

## Till Historiens Frsvar

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History is about the past. The spectral reality of the past, known to us only through the traces it has left us in the present, exerts an unending fascination, and surely as a young boy I was intrigued by this evasive reality of which we seemed to know so little, and of which so much seemed irretrievably lost. Later on as a school-boy I would become enamored by one aspect of it, namely the story of the Swedish nation, emerging in medieval times and achieving glory in the 17th century. This aspect, trivial in a metaphysical sense, is what is often identified with the subject of history, the precise form of which obviously dependent upon your accidental geographical position.

Much of the confusion in the discussion of the philosophy of history, be it its nature, in particular whether it is science or not, or its ultimate usefulness all hinges on this rather elementary distinction. The book by Evans, is a defense of history as concerned with reality, about a past which we can but imperfectly know, but nevertheless exist independently of ourselves and our wishes. In history we ultimately discover things, we do not make them up. It is an attack against a prevailing academic fashion of hyper-relativism, which reduces history to texts without any relevance to anything outside them, and the practice of history not to an engagement with the past, but with the texts of other historians, with the more or less tacit implication that any interpretation is as good as any other in the name of multiculturalism. This fashion, conveniently termed post-modernism, involves a great variety of approaches and personalities, and Evans is very careful not to consider them all under one heading and does go out of his way to acknowledge many of the useful contributions it has made to the academic discipline of history, in fact having led to a rejuvenation of the discipline itself. But consistent relativism, not only condones such perversions as Holocaust denial, (to which post-modernists are very careful to distance themselves from, knowing that it would spell social ostracism and the collapse of careers<sup>1</sup>) but lead to internal contradictions, which so exasperates the author. One may maliciously reflect in view of the egregious mistakes of Post-modernism, whether it is really an intellectual problem at all or not simply a sociological one, due to the expansion of universities and the opportunities this provides for intellectual pursuit by the unfit. So filled with babble and lazy, unrigorous thinking it is to make such suspicions hard to suppress. One may summarize Evans argument, paraphrasing a well-known saying, to the effect that post-modernist thinking contains much that is interesting and useful, as well as radical and provocative. But what is useful and interesting has long since been assimilated by main-stream historians, and thus is no longer radical nor provocative; while what is radical and provocative is merely silly not to say non-sensical and thus hardly interesting

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<sup>1</sup> The strange and rather tragic case of the British historian David Irving is a case in point. His reckless behavior not only courted disaster but achieved it, forcing authorities to imprison him, causing no doubt mutual embarrassment.

and useful in any meaningful way. However, as noted above he goes bends over backwards to try and make out a case for a non-empty intersection, if marginal, of the two usually incompatible strands of post-modernistic thinking. Many readers may find him a bit too indulgent in this regard. A politeness beyond the call of duty<sup>2</sup>

The curiosity as to what happened and what was in the past is a powerful incentive for scientific thinking, presupposing a philosophical stand of realism, as there being something 'out there' independent of us. This philosophical stand is of course a metaphysical one and as such in the nature of a religious conviction beyond argument. To liken it to a species of religious faith is not so much as to disparage it, as post-modernists might conclude, but as to illuminate the true nature of religion. If God is identified with 'Truth' it becomes a rather abstract deity, the Aristotelean kind that so preoccupied medieval scholastics. But such a curiosity of the past is too general in order to comply what we normally associate with the pursuit of history, it includes climatology, paleontology and geology as well as the study of say Roman emperors, yet it points to a unity of method and provides the scientific underpinnings of the enterprise. To unearth the past (which in geology and archeology takes a very literal meaning) is essentially a forensic exercise, that of teasing out of the traces left in the present as much as possible of its causes. Collingwood understood this well. His thesis that history is the reconstruction of the past in the present, may be seen as an overly relativistic attitude towards history (or if taken too literally just a platitude) with its emphasis on the traces of history as being what has immediate reality, not history itself, and that our conception of the past is inescapably shaped by the context given it by the perspective of the present. But an enterprise is marked by its methodology, we work with what we have, and a historical investigation is in no sense essentially different from a crime-investigation<sup>3</sup>, in both cases we need to reconstruct what actually happened, and what actually was the case working only with the available evidence. In a judicial process there has to be closure, while in history the investigation can go on indefinitely, each generation reevaluating the efforts made by its predecessor, as more and more evidence is being available in the present.

