they call themselves) to express their beliefs without civil or criminal law being brought into action against them. No part of this paper should be interpreted as either supporting or opposing any particular historical or other idea, except the universal right of freedom of expression and the free market in ideas. I am essentially adding factual information and arguments to the position already taken, as we have seen above, by various public figures. My concern is that a form of censorship may come in by the back door through the *Rune* case which would have a devastating effect on intellectual freedom, the concept upon which, as Sir Karl Popper and numerous other phil-

osophers have amply demonstrated, all human progress ultimately depends.

It is commonly believed that Holocaust revisionism is promoted solely by neo-Nazis, racists and anti-semites. While such individuals have certainly taken up such ideas and promoted them extensively, they did not initiate them. Most of the authors of books denying that the Holocaust occurred have no connection with such movements. Paul Rassinier was a French Socialist Party member and pacifist academic who was arrested in 1943 and imprisoned in the German concentration camps at Dora and Buchenwald for his non-violent activities in the French Resistance. After the war he was elected as a Socialist member of the Constituent Assembly, decorated by the French government for his work in the Resistance, and went on to write a series of books denying that the Nazis had carried out any policy of extermination in their concentration camps. Some Holocaust revisionists are academics, such as Professor Arthur R. Butz, associate professor of electrical engineering and computer science at Northwestern University, Illinois, and Dr Robert Faurisson, formerly professor of French literature at the University of Lyons-2, who have simply published their considered opinions based on the research they have carried out, and are not known to have any political affiliation or agenda. The best-known historian who has associated himself with these arguments is David Irving, author of numerous books about the second world war, and especially the Third Reich. In 1977, in his book *Hitler's War*, Irving argued that Hitler knew nothing about the extermination of the Jews, and he gradually became convinced that no such exterminations at all occurred in the concentration camps. Another is a retired German judge, Dr Wilhelm Stäglich, who claims to have been stationed at Auschwitz during the war, and who wrote a book arguing that no exterminations occurred there. Another is Fred A. Leuchter, an American specialist in execution technology, who visited Auschwitz and wrote a report stating that the building presented to visitors at Auschwitz as a homicidal gas chamber could not have been used for that purpose. There are Palestinian, Moroccan, Saudi Arabian, South American and Japanese Holocaust revisionists, as well as American blacks associated with the Nation of Islam. In France, Jean-Gabriel Cohn-Bendit and Claude Karnoouh are both Jewish Holocaust revisionists with left-wing political beliefs. Bezalel Chaim, of the Revisionist Press of Brooklyn, is an American Jew who argues that the Holocaust "myth", as he calls it, has created divisions between Jews and Gentiles, encouraged a belligerent Zionist nationalism, and is used to justify the Israeli oppression of the Arabs. (David Cole, another American Jew, produced a video about Auschwitz which claimed that no gassings occurred there, but has since recanted his views and now accepts that the Holocaust occurred.) Extraordinary as it may seem, the late Josef Ginsburg, a German Jew who spent the entire second world war in Germany and Romania, and who was imprisoned in several Nazi concentration camps, wrote several books under the pseudonym J. G. Burg denying that any extermination of the Jews had been carried out by the Nazis. Professor Pierre Vidal-Naquet, the most outspoken French academic critic of the Holocaust revisionists, states that:

In several countries ... revisionism is the speciality not of the racist and anti-Semitic extreme right, but of several groups of individuals coming from the extreme left. This is the case in Sweden following the intervention on Robert Faurisson's behalf of the extreme left-wing sociologist Jan Myrdal, whose intervention was on behalf not merely of the man but, in part, of his ideas; in Australia, following the action of the former secretary of the Victorian Council for Civil Liberties, John Bennett; and even in Italy, where a small Marxist libertarian group invokes its debt to Paul Rassinier.¹¹

Other Holocaust revisionists are American libertarians who have associated themselves with the Institute for Historical Review (IHR), the California-based organisation which denies that the Holocaust occurred, as well as promoting other revisionist views about twentieth-century history. Professor James J. Martin, the

author of numerous studies of nineteenth-century libertarianism and anarchism, as well as revisionist studies of the two world wars and the cold war, and who has contributed three times to the *Encyclopedia Britannica*, is closely associated with the IHR. The IHR has published one of his books, *The Man Who Invented Genocide*, a biography of Raphael Lemkin, who coined the term "genocide" to describe what the Nazis were doing to the Jews in wartime Europe. The radical libertarian Samuel Edward Konkin III is also a supporter of the IHR, has spoken at its conferences and provided a platform for Holocaust revisionism in his magazine *New Libertarian*, although I do not know his exact position, if any, on the Holocaust. L. A. Rollins, the American author of the philosophical pamphlet *The Myth of Natural Rights*, which has caused considerable controversy in libertarian circles, is another Holocaust denier. It is difficult to classify Rollins' views in terms of conventional political labels, but he is an anti-authoritarian individualist and certainly no kind of National Socialist or fascist.

One of the most active American Holocaust revisionists is Bradley R. Smith, a libertarian journalist and playwright who was convicted for selling a banned erotic novel, Henry Miller's *Tropic of Cancer*, in his Los Angeles bookshop in 1960-61. In 1983 his play *The Man Who Stopped Paying*, dealing with tax resistance, was favourably reviewed by the *Los Angeles Times*, which described it as the work of a "libertarian-anarchist". In 1979 he first became convinced that the Nazi extermination of the Jews never happened, as a result of reading an article by Professor Robert Faurisson which appeared in *Le Monde*. He subsequently formed the Committee for Open Debate on the Holocaust, and has promoted Holocaust revisionism on hundreds of radio and television talk shows, placed advertisements in college newspapers and spoken at universities throughout the US. In an interview with the radical American publisher Loompanics Unlimited, Smith explained his motives for doing so:

In 1960-61 I was arrested, jailed, tried and convicted of selling a book banned by the U.S. Government, Henry Miller's *Tropic of Cancer*. At that time the best people among the progressive forces supported my refusal to participate in censoring Miller's book in this country. Today it's the progressive forces who work with such dedication to suppress the Revisionist critique of the Holocaust orthodoxy. The progressive forces will go to the wall for sexual freedom. What they balk at is free inquiry into the foundations of their own world view. ... I reject the authoritarian ideal in every form, but particularly as it is expressed by the State. ... My interest is in the ideals of free inquiry, an open society and, if you will, my own moral being. As a writer, how do I stand aside from the issues that I see corrupting public discourse, and thus the lives of my friends and neighbors? As a man, how do I stand aside from them? ... Almost thirty years ago, the night I got the word that a bookseller on Hollywood Boulevard was going to be arrested and prosecuted for selling Miller's *Tropic*, my first reaction was to remove the book from my store window. When I went to the window to take the book out something caused me to pause. ... The next morning I took a walk along the Boulevard and looked over the display windows in the other bookshops. *Tropic* wasn't in any of the windows any longer. That was good enough for me. I went back to my own shop and climbed into the window but I couldn't bring myself to remove the display stack. ... That same afternoon I was arrested by a couple of L.A.'s finest in plain clothes and the stage was set for the longest civil trial to have taken place in the city up to that time.

It wasn't First Amendment idealism that made it impossible for me to remove Miller's book from my window. ... It made me ashamed to think of removing a book from my displays that I respected and that I had gotten so much pleasure and encouragement from. ... [W]hen the State put me to the test to declare myself publicly, I chose my heart's desire hands down and told the State to shove it along. ... I feel something similar for Revisionist scholarship. While I have no love for

the work, to not stand up for it now that I know what it is would make me ashamed. That's why I can't "just drop the subject." Hostility is easy to face when the alternative is shame.¹²

LIBERTARIAN OPPOSITION TO AMERICAN INTERVENTIONISM

It is worth pointing out here why some libertarians and others who have no connection with fascist or anti-semitic movements are interested in Holocaust revisionist arguments. Although libertarians do not agree with each other on all issues, libertarians could be defined as believers in the value of individual freedom, property rights, a legal and economic system which enables the voluntary exchange of property rights in a free market, voluntary rather than coerced cooperation between individuals and groups within society, and the reduction of the interference of the state in the economy and life of the people. Although these ideas go back many centuries, the contemporary libertarian movement emerged in the United States in the post-war period, and clearly differentiated itself from conservatism in the 1960s. Since 1941, American foreign policy has been based on the principle that the US government has an obligation to intervene in the internal affairs of all countries of the world on a massive scale in order to promote such concepts as "democracy", "Americanism", "freedom", "anti-fascism", "anti-colonialism", "anti-communism", "anti-terrorism", "anti-apartheidism", "self-determination", "economic development", "the new world order", "the war on drugs", "the survival of Israel" and several dozen other ideas developed at places like Harvard University and the State Department. In order to advance these concepts, young Americans, many of them conscripts, have been sent out to kill or be killed in various wars throughout the world, and hundreds of thousands have lost their lives. In addition, US foreign policy has destroyed political and economic systems, such as the European colonial empires, which, while by no means perfect, certainly functioned far better than the "national independence" which has followed them. The American taxpayer has paid hundreds of billions of dollars in "economic aid", "development aid" and "military aid" to governments throughout the world, and also to revolutionary movements which the US government considers to be more "pro-Western" or "democratic" than the government in power. It has actively attempted to re-shape the political and economic systems of nations throughout the world, in a process which would end, presumably, only when every corner of the earth from Paris to the interior of Papua New Guinea is an exact replica of Madison, Wisconsin. Perhaps the most succinct and perceptive commentary on this policy was given by Hadj T'hami el Glaoui, pasha of Marrakesh, in 1944:

American policy today stirs up everything and settles nothing. The result is that it creates a void, opening the way to new tyrannies instead of new freedoms. At the bottom of America's attitude is the assumption that all the world wishes to be American. And that assumption is false.¹³

Now libertarians argue that massive government intervention in the economy and life of the United States has produced a lengthy series of economic and social disasters. Most American libertarians would argue that the US government is just as disastrous, if not more so, when it intervenes in the economy and life of other countries. They ask how American conservatives can complain about the intervention of "big government" at home while enthusiastically supporting the intervention of that same government in every other country on the surface of the planet. Most American libertarians argue for a non-interventionist foreign policy in which the US enjoys good relations with all other countries without in any way interfering in their internal affairs. Those individuals in other countries who want to become Americans are free to apply at the US embassy to emigrate there. Those who are quite happy to remain Bhutanese in Bhutan, Bedouins in the Middle East, or whatever, should be left in peace, and if their economic, social and political systems differ in certain respects from those of

the United States, no American should stay awake at nights worrying about the fact.

Those American libertarians who argue in this manner are interested in critically examining the governmental and non-governmental propaganda which has been used to justify American global interventionism in peace and war. They are therefore open to historical studies which demonstrate that what governments have said about these interventions has not always accorded with the facts. Such historical studies, they believe, can help Americans to learn from the past and to develop a foreign policy which is more in accordance with the interests of the American people and of the stability, peace and prosperity of the entire world. (And what is true of America is also true, to a great extent, of Britain and other Western countries.)

FIRST WORLD WAR REVISIONISM

The term "revisionism" referred originally to that school of historical inquiry which sought to re-examine the origins of the first world war at the end of that conflict, in the light of new documents and interpretations which had become available. The first revisionist work on the conflict was *How Diplomats Make War* (1915), by Francis Neilson, a pacifist British MP who resigned his seat in 1914 when the British government decided on war and wrote the book in order to expose the real origins of the conflict, as opposed to the government's propaganda line for public consumption. After the war, a number of American historians, beginning with Sidney B. Fay in 1920, examined the available diplomatic papers, and in particular the documents which had recently been published by the German, Austrian and Soviet governments, relating to the outbreak of war in 1914. They concluded that responsibility for the war lay with Russia, Serbia and France, and to some extent the actions of the British foreign secretary, Sir Edward Grey, who failed to take action to stop the drift to war, and not with Germany and Austria-Hungary.

The revisionist history of the first world war was of more than purely academic interest. The American intervention in that war in 1917 marked a monumental departure from the traditional American policy of non-intervention in the quarrels of European countries, which had been the guiding principle of US foreign policy since the days of Washington and Jefferson. This policy was only breached when the United States attacked Spain after the American warship the *Maine* was sunk by an mysterious internal explosion in Havana harbour in 1898. In 1917, Woodrow Wilson, rather in the manner of Pope Urban II in 1095, preached a great crusade, not to free the Holy City of Jerusalem from the Moslems, but to fight a war to end wars, to save civilisation and to make the world safe for democracy. Revisionists considered such a transformation of American foreign policy to be an important subject for historical examination.

Also, the Treaty of Versailles (1919) had included an article which affirmed that Germany was solely responsible for the outbreak of the war. The Weimar government signed the treaty against enormous domestic opposition, and only because the British navy was maintaining a blockade of Germany that had led to the death by starvation and disease of tens of thousands of children after the Armistice of 1918. The treaty imposed extremely harsh measures on this basis, including the transfer of a large proportion of German territory and people to the rule of foreign states such as France and Poland, and the requirement to pay vast sums of money in financial reparations to France and Belgium. By challenging the claim of sole German responsibility for the outbreak of war, the revisionist historians were undermining the credibility of Versailles and strengthening the case for revision of the entire settlement. This case was put forward not only by Germans of all political persuasions, but also by the Soviet Union and the political "left" and "centre" in most Western countries. In books such as *The Economic Consequences of the Peace* (1920), for example, John Maynard Keynes exposed the economic and political dangers to Europe of the vindictive terms of Versailles.

The historian who took the lead in addressing the *Kriegsschuldfrage* was the distinguished American scholar Harry Elmer Barnes. Barnes' *magnum opus* is generally considered to be the three-volume *Intellectual and Cultural History of the Western World*, a landmark in historical scholarship as well as an essential libertarian text on account of its orientation in favour of intellectual and cultural freedom. Before the United States entered the war, Barnes was an outspoken advocate of intervention. When Woodrow Wilson declared war on Germany in 1917, Barnes was recruited by the US government into its propaganda operation, and was noted for the zeal with which he promoted the Allied cause and denounced the Boche in that capacity. After the war, however, he examined the documentary evidence on the origins of the war and wrote a series of publications which argued against German responsibility for the outbreak of that conflict. In books such as *Genesis of the World War* and *In Quest of Truth and Justice*, he argued that Serbia, Russia and France were primarily responsible. In the 1920s, revisionist arguments achieved enormous international influence, and Barnes travelled to Europe, where he established links with European revisionists and even had an audience with the former Kaiser. By 1930, revisionist arguments had attained general acceptance in both Europe and the US, and had contributed significantly to the desire of Americans to stay out of any future foreign conflicts. Nevertheless, although the financial reparation terms of Versailles were somewhat modified, the revision of the territorial terms was not addressed at all. In 1930 Barnes urged an immediate revision of Versailles in order to forestall the rise of Adolf Hitler. He wrote:

The gains of the Hitlerites and other German nationalists indicate that Europe cannot safely go on basing its diplomacy on this absurd lie which never could have been solemnly maintained except in the fog of wartime hatred which held over into 1918-1919. In 1927, von Hindenburg asked Europe in conciliatory tones to investigate the facts of war guilt. In 1930, friends of peace in Europe are appealing to Hindenburg to save them from Hitler. What will be happening in 1933 if the spirit of Lloyd George, Clemenceau, and Poincaré still rules Europe?¹⁴

Barnes' call was ignored. Hitler came to power and began taking vigorous steps to revise the Versailles settlement. The British and French governments, which were later condemned for carrying out a policy of "appeasement" of Hitler, were simply granting him what every German government from 1919 to 1933 had asked for, and been refused, by those same governments.

SECOND WORLD WAR REVISIONISM

With the increasing threat of war in the late 1930s, and especially after the outbreak of the European conflict in 1939, Barnes was an outspoken opponent of US intervention. In his nationally-syndicated newspaper column, he alerted Americans to the danger of involvement in the war. In 1940, heavy pressure by pro-war interest groups was brought to bear on his employers, who dropped Barnes as a columnist in order to avoid a ruinous advertising boycott. After the second world war, Barnes became the leader of the historical revisionist school relating to that conflict. He raised funds in order to finance the research, writing and publication of books addressing different aspects of the 1939-45 war, and assembled scholars throughout the US and western Europe to carry out this work. In addition, Barnes edited *Perpetual War for Perpetual Peace*, a major collection of revisionist essays on the Roosevelt-Truman foreign policy, and produced a series of pamphlets critically reviewing what he called the "court historians", those scholars who were paid vast sums by governments and semi-official institutes to produce works which were no more than *ex post facto* justifications of government policy.

In the United States, revisionist historians, who included the distinguished Charles A. Beard, produced studies of the diplomatic history which led to American intervention in the war in December 1941. The Roosevelt administration had claimed that it had done everything in its power to keep the US out of the war, until

it was subjected to a treacherous and unprovoked attack by the Japanese at Pearl Harbor. The revisionists argued that Roosevelt had in fact been actively doing everything in his power to involve America in the war from 1939, or even as early as his “quarantine the aggressors” speech of 1937. However, he had to do so surreptitiously because of the strong non-interventionist sentiments of the American people. Other writers, including George Morgenstern, Admiral Robert Theobald, John Toland and Barnes himself, argued that the Roosevelt administration had deliberately provoked the Japanese into attacking Pearl Harbor. They argued that the freezing of Japanese assets in the US in July 1941 and the subsequent cutting off of oil supplies put the Japanese into a position where they had no alternative but to strike at the US. They claimed that the administration had known in advance that the attack was due, as the Japanese code had been deciphered, and had deliberately withheld that information from the commanders at Pearl in order to ensure the maximum loss of life and therefore be sure of obtaining a declaration of war from Congress. Indeed, I have heard that a researcher in the US National Archives has recently discovered a German intelligence transcript of a wiretap of a telephone conversation between Roosevelt and Churchill discussing the forthcoming attack on Pearl several weeks before it actually took place.

