

LUDOVIC HENNEBEL is Research Fellow at the National Fund for Scientific Research (Belgium) and member of the Perelman Centre of Legal Philosophy of the Law School of the Université Libre de Bruxelles where he holds lectureship in human rights and legal theory. He is also a former Global Fellow at the Law School of New York University, visiting professor at SciencesPo Paris and a member of the Alumni College of the Royal Belgian Academy. He holds a PhD in Law, an LL.M in international human rights law, and the René Cassin Diploma on international human rights law. He is the author and editor of several books, articles and essays on international human rights law, global justice, transnational and global law.

THOMAS HOCHMANN is a Research Fellow affiliated with the University of Paris Panthéon Sorbonne where he taught public law. His PhD research focus is on freedom of expression and holocaust denial in comparative law. He gained a scholarship from the Fondation pour la Mémoire de la Shoah, and the prize of the City of Paris for his research. Thomas Hochmann holds an MA in public comparative law. He was a visiting scholar at the Universities of Berlin, Regensburg and Freiburg in Germany. His main publications deal with human rights, freedom of speech, and comparative constitutional law.

“*Genocide Denials and the Law* is a comprehensive study of one of the most controversial issues on freedom of expression—the prohibition of genocide denial. The editors offer an outstanding legal analysis on this matter, including the relationship between genocide and genocide denial and the legal implications of the denial prohibition. This book is so valuable because it presents both arguments in favor of and against the prohibition of genocide denial and lets the readers make up their own minds.”

—MANFRED NOWAK

Former UN Special Rapporteur on Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, Co-Director of the Ludwig Boltzmann Institute of Human Rights (BIM) at the *University of Vienna*

“Is Holocaust denial a form of hate speech? What about the denial of other genocides, or of other crimes against humanity? Should any speech of this sort be subject to criminal sanctions? If so, on what ground: the harm it does or as a symbolic repudiation of the racism it is supposed to embody? How are we to reconcile criminalizing denial with the pre-eminent importance we attribute to free expression? These questions, and many others, confront courts and lawmakers in all of the liberal democracies. They are explored with exemplary insight and thoroughness by the contributors to this timely volume. Everyone engaged by these issues will want to read these essays.”

—WAYNE SUMNER

University Professor Emeritus,
University of Toronto Fellow of the Royal Society of Canada

“This is a courageous, lucid, and intelligent book. Hennebel and Hochmann bring together the best authors in a field which has been given renewed relevance by, notably, the European Union Framework Decision on combating certain forms of racism and xenophobia by means of criminal law, which includes the punishment of genocide, crimes against humanity, and the denial of war crimes. I warmly welcome this seminal book which allows the readers to decide for themselves.”

—FRANÇOISE TULKENS

Professor of Law at the *University of Louvain*
Judge of the *European Court of Human Rights*

Hennebel
Hochmann

Genocide Denials and the Law

Genocide Denials and the Law

Ludovic Hennebel • Thomas Hochmann

In *Genocide Denials and the Law*, Ludovic Hennebel and Thomas Hochmann offer a thorough study of the relationship between law and genocide denial from the perspectives of specialists from six countries. This controversial topic provokes strong emotion caused by denial along with concerns about freedom of speech. Hennebel and Hochmann offer an in-depth study of the various legal issues raised by the denial of crimes against humanity, presenting arguments both in favor of and in opposition to prohibition of this expression. They tackle this diverse topic comprehensively, addressing not only the theoretical and philosophical aspects of denial, but also the specific problems faced by judges who implement anti-denial laws. *Genocide Denials and the Law* will provoke discussion of many theoretical questions regarding free speech, including the relationship between freedom of expression and truth, hate, memory, and history.

OXFORD
UNIVERSITY PRESS

www.oup.com

ISBN 978-0-19-973892-2



9 780199 738922

OXFORD

OXFORD