Evans starts out with Ranke, usually seen as the father of modern history. He was incidentally a most productive writer, publishing shelves of history with an ease that might throw doubt on his faithful applications of his own principles of critical scrutiny. Ranke's dictum that we should find out what really happened has often been ridiculed both as being too naive in a positivistic sense and as reducing history to the accumulation of facts. This is indeed very unfair to Ranke, whose actual German expression has not been properly translated or understood. Ranke did of course not see history as just isolated facts, the purpose of a historical narrative was to make sense of them, show how they related to each other. The study of history differs from the study of nature as it concerns humans

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<sup>2</sup> I tend to think of Post-modernists as stuck in social thinking. You do not take your fellow human beings on face value, you always inquire as to what agendas they have, what background. Social intercourse is not about absolute Truth but relative, pragmatic truth. Theories serve ulterior motives. Science a social game with unwritten rules and a tacit consent not too push things too far, not to carry arguments to their logical conclusions (how else to account for their blindness in seeing the obvious?), something imperative in science, but in a social context seen as a symptom of autism.

<sup>3</sup> Collingwood actually writes a little parable to that effect.

and human institutions, and thus we are made a subject of what we study. Thus in the words of Collingwood, we cannot consider it as a spectacle, as we can nature. Thus the kind of facts a historian look for have only meaning in a human context. The precise location of a body of water at a certain time, is qualitatively different from the fact of who was King over that expanse of water at the time. Basically traditional history is based on written documents, where such are not available we speak about pre-history implying that history cannot be pursued, that such epochs will forever lie beyond the realms of history, although not of course beyond our own curiosity. Thus traditional historical methods have of course been supplemented by others such as archeology, just as a crime-investigation cannot solely depend on testimony but has to be buttressed by so called technical investigations. Collingwood restricts what can be considered legitimate sources for writing history. Memory is not such a one. Thus an autobiography written solely upon personal memory is not history. But of course such an autobiography by itself can be considered a document once it is written, and thus a legitimate source for subsequent historical investigations<sup>4</sup>. Thus the pursuit of history is not, what Collingwood dismissed as mere 'scissors and paste', i.e. a passive reading followed with a cutting and rearranging of already existing material, but an active engagement with the sources, not looking for what a document says but what it means, just as we never can take testimony for face value in a criminal investigation. What we actually perform, Collingwood reminds us of, is a cross-examination. Evans also expresses a similar attitude when he talks about engaging in a conversation with the evidence. Thus the proper historical investigation does not differ in kind from a scientific investigation, it does demand ingenuity as well as knowledge, it cannot be done on a strictly individual basis, but is a communal effort, in which each generation builds on the advances of previous generations. But there are also obvious differences, and one could do well to explain those, as there is much confusion on the issue, as we initially indicated.

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<sup>4</sup> A document is something out there, to be examined by others, while your personal recollections are entirely subjective, and their progress can never be checked by an outsider. Personal memory is a fluid thing, and memories cannot be properly be separated by the efforts to remember them, thus liable to be changed with each recollection. Thus remembering is an active process that interferes with what it remembers. True there are of course striking similarities between the efforts of remembering and reconstructing the past. Isolated facts of recollections can be used as pieces in a jig-saw puzzle to conclude things that are not actively remembered. Such as when we try to put recollections in a proper chronological order (a diary or letters, proper historical documents, may be of invaluable help here), or try to figure out what year a certain personal event happened, by linking it to others in a long chain. But unlike the discrete nature of documents, personal memory has a more fluid and continuous nature, it can be triggered and reveal unsuspected memories by hitherto untrodden paths of associations. It would be as if documents would suddenly pop up where we need them. Events that are joined into a coherent whole by some kind of narrative are much easier to remember as such, although we may have little clue as to their temporal relations to other memories. The logic of a narrative makes it easier for us to interpolate, which casts additional suspicions of the authenticity of many of our recollections. Can it be that a constructed memory becomes authentic if repeated sufficiently many times, to make a paraphrase of a notorious saying. All of this makes us cry out for tangible pieces of solid information open to everybody. A memory written down, at least fossilizes its factual aspects, rendering it immune to subsequent assaults.

