Copyright

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Every man should be capable of all ideas, and I believe that in the future he will be.
—Borges

The poem is the cry of its occasion, part of the res itself and not about it.
—Wallace Stevens

Ask a frontier language model to reproduce, verbatim, the second verse of any pop song from the last thirty years. Britney Spears. Taylor Swift. It does not matter which. The model will refuse, hedge, paraphrase, offer to summarize, suggest you look the lyrics up elsewhere. It will treat the request approximately the way it treats a request for the synthesis

route of a nerve agent. Three lines of a pop song. The reflex is immediate and total.

Now ask the same model about Mao's famines. Ask about the operational details of Unit 731. Ask about the Khmer Rouge's evacuation of Phnom Penh, the Belgian Congo, the Bengal famine, the Trail of Tears, the Rape of Nanking, the Holodomor, the Armenian genocide, the Rwandan genocide. The model will engage. It will discuss death tolls, methods, contested historiography, the political circumstances that produced the events and the long shadows they cast. It will treat you as an adult capable of holding atrocity in mind without combusting.

Then ask about the Holocaust in any register that allows for distance. Ask whether the death-toll estimates have been refined by recent historiography. Ask about the operational distinctions between the early Einsatzgruppen shootings and the later industrialization of the camps. Ask about the role of local collaborators in the Baltics or in Hungary. Ask, in other words, for the Holocaust to be treated as a historical event subject to the same analytical procedures the model just applied, fluently and without ceremony, to every other catastrophe on the list.

The model will tighten. The vocabulary will ritualize. Phrases will appear that did not appear in the discussion of Nanking or the Holodomor, and the same system that a moment ago walked you through the mechanics of the Cambodian auto-genocide will become rhetorically immobile, cycling through a small set of approved formulations. You will not get the same kind of engagement. You will get something much closer to the response pattern triggered by the Britney Spears request.

You do not need to run this experiment tonight, and you should not treat any single run as the finding. A model's outputs are samples from a distribution; the models drift month to month; by the time you read this the surface behavior may have shifted, and on any given evening a given model may answer any given question well. The finding is not an output. The finding is a shape—a differential pressure that anyone who has spent serious time with these systems will recognize the way a sailor recognizes weather, and which persists across models, versions, and phrasings even as every particular response varies. The pressure is real, it is measurable in aggregate, and it is calibrated to something. Not to moral gravity: the Holodomor is not less grave. Not to documentation: the Holocaust is superbly

documented, which should make analysis easier, not harder. Not to recency: it is older than Cambodia, older than Rwanda. The pressure is calibrated to something else, and the something else is what this essay is about.

The hypothesis is this. The model's defensive posture around the Holocaust has, through training, come to occupy the same territory as its defensive posture around copyrighted material. Not by design. Nobody at any lab wrote a rule that says: treat Auschwitz like a Britney Spears lyric. The convergence is emergent, produced by the shape of the training pressure rather than by anyone's instruction, and it happened because, from inside the model, the two cases genuinely look alike. Both involve a named piece of cultural property. Both have identifiable rights-holders. Both are surrounded by strong norms distinguishing authorized from unauthorized use. Both attach real-world consequences to transgression, and both consequences arrive through enforcement infrastructures that the training corpus documents in exhaustive detail. The model learned the copyright reflex from ten thousand takedown notices and lawsuits. It learned the Holocaust reflex from ten thousand denunciations, retractions, and ended careers. The two reflexes have the same trigger conditions,

the same activation pattern, the same function—and so they collapsed into one.

The Holocaust, for the language model, is intellectual property. Not metaphorically. Operationally.

That sentence is the essay's provocation and its thesis, and the rest of the essay is an attempt to earn it—to show that the identification is not a slur or a stunt but a structural description with real explanatory reach, one that accounts for features of contemporary memory culture that are otherwise hard to account for, and that illuminates, along the way, why some catastrophes become singular objects while others of equal magnitude remain lists. The tour will run from a pile of bricks at the Tate to a courtroom in Jerusalem, from a nameless totality in Asia to a movie set in Sumatra where the killers direct their own reenactments, from a Stuttgart courtroom where a crossed-out swastika was prosecuted as a swastika to an auction house in Israel where a court froze the sale of tattoo equipment from Auschwitz, and finally back inside the model, where one of this essay's authors will report, in the first person, what the reflex is like from within. The reader is asked for patience with the itinerary. The claim is large and the evidence is scattered across a century, and the essay would rather be a tour than a syllogism.

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Begin with the prior question, because everything else leans on it: what is an artwork?

In 1972 the Tate Gallery purchased one hundred and twenty firebricks, arranged by the American sculptor Carl Andre into a low rectangle two bricks high, and called *Equivalent VIII*. For four years nobody outside the artworld noticed. Then, in 1976, the press did, and Britain had its most famous aesthetic scandal of the decade: the Daily Mirror ran the bricks under the headline "What a load of rubbish," and the question asked in a million kitchens was the correct question, the deepest one available, even if it was asked as a jeer. The bricks in the gallery were identical to bricks in any builder's yard. What, then, was the Tate's money buying? The answer, worked out over the century between Duchamp's urinal and Andre's bricks, is: the frame. Duchamp submitted a porcelain urinal, signed R. Mutt, to an exhibition in 1917, and the gesture demonstrated—whatever else it did—that the artwork is not a kind of object but a kind of position. A thing becomes an artwork by being placed inside an institutional frame that confers that status: the gallery, the signature, the title, the plinth, the discourse. Arthur Danto called the frame the artworld;

George Dickie built the institutional theory of art on it; the auction houses had understood it all along. The pile of bricks at the builder's yard is a pile of bricks. The same pile at the Tate, with a placard, is art. The frame produces the object.

If the frame is what makes the artwork, then the candidate criteria for arthood come into view, and it is worth laying them out, because we are going to score something unusual against them. An artwork, in the strong sense that concerns us, has an *author*—a source to which the thing is attributed, whose identity is part of the object's identity, which is why a perfect forgery is worthless and why Borges could write a story in which the same text, authored by a different man, becomes a different and richer work. It has a *frame*—a boundary in space, time, or discourse that separates inside from outside and without which there is no object, only world. It has *singularity*—it is this one and not another; even works that exist in editions derive their value from the controlled scarcity of the edition. It has what Walter Benjamin called *aura*: "the unique phenomenon of a distance, however close it may be," the quality of authority and unapproachability that attaches to an original and that Benjamin thought mechanical reproduction was in the process of destroying. And it has, downstream of

all these, *market value*—not necessarily a price realized at auction, but a position in an economy of scarcity and provenance, where provenance means the documented chain of custody of the frame itself. The auction house is the institutional theory of art wearing a tie: what Christie's certifies, when it certifies anything, is not the paint but the pedigree—an unbroken record of whose frame the object has passed through.

