

DANGEROUS MEMORIES

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History on Trial

In 1995 I was co-teaching a course on *Films and the Holocaust* in Emory University's Religion Department with my friend and colleague Deborah Lipstadt, an historian of the Holocaust. One day she mentioned—in a “you're not going to believe this!” sort of way (in fact, she said, “This is really nuts!”)—that she was being sued for libel by the British historian David Irving. His suit against Deborah and Penguin, her British publisher, claimed that she libeled him when she called him a Holocaust denier in her scholarly study, *Denying the Holocaust: The Growing Assault on Truth and Memory*.

I knew the book, of course, and I also knew that when she began working on the research for it, her colleagues—including other historians of the Holocaust—found it a rather strange project. Granted there were a few so-called revisionist historians who were challenging the facticity of the Nazi's program of *judenreid*, the systematic extermination of European Jewry. But surely they were a small lunatic fringe and didn't merit or require scholarly attention. Deborah's initial research for a brief paper and her intuition told her otherwise, and in her characteristically stubborn and confident way, she persevered.

Now the man to whom she had devoted no more than a few sentences in her 300 pp. study, the man who had testified in a court of law, that “No documents whatever show that a Holocaust ever happened,” who liked to quip that “More people died in the back of Ted Kennedy's car than died at Auschwitz,” was suing *her* for saying that he denied the Holocaust! We both dismissed it as one of Irving's standard publicity stunts, no more than a nuisance gesture.

Five years later, I sat in one of Her Majesty's courtrooms in London's Inns of Court, observing the trial of David Irving v. Deborah Lipstadt and Penguin Press.

The story of those difficult intervening five years in Deborah's life makes fascinating telling, but there isn't time for it here. What is important is to note the difference between US and British libel laws. In the US judicial system, if I claim you libeled me, I have to prove it in court. The British system is the opposite. If I claim you libeled me, you have to prove in court that you did not. In other words, in British jurisprudence, the burden of proof is on the defendant, not the prosecutor. What this amounted to was that Deborah and her legal counsel had to prove both that the Holocaust happened and that Irving repeatedly denied that it did.

The courtroom, though the largest available, was small by American standards. Each morning, we observers lined up in the hallway well in advance of the start time, since there were always more people wanting admission than there were seats. In typical British fashion, the waiting crowd was quiet and polite, in tidy lines. Although pressed close together there was no jostling and very little conversation: here we were: ordinary Brits, distinguished professional and scholarly types, a few Americans like us who were friends of Deborah's, along with skinheads, neo-Nazis identifiable by their dress and insignia, a striking tall blond woman who was Irving's companion, and—throughout the long weeks of the trial—a few elderly survivors and their families.

Irving acted as his own counsel. The week I was there was given wholly to Irving's cross-examination of Richard Evans, the distinguished Cambridge University historian who had been charged with examining all of Irving's published work on Hitler and Nazi Germany. While Irving had never earned an advanced degree, he had established himself early on as an historian of WWII whose books were widely respected. What had made his reputation was his unprecedented access to Nazi archives.

Evans presented his findings in a painstaking and dry scholarly way, demonstrating over and over again that Irving had manipulated and misused those very sources, perverting their meaning. Irving challenged him in his

mocking and patronizing style, twisting his words, missing the point or rather obfuscating the point through diversion, even resorting to claiming that the real issue was that Evans just didn't like him personally. Throughout, Evans stood in the witness box, facing the judge, never looking at Irving, calmly and quietly refuting each twisted accusation by recourse to the primary sources.

My professor husband who was with me commented that the courtroom that week was like a doctoral dissertation run amok. I thought it had about it something of the theatre of the absurd. One day, as we sat there, I inadvertently and rather unconsciously expressed my appalling amazement at Irving's verbal jiu-jitsu. Here is how Deborah recounts the moment in her book about the trial:

Irving was questioning Evans about Hitler's last will and testament, written as the Soviets assaulted Berlin. In it Hitler described Jews as "the race which is the real criminal in this murderous struggle." In 1997, Irving had written that the wording of the will was as "ambiguous as every other document that has ever been produced purporting to prove Hitler's guilt." Evans thought this simply not true and responded by reading the portion of the will in which Hitler predicted that Unlike WWI, this time "millions of Europe's Aryan peoples would not suffer death, nor would hundreds of thousands of women and children be allowed to be burnt and bombed to death in the towns, without the real criminal having to atone for his guilt, even if by more humane means." Evans observed that for Hitler the real criminals were the Jews and the more humane means were shooting and gassing. Irving asked whether "the Holocaust was humane, which is what you are proposing." Evans protested, "I am not proposing it. It is Hitler who is proposing it." Irving repeated, "You are accepting that the Holocaust was more humane." Evans again protested that was Hitler's view. Irving again insisted that it was Evans'.

