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The Memory of Prevention. European Anti-Hate Crime Policy and Holocaust Remembrance

Thomas Brudholm [1] · Birgitte Schepelern Johansen [1]

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Abstract
Cross-referencing between anti-hate crime policy work and Holocaust remembrance activities is not a rare phenomenon in a European context. Offhand, connecting anti-hate crime policy work and Holocaust remembrance is intelligible, since both are concerned with issues of racism, intolerance, and human rights violations. Thus, potentially, a "win-win" situation for actors from both fields. However, there are reasons for caution when bringing together two evils of a rather different magnitude as well as bringing together the different policy agendas. Through a combination empirical analysis and conceptual and normative reflections, the article unpack the premises and implications of connecting hate crime activism and Holocaust remembrance and it points towards two potential concerns. Firstly, anti-hate crime work is mainly forward-looking and preventive. It aims to mobilize and hence it will tend to prioritize a narrative and emotional simplicity. While Holocaust remembrance is also to some extent preventive and future-oriented (e.g., the promise of "Never Again"), there is also an ongoing obligation towards the details and complexities of the past. When the two domains are connected, there is a risk that the mobilizing aspects are prioritized too much. Secondly, when the Holocaust is evoked as the appropriate past for understanding the potential harm of hate crime, there is a danger of misrepresenting and over-dramatizing a vast proportion of the incidents that are currently reported and prosecuted as hate crimes. Thus, while the joining of agendas may be tempting, it also comes with a prize.

Keywords Hate crime · Holocaust · Policy · Criminal law · Memory law · Ethics · Commemoration

Introduction

In 2016, the annual Holocaust Memorial Day in the UK was held under the catch phrase "Don't stand by." In the media, the day was marked by the release of a survey commissioned

✉ Birgitte Schepelern Johansen
bjohansen@hum.ku.dk

[1] Institute for Cross Cultural and Regional Studies, University of Copenhagen, Copenhagen, Denmark

by the Holocaust Memorial Day Trust, probing the number of people who had witnessed a hate crime during the last year and whether someone had intervened in the incident. According to Olivia Marks-Woldman, the trust's chief executive, "when we look back to the Holocaust and to other genocides, we learn that they happened because cultures were created and encouraged that allowed persecution to flourish. People stood by and tolerated increasing persecution, sometimes, because they were afraid to speak out against it" (*Guardian*, 27 January 2016). The coupling of anti-hate crime advocacy and Holocaust remembrance during the Holocaust Memorial Day in 2016 is far from a singular occurrence. For example, the Swedish *Living History Forum* is dedicated to using the Holocaust (and other crimes against humanity) as a starting point for promotion of equal respect for all human beings and information about intolerance, racism, and hate crime.[1] Conversely, the Holocaust can be invoked in the field of anti-hate crime policy. In the USA, congress hearings on the implementation of the first federal hate crime laws during the 1980s, some of those promoting recognition of homophobic hate crimes wore a pink triangle on their clothing (Jenness and Grattet 2001, p. 55). More generally, the linking of hate crime and the Holocaust appears in political speeches, in teaching material on anti-Semitism and intolerance, in NGO work, and in scholarly investigations of hate crime laws and Holocaust remembrance. In short, associations of genocide and hate crime is "business as usual" both in the administration of Holocaust remembrance and in anti-hate crime discourse and mobilization. Our aim in this article is to probe the basis, points, and implications of this bringing together of two evils of a rather different magnitude.

Offhand, connecting anti-hate crime policy work and Holocaust remembrance seems both intelligible and appropriate; a "win-win" situation for actors from both fields. Indeed, in some cases—such as *Living History*—the same institution or public authority has been established to deal with both issues as two parts of one overall agenda. Advocates of hate crime laws and architects of Holocaust commemorations are united in a fight against violence motivated, at least in part, by hatred or prejudice. Both fields of policy participate in an increasingly global discourse, and they can both be framed as part of a human rights struggle; against racism and discrimination, for universal and equal respect of all human beings (cf. Walters and Schweppe 2017; Assmann 2010). More precisely, both fields of practice and activism are about harassment, discrimination, and violence against groups or individuals because of their (perceived) group identities. The historical and emotional resonance of the alliance is displayed—vividly and concretely—in the outrage declared by US Holocaust Memorial Museum in response to the murder (in March 2018) of an 85-year-old French Holocaust survivor: "'That Mireille Knoll survived the horrors of the Holocaust only to be murdered in present-day France because she was Jewish is unconscionable and reminds us of the ongoing dangers antisemitism holds,' said Museum Director Sara J. Bloomfield."[2]

There are, however, also some noteworthy differences and potential causes of fissure. First, we are dealing with concepts and forms of wrongdoing on two very different levels. The statistics on hate crime primarily refers to frequent, ordinary, and low-level criminal offenses, committed by private individuals or small groups. Unlike the crime of genocide, hate crime statutes are typically *not* restricted to a set of particularly grave offenses, and they never require evidence of *intent* to destroy the targeted group in whole or in part. Unlike crimes against humanity, hate crime does not require evidence that the criminal act was committed as part of a

