

Fighting for the Past: Lessons from the David Irving Trial

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Courtroom 36 in the Royal Courts of Justice was packed on the morning of April 11, 2000. Outside, a heavy rain pelted downtown London. At 10:30 a.m., Judge Paul Gray—wearing black silk robes and a horsehair wig—began to read excerpts from his 333-page decision in *David Irving v. Penguin Books and Deborah Lipstadt*. In some respects, the trial had been a fairly routine libel case. Yet even before the proceedings had gotten underway, commentators noted that history itself would be on trial. Indeed, much of the case focused on a central question: Had the plaintiff (David Irving) violated the precept of historical objectivity? As Gray's decision now made clear, the answer was a definitive "yes." Leaving little room for doubt, Gray concluded that Irving had "for his own ideological reasons persistently and deliberately misrepresented and manipulated historical evidence."¹

Irving was certainly not the first scholar (nor likely the last) whose personal biases had impeded his or her ability to accurately depict the past. Why, then, had the Irving trial taken on such significance? The answer stems from the fact that Irving had spent most of his life investigating Nazi Germany. In his publications, he had consistently downplayed the Nazis' genocide of European Jews. To use Gray's words, Irving had "portrayed Hitler in an unwarrantably favorable light, particularly in relation to his attitude toward and responsibility for the treatment of the Jews." Over the years, Irving's portrayal of Hitler and the Nazi regime had led other historians to claim that he was a Holocaust denier—not only a serious academic charge, but also a criminal one in several countries.²

The Irving trial also raised an important question for teachers: Should students be exposed to Holocaust denial? Thoughtful educators can and do disagree over this hotly debated issue. Nevertheless, the dwindling number of Holocaust survivors, the increasing

probability that students will encounter deniers' claims on the Internet, the likelihood of enhancing something's attractiveness by making it taboo (psychologists call this phenomenon "reactance"), and the use of Holocaust denial as a form of state policy (for example, Iran's sponsorship of a conference in 2006 to "review" the Holocaust) suggest that students should be educated about Holocaust denial.³

In providing this education, teachers need to fashion effective and sensitive instructional strategies. These strategies should avoid, as much as possible, disseminating misinformation and anti-Semitism. But they should also incorporate an active, not just reactive, pedagogical approach. And this brings us back full circle to the David Irving trial.

The defendants in the Irving trial were American historian Deborah Lipstadt and her publisher, Penguin Books. In 1993, Lipstadt (a faculty member at Emory University) published *Denying the Holocaust*, the first book-length examination of Holocaust denial. According to Lipstadt, the best way to

refute deniers' claims is by understanding the methods they employ to distort the truth. This was the primary reason Lipstadt wrote *Denying the Holocaust*. In that work, she accused well-known British historian David Irving of having "joined the ranks of the deniers." Irving responded by suing Lipstadt and her publisher for libel. Under British libel laws, the burden was (and, in many cases, still is) on defendants to prove the veracity of their statements. Thus, Lipstadt had to prove that Irving had intentionally replaced the lens of historical objectivity with his own perversely myopic view of the Holocaust. This would necessitate nothing less than a detailed analysis of how historians practice their craft.⁴

Fortunately for Lipstadt, one of her defense witnesses was Richard Evans, a history professor at Cambridge University. A meticulous and highly regarded scholar, Evans analyzed all of Irving's published work, documenting how Irving frequently manipulated historical evidence in order to paint a more sympathetic portrait of Hitler and the Nazis. Evans eventually compiled a 740-page report, which was subsequently revised and published as a book, *Lying about Hitler*. The report identified 19 specific instances where Irving distorted or ignored the historical record. Judge Gray relied on this report extensively in reaching his decision against Irving.⁵

Evans's scholarly sleuthing can serve as a basis for meaningful social studies lessons. Not only can these lessons illustrate the fraudulency of deniers' methods,

they can also assist students (even relatively young ones) to think historically, to grapple with the complex nature of evidence, and to appreciate the shifting perspectives and motivations of historians. The following three exercises, derived from material presented by Evans during the Irving trial, would be appropriate for inclusion in a variety of Holocaust units. These exercises should be used at the end of a unit, after students have been exposed to or mastered necessary factual information. Ideally, students should be given opportunities to identify and interpret historical sources prior to these exercises. The teacher should lead a discussion of student responses after each exercise.