The definitive revisionist study of the outbreak of war in Europe in 1939 was *The Origins of the Second World War* (1961), by the distinguished historian A. J. P. Taylor, of Oxford University. Taylor challenged the generally-held myth that in the 1930s Hitler had rapidly re-armed Germany and carried out a master plan for the conquest of Europe which would inevitably lead to war. Taylor demonstrated that Hitler had hardly re-armed at all until 1936, and then did so no more rapidly than other European powers. Although he was determined to revise the terms of Versailles, he merely responded to situations such as the Austrian and Sudeten crises of 1938 and the Polish crisis of 1939 as they arose, and acted in just the same manner as any other great power did. He had no plan for war, and, indeed, wanted to achieve the revision of Versailles while avoiding it. When war broke out, it was a result of various miscalculations by several powers during the Polish crisis, in which Hitler was trying to recover the German city of Danzig from Poland by negotiations. The myth of a Nazi master plan for world domination was dead. Taylor was highly amused by the wailing and gnashing of teeth which followed the publication of his book, which included claims that he was some sort of Nazi apologist. An entertaining incident is related in Adam Sisman’s biography of Taylor:

When Alan flew to Munich for another televised debate ... the taxi-driver who drove him in from the airport queried whether he knew a certain Englishman called A. J. P. Taylor. Alan was taken aback; he explained that he knew him well, being himself A. J. P. Taylor. The taxi-driver stopped in mid-traffic, explained that he had been part of Hitler’s SS body-guard, and extended a hand to congratulate Alan for proving that Hitler had not caused the War after all.¹⁵

Of course Taylor was no kind of a Nazi sympathiser. In private life he was a socialist whose political views approximated to those of the left wing of the Labour Party. But he kept his personal opinions separate from his professional historical work. His approach to history was a simple one:

There is only one profound responsibility on the historian, which is to do his best for historical truth. If he discovered things which were catastrophic for his political beliefs he would still put it in his books. He has no responsibility whatsoever to fiddle the past in order to benefit some cause that he happens to believe in.¹⁶

Taylor was scathing about the “court historians” who were employed by governments and semi-official institutions. He described *Between War and Peace*, by Herbert Feis, a former US State Department employee, as “a State Department brief, translated into terms of historical scholarship”. He said that:

Dr. Feis’s conclusions were not derived from the evidence; they were assumed as self-evident before the book was begun.

Taylor concluded:

The academic historians of the West may assert their scholarly independence even when they are employed by a government department; but they are as much ‘engaged’ as though they wore the handsome uniform designed for German professors by Dr. Goebbels.¹⁷

Other British revisionists, such as Emrys Hughes, David Irving and John Charmley have produced critical studies of the policies of Winston Churchill before and during the 1939-45 war which tend to undermine the popular image of Churchill as a national and world saviour. They have argued that his policies ruined Britain and its empire, and that his behaviour did not display the heroic characteristics presented in the mythology. For example, Irving has demonstrated that during the Blitz, which Churchill had himself provoked by his continuous bombing of German cities, in breach of international agreements, Churchill knew in advance from intelligence sources when German air raids on London were due. He left for the countryside on those dates, only to return later and tour the bomb sites for the benefit of the newsreels and press photographers.

In the 1960s, several American “new left” revisionist historians, such as William Appleman Williams and Gabriel Kolko, produced studies arguing that US foreign policy during the second world war aimed at extending the economic, military and political power of the United States over the world, at the expense of other powers, and was not the altruistic “crusade for democracy” of wartime propaganda. The work of these historians was a milestone in the development of 1939-45 revisionism, in that criticism of the Roosevelt administration’s wartime foreign policy had hitherto been something of a taboo subject among American scholars of the political “left” and “centre”.

The background to the outbreak of war between Germany and the Soviet Union in June 1941 has also been the subject of revisionist inquiry. Professor Ernst Topich, an Austrian philosopher, and Victor Suvorov, a Soviet defector who had access to first-hand Soviet material, have both written books arguing that Stalin was massing colossal military forces on his western borders in the spring of 1941 in preparation for an invasion of Germany in the summer of that year. Topich and Suvorov argue that Hitler’s Operation Barbarossa aimed to pre-empt this threat before it was too late, and was not the culmination of any long-term plan.

Other revisionist studies critically examined the “unconditional surrender” doctrine upon which Roosevelt insisted from January 1943, which, it is argued, undermined the position of the anti-Hitler plotters in Germany, extended the war’s duration, death toll and destructiveness, and eliminated Germany and Japan as bulwarks against the expansion of Soviet and Chinese communism. Vast Anglo-American material assistance was handed over to the Soviet Union without any conditions relating to the future of the eastern European nations, which ended up under Soviet rule for over 40 years.

Revisionist scholarship has also examined Allied atrocities. During the war, some 500,000 to 1 million Soviet citizens fought as part of the Wehrmacht and its auxiliaries, and toward the end of the war a Russian Liberation Army was set up under General Vlasov, who had been captured by the Germans in 1942. Other Soviet citizens went over to the Germans as forced or volunteer labourers and prisoners of war. After the war, the British and US authorities forcibly repatriated some two to three million Soviet and Yugoslav citizens who had surrendered to the British and Americans in return for guarantees that they would not be sent back. These people were then either murdered by the NKVD or Tito’s communists, or sent to the slower death of the Gulag archipelago.

F. J. P. Veale, A. J. P. Taylor and others have demonstrated conclusively that Britain, and not Germany, initiated the aerial bombing of civilians in 1940, in breach of binding international agreements and centuries of European practice. The Lindemann Plan, which was formally adopted by the Churchill government in 1942, called for the deliberate saturation bombing of German civilians, and led to wholesale massacres in German cities. Martin Caidan has demonstrated that the ten-day British raid on Hamburg in 1943 killed a total of 60,000-100,000 civilians. David Irving has estimated that in 1945 the RAF and US Air Force killed some 70,000-90,000 civilians, mainly refugees, in the raid on Dresden, a city with no military value, war industries, or anti-aircraft defences. Altogether, over 400,000 German civilians were killed by bombing. For every British civilian killed by German bombing, nine Germans died from Anglo-American raids, and for every ton of German bombs dropped on Britain, 315 tons of British and US bombs were dropped on Germany.¹⁸ Once American bombers were within range of the Japanese home islands in 1945, the US carried out the saturation bombing of Japanese cities. The attack on Tokyo was the largest air raid in history, and pilots reported the smell of burning flesh two miles above the blazing city. The only unusual feature of the raids on Hiroshima and Nagasaki was that they were carried out with a single bomb in each case. Gar Alperovitz, among others, has demonstrated that the Japanese had been trying to surrender since January 1945. The atomic bombing of those cities in August was the result of internal US politics and inter-service rivalries, and completely unnecessary from a military point of view.

Other Allied atrocities which have been studied by revisionists include the Soviet massacre of 23,000 Polish prisoners of war at Katyn in 1940, and the mass killing, rape, looting and destruction which the Soviet Army carried out in its advance across Germany and Hungary in 1944-45, including the deliberate sinking of German hospital ships which were transferring refugees to the west. Such atrocities continued long after the final German surrender, and were deliberately incited by Soviet propaganda. The treatment of German prisoners of war in Soviet captivity was so bad that only a handful of them returned home alive, some as late as 1955. Other studies have examined the forced expulsion of some 15 million German civilians from their homes in the eastern provinces of Germany which were ceded to Poland, Czechoslovakia and the Soviet Union at the end of the war. Somewhere between one and two million are estimated to have died from hunger, exposure, and murder in the long march to the rump of western Germany.

Revisionists such as the Italian historian Luigi Villari have revealed that the Anglo-American invasions of western Europe in 1943-5 were far from the wonderful process of "liberation" displayed in Hollywood films. In 1944, for example, a division of Moroccan troops under the command of General Juin, of the Free French Army, went on the rampage in the Italian countryside between Naples and Rome. They raped 2,000 to 3,000 females aged from 11 to 86, as well as some men, murdered 100 of the women and 800 men who tried to protect them, destroyed 81% of dwellings and farm buildings, stole 90% of the farm animals and took virtually every valuable belonging to the villagers.¹⁹ During the Allied "liberation" of Italy, the American authorities closely cooperated with vicious Mafia killers such as "Lucky" Luciano, who re-established the Mafia's death-grip over Italy, which had been successfully destroyed by Mussolini in the 1920s. In "liberated" Italy and France, armed communist death squads roamed the country and murdered, with or without a show trial, anybody they classed as a "collaborator", which included anyone known to hold anti-communist opinions.

Revisionists have argued that the wartime German shootings of civilians in occupied countries, harsh though they certainly were, were a response to partisan warfare carried out by individuals fighting in civilian clothes who carried out killings of German soldiers and then blended back into the civilian population. This form of warfare was expressly prohibited under the Geneva Con-

vention, which provided for a strict division between combatants and non-combatants. The communists, in particular, engaged in such warfare in order to provoke German retaliation against the civilian population, and thus increase hatred against the Germans, which would bring more recruits for the "resistance" movements. The distinguished British military historian and tank warfare expert Major General J. F. C. Fuller describes how the Soviet partisans operated:

[T]he partisans were instructed to kidnap German soldiers, torture them to death, and expose their mutilated bodies in places which would incriminate the local inhabitants. German reprisals followed; villages were burnt, hostages shot, cattle removed, and sometimes entire districts in which partisans operated were devastated. The results of reprisals were negligible, because all that the partisans had to do was to move into another district and repeat their devilry. But for the Germans they were disastrous. The peasants, deprived of means of living and filled with intense hatred for those [the Germans] whom they had welcomed as liberators [when they first arrived in the Soviet Union], joined the partisans in tens of thousands.²⁰

Similar events happened throughout German-occupied Europe. When the killing of their soldiers occurred, the Germans announced that any further partisan actions would be dealt with by shooting ten civilians for every German soldier killed. These threats were carried out when partisan warfare continued in spite of the warnings. The German response, ruthless though it certainly was, was nevertheless carried out in accordance with international law and the military manuals of all major countries. Exactly the same methods were used after the war by the British in Malaya and Kenya, the French in Indochina and Algeria, and the Americans in Vietnam.

The Anglo-American-French post-war occupation of western Germany was inspired by the Morgenthau Plan, which called for the destruction of Germany's industrial capacity and its reduction to an agricultural economy with a greatly reduced population. Numerous accounts from the immediate post-war period testified to the appalling conditions of starvation and disease which had been imposed on the German people through the post-war destruction of factories, mines and other economic resources, as well as the deliberate withholding of food supplies. Prisoners of war were illegally used as slave labourers after the war, often in extremely bad conditions, or deliberately left to die of starvation, disease and exposure in prison camps without shelter. One can only imagine what conditions were like in the Soviet zone. Only in 1948, with the growing Soviet threat, did the Western occupiers begin to reverse the Morgenthau Plan and replace it with a policy of German reconstruction. In his recent book *Crimes and Mercies*, the Canadian journalist James Bacque has claimed that, overall, as many as nine million Germans died premature deaths as a result of Soviet and Western Allied occupation policies from 1944 to 1950, but this is considered an overestimate.

The Nuremberg Trials, and other prosecutions of German and Japanese leaders for war crimes, have also been the subject of revisionist scholarship, especially in *Advance to Barbarism*, by the British lawyer F. J. P. Veale. Revisionists have criticised what happened when the Allied powers created a "court" with "laws" and "crimes" invented for the occasion, in which judges and prosecutors both represented the Allied powers, in which technical rules of evidence did not apply, in which generals, admirals and diplomats were imprisoned or even hanged simply for performing their normal duties, in which sentences were announced in advance, and in which no Allied official was ever charged with any war crime. Revisionists contend that there was not a single crime proven at Nuremberg, such as the use of slave labour, which the Allied powers had not also committed. For example, Admiral Raeder received a life sentence for the invasion of Norway in 1940, which, as the official British history of the war has stated, was precisely what the British were preparing to do before the Germans successfully pre-empted them. Colonel-General Jodl

was hanged primarily for being the most popular and respected of the German generals. Joachim von Ribbentrop was hanged for “plotting aggressive war” on evidence which could have convicted the foreign minister of any major power. Field Marshal Keitel was hanged for taking reprisals against civilians on the Eastern Front of exactly the sort which, as we saw above, the British, French and Americans carried out in various post-1945 conflicts. Rudolf Hess, who had tried to *end* the war with his flight to Britain in 1941, received a life sentence (and supposedly “committed suicide” under mysterious circumstances in 1987 after Mikhail Gorbachev had agreed to release him). A. J. P. Taylor said of the Nuremberg Trials that they were a “macabre farce” and that “there are few episodes of modern history more nauseating”.²¹ He might have said the same about the trials of Japanese leaders at the Tokyo and Manila war crimes trials, which were run on similar principles. The Nuremberg Trials were denounced by numerous public figures throughout the Western world. For example, in his book *Profiles in Courage*, John F. Kennedy, later President of the United States, praised Senator Robert A. Taft for his public denunciation of the Nuremberg Trials while they were going on, and argued that Nuremberg represented the Soviet idea of trials as an instrument of government policy rather than of Western ideals of justice.

From a libertarian perspective, revisionists have also demonstrated the drastic extension of the power of the state at the expense of individual liberty which occurred in consequence of the second world war. For instance, peacetime conscription was introduced for the first time in Britain in 1939 and the US in 1940, and was continued after the war. In Britain, fascists, suspected German sympathisers and other opponents of the war, including Admiral Sir Barry Domville, formerly director of Naval Intelligence, Captain A. H. M. Ramsay MP, and Sir Oswald and Lady Diana Mosley, were imprisoned without charge or trial under Regulation 18B in 1940, in breach of the provisions of Magna Carta. The Communist Party papers *Daily Worker* and *The Week* were banned in 1940, and the anarchist magazine *War Commentary* in 1945. In the US, Japanese-Americans, whether immigrants or born in the US, were rounded up and put into concentration camps without charge or trial, in breach of the provisions of the Bill of Rights. In both countries a vast range of “wartime emergency” economic controls were introduced “for the duration” and continued after the end of the war.

Revisionists have also argued that the trials of alleged Nazi war criminals that have occurred since then have led to severe breaches of the protections of the rights of the accused. The Israeli kidnapping of Adolf Eichmann from Argentina in 1960 was a breach of Argentinian national sovereignty, and Eichmann was tried before a court which had no jurisdiction to try him, in circumstances in which there was not the slightest chance of objectivity or acquittal. Britain’s War Crimes Act 1991, which was passed by the House of Commons after it had been rejected by the Lords, was introduced in order to bring prosecutions against several elderly eastern Europeans living in Britain for alleged crimes committed during the second world war. The Act retroactively made their actions a crime and brought them under British jurisdiction. For centuries it has been recognised that a retroactive law, that is, one which subjects to the criminal law actions which were not crimes at the time when they were carried out, or were carried out under a different jurisdiction, is a fundamental breach of the protection of individual rights. After all, if the authorities can introduce laws which retrospectively criminalise actions which were not unlawful at the time they were carried out, there can be no protection against arbitrary tyranny. Although it is very unlikely that any convictions will be obtained under the Act, the extremely dangerous precedent of retroactivity has been established as a part of British law.

Revisionists have also expressed concern about the deportation of alleged “Nazi war criminals” from countries such as the US, Canada and Australia to face trials in the Soviet bloc and Israel in circumstances where Anglo-Saxon protections of the rights of the

accused do not exist, and they have virtually no chance of a fair trial. The courageous Israeli lawyer Yoram Sheftel has described how the Office of Special Investigations (a division of the US Justice Department), the Israeli authorities and the Soviet KGB deliberately framed his client, John Demjanjuk, a Ukrainian-born American citizen, as the “Ivan the Terrible” who allegedly operated the gas chambers at Treblinka. On the basis of forged evidence, a US court stripped Demjanjuk of his citizenship and ordered his deportation to Israel to undergo a show trial in which the basic principles of justice were flouted. Sheftel was subjected to vilification, death threats and an acid attack in the face for his vigorous defence of his client. Fortunately, the collapse of the Soviet Union made available documents in Soviet archives which proved that “Ivan the Terrible” was someone else, and Demjanjuk returned home to the US. Anybody who reads Sheftel’s account of the Demjanjuk affair will learn of the severe breaches of the rights of the accused involved in the international “Nazi-hunting” and “war crimes” business, quite apart from the problem of proof after a delay of over half a century.²²

COLD WAR REVISIONISM

We have seen above how Harry Elmer Barnes was the leader of historical revisionism relating to both the world wars. After the onset of the cold war, which followed the promulgation of the Truman Doctrine in 1947, a revisionist historical school developed for the study of that conflict. Revisionist historians, including Barnes, examined the available evidence, and challenged the assumption that the cold war was a world-wide crusade for democracy that could only benefit the peoples of the world. Revisionist historians such as William A. Williams, Kenneth Ingram, D. F. Fleming, David Horowitz and Lloyd C. Gardner argued that the onset of the cold war was not solely caused by the Soviet Union, and that US and British foreign policy were also responsible. “New left” revisionist historians argued that American global interventionism had little to do with the spreading of “democracy” and “human rights”, and a great deal to do with maintaining an economic, military and political hegemony which ensured profits for American big business, and which included support for dictatorships and the overthrow of elected governments. Noam Chomsky has argued that this international system is built on the subordination of Third World peoples to American imperialist interests, and on “manufacturing consent” for this system by an alliance of powerful media, economic and political interests within the US, which works against the interests of working people, of ethnic minorities and of political dissidents. Chomsky is generally considered to be the most prolific, well-informed and outspoken scholarly critic of American foreign policy from a libertarian socialist perspective. He and other left-wing critics of US interventionism have demonstrated that, quite apart from the devastation inflicted on Indochina and elsewhere by direct military intervention, the US has overthrown constitutional and elected governments through covert action and terrorism, and supported and maintained in power various repressive and sometimes genocidal regimes. Since the end of the cold war, a vast quantity of documents from the Soviet and eastern European archives has become available, and new histories of the conflict, such as *We Now Know*, by John L. Gaddis, are incorporating this hitherto inaccessible material. The definitive history of the cold war, if it is ever written, will await the study of the totality of the extant material.