Somewhat simplistically one could talk about facts. Facts are out there. Jupiter has a certain mass, Henry VIII had or had not a child with Anne Boleyn, Julius Caesar did or did not empty his bladder an hour before he was struck dead. Facts are something we can all agree on, even if they may be extremely hard to ascertain. (As to the last one we may never find out.) To be more precise one could talk about primary and secondary facts, the latter being derived from a combination of the former. As primary facts one would restrict oneself to actual documentary traces, but at this stage of the discussion there is no need for such a distinction<sup>5</sup>. Facts make no sense in isolation, only if they are fitted into some larger pattern. In science we make theories, in history we make interpretations, both having as their goal to make things comprehensible to us. Our theories and our interpretations do not 'exist out there', they are indeed human constructs, and exist only in ourselves. But there is an essential difference between a theory and an interpretation, scientific theories eventually become 'facts' as they have an uncanny tendency to contain much more than we put into them, and I am here speaking predominantly of the physical theories in which mathematics plays a crucial role. That the universe should so be ordered that simple theories can have such explanatory powers is of course a mystery that has been pondered by philosophers, and of course no ultimate explanation will be forthcoming as such a one would be a theory by itself needing to explain itself. While interpretations never have this property, they never become facts, providing steps of a ladder, on which we may climb. In particular there are no universal historical laws, in particular history cannot be predicted<sup>6</sup>. A student of a work of history may profit from the facts he learns and build on them, but he cannot take the thesis itself as a fact, although it can be a powerful incentive for him to formulate his own thesis and thereby look for other kinds of facts. Thus paradoxically a historical work that is poor on facts and presents a wrong-headed thesis, nevertheless can have a very inspiring influence.

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<sup>5</sup> How much does Jupiter weigh? To find out we need to assume Newton's theory of gravitational dependence on distance. Jupiter's weight does not become a fact until we accept Newton's theory as a 'fact'. In a sense the 'weight' of Jupiter only makes sense within physical theory such as Newton's. (One may on the other hand think of an unpractical scenario in which Jupiter is chopped off into small pieces and brought to Earth, then each weighed on a pair of scales before being ejected again, and the weights added up. In this way one could convince somebody who did not believe in Newton's theory, only in the common observation that equal masses are equally attracted by the Earth's gravitational field.) A common argument against Popper is that theories cannot be tested, as the very testing of a theory assumes the truth of a theory. This is of course not a valid argument against Popper, only so if the assumed theory is also the tested one. In fact it fits in beautifully with his asymptotic theory of knowledge, that absolute knowledge can never be obtained, only better and better approximations of it. Thus there is also a hierarchy of theories, some better tested and thus closer to 'facts' than others.

<sup>6</sup> Of course in a vision of a mechanical universe, in which everything follows from simple mechanical laws, the universe is deterministic, in principle, as Laplace explained, its past and future simultaneously known to a powerful enough intelligence. But such an intelligence cannot be part of the universe it contemplates, and of course a prediction, as any kind of determined events, would necessarily be a consequence of the flow of things, and there is no reason why a prediction of itself would be included in the inevitable consequences. If the universe was deterministic, we may be pre-determined to believe in an indeterministic unpredictable universe. and thus forced not to make predictions, or at least only false ones.

Thus schematically both the scientist and the historian face the same dilemma, namely out of some given facts construct a coherent explanation, in the case of the scientist a theory, and in case of the historian an interpretation, a thesis compatible with the facts on the ground. New facts may very well undercut the theory or the thesis and then it is the moral obligation to dispose of it, no matter how much of a darling it might have become. In human terms this is not easy, and the temptation to cheat is greater if you are a historian, because if a theory in principle can be undercut by a single fact, a historical thesis does not have such a clear cut boundary. And in practice, the situation of the scientist is less exalted, most scientific work does not entail the setting up new theories, only to explain phenomena with the theories available (and thus implicitly confirm them). A historians thesis is different, it wants to make a grander point and cannot use other thesis to explain<sup>7</sup>

