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The press reporting of the David Irving libel trial: a rhetorical and discursive analysis

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**The Press Reporting Of the David Irving Libel Trial:
A Rhetorical And Discursive Analysis**


By

Emma Alice Wilson Vine

**A Doctoral Thesis submitted in partial fulfilment of the requirements
for the award of Doctor of Philosophy of Loughborough University**

2006

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This thesis is a study of the David Irving libel trial and its newspaper coverage. The libel trial, involving allegations of Holocaust denial, gained widespread coverage in the national broadsheet newspapers. It is the presentation of Irving and the debate around the term 'Holocaust denier' in the newspapers that this thesis focuses upon. The aim of the thesis is to examine the presentation of an individual such as Irving, as a fascist and Holocaust denier, through the newspapers.

The thesis, therefore, approaches the topic of contemporary fascism through a case study of the way that fascism is represented in the media and the language used in such representation. This differs from previous examinations of contemporary fascists and Holocaust deniers that place their primary emphasis upon the motivation behind such ideological positions. The theoretical basis of the thesis is one based primarily upon Rhetorical Psychology, informed by a background of Discursive Psychology. The thesis focuses upon the rhetorical strategies used, both in the courtroom and in the newspaper coverage of the action. Additionally, a content analysis was carried out, which showed that the broadsheets provided most coverage, that Irving was the main focus of the coverage, and that the opening and judgment days gained the most column inches.

Given that much of the trial was predicated upon a debate as to the meaning of the term 'Holocaust denier', areas of the trial transcript were also analysed to determine the rhetorical strategies used in this debate. Following on from this, the potential transition in the use of the term was shown in the newspaper coverage. It is shown that 'Holocaust denier' underwent a noticeable shift from the coverage of the opening day to the coverage of the judgment. The thesis shows the change of language over a relatively short space of time, providing implications as to the development of ideographs or terms used in ideological discourse, and the manner in which they may be analysed. The thesis ends with some suggestions for further research into ideographs and ideological discourse in general.

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Finally I must thank my family, for their love, support and patience.

For M.J.V.

One wears his mind out in study, and yet has more mind with which to study. One gives his heart in love and yet has more heart to give away. One perishes out of pity for a suffering world, and is the stronger therefore. (Milton Steinberg)

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Chapter 1. Introduction

Language most shows a man. Speak that I may see thee. (Ben Johnson)

Denying the events of the Holocaust must probably appear, to most people, as bizarre as claiming that the Earth is flat, or that the British Royal family are giant lizards. However, Holocaust denial is a position advocated by various politically motivated groups, both as expression of their anti-Semitism, and also to further their own ideological ends. These groups tend towards the extremist ends of the political spectrum, especially the extreme right, the contemporary fascists. For the most part, how people taking this position are presented in the media is not a question that arises. Often, these individuals are clearly so far beyond the political pale that they do not make it into the mainstream media without opprobrium.

In January 2000, David Irving appeared in court as the plaintiff in a libel trial. He claimed that Prof. Deborah Lipstadt has libelled him in her book '*Denying The Holocaust: The Growing Assault On Truth And Memory*'. This was a high profile case, one that attracted huge interest from around the world, but especially from the United Kingdom, and Israel. Irving had brought his case in England as a deliberate tactic (Evans, 2002). American libel laws place the onus of the case on the plaintiff to show that damage has been done. However, English libel law requires the defendant to prove that what they said or wrote is true. Additionally, English Contempt of Court laws mean that the media cannot publish prejudicial material during the course of a trial. Therefore, the press are effectively shackled from presenting an individual such as Irving as someone with fascist views.

The newspaper coverage of the legal process is particularly interesting. Most of the public have little or no direct contact with the legal system. Instead, their understanding of the processes of the law is mediated through the press. They are able to consume only those parts of the legal process that are in some way presented through the various forms of media. Additionally, much of the public's information as to the workings of the legal system comes from fictional representations. Such fictional representations take artistic licence with the law and its processes. Also, sensational story lines make for compelling viewing, which presents an unbalanced picture of the legal process. Such sensationalism of content appears in the apparent selection of trials to report. Thus murder trials gain greater understanding than burglary trials, as murder trials are more likely to be reported. Additionally trials that involve high profile participants, such as the trial of Michael Jackson on child molestation charges, gain huge amounts of coverage. Trials that have less famous participants, or less sensational content, may gain little coverage. Equally, most libel trials are of little interest to the newspapers, unless one of the protagonists is famous or, as in this case, infamous.

What this thesis sets out to do is to examine the press coverage of the Irving libel trial, in conjunction with the trial transcript, to attempt to determine both the strategies used in the presentation of such a case and to observe the potential changes in elements of the language in the trial, specifically, the term 'Holocaust denier' itself. The thesis uses a variety of methodologies in the analysis. However, the core of the methodologies are rooted in Discursive and Rhetorical Psychology as exemplified by the work of some of the members of Loughborough University's Discourse and Rhetoric Group (DARG) (cf. Antaki & Widdicombe, 1998; Billig, 1991, 1996; Edwards, 1997; Edwards & Potter, 1992; Potter, 1996; Potter & Wetherell, 1987).

There have been countless psychological analyses of fascism and the motivation behind, dating from before the start of the Second World War (cf. Fromm, 1942;

Adorno *et al*, 1950; Reich, 1975). In recent years there have been increasing studies into Holocaust denial, primarily from academics working in Political and Jewish Studies (Seidel, 1986; Lipstadt, 1996; Kahn, 2000; Levin, 2001; Long, 2002) as well as those academics engaged in socio-historical studies of fascism (Eatwell, 1991; Copsey, 2004).

There has been an alarming rise in the far right in recent years. This rise, and its historical and political contexts will be introduced in chapter 2. Chapter 2 will also set out to give an explanation of Holocaust denial and its ideological function within contemporary fascism. This introduction will aim to show that Holocaust denial is a strategic tool, utilised by contemporary fascists in an attempt to rehabilitate the history of the ideology to which they adhere. Finally, this chapter will also introduce the reader to David Irving and some brief details of his career, as well as a basic introduction to the libel case.

Chapter 3 will introduce some of the theories of fascism, starting with an overview of what might best be termed the 'traditional' psychological approaches to understanding the motivation behind fascism. This chapter will attempt to briefly evaluate the relevance of discussing fascism in terms of individual psychologies, using theories that are predicated upon psychoanalytic approaches. It will be argued that an understanding of the ideology of fascism may be more relevant in an understanding of the phenomenon than analysing the individual. The theoretical approach of Critical Discourse Analysis (CDA) will be evaluated. Finally, the theoretical background of Discourse and Rhetoric will be introduced. It will be suggested that a broad theoretical and methodological palette should be employed in the analysis of the data under examination.

The challenges of examining the media and the law, as well as their interaction will be introduced in chapter 4. A brief introduction to libel law will be given, sufficient to acquaint the layperson with the important elements to the laws of libel needed to understand the case at hand. The coverage of the legal process will be introduced, both in terms of analysis, as well as an explanation of the restrictions placed upon the press in their reporting during trials. Some of the important aspects of newspaper story construction will be introduced in this chapter, including an explanation as to the significance of headlines and lead paragraphs in newspaper story construction. The use and variety of quotations will be elaborated upon, as a central aspect of all newspaper stories, but especially to the coverage of this particular case. Finally, some aspects of the reporting of an individual such as Irving will be presented. These three chapters (2, 3, 4) are to provide an overall introduction to many of the main theories and approaches used in the forthcoming thesis.

A content analysis will be reported in chapter 5. This will set out to determine the scope of coverage, as well as the main characters contained within it. One of the primary aims of the content analysis is to reduce a very large data set to a more manageable amount by quantitative means, providing valid and reliable indicators of the content. The various national daily newspapers are to be used to determine the newspaper titles that provided the most coverage, as well as determining which days gained the most coverage. It will be shown that Irving was the main character of the coverage and that the opening and judgment days gained the most coverage. It will also be shown that the broadsheets provided significantly more coverage than the tabloids. Therefore the focus of the subsequent analysis will be placed upon the broadsheet coverage of the opening and judgment days.

Following from the content analysis of chapter 5, chapter 6 will examine the headlines and lead paragraphs of the coverage of the opening day. The main aim of this chapter is to determine the strategies used in the presentation of the case. Various

aspects of the story construction will be examined, including the introduction of the characters, specifically Irving, and will include the construction of reputation and status. Further, the sources of quotation will be examined to determine if the characters that appear are the same as the sources of quotation that appear.

The use and contested meaning of the term 'Holocaust denier' in the trial transcript are to be analysed in chapter 7. The opening and closing speeches of Irving and Rampton are to be analysed initially. The aim will be to establish how the two parties define and use the term that is so central to the case. The analysis will reveal that the actors employ various lay versions of philosophical approaches to meaning to justify their usage of the term 'Holocaust denier'. The sections of the judgment transcript that deal with the term 'Holocaust denier' will also be analysed to determine if and how the judgment reflects Irving's and Rampton's approaches to the term, or if Mr Justice Gray takes another approach to the term.

Chapter 8 will return to the coverage, to analyse the potential changes in the use of the term 'Holocaust denier' through the coverage of the trial. This chapter will make a comparative analysis of the coverage of the opening day and the judgment, both to determine the potential change in the tone of the coverage as well as the use or otherwise of 'Holocaust denier' as an accusation or a descriptor. This chapter will conclude with an examination of whether 'Holocaust denier' can be seen to have changed status sufficiently to be regarded as an ideograph (McGee, 1980), a phrase encapsulating ideology that can stand alone without explanation. Finally, chapter 9 will attempt to bring the strands of the thesis together to come to conclusions about the arguments put forward. Additionally, further implication for research using a similar methodological approach will be suggested.

Chapter 2. Contemporary Fascism And Holocaust Denial.

2.1 The Rise Of The Far Right

In the last twenty years there has been a rise in the profile of the parties adhering to the ideologies of the far right and contemporary fascism in Western Europe (Copsey, 2004; Eatwell, 2004a; Eatwell, 2004b). This rise has been exemplified by groups such as Le Pen's *Front National* (FN) in France, and Jorg Haider's *Freiheitliche Partei Österreichs* (FPÖ) in Austria. In the 2002 French Presidential election, Le Pen, the leader of what is arguably one of the most electorally successful post-war far right parties, winning through to the second-round of the election, in which he polled 18 percent of the votes, the highest for any far right politician in France (Copsey, 2004). The result in France led to a concerted mobilisation of votes against Le Pen, and a high level of comment from the international press. While Le Pen was subsequently beaten in the Presidential Election, that a politician of the far right could achieve such a result on a national stage was a sobering revelation to those who may have complacently believed that the far right were a spent force in Europe.

In addition to the increasing emergence of far right parties fielding relatively successful electoral candidates, a number of right wing parties are including far right individuals in coalition governments and in affiliation with more conventional roles. This is best exemplified by Italy, where Silvio Berlusconi has forged links with far right groups. Indeed, in 2001 Berlusconi made Gianfranco Fini Deputy Prime Minister. Fini was the leader of *Alleanza Nazionale* (AN), a rightwing party incorporating elements of the neo-fascist *Movimento Sociale Italiano* (MSI), although he now categorises himself a 'post-fascist' (Davies & Lynch, 2002). Following the 2000 General Election in Austria, the FPÖ became part of the Austrian government in coalition with the mainstream conservative right (Kestel & Godmer, 2004). The

FPÖ, which had always taken a conservative line in political terms, developed into a radical right populist party with the leadership of Jorg Haider, who took control of the party in 1986. Haider made statements praising Austria's Nazi past, which led to large amounts of press attention throughout Europe. Under the leadership of Haider, the FPÖ's electoral fortunes took a dramatic turn, from rarely gaining more than 10% of the vote before Haider's leadership, to 1999, when they gained 26.9%, leading to their inclusion as a minor party in the coalition government with the *Österreichisch Volkspartei* (Austrian Peoples Party). However, by 2002 their electoral share had once again dropped to 10.2%. Despite this, they were again a junior part of the coalition government formed in 2003 (Copsey, 2004).

One of the other western European countries in which the far right has shown electoral success is in Belgium. The Belgian model is, however, slightly different than the other countries due to the socio-historical nature of the country. Belgium is a country with a clear linguistic demarcation into Flanders (the Flemish or Dutch speaking area) in the north, and Wallonia (the French speaking area) in the south. Belgium, as a nation has only existed since 1830, the two areas having been held by numerous other occupying powers including the French, the Dutch and the Spanish. The friction between the two linguistic areas has long had political implications for Belgium. Both linguistic groups have their own cultural and sub-national identity; there is not so much a 'Belgian' identity, as a 'Flemish' or 'Walloon' identity. It is this friction between the sub-national identities that feeds much of the far right in Belgium. Within Wallonia, the *Front National* takes much of its inspiration from the French party of the same name. As a political force, however, it has had little success. In contrast, the Flemish far right party, *Vlaams Bloc* (VB) has had far greater success in electoral terms. The VB shares many of the ideologies and policies of other European far right parties, with the addition of being a Flemish ultra-nationalist party, rather than a Belgian ultra-nationalist party. As a linguistic group, the Flemish speakers were heavily discriminated against in the early years of Belgian independence. For the VB, this grievance has been amplified into ultra-nationalism

and a search for Flemish 'purity'. Part of their ultra-nationalism is targeted at French speaking immigrants from Africa, with the claim that French speaking immigrants will overwhelm the Flemish speakers. The VB made its initial breakthrough in electoral terms in 1988 when it won 23 local council seats in 10 municipalities (Copsey, 2004). The main focus of VB activity is in Antwerp, where it became the city's largest party in the 1991 elections. In contrast to the examples of Italy and Austria, in Belgium, mainstream politicians have placed a *cordon sanitaire* around the VB, isolating it from the mainstream.

In contrast with these examples on mainland Europe, extreme right parties have historically had sparse and intermittent prominence on the political stage in Britain; indeed for much of their history they have been politically insignificant (Matas, 1997). Although the recent rise of the far right in Britain has been less marked than in other European countries, the British National Party (BNP) has had an alarming, if limited, electoral success in a number of local council elections, notably in the North West of England. In the 2003 local elections, the BNP gained thirteen seats, following on from its gains of five seats between May 2002 and January 2003 (Renton, 2003). Prior to this, the last major electoral success the BNP had achieved was gaining a local council seat in 1993 in East London's Isle of Dogs, Millwall ward. This seat was lost in the following year, and in the intervening years the BNP were in the electoral wilderness, unable to field candidates, or to garner support from the electorate. However, with the results of the local elections in 2002 and 2003, the BNP once again emerged as a political actor, albeit one focussed primarily on local rather than national politics.

It can be seen then that fascism is currently enjoying, throughout Western Europe and Britain, its highest profile since the Second World War. Indeed, a number of mainstream political parties around the world have been accused of adopting aspects of fascist manifesto in order to placate the more extreme part of the electorate. This

can be illustrated by Australia, where John Howard has taken a stand on immigration not far removed from the extreme nationalist policies of Pauline Hanson's One Nation Party. Howard's harsh policies on immigration, including the now notorious 2001 'Tampa' incident in which 434 Afghans seeking refuge were forcibly detained on the ship that had rescued them, by extreme tactics that included using the Australian SAS to ensure that the refugees remained onboard the unsuitable vessel. As a result the Australian Government and the Australian Labour Party in particular came under hostile comment from the international community. Given that Australian immigration policy also includes the detention of all illegal immigrants and over-stayers before deportation, sometimes for years, it has been argued that Australia has one of the harshest immigration policies in the world. Such incidents may show that mainstream politicians like John Howard are effectively appropriating the elements of far right politics that appeal to an otherwise disenchanted section of the electorate, while still claiming a central ground in the political spectrum.

The case of Pauline Hanson exemplifies a tactic that is increasingly used in far right politics. This tactic of the far right parties discussed above, as well as others, is that in order to present themselves as electable, they make a notable display of distancing themselves from the past of the far right, trying not to frighten away voters who may be alarmed by some of their more extreme output (Copsey, 2004). Thus, the parties present themselves as well dressed, be-suited middle class individuals, rather than dressing in uniforms and regalia beloved of many earlier incarnations of the far right. Additionally, other traditional areas of far right activity, including the marching skinheads, are distanced from the main party for public consumption (although they may still be tacitly approved of in private). Thus the parties are able to portray themselves as members of legitimate political groups rather than as the leaders of extremist thugs (Eatwell, 1996). Hanson's maiden speech in the Australian parliament made much use of her self-characterisation as 'an ordinary Australian' and the desire for a 'fair go' for all without any group gaining special privileges. Rapley, (1998) presents an excellent analysis of this speech and the rhetorical tactics utilised

within it. By framing their position as one that avoids the traditional fascist and far right language of hatred and bigotry, the contemporary far right seeks to display itself, at least in its public persona, as a reasonable and acceptable element of the political debate

2.2 Defining The Far Right

In any discussion of the far right, the problem of definition arises. The terms 'fascist' and 'nazi', it may be argued, have been effectively de-valued over recent years by their use as casual insult and the failure to understand the meaning and implications of such terms (Griffiths, 2000). Increasingly these are used as terms of abuse, indicating distaste for the political and ideological standpoint of those the label has been attached to. Indeed the very profusion of terms referring to fascism is so large and complex, with many terms appearing to be interchangeable, that it behoves anyone writing on the subject to define their parameters and give a clear justification for their particular terminology.

The difficulty of finding a definition of fascism was summed up by Griffin (1991) as a situation in which researchers;

“...find they have strayed into a conceptual labyrinth whenever their research interests intersects with fascist studies. Scores of self-appointed Ariadnes dangle threads temptingly in front of their faces showing them the way out, but each route leads to a different exit, or, as often as not, to another point in the maze.” (p5)

In an attempt to define fascism, we are presented with an apparently insurmountable problem. Generic fascism, that is as opposed to the Fascism specifically of Mussolini, must expand to cover a multitude of groups and movements, from the earliest incarnations at the start of the twentieth century, through the tumultuous inter-

war years, to the complexity of post-war and contemporary fascism. Paxton (2004) encapsulated the problem of definition of this;

“...generic fascism might disappear in our efforts to pick it apart”
(p206).

Indeed, in our attempt to provide an essential definition of fascism, the detail of the subject may be lost. Fascism and the far right, are not, as shall be shown, a single unified ideology. Instead they are a disparate collection of loosely connected groups, sharing some elements, while being diametrically opposed upon others. Fascism and the far right is not a single ‘right’, but rather are a loose collection of ‘rights’ (Eatwell, 1989). A list of characteristics of fascism and the far right may provide a series of terms, but does not provide an adequate understanding of the phenomenon (Passmore, 2002). At this stage it would be all too easy to become sidetracked into a lengthy exploration of historical fascism in its various forms. However, what is needed is a specific explanation of fascism and the far right for the context of the subsequent analysis. For the purposes of this thesis fascism itself may be characterised as;

“...a set of ideologies and practices that seeks to place the nation, defined in exclusive biological, cultural and/or historical terms, above all other sources of loyalty, and to create a mobilized national community fascist nationalism is reactionary in that it entails implacable hostility to socialism and feminism, for they are seen as prioritising class or gender rather than nation. This is why fascism is a movement of the *extreme* right.... All aspects of fascist policy are suffused with ultranationalism.”
(Passmore, 2002, p31).

There are needless to say numerous excellent academic works devoted to an unravelling of the complexities of fascism, both pre- and post-war, which provide comprehensive definitions from various perspectives (cf. Davies & Lynch, 2002; Eatwell, 1996; Griffin, 1991, 1995; Griffiths, 2000). Renton (1999) writes of the expanding area of ‘fascism studies’ exemplified by academics such as Griffin and Eatwell. The area of fascism studies, expanding apparently as a response to the

recent growth in fascist and far right activity, provides far-reaching analysis of the range of groups and activities that can be placed within the category of fascism. However, for the purposes of the analysis, Passmore's more minimal definition will suffice as a definition of the contemporary fascism that is the focus of the thesis. While fascism has many other characteristics that may be seen as identifiers, it is the extreme nationalism, above all other priorities, that typifies fascism in this context. Indeed, it is the ultranationalism, and its accompanying trend towards racism, that leads on to much of what is to be analysed in the forthcoming thesis.

Billig (1989) highlights the problematic nature of the term 'extreme right' (and by implication 'far right'). As a term within vernacular usage extreme or far right can be used with an assumption that the term is understood. However, within the boundaries of academic writing a more explicit definition is required. Billig states that part of the problem with the term is that it implies that the extreme right is like the right wing of conventional politics, only more so. This presents us with the difficulty of viewing politics as a clear linear structure with the extreme right at one end and the extreme left at the other, with clear incremental stages in between. Instead the political spectrum must be recognised as a more complex and confused field. Rather than viewing politics within its apparently relative position on a continuum, instead it must be comparatively examined in order to determine the core ideologies at the root of any given political position. Thus, the core ideologies of fascism, as briefly outlined previously, may occur in conjunction with numerous other concomitant ideologies to produce the overall philosophical position of a group.

Lipset (1960) said that fascist ideologies represent an 'extremism of the centre', not only in terms of political position, but also of the foundations of their support. Thus, to view fascism and the far right as occupying a predictable position on the political continuum, drawing support from a predictable demographic, reflected across temporal and spatial aspects, does not account for the differences and clashes within

and between elements of the far right. In the context of fascism and the far right, to gain a fuller understanding, the adaptive nature of the phenomenon must be borne in mind in any attempt to understand it (Paxton, 2004). The far right and the extreme right are, for most purposes, interchangeable terms, referring to the same core ideologies. These include a desire for highly authoritarian government, the strong state and a belief in racist policies including reduced or halted immigration and repatriation of non-native inhabitants. For the purposes of continuity, the term that will be employed throughout the thesis is 'far right'. Ideologically fascism and the far right have much in common, and the boundary between the two overlaps a long way.

Ebata (1997) described four characteristics of the contemporary far right as;

“...the centrality of hatred toward outsiders, nationalism, anti-Semitism, and violence.” (p17)

The inclusion on the list of anti-Semitism is important. While the most prominent groups under physical attack by the far right are non-white immigrants, this group changing as the immigrant population of Britain changes, the group that remains under constant attack is the Jewish community (ibid.). While far right groups utilise racism as a tool to build membership, the leadership retains a core anti-Semitic ideology (Billig, 1989).

An important differentiation that must be made is that the far right is not the same as right wing conservatism. There can, in practice, be blurring of the edges of definition between the various political groups, and the distinctions made between them may appear arbitrary. However, for the purposes of clarity, some distinction must be made, with the acknowledgement that there is some inevitable degree of overlap. Right wing conservatism is a political ideology that, while it has been subject to strenuous criticism, remains a valid and democratic political ideology. Right wing conservatism can be exemplified by the Thatcherite government of the 1980's in

Britain. Some of Thatcher's speeches on the subject of race, before and after winning the 1979 General Election, bordered on the extreme in their language, including the 1978 speech that described the danger of Britain being 'swamped' by alien cultures. It should be borne in mind that Thatcher was, if nothing else, a shrewd politician, reflecting, at least in the early years of her leadership, the ability to respond to apparent grass-roots beliefs. The political climate of the late 1970's with its rise in the National Front (for further discussion of this, see below) and increasingly strong trade union action, laid a clear path for an opportunistic politician within the political mainstream to present themselves as the solution to the perceived troubles of Britain. However, right wing conservatism remains an ideological position of the political mainstream.

One of the characteristics of the contemporary far right is a sentimental vision of the past, an attachment to a perceived golden age prior to mass immigration, or a weak economy. Elements of this can be seen in the literature of much of the far right internationally. For the contemporary far right in Britain, if the country could return to this vague 'golden age', which seems to be set somewhere between the 1920's and the 1950's including elements of both earlier times and some entirely new situations, then Britain would enjoy a truly miraculous change of fortune. For the far right, there must be a revolutionary shift that would halt the otherwise inevitable decline into dissolution (Copsey, 2004). Once this revolution had been affected, it would be free of crime and disorder, there would be full employment, and the family would be a secure unit with father at the helm. Several European far right parties have used an arbitrary link between immigration and unemployment (Matas, 1997). This utopian vision of Britain is one that excludes non-white, non-Christian inhabitants, a large number of working and/or single women, as well as the gay and lesbian communities. The proposed golden age is one, presumably, that would take us back to a time before the full horror and revulsion of Nazi atrocities had disillusioned what the far right regard as a potentially receptive public. One of the core beliefs for the British far right, in common with other far right groups, is that a far right government would

usher in a rebirth of the nation. In this can be found the 'palingenetic' core of fascist ideology (Griffin, 1991, 2003) that the re-birth of the nation is possible in order to shed the decadence of the past into an ultra-nationalist Elysium.

2.3 The Far Right In Britain

The history of fascism and the far right in Britain reads like a rather convoluted tragicomic tale of intrigue and envy, the various groups splitting and reforming numerous times, riven with personal feuds and recriminations. The first of the British Fascist parties was called, obviously enough, the British Fascists (BF). They were founded in 1923 and were a small group, with an accompanying small political impact (Davies & Lynch, 2002). The apparent heyday of British fascism came later in the interwar period, with the British Union of Fascists (BUF), led by Oswald Mosley as the most prominent actor on the British fascist stage. Mosley was a political butterfly, standing for both the Labour and Conservative parties, as well as an independent candidate before his founding of the BUF in 1932. While there were other fascist organisations in Britain during the interwar period, the BUF was the largest, at one stage claiming 50,000 members (Davies & Lynch, 2002). While the BUF had limited electoral success, it did attain a level of respectability that post war fascist groups have been unable to replicate. During the Second World War, Mosley was interred along with other British fascists for several years. At this stage, much of the popular support that Mosley had enjoyed prior to the war had faded.

At this time the main rival for Mosley and the BUF was Arnold Leese and the Imperial Fascist League (ILF). Leese and the ILF were founded on virulent anti-Semitism (Eatwell, 1996). As a political party they had far less impact than the BUF. However, the IFL did follow an ideology far closer to that of the Nazi party than the

BUF, and as such were a more enduring source of later inspiration in the post war British fascist movement(s) (Billig, 1978).

Following the Second World War, there was an understandable drop in the profile of British fascism. The war had effectively “bankrupted Nazism and Fascism as viable ideologies” (Chiarini, 1995, p20). Many of the groups that were founded before the war had effectively disappeared and support for fascist ideologies was less vocal than before. In 1948 Mosley founded the Union movement (UM) a small fascist group who advocated European integration, Mosley apparently believing that this would lead to a resurgence in the fortunes of the far right (Eatwell, 1996). By this stage, as an electoral prospect, Mosley was insignificant, gaining a tiny number of votes in the elections he or other UM members stood in. During the 1950’s there was a well-charted wave of immigration from the former colonies, most notably from the Caribbean. This was met with much hostility, especially in a number of white, working-class areas where the new immigrants settled. One of the flashpoint areas was London’s Notting Hill, the scene of violent clashes. In order to capitalise on this, Mosley stood for election in the area of West Kensington, which borders on, and includes parts of, Notting Hill. Mosley undoubtedly felt that the strength of feeling in the electorate was on his side. He was shown to be mistaken. In total Mosley polled 8.1% of the vote, losing his deposit for the first time in his electoral career.

In 1954 A.K. Chesterton, an anti-Semitic conspiracy theorist, founded the League of Empire Loyalists (LEL), a pro-empire conservative-imperialist pressure group (Copsey, 2004). The UM and LEL were to provide the main focus of post war fascism in Britain during this period. The LEL also produced material focussing on Chesterton’s belief in a world Jewish conspiracy. It was such material that entranced John Tyndall, inspiring him to dedicate his life to politics (Copsey, 2004). Tyndall was to remain a prominent figure in the British far right and fascist movements for

the remainder of the twentieth century. Tyndall was a man described as "of little charm and small intelligence" (Gable, 1991, p247), but who was to show some talent for political bombast that appealed to his audience. In 1958 Tyndall left the LEL and with other dissident LEL members founded the National Labour Party (NLP). In the following ten years various LEL and NLP members splintered off and formed their own fringe groups, which would swing between co-operation and contest with one another. Other groups, such as an early incarnation of the British National Party (BNP) emerged as a pro-Nazi, anti-immigration party, as well the National Socialist Movement (NSM), made up of unabashed Hitler loyalists.

While groups such as these had their committed membership, they were small and electorally weak. Indeed, no group enjoyed much success as either political party or pressure group at this time. Many of the parties had dissolved into what might be termed one-man-and-his-dog fringe parties (Eatwell, 1996). It was not until 1967, with the foundation of the National Front (NF), that the far right in Britain started to regain any political success. The NF was founded with the aim of uniting the disparate far right groups under a single banner and returning fascism to the British electoral stage. The NF included both those who wanted to advance the fascist movement within the democratic structure as well as those who took a more fundamentalist fascist non-democratic approach (Billig, 1978).

Throughout the late 1960s and 1970s the NF made a remarkable comeback in terms of profile and electoral returns. In a shift away from previous strategies, the NF aimed to appeal to both their traditional core of support from the white working-class, and to reach out to a new demographic, the disaffected Tory voter. In doing this the NF made a significant change, the previously prominent material detailing world Jewish conspiracies and the inequities of 'the Jew' became less prevalent, being replaced with less explicitly fascist messages. It should be noted that while the public face had changed the core ideologies of the NF remained profoundly anti-

Semitic. Such messages were, however, reserved for the dedicated membership and were not used as a tool for gaining new members.

In response to the admission of Ugandan Asian refugees in the early 1970's, the NF took the opportunity to position themselves as the party for those who were disillusioned by the mainstream parties approach to (non-white) immigration. In the period between October 1972 and July 1973 NF membership doubled and they gained their highest proportion of votes that they had ever polled in a parliamentary election (Copsey, 2004). However, the apparent unity of the NF was short lived. In 1975 there was a split in the ranks of the party, with a group rebelling to form the National Party (NP). The NP were to win two council seats in Blackburn before dissolving in the late 1970's. In 1976 the NF responded to the admission of a second group of African-Asians with predictable vigour, polling 120,000 votes in the General London Council elections of 1977. The NF focussed much of their activity in two areas; their traditional strongholds such as London's East End, following its history of fascist enthusiasm as exemplified by the BUF, the other area was towns and cities which had had a major influx of Black and Asian immigration, such as Leicester. By doing this the NF hoped to capitalise on a general distrust and anger directed towards 'foreigners' (Eatwell, 1996). Following the NF turnout in the GLC elections there was an understandable fear that the far right were to become a major political force in Britain. In the introduction of his seminal work on fascism, Billig (1978) stated that Britain was becoming the only European country in which fascism was more prominent and successful than in the interwar years. However, despite forceful campaigning and putting up 303 candidates in the 1979 general Election, the NF polled only an average of 1.4%. The NF had failed to fulfil its electoral ambitions in a spectacular fashion.

Following the 1979 General Election, the National Front eventually imploded due to internecine squabbling, retaining some small significance within the British fascist

and far right movement. The sheer number and complexity of splinter groups and factions that arose in the following years was bewildering and far too numerous to enumerate here. Nigel Copsey (2004) has written an authoritative account of the downfall of the NF and the birth of the party that was to follow. In an attempt to unite the far right in Britain (again) Tyndall founded the British National Party in 1982. Gradually the NF descended into a street-fighting group, forging alliances with extremists like Louis Farrakhan of the Nation Of Islam and paramilitary groups in Northern Ireland in addition to the well-publicised trips to Libya to lobby for the anti-Zionist fight. All the while the NF retained the trappings of a quasi-mystic fascist party, including rituals and oaths of loyalty. What the NF did retain was the questionable prestige of being the 'household name' of the British far right (Gable, 1991).

Throughout the 1980's the BNP had limited success, either as a political party or as a pressure group. In the 1983 general election, the BNP gained less than 1% of the vote in the seats the their candidates stood in, while in the 1987 general election the BNP fielded only a tiny handful of candidates (Copsey, 2004). At this stage British Fascism and far right, in the guise of the BNP and NF had effectively faded from view. However, it would be a mistake to assume that they had disappeared altogether. Instead there was an ongoing battle for what Copsey (ibid) calls "the soul of British Nationalism" (p28). The BNP were gaining ground as the leading far right group throughout much of the country, however the NF retained a strong presence within Greater London. At this stage it was clear to Tyndall as BNP leader that the party had little real electoral prospects. However by exploiting the British Electoral regulations, the BNP were able to gain free television and radio coverage by fielding more than 50 candidates in the 1983 general election. Although they were to gain few votes, this tactic did give them widespread access to present their (public) party message to millions of viewers who would otherwise be unlikely to come across them. As a result of the election broadcast the BNP boasted of receiving thousands of enquiries and gaining hundreds of new members (Copsey, ibid). At the same time, by

association the NF also claimed to have received more enquiries and members. In late 1983 a new character emerged into the forefront of the NF, Nick Griffin. Griffin, who had been involved with the NF since the late 1970's was one of a band of dissident members of the NF that were to stage a coup to oust the then current National Activities Organiser, Martin Webster. Webster was despised by many in the NF and BNP and especially by Tyndall due to his homosexuality^{*}. Following Griffin's takeover, the NF was to be further riven with factionalism. Ultimately leading to Griffin and a band of followers defecting to a group known as the International Third Position (ITP). Throughout the rest of the 1980's there were repeated attempts to form a 'Nationalist Alliance' uniting the parties. However, both the NF and BNP regarded themselves as the standard bearer for the far right and that the other groups should be subsumed into their ranks in the proposed alliance.

The first emergence of the BNP on the electoral stage was in the 1993 local council elections in Millwall ward on the Isle of Dogs, in London's East End. The BNP had fielded a number of candidates in previous local council elections in the East End prior to 1993, with varying levels of success. However, the then ruling party of the council, the Liberal Democrats, had been employing a tacitly racist housing policy[†]. The increasing racial tensions were exploited with a campaign slogan of 'Rights for Whites', focussing on alleged racially motivated violence against white residents of the area by Asian youths. The BNP put up Derek Beacon as a candidate in the election. Beacon had previously stood as a candidate in a number of other wards, each time with fairly dismal results. However in the 1993 election he polled 34 per cent of the votes, winning the seat by a margin of 7 votes. The leadership of the BNP

^{*} It seems curious that in a group as bigoted as the NF, Webster's sexuality had been tolerated for so long. Arguments arise as to how long party members had been aware of Webster's sexuality; Tyndall denied knowing anything about it until he left the NF. However, others have claimed that Webster's sexuality was common knowledge among party members (Copsey, 2004)

[†] The 'Sons and Daughters' policy, in which the children of long-term council house residents were given priority on the housing lists. This policy inevitably discriminated against recent Asian residents.

were predictably overjoyed. It was hailed as a new beginning for the BNP as a political party. However, Beacon lost the seat at the next election, having shown himself to be unsuited to the task of sitting on the council.

Following the loss of this prized seat, the BNP were to remain in the electoral wilderness. The most notable thing about these years was a radical change in leadership. The BNP had for most of its existence been the personal fiefdom of Tyndall, who had proclaimed himself leader. As the years went by, Tyndall's flaws were becoming more obvious. His explicitly Nazi sympathies returned to haunt him, with the anti-Nazi magazine *Searchlight* publishing photographs of him in full Brownshirt regalia. Such a past was not a vote winner on a wider electoral stage. At this stage the BNP was "a re-run of the 1970s NF" (Eatwell, 2000, p183). In the mid 1990's Nick Griffin made a return to the BNP, initially as the editor of *Spearhead*, the BNP magazine. Griffin was able to make use of this position to increase his publication output. Previously he had written *The Rune*, ostensibly a magazine of the Surrey BNP, in which he had promulgated many of his beliefs. In an edition of *The Rune*, Griffin stated explicitly his continuing belief that the Holocaust was a lie (Griffin. Date unknown, cited in Copsey 2004). Following this Griffin co-wrote *Who Are The Mind-Benders?*, a pamphlet outlining the BNP's belief in the Jewish domination of the mass media

Tyndall retained hold of the leadership of the BNP throughout the 1997 general election, in which despite fielding over 50 candidates, only 2 candidates retained their deposits. By this stage, Griffin had built up a strong support on the basis of his writings. However, Griffin's position became problematic as he was convicted of incitement to racial hatred, given a two year suspended sentence (Renton, 2003). Griffin was thereby prevented from writing any more of his overtly political tracts, on pain of imprisonment. Following this, Griffin's ambitions to lead the BNP became more overt, resulting in his announcement in 1999 that he intended to challenge

Tyndall for the leadership of the party. The challenge of Griffin's newer, slicker style against Tyndall's "bombastic and pompous" (Eatwell, 2000, p176) manner resulted in a landslide victory for Griffin in the first leadership election in BNP history.

