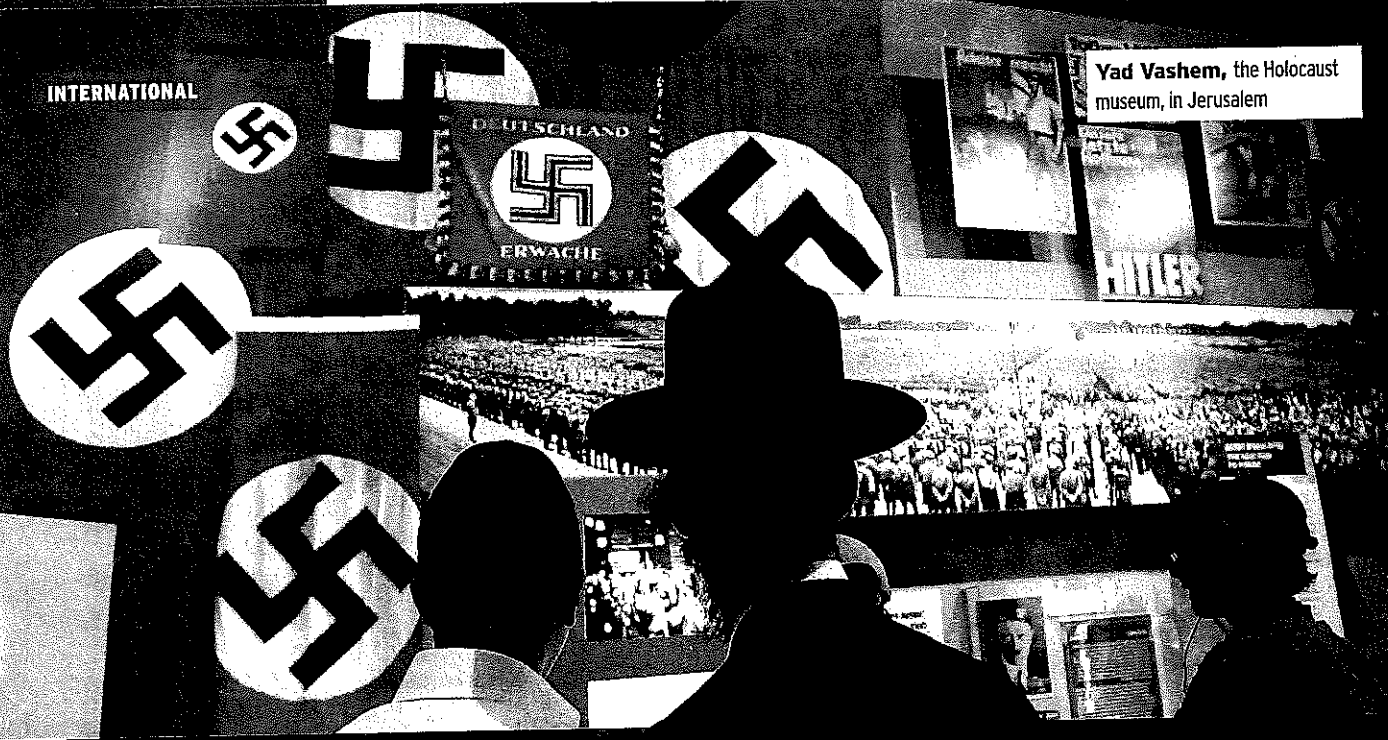


INTERNATIONAL

Yad Vashem, the Holocaust museum, in Jerusalem



# Should a Hated Word Be Banned?

A proposal in Israel to ban the word *Nazi* is raising questions about free speech and the legacy of the Holocaust

BY JODI RUDOREN IN JERUSALEM



**A**re some words so hateful that it should be against the law to say them?

Some lawmakers in Israel think so. Israel's parliament has given preliminary approval to a bill that would make it a crime to call someone a Nazi—or any other slur associated with the Holocaust—or to use Holocaust-related symbols in a noneducational way. The penalty would be a fine of as much as \$29,000 and up to six months in jail.

