

# Lock Up the Holocaust Deniers?

By Geoffrey Wheatcroft

LONDON

Last Tuesday, the European Parliament voted to lift the legal immunity of Jean-Marie Le Pen, one of its members, so that a German prosecutor can begin a criminal investigation of remarks Mr. Le Pen made belittling the Holocaust. The European Parliament has few serious duties, and last week's vote may have seemed like a way of justifying its existence. That does not mean that the vote was wise.

Mr. Le Pen is the leader of the far-right National Front in France, and has — more than once, most recently in Munich last December — dismissed the extermination of the European Jews as a "detail of history." Since "Holocaust denial" or "minimizing the crimes of the Third Reich" is against the law in Germany, he can now be prosecuted there. Conviction could bring a fine and a prison sentence of up to five years.

If he is imprisoned, Mr. Le Pen will receive sympathy he doesn't deserve. He is an odious demagogue, an anti-Semite and racist who has unashamedly allied himself with those who call themselves "revisionists" — another National Front member of the European Parliament is Bruno Gollnisch, a university lecturer who claims that there were no gas chambers in the Nazi camps. These men are a step away from the crackpots who claim by pamphlet — and nowadays by the Internet — that there was no genocide at all.

Much of Mr. Le Pen's electoral support no doubt comes from people who aren't themselves evil racists; they are just perplexed and embittered by the fast-changing modern world, with its rapid immigration, globalization and downsizing. But then, that's the ground in which fascism always breeds.

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In the last years of the Weimar Republic there was a demonstrable collusion between Nazis and Communists to destroy German democracy, with both parties appealing to much the same constituency of the disaffected. Interestingly enough, polls now show that a large block of French voters shifted directly to the National Front from the Communists after that party faded away.

We heard the same argument — that prosecuting someone like Mr. Le Pen would make a martyr of him — during the debates several years ago over the British war crimes bill. Numerous men had come here after the war who, it was believed, had participated in atrocities in wartime Europe. But whatever they had done in Poland or Lithuania was not a crime

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## First Amendment principles aren't just for America.

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under English law, since it was outside the jurisdiction and they were not British subjects at the time. (If they had been, then they could have been tried for murder wherever they had committed it.) The war crimes bill sought to allow prosecution of such suspects.

In the course of ill-tempered parliamentary debates, opponents of the bill argued that prosecuting "pathetic old men" would arouse sympathy for them. The law was in fact passed, and prosecutions have been undertaken. But the difficulties of securing convictions after half a century have been predictably large, and one or two of the old men have in fact been too physically or mentally infirm to stand trial.

Although some Jewish groups lobbied for that law, other Jews opposed it. In one of the shortest and best speeches ever made in the House of Lords, Lord Bauer (the eminent

economist Professor Peter Bauer) said that his father had perished at Hitler's hands, but that he opposed the bill on the grounds that it was retroactive legislation and a further erosion of the rule of law.

That was also argued eloquently and bravely by Chaim Bermant, who wrote a wonderful weekly column for The Jewish Chronicle of London until his death in January. He also argued against a Holocaust denial law after one was proposed in England early last year and Tony Blair, not long before he became Prime Minister, said with what I'm afraid is his usual instinct for ingratiation that he liked the idea.


As Bermant pointed out, a Holocaust denial law would be impossible in the United States because of the First Amendment. And as he also said, such a law ought to be unthinkable in any country with a tradition of free speech.

As for Britain's war crimes bill, horrible as the atrocities committed by those men may have been, the real objection was that we don't want to live in a country that stages show trials. Repulsive as the "deniers" are, the objection to a Holocaust denial law is that we don't want to live in a country where the state tells us what to think.

France is among the countries that have passed such laws, along with Germany. Perhaps they have consciences to assuage. Perhaps that's understandable. That's no reason for others to follow their lead, and so far the proposal has not, in fact, come to anything here.

As to the European Parliament, quite apart from the question of whether members of that otiose and overpaid body should enjoy legal immunity in the first place, there is something disquieting about last week's vote. It is the lack of confidence in the spirit of free inquiry and free debate, and in the power of honesty. Contemptible as Mr. Le Pen is, he should be left to stew in his own juice. The answer to lies is not to lock up the liars but to tell the truth. □

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