

# THE AUSTRALIAN **Jewish News**

## **When the truth goes on trial**

**A**S we move further in time from an event — particularly one which is “beyond belief” — it becomes increasingly difficult to comprehend, Dr Deborah Lipstadt once observed.

Probably more than any other, the Holocaust is such an event. It is an event “which people generally — antisemites aside — would prefer hadn’t happened. People don’t want to believe it happened. It is an event which complicates the moral stature of the world. Then along comes someone who claims it didn’t happen; you reply: ‘I always thought it was impossible’.”

The inclination towards denial is multi-faceted, Dr Lipstadt pointed out. “There is the rational component, which says it is beyond belief, and there is the emotional component, which would prefer to believe it didn’t happen. Couple that with ignorance, and it makes for a fertile climate for denial. One must educate based on facts and information — and why it’s relevant to the average Australian. One doesn’t educate by fighting deniers. It’s important education in and of itself. Denial is not a clear and present danger; it’s a clear and future danger.”

An internationally-recognised expert on Holocaust denial, American author and academic Dr Lipstadt made those remarks during an interview with the *Australian Jewish News* while on a visit to Sydney in 1994.

The prescience of her comments is all the more telling as she, along with her publisher, Penguin Books, defends a lawsuit for libel in a London court. mounted by British revisionist historian David

in a London court, mounted by British revisionist historian David Irving over her book *Denying the Holocaust: The Growing Assault on Truth and memory*, published that same year.

The case is arguably the most important Holocaust trial since "Final Solution" mastermind Adolf Eichmann was tried in Israel 40 years ago, for it does not confine itself to arguments over the involvement of a particular individual in a particular atrocity, but goes to the very heart of the darkness, throwing open for argument — and counter-argument — such critical and irrefutable matters as Hitler's complicity in the attempted genocide of the Jewish people, the existence of the Auschwitz death camp and the number of Jews who were murdered.

Further, it offers up for debate such fundamental issues as the nature of antisemitism, with Irving inviting the court to hear "expert evidence on the relationship between the world's Jewish communities and the rest of us" — a loaded phrase clearly intended to impute a sense of otherness to the Jewish people. Such issues are enmeshed in complex arguments over the veracity of historical claims and rebuttals, and the credibility of those who make them.

"It will not surprise the court," Irving declared, "that among the allegations levelled against me by the defendants is the adjective of 'antisemitic'. This adjective is the most odious and the most over-worked of epithets. Almost invariably, it is wielded by members of that community to denigrate those outside their community in whom they find disfavour."

**T**HIS is where the danger lies in this case. Irving's battlefield is not an isolated Holocaust incident, but the essence of the Holocaust itself. It extends far beyond the reputation of Dr Lipstadt and Penguin Books to the Holocaust itself, to the historical credibility of the Jewish people and indeed, to truth itself. For if this truth can be denied, then all truth can be denied.

Irving was well aware that his best chance for a successful lawsuit against Dr Lipstadt lay in Britain, where the laws of libel — unlike in the United States — protect those who are the defamed, and the burden of proof is on the writer to demonstrate the veracity of his or her statements.

Dr Lipstadt's lawyer is Princess Diana's divorce lawyer, Anthony Julius, who has written a book on the antisemitism of poet T S Eliot. He has assembled four expert witnesses: Richard Evans on German history, Christopher Browning on the Nazi plan to kill the Jews, Peter Longerich on Hitler, and Robert Jan Van Pelt, who wrote the definitive work on the history of Auschwitz.

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by a national exponent by publicly debating him, Dr Lipstadt, and the majority of respected Holocaust authorities, consistently refuse to extend legitimacy to Holocaust deniers by engaging them in debate. The fact of the Holocaust is not up for debate, is the rationale; it is not a matter of dispute, with the winner to be decided by an adjudicator based on who posits the better argument on the night, but is one of the most painstakingly researched and documented chapters in history, backed up by the testimonies not only of survivors and witnesses, but indeed, of large numbers of perpetrators.

Despite that, as Dr Lipstadt noted, "there was no option; someone comes after you, you have to fight". The all-encompassing scope of the case which Irving is waging demands that it be not only defended and countered, but comprehensively demolished. The platform afforded by Courtroom 37 in London's Royal Courts of Justice must be utilised to affirm the truth.