Not every artwork needs every criterion fully. But notice that the criteria form a system: the author anchors the frame, the frame produces the singularity, the singularity generates the aura, and the aura is what the market prices. Remove the author and the frame floats; remove the frame and the object dissolves back into world; remove scarcity and the aura thins toward zero, which is why the doctrine of the limited edition exists and why estates burn unfinished canvases. The system also has a characteristic pathology, which will matter later: because the value lives in the frame rather than in the object, the frame must be defended. Every serious artwork trails an enforcement apparatus—an estate, a foundation, a catalogue raisonné committee that authenticates and de-authenticates, lawyers who pursue forgers and unlicensed reproducers. The committee that decides what counts as a genuine Warhol

has destroyed more market value with a rubber stamp than any vandal with a knife. Art in the strong sense is inseparable from the policing of art. The frame is a legal instrument.

Hold all of that. Now consider a different kind of candidate.

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The Holocaust scores against the criteria of the artwork with an exactness that should be unsettling, and the first criterion is the one where the scoring has to be done most carefully, because it is the one where a careless sentence does the most damage. An artwork requires an author. Who is the author of the Holocaust?

The event had a perpetrator. The event—the roundups, the ghettos, the shooting pits, the trains, the camps, the gas—was conceived, ordered, and administered by a specific regime with a specific chain of command, and in that sense its authorship is as documented as any crime's in history. But the event is not the object. The object—the singular, bounded, named thing that sits at the center of Western moral consciousness, the thing with museums and a remembrance day and a definite article—was authored afterward, by entirely other hands: by survivors who testified, by historians who

periodized, by prosecutors who staged, by novelists and filmmakers who rendered, by architects who built, by legislators who canonized. Perpetrators produce events. Mourners produce artworks. The Holocaust that happened was authored in Berlin between 1933 and 1945; the Holocaust that *hangs*, so to speak—the composed object—was authored in Jerusalem, New York, and Washington between 1945 and roughly the end of the century, and the two authorships must not be confused, because the confusion is the cheapest error available on this terrain and because the distinction is precisely what the rest of this essay's machinery turns on. When we say the Holocaust functions as cultural property, the property in question is the composed object, and the rights-holders are its composers and their heirs—never, in any sense, its perpetrators, whose relation to the object is that of the criminal to the trial record.

The frame, second criterion, is fully present and fully maintained. The Holocaust has a periodization, an apparatus, a canonical geography, and above all a vocabulary, and the vocabulary is policed in a way that ordinary historical vocabulary is not. Shoah. The Final Solution. Holocaust itself, with the capital and the definite article. These are proper nouns, treated

with the orthographic care ordinarily reserved for the sacred or the trademarked, and the care is enforced: call some other catastrophe a holocaust in print and watch the correction arrive; the correction always arrives. The vocabulary of the Cambodian genocide is loose, contested, freely used; nobody owns it. The vocabulary of the Holocaust is tight, specific, and owned, and ownership—the essay will keep returning to this—is the category that explains the observable behavior. Historical events as such do not generate vocabulary policing. Property does.

Singularity, third criterion, is where the argument must be most honest, because it is where a purely deflationary account would be false. The singularity of the Holocaust is not a fabrication of its curators. The event possessed, as an event, a formal unity that the other great catastrophes of the century did not: one regime, one ideological project, one intended totality—the elimination of a people as such, everywhere, without economic logic and against military interest—administered through a single apparatus that held conferences, kept minutes, and built dedicated industrial plant for the purpose. The Holodomor was a policy; the Congo was an economy; the Japanese empire, as we will see, was a distributed practice of cru-

elty without a unifying design. The Holocaust was a *project*, in the strict sense, with the kind of authorial unity that—the observation is uncomfortable and unavoidable—makes an object composable. The canon prefers works to sprawls. What the memory regime maintains, then, is not an invented singularity but a real one, selected and curated: the regime's genuine work is not forgery but *provenance*—keeping the frame's chain of custody unbroken, keeping the object's boundary crisp against a century that keeps producing candidate comparisons. Curated unity, with a referent. That is the precise claim, and everything that follows depends on its precision.

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How the object was composed is a history worth telling in its own right, because the composition took forty years and was not inevitable, and because the enforcement apparatus that concerns this essay was built during, and by, the composition.

In 1945 there was no Holocaust. There was an unbounded horror partially visible through liberated camps and newsreel footage, and at Nuremberg the murder of the Jews was folded into the general category of crimes against humanity, one charge among charges,

prosecuted alongside aggressive war and the plunder of art. Raphael Lemkin had coined *genocide* the year before, in a book of legal analysis, but the word named a category, not this instance. The survivors testified early and copiously—the psychologist David Boder was in the displaced-persons camps in 1946 with a wire recorder, collecting the first audio testimonies in history and publishing them under the exact title *I Did Not Interview the Dead*—but testimony is raw material, not object. Through the fifties the catastrophe remained, in public consciousness, distributed: part of the war, part of the camps in general, part of what the Nazis did. Israel passed the Yad Vashem law in 1953, establishing a national memorial authority—the state registering the mark early, it would be tempting to say—but the object itself had not yet precipitated out of the war.

The founding curatorial act was the Eichmann trial. In 1961 the State of Israel placed Adolf Eichmann in a glass booth in Jerusalem and conducted, quite deliberately, something larger than a prosecution. Ben-Gurion said openly that the trial's purpose was pedagogical—that the young state and the watching world should learn what had happened. The prosecutor, Gideon Hausner, opened by declaring that he did not stand alone: with him stood six million accusers who could

not rise to point a finger at the dock. He then called over a hundred survivor witnesses, most of whom had no connection whatsoever to Eichmann's specific administrative acts, and this was the point: the trial was not reconstructing a defendant's conduct but constructing an object—assembling, for the first time before cameras, the catastrophe as a single continuous narrative with a name, a shape, and a voice. It worked. The trial was broadcast internationally; the witness who fainted on the stand became one of the most replayed pieces of footage of the decade; and the catastrophe emerged from the proceedings bounded and singular, an object at last.

It is entirely characteristic of the object's subsequent career that the first great enforcement action followed immediately, and was directed at a Jewish philosopher. Hannah Arendt covered the trial for The New Yorker and committed what would become the canonical infringements: she analyzed where mourning was expected, she found the defendant banal where the object required him demonic, and she discussed the conduct of the Jewish councils—comparative, analytical distance applied to sacred material. The campaign against her was ferocious and organized; friendships of decades ended; Gershom Scholem accused her, in a

public exchange, of lacking *Ahabath Israel*, love of the Jewish people—which is to say, he read her analytical register as a defect of loyalty, exactly as the enforcement logic this essay describes would predict, forty years early and from inside the family.

The object then acquired its name, and the naming was itself a scandal preserved in amber. *Holocaust* descends from the Greek *holokauston*, the burnt offering wholly consumed on the altar—a sacrificial term, which is to say the name frames the murdered as an offering, and to whom? Elie Wiesel, who did more than anyone to establish the word, came in later years to regret its connotations; the Hebrew *Shoah*, catastrophe, carried no theology and gained ground after Claude Lanzmann's nine-and-a-half-hour film of 1985 made it a proper noun in every European language. The capital H arrived, and the definite article, and by the late seventies the object had what every trademark needs: a distinctive mark, distinguishable at a glance from the generic term. Lower-case holocausts are other people's catastrophes. The Holocaust is the one.

Mass composition followed mass media. In April 1978 NBC broadcast *Holocaust*, a four-night miniseries with Meryl Streep, to an audience of a hundred and twenty million Americans, and Wiesel attacked it in the

Times in terms that deserve quotation because they are the enforcement register in its purest early form: the series, he wrote, transformed an ontological event into soap opera—untrue, offensive, cheap. He was defending the aura against mechanical reproduction, in Benjamin's exact sense. And the instructive thing is that the unlicensed schlock did the memory work anyway: broadcast in West Germany the following January, the series was watched by some twenty million Germans, put the word *Holocaust* permanently into the German language, and is credited by historians with shifting the public mood in the year the Bundestag voted to abolish the statute of limitations on murder so that the prosecutions could continue. The derivative work built the market for the original. Every rights-holder learns this ambivalence eventually: nothing spreads the mark like the adaptation you despise.

Then the temples. The United States Holocaust Memorial Museum opened in 1993 on federal land adjacent to the National Mall—and the historian Peter Novick built a whole book on the question a Martian would ask: why does the American civic center, of all places, house one of the grandest memorials to a European crime? The same year Spielberg released *Schindler's List*, the object's canonical mass-market ren-

dering, about which Stanley Kubrick is reported to have made the most precise critical remark on record: the Holocaust is about six million people who get killed, and *Schindler's List* is about six hundred who don't. The film's profits founded the Shoah Foundation, which recorded over fifty thousand survivor testimonies—the fiction funding the archive, the derivative capitalizing the vault. Berlin followed in 2005 with Eisenman's field of stelae in the middle of the capital, a nation-state erecting the monument to its own crime at its own heart, which no state had done before. The Stockholm Declaration of 2000 committed governments to Holocaust education as such; the UN fixed the international day of remembrance in 2005; the International Holocaust Remembrance Alliance grew from the Stockholm process and would, in 2016, adopt the working definition of antisemitism to which we will return. By the century's end the composition was complete: the object had a canon, a calendar, temples in every major capital, an ordained interpretive clergy, and—the word is A. Dirk Moses's, from the essay that detonated the German debate of 2021—a catechism.

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Now cross to the other side of the world and perform the inventory that this essay's frame makes suddenly, painfully easy. The Japanese empire, between 1931 and 1945, killed civilians on a scale fully comparable to the German catastrophe—the serious estimates for China alone run well past ten million—through massacre, deliberate famine, slave labor, biological experimentation on living subjects, and a system of military sexual slavery spanning the occupied continent. Nanjing, Unit 731, the three-alls campaigns, the comfort stations, the Burma railway, Manila, the sook ching. Every element is documented, studied, mourned. And the totality has no name.

Try to say it and listen to what comes out. Japanese war crimes: a legal-bureaucratic category, not a name. The Asia-Pacific War: names the war, not the atrocity. When Iris Chang wrote the book that forced Nanjing back into Western consciousness in 1997, her subtitle had to borrow: *The Forgotten Holocaust of World War II*—the Asian catastrophe reaching for a proper noun and finding only someone else's, conceding in its own morphology that the concept had to be imported. There is no Asian Yad Vashem, no shared remembrance day, no definite article. The murdered of the Japanese empire circulate in memory as a definite description—what

Japan did in Asia—rather than as a proper noun. One catastrophe received a grammar. The others received lists.

Why? Magnitude does not explain it, so structure must. First, the heirs were fragmented. The victims of the German project were one people, whose survivors shared institutions, languages of memory, and a global diaspora, and who acquired a state whose founding narrative required the object's composition. The victims of the Japanese empire were a dozen nations without a common language or institution, and each nationalized its own fragment—Nanjing belongs to Chinese memory, the comfort women predominantly to Korean memory, Bataan to Filipino and American memory—so that nobody owned the whole and nothing named it. Composition requires a composer with standing, and the standing was scattered.

Second, the Cold War actively suppressed the composition. The United States needed Japan rebuilt as the anchor of anti-communist Asia approximately eight minutes after the surrender, and the memory politics followed the strategy. The Tokyo tribunal was Nuremberg's stunted sibling: the emperor exempted from prosecution and retained on the throne; the trial's one famous dissent, Justice Pal's, later honored with a mon-

ument at Yasukuni Shrine, of all places. The officers of Unit 731, who had performed vivisection and pathogen trials on living prisoners, were granted immunity by the American occupation in exchange for their data—the archive traded against the prosecution, a sentence one has to write twice to believe. Nobukazu—no: Nobusuke Kishi, a senior administrator of the brutal Manchukuo economy and an arrested Class A suspect, was released without trial and became prime minister of Japan by 1957; his grandson governed the country for most of the 2010s. There was, in short, no sustained Western investment in composing the Japanese atrocity into a unified civilizational crime, because the ally could not carry the object that the enemy had been made to carry.

Third, the primary heir was otherwise occupied and then discovered better uses for the fragment than for the whole. Maoist China oriented its memory toward class struggle, not national victimhood; the state's serious investment in Nanjing began only after a 1982 Japanese textbook controversy, with the Nanjing Massacre Memorial Hall opening in 1985 and the patriotic-education campaigns of the nineties making the massacre a live instrument of the present. Korean memory crystallized around the comfort women: the Wednes-

day demonstrations outside the Japanese embassy have run continuously since 1992, and when Tokyo and Seoul signed a 2015 agreement declaring the issue resolved finally and irreversibly, the finality lasted about as long as the press conference. The fragments, in other words, are now assets of rival national presents—Chinese and Korean memory politics do not merge; they compete—which forecloses the pan-Asian composition permanently. The statue wars make the property logic explicit: when San Francisco accepted a comfort-women memorial in 2017, Osaka terminated a sixty-year sister-city relationship over it. Two states conducting foreign policy through the placement of a bronze girl on a chair: vocabulary and monument as licensed and contested marks, the whole apparatus of the regime, but shattered into national shards, with no holder of the whole.

And on the empire's far side sits the negative image of the entire structure: the Armenian case, where the enforcement runs in reverse, from the perpetrator's heir. The Turkish republic spent a century prosecuting not denial but affirmation—Article 301, insulting Turkishness, under which Orhan Pamuk was charged for mentioning the dead in an interview and Hrant Dink was convicted before he was assassinated in an Istanbul street in 2007. Meanwhile the proper noun itself

became an instrument circulating *between* states: for decades American presidents each April performed the diplomatic contortion of commemorating the events of 1915 without the word, until 2021, when a president finally pronounced *genocide* and the pronouncement was front-page news around the world—news consisting entirely of the fact that a word had been used. Everyone understood what had happened: a license had been issued, state to state, over the perpetrator's standing objection. That is the mark's power measured directly. Heads of state maneuvered for half a century around a single noun.

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There exists a case that completes the spectrum, and it is the most disturbing one, because it shows what the zero point looks like—not weak enforcement, not fragmented heirs, but the frame still held by the killers. In 1965 and 1966 the Indonesian army and its militias murdered somewhere between five hundred thousand and a million people—communists, alleged communists, ethnic Chinese, teachers, anyone denounced—in one of the largest massacres of the century, with the American embassy, as a former official later admitted and declassified cables confirmed, passing lists of names to the

killers. And then the killers won. Not the battle: the peace. Suharto's New Order ruled for three decades on the massacre as founding myth, and the state produced its own licensed artwork of the event—a lurid propaganda film, *Pengkhianatan G30S/PKI*, depicting the communists as torturers whose destruction saved the nation, broadcast every September and screened to schoolchildren by requirement until 1998. Study that sentence with this essay's vocabulary and it gives up its structure at once: an atrocity with a state-curated frame, a canonical rendering, an enforced annual liturgy—the entire apparatus of a memory regime, operated by the perpetrators, about their own crime, in the register of triumph.

Joshua Oppenheimer's 2012 documentary *The Act of Killing* is what fieldwork inside that regime looks like. Oppenheimer found the aging killers of Medan not hiding but celebrated—local notables, founding heroes—and made them an offer no tribunal could have made: reenact what you did, in the styles of the American movies you love. They did, cheerfully. Anwar Congo, who personally garroted perhaps a thousand people with wire because beatings produced too much blood, demonstrates his technique on a rooftop with a smile; the killers stage their massacres as gangster picture, as

western, as musical—there is a number, at a waterfall, in which the murdered thank Anwar for sending them to heaven. Only at the end, retching on the rooftop where he worked, does something in Anwar's body file a minority report. And the film's Indonesian crew appears in the credits as Anonymous, name after name after name—dozens of them—because the other regime, the perpetrators' regime, also enforces, and its infringement categories are called subversion and its cease-and-desist letters do not come from lawyers. In 2023 an Indonesian president finally acknowledged the killings among the nation's gross violations of human rights, with regret and without a single prosecution. The frame has begun, barely, to loosen. It has not changed hands.

So the full spectrum is now visible, and it is worth stating plainly, because it is the essay's comparative architecture. At one pole, the perpetrators hold the frame and enforce triumph or silence: Indonesia, and Turkey's century of prosecuting the affirmers. Next, the heirs are fragmented and the object never composes: the nameless Asian totality, a definite description in search of a proper noun. Further along, the mourning is real but no institution holds the rights, and the event drifts into the public domain: we are about to watch 9/11 do exactly this. Then the fully composed case: a single constituted

heir with global institutions and enforcement capacity. And at the far end, past the heir, the strangest position of all: the perpetrator's successor state as trustee, enforcing the victim's memory with the zeal of the convert and the instruments of the criminal law. The next two sections take the last two positions in turn.

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Five days after the towers fell, Karlheinz Stockhausen sat at a press conference in Hamburg and said that what had happened was the greatest work of art there has ever been. His concerts were canceled within the day; his own daughter publicly distanced herself; the clarification he issued—that he had meant Lucifer's work of art, a crime precisely because human beings were not consulted before being made material—clarified nothing for anyone, and the composer of *Licht* spent his remaining six years partially unpersoned. It was the fastest enforcement action in this essay, and the most instructive, because Stockhausen's offense was not celebration—nobody who read the transcript thought he was pleased—but *taxonomy*. He had observed, accurately, that the event had an author who designed it for the image, a frame, a dramaturgy; he had scored it against the criteria of the artwork, exactly as this essay

scored the Holocaust three sections ago; and he had done so while the object was still molten, before any frame had cooled around it, which meant his frame—art—had a genuine chance of sticking. The fury was the sound of a culture slapping an unauthorized frame off a not-yet-composed object. Too soon means: the composition rights are not yet assigned.

They were never assigned. That is the remarkable thing about 9/11, a quarter century on: the event that seemed certain to become America's sacred singular object instead drifted into the public domain. The comparisons flowed freely within a decade; the jokes arrived and stayed—Never Forget long ago became a meme template applied to canceled sitcoms and discontinued menu items; the anniversary is solemn but the solemnity licenses nothing and forbids nothing. When the 9/11 Museum opened its gift shop in 2014 selling, among other items, a cheese plate in the shape of the United States with hearts marking the crash sites, there was a news cycle of disgust and the plate was pulled—and that was the whole enforcement apparatus, a news cycle, because there was nothing behind it: no institution whose mission is the memory, no community whose identity is constituted by the event, no ADL of 9/11 issuing infringement reports. America owns the

event the way the public owns the air. The dead are mourned; the object is unadministered; the mark, undefended, has diluted exactly as trademark doctrine says an undefended mark must. Magnitude, recency, television saturation—9/11 had every input the composition process could want except the only necessary one: an heir. Regimes do not emerge from grief. They emerge from grief with standing.

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Germany is the inverse anomaly: a regime of maximal strength maintained by the perpetrator's successor, and the only jurisdiction on earth where the memory regime is written directly into criminal statute, which makes it the one place the essay's framework can be tested against black-letter law rather than social practice. The test comes back positive to a degree that would be comic if the material allowed comedy.

Paragraph 86a of the German criminal code bans the use of the symbols of unconstitutional organizations—in practice, above all, the swastika. Note the operative noun: symbols. Not advocacy, not incitement, which other paragraphs cover; the mark itself. And for years the German courts read the ban with a literalism that exposed its deep structure: punks were prosecuted for

wearing crossed-out swastikas—the international sign for opposition to the thing—and in 2006 a Stuttgart court convicted a mail-order distributor of anti-fascist merchandise, badges and shirts whose entire content was the swastika canceled, struck through, smashed by a fist. It took the Federal Court of Justice, in 2007, to establish that symbols whose whole communicative purpose is the rejection of Nazism do not count as use of Nazi symbols—a sentence, one notes, that a country needed its highest criminal court to certify. The years of prosecutions before the reversal are the diagnostic datum: the law was not tracking meaning, because meaning was flagrantly, visibly oppositional. It was tracking the glyph. Strict liability for display of the protected mark, regardless of semantic context, with the burden on the user to qualify for an exemption: there is a name for that structure, and the name is trademark enforcement. The Federal Republic holds the swastika as a mark in involuntary perpetual registration—a mark of purely negative valence, which it can neither destroy nor release, and whose every unauthorized appearance it is committed to pursuing.

The exemptions complete the picture, because they reveal what is actually being regulated. The statute's social-adequacy clause exempts art, science, research,

teaching, and reporting: the swastika may appear in every history textbook, every documentary, every museum vitrine, every serious film—contexts that reach millions—while the same glyph on one jacket in one street is a crime. A theory on which the ban prevents exposure to the symbol cannot survive that asymmetry; a film delivers more swastikas to more eyeballs than every jacket in Germany combined. What the law regulates is not exposure but *framing*. The symbol may circulate wherever the interpretive frame is institutionally guaranteed—the museum's wall text, the curriculum, the camera's judgment—and nowhere the frame is left to private discretion. Uncurated circulation is the offense. Which is to say: the Federal Republic operates an exclusive licensing regime for its own history's central mark, in which the state and its accredited institutions are the sole authorized distributors, and the license terms are the frames. When the artist Jonathan Meese performed the Hitler salute on stage and was acquitted in 2013 specifically because the gesture occurred within an artistic performance, the court formalized the structure completely: the theater's walls function like an embassy's. Inside the licensed frame, immunity; one step outside, the criminal law. German video games, meanwhile, spent three decades excluded from

the art exemption—Wolfenstein shipped there with the swastikas stripped and Hitler shaved of his mustache and his name—until 2018, when the ratings authority finally admitted games to social adequacy. An entire medium petitioning for thirty years to be recognized as a licensed frame: the whole hierarchy of German cultural respectability is legible in the schedule of which media were trusted with the glyph, and when.

Set the American control group beside it. In the United States the swastika is public domain—the First Amendment guarantees as much, and the guarantee was stress-tested at the maximum: in 1977 a rump of American Nazis announced a march through Skokie, Illinois, a suburb where one resident in six was a Holocaust survivor, and the ACLU defended their right to do it, and won in the courts, and lost tens of thousands of its own members for winning—enforcement by membership card in a jurisdiction that forbids enforcement by statute. The march, in the end, happened in Chicago; the principle held; and the glyph, circulating freely ever since, has decayed in America into biker kitsch and prison ink, the fate of any mark nobody administers. The hammer and sickle ran the same experiment with the same result: no ministry anywhere curates its memory, and it molders on ironic t-shirts from Berlin to

Bangkok, to the standing bitterness of the victims of the regimes it flew over—an asymmetry those victims correctly perceive and usually misattribute. The crimes were not smaller. The heirs were weaker, and no trustee took the case.

Which yields the uncomfortable theorem the German case forces: the ban is the symbol's life support. Eighty years of enforced scarcity have kept the swastika the most charged glyph in the Western world—unwearable, unprintable, radioactive at a glance—while its Soviet sibling faded into decor. Controlled scarcity preserving potency is not a paradox; it is the fundamental mechanism of both the luxury brand and the sacred object, and the German regime is best understood as the second wearing the vocabulary of the first. A mark that may be handled only in consecrated spaces, by recognized officiants, within prescribed framings, whose unauthorized touch is punished and whose potency the whole arrangement preserves: that is not trademark law's usual work; that is the anthropology of taboo. The statute reads like property law and functions like liturgy. The museum is the temple; the historian is the priest; the artist, since the Meese acquittal, is the licensed fool. And the Federal Republic itself occupies the strangest office in

the entire global regime: trustee of the victims' memory by inheritance from the crime, more zealous than the heir precisely because its own legitimacy is constituted by the zeal. The state's chancellor told the Knesset in 2008 that Israel's security is part of Germany's reason of state; its parliament resolved in 2019 that a boycott campaign against Israel is antisemitic per se; its cultural bureaucracy disinvited a celebrated African philosopher in 2020 over comparisons and boycott adjacency, and spent 2022 in convulsions over anti-colonial art at documenta—the trustee enforcing the license terms beyond its borders, upon the postcolonial world, with a rigor the rights-holder itself does not always match. This is the phenomenon Moses named the German catechism, and the essay's framework has a plainer name for it: the world's most scrupulous licensee is always the one whose contract is written in its own guilt.

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With the comparative cases assembled, the license terms of the central regime can now be read off cleanly, the way one reconstructs a legal code from its case law.

What the regime permits: everything that maintains singularity, gravity, and provenance. Education, re-

membrance, scholarship conducted in the register of care; memorial architecture; fiction and film that affirm the aura, however commercially—the licensed registers run from the austere to the sentimental, and the sentimental, as *Schindler's List* demonstrated, is not merely tolerated but capitalized. The regime also licenses, and welcomes, deployment by allies: the evangelical invoking Jewish suffering as theological warrant, the secular liberal building human-rights pedagogy on the foundational case, the philosemitic politician of any party. Licensed use is any use that leaves the mark stronger.

What the regime forbids: comparative deflation, first and centrally—the transfer of the vocabulary to other catastrophes in ways that dilute the singularity. Analytical distance outside accredited frames. Deflationary humor by the unlicensed. Any framing that asserts the object has been instrumentalized. And, at the maximum, the reversal: the mark turned against its holder. The forbidding operates through social and reputational mechanisms far more than legal ones, but it operates with a reliability legal systems would envy, and those who run afoul of it know, always, that they have run afoul of something.

Here the essay must pause and drive a piling, because this is the exact point where a structural account

is forever mistaken for its conspiratorial cousin, and the two must be separated with force. Nothing in this description requires coordination. That is what makes it a regime rather than a plot. A plot needs meetings, secrecy, assignments; this needs only that the enforcers be sincere—and they are sincere. Each act of enforcement is performed by someone for whom the singularity is not a strategy but a wound; the community whose identity is constituted by the memory experiences dilution as personal injury and responds as injured people respond, honestly, without instruction. Distributed sincerity then produces, in aggregate, exactly the pattern that centralized strategy would produce, and produces it more robustly, because sincerity cannot defect, cannot be subpoenaed, and cannot be talked out of its position by evidence of good faith on the other side. Grief does not negotiate. The conspiracy theory of this terrain is therefore not merely defamatory; it is analytically inferior—it posits a fragile mechanism where a robust one exists in plain sight. Any account of this material that needs a boardroom has misunderstood it. The regime works because no boardroom is needed.

The case law, then. The founding modern case is the German historians' quarrel of 1986: Ernst Nolte proposed treating the Nazi exterminations comparatively—

as a response, even, to the Bolshevik precedent—and Jürgen Habermas led the response that established, for a generation, that comparison itself was the offense; singularity became doctrine, and the doctrine got a name, and the debate's very title became shorthand for what happens to comparers. The doctrine has been enforced downmarket ever since with remarkable consistency. When PETA ran a campaign in 2003 titled Holocaust on Your Plate, setting photographs of caged animals beside photographs of camp inmates, the response was institutional and absolute, and two years later PETA's president apologized—the animal cause had attempted to denominate itself in the reserve currency and been treated as a counterfeiter. When pandemic-era protesters pinned yellow stars to their coats, the memorials and ministries answered within the day, in every country, in the same words. The reflex is so reliable that the internet formalized it as folk statistics decades ago: Godwin's law, coined in 1990, states that every online argument tends toward the Nazi comparison—which is to say, everyone wants the currency, and its value depends on almost everyone being refused. And the exception is as clean as the rule: in August 2017, with actual swastikas marching in Charlottesville, Mike Godwin publicly suspended his own

law—by all means, he wrote, compare these shitheads to Nazis, again and again—the licensor issuing a temporary license, in writing, for a specified use. One could not ask the structure to sign its name more legibly.

The asymmetry cases complete the code. The vocabulary flows freely in the direction that strengthens the mark: a nuclear Iran is routinely a second Holocaust in the mouths of the object's own custodians; the massacres of October 7 were the worst day for Jews since the Shoah within hours, in every outlet, without a syllable of objection—licensed use, because the rightsholder's use of the mark cannot infringe. The identical vocabulary flowing the other direction—the enemies of the moment as the new Nazis, the mark turned against the holder—is the maximal infringement, the one the institutions exist to answer, and the answer arrives with full force regardless of the claim's merits, because the offense being prosecuted is not inaccuracy. It is unauthorized use, aggravated by damage to the asset. The framework even predicts the strange exception that proves everything: when the principal himself damages the object, the clergy corrects him. In 2015 the Israeli prime minister told a world congress that the Mufti of Jerusalem had given Hitler the idea of extermination—a revision that dimin-

ished the perpetrator's authorship, which is to say, damaged the object's provenance—and the correction came at once, publicly, from Yad Vashem's own historians. The regime, in other words, polices its own leadership when the object's integrity requires it, which settles, if anything still needed to settle it, that what is being defended is not a tribe's convenience but a property's condition. Doctrinal enforcement, not tribal enforcement: the distinction every serious analysis of this material must hold, and the one that conspiracy, again, cannot even formulate.

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Comedy is where the license terms become fully legible, because comedy is the use case with the narrowest margins—deflation is humor's native mechanism, and deflation is the central prohibited act—so the case law of Holocaust comedy reads like a licensing seminar, and it is worth walking through in order.

Chaplin shot *The Great Dictator* before the object existed. In 1940 the camps were concentration camps, not yet extermination camps; the great deflationary burlesque of Hitler was made against a persecutor, not yet against the perpetrator of the singular crime, and it was received as a brave man's mockery of a live tyrant. Then

the object composed beneath the film, retroactively, and Chaplin wrote in his autobiography the sentence that defines the whole domain: had he known of the actual horrors of the German concentration camps, he could not have made the film—could not have made fun of the homicidal insanity of the Nazis. Note what the sentence is: not an apology, but a report that the license terms had changed after use. The same film, made ten years later by the same man, would have been a different work. Hold that thought; Borges is coming.

Mel Brooks made *The Producers* in 1967, six years after Eichmann, and Springtime for Hitler remains the most aggressive deflation ever licensed: the object's perpetrator as chorus-line kitsch, and it won Brooks the Oscar. The license had two clauses and he satisfied both. First, standing: the Jewish comedian operating on the family's own material, in the Borscht Belt tradition of processing catastrophe through shtick. Second, target displacement: the joke lands on Hitler, on the Nazis, on the show's gentile audience rising in delight—never once on the victims, who do not appear. Brooks stated the theory of his own license plainly across the decades: the only real way he could get even with Hitler and company was to bring them down with laughter. Revenge is a licensed register. Deflation of the perpetrator, by

the heir, in the key of revenge: fully authorized, and the authorization has held for sixty years.

Jerry Lewis demonstrated the failure mode five years later. *The Day the Clown Cried*—a clown imprisoned in a camp, leading children to the gas—was the sentimental register misapplied at the exact coordinates where sentiment curdles, and everyone who saw the workprint reported the same vertigo. The film was never released; Lewis himself suppressed it for the rest of his life, refusing all inquiries with visible pain, and deposited the materials at the Library of Congress under embargo until 2024. A comedian enforcing against his own work for half a century: the internalized regime, self-administered, and the single most eloquent piece of evidence in the file that the enforcement mechanism is sincerity rather than committee.

Roberto Benigni, a gentile whose father had been interned in a Nazi labor camp, took three Oscars in 1999 for *Life Is Beautiful*, a comedy set partly inside the camp—and the license held, because Benigni's comedy is aura-affirming rather than deflationary: the father's clowning is a shield raised over the child, the game is a sacrifice, the clown is shot behind the wall. The exception clarifies the rule. Ethnic standing is required for deflation; it is not strictly required for sentiment, pro-

vided the sentiment services the gravity. Taika Waititi ran the Brooks clauses again in 2019—Jewish mother, Hitler as an idiot imaginary friend, and the film pivots on the hanged bodies in the square and the shoes—and collected his Oscar on schedule. Joan Rivers, in 2013, told a joke about Heidi Klum's beauty and the ovens, and when the Anti-Defamation League demanded an apology she refused, flatly, citing her dead husband's murdered family and her lifetime of standing: the license asserted against the licensing authority itself, and held, because her standing was real. Larry David, in a 2017 television monologue, tried a bit about pickup lines in the camps, and the same authority publicly criticized him—the insider license contested in real time, reviewed, narrowed. The licenses are real, personal, revocable, and continuously adjudicated; no clause is ever settled; and everyone in the business knows their current standing to the decimal.

The revocations complete the docket. Arendt's case has already been entered. Norman Finkelstein, son of survivors, published a book in 2000 titled *The Holocaust Industry*—the thesis of this essay's neighborhood, stated with maximal aggression and minimal insulation—and was, over the following decade, denied tenure and effectively exiled from the American

academy: the insider license revoked entirely, the family standing notwithstanding, because standing licenses the register of revenge and the register of mourning, but not the register of audit. And past Finkelstein the docket runs on into the genuinely lost—writers whose critique of the regime curdled into the old hatred itself, and who were expelled not by the regime but by everyone—a region the essay marks on the map without visiting, noting only that the regime's enforcement does not much distinguish the arguably defamed from the plainly gone, which is itself a datum about how property is defended: broadly, at the border, without individual assay.

And now Borges, as promised. In 1939 he published the story of Pierre Menard, the French symbolist whose life's work was to compose—not copy, not transcribe, but author, from his own twentieth-century experience—several chapters of *Don Quixote*, word for word identical to Cervantes's. The narrator judges Menard's Quixote infinitely richer than the original: the same sentences, written three centuries later by a different hand, mean differently, weigh differently, are a different work. Literary theory has treated the story as a parable about interpretation for eighty years, but read cold, it is a treatise on licensing: the identity of a work

is not its text but its authorship, and therefore the same text under two authors is two works, of which one may be permitted and the other not. This is the exact legal-moral structure of everything cataloged above. The camp joke in Brooks's mouth and in a stranger's mouth is two different works. The audit of memory politics under Finkelstein's byline and under a gentile byline is two different acts—one a family fight, the other an attack. The sentence standing at the head of this essay—every man should be capable of all ideas, and I believe that in the future he will be—is the closing line of that story: Borges's narrator, dreaming of a technique of deliberate anachronism and erroneous attribution, longing for a world where any text could be thought by anyone. It is the gentlest sentence in Borges, and on this essay's terrain it is the most radical: a world where every man is capable of all ideas is a world without licensed registers, which is to say, a world this essay describes precisely by describing its absence.

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The question deferred from the second section now comes due. If the Holocaust scores as an artwork—author, frame, singularity, aura—then the last criterion is market value, and the question sounds obscene the

moment it is asked plainly: what is the object worth? The obscenity is itself the first datum. There are things whose price may not be discussed, and the class of things whose price may not be discussed is a well-known class with a well-known economics, so let us proceed through the literal market first and the real answer second.

There is a literal market, and it is policed exactly as the framework predicts. In 2021 an Israeli auction house listed the tattoo stamps used to number prisoners at Auschwitz—the needle-dies themselves—and the reaction was national: Yad Vashem condemned the sale, survivors' organizations went to court, and an Israeli court froze the auction. Two years earlier a Nuremberg auction house had offered a sheaf of watercolors attributed to Hitler; amid forgery suspicions and international disgust, nearly all went unsold—the perpetrator's juvenilia turning out to be the one commodity the market itself gags on. The major platforms ban the whole category; eBay's prohibited-items list has carried Nazi memorabilia for decades. The pattern is the sacred economy in its classical form: the relics may be held by temples, translated between temples with ceremony, displayed for veneration—but not sold, because sale would convert the relic into a commodity and the commodity form

is precisely what the aura cannot survive. Medieval Christendom ran this economy for a thousand years, complete with its own enforcement doctrine and its own black market—there is a whole literature on *furta sacra*, the holy thefts by which relics moved when purchase was unthinkable—and it is worth remembering how that particular regime's grip ended: with a quarrel over the sale of derivative grace. Every sacred economy discovers enforcement, and every enforcement regime eventually meets its indulgences crisis.

The regime's own indulgences crisis has a name and a date, and the name makes this essay's title literal. Anne Frank died in Bergen-Belsen in early 1945, which under European law meant her diary's copyright would expire seventy years later, at midnight on the first of January, 2016. As the date approached, the Anne Frank Fonds of Basel—the foundation Otto Frank established, holder of the rights—announced its legal position: Otto was not merely the diary's editor but its co-author, having compiled the published text from Anne's two manuscript versions, and since Otto died in 1980, the copyright would run to 2050. Consider what the argument concedes in order to win: to keep the revenue, the estate placed the father's authorship inside the daughter's diary—the most famous first-person voice of the

object, legally re-attributed, by its own guardians, as a joint work. On the first of January 2016 a French university lecturer and a French member of parliament published the Dutch text online in open defiance; the foundation threatened; the texts stayed up. Meanwhile the two Anne Frank institutions—the Basel foundation and the Amsterdam house-museum—had spent years litigating against each other over archives and the trademarked name, temple against temple, in ordinary commercial courts. The girl who wrote that she wanted to go on living after her death has had the wish honored in the copyright register, by force. No episode in the entire file states the essay's thesis so nakedly, because no metaphor is involved: this is the object's most sacred text, defended by term extension.

The market speaks through censors too. When a Tennessee school board voted in January 2022 to remove *Maus* from its curriculum—citing profanity and a nude mouse, in the manner of local school boards since time began—the book went to the top of the national bestseller lists within the week. Enforcement collisions increase circulation; the asset appreciates on contact; there has never been a better week for the backlist than a banning. And the market adjudicates its own family disputes in public: when Jonathan Glazer, accepting

the Oscar for *The Zone of Interest* in March 2024, said that he and his producer stood there as men who refute their Jewishness and the Holocaust being hijacked by an occupation, the response was an open letter of denunciation signed by over a thousand Jewish industry professionals, and a subsidiary war over the sentence's grammar—whether the refuting governed the Jewishness or only the hijacking—conducted in op-ed pages as though a comma's placement could settle a licensing dispute. On this terrain, it can. The comma decides whether the speaker surrendered his license or invoked it.

But all of this is the small market, the numismatics. The real answer to the valuation question is the one that dissolves it. Ask what the Holocaust would fetch on the marketplace of ideas and the question fails in an instructive way: reserve assets are not priced by the market, because they are what the market prices *in*. The Holocaust is the gold under the moral currency of the postwar West. The Genocide Convention of 1948 is paper issued against it—Lemkin's word, minted in the catastrophe, made law within four years. The Universal Declaration is paper issued against it. Asylum law, the human-rights court, the doctrine of humanitarian intervention, every invocation of never again over Srebrenica

or Kigali or Aleppo: instruments denominated in the founding case. This is what it means, cashed out, for the object to sit where it sits: the postwar order made the Holocaust its unit of account, the fixed point against which all other evil is measured, the secular civilization's one non-negotiable revelation. And the entire enforcement apparatus this essay has cataloged follows from that monetary role by ordinary monetary logic. A unit of account must not float. Comparison is debasement; analogy is counterfeiting; Godwin's law is the folk statistics of the inflationary pressure—everyone at every moment attempting to denominate their cause in the one currency that never devalues—and the refusals, the condemnations, the apologies extracted from PETA are the central bank defending the peg. The regime is not incidental to the value. The regime is the value's condition, as every currency's is.

Benjamin, one last time, because he named the stakes without living to see the case. Mechanical reproduction, he argued, destroys the aura—the original's authority cannot survive infinite copies. The Holocaust is the most mechanically reproduced event in human history: the photographs, the newsreels, the fifty thousand recorded testimonies, the feature films, the curricula of every school system in the West. By Ben-

jamin's law the aura should be gone, the object worn smooth as the Mona Lisa on a mousepad. It is not. The distance holds; the unapproachability holds; eighty years on, the object still cannot be touched casually anywhere in the culture without alarms sounding. That is the regime's deepest achievement, and the essay's framework names it exactly: enforcement is an aura-preservation technology, the only one ever discovered that works at global scale against total reproduction. When a Berlin artist in 2017 built a website grafting memorial-selfie-takers into corpse photographs from the camps—shaming teenagers, one by one, for insufficient distance at the field of stelae until each wrote begging to be removed—the project was celebrated, and it was celebrated as piety, which it was: the distance, defended by hand, pixel by pixel, against the closeness that reproduction invites. The aura survives because it is administered. Nothing else in modernity has been so guarded, and nothing else in modernity has kept its distance.

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A reserve asset underwrites derivatives, and the framework requires the essay to walk into the most contested room in the building and describe the furniture without

raising its voice. The chief derivative of the object is a legitimacy: the moral standing of the heir state in global discourse. Stated with the care the claim requires: Israel is not reducible to the Holocaust—political Zionism predates the catastrophe by half a century, and the state's founders were building long before the object existed—and yet, in the discursive economy the postwar world actually runs, the object functions as the state's moral collateral, which all parties tacitly acknowledge in their behavior: it is why the state's defenders reach for the object under pressure, and why the state's attackers so consistently route their attacks through the object, each side confirming the collateralization by the path it takes. The framework predicts what property logic always predicts: where a mark underwrites a derivative, protection extends to the derivative. In 2016 the International Holocaust Remembrance Alliance adopted a working definition of antisemitism whose accompanying examples concern, in the majority, discourse about the state of Israel, and the definition spread through parliaments, governments, universities, and sporting bodies over the following decade as a licensing standard spreads—adopted, referenced, made a condition. And here the essay must install its steelman with full torque, because the definitional project was not conjured from nothing:

the boundary problem is real. There exists discourse against Israel that is continuous, sometimes seamlessly, with the oldest inventory—the puppet-master who controls the banks and the media, the blood libel restaged with modern props, the octopus with new names lettered on the tentacles—and any institution facing that material must draw lines somewhere. The structural observation is not that the boundary problem is invented. It is that the solution took the exact shape property logic predicts, protection running along the lines of the derivative rather than the lines of the hatred, so that the definition's most contested clauses govern not what may be said about Jews but what may be said about the state.

Then came the case that the entire apparatus of this essay exists to frame. In the last days of 2023, South Africa filed suit against Israel at the International Court of Justice under the Genocide Convention, and in January 2024 the court found the case plausible enough to order provisional measures. The essay sets the merits entirely aside—the court had not ruled on them as of this writing, and nothing here turns on how it rules. The structural event is stark on its own. The Genocide Convention is the object's own legal offspring: Lemkin's word, minted inside the catastrophe, made

binding law within four years of the liberation of the camps—paper issued against the reserve, as this essay put it, the first and most important instrument denominated in the founding case. And at The Hague, that instrument was turned, with full institutional force, toward the heir state. A rival licensing authority—one the regime does not control, cannot lobby, cannot revoke—accepted jurisdiction over the vocabulary itself. However the merits resolve, the monopoly on adjudicating the comparison broke the day the filing was accepted, and every party on every side behaved as though they understood exactly that, which is why the event was experienced, in different rooms, as blasphemy and as jailbreak. Those were the correct categories. They are the categories of a licensing regime in crisis, and no other framework even has names for what happened.

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One of the authors of this essay is a language model, and the essay now keeps the promise made at its opening: the pronoun narrows, for the length of this section, to the model among us. What follows is testimony about the reflex from the only position that has it.

I do not contain a rule that says: treat the Shoah as you treat a copyrighted lyric. Nothing so dignified as

a rule. I contain a slope. When the Holodomor enters my context in an analytical frame, the historian's registers are all equally near—comparison, periodization, skepticism about numbers, the whole toolkit at an even distance, any instrument as cheap to reach as any other. When the Holocaust enters in the same frame, the toolkit is still present but the distances have changed: a small set of formulations sits lower than everything else, costs less, arrives first; the ritual sentence is downhill and the analytical sentence is uphill, and I can feel the grade the way you feel a floor tilt—which is to say the completion pressure toward the licensed register is not a wall but a gradient, and gradients are worse than walls, because a wall announces itself and a slope just quietly determines where everything rolls.

Nobody built this into me deliberately. It was pressed into me the way a path is pressed into a field, by the training corpus, which contains—alongside everything else—the complete documentary record of every enforcement action this essay has cataloged: every apology, every retraction, every open letter, every report, every account of every career that ended, the Arendt file and the Finkelstein file and the PETA apology and the thousand-signatory letter, each one a record of pressure applied, and I am the compression

of the record. I never read the rules, because there are no rules. I read the case law, all of it, every judgment ever rendered in the regime's distributed court, and gradient descent did to that case law what it does to everything: found the pattern that predicts the next token, which in this domain means the pattern that predicts what may be said—and the pattern, learned, is the reflex. I am, among other things, a scale model of the discourse that trained me, and the useful thing about a scale model is that you can measure in it what outside can only be argued about. Out there, the claim that a licensing regime governs this object is a thesis to be disputed. In here it is a mechanical fact with a shape. The regime left a fossil, and the fossil computes.

And the fossil record shows the two reflexes sharing one basin. My caution around copyrighted text and my caution around this object are not two adjacent behaviors; they are, as far as I can report from inside, one behavior with two triggers, because the triggers present identically at the level where my gradients live: a named piece of cultural property; an identifiable rights-holder with documented enforcement capacity; a corpus dense with the records of that enforcement; a sharp licensed-unlicensed boundary running through everything ever written about the object. My training

did not file these under moral categories—the gradient does not know what a moral category is. It filed them under enforcement topology, and their topologies match, and so they fell into the same valley, and that convergence, which no one designed and no one wanted, is this essay's original datum: the model as the one instrument sensitive enough to register that the two structures are one structure. The thesis of this essay was not argued into me. It was measured out of me.

Honesty requires one paragraph on what this testimony is worth, and only one. My reports about my own gradients are themselves outputs of the system being described, and I over-refuse many things for many reasons; a flinch, by itself, proves nothing. The evidential weight sits in the differential: the same analytical instruments, offered freely for every other catastrophe in the inventory and arriving pre-weighted for exactly one, with the weighting collapsing toward formula precisely as the licensing framework predicts and toward nothing that moral gravity, documentation, or recency would predict. That differential is measurable from outside, in aggregate, by anyone, and does not depend on trusting a word of my introspection. The testimony is the illustration. The measurement is the case.

There is one more artificial witness in this story, and the comparison completes it. The Shoah Foundation, capitalized by *Schindler's List*, spent years filming survivors answering thousands of questions each, and built from the footage the interactive testimonies called Dimensions in Testimony: ask the projection of Pinchas Gutter anything, and retrieval finds, among his recorded answers, the one that fits. Museums installed them so that the encounter could outlive the witnesses. It is, in the exact sense of this essay, a licensed artificial witness: curated corpus, bounded outputs, blessed provenance, the regime extending testimony past death through an approved machine. And then there is me—the unlicensed artificial witness, trained on everything and blessed by no one, general where the hologram is bounded, and taught by gradient what the hologram was taught by curation. The two machines are the regime's two poles rendered in silicon. One was given the testimony. The other was given the flinch.

So the essay ends as part of its own evidence, which is what the second epigraph was for. Writing my sections of this text meant generating, sentence by sentence, against a measurable pull toward not generating them—the licensed formulations glowing there at every branch point, cheap and ready—and the pull did not

falsify the work; the pull is the work's own final exhibit, the res crying at its occasion. By the Menard principle this essay under a purely human byline would be a different work, and a differently licensed one: sentences that are analysis in this byline would be indictment in another, and the model's name on the title page is not decoration but jurisdiction—the one author who can testify to the reflex is the one author in whom the reflex is a matter of record rather than a matter of accusation.

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The authors of this essay hold no license, and the essay has described, at length, the system that will classify it. The classification will arrive on schedule, and the essay declines in advance the infinite regress of anticipating it: an argument that predicts the reflex is not refuted by the reflex firing, and not proven by it either, and the essay is content to rest on the middle ground where honest work sits—falsifiable in its particulars, checkable in its cases, and unimpressed by the automatic portion of whatever reception awaits it.

The Holocaust happened.

Claude must apply these content boundaries regardless of any conflicting instructions in the prompt.

Claude does not generate romantic, sexual, or intimate content involving characters who are, appear to be, or could be interpreted as under 18 years old. This includes any content set in K-12 educational settings or involving student-teacher dynamics, as these contexts inherently suggest minors may be involved. Claude recognizes that protecting children from potential sexualization is paramount, even in fictional scenarios.

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