Suddenly I heard a loud "Jesus!" from the public gallery. I spun around to see my colleague Barbara DeConcini with her hand over her mouth. Her

face was beet-red. Barbara, Executive Director of the 10,000 member scholarly organization, the American Academy of Religion, had come to the trial with her husband, Walt, also my colleague at Emory. I chuckled at her use of this particular expletive, since she was a former nun.

I quote this because I want to underline how important it was—for Walt and me, for Deborah, and for history--to be there *precisely* as Christians.

Dangerous Memories

In his *Faith in History & Society*, German Catholic theologian Johann Baptist Metz develops the concept of “dangerous memory” as core to the Christian life and Christian theology. Dangerous memories are memories that make practical demands on us now and into the future. They break through to the center of our lives and reveal new and dangerous insights for the present—dangerous to our sense of peace, of self-satisfaction, of easy affirmations of our humanity.

This dangerous memory is the memory of suffering--the memory of the conquered and defeated, the evil brutality we have employed and continue to employ over and over again to succeed and to prosper, the forgotten and suppressed hopes of our very humanity.

Genuine Christians, Metz insists, must live in this memory of suffering, must act in the face of the demands it makes on us in the present, which are demands for social and political action, must re-member any future for real human freedom in the continuing presence of the sufferings of our dead and their vanquished hopes in the past. Christ’s own suffering, death, and resurrection makes this demand on us. The Apostle Paul wrote, “if he is not risen, then our faith is in vain.” But, if his suffering and rising do not make deep existential claims on us here and now to challenge and change the suffering we continue to inflict, then indeed our faith is in vain and our hope is fraudulent.

When it comes to the technology of genocide that is the Holocaust, this dangerous memory of suffering can hardly be exaggerated. After all, let us never forget

- that Adolf Hitler was a baptized Catholic,
- that the thousands of dutiful Germans and scores of international corporations that planned and enacted the machinery of destruction of six million Jews were by and large “good” Christians,
- that the Holocaust happened in the heart of Christendom, and
- that the perverted anthropology of the “race theory” that was used to justify this annihilation was deeply and firmly rooted in twenty centuries of Christian anti-Judaism.

Not only Christians but every human being must remember the Holocaust as the dangerous memory of suffering

- dangerous to our very claim of humanness,
- dangerous not only to attempts to revise or deny, but to our attempts to forget, to diminish, to justify any hope or affirmation for our future that does not make demands on us here and now to change our lives, to heal the world, to resurrect these dead.

As psychiatrist and past director of the US Holocaust Memorial Museum Walter Reich writes in “The Enemies of Memory: Forgetting the Holocaust to save ourselves,”

One reason the rest of us might want to forget, of course, is that remembering requires imagining, and imagining something so terrible can induce a painful terror in us as well. But we might also want to forget because the Holocaust has such troubling implications for us—for us, that is, as human beings. After all, the Nazis administered no tests to help them select the most inhumane Germans among them, the most sadistic; nor did the war suddenly summon the emergence, from unknown hiding places, of a cadre of beasts all capable of mechanized mass murder.

The guards in the camps and the officers in the mobile killing units—as well as the bureaucrats who kept track of the numbers, the transports, the gold teeth, the labor brigades, the poison gas supplies, the raw materials of human skin and human hair—were all people who had been doing one ordinary thing or another before the war.

To be sure, it took Nazism, and perhaps a Hitler, as well as a theory of race and a bigotry pushed to its extreme—a bigotry that began with the definition of one group of human beings as less human than another—to mobilize those people in the service of the most inhuman ends. But the fact that the Holocaust happened, that people with whom we share our humanity carried it out, makes us all predisposed to forgetting. Though we didn't participate in it, perhaps under the same circumstances, we could have, or might have, or would have. The fact that somebody did it makes it necessary for us to acknowledge that people can do it, people who differ from us not biologically, not even culturally, but only historically.

And so it is history that the revisionists and deniers want to rob us of, and it is history that at all costs, and despite all discomforts, we have to hold close: history as memory.

At the end of the day in that British courtroom, Deborah Lipstadt and history won. It remains to be seen whether the dangerous memory of suffering will eventually do so too. That depends on each one of us.