

Denial and the assault on historical truth

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Directed by Mick Jackson; screenplay by David Hare, based on Deborah Lipstadt's History on Trial: My Day in Court with David Irving

British-born filmmaker Mick Jackson's new movie, *Denial*, is based on the book by US academic and author Deborah Lipstadt, *History on Trial: My Day in Court with David Irving*. The 2005 work chronicles the struggle pursued by Lipstadt and her legal team with Irving, the right-wing British pseudo-historian and Holocaust denier, in a London courtroom in 2000.

It was Lipstadt's 1993 book, *Denying the Holocaust: The Growing Assault on Truth and Memory*, that prompted Irving to target the professor of Modern Jewish and Holocaust Studies at Emory University in Atlanta. In her work, Lipstadt called Irving "one of the most dangerous spokesmen for Holocaust denial." In 1996, Irving sued Lipstadt and her British publisher, Penguin Books, alleging they were part of an "organised international endeavor" to destroy his reputation and livelihood as a historian.

According to *Denial*'s production notes, veteran British playwright and screenwriter David Hare proceeded with considerable care in defending "objective historical truth." Hare crafted the scenes in court by using verbatim portions of the trial's official transcript. The screenwriter explains that "I had to be historically accurate myself, so that enemies of the film, the people who agree with David Irving, couldn't accuse me of distorting the record."

Hare was further motivated by the insidious character of Irving's attempt to give anti-Semitism and Holocaust denial a respectable veneer. "Irving dressed like an English gentleman," notes the scriptwriter. "He lived in Mayfair. John Keegan, an extremely distinguished military historian, said that David Irving was a first-rate historian who happened to take Hitler's point of view and that there was a significant historical value in looking at history from the side of the loser." Irving contended that no Jews were gassed at the Auschwitz concentration camp and that Hitler and the Nazis were innocent of genocide.

When the film opens, Lipstadt (Rachel Weisz), has just published her earlier book. As she is delivering a talk promoting the work to a room full of students in Atlanta, Irving (Timothy Spall) appears with two associates, who videotape the proceedings. He attempts to disrupt the event by waving \$1,000 in the air and yelling, "I'll give it to anyone who can prove Hitler ordered the killing of the Jews!" Deborah refuses to

engage with Irving, insisting that one can have different opinions about the Holocaust, but it is not possible to dispute whether or not it happened: "That isn't an opinion. That's a fact."

In *Denying the Holocaust*, Lipstadt argues that following 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] ideology."

Deborah is then shocked to learn from her British publisher, Penguin Books, that Irving is suing her and Penguin for libel. She quickly discovers that libel laws in Britain differ from those in the US: in the UK, there is no presumption of innocence in such a case. Consequently, Deborah, as the defendant, must prove that her assertions were true and, furthermore, that Irving's falsifications were deliberate.

While Irving chooses to represent himself in court, a top legal team headed by solicitor Anthony Julius (Andrew Scott) and barrister Richard Rampton (Tom Wilkinson) acts on behalf of Lipstadt and Penguin. Julius and Rampton insist that Deborah place complete confidence in her legal representatives. This leads to various conflicts (and a share of the film's drama). Rampton refuses her request to put British Holocaust survivors on the stand so as to avoid subjecting them to Irving's abusive and humiliating tactics—and he will also not allow his client to testify.

When Deborah demands "my right to stand up against someone who wants to pervert the truth," her attorney counters that "these things are happening to you, but the case is not about you ... What feels best is not necessarily what works best." Rampton and Julius are convinced their "atom bomb defense" involves keeping the focus on Irving's falsehoods rather than putting the Holocaust on trial. Towards this end, eminent British historian Richard Evans (John Sessions)—renowned for his research on the history of Germany in the 19th and 20th centuries, particularly the Third Reich—is brought on board.

In *History on Trial*, Lipstadt observes: "After detailing numerous examples of Irving's historical malfeasance regarding the Holocaust and the bombing of Dresden, Evans wrote: 'If we mean by historian someone who is concerned to discover the truth about the past and to give us as accurate a representation as possible, then Irving is not a historian ... Irving

is essentially an ideologue who uses history ... in order to further his own political purposes.”

