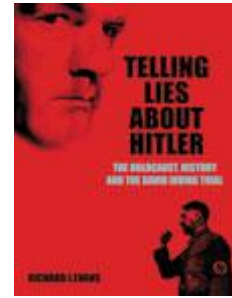


Telling the Truth About David Irving

a review of



Telling Lies About Hitler: The Holocaust, History and the David Irving Trial
by Richard J. Evans (London: Verso, 2002)

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The David Irving libel trial - *Irving v. Penguin Books Limited and Deborah E. Lipstadt*, [2000] EWHC QB 115 - was certainly one of the most spectacular and interesting events in modern English legal history. It is fitting that the trial occurred in the last year of the Twentieth Century, as much of the evidence focussed on the Twentieth Century's greatest and most awful tragedy, the Holocaust.

The plaintiff, David Irving, was the writer of many very popular books on the history of the Second World War. He was, and is, undoubtedly a very gifted writer. And, despite lacking formal academic qualifications, extremely knowledgeable about the era of history which is his principal interest. His publications have been mainly directed to the popular market, and he has achieved sales which respected academic historians could only dream of. Yet his career as a best-selling author of non-fiction seemed to stagnate, as Irving's association with the politics of the extreme Right, including neo-Fascists and Nazi apologists, began in 1988 to also embrace Holocaust denial.

It has been speculated that his action against Penguin Books and Professor Lipstadt was something of a "publicity stunt", intended to kick-start his flagging sales. As well-known Australian commentator, Philip Adams, observed:

" ... he wanted his time in court ... to push his barrow. [It] was another opportunity for him to gain media attention, to be a martyr."

It is difficult to believe that Irving had any other motive when he issued his Writ. Lipstadt was hardly a household name: an obscure American academic writer, largely unknown outside her own niche of interest in the phenomenon of Holocaust denial. The book which Irving claimed had defamed him - *Denying the Holocaust: The Growing Assault on Truth and Memory* - came out in 1993. At least until the trial, it had never threatened to reach any "best-seller list".

References to Irving in Lipstadt's book were few but undoubtedly offensive, describing him as "discredited", as "one of the most dangerous spokespersons for Holocaust denial", as a "neofascist" with "denial connections", who is "Familiar with historical evidence ... [but] bends it until it conforms with his ideological leanings and political agenda". She called Irving "an ardent admirer of the Nazi leader", who "declared that Hitler repeatedly reached out to help the Jews". Lipstadt claimed that scholars had "accused him of distorting evidence and manipulating documents to serve his own purposes ... of skewing documents and misrepresenting data in order to reach historically untenable conclusions, particularly those that exonerate Hitler". She placed him in a category of historical writers who "mis-state, misquote, falsify statistics, and falsely attribute conclusions to reliable sources", and who "rely on books that directly contradict their arguments, quoting in a manner that completely distorts the [quoted] author's objectives".

From a pragmatic viewpoint, these insults - although undoubtedly defamatory, unless capable of being justified or characterised as fair comment - were hardly likely to have a significant impact on Irving's readership or reputation. He was already regarded as an "outsider" to the establishment of academic historical studies - a fact which, far from troubling him, he wore as a badge of honour. It is utterly implausible that Lipstadt's remarks affected his sales, except (possibly) to increase them. Irving had no practical reason to sue, unless it was the reason attributed to him by Philip Adams.

If it was Irving's ambition either to restore his reputation as a credible historian or to enhance his sales amongst more discerning readers, he picked the wrong defendant and the wrong case. Maybe an historian with a broader outlook could have reminded him of Oscar Wilde's terrible fate, and the truism which it illustrates: where the defendant in defamation proceedings is prepared to plead a defence of justification, the tables are turned, and it is the nominal plaintiff who is in the position of defending himself against the allegations which constitute the alleged defamation.

Lipstadt refused to withdraw or apologise. Instead, she set out to prove the truth of what she had written about Irving, and assembled a formidable team of lawyers and expert witnesses to achieve that object. This book is the story of one of those expert witnesses, Richard J. Evans, Professor of Modern History at Cambridge University, a noted specialist on modern German history, and chief historical adviser to and expert witness for Lipstadt's defence.