[1] http://www.levandehistoria.se/english/about-us

[2] https://www.ushmm.org/information/press/press-releases/museum-statement-on-murder-of-holocaust-survivor-in-france

widespread or systematic attack. Even if one grants that it is of course absurd to compare a singular hate crime incident with the thousands upon thousands of offenses that are comprised in genocidal mass violence, that is, even if one focus on the total or social reality of hate crimes in a given country over a period of years, the differences between the two categories and phenomena of evil are enormous, not only with regard to their magnitude but also in terms of their organization and implications for their victims. Hence, if some people think that it represents a kind of trivialization to remember or commemorate the Holocaust as an instance of the more general categories of *genocide* or *crimes against humanity*, what should we think about the linking of the Holocaust with hate crime? Second, anti-hate crime policy work does not necessarily aim at sustaining or cultivating collective remembrance. Rather, across the many different anti-hate crime activities, the main objective is to raise awareness about a particular kind of criminal offense; to motivate reporting, to send the message that "hate" is intolerable, and to prevent further occurrence of such crimes. The thrust of most organizational mission statements in relation to their work on hate crime is forward-looking and preventive. For example, the OSCE Office for Democratic Institutions and Human Rights is involved in the combating of hate crimes because of the threat they "pose to the security of individuals and to social cohesion, as well as their potential to lead to conflict and violence on a wider scale."[3] Of course, Holocaust remembrance is always also about the future. The vision of the *Holocaust Memorial Day Trust* is that activities of the memorial day "will enable people to learn lessons from the past in order to create a safer, better future."[4] Likewise, the US Holocaust Memorial Museum presents itself as "a living memorial to the Holocaust" that "inspires leaders and citizens worldwide to confront hatred, prevent genocide, and promote human dignity."[5] However, Holocaust remembrance institutions will always also carry an anamnestic obligation, a retrospective focus on a particular past that is generally not at stake in anti-hate crime policy work.

Granted such differences—between the phenomena and concepts that are being linked and between the aims and stakes of the respective policy agendas—our aim in this article is to probe the implications when the duty to remember the Holocaust merges with the combating of hate crime. How does the merger potentially shape Holocaust remembrance as well as our understanding of the evils of hate crime? In the following, we—a sociologist and a philosopher in tandem—will proceed bottom-up, departing from concrete examples of the ways in which hate crimes and the Holocaust are actually being connected. We use the examples to bring out for examination a series of more general challenges and problems arguably pertaining to most, if not any, attempt to merge the administration of remembrance with mobilization for a better future.

Memory, Metaphors, and Mobilization

The invocation of the Holocaust (then) in connection with hate crimes (now) can be thought of through the concept of memory in the basic sense of "the past made present" (Terdiman, cited from Rothberg 2009a, p. 3). However, the past can be made present in ever so many ways. More precisely, the connection of Holocaust remembrance and anti-hate crime activities

[3] http://hatecrime.osce.org/what-hate-crime

[4] http://hmd.org.uk/sites/default/files/hmd_2018_in_review.pdf

[5] https://www.ushmm.org/information/press/press-releases/museum-statement-on-murder-of-holocaust-survivor-in-france

represents a particular *use* of history, "History," writes Klaus-Göran Karlsson, "is made use of when aspects of a historical culture are activated in a communicative process in order for certain groups in a certain society to satisfy certain needs or look after certain interests" (Karlsson 2003, p. 38). Karlsson distinguishes between scholarly scientific, existential, moral, ideological, and political-pedagogical uses of history. Our concern is with the latter category, further qualified as:

> Deliberate, comparative, metaphorical, or symbolic use of the Holocaust in which the transfer effect between 'then' and 'now' is rendered simple and unproblematic […] all in keeping with the main purpose, which amounts to summoning history as an aid in attacking what are felt to be severe and concrete political and social problems in a later era. (ibid: 40).

To be clear, we are interested in situations where the Holocaust is invoked in order to support or explain the importance of fighting hate crime (now) as well as in situations where studies of current aspects of hate crime are presented as part of what it means to remember the Holocaust (the ethics of "never again"). In other words, we are interested in the "transfer effect between "then" and "now" more generally.[6] Therefore, we consider it fruitful to approach the linking of hate crimes and the Holocaust as a matter of what Webber (2011), has called "metaphorizing." To metaphorize is, according to Webber, in the broadest sense to see one thing in the light of another, and this implies a transferal (explicit or implicit) of characteristics between the domains that are connected. Such transferal can shape the meaning or interpretations of words and narratives, e.g., so that the Holocaust and hate crimes are represented in ways that highlights their similarities. Transferals can also be practical or institutional in the sense that the tools or logics from one policy domain are transferred to another. To metaphorize is thus not merely linguistic ornamentation but rather an *invitation* to understand and deal with something in a more or less inventive, perhaps revealing or provocative way. For the invitation to work, there has to be a shared symbolic framework that makes the transferal intelligible yet still evocative. Thus, approaching the connecting of hate crimes and the Holocaust as a process of metaphorizing can be contrasted with approaches that would treat them either as two instances (albeit of hugely different scope and gravity) of the same kind, or as two radically incommensurable things. Metaphorizing is played out beyond or between identity and alterity. In our investigation of the connections made between the Holocaust and hate crime, we will focus on how the connection between domains is established so that transferals (emotional, moral, practical, etc.) becomes intelligible. And we will discuss whether the transferals are justifiable or desirable.