In one telling scene, Deborah, seeking financial backing for legal fees, meets with leading figures in Britain’s Jewish community. To her surprise and dismay, they advise her to settle with Irving out of court and, generally, not rock the boat.

In preparing for the trial, Deborah accompanies her lawyers to what remains of Auschwitz-Birkenau. The no-nonsense Scotsman Rampton is doing forensic work in what the equally no-nonsense New Yorker Lipstadt considers a disrespectful manner. Only in the course of the trial does she learn to appreciate the efficacy of Rampton’s seemingly callous methods.

The dust jacket of *History on Trial* explains that Lipstadt’s lawyers “gained access to Irving’s personal papers, which exposed his association with neo-Nazi extremists in Germany, former Ku Klux Klan leader David Duke, and the National Alliance, which wanted to transform America into an ‘Aryan society.’ In the course of the trial, Lipstadt’s legal team stripped away Irving’s mask of respectability through exposing the prejudice, extremism, and distortion of history that defined his work.”

One of the trial’s pivotal moments, which gives the defense considerable momentum, occurs when Rampton proves that Irving manipulated the call logs of leading Nazi Heinrich Himmler to whitewash Hitler’s role in the annihilation of the Jews.

Rampton also produces a 1991 video clip in which Irving spews out his reactionary poison for the benefit of an audience in Calgary, Alberta: “I say quite tastelessly in fact that more women died on the back seat of Edward Kennedy’s car at Chappaquiddick than ever died in a gas chamber in Auschwitz.”

The trial lasts from January 11 to March 15, 2000. Ultimately, Judge Charles Gray (Alex Jennings) rules that “Irving’s treatment of the historical evidence is so perverse and egregious that it is difficult to accept that it is inadvertence on his part.” Lipstadt and Penguin win the day, and Irving is liable to pay all the substantial costs of the trial.

Irving was a notorious reactionary, with an extensive history of sympathy for fascism. In the 1980s he spoke to meetings of the anti-immigrant German Peoples Union (DVU). At least one audience included skinheads chanting “Sieg Heil!” In his final argument, Rampton observed (not included in the film) that “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.”

Jackson’s *Denial* is a conscientious reconstruction of the libel trial. However, it was a commentary on the British legal system in general and its anti-democratic libel laws in particular, as the WSWs noted in 2000, that despite Irving’s history, “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.”

The historical issues, along with Hare’s intelligent script, no doubt helped inspire the remarkable performances of Wilkinson, Weisz and Spall. Scott as Julius also deserves special mention.

In an interview, director Jackson (*The Bodyguard*, *Temple Grandin*) suggested that his film was “about historical truth ... All the interactions between the characters, the tension between Deborah Lipstadt and the legal team, everything that happened is what actually happened.”

Denial has its weaknesses. The acting and the courtroom sequences, which are tightly and tautly done, are relatively subtle; other elements and scenes are not. The complacent and idyllic picture of Lipstadt’s suburban life in the US seems out of place. There is no hint of a connection between the historical issues, the emergence of neo-fascist forces and the state of contemporary society (including American society). The Irving trial itself demonstrated, for those who cared to see, that as long as the system responsible for the fascist barbarism continued to exist even such an apparently “settled ” question as Nazi guilt for mass murder of the European Jews remained unresolved.

The filmmakers do not help their artistic cause by including a corny and unconvincing moment when, following her legal victory, a jogging Deborah (the recurring jogging scenes themselves are tedious and a distraction) stops—apparently to make common cause—with the statue of Queen Boadicea located on London’s Embankment, near the Houses of Parliament. The sequence seems to imply that like Boadicea, an early Briton who led an uprising against the Roman occupiers in 60-61 AD, Lipstadt is a female warrior leading her people.

More significantly, like virtually every film on the Holocaust that has come out over the past several decades, *Denial* is entirely silent as to the origins and sources of fascism. Unfortunately, one does not expect anything different.

Nonetheless, within its limited scope, *Denial* is valuable, particularly as an antidote to the efforts in Germany to relativize the crimes of Hitler and fascism, spearheaded by Professor Jörg Baberowski of Humboldt University in Berlin.



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