Now the discussion so far has been simplified for greater clarity, one needs at least one further level of explication. I referred to a distinction between primary and secondary facts above. A secondary fact as the paternity of Henry VIII as to the latter Elizabeth I, is nothing that is obvious to us, it has to be inferred from the evidences that are present to us. (And in fact contemporaries were probably in not a much better position to settle that fact than we are. They could have cross-examined witnesses, while we at least theoretically could look for DNA tests on the remains of the bodies.) But we can never be sure of course. In practice there is in this case a distinction made by biological based paternity, independent of our wishes, and a judicial one, the latter being a convention of our own making (in practice I suspect that of the King himself, be it based on private evidence or wishful thinking). As dynastical progression was extremely important at the time, and only the latter could have any measure of certainty, as we made it to possess such, and this would be what ultimately mattered. Now strictly speaking this would be the kind of historical fact we would be able to determine, and it would be derivable from the documents. In fact history mostly concerns itself with facts relating to human institutions. If we would find out that Henry VIII was not the biological father of Elizabeth this would have little if any implications as to our purely historical understanding and in no way disrupt the dynastic narrative of England. After all such retrospective knowledge would not depose Elizabeth from her throne. This does not mean that such a revelation would not be interesting, only irrelevant to what it purports to deal with. The point is that in order to establish secondary facts, such as the one above, and which future historians can confidently assume, without having to waste their time on independent researches<sup>8</sup>, a historian must need to be able to reason, not using grand historical laws, but micro-principles, taken for granted, yet part of the craft of a historian.

Ultimately what makes the study of history different from that of nature is that it

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<sup>7</sup> The ambitions of a scientist and a historian are different. A scientist usually publishes a large number of rather short and very technical papers, often with many co-authors, each with a very specialized aim. While the historian to prove his mettle is expected to publish a few monographs on his own. Mathematicians tend to be situated half-way between the extremes.

<sup>8</sup> In principle such should always be possible, this is the function of a footnote in a serious historical work, that allow the reader to reconstruct the derivation. This is of course the equivalent of a reproducible experiment in science, and thus non-surprisingly it is a inescapable requirement of any professional work, whose ultimate purpose is to become a brick in a grand edifice.

concerns people and hence their thoughts. In order to make sense of history, Collingwood admonishes us, you need to be able to reconstruct the thoughts of the actors, without those there is no historical narrative, no historical sense, no way of making those necessary interpolations and deductive reasonings that enable us to create higher level facts. Human history is ultimately one of the progression of thought, and Collingwood as a philosopher makes a distinction of objective thought which is in principle portable from one person to the other, and is thus necessarily on a fairly abstract level, and the inaccessible subjective thought which is concerned with the qualia of the perceiving mind. One such inheritance is our language. Written documents, the mainstay of historical sources, are after all written in languages which have been handed down to us. If it is written in a language and a script unfamiliar to us, we need to decipher it, a task which would be rendered impossible were there not be other documents around, the language of which we know<sup>9</sup>. But languages change over time, yet the process being gradual and as far as extensive material is around, we can usually reconstruct changes, in particular subtle ways in which the meaning of familiar words may have changed. Here we are talking about laws, the essential stability of language, without which traditional historical investigations would be impossible. This is an example of a law, historical if you so want, with sufficient generality to allow us to leap-frog onto new knowledge, just as new knowledge is achieved in the sciences, using other laws that can be exploited for deduction. This might be the most obvious type of law essential for historical reconstruction, the reader can no doubt think of others<sup>10</sup>.

The fact that history as a humanistic subject is focused on human individuals and above all human institutions is obvious, but why this traditional emphasis on kings and battles, later to morph into a more general political and diplomatic chronicling? There are two reasons for this. On one hand, as exemplified by the fact that in many languages the word for 'history' and 'story' are the same. History is as noted above not just facts but facts combined into a narrative. What particularly excites people is a narrative in which individuals figure over extended time, make decisive acts that drives the plot and suffer the consequences. We have the classical Homeric epics, the stories of the Bible, the Indian Mahabharata. They are fictions of course and as histories mythological, but it does not really matter, what is important is intrinsic coherence and that the facts are recognizable. For the same reason the history that is taught to kids is of a similar kind, it is history as epic and myth, history as fiction. Of course we were told that it was true, and we had no reason not to doubt it. But in what sense did it differ from the biblical stories, and really the pride we might have felt in the triumphs of the Swedes on continental battlefields, how did it really differ from the vicarious pride we might have felt about King David's exploits? It was all very exciting, at least to me, it was not read in books, but recounted