Griffin's aim for the BNP, upon assuming leadership, was to transform it into the electoral destination of the disaffected middle-classes as well as the natural party of its traditional core supporters (Copsey, 2004). With this in mind, much of the notorious thuggery of previous far right groups had to be removed from the actions of the party, or at least from the public face of the party. Griffin set out to make substantial cosmetic changes to the BNP in an attempt to remove that which rendered them beyond the mainstream political pale. Professionalism, both of candidates and communications was emphasised (Copsey, *ibid*).

Following Griffin's elevation to the leadership of the BNP, a number of vocal protests were made in south coast towns that had witnessed increased numbers of immigration. As a response to increasing hysteria in the press around the subject of asylum seekers, the BNP targeted those areas in which immigration and asylum applicants were focussed. With the increasing hostility to asylum seekers, as well as the post September 11th increase in Islamophobia, the BNP were able to make some noticeable electoral inroads in certain areas. In the 2003 local council elections the BNP were to make their most significant gains. In Burnley the BNP stood in thirteen seats, of these it won in six and came second in seven. This, understandably, was a boost for Griffin's leadership and tactics, and an alarming statistic for those who opposed the BNP.

Contemporary British fascism in the form of the BNP should not be characterised as identical to the older fascist movements and groups in Britain, such as the National

Front and Combat 18. These were groups that actively recruited from, and were represented by, disaffected, poorly educated white working class males. These were the traditional 'toughs' that made up the bulk of the far right in Britain, certainly that of popular imagination (Eatwell, 2000). Rather, contemporary British fascism exhibits a more sophisticated face, presenting itself as staunchly middle class. However, it should be remembered that the public face of the BNP does not necessarily reflect its core support, much of which remains working class. Certainly it must be acknowledged that fascism has always had its middle class support (Lipset & Rabb, 1978), however, how much contemporary support comes from the middle and upper classes is unclear. Individuals such as Griffin present themselves as educated, characterising the party as reasonable, if exasperated patriots. The emphasis in the public presentation of the BNP is on the apparent breadth of their 'grassroots' support. They also increasingly use a different set of tactics from the mainstream political parties. Instead the BNP uses tactics that focus on the local level, such as (unattributed) letter writing campaigns to local newspapers and involvement in minor local politics.

The BNP also portray themselves as a 'family' party, a party representing traditional Britain, again attempting to shift away from the former image of the far right in Britain. However, it should be kept in mind that while the far right has employed the tactics of spin to try to alter their public face, they remain essentially the same profoundly racist, anti-Semitic hate groups they have always been. The far right, both in Britain and in the rest of Europe retains the belief that there exists a sinister Jewish plot to dominate the world. This conspiracy maintains that the basis of all political and financial strife is formulated by this Jewish cabal in order to further its own ends. This can be seen in the evidence of Griffin's writings as well as interviews he has given (Anthony, 2002). Additionally, the anti-Semitism of the BNP makes its way into the public domain, despite the best effort of the leadership to keep it under wraps. During the 2003 local election, the BNP candidate in Stoke, Steve Batkin, "accused Jews of profiteering from the Holocaust and fabricating the death toll" (Copsey, 2004,

p148). While such public pronouncements are rare, they reflect the reality of the anti-Semitic core of the BNP ideology, as well as their enthusiasm for Holocaust denial.

Certainly the BNP have shifted their public emphasis away from the overtly racist language that characterised their earlier incarnations. The BNP, as well as other far right groups, now campaign not specifically on the basis of racial superiority; rather the focus is placed on apparently inevitable and insurmountable differences in culture (Eatwell, 2000). In this they exhibit a prime example of what is termed 'New Racism' (Barker, 1981). Take, for example, the BNP targeting of Muslims. By characterising Muslims as an alien culture, the BNP attempt to deflect allegations of prejudice along racial grounds by claiming that they are seeking to protect British culture from an invading and alien culture that seeks to destroy the values of Britishness. This is not altogether an unsophisticated political move. In the current climate of Islamophobia in the popular press, both here and abroad, the BNP seek to ride a wave of public misinformation, fear and prejudice as a means of gaining greater electoral success. While the BNP no longer publicly advocate anti-Semitic ideology, it is clear that it remains at the heart of their movement (Copsey, 2004). This can be seen in the BNP's continuing promotion of Holocaust denial literature, as well as public statements made by Griffin (Anthony, 2002).

Prior to the Second World War some elements of the British press embraced fascist politics with some enthusiasm, noticeably from Lord Rothermere's Daily Mail exemplified by the notorious 1934 headline "Hurrah for the Blackshirts" (Eatwell, 1996). It should be borne in mind, however, that at that stage fascist politics were seen by many as a respectable, if hard political position, indeed inter-war fascism attracted some level of support among the 'respectable' classes, not just the disaffected working class. However since the Second World War fascist movements have not enjoyed sympathetic press coverage in Britain. Following the Second World War, fascist and extreme right wing groups have been effectively excluded from

mainstream media and politics (Eatwell, 2000). For many years there was a tacit policy of 'no platform' for the far right in the mainstream press (Copsey, 2004). While the belief in the concept of free speech remained, to give a platform, no matter how critical, to extremists, was viewed as unacceptable. This situation may have slightly altered following the increased electoral profile of the BNP. Increasingly Griffin's BNP presents itself as a legitimate participant in discussion with other politicians. Griffin and other BNP high rankers have been interviewed on BBC radio and television, and while they were challenged, their very appearance is still viewed by many within the BBC itself as unacceptable (Guardian, 4th May, 2002). The former editor of BBC 4's Today programme, Rod Liddle, justified the inclusion of Griffin on the programme by saying that the best way to deal with such extremists was to let them speak so that they could be exposed for what they are (Observer, 9th Sept, 2001).

Even with critical questioning, the BNP still claim that they gain enquiries and members through their exposure in the mainstream press, although how true that is remains debatable. Certainly, during the days of the NF, Tyndall regarded it as a financially viable proposition to field over fifty candidates in an election, even without significant hope of gaining seats, as a method of promulgating their message through a party political broadcast. However the coverage of fascist parties remains peripheral to mainstream political coverage. When the BNP do gain access to the media, it is often accompanied by overt criticism and condemnation of them and their beliefs. Certainly the BNP actively seek to reduce their reputation as racist and violent, and while their public relations emphasises their political legitimacy, they remain a violent, racist group. Those who are judged to be on the BNP's side of the political spectrum cannot expect either a free platform in the press, nor an uncritical one.

2.4 Holocaust Denial

Holocaust denial has been in existence since very soon after the end of the Second World War, specifically in Germany, but increasingly in other countries (Long, 2002). There is some dispute as to who the first public proponent of Holocaust denial was. Shermer & Grobman (2000) claim that the first Holocaust denier was Alexander Ratcliffe, leader of the staunchly anti-Catholic British Protestant League (BPL). The BPL published a magazine called *Vanguard*, in which, in late 1945 and again in 1946, Ratcliffe claimed that the Holocaust was an invention of the Jews. Ratcliffe's views were further published in other far right publications in Britain, but it is difficult to determine how seriously he was taken or how established his position became. Other candidates for the role of first Holocaust denier include Maurice Bardèche, a committed and prominent French Fascist and Paul Rassinier, a French Socialist, who had been imprisoned in Buchanwald and Dora for his activities in the resistance (Lipstadt, 1993). Bardèche was a highly dubious character, his writings including defence of French collaborators; he was imprisoned for his collaborationist politics and his attempts to justify the Holocaust (Davies & Lynch, 2002). Because of Bardèche's openly fascist politics, he is not embraced by Holocaust deniers (Seidel, 1986), although his views were taken up by the Holocaust denial movement. Rassinier's status as a socialist and former camp inmate, gave him a legitimacy that Bardèche lacked (ibid.). Rassinier's denial was founded on what he perceived as inaccuracies in survivor testimony, which, fuelled by his anti-Semitism, led him to write a series of works in French that were eventually collected into a single English translation with the title; *Debunking the Genocide Myth: A Study Of The Nazi Concentration Camps And the Alleged Extermination Of European Jewry*, published in 1977. For Rassinier, inconsistencies proved that the Holocaust had been exaggerated out of all proportion, and that the Nazis were being unfairly demonised for atrocities that had not occurred. Lipstadt (1993) differentiates between the early and contemporary Holocaust deniers. The early deniers "sought to vindicate the

Nazis by justifying their anti-Semitism” (ibid. p52), while the contemporary deniers were to realise that such a position lacked any creditability. Instead, the contemporary Holocaust deniers changed tactics, acknowledging Nazi anti-Semitism and instead arguing that there had been no Holocaust.

During the 1970s there was an explosion in this contemporary Holocaust denial literature (Eatwell, 1991), including the book so often cited by Holocaust deniers, indeed apparently regarded by many deniers as the ‘bible’ of the movement (Shermer & Grobman, 2000), Arthur R. Butz’s *The Hoax Of the Twentieth Century*, published in 1976. Butz’s book was among the first to attempt to present Holocaust denial as an academically valid position, and in standard academic form (Evans, 2002). Butz was an academic, but notably not an historian; rather he was an engineering professor at Northwestern University in Chicago. Vidal-Naquet (1992a) said, “if a prize for mendacity were to be given...Butz’s tome...represents, at times, a hair raising success” (sec 9). While there have been numerous other Holocaust denial authors and notable publications, most of them, aside from Butz’s magnum opus, have been subsumed by the *Journal of Historical Review* (Shermer & Grobman, 2000).

The title of the *Journal* is important, indicating as it does the term that deniers prefer to give themselves. Their preferred designation is that of ‘revisionists’ rather than ‘deniers’. History undergoes a constant state of revision as new documents and artefacts come to light. However, ‘revisionist’ is not a term that can be accurately applied to the Holocaust deniers. They seek not to revise history in a way that adds to the sum of human understanding, but instead to deny the historical evidence driven by their own political and ideological biases (Vidal-Naquet, 1992a, 1992b; Shermer & Grobman, 2000).

In their efforts to appear as respectable and a viable political alternative, it is necessary for contemporary fascist groups to appear to distance themselves from the unacceptable past of their movement. As part of the drive towards legitimacy, the far right seek to expunge or downplay elements of fascist history that otherwise place their ideology beyond the pale. It has already been noted that the far right have embraced 'New Racism' (Barker, 1981) in an attempt to place emphasis on the retention of cultural traditions of the indigenous population as opposed to the promulgation of notions of racial superiority. Increasingly, contemporary fascist groups use Holocaust denial among their strategies. The Holocaust can, in simplistic terms, be said to have given fascism a bad name. Therefore, by diminishing that which provokes revulsion in most people, the contemporary fascist can attempt to emphasize what they portray as the positive aspects of extreme right politics.

What then is Holocaust Denial, what form does it take? In essence Holocaust denial is;

“...an attempt by a very small number of writers to deny that there was any systematic or organized extermination of Europe's Jews by the Nazis; to suggest that the number of Jews killed was far smaller than 5 or 6 million; and to claim that there were no gas chambers or other specifically built extermination facilities.” (Evans, 2002, p114).*

Holocaust deniers claim to be debating the scale and method of the Holocaust, presenting themselves as rational questioners of orthodoxies. Holocaust deniers use a number of techniques to present their position as a legitimate area of historical debate (Najarian, 1997). Mainstream academic journals will not, understandably, publish the work of Holocaust deniers, therefore they have created their own forum for publication and discussion (Levin, 2001). The main publication of the Holocaust deniers is the *Journal of Historical Review*, this publication is presented as a standard

* It is notable that the Holocaust deniers make little or no reference to the other victims of Nazi genocide such as the Gypsies or members of other persecuted groups.

academic journal, complete with all the usual features thereof. In addition, many of the authors of Holocaust denial literature cloak themselves with the trappings of academia, using standardised footnotes and apparently scholarly referencing. Holocaust deniers exhibit curious selectivity when reading documents, ignoring the elements that do not support their argument. Such selective reading allows them to present selective evidence as 'truth' without having to deal with the troubling remainder (Vidal-Naquet, 1992a).

Holocaust deniers exploit the euphemistic language employed by the Nazis in their documentation especially regarding the Jews, treating it as unproblematically factual (Evans, 2002). In addition, Holocaust denial authors also exploit elements of academic style and debate to present themselves as offering a balanced element of discussion (Najarian, 1997). Notable in this is the use of a perverse form of post-modernism or relativism, arguing that history is constructed, so to de-construct in their fashion is simply to present a different reading with equal weight to the accepted mainstream (Wheen, 2004). Such arguments are specious when examined, but they provide the Holocaust deniers with a strategy by which they can attempt to bamboozle the uninformed critic. Najarian describes the authors of Holocaust denial literature as being;

“...simply anti-Semites who have learned the value of rhetorical modernism, and use the strategies of academic prose in order to deny the Holocaust.” (1997, p77)

Holocaust deniers claim that they are attempting to present a new, truthful view of Second World War history, uncluttered by sentiment. However, underlying their questioning of history is an essential anti-Semitism (Seidel, 1986). The thrust of this argument is that the Holocaust has been exaggerated by the Jewish community in order to blackmail the rest of the world into financial support for Israel. For the Holocaust deniers, 'world Jewry' has conspired to defraud the world both financially and morally. The denial of the existence of such a conspiracy, for the Holocaust

deniers, is simply further proof of its existence (Billig, 1978). At this stage it should be noted that a rapidly growing market for Holocaust denial is the Middle East. The high levels of anti-Semitism and anti-Zionism in the Islamic countries of the region have provided rich soil for the growth in anti-Semitic conspiracy theories and Holocaust denial. However, the subject under discussion is Holocaust denial in the West and specifically in Great Britain. The spread of Holocaust denial in the Middle East and other Islamic countries would make for fascinating and rich study, but time and space constrains such analysis in this context.

The *Journal of Historical Review* and its founding group, the Institute for Historical Review (ILR), has become a beacon for the Holocaust deniers. The ILR stage conferences at which Holocaust denial writers and enthusiasts can meet and swap ideas, finding support for their beliefs. One instance of such support among Holocaust deniers is the case of the Leuchter report. The Leuchter report came about as part of the defence of Ernst Zundel, a Canadian-German, and enthusiastic Holocaust denier. Zundel has long published and distributed Holocaust denial literature, and is a singularly unsubtle propagandist for the rehabilitation of much of the ideology of Nazi Germany (Shermer & Grobman, 2000). Zundel's activities have repeatedly brought him into conflict with the law in Canada, and during his trial in 1988, it was suggested by some of his supporters that a report be commissioned by someone who was experienced in the use of gas chambers from the American penal system. Fred Leuchter was eventually found, after others refused the commission, and he produced a report denying the use of gas chambers to kill in the Nazi camps (Shermer & Grobman, 2000; Evans, 2002). Leuchter is another of the curious figures of the Holocaust denial movement. He is an apparently self-taught engineer; he certainly has no engineering qualification. Leuchter appears to make his living providing equipment for lethal injection and judicial gas chambers in America. The report he wrote was based on samples, illegally obtained, that he claimed proved that Zyklon B had not been used to kill in the gas chambers (Guttenplan, 2001). Leuchter's findings have been roundly disproved (Evans, 2002). However, the

'Leuchter Report' remains something of a touchstone for the Holocaust deniers. Indeed, it was the Leuchter report that convinced the man who is to be central to the thesis, David Irving, that Holocaust denial is a position of merit.

David Irving has written a number of books over the last thirty years. While always viewing himself as an iconoclast, his views have become ever more right wing as the years have progressed. During his brief studentship at Imperial College, Irving was involved in the student newspaper. He took this opportunity to publish racist material as well as attempting to solicit funds for Mosley (Fraser, 2000). Such actions understandably led him to be expelled from involvement with the student newspaper. These events were to prove prescient of Irving's future. While he had been a talented student journalist, his exploitation of his position to further his own ideological position led to aggravation, and ultimately to his rejection by the mainstream. Irving is "arguably the most historically sophisticated of the deniers" (Shermer & Grobman, 2000, p49). Published by several well known and respected publishing houses, Irving has written ten books of Second World War history, as well as numerous articles for the mainstream media. Many of his books, especially those in the earlier years of his writing career, have been well regarded in the mainstream. Irving's first book, *The Destruction Of Dresden* (1962) was well received, giving a vivid portrait of the saturation bombing of German cities in the closing stages of the war. Many of his subsequent books were also favourably reviewed.

Irving's works were based on his undoubted skill in archival work, as well as his experiences of living and working in Germany, after dropping out of university. Indeed, his contribution to Second World War history, certainly his provocation to debate, was acknowledged by Hans Mommsen, a renowned historian (Shermer & Grobman, 2000). However, in recent years he has become closely associated with organisations such as the Institute for Historical Review and its publication the *Journal of Historical Review*, and had given speeches to overtly neo-Nazi groups

around the world (Evans, 2002; Lipstadt, 1993; Shermer & Grobman, 2000). In 1977 he offered a cash reward for anyone who could provide documentary proof, judged on his criteria, that Hitler was aware of, and had ordered, the Final Solution. This reward reflected, not Holocaust denial, but Irving's previous belief that the Holocaust had taken place without the knowledge or approval of Hitler.

The turning point for Irving came with the publication of his 1977 book, *Hitler's War*, in which Irving, for the first time, stated his belief that Hitler had no part in the Final Solution, placing the blame on lower ranking Nazi offices and overenthusiastic military personnel and partisans. In the years to come, Irving's position was to become more radical. In 1986, Seidel was still able to refer to Irving as being the "'soft' variant" of Holocaust denial (p121), however, this 'soft' position was not to last long. What appears to have been the defining moment for Irving was the previously mentioned Zundel trial in 1988. Irving's political position, although apparently still more in the realms of 'High Tory' than fascist, lead him to be involved in a peripheral manner. The Leuchter Report, with its quasi-scientific findings appears to have been the final stage in Irving's progression into Holocaust denial and fascism. This was the 'proof' for Irving that not only supported his previous position, but built upon it, placing him in a position with a small but ready audience for his views and interpretations of Second World War history. Once Irving had thrown his hat into the ring with the Holocaust deniers, he became a voluble advocate of his beliefs. As a result he has been refused entry to Canada, New Zealand, Italy, Germany, South Africa and Australia, as well as being convicted in Germany of 'defaming the memory of the dead'. Irving appealed against his conviction, lost, and had his fine increased from 3,000 dm to 30,000 dm. Irving has, for many years, expressed anti-Semitic comments, while expressing surprise that he should receive vilification from the Jewish community (Shermer & Grobman, 2000). Increasingly, Irving has been shunned by the mainstream historical community. Previously his books were reviewed by the broadsheet newspapers, given warm reviews and were generally well received. However, his books no longer grace the pages of broadsheet

newspapers, nor is he considered as worthy of authoring articles for the mainstream media. He now publishes and distributes his works through his Focal Point publishing company, as well as maintaining a substantial website which carries much of his works, as well as his own diaries, that he refers to as his 'action reports'. It may seem that Irving's downfall has been cyclical, the more he embraced Holocaust denial, the less mainstream exposure he has been granted, as he resorts to the far right for a platform, the more he is shunned by the historical mainstream.

There is much argument as to what the appropriate approach to Holocaust deniers is. Should they be ignored as unworthy of debate, should their claims be re-butted with evidence, or should they be unmasked as the fascists that they are? (Eatwell, 1991, Kahn, 2000). This can be problematic. To engage in debate with Holocaust deniers is to grant them legitimacy on some level, while to attempt to rebut them is to engage in a long and tedious process, especially as the Holocaust deniers treat truth, as a concept, as somewhat flexible. As Vidal-Naquet stated, contempt is the most effective approach to take in dealings with the Holocaust deniers (1992b).

It may be argued that, as an intellectual exercise, criticism of the far right and Holocaust deniers is somewhat akin to shooting fish in a barrel. Critics may argue that to highlight the repugnance of the far right and Holocaust deniers is stating the obvious, that these groups are universally abhorred and that such an exercise shows a lack of courage and imagination on the part of the researcher. Certainly, if the critique were purely a matter of condemnation of Holocaust deniers and their material it would be the case that such an analysis was intellectually barren. Equally, if Holocaust deniers were a fringe group seeking to communicate only to themselves, with no attempts to make effective communication outside their own narrow numbers, such a criticism would be justified. However, it is important to realise that the material produced by Holocaust deniers contains a level of rhetorical sophistication, and that this rhetoric requires examination.

Over the years there have been a number of surveys carried out into the public knowledge of the Holocaust (Smith, 1995). In all of these surveys an alarming number of participants state that they do not believe that the Holocaust took place. For example, the 1992 American Jewish Committee (AJC) survey, carried out by the Roper Organisation, found that 22.1% of participants said that it was possible that "the Nazi extermination of the Jews never happened", while 12.4% said that they did not know (Smith, *ibid*, p 268). While this left 65.4% of participants who said that the statement was impossible, the number of participants, as a representative of the American public, that said that either they felt that the Holocaust might not have happened or that it did not occur, is an alarming 34.5%. Such findings are not confined to America. In 2004 a survey was carried out by ICM for the Jewish Chronicle. In this 15% of participants said that the Holocaust had been exaggerated (Guardian, 23/01/04). While the UK results were not as extreme as those from America, that such a sizable minority should make such statements is a worrying development.

Why would someone who was not a committed member of the far right believe in Holocaust denial? Yelland & Stone (1996) found in experimental studies using American college students, that those participants who read the Holocaust denial literature given to them as part of the study had lower Holocaust belief scores than prior to reading the material. It was noticeable that those participants who were classed as 'authoritarian' were more likely to believe the Holocaust denial material than those classed as 'humanist'. It would be comforting to put Holocaust denial down to a personality trait, and therefore, on some level, a pathology. However, it is clear from the Yelland & Stone study that Holocaust denial literature does create doubts at least, if not outright belief in Holocaust denial, in the undergraduates. Bearing in mind that such participants should be of a relatively good standard of

education, belief in Holocaust denial can also not be dismissed as a lack of intelligence.

2.5 Academic Studies Disputing Holocaust Denial

Despite Irving's protestations in his trial, Lipstadt did not 'invent' the term 'Holocaust denial', nor was she by any means the first author to write on the subject. Given that Holocaust denial emerged very shortly after the Second World War, it should come as no surprise that academics and activists have been studying and challenging from its earliest incarnations. Taking the explosion of Holocaust denial texts that emerged during the 1970's as a clear starting point, Seidel (1986) was the first to publish an English language book on the Holocaust denial movement that explicitly referred to the protagonists as 'deniers'. prior to this, much of the studies focusing on Holocaust denial had tended to refer to it as revisionism, a term which many of the deniers themselves embrace as giving a legitimacy to their position, they are revising history, not denying it. At around the same time Pierre Vidal-Naquet was writing in France in response to Holocaust deniers, particularly Faurisson. Interestingly enough, the backgrounds of those who write on Holocaust denial are varied. Deborah Lipstadt is a Professor of Modern Jewish Studies at Emory University in Atlanta, Georgia. Certainly, to find an academic within Jewish studies writing about Holocaust denial would not be unexpected. However, others have come from a background of history (cf Eatwell, 1991, 2004a; Griffin 1991, 1995; Vidal-Naquet, 1992a, 1992b), politics (cf Renton, 1999, 2003) or psychology (Billig, 1996). As the Holocaust denial movement has become more voluble through the use of new technology, those writing about the phenomenon have also become more active.

2.6 Irving Vs. Penguin Books & Lipstadt*

In 1993 Prof. Deborah Lipstadt, an American academic wrote a book called '*Denying The Holocaust: The Growing Assault On Truth And Memory*', in which she referred to Irving's increasing use of Holocaust denial in his writings and speeches, as well as his involvement with some of the seamier aspects of the Holocaust denial movement. Prof. Lipstadt's book was published both in Britain and America. Lipstadt's book was an excoriating condemnation of Holocaust deniers and the methods they used in their manipulation and falsification of historical evidence in the furthering of their position. Irving, although featured in the Lipstadt's book, was by no means its primary focus. Mr Irving took exception to her characterisation of him in her book, and wrote to Penguin, her British publishers in 1995, demanding redress alleging defamation of character and threatening legal action. Irving demanded that the book be withdrawn, to which Lipstadt responded that he featured in only six pages of the book (Evans 2002). Penguin Books refused Irving's demand to withdraw the book and ultimately Irving brought a libel writ against Professor Lipstadt and Penguin books for defamation of character and the financial harm alleged to have resulted from Prof Lipstadt's book. The writ was issued in September 1996. In the manner of these things, the preparation of the case itself and the pre-trial hearings rumbled on until January 2000. Irving made two offers to settle out of court, the first in 1998 was only to Penguin Books, demanding withdrawal of Lipstadt's book, £500 payment, a full apology and the intention of continuing the action against Lipstadt severed from her publisher. The second settlement offer was made in 1999 extended the offer to include Lipstadt. Both offers were rejected by Penguin. By this time Penguin had already committed huge expenses to defending the case, but in terms of reputation, for a publisher to 'back down' would be unthinkable. Throughout the pre-trial period, and indeed throughout the trial, Irving claimed that his motivation for the brining the case was not primarily financial. Instead, he claimed that it was about freedom of

* A brief biographical sketch of the main protagonists concerned in the case are include in Appendix 1

speech, as Richard Evens wrote after the trial "his freedom of speech that is, not Deborah Lipstadt's" (2002, p28).

The case came to trial in the High Court in January 2000 to be heard in front of Mr Justice Gray. The case lasted thirty-two days and the judgment was given on 11th April 2000. Through the course of the trial, Lipstadt did not enter the witness box, either as the defendant nor, consequently, for cross-examination by Irving. Irving represented himself as a litigant in person; the lead barrister for the defence was Richard Rampton QC. Irving lost the case and was denied leave to appeal. He has been denied leave to appeal on a second occasion and has since been declared bankrupt.

Chapter 3. Theoretical Approaches To Analysing Fascism

Since the emergence of fascism there has been an understandable desire on the part of psychologists to explain why individuals would join fascist parties. The desire was strengthened following the end of the Second World War and the exposure of the atrocities carried out in the name of fascism throughout Europe. What would draw apparently rational individuals to adhere to such irrational beliefs? What would drive human beings to commit such atrocities in the name of ideology? Was it the nature of the ideology; was it something inherent in the individuals? What possible explanation could there be to explain the actions of the Axis nations?

3.1 Theories Of The Fascist Personality

Some of the first attempts to understand the phenomenon of fascism took place before the Second World War. The Frankfurt School, which included Fromm and Adorno, were active at this time, as well in the years following the war. There were several theorists who participated in this discussion. However, there are a number of traits that their arguments shared in the explanation of fascism. The Frankfurt school predicated their approach on a Freudian perspective, assuming that fascism was inherently irrational and thus appealed to the irrational in the individual. The primary focus of the explanation was upon the nature of the fascist personality. Additionally, the fascist personality, as it was defined, appeared to be predicated upon fear and insecurity. Fromm wrote in 1942 "Nazism is an economic and political problem, but the hold it has over a whole people has to be understood on psychological grounds" (p180). For Fromm fascism originated from a sense of alienation among the German people, and their need for obedience within a rigid hierarchy. Alienation would have resulted from socio-economic instability, and in such a volatile environment, the

individual would flee from freedom and seek to return to a structure that they could rely upon. Such a structure, and the obedience and submission called for within it, would give the individual back their sense of identity, and return them to a stable position within society. Thus the German people were locked into a sadomasochistic relationship with their leaders, submitting to the dominance of the government. Nathan (1943), described fascism as "an over-valuation of masculinity. It is an attempt to make a man's world." (p 52). Thus the world around the fascist was one that had lost its rigidly masculine nature leading to chaos, and that masculinity must, in the mind of the fascist, be reinstated in order that the chaos be rectified. For Nathan the defining motivation behind fascism was;

"...a mighty façade attempting to cover up the innermost secret fear of being weak, unmanly, impotent. The denial of weakness is its whole purpose, and the clue to all its deeds." (p 53).

Such explanations of fascism, given their historical context, were understandable. However, they were fundamentally lacking in many respects. Nathan, for example, viewed fascism as peculiar to the Italian and German personality, overlooking the support for fascism that had existed in pre-war Britain. Fromm (1942) placed much of his emphasis upon Hitler's *Mein Kampf*, regarding it as "the most representative document in Nazi literature" (p191). However, as Billig (1978) points out, the idea that *Mein Kampf* represented the inner workings of the average fascist mind was implausible. To regard a single text as representative of the psychology of every individual in an entire movement is something of a leap. By defining fascism solely as a weakness of character of the populations of the Axis powers, Fromm and Nathan provided explanations that may have reassured the Allied populations, but did not provide a great insight into fascism as an ideology. Reich (1975) proposed a Freudian model of the fascist personality, claiming that fascism arose as a result of repressed sexual desire. Fascism represented an outlet for the repressed sexuality, deriving from "an insatiable unconscious *intense orgiastic longing*" (Reich, 1975, p168, emphasis in original). As long as followers of fascism were prepared to repress their sexuality, then fascist support would continue. In addition Hitler, as father of

the Reich, represented an overall father figure for the German people, providing the strength and protection needed by a weakened populace. Reich (1975) stated that this expresses itself thus;

“In terms of the social reality it is this need for protection on the part of the masses of the people that enables the dictator ‘to manage everything’.” (p 96-97).

Possibly the most famous of all the psychological investigations into fascism was *The Authoritarian Personality* (TAP), published in 1950 (Adorno, *et al*). TAP was commissioned by the American Jewish Committee in an attempt to explain the basis of anti-Semitism, and thus the events of the Holocaust. Methodologically, TAP differed from the earlier studies, in that the individuals questioned were not self-confessed fascists, but were a sample of white, American-born Christians from a range of professions and social backgrounds. The study set out to determine the correlation between anti-Semitism and other traits judged to be part of the make-up of the fascist personality. Importantly, the questioning was designed to be indirect, to determine levels of prejudice without appearing to do so. Thus participants were not questioned in a manner that might lead them to answer in a socially desirable manner to defend themselves, but in such a way as to try to gain an insight into the underlying attitudes of the participants. TAP sought not to identify individuals as fascists but as having a ‘fascist potential’, that is to say that given the right combination of circumstance, they would become fascist.

It must be said that TAP is not an easy read; it is enormously long and dauntingly dense, even at the time of its publication, it was considered “not very readable” (Smith, 1988). However, as a seminal work of political psychology, there have been numerous commentaries and re-evaluations of Adorno *et al*’s original work. Adorno *et al* described the traits of the fascist personality that they attempted to determine in the participants;

- Conventionalism. Rigid adherence to conventional, middle-class values.
- Authoritarian submission. Submissive uncritical attitude toward idealized moral authorities of the ingroup.
- Authoritarian aggression. Tendency to be on the lookout for, and to condemn, reject, and punish people who violate conventional values.
- Anti-intraception. Opposition to the subjective, the imaginative, the tender-minded.
- Superstition and stereotypy. The belief in mystical determinants of the individual's fate; the disposition to think in rigid categories.
- Power and "toughness". Preoccupation with the dominance-submission, strong-weak, leader-follower dimension; identification with power figures; overemphasis upon the conventionalised attributes of the ego; exaggerated assertion of strength and toughness.
- Destructiveness and cynicism. Generalised hostility, vilification of the human.
- Projectivity. The disposition to believe that wild and dangerous things go on in the world; the projection outwards of unconscious emotional impulses.
- Sex. Exaggerated concern with sexual "goings-on".

(Adorno *et al.*, 1950, p 228)

Such traits were judged to make up the fascist personality and to have arisen from a childhood of strict parenting. Thus Adorno *et al* claimed, not only to have defined the characteristic traits of potential fascists, but also the childhood that would lead them down such a path. The parenting style that Adorno *et al* assumed that these potential fascists were raised in was one that was highly intolerant of ambiguity. Such intolerance of ambiguity would thus lead to the authoritarian personality of the potential fascist.

There are a number of well-documented methodological problems with TAP. In addition to the questionable sampling of participants, the very core of the concept was

too vague to be sound (Altemeyer, 1981). The traits that were devised by Adorno *et al* were also loose and overlapping. Indeed, some of the traits appear to be something of a 'catch-all' grouping, to include traits that could not fit anywhere else. The grouping, for example, of superstition and stereotypy appears as a case in point. Both traits could be seen to be relevant in the study of prejudice. However, the link between the two is by no means clear. Given that questions in Adorno *et al*'s study were aimed at measuring the various traits individually, how a question could be devised that would measure both stereotypy and superstition is unclear.

What is noticeable about TAP is that it essentially divided the population into two groups, the Authoritarian and the non-authoritarian. In this there were echoes of the work of Nazi psychologists. In 1938, Jaensch (cited in Brown, 1965) defined two consistent types of person, the S-type and the J-type. The S-type was characterised by being "...flaccid, weak, and effeminate. His general instability would be likely to stem from a racially mixed heredity." (Brown, 1965, p39). In contrast the J-type would be characterised by being "...tough, masculine, firm: a man you could rely upon" (ibid, p39). Thus, in the work of Jaensch, the J-type would be the archetypal 'good Nazi', the characteristic to be striven for. Whereas, in Adorno *et al*'s TAP, the authoritarian personality, which shared many of the traits of Jaensch's J-type, was the characteristic to be avoided. This parallel has not gone unnoticed (Billig, 1978, Brown, 1965), indeed one of the co-authors of TAP noted it just a few years after the publication of TAP (Frenkel-Brunswik, 1954). Fundamentally, the problem of dividing the population along determinant personality lines is something that must be addressed.

While TAP has been criticised regularly in the last fifty years, the importance of it as a base from which to study must be recognised. Adorno *et al*'s work presented the reality that it was not only the participants in Nazi rallies that held such prejudiced views, but that they existed even in a country that so jealously upholds its democratic

principles as the United States. Following on from Adorno *et al*, Altemeyer (1981, 1988, 1998) re-evaluated the principles of the TAP and demonstrated that while the authoritarian personality may not necessarily result in right-wing politics, a right wing authoritarianism could be determined. In contrast to the nine traits of Adorno *et al*, Altemeyer devised a far simplified scheme of three attitudinal clusters;

- Authoritarian submission – a high degree of submission to the authorities who are perceived to be established and legitimate in the society in which one lives;
- Authoritarian aggression – a general aggressiveness, directed against various persons, which is perceived to be sanctioned by established authorities; and
- Conventionalism – a high degree of adherence to the social conventions which are perceived to be endorsed by society and its established authorities.

(Altemeyer, 1981, p148)

Importantly, Altemeyer stated that right wing authoritarians display all three of the attitudinal clusters. The bottom line of Altemeyer's right wing authoritarianism is the predictive link between right wing authoritarian attitudes and authoritarian behaviour. Is the one a clear predictor of the other? Altemeyer acknowledged that attitudes are not necessarily predictors of behaviour. One only has to look as the famous Milgram (1974) obedience experiment to see that individuals who believe that they would not behave against their instincts can be easily persuaded to do so given the right circumstances. Certainly there is an attitudinal link, but whether that equates with subsequent behaviour remains relatively unclear.

Altemeyer followed up his 1981 *Right Wing Authoritarianism*, with *Enemies of Freedom* (1988) in which he applied the concept of the right wing authoritarian to the attempt to understand prejudice and authoritarian behaviour on a wider scale. It was found, for example, that there was some correlation between participants who scored

highly on the right wing authoritarian scale and those who scored highly on a scale measuring ethnocentrism. Altemeyer (1988) also address the question of the origins of right wing authoritarianism. This is in contrast to Adorno *et al*'s theory of strict parenting producing children who repressed their hostility towards their parents, finding an outlet for it in prejudice against out groups, Altemeyer took an approach more akin to Bandura's Social Learning Theory (1977). According to Altemeyer, our parents are our initial primary source of attitudes, and we learn our attitudes from our environment, even without being explicitly taught them. In addition, our other social and media contacts go to construct our attitudes, and their significance increases as our parental influence diminishes. We learn our attitudes from the world around us, and they reflect the experiences of our lives.

Personality theories of fascism, as exemplified by the above authors, share three elements (Billig, 1990). Primarily, they all share an idea of there being an identifiable 'fascist personality' that draws the individual to the fascist leader, and to identify powerfully with their in group and to reject forcefully the defined out groups. The core of this drive is emotional. The second element is that this emotional drive is predicated on "a damaged or fragmented personality" (ibid, p22). Thus fascism is an expression of psychological damage or instability, delineating the fascist from the rational and psychologically 'well' population. Finally, the Freudian theory of projection is used as an explanation of the image of the 'other' as embodying many of the repressed emotions and desires of the fascist.