Anti-hate Crime Policy Work

Before engaging the specific connections, let us provide a bit of context for our investigation. During the last couple of decades, the term "hate crimes" has gained a foothold in Europe as a popular shorthand for crimes motivated by particular forms of group-focused antipathies; racism, xenophobia, anti-Semitism, and homophobia among the most frequently mentioned.

[6] Obviously, there is also another layer of transferals at stake, since the linking of hate crime and the Holocaust cannot avoid being "disturbed" or complemented by other memories and histories behind the concepts (e.g., the history of the US civil rights movement).

The term, which originated from the USA in the late 1970s,[7] has become the backbone of a political mobilization in Europe, driven by minority NGOs, local police forces and municipalities, and IGOs like OSCE and the EU Agency for Fundamental Rights. The activities in this mobilization include raising awareness about the existence of anti-hate crime laws; an ongoing production and refinement of national- as well as European-level statistics on the number of hate crimes; regular meetings between the involved parties typically with the aim of improving and harmonizing methods for monitoring hate crimes; creating platforms for reporting (to the police or to NGOs); establishing victim support programs, and public campaigning and teaching activities typically focusing on the damaging effects of prejudice and intolerance for democratic societies.

During the late 1990s and into the new century, most European states have acknowledged the issue legally by implementing different types of anti-hate crime provisions in their criminal codes.[8] In some countries, these would appear in the form of penalty enhancement clauses for specific crimes (as in the *Danish Criminal Code*) or they may appear as distinct criminal offenses (as in the UK *Crime and Disorder Act*). In 2008, the demand for national hate crimes legislation was expressed in the EU *Framework Decision/913/JHA on combatting certain forms and expressions of racism and xenophobia by means of criminal law* from 2008, which also includes demands for a criminalization of Holocaust denial in cases where this would constitute harmful public speech (thereby framing Holocaust denial as intrinsically an instant of anti-Semitic hate speech (Kahn 2011)).

Anti-hate crime work in Europe continues a longer tradition for fighting expressions and enactments of *racism* through a combination of legal and educational measures (Bleich 2018). These interventions, such as legal measures (anti-discrimination, hate speech, and hate crime laws), have their national trajectories that testifies to the different political cultures in which they have emerged (Bleich 2003; also Suk 2007). However, there are also strong harmonizing movements, not least promoted by EU institutions and the OSCE, who push for a shared agenda of recognizing the importance of hate crimes as a human rights issue and standardizing means for reporting, policing, prosecuting, etc. The hate crime agenda has also pushed for a steady expansion of problematized prejudices and their associated identity markers. Consequently, most conceptions of hate crime today include not only race/racism or xenophobia, but also religion/anti-Semitism and Islamophobia, gender/transphobia, sexual orientation/homophobia, and sometimes disability (no term for the associated antipathy have yet been invented). This expansion is not surprisingly one of the central areas of conflict among actors working on the field, while other recurring debates pertain to the implications of aligning/side-ordering the different antipathies. Legal recognition potentially creates alignment also in terms of seriousness, thereby glossing over how certain forms of antipathies are entangled with gross historical injustices (e.g., slavery, colonialism, etc.) while others are not. Thus, we see in the anti-hate crime field some of the same "competitions" between victim categories, and debates about universalization as can be found regarding Holocaust and genocide remembrance (Rothberg 2009a, b; also Alexander 2009).

[7] For overview of the emergence and development of the anti-hate crime policy agenda, see Jacobs & Potter 1998; Jenness & Grattet 2001; Bleich 2018.

[8] OSCE reports

Now, connections between the anti-hate crime agenda and Holocaust remembrance appear in different forms. Most frequently, hate crimes and the Holocaust are simply articulated as related to each other, as when the Holocaust is referred to as "the ultimate hate crime" or the Holocaust past is evoked as a reason for supporting hate crime work (see below). Also, hate crimes and the Holocaust appear as topics that may intelligibly go together as sub-themes that express different "faces" of intolerance, racism or anti-Semistism (see for example the Norwegian government's *Action Plan Against Anti-Semitism 2016–2020*, or teaching material on intolerance for Danish high school student, Thuge and Brøndum 2014). Certain NGOs, especially Jewish and LGBTQ organizations have anti-hate crimes activities as well as Holocaust remembrance in their portfolio of activities (such as Living History, CEJI, Security Community trust, and, to a smaller extent, ILGA Europe). At a legal level, the EU Framework Decision/913/JHA places hate crime legislation in the form of penalty enhancement (Art.4) as well as criminalization of Holocaust and genocide denial (Art.1, c) as two means of addressing racism and xenophobia. Also, the OSCE guidelines on hate crime laws propose genocide and hate crimes as related crimes, in the sense that both laws against genocide and hate crime laws punishes a crime that is motivated by bias (OSCE 2009, p. 24). Finally, one can find connections in the ways specific national hate crime legislations are crafted and legitimated.[9] In the following analysis, we will present examples that include several of these different types of connections.