The proposed law's backers say it's a response to the increasingly casual use of such terms in everything from Israeli politics to teenage trash talk as well as what they see as a rising tide of anti-Semitism around the world.

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The Holocaust

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"We, in our land, can find enough words and expressions and idioms to express our opinions," says Shimon Ohayon, one of the lawmakers sponsoring the bill. "What I'm asking is, please put away this special situation that has to do with our history."

But critics say the proposed law is a dangerous infringement on free speech.

The bill is the latest clash involving Israel's insistence on being both a Jewish state and a democratic one, where free speech is a guiding principle and minority views are protected. The controversy also reflects how Israel is grappling with the legacy of the Holocaust as the atrocity passes from living memory to history.

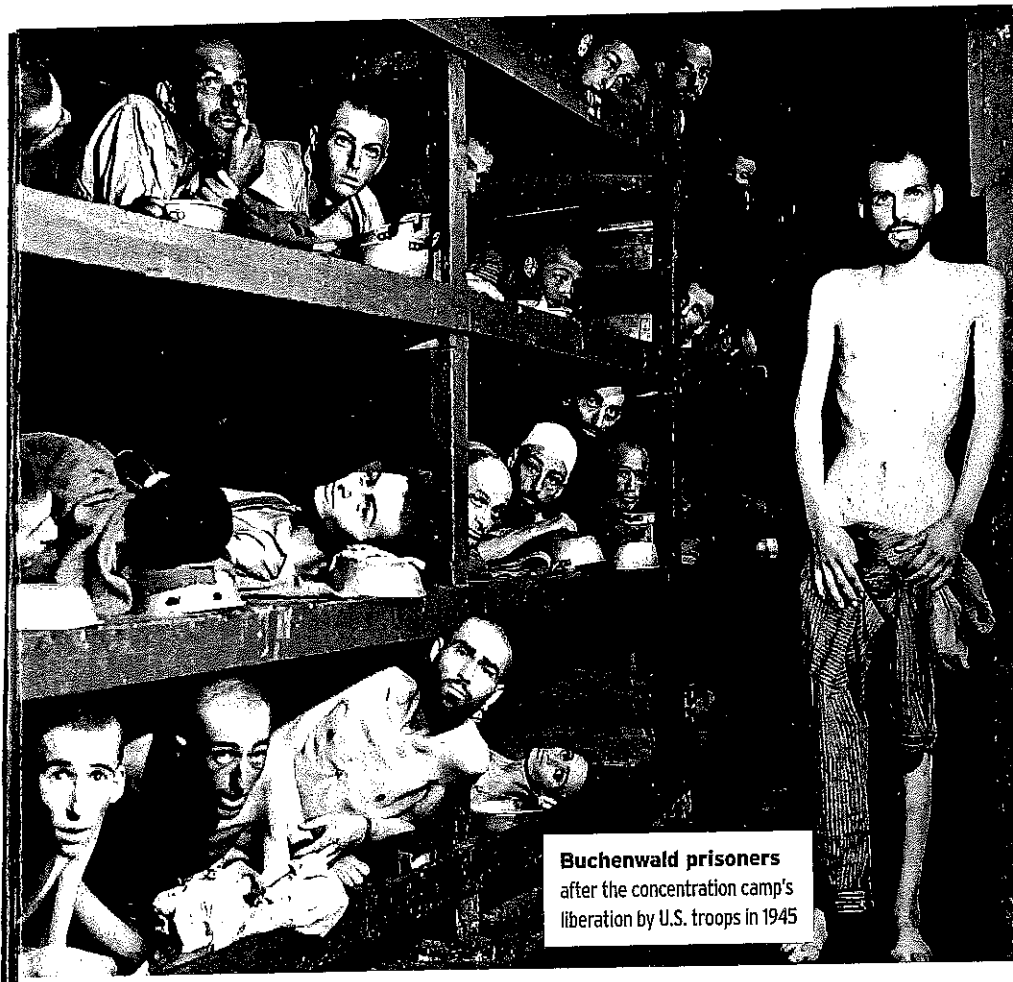
In 1941, Nazi Germany began carrying out the "Final Solution," a plan for the extermination of Europe's 9.5 million Jews. By the end of World War II in 1945, 6 million Jews had been killed, along

with many Gypsies, homosexuals, and others the Nazis considered undesirable. Almost 70 years later, the number of living Holocaust survivors is falling fast. Fewer than 200,000 remain alive in Israel (and about 120,000 in the U.S.).