3.2 Criticisms Of The Personality Approach

As early as 1945 there were criticisms made of the psychoanalytic approach to understanding fascism (Abel, 1945). Abel (ibid) made a number of criticisms of such an approach, particularly the problems of using what is essentially an individualistic

approach and attempting to find from it a collective personality flaw in an entire population. Admittedly, Abel was a sociologist rather than a psychologist and thus may have had a certain resistance to the use of psychology in the understanding of fascism, nonetheless, his critique of the 'psychiatric' interpretation of fascism does warn us against transferring individual pathologies to a mass population as an explanation of a phenomenon we find challenging. As Billig (1990) points out, the personality theories of fascism present a plausible explanation of the more extreme elements of fascist movement, however, they give a rather over-simplified explanation of fascism, and one that fails to address a number of important issues. The psychological theories of fascism are not necessarily wrong, indeed they do provide some fascinating concepts and analyses of the potentially fascist personality. However, what they underestimate is the subtlety of prejudice, the sophistication with which contemporary fascism masks its face in order to present itself to the mainstream.

Contemporary psychological explanations of racism and prejudice are common in the Social Cognitive approach (Fiske & Taylor, 1991; Augoustinos & Walker, 1995). The Social Cognitive approach explains prejudice as a result of the individuals need maintain cognitive efficiency in a confusingly busy world. The volume of stimuli that we are all bombarded with is such that in order to make sense of it we require a number of cognitive shortcuts. In order to make sense of our world, we categorise stimuli, both objects and people, by our initial perceptions of them (Fiske & Taylor, 1991). Such categorisations may be reappraised later, however, our categories, especially our social categories, allow us to organise our world. The concept of categories blends somewhat in to the concept of stereotype, attributing characteristics to category members on the basis, not of that specific category member, but upon our expectation and predictions of that category. Thus, prejudice arises as a result of our need to understand the world, informed by the social categorisation that we perform.

Such explanations of the origins of prejudice, moving as they do away from the personality based theories of earlier explanations, provide an apparently clear mechanism by which prejudice occurs. However, such explanations are problematic in themselves. The concept of prejudice as an inevitable consequence of the cognitive structure of the mind is problematic. Billig (2002) stated that;

“To offer an account of social conflict in terms of unchanging instinct is, at best, to suggest that nothing can be done to alleviate prejudice. At worst it is to justify prejudice and chauvinism as an innate part of the human condition.” (p174)

Hopkins, Reicher and Levine (1997) also examined the parallels between social cognitive theories and ‘new’ racism. While they stopped short of stating that social cognition is itself racist, they did state that its perspective that focused upon the inevitability of inter-group conflict may be used to support racist and separatist ideologies.

It can be acknowledged that the explicit expression of prejudice is socially unacceptable (Billig, 1988). Even contemporary fascist and far right groups pay lip service to this social nicety, as discussed in the previous chapter. Given that even fascists are unwilling to cross this boundary and make overtly racist or prejudiced statements in public, instead couching their racism in socially acceptable language, this guides the researcher down a different path of analysis. As Billig (1997) suggests, “the social psychological analysis of prejudice should lead to an examination of racist discourse” (p39). Rather than relying on participants’ responses to questionnaires or interviews, it may be more revealing to examine what people say, and analysing the discursive and rhetorical tools that they employ in their speech. If we accept some aspects of the categorisation approach seen in the social cognitive approach, such categories should be evident in the language we use. Thus, by examining language, we should be able to gain an understanding of the role that categories fulfil in our lives, and the ways in which they are expressed. Edwards (1991) advocated a discursive approach to understanding this;

“The discursive approach treats talk and texts not as representations of pre-formed cognitions, even culturally provided ones, but as forms of social action. Categorisation is *something we do*, in talk, in order to accomplish social actions (persuasion, blamings, denials, refutations, accusations, etc.).” (p 517, emphasis in original)

Another element that the personality theories of fascism fail to account for is what it is that the fascists and potential fascists are attracted to. They do not examine fascist ideology and its presentation and why anybody, regardless of their personality, should be attracted to it. Billig (1978) points out the complexity of the proposed relationship between the fascist (or potential fascist) and fascism itself as described by the traditional psychological approaches to understanding fascism. Billig (ibid) goes on to state that an examination of fascist propaganda and ideology may be a more valuable task than attempting to determine the internal motivations of individuals that may lead them to be attracted to fascism. The ideology of fascism and its presentation or propaganda have been powerful over the years, particularly in the inter war years and of course during the Second World War, but also in more recent years with the previously discussed rise in the far right in contemporary Europe. It is necessary, to understand this, to examine fascist ideology as it exists in the public world, not just as a historical or academic fly captured in the amber of text books, but as it is presented to a wider world and to a wider audience.

3.3 Critical Approaches

Ideology was defined by Hodge & Kress (1993) as “a systematic body of ideas, organised from a particular point of view...without implying anything about their status and reliability as guides to reality” (p6). To attempt to understand the ideology of fascism, without taking an approach predicated on the language of such an ideology, is to fall at the first hurdle. Ideology is, by its very nature a discursive; it is a communication of ideas and beliefs. Van Dijk (1998) stated that;

“Discourse has a *special function* in the expression, implementation and especially the reproduction of ideologies.” (p 316, emphasis in original)

Thus, in order to understand ideology, the language used to construct and communicate it must be examined. While ideology is not wholly a discursive phenomenon, discourse both exhibits and formulates ideology (van Dijk, *ibid*), and thus is central to any understanding of it. Additionally the Janus faced nature of fascist ideology is open to analysis. Both faces of fascist ideology should be examined as;

“It is as interesting to study their public [fascist] ideology as it is their private, because it is their public ideology that must be convincing to large numbers of people.” (Reeves, 1983, p 19)

Analysis in the field of ideology has been pioneered by Critical Linguistics (CL) and subsequently by Critical Discourse Analysis (CDA). CDA is not wholly a linguistic discipline; it draws on a wide theoretical background in its development. The terms CL and CDA are, to some extent, interchangeable, with CDA becoming increasingly prominent (Wodak, 2001), therefore, for the remainder of this discussion, the term CDA will be used to cover both approaches.

Much of the focus of CDA is the expression of ideology and power, as well as the language of prejudice and racism and ways in which it is transmitted. CDA does not, on the whole, examine fascism as a phenomenon. Instead it examines the expressions of racism and prejudice from the majority groups, and the way in which they are used in the oppression of the minority groups. As such, CDA is not, per se, an approach to fascism, but it does cast light upon a number of aspects of the communication of racism and ideology on a wider scale. Possibly the most prominent of the authors in CDA are van Dijk (cf. 1987, 1991, 1993) and Fairclough (cf. 1995a, 1995b, 2001a, 2003). While both van Dijk and Fairclough write within the central frame of CDA, their individual approaches, as will be discussed shortly, are subtly different. CDA

makes a number of clear assumptions in its theoretical basis that provide a framework on which to base the analysis of political and ideological language. For both van Dijk and Fairclough, there is a clear relationship between language, power and ideology, and therefore CDA “focuses on social problems, and especially on the role of discourse in the production and reproduction of power abuse or domination” (van Dijk, 2001, p96). In terms of our languages ideological load and the influence that has; “discoursal practices are ideologically invested in so far as they contribute to sustaining or undermining power relations” (Fairclough, 1995a, p82).

What then is CDA as a theoretical framework? Certainly CDA “oscillates between a focus on structure and a focus on action (Fairclough, 2001b, p124). Various CDA theorists posit differing methodological and theoretical bases for their work. Van Dijk has favoured a ‘cognitive’ approach, examining the role of discourse in the interpretation and comprehension of texts (van Dijk & Kintsch, 1983). Fairclough has, conversely taken a position predicated upon the socially available discourses and the manner in which they are utilised (Fairclough, 1995b). However, Hodge and Kress (1993) devised a series of principles of CDA that give a clear flavour of the approach;

- Language is a set of partial systems of choices and rules
- Background meanings and both inside and outside a text
- Ideology has a double face.
- Ideology is inscribed in social practice.
- ‘Context’ is structured like a text.
- History is meaning.
- Truth is always at risk.
- Syntax is meaning. (Adapted from Hodge and Kress, 1993, p209-211)

Importantly, the political context of the discourse is central to the understanding of it. Discourse does not exist in a vacuum, isolated from ideology and socio-economic

history. Thus, academic distance and objectivity are mediated by an understanding of power relations that infuse discourse in our society. CDA appreciates that no research can be entirely objective, especially when it deals with power and oppression (Wodak, 1989). Instead it is important for the researcher to recognize the context and values that an analysis is being made in, that the analysis of a text must be made with the acknowledgement of the affecting elements that surround it. Fairclough used the following diagrammatic representation of the framework for CDA (figure 3.1) that positions the text within its contexts of discourse and sociocultural practices.

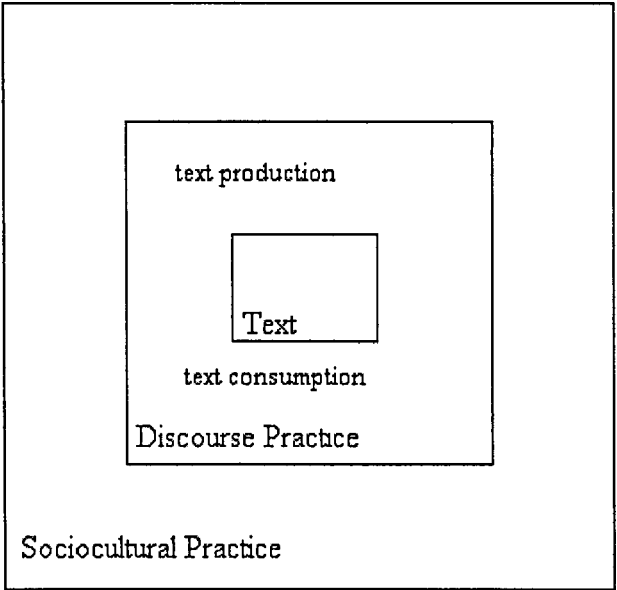


Figure 3.1. A Framework For Critical Discourse Analysis Of A Communicative Event (Fairclough, 1995b, p59)

Thus, the text and its production and consumption can be seen to dwell within both the frame of available discourse practices, which in turn dwell within the frame of the wider sociocultural practices as influenced by the dominant ideology.

In addition to the contextual aspects of the discourse, the minor 'tweaking' of syntax and sentence structure are vitally important in the presentation of power, dominance and ideology. Examples of this were shown in Trew's (1979a, 1979b) analyses of newspaper reports of disturbances at the 1977 Notting Hill Carnival and the shooting of unarmed people in Harare in 1975. The reporting of both of these incidents was shown by Trew to reflect the dominant ideological position of the predominantly white British media. The use of CDA in examining such discourses provides an account of the strategies by which dominant ideologies can be transmitted through the media, while remaining within the subtle boundaries of 'news reporting' without spilling over into the explicit presentation of ideological propaganda. In terms of analysing the fascist in court and their representation through the press, such techniques may prove useful.

3.4 Discourse And Rhetoric

One of the flaws in CDA, at least for the purposes of this thesis, is that the focus is very much upon the dominant ideology of a culture. Van Dijk, for example, has written at length about discourses of elite racism (1987, 1993). However, contemporary fascists are not, in general, part of the elite. The theoretical approach of CDA has not focussed upon fascism itself as a topic. While CDA provides some excellent insights into the strategies of communication of prejudice and ideology, it fails to account for much of what requires examination in the case of contemporary fascism. Another potential flaw of CDA is that there is a tendency to treat the text as an entity in its own right. Thus the data is viewed in a primarily linguistic manner, rather than as a pragmatic and rhetorical communication. Certainly, CDA presents a number of important and useful tools in the analysis of talk and text; however, they may not be useful as an exclusive methodology in the context of this thesis. As discussed in the previous chapter, contemporary fascists and the far right have utilised presentational skills to avoid appearing explicitly racist, or indeed as fascists at all.

The use of the rhetoric of reason and tolerance in the presentation of an ideology predicated on hatred and irrationality is to be the focus of this thesis. Not only how a contemporary fascist figure, in this case David Irving, presents himself in the face of condemnation, but also, possibly more interestingly, how the newspapers go about reporting such interactions.

As disciplines, discourse and rhetoric have emerged from an eclectic background. They draw upon a range of other disciplines and approaches to form what is in effect a range of analytic and theoretical approaches which share a common theme of understanding language and its role in social construction, as well as language as itself being socially constructed. There are varying schools of discursive analysis, however the approach that is to be discussed and utilised throughout is that exemplified by what might be termed the 'Loughborough' approach, as practiced by members of DARG (Discourse and Rhetoric Group) (cf. Antaki & Widdicombe, 1998; Billig, 1991, 1996; Edwards, 1997; Edwards & Potter, 1992; Potter, 1996; Potter & Wetherell, 1987). As implied by the earlier discussion of CDA, the various schools of discourse analysis take differing positions from one another, with strong views as to the theoretical, philosophical and methodological basis that should be drawn upon. Such discussions can regularly be found in the pages of the academic journals. One of the best accounts of the development of discourse analysis and psychology from a Loughborough perspective is found in Potter & Wetherell (1987). Since the publication of Potter and Wetherell, (ibid) rhetorical psychology, as exemplified by Billig (1991) has emerged as another facet of this approach to the understanding of language and its place in the social world.

To account for all the various approaches that are in conflict with the Loughborough approach to be taken in the forthcoming analysis would quite possibly prove to be exhausting (for both author and reader) as well as contributing little to the understanding of the approach taken. However, the core principles that differentiate

the discourse analysis as exemplified by the Loughborough approach from other discursive approaches were set out in Edwards and Potter (1992). These principles can be seen to run throughout much of discourse analysis, discursive psychology and rhetorical psychology. Discourse analysis draws on naturally and institutionally occurring talk and text, it can be used to examine interaction as it occurs in the wider environment rather than being concerned with a limited set of idealised utterances or the highly structured questionnaire/interview form. What is of interest is the content of the interaction, rather than the form it takes. Discourse analysis involves examining the action of the discourse, acknowledging that language performs actions. It is these actions and the causative nature of language that is of interest.

Additionally, discourse analysis draws on the social constructionist perspective; language is both constructive of, and constructed by, society. Increasingly, discursive analysis takes account of the rhetorical nature of interaction. Thus what is open for analysis is not only the accounts within language, but also the alternative accounts that they are countering. Finally, discourse analysis highlights the construction of 'reality' and 'fact' and the ways in which accounts are presented as definitive truth. Such construction of 'true' accounts can be seen, not only in specific institutionalised settings, but also in mundane talk and conversation. Important to an understanding of discourse is an appreciation of the context in which the discourse is produced. Linell (1994) stated that without context, language is incomplete;

"Words and utterances do not express or contain the meanings actors want to convey in communication. Rather, words and their semantic potentials point to, allude to or admit of certain in situ interpretations. Hence situated interpretations always go beyond the linguistic structure of discourse, the 'text' itself." (p 127)

Over the years, discursive and rhetorical analyses have been made of various expressions of racism and prejudice. One of the best of these was Wetherell and Potter's (1988a, 1992; Potter & Wetherell, 1988) analysis of the types of discourse used by white New Zealanders in their discussion of Maoris. In this Wetherell and Potter highlighted some of the tools that dominant cultures use to justify their

prejudice without using explicitly racist language. Throughout the interviews that Wetherell and Potter conducted, participants made a delineation between judgments made on the basis of 'race' and those made on the basis of 'culture'. With this Wetherell and Potter illustrated Barker's (1981) concept of 'new racism'. Similar patterns were found in other instances, including van Dijk's (1983, 1984) study that used the discourses of Dutch white working class participants. Thus prejudice is expressed in a manner by which the individual can protect himself or herself from the charge of racism. Such expressions of implied prejudice can be seen in the practices of the BNP, as discussed in chapter 2.

There are a number of techniques and strategies of discourse construction that discourse and rhetoric identify that are particularly useful in the understanding of fascist discourse and ideology. It must be borne in mind that although these are discussed as strategies, it does not follow that they are utilised in a wholly conscious manner. The techniques are embedded in our linguistic structure, and are thus a part of our day-to-day discursive practices. Included in these are a series of strategies to protect the speaker from counterclaims and accusations, while also attempting to discredit alternative accounts. 'Stake and interest' (Edwards And Potter, 1992; Potter, 1996) are the means by which a speaker's account may be dismissed as biased. Potter (ibid) defined stake and interest as;

"...used to suggest that the description's speaker, or the institution responsible for the description, has something to gain or lose; that they are not *disinterested*. They have a stake in some course of actions which the descriptions relates to, or there are personal, financial or power considerations that come into play." (p124)

Utilising the concepts of stake and interest, the individual can discount the account of another. One of the most famous instances of this was Mandy Rice-Davies, during the trial of Steven Ward at the height of the Profumo scandal. In court she was told that Lord Astor, who was implicated in the case, had denied any impropriety. In response Mandy Rice-Davies responded; "Well he would, wouldn't he" (Edwards and Potter, 1992). Lord Astor's denials of impropriety were thus dismissed by Ms Rice-

Davies as being made in an attempt to distance himself and so avoid scandal and protect his own interests.

In order to counter claims of stake and interest, what Potter (1996) calls 'stake inoculation' can be utilised. Stake inoculation is a strategy by which the individual explicitly sets out their lack of stake, to show that their discourse has come from an unbiased position. Thus, the individual can counter claims of stake and interest, before they are made.

"...stake inoculation encourages us not to treat this claim as a product of some expectation...but as a product of the facts themselves. The implication is that the facts are so strong that they overcome the scepticism." (Potter, 1996, p 126)

Another aspect of protecting against allegations of stake and interest is by the use of disclaimers (Hewitt and Stokes, 1975). There are differing forms of disclaimers, but the one that most of us would recognise is "I'm not racist, *but...*" or the other well known variety, "some of my best friends are black /Jewish/gay". Rhetorically, disclaimers acknowledge that the subsequent statement could be interpreted as prejudiced in some way. Viewing disclaimers in the context of stake and interest shows both the socially required hesitancy in expressing explicitly prejudiced views, while also illustrating the manner in which such allegations are countered *before* they are made.

In the construction of accounts as reasoned and unbiased, another strategy is that of presenting the individual as being 'normal' (Sacks, 1984; Wooffitt, 1992; McKinlay and Dunnett, 1998). The individual thus seeks to present themselves and their account as being 'normal' and 'ordinary', not coming from a position that may attract dismissal due to stake and interest. Additionally, the individual can present events as having occurred in their normal day-to-day life, not as a result of them seeking them out or provoking them (Wooffitt, 1991, 1992). Such accounts of 'ordinary-ness' may

also include the support of other, also unbiased and possibly expert, individuals (Smith, 1978). If the individual can cite support from others, then the statement can be presented as not just their opinion, but as a phenomenon substantiated by others. Thus, the racist can use these strategies to 'prove' that, for example, 'black-on-white' violence is more prevalent than 'white-on-black', because it isn't only them who have seen it, it also supported by others. Such techniques can be seen throughout the range of discursive context used as a rhetorical tool in presenting a persuasive argument (Dickerson, 1997).

Rhetoric should not be misunderstood as being solely the preserve of the explicit context of argument, nor is it practiced only by the rhetorical professional, the political or the legal representative. Rhetoric and argument are elements of everyday life (Billig, 1996), indeed, thought itself can be viewed as inherently rhetorical (Billig, 1991). In terms of methodology, discursive and especially rhetorical analysis draws upon various methodological forms, rather than having a single methodology, rigidly set down. Rhetorical analysis, in particular, utilises broad scholarship informed by a grounding in Discursive Analysis and Psychology, rather than a single methodology. As Billig (1991) states;

"The reliance upon a single methodology would inevitably dull the critical edge. The analyst, instead of possessing a tool-bag of specialised instruments, would have but a single lawn-mower, chugging backwards and forwards, always leaving the grass at a uniform height." (p22)

Given the complex and intricate nature of rhetoric, the employment of a variety of methodological and theoretical tools appears as a logical conclusion.

3.5 Conclusion

Returning to Reeves (1983) concept that;

“It is as interesting to study their public [fascist] ideology as it is their private, because it is their public ideology that must be convincing to large numbers of people.” (p 19)

The reasoning for analysing the fascist in public becomes clear. Fascist ideology may, in fact, have three faces. There is the core ideology of the fascist, as exemplified by Tyndall and Griffin with its emphasis on ethnocentricity, which appears only within the ‘inner circle’ of fascist and far right groups. There is then the propagandist face of fascism, communicating within the groups and willing converts. Finally, there is the face that is presented to a wider and potentially hostile public. While the analysis of fascist ideology as it is distributed among themselves, in the form of speeches or newsletters (Miller, 1999) provides for insights into the more private face of fascism, the public face must also be examined. Billig (1978) described the multiple layers of fascist ideology. From these multiple layers of ideology there may be implied multiple layers of rhetoric in the transmission of such ideologies. Thus, the Irving case, as the fascist in court being called into account, provides an example of fascism as a public event, and the potential for the examination of the multiple layers of ideology and rhetoric.

Chapter 4. Analysing The Media And The Law

This thesis is concerned with the coverage of the David Irving libel case and the way in which the media manage the presentation of such a case. There is a remarkable lack of research into the press coverage of the legal process. Certainly there is a wealth of research into the media both from its dedicated discipline of communication and media studies, but also from the perspective of discourse and rhetoric. Drawing on these approaches, as well as CDA, the interpretation of the legal process through the media will be examined.

The legal system, as a subject for analysis, is one that has rather less written about it than the media. There are a number of reasons for this. The legal system of each country is peculiar to that place; therefore analysis of any given legal system may have limited relevance outside that area. Additionally, certainly in England and Wales, there are strict laws determining the access to the courtroom. While most trials are held with access for the public, the recording of the action within the courtroom is prohibited. The only record that is therefore available is that of the court stenographers record. Some may complain that this record, while it gives an account of the verbal action of the trial, is presented as something of a gloss. The hesitation, repairs and overlaps that are so central to the Conversation Analytic approach are removed from the record. As such, the court stenographers record is a document that is of interest primarily to those interested in the discourse and rhetoric of the legal process. As an example of constructionism, the legal process presents a fascinating target. Within the courtroom the construction of fact and reputation are central to the process. Indeed, the skills of legal advocacy owe much to the traditions of rhetoric (Munkman, 1991). This, then, indicates the legal process, and the advocacy within it, as a prime area for analysis.

4.1 Legal Discourse And Rhetoric

The courtroom is a discursive setting that is quite unique. It is a setting that is founded on the uses and analysis of language. Importantly, the rhetorical skills of the advocate* may, and often do, have a real and material impact on the life of the individual involved in the legal action. Some advocates have been notable for their triumph in apparently 'unwinnable' cases, possibly the most famous of these was Mr Edward Marshall-Hall. Marshall-Hall, who practiced law from the late years of the nineteenth century, was renowned for his skills as an advocate and his ability to communicate with a jury. The defendant who is represented by the advocate with rhetorical skills that are somewhat lacking is at a distinct disadvantage in the courtroom. The mastery of legal rhetoric is regarded, quite rightly, as a valued skill by the advocate (Gibbons, 1994). That rhetoric is an area that presents itself for analysis, alongside the press coverage of it.

There have been a number of analyses of the legal process in the courtroom, although the scope of these has been somewhat limited in comparison with other forms of institutionally structured discourse, for example political debate. Atkinson & Drew (1979) produced an analysis of interaction in magistrates' courts. They noted that the legal process within the courtroom had been sadly lacking in terms of socio-legal study. Even over twenty-five years after the publication of their analysis, this lack of academic analysis has not really been addressed. Atkinson and Drew (ibid) took an essentially Conversation Analytic approach to the action they examined. While such an approach has much to recommend it, as a way of analysing the interaction in court, it had a number of failings. Legal discourse relies heavily on rhetoric and persuasion,

* Barristers, solicitor advocates, and solicitors may represent their clients in court, although in more serious cases only barristers will be representing. Additionally, as in the Irving Case, an actor may choose to represent himself or herself. In order to encompass all forms of representation in the legal setting, the term 'advocate' will be used throughout.

as well as construction of reputation and fact. At the time that Atkinson and Drew were writing, these were not yet part of the academic 'tool kit' with which to analyse discourse.

More recently, there have been attempts to examine the narrative structure of the courtroom and manner in which narrative can be used as a rhetorical tool (Amsterdam & Bruner 2000). Amsterdam and Bruner (*ibid*) highlighted that the narrative structure of the court take the form of not only the set piece opening and closing argument, but also the leading of the witness through the evidence and even the apparently workaday process elements of the court. All of these narrative elements are drawn together into a meta-narrative that constructs the case and potentially influences the outcome. From a more discursive perspective Matoesian (2000, 2001) wrote of identity construction and the construction of facticity in the context of rape trial. Matoesian's analysis centred on the William Kennedy Smith rape trial. Kennedy Smith, a member of the powerful American Kennedy family, had been accused of raping a young woman. In the course of the trial, the defence counsel predicated much of their case on the demolition of the accuser's character, as well as the use of Kennedy Smith's reputation as a member of a respected political family. Kennedy Smith was acquitted of the rape charge, and Matoesian speculates as to the importance of identity construction in that outcome.

4.2 Libel

Certainly, in the Irving trial, the construction and destruction of identity and reputation and facticity are central to the case, and indeed to any libel case. At this stage it is worth giving a brief introduction to the concept of libel and the courtroom action that surrounds it.

The concept of libel is predicated upon the protection of reputation. Legal protection of reputation has existed in one form or another since 1275 (Hooper, 2000). The laws of libel recognise the importance of reputation to the individual and the damage that can be done to them by defamation, even if its expression is unwitting. Libel allows for the plaintiff (the party bringing the case) to try to gain an apology or retraction from the defendant, as well as, increasingly, restitution for damage done, possibly in the form of lost income.

The difference between libel and slander can appear vague. In essence, slander is transitory in nature, and the plaintiff must prove that the words were spoken, whereas with libel, the utterance has some duration or means of broadcast to another individual and thus can be seen to have been made. To illustrate, if I stand up at Speakers Corner and announce that a local dignitary is an escaped Nazi war criminal and that they should be thus punished, it is slander. However, if there is a radio reporter in the crowd and my words go out to a wider audience, it is libel. Another subtle, but important, difference between libel and slander is that with slander it must be shown that the utterance has caused harm, with libel it is enough to find that the utterance is likely to cause harm. In the case of libel the standard is the well-known 'man on the Clapham omnibus' or, to put in a more contemporary manner, a reasonable man or woman, and would they draw the inference suggested by the plaintiff. The alleged libel must be judged as to whether it would be likely to lower

the reputation of the plaintiff to the public as a whole^{*}, if it causes the plaintiff to be shunned[†], or if would expose the plaintiff to hatred or ridicule[‡]. The burden of proof is placed squarely on the defendant in a libel trial. The plaintiff's reputation is presumed to be upstanding, and the libel on which the case is based is presumed to be false. It lands on the defendant and their counsel to show that the alleged libel is true and/or the reputation of the plaintiff is not beyond reproach.

In a number of libel cases the issue at hand is the meaning of a word or phrase. This was certainly true of the Irving trial, as will be discussed in the analysis. It is for the judge to make a ruling as to "what meaning the words are *capable* of bearing" (Hooper, 2000, p7, emphasis in the original). However, it is for the advocates to argue and the jury, where one is sitting, to decide upon what meaning they actually *do* bear in this context. In some libel cases, and importantly, in this case, the trial is heard without a jury, thus it is for the judge to come to that conclusion. The reliance of the advocate in libel cases, on the construction identity, reputation, facticity and meaning, is therefore central to the outcome of the case. Libel cases are predicated, not only on words that have allegedly damaged the reputation of an individual, but also upon the rhetorical skills of those involved. Libel is therefore possibly the ultimate expression and test of legal rhetoric.

^{*} Sim V. Stretch. (1936) 2 All ER 1237

[†] Youssouppoff V. MGM Pictures Ltd. (1934) 50 TLR 581

[‡] Parmiter V. Coupland. (1840) 6 M and W 105. All cases are cited in Hooper (2000)

4.3 Newspaper Coverage Of The Legal Process

In the reporting of a court case we are presented with an unusual phenomenon. The reporting of legal proceedings is restricted under the Contempt Of Court Act 1981*, which states that news coverage may not present potentially prejudicial material either in reporting or opinion articles. Therefore, the coverage is presented in an essentially neutral fashion. Given that the court proceedings are an essentially verbal form, the newspaper is presented with the need to report a long series of verbal interactions without interpretations that may distort the report. In newspaper coverage of stories quotations are used to add colour or to illustrate specific points within the story. Yet, in reports of court proceedings, without quotations, there is effectively no story.

The reporting of the action within the courtroom also provides an intriguing structure. The initial interaction is a triangulation between the judge, the witness and counsel. Those others in the courtroom, including the public gallery and the press, are secondary recipients of the interaction. And in a high profile case, such as this one, the newspaper readership provides a further audience for the action. Yet the newspaper readership in this case was not simply overhearing an interaction as if reading salacious gossip, rather they can be regarded as 'targeted over-hearers' (Levinson, 1982). They are themselves indirectly targeted by the participants of the trial. Much as politicians addressing a party conference or political meeting are aware that their words will be broadcast far beyond the confines of the room and thus tailor their speeches both to elicit desired responses from their direct audience and also to appeal to their indirect audience (Heritage & Greatbach, 1986, Bull, 2003), participants in high profile court cases are aware that their interactions will be reported in the wider media. Thus, in the case of an individual otherwise denied open

* The Children and Young Persons Act (1933) also places an additional set of reporting restrictions in certain cases involving those under the age of eighteen.

and unfettered access to the wider media, the court room provides a platform from which opinions can be voiced without fear of overt condemnation.

The challenge of the newspaper journalist is therefore how to present the interaction in an accurate manner without appearing to endorse opinions therein. Additionally, the journalist needs to tell a story in their coverage. While newspaper coverage of a trial is essentially based on quotation and interpretations thereof the story must still be constructed in a narrative form to be an entertaining and engaging tale. Each day of a trial involves a vast amount of verbal interaction, far more than can possibly be included in the coverage afforded by daily newspapers. Thus, the journalist must select a theme or point that will be most eye catching to the reader. While the journalist must retain accuracy in terms of the reporting restrictions, the selection of quotation and story theme allows for an interpretation of the 'truth'. The selection and interpretation of quotation suggests that while the 'gist' of the utterance is transmitted, the exact wording is less important. The 'gist' is however open to dispute, as the selection of quotation and interpretation can radically alter the story. In the reporting of court cases, whether civil or criminal, the problem of putting across information from the trial without appearing to be endorsing one side over the other or of producing prejudicial material is central to the task. The use of quotation as a distancing device allows newspapers to publish otherwise prejudicial or libellous material with relative impunity.

Newspaper coverage of long trials is episodic in nature. As opposed to minor or short cases that can be resolved in a single day, longer cases can provide numerous news stories. While most court cases, be they criminal or civil, go uncovered by the media, a high profile case such as the Irving case will attract regular and in-depth coverage in the newspapers. The episodic nature of news coverage of court cases provides a dual interest; the 'soap-opera' of the characters involved, and the eternally fascinating

legal aspect. Legal fiction and non-fiction dominate popular culture, thus it can be seen that the coverage of legal trial blends into this cultural hegemony.

The first day of the newspaper coverage of the trial is analogous with the action of the first day's action. The characters are introduced to the audience, the case is set up, the arguments are outlined and the battle lines are drawn. Unlike many other narrative forms there is no resolution of the issue involved. Inevitably, this will take time and may not be clear from the outset. Instead, the news coverage of a trial is more akin to a soap opera or a Dickens serial. There are major and minor characters involved, there are complex relationships between the actors. The main plot dominates, but there are also sub-plots that can be resolved while the main plot continues.

Newspaper coverage of legal trials is theoretically neutral, as is their coverage of politics (Gruber, 1993). However, this would result in coverage along the lines of 'plaintiff/crown vs. defendant'. This would provide staggeringly dull reading. It must be remembered that newspapers also seek to entertain their readership as well as informing them and selling advertising space and copies. The newspaper that does not appeal to its market will not be able to continue. Therefore the news coverage needs to 'grab' the reader and encourage them, not just to read that story, but also to want to read further stories. The question is then, how the characters involved are constructed and introduced to the readership while remaining within the constraints of the law.

The nature of constructed reputation/character is such that it is not a single analytical exercise, carried out after reading a text. Rather it is an ongoing process, building throughout the reading. This may be observed in both fiction and non-fiction. However in fiction there is the time and space for the author to construct complex and

dichotomous characters, rich in nuance. Whereas in non-fiction context, in the instance of newspaper stories, this construction is limited by the need for economy of scale. It would be unusual to read a story which introduces a lead character as 'John Smith, convicted pederast and drug smuggler' which then went on to detail Mr Smith's generosity to charitable causes, his sterling work in the community and his abiding affection for small animals. Instead newspaper stories can be viewed as having a clear teleology. The conceptual goal is achieved by directing the reader towards it throughout the story. That which dissents from the teleological destination can thus either be omitted or presented in such a way as to highlight such aspects as stake and interest or the apparent untrustworthiness of the source. This can be seen to echo Bartlett's work on story repetition (1932). Thus the techniques used are not simply strategies employed by journalists to maintain a selected ideological position, but as a wider technique visible through many different instances of story telling.

4.4 Newspaper Headlines And Nuclei

In the construction of the news story the headline holds a special status. It presents contextual cues as to both the content of the subsequent article as well as the background knowledge the reader may draw upon in the reading of the article. For example, an article about the sexual exploits of soap stars and football players will indicate the probable tone of the piece, the likely identity of the actors within it and the prior knowledge of the readers as to the expected activities of such people. The reader can then use the headline both as a cueing of knowledge, and also as an important factor in the decision whether or not to read the subsequent article (Garst & Bernstein, 1982, cited in van Dijk, 1988a). There are a number of excellent justifications for the analysis of headlines as separate from the coverage as a whole (van Dijk, 1988a, 1988b). Headlines can be regarded as occupying a genre of their own in terms of news media discourse. They can be seen as a discrete area of study

(Jucker, 1996). Thus, while they are a part of the newspaper coverage as a whole they also have several features that mark them as separate.

The headline is the most prominent part of the text of newspaper coverage (van Dijk, 1988a, 1988b), as such a striking tool in news coverage, they can be utilised to make the most pedestrian article interesting to the casual reader. Headlines should contain;

“...a clear, succinct and if possible intriguing message, to kindle a spark of interest in the potential reader, who, on average is a person whose eye moves swiftly down a page and stops when something catches his attention” (Crystal and Drew, 1969, p174)

Given the necessary economic form of the headline, it may be assumed that the content of the headline is relevant to the understanding and consumption of the rest of the article (Grice, 1975). However, White (1997) stated that the headline and lead paragraph could be treated as the nucleus of the story. Thus, the rest of the story relates back to the story nucleus and can be viewed in the terms laid out therein. A parallel can then be drawn between White's (ibid) story nucleus and Bartlett's (1932) salient detail. If the story nucleus is the salient detail, the rest of the story serves to support and elaborate upon it.

Unlike television and radio news coverage, newspapers require a level of activity on the part of their consumers. While television news consumers may make an active decision to switch on such coverage, the editor thereafter selects the content and the viewer is presented with it all unless they choose to switch off. However, the newspaper reader must first choose to read the newspaper, but must also select the articles to read. Pages may be skimmed or read in greater depth, whole sections may be rejected without opening. Therefore, the role of the headline is to entice the reader into consuming the subsequent article.

While headlines superficially head up a news article, they also fulfil a more complex role. If a newspaper story is broken down into its three main constituent parts; headline, lead and body, with the lead acting as the abstract of the story contained in the body, the headline acts as the abstract of the abstract (Bell, 1991). The headline therefore provides an encapsulation of the main thrust of the story as selected by the sub-editor, informing the readership of the contents. The headline may be seen as a highly economic form, providing the maximum function in a relatively small number of words. It is essential that the maximum information be encapsulated in the minimum number of words. Alternatively, a very short and possibly uninformative headline may be used as an effective attention grabber. The (in) famous Sun headline 'GOTCHA!' following the sinking of the General Belgrano during the Falklands War is a prime example of the high impact headline. Indeed, over twenty years after its publication, references are still being made to it. To some extent this particular headline has become an encapsulation of the Sun newspaper as an organisation, and not just of a single story. Importantly, the headline has been shown to be the most memorable part of newspaper articles. It is the headline, rather than the more involved article that the reader recalls at a later date (van Dijk & Kintsch, 1983). Therefore the small number of words used in a headline nonetheless contains a complex rhetorical burden. The lead paragraph must continue on from the headline, giving more detail, while retaining an economic form. Most lead paragraphs consist of only one or two sentences, thus it can be seen that while they provide further detail and encapsulation of the story, they remain part of the foreshortened form characteristic of the headline.