Remembrance and Mobilization

As already indicated, public administrations of Holocaust remembrance have probably always been multidirectional; in part about commemorating past events, in part about learning from the past in order to promote non-repetition. Furthermore, the meaning and implications of the common slogan of "Never Again!" can differ widely. From never again must we (the bystanders) allow such destruction to take place to never again shall we (the survivors) suffer like that; from never again another Holocaust to a more general commitment to fight and prevent genocide, crimes against humanity, and—as the scope expands—hate crime and discrimination. So, Holocaust remembrance, in general, is varied in form and orientation, "stretched out" in a field between universalism and particularism, cosmopolitanism and nationalism, past and future, commemoration and prevention, contemplation and mobilization. The merger between Holocaust commemoration and hate crime prevention is likely to provide remembrance with a presentist focus and particular pragmatic and forward-directed agenda. That is, most anti-hate crime activities aim mainly to mobilize people: to report hate crimes, to recognize the harms of hate, to support victims by taking action if they witness a hate crime, etc. As argued by Valerie Jenness and Rytgen Grattet, the very term "hate crime" is a mobilizing signifier, aimed to raise a sense of injustice and moral urgency (Jenness and Grattet 2001, p. 2). Accordingly, anti-hate crime advocacy often emphasize the ability of people to act, intervene, and help fight hate crimes and incidents. Another, but related and equally crucial, aspect of processes of collective mobilization is the creation of a shared sense of purpose and direction—preferably clear and uniform—otherwise, people do not know which way to move. This entails that mobilization and simplification inescapably goes hand in hand (cf. Sears 2001; Johansen 2015). While both of these aspects (agency and simplification) may be found in processes of collective remembrance in general (Novick 1999), they take

[9] For several examples, see Part II in Schweppe & Walters 2016.

on a particular form in anti-hate crime activism and hence provide a certain toning of the memorialization of the Holocaust.

Let us take a closer look at the already mentioned UK Holocaust Memorial Day (HMD) 2016 as an example that display a range of features typical of anti-hate crime mobilization. HMD is part of an established international institution for Holocaust remembrance (International Holocaust Remembrance Day), where January 27—the date for the liberation of Auschwitz-Birkenau—since 2005 has been dedicated to various commemorative activities related to the Holocaust and other genocides. In 2016, the day was held under the headline "Don't Stand By." As usual, a range of activities marked the day across the country (youth seminars, public events, and the official ceremony at the Guild Hall in London), and among these activities was the release of a survey commissioned by the Holocaust Memorial Day Trust. The survey probed, among other things, whether people had witnessed a hate crime during the last year and whether someone had intervened to help the victim or halt the perpetrator. The release of the survey was covered—rather uniformly—by several media among others the Guardian, BBC News, and Huffington Post. The coverage from the Guardian stated that:

> One in four in UK have seen racial hate crime this year, survey finds.
> A quarter of the British public have witnessed racial hate crime in the last year, according to research released to mark Holocaust Memorial Day as the millions who fell victim to genocide are commemorated. Younger people are more likely to challenge violence or hostility against someone based on their race or ethnicity, while two-thirds (69%) of people regret not intervening, according to a survey commissioned by the Holocaust Memorial Day Trust.
> The role of the bystander is the focus of Wednesday's Holocaust Memorial Day, which adopts the theme 'Don't stand by' for the annual commemoration of the millions of people murdered in the Holocaust under Nazi persecution, and in subsequent genocides in Cambodia, Rwanda, Bosnia and Darfur. The survey focused on incidents involving ethnicity, religion or beliefs, sexual orientation, disability and transgender identity. More than one fifth of 2,007 people questioned had seen an act of violence or hostility based on religion or beliefs.
> One in six (17%) of 16–24-year-olds said they had intervened, compared with one in eight (13%) people aged 25 to 34, and just 7% of those aged 35 to 44. More than a tenth (12%) of respondents said they themselves had been a victim of a hate crime, with 60% of them saying no one nearby intervened. Olivia Marks-Woldman, the trust's chief executive, said: "When we look back to the Holocaust and to other genocides, we learn that they happened because cultures were created and encouraged that allowed persecution to flourish. People stood by and tolerated increasing persecution, sometimes, because they were afraid to speak out against it."[10]

The choice to use hate crime as a current "hot topic" to actualize the bystander thematic is not surprising in a UK context (and it was followed up, in 2017, with a focus on hate speech and the Holocaust). Hate crime has become a well-consolidated area of public campaigning in the UK, and the Holocaust Memorial Day collaborates with the annual Hate Crime Awareness Week.[11] The choice of the HMD to focus on the theme of bystanding reflects, as already indicated, an

[10] *The Guardian* 27. January, 2016.

[11] Hate Crime Awareness Week is organized by the "Stop Hate UK," which is a charity trust established in the wake of the murder on Stephen Lawrence, originally with the aim of working against racist hate crimes (http://www.stophateuk.org/about/). Today, it is one of the main platforms in the UK for raising awareness about hate crimes and for reporting hate crimes based on disability, gender identity, race, ethnicity or nationality, religion, faith or belief, and sexual orientation.

established topic in Holocaust and genocide studies and a theme that was also chosen for the Danish equivalent to HMD (*Auschwitz-dag*) in 2004. However, in the Danish case, the examples, the stories, the workshops, etc., were all focused on bystanders to genocide and crimes against humanity. Accordingly, the actors were the UN, military peacekeepers, national parliaments, as well as individual rescuers.[12] The HMD differs by leaping directly from the genocidal context into the everyday kind of group-focused violence at stake in the survey as well as in statistics and policing of hate crime. This leap into the present becomes a moment of responsibility for the future: if we act, if we do not simply stand by, we may not only help a fellow human being now, but we may prevent a glide down a slippery slope towards the much greater evil of genocide. This is in line with the general spirit of the Holocaust Memorial Day, which for the 2016 "Don't stand by" theme was introduced in the following way:

> The Holocaust and subsequent genocides took place because the local populations allowed insidious persecution to take root. Whilst some actively supported or facilitated state policies of persecution, the vast majority stood by silently—at best, afraid to speak out; at worst, indifferent. Bystanders enabled the Holocaust, Nazi persecution and subsequent genocides.[13]

By foregrounding the individuals who commit hate crimes, who are victims to hate crimes, or who may intervene in hate crimes, a responsibility to act is allocated to us, the audience of HMD. We are urged to intervene in current crimes, and by doing that we avoid repeating the wrong done by the bystanders who did not act back then, and thereby "enabled the Holocaust." The question is whether this transfer of bystanding then and now potentially (and unintentionally) blurs the vast differences between Nazi Germany and present-day Britain; difference with regard to the nature of the crimes, the political context as well as the human and moral implications of resisting or fighting "hate" now and then. If we return to Olivia Mark-Woldman's quote, the increasing persecutions that were tolerated during the Holocaust were not solely or mainly between individual citizens acting within a legal context where authorities generally recognize and respond to the wrongfulness of the perpetration. In contrast, the Holocaust was committed by or with the support of state actors, with the entire legal and military system backing them up. This is why one of the crucial lessons from the Holocaust (granted that HMD work in the domain of extracting lessons) is about the danger of eroding democratic institutions, the gradual loss of legal status for certain groups that this may entail, and not least the magnitude of extermination that an efficient bureaucracy can accomplish (Bauman 1989)—all matters that pertain to political structures, rights, and institutions (or lack thereof).

Thus, one important implication of transferring the citizen-focused mobilization logic from public anti-hate crime campaigning in this way is the risk of marginalizing the role of state actors from Holocaust remembrance. Downplaying the political and historical particularities of the Holocaust (and other genocides) may make the transfer effect between different times and contexts easier, paving the way for a moral lesson for all humans—a topic that has been thoroughly discussed under the headline of universalization of (Holocaust) memory (e.g., Alexanders 2009). It requires a certain level of abstraction for a specific historical event to gain universal importance; however, such abstraction potentially obscures the particular political processes, conflicts, and injustices that in a specific event turned people into perpetrators, victims, bystanders—or all sorts of ambiguous combinations (Bull and Lauge Hansen 2016).

[12] One author, Brudholm, was co-organizer of the event in Denmark.

[13] http://hmd.org.uk/resources/theme-papers/hmd-2016-dont-stand

Thus, downplaying the differences in state contexts between the Holocaust then and hate crimes in the UK now may have implications for the casting and understanding of the nexus of victim—perpetrator—bystander. More precisely, the roles as bystander, victims and perpetrators risk becoming simplified as mutually exclusive and without sufficient attention to power asymmetries between the involved parties. This probably makes the invitation to take action now more immediately appealing. But if such an understanding is also transferred back unto pre-Holocaust Germany or even the time during the Holocaust it becomes problematic, because it misrepresents the predicament of bystanding in these contexts. In many situations, the perpetrators were not simply "other people in the street," but armed people or even soldiers acting with the blessing and support of a state authority. Thus, downplaying the differences in state contexts also downplays the different risks and costs of intervening, and while this may be beneficial for the future-oriented, preventive aspect of Holocaust remembrance, it may create a too simple picture of what bystanding implied in the context of the Nazi genocide.

It is, in this respect, quite interesting that the illustration following the article in the Guardian was one of the most iconic photographs from the war period, namely of the surrender to German soldiers after the 1943 uprising in the Jewish Warsaw ghetto:

Illustration 1 Boy in Warsaw ghetto, 1943

The photo in combination with the text may be open for different readings, which may both support and challenge the marginalization of the state as perpetrator. In one reading, the picture exactly visualizes the difference in state contexts by showing the soldiers as perpetrators. Thus, it may be seen as an illustration of the evil that should never return: if we bystand to hate crime today, we risk becoming bystanders to perpetrations of a completely different magnitude again. However, it may also be read as an illustration of the situations in which the appeal not to be a

bystander should resonate: this is an example of a situation, where people should have reacted. In such a reading, the burden on the bystander and the courage demanded is of a completely different scope, and hence it perhaps also obliges us to be more careful in the moral judgments that can be passed on bystanders. In any case, the merger of anti-hate crime work and the Holocaust here works to create a more recognizable and to some extent manageable situation for people in which to imagine standing up. Mobilizing people to act requires that they are able to believe in their own capacities for action in the situations at stake. And this is, of course, a different modus of remembrance than the kind that emphasizes the complexity, the horror of, and the incomprehensible in the situations at stake. We will return to the question of whether and how to balance these different mnemonic obligations in the concluding section.

Dramatization and the Transfer of Hate

The intelligibility of connecting anti-hate crime work and Holocaust remembrance partly hinges on the already given transformation of the Holocaust into a shared, powerful symbol—of racism, human suffering, and moral evil (Alexanders 2003, p. 28ff; also Levy and Sznaider 2002). This shared coding of the Holocaust and the corresponding shared commitment to avoid repetition, makes the evoking of the Holocaust in relation to a current cause, problem, or topic a way of lending a sense of seriousness and urgency to the matter at hand (Webber 2011). As indicated in the introduction to this paper, discussions about such use have often focused on the danger of diluting or trivializing the Holocaust. However, it is also important to consider the transfer effect the other way around: that the Holocaust reference may, perhaps unduly, dramatize the target, in this case, hate crime. Again, we take point of departure in a concrete example, this time an example that moves us from a national context to the EU.