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<sup>9</sup> It does not have to be as explicit as a Rosetta stone, a jigsaw-puzzle may have to be laid

<sup>10</sup> It is this that makes it possible to speak of the craft of a historian, or even more precisely of the existence of a historical technician. The story of the pompous Trevor-Roper expounding on the authenticity of the Hitler-diaries illustrates this. His reputation suffered a well-deserved dent when some lowly employee of the State Archives in Koblenz could pronounce the putative diaries to be crude fakes. I do not know if the verdict was reached alone on a textual analysis, some uncanny correspondence with the extant sources was revealed, or whether some 'cheating' was necessary using more forensic methods such as a chemical dating of the paper.

by the old teacher. History as narrative, as something to be cherished by the fireside. It was strong on the human element, the personalities of the kings, the idea that they made a difference, that they were in charge. It created heroes and villains, complications and intrigues. Why deprive young people of such fun? In former times I might instead had a similar grounding in the history of the Greeks and the Romans, although of course were were not entirely innocent of that either. And I recall that even at that relatively tender age, it was not just a glorified soap-opera, but many other things, some rather sophisticated to boot, were conveyed. Maybe not all of the pupils picked up on that, maybe only me, but does it matter? How bland would another kind of history have been, say one that concentrated on social life, demographic studies, or the changes of fashion in dress? There is a great interest in history, second rate historical books or novels always seem to find a ready audience. Narrative history is a buffet on which many are prepared to feast.

On the other hand history is not only entertainment, it is also supposed to be instructive. Science has technical and practical applications, if history is a science it ought to have applications too? One who is ignorant of history is condemned to repeat it, as the saying goes. Yet what kind of lessons can history impart? The past is indispensable to us, without a memory we could not learn anything. The same goes for the collective past, its achievements are passed onto future generations. But of course this is not what we mean learning about history per se. To what extent is our past experiences a guide to the future? In our lives we are constantly prompted to make decisions, on what are those based? On instinct or personal experience, supplemented by that of others? It depends on the kind of decisions we are about to make. Some such as taking a momentous decision as to marry a particular person, our past experience usually offers no guidance at all, and those of others are usually unreliable. Such examples can be multiplied, our memorable experiences are usually unique and can never be repeated. Yet of course our social adaptation is a mixture of instinct and learning from our personal experience, as well as absorbing the condensed version of others, usually known as conventions. History in this respect teaches us some hard lessons, such as aging and death. Our memories, especially the so called episodic ones which make up the narrative we call our lives, have an intrinsic value, without them we would have no real sense of identity<sup>11</sup>. Yet as guides to the future our past lives are next to worthless. We are told that life teaches us lessons, but rarely are we put into the position to really benefit from those? When it comes to a more collective perspective, few people are in position to learn from history, in fact only those who are set to govern. Thus what would be more natural than to restrict the inquiries into the past to those of governing elites, in order to learn from their examples. Thus the elitist perspective on history, coupled with the related fact that this is the best documented part of history, and one always tends to look where the light is brightest. But to what extent does that kind of history instruct its future? In our social interaction, memory and feedback are essential, in fact even instinctively guided. No such instincts have evolved on the governing level, and the challenges it presents go beyond those of the kind of social interaction mankind is genetically adapted to. Thus the greater need for education, yet one fears that history has

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<sup>11</sup> Collingwood claims the same for society as a whole, without its history, it will be in limbo, and this being the ultimate justification for history. This is of course but a metaphor, the collective memory of history is very different from the memory of individuals.

few useful lessons to give. A solid historical education in a statesman, may enrich his life, but probably has limited benefits, it being more likely to lead astray as to correct. Still a man that governs need to make predictions, weigh different courses of actions before making decisions. Instinct may be as good as anything else, but instinct now being deprived of any evolutionary basis and indicating something that does not much go beyond guesswork and caprice. On the other hand governing is also a social game of persuasion and manipulation, getting your will across. This is something different, and here experience and instinct may play a crucial role. But such skills impressive as they may be to those able to view them close up, often spell disaster, as the examples of dictators show. (This might be conceived as a lesson of history, would it hold universally, but if the supreme lesson of history is that there is no lesson of history, then as a consequence one might conclude that there will be bound to be exceptions.)