Barnes argued that the global expansion of US interventionism which the cold war involved was unjustified by the realities of the world situation, that it was logistically impossible, that it inflicted damage on the countries involved, and that it imposed a semi-permanent “warfare state” on American society, with severe consequences to American freedom. It also involved conscripting young Americans to fight and die in places like Korea and Vietnam. In the name of “anti-communism”, it made America increasingly adopt such features of communist states as military conscription, greater state economic controls, the restriction of

political dissent, and the launching of a space programme. Barnes wrote in 1953 that:

The security measures alleged to be necessary to promote and execute global crusades are rapidly bringing about the police state in hitherto free nations, including our own. Any amount of arbitrary control over political and economic life, the most extensive invasions of civil liberties, the most extreme witch-hunting, and the most lavish expenditures, can all be demanded and justified on the basis of alleged "defense" requirements. ... This is precisely the psychological attitude and procedural policy which dominate "Nineteen Eighty-Four" society.²³

He argued that within this new system

[W]ars must be ... made perpetual ... so as to assure full employment and facilitate the propaganda of fear and terrorism upon which the maintenance of the régime depends.

He noted that an Orwellian "hate campaign ... is well under way against Soviet Russia, Communist China, and the 'Reds' generally." He condemned the prosecutions of US Communist Party leaders under the Smith Act in 1951 for the expression of their opinions. Barnes believed that the Smith Act

... repudiated the fundamental principles on which our nation was founded ... Though the Smith Act is now being used to suppress the vending of unpopular Communist opinions, it could readily be turned against the very conservative groups that have sponsored the law.²⁴

He compared official American cold war rhetoric with the slogans of Orwell's *Nineteen Eighty-four*:

Double prices and we double national income. ... Our great national debt is a blessing in disguise, because we owe it to ourselves. ... Cold war is peace. ... A 'free nation' is any nation — whether liberal and democratic, socialist, fascist, or anti-Kremlin communist — which will join the anti-Russian crusade. Aiding socialist nations of Europe under the Marshall Plan is a bold stroke to promote free enterprise abroad. ... Launching the atom bomb will assure peace and security.

Barnes argued that a study of revisionist history relating to the two world wars was essential in order to formulate a foreign policy for the cold war period. The condemnation of "appeasement" of Germany, Japan and Italy in the 1930s, Barnes argued, led to a needlessly confrontational approach to the Soviet Union. He argued instead that the US should

... return to neutrality ... combined [with] every possible effort to limit warfare, and to encourage better international understanding.²⁵

In 1959, he deplored the fact that

... when we are unable to enforce the law in Little Rock without upsetting the nation, it is proposed that we enforce the law in Saigon, Bangkok, Rangoon, and Nairobi.²⁶

He regretted the fact that American conservatives, who had in many cases opposed intervention in the two world wars, had almost all become vigorous cold war partisans:

the conservatives overlook entirely the fact that this very globalism and spatial fantasy, with the astronomical expenditures involved, are the main cause of the growing statism, debt burden, inflation ... which are destroying the free economy that they abstractly worship. ... The building of a dam costing some millions is denounced as 'pure socialism,' while a rigidly State-controlled armament economy costing forty or more billions each year is hailed as the chief bulwark of free enterprise.²⁷

THE VILIFICATION OF BARNES

Needless to say, Barnes was subjected to sustained vilification for his historical researches. Because of his 1914-18 revisionism he was accused of being a tool of the Prussian general staff. The absurdity of that claim was demonstrated by his enthusiastic pro-

Allied agitation during the first world war, before he came to examine the diplomatic papers relating to that conflict and reverse his position.

For his 1939-45 revisionism, he was accused of being pro-Nazi and an anti-semite. This absurdity was demolished by the distinguished American journalist Clyde R. Miller, who wrote that:

In dealing with race problems, Barnes exposed the fallacies in race prejudice, dealt with civil rights for minorities, and attacked the extremes of anti-Semitism in Hitler's Germany. ... Rabbi Stephen S. Wise distributed one of Barnes' series on this subject by the tens of thousands. But Barnes was often admonished by his Jewish readers not to overlook the Jewish situation in Poland, where there were six times as many Jews as in Germany, and where they were treated as harshly as Hitler treated the German Jews. Barnes' attitude toward the Negro situation in the United States was as broad-minded as that toward the Jews. ... Barnes agreed with Lewis Gannett that the Negroes had been treated worse in the United States than the Jews had been by Germany under Hitler. ... In his *World-Telegram* column he frequently called attention to the danger in postponing a forthright and far-reaching program for the solution of the Negro problem.²⁸

In fact, before 1940 Barnes had been a close friend of the American Jewish community, and a frequent speaker in lectures and debates organised by New York synagogues and Jewish organisations. Unfortunately, because of his outspoken opposition to US intervention in the second world war, and because of his post-war historical revisionism relating to that conflict, a number of Jewish spokesmen and groups turned against him and subjected him to completely unjustified attacks.

For his cold war revisionism, he was accused of being a Soviet apologist. The absurdity of that claim is demonstrated in the following passage:

Stalin and his successors were content with the Cold War because war scares and the alleged threat of capitalistic attack enabled the Politburo to maintain unity and prevent any threat of civil war in Soviet Russia, despite much slave labor and low living standards.²⁹

(One might, indeed, argue in retrospect that the confrontational "brinkmanship" policies towards the Soviet bloc pursued by US Secretary of State John Foster Dulles in the 1950s tended to reinforce Soviet power, while the *détente* of the 1970s at least enabled some progress towards human rights and multilateral disarmament agreements, and an increase in trade. This increase in East-West trade, it might be argued, involved the construction of those modern telecommunications and computer networks which enabled dissident organisations like Solidarity and Charter 77 to function, and gradually led to the peaceful collapse of the entire Soviet system and its transition to multi-party democracies.)

Barnes, in short, was none of these things. Instead, as the late Murray N. Rothbard, the economist who was the most important figure in the development of post-war American libertarianism, wrote of Barnes:

Absolute fearlessness, absolute honesty, absolute independence have been his guiding stars. He has, therefore, been nothing if not "anti-Establishmentarian" in a world where such a quality has been so desperately needed. And his presence has been particularly vital precisely in leading the opposition to the great barbarity of our day — the war system and its manifold intellectual myths.

In the face of the two great wars of this century, and of the enormous pressures to fall into step behind them, Barnes has intrepidly led the revisionist movements in analyzing the causes, the nature, and the consequences of both wars. Revisionism, of course, means penetrating beneath the official propaganda myths spawned by war and the war-making state, and analyzing war independently of court pressures and court emoluments. ... Throughout his life, whether surrounded by

the leading lights of his day or battling alone, whether heaped with laurels or with abuse, Harry Barnes has fought uncompromisingly for truth and justice, for reason and peace. In a century of craven “other-direction,” he has always been his own man ... a worthy embodiment of the better, and let us hope, the truer America.³⁰

Rothbard and other libertarians worked closely with Barnes, recognising the value of his historical researches to the promotion of a free society. Perhaps the most important libertarian colleague of Barnes was James J. Martin, who has written numerous revisionist studies of twentieth century history, quite apart from his well-known works on nineteenth-century anarchism and individualism. His revisionist *magnum opus* is *American Liberalism and World Politics, 1931-41*, a two-volume study of how American “liberals” gradually converted from being peace-mongers in 1931 to being war-mongers in 1941. His two collections of essays, *Revisionist Viewpoints* and *The Saga of Hog Island*, are exceptionally well-informed critical studies of various aspects of the two world wars and the cold war. His most recent pamphlet, *An American Adventure in Book-burning*, deals with American military censorship in 1917-18. Martin is generally considered to be the dean of modern revisionism. What is perhaps most significant in his contribution to revisionism, apart from his extraordinarily detailed knowledge of the twentieth-century English-language literature on politics, warfare and international relations, is his demonstration of the necessity of examining revisionist history as a unit. One simply cannot separate the revisionist history of the first world war, the second world war and the cold war; they are the study of a single phenomenon. Martin’s approach demonstrates the equal absurdity of those conservatives who vigorously opposed American intervention in the second world war but signed up for the cold war after 1947, and that of the “radicals” and “liberals” who wrote perceptive revisionist accounts of the cold war and the Vietnam war but repeated all the hoary interventionist *clichés* relating to 1939-45. All the great crusades of the twentieth century, Martin argues, are based on common illusions and common policies, and must be examined with a common historical methodology, no matter what sacred cows get slaughtered in the process.

No cow is more sacred in the contemporary United States than that country’s relationship with the state of Israel. Another aspect of revisionism of the post-1945 period is the study of American policy in the Middle East. It is a well-known fact that the US has given gigantic financial, military and diplomatic support to the state of Israel since its formation in 1948, regardless of that state’s treatment of the Palestinian Arabs and its invasions of neighbouring countries. The American taxpayer currently gives approximately \$3.5 billion every year in direct economic and military aid to Israel, that is to say over 20% of the total US foreign aid budget to a country which has a population of about 5 million and an advanced economic and technological infrastructure. Since 1948 the American taxpayers are estimated to have handed over about \$150 billion to Israel. This is quite apart from the enormous US diplomatic support for Israel and the unofficial, and often illegal, transfer of military equipment and other technology from US military forces to Israel’s. There is only one reason for this unparalleled “special relationship”, and that is the astonishing power of the pro-Israeli lobby over American governmental institutions. The history of US-Israeli-Arab relations has been critically examined by a number of courageous and informed Jewish scholars, such as Alfred M. Lilienthal, in *The Zionist Connection*, and Noam Chomsky, in *The Fateful Triangle*, as well as by such Arab writers as Edward Said, all of whom have documented US complicity in, and financing of, the wholesale massacres, robberies and repression of Palestinian, Lebanese and other Arab peoples. Lilienthal has emphasised the role of Holocaust propaganda both in encouraging belligerent nationalism and exclusionism among Jews in Israel and in the Diaspora, and in stopping any criticism of Israeli policies or American taxpayer financing of those policies. Some measure of the gratitude awarded to the American taxpayers for the tens of billions of dollars they have poured into

Israel is given in James M. Ennes, Jr’s *Assault on the Liberty*, an account of the Israeli attack on the US communication ship *Liberty* during the 1967 war, which killed 34 sailors and injured another 117 in an attempt to prevent the Americans from learning about Israel’s plans for the illegal seizure of more Arab territory. The Israelis intended to kill the *Liberty*’s entire crew and blame the attack on the Egyptians. The author was a US Navy officer on board the *Liberty* at the time of the attack, which, he demonstrates, was successfully covered up by the US authorities for a decade. Richard Deacon’s *History of the Israeli Secret Service* describes the Lavon affair of 1954, in which the Israeli government deliberately arranged for the bombing and murder of Americans and Britons in Egypt, in order to blame the Nasser government and rupture its relations with the West. The systematic informal suppression of criticism of Israel or sympathy for the Arabs in the US is given in *They Dare to Speak Out*, by Paul Findley, a former Congressman who lost his seat because he gave some circumspect criticism of American support for Israeli policies and was immediately targeted by the pro-Israeli lobby and unseated at the next election. In their book *Publish It Not*, Christopher Mayhew, a former Labour under-secretary of state at the Foreign Office, and Michael Adams, a former *Guardian* Middle East correspondent, documented the informal suppression of criticism of Israel in the media and political forums in Britain.

The Middle East is an important area for revisionists because recent Western military interventions in that region have been carried out primarily in support of Israeli strategy. In 1986, for instance, the US Air Force carried out a bombing of Libya, which killed numerous civilians, from bases in Britain. (None of America’s other European allies would permit such a breach of international law being carried out from their territory.) The raid was carried out not because of Libyan backing for “terrorism”, which was never proven, but because the Israeli government wanted Colonel Gaddafi humiliated. The Israelis also regard Saddam Hussein’s Iraq as a major enemy, and the Gulf War of 1991, in which over 100,000 Iraqi civilians are believed to have been killed by bombing, was fought largely at the behest of Israel. Since then, economic sanctions have caused the death by starvation and disease of hundreds of thousands of Iraqi civilians, mainly children. Revisionists warn that the suppression of the vital facts about the history and current situation in the Middle East has led to policies which have severely damaged Western relations with the Arab and Moslem nations, and may lead to the British and American peoples being dragged into further wars.

The usual response of the Israeli lobby is to talk about “anti-semitism” at any criticism of Israeli policies or the size of the US economic and military contribution to Israel. This is complete nonsense. One could point to Britain, the Republic of Ireland, Italy, Germany, Poland or any number of countries from which millions of Americans are descended, and with which the US enjoys excellent relations, without handing over billions of dollars in aid, and without handing those countries control over US policy in Europe. Yet nobody claims that US policy towards these countries is “anti-British”, “anti-Irish”, “anti-Italian” or whatever. Those Americans — Jewish and Gentile alike — who are courageously breaking the taboo on this subject are simply proposing that the US should enjoy similar relations with Israel as it does with the countries just mentioned.

CRUSADING IN THE MIDDLE AGES AND THE TWENTIETH CENTURY

I have described at some length the development of the revisionist school of history relating to the two world wars, the cold war and the Middle East. It is not expected that every reader will agree with any or all of the ideas which that school encompasses, or that the authors I have cited by any means agree with each other on any issue at all. The only point I wish to make with this description is the fact that revisionist history has been a significant dissident and minority view on the events of the twentieth century. Unless the reader takes the totalitarian view that the crimi-

nal law should prohibit historians from challenging the official government line on any historical question, it is surely healthy in a free society to have a variety of interpretations of historical questions available which must stand or fall in the free market of ideas.

Above I compared Woodrow Wilson's war rhetoric of 1917 with the preaching of the First Crusade by Pope Urban II in 1095. The comparison between the medieval Crusades and the great crusades for "democracy", "civilisation", "the rights of small nations", and so on, in the twentieth century, has been made explicit by the Reverend John Godfrey in his history of the Fourth Crusade of 1204, in which the Crusaders were diverted from the Holy Land to the Byzantine Christian city of Constantinople, which they looted and put to the torch and the sword. Godfrey writes:

Moral idealism joined with strenuous effort, even with armed conflict, has indeed come to characterize the twentieth century scarcely less than it did the early Middle Ages, and we have seen a revival of the doctrine which justifies physical violence in the service of religion and humanity. ... [T]he study of the Crusades is all too often bedevilled by a reluctance to try to understand the medieval mind. It is easy, for example, to ridicule the early medieval obsession with relics; and yet a man like John of Salisbury (who died in 1180), greatest scholar of his time, political philosopher, administrator, humanist, and distinguished for his integrity and common sense, had as one of his personal treasures a phial containing some drops of the blood of St. Thomas of Canterbury. The Conquest of Constantinople, to westerners of 1204, far from being a 'crime', was eminently respectable. To us it is otherwise, an event made possible by an amalgam of feudal honour, martial courage, Christian idealism, French vanity, Venetian maritime skill, and human greed. It is a tale of men enmeshed in the toils of their own miscalculations, many of whom were to die 'of love for dreams that were and truths that were not', and is European history's most outstanding instance of the dangers which lie in using physical force in the quest for the good.³¹

Any valuable account of the medieval Crusades, such as Sir Stephen Runciman's monumental three-volume history, does not use as its historical sources merely the chronicles of those events written by the crusaders themselves, which, as one might expect, are full of religious self-righteousness, denunciation of the heathen, and uncritical enthusiasm for the great quest in which they were engaged. On the contrary, the historian would base his history primarily on original documents, and would treat such partisan chronicles with a high degree of scepticism. He would also examine Byzantine chronicles, such as the *Alexiad* of Anna Comnena, daughter of the Byzantine emperor, as well as Arab sources which, as Amin Maalouf has demonstrated in *The Crusades through Arab Eyes*, described the Crusades as a frightful series of invasions by destructive and primitive barbarians against a superior Islamic civilisation. The revisionist historians of the great crusades of the twentieth century simply argue that the same critical and disinterested approach must be taken to the examination of all the great conflicts and events of our time, and of the ideas and assumptions relating to them.