Exercise 1 asks students to compare two secondary source documents. Both documents describe the consequences of Kristallnacht, the widespread anti-Jewish violence that occurred in Germany on November 9-10, 1938. Passage A comes from David Irving’s biography of Joseph Goebbels. Passage B is a modified version of Passage A based on accurate data supplied by Evans.⁶

Exercise 1: Analyzing Secondary Source Documents

| Passage A | Passage B |
|--|---|
| By dawn on November 10, [1938,] 191 of the country’s 1,400 synagogues had been destroyed, [and] about 7,500 of the 100,000 Jewish shops had had their windows smashed. | By dawn on November 10, [1938,] 276 of the country’s 1,400 synagogues had been destroyed, [and] about 7,500 of the 9,000 Jewish shops had been destroyed. |

- What information is the same in both passages? What is different?
- Which of the two passages describes a more destructive event? Why?
- Create a brief newspaper headline for each passage. Be prepared to explain your responses.

When compared and analyzed, the passages in Exercise 1 illustrate how manipulation and distortion of data can change our perception of specific events. Irving (Passage A) mentions only the number of synagogues that were destroyed by burning (which was lower than the total number); he grossly overstates how many Jewish shops were still in operation by 1938 (according to Avraham Barkai, the leading historian of Jewish economic life under the Nazis, there were approximately 9,000, not 100,000); and he errs in stating that only the windows of 7,500 shops were damaged (official Nazi reports indicate that 7,500 shops, not just their windows, were destroyed). During the follow-up discussion, students will need to be told that these errors do not constitute an isolated episode of sloppy scholarship; on the contrary, they represent a pattern of mistakes that can be found throughout Irving’s publications, as well as those of other deniers.⁷

Exercise 2 asks students to compare two translations of the same primary source document, so-called “table-talk” remarks made by Hitler on October 25, 1941. Passage A is a translation provided by Irving. Passage B is Richard Evans’s translation of the same text.⁸

Exercise 2: Comparing Translations of a Primary Source Document

| Passage A | Passage B |
|--|--|
| By the way, it’s not a bad thing that public rumor attributes to us a plan to exterminate the Jews.... | It’s good if the terror that we are exterminating Jewry goes before us.... |

- In which of the two passages does Hitler state that the extermination of the Jews is occurring?
- In Passage A, can we be certain that extermination of the Jews will ever occur, or is it just a possibility? Why or why not?
- How do the differences in the translations affect the image we have of Hitler? Explain.

Exercise 2 illustrates that the person who translates a document can play a key role in shaping our view of the past. Admittedly, students might be at a disadvantage in this exercise since most of them will not know German (and will therefore be unable to read the original text). The teacher, however, should make a couple of important points during the discussion of student responses. The word “plan” never appears in the original, and the phrase “public rumor” is an entirely inadequate and misleading translation of the German word “Schrecken” (it means “terror”). As with the first exercise, teachers will need to emphasize that deniers’ distortions (such as those in Irving’s translation) are not random; in almost all cases, they serve to obscure or minimize Nazi atrocities.⁹

Exercise 3 asks students to assess how the omission of particular material might affect a document’s meaning. Both passages come from the prison notes made by German Foreign Minister Joachim von Ribbentrop after he was captured by the Allies. Passage B includes an additional sentence that Irving did not include in either the 1977 or 1991 edition of his book, *Hitler’s War*.¹⁰

Exercise 3 allows students to see how the historian’s use of evidence—the omission or inclusion of certain information—can profoundly alter our understanding of the past. In this instance, Irving wanted to conceal that Ribbentrop had come to the realization that Hitler had indeed known about—and thus permitted—the “destruction” of the Jews. In short, students should be able to see that the passages depict two very different historical portraits of Hitler.