## 'Gestapo' as a Put-down

At least half a dozen European nations, along with Brazil, already prohibit the use of Nazi symbols and flags. Even more countries consider it a crime (as Israel has since 1986) to deny that the Holocaust took place. But none of these other countries ban the use of the word *Nazi*, as the proposed Israeli law would.

Supporters say the trivialization of Holocaust terms has forced their hand. Many Israeli teens take trips to former concentration camps in Europe. Yet young Israelis use the Hebrew word *shoah*—which literally means "catastrophe" but



**Buchenwald prisoners**  
after the concentration camp's  
liberation by U.S. troops in 1945

is generally reserved for the Holocaust—to describe a failed relationship or a messy kitchen. A satirical TV show compared Israel's interior minister to a concentration-camp supervisor for his handling of

migrant workers. And a sports commentator called a basketball referee "Gestapo," referring to the Nazi secret police.

The idea of banning any kind of speech is alien to Americans. That's

because the First Amendment protects the use of most hate speech (see box).

In Israel, a similar ban to the one now being proposed was considered in 2012, but it failed to get enough votes. The current version still faces committee hearings and three more votes in the 120-member parliament.

Dov Lipman, another of the bill's sponsors, says he was frequently called a Nazi during 2011 protests in a town west of Jerusalem, when he was trying to protect schoolgirls from religious mobs who considered their dress immodest. "Freedom of speech is important," he says, "but in my opinion, every country has to establish certain value-based limits."

But how far would the law go? Would it ban humor like Mel Brooks's musical *The Producers*, which poked fun at Nazis and

played in a Tel Aviv theater in 2006?

The law could ensnare politicians like Prime Minister Benjamin Netanyahu, who routinely invokes the Holocaust in talking about the nuclear threat from Iran. One lawmaker has suggested that Netanyahu "should be put in jail" for comparing Mahmoud Ahmadinejad, the former Iranian president, to Hitler. Netanyahu has not taken a position on the bill.

Amir Fuchs, a civil liberties lawyer at the Israel Democracy Institute, says that, unlike the U.S., Israel has no explicit law ensuring free speech, but that its Supreme Court has aggressively protected it. The proposed law, he complains, "says that if some 15-year-old kid will tell his friend that their teacher is a Nazi, even if it's a joke, technically it's a criminal offense."

"You measure the freedom of speech in a democratic country in the freedom to say these disturbing and annoying things," Fuchs adds, "not in what is nice and pleasant to hear." •

*Jodi Rudoren is a New York Times foreign correspondent based in Jerusalem.*

## Hate Speech in the U.S.

### What the Courts Have Said

The First Amendment protects freedom of expression even if the views expressed are extremely offensive to most people. In 1977, in *National Socialist Party v. Skokie*, the Supreme Court upheld the right of the Nazi Party of America (right) to hold a march in Skokie, Illinois, where many Holocaust survivors lived.

There are, however, exceptions to First Amendment protections, including threats, false statements, and speech that incites violence.



### Nazis in the Media

A 1995 *Seinfeld* episode mocked a dictatorial chef by calling him the "Soup Nazi" (below). Mel Brooks's hit musical *The Producers* (based on his 1968 movie) made Hitler into a punchline. "After all the people that he was responsible for killing and after utterly destroying half the world, I just thought the only weapon I've really got is comedy," Brooks explained. "And if I can make this guy ludicrous, if I can make you laugh at him, then it's a victory of sorts."