In November 2013, politicians, activists, police, lawyers, social workers and scholars met in Vilnius at the conference "Combating Hate Crime," organized by the European Agency for Fundamental Rights (FRA). The conference took point of departure in the many surveys produced by FRA on the experiences of discrimination and violence among ethnic, religious, and sexual minorities across the EU member states. In accordance with the mandate of the agency, the conference approached hate crime as a human rights issue; hence, aiming to prompt European member states to take (more) seriously their obligations to fight hate crime.[14] The Framework Decision obliges member states to provide additional punishment for particular motivations (racism and xenophobia), but in the way, they see fit. The message from FRA and also OSCE was that it is not enough to implement hate crime laws, if this is not backed by efficient, standardized guidelines for reporting and monitoring hate crimes, focused training of police and prosecutors, victim support, and the like. We both participated in the conference, Johansen as part of a field study, and it was quite evident that FRA was successful in their agenda setting, to the extent that no one questioned the problem of hate crimes and the need to "do something." However, it was also clear that there were differences between the degree to which states were willing to implement new policies, in the level of actual commitment in the form of implementing new policies, and that there were disagreements about the range of identities to be protected (most notably whether sexual orientation ought to be included as part of the standard obligations alongside racism and xenophobia).

[14] For a discussion of the framing of hate crime as a matter of criminal law versus human rights law, see Brudholm 2016.

Now, references to the Holocaust occurred on several occasions. We will here provide examples from the opening panel debate where four participants articulated their views on the main challenges to fighting hate crimes. Two of the four speakers made reference to the Holocaust, and they both did so to (i) stress that the fight against hate crime is a matter of honoring our (European) commitment to remember the Holocaust and to make sure that it will never happen again, (ii) to underscore the seriousness of hate crimes, and (iii) to embed the anti-hate project in a shared European history. The first speaker (Lásló Surján, Vice President of the European Parliament) explained the importance of the joined effort to combat hate crimes in this way:

> Intolerance in Europe today is growing. The Holocaust was an enormous damage to humanity, and we have to create a world without the possibility of this ever happening again. But hatred is still with us in different forms … why does this hatred keep coming up again and again?

When probed by the moderator why some European countries have not yet conformed to the practical guidelines produced by the OSCE for reporting and monitoring hate crimes, Surján did not answer the question directly, but instead replied that:

> Data collection is the epidemiology of the hate crime disease. It can tell us where and who are the infected agents. And where and who are the infecting agents, the ones who are spreading the fear? Putting them into camps is obviously not the solution, but we need prevention, we need to persuade those who hate minority persons … Each instance of hate crime, any tension that leads to hate should be punished. So what is the notion of hate? Before I came here, I read a text that stated that hate is simply a natural force, a part of being human. I think this is wrong, hate is a mistake, a wrong, not an inherent part of being human.

The second key note speaker (Alan Shatter, then Irish Minister for Justice, Equality, and Defense) brought in the Holocaust in the following way:

> Europe has a particular history: 6 million Jews were killed and numbers of others: Roma, homosexuals, disabled. The ultimate hate crime atrocity was committed in Europe, where an educated nation set out to kill on an industrial level … The extremism then was of course of a different kind, but I am concerned about the intolerance of minorities across the union today. What is it in the psyche of some of our citizens that make them do this? We need to look at education systems, information systems, the role of media in disseminating racism and xenophobia. The history of Europe is being forgotten. We have collective amnesia, the stories of anti-Semitism focus on the event and the victims, but the historical roots and the responsibility of politicians are neglected.

Holocaust and hate crimes are here mapped onto each other in two different but overlapping ways. In the intervention by Surján, hate crimes and the Holocaust are seen as phenomena fundamentally driven by the same thing, namely *hate*. In the case of Shatter, the Holocaust is presented as the ultimate hate crime. Both interventions seem to suggest notions of a continuum of violence (ranging—à la the Allport scale of prejudice— from anti-locution to genocide).[15] The notion expressed by Surján, that hate is the underlying current that ties together hate crimes and the Holocaust, was also expressed by Alan Shatter in response to a comment from the audience (by Brudholm). Responding to the central place accorded to hate in the conference title and in the opening key note presentations, Brudholm made the point that

[15] Allport, Gordon (1954). *The nature of prejudice.* Addison-Wesley.

many scholars of hate crime consider the label a misnomer and many scholars of the Holocaust have followed the position of Zygmunt Bauman who thought that the Holocaust should *not* be explained primarily as a matter of hatred. Clearly annoyed by the comment, Shatter answered that hate is an abbreviation for a number of different things and surely, the Holocaust was about hate: it may have been a minority who initiated the genocide, but their thoughts spread to the majority who enthusiastically joined in. Arguably, fighting prejudice and group violence (today), under the banner of "hate," invites using the Holocaust as a matter of hate writ large. An idea of hate as the glue that makes hate crime "stick" to the Holocaust. At least, rhetorically. Whether, how, and in what sense hatred was and is actually at stake in the Holocaust and in so-called "hate crimes" is nevertheless up for debate.[16]

