

Reflections on International Holocaust Remembrance Day
and the 80th Anniversary of the Liberation of Auschwitz
by Richard T. Foltin

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This coming Monday is the anniversary of the liberation of the Nazi concentration camp Auschwitz-Birkenau, the date that has been demarcated by the United Nations as International Holocaust Remembrance Day. It also happens to be the 80th anniversary of the liberation of Auschwitz, now a lifetime ago.

On a personal level, as a child of Holocaust survivors whose father survived as a slave laborer at Auschwitz only by the most remarkable of circumstances, this commemoration is a stark reminder, if any were needed, that my parents could easily have been among the six million Jews murdered in the Shoah and that I would therefore not be here with you today.

On this solemn occasion, as the international community pauses to remember the lives of Jews and of others that were destroyed and blighted by one of the darkest periods in human history, it is crucial that we remember that it not only the scale of the Shoah of which we take note, but also its origins in remorseless forces of hatred and conspiratorial theories, amplified first by a campaign of demonization and delegitimization, and then put into force by modern technology, organization and bureaucracy.

We all know the tragic narrative of Europe's Jewish communities – the millions killed, the progeny never born, the communities that no longer exist or that exist today only as a bare remnant. As the numbers of survivors dwindle and the world's one-time sense of shame about antisemitism weakens, and as Holocaust denial and inversion are

increasingly manifest, we have seen stunningly sharp increases in antisemitic attitudes and actions -- on both the right and the left. It is therefore more urgent than ever that we preserve the stories of the victims of the Holocaust, both the survivors as well as those who perished, and preserve historical truth.

A few words about my parents. As I have already mentioned my father was a prisoner at Auschwitz-Birkenau; he survived to welcome the day of liberation that we mark on Monday only because he was selected not for death but for slave labor – carried out under harsh conditions and perpetually on a starvation diet that many did not survive. My mother, for her part, survived “hiding in the open” on false papers, and fought back as a member of the resistance, smuggling weapons to the Jewish partisans and acting as one of Raoul Wallenberg’s assistants who handed out lifesaving forged Swedish documents.

We cannot understand the Shoah, and yet we must come to terms with what lessons to learn and how to proceed in a world in which such an enormous crime against humanity could take place.

First, we see in this history the thin veneer on which civilization and our most precious liberties rest. How could the Holocaust have happened in a so-called enlightened and civilized society within (now barely) living memory? Yet it did, and no part of the world has been exempted in succeeding years from letting us down over and over again—sometimes even in the name of God.

Second, we know as lawyers how essential it is that we maintain and protect the legal codes and structures that safeguard our liberties and rights – the mission of this Section. It is, however, just as essential that, through education and building relations across ethnic and religious differences, we teach habits of the heart that value pluralism and democracy—most of all with respect to those with whom we may have deep differences.

Third, speaking of “never again” can sometimes be mere virtue signaling. The promise to stand against antisemitism and all forms of hate means little if the world turns a blind eye to religious and ethnic

persecution, and even to acts of genocide. That is the universalist message of the Holocaust. We must combat hate from wherever it comes and to whomever it is directed.

And then there is the particularist message—we must be alert to, and speak out against, the ever-transmogrifying virus of antisemitism, in whatever form it manifests itself and from whatever quarter it emanates. In the United States, as elsewhere in the world, we have in recent years been witness to a wave of antisemitic expression and physical attacks, even murder. However, unlike mid-century Europe, in the U.S. leaders of diverse communities and government officials have been quick to condemn such attacks -- when they are able to look past their ideological preconceptions and recognize antisemitic expressions for what they are.

I make this last caveat because, even as we have seen a rise in antisemitism, we have also witnessed deflection and denial as political forces often seem quick to detect the mote of antisemitism in the eyes of their ideological adversaries, even as they are incapable of doing so in those of their allies. Whatever the source, left or right, Jews are increasingly being targeted, with their actual or perceived support for Israel often serving as both a catalyst and a pretext for ostracization, marginalization, and even overt expressions of hate and violence.

In the 1930s, when my mother was about 16, even before Slovakia became a client state of Nazi Germany, that region fell under the influence of Hitler's Germany. Even though she attended a pluralistic, secular school, social relations between non-Jewish and Jewish students became colder and colder, and ultimately ceased; finally, all Jewish students were thrown out of the school.

As we think about the origins of the Holocaust, it is impossible not to see parallels today to the story of my mother and her Jewish compatriots being shunned and then expelled from their schools in the effort on some campuses to deny Jewish students a place at the social justice table, in student governing bodies, or even at the university itself, often hidden under the rubric of condemnation of "Zionism" and sometimes carried out through a campaign of intimidation and harassment -- with Jewish

students called upon to recant an essential aspect of their identities, support for the very existence of Israel, the Jewish state founded in the historic homeland of the Jewish people. This barrier to involvement in civil society, in effect telling Jews that they are acceptable only if they are “good” Jews, closeted Jews, would be intolerable for any other minority group.

It is praiseworthy to remember and condemn the crimes against humanity of 80 years ago. But it is crucial as well if these remembrances are to mean anything, for the lessons of the past, including the dangers of demonizing any population—Jews or otherwise— to be recognized and acted upon broadly by our society.