This leads to the important problem of presentation. As noted the facts of history needs to be explained, from another perspective, they are merely the correctives to narratives. It is not enough to present a thesis, the presentation itself should be not only illuminative but engaging. In the past the writing of history was seen as a literary exercise, thus putting the emphasis on narrative. But with the trend of viewing history less as literature but more as factual science, this aspect was seen as mere decoration and discouraged. Or maybe rather with the growing cadre of historians, the talent for such exercises is no longer predominantly available, mediocre practitioners making for mediocre products, making a virtue of necessity. Evans sees a breaking of this trend, something he to some extent attributes to post-modernistic influence, especially their emphasis on history as texts and the paramount importance of language.

Finally Evans was instrumental in bringing down David Irvine. The latter had been accused in a book of being a falsifier of history in his denial that the Holocaust had occurred. He took exception to the accusations and sued the author. The outcome was that the court ruled that the Holocaust had really occurred, partly on the testimony of Evans, and hence that Irvine had indeed been a falsifier, and his case for libel was turned down. So far so good. Irvine was humiliated and suffered economic ruin as a consequence. The fact that the court had ruled that the Holocaust had occurred meant that historical truth had received judicial sanction. A blow against the hyper-relativist point of view of the post-modernists. That the court ruled in favor does not of course mean that this by itself is a proof and that Truth has been established once and for all by its authority. A court is a human institution and Truth is independent of the verdict of human institutions. It means that it would be unreasonable to assume the contrary and that the proofs of historians are being generally accepted<sup>12</sup> in the sense it would be unreasonable to assume otherwise. Courts are used to establishing truths, of finding out what really happened, to ascertain guilt and innocence. This does not mean that once established a verdict cannot be overturned, examples of this is legion. But Irvine was also put in jail? Why? Because there are laws in certain countries that denying the Holocaust is a punishable offense. Why

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<sup>12</sup> In the words of the pragmatist C.S.Peirce, truth is what the community thinks is true. To the credit of Peirce, what he had in mind was not just the contemporary community, but the future community prolonged indefinitely into the future. Something that tallies well as a social implementation of Poppers asymptotic approach to Truth.



should that be? Why only the Holocaust, why not also make denying Natural Selection or proclaiming that the Earth is flat punishable offenses?

Did the battle of Lützen in 1632 really take place? Should it not be a punishable offense as well to claim not? This is of course disingenuous, it is quite clear why the Holocaust has been singled out. It is the traumatic experience of the 20th century and it is important for all and everybody to distance themselves from that event. Who cares about Lützen strongly enough to want to deny it? What agenda would such people have? Thus it is not surprising that Germany has established such a law to repudiate its past, not to show itself soft on its former crimes. But if so, the harder the punishment the stronger the repudiation. Why not impose the death penalty? After all the Holocaust was an exceptional event and our reaction to it should be correspondingly exceptional. The stronger the punishment we propose the stronger is our ant-Nazi stand. Who in his right mind would like to be seen as soft on Nazism?

But what if you are an idealist, or even a solipsist, denying the existence of an outside world, including anything that is purported to have happened there? Or if you are a inveterate skeptic, inclined to doubt everything on principle. What is the difference between doubting the Holocaust and denying it? To doubt, to assume the contrary on principle is a very powerful stratagem to get to the truth (Just compare the mathematicians method of proof by contradiction). To push it further what is the difference between doubting and just doubting tongue in cheek? And what about the difference between denial and mistaken belief. Are you not allowed to have any kind of belief? Now, a court is based on formal rigid laws and flexible common sense interpretations aimed at getting at the intention of the law, not just its letter. There are fringe movements which have shady agendas and by the use of sloppy pseudo-historical methods seek to cynically promulgate views they may or may not believe in themselves. Those are the legitimate targets of that particular laws and the scenarios I have sketched above would no doubt be thrown out by any sensible judge. Still there is a principle involved and the law once existing can set up unfortunate precedents. This has already happened, when the Russians are considering imposing a law that makes it punishable to hold certain interpretations about the Soviet resistance to the German invasion. Now we are no longer talking about hard facts but about interpretations. What about making it a punishable to claim that Hitler did not start the War, that the English and the French did by declaring war on him after he (incidentally without a declaration of war) attacked Poland in cohorts with Stalin. (Why did not the Allies declare war on the Sovietunion for a similar transgression? As the Sovietunion and Germany were not allied, the declaration of war against the first did not automatically entail the second.). If they had not declared War, Hitler would not have swung west, not bombed London and not in anticipatory self-defense attacked the Sovietunion. This is an example of counterfactual speculation that seems extremely far-fetched, but should people be punished for presenting speculative scenarios which by their very nature can never be properly falsified? Of course even if this scenario would have been true it would still not in the eyes of most of us exculpate Hitler's responsibility as far as his actual deeds are concerned. The arguments would never cut the mustard in any court set up to determine the issue of guilt, and this is what courts are supposed to do after all, but it is not the proper business of History to set itself up as judge (although it could retrospectively over-