Obviously, approaching hate crimes in this way, as akin to or on a continuum with genocide, provides strong reasons for response. Accordingly, Alan Shatter voiced an appeal to collective and political action and determination (law and justice, education, media control) and not—or not only—the kind of individual "upstanding" or citizen virtue that we found in the case of the HMD. We cannot say whether this difference is a coincidence or whether engaging hate crime through the Holocaust invites the emphasis on political, collective measures (while engaging the Holocaust through individual hate crimes in the HMD case seemed to do the opposite). But in any case, we wonder whether connecting hate crime and the Holocaust here works to frame or code individual hate crimes in a too dramatical direction, i.e., as a step on the slippery slope towards a new genocide. In other words, foregrounding a connection between hate crime and the Holocaust may work to obscure the possibility that many of the crimes actually reported and prosecuted as hate crimes are perhaps better explained or understood as a matter of youth delinquency, nightlife crime, neighborhood conflicts, gang conflicts, hooliganism, etc. (Iganski 2008; Iganski and Smith 2011). Already, the very term *hate* crime has been criticized for emphasizing an ideological extremism in the perpetrations, which is far from always there. As legal scholar Kay Goodall has argued, there is a question to be raised regarding fair labeling, when people are sentenced to be "hate crime" offenders (Goodall 2013, pp. 223–224). This question does not become less pertinent, when hate crime is further associated with the Holocaust. On a different occasion, a Danish police officer expressed such concern very directly: when considering the actual situations of offending that he would encounter (often implying young, marginalized immigrant youth living in social housing estates), invoking the Holocaust to understand the roots and implications of the crimes would be both mistaken and unfair. As Webber states with reference to the work of Avishai Margalit: in order for a metaphor not to be deceptive, the overall magnitude, scope, and intensity of the events or aspects of the events that are brought together should not be radically out of alignment (Webber 2011, p. 24; Margalit 2002). Obviously, the Holocaust enters in the political rhetoric mainly as warning, rather than a case for direct comparison with hate crimes. But in so far as we are also invited to see the one in light of the other, the bringing together is quite far away from the ideal voiced by Margalit. And perhaps there are other, less horrible but perhaps more

[16] For discussion of the concept of hate in explanation of the Holocaust, see Thomas Brudholm & Birgitte S. Johansen, "Pondering hate" in *Emotions and mass atrocity* (Cambridge University Press 2018). For discussion of the concept of hate in the scholarship on hate crime, see Thomas Brudholm, "Hatred beyond bigotry", in Brudholm & Johansen, *Hate, politics, law* (Oxford University Press 2018).

relevant futures than state driven genocide, which could legitimately motivate anti-hate crime policy?

Concluding Remarks

Connecting anti-hate crime work and Holocaust remembrance has its merits: it encourages cooperation between actors with shared interests, it provides a sense of currency and relevance to an increasingly historical event, and it serves to mobilize against a social evil by reminding people and politicians about their commitments to a certain kind of society. However, as we hope to have shown, there are also discussions to take; about how to balance remembrance and mobilization, about acknowledging different contexts and possibilities of moral agency and resistance, and about the role granted to hate as the common denominator behind both forms of group-focused violence. In this final section, we want to make some brief remarks about the ethics of connecting anti-hate crime work and Holocaust remembrance.

Processes of metaphorizing create particular simplifications, foregrounding some aspects of hate crimes and the Holocaust, while marginalizing others. Each time connections are made, it is thus important to consider their specific implications—implications that may be desirable or undesirable depending on the ethical standards that one mobilizes. The representation of the perpetrator-victim-bystander nexus in the HMD case may, for example, be problematic if one demands a remembrance or representation of the past that preserves the ambiguities and complexities we find in actual Holocaust testimony. However, if one agrees with Tzvetan Todorov (2001) that the main requirement for an ethical memorialization is that it promotes a "we" that acknowledges a need of critical self-scrutiny and aims at self-perfection, rather than a "we" that is triumphant and self-celebratory, then the HMD example should qualify as a case in point. The responsibility and demand for improvement is not placed on some temporally remote perpetrators but on a present public, who is invited to act differently in order to fulfill the promise of never again.

A more fundamental dilemma remains, namely the question of how to balance remembrance and prevention. The former sometimes implies acknowledging moral horrors beyond redemption. The latter sometimes requires telling a story that provides reasons for hope and belief in the powers of individual resistance. When there is talk of "dealing with the past" in relation to the Holocaust as *trauma*, the past is the partly ineffable, inscrutable, and scandalous thing around which we circle and try—often in vain—to speak, feel, and do. The cases presented in this paper reveals another face of "dealing with" this past: the face where some clear lesson is thought to have been learned, where what matters is the prospective facing up to this lesson. Correspondingly, and to put it somewhat crudely, two different kinds of responsibility seems to emerge, namely to answer for what was done/what one has done and to answer for what one does from now on, given that "such and such was done." The kinds of remembrance that becomes necessary thereby differs, even though they are related. To fulfill the responsibility of remembering what happened invites us to pay attention to the details: the complexity of what was done when, by whom, to whom, with what consequences, and why (and this is obviously where remembering may ally with history as a discipline). And it, perhaps, invites us to stay with the horrors and sorrows of what was and what will never change, without necessarily moving into the domain of lessons for the future. To lift the responsibility of what should be done from now on, invites other kinds of remembrance: the kind that motivates and legitimates action, and that—if successful—

may become living, habituated practices and norms for people now. As Jeffrey Blustein expresses this difference:

> The truth may be known but may have become so familiar and formulaic that there is a danger it will cease to have any meaningful impact on how people orient themselves to the past. Here the duty of remembrance seeks no only to keep the memory alive but to ensure that it is or remains a vital presence in the life of the community (Blustein 2015, p. 75)

This, we argue, seems to be the kind of remembrance that is prioritized when hate crimes and the Holocaust are connected and it will perpetuate as long as the past is administrated through activities that follows the logics of social and political mobilization. And maybe this is how it should be. Maybe living memory *is* by definition mobilizing? As Peter Novick aptly puts it: "collective memory simplifies; sees events from a single, committed perspective; it is impatient with ambiguities of any kind; reduces events to mythic archetypes […] has no sense of the passage of time; it denies the 'pastness' of its objects and insists on their continuing presence" (Novick 1999, p. 3–4). This certainly seems to apply here, where the committed perspective across agendas is to fight hate and prejudice and where complexities and ambiguities are traded for a univocal moral lesson. And maybe this is a preferable trade-off?

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References

Alexander, J. C. (2009). The social construction of moral universals. In J.C. Alexander et. al., *Remembering the holocaust. A debate.* Oxford: Oxford University Press.
Assmann, A. (2010). The holocaust—a global memory? Extensions and limits of a new memory community. In A. Assmann & S. Conrad (Eds.), *Memory in a global age*. London: Palgrave Macmillan.
Bauman, Z. (1989). *Modernity and the holocaust*. Cambridge: Polity Press.
Bleich, E. (2003). *Race politics in Britain and France: ideas and policymaking since the 1960s*. Cambridge: Cambridge University Press.
Bleich, E. (2018). From race to hate. A historical perspective. In T. Brudholm & B. S. Johansen (Eds.), *Hate, politics, law*. Oxford: Oxford University Press.
Blustein, J. (2015). How the past matters. On the foundations of an ethics of remembrance. In K. Neumann & J. Thompson (Eds.), *Historical justice and memory* (pp. 77–92). Madison: University of Wisconsin Press.
Brudholm, T. (2016). Conceptualizing hate globally: is hate crime a human rights violation? In J. Schweppe & M. A. Walters (Eds.), *The globalization of hate: internationalizing hate crime?* Oxford: Oxford University Press.
Bull, A. C., & Lauge Hansen, H. (2016). On agonistic memory. *Mem Stud, 9*(4), 390–404.
Goodall, K. (2013). Conceptualizing 'racism' in criminal law. *Leg Stud, 33*(2), 215–238.
Iganski, P. (2008). *Hate crime and the city*. Bristol: The Policy Press.
Iganski, P. & D. Smith (2011): Rehabilitation of hate crime offenders. Scotland: Equality and Human Rights Commission.
Jacobs, J. B., & Potter, K. (1998). *Criminal law and identity politics*. Oxford and New York: Oxford University Press.
Jenness, V., & Grattet, R. (2001). *Making hate a crime: from social movement to law enforcement*. New York: Russell Sage.
Johansen, B. (2015). Hate as political outcast. *Journal for European Ethnology, 45*(2).
Kahn, R. A. (2011). Holocaust denial and hate speech. In N. Hennebel & T. Hochmann (Eds.), *Holocaust denial and the law*. Oxford: Oxford University Press.
Karlsson, K.-G. (2003). *Echoes of the holocaust. Historical cultures in contemporary Europe. Lund: Nordic.* Academic Press.
Levy, D., & Sznaider, N. (2002). Memory unbound. The holocaust and the formation of cosmopolitan memory. *Eur J Soc Theory, 5*(1), 87–106.
Novick, P. (1999). *The holocaust and collective memory: the American experience* New York: Houghton Mifflin.
OSCE. (2009). Hate crime laws—a practical guide.

Rothberg, M. (2009a). *Multidirectional memory, remembering the holocaust in the age of decolonization*. Stanford: Stanford University Press.

Rothberg, M. (2009b). Multidirectional memory and the universalization of the holocaust. In J.C. Alexander et. al, *Remembering the holocaust. A debate.* Oxford: Oxford University Press.

Schweppe, J., & Walters, M. A. (Eds.). (2016). *The globalization of hate: internationalizing hate crime?* Oxford: Oxford University Press.

Suk, J.C. (2007). Equal By Comparison: Unsettling Assumptions of Antidiscrimination Law, *The American Journal of Comparative Law, 55*(2), 295–345.

Thuge, S., & Brøndum, T. (Eds.). (2014). *Forskellighed og fordomsfuldhed: Et undervisningsmateriale til lærere om intolerance, teaching material for public schools on intolerance*. Copenhagen: Danish Institute for International Studies.

Todorov, T. (2001). Uses and abuses of history. In H. Marchicello (Ed.), *What happens to history: the renewal of ethics in contemporary thoughts*. London: Routledge.

Webber, M. (2011). Metaphorizing the holocaust. *Images, VIII*(15.16), 5–30.