

Verdict in David Irving case due in two weeks

Libel suit brought by apologist for Nazi role in Holocaust concludes in London

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The 10-week trial of a libel suit brought by British author David Irving against American historian Deborah Lipstadt concluded Wednesday March 15, as closing arguments were delivered before a packed London courtroom.

In his statement of claim (first submitted to the High Court in September 1996), Irving, the author of several books exonerating Hitler and the Nazis, alleged that Lipstadt and her publisher, Penguin Books, were part of “an organised international endeavour” to destroy his career.

The London High Court is expected to pronounce its verdict in two weeks time.

The aim of the libel case against Lipstadt is to stifle criticism of Irving and others who contend the Nazis never had a policy of systematic genocide of the Jews. Irving claims reports of mass killings are exaggerated or fabricated and that the gas chambers at Auschwitz could not have been used to carry out assembly-line murder. He is also suing author Gita Sereny for her review of his book about Joseph Goebbels in the *Observer* newspaper.

Lipstadt occupies the Dorot Chair in Modern Jewish and Holocaust Studies at Emory University in Atlanta, Georgia. She was historical consultant to the United States Holocaust Memorial Museum in Washington when it was being built, and was appointed to the United States Holocaust Memorial Council in 1994, the federal body responsible for running the museum.

Irving targeted Lipstadt because of her book *Denying the Holocaust—the Growing Assault on Truth and Memory*. This work of historical exposure of numerous apologists for Nazism has made Lipstadt a hate-figure amongst the extreme right the world over. Of specific concern for Irving is her depiction of him as a “right-wing writer of historical works” who is “one of the most

dangerous spokespersons for Holocaust denial”.

Speaking of historical trends which seek to minimise or deny the scope of the Holocaust, she writes: “Since World War II, Nazism in general and the Holocaust in particular had given fascism a bad name.... Consequently Holocaust denial became an important element in the fabric of their [neo-fascist organisations'] ideology” (p.103).

Lipstadt's characterisation of Irving is hardly a matter of serious controversy. He has publicly displayed sympathy for fascism, appearing on the platforms of several neo-Nazi organisations. In these circles, Irving is cited as a “noted British historian” whose work is used to justify more overtly pro-fascist material than his own. In the 1980s he spoke to meetings of the anti-foreigner German Peoples Union (DVU). At least one audience included skinheads chanting “Sieg Heil”.

In 1988 he appeared as a defence witness at the trial of the notorious Canadian Nazi, Ernst Zundel, author of *The Hitler We Loved and Why*. Lipstadt writes that “during the Zundel trial [Irving] declared himself converted by Leuchter's work to Holocaust denial and to the idea that the gas chambers were a myth, [and] described himself as conducting a ‘one-man intifada’ against the official history of the Holocaust” (p. 179).

When Irving published Leuchter's account in Britain, he wrote in a foreword that the public had been “swindled” by “the original ingenious plan of the British Psychological Warfare Executive (PWE) in 1942 to spread to the world the propaganda story that the Germans were using ‘gas chambers’ to kill millions of Jews and other ‘undesirables’.”

Holocaust denial is a crime in several European countries and Irving is banned from travelling to Canada, Italy, Austria and Australia. He faces an extradition request from Germany for racial incitement, following a

speech he delivered at the invitation of the neo-Nazi NPD (Nationaldemokratische Partei Deutschlands), in which he allegedly disputed Hitler's blame for the Second World War and claimed that the Holocaust had not happened.

Despite this record, the High Court did not summarily dismiss Irving's claim and instead provided him with a platform from which to propound his extreme right-wing views. Had Irving attempted to bring a libel action against Lipstadt in the US, where her book was first published, his case would never have reached trial. But under British libel laws, which are notoriously prejudicial to free speech and academic freedom, the plaintiff (Irving) does not have to prove anything. The burden of proof lies with the defence, which has to show that the allegedly libellous words are true.

Lipstadt was well able to marshal exhaustive material establishing the factual veracity of the Holocaust and proving Irving's repeated misuse of quotations. Her defence team commissioned expert testimony running into thousands of pages. That is why Irving stressed to the court that it was not enough for the defendants to show he had got facts wrong. "The matter at issue, as pleaded by the defendants, is not what happened, but what I knew of it, and what I made of it, at the time I put pen to paper."

The mountain of documents under consideration was given as the reason why the case was held before a single judge, sitting without a jury, a procedure that was agreed to by both parties. In his concluding argument, Richard Rampton QC, Lipstadt's barrister, said, "Holocaust denial, in the form in which it is purveyed by Mr. Irving, is an obvious example of anti-Semitism, and is music to the ears of the neo-Nazis and other right-wing extremists. Mr. Irving is a Hitler partisan, who has falsified history on a staggering scale in order to 'prove' Hitler's innocence, which like Holocaust denial is obviously very appealing to his fellow travellers. After all, if the Holocaust were a 'myth', then, obviously, Hitler could have no responsibility for it."

Irving, who represented himself throughout the proceedings, framed his case as a defence of his right to freedom of speech, but he was incapable of concealing his anti-Semitism. His closing speech lasted four hours, with Irving portraying himself as the victim of an international hate campaign led by Jewish groups. In an interview with the *Guardian* newspaper after the trial, he derided as "some of the traditional enemies of truth" the Anti-Defamation League, the Simon Wiesenthal Center, the Board of Deputies of British Jews, the South African Jewish Board of Deputies, the Austrian Jewish Congress

and the American Jewish Committee.

Lipstadt is one of a number of historians of the Holocaust who assert that the rise of fascism was the collective responsibility of the German people. In one passage in her book she argues against those seeking to differentiate between the Nazis and the German people, writing "Thus Nazism becomes 'Hitlerism', and the German populace is absolved," (ibid, p. 213). In an article concerning a course Lipstadt teaches on Holocaust memoirs, she is quoted saying: "I make it a practice to use the term 'the Germans' and not 'the Nazis' when I talk about the Third Reich. I do so because otherwise it sometimes sounds like the Nazis were Martians who landed in the middle of Germany and took over, when in fact they were Germans who represented the 'best and the brightest,' among others, of the German people," (Emory Report, November 16, 1998, vol. 51, no. 12).

Such an appraisal, implicitly making all Germans responsible for the Nazi's crimes, obscures the essential class nature of Hitlerite fascism as a movement cultivated by big business as a political weapon against Germany's powerful socialist workers movement.

Vital questions of historical interpretation such as this, however, can only be clarified through open debate and polemic. A judgement in Irving's favour would both threaten these freedoms and give succour to right-wing movements seeking to rehabilitate fascism, such as Jörg Haidar's Austrian Freedom Party. The fact that a High Court judge has been given the right to pronounce on questions regarding the history of the Holocaust must raise serious democratic concerns, regardless of the verdict he delivers. Historical truth can only be arrived at in opposition to all forms of censorship and interference by the judiciary or the state.



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