A reading of history indicates that Americans seem to be particularly attracted to the "crusading" approach to international relations, which Europeans generally abandoned with the decline in the crusading ideal in the later middle ages, although they have revived it at intervals ever since then, especially during the religious wars of the sixteenth and seventeenth centuries and the two world wars of the twentieth century, and to some extent after the French revolution. The essential techniques have remained unchanged since the holy wars of the middle ages. There is the construction of the propaganda image of The Enemy, a person or nation so evil and powerful, and who has committed so many monstrous atrocities, that only his or its total annihilation can save the world from infamy. There are martyrs whose life histories and relics can be manufactured to order, regardless of the histori-

cal reality. There is the appeal not only to patriotism but also — significantly — to quasi-religious and messianic concepts such as "the Union", "the war to end all wars", "making the world safe for democracy", or "the new world order", which put the recipient into a state of enthusiasm where he will believe virtually any propaganda, however improbable. In such a psychological — and physiological — state, the overwhelming majority of individuals will, at least for a time, do virtually anything that they are asked to do, and not only that, will in many cases go above and beyond the call of duty in the required direction. In such a state an ordinary man, who in civilian life might stay up all night in order to rescue a neighbour's kitten stuck in the branches of a tree, can be induced to commit atrocities which equal anything committed by the ancient Assyrians or the medieval Mongols. A full-length study of such phenomena would require the consideration of hundreds of sources, including not only historical examples of propaganda and their documented affect on human behaviour, but also such authoritative works as Gustave Le Bon's classic study of crowd psychology, Jacques Ellul's study of propaganda, Ivan Pavlov's neurological researches and the Behaviourism of B. F. Skinner, together with all the major schools of psychological interpretation, from Sigmund Freud's pioneering researches into the unconscious and Carl Jung's studies of symbols and archetypes to the contemporary "neuro-linguistic" model of the mind.

When the Southern states seceded from the American Union in 1860-61, as they believed they were lawfully entitled to do under the United States Constitution, a colossal propaganda campaign was mounted in the Northern states which incited the quasi-religious fanaticism in the Union armies which is reflected in the "Battle Hymn of the Republic" which is still sung in churches today. This fanaticism accounts for the wholesale destruction which the Northern armies inflicted on the South during their conquest of it, destruction so severe that the economy of Georgia did not recover its GDP of 1860 until 1911. When the United States mounted its war of aggression against Spain in 1898, the Hearst press manufactured the illusion that Spanish galleons were off the coast of New Jersey in order to induce war hysteria, an episode which was reproduced in the film *Citizen Kane* (US, 1941), directed by Orson Welles. Speaking of Welles, we have all heard of the mass panic induced in the north-eastern United States in 1938 by his radio adaptation of *The War of the Worlds*, by H. G. Wells, which took the form of a spoof radio news report about a Martian invasion. It is worth noting that during the process of "brainwashing" which was carried out by the North Koreans and Chinese on prisoners of war during the Korean war, the brainwashers found that they achieved significantly better results with Americans than they did, for instance, with British, Turkish or South Korean PoWs. Since that time, television has become the dominant medium in the formation of mass opinion. During the Gulf War of 1991 it was noted that the American forces, as distinct from their allies, went out of their way to kill and injure as many Iraqis, civilians and soldiers, as possible. Iraqi food, water, electricity and medical supplies, as well as the civilian population, were treated as military targets. Saddam Hussein's birthplace, the city of Tikrit, which had no military function whatsoever, was totally destroyed, with half its population killed and most of the rest injured, by the US forces. There was little protest in the United States against this atrocity. By contrast, the publicity generated about the My Lai massacre in 1968 and the invasion of Cambodia in 1970 brought millions out on the streets in protest against the American intervention in Indochina. It all depended on how the media presented the situation. Such conditioning must be taken into consideration in the writing of the history of modern warfare.

NO HISTORICAL QUESTION IS EVER FINALLY SETTLED

No historical question can ever be regarded as finally settled. Indeed, among those who accept that the Holocaust happened, there is considerable controversy about interpretation. For instance, in *Zionism in the Age of the Dictators*, Lenni Brenner has sought to

demonstrate that the Zionist leaders collaborated actively with the Nazis, because both wanted to get the Jews out of Europe and into Palestine. Brenner argues that Zionist leaders even sacrificed Hungarian Jews to the Nazis in order to ensure the flow of immigrants to the Promised Land. In *Hitler's Willing Executioners*, Daniel Goldhagen argues that the mass of ordinary Germans, and not simply a small minority of Nazis and SS members, were active participants in the Holocaust. The controversy over Goldhagen's book has led to civil lawsuits in the US, and attempts are being made in the American civil courts to prevent the publication of a reply to his thesis, entitled *A Nation on Trial*. Arno Mayer's *Why Did the Heavens Not Darken? The Final Solution in History* points to the rarity and unreliability of historical evidence relating to the gas chambers in the Nazi concentration camps, and argues that the extent of the Holocaust has been exaggerated. All these books, and many others about the Holocaust, are highly controversial, and the subject of heated debate. But nobody is demanding that their authors, publishers or distributors should be fined or imprisoned. So why should there be laws against the argument that the Holocaust never happened at all?

The denial of the Holocaust is the most controversial form of revisionism, and one which many Jewish people certainly find deeply objectionable. Nevertheless, the view that Holocaust revisionists are "all Nazis and anti-semites" has no basis in fact, and even if it did, that would not be a justification for making the expression of their beliefs a criminal offence. They are individuals who believe that what they are saying is true and needs to be said. Their arguments must stand or fall in the free market of ideas. Any attempt to suppress such individuals' opinions through bans, prosecutions and imprisonment is an evil far greater than any offence which may be caused by the expression of those opinions.

In 1978 the Institute for Historical Review (IHR) was founded in California, primarily with the purpose of promoting Holocaust revisionism. The IHR brought together a number of the second world war and cold war revisionists who had worked with Barnes (who died in 1968), as well as writers who denied that the Holocaust had taken place, a position which Barnes never explicitly took. The IHR is sometimes described by its enemies as a Nazi front organisation, but the reality is very different. In fact it has brought together, in its conferences and publications, individuals as diverse as Jewish anti-Zionists, members of the Ku Klux Klan, radical black separatists, the best-selling American historian John Toland, speakers from several countries in Europe, North and South America, the Arab states and Japan, and two former Waffen-SS generals. Perhaps the IHR deserves some sort of community relations award for bringing such a diverse selection of people together on amicable terms!

Unfortunately, however, the legislatures of a number of Western countries have introduced laws which restrict or eliminate, in one way or another, the right to deny that the Holocaust happened, and stipulate civil and criminal penalties for doing so. In addition, the authorities in some countries have taken measures to prevent Holocaust revisionists from entering or speaking in their countries, in some cases without lawful authority to do so. Although Britain has no laws restricting Holocaust denial, the American Holocaust revisionist Fred A. Leuchter was deported from Britain in 1991. Although Leuchter had entered the country lawfully, the police arrived at a meeting at which he was speaking, asked the chairman of the meeting (David Irving) to summon Leuchter in mid-speech, and took him to a police station, where he was kept in a cell in sub-zero conditions for many hours before being deported back to the US. This arrest and deportation was carried out without any legal authority, as Leuchter had not broken any UK laws. Such a deportation can only be considered to be a politically-motivated restriction on freedom of expression.

We will now examine how the law relates to Holocaust revisionism in four countries: France, Canada, Germany and the United States.

FRANCE: FROM RASSINIER TO FAURISSON

The country in which Holocaust denial arguments first made a significant impact in intellectual and public opinion was France. I have mentioned above Paul Rassinier, the former inmate of Nazi concentration camps who denied that any exterminations had taken place in them. French law enables prosecutions for such concepts as "group libel" and "falsification of history" by private organisations, and Rassinier was prosecuted on this basis by an organisation of concentration camp survivors. He was sentenced to fines, a suspended prison sentence and the court-ordered destruction of one of his books, although this conviction was later overturned by the Supreme Court of Appeal. François Duprat, a member of the *Chambre des Députés* and a founder of the National Front (FN), the political party now led by Jean-Marie Le Pen, was an active distributor of Holocaust denial material before he was murdered, and his wife severely injured, by a car bomb placed by persons unknown.

Beginning in 1974, Professor Robert Faurisson, of the University of Lyons-2, began publishing articles and books denying the existence of gas chambers in Nazi concentration camps. Two of these articles were published in *Le Monde*, France's leading national daily paper, in 1978 and 1979. Professor Faurisson's views had a considerable impact in France, and attained a surprising degree of support in sections of the political far left. A lengthy interview in which Faurisson expounded his case appeared in the mass-circulation Italian magazine *Storia Illustrata* in 1979, and a three-hour programme was broadcast on Swiss television in which Faurisson and another Holocaust revisionist engaged in a debate with two concentration camp survivors and two orthodox historians. Faurisson also wrote a pamphlet arguing that *Anne Frank's Diary* is a post-war fabrication, written by her father, Otto Frank. Faurisson's books were published by a left-wing libertarian organisation called *La Vieille Taupe*, led by Pierre Guillaume. This group took the view that the constant emphasis on the Nazi Holocaust distracted attention from crimes committed by other nations, and therefore provided Faurisson with a platform for his views. As a result of the expression of his revisionist beliefs, Faurisson was subjected to severe harassment and physical violence, and the withdrawal of research facilities, and was eventually deprived of his tenure and prevented from teaching. Serge Thion, a French sociologist of left-wing political opinions, organised an international petition in defence of Faurisson's right to academic freedom and freedom of expression, which read, in part:

Dr. Faurisson has served as a respected professor of twentieth-century French literature and document criticism for over four years at the University of Lyon 2 in France. Since 1974 he has been conducting extensive independent historical research into the "Holocaust" question. Since he began making his findings public, Professor Faurisson has been subject to a vicious campaign of harassment, intimidation, slander, and physical violence in a crude attempt to silence him. Fearful officials have even tried to stop him from further research by denying him access to public libraries and archives.³²

This petition was signed by 500 prominent individuals, including Professor Noam Chomsky, of the Massachusetts Institute of Technology, who is the world's greatest living philosopher of linguistics, and the anti-Zionist American Jewish writer Alfred M. Lilienthal. Professor Chomsky wrote a statement which was used without his knowledge as a preface to one of Faurisson's books, stating that Faurisson was "a relatively apolitical liberal of some sort".³³ He found "no proof" that Faurisson was an anti-semite, even though the latter claimed that the Holocaust was a "Zionist lie". Chomsky later asked:

Is it antisemitic to speak of Zionist lies? Is Zionism the first nationalist movement in history not to have concocted lies in its own interest?"³⁴

He said that

... for those who have learned something from the eighteenth century (say, Voltaire), it is a truism, hardly deserving of discussion, that the defense of the right of free expression is not restricted to ideas one approves of, and that it is precisely in the case of ideas found so offensive that this right should be most vigorously defended.³⁵

Chomsky believes that the right to freedom of expression is inherent in the individual, and is not dependent on what the authorities choose to “allow” because it might prove to be valuable:

[N]o one should have the authority to “allow” anything, and — crucially — I don’t at all argue that the reason for “allowing” free expression of thought is that things that work (or are valuable) might be suppressed otherwise. The right of freedom of thought is far more fundamental than that, and the right of free expression of what one thinks (however crazy) is also far beyond these pragmatic considerations. I simply do not agree that the state, or any other system of organised power and violence, should have the authority to determine what people think or say. If the state is granted the power to shut me up, my counterargument is not that what I am saying might be valuable. That would be a contemptible position, in my view (though I recognize that it is the standard one of the people called “libertarians,” back very far).³⁶

Chomsky noted that Faurisson had been charged with being an anti-semitic and a National Socialist, and that these were “serious charges that require evidence”. Chomsky noted that Faurisson

... had written letters to the press (which they refused to publish, apparently) praising the heroism of the Warsaw ghetto fighters and in general, praising those who fought the ‘good fight’ against the Nazis; and that he had privately published pamphlets denying the existence of gas chambers.³⁷

The French press attacked Chomsky for his uncompromising defence of intellectual freedom in what became known as *l’affaire Faurisson*, without giving him the opportunity to reply. In 1981 an interviewer for *Le Nouvel Observateur* “modified” Chomsky’s replies to the paper’s questions in order, in Chomsky’s words, “to accord with [the paper’s] ideological needs”. The paper then refused to publish the questions with Chomsky’s original replies. Chomsky’s replies to articles attacking him in *Le Matin de Paris*, *Le Monde* and *Les Nouvelles littéraires* were not published, and *Libération*, he recalled, “demanded that I cut out criticisms of France and Marxism, and when I refused, they wouldn’t print” his reply.³⁸ He remarked that

It is striking that in France, alone in Europe, the press has regularly refused to grant me the right of response to lies and slander, though I read about a ‘debate’ that is supposedly in progress.

He notes that

... for one thing, France does not have a civil libertarian tradition of the Anglo-Saxon variety. For another thing, there simply is a totalitarian strain among large segments of the French intelligentsia. Marxism-Leninism and Stalinism, for example, were much more viable and significant doctrines among the French than in England or the United States. What’s called the left, especially in France, has a large segment that is deeply authoritarian.³⁹

Throughout the 1980s prosecutions and civil suits against Faurisson and other Holocaust revisionists continued. In 1980 Faurisson made the following statement in a radio interview:

The alleged Hitlerian gas chambers and the so-called genocide of the Jews form a single historical lie whose principal beneficiaries are the State of Israel and international Zionism and whose principal victims are the German people, but not its leaders, and the Palestinian people in its entirety.⁴⁰

Faurisson was referring to the fact that the Holocaust is constantly used as a justification for the Israeli massacre, repression and appropriation of the Palestinian people, and the fact that the German

taxpayers have paid billions of Deutschemarks in reparations both to the state of Israel and to individual Jews throughout the world on the basis that the Holocaust is an historical fact. For making this statement, in 1983 the Court of Appeal convicted Faurisson of reducing his research to malicious slogans. He was fined and forced to make restitution to various Holocaust survivor and anti-racist organisations.

In 1985, the University of Nantes awarded a PhD to Henri Roques, one of Faurisson’s associates, for a dissertation which challenged the veracity of the Gerstein statements, which testified to the operation of Nazi gas chambers at Treblinka and Belzec. In 1986, in an unprecedented state intervention against academic freedom, the minister of higher education in Paris announced that Roques’ degree was revoked. For the state to unilaterally revoke a degree awarded by a university is a severe violation of the principle of the autonomy of the university which has been a foundation-stone of Western civilisation since the high middle ages.

In 1990 the Chambre des Deputés passed a “law on the falsification of the history of the second world war”, which is known as the Gayssot law after the politician who proposed it, who is currently the communist minister of transport in the French government. The Gayssot law makes it a criminal offence to deny the reality of any of the “crimes against humanity” for which the German leaders were charged at the International Military Tribunal at Nuremberg in 1945-6. In 1991, Faurisson was convicted under this law for calling the Holocaust a “lie of history”,⁴¹ although the court denounced the law under which he had been tried and convicted.

The extraordinarily wide sweep of this law was demonstrated when Fabrice Saulais, a reporter on the French weekly *Minute La France*, carried out an interview with the British historian David Irving at the latter’s home in London which was published in the magazine in 1992. In this interview, Irving made two remarks about the Holocaust which, it was claimed, broke the law. A committal order for trial was sent to the interviewer, to Serge Martinez, publisher of *Minute La France*, and to Serge de Betch, the paper’s editor, as well as to Irving in London. Martinez was prosecuted for “the offense [sic] of denying crimes against humanity” by publishing the interview, while the other three were prosecuted for being “the accomplices of the offence of denying the crimes against humanity committed by Mr. Serge MARTINEZ, by supplying to the latter the means to commit this offense, knowing that they would be used for this purpose.”⁴² Even some of the words Irving had used were censored on the committal order. All four defendants were convicted, including Irving, even though his home in London, where the “offence” (that is, the interview) was committed, is generally understood to be outside French jurisdiction, even in this age of European unification. The court fined Irving about £500 for this “crime”. Irving commented:

I have not been in France for years. Either the French government is off its rocker or my opponents are entering the final frenzy of defeat. The new French law ... is one that every historian should detest. It even becomes a criminal offence to state that the Russians, rather than the Nazis, killed the Poles at Katyn. It is designed to stifle all historical debate, which is what my opponents want.⁴³

(Irving refers to the fact that 23,000 Polish officers and intellectuals, who became prisoners of war when the Soviet Union invaded Poland in 1939, were murdered by Stalin’s secret police in 1940 and buried in the Katyn Woods in Russia. In 1943 their bodies were discovered and exhumed by the Germans. Although an international commission of experts assembled by the Germans demonstrated that the Soviets had massacred the Poles, at Nuremberg the Germans were nevertheless charged with and implicitly convicted of the Katyn massacre. In 1990, in an admirable and courageous gesture to the Polish people, Mikhail Gorbachev publicly and definitively stated that the Soviet NKVD, and not the Germans, had carried out the Katyn murders, thus ending half a

century of Soviet deception on the subject. Apparently the news hasn't reached France yet.)

Remarkable as it may seem, even the interpretation of the Holocaust in an unauthorised manner can bring about a conviction. In 1998 Roger Garaudy, aged 84, a sociologist and Muslim convert, was fined £12,000 for claiming that the Holocaust did not merit the status of a crime against humanity because it was "merely" an atrocity, morally no worse than the bombings of Hiroshima and Dresden. In his 1995 book *The Founding Myths of Israel*, Garaudy wrote that a large proportion of the Jewish victims of the Nazis was not gassed but died instead of typhus, neglect and starvation.⁴⁴ Despite such prosecutions, the French authorities have not succeeded in suppressing Holocaust revisionism, which is widely disseminated over the Internet.