The story nucleus also serves to provide clues to the readership, not only of the content of the subsequent article, but also of the manner in which it is, and should be, approached. The story nucleus informs the readership of the interpretation of the subsequent article and the manner in which it should be read (van Dijk & Kintsch, 1983). While this may be seen as 'framing' the article (Goffman, 1974), this may not be the most useful approach. Goffman's frame analysis certainly provides an

interesting metaphor, however, when we attempt to utilise it as an analytical tool it rapidly disintegrates. Rather than being the frame of an article, the nucleus acts as that which catches our attention, the figure in the picture rather than the frame surrounding it. The newspaper itself and its ideological position may be more accurately treated as the frame. We are aware to a greater or lesser extent of the frame of the picture, it may add to or detract from the overall, but it does not determine our understanding of the subject matter. If we assume this metaphor, the story nucleus of newspaper articles provides us with the figure, or main focus of the subsequent article. The rest of the article is therefore to be read in relation to this figure, and while the entire article may not relate directly to the figure, it all none the less is to be read with reference to the figure.

4.5 Reported Speech

It is unusual to find a newspaper article that does not include some form of quotation, using the speech of others to illustrate or support. Indeed in the coverage of court reports it is virtually impossible. The speech of others is presented in two main forms; direct quotation, in which the speakers words are presented as a verbatim reproduction; and indirect quotation, in which the reporter “intervenes as an interpreter between the person he is talking to and the words of the person he is reporting” (Leech & Short, 1981, p320). The direct quotation, characterised by the use of quotation marks, is immediately recognisable. As a specific stylistic tool by which the words of another are presented, direct quotation is visible across numerous styles of prose, both in fiction and non-fiction. Yet the distinction between direct and indirect quotation fails to encompass the complexity of the techniques of reporting speech.

Leech & Short (ibid) defined five forms of speech presentation:

- Direct speech (DS)
- Indirect speech (IS)
- Free direct speech (FDS)
- Indirect free speech (IFS)
- Narrative report of speech act (NRSA)

In the presentation of direct speech, we are presented with an instantly recognisable form. The immediate, and possibly most important, characteristic of direct speech is that it is placed within quotation marks; additionally it is introduced or followed with a reporting clause (e.g. 'he said to her "the library closes at four"'). The speech is marked out as syntactically separate from the rest of the sentence and it is clear that we are being presented with a voice other than that of the narrator or author. The use of the quotation marks defines the passage of reported speech as separate from the body of the narrative. In the presentation of indirect speech, the narrator or author may be interpreting the speech, yet it is still presented to us in a manner which informs us that the speaker has given the information (e.g. 'he told her that the library closed at four'). One of the other characteristics of indirect speech is defined by Leech and Short (ibid) as the shift in tense and pronoun use. While direct speech retains the original tense, the tense of indirect speech is relative to the tense of the verb used. Indirect speech can also refer to other forms of communication than speech.

The speech groups defined by Leech & Short (ibid) as 'free' allow for further distinctions in speech presentation. Free direct speech is that which retains the form of the direct speech, but which is presented either without the quotation marks or the introductory clause (e.g. "the library closes at four" or 'he said that the library closes at four'). Thus free direct speech retains the exact wording of the utterance while allowing for a presentational freedom. Free indirect speech, in the context of the novel, allows for a distancing in the narrative. Again, as an indirect form, FIS

displays the tense and pronoun characteristics shown in IS, and as a free form, it is presented without the reporting clause. Short (1989) stated that there was effectively no obvious use of FIS in the papers, rather it is a category applied almost exclusively in the novel.

The last category of speech presentation is that of narrative report of speech act. In this the narrator or author reports that an interaction or speech has taken place (e.g. 'he told her about the library opening') without giving the information from the speech. This is used essentially as a narrative form, rather than a means of transmitting the information contained within speech. Leech and Short describe the free speech forms as being 'stylistically freer' than the direct forms. This description is somewhat fuzzy. It is not clear what the 'freeness' is, or how it is delineated from the less free. This may not be as significant in terms of 'stylistics' but it is ultimately, as a definition and an analytical tool, unsatisfactory, especially for rhetorical and textual analysis. While the categories defined are useful, the boundaries between them are blurred. This blurring renders the categories clumsy in their ultimate use. Short (1989) carried out an examination of the use of speech presentation across British national newspapers utilising the speech presentation categories defined in his previous work (Leech & Short, 1981). In this he stated that the categories used in the press were effectively the same as those used in the novel, aside from the previously mentioned lack of the FIS category.

Quotation marks can be used to indicate speech, but can additionally be used to fulfil a number of other tasks. Saka (1998) discussed the various tasks and theories of quotation marks. Quotations can indicate distancing from the words within the quotation marks, such 'scare quotes' are a standard tool of the journalist's art (Bell, 1991; Tuchman, 1980). Thus a particular word or phrase can be isolated from the rest of the speech, (e.g. 'the Home Secretary warned of the children of asylum seekers

“swamping” schools’). The use of such speech fragments retains the rhetorical impact of utilising the voices of others, without requiring the journalist to reproduce the entire speech verbatim. Additionally it allows for the selective use of the most potent terms. This use of speech fragments therefore presents another category somewhere between direct and indirect speech, one that is seen frequently in newspaper coverage.

Other tasks that quotation marks can fulfil include the use/mention distinction (Saka, 1998). The use/mention distinction is the difference between the inclusion of a phrase as the subject of discussion and the inclusion of a phrase as part of the discussion. Saka (ibid) states that a phrase within quotation marks is distinct from the same phrase outside quotation marks. It is the inclusion or exclusion of quotation marks that provides indications as to the status of the phrase. Predelli (2003) said that scare quotes indicated not just distance, but also preparation on the part of the author to contradict the scare quote. In addition to this scare quotes can indicate that the phrase is one that the audience may read as a non-standard element of their vocabulary, this can be used to indicate slang or technical words and phrases. The exact usage of quotation marks, be they indicating speech or any of the uses of scare quotes, can often be ambiguous. It is the context in which the quotation marked phrase is placed that may indicate the usage that we are to infer.

4.6 Selective Inclusion

The use of reported speech is not simply a case of selection of particular words and phrases for inclusion in news coverage. Rather the use of reported speech is an important part of a rhetorical strategy to construct the coverage and guide interpretation thereof. Ekstrom (2001) examined the use of selections of interview in television reporting of political interviews. He found that there are a number of

strategic editing techniques that allow the journalist to put across the story in a way that supports a selected view of the action. Additionally, the use of these techniques can also themselves provoke further stories. If a selected version of a story is broadcast it can lead to further comment upon the selected element without taking account of the accompanying context. Ekstrom highlighted three main techniques by which stories could be interpreted for presentation:

- The use of simplification in the introduction of news broadcasts
- Splintering and sandwiching in the editing of politicians interviews
- Decontextualisation and recontextualisation of discourse

Simplification is used in broadcast journalists introduction to a story. In this the story is distilled down to one or two introductory sentences, possibly including a quotation or interpreted quotation from someone involved. Splintering refers to the selective editing in which two interviews, carried out at different times, can be edited together to appear as a single interview, and sandwiching refers to the splitting of a single interview to make it appear to be from different occasions. Decontextualisation is the removal of an utterance from its original context; recontextualisation is the insertion of this utterance into a new context. According to Ekstrom, decontextualisation and recontextualisation, by removing the original context, can radically alter the meaning of the utterance. Thus a single statement, taken out of it's original context can be placed in a new context that can make the meaning of the statement so different as to bear no relation to the original. It is after all, a common complaint from those interviewed in the press, that their statements have been taken out of context and the apparent offence their utterances have caused is not their fault.

As Ekstrom states, it is these techniques used in editing that render media discourses unsuited to more traditional Conversation Analytic forms. Media discourses, be they political interviews or reports of courtroom action, are not necessarily a series of

questions and answers, presented in original form. Indeed such a format would possibly make for less than enthralling consumption. Instead, news stories are edited and their order arranged into a narrative to entertain and inform the consumer. This can be extrapolated across other forms of news coverage. In the case of political interviews, Ekstrom showed the use of interview answers decontextualised from the journalists' questions and thereby presented as spontaneous utterances. This technique with additional material is used to make up most news stories. The decontextualisation and recontextualisation of utterances subtly alters their meaning. The meaning of an utterance is dependent on the context; "utterances are specific acts in specific situations (Ekstrom, *ibid*, p567). By removing the original context an utterance can be used as part of a rhetorical strategy "to mean what the story requires them to mean" (Ekstrom, *ibid*, p582). It is this rhetorical strategy that is open for analysis. The framework of analysis proposed by Ekstrom is predicated on a cross comparison of the coverage with the original source. In the analysis of the Irving case, the comparison can go beyond the cross comparison of the story and the source, to a cross comparison of relationships between the headline, the story and the source. Thus Ekstrom provides a theoretical and methodological framework on which to build much of the analysis.

A comparison between the story nucleus and the original transcript gives an insight into the strategic simplification used in their construction. Given the construction of story nucleus as a contraction and simplification of the article text, which is in turn a contraction and simplification of the original occurrence, the analysis of the story nuclei also requires a tripartite comparison between the nuclei, the article text and the original transcript. The tripartite comparison presents the contraction of the contraction. It would be wrong, however, to express nuclei as simply being a concentration of the content of the article text. Rather the three-stage process of nuclei construction allows for more subtlety in the construction of the article and the subsequent headline. It may be most apt to treat the construction of the article text and nucleus as a form of 'Chinese-Whispers', as the information is repeated it

changes subtly. The information contained in the brief headline is not just a verbatim retelling; rather it is a heightened simplification. At this point, it would be apposite to restate the order of construction in news coverage. While the story is consumed as; headline – lead – body, it is constructed by the journalist in the order; lead – body – headline (Bell, 1991). However, in this instance the line of construction will be taken as being either; original trial transcript/article body – lead – headline or, headline – lead – original trial transcript/article body.

Bartlett's examination of repeated recall (1932) illustrated the manner in which stories change with re-telling. While the main 'gist' of the story remains, at least in the initial re-tellings, the details of the original are variously omitted, abbreviated, exaggerated and generalised. While Bartlett's work focused on verbal re-telling of a story, there are parallels in the construction of newspaper articles and their headlines as story re-telling. It should be noted that Bartlett's participants were recalling a story without reference to the original source material. This should in no way imply that this is the manner in which journalists write their coverage, however the features of Bartlett's participants recall reflect in journalistic practice. Additionally, changes in retelling can be seen as an inevitable part of the process of retelling. Allport and Postman (1947) pointed out that "selective forgetting and subjective distortion inevitably change the values of nearly all events in the outer world" (p 55). Thus the subtle changes in the story as it is told and retold are part of a wider framework of strategies employed in our interpretation of the social world. It can be seen in the comparison between headlines and original court transcript, that there are massive omissions and simplifications. By including an analysis of the relationship between the original court transcript, the article text and the headlines, the manner of these omissions and simplifications becomes clearer.

Bartlett highlighted certain themes in the way in which stories change in re-telling. Most importantly, he stated that it is the dominant detail that remains in the story and

is best remembered, even when the rest of the story is forgotten. Bartlett discussed his participants' tendency to select salient details and to transpose and concentrate them into a coherent structure. The reduction of detail in retelling is an inevitable part of story retelling. Allport and Postman also described the dual techniques of 'levelling' and 'sharpening' which are used to reduce and highlight details in retelling. In the process of levelling the number of story details are significantly reduced. Allport and Postman (ibid) assigned this to the "economising process of memory" (p147). This concept of economy is important both in terms of human memory and in the construction of newspaper stories. Only those details that are salient to the story as it is interpreted can be included. Sharpening is the selection of certain details that are thus brought to the fore of the story retelling. Thus through the techniques of levelling and sharpening, the story is subtly altered with emphasis shifted, while remaining essentially 'factual'. These techniques equate with Ekstrom's (2001) discussion of splintering and sandwiching as editing techniques to construct a compelling television segment, and thereby into the examination of the construction of newspaper coverage.

The manner in which an event is compressed into a newspaper story and then into a headline may best be expressed diagrammatically

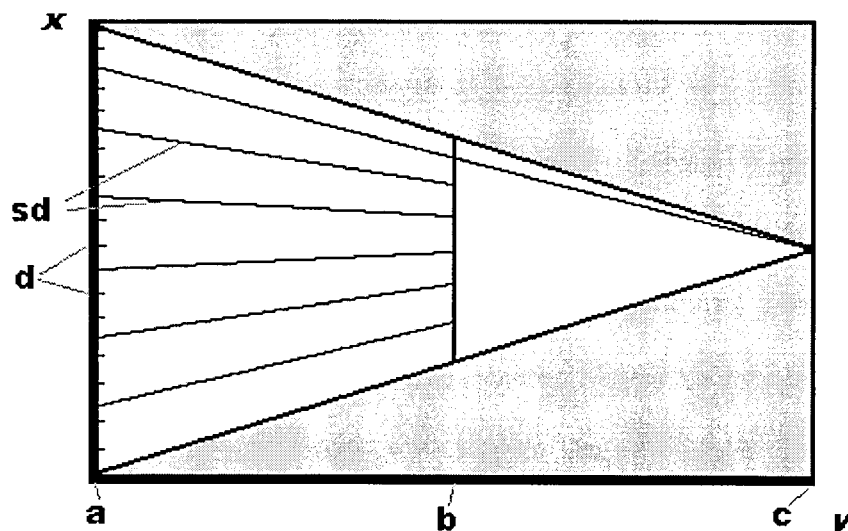


Figure 4.1. Hypothetical Line Of Contraction

Axis x – Event order

Axis y – Time

- (a) Original event
- (b) News story
- (c) Headline
- (d) Event detail
- (sd) Salient detail

Figure 4.1 shows the hypothetical line of contraction that takes place in the construction of a news story. Axis x shows the event order, while axis y shows the time of the construction of the news story. The three points along the time axis, a, b and c, show the stages of the story construction. Along the event axis, it can be seen that more event details occur that are selected as salient details and thus included in the news story. The original event takes place, this may be witnessed by the journalist, be communicated in the form of interview or press release. In this case, due to reporting restrictions, the original trial transcript is the original event, as it the closest possible record of the events of the day. The original event is contracted into a newsworthy story by the journalist. In order to do this the main theme or salient

detail is selected and the story constructed focussing around this. The article text is then contracted into a headline. It should be considered, however, that the construction of most news stories is not carried out in such an ordered fashion. Rather it bears more resemblance to Figure 4.2.

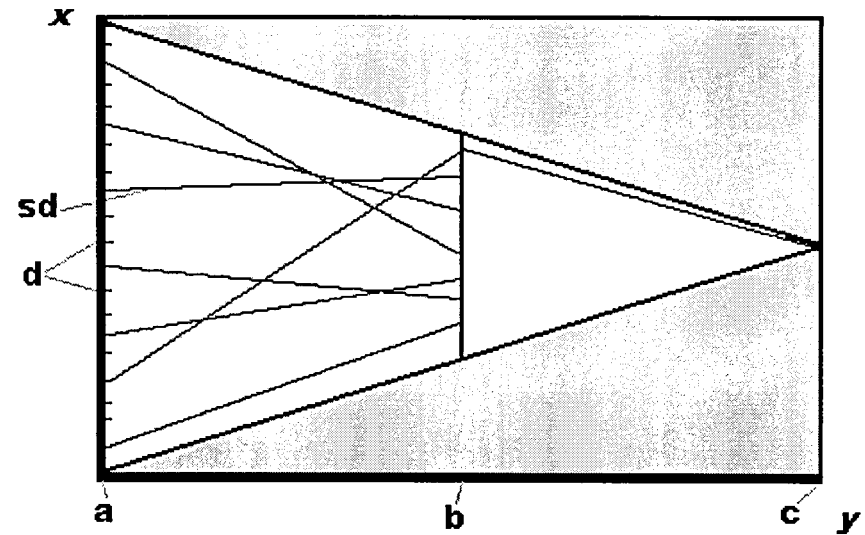


Figure 4.2. News Story Line Of Contraction

- Axis x – Event order
- Axis y – Time
- (a) Original event
- (b) News story
- (c) Headline
- (d) Event detail
- (sd) Salient detail

What must also be considered in the line of contraction is what is omitted from the story. The omissions from the story are shown by the shaded area. As Bartlett pointed out, while much extraneous detail is omitted from the repetition, what remains is a coherent story. Thus, details that do not combine with the salient detail, or detract from it, can be omitted without losing coherence. The areas that are

omitted from a news story are as relevant for study as those areas that are included. It is only by examining the omissions in relation to that which is included that we are able to gain a fuller picture of the construction of news stories. By using the technique of selective omission and inclusion strategically, the story remains 'factual' and within the reporting restrictions, while giving a selected version of the event. Importantly, the contraction from event to headline is rarely a mere gloss of the entire action, rather it tends toward a single, high-impact 'sound bite' enticing the reader in.

The areas under examination are, therefore, the aspects of the Irving trial action selected for inclusion in the newspapers, and the manner in which they are used. Taking into account the potential use of the courtroom as a platform for the fascist to promulgate their views from, the question is how do the newspapers manage this while remaining within the legal constraints of reporting a trial. Also what must be examined is how the fascist is presented as a character within the coverage.

4.7 Reporting The Fascist

The courtroom provides a unique stage for the extremist. It is a place in which they are able to talk freely about their ideology, provided they can show it to be relevant to the case in hand. It should be remembered that the courtroom is not just the area in which 'justice is done', but it is the stage from which justice is seen to be done. Thus although Irving was addressing the court directly, he was also indirectly addressing his supporters and more importantly a waiting media. This is not a new phenomenon; indeed the courtroom has been used as political platform for hundreds of years. This was inevitably going to be a high profile case, one that would receive a large amount of coverage, both at home and abroad. It may be argued that part of the motivation for Irving in bringing the case at all was in order to gain publicity and a platform. Such considerations are not new, indeed they have been noted as a means for the

individual with a questionable reputation, regardless of their field, to gain public attention. The eighteenth century writer John Coakley Lettsom noted in his satire on the medical profession;

“His first great maxim is: ‘Bring your name before the public; it will, by degrees, become familiar to them and they will at length think you a man of consequence’.” (Cited in Porter & Porter, 1989, p125)

The very act of getting one's name in the news, regardless of the light cast upon it, may prove to be beneficial. It is a case of, as the maxim says; ‘all publicity is good publicity’. Just by being named the newspapers, may, therefore present Irving with the oxygen of publicity. In addition to the platform aspect of the courtroom, there are the restrictions on the reporting of legal proceedings as detailed in the Contempt of Court Act 1981. Thus the journalist is, quite rightly, prevented from publishing prejudicial material prior to and during the trial. This would in effect give Irving an unfettered platform from which to promulgate his views. Therefore in reporting such an obviously newsworthy case as the Irving trial, the journalist is presented with the challenge of finding the path between Scylla and Charybdis. On the one side there is the risk of allowing Irving an unencumbered voice in the press, on the other there is the possibility of overstepping the mark in term of the law and possibly compromising the case*. However, the dichotomy between an open platform and total censorship is a false one. There is instead a third path for the press to take, one of mediated coverage, and it is that mediated coverage that will be examined in this thesis.

* This was recently seen in the assault case brought against two premier league footballers, charged with assaulting a young man outside a nightclub. Towards the end of the case the Sunday Mirror published an inflammatory interview with the father of the victim that led to the case being halted and the editor of the Sunday Mirror being held in contempt of court.

Chapter 5. Sample and Content Analysis

A high profile case, such as the Irving trial, provides a sizeable amount of press coverage. In order to gain some insight into the pattern of coverage, some form of systematic, quantitative analysis would seem to be required. Such analysis can provide a broad understanding of both the form and the content of the data, highlighting patterns of frequency in the coverage. Content analysis, as a methodological tool, has a number of advantages to recommend it for this purpose. Increasingly, content analysis is seen, not as a rigidly laid down methodology, rather as a flexible framework which can be adapted to the data it is to be applied to (Titscher, Meyer, Wodak & Vetter, 2000). Content analysis provides a quantitative analysis of a corpus of data, using selected coding, giving a statistical break down of those salient features chosen for coding. Additionally it enables comparative analysis across a timescale or with another source of data (Berger, 1998). In this context, content analysis gives a broad picture of the trial coverage, highlighting the areas chosen for coverage and, importantly, those areas not covered in the newspaper reporting. While there are a number of computer software packages available for content analysis, this content analysis was carried out by hand. The content analysis is divided into several sections; the broadsheet coverage of the trial, the tabloid coverage of the trial, comparison of the broadsheet and tabloid coverage of the trial and the coverage of the judgment.

5.1 Case Coverage Sample

The Irving trial, from opening speeches to closing statements, lasted from the 11th January to 15th March 2000, with 32 active days in court. The judgment was passed down on the 11th April 2000. The judgment and coverage following it were analysed separately from the body of the trial coverage. The broadsheet newspaper coverage

of the trial is therefore taken from 12th January to 16th March. The newspapers were obtained from the Loughborough Media Archive. The choice was made to obtain them as hard copy, rather than from either the CD-Rom archives or from Lexus Nexus. This decision was made as the visual impact of the story was of interest as well as the text of the article. In addition, the electronic archives can occasionally be unreliable in their data retrieval. The main selection is taken from the four national broadsheet newspapers: *The Guardian*, *The Independent*, *The Times* and *The Daily Telegraph*. All the broadsheet news coverage was checked from the 12th Jan to the 16th March. The tabloid newspapers were also checked for the same period. However, the decision was made to treat the broadsheets and tabloid separately, as they would be likely to provide different levels of cover and comment. While there were also some comment and opinion pieces, the following content analysis is only concerned with accounts of the trial as news items. The supporting sample from the trial transcript is a matter of public record*. The criteria used in the content analysis were as follows;

- Did the paper provide coverage on that particular day?
- How many column centimetres (including photographs) were dedicated to the story in each article?
- What was the overall volume of coverage each newspaper dedicated to the trial?
- Who was quoted in the coverage?
- Who was quoted in the story nuclei?

The findings of the content analysis are shown in the following pages.

* Unusually, the trial transcript was not obtained from the Court Stenographers Office. Instead it was downloaded from one of the numerous websites dedicated to the trial. The veracity of it was checked with Helena Peacock from Penguin Books legal department.

5.2 Broadsheet Content Analysis

The broadsheets provided 19 days news coverage of the trial. Table 1 illustrates the days the main part of the trial took place and the broadsheet coverage published on the following day.

Table 5.1: Dates of trial activity and broadsheet coverage on following day

| Date of court activity | Type of court activity | Newspaper coverage on following day |
|------------------------|-----------------------------------|---|
| 11/1/2000 | Opening speeches | Guardian, Daily Telegraph, Independent, Times |
| 12/1/2000 | Cross-examination | Guardian, Daily Telegraph, Independent, Times |
| 13/1/2000 | Cross-examination | Guardian, Independent, Times |
| 17/1/2000 | Cross-examination | Independent, Times |
| 18/1/2000 | Cross-examination | Independent, Times |
| 19/1/2000 | Cross-examination | Daily Telegraph, Independent, Times |
| 20/1/2000 | Cross-examination | |
| 24/1/2000 | Cross-examination | Times |
| 25/1/2000 | Defence witness cross-examination | Guardian, Times |
| 26/1/2000 | Defence witness cross-examination | Guardian, Daily Telegraph, Independent |
| 28/1/2000 | Defence witness cross-examination | |
| 31/1/2000 | Plaintiff witness | Guardian, Daily Telegraph |
| 1/2/2000 | Defence witness cross-examination | Times |
| 2/2/2000 | Defence witness cross- | Guardian, Daily Telegraph, Times (x2) |

| | | |
|-----------|---|---|
| | examination | |
| 3/2/2000 | Cross-examination. Plaintiff witness | Guardian, Daily Telegraph, Independent, Times |
| 7/2/2000 | Plaintiff witness. Defence witness | Daily Telegraph |
| 8/2/2000 | Defence witness cross-examination | |
| 10/2/2000 | Defence witness | Independent, Times |
| 14/2/2000 | Defence witness cross-examination | |
| 15/2/2000 | Defence witness cross-examination | |
| 16/2/2000 | Defence witness cross-examination | |
| 17/2/2000 | Defence witness cross-examination | |
| 21/2/2000 | Defence witness cross-examination | |
| 23/2/2000 | Defence witness | |
| 24/2/2000 | Defence witness cross-examination | |
| 28/2/2000 | Defence witness cross-examination | |
| 29/2/2000 | Defence witness | Guardian, Times |
| 1/3/2000 | Defence witness cross-examination | Times |
| 2/3/2000 | Cross-examination | Guardian, Independent, Times |
| 6/3/2000 | Procedure | |
| 14/3/2000 | Procedure | |
| 15/3/2000 | Closing speeches | Guardian, Daily Telegraph, Independent, Times |

Note; unless otherwise stated, cross-examination is of Irving by defence counsel.

Although the trial attracted a large amount of broadsheet coverage, the coverage of the trial was not uniform in the spread of coverage. Table 5.1 shows a drop in broadsheet coverage during the later stages of the trial. The cross-examination of Irving provided the most complete coverage of the trial. Of the 9 days of cross-examination of Irving by the defence, 8 days were covered. In contrast, of the 14 days of cross-examination of defence witnesses by Irving, 5 days were covered. A total of 48 relevant news articles were found between 12th January and 16th March. At the time of the trial, Israel made the diaries of Adolf Eichmann public. These diaries were made the subject of a number of newspaper articles. While many of these articles made reference to the Irving Vs Lipstadt trial, as their primary focus was not the day to day proceeding of the trial, they were not included for the purposes of this study. Table 5.2 provides a breakdown of the number of articles published and each newspaper's coverage as a percentage of the total coverage provided by the broadsheets.

Table 5.2: Number of articles by newspaper, and their percentages of overall coverage

| Newspaper | Number of articles | Percentage of total coverage |
|-----------------|--------------------|------------------------------|
| Independent | 11 | 22.9% |
| Daily Telegraph | 9 | 18.75% |
| Guardian | 11 | 22.9% |
| Times | 17 | 35.45% |

The total column length of the 48 selected articles was 1683 cm. The overall average article length was 35.06 cm. Table 3 shows the total column length for each newspaper, the percentage of the total column length each newspaper provided and

the average column length within the coverage. By comparing Tables 5.2 and 5.3, it can be seen that the variation in coverage between the newspapers is not uniform between the number of articles and the column length. For example, the *Daily Telegraph* provided the smallest percentage of articles numerically, however, in terms of the percentage of total column length, it provides the second largest coverage.

Table 5.3: Column length by newspaper and percentage of total coverage

| Newspaper | Column length in cm | % Of total coverage | Average column length in cm |
|-----------------|---------------------|---------------------|-----------------------------|
| Independent | 305 | 18.12 | 27.72 |
| Daily Telegraph | 415.5 | 24.68 | 46.17 |
| Guardian | 388 | 23.05 | 35.27 |
| Times | 574.5 | 34.14 | 33.79 |

Given that the broadsheets gave a total of 48 articles over 19 days, of a trial lasting 32 days, the breakdown of the number of articles per day was calculated to show the spread of coverage. Table 4 illustrates the number of days that provided coverage from one or more newspapers.

Table 5.4: Comparison of number of broadsheet newspapers providing coverage over trial on particular day

| Number of broadsheet newspapers providing coverage | Number of days |
|--|----------------|
| 0 | 13 |
| 1 | 4 |
| 2 | 5 |
| 3 | 6 |
| 4 | 4 |

Following the primarily structural analysis of the number and length of documents, an analysis focussing on the content was carried out. The unit of analysis chosen was the inclusion of quotation. While the articles contained a number of journalist's interpretations of quotations, these were ignored, instead only the indirect quotations were counted. The articles analysed contained a total of 441 direct quotations (rather than summaries or interpretations). The coding categories were; counsel for the defence, witness for the defence, Irving as counsel, Irving as witness under cross-examination, Witness for the plaintiff, quotation from Irving's diaries*, and the judge. The quotes were coded in the following way; each quote, regardless of the length of the quote. Those instances in which two or more quotes by the same person that have been separated by comment were counted as a number of individual quotations. Extended quotes, including those separated into multiple paragraphs, were also coded as single quotes. The breakdown of the quotes contained within the articles is shown in Table 5.5. As a comparison of the quotations from the main protagonists, they may be better viewed as quotations from Irving in comparison with quotations from others. Table 5.6 illustrates the relative frequency of quotes from Irving as opposed to quotes from other sources. It can be seen from this that Irving was the majority source of quotation in the news coverage.

* The defence was given access to Irving's diaries, journals, written correspondence and transcripts of his various speeches, radio and television appearances.

Table 5.5: Number of direct quotations from broadsheet coverage of trial, by source, per broadsheet

| | Defence counsel | Defence witness | Irving as counsel | Irving as witness | Plaintiff witness | Quotation from Irving | Judge | Total |
|-------------------------------|--------------------|--------------------|----------------------|----------------------|----------------------|--------------------------|-------|-------|
| Independent | 22 | 4 | 21 | 50 | 0 | 3 | 0 | 100 |
| Daily Telegraph | 19 | 3 | 38 | 27 | 9 | 8 | 0 | 104 |
| Guardian | 24 | 16 | 29 | 28 | 1 | 9 | 2 | 109 |
| Times | 25 | 13 | 17 | 47 | 0 | 25 | 1 | 128 |
| Total | 90 | 36 | 105 | 152 | 10 | 45 | 3 | 441 |
| Percentage of total quotes | 20.41 | 8.16 | 23.81 | 34.47 | 2.27 | 10.2 | 0.68 | 100 |

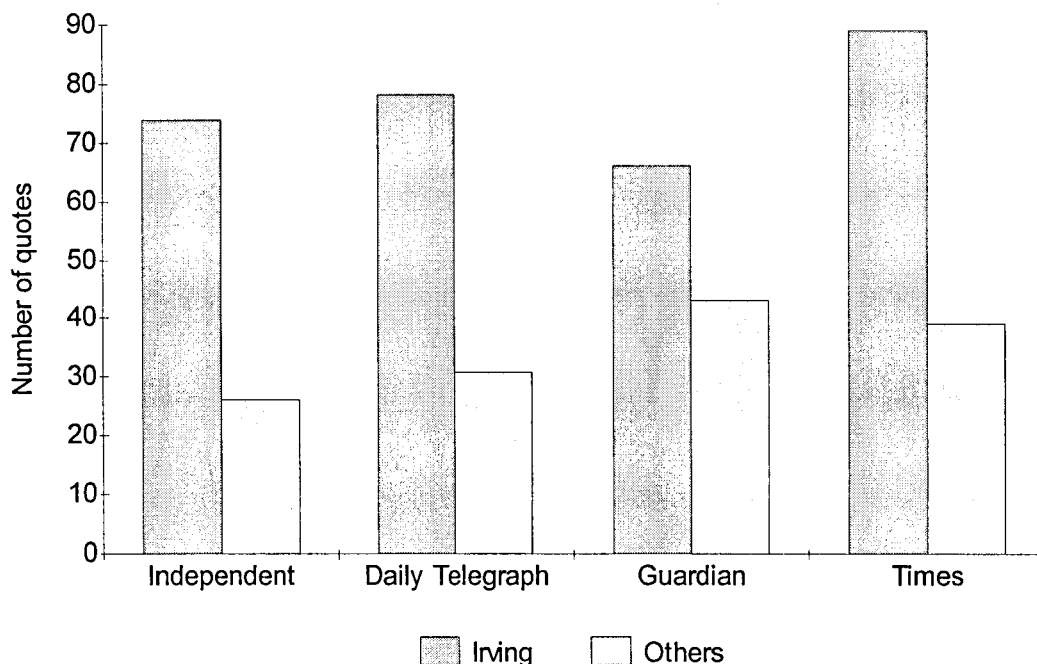


Table 5.6: Comparison of quotation numbers from Irving and others

It can be seen from Table 5.6 that the overwhelming percentage of quotes used in the broadsheet coverage of the trial came from Irving. The total quotes breakdown as 68.48% coming from Irving as opposed to 31.52% from other sources. Additionally, the different newspapers gave varying prominence to quotes from Irving. The *Independent* has the largest proportion of quotes from Irving, with 74% of the direct quotations in its coverage coming from Irving. The quotes from Irving came in three different forms; Irving as litigant in person and therefore as his own counsel, Irving as witness, and quotes taken from Irving’s diaries and papers and read to the court by defence counsel.

In addition to the quotes taken from the body of the articles, the headlines and first paragraphs were analysed for quotation. As the most prominent part of the article,

this selection acts as an abstract for the remainder of the article. In a number of articles the same quotation was included in both the headline and the first paragraph. In these incidents, both incidents were combined to count as a single incident, thus a quote placed in the headline and then repeated in the first paragraph was counted as one quote. Using this criterion, the headlines and first paragraphs of the articles were found to contain 54 quotations as shown in Table 5.7.

Table 5.7: Number of quotations per source from article headlines / first paragraphs per broadsheet

| Newspaper | Defence Counsel | Defence witness | Irving as counsel | Irving as witness | Plaintiff witness | Quotation from Irving | Total |
|-------------------------------|--------------------|--------------------|----------------------|----------------------|----------------------|--------------------------|-------|
| Independent | 5 | 2 | 2 | 5 | 0 | 0 | 14 |
| Daily Telegraph | 2 | 2 | 3 | 3 | 2 | 0 | 12 |
| Guardian | 3 | 3 | 3 | 3 | 1 | 0 | 13 |
| Times | 4 | 4 | 1 | 5 | 0 | 1 | 15 |
| Total | 14 | 11 | 9 | 16 | 3 | 1 | 54 |
| Percentage of total quotes | 25.92 | 20.37 | 16.67 | 29.63 | 5.56 | 1.85 | 100 |

5.3 Tabloid Content Analysis

The analysis of the tabloid newspapers was carried out in the same fashion as the analysis of the broadsheets, using the same criteria. The tabloids analysed were the national daily tabloids; the *Sun*, the *Star*, the *Daily Mail*, the *Express* and the *Mirror*. Tabloid coverage was more limited than the broadsheet coverage. While the broadsheet newspapers covered most of the trial across the activity of the court, the tabloids provided only very limited coverage of a few days. In total the tabloids covered 6 days of the 32 active trial days with a total of nine articles. The *Sun* and the *Star* provided no coverage of the trial during the hearing.

The dates of coverage by the tabloids were;

12/1/2000, Mail, Express, Mirror

13/1/2000, Express, Mirror

14/1/2000, Express

20/1/2000, Express

25/1/2000, Express

3/3/2000, Mirror

Table 5.8 illustrates the number of articles published in the tabloids and the percentage of the total tabloid coverage each tabloid newspaper provided.

Table 5.8: Number of articles by tabloid newspaper, and their percentages of overall tabloid articles.

| Newspaper | Number of articles | Percentage of tabloid articles |
|------------|--------------------|--------------------------------|
| Daily Mail | 1 | 11.11 |
| Express | 5 | 55.55 |
| Mirror | 3 | 33.33 |

The total column length of the nine articles was 219 cm. The average column length for the tabloid articles was 24.33 cm. Table 5.9 shows the total column length for each newspaper, as well as the percentage of the total tabloid column length and the average column length for each tabloid newspaper. It is important to realise that the single news article in the *Daily Mail* skews the statistics for the tabloid articles during the trial. Due to the length of this article, this provided nearly a quarter of the total tabloid coverage. A comparison of Tables 5.8 and 5.9 shows that the variation in numbers of articles and the article lengths is not uniform, in a similar fashion as in the broadsheet coverage.

Table 5.9: Column length by newspaper, proportion of total number of tabloid articles and average article length per tabloid.

| Newspaper | Total column length in cm | % of total coverage | Average column length of article in cm |
|------------|---------------------------|---------------------|--|
| Daily Mail | 51.5 | 23.52 | 51.5 |
| Express | 139 | 63.47 | 27.8 |
| Mirror | 28.5 | 13.01 | 9.5 |

Table 5.10: Number of direct quotations from tabloid articles of trial, by source, per tabloid

| | Defence counsel | Irving as counsel | Irving as witness | Quotation from Irving | Judge | Total |
|-------------------------------|--------------------|----------------------|----------------------|--------------------------|-------|-------|
| Daily Mail | 4 | 8 | 0 | 1 | 0 | 13 |
| Express | 9 | 16 | 7 | 1 | 2 | 35 |
| Mirror | 3 | 1 | 0 | 3 | 1 | 8 |
| Total | 16 | 25 | 7 | 5 | 3 | 56 |
| Percentage of total quotes | 28.57 | 44.64 | 12.5 | 8.93 | 5.36 | 100 |

The articles contained a total of 56 direct quotations rather than summaries or interpretations, the criteria for quotation selection being the same as those used in the analysis of the broadsheet coverage. Table 5.10 shows the quotes contained within the articles by newspaper and their sources, as well as the percentage of total quotation source. Table 5.11 illustrates, as in table 5.6, a comparison in the source of quotation used in the tabloid coverage. This shows, as with the broadsheet coverage, that Irving was the predominant source of quotation in the coverage of the trial.

Table 5.11: Comparison of quotation numbers from Irving and others in the tabloid articles

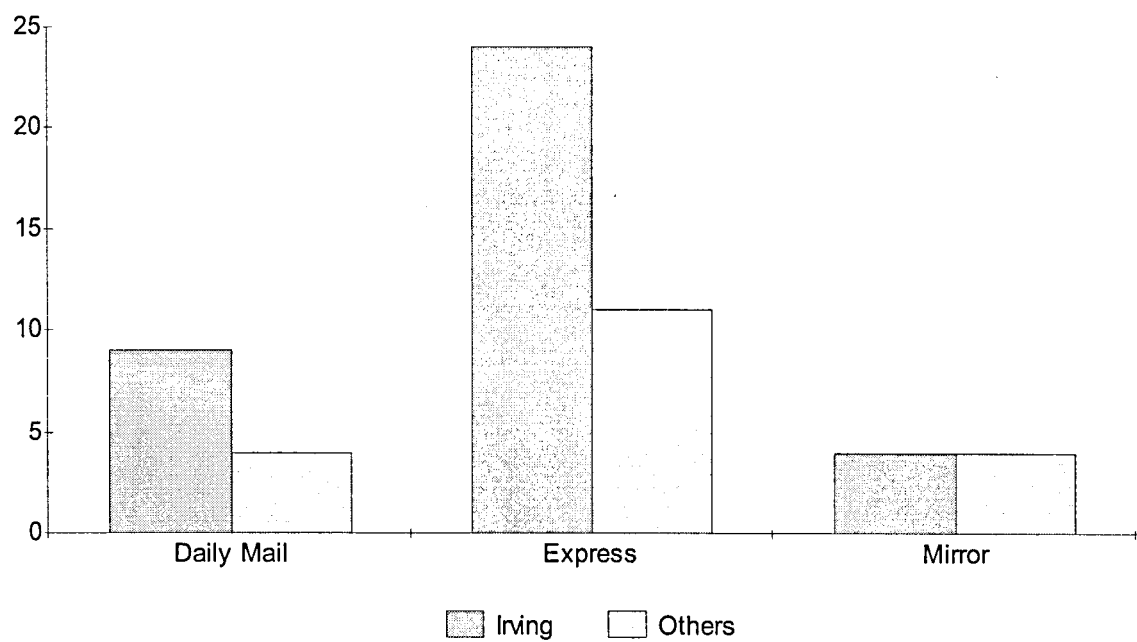


Table 5.12 illustrates the number of direct quotation in the headlines and first paragraph of the tabloid coverage. The criteria for selection were the same as those used in the analysis of the broadsheet coverage.

Table 5.12: Number of quotations per source from article headlines / first paragraphs per tabloid

| | Defence counsel | Irving as counsel | Irving as witness | Quotation from Irving | Total |
|------------|--------------------|----------------------|----------------------|--------------------------|-------|
| Daily Mail | 0 | 1 | 0 | 0 | 1 |
| Express | 1 | 0 | 1 | 0 | 2 |
| Mirror | 1 | 0 | 0 | 1 | 2 |
| Total | 2 | 1 | 1 | 1 | 5 |
| Percentage | 40 | 20 | 20 | 20 | 100 |

5.4 Comparison Of Broadsheet and Tabloid Content Analyses

A fuller picture of the total newspaper coverage of the trial can be shown by making a comparison of the broadsheet coverage with the tabloid coverage. While the broadsheet newspapers gave relatively prominent coverage to the trial, the tabloids provided far less coverage. Indeed, some tabloids did not cover the trial at all. Table 5.13 shows the total coverage, in centimetres, of the trial from both forms of newspapers by centimetres of coverage and date of the trial covered.

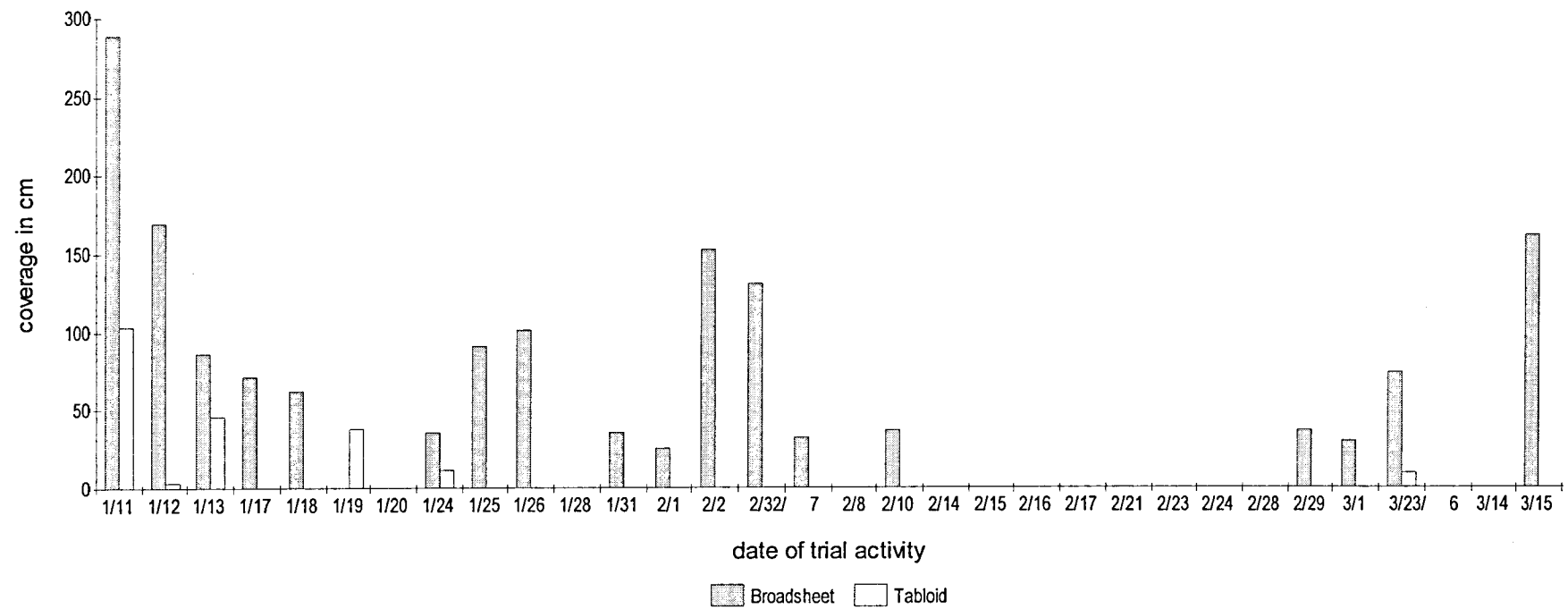


Table 5.13: Comparison of broadsheet and tabloid coverage by date of trial activity and centimetres of coverage.

Table 5.13 shows the massive differential in the coverage as provided by the broadsheets in comparison to the tabloids. The dates shown in Table 5.13 are the dates of the trial activity that were then covered in the following days newspaper. The broadsheets total of 1683 cm coverage compared to the tabloids 219 cm shows that the broadsheet provided over seven times as much coverage as the tabloids. Additionally, Table 5.13 illustrates the breadth of coverage provided, with the broadsheets covering a far wider spread of the trial than the tabloids.

Defining the source of quotations as being from Irving and those from other sources, a comparison of the quotation sources illustrates the major focus of the trial. Table 5.14 shows the prevalence of Irving as the main figure of the newspaper coverage of the trial in comparison to other sources of quotation.

Table 5.14: Source of quotation by newspaper category

| | Irving | Others | Total |
|------------|--------|--------|-------|
| Broadsheet | 302 | 139 | 441 |
| Tabloid | 37 | 19 | 56 |
| Total | 339 | 158 | 497 |

The table shows that the Irving was the major source of quotation throughout the newspaper coverage of the trial, both in the broadsheets and tabloids. This is consistent throughout the newspaper coverage. Indeed only one newspaper, the Mirror, had equal numbers of quotations from Irving and others. Analysing the source of quotation from either Irving or others in both types of newspaper using Chi-square presents a non-significant result [$X(1) = .133$; $p = 0.715$]. The trend in the coverage for Irving to be the main source of quotes is therefore shown to be consistent.

5.5 Judgment Content Analysis

The judgment was delivered on April 11th. All the national newspapers carried coverage of the judgment, the day in court and the implications thereof. A total of 39 articles regarding the trial were published in the national newspapers in the April 12th. Table 15 shows the number of articles each newspaper provided. The difference in the number of articles from both types of newspaper was shown to be highly significant using Mann-Whitney U [$U = 0$; $p = 0.008$].

Table 5.15: Number of Judgment day articles provided by each newspaper.

| Newspaper | Number of Articles |
|-------------|--------------------|
| Independent | 6 |
| Guardian | 7 |
| Times | 9 |
| Telegraph | 7 |
| Daily Mail | 3 |
| Express | 3 |
| Sun | 2 |
| Star | 1 |
| Mirror | 1 |
| Total | 39 |

Table 5.16: Total column length and average column length for each newspaper

| Newspaper | Total Column | Average Column Length |
|-------------|--------------|-----------------------|
| Independent | 311.5 | 51.92 |
| Guardian | 439 | 62.71 |
| Times | 480 | 53.33 |
| Telegraph | 447 | 63.86 |
| Daily Mail | 159 | 53 |
| Express | 120.5 | 40.17 |
| Sun | 14.5 | 14.5 |
| Star | 24 | 24 |
| Mirror | 7 | 7 |
| Total | 2002.5 | 51.35 |

Table 5.16 shows the total column length and average column length for each newspaper. The overall total column length in cm was 2002.5. The overall average column length was 51.35 cm. The total broadsheet length was 1677.5 cm; the average broadsheet column length was 57.84 cm. The total tabloid length was 325 cm; the average tabloid column length was 32.5 cm. The difference in the article length from either type of newspaper was shown to be highly significant using Mann-Whitney U [$U = 0$; $p = 0.008$].

The quotes used in the articles were categorised into four groups, quotes from the judge, quotes from Irving (from the court case or from interviews), quotes from Lipstadt, and quotes from other sources. Tables 5.17, 5.18, and 5.19 show the number of quotes from each source and the average number of quotes from each source in both types of newspaper as well as from the overall coverage.

Table 5.17: Total number of quotes and average number of quotes per article in broadsheet coverage of judgment day.

| Source of quotes | Number of quotes | Average number of quotes per article |
|------------------|------------------|--------------------------------------|
| Judge | 118 | 4.07 |
| Irving | 82 | 2.83 |
| Lipstadt | 31 | 1.07 |
| Others | 48 | 1.65 |
| Total | 279 | 9.62 |

Table 5.18: Total number of quotes and average number of quotes per article in tabloid coverage of judgment day.

| Source of quotes | Number of quotes | Average number of quotes per article |
|------------------|------------------|--------------------------------------|
| Judge | 21 | 2.1 |
| Irving | 9 | 0.9 |
| Lipstadt | 11 | 1.1 |
| Others | 8 | 0.8 |
| Total | 49 | 4.9 |

Table 5.19: Total number of quotes and average number of quotes per article in overall coverage of judgment day.

| Source of quotes | Number of quotes | Average number of quotes per article |
|------------------|------------------|--------------------------------------|
| Judge | 139 | 3.56 |
| Irving | 91 | 2.33 |
| Lipstadt | 42 | 1.08 |
| Others | 56 | 1.44 |
| Total | 328 | 8.41 |

Comparing the sources of quotations in the trial with the sources of quotation in the judgment shows that a major shift in emphasis has taken place in the coverage. During the trial Irving was the majority source of quotation, however, in the coverage of the judgment, the quotations came from other sources, mainly from the Mr Justice Gray, the presiding judge. Table 5.20 shows the comparison of quotation sources. Analysing this data using Chi Square shows that the shift in emphasis is highly significant [$X(1) = 129.654$; $p = 0.0001$].

Table 5.20: Comparison of quotation sources during the trial and judgment

| | Trial | Judgment | Total |
|------------------|-------|----------|-------|
| Irving quotation | 339 | 91 | 430 |
| Other quotation | 158 | 237 | 395 |
| Total | 497 | 328 | 825 |

Following the method used in the analysis of the trial coverage, the headlines and first paragraphs of the judgment articles were examined for quotations. It is interesting to note that the tabloid articles contained no quotes in the headlines and first paragraphs.

The results of this are shown in table 5.21.

Table 5.21: Number of quotations per source from broadsheet article headlines / first paragraphs

| Source of quotation | Judge | Irving | Lipstadt | Others | Total |
|---------------------|-------|--------|----------|--------|-------|
| Independent | 2 | 0 | 1 | 0 | 3 |
| Daily Telegraph | 1 | 0 | 0 | 0 | 1 |
| Guardian | 3 | 0 | 0 | 1 | 4 |
| Times | 3 | 1 | 1 | 0 | 5 |
| Total | 9 | 1 | 2 | 1 | 13 |

5.6 Content Analysis Findings

The content analysis shows a number of features of the coverage of the trial and judgment. Overall the broadsheets provided the most coverage, both in the number of articles and the column length. This has significance in terms of the market for the style of writing and subject matter Irving presents. While Irving’s work has a marked far right bias, he writes with an academic tone and style. The broadsheet newspapers provide reviews and discussions of just such works, thus their greater coverage of the trial may be unsurprising. Additionally, Irving has written for a number of broadsheet newspapers in the past, having a pivotal role in the Sunday Times involvement with the faked Hitler diaries in the early 1980’s. Therefore, it can be seen that Irving had enjoyed a prominence in the broadsheet newspapers prior to the trial that he had not received from the tabloids.

The analysis shows that the predominant source of quotation throughout the trial was Irving, although this shifted in the coverage of the judgment. The sheer

volume of space allowed Irving, both as a source of quotation and as a subject of discussion, throughout the press coverage of the trial is important. While Irving ultimately lost the case, it provided him with a rare opportunity to be widely featured and quoted throughout the national press. Such press access is rarely given to a far right figure. Although Irving was widely quoted throughout the trial, a numerical analysis of quotations does not allow for the subtleties of media coverage and the selection and framing of quotation, for what is included and the way in which it is presented. Indeed, the quantity of direct quotation may not reflect the overall position of the articles, even while remaining within the strictures of legal reporting restrictions. Additionally, any trial provides an enormous amount of material, the selection of which acts a rhetorical device. The selection of quotation for inclusion in the press coverage would appear to be a rather more complex process than a simple verbatim inclusion. What is omitted from the press coverage of the trial is as important as what is included. Also, the range of quotes used across the newspapers are important, and thus to be analysed. Such aspects of the coverage require greater analysis to determine the rhetorical impact of the use of quotation.

Ultimately, what the content analysis shows, is that Irving is the key figure of the trial. He was the source of the greatest number of quotes, both as author and subject. If the content analysis were to be taken on a purely quantitative level, this may imply that Irving was therefore provided with an unfettered platform. However, what is central to the understanding of this case, is how the newspapers presented this key figure and how his character was constructed while remaining within the boundaries of the law. It is this that will be examined in the next chapter.

5.7 Critique Of Content Analysis

Content analysis provides us with quantitative information about the trial coverage, the number and length of articles and the number of quotes from various sources and the shifts in emphasis over the course of the proceedings. It allows for a quantitative description of a large corpus of data, and as a primary stage of analysis it is an excellent method (Riffe, Lacy & Fico, 1998). However, what it fails to inform us is the way in which a prominent extreme right figure is managed through the course of the trial coverage. Certainly, the *prima facie* platform afforded to Irving in the court and thus through the press would appear to have allowed him to promulgate his views and opinions without explicit criticism from the accompanying coverage. The question remains as to whether the press coverage afforded to Irving was a free space giving a political platform, or if the quotations and interpretations were more controlled.

While the content analysis highlights a number of interesting quantitative features of the trial and judgment, it cannot show us the more complex and qualitative aspects. The analysis provided by content analysis is essentially shallow. Ultimately, content analysis provides a count of the selected categories, yet the provision of counts, lists and their various percentages and relations do not give any insight into what those categories achieve. Such quantitative results provide only a numerical description of the data corpus and not a deeper insight into the material. Berelson (1966) stated that one of the major weaknesses of content analysis is that it "...assumes that the study of the manifest content is meaningful". In the case of quotations, a numerical representation fails to illustrate some of the more relevant parts of the data. For example, some quotes may only be two or three words long, others may be as long as three or four paragraphs of newsprint. Thus, the scale of the quotes is not encompassed by the analysis, nor is the use and manipulation of them accounted for.

Certainly, content analysis provides an initial thematic analysis of the data that can then be taken further through other methodologies. Thus the content analysis, while it provides a broad picture of the patterns of coverage, leaves many questions unanswered. From this position further, closer, qualitative analysis is required.

Chapter 6. Irving Trial First Day Nuclei

Taking primacy as a vital factor in newspaper presentation of an event, the headlines and lead paragraphs should be the initial element for analysis. It has been pointed out that news stories revolve around, and constantly refer back to the lead paragraph (White, 1997; Toolan, 2001). The lead paragraph sets the tone and subject of the forthcoming article. Additionally the lead paragraph often contains the most high impact elements of the forthcoming coverage (White, *ibid*). Thus the data for this chapter is taken from the story nuclei of the first day of the trial coverage, 12th January. The analysis will focus on the presentation of the case as an introduction for the newspaper readership, as well as the manner in which the action and actors are constructed.

Part of the appeal of nuclei, both as an area of analysis, and as an aspect of wider coverage, is their primacy. It is the first introduction to a story and to the main thrust of the story as that newspaper has constructed it. The analysis of the nuclei of the first day therefore presents a double primacy. Not only are they the first introduction to these articles, but they are also an introduction to what is, in this case, to be several weeks of coverage. We are being presented with the figure of this article, but the figure is one that is going to re-occur throughout the coverage. The newspapers could have chosen any number of approaches to the headlines. They could have used the words of Irving, Lipstadt, the Judge, counsel, or none at all. They could highlight any aspect of the case, the implications thereof or the characters involved. The question remains then, how did the newspapers achieve the task of informing the readership of Irving and his politics without being seen as prejudicial. How did the papers provide coverage of the case without providing a platform for a fascist? It is this task management that requires analysis, and the way in which the loose concept of 'accuracy' is managed. It is important to keep in mind the rhetoric of headlines. They are the readers' first introduction to the

subsequent coverage, and in many cases, including this one; they are the readership's first introduction to the characters involved. The primacy of nuclei then has implications, not just superficially of informing the reader what the article is about, but also a more subtle rhetoric.

Ekstrom (2001) proposed a framework for the analysis of politicians' televised interviews involving the cross comparison of the broadcast version of interviews with the original interviews themselves. This framework highlights a number of strategies used in the construction of news that allow for the analysis of other media discourses. The strategies most useful in this context are simplification and decontextualisation and recontextualisation. The simplification of a story introduction gives the readership selective information about the story, but also guide the readership in their consumption of the subsequent article. At its broadest, a story can be simplified to support the editorial position, which coupled with the selective use of quotation and supportive information can provide a less than balanced story to the readership. Decontextualisation, by removing the original context, can alter the meaning of an utterance. Recontextualisation can alter that meaning even further by inserting an utterance in to a new and possibly unrelated context. It is therefore necessary to analyse the headlines to determine if and how these strategies have been used. While the analysis of the main body of the articles requires a direct comparison of the relationship between the newspaper coverage and the original transcript, the analysis of the headlines requires an analysis of the tripartite relationship between the newspaper headlines, the article contents and the original transcript.

Irving Trial First Day Nuclei

Times

Irving 'a liar not an historian', court told.

Right-wing author accused in libel battle of casting doubts on Holocaust.

David Irving, the controversial, right-wing historian, was branded a "falsifier of history and a liar" before a High Court judge yesterday for questioning the massacre of six million Jews by the Nazis.

Independent

Irving is a falsifier and a liar, says publisher.

The right-wing historian David Irving was described as a "falsifier of history" and a "liar" at the start of a High Court libel battle.

Guardian

Historian labelled a liar over his views on the fate of the Jews says attack on his reputation robbed him of financial security.

'Pariah' Irving sues Holocaust author.

The alleged Nazi apologist David Irving branded survivors of the Auschwitz death camp with the acronym "ASSHOLS" and denied the Holocaust happened, the High Court heard yesterday.

Telegraph

Author claims he is the victim of an international campaign to destroy his career and make him a pariah.

History of the Holocaust goes on trial.

The controversial British historian David Irving claimed he was the victim of an "organised international endeavour" to destroy his career at the opening of a libel trial in London yesterday.

6.1 Initial Findings

There are a number of superficial aspects of the headlines that effectively arrange them into themes. Both the *Times* and the *Independent* use interpretation of the same quote, both of which refer to Irving as a liar. The source of the quote in the *Guardian* headline is at this stage vague, the unnamed historian 'says' that there has been an 'attack on his reputation', but who this historian is and what the nature of the attack is, is as yet unclear. However, given that the term 'pariah' is negative and we have seen that Irving is 'labelled a liar' in the sub-head, the headline reads as the words of someone other than Irving. Only the *Telegraph* ascribes speech to Irving in an indirect form, however, it is not entirely clear that it is Irving, as he is not named. Again, as in the *Guardian* the speaker is an unnamed author claiming to be the victim of an international campaign. All the headlines except the *Independent* give that context of a trial, although it is not always clear that it is a libel trial and that Irving has brought the case. Possibly most significantly, the headlines from the *Times*, *Guardian* and *Independent*, make Irving the first introduction in the headline. This therefore makes Irving the central figure of the headlines and thus the subsequent coverage. This additionally suggests that the headlines from these newspapers should be analysed together.

6.2 Establishment Of Irving As Main Figure

The four national broadsheet newspapers all covered the trial on the first day, they all introduced their readership to the characters involved in what was to be a long-running trial. This initial introduction then is important. Overall, the trend was for the newspapers to make Irving the main theme of the headlines. However, the *Telegraph* differed strikingly from the other papers in not making Irving the theme

of its headline (**History of the Holocaust goes on trial**). Instead the *Telegraph* did not focus on an involved individual, rather it gave the article a more theoretically based headline. The headline focused on the questioning of Holocaust history, although it did refer, indirectly, to Irving in the sub-head. However, it is the use of Irving as both the primary and main figure of the headlines that is to be analysed initially.

The *Times* (**Irving 'a liar not an historian', court told**), *Independent* (**Irving is a falsifier and a liar, says publisher**) and *Guardian* (**'Pariah' Irving sues Holocaust author**) all open the main headlines with Irving being named; 'Irving 'a liar'', 'Irving is a falsifier', 'Pariah Irving'. With Irving the first character encountered, Irving is presented as the figure of the subsequent coverage. Irving is the first named character encountered in the headlines, indeed he is the only character named in any of the headlines. Other voices appear in the headlines but are unnamed. These introductions are all critical of Irving; Irving is a liar, a falsifier, a pariah. The figure is therefore a negative one to be viewed and related to in these terms. Interestingly both the *Times* and *Independent* make Irving the subject of the headline but not the agent. The *Guardian* makes Irving the agent of the headline. However, none of these papers use Irving's words in any way that can be ascribed to Irving. It is quite explicit that the words used in the *Times* and *Independent* come from someone else, that the words being used in the headline have been used in the day's proceedings, but have come from a speaker other than Irving himself. Therefore the initial references to Irving in these headlines all read as other's words about him. While the headlines are in terms another's voice saying that 'Irving is' or 'Irving does', the fact that they are not 'Irving says' (at least in the main headline) removes Irving's voice from the headlines. This should be considered in relation to the fact that Irving spoke for the longest period on the opening day of the trial. Therefore the individual who presented the longest speech is without a direct voice in the coverage of the day's activity. Thus, while Irving is the main figure of the headlines, it is not on his terms and in

his words. Rather it is his opponents' words on Irving that are going to make up the headlines.

6.3 *The Times And Independent*

In terms of headline construction the *Times* and the *Independent* present us with the simplest constructions. In broad terms, the *Times* and the *Independent* headlines reproduce reputation claims made in their respective lead paragraphs. The main headlines in the *Times* and the *Independent* both use contractions and simplifications of the same speech. Both the *Times* and the *Independent* use a verbatim version of the speech, as well as a contraction and simplification of it in the lead paragraphs.

The lines of contraction are thus;

The Times

"Mr Irving calls himself an historian. The truth is however, that he is not an historian at all, but a falsifier of history. To put it bluntly he is a liar" (original speech given in article body text)

'David Irving, the controversial, Right-wing historian, was branded a "falsifier of history and a liar" before a High Court judge yesterday.' (lead paragraph)

Irving 'a liar not an historian', court told (headline)

Independent

"Mr Irving calls himself an historian. The truth is however, that he is not an historian at all, but a falsifier of history. To put it bluntly he is a liar" (original speech given in article body text)

'The Right-wing historian David Irving was described yesterday as a "falsifier of history" and a "liar" at the start of a High Court libel battle.' (lead paragraph)

Irving is a falsifier and a liar, says publisher (headline)

These can be shown diagrammatically as Figure 6.1.

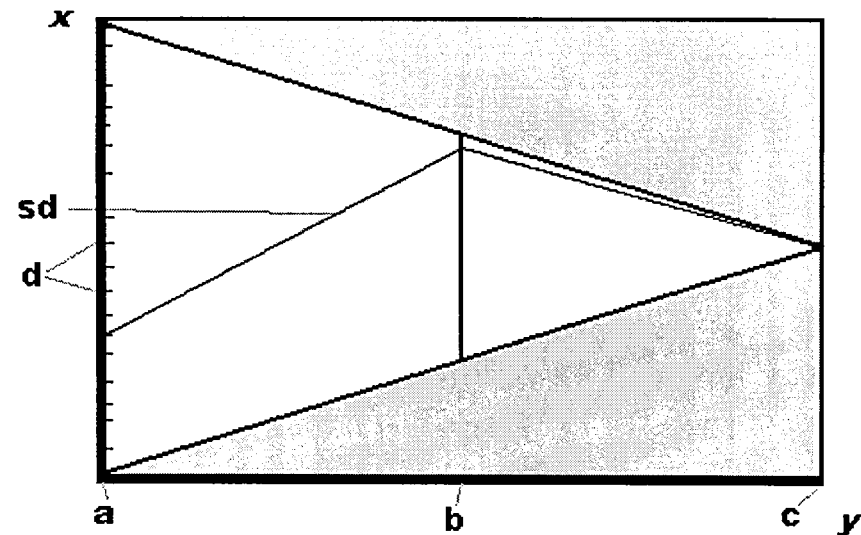


Figure 6.1. Times And Independent Line Of Contraction

Axis x – Event order

Axis y – Time

- (a) Original event
- (b) News story
- (c) Headline
- (d) Event detail
- (sd) Salient detail

Thus the series of contractions can be seen through the stories. In terms of consumption the claims in both the *Times* and *Independent* therefore read as – Irving is a liar (headline), Irving is called a liar in the high court (lead), Irving is not an historian and he is a liar and a falsifier (article body and original trial transcript). By giving a triple repetition of the claim that Irving is a liar brings the claim to the fore and highlights it as the salient detail. By bringing forward a salient detail, it is possible to omit other details while still constructing a coherent claim. As Bartlett (1932) pointed out, throughout the repeated recollections a coherent story remained regardless of how much detail was omitted. While the recalled story may have been lacking in detail and context, the story was adapted

to remain coherent. Therefore, the construction of the article and headline can be seen as a selective concentration and contraction of material, omitting both peripheral detail and detail that detracts from the selected salient detail. The negative reputational claim in the *Times* and *Independent* headlines is therefore constructed, not only by the selection of salient detail, but also by the omission of other material.

6.4 *The Guardian*

The construction of the *Guardian* headline is slightly different to that of the *Times* and *Independent* headlines. While the *Guardian* headline contains a reputational claim relating to Irving, this is not included in the lead paragraph, it comes from later in the body of the article. A headline that is not derived from the lead, but from part of the body is unusual (Bell, 1991,1997). Unlike the other broadsheets, the *Guardian* does not have a repeated retelling of the headline claim. In the *Guardian* headline (**'Pariah' Irving sues Holocaust author**) the term 'pariah' is attached to Irving. In the original transcript Irving gave the term as something attached to him by others. The claim, given in the headline, is not repeated until well into the body of the article, at which point a verbatim section of the original transcript was given. Therefore the line of contraction in the *Guardian* (as shown in Figure 6.2) is;

"It is enough for the label [Holocaust denier] To be attached, for the attachee to find himself designated as a pariah." (original speech given in article body text)

'Pariah' Irving sues Holocaust author (headline)

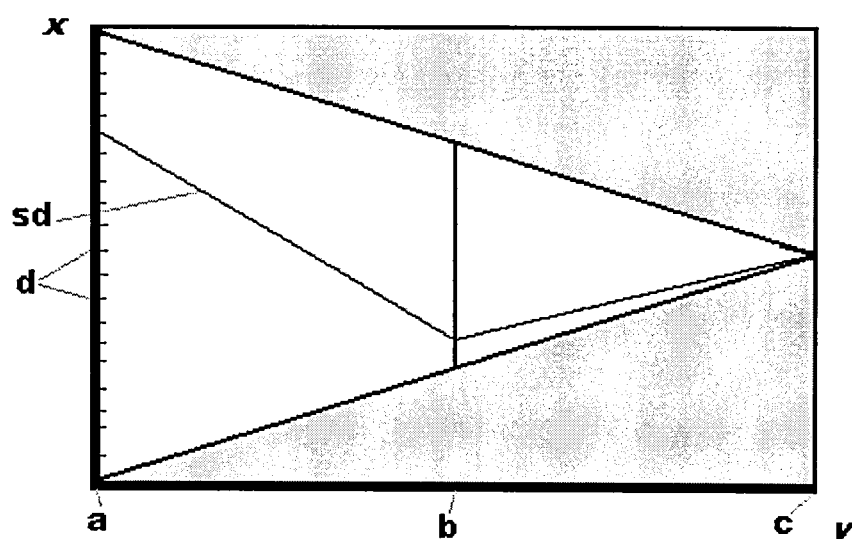


Figure 6.2. Guardian Line Of Contraction

Axis x – Event order

Axis y – Time

- (a) Original event
- (b) News story
- (c) Headline
- (d) Event detail
- (sd) Salient detail

Thus the decontextualised ‘pariah’ of the main headline remains decontextualised until almost the end of the article. Without the original context of the term being given by Irving as a term applied by Irving to himself, the term remains throughout most of the article as one of moral and social exclusion from society applied to Irving. The *Guardian* (**‘Pariah’ Irving sues Holocaust author**) uses the term ‘pariah’ in its reference to Irving, and while it can be gathered from later in the coverage that this is a term that Irving applies to himself, it reads as a comment by another on Irving’s character or status. Unlike the headlines from the *Independent* and the *Times*, the *Guardian* does not give a further simplified version of the section of speech the phrase came from. Instead the section of Irving’s speech is given in the article body. The term ‘pariah’ is decontextualised

(Ekstrom, 2001), it is removed from the original context of Irving's opening speech and isolated in the headline. Irving's original statement came from a section in his opening speech in which he was addressing the implications of being called a 'Holocaust denier'. The original wording was "It is enough for the label [Holocaust denier] to be attached for the attendee to find himself designated as a pariah" (day 1, P25). This section of Irving's opening speech was included in the article. This original context of the opening statement is thus removed from the headline. It is thus recontextualised as a critical comment on Irving from an unidentified source. Irving does not apply the term 'pariah' to himself as a self-description, rather it is part of a longer passage detailing how others view him and his work, the negativity and opprobrium attached to him. It is not a term that would generally be applied to oneself. The term 'pariah' is a powerful one; it suggests that the subject had been morally, as well as socially, excluded from wider society. The recontextualisation of the term 'pariah' therefore shifts the term from its original context of Irving, giving it as a label attached to him by others, to a term defining what Irving *is*.

6.5 Daily Telegraph

As has already been discussed, it can be seen that the headlines in the *Times*, *Independent* and *Guardian* share a number of thematic and stylistic properties. In contrast with these the headline from the *Telegraph* (**History of the Holocaust goes on trial**) appears to be essentially different. The headlines from the other broadsheet newspapers all use some form of interpretation or contraction of reported speech with Irving as the topic. However the main *Telegraph* headline not only does not contain any form of reported speech, it also does not name Irving. This then presents the most immediate difference between the headlines, the *Telegraph* headline does not name Irving, although his words are ascribed but unattributed in the sub-head (*Author claims he is the victim of an international*

campaign to destroy his career and make him a pariah), he is unnamed in either headline or sub-head. Therefore the figure in the main *Telegraph* headline is not Irving. Rather the figure is the history of the Holocaust. Instead of being introduced to an individual, the main headline introduces the reader to an abstract concept. The main *Telegraph* headline (**History of the Holocaust goes on trial**) is a strong statement and an eye-catching headline. However, the main headline of the *Telegraph* is vague and uninformative. Although the *Telegraph* headline appears stylistically different from the other broadsheet headlines, it still requires the same analytical approach.

It has already been established that the *Telegraph* headline is stylistically different from the other broadsheet headlines. The main *Telegraph* headline (**History of the Holocaust goes on trial**) is not a contraction of the action, other than the vague term 'goes on trial'. It also contains no form of reported speech from the day. Rather it is the *Telegraph* sub-head (*Author claims he is the victim of an international campaign to destroy his career and make him a pariah*) that requires further analysis. The *Telegraph* gives a simplification of the claim that there is an undefined international group who have attacked the 'author'. It should be noted that Irving made repeated references to the alleged 'international campaign / endeavour / network' throughout his opening speech. It is these claims that are simplified and contracted in the coverage. The *Telegraph* sub-head is a contraction of one of the main themes of Irving's opening speech.

Unlike the other broadsheet coverage, the *Telegraph* contains far fewer verbatim accounts of Irving's speech; instead it carries various contractions, simplifications and sandwiching of his opening speech. In simple terms the line of contraction can be shown (as in Figure 6.3) thus;

What obliges me to make these sweeping opening remarks is that I shall maintain that the Defendants did not act alone in their

determination to destroy my career and to vandalise my legitimacy as an historian. That is a phrase that I would ask your Lordship to bear in mind. They were part of an organized international endeavour at achieving precisely that. (Day 1, p21). (original trial transcript)

“It is enough for the label [Holocaust denier] to be attached for the attachee to find himself designated as a pariah” (Day 1, P25). (original trial transcript)

‘The controversial British historian David Irving claimed he was the victim of an “organised international endeavour” to destroy his career’ (lead paragraph)

‘He had been the victim of a concerted attack on his character and reputation by an international network of Left-wingers and Jews’ who had succeeded in making him a “pariah” (article body text)

‘Miss Lipstadt and Penguin books were part of “an organised international endeavour” determined to destroy his career and “vandalise” his legitimacy as a historian’ (article body text)

Author claims he is the victim of an international campaign to destroy his career and make him a pariah (sub-head)

against Irving to include verbatim in the story, the claims are simplified into a number of contractions in the coverage. These contractions are not simply reduced versions of selected passages, but rather are a more complex concentration of Irving's speech. For example, in the main body of the text there appears; 'He had been the victim of a concerted attack on his character and reputation by an international network of Left-wingers and Jews'. This is not a direct simplification of a particular passage, rather it is a more generalised simplification of the main thrust of Irving's opening speech. This takes the 'gist' of Irving's speech and contracts it, constructing a coherent adaptation. While the phrase 'international conspiracy' is not used, 'organised international endeavour' and 'international network' are related to, if slightly downgraded from 'conspiracy', certainly such terms skirt around the term. The concept of conspiracies, apparently formulated by a mysterious Jewish cabal, is a theme that runs throughout fascist ideology (Pipes, 1997; Byford & Billig, 2001). By repeating such claims, as in the *Times* and *Independent's* repetition of the claims the Irving is a liar, the concept of the existence of such an 'international campaign / endeavour / network' is brought to the fore, while reflecting one of the main themes of Irving's opening speech as the salient detail. The main omission from the *Telegraph* headline is the words of the defence. This is in contrast with the *Times* and *Independent*, in which headlines the defence's words appear, even without being ascribed to them.

6.6 Construction Of Irving's Reputation

While the headlines of the *Times*, *Independent* and *Guardian* make Irving the main figure, they also provide further construction of Irving's character and status. Given that any libel case is predicated on the defence of reputation, this aspect of Irving is vital to understanding the action. Irving himself gave his status as that of respected historian whose career had been damaged by the defendants. The

defence disagreed, they gave his status as the author of bogus and pseudo-historical writings. None of the newspapers directly referred to Irving as a fascist or as untrustworthy. Due to the reporting restrictions, none of the papers were in a position to make direct comment on the case or on the actors involved. Rather they used aspects of the action on the first day to inform the readership.

6.7 *'Irving Is A Liar'*

The *Times* (**Irving 'a liar not an historian', court told**) and the *Independent* (**Irving is a falsifier and a liar, says publisher**) both use contractions of the same passage of Rampton's opening speech in their headlines. These contractions are not just of what was said in court, but also of part of the forthcoming articles. Both articles return to the speech that the contraction came from in greater depth. Both the *Times* and the *Independent* both went on to give a section of Rampton's original opening speech;

"Mr Irving calls himself an historian. The truth is, however, that he is not an historian at all, but a falsifier of history. To put it bluntly, he is a liar" (Day 1, p88).

The repetition of the claim that Irving is a liar and a falsifier enforces the claim. It is not given just in the headline, but also repeated through the article. The inclusion of a statement will be taken as relevant by the consumer (Grice, 1975), therefore the repetition of a selected statement may highlight that statement as being most relevant to the understanding of the action.

These contractions in the headlines are simplifications of the speech made. However, such contractions are not simply editorial economy. The simplifications that Ekstrom (2001) referred to were the introductions to television news reports, however, the headlines and lead paragraphs of newspaper articles can be seen to

function in much the same way. The story is simplified to introduce the consumer to it, but the way in which it is simplified and the 'facts' chosen to put across in the simplification can radically alter the perception of the subsequent coverage. Ekstrom (ibid) highlighted the use of simplifications and contractions as strategic, rather than being haphazard. The simplifications, in this instance, are a part of a wider rhetorical strategy to present the action in such a way as to cast doubt on Irving's character. This contributes to the rhetoric of accusation in the headlines. In the *Times* Irving is 'a liar not an historian', in the *Independent* Irving is 'a falsifier and a liar'. These headlines both provide a highly unfavourable and critical assessment of Irving's character. Importantly, in both, Irving is a liar. This is a simple, direct, unmistakable term. To refer to someone as a liar states that the individual has purposefully and knowingly told untruths. The term 'liar' implies that the person referred to is untrustworthy in all they say, it is not that they have told a single lie, but that lying is an integral part of their character. Additionally, in neither headline does it clarify exactly what Irving is said to have lied about, therefore rather than being a man who has lied about specific things, calling him a liar gives a whole cloth assessment of his character.

In the *Times* headline the term 'liar' is given in opposition to that of 'historian', the status of liar is such that it negates any claim to the status of historian. In the *Independent* headline Irving is 'a liar and a falsifier', in this Irving is doubly accused, both of lying and falsifying. While the accusations may be semantically similar, the use of the double accusation effectively underscores the presentation of Irving as being dishonest. Additionally, there is an important difference between 'falsifier' and 'liar'. A 'liar' tells lies; it is a commonplace term for a commonly understood action. A 'falsifier' however is more technical; it implies the production of false material. Thus the two terms encompass both the everyday and the specialist. These dual terms implies that Irving is an untrustworthy character in multiple contexts.

The *Telegraph* headline, unlike the other headlines, does not contain a negative construction of Irving; the other broadsheet headlines all carry negative rhetorical constructions of Irving's character, constructions of Irving as a 'liar' and a 'pariah'. Interestingly this absence of criticism goes with an absence of Irving as a defined character. The headline could have included a quotation from Irving himself; instead the headline does not contain direct information from the day's proceedings. The main *Telegraph* headline, unlike the other broadsheet headlines does not contain anything from the action of the trial itself. However, the sub-head contains reported, although unattributed, speech from the day's proceedings

6.8 Author Or Historian

The professional status applied to Irving is central to the construction of his character. Assigning Irving a professional category carries with it a 'common-sense' understanding of that status (Sacks, 1992). The status terms 'historian' or 'author' can be regarded as 'membership categorisation devices'. They are known, shared categories that carry further implications with them. This 'membership categorisation device' relies on the recipients understanding of the category and its characteristics. Irving's professional status was given variously in the headlines as both author and historian. There is an important difference between these two terms. While an historian is a specific title, they are engaged in 'scholarly' writing and research, the term 'author' is more general. By referring to an 'author' this infers that the individual writes and is published, but not what they write or publish. In the *Times* sub-head (*Right-wing author accused in libel battle of casting doubts on Holocaust*) Irving is described as an 'author' rather than an historian. The title author implies that the subject is a writer, although it does not define what form the subject's writing takes, the author's area could be fictional. An historian is, by implication, involved in historical research, and

therefore factual work, with an objective stance. However an author could be involved in any form of writing, not necessarily factual, and certainly not always objective. In describing Irving as an author, the sub-head backs up the quotation used in the headline that questions his status as a factual source. The sub-head therefore makes an implicit comment as to the status of Irving. Further, if the phrase 'right-wing author' is taken as a whole, this again undermines the objective status of 'historian'.

Although Irving is identified as the figure of the *Independent's* headline and therefore subsequent article, he is not given any further identification or title, either of author or historian. Unlike in the *Times*, where the sub-head provides Irving with the status of author, the *Independent* does not inform the reader of Irving's status or profession. Irving as the figure of the coverage is then identified solely as a liar and falsifier. With this as the figure of the coverage, the ground of the legal case and those involved in it are to be viewed in this context. By means of selective quotation, and more importantly non-quotation, the section of opening speech from which the headline comes, Irving is not accorded the title or status (even questionable) of historian.

In the *Guardian* sub-head (*Historian labelled a liar over his views on the fate of the Jews says attack on his reputation robbed him of financial security*) Irving is given the status of 'historian' without any form of modifier, he is not a 'controversial' or a 'maverick' historian. However the sub-head then follows this with 'labelled a liar over his views on the fate of the Jews'. This gives us several things; he has been labelled a liar, again implying that his status is questionable, also these are his 'views', it is his opinions and interpretations that are being questioned. The use of the term 'views' does not sit with the objective, academic, status of 'historian'. This, therefore further undermines the given status. Irving is not mistaken or mislead in his views, rather he is a liar, his work on the subject is

not inaccurate, it is lies. By labelling Irving a liar it implies an active process on Irving's part. The main *Guardian* headline gives Irving the title and status of 'pariah', again undermining the given status. Again, 'liar' is rhetorically powerful.

As in the *Times* sub-head (*Right-wing author accused in libel battle of casting doubts on Holocaust*), an (unnamed) author is introduced in the *Telegraph* sub-head (*Author claims he is the victim of an international campaign to destroy his career and make him a pariah*), although as Irving is unnamed, the identity of this author is unclear. The type of author is also undefined. The identity of the author in the *Times* sub-head is implied by the main headline, the *Telegraph's* lack of defining information leaves the identity of the mentioned author as vague. In the *Telegraph* the term 'author' has no modifiers as it does in the *Times* sub-head (*Right wing author...*). Again, in the *Telegraph*, Irving in the context of 'author' is not given the higher status of historian in his introduction to the readership. In the *Times* headline and sub-head (**Irving 'a liar not an historian', court told.** *Right-wing author accused in libel battle of casting doubts on Holocaust*), the reader is introduced to Irving, first as a liar and then as a right-wing author. The *Times* headline and sub-head read together as information on the main character of the forthcoming coverage. However, in the *Telegraph* without any identifying information in either headline or sub-head and with little contextual information other than the claim of victimhood, the author remains undefined. What is clear is that the unnamed author has some kind of grievance against the undefined 'international campaign'.

6.9 Irving's Politics

It is established in the *Times* sub-head (*Right-wing author accused in libel battle...*) that Irving is right-wing. Note that this statement of political position is not placed between the buffers of inverted commas; rather it is presented as fact. The inclusion of the term 'right-wing' is rhetorically significant. Importantly, Irving is not referred to as a fascist, which would have had a greater rhetorical impact. To be labelled as right-wing is not intrinsically discreditable or unreliable, but it does indicate a political leaning to the reader. Had the term been omitted, the sentence would have a different rhetorical impact. If something is included in a conversation or text it can be assumed by the listener or reader that it is relevant to the exchange and should be borne in mind (Grice, 1975). Certainly in the highly space-limited sub-heading, the inclusion of the terms is clearly evident. Thus, the phrase 'right-wing' implies that Irving's politics are material to the case; his political position is a factor that must be taken into account in the understanding of the case. In addition to this the use of the term implies a lack of objectivity on the part of Irving. As he is being defined as 'right-wing' this suggests that his politics are influential on his work. Irving's history, it is implied, is contingent upon his politics (Gilbert & Mulkay, 1984). Irving is not being described as a 'World War II historian', which is his stated area of knowledge. Therefore his political position is more important in this case than his writing. Additionally, the reference to Irving as being right wing also serves to indicate that his account is to be interpreted in terms of his political 'stake' (Edwards & Potter, 1992).

6.10 Rhetoric Of Quotation

All the headlines, except the *Telegraph*, use quotation, in some form, to construct Irving's character and the case. With the legal restrictions on reporting legal proceedings the newspapers use of reported speech in headlines serves to fulfil a dual function. They circumvent the reporting restrictions, as they are not comment from the paper but 'factual representation' of the action. Also quotations from the day's action can often provide entertaining and eye-catching material for a headline. Had a headline read 'Irving's historical methodology and reliability questioned' it would have informed the reader of an area of the defence's argument. However the *Times* headline, '**Irving 'a liar not an historian', court told**' gives a more direct and pithy rendering of the same information.

In the instance of the *Times*, the headline reads as a verbatim quote about Irving, but the source is unattributed at this point. This purports to be direct speech (Leech & Short, 1981), but without a clear introductory clause giving us the identity of the speaker. By using quotation marks, the phrase is marked out as the words of another actor in the proceedings, the words are from a participant in the trial, they are not from Irving, nor are they from the newspaper itself. Our first introduction to Irving is one that is an open criticism of him. This allows the journalist and newspaper to open the article with a condemnation of Irving without infringing the legal guidelines for press coverage.

Importantly, in the *Independent* headline (**Irving is a falsifier and a liar, say publisher**), there are no quotation marks around the phrase 'falsifier and liar'. This is an example of independent speech, there are no quotation marks but the reporting clause and present tense are retained (Leech & Short, *ibid*).

Additionally, the speaker of these words is un-identified. Without an identified speaker the reader is unable to ascribe stake and interest (Edwards & Potter, 1992) to the speaker and thereby view their words with this in mind. If the speaker can be shown to be biased through stake and interest, their words can effectively be discounted, should the reader wish to, but without a speaker whose position is open to judgment, the quotation stands alone.

The lack of quotation marks in the *Independent* headline, combined with the sequence of the sentence presents the headline as a statement of fact rather than a quotation. It is not until the end of the headline that it is clarified that the phrase 'Irving is a falsifier and a liar' is defined as reported speech. This primary introduction is rhetorically important. If the initial introduction in a headline defines the figure of the subsequent coverage, the rhetoric of primacy is such that the simple structure of a sentence can alter the rhetorical impact. With comparison to the trial transcript, the phrase 'Irving is a falsifier and a liar' is shown to be a paraphrasing of what was actually said in open court. The selective quotation presents a distillation of the original utterance. By the use of reported speech without quotation marks, the headline reads as factual, there is no supporting evidence given in the headline and thus the headline appears as a revelation by the speaker rather than an accusation. Without demonstration of support the reported speech appears removed from its original place in the construction of an argument. The removal of the argument context shifts the headline from a claim to be supported or refuted to a statement of fact, presented to the readership as a truth.

While the headline in the *Times* (**Irving 'a liar not an historian', court told**) appears to be direct speech, it is in fact indirect speech, a paraphrasing of a much longer section from Rampton's opening statement. Again, the comparison must

be made between the headline, the article and the original transcript. The headline gives the phrase as 'a liar not an historian', the lead paragraph gives "falsifier of history and a liar" and later in the article gives the original transcript version of "Mr Irving calls himself an historian. The truth is, however, that he is not an historian at all, but a falsifier of history. To put it bluntly, he is a liar." The shift in speech presentation is achieved by the use of quotation marks to define the statement as reported speech, although on reading the rest of the article, the exact wording from which the headline came becomes clear. The headline then provides a truncated version of the newspapers coverage of the defence's central argument. It is not until the body of the article that it becomes clear that the speech presented in the headline is a paraphrasing of the actual speech. Therefore the question remains as to whether speech categories are defined by the readers initial perception of them, or by a cross comparison with the original source.

The contractions used in both headlines illustrate Ekstrom's (2001) concepts of simplification and of decontextualisation. The headlines both contain simplifications of a passage in the Rampton's opening speech; the simplification reduces a longer utterance to the newspaper equivalent of a 'sound bite'. The simplification makes the utterance a more unequivocal version of what was said in open court. In this way the opening speech is reduced to a 'gist', both of the original speech and the subsequent coverage. The decontextualisation is also important to understanding the rhetorical strategy. The original quotation came from the start of a much longer opening speech. This original context is removed from the quote; in both headlines the quotes can effectively stand alone, without the wider contextual information. Indeed the *Independent* headline (**Irving is a falsifier and a liar, says publisher**) is decontextualised to the extent that it may appear as a spontaneous utterance.

Both the headlines from the *Times* and *Independent* are passive. The passive voice allows for the removal of the agent, while retaining the conceptual presence of the agent (Fowler, 1974). The use of the passive voice has been shown to have an effect upon the readers' perception of the headline and the participants therein (Bohner, 2001). Also, Johnson-Laird (1968) showed that the use of the passive voice focuses attention more on to the subject of the sentence rather than the agent. Therefore the use of the passive voice in headlines may be another way in which the figure of the coverage is constructed. Additionally, the *Times* headline has no agent, thus the reader is presented with speaker-less speech, this makes a difference to the apparent facticity of the statement (Trew, 1979a, 1979b). Had the headline read 'Defence claim Irving is a liar' this would have given the claim an agent and thus attributed to a source that has a stake (Edwards & Potter, 1992). Had the headline been phrased like that, it would be expected that the defence would be critical of Irving, therefore by removing the defence from the headline it acts as a form of 'stake inoculation', protecting the account from claims of bias. If the speaker is unclear or unnamed, it is harder to discount their statement or to ascribe stake and interest to them. Without an agent, the focus of the headline must then remain on Irving and also on the statement made about him.

The headline constructs Irving as the figure of the article, with Lipstadt, Rampton and the rest of the actors as the background of the article. Thus while Irving is the figure, it is in terms of a critical statement about him. Taken together, the headline in both the *Times* and the *Independent*, and the sub-head in the *Times* do not contain anything that is explicitly condemnatory about Irving that has originated from outside the proceedings. While they express negativity about Irving, it is not the journalist who is making these statements; it is coming from an as yet unspecified party. This allows the coverage to maintain the legally required 'neutral' stance on the action while making an implicit comment on Irving. However, while these headlines are legally exact, they contain only material from

the proceedings and no direct comment or opinion from the newspaper, rhetorically it is not specified that they are all taken from within the proceedings.

Given the *Times* headline (Irving 'a liar not an historian', court told') as a way of interpreting the following article, and to some extent the subsequent coverage, it constructs the case in a specific way (van Dijk & Kintsch, 1983). The statement is not couched as a claim or an accusation, but rather as factual. Irving is the subject of the headline as well as the subsequent article. The main theme of the (defence) case, which is that Irving is a liar and not deserving of the title 'historian' is hinted at through the headline, although it is not clear that it is the defence's words being reported. The headline is an accusation against Irving, not Irving defending his position or accusing Lipstadt. Had the headline contained a positive statement about Irving, or one portraying him as a victim of the defendants, this would have provided a different interpretive framework for the readership. Throughout Irving's opening speech he made a number of statements that would have provided sensational headlines. It is also important to remember that Irving's opening speech was substantially longer than Rampton's. What the use of this headline does is retain Irving as the central figure, but from the defence's perspective. The headline acts as a preface to all that comes after it. It tells the readership that Irving is accused of lying, but not by an interested party, that he should not be accepted unquestioningly.

Both the *Times* and the *Independent* use the same quote, in different interpreted forms; The *Times*' - 'Irving 'a liar not an historian'', the *Independent*'s - 'Irving is a falsifier not an historian'. Compare this to the original statement which was "My Lord, Mr Irving calls himself an historian. The truth is, however, that he is not an historian at all but a falsifier of history. To put it bluntly, he is a liar." This then raises the question of why this passage was chosen for inclusion in the articles and, more importantly, for interpretation in the headlines. Clayman

(1995) referred to the selection of quotation by three criteria; narrative relevance, conspicuousness and extractability. Certainly the section of opening speech contracted in the headlines of both newspapers is conspicuous, it has immediacy. An accusation of lying makes an eye-catching headline. The quote is extractable from the context of the speech; it remains understandable and striking without the context of the rest of the speech. The narrative relevance is the most important in this instance. Clayman discussed narrative relevance in terms of the relevance of the quote to the narrative of the story, the way in which selected quotations support the narrative of the article. The selection of quotation in this instance both supports and constructs the narrative of the case coverage.

6.11 Establishment Of Legal Context

The legal position of Irving in the case is not clear from the *Times* headline (**Irving ‘ a liar not an historian court told**); indeed if the sub-head (*Right-wing author accused in libel battle of casting doubts on Holocaust*) is included Irving is portrayed as the subject of an accusation, despite the context of a libel case being explicit. This would suggest that he is the defendant, certainly that he is being accused. If the headline and sub-head are taken in isolation from the subsequent article, the position of Irving in the case is inverted. Irving is accused of ‘casting doubts’, he is ‘a liar’ and he is involved in a libel case. Given that libel is applied to the written word, Irving the author could be liable for the apparent lies he has written. It is not until the body of the article that the position of Irving becomes clearer. Following on from the headline, the subhead expands on the accusation being made against Irving (although at this stage it is still not explicit that the accusation being made is from the defence). Interestingly, moving from the headline to the sub-head, there is a shift from quotation to description. The more contentious statement in the headline is made using an apparent quotation from a source within the courtroom, but the sub-head uses description of Irving to

underline the frame of the headline. Thus the sub-head utilises the less sensational descriptions of Irving that may be regarded as less problematic, Irving is a 'right-wing author' rather than an 'alleged Hitler partisan' or 'controversial writer'. The statements made about Irving are not given modifiers, such as 'allegedly' or 'it is claimed'. Thus the description of Irving as right wing is presented as undisputed.

Without the context of the legal battle in the *Independent* headline, there is no apparent stake attached to 'publisher's' words. In the context of the court room such a statement is open to challenge and question, but outside the court room context it is presented as undisputed. The sequence of this headline is important, by placing the quote first in the sentence, it is the first thing about the trial. Had the headline read 'publisher says Irving is a falsifier and a liar' it would have had a significant difference to the sentence. While the semantic meaning would remain the same, the rhetorical impact would have differed. With this order, there would be a greater stake attached to 'publisher'. This would also imply the 'publisher' is Irving's publisher, someone with privileged access to Irving. The headline would read as being about 'publisher' and what 'publisher' said rather than Irving and the accusation against him. Instead Irving is the first character the reader is introduced to. The order used retains Irving as the figure of the headline and therefore of the coverage. Irving is the first thing we encounter in the trial coverage in the sequence; Irving – accusation – accuser.

The accusation being made against Irving in the *Independent* headline has an agent; it is 'publisher' that is accusing him of being a liar. Note that the accusation is not being made by Lipstadt, who had made allegations of Holocaust denial against Irving in her book, but by 'publisher'. Interestingly, there is no clarification of whose publisher is speaking. It may be assumed that 'publisher' is the publisher of Irving's work, now or in the past; that 'publisher' is linked to Irving by the nature of his work (Sacks, 1992). It is a general assumption that two

individuals mentioned together are connected by their category membership. Sacks' discussion of 'the baby cried, the mommy picked the baby up' shows that two individuals mentioned together with a linking category (baby-mommy) are likely to be closely connected together, in this case that connection is to be drawn that the baby is the child of the mommy. Thus when 'publisher' refers to Irving, the assumption may be that 'publisher' is intrinsically linked to Irving. Even if the reader is unaware of Irving as an author, 'publisher' is unlikely to be referring to an individual as a liar who is unconnected with 'publisher' a professional context. Thus Irving and 'publisher' would seem to be linked by the contextual information of the professional role of the 'publisher'. If 'publisher' is connected with Irving, it may be assumed that 'publisher' has done business with Irving and is therefore in a position of privileged knowledge as to Irving's trustworthiness, or otherwise.

The use of 'publisher' as accuser achieves several things; 'publisher' is marked as relevant to the interaction (Grice, 1975). Additionally there is no clarification of who 'publisher' is; this is a somewhat ambiguous term as it could be an individual publisher or the publishing organisation speaking. Therefore the agent is undefined. The use of 'publisher' as accuser, rather than Lipstadt as the author of a book accusing Irving and the subject of the libel trial, reduces the accusation of stake against Lipstadt. The author of the statement, however, is not 'publisher'; rather it is Richard Rampton, 'publisher's' Q.C. By ascribing the quote to 'publisher's' representative rather than 'publisher' themselves, this again serves to remove the legal context from the headline. Again, by ascribing the words to 'publisher' and not 'publisher's' Q.C., the stake is reduced; a legal representative has a vested interest in giving their clients position. By removing the Q.C. from the interaction this accusation is forestalled.

The focus of the *Times* subhead (*Right-wing author is accused in libel battle of casting doubt on the Holocaust*) is later to emerge in the article as Rampton's accusation of Irving, although in the headline there is no attributed source of the accusation, it is an accusation without an agent. Irving is 'accused' although he is the plaintiff. Again, there is no clear speaker but there the thrust of the speaker's argument, this keeps Irving the focus of the sentence in terms of a critical statement about him. It is important that the lies Irving is accused of are defined as being around the Holocaust. In the *Times* sub-head it is explicit that the area of controversy is the Holocaust, in the *Guardian* sub-head it is given as the rather fuzzier 'fate of the Jews'. Irving is not being accused of telling lies about some little known area of history; he has 'cast doubts' on the Holocaust, an area of accepted historical, political and cultural understanding that occurred within living memory. This then colours the subsequent article and underlines the forthcoming questionable nature of Irving's statements. It should be noted that Irving is not accused in the sub-head of Holocaust Denial, rather he is accused rather more vaguely of 'casting doubts' on the Holocaust. This achieves several things; it does not repeat the substance of the alleged libel against Irving that his suing Lipstadt for and it makes his position one of revisionist. Doubts may be implicitly cast on an aspect of history without an explicit denial, this then allows for some of the more subtle aspects of Irving's subsequent rhetoric in the court. Irving is shown as casting doubts on that which it is not reasonable to cast doubts upon. This again refers back to Irving's 'stake' and his contingent politics (Gilbert & Mulchay, 1984). Interestingly, although Irving spoke at greater length on the opening day than any of the other protagonists, and he is the subject of the headline, it is not drawn from Irving's words. This makes Irving the subject of discussion rather than the voice of the headline. The headline ultimately establishes Irving as the central, but problematic, figure of the upcoming coverage.

Of all the broadsheet headlines, the *Guardian* (**'Pariah' Irving sues Holocaust author**) is the most explicit in its legal context, as well as identifying who is bringing the case. It is clear that this is a civil case; Irving is suing another party. It is not clear, however, who the Holocaust author in question is. Nor is it clear what the basis of the case is. 'Irving sues Holocaust author' could refer to a breach of copyright or a broken contract. It does not instantly imply that a libel suit is involved. If the sub-head (*Historian labelled a liar...says attack on his reputation robbed him of financial security*) is also taken into consideration, there is further information regarding the case. 'Labelled a liar...attack on his reputation' implies an accusation that has harmed Irving and that he may be suing for libel, but this is not confirmed until later in the article.

In the *Telegraph* headline (**History of the Holocaust goes on trial**) the legal context is undefined. While the headline states that history is being put on trial, this does not directly imply that this is in a court of law. Such a trial of history could equally be carried out in academic journals or in a debating chamber. Equally, such a phrase could apply to a historian producing radical new evidence for public consumption. The context of a libel trial is in no way clarified. Also, although the sub-head (*Author claims he is the victim of an international campaign to destroy his career and make him a pariah*) gives a claim, it could equally come from a context outside the legal arena. What is noticeable in all the broadsheet headlines is that Irving's opponent in the case is not mentioned, it is not given as Irving Vs Lipstadt, Irving Vs Penguin Books or even Irving Vs Rampton. However, in the *Telegraph* it is Irving Vs the unnamed and nebulous 'international campaign'.

The concept in the *Telegraph* headline is that some kind of doubt is being cast upon the history of the Holocaust. The casting of doubt on something that is part of our 'common-sense' understanding implies that the area can be doubted. If a

criticism or claim is made against a majority understanding by a minority view or opinion, the majority are required to justify their position (Billig, 1996). Thus, an accepted understanding becomes a matter of belief and opinion. While our understanding of history allows for discussion of the context surrounding an historical event, much of our history is treated as having unquestionably happened, even if there is debate as to the details. Indeed, it is rare that there is total consensus on history (Levin, 2001). It is when an historical occurrence has doubt cast upon it that it may be expressed as a matter of faith. As Billig points out, we do not discuss many historical events in terms of our belief in their occurrence, we assume for example that the Battle of Hasting, the Great Fire of London and the Sinking of the Armada took place. For most people, the occurrence of the Holocaust remains in that category. For the most part, Holocaust denial is treated as peripheral to mainstream historical analysis. Those who promulgate such views are generally not afforded access to the popular press.

6.12 *'An International Campaign'*

The speech reported in the *Telegraph* sub-head appears to be indirect speech (Leech & Short, 1981). However, by comparing the sub-head with the original trial transcript, it can be seen that it is a contraction of a number of separate sections of Irving's opening speech. The sub-head presents a contraction of 'author's claim to be the 'victim of an international campaign' which is aimed at destroying his career and making him a 'pariah'. To claim that there is an 'international campaign' with the aim of ruining your career and making you an outcast from society is a remarkably bold statement and one that would require substantial evidence. The sub-head can be seen as an example of a combination of simplification and 'sandwiching' (Ekstrom, 2001). The thrust of the sub-head is that there is an international campaign and that Irving has been made a pariah.

The sections of Irving's opening speech these accusations from were some distance apart. The actual wording from the trial was;

"So it became gradually evident (and I have to emphasise that I cannot pin down any particular year in which I finally realized that I was being victimized by this hidden campaign) that I was the target of a hidden international attempt to exclude me, if it could be done, from publishing further works of history." (Day 1, P52, emphasis added)

"It will become evident to this court from the evidence that I lead over the next few days, my Lord, that the international community started to intensify its campaign to destroy me and to truncate my career as an author either before or at about the same time as the Viking Press and other publishers published my well-known biography of Adolf Hitler" (day 1, P55, emphasis added),

"It is enough for the label [Holocaust denier] to be attached for the attachee to find himself designated as a pariah, an outcast from normal society" (day 1, P25, emphasis added).

The extracts are given in the order in which they appear in the sub-head, not in the order they appear in the trial transcript. It should also be noted that the extracts are not from temporally close areas of the opening statement. While extract two is from three paragraphs after extract one, extract three occurs twenty-seven paragraphs from section one*.

In Ekstrom's (ibid) analysis, the use of 'sandwiching' of two or more interviews into something that reads as a single interview or interaction allows the journalist to provide a more compact, neat presentation as well as providing coverage with greater impact. In this case the journalist is able to take accusations from Irving's

* The paragraph numbering system of court transcripts used by the court stenographers should be kept in mind. The transcript is broken into paragraphs of approximately fifteen lines. This allows for more accurate directions in finding sections of transcribed action. For the reader, the paragraphs provide some guide as to the time elapsed in the action.

opening speech and join them together to give a simplification of Irving's position. This strategy is in opposition to the strategy taken in the other broadsheet headlines that give the simplification of the defences' position. By combining selections and simplifications from several passages, the sub-head concentrates several striking accusations from Irving's opening speech in to a single sentence.

The other broadsheets present Irving as the central figure, constructing him in negative terms. Thus Irving's negative reputation informs the subsequent coverage. The unnamed 'author' in the *Telegraph* sub-head, who is later defined as Irving, is not presented in terms of reputation and character in such a direct manner. What is clear is that 'author' has some kind of grievance or grudge. The sub-head details several of 'author's' claims, among these being victim status at the hands of an 'international campaign'. This claim of the existence of an international campaign is reiterated in other interpretations in the body of the article. Claims of the existence of an international group, setting out to destroy an individual from a rival political perspective, are not generally heard from within the mainstream political spectrum (Byford & Billig, 2001). Indeed, by defining the group in the body of the article as being made up of 'Left-wingers and Jews' evokes traditional anti-Semitic conspiratorial ideology (Pipes, 1997, Byford & Billig, *ibid*). The character of 'author' could then be viewed in two ways with reference to the concept of his claimed victimhood. 'Author' could be seen, as he claims, as the victim of a shadowy group, determined to destroy him.

Alternatively, 'author' could be seen as conspiracy theorist, deluded by his own prejudice. On a minor point, the sub-head refers to the unnamed 'author's' 'claim', rather than 'author' saying or telling the court. The use of the term 'claim' instead of 'say' or 'tell' is used as a distancing device (Caldas-Coulthard, 1994). By using 'claim' in contextualising reported speech, the journalist or newspaper does not take responsibility for what is reported. In this case, by using 'claim' it retains the unsubstantiated nature of 'author's' statement.

The inclusion of the term 'international campaign' in the *Telegraph* sub-head (*Author claims he is the victim of an international campaign to destroy his career and make him a pariah*) is both a contraction and a simplification of the original transcript (the international community started to intensify its campaign to destroy me and to truncate my career). Interestingly, the shift from the original 'the international community' to international campaign' is a downgrading of the claim. 'International campaign' could refer to any group of people sharing some aim, but 'the international community' is a larger, more defined term. 'The international community' suggests an identifiable and widely understood group, with a shared kinship. It is not 'an international community' or 'this international community', instead 'the international community' implies that this is a group that is known by all and therefore needs no further identification. This downgrading is also reflected in the next part of the *Telegraph* sub-head (destroy his career). The original statement (the international community started to intensify its campaign to destroy me and to truncate my career as an author) made a much stronger claim, not that the aim was to destroy his career, but to destroy *him*. Finally, the sub-head gave one of the aims of the 'international campaign' as making Irving a 'pariah'. This again is a subtle shift from the original (It is enough for the label [Holocaust denier] to be attached for the attachee to find himself designated as a pariah), in which pariah status is a consequence rather than an aim of the 'international' group. Therefore, while the *Telegraph* gave a contraction and concentration of accusations made by Irving, the simplifications used also reduced the rhetoric of the original.

6.13 Conclusion

What the tripartite comparison of the opening day nuclei shows is that the line of construction, from original to article to headline, is not a simple path, but a more complex process. It shows that the main article gives another level of rhetorical simplification and transmission. Certainly, it shows that news articles contain a strategic combination of simplification and verbatim reported speech. This then illustrates what was stated in chapter 4, that the newspapers employ strategic mediated coverage in the presentation of Irving. While the newspapers present Irving and the trial action within the boundaries of the law, the presentation of Irving is subtly constructed to make implications as to his character and beliefs, and thus how he should be interpreted. Irving's core argument as to the nature of the damage done to him by dint of being labelled a 'Holocaust denier' does not appear as a substantial part of the opening day nuclei. Nor does Irving's argument as to the connotation and denotation of the term 'Holocaust denier' feature. However, through the course of the trial, these were substantial areas of discussion and it is these that will be examined in the next chapter.

Chapter 7. Trial Analysis

MR JUSTICE GRAY: Can I ...just ask you [Mr Irving] to go back, if you would, to page 18 which is where you are dealing with what I think you accept is at the heart of the action, namely the accusation that you are a "Holocaust denier". (Day 1 P-86).

The case of Irving vs. Penguin Books and Lipstadt revolved around the accusation made by the defendants that David Irving was and is a Holocaust denier, that he had made statements, both written and spoken, that denied the Holocaust and that were politically motivated by his far right opinions and his anti-Semitism. The term 'Holocaust denier' is rhetorically important, both to the case itself and the coverage thereof. The implication is that the person the term is applied to denies the essential veracity of an event that is generally accepted. While it appears to be a fairly self-explanatory term, it is surrounded by a political context that is required to appreciate its meaning and implications.

In order to understand the implications of the term 'Holocaust denier' in the trial and its coverage, it is necessary to examine the use, and possible changes in the use, of the term through the action of the trial and the subsequent judgment. The phrase 'Holocaust denier' appeared from the very start of the trial action. Indeed, it was the very core of the case as laid out in court. What is also important in the understanding of the term is the contested meaning of the term itself. Both the plaintiff and the defence gave their own particular definitions of the phrase Holocaust denier in the action of the trial. The differences between the definitions and the positioning of the opposing parties to the use of the phrase 'Holocaust denier' took up a sizable part of the action. What is clear from the inception of the dispute is that being labelled as a Holocaust denier is a categorisation to be

avoided. It is a wholly negative categorisation, and one that Irving repeatedly attempts to avoid throughout the trial action.

7.1 Opening Day Speeches

On the opening day Irving, as plaintiff was the first to speak. It was Irving who initially introduced the phrase Holocaust denier into the transcript. While Irving talked around the topic initially, he talked more fully about the term when he addressed the cause of his action in his opening speech.

Irving: In 1993, the First Defendant [Penguin books] (as they allow in their witness statements) published "Denying the Holocaust", the work complained of, within the jurisdiction, written by the Second Defendant [Deborah Lipstadt]. The book purports to be a scholarly investigation of the operations of an international network or conspiracy of people whom the Second Defendant has dubbed "Holocaust Deniers". It is not. The phrase itself, which the Second Defendant prides herself on having coined and crafted, appears repeatedly throughout the work and it has subsequently become embedded in the vernacular of a certain kind of journalist who wishes to blacken the name of some person, where the more usual rhetoric of neo-Nazi, Nazi or racist and other similar epithets is no longer deemed adequate. Indeed, the phrase appears over 300 times in just one of the Defendants' experts reports, "Holocaust denier", 300 times in one report, my Lord.

It has become one of the most potent phrases in the arsenal of insult, replacing the N-word, the F-word and a whole alphabet of other slurs. If an American politician, like Mr Patrick Buchanan, is branded even briefly a "Holocaust denier", his career can well be said to be in ruins. If a writer, no matter how well reviewed and received until then, has that phrase stuck to him, then he too can regard his career as rumbling off the edge of a precipice.

As a phrase, it is of itself quite meaningless.

The word "Holocaust" is an artificial label commonly attached to one of the greatest and still most unexplained tragedies of this century.

The word "denier" is particularly evil because no person in full command of his mental faculties, and with even the slightest understanding of what happened in World War II, can deny that the tragedy actually happened, however much we dissident historians

may wish to quibble about the means, the scale, the dates and the other minutia.

Yet meaningless though it is, the phrase has become a part of the English language. It is a poison to which there is virtually no antidote, less lethal than a hypodermic with nerve gas jabbed in the neck, but deadly all the same. For the chosen victim, it is like being called a wife beater or a paedophile. It is enough for the label to be attached for the attachee to find himself designated as a pariah, an outcast from normal society. It is a verbal Yellow Star. [day 1 P-23 – P-25]

In contrast to Irving's introduction and definition of the term, Rampton introduced it thus;

Rampton: Moreover, the lies which the Defendants in this case will show that Mr Irving has told, concern an area of history in which perhaps it behoves any writer or researcher to be particularly careful of the truth, the destruction of the Jews by the Nazis during World War II, the Holocaust, and Adolf Hitler's role in that human catastrophe, or, as Mr Irving would have it, alleged catastrophe, for Mr Irving is nowadays a Holocaust denier. By this I mean that he denies that the Nazis planned and carried out the systematic murder of millions Jews, in particular, though by no means exclusively, by the use of homicidal gas chambers, and in particular, though by no means exclusively, at Auschwitz in Southern Poland. [day 1 P-89]

In their speeches both Irving and Rampton gave signs that the trial was to hinge on whether Irving could be rightfully labelled a Holocaust denier. However, the two parties approached the meaning and application of the term in notably different ways. While both acknowledge the self-evidential meaning, which is that it refers to the denial of the Holocaust, there are a number of differences that must be examined. The most obvious and immediate difference is that Irving makes reference to the label of Holocaust denial as something applied to him and the apparent effects it has caused. Rampton, however, gives a definition of what Holocaust denial is. While Irving centres his argument on the legitimacy of the term Holocaust denier, Rampton instead uses the term as legitimate and centres his argument on the overall legitimacy of Irving. This is a rather gross rendering of the difference, so a more fine-grained analysis is required.

The core of the debate between the two parties is not just whether or not Irving was a Holocaust denier, but what the meaning of the term is. The term 'Holocaust denier' is rhetorically complex. The two parties, it can be seen, have in broad terms taken two opposing stances on it. For Irving, it is an illegitimate term, one with no legitimate academic or logical basis. If the position is taken, as Irving does, that much of Holocaust history can be questioned, then as the Holocaust has limited consensus as to its events, one cannot be viewed as denying something that others cannot agree upon. For the defence the Holocaust, whilst academics are still revealing aspects of its events, is a clearly defined and understandable episode of recent history. Thus to question it as an historical fact is to be classed by ones own actions as a Holocaust denier. Thus Holocaust denier is, in this context, an essentially contested concept (Gallie, 1962). This is a term used in the context of debate, both debating the nature of the term itself, but also debating the area that the term refers to, with the essence of the term debated, it encapsulates the essentially contested concept. Gallie's discussion of essentially contested concepts focussed on positive concepts such as the nature of art and democracy, concepts that in most arguments, we would wish to define as aspects of our own position. However, in the analysis of this trial, the concept of essentially contested concepts applies equally well to Holocaust denial.

While the existence of individuals who deny the existence of the Holocaust is not in question, the essence of what defines and motivates Holocaust denial is. Thus it is the category of Holocaust denial that requires clarification in the action.

What this illustrates is the fuzzy nature of categorisation. While Social Cognition treats human categorisation as a bureaucratic process carried out as an economical cognitive function, when the categories themselves are in question, the categorisation process becomes markedly more problematic. One of the major flaws of cognitive social psychology is that in reducing human thought to a bureaucratic process, it fails to take into account the argumentative and rhetorical nature of the construction of categories (Edwards, 1991, Billig, 1996). Rather

than categories being clear cognitive groupings enabling the individual to act as a 'cognitive miser', instead categories are more fluid and rhetorically achieved groupings. Thus categorisations, particularisations and archetypes are identified and utilised through our discussions and debates about them. The membership of categories is something that relies on consensus in order to be determined. Indeed, the confused nature of categories or notions is one that can be exploited rhetorically (Perelman, 1980). Given the lack of strong consensus over the definition and usage of a notion, the notion can be treated as elastic. This elasticity both allows for differing category characteristics, and indeed, debate over the very essence of the category. By rendering Holocaust denial as a confused notion, it allows for the two parties to approach the trial and evidence from their own perspectives. The question is therefore how the term 'Holocaust denier' is contested by the two parties and what form the contestation takes.

7.2 The Category Of 'Holocaust Denier'

Throughout the trial there is an ongoing contest as to the category characteristics and whether they applied to Irving. In Rampton's speech the characteristics of Holocaust denial form his introduction of the term.

"...for Mr Irving is nowadays a Holocaust denier. By this I mean that he denies that the Nazis planned and carried out the systematic murder of millions Jews, in particular, though by no means exclusively, by the use of homicidal gas chambers, and in particular, though by no means exclusively, at Auschwitz in Southern Poland."
(Day 1, P-89)

Therefore the characteristics of Holocaust deniers are that they deny the Holocaust and the Nazis systematic and industrialised planning and execution of Jews.

Rampton uses the term 'Holocaust denier' and then gives an explanation of it. Thus the phrase is introduced to the court by Rampton as a label to be attached to Irving, that Irving is an exemplar of the category of Holocaust denier. It is important to note that Irving is "nowadays" a Holocaust denier. Thus Holocaust denier is something that Irving has *become*. If Irving has become a Holocaust denier, someone whose ideological position leads them to deny historical fact, then their reputation prior to the expression of Holocaust denial is not a supporting element in their case. If, for example, an individual who has previously been of good character, if somewhat robust views, starts to expound opinions of unacceptable bigotry and prejudice, their previous good character is counteracted by their present statements. Thus Irving's assertions in his opening speech about his earlier works being well received do not excuse his current denial of the Holocaust.

In contrast Irving gave a more imprecise set of characteristics of Holocaust denial. What is noticeable in Irving's speech is that while it focussed on the apparent effects on Irving of being labelled as a Holocaust denier, it gave little definition of what its characteristics are.

"As a phrase, it [Holocaust denier] is of itself quite meaningless. The word "Holocaust" is an artificial label commonly attached to one of the greatest and still most unexplained tragedies of this century. The word "denier" is particularly evil because no person in full command of his mental faculties, and with even the slightest understanding of what happened in World War II, can deny that the tragedy actually happened, however much we dissident historians may wish to quibble about the means, the scale, the dates and the other minutia." (Day 1, P-25)

It must be remembered that these are opening day speeches in which the advocates outline what they intend to show through the trial and the evidence and witnesses they will call on. Therefore they are under no obligation at this stage to fulfil the claims they are making, nor to illustrate them in a manner that would constitute proof.

However, it is clear from the two speeches that the defining characteristic of Holocaust denial for Rampton is the denial of the Holocaust, for Irving those who deny the Holocaust are “not in full command of their mental faculties”. Irving stipulates no overall defining characteristics of Holocaust denial. Indeed, the focus for Irving is emphasising the illegitimacy of the category ‘Holocaust denier’. If Rampton’s version of what constitutes the characteristics of Holocaust deniers is taken as definitive, he must show that Irving can be defined within them in order to label Irving as a Holocaust denier. Irving characterises the category of ‘Holocaust denial’ as illegitimate, instead categorising himself as a ‘dissident historian’. It is not clear from Irving’s speech what the characteristics of the category ‘dissident historians’ are other than ‘quibbling’ about ‘minutiae’. This ‘quibbling’ may be interpreted as Holocaust denier by another name, but it is this that must be decided upon by Gray.

In attempting to understand the manner in which ‘Holocaust denier’ is contested as a concept, it requires an understanding of the approach the two parties take to the issue of meaning, not just of the term itself, but also of how meaning can be defined and used in this context. Meaning can be broken down into two main constituents, the conceptual definition and the implications of the usage. It is the differing emphasis on these two elements that requires investigation in this case. This case presents a dual contestation, both of the overall meaning of the contested term, but also of what constitutes the vital element of the meaning of the term ‘Holocaust denier’ as applied to Irving.

What is evident in the speeches of the two parties is the radically different approach each takes to how meaning is determined and how it is then applied. Recanati (2004) described a continuum of philosophies of meaning from

Literalism to Contextualism. On the one hand Literalism is an approach similar to the 'Ideal Language' philosophy pioneered by theorists such as Frege (Dummett, 1973) and Russell (1940, 1956). On the other hand Contextualism is similar to the 'Ordinary Language' philosophy of theorists like Austin (1962) and Grice (1975). Literalism is based on the concept that the intrinsic meaning of an expression can be separated from the extrinsic implications or rhetoric of it. Thus it is the intrinsic meaning that must be focussed upon and is that which holds the most relevance. While the Literalist position is important to understand, in this context the opposite end of the spectrum may be better regarded as Nominalism.

The Nominalist approach to language is predicated on the concept that there is a nominal essence of meaning. Thus the definition of the expression provides the nominal essence of the terms criteria. If the characteristics match the criteria, then the definition can be made. For example, gold is a heavy yellow malleable metal, if the object does not fit these criteria, it is not gold. Nominalism is a philosophical attempt to cut through the obfuscation of day-to-day usage that can be imprecise, to provide a clear and definitive set of criteria of application. What Literalism and Nominalism share, for the purposes of this discussion, is that both approaches regard the day-to-day imprecise usage and the implications thereof as not being determinants in the definition criteria. Contextualism is predicated on the pragmatic approach, that the implication cannot be separated from the intrinsic meaning. This is, obviously, a thumbnail sketch of the philosophy of meaning, however, it does provide convenient labels for the two parties different approaches to language and what constitutes meaning.

Rampton gives his definition of Holocaust denial as one of what the characteristics are, what the intrinsic meaning of the term can be phrased as. In this way Rampton displays an implicitly Literalist approach, separating the connoted from the denoted meaning. For Rampton, at this stage, the rhetorical

implications of the term have no place in the argument. In contrast Irving takes an implicitly Contextualist approach, to the extent that he claims that the term has no intrinsic meaning. Rather it can only be understood in terms of its implications. It would be naïve to assume that Irving and Rampton's speeches accurately reflect their own, personal, philosophical approaches to language in general. Instead what this does illustrate is the manner in which that meaning is approached can be utilised as a rhetorical tool. If one element of the overall meaning is omitted, be it the intrinsic or extrinsic, it can radically alter the way in which the expression is used. As shown by the opening speeches of the two parties, an overall approach to language that is dynamic can be utilised as a powerful rhetorical tactic.

7.3 Irving's Introduction Of 'Holocaust Denier'

Irving's approach to the term Holocaust denier is predicated on establishing the illegitimacy of the term, as well as avoiding being judged as a member of the category of Holocaust denier. Irving opens his introduction of the term by placing its etymological creation squarely in the hands of Lipstadt. It was she who has "coined and crafted" the term. Irving presents Lipstadt as taking pride in the creation of the term and, given Irving's claims about its usage, its having been created with a specific agenda in mind.

"The phrase itself, which the Second Defendant prides herself on having coined and crafted, appears repeatedly throughout the work and it has subsequently become embedded in the vernacular of a certain kind of journalist who wishes to blacken the name of some person, where the more usual rhetoric of neo-Nazi, Nazi or racist and other similar epithets is no longer deemed adequate." (Irving, day 1 P-23)

For Irving, Holocaust denier, along with more recognisable terms such as 'neo-Nazi' and 'racist' are terms of insult, used rhetorically to smear the person to whom they are attached. In this Irving is not only setting out his approach to the

term Holocaust denier, but also making claims as to the unreliability of these other terms. Thus, instead of being titles attached to individuals who are seen to hold specific political and ideological opinions, terms such as 'racist' and 'neo-Nazi' are labels attached arbitrarily to those the labeller wishes to discredit.

Irving gives his history of the term Holocaust denier. In doing this Irving emphasises the apparent artificiality of the term. In Irving's history of the term there is a significant gap. In this Lipstadt had invented the term and used it in her book. By the trial, Irving claims, it has become embedded in journalistic vernacular as a term of insult. However, how this embedding occurred is unclear in Irving's account. Irving emphasises the denoted meaning, or rather lack of meaning, of the term. It is, according to Irving, "of itself quite meaningless". By claiming it as an artificial label, Irving emphasises what he regards as the illegitimacy of the term. If this is artificial and not a real phrase it is not a term that has evolved through a shared vocabulary and usage.

Taking into account the usage of the term that Irving describes, the term had been specifically created by Lipstadt to fulfil her own particular stake and interest (Edwards & Potter, 1992). For Irving, with his implicitly Contextualist tactic, the term 'Holocaust denier' has no clear denotation. Instead it is the connotation of the term that is the focus of his speech. In Irving's speech, this is not a term that has evolved to describe and categorise people who adhere to a particular political and historical view, but an artificially created label and term of abuse. Irving dismisses Lipstadt's book as "purporting to be a scholarly investigation". Therefore this is not a term of legitimate academic expression. Indeed, it is a term that is overused by those who share Lipstadt's motivation. In the report of one of the defendant's experts "the phrase appears over 300 times", by over usage it apparently undermines the legitimacy of the term. This theme continues, Irving states that the term has become "embedded in the vernacular" as a term of insult,

applied to “blacken the name” of individuals, not to describe or categorise them. This is not a term that describes the position of the individual it is applied to; it is a rhetorical tool to damage those it is applied to. Irving thus opens his introduction of the term with his interpretation of the rhetorical impact of it, not the content or meaning of it. Irving claims that the rhetorical impact of the term is so powerful that it can destroy the careers of individuals, regardless of their prior status. By claiming the term as illegitimate due to its interested creation, Irving positions himself as the victim of a politically motivated group who are seeking the furtherance of their own agenda.

The rhetorical strategy that Irving takes bears similarity to one commonly used in mainstream politics. Thus the individual defines the argument as being about the motive behind the argument rather than content of it (Bennett, 1980). By using this strategy, Irving places the initial emphasis on the motivation of the defendants to cast a slur upon his character, but does not give a precise definition of the meaning of the term. Irving speaks at some length about the effect that the labelling had upon him, including a number of powerfully emotive references to the destructive nature of the label. For Irving it is like being called a wife-beater, a paedophile; it is like being injected with nerve gas. It is, in Irving’s words, a verbal yellow star. Using the rhetorical technique of analogy, Irving extends the conceptual framework of his argument (Perelman & Olbrechts-Tyteca 1969). Given that, in spite of Irving’s claims that Holocaust denier is embedded in the vernacular, his argument requires expansion due to the impact of being labelled as a Holocaust denier being not immediately obvious. In essence, Irving illustrates that these are not just words or a criticism that can be shrugged off. Instead these words carry a greater rhetorical power, a power that borders on the physical hurt.

The last analogy is particularly important. The yellow star is a metonymic device, invoking the wealth of daily degradations and suffering of the Jews under the Nazi

regime. What is clear in Irving's definition of the term is that he is positioning it as an insult, designed and constructed specifically to damage the recipient. Irving claims that the term Holocaust denier has replaced 'the N-word, the F-word and a whole alphabet of other slurs'. In this way Irving further constructs the term 'Holocaust denier' as not being an ideological position held by the referee, but as an ideological weapon used by the referrer. In his speech Irving also uses other imagery redolent of the Holocaust. He refers to being jabbed in the neck with a hypodermic filled with nerve gas. Leaving aside the lack of internal consistency in the analogy, it is one that again harks back to the mechanics of the Holocaust. By projecting victimhood as understood in relation to the Holocaust upon himself as an historian, Irving casts himself as the passive and helpless victim of a politically motivated movement. By implication it is his accusers that are motivated by their own ideology to restrict his speech and smear him because he does not adhere to their beliefs.

In Irving's introduction to the term, there is little actual definition of Holocaust denial, certainly not in a way that introduces application criteria in a Nominalist form. Instead, Irving challenges the notion that Holocaust denier has any definitive inherent meaning itself. For Irving the term is meaningless, it is without denotated meaning, but rather it has connotations that have damaged him and that he is challenging. Irving's definition of Holocaust denial, such as it is, consists of breaking the term down, defining and positioning each word. Thus, in Irving's explanation Holocaust is an event that is not fully understood, and denier is a label that cannot be attached to him. If the Holocaust can be rendered as an unexplained concept, then it does not lend itself to a definitive definition. Without a definitive definition, the concept cannot be denied. Instead Irving states that he does not deny the Holocaust, as "no person in full command of his mental faculties...can deny that the tragedy actually happened", he merely "quibbles about...minutia". Therefore, in Irving's definition, Holocaust denial is only practiced by people who are without the full grasp of their mental faculties, and as

he is, by his own definition, a well-received author, *ipso facto* he cannot be a Holocaust denier. Rather he is a “dissident historian” who quibbles about minor matters of the event.

By giving his own definitions of Holocaust denial as a term of abuse, and his own position as respectable if iconoclastic, Irving positions himself as the victim of an illegitimate term. Irving’s claim is that far from being a Holocaust denier, he is quibbling about petty details. The use of “quibbling” to describe his actions is a marked downgrading, from outright denial to minor picking at apparently inconsequential details. The details that he says he and his other “dissident historians” split hairs about would appear, however, to be the very heart of the Holocaust, they are the “means, the scale, the dates and other minutiae”. If these are minutiae it begs the question, what, for Irving, are the major facts of the Holocaust? Irving assigns himself the status of ‘historian’, albeit with the modifier of being ‘dissident’. This status of ‘dissident historian’ is not a label that applies exclusively to Irving, he is part of a wider group, “we dissident historians”. He is not then a lone voice, but part of a group who may ‘quibble’ about details, but nevertheless retain the status of historians in their own terms. Thus Irving is placing himself with the borders of legitimate history. Additionally, it allows him to claim his views as those of a dissident within a legitimate field rather than as prejudiced or racist.

Within Irving’s introduction of the term there is a relational aspect of the use of the term Holocaust denier to the Holocaust itself. As already seen, Irving sets out to establish the artificial and illegitimate nature of the term Holocaust denier. Indeed, Irving states the “as a phrase, it is of itself quite meaningless”. He then goes on to illustrate why he feels it is meaningless. In doing this he questions the very use of the term Holocaust itself. In this he states that it is “an artificial label commonly attached to one of the greatest and most unexplained tragedies of this

century". Thus the word Holocaust is a contrivance, and if it is contrived and artificial, it follows that an expansion of the term must also be contrived and artificial. Therefore, rhetorically, the alleged illegitimacy of the term Holocaust denier is confirmed in Irving's argument.

Irving's reference to the Holocaust also displays further rhetorical strategies. Irving is superficially acknowledging the Holocaust as a historical event; however, the manner in which he does this is remarkable. In Irving's speech the Holocaust is an "unexplained tragedy", not a war crime or a crime against humanity, nor even the logical conclusion of the Nazi eugenic and racist ideologies. Instead it is a tragedy, a term normally associated with natural disasters. Tragedies are not premeditated, they are not evil, they are not criminal and importantly have no agent. Thus the Holocaust is downgraded into something that although very sad, is not of premeditated human agency. Irving also describes the Holocaust as "unexplained". This is a curious choice of words. While the motivation behind and execution of the Holocaust may be described as inexplicable, it is not itself unexplained. There is a wealth of documentary and eyewitness evidence detailing where it occurred, how it was carried out, by whom, what the administrative structure was that allowed it to take place, and so on. To call the Holocaust unexplained is to claim that while we may be aware of this existing evidence, the true explanation of what occurred is as yet unknown or unaccepted. Also the evidence and explanations currently available and accepted are either inadequate or untruthful. Additionally, by stating that the Holocaust is unexplained, it allows for "dissident" explanations as everyone else has failed. Thus, in Irving's opening speech he not only sets out his usage of the term Holocaust denier, but also his usage of the term, and attitude to, the Holocaust itself. What is noticeable by its absence in Irving's talk of the Holocaust is any mention of Jews. What is described as evil in Irving's opening speech is not the actions of the Holocaust, but instead is the act of being called a Holocaust denier.

This reversal of values underscores Irving's downgrading of the Holocaust and upgrading of his own apparent suffering.

7.4 Rampton's Introduction Of 'Holocaust Denier'

In contrast to Irving, Rampton gives a rather different explanation or construction of the term 'Holocaust denier'. While Irving invoked emotive terminology in his introduction, Rampton makes a display of precise rationality in his approach. Rampton does not emulate Irving's emotive appeals in his opening speech. Instead Rampton utilises a tactic of stylistic opposition to Irving in addition to the oppositional content of his argument. Rampton uses a low-key introduction of the term. Importantly Rampton introduces this term as something quite different from Irving. While Irving emphasises the use of Holocaust denier as term of abuse and as an illegitimate phrase, Rampton places emphasis on Holocaust denier as a descriptor of an individual's position. In this way Rampton introduces his Nominalist strategy. What Rampton relies upon in his speech is a strategy that sets out the criteria of application and focuses on them as the essence of the meaning of the term Holocaust denier. Rampton does not refer back to the claims made in Irving's speech that Holocaust denier is a pejorative term, or that it has been used for a political motive. Instead Rampton labels Irving as a Holocaust denier. Rampton states that Irving is a Holocaust denier and then goes on to elaborate. In Rampton's speech there is a linear progression in his introduction of Holocaust denial. Rampton uses the term ("for Mr Irving is nowadays a Holocaust denier"), and then he goes on to give a definition of the term, ("By this I mean..."). Rampton assumes the need for a definition in terms of a set of criteria of application in his speech to illustrate the position on the term that he will be taking, but also to counter the connotation focused approach that Irving takes. Rampton states that he will show that Irving has lied about the Holocaust and that as a result Rampton will show that Irving is unquestionably a Holocaust

denier. Rampton's approach to the Holocaust is in direct opposition to Irving's. While Irving gave no agency or detail, calling it an 'unexplained tragedy', Rampton gives details in a direct manner, giving agent, place, numbers, and method. Thus the Holocaust, in Rampton's speech, is an actual event, not the disputed concept of Irving's speech. Indeed, Rampton defines the Holocaust by the very "minutiae" that Irving stated he, as a "dissident historian" 'quibbled' about.

Importantly, what Rampton does not do in his introduction of the term Holocaust denier, is to respond directly to Irving's explanation of the term and its usage. Instead, by not making any reference to Irving's emotive speech but by giving a more apparently dispassionate definition, Rampton positions the term Holocaust denier as a definition of an ideological position rather than as a personal insult. The central difference in the two parties approaches to the term Holocaust denier relies on the lack of adequate definition of the term. What is displayed in Irving opening speech is his use of dissociative definitions (Perelman & Olbrechts-Tyteca, 1969). Dissociation emphasises one's own legitimate usage of an argument, while claiming the opposition's use as illegitimate. The dissociative definition is a rhetorical tool which provides the "true meaning of the concept as opposed to its customary or apparent usage." (ibid. p444). This rhetorical strategy exploits the contested nature of the central term, that is to say, what Holocaust denial actually is. The outcome of the case itself must be based on a judgment of what the correct definition of Holocaust denial is. Irving's gives his explanation of Holocaust denial as a term of insult as counter to the definition given within Lipstadt's book.

Rampton's introduction of the term Holocaust denier presents it as a phrase that is not contested, but is a logical referent to those who hold the political and ideological position laid out in his introduction. By assigning an accurate and

objective usage this counters Irving's introduction through argument without directly referring to Irving's claims. 'The Holocaust' is a term widely understood, denoting a factual historical event. Thus those who claim it did not happen are understandably Holocaust deniers. Thus Rampton does not respond to Irving's claims that the phrase is illegitimate. Indeed Rampton makes no concession to any claim that Holocaust denier is anything other than a legitimate label. In Irving's speech he focuses on the pragmatic and rhetorical impact of the term 'Holocaust denier'. In contrast Rampton, and his definition, counters Irving's position, not by direct argument, but instead indirectly. While Irving makes claims as to the damage done to him through the label, the illegitimacy of the label and the legitimate category he belongs to instead, Rampton counters this by not discussing Irving's claims. Rampton's counter argument places emphasis on what Irving has omitted from his argument, giving a precise definition of Holocaust denial, presenting the criteria of application.

"By this I mean that he denies that the Nazis planned and carried out the systematic murder of millions Jews, in particular, though by no means exclusively, by the use of homicidal gas chambers, and in particular, though by no means exclusively, at Auschwitz in Southern Poland." (Rampton, day 1 P-89)

This legalistic style presents Rampton's definition as clear, concise and dispassionate. Rampton makes a display of rational argumentation to counter Irving's speech. The form that Rampton's definition of the term 'Holocaust denier' takes emphasises the rational and legalistic elements of the argument, especially through such phrases as "in particular, though by no means exclusively". This phrase accentuates the Nominalist aspect of Rampton's argument, countering Irving's connotative focus.

There is an interesting difference in the way in which Holocaust denier appears in the trial transcripts. In Irving's speech the term remains throughout enclosed in

quotation marks. Throughout Rampton's speech it is without. The following examples illustrate the usage throughout the two parties speeches.

"If an American politician, like Mr Patrick Buchanan, is branded even briefly a "Holocaust denier", his career can well be said to be in ruins." (Irving, day 1 P-24)

"...for Mr Irving is nowadays a Holocaust denier." (Rampton, day 1 P-89)

What this illustrates is the two parties approaches as to the legitimacy of the term. Irving regards the term as illegitimate and therefore distances himself from it, instead treating it as a slur or insult and not a legitimate term of description. Rampton, on the other hand uses the term without debate as to its legitimacy. Rather than the extended conceptual discussion that Irving embarks on, Rampton focuses on it as a rightful term that can be attached to Irving. The differing usages also illustrate the use/mention distinction, in that Rampton is using the term Holocaust denier without discussion as to its legitimacy, whereas Irving is mentioning it in order to discuss it. The use/mention distinction is part of the ongoing discussion about quotation marks and their use. The use of quotation marks reaches far beyond the indication of another's words. Rather there are numerous applications that quotation marks can be put to (Cappelen & Lepore, 1997, Predelli, 2003). Unfortunately, the distinctions between the various uses are not always clear-cut. Indeed the use of quotation marks outside the conventionalised speech indication is so open to interpretation that attempts to make definitions of the different usages (Predelli, *ibid*) appear immensely flawed. However, it is important to understand the use/mention distinction as a basis for the further understanding of the use of quotation marks. Saka (1998) gave an encapsulation of the technical sense of the distinction as "to utilise an expression with customary reference versus to utilise it in reference to itself" (p 126). Thus a phrase can be mentioned in order to indicate a metadiscussion of that expression itself, or it can be used as an understood reference as part of the overall discourse.

The mention indicates that the inclusion is not intended to function on a pragmatic level, but to be the object of discussion.

7.5 Closing Day Speeches

In the closing arguments, the term Holocaust denier was again defined and referred to. On this day Rampton spoke first, followed by Irving.

Rampton: The principal accusations made against Mr Irving by Professor Lipstadt in her book were, in summary: first, that Mr Irving deliberately falsified history in order to make it conform with his ideological leanings and political agenda, and, in particular, in order to exonerate Adolf Hitler of responsibility for the Nazi persecution of the Jews.

Second, that in order to achieve his objective, Mr Irving distorted historical evidence and manipulated historical documents.

Third, that Mr Irving had become one of the most dangerous spokespersons for Holocaust denial.

Last, that he himself held extremist views and allied himself, with other right-wing extremists, in particular Holocaust deniers and anti-Semites. (Day 32 p-5)

Irving: The phrase "Holocaust denier", which the Second Defendant boasts of having invented, is an Orwellian stigma. It is not a very helpful phrase. It does not diminish or extend thought or knowledge on this tragic subject. Its universal adoption within the space of a few years by media, academia, government and even academics seems to indicate something of the international endeavour of which I shall shortly make brief mention. It is, in my submission, a key to the whole case. (Day 32 p-65)

The closing speeches differ from the opening day's speeches in that they encapsulate the evidence given and the advocate's position. In essence the opening speeches are what will be said, while the closing speeches are what has been said, including any victories scored in cross-examination.

As would be expected, the two parties' specific usages of the term Holocaust denier do not alter radically from the opening day. Again the two parties take different approaches to what constitutes meaning. Similarly to the opening day, the two approaches to the term Holocaust denial differ as to the question of legitimacy, from the defence position the questioning is of the legitimacy of Irving because he is a Holocaust denier, and from the plaintiffs position the questioning is of the legitimacy of the term itself. Again, as on the opening day, the two parties display differing approaches to their implicit philosophy of meaning. Rampton repeats his earlier position as to the conceptual definition of 'Holocaust denier', while Irving maintains his stated position of addressing the motivation behind the label and the effects it has had upon him. Rampton retains his implicitly Nominalist strategy. The task for Rampton is to determine that Irving fits into the previously defined category of Holocaust denier. It is the specific meaning of Holocaust denier that is relevant, that the characteristics defined apply to Irving and thus he is a Holocaust denier. The connotations of 'Holocaust denier' are not relevant to Rampton's case. Irving retains his previous Contextualist tactics, arguing as to what the term is rather than what it means. For Irving, Holocaust denier is a stigma, not a descriptor.

In his closing statement Rampton retained the style that he employed in his opening speech. In his opening statement he gave a definition in the form of a series of points, this device is expanded in the closing statement, giving four clearly defined points to that are to be further expanded in the statement. These points all relate directly to Holocaust denial and the falsification of history. By using this style, Rampton displays rhetorical signs of rational argumentation. In Rampton's closing speech the position of Holocaust denier is extended from an opinion on history, to a political and ideological agenda. Indeed, in Rampton's closing speech, Irving is spokesperson for the Holocaust denial movement. Holocaust denial is now part of an ideological movement.

Again, as in the opening day, Irving places his emphasis on what he perceives as the artificiality and illegitimacy of the term 'Holocaust denier', that the term has been constructed for a politically motivated purpose. Again Irving invokes metonymic imagery, terming it an "Orwellian stigma". This conjures up images of Big Brother and the Thought Police. It is the invocation of the removal of our core liberties that Orwell satirised so effectively. It should be noted that groups such as the Institute for Historical Review, a Holocaust denial group, give a George Orwell prize for free speech at their conferences (Levin, 2001). Orwell is cited by Holocaust denial and far right groups as predicting the totalitarian world order that they claim to exist under supposed Zionist rule. Again, Irving claims that the term 'Holocaust denier' is one that has been adopted into common usage. Irving also states that the term 'Holocaust denier' does not add to the body of knowledge regarding the Holocaust. Certainly there is no claim made as the term 'Holocaust denier' as an extension of the understanding of Holocaust studies. However, Irving cites the limitations of the term 'Holocaust denier' as a means of emphasising the illegitimacy of the term.

7.6 Judgment

The judgment, when it was handed down, dealt with more than just the matter of whether or not Irving could be labelled as a Holocaust denier. In addition to the evidence dealing specifically with this, there were also lengthy passages addressing Irving's historiographical techniques, his politics and associations, as well as issues within his writings. Ultimately the case went against Irving and he was found to be a Holocaust denier. The structure of a judgment is, to a large extent, standardised. The judge must lay out the relevant evidence and then detail their findings and the reasons for their findings. Given that Irving lost the case, the term 'Holocaust denier' was shown not to be a term of insult and that it applied

with justification to Irving, the question is, how then is this shown in the judgment text itself? The main problem at this stage is two fold, how does Gray make his judgment, and what does he assume in making it? The assumptions made by Gray must be examined as they emerge in the text. One of the other things that must be examined is the differing use of quotation marks, and what these indicate. Do the various uses of quotation marks indicate a shift in the usage of 'Holocaust denier' through the body of the judgment text? The possible movement in the usage of the term and the inclusion or otherwise of quotation marks may serve to indicate a wider acceptance of the term as legitimate in debate.

Additionally what must be investigated is how Gray deals with the contested meaning of 'Holocaust denier'. There are a number of ways available to Gray for this, including offering his own definition, and thus defining which category characteristics of Holocaust denial are accepted as definitive and how is this categorisation applied to Irving? It has already been seen that the term 'Holocaust denier' is an Essentially Contested Concept (Gallie, 1962). However, in Gallie's theory, the Essentially Contested concept remains contested, for the higher purpose of continuing the debate with shared respect on both sides (Garver, 1990). However, while continuance of debate may exist in the rarefied world of philosophy, in the more prosaic sphere argument is generally for the purpose of establishing truth or at least a judgment on the correct version of the contested concept. Therefore, in the case of a trial, it necessary that a judgment is made about the contested concept as a culmination of the action. Gray must make a decision as to which, if either, of the two definitions is the correct version of 'Holocaust denier'.

In the included passages from the judgment text the term 'Holocaust denier' has been highlighted either by boldening or underlining, and numbered in the text selection for clarity. Each extract of the judgment has been numbered, although

some extracts may contain more than one use of the term. Some extracts do not contain the term 'Holocaust denier'; these are included for contextual information. Additionally, the page number that the passages appeared on has also been placed at the start of the extracts. Where headings appear above the extracts these have been taken from the judgment text.

(Extract 1) [P9] II. THE WORDS COMPLAINED OF AND THEIR MEANING

The passages complained of

(Extract 2) [P10] Page 111[quotation from Denying the Holocaust].
... As we shall see in subsequent chapters, Irving [...] has become a **Holocaust denier**.

From the start of the judgment text, it is explicit that the case revolves around the term Holocaust denier and what it means. Thus it is clear from this early stage that meaning, and how meaning is to be arrived at, is to be central to the case. The wording of the heading (Extract 1) makes clear that the meaning of the words complained of is contested, and that they form the basis of the complaint. The first appearance of the term (Extract 2) is in a direct quotation from Lipstadt's book, included to illustrate the passages complained of by Irving. There were approximately five pages of passages in Lipstadt's book that Irving complained of. The above passage was from relatively early in the complained of passages, at which point Lipstadt's readership was being introduced to Irving as a character in her work. This stage of her book was concerned with the use of Irving's work as an apparently academic basis for other Holocaust deniers' own writings, as well as the writing of renowned historians who have written in an attempt to rehabilitate the reputation of pre-war Germany, specifically Ernst Nolte (Lipstadt, 1993). The included passage from Lipstadt's book, while not placed within quotation marks in the judgment text, was indented in the judgment body to indicate that it was a form of quotation, and not the words of Mr Justice Gray. Gray is not including such passages as part of his own judgment or assessment of the case, but rather as

a procedural necessity, the inclusion is required to illustrate the case under judgment and the specific complaint laid out by Irving in his writ. The inclusion of quoted passages from Lipstadt's book can be seen as an illustration of the mention aspect of the use/mention distinction (Saka, 1998). Thus Lipstadt's words are mentioned in order to discuss them within the judgment.

The selection from Lipstadt's book is included to illustrate the basis of the case rather than as part of the overall judgment. Additionally, Gray is not in a position to alter Lipstadt's writing in any way, therefore the term Holocaust denier is not contained within has quotation marks around it as this was the way it appeared in the original. It may be that in the context of the discussion of quotation marks in the judgment, this particular instance, as it does not derive directly from Gray, is not of great importance.

(Extract 3) [p16] The issue of identification

(Extract 4) [p16] 2.8 I add the rider that the assertions, to be found principally at pages 111, 181 and 221, that Irving is a **Holocaust "denier"** and a spokesperson for Holocaust denial will in my judgment cause readers to understand references to "deniers" elsewhere in the passages complained of as importing a reference to Irving individually.

The next inclusion of the term is in section 2.8, *The Issue Of Identification* (Extracts 3 & 4). This section deals with the complaints made by Irving about Lipstadt's book, specifically the identification of Irving as a Holocaust denier or part of an ideological movement that includes Holocaust denial in its doctrine. This use is noticeable as being the only one in which the quotation marks are placed solely around the word denier. Throughout her book, Lipstadt used 'deniers' as shorthand for Holocaust deniers. Thus Gray is mentioning Lipstadt's term, but it is also more than that. 'Deniers' is a category framed by Lipstadt in

her book. In her book, Lipstadt details the characteristics of Holocaust deniers, their beliefs and affiliations. By citing Irving as a denier Lipstadt is ascribing him the status of a member of that category. Gray states that in his judgment Lipstadt's book "will...cause readers to understand references to "deniers" elsewhere...importing reference to Irving individually." Thus even when Irving is not mentioned in the text it is reasonable to assume the category characteristics of deniers also apply to Irving by dint of his category membership. At this stage what actually constitutes the category membership of Holocaust deniers is still unclarified.

(Extract 5) [p16] The issue of interpretation or meaning

(Extract 6) [p19] 2.11 Irving contends in the alternative that the passages bear by innuendo, that is, by virtue of extrinsic facts which would have been known to readers or to some of them, the meaning that he is a person unfit to be allowed access to archival collections and that he is a person who should properly be banned from foreign countries. The extrinsic facts on which he relies in support of the innuendo meanings are in essence as follows:

- i. that a **Holocaust denier** is someone who wilfully, perversely and in disregard of the evidence denies the mass murder by whatever means of the Jewish people;
- ii. that Hezbollah is an international terrorist organisation whose guerrillas kill Israeli civilians and soldiers;
- iii. that Hamas is an Islamic fundamentalist terrorist organisation

Section 2.9 – 2.16 (taken from pages 16 – 22 of the judgment) deals with the question of what the meanings of the complained passages are. Both the defence and the plaintiff are entitled to have their meanings assessed. The decision on the meaning must be made by Mr Justice Gray in order to decide if, in context with the rest of the facts of the case, whether the claim of libel is justified. Importantly, what Gray is claiming to do in his judgment is;

“To arrive, without over-elaborate analysis, at the meaning or meanings which the notional typical reader of the publication in question, reading the book in ordinary circumstances, would have understood the words complained of, in their context, to bear. Such a reader is to be presumed to be fair-minded and not prone to jumping to conclusions but to be capable of a certain amount of loose thinking.” (Section 2.13, *Approach to the issue of meaning*)

In order to come to a conclusion as to what the notional reader would understand the work as, Gray makes some assumptions as to the meaning of meaning. What must be remembered is that definitions are themselves argumentative in nature (Perelman & Olbrechts-Tyteca, 1969). While defining meaning may be displayed as a neutral and objective process, in the specific case of defining an essentially contested term for the purposes of legal decision making, the definition decided upon is part of a wider rhetorical strategy in the decision making process. The heading above section 2.11 is important in indicating Gray's approach to language and meaning in lay terms. This implies a notion of what constitutes meaning. As already seen in the opening and closing day speeches, the two parties opposing had stances as to what constitutes meaning. It is Gray's role to determine the meaning of the contested concept in this context and thus what the definitive definition of Holocaust denier is. In doing this, Gray must use an implicit theory of language to make his judgment. In terms of definitions the lay approach assumes words as “natural containers of power” (Ogden & Richards, 1936), that definitions are instinctively linked to the object or phenomena they describe. A lay approach to language would give the user a working explanation as to the basis of language and its application in their specific situation. Certainly, a High Court Judge needs to be a skilled user of language in order to fulfil their role. While Gray is a skilled user of language, his own theory of language is not necessarily a technical or academic one. However, it is certainly an approach as rhetorically skilled as both Irving and Rampton's. The implicit theory of language used by Gray exhibits an overt display of objectivity as a rhetorical tactic. Thus Gray is able to use an implicit theory of language to achieve the judgment.

By taking on what Gray states in section 2.11 regarding extrinsic facts the implication is that Gray is at this stage placing emphasis on a conceptual definition being demonstrably separate from the implications of that meaning. The implicit assumption that emerges at this point in Gray's judgment is that there is some leaning towards a Nominalist strategy. Thus the extrinsic and innuendo implications of Lipstadt's writing are separate from the intrinsic connotations. The implicit approach to language that Gray is taking delineates and decides between the contested meanings of the term Holocaust denier, and that there is some conspicuous difference between the meaning and implication of a given term. Thus the intrinsic properties can be separated from the extrinsic properties. In order to make this decision as to the definition of the contested term, Gray must make a wider assumption as to the definitive definability of the term. That is to say, Gray implicitly assumes that this contested term can be given a definitive definition and thus further decisions as to its applicability and implications can be made. Additionally Gray refers to the 'extrinsic facts' that will have bearing on the 'innuendo meanings' that Irving has cited in his case. The discussion in section 2.11 (extract 6) of innuendo and extrinsic facts in Irving's contention is introduced into the case, not in Irving's own speeches, but by Gray. In doing this Gray qualifies Irving's argument in terms of extrinsic facts, innuendo and thus connoted meaning. This allows for a display of objectivity in the later emphasis on intrinsic meaning and denotation. Additionally what this emphasises is that Irving is basing his case on extrinsic facts and innuendo, as opposed to the conceptual definition that Rampton case is predicated on.

While this section is ostensibly a précis of part of Irving's evidence, there are no quotation marks around this particular usage of the term Holocaust denier. For Irving, Holocaust denier is always placed within quotation marks. This is used to illustrate his position as to what he regards as the illegitimacy of the term. In not using quotation marks Gray subtly challenges Irving's rejection of the term and

implicitly accepts it in this context. In his summation of the extrinsic or known facts that the reader will bring to bear on the text Gray states “a Holocaust denier *is* someone who wilfully, perversely and in disregard of the evidence denies the mass murder by whatever means of the Jewish people” (emphasis added). This is not presented in terms of an allegation or a contested claim as elaborated by Irving. Instead this is presented by Gray as a usable and objective definition of the term, this is a characterisation of what Holocaust denial is not what it is claimed to be. Importantly, this is the first introduction of Holocaust denier, not as a quotation from Lipstadt and the defence team, but instead is a reformulation of Irving’s speech. This is not Holocaust denier in the terms that Lipstadt has laid out in her book, but Holocaust denier partially in the sense that Irving is relying on. Thus, there is no need to include the term in the quotation marks buffering the usages from Lipstadt. But there are no quotation marks indicating the apparently contested nature of the term as laid out by Irving. The reformulation by Gray of Irving’s argument gives a brief summary of Irving’s argument for procedural simplicity, but what is implicit in it is Gray’s assumption that Irving’s argument can be rendered as predicated on innuendo and extrinsic facts and these can be separated from the intrinsic.

The next instances of the term Holocaust denier appear in section 8 that concentrates on the opposing arguments as to the applicability of the term to Irving. Between the previous extract and this one there is a considerable gap. In between Gray deals with a number of issues including Irving’s claim for damages, the defendant’s justification case as to Irving’s historiographical practices and the his portrayal of Hitler, the Holocaust and Auschwitz.

(Extract 7) [p200] VIII. JUSTIFICATION: THE CLAIM THAT IRVING IS A “HOLOCAUST DENIER”

What is meant by the term “Holocaust denier”.

The implicit assumption that emerges is that an authoritative definition of Holocaust denier can be arrived at. Taking into account the previous assumption, that the extrinsic can be separated from the intrinsic, it follows that the definition will rely upon in the intrinsic to inform it. The case is based on the contestation of claims and statements that Lipstadt made in her book that Irving is a Holocaust denier. Many of these were expanded upon in Rampton's speeches and by the witnesses he called. The inclusion of quotation marks in the heading of section eight (Extract 7) must be taken in context of these claims being made by the defendants. Lipstadt has stated in her book that Irving is a Holocaust denier. This is what Irving is objecting to and so it is treated as a claim in the context of the judgment until the judgment is made. Thus Holocaust denier in this heading is a quotation from Lipstadt's book and the defence's case. Again, this presents a quotation as an exemplar of the manner in which Lipstadt had laid out Holocaust denial. However, this is not only a direct quotation from the defendant, but also an indication of metalinguistic discussion, as previously seen. This is also seen again in the sub heading 'What is meant by the term "Holocaust denier"'. Again this appears as both a direct quotation and as an indication of metalinguistic discussion as to the content of the quotation marks. Both of these may be seen as examples of pure quotation (Cappelen & Lepore 1997), using quotation not to report another's words, rather to discuss the words themselves as a linguistic concept. In the heading the inclusion of 'Holocaust denier' in quotation marks displays it as a mention from the defence in order to discuss it as a concept.

The sub-heading also indicates that Gray is setting out what is meant by the term Holocaust denier. As seen in the sub-heading above section 2.11, what constitutes meaning is not specified. It is meaning according to the lay theory of language Gray utilises. The meaning that this section is indicating is the meaning as judged by Gray with a display of objectivity. This is not presented as Gray's personal opinion, but as the objective conclusion. The manner in which this decision is apparently arrived at is seen to some extent in sections 8.2 and 8.3.

(Extract 8)[p200] 8.2 That being in broad terms Irving's stance, it is necessary, in order to decide whether he is justifiably described by Lipstadt as a **"Holocaust denier"** to define precisely what is meant by that term. There has been some debate between the parties as to its meaning. In ordinary usage the word "holocaust" connotes complete destruction, especially of a large number of persons and usually by fire. Irving claimed that the term could be applied to the events of World War II as a whole. But I did not understand him to dispute that it is generally understood to have a narrower significance and that it is perceived to be specifically linked to the fate of Jews during the Third Reich (and not just during the war years).

[p201] 8.3 Evans argued that the term is generally understood to denote "the attempt by Nazi Germany, led by Hitler, to exterminate the Jewish population in Europe, which attempt succeeded to the extent of murdering between 5 and 6 million Jews in a variety of ways, including mass gassings in camps built for the purpose". It follows that a **"Holocaust denier"** is someone who, for one reason or another or for a combination of reasons, repudiates the notion that the above definition of the Holocaust is apt to describe what was sought to be done to the European Jews by the Nazis during World War 2. Evans testified that a characteristic of Holocaust denial is that it involves a politically motivated falsification of history.

Again the inclusions in section 8.2 and 8.3 (Extract 8) is a direct quotation, or mention, from Lipstadt and the defence as well as an indication of a metalinguistic discussion as to what this phrase, as used by Lipstadt and the defence, conceptually means.

Here in sections 8.2 and 8.3, there is a fuller picture of the implicit theory of language that Gray is using. Additionally, the definitive meaning is starting to emerge. In section 8.2 Gray states that there has been debate between the parties as to the definitive meaning of the term, so the requirement at this stage is to determine a precise definition. It is how this definition is arrived at that is noticeable. The approach to language taken by Gray at this stage bears some relation to the Nominalist strategy seen in Rampton's speeches. That is to say that words have distinct aspects and criteria of application that can be differentiated. In addition to this, an implicit assumption that Gray displays is that as well as

deciding upon a definitive meaning, that prescription can be made as to the correct usage of an expression. In terms of Nominalism, the criteria of application are prescriptive in that only that which meets the criteria of application can be thus defined. Therefore once criteria of application have been explicitly laid out, the correct usage of the term defined is thereby determined. Certainly Gray implies that the 'sense' or criteria of application of the term Holocaust denier can be separated from the implications and extrinsic facts referenced by the term. Gray, at this stage is expressing a more explicitly Nominalist approach to meaning than previously in the judgment, in the view that he is excluding the social use of the term Holocaust denier and its emotional aspects. Gray states that the word holocaust, "in ordinary usage...connotes complete destruction...usually by fire". The use in this instance of the word holocaust is not capitalised. This usage is of a general denotation, as opposed to the specific usage of it in relation to the mass murder of Jews during the time of the Third Reich. Gray acknowledges that the word holocaust has two usages, but that it is "generally understood" to relate to the Holocaust as an event of the Second World War. The assumption that emerges at this stage then is that the definition of Holocaust can be prescribed by citing its general usage as authoritative. Gray accepts that there is an ordinary usage of Holocaust but that there is also a narrower usage that is being authoritatively defined by the expert. Thus Gray is taking as definition, not the possibly fuzzy and inaccurate common usage, but the usage set out by Evans in the role of expert. The implicit assumption made by Gray is that it is the experts' testimony that is to be used in deciding upon the definition. Again this displays a Nominalist approach, discounting the common usage in favour of authoritative, expert usage.

Gray displays an implicit assumption that this separation of different aspects of meaning can be used to define the complained of phrase in terms purely of denoted meaning, and not take into account the connoted or implied meaning. Such an approach presents a Literalist approach to language, challenging the

Contextualist approach taken by Irving. Given the Literalist approach to language that Gray implicitly takes in the judgment, it is this connotation that is the 'reference' of the word Holocaust. The 'sense' of the word however, its intrinsic meaning, is provided by Evans as "the attempt by Nazi Germany, led by Hitler, to exterminate the Jewish population in Europe". The presumption is made by Gray that the word Holocaust should have a clear denotation, established, not by ordinary use, but by an expert in the form of Evans. This denotation is accepted by Gray, as one from which the term Holocaust denier can be defined. Gray does this by indicating that a conclusion can be drawn from Evans definition, "It follows that..." The defining characteristic of Holocaust denial is, for Gray, that the Holocaust is denied, not the motive for the denial. The motivation behind Holocaust denial is placed outside the main definition by Gray. In section 8.3 Gray states that Holocaust deniers have "one reason or another or ... a combination of reasons" for denial of the Holocaust but it is not this which is intrinsic to the meaning. Instead the charge of political motivation of Holocaust denial is ascribed to Evans' evidence. It is important to see that a delineation is being presented by Gray between the intrinsic meaning of the phrase Holocaust denier and the implications thereof as clear.

From section 8.4 (extract 9) there is a change in the use of quotation marks from the previous inclusions of 'Holocaust denier'.

(Extract 9) [p201] 8.4 In the opinion of Evans, the views expressed by **Holocaust deniers** include the following:

- i. that Jews were not killed in gas chambers or at least not on any significant scale;
- ii. that the Nazis had no policy and made no systematic attempt to exterminate European Jewry and that such deaths as did occur were the consequence of individual excesses unauthorised at senior level;
- iii. that the number of Jews murdered did not run into millions and that the true death toll was far lower;

- iv. that the Holocaust is largely or entirely a myth invented during the war by Allied propagandists and sustained after the war by Jews in order to obtain financial support for the newly-created state of Israel.

[p201] 8.5 According to Evans, whilst the expression of those views is typical, **Holocaust deniers** do not necessarily subscribe to all of them and the views of some deniers may be more extreme than others. Irving made the point that it would be absurd to label a person a **Holocaust denier** merely because he or she questions the number of Jews killed under the Nazi regime.

At this point, while the term Holocaust denier is still under discussion, the quotation marks that have previously been around it have disappeared. And while the discussion continues as to the applicability of the term to Irving continues, the legitimacy of the term as argued against by Irving is not in question. The statements of what characterises Holocaust deniers are without quotation marks, but these are still attributed to Evans. Here in section 8.4 Gray introduces Evans' definition of the characterisation of what constitutes a Holocaust denier. At this point the quotation marks have disappeared showing that for the defence, and their witnesses, this is not a problematic term. This is a label logically attached to those who exhibit the given characteristics.

Gray is setting out a number of category characteristics of Holocaust denial. This both expands Holocaust denial as a concept and illustrates that Gray is acknowledging a definition of it that encompasses its complex nature. If Holocaust denial were a matter of simple denial of the entire corpus of Holocaust history, it would be both a rhetorically naïve concept and one that is easily demolished. However, Evan's testimony, as recounted by Gray, shows that Holocaust denial is achieved in a more rhetorically complex manner. Holocaust denial, as this definition shows consists of a number of details, decontextualised from overall Holocaust history, which Holocaust deniers then focus on. When accused of denial the deniers can, as Irving did in his opening speech, claim

merely to be questioning minor details, thus attempting to protect them from criticism. Evans testified, as reiterated by Gray, that the characteristics of Holocaust denial are somewhat dynamic. Not all Holocaust deniers have the same beliefs, or hold them to the same intensity as others. However, as defining characteristics, the category characteristics given by Evans provide a clear exemplar of Holocaust denial.

What Gray is doing at this point is moving away from working up a definition of Holocaust denier to using Holocaust denier as a concept. The shift in Gray's usage can be seen in terms of the use/mention distinction (Saka, 1998). At the start of the inclusion of Holocaust denier, it was being mentioned as an illustrative quotation and the subject of metalinguistic discussion. However, what appears to have changed at this point is that Holocaust denier is being used as part of the wider discussion not strictly as the object of discussion itself, but rather as a tool in the discussion. To illustrate this a comparison can be made of section 2.8 (extract 4) and section 8.5 (extract 9)

(Extract 4) [p16] 2.8 I add the rider that the assertions, to be found principally at pages 111, 181 and 221, that Irving is a **Holocaust "denier"** and a spokesperson for Holocaust denial will in my judgment cause readers to understand references to "deniers" elsewhere in the passages complained of as importing a reference to Irving individually.

(Extract 9) [p201] 8.5 According to Evans, whilst the expression of those views is typical, **Holocaust deniers** do not necessarily subscribe to all of them and the views of some deniers may be more extreme than others. Irving made the point that it would be absurd to label a person a **Holocaust denier** merely because he or she questions the number of Jews killed under the Nazi regime.

In extract 4 the term Holocaust denier is under discussion as an element of Lipstadt's writing. The discussion is predicated on establishing if this is a categorisation that can be accurately applied to Irving. At this stage the term is

still under contestation as to its overall legitimacy. By section 8.5 (extract 9), while the discussion remains as to the applicability of the term Holocaust denier to Irving continues, there is an implicit acceptance of both Evans' definition of it and it's existence as a legitimate term of description to those who adhere to the criteria of application outlined by Evans.

(Extract 10) [p202] *The question whether the statements made by Irving qualify him as a "Holocaust denier" in the above sense*

Again this sub heading can be seen as an example of pure quotation (Cappelen & Lepore 1997). This is a discussion of the phrase within quotation marks as to their conceptual relevance and in a specific sense laid out previously. This is not a device to distance the phrase, but to illustrate that it refers directly back to something already done. This indicates a discussion as to whether Irving can be classified according to the given characteristics (extract 9). This sub-head places Holocaust denier in quotation marks implying that there may be other senses of the term or other definitions. However, Gray has accepted Evans' expert definition of the characteristics to judge Irving against. The sense that Gray is measuring Irving against is not the sense that Irving used in his opening speech, that of overall, outright denial of entire Holocaust history. Instead the sense being used is of the multiple characteristic definition given by Evans. Additionally this is a judgment, neither of what the defence has said, nor the claims and witnesses that have been heard, but a judgment of statements that Irving is recorded as making. Thus, although at this stage Gray has not overtly accepted the defences' case and rejected Irving's, there is some indication that that is the direction that he is going in. While the sub heading includes Holocaust denier within quotation marks, mentioning the evidence of the defence, it is still being tacitly accepted as the benchmark against which Irving must be measured.

From this point onwards, for the rest of the judgment document, the quotation marks that were previously found around the term Holocaust denier have disappeared. By using Holocaust denier without quotation marks, it is demonstrated that this is not overall a judgment of the legitimacy or otherwise of the term itself, rather this is a judgment of Irving and whether or not he is the Holocaust denier he is described as by Lipstadt.

(Extract 11) [p332] 13.167... The charges which I have found to be substantially true include the charges that Irving has for his own ideological reasons persistently and deliberately misrepresented and manipulated historical evidence; that for the same reasons he has portrayed Hitler in an unwarrantedly favourable light, principally in relation to his attitude towards and responsibility for the treatment of the Jews; that he is an active Holocaust denier; that he is anti-Semitic and racist and that he associates with right wing extremists who promote neo-Nazism.

Section 13.167 (extract 11) is part of the overall conclusion of the judgment document. In this Gray makes clear that he rejects both Irving's definition of Holocaust denial and his claims of being an innocent victim of persecution at the hands of the defendants. Gray draws a close connection between Irving's ideological position and his Holocaust denial. Thus Irving is judged as a member of the category of Holocaust denial. In this stage of the judgment Gray is setting out his decision as to the resolution of the Essentially Contested Concept (Gallie, 1962) that was Holocaust denial. There is an up grading in Gray's judgment in that Irving is "an active Holocaust denier". Thus he is not someone who holds such views as a personal matter alone. Instead he is committed to his Holocaust denial, he takes an active part in the ideology of Holocaust denial.

During the action of the trial the plaintiff and defence set out and argued their competing positions, both as to the meaning of Holocaust denier as a label, and the facts of the case. Given the competing positions taken as to the construction

of meaning, it was up to Gray to determine, not just the meaning of Holocaust denier, but also the basis on which the definition could be made and the label applied. Therefore, while the trial action presented the information to the court and thus to the public, the responsibility is on Gray to make judgment on the case and thereby arbitrate the eventual outcome.

The judgment shows that Gray has accepted both the defence case and their position on meaning. As previously pointed out, the acceptance or rejection of a philosophical approach to meaning for the purposes of a legal action does not imply an overall philosophical basis of language carried out throughout life. However, in this case Gray's position on language chimes with Rampton's in focussing on the intrinsic conceptual meaning of Holocaust denier, rather than the extrinsic innuendo meaning that Irving focussed on.

What can be seen through the course of the judgment is the way in which Holocaust denier emerges as a concept. The judgment makes clear that Holocaust denier is not only a legitimate term, but that it can justifiably be used to refer to Irving. Whereas throughout the action of the trial and the earlier stages of the judgment Holocaust denier remained an essentially contested concept (Gallie, 1962) without a definitive definition, by the end of the judgment Gray accepted the defences' definition as authoritative and judged Irving to fit the criteria of application. In terms of a lay theory of language, the assumption being made by Gray is that a definition can be decided upon which transcends the argumentative or contested nature of the term. The implicit approach to language and meaning exhibited by Gray was reliant on the Nominalist approach. In terms of the judgment this can be seen to have fulfilled an important function. Certainly it may be accepted that Holocaust denier is a term that carries with it a number of negative characteristics for those it is applied to. However, by defining the criteria of application and then judging Irving against them, Gray emphasised that

it is the category membership that is important in a case such as this. If you can legitimately be referred to by a term, be it Holocaust denier, paedophile, racist or misogynist, and these terms are viewed as overtly negative carrying approbation, then your scope to complain of the negativity is out of the hands of the libel judge.

There are effectively three stages of Gray's assessment and usage of the term Holocaust denier. In the preliminary stage (inclusions 1 and 2) Gray is using the term in the form of direct and indirect quotation to illustrate the complaint that Irving has made. At this stage the term can be seen as a mentioning rather than a using (Saka, 1998). The term is not a fundamental component of the discussion, but rather it is still the object of discussion. There then follows the definition stage (inclusions 3 to 10). This is the pivotal aspect of the judgment. At this point Gray is defining the meaning of the term Holocaust denier and the manner in which it is to be justifiably applied according to the lay theory of language he is using. It is at this point that the assumption is made clear that it is this definition of the intrinsic meaning of the term and not the implications of it that are to be used in the judgment.

The post-definition stage (inclusions 11 onwards) then has Holocaust denier effectively freed from quotation marks. From here the term is being used (Saka, *ibid*) within the discussion. Once the term had been defined within the linguistic boundaries of intrinsic meaning, it becomes a term to be used without the need for qualification. While the term appears twice more in quotation marks, these are using the quotation marks to indicate that the term is the object of discussion in the terms already laid down. Effectively, from the point at which the term is defined, it is used as both a legitimate and natural term for application to individuals who deny the Holocaust, and as a justified judgment against Irving.

7.7 Conclusion

What is shown by the analysis of the introduction and usage of the term 'Holocaust denier' is that the debate as to the meaning of the term was central to the case. Additionally, the analysis, following as it does the time line of the trial, illustrates the evolution of the discussion and debate, as well as the final outcome. The analysis shows that Irving and Rampton took, and maintained, significantly different perspectives on the term. Irving's argument focussed upon what he presented as the connotation of the term, arguing that 'Holocaust denier', as a phrase, has no intrinsic meaning. Rampton on the other hand argued from a position of denoted meaning, stating that the term describes the actions of Irving and his ilk. Thus the question of the meaning of meaning, that lynchpin of many philosophical and syntactic debates was shifted into a 'real world' setting. Given that Gray found for the defence in the judgment, and presented his own interpretation of 'Holocaust denier' for the purposes of the judgement, what now presents itself for analysis is to see if such development of the interpretation of 'Holocaust denier' was reflected in the newspaper coverage of the trial and judgment.

Chapter 8. Development Of The Term 'Holocaust Denier'

In the previous chapters a number of elements of the trial and its coverage have been highlighted and analysed. The content analysis showed that there were large amounts of newspaper coverage dedicated to both the opening and judgment days of the trial. In addition to that the content analysis also showed that Irving was the main focus or subject of the coverage, throughout the trial, although the nature of content analysis is such that further qualitative analysis is needed to gain further understanding of such results. In addition, the content analysis showed that the two days that garnered the most coverage were the opening day and the judgment. Thus the judgment day coverage offers itself for analysis, both as a day with a large amount of coverage and also as the end of the episodic process.

In the analysis of the coverage of the opening day it was determined that a number of subtle rhetorical techniques were employed to present Irving in an unfavourable light, while remaining within legal constraints of coverage of legal action. By using selective quotations and forms of reported speech, in addition to the utilisation of decontextualisation in the reporting of speech, the words of the protagonists were presented as a critical assessment of Irving in his introduction to the readership. How then has that presentation of Irving changed from the opening to the closing day, if at all? Given that the judgment went against Irving it would be an understandable assumption that the judgment coverage would be critical of Irving. However, as the opening day's coverage was itself critical, how is the criticism of Irving couched in the judgment coverage? Is there a noticeable increase in the criticism of Irving and what form does it take?

The analysis of a selection from the trial transcripts and judgment text demonstrated that the term 'Holocaust denier' was central to the case, both in its conception and action. The analysis of the transcripts of the opening and closing speeches as well as the transcript of Gray's judgment displayed an interesting shift in the treatment and usage of the term 'Holocaust denier' in the action of the trial. Both parties presented their own definitions and usages of the term to support their own cases, and Mr Justice Gray presented, in the judgment, the definition and usage on which he founded his findings. Irving approached the term from an ostensibly Contextualist perspective, discussing it in terms of its rhetorical impact upon those labelled 'Holocaust denier'. Rampton, in contrast, employed a Nominalistic approach to 'Holocaust denier' apparently overlooking the rhetorical impact of the term and focussing instead on the intrinsic meaning of the term and the criteria by which it should be established. The manner in which Gray, in his judgment, approached the term shared many of the characteristics of Rampton's approach.

While the judgment settled the case, it would be wrong to assume that it would then provide a clear and definitive definition of the term 'Holocaust denier' that would then be incorporated into the wider vocabulary. What is then in question is how, if at all the term 'Holocaust denier' changed in its usage from the opening to the judgment day coverage. During the course of the trial 'Holocaust denier' was an essentially contested concept (Gallie, 1962), by this point in the coverage the question remains as to the manner in which 'Holocaust denier' is used. Does a previously problematic and contested term such as 'Holocaust denier' change in its usage after judgment? What has been the effect, if any, of the contestation of language upon the subsequent use of the contested language?

8.1 Ideographs

It may be debated as to whether there exist collective ideologies, shared by entire population. Certainly, certain ideologies are cited as being shared by nationalities, and global regions. Thus we can refer in conversation to shared 'Western' values, as well as values of 'British-ness', such as fair play and democracy. McGee (1980) stated that if the notion of collective ideologies were accepted, then they would be manifested within the language that communicates such ideologies. A significant part of this communication of collective ideology was what McGee termed 'ideographs'. Ideographs both signify and contain ideological commitment. Thus ideographs inform not only of the position contained within it the term, but also its interpretation within the wider collective ideology. Terms such as 'Racist' and 'anti-Semite' can be viewed as ideographs (McGee, *ibid*), terms that signify an ideological commitment. The ideograph 'Racist' is a rhetorical term of a culturally specific vocabulary or concepts. As McGee (*ibid*) states, ideographs refer not to material objects but to concepts defined by their flexible application. Indeed it is the lack of rigidity in the definition of the concept that allows it to retain its fundamental meaning and relation to its historical establishment whilst remaining relevant to contemporary discourse. Ideographic terms, such as 'racist', contain 'common-sense' understandings of their implications. McGee defined ideographs as "one-term sums of an orientation...that will be used to symbolise the line of argument the meanest sort of individual would pursue, if that individual had the dialectical skills of philosophers" (1980, p7). Thus ideographic terms encapsulate ideological directions in readily understood and shared discourse. Importantly, ideographs are publicly shared, and function in a public manner (Condit & Lucaites, 1993). The ideographic form is one that is invoked by the public as lay members, not only by elite members of society. Ideographs, as encapsulations of ideology, lend themselves to the economical form of headline construction.

8.2 Comparative Analysis

In order to examine the questions posed, a comparison of the story nuclei is required. The nuclei from the coverage of the opening day were introduced in chapter 2, however, for ease of use they will be reproduced here as well as the nuclei from the coverage of the judgment day. As the eight nuclei from both days originate from the same four broadsheet newspapers, some form of identification code is necessary in order to make their recognition clearer in the course of the analysis while avoiding reproduction of the nuclei a confusingly large number of times. Therefore the newspapers will be given the following identifiers;

Times - Ti

Independent - In

Guardian - Gu

Telegraph - Te

In addition the two days will be given a numerical identifier, with nuclei from the opening day's coverage given the identifier of '1', and the nuclei from the judgment coverage given the identifier '2'. To illustrate, the opening day nuclei from the *Times* is labelled as Ti1, while the judgment day nuclei from the *Guardian* is Gu2.

Irving Vs. Lipstadt story nuclei, Opening Day

Times (Ti1)

Irving 'a liar not an historian', court told.

Right-wing author accused in libel battle of casting doubts on Holocaust.

David Irving, the controversial, right-wing historian, was branded a "falsifier of history and a liar" before a High Court judge yesterday for questioning the massacre of six million Jews by the Nazis.

Independent (In1)

Irving is a falsifier and a liar, says publisher.

The right-wing historian David Irving was described as a "falsifier of history" and a "liar" at the start of a High Court libel battle.

Guardian (Gu1)

Historian labelled a liar over his views on the fate of the Jews says attack on his reputation robbed him of financial security.

'Pariah' Irving sues Holocaust author.

The alleged Nazi apologist David Irving branded survivors of the Auschwitz death camp with the acronym "ASSHOLS" and denied the Holocaust happened, the High Court heard yesterday.

Telegraph (Te1)

Author claims he is the victim of an international campaign to destroy his career and make him a pariah.

History of the Holocaust goes on trial.

The controversial British historian David Irving claimed he was the victim of an "organised international endeavour" to destroy his career at the opening of a libel trial in London yesterday.

Irving Vs. Lipstadt story nuclei, Judgment Day

Times (Ti2)

Racist who twisted the truth

David Irving's reputation as an historian was demolished yesterday when his High Court libel case ended with him branded an anti-Semitic, racist Holocaust denier and pro-Nazi polemicist.

Independent (In2)

Racist. Anti-Semite. Holocaust denier. How history will judge David Irving

The revisionist historian David Irving is facing ruin after a judge denounced him yesterday as an "anti-Semitic and racist" Holocaust denier and a "pro-Nazi polemicist".

Guardian (Gu2)

Irving: consigned to history as a racist liar

The author David Irving falsified history to exonerate Adolf Hitler, driven by anti-Semitism and his own pro-Nazi views, the high court ruled yesterday.

Telegraph (Te2)

Judge Brands David Irving a Holocaust denier who falsified the facts to exonerate Hitler

Racist historian faces £2m bill for libel defeat

David Irving, the historian and author, was facing financial ruin last night after defeat in his libel action against an American academic who accused him of denying the Holocaust.

As already pointed out, the story appeared in all the broadsheets following the opening day. The stories covering the opening day of the trial were all placed on the inside pages, and while there were some opinion and background pieces concerned with the case, it was not treated as a lead story. The contrast with this comes in the coverage of the judgment. The judgment was afforded the status of a major news story; it was indeed the lead story for the four broadsheets that day. The story appeared as the front-page lead story. Whereas the opening day's coverage appeared on the inside pages, the coverage of the judgment not only shifted to the front page, but was also far more exhaustive than of other day's, with greater levels of analysis, opinion and comment articles than previous days. This was shown in chapter 1, figure 15, in the number of articles each of the broadsheets included on the judgment and its implications. It would be disingenuous not to acknowledge the importance or emotional power of the Irving case, but it must be remembered that Irving and especially Lipstadt, prior to the case, were not household names. The coverage could have been restricted to a brief descriptive article. The coverage of the judgment, however, extended to multiple stories, drawing comment from a number of interested parties as well as leader comments in all four broadsheets as well as two of the tabloids.

These front-page lead stories then introduced further wide coverage. The broadsheets all made Irving, as defeated individual, the theme of these lead stories, both in the story nuclei and in the body of the stories. It is important to note that the focus of the judgment day coverage remained firmly upon Irving, following and expanding upon the pattern already laid out in the prior trial coverage. All the broadsheets gave numerous pages over to articles about the judgment and its implication. Given that the stories that appear covering the judgment do not need the prior knowledge of the earlier coverage, it can be seen that Irving's character must be constructed all over again.

In the analysis of the opening day nuclei it was observable that the *Times*, *Independent* and *Guardian* shared both the placement of Irving as the central figure and the use of reported speech in the construction of Irving's character. In the opening day's coverage a number of forms of reported speech were illustrated indicating the breadth and subtlety of the use of speech reporting in the construction of character. It is noticeable, both in the opening and the judgment coverage, that there is the inclusion of quotations and the reporting of speech in various forms. However, there is a potential difference in the reports of speech from the opening to the judgment day. This potential difference requires inspection. In the opening day headlines of the *Times* (Ti1) and *Independent* (In1) there are examples of quotes, or apparent quotes. It is clear in these two headlines that this is the report of what someone has said about someone else. The *Guardian* (Gu1) headline also has a report of speech, but in this it is less clear who the source of the speech is. As previously discussed, the use of 'pariah' in the *Guardian* headline achieves a dual rhetorical purpose, both in its inclusion as a term of reference and the use of inverted commas to distance the term from the journalist. Both the *Guardian* (Gu1) and *Telegraph* (Te1) subheads include reports of claims. Thus all the opening day headlines contain some form of reported speech.

While both the opening day and the judgment day nuclei include quotations and reports of speech, the manner in which these are used is different. Compare, for example, the lead paragraphs of both days' coverage in the *Times* (Ti1, Ti2). In the opening day there is an explicit quotation positioned as an accusation by an opponent in a court case. Irving is "branded a "falsifier of history and a liar" before a high court judge" (Ti1). Placed in the context of an accusation this is a claim being made about Irving, it is part of a contestation. In the judgment coverage there appears to be a stylistic change; "David Irving's reputation as an historian was demolished yesterday when his High Court libel case ended with him branded an anti-Semitic, racist Holocaust denier and pro-Nazi polemicist." (Ti2). While this is a contraction and decontextualisation (Ekstrom, 2001) of Gray's judgment, it is not presented to the reader as such. Instead it is presented as the findings of the case. This is positioned not as someone speaking about Irving but as a label attached to Irving as the end result of the trial. The accusatory nature of the speech in the opening day is contrasted with the authoritative statement presented within the judgment nuclei.

What are the rhetorical devices that enable such statements as those in the nuclei to appear as factual and authoritative? The opening day nuclei were presented within the frame of claims and accusations, although through the use of passive voicing and the removal or reduction of agency, the focus remained on the critical claims about Irving. Thus it was the claims and accusations made about Irving, not those who uttered them that remained the focus of the opening day nuclei. In the opening day nuclei the voices of those, aside from Irving, remained unclear. Where statements were ascribed to a speaker they were reduced to either a nameless voice in the form of "court told" (Ti1), "High Court heard" (Gu1) or the vague identification of "says publisher" (In1). Thus these were statements in a court contest, opinions of an individual, or their representative, but appear more factual than if their source had been accurately attributed (Trew, 1979a, 1979b).

The lack of defined agency also prevents counter-claims of stake and interest on the part of the speaker (Edwards & Potter, 1992), as without being able to identify the speaker, their potential bias is also unidentified.

In order to determine the rhetorical devices and strategies, the nuclei will be examined individually. Taking the *Times* (Ti2) initially;

Racist who twisted the truth

David Irving's reputation as an historian was demolished yesterday when his High Court libel case ended with him branded an anti-Semitic, racist Holocaust denier and pro-Nazi polemicist.

It is noticeable that in this nuclei that the source of this condemnation does not appear. The judge does not appear either as an individual agent, or as the agent of the institution. Thus the "branding" of Irving is not presented as the opinion of an identifiable speaker, but as a description of Irving and his beliefs. The labels of "anti-Semite, racist Holocaust denier and pro-Nazi polemicist" are presented as attached to Irving as a conclusion rather than an accusation. In addition, the consequence of being labelled as such is presented in the passive, presenting a 'factual' statement of the consequences of the action and its effect on Irving as the object.

Such an approach appears to share similarities with the *Guardian's* judgment nuclei (Gu2);

Irving: consigned to history as a racist liar

The author David Irving falsified history to exonerate Adolf Hitler, driven by anti-Semitism and his own pro-Nazi views, the high court ruled yesterday.

denier are not the products of one person, but a future and unvarying judgment of Irving for which he will be remembered. The *Independent* nucleus is the only one that includes the use of quotation marks, ascribing “anti-Semitic and racist” and “pro-Nazi polemicist” to the unnamed ‘judge’. However, the terms ‘anti-Semitic’ and ‘racist’ have already appeared in the headline without quotation marks as part of an initial account of Irving and how he will be recognised in the future.

Therefore, as the terms have already been introduced in attachment to Irving, to present them as quotations in the lead paragraph rhetorically reinforces them as descriptors of Irving, rather than flagging the possibility of stake on the part of the Judge.

What all these nuclei also share is the passive voicing of their construction. In these Irving remains the object of the nuclei, the focus being on him, the labels attached to him and their ultimate consequences. Where an agent does appear, they remain a passive voice in the presentation of statements about Irving. The passive voice is rhetorically significant in the construction of the sentence and its meaning. The construction of the passive sentence places the object in the first phrase, thus placing the emphasis on that, rather than the agent. In addition, and of particular rhetorical significance, is that the passive neutralises the action of the sentence, transforming the process of the action into a state. In the case of Irving, the process the action of condemnatory labels being attached to him becomes Irving existing in a state of condemnation (Fowler & Kress, 1974).

As in previous analysis, the *Telegraph* (Te2) presents a slightly different approach;

*Judge Brands David Irving a Holocaust denier who falsified the facts
to exonerate Hitler*

Racist historian faces £2m bill for libel defeat

David Irving, the historian and author, was facing financial ruin last night after defeat in his libel action against an American academic who accused him of denying the Holocaust.

The super-head of the *Telegraph* is unusual in that this is the only instance in the broadsheet nuclei where 'judge' appears first, before Irving, and in an active context. However, once again the personal identity of 'judge' is not given. This, then, is the finding of an individual, albeit unnamed. The super-head appears as a condemnation by 'judge', as opposed to the presentation of condemnation of Irving as part of a factual account. The *Telegraph* also includes something that none of the other broadsheets do, namely the victory of his opponent, Lipstadt. Lipstadt is not named at this stage; rather she is "an American academic". However, this does present the judgment as the end of a contest between two parties with the unnamed judge as adjudicator, placing the story in an institutional context, rather than as a personalised source of condemnation from an individual.

8.3 'Racist'

While in the opening nuclei a number of critical descriptors were applied to Irving, a descriptor that was observably not applied was that of 'racist'. Irving was referred to as 'right-wing' (Ti1, In1), 'controversial' (Te1) and as an 'alleged Nazi apologist' (Gu1), but the label of 'racist' was not invoked at the start of the coverage. In contrast all the judgment headlines use the term racist (Ti2, In2, Gu2, Te2), but importantly the term is not placed in inverted commas. The term 'racist' can be attached in a number of different manners. It can be a personal condemnation of an individual applied because of the individual's known views, it can be a claim or an accusation to be rejected by the individual, it can be applied as an insult to undermine the individual and call their character into question. Importantly there is a common understanding of what the term 'racist' is. