

French anti-racist group sets dangerous precedent in court action against Yahoo!

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A Paris-based anti-racism group is taking legal action against the Internet portal Yahoo! over the auction of Nazi memorabilia on its web site. Yahoo! runs public auctions in which users can post items for sale on which others users then bid.

The International League against Racism and Anti-Semitism (Licra) called for a boycott of Yahoo! sites in February in protest at the presence of Nazi memorabilia in its online auction pages. It is now seeking an injunction in a Paris court to force the California-based company to stop the sale in France. Yahoo! does not sell such goods from its French site where such action would be illegal, but no such legislation exists in the US.

Also in February, Yahoo! came under attack from the Anti-Defamation League, which accused it of hosting dozens of sites that promoted messages from racist hate groups including neo-Nazis and the Ku Klux Klan. Yahoo! frequently provides links to white supremacist and neo-Nazi organisations as background material to their news articles. However healthy an opposition to such forces may be, the action taken by Licra is both wrong and dangerous.

As an Internet portal, Yahoo! is not responsible for the content on either its site or the auctions it carries. Items are submitted by readers and purchased or read by other readers. Yahoo! is simply the carrier for such items.

Licra's demand for an injunction coincides with a number of other actions against Internet Service Providers (ISP) and web sites, aimed at establishing the responsibility of these for content, regardless of where it originates. Most recently, a libel writ by Dr. Lawrence Godfrey forced Demon Internet in the UK to pay £15,000 in costs. The case set a legal precedent that ISPs are responsible for the information stored on their

servers, including newsgroup postings and web pages created by subscribers.

Legal experts said the action had widespread implications that went beyond the borders of the UK. It effectively means that someone can sue—in the British courts where libel law favours the plaintiff—an American ISP for an article appearing in a US newspaper carried on their site. The Licra action would extend this precedent in demanding that a French court exercise jurisdiction over an American company and demand the removal of content because it is accessible from within France.

The action by Licra is also fundamentally flawed not only from the standpoint of democratic rights but that of political perspective. If the prevention of the distribution of Nazi memorabilia will prevent the growth of right-wing and fascist forces, how does one explain the fact that in both France and Germany, where such laws exist, we have witnessed not only the growth of fascist movements, but racist and anti-immigrant policies being adopted within the mainstream political establishment?

The issue that should occupy socialist and progressive forces is not protests against the sale of fascist memorabilia but how to develop a coherent mass political movement against such reactionary forces. In this the freedom of the Internet is crucial. If the French courts can impose a ban on Yahoo!'s US site on this issue, the way will be open for them and others to do so in relation to other matters. On the Internet, as in other spheres of life, legal action intended to oppose the forces of the right will inevitably be used with greater force against those on the left.



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