Professor Pierre Vidal-Naquet, whose mother died at Auschwitz in 1944, is a Classical scholar who, as we saw above, is the most outspoken French opponent of the Holocaust revisionists. He opposes laws aimed at criminalising Holocaust denial:

Every society has its sects and its madmen. Punishing them would serve only to work toward their proliferation. It is with such individuals as with secret police agents or spies. Once they have been identified it is best to keep an eye on them and not let them out of sight. If they are arrested or expelled, others will show up to replace them and will be harder to locate. Judicial punishment is a dangerous weapon and can be turned against those using it. The lawsuit brought against Faurisson in 1978 by several antiracist associations ended with a decision by the Paris Court of Appeals on April 26, 1983, which recognized the seriousness of Faurisson's work — which is quite outrageous — and finally found him guilty only of having acted malevolently by summarizing his theses as slogans. Germany has experimented with legislation specifically aimed at deniers of the genocide. Judging by the quantity of openly or discreetly revisionist publications in that country, one is hard put to view the effort as very successful. Perhaps contempt is a more effective weapon.⁴⁵

CANADA: THE HOLOCAUST ON TRIAL

Among the English-speaking countries, Canada is the one which has moved furthest from a legal framework which guarantees the right of the individual to freedom of expression. It is quite extraordinary how readily the Canadian authorities introduce laws restricting freedom of expression and zealously enforce those laws. Ursula Owen, editor of *Index on Censorship*, has recently written:

[US feminists] Catherine MacKinnon and Andrea Dworkin's now famous campaign to outlaw pornography was based on their view that pornography is in effect hate speech: it treats women as sexual objects and subordinates them in a vile way to men. Though they did not succeed in persuading the US courts, the Canadian legislature did introduce a severe censorship law. But the first authors to be banned under the new Canadian statute were not those the feminists had in mind. They were prominent homosexual authors, a radical black feminist accused of stirring up race hatred against white people and, for a time, Andrea Dworkin herself. Liberals who had warned against the dangers of censorship felt vindicated.

Censorship backfires: the biter gets bit. The powerful and painful paradox of laws against hate speech is that again and again they have been turned against the very people we would see as the victims of that same hate speech. In Eastern Europe and the former Soviet Union, laws against defamation and insult were used to persecute critics of the Communist regimes. In Turkey the law was used against Ismail Besiki, Turkish scholar, for his writings on the human rights abuses against the country's Kurdish population. The South African laws against racial hatred under apartheid were used systematically against the victims of the state's racist policies. Even Alex Hailey's *Roots* was banned on the grounds that for

black viewers 'the polarisation of racial feeling was likely to be intensified'.⁴⁶

These insights do not seem to have penetrated Canadian territory. In addition to very strict laws against "incitement to racial hatred", "group defamation" and the like, Canada has enacted "human rights" legislation which enables organised groups to apply to the government for the banning of any specific book or periodical to which they object. The publication then becomes illegal to either sell or bring into the country. Canadian Customs has a lengthy *index librorum prohibitorum* of publications which are to be confiscated if found in the possession of any person entering the country or in a shipment of goods being delivered to a Canadian address. Believe it or not, this list includes such titles as *The Anti-Christ*, by Friedrich Nietzsche, a significant landmark in Western philosophy; *One Day in the Life of Ivan Denisovich*, by Alexander Solzhenitsyn, which was lawfully published in the Soviet Union in 1961; the American conspiracy theory bestseller *None Dare Call It Conspiracy*, by Gary Allen; *The Life of an American Jew in Racist, Marxist Israel*, by Jack Bernstein, an autobiographical account by an American immigrant to Israel who became disillusioned with the Promised Land and returned to the United States; and *Britain's Blunder*, a critique of British foreign policy before and during the second world war, by Peter Nichol, a Scottish clergyman. In addition, numerous Holocaust denial, historical revisionist, anti-Zionist, racist, pornographic and just plain peculiar titles appear on the list, together with manuals about lock-picking, fake identification, getting revenge and committing murder. In 1984 (*sic*) *The Hoax of the 20th Century*, by Professor Arthur R. Butz, the best-known Holocaust denial book, was placed on the list at the behest of B'nai B'rith Canada's League for Human Rights (*sic!*). Citing the Customs ban as legal justification, officers of the Royal Canadian Mounted Police seized copies of the book from the library of the University of Calgary.⁴⁷ Perhaps the RCMP's motto should be changed to "the Mounties always get their book".

In 1985, Ernst Zündel, a German immigrant to Canada and an openly National Socialist political activist, was prosecuted for "knowingly spreading false news" under an obscure nineteenth-century law. Zündel was prosecuted for distributing two pamphlets. One was *The West, War and Islam*, which argued that an alliance of Freemasons, Marxists, bankers and Zionists was plotting to take over the world. The other was *Did Six Million Really Die?*, which was written under a pseudonym by Richard Verrall, a prominent member of the (British) National Front. This pamphlet had been widely circulated worldwide since the 1970s, and was favourably reviewed by the famous author Colin Wilson in the British literary journal *Books and Bookmen* on its publication in 1974. The Zündel trial in effect became a trial of the Holocaust itself, with experts from both sides putting arguments for and against the historicity of the Holocaust. Eventually Zündel was acquitted with regard to *The War, West and Islam*, but convicted with regard to *Did Six Million Really Die?* and sentenced to 15 months' imprisonment. In 1987 the Ontario Court of Appeal overturned the judgement and ordered a new trial. In 1988 the second Zündel trial took place, and once again experts from both sides put forward the case for and against the truth of the Holocaust. During this second trial, the American gas chamber expert Fred A. Leuchter, who has designed and constructed execution facilities for several American states, went to Auschwitz and Majdanek and wrote a forensic report on the gas chambers there, claiming that they could not have been used for homicidal gassings. Again Zündel was convicted and imprisoned, this time for nine months, and again he appealed, and was released after a few days. In 1992, in a significant victory for freedom of expression, the Canadian Supreme Court threw out Zündel's conviction when it ruled that the law under which he had been prosecuted was too vague and possibly restricted legitimate forms of speech.⁴⁸

However, Zündel is currently on trial before the Canadian Human Rights Commission (*sic*) for allegedly creating and maintaining an Internet website based in the United States which contains "hate

literature". Although Zündel denies that he controls the site, his ex-wife has testified that he either writes or approves all the material that goes on it. It is the first case to apply Canada's "human rights" legislation to the Internet.⁴⁹ The example of Canada stands as a terrible warning as to what can happen even in a country with the Anglo-Saxon legal system when restrictions on freedom of expression are allowed to go unchallenged.

GERMANY: BEYOND KAFKA AND ORWELL

Germany has by far the most severe censorship laws of any Western country, and in some respects in the world. Its censorship laws are not, and do not claim to be, run according to libertarian principles. More than 2,400 videos and laser discs and some 200 films are banned, mainly for containing pornography, blasphemy or horror, or for glorifying violence. Almost every film for adults is cut. Hundreds of books, comics, magazines and records are banned for the same reasons. Books with titles like *Cooking with Cannabis* and *Psychedelic Chemistry* are banned, as is the novelisation of the horror film *Nightmare on Elm Street*. Even the BBC's sound effects records *Death and Horror* and *More Death and Horror* are banned.⁵⁰

Quite apart from such cultural and artistic censorship, political censorship is severe, with heavy restrictions on "extremist" propaganda of all kinds, whether of the left or the right. Since the formation of the Federal Republic in 1949, Germany has had strict laws against both the promotion of National Socialism and the dissemination of historical arguments seeking to exonerate or praise Hitler and the Third Reich. Pamphleteers have even been prosecuted for questioning the authenticity of *Anne Frank's Diary*. The Office for the Protection of the Constitution has lists of banned "youth-endangering literature", which includes not only Holocaust denial material, National Socialist political works, and historical writings which seek to exonerate or praise some aspect of the Third Reich, but even biographies of second world war military and aviation heroes and histories such as Erich Kern's *Adolf Hitler und das Dritte Reich*. It is illegal to sell or publish new copies of *Mein Kampf*, to shout Nazi slogans, to watch *Triumph des Willens* (Germany, 1936), the film of the 1934 Nuremberg rally which was directed by Leni Riefenstahl, in a public cinema, or to display swastikas, vintage jackboots or SS helmets in public. Those Third Reich medals which contained a swastika or SS motif were reissued in new designs by the West German government after the war to those who had been awarded them. These laws are strictly enforced, with raids on homes and offices, the court-ordered destruction of banned literature and the plates used to print them, and substantial prison sentences for their promoters. Paul Oppenheimer, professor of English and comparative literature at the City College of New York, asks,

Is it not a grotesque irony, one exceedingly difficult for any free-speech purist to accept with equanimity, that 60 years after the Nazi *auto-da-fé* of books by Mann, Freud, Zola, Proust, Remarque and Einstein in a square opposite Berlin University, the latest twentieth century democratic government is engaged in the same sort of suppression of free expression, albeit this time of Nazi ideas? May not German history simply be continuing by other means down a familiar constrictive path?⁵¹

Yet these restrictions are supported by most educated Germans. Thomas Lundmark, an American professor of Anglo-American law at the University of Münster, noted in 1997 that

I have never, in years of living in Germany and talking with numerous people about this issue, found a single German who favours repeal of the prohibitions.⁵²

Such attitudes account for the severity of German laws against Holocaust denial. A Hamburg judge, Dr Wilhelm Stäglich, who claimed to have been stationed at Auschwitz during the war, wrote a book denying that exterminations had taken place there. The government banned the book, seized all unsold stocks from the publisher and melted down the printing plates. Dr Stäglich

was forcibly retired from the judiciary and had his pension cut. The University of Göttingen deprived him of the degree of Doctor of Jurisprudence which it had awarded in 1951. Thies Christophersen, a former Wehrmacht officer who also claims to have been stationed at Auschwitz, and who wrote a pamphlet which denied that exterminations occurred there, was prosecuted and fined several times before he recently died in exile in Denmark.

In 1991, Guenter Deckert, head of the National Democratic Party (NPD), organised a meeting at which Fred A. Leuchter, the American Holocaust revisionist, presented his view that the gassing of Jews at Auschwitz was technically impossible. Deckert was prosecuted and convicted of incitement to racial hatred for arranging this meeting. In March 1994 the Federal Court of Justice overturned the conviction on the ground that simply denying the Holocaust did not constitute incitement, and it ordered a new trial to determine whether Deckert "sympathised with Nazi beliefs" and was guilty of "insulting and denigrating the dead".⁵³ Deckert was tried and convicted again: three judges ruled that he did sympathise with Nazi beliefs and did insult the dead. They gave him only a suspended one-year prison sentence and a light fine, declaring that his only crime consisted in expressing an opinion. Then they added — quite remarkably — that he was a good family man, that his opinions were from "the heart", and that he was only trying to strengthen German resistance to Jewish demands. Two of the judges were relieved of their duties for "long-term illness", the only available ground for that action, and although they were later returned to court, some other judges refuse to sit with them. In December 1994, the Federal Court of Justice overturned Deckert's light sentence, and ordered a third trial.

In 1994 the German constitutional court ruled that Holocaust denial is not protected by free speech, and upheld an official ban on an historical conference where the British historian David Irving was due to speak. In the same year the Bundestag passed a new law declaring it to be a crime, punishable by up to five years in prison, to deny the Holocaust, whether or not the speaker believes the denial. The law has been enforced with remarkable thoroughness. In 1995, Ewald Althans was sentenced to three-and-a-half years in prison for denying the Holocaust. In 1992 he had told tourists queuing up to visit Auschwitz (which is, of course, in Poland, and not under German jurisdiction):

This was not a death camp. It was a concentration camp like the Jews have built for the Palestinians in Israel.⁵⁴

He was recorded saying this in *Beruf: Neo-Nazi*, a documentary film which was itself banned for its lack of critical comment about the neo-Nazi movement. (It turns out that Althans had become a paid agent of the German government. He served three weeks and was then released.)

In 1995 the police searched the headquarters of a neo-Nazi newspaper and seized copies of an issue reviewing a Danish book which denied the Holocaust. In 1995 a Hamburg court ruled that someone who left a message on an institutional answering machine stating that the film *Schindler's List* won an Oscar because it perpetuated the "Auschwitz myth" was not guilty of the crime. Such was the outcry at this acquittal that the man was tried again. Holocaust deniers have successfully turned these trials into forums for their views and opportunities to present themselves as martyrs on the altar of freedom of speech: Althans' trial in Munich featured hours of videos of Hitler's speeches and other Nazi propaganda.

In 1993 Irving was fined DM30,000 (then around £13,500) by the Munich courts for stating in a lecture that the gas chamber shown to tourists at Auschwitz is a fake. He was also banned from German archives and territory in perpetuity. The Auschwitz authorities now tell tourists, when asked, that the gas chamber is a post-war reconstruction of the original, which was destroyed by the Nazis when they evacuated the camp.

Sometimes the enforcement of the law goes beyond anything imagined by Orwell or Kafka. In 1996 Deckert chaired a meeting

addressed by Irving which was announced as an exposition of Irving's opinions about the Holocaust. Police officers were present, and made a video recording of the meeting. In his speech, Irving did not, in fact, deny that the Holocaust occurred. Nevertheless, Deckert was prosecuted, convicted and sentenced to two years in prison because the court, on viewing the video, decided that Irving had *intended* to deny the Holocaust in his speech, and Deckert, as chairman of the meeting, was therefore a party to that intention. At the time of writing, Deckert is still in prison for this "crime". At another public meeting, Irving repeated the statement of Dr Piper, director of the Auschwitz museum, that the number of inmates who died at Auschwitz was 1.1 million, rather than the four million which had previously been claimed. Irving was prosecuted and fined DM30,000 (about £12,000) for making this statement, and was refused leave to present evidence of Dr Piper's statement in his defence. (Most historians of the Holocaust do in fact accept that Piper's figure is more accurate than the earlier one.)

The dangers inherent in the German approach to Holocaust denial are described by Ronald Dworkin, professor of jurisprudence at Oxford University, who is a vigorous supporter of freedom of expression on this — and every other — issue:

It is implausible that allowing fanatics to deny the Holocaust would substantially increase the risk of fascist violence in Germany. Savage anti-Semitic crimes are indeed committed there, along with equally savage crimes against immigrants, and right-wing groups are undoubtedly responsible for much of this. But these groups do not need to deny that Hitler slaughtered Jews in order to encourage Hitler worshippers to attack Jews themselves. ... We must not endorse the principle that opinion may be banned when those in power are persuaded that it is false and that some group would be deeply and understandably wounded by its publication. The Creationists who banned Darwin from the Tennessee public schools in the 1920s were just as convinced about biological history as we are about German history, and they, too, acted to protect people who felt humiliated at the centre of their being by the disgraceful new teaching. The Muslim fundamentalists who banned Salman Rushdie were convinced that he was wrong, and they, too, acted to protect people who had suffered deeply from what they took to be outrageous insults. Every blasphemy law, every book-burning, every witch-hunt of the right or left, has been defended on the same ground: that it protects fundamental values from desecration.

Beware principles you can trust only in the hands of people who think as you do. It is tempting to say that Germany's situation is special, that the Holocaust was off history's graph and calls for exceptions for everything, including freedom of speech. But many other groups believe their situation special too. ... Blacks find arguments like those of Herrnstein and Murray's book, *The Bell Curve*, which suggests that races differ genetically in intelligence, deeply offensive, and in some US universities, professors who teach a view of history that minorities believe insulting are ostracised and disciplined. We would not want people in power, who thought this biology or history plainly wrong, to have the power to ban it. Censorship is often the child of grievance, and people who feel that history has been unjust to them — as many Muslim fundamentalists and other groups as well as blacks do — are unlikely to accept that their position is not special too.