turn court decisions by virtue of new evidence and/or a more searching study of the old ones). To us the question of Hitler's guilt is of paramount importance, but will it be so a thousand years from now? Would the whole sorry business just be another one of those detestable atrocities of which history will be even fuller of?

There is freedom of expression and speech. This is considered one of the pillars of democracy. There is much confusion on the issue. First there is the freedom from punishment based on what you say, secondly there is the right for you to be given the opportunity to say it. Those two issues are usually conflated, although the distinction is very important. If you are refused to have your piece published in a given journal, this is not an infringement on your freedom of speech, although of course many such rejected people feel so, arguing what is the point to have a freedom if you have no opportunity to express it? This has a point and many a repressive regime can suppress opinions simply by denying it outlets. Personally I am for the minimal interpretation but that presupposes a pluralistic society in which the means of production and dissemination are not concentrated under one owner (and power) in order to enable the positive aspects of freedom of speech to manifest themselves. In short some honest form of market economy. A journal has every right to refuse on any ground they find fit any contribution. (However, anti-discriminatory laws would present a threat to that principle, just as a landlord and a storekeeper may not refuse a lodger or customer access capriciously.) What about universities? A medical institution has a moral right to deny access to quacks. (This is why we trust them or at least have reasons to do so.) Holocaust deniers, like flat-earth proponents or creationists are quacks. They cynically or not propose pseudo-scientific theories. An intellectual institution that does not systematically weed out the preposterous and mistaken will soon suffocate. Incidentally when the hard physical sciences are concerned the demarcation between the bad and the good is far easier to draw than in the softer social and humanistic, thus the latter have more ballast and their progress in gaining altitude is consequently impaired. As Evans notes there is no freedom of speech act that prevents universities to rid themselves of pseudo-science, such activities have no right to be given the opportunity to express themselves, least of all in the prestigious contexts universities can provide. But there is one thing to be denied access (or even to be fired) and another thing to be punished. When it comes to the punishment issue, there is once again a confusion to be sorted out. Most people seem to believe that freedom of expression is fine as long as the expression is not offensive. This makes moot of the notion of freedom of expression. The crucial thing to make a distinction of is between an act and a speech. Sometimes the very act of speaking is an act by itself. As when crying fire in a crowded cinema, or ordering a firing squad to fire (as opposed to persuading it?). More controversially though in a court giving false testimony (the notion of perjury which I believe involves willful deception). To hold mistaken ideas about medicine is no crime, but to act on them something else. The doctor who refuses a patient established treatment for diabetes and thereby causing death, is acting and thus subject to the law. He would not be liable if he propagated for alternative treatments, only those who acted upon it. The crucial thing to ask is what actions Holocaust denial leads to, and to punish those.