Evans's book is interesting from various standpoints. To the practising lawyer or interested lay person, it offers a rare insight into the preparation and conduct of major civil litigation. What enriches this insight is that it is provided by an intelligent and articulate observer who became intimately involved in the process with no significant prior exposure to any litigation, let alone litigation on this scale. It is like a picture of the court-room process painted through a window, by a passer-by who has an eye for detail, an ability to grasp technicalities, and a capacity to portray the scene with vivid clarity.

But Evans's book is more than an insightful commentary on the preparation for and conduct of a major civil trial; it is about two other things as well. It is the story of an investigation, of a search for the truth, which is every bit as rivetting as a mystery novel. And, at another level, it offers a powerful analysis of the ethics of historiography.

That "history is written by the victors" - an axiom sometimes attributed to either Karl Marx or Winston Churchill, but which undoubtedly pre-dated both of them - has not prevented David Irving from continuing to present his view of the trial, if not in print, then on his "Focal Point" website at fpp.co.uk, and at conferences and seminars in those parts of the world (most frequently the American Deep South) where he is still welcome. But Evans's book is a true "victor's history" - a history of the author's profound personal contribution to the complete destruction and dismemberment of any pretense that Irving is a competent historian, indeed that Irving is entitled to be called an "historian" at all.

The parallels between Irving's trial and that of Oscar Wilde go beyond the fact that both men brought about their own downfall by commencing proceedings for defamation. If Holocaust denial were a criminal offence in the United Kingdom, as it is in Germany - and as gross indecency was, in England, in Oscar Wilde's time - Irving would doubtless now be in jail. Yet some uninformed news commentary at the time of the Irving trial credited Irving (who appeared for himself) with conducting his case very well, and even, at times, out-performing Lipstadt's leading counsel, Richard Rampton QC. Similar things have been said about Oscar Wilde's performance in the witness-box under cross-examination by Edward Carson QC (subsequently Lord Carson). In both instances, a perusal of the trial transcripts will satisfy anyone - at least anyone familiar with the trial process - of the absurdity of these claims. Just as Wilde's witty performance in the witness-box served only to alienate himself from the Jury, and confirmed their impression of him as a fop and dandy, so Irving's performance at his trial seems almost calculated to annoy the trial Judge, and to reinforce the impression that Irving was a propagandist masquerading as an historian.

Those who have emotional ties to the subject - whether through connections of blood or faith, or for other personal reasons - will doubtless celebrate Evans's victory. Others, like Philip Adams, may see analogies with Monty Python or Lewis Carroll, and ask "[H]ow could any sane person, particularly a professional historian, at the end of the 20th Century be raising these issues, these fundamental issues of Holocaust denial?" What kind of victory was it to prove, on the balance of probabilities, that David Irving is a bad historian?

Evans explains how, with a group of research assistants, he painstakingly combed the historical sources cited in Irving's published writings, a process made no easier by the fact that Irving's citations of historical sources were often incomplete. By this means, Evans built up a formidable case that, on numerous occasions, Irving's text was not supported by - and, in some instances, was directly contradicted by - the sources which he purported to quote. Yet it was not sufficient for Lipstadt and Evans to establish that Irving was a sloppy, or even an incompetent, historian. To justify what Lipstadt had written about Irving, it had to be established that Irving's many inaccuracies were the product of deliberate falsification, rather than innocent dereliction.

The strongest argument to this effect was the fact that, as Evans established, all of the mistakes tended in the same direction. Innocent incompetence would be the obvious explanation for a work of purported history, riddled with errors which did not form any particular pattern. As Evans demonstrated, to the satisfaction of the trial Judge, Irving's errors invariably tended in the direction of minimising the scope of Nazi atrocities, whilst also exaggerating the numbers of civilian casualties of Allied bombing.

