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Review of the Movie 'Denial': Free Speech and the Fight Against Holocaust Deniers

“Lipstadt’s victory was the most important courtroom defeat for Holocaust denial in recent history,” said Alan Dershowitz. But could this case, *David Irving v. Penguin Books Ltd. and Deborah Lipstadt*, which revolved around the intricacies of British libel law, be effectively depicted in a film for American audiences?

In my opinion, screenwriter David Hare, director Mick Jackson and a cadre of talented actors managed to pull it off with the film “Denial.” While clearly not destined to become a Hollywood blockbuster, “Denial” offers a thought-provoking portrayal of a complicated subject with important implications for Holocaust denial and the meaning of free speech.

In 1993, Emory University professor Dr. Deborah Lipstadt, played by Rachel Weisz, published [Denying the Holocaust: The Growing Assault on Truth and Memory](#), in which she characterizes historian David Irving, played by Timothy Spall, as a Holocaust denier, who distorts facts “in order to reach historically untenable conclusions.” She says that “on some level Irving seemed to conceive himself as carrying on Hitler’s legacy.” In 1996, Irving sued both Lipstadt and her publisher, Penguin Books, in the United Kingdom, claiming that her words were defamatory and that they had undermined his professional reputation.

Irving chose to file suit in the United Kingdom because under British law, the defendant in a libel action bears the burden of proof. In other words, the onus was on Lipstadt’s defense team to prove that in furthering his deep-seated racism and anti-Semitism, Irving had intentionally misrepresented the truth in denying the Holocaust, as Lipstadt had indicated in her book. Given this objective, I expected to see a courtroom drama with survivors testifying to the horrors of their experience during the Holocaust and Lipstadt herself making an impassioned statement from the witness stand.

But in the film, as in the actual trial, there was none of that. Mindy Blechman, coordinator of the Gratz College Holocaust and Genocide Studies program, explains, “The strategy was not to prove the Holocaust, but rather, to discredit Irving as a historian.” While the defense tactic proves to be a winning legal strategy, it initially seems counter-intuitive - to me, to Lipstadt and to the survivors who wanted to testify.

Relying on the work of their own team of historians, Lipstadt’s lawyers painstakingly pull apart Irving’s statements, exposing gaps in logic so glaring as to undermine his conclusions. As the defense strategy plays out, moviegoers gain insight into the tools of a Holocaust denier: groundless arguments, extreme overgeneralizations and reliance on selective evidence - the same tools used in other contexts by those who ignore the truth in furtherance of a particular agenda. As barrister Richard Rampton, played by

Tom Wilkinson, points out, when 25 incorrect conclusions all favor “the exculpation of Hitler,” they are not the result of sloppy historical analysis, but rather, they are intentional misrepresentations.

Under the defense strategy of keeping the focus on Irving, Lipstadt was not only denied the opportunity to testify in court, but also, to talk to the media. In “History on Trial,” which has recently been republished under the title “Denial,” Lipstadt explains, “Though my words were at the heart of this struggle, I had to depend on others to speak for me. For someone who fiercely prized controlling her life - even when it was better not to - this was excruciatingly difficult.”

This struggle was significant for Lipstadt - and the film hammered that fact home repeatedly, through dialogue and through Weisz’s sometimes pained facial expressions. At one point, Rampton tells Lipstadt to consider the imposed silence as “an act of self-denial,” hence giving the film title a dual meaning: the Holocaust denial of David Irving and the self-denial that Lipstadt was forced to endure as part of the defense strategy.

Ironically, although Lipstadt remained silent during the trial, her case raised important issues about the meaning of freedom of speech. To this point Lipstadt reminds people that it was David Irving who brought suit against her for what she had written. Therefore, when finally free to address the press after the judge delivered his verdict, she says, “I’m not attacking freedom of speech. I’ve been defending my right to stand up against someone who wants to pervert the truth.”

“Denial” is a thought-provoking film that may leave some with the desire to delve deeper - and for those people, there is Lipstadt’s book, which tells the story more completely than any movie ever could. Yet the film performs a valuable service: it informs audiences about a landmark legal battle on Holocaust denial, and it reminds us that freedom of speech also extends to those who point out other’s untruths.