What is meant by a Holocaust denial? That it never happened? What did not happen? On the very basic level it is hard to argue that a certain number of Jews did not

vanish during the Second World War. To deny this one would need to exhibit survivors and their descendants tucked away somewhere. This I guess is the equivalent of a flat earth hypothesis<sup>13</sup>. The next level is to deny that there was a systematic and intentional extermination, well organized from the very top, very effective and hence conscientiously undertaken, using gas chambers to kill and ovens to remove all traces. But that instead death was more accidental, due to starvation, disease and general exhaustion, and thus not in principle different from other massacres and human engineered mass-deaths such as the killings of North American Indian tribes, or Australian aborigines, Russian Kulaks or any other human tragedy you can think of. This is known as trivialization of the issue, it means in particular that we cannot really compare the nuclear bombings of Hiroshima and Nagasaki, or the fire bombings of German cities to the systematic violence perpetrated against the Jews<sup>14</sup>. Such comparisons are sometimes made, and depending on the spirit in which they are done, they certainly can be classified as trivializations, denying the special character of the Nazi extermination. Such comparisons are not usually considered as Holocaust denials, although they are often made by the very same people that perpetrate the latter. Should they be punishable as well? Perhaps not because they do not necessarily involve falsification of history, only moral interpretations. What about people that do not deny the historical evidence, but claim that it was a good thing, except that it was not successful enough, more in the nature of a half-measure. Here we have a case of moral interpretation, reprehensible of course, maybe even more so than the straight deniers, yet should it be punishable? (I guess it would be under the heading of anti-semitism, meaning that it is punishable by law to express anti-semitic sentiments. This puts the question of Holocaust denial into a wider context, which is the one that really has to be addressed.) It certainly would not be a case of presenting false evidence and potentially misleading people. It would provide no arguments in favor of the opinion, at least not for most people. The question is how much harm it would do at all.

Why does it matter to most people whether the Earth is flat or round? Such a belief would be very hard to square with affluent people of the West and their experiences of traveling around the world. They need to have some idea of how global geography holds together, and if given equal time to both, most people would be hard pressed not to accept the simpler and natural explanation, and consider the other absurd. What does it matter whether people believe in natural selection as expounded and explained by Darwin, and later augmented by the genetic theories of Mendel into the modern 20th century

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<sup>13</sup> One is reminded of the dialogue by the idealist Berkeley between Hylas and Philonous. The former asks the latter how God can conceive of immoral acts, to which the alter ego of Berkeley responds that the morality of an act lies entirely in the intentions of the act. There being no physical difference between the act of murder and the lawful execution of a criminal. Thus can one in history make such a distinction between physical acts, what really happened in the misunderstood sense of Ranke, and their moral significance? And thus that Holocaust denial refers to the latter not the former?

<sup>14</sup> To the mathematician there are two kinds of infinities (to the logicians an inconsiderable number of infinities) supplying a metaphor for how to view the Holocaust as an atrocity. But even if this sense of there being something qualitatively different may be quite intuitive, it is not so easy to formalize it. Could it be due to the cold, industrially efficient and essentially indifferent execution free of that fervent hate present in more recent genocides which would have been easier to identify with?

synthesis; or Intelligent Design? Perhaps not at all? Biologists are aghast, and so are people of a rational bent. The idea being that people in our modern society need to be aware of science as it and its applications so deeply influence our lives, if not they cannot really function as responsible citizens in a democratic society. But maybe it is enough that funding agencies are educated enough and the politicians who ultimately control them? (Although of course an ignorant and bigoted electorate is liable to vote into power ignorant and bigoted politicians, a nightmare since the time of Plato). Clearly for it to be meaningful for people to accept Darwinism it is not enough that they do so on the authority of scientists, then they can as well believe in some ultimate intelligent designer, but somehow they need to assimilate the thinking behind it. How many people are really willing and able to do so without being scientists themselves (and being a trained scientist or engineer, does not necessarily prevent the belief in an intelligent designer)? Finally why is it important that people in general know of the Holocaust and what it meant? And as the case of Darwinism how much should they know to be able make their own moral assessments? This is a question that is of course general and has nothing to do with anti-semitism and related matters at all. Why should we know about history? Why is it important<sup>15</sup>? Is it because we are to be inoculated from repeating it? But history does not teach any lessons, the past is no guide to the future, at least not in any obvious or direct way. Or is it in the last analysis a matter of justice? Not to obstruct it, because to forget is to forgive the perpetrators and betray the victims?

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<sup>15</sup> The Swedish Government has decided that history should be one of the core subjects in school, along with mathematics and Swedish. This decision seems to have been connected with a decision by the then Prime Minister to distribute to every home in Sweden a short book on the Holocaust, lest people remain ignorant.