By skilfully juxtaposing Irving's earlier writings with his later publications, Evans was able to demonstrate a trend of another kind. Sources which Irving once recognised as being ambiguous or of doubtful authenticity came, over time, to be cited by him as conclusive proof. Views which Irving once posited as tentative suggestions became, over time, and without the uncovering of any fresh historical evidence, matters of incontrovertible fact. This, reasoned Evans, was consistent with a man increasingly determined to present an account of history which coincided with his own political and ideological beliefs. The trial Judge agreed.

Evans's central thesis was that the phenomenon of "Holocaust denial" may be reduced to a "lowest common denominator", involving four minimum beliefs:

- (1) That the number of Jews killed by the Nazis was far less than six million, and amounted only to a few hundred thousand, and was therefore similar to (or less than) the number of German civilians killed by Allied bombing;
- (2) That gas chambers were not used to kill large numbers of Jews at any time;
- (3) That neither Hitler nor the Nazi leadership in general had a programme to exterminate Europe's Jews, and only wished to deport them to Eastern Europe; and
- (4) That the "Holocaust" is a myth invented by Allied propaganda during the war, sustained since then by Jews wishing to attract political and financial support for Israel and themselves, and supported by evidence fabricated after the war.

The proof that Irving was guilty of "Holocaust denial", so defined, came in two forms - evidence from his own published writings, and evidence of his association with organisations promoting some or all of the four theses mentioned above. Evans was concerned principally with evidence of the former kind, and assembled an extensive record of Irving's published statements, often at closed conferences and seminars, articulating such views. Once again, the trial Judge largely accepted Evans's evidence, both as to his definition of what constitutes "Holocaust denial", and that Irving's published statements made him a denier of the Holocaust.

The world, it seems, is full of people who are prepared to believe - or at least to attach some credibility to - the wildest conspiracy theories: that the moon landing was actually filmed on a "back lot" in Hollywood; that John F. Kennedy was murdered by the CIA, or that Princess Diana was killed on the instructions of the British Royal Family; and so forth. According to one statistic quoted by Lipstadt, more US citizens "believe that Elvis Presley is alive than ... believe the Holocaust didn't happen"; but even this statistic acknowledges that Holocaust-denial is alive and well in the hearts and minds of people who are not confined to insane asylums, and who perhaps even have an IQ which exceeds their shoe size.

The significance of the Irving trial does not lie in the fact that it will put paid, once and for all, to the phenomenon of Holocaust denial. Sadly, it will not do so. Those who choose to believe (for whatever reason) that the gas chambers were an invention of Allied propaganda, or of an international Jewish conspiracy, or of a communist plot to tarnish the extreme Right, will continue to believe these fantasies. The trial has demonstrated the importance of history as the most accurate account of past events which competent and unbiassed research is able to produce, and not merely a matter of partisan impression or conjecture. It has educated the public about the Holocaust, and discredited the phenomenon of Holocaust denial generally. But perhaps Lipstadt's and Evans's greatest achievement has been to deprive that phenomenon of one of its most convincing and more respectable exponents.

This achievement should not be under-rated. What made Irving particularly dangerous was his credibility: his credibility as a best-selling author, and his credibility as a writer of historical books which bear (at least superficially) all the usual indicia of genuine scholarship. Those who are already converted to the devil-worshipping faith of Holocaust denial will never be unconverted; indeed, the sacrifice of a martyr to their cause will only strengthen and enlarge their belief that a massive international conspiracy continues at work; such a mentality is beyond any hope of salvation. But the casual reader of history - the reader who has neither the training nor the inclination to challenge the credibility of a widely-published author of historical books - may perhaps be saved from joining the ranks of the Holocaust denial cult.