I know how strong the case for censorship seems in Germany now; I know that decent people are impatient with abstract principles when they see hoodlums with pseudo-swastikas pretending that the most monumental, cold-blooded genocide ever was the invention of its victims. The hoodlums remind us of what we often forget: the high, sometimes nearly unbearable, cost of freedom. But freedom is important enough even for sacrifices that really hurt. People who love it should give no hostage to its enemies, like Deckert and his odious

colleagues, even in the face of the violent provocations they design to tempt us.⁵⁵

THE UNITED STATES: FREEDOM OF SPEECH

The First Amendment to the United States Constitution guarantees that the right of the individual to freedom of speech and of the press may not be infringed by the government. It is one of the very few freedoms contained in the US Constitution which the Supreme Court has consistently upheld as a matter of principle. This right is legally enforced and culturally accepted by enlightened Americans, and with good reason. There have always been numerous and powerful forces in American society which want those whose opinions they disapprove of to be silenced and punished by the law. One US Postmaster General prohibited the distribution through the mail of material condemning the institution of slavery; another prohibited the distribution of freethought and agnostic material. There have been numerous attempts by Federal, state and city authorities to suppress supposedly "pornographic" works of art and literature, radical political opinions (including both the promotion of racism and opposition to racism), information about the intelligence services, unauthorised cures for cancer which had not been approved by the Food and Drug Administration, information about how to make your own nuclear weapon, drug-related material, and countless other manifestations of dissent. Perhaps the most extraordinary example of American censorship was the arrest of a cinema manager in High Point, North Carolina, in 1967, for showing *Hawaii*, a film starring Julie Andrews which was declared to be obscene under a mid-nineteenth century local ordinance because it contained scenes of bare-breasted Hawaiian women.⁵⁶ Fortunately, a courageous and dedicated minority of Americans in organisations such as the American Civil Liberties Union have actively worked to defend the First Amendment against such absurdities by making legal challenges to any attempt to suppress it, if necessary going all the way to the Supreme Court. For instance, Aryeh Neier, who is today president of the Open Society Institute, New York, recalls that

In 1977, I helped to defend freedom of speech for a group of American Nazis. There was nothing particularly unusual in this: the American Civil Liberties Union has frequently defended Nazis, members of the Ku Klux Klan and others engaged in hate speech. Yet it aroused great controversy because of the drama of the situation: the Nazis wished to march through Skokie, Illinois, a town with a large proportion of Holocaust survivors. I thought then, and think now, that it was important to protect free expression even for such a repugnant group. ... During the debate that raged nationwide throughout the 15 months of a series of court cases, many people argued that the Nazis should not be allowed to march. Some drew on the doctrine of 'clear and present danger', which the US Supreme Court had invoked on a number of occasions to limit freedom of speech. The doctrine of 'clear and present danger' stems from the period after World War I which saw some 1,900 federal prosecutions for peaceful speech, mostly for statements considered subversive because they encouraged resistance to the draft or otherwise opposed the war effort. Among the notable cases of that era was the prosecution and imprisonment of the leader of the American Socialist Party, Eugene V Debs, which was upheld by the Supreme Court. The restrictive force of the doctrine was broadened in 1951 during the prosecution of 11 top US Communist Party leaders, when the Supreme Court ruled that if the climate is right for an evil to occur, the government may imprison people whose advocacy could create that evil at a future point. If the Supreme Court had adhered to this view, which it subsequently abandoned, the government would have had a powerful tool to crack down on all manner of speech that particular officials might find offensive. ... Freedom of speech is ultimately the greatest protection against the kinds of crimes that took place in Rwanda and in

the former Yugoslavia, and against the crimes that Julius Streicher was able to incite in Nazi Germany.⁵⁷

As a result of the successful defence of the First Amendment, Holocaust revisionism has been able to develop in the US in a context in which the law prohibits the government from taking legal action to suppress it. This legal protection has made the US today the main centre of Holocaust revisionism. In 1978 the Institute for Historical Review (IHR) was established in California with the purpose of promoting Holocaust revisionism and other revisionist interpretations of twentieth-century history, with a strong emphasis on the second world war. The IHR publishes books and the *Journal of Historical Review* in order to promote its ideas, as well as holding annual conventions at which revisionists from all over the world have spoken.

Fortunately, a number of prominent American Jews, including Professor Alan M. Dershowitz of Harvard Law School, are among the most outspoken supporters of the First Amendment. Indeed, I have heard that Professor Dershowitz, who has often condemned the Holocaust revisionists in print, nevertheless ordered a subscription to the *Journal of Historical Review* to be added to the library at Harvard University, as a demonstration of his commitment to freedom of expression, even for those whom he despises.

Deborah Lipstadt, who holds the Dorot chair in modern Jewish and Holocaust studies at Emory University, in Atlanta, Georgia, and who is the most prominent academic opponent of the Holocaust revisionists in the US, puts forward a different point of view. While she argues that academic institutions and media organisations should, as a matter of policy, deny a platform to Holocaust revisionists, and she does whatever she can to encourage such a policy, she nevertheless opposes any attempt by the government to prosecute them. She writes:

The deniers have the absolute right to stand on any street corner and spread their calumnies. They have the right to publish their articles and books and hold their gatherings. But free speech does not guarantee them the right to be treated as the "other" side of a legitimate debate. Nor does it guarantee them space on op-ed pages or time on television and radio shows. Most important, it does not call for people such as Chomsky to stand by them and thereby commend their views to the public. ... I reiterate that I am not advocating the muzzling of the deniers. They have the right to free speech, however abhorrent. However, they are using that right not as a shield, as it was intended by the Constitution, but as a sword. There is a qualitative difference between barring someone's right to speech and providing him or her with a platform from which to deliver a message.⁵⁸

She is critical of attempts to use the law to prosecute the deniers:

There are those who believe that the courtroom is the place to fight the deniers. This is where Austria, Germany, France, and Canada have mounted their efforts. ... The problem with such legal maneuvers is that they are often difficult to sustain or carry through. ... It transforms the legal arena into a historical forum, something the courtroom was never designed to be. When historical disputes become lawsuits, the outcome is unpredictable.

The main shortcoming of legal restraints is that they transform the deniers into martyrs on the altar of freedom of speech. ... The free-speech controversy can obscure the deniers' antisemitism and turn the hate monger into a victim.⁵⁹

Indeed, US law has consistently protected the rights of Holocaust revisionists to express their views. In 1984, the late David McCalden, a Holocaust denier, contracted to rent exhibit space at the California Library Association's annual conference in order to promote Holocaust revisionist publications. Two Jewish organisations — the Simon Wiesenthal Centre and the American Jewish Committee — protested to both the city and the association, the latter organisation threatening to demonstrate outside the conference, and the association cancelled McCalden's contract.

McCalden sued the SWC and the AJC, arguing that they had conspired to deprive him of his constitutional right to free speech. Although the court dismissed his complaint, the US Circuit Court of Appeals reversed that decision in 1992.

Nevertheless, the IHR has been repeatedly subjected to civil action at law. One of its earliest activities, in 1979, was to offer a reward of \$50,000 to any person who could prove that Jews were gassed by the Nazis at the Auschwitz concentration camp. The judges of the evidence would all be Holocaust revisionists. The IHR wrote to Mel Mermelstein, a survivor of Auschwitz who gave talks to community groups and schools about the Holocaust, challenging him to prove his claims in return for the reward. Mermelstein provided what he considered to be conclusive evidence, and the IHR did not respond. So Mermelstein sued the IHR and in 1981 obtained a court judgement that the Holocaust was a fact and that the IHR had a legal duty to pay him the money it had offered, together with damages. Mermelstein was then involved in further litigation with the IHR which dragged on for years and inflicted heavy costs on the organisation. (The Mermelstein story was dramatised as *Never Forget*, a made-for-television film starring Leonard Nimoy.)

In the US, Holocaust revisionists have put their case on radio, television and cable programmes, including the nationally syndicated *Phil Donahue Show* and *60 Minutes*. The libertarian Holocaust revisionist Bradley Smith has placed advertisements denying the Holocaust in college newspapers across the nation, as well as speaking at several American universities. This campaign created a considerable debate about freedom of speech and the First Amendment in American universities.⁵⁹ Holocaust deniers also have a significant presence on the Internet, where heated debates about this historical controversy are constantly going on. The presence of Holocaust revisionism on the Internet ultimately renders futile any attempt to suppress it in the long run, anywhere in the world. So long as the First Amendment protects the right of the Holocaust deniers to promote their ideas on the Net in the United States, anybody in the world with access to a computer with a modem and Internet software will be able to download their material in minutes for the cost of local telephone call. American principles of freedom of expression will therefore ultimately prevail everywhere. Increasingly a free market in ideas is going to prevail, whether one likes it or not, and those who want to put Holocaust revisionists in prison because they don't agree with their historical opinions are going to have to live with that fact.

For the sake of brevity and clarity, I have almost exclusively examined above governmental and private legal action against the deniers through the courts. I have not mentioned the extensive illegal violence that has been used against them by their enemies. For instance, in 1984, the California premises of the Institute for Historical Review, including the warehouse storing its books, were destroyed by a firebomb which caused hundreds of thousands of dollars' worth of damage and almost destroyed the IHR. Bradley Smith has been subjected to continuous intimidation and threats of violence for disseminating Holocaust revisionism: when he lectured at Ohio State University in 1989, for instance, there were 15 death threats and a bomb scare. In 1989, Robert Faurisson was walking his dog in a park near his home in Vichy when a group of thugs kicked him with boots with iron toecaps, inflicting severe facial injuries which required extensive plastic surgery. In 1995 the home and premises of Ernst Zündel in Toronto were firebombed, causing extensive damage. David Irving has been physically assaulted while dining in a London restaurant and his home has been broken into by a man wielding a sledgehammer. Bookshops throughout the provinces in Britain which have displayed his books have had their windows smashed until the offending publications have been withdrawn. Although these attacks on bookshops have been reported in the local press, nothing about them has appeared in the national press. The printworks of the Historical Review Press, a Sussex-based Holocaust revisionist publisher, have been subjected to several arson attacks.

In addition, informal pressure is applied to discourage the appearance of Holocaust revisionist material. For instance, the popular Japanese magazine *Marco Polo* carried an article denying that exterminations had occurred at Auschwitz. The Israeli embassy and the Simon Wiesenthal Centre complained, and the company which published *Marco Polo* recalled all unsold copies of the offending edition and even closed down the entire magazine. An Italian academic journal arranged for a debate between Carlo Mattogno, an Italian Holocaust revisionist, and an orthodox historian, to be published in its pages. After pressure was placed on the journal, it cancelled the proposed debate.

ACTON AND POPPER IN DEFENCE OF INTELLECTUAL FREEDOM

The fact that it will be so difficult to suppress Holocaust revisionism in today's — and tomorrow's — wired world should not, however, allow us to be complacent about the threat to freedom of expression which is involved in any attempt to invoke the law to suppress it. If the current prosecution of Griffin and Ballard for denying the Holocaust on grounds of "incitement to racial hatred" is successful, and the defendants are sent to prison, then there may develop a situation in which there is a *prima facie* case that all individuals distributing publications denying the Holocaust may be in breach of the law and therefore subject to prosecution and prison. That is why, whatever our opinions about the BNP and everything it stands for, we must do everything we can to ensure that Griffin and Ballard are acquitted.

What is at stake is the very concept of intellectual freedom itself. This concept has been ably promoted over the centuries, perhaps most famously by John Milton, in *Aeropagitica*, and by John Stuart Mill, in *On Liberty*. It is important, of course, to uphold the right to freedom of expression in all areas, but it becomes absolutely essential to do so when the criminal law is applied to prohibit the questioning of a dogma in history, science, economics, philosophy, theology or any other intellectual field.

Lord Acton was the greatest classical liberal philosopher of history, and it is unfortunate that he never lived to write his projected *History of Liberty*, a book which has probably had more influence than any book that was never actually written. Acton was a student of the great German scholar Leopold von Ranke, who single-handedly created the methods which have guided the historical profession ever since, and Acton combined von Ranke's methodology with a profound understanding of the nature and value of individual liberty and the free society which was based on a degree of historical knowledge probably unsurpassed by any other individual. In 1895, in his inaugural lecture as Regius professor of modern history at Cambridge University, Acton explained that the essence of historical understanding was taking into consideration opposing points of view and interpretations:

No political dogma is as serviceable to my purpose here as the historian's maxim to do the best he can for the other side, and to avoid pertinacity or emphasis on his own. Like the economic precept *laissez faire* ... it has been an important, if not a final step in the making of method. ... [An] historian is seen at his best when he does not appear. Better for us is the example of the Bishop of Oxford, who never lets us know what he thinks of anything but the matter before him; and of his illustrious French rival, Fustel de Coulanges, who said to an excited audience: "Do not imagine you are listening to me; it is history itself that speaks." ... For our purpose, the main thing to learn is not the art of accumulating material, but the sublimer art of investigating it, of discerning truth from falsehood and certainty from doubt. It is by solidity of criticism more than by the plenitude of erudition, that the study of history strengthens, and straightens, and extends the mind. And the accession of the critic in the place of the indefatigable compiler, of the artist in coloured narrative, the skilled limner of character, the persuasive advocate of good, or other, causes, amounts to a transfer of government, to a change of dynasty, in the historic realm. For the critic is one

who, when he lights on an interesting statement, begins by suspecting it. He remains in suspense until he has subjected his authority to three operations. First, he asks whether he has read the passage as the author wrote it. For the transcriber, and the editor, and the official or officious censor on top of the editor, have played strange tricks, and have much to answer for. And if they are not to blame, it may turn out that the author wrote his book twice over, that you can discover the first jet, the progressive variations, things added, and things struck out. Next is the question where the writer got his information. If from a previous writer, it can be ascertained, and the inquiry has to be repeated. If from unpublished papers, they must be traced, and when the fountain-head is reached, or the track disappears, the question of veracity arises. The responsible writer's character, his position, antecedents, and probable motives have to be examined into; and this is what, in a different and adapted sense of the word, may be called the higher criticism, in comparison with the servile and often mechanical work of pursuing statements to their root. For a historian has to be treated as a witness, and not believed unless his sincerity is established. The maxim that a man must be presumed to be innocent until his guilt is proved, was not made for him. ...

Remember Darwin taking note only of those passages that raised difficulties in his way; the French philosopher complaining that his work stood still, because he found no more contradicting facts; Baer, who thinks error treated thoroughly nearly as remunerative as truth, by the discovery of new objections; for, as Sir Robert Ball warns us, it is by considering objections that we often learn. Faraday declares that "in knowledge, that man only is to be condemned and despised who is not in a state of transition." ... Modern History touches us so nearly, it is so deep a question of life and death, that we are bound to find our own way through it, and to owe our insight to ourselves. The historians of former ages, unapproachable for us in knowledge and talent, cannot be our limit. We have the power to be more rigidly impersonal, disinterested and just than they; and to learn from undisguised and genuine records to look with remorse upon the past, and to the future with assured hope of better things; bearing this in mind, that if we lower our standard in History, we cannot uphold it in Church or State.⁶¹

Acton's precepts are those which govern — or ought to govern — historical research and writing in all countries which accept the fundamental value of intellectual freedom. Unfortunately, the twentieth century has seen the rise of various schools of history in which dogma replaces the higher criticism expounded by von Ranke and Acton. In many countries dogmas have achieved the status of a state monopoly, and have been backed up by secret police forces and punishments for those who express disagreement with them. The late Sir Karl Popper was an Austrian-born — later British — philosopher whose intellectual development coincided with the rise in Europe of totalitarian ideologies such as National Socialism and Marxist-Leninism. Largely in opposition to these tendencies, he became one of the most formidable philosophers of classical liberalism that the twentieth century has produced. In contrast with the "certainty" which the totalitarians used as a justification for their suppression of those who disagreed with them, Popper demonstrated that in intellectual fields such as science, philosophy and history, just as in economic activity, "certainty", in the sense of complete and unquestioned knowledge about any subject, is a philosophical impossibility, because we cannot possibly accumulate sufficient evidence to warrant such a claim. In all knowledge, Popper argued, we are concerned merely with greater or lesser degrees of uncertainty. According to Popper, a process of conjecture and refutation is the means by which knowledge is advanced, not towards "certainty", nor even towards "probability", but, by testing each hypothesis against the body of existing knowledge, towards the progressive elimination of errors and towards a less and less inaccurate interpretation of reality.

Any such conjecture must necessarily be “falsifiable”, that is to say that we could conceive of decisive refutations of it, before it can be accepted as valid. In short, one must attempt to falsify a hypothesis rather than to reinforce it. If a belief or dogma of any kind is given special politically-protected status in the law, so that legal penalties are imposed on any person who expresses an opinion which contradicts it, then the process of acquiring greater knowledge is halted, because no belief or dogma can possibly be so “certain” as to be beyond the process of conjecture and refutation. Mankind’s continued survival and growth, which depends on this process of acquisition, is therefore to that extent impaired. The classic example in the field of science is that of Galileo, who was repeatedly prosecuted and forced to recant his discovery that the earth is not the centre of the solar system, because of its conflict with Church dogma. A more recent example is that of the notorious fraud Trofim Lysenko, whose Lamarckian ideas about agricultural “germination” were considered by Stalin to be authentically Marxist-Leninist, and were therefore elevated to the status of an unquestioned dogma in the Soviet Union, resulting in the ruination of its agriculture and the murder or imprisonment of those scientists who disagreed with them.

It is worth quoting Popper’s argument in this respect at some length. He stated that in the field of history

... the facts at our disposal are often severely limited and cannot be repeated or implemented at our will. And they have been collected in accordance with a preconceived point of view; the so-called ‘sources’ of history record only such facts as appeared sufficiently interesting to record, so that the sources will often contain only such facts as fit in with preconceived theory. And if no further facts are available, it will often not be possible to test this theory or any other subsequent theory. Such untestable historical theories can then rightly be charged with being circular in the sense in which this charge has been unjustly brought against scientific theories. I shall call such historical theories, in contradistinction to scientific theories, ‘*general interpretations*’.

Interpretations are important since they represent a point of view. But we have seen that a point of view is always inevitable, and that, in history, a theory which can be tested and which is therefore of scientific character can only rarely be obtained. Thus we must not think that a general interpretation can be confirmed by its agreement even with all our records; for we must remember its circularity, as well as the fact that there will always be a number of other (and perhaps incompatible) interpretations that agree with the same records, and that we can rarely obtain new data able to serve as crucial experiments in physics. Historians often do not see any other interpretation which fits the facts as well as their own does; but if we consider that even in the field of physics, with its larger and more reliable stock of facts, new crucial experiments are needed again and again because the old ones are all in keeping with both of two competing and incompatible theories (consider the eclipse-experiment which is needed for deciding between Newton’s and Einstein’s theories of gravitation), then we shall give up the naïve belief that any definite set of historical records can ever be interpreted in one way only. ...

