

Templates of Denial: Selective History and Poland's Holocaust Law

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Featured image: Polish President Andrzej Duda

Holocaust history has never been far away from political manipulation. The deaths of millions tends to supply various causes: for those who survive, radicalisation can be imminent. For those who participated in the killings, justification and denial can combine in cruel fashion. Some, prompted by guilt, embrace the memories of those slain with a zeal akin to a civil religion; others would prefer to minimise its significance.

Complicity behind the deaths of millions of Europe's Jewry is one of those catastrophes of civilization that becomes abstract in certain states. In the United States, it has assumed the form of a [civil religion](#) with its own brand of high priest memorialisers. In Poland, the country where the Third Reich's death camps reached previously unmatched forms of mechanistic slaughter, a sense of distancing has been taking place. That it took place on Polish soil was bad enough. But what of the role played by Polish citizens more broadly?

This is a question that has been answered by the efforts of Polish President Andrzej Duda to outlaw accusations that Poland was complicit in the commission of Nazi crimes during its occupation. The law in question, passed by the Polish Senate at the start of this month, effectively affords immunity against assertions of collaboration, while punishing those who say otherwise.

[Duda's remarks](#) on this have resembled that of a public relations hireling keen on keeping the image of company and country pristine. The law "protects Polish interests... our dignity, the historical truth... so that we are not slandered as a state and as a nation."

As nation states are essentially fictions, slandering them should be, in principle, difficult if not impossible. But the chest beating, bayonet thrusting patriot sees it differently. Truth must be rationed, controlled and sanitised. All that is inconsistent is excised as part of a ["template of denial"](#) that employs legal tactics (penalising the questioners), political methods (pressuring other states to acknowledge the officially sanctioned version) and foisting, subtly or otherwise, blame upon the victims.

Duda has to take the step of sounding balanced on this, which is always a prelude to confirming a position of enthusiastic partisanship.

The law, he claimed, "takes into account the sensitivity of those for whom the issue of historical truth, the memory of the Holocaust, is incredibly important."

He is not entirely off point on this, in so far as historical truth here entails an appreciation of

Nazi German accountability. What matters here is that such an appreciation is exclusive, singular and separate, removing Polish reactionary complicity, one rich in anti-Semitic poison. In other words, the law designates accountability for some (the Germans did it, which is handy for everyone else) and removing it from others (we were victims, and had nothing personally against the Jews, who we were powerless to defend).

[The text](#) leaves the reader in little doubt about how memory is being streamlined and managed, declaring that “whoever accuses, publicly and against the facts, the Polish nation, or the Polish state, of being responsible or complicit in the Nazi crimes committed by the Third German Reich... shall be subject to a fine or a penalty of imprisonment of up to three years.” Using the term “Polish death camp” would, by way of example, be outlawed.

Such words offer meagre protections for those – amongst them Holocaust survivors – to question Poland’s stained role, though there [is a defence](#) if the criticism forms “part of artistic or scientific activities”. The issue there is less an accusation that runs contrary to facts as those that run contrary to a court or state institution’s *understanding* of those facts. Power colours reason; politics can intervene to corrupt judicial opinion.

Duda will not necessarily have it all his way, though the pathway of the law’s application does not look particularly pebbled or potted. The Constitutional Tribunal has been asked to review the bill to see whether it squares with various fundamental rights, notably free speech. The catch here is that the law may well come into effect before the judges can get busy, lending a certain superficiality to the outcome.

Countries have been lining up in criticism. Israel was [unremarkably furious](#); France, having had its [own tussle](#) with Holocaust memory, expressed concern at this attempt to [“rewrite history”](#). [US Secretary of State Rex Tillerson](#) offered a lecturing finger, one typical of those in civil religion land.

“Enactment of this law adversely affects freedom of speech and academic inquiry... We believe that open debate, scholarship, and education are the best means of countering misleading speech.”

States will, whatever Tillerson says, make attempts to control the narrative of histories in which they participated. Each country has its self-imposed injunctions on history, selective readings that anoint certain heroes while singling out certain villains. In Turkey, to claim that there was an Armenian genocide pursued as part of an aggressive Turkification program remains punishable.

In a similar way to the intended effect of the Polish Holocaust law, [Article 301](#) of the Turkish penal code, enacted in June 2005, operates to protect the state against instances of denigration, be it of the Republic itself, its institutions, and the very idea of Turkishness. A meek defence, which has had little effect, can also be found: “Expressions of thought intended to criticize shall not constitute a crime.”

While US institutions are constrained by constitutional protections that enable various versions of history to slosh around with some impunity, certain narratives will always be hounded into exile and shrieked into oblivion. One such instance of this is criticising the deployment of two atomic bombs against Japan during the Second World War.

[The Smithsonian](#) found this out on the occasion of the 50th anniversary of the Second World War's ending. Attempts to depict the cruelties behind the destruction of Hiroshima and Nagasaki in August 1945 were harangued as unpatriotic drivel, committing the [sin of moral equivalency](#). The pilots could only ever be seen as heroes possessing a terrible responsibility. The Japanese brute needed to be subjugated.

Poland's new Holocaust law is an announcement that it refuses to take the hand of various Western European powers in determining historical sense and sensibility. Again, central and eastern European powers are tapping their wells of resentment against the moralisers from the west. Fittingly, if a touch tragically, the Holocaust has provided testy affirmation of this.

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