Protesters and free speech advocates descended on Oxford University on November 26, 2007, where convicted Holocaust denier David Irving and British National Party leader Nick Griffin were due to speak in a debate on freedom of expression.

(REUTERS/Alessia Pierdomenico, BRITAIN)

Exercise 3: Evaluating the Omission of Evidence

Passage A

How things came to the destruction of the Jews, I just don't know.... That [Hitler] ordered it I refuse to believe because such an act would be wholly incompatible with the picture I always had of him.

Passage B

How things came to the destruction of the Jews, I just don't know.... That [Hitler] ordered it I refuse to believe because such an act would be wholly incompatible with the picture I always had of him. On the other hand, judging from [Hitler's] Last Will, one must suppose that he at least knew about it, if, in his fanaticism against the Jews, he didn't also order it.

- According to Passage A, what can we infer about Hitler's attitude toward Jews?
- According to Passage B, how has Hitler's "Last Will" changed Ribbentrop's view of Hitler?
- What can we assume about Irving's motivation(s) for not including the second sentence in his book, *Hitler's War*?

As this discussion demonstrates, many of the lessons that we can derive from the Irving trial are also ones that we can teach to students. Furthermore, Exercises 1–3 (and similar activities) offer several advantages. Because of their limited scope, they avoid many of the problems associated with the distribution of unedited denial literature, a strategy advocated by some educators; such literature is highly problematic since it usually contains anti-Semitic references and uncorrected historical claims (note that in Exercises 1–3 the misinformation is countered by accurate information). Concentrating on the methods of Holocaust denial also allows educators to identify

how deniers violate certain scholarly tenets. This can serve as a safeguard against legitimizing deniers' efforts (it is difficult to infer legitimacy from scholarship that is fallacious or deceitful), while also reinforcing important principles of historical inquiry.¹¹

Notes

1. D. D. Guttenplan, *The Holocaust on Trial* (New York: Norton, 2003), 273-274; *David Irving v. Penguin Books and Deborah Lipstadt*, Sec. 13.167; the entire opinion is reprinted at www.nizkor.org.
2. *Irving v. Lipstadt*, Sec. 13.167.
3. Michael Shermer and Alex Grobman, *Denying History: Who Says the Holocaust Never Happened and Why Do They Say It?* (Berkeley, Calif.: University of California Press, 2000), 14-16; Patrick Finney, "Ethics, Historical Relativism, and Holocaust Denial," *Rethinking History* 2, no. 3 (Fall 1998): 359; Shane Borrowman, "Critical Surfing: Holocaust Denial and Credibility on the Web," *College Teaching* 47, no. 2 (Spring 1999): 44-47; Jack W. Brehm, *A Theory of Psychological Reactance* (New York: Academic Press, 1966). The seminal article about Holocaust denial on the Internet is Alan November, "Teaching Zack to Think," which is reprinted at www.novemberlearning.com.
4. Deborah Lipstadt, *Denying the Holocaust: The Growing Assault on Truth and Memory* (New York: Penguin, 1994), 8, 28. See also Deborah Lipstadt, *History on Trial: My Day in Court with David Irving* (New York: Harper Collins, 2005).
5. Richard J. Evans, *Lying about Hitler: History, Holocaust, and the David Irving Trial* (New York: Basic Books, 2001).
6. David Irving, *Goebbels: Mastermind of the Third Reich* (London: St. Martin's Press, 1996), 276; Evans, *Lying about Hitler*, 69-70.
7. Evans, *Lying about Hitler*, 69.
8. Irving, *Goebbels*, 377; Evans, *Lying about Hitler*, 72.
9. Evans, *Lying about Hitler*, 73-74.
10. David Irving, *Hitler's War* (New York: Viking Press, 1977), 851; Evans, *Lying about Hitler*, 102.
11. Carlos C. Huerta and Dafna Shiffman Huerta, "Holocaust Denial Literature: Its Place in Teaching the Holocaust," in *New Perspectives on the Holocaust*, ed. Rochelle L. Millen (New York: New York University Press, 1996), 186-195.

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