To sum up, there can be no history of ‘the past as it actually did happen’; there can only be historical interpretations, and none of them final; and every generation has the right to frame its own. But not only has it a right to frame its own interpretations, it also has a kind of obligation to do so; for there is indeed a pressing need to be answered. We want to know how our troubles are related to the past, and we want to see the line along which we may progress towards the solution of what we feel, and what we choose, to be our main tasks. ... Those interpretations which are needed, and justified, and one or other of which we are bound to adopt, can, I have said, be compared to a searchlight. We let it play upon

our past, and we hope to illuminate the present by its reflection.⁶²

Popper argues, in short, that the historian will always be “subjective” in regard to such historical interpretation. Historical interpretations must be tested against known facts and deductions which follow logically from those facts. If the interpretation is sufficiently strong to withstand this testing process, then historians will modify their representation of the past in accordance with it. New evidence, or the re-interpretation of existing evidence, may also lead to such a modification. If for instance a key piece of evidence is demonstrated to be a fake, then a significant modification may be necessary. The free market in ideas is the only way in which this process can be carried out.

HISTORICAL FAKES AND FORGERIES

In 1990 the British Museum held a most interesting exhibition entitled “Fake? The Art of Deception”, which I visited. The purpose of the exhibition was to discuss what is meant by the concepts of “falsehood” and “authenticity” in such fields as art, science, literature and history. Some of the exhibits are objects and documents which were once accepted as genuine but are now believed to be fakes, others are objects which were once believed to be fakes but are now accepted as genuine, and others still are the subject of continuing controversy as to their authenticity. A perusal of the illustrated catalogue of the exhibition will be a valuable educational experience for anyone who believes that something called “certainty” can ever be achieved with regard to artistic, scientific, cultural or historical ideas. The section relating to the forging of history, however, is the most relevant to the present paper. The oldest exhibit is an Old Babylonian forged inscription on a stone cruciform monument, which probably dates from the first half of the second millennium BC, but purports to be from the 23rd century BC. According to the catalogue:

All twelve sides of the monument are covered with an inscription, the bulk of which deals with the renovation of the temple of Shamash and the very substantial increases in revenue that the temple received from the king. It ends: “this is not a lie, it is indeed the truth ... He who will damage this document let Enki fill up his canals with slime ...”

The monument comes into the category known as a *fraus pia*, or ‘pious fraud’. It was probably produced by the temple priests in order to establish the great antiquity of the privileges and revenues of their temple, thus strengthening the temple’s claim to them.⁶³

Attempts to distort the historical record for political and financial gain can hardly be described as a recent innovation.

The exhibition contains forgeries from ancient Egypt, Greece and Rome, as well as examples from medieval Europe, including the well-known “Donation of Constantine”, one of the “Forged Decretals of Isadore”, which purported to be a letter from the Emperor Constantine granting temporal power over the Roman empire in the West to Pope Silvester I while Constantine retreated to the eastern capital which bore his name. The “Decretals” were definitively exposed as a forgery in 1440 by the great Italian Humanist scholar Lorenzo Valla. This exposure subsequently did a great deal to undermine the prestige of the Papacy and contributed significantly to the Protestant Reformations in several European countries.⁶⁴ The exhibition also contains fake historical relics such as “chastity belts”, which probably never existed in the middle ages or the Renaissance, but were manufactured in the eighteenth and nineteenth centuries as curiosities or fakes,⁶⁵ and a fake “Spanish Inquisition torture chair” which was manufactured in the nineteenth century.⁶⁶

Modern political forgeries include the notorious “Protocols of the Learned Elders of Zion”, an anti-semitic fabrication first published in Russia in 1903 which purported to be the text of a “Jewish plan for world domination” but was in fact shown to be a re-writing of two 19th century texts: a satire on the Third Empire by the French lawyer Maurice Joly, and an anti-semitic diatribe by a Ser-

bian writer, Osman Bey.⁶⁷ The “Parnell letter” of 1887 purported to be a letter from the Irish leader Charles Parnell expressing approval of the murders of Lord Frederick Cavendish and Thomas Burke. It was published in *The Times* but was later demonstrated to be a forgery by a government commission of inquiry, which completely vindicated Parnell.⁶⁸ There is also the “Zinoviev letter”, which purported to be a letter from the Soviet leader Grigori Zinoviev to the British Communist Party, urging it to pressure the Labour government to conclude the proposed Anglo-Soviet trade treaty and to prepare for armed revolution by infiltrating the armed forces. The publication of this letter in 1924 contributed substantially to Labour’s election defeat that year and greatly strengthened the position of the Conservative Party.⁶⁹

As one might expect, the two world wars produced a rich crop of propaganda forgeries on both sides, examples of which appeared in the exhibition. One exhibit was the *Lusitania* medal which was widely distributed in Britain and the United States by British government propagandists during the first world war. In 1915 the British Cunard liner the *Lusitania* was sunk off the west coast of Ireland by a German U-boat, killing 1198 passengers and crew, including many Americans. British propaganda accused the Germans of having carried out one of the most dastardly war crimes in European history. A private German citizen, Karl Goetz, produced this satirical medal, seeking to excuse the sinking on the grounds that the ship had been carrying arms — which was true — and that passengers had been warned of the danger by advertisements placed in American newspapers. When the German government found out about this medal, it suppressed it. Nevertheless, the British propagandists obtained a copy of the medal, duplicated it, and sold it in huge numbers, claiming that it was an official German decoration.⁷⁰

The journalist Colin Simpson has demonstrated that before the war the British Admiralty, which had a very close relationship with Cunard, had arranged for the *Lusitania* to be fitted with twelve six-inch naval guns and other naval equipment and made available as a Royal Navy warship in case of war. Although reference books such as *Jane’s Fighting Ships* correctly listed her as an auxiliary cruiser fitted with naval guns, she was advertised as simply an ocean liner owned by a private company. After the outbreak of war, Simpson demonstrates, the British government deliberately used the *Lusitania* simultaneously to carry armaments for the Western Front in her capacity as a warship and to carry civilian passengers, in severe breach of international law. Simpson demonstrates that the purpose of this policy was to provoke the Germans into sinking her and killing enough American passengers to cause the United States to enter the war. In accordance with the laws of war, the Germans declared an official war zone around the coast of Britain, which they were blockading, and warned that British vessels believed to be carrying munitions were liable to be sunk in that area. They knew about the *Lusitania*’s status as a warship and munitions carrier, and took out full-page advertisements in newspapers throughout the US warning Americans not to take passage on her. Although the sinking of the *Lusitania* was therefore carried out in accordance with the laws of war, British propaganda relating to it played a major role in shifting American opinion in favour of entry into the war.⁷¹

Another exhibit from the first world war was an example of German propaganda called *The Great Anti-Northcliffe Mail*, dating from 1917. The press magnate Lord Northcliffe played a major part in maintaining British public enthusiasm for the war effort through his newspapers, which included the *Evening News*, *The Times* and the *Daily Mail*, as well as exercising influence in neutral countries. On the outbreak of war in 1914, the British government established a semi-official committee under Lord Bryce which produced anti-German atrocity propaganda, such as the claim that the Germans had cut off the hands of Belgian children, thrown babies into the air and transixed them on their bayonets, crucified a Canadian PoW, raped and mutilated women, looted churches, and operated a factory in which the corpses of German soldiers were boiled down to produce soap, fats and fertiliser.

The Northcliffe press gave wide publicity to the propaganda produced by the Bryce committee. Such propaganda, which involved the alteration of documents and the manufacturing and doctoring of photographs, was used to incite the maximum degree of hatred against the evil Hun. In 1917 the Germans began to produce *The Great Anti-Northcliffe Mail*, a newspaper published in Zurich which was identical in size and format to the *Daily Mail*, with the purpose of challenging such propaganda.⁷² After the war, the British government formally repudiated its atrocity propaganda in an official statement by the Foreign Secretary in the House of Commons. The full story has been revealed in books such as *Falsehood in War-Time* by Arthur Ponsonby MP (later Lord Ponsonby, a Cabinet minister); *Propaganda Technique in the World War* by H. D. Lasswell; *Propaganda for War* by H. C. Peterson; *Atrocity Propaganda, 1914-1919* by J. M. Read; and *British Propaganda during the First World War* by M. L. Sander and Philip M. Taylor.

As the French scholar Jacques Ellul demonstrated, propaganda is an all-pervasive feature of contemporary society, and any understanding of the twentieth-century world must take it into account. In *The First Casualty*, the journalist Philip Knightley documents the brazen distortions disseminated by war correspondents from the Crimea to Vietnam. The historian of warfare must subject such war stories to the process of higher criticism described above by Acton, even more than with most other pieces of historical evidence.

The Holocaust revisionists argue that the claim that the Germans deliberately exterminated Jews during the second world war in gas chambers is simply another propaganda myth, with no more historical foundation than the products of the Bryce committee during the first world war. They do not dispute the fact that many Jews died in Nazi concentration camps, but they claim that there were no gas chambers, that the number who died was far lower than the figure of five or six million, and was in fact somewhere between 100,000 and 1.5 million, and that there was no deliberate and systematic policy of killing Jews simply for being Jews on the part of Hitler, Himmler or any other Nazi leader. The only difference between the propaganda of 1914-18 and that of 1939-45, they claim, is that the propaganda was maintained after the latter war because it continued to suit the political needs of the Allied powers, as well as playing a central role in the establishment of the state of Israel, and gaining material and moral support for that state’s policies. In order to promote this belief, they challenge the authenticity of certain documents, photographs and films, the interpretation of others, and the accuracy of eyewitness testimony, as well as presenting other evidence which, they claim, demonstrate that the Holocaust, at least in the manner which is generally accepted, did not occur.

Now such arguments are undoubtedly deeply offensive to many people within the Jewish community, especially those who lost relatives during the second world war. Nevertheless, they must stand or fall in the free market of ideas. The demand for laws which fine or imprison individuals for making these arguments is an attack on the very process of the study of history as described by Acton. It can only be fatal for the process of free inquiry, for the health of a free society and the intellectual freedom on which such a society depends. In his classic work *The Road to Serfdom*, published in 1944, the late Professor F. A. von Hayek demonstrated that political and intellectual freedom depends on the existence of economic freedom, without which they cannot long survive. Conversely, it is questionable how long economic and political freedom can survive the extirpation of intellectual freedom, once one moves along that path through the prohibition of Holocaust revisionism.

HISTORY AND PSEUDO-HISTORY

The Swiss writer Erich von Däniken has made millions with his pseudo-historical books about aliens visiting the earth and developing ancient civilisations. Von Däniken’s writings defy every significant fact known about ancient cultures, and therefore cannot

be considered as a legitimate historical interpretation by any historian, archaeologist or scientist. But nobody has called for von Däniken to be prosecuted or imprisoned for promoting this absurd fiction. To take another example, a recent book entitled *Russia: A History*, edited by Professor Gregory Freeze, and published by the Oxford University Press, challenges the generally-accepted view that at least 20 million Soviet citizens — and possibly as many as 40 million — were murdered by Stalin's regime. It is generally believed that between 5 and 12 million Ukrainians were murdered during the collectivisation of agriculture, primarily through deportations and deliberate mass starvations. Freeze and his co-authors argue that about 3.3 million Soviet citizens died in the famine of 1933, and that that famine had not been deliberately imposed by Stalin's regime. They also claim that the purges of the late 1930s were on a far smaller scale than has previously been believed, and were not necessarily initiated by Stalin himself.

The arguments of Freeze and his colleagues have been the subject of severe academic controversy, with Professor Robert Conquest, among others, pointing to the massive evidence against them, but nobody has suggested that a law should be passed to fine Professor Freeze or put him into prison on grounds of "inciting racial hatred" against, for example, Ukrainians. I doubt whether anyone seriously believes that was his motivation. If Freeze was to be prosecuted for expressing his controversial opinions on the death toll of Stalin's regime, libertarians would just as vigorously oppose such an action as they oppose the prosecution of individuals who deny the Nazi Holocaust.

Although not all historians or philosophers would accept Popper's view of the nature of historical inquiry, it is nevertheless at the very least a useful model for the examination of historical controversies. The classic example from English history is the question of whether Richard III murdered the Princes in the Tower, and several other of his relatives, in order to secure his hold on the throne. Partly due to the fact that Henry VII's claim to the throne was so weak, Tudor propagandists found it necessary to paint a picture of Richard as the mass murderer who is so familiar from Shakespeare's most frequently-performed play. Yet the fact that the Tudors promoted this view for their own political purposes does not necessarily mean that their claims were not true. In the present century, most historians of the period have come to believe that he was probably innocent, although some still disagree. Some years ago there was an interesting television programme in which both sides of the controversy put forward arguments for and against Richard's guilt before a jury, which, if I recall correctly, returned a verdict of "not guilty". There is an organisation called the Richard III Society, which seeks to clear Richard of the murders which have been attributed to him. Sometimes people change their minds. Desmond Seward argued for Richard's innocence for thirty years before recanting and writing a book arguing that the king was, after all, guilty of the murders attributed to him.⁷³ It is purely a matter of interpretation, and nobody, as far as I am aware, has called for one side or the other to be put into prison for expressing a view on the subject.⁷⁴

It is a different story with Holocaust revisionism. Whether one likes the fact or not, these ideas have gained considerable ground since the mid-1970s, and are no longer dismissed by historians as merely the ravings of a neo-Nazi fringe seeking to restore the Third Reich. They are beginning to creep into the margins of respectable academic history. In 1986 the distinguished German historian Professor Ernst Nolte argued that the Nazis' anti-semitic policies, culminating in the Holocaust, should be understood in the context of Soviet mass murders and the anti-German campaign by the international Jewish community, rather than a unique and unprecedented evil. This began the *Historikerstreit* of the late 1980s, in which German historians debated for and against Professor Nolte's position. While Nolte rejected Holocaust denial, he nevertheless said that the intentions of Holocaust revisionists were often honourable, that they should be taken seriously, and that they were not necessarily neo-fascists.

Roger Eatwell's book *Fascism* (Verso, London, 1995) contains a number of references to Holocaust revisionist arguments, albeit rejecting their conclusions. A compilation of documents also entitled *Fascism*, edited by Roger Griffin and published by the Oxford University Press in 1995, contains a number of extracts from Holocaust denial literature, albeit in the context of examples of contemporary fascist propaganda. In his monumental bestseller *Europe: A History*, which is also published by the OUP, Professor Norman Davies, the world's most distinguished living historian of Poland, gives serious consideration to the Holocaust denial arguments, with references to the books which promote them, even though he rejects their conclusions. Even Holocaust historians have begun to take notice of them. Professor Arno Mayer, of Princeton University, includes Rassinier and Butz in the bibliography of his Holocaust history *Why Did the Heavens Not Darken? The Final Solution in History*, while indignantly repudiating their case. In answer to Robert Faurisson's arguments that no homicidal gassings took place at Auschwitz, Jean-Claude Pressac considered it necessary to produce a study entitled *Auschwitz: Technique and Operation of the Gas Chambers* in an attempt to disprove them. In the US, a nationwide programme for Holocaust studies in schools was denied Federal funding on the grounds that the Holocaust revisionist interpretation, however repugnant, was not represented. Holocaust revisionism is increasingly considered by historians to be an extreme, radical, dubious and highly controversial interpretation, but an interpretation nevertheless that must be taken into consideration in the writing of the history of the second world war.

David Irving's claim that Hitler knew nothing about the Holocaust has been the subject of *Hitler and the Final Solution*, a book by Professor Gerald Fleming which argues that the historical evidence does in fact point to Hitler's personal knowledge and responsibility. In 1977, Irving debated his claim on television with the late A. J. P. Taylor. Taylor asked:

"Now, Mr Irving, let me see if I have this right. You say that the lack of any written order from Hitler concerning the Final Solution proves that he knew nothing about it. Is that right?"

Irving assented.

"And yet you say that the lack of any written order from Churchill concerning the death of General Sikorski does not clear him from being implicated in his murder?"⁷⁵

As we saw above, the Labour Party has adopted a policy of sending anybody to prison for two years for either denying the Holocaust or claiming that Hitler did not know about it. Irving could therefore spend two years in a prison cell for making an argument that had previously led to a televised debate with one of the most distinguished historians of the twentieth century. They say that New Labour has abandoned its commitment to nationalisation of the economy. Apparently they've simply shifted the commitment to a Clause Four on the mind.

Some people would argue that historical arguments aimed at exonerating Hitler and the Nazi regime simply cannot be equated with those relating to other historical problems. They would argue that Holocaust denial arguments are taken up by racist, fascist and anti-semitic organisations with the specific purpose of oppressing or inciting violence and hatred against certain ethnic, religious and national minorities. It has been claimed, for instance, that David Irving's historical lectures challenging the generally-accepted view of the Holocaust have in some way been responsible for the wave of violent neo-Nazi attacks and murders in Germany. Yet the arson attacks on refugee hostels occurred in Lübeck and Rostock, where Irving never spoke, and his talks were not reported in the media.

It has been claimed that Robert Faurisson's Holocaust revisionist arguments have led to the rise of the National Front (FN) in France. Certainly it is true that Jean-Marie Le Pen and other FN leaders have occasionally made remarks which indicate that they may have been influenced by the deniers. Yet we have seen above that both Germany and France have introduced laws prohi-

biting Holocaust denial, and this has not prevented racist violence in Germany or the rise of the FN in France, but has severely impaired freedom of expression and academic freedom in both countries.