Within these parameters, the victory secured by Lipstadt and Evans was overwhelming. The monumental *Reasons for Judgment* published by Mr. Justice Gray on 11 April 2000 are conveniently summarised by His Lordship in these terms:

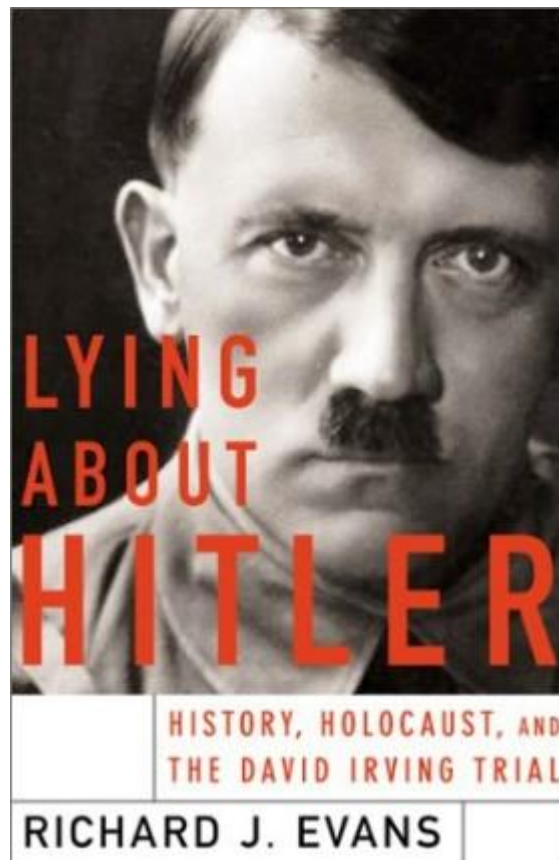
"[T]he correct and inevitable inference must be that for the most part the falsification of the historical record was deliberate and that Irving was motivated by a desire to present events in a manner consistent with his own ideological beliefs even if that involved distortion and manipulation of historical evidence."

Even so, and despite the offensiveness of Irving's racist and antisemitic attitudes, one cannot read Evans's account without a sense that Irving's God-given talents have been horribly wasted in doing the Devil's work. His skills as an historical researcher are undoubted; his gift as a writer of popular books is exceptional, even if his publications might more accurately be sold as works of fiction. It seems apparent, from the way in which he conducted his own case, that he genuinely believed that he was innocent of the charges of distorting and manipulating historical evidence. It would

be easy to write him off as a fraud and a charlatan. But it might be closer to the mark to conclude that David Irving, himself, was the first victim of his own remarkable powers of deception. After he lost the trial, Irving admitted in a radio interview that he had been "self-confident to the point of arrogance". It was his self-confident arrogance which ultimately destroyed Irving - just as Oscar Wilde's self-confident arrogance, at another libel trial more than a century earlier, had destroyed another writer of fiction whose greatest mistake was to underestimate the capacity of a law court to tell fiction from fact.

Irving's self-delusion is apparent on a close reading of the trial transcripts, but is brought into sharpest context by the contrast between Evans's scholarly approach to historiography, and Irving's bombastic denunciation of his critics. Irving undoubtedly considered himself, and still considers himself, a "true" historian - an historian whose presentation of history is not distorted by the "political correctness" which has been forced on academic scholars by (so he believes) the Jewish lobby, communists, and others whom he calls the "traditional enemies" of truth. Irving is unable to accept that his own writings may reflect a bias. In the result, the clearest demonstration of Irving's mind-set was a Freudian slip in his closing address to the Judge, when, rather than the traditional "Your Lordship", Irving addressed Mr Justice Gray as "Mein Führer". It must have almost been a disappointment for Evans that, after all of the work which he did, the single most compelling indictment of Irving during the trial accidentally fell from his own mouth.

Be that as it may, Evans's book is well worth reading. He somehow succeeds in distilling the complexities of historical research, along with those of a major piece of litigation, into a thoroughly readable and utterly convincing narrative. Professional lawyers and historians alike will find much in this book which is of interest to them; but the lay reader who has an interest, either in the law or in history, will not be disappointed. Evans's role in the Irving trial was a great service to the law, to history, and to humanity; this book is a fitting tribute to that service.



The US edition entitled
Lying about Hitler: History, Holocaust and the David Irving Trial