The argument is made that this denial is such an affront to Jewish people as to attack their very identity, quite apart from the insult to the memory of those who died, those who survived, and those whose relatives perished in the Holocaust. This is the one and only area, it is argued, where the state must step in to enforce a point of history through the criminal and civil law. Yet to accept this argument would imply, as Professor Dworkin argued above, that the expression of any historical idea that can be represented as offending against a recognisable group should also be penalised by the criminal law. For example, many Irish people believe that the famine of the 1840s was exacerbated by the indifference of the British government. Indeed, some Irish-Americans have recently gone so far as to claim that the British starved the Irish as a deliberate policy. At the same time, some historians have argued that the large majority of the deaths attributed to the famine actually occurred as a result of a disease for which no cure existed at the time, and that therefore nothing could conceivably have been done to prevent them.

Another area of historical controversy is the treatment of black slaves in the antebellum American South. The historians Robert W. Fogel and Stanley L. Engerman wrote an historical work entitled *Time on the Cross*, based largely on econometric calculations, which sought to demonstrate that economic conditions for black slaves were roughly equivalent to those of free white workers in the North, and possibly on average slightly better; that over the course of a lifetime the slave received back about 90% of the value of his work; that masters generally cared for the health and well-being of their slaves and avoided gratuitous ill-treatment; and that some slaves not only became skilled craftsmen, but also joined professions such as engineering and architecture, in some cases being slave-owners themselves.⁷⁶ Some black people might argue that this constitutes “slavery denial”, and that those persons advocating it should be imprisoned for “insulting black people”.

If we are to support the prohibition of Holocaust denial, then on what grounds could equivalent demands by Irish or black people be resisted? On what grounds could the demand by Muslim fundamentalists for the banning of Salman Rushdie’s novel *The Satanic Verses* be opposed? And who knows what other demands for the banning of other ideas — historical, scientific, religious or cultural — would emerge once we moved so far in the criminalisation of dissident opinions? Are scientists who promote Darwinism going to be imprisoned because their ideas offend the beliefs of Christian and Muslim fundamentalists? Britain would very rapidly descend to the level of Canada, if not to the dystopia described by Ray Bradbury in *Fahrenheit 451*, in which all books are banned, and “firemen” equipped with flame-throwers go into action to destroy any secret libraries which are discovered. The central character of Bradbury’s novella is a fireman who develops an unhealthy curiosity about the books he has to destroy, and begins secretly to collect and read them. He discovers that many of the other firemen, including his immediate superior, have been doing exactly the same for years. Finally he escapes the city to join a remote community of dissidents who have outflanked the ban by each memorising the entire text of a complete book, which they then recite from memory to the others.

Bradbury’s classic story was probably never intended to be taken literally. Nevertheless, Jean-Claude Carrière, France’s leading screenwriter, and president of the Paris film school FEMIS, provides an example of ingenuity in evading censorship which goes the full length of Bradbury’s fiction:

In the 1970s in Prague I encountered a “human movie.” He knew several banned films by heart (he had seen them abroad). People invited him to dinner; after the meal the guests made a circle and he “told” them the movie — that

evening it was *The Discreet Charm of the Bourgeoisie* — forgetting not a single scene, not a single line.⁷⁷

The point is that the suppression of an idea is ultimately impossible, and never more so than it is in the interconnected world in which we now live. In that complex and much misunderstood work *The Ego and Its Own*, the nineteenth-century German philosopher of egoism Max Stirner predicted that

The men of future generations will yet win many a liberty of which we do not even feel the want.⁷⁸

In one important sense, he was right. At the beginning of this pamphlet I cited a speech by Arthur C. Clarke made in 1983 relating to communications technology. Let us close with another statement by Clarke when he returned to the same theme in 1995:

... as this century draws to a close, it looks as if all the old arguments about censorship will be made obsolete by wide-band, person-to-person communications. When you can download anything and everything “in the privacy of your own home”, as certain notorious advertisements used to say, not even entire armies of Thought Police will be able to do anything about it.⁷⁹

SUGGESTIONS FOR FURTHER READING

Gill Siedel, *The Holocaust Denial*, Beyond the Pale Collective, Leeds, 1986.

The only full-length British study of Holocaust revisionism, published by a Jewish socialist group. Although it contains a considerable amount of information about the deniers, the author somewhat unsuccessfully attempts to link Holocaust denial with the rise of “Thatcherite” political and economic ideas.

Pierre Vidal-Naquet, *Assassins of Memory*, translated by Jeffrey Mehlman, Columbia University Press, New York, 1992.

A collection of essays attacking Robert Faurisson by the leading French academic opponent of Holocaust revisionism, who is a Classical scholar. It contains a great deal of information about the surprisingly wide level of acceptance Holocaust denial has attained in some French circles.

Deborah Lipstadt, *Denying the Holocaust*, first published 1993, Penguin Books, London, 1994.

The author holds the Dorot chair in modern Jewish and Holocaust studies at Emory University, Atlanta, Georgia, and is the leading academic opponent of the Holocaust deniers in the United States. This is the most comprehensive hostile study of Holocaust revisionism produced to date. She demonstrates how Holocaust denial is linked to earlier traditions of American historical revisionism relating to the two world wars and the cold war, and how it is having a growing impact in the US. The columnist and Republican presidential nomination candidate Pat Buchanan and the late Hollywood film star Robert Mitchum have both made statements indicating that they are not total believers in all aspects of the conventional view of the Holocaust. She argues that the Holocaust deniers should be denied a platform in the media and universities, but not prosecuted by the government. This book is currently the subject of a libel action by David Irving, who argues that Lipstadt’s attacks on him are defamatory.

APPENDIX: NICK GRIFFIN POLICE TAPE

As I mentioned in the main body of the text, Nick Griffin and Paul Ballard, editor and distributor respectively of the magazine *The Rune*, are currently being prosecuted for the contents of number 12 of that magazine under section 19 of the Public Order Act 1986. If they are convicted, they face a maximum of two years in prison for incitement to racial hatred. Under current UK law, when any individual is arrested and taken to a police station, the interview between that person and the police is tape recorded, and a copy of the tape given to the person under arrest. Griffin is selling edited versions of his tape in order to raise funds for their legal defence. Apparently the Director of Public Prosecutions has confirmed that this distribution of the tape is lawful. I have obtained a copy of this tape, and will here summarise its contents. I have never seen a copy of *The Rune*, nor had I even heard of it before I learned about this case. It is safe to say that its circulation is rather smaller than that of the *Sun*.⁸⁰

Griffin introduces the tape by describing how nine police officers arrived in four vehicles at his farm in Wales, placed him under arrest on charges of “incitement to racial hatred”, and carried out a five-hour search of his house and outbuildings. They seized numerous publications and documents, together with a computer, floppy disks, audio and video tapes and other material. Then they took him to a police station and kept him in a cell for two hours. The police arrested Griffin because of a complaint by Alex Carlile QC MP (Liberal Democrat), who complained about six items in the relevant edition of *The Rune*. These were:

- (i) The cover, which features a white noose on a black background, with the words, “What has a rope got to do with white unity?”;
- (ii) The editorial, which answers the question on the cover by calling for the unification of all white racist organisations into a single movement in order to achieve political power;
- (iii) Pictures and a caption of a West Indian murderer and his victim, an unarmed police officer, all of which came from contemporary press reports;
- (iv) A cartoon strip satirising the Hollywood film director Steven Spielberg, whom Griffin describes as the “Swindler’s List supremo” who is “making films full of fantasies about dead Jews”;
- (v) The use of the single word “Holohoax” and the suggestion that six million Jews were not gassed;
- (vi) On the back cover, a drawing of a Viking princess on a longboat, with other longboats in the background.

There then follow extracts from the interview, which was conducted by Detective Constable Aldicott and Detective Sergeant Jones, in which each item was discussed in turn. DC Aldicott began by quoting part of the Public Order Act 1986 which concerns “a person who publishes or distributes written material which is threatening, abusive or insulting and intends thereby to stir up racial hatred, or, having regard to all the circumstances, racial hatred is likely to be stirred up thereby.”

Griffin then went on to explain his role in the magazine, and its purpose of building a political movement that will achieve power. He claimed that he had no animosity towards members of ethnic minorities, but did not want them in the UK. He said that he had no antipathy to Jews as Jews, but objected to what he called “organised Jewry” which was controlling the media and “using it to the detriment of my people”.

He said that the Viking princess illustration (vi) was a representation of a white type of northern European origin. The picture of the noose (i) was a representation of the unity of white racist groups and the desire to hang child murderers and others whom public opinion believed should be hanged. The black background had no significance. The editorial (ii) called for the

unity of all “white nationalist” groups in order to achieve a final victory over “those who wish to destroy us so they can rule for ever over a mass of mongrel slaves”. They could then “put the rope to capital work”. The editorial did not mention ethnic minorities. Griffin explained that he meant that “international capitalism” and “international Zionism” were conspiring to reduce white people to “a mass of mongrel slaves”. He predicted that Western countries would have non-white majorities in the twenty-first century unless present demographic trends were reversed. He said that many Asians, West Indians and Africans did not want their children to be racially mixed any more than BNP members did. He proposed achieving political power through the ballot box, and using that power to repatriate all members of ethnic minorities. He denied that such an opinion could be construed as being insulting, threatening or abusive to any ethnic group.

Feature (iii) was a means of demonstrating that immigration is a bad thing. He argued that the vast majority of violent crime in London was caused by young blacks, and that young blacks were largely responsible for drug-dealing. Griffin denied that in drawing attention to a black murderer he intended to incite racial hatred.

Carlile had complained in particular about the cartoon (iv) about Spielberg. Griffin claimed that Spielberg’s films are “anti-white propaganda, and lying propaganda at that”. He accepted that hundreds of thousands of Jews were killed, but denied that there was a Nazi policy of exterminating Jews and that millions of Jews were gassed. He said that the cartoon was “anti-Hollywood” because Hollywood had produced 550 anti-white films over the past 30 or 40 years, and none attacking other ethnic groups. He denied that any Jewish person could regard the cartoon as insulting to Jews in general.

Griffin argued that “the way to come to truth is through free and open debate”. He said that he would be willing to print a letter by Carlile if it was sent to the magazine. He denied that he was a fascist: “I don’t believe in an all-powerful state.”

The detectives told Griffin that Carlile had emphasised that his most important objection to the magazine was its claim that the Holocaust of six million Jews did not happen. Griffin denied the suggestion that a Jewish person could be offended by such a claim, because, he said, about 25% of serious Holocaust revisionists are Jewish. Griffin said that the German concentration camps were no different from the British camps in South Africa during the Boer war and the American camps in which Japanese-Americans were interned during the second world war. He said that “I will be delighted, if this does come to court, to discuss the question of the lie of the six million at length.”

The *Rune* trial will open at Harrow Crown Court on 27th April. Given the importance which Carlile places on the “Holocaust denial” features in the magazine, it is likely that the prosecution’s case will rely largely on an attempt to prove the generally-accepted concept of the Holocaust. From what I have seen in BNP publications, the defence is assembling an international group of Holocaust revisionists, including Dr Robert Faurisson, who will argue the opposite case. The trial is highly likely, therefore, to seem like a trial of the Holocaust itself.

As we have seen above, in Canada the two trials of Ernst Zündel for distributing *Did Six Million Really Die?* both became in effect “trials of the Holocaust”, with representatives of both sides putting their case in court. Both times the trial ended in Zündel’s conviction and imprisonment for distributing this pamphlet. In 1992, in an historic victory for freedom of expression, the Canadian Supreme Court threw out Zündel’s conviction and denounced the law under which he had been tried as a potential violation of free speech. Let us hope that the *Rune* trial ends in an equally historic victory, not because of any admiration for the BNP, or even for Holocaust revisionism, but because of the fundamental — indeed cosmic and universal — principle of freedom of expression which is at stake.

NOTES

1. However, the Anti-Defamation League of B'nai B'rith, the prominent Jewish organisation which combats anti-semitism in the United States, is in partnership with an American software company to develop Internet censorship software. I will avoid any speculation as to the technical feasibility of such a project. See the ADL's website at www.adl.org.
2. Quoted in Arthur C. Clarke, "Beyond 2001", in Ruth Petrie (editor), *Film and Censorship*, Cassell/Index on Censorship, London, 1997, pp. 191-192.
3. *Index on Censorship*, vol. 27, no. 1, January/February 1998, p. 103. For updates on this and other cases, plus links to the offending articles, see *Index's* website at: www.oneworld.org/index_oc/news.html.
4. *Ibid.*, p. 16.
5. *Ibid.*, p. 15.
6. Quoted in *Sunday Telegraph*, 16th March 1997, p. 5.
7. *Sunday Times*, 29th September 1996, p. 24.
8. Quoted in *ibid.*, p. 24.
9. Quoted in *ibid.*, p. 24.
10. Quoted in *ibid.*, p. 24.
11. Pierre Vidal-Naquet, *Assassins of Memory*, translated by Jeffrey Mehlman, Columbia University Press, New York, 1992, pp. 90-91.
12. Interview with Bradley R. Smith in *Loompanics' Greatest Hits*, Loompanics Unlimited, Port Townsend, Washington, 1990, pp. 137, 140, 141.
13. Quoted in James J. Martin, *Revisionist Viewpoints*, Ralph Myles, Colorado Springs, Colorado, 1971, p. 18.
14. Quoted in Arthur Goddard (editor), *Harry Elmer Barnes, Learned Crusader*, Ralph Myles, Colorado Springs, Colorado, 1968, p. 285.
15. Adam Sisman, *A. J. P. Taylor*, Sinclair-Stevenson/Reed, London, 1994, p. 296.
16. Quoted in Goddard (editor), *op. cit.*, p. 241.
17. Quoted in *ibid.*, p. 252.
18. James J. Martin, *Revisionist Viewpoints*, Ralph Myles, Colorado Springs, Colorado, 1971, p. 121.
19. *Sunday Telegraph*, 11th May 1997, p. 30.
20. J. F. C. Fuller, *The Decisive Battles of the Western World*, vol. 3, Eyre and Spottiswoode, London, 1956, p. 438.
21. Quoted in Sisman, *op. cit.*, p. 365.
22. The full story is given in Yoram Sheftel, *Show Trial*, translated by Haim Watzman, first published 1993 as *The Denjanjuk Affair*, Victor Gollancz/Cassell, London, 1995.
23. Quoted in Murray N. Rothbard, "Harry Elmer Barnes as Revisionist of the Cold War", in Goddard (editor), *op. cit.*, p. 320.
24. Quoted in *ibid.*, p. 323.
25. Quoted in *ibid.*, p. 324.
26. Quoted in *ibid.*, p. 329.
27. Quoted in *ibid.*, p. 331.
28. Clyde R. Miller, "Harry Elmer Barnes' Experience in Journalism" in Goddard (editor), *ibid.*, pp. 712-3.
29. Quoted in Rothbard, *op. cit.*, p. 337.
30. *Ibid.*, p. 315, 338.
31. John Godfrey, *1204: The Unholy Crusade*, Oxford University Press, Oxford, 1980, p. vii.
32. Quoted in Robert F. Barsky, *Noam Chomsky*, Massachusetts Institute of Technology Press, Cambridge, Massachusetts, 1997, p. 180.
33. Quoted in Vidal-Naquet, *op. cit.*, p. 67.
34. Quoted in Deborah Lipstadt, *Denying the Holocaust*, first published 1993, Penguin Books, London, 1994, p. 16.
35. Quoted in Vidal-Naquet, *op. cit.*, pp. xv-xvi.
36. Quoted in Barsky, *op. cit.*, pp. 177-8.
37. Quoted in *ibid.*, pp. 181-2.
38. Quoted in *ibid.*, p. 184.
39. Quoted in *ibid.*, p. 184.
40. Quoted in Vidal-Naquet, *op. cit.*, p. xiii.
41. Quoted in Lipstadt, *op. cit.*, p. 220.
42. Court of Higher Instance of Paris, office of Mr Valat, examining magistrate, gen. ref. P 92 282 2004/9, office ref. 42/93, 30th November 1993, pp. 3-4 of certified translation by Ferit Elabed. Capitals in original.
43. Quoted in Focal Point press release, 6th May 1993.
44. *Daily Telegraph*, 28th February 1998, p. 14.
45. Vidal-Naquet, *op. cit.*, pp. 137-138.
46. *Index on Censorship*, vol. 27, no. 1, January/February 1998, pp. 33-34.
47. L. A. Rollins, *Lucifer's Lexicon*, Loompanics Unlimited, Port Townsend, Washington, 1987, pp. 23-24.
48. Lipstadt, *op. cit.*, pp. 157-182 and 220.
49. *Index on Censorship*, vol. 27, no. 1, January/February 1998, p. 83.
50. *Scapegoat*, vol. 1, no. 1, January/February 1995, pp. 10-11. Unfortunately it appears that this highly informative anti-censorship magazine folded after only one issue.
51. *Index on Censorship*, vol. 27, no. 1, January/February 1998, pp. 52-53.
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53. Quoted in *Index on Censorship*, vol. 24, no. 3, May/June 1995, p. 43.
54. Quoted in *Index on Censorship*, vol. 24, no. 5, September/October 1995, p. 177.
55. *Index on Censorship*, vol. 24, no. 3, May/June 1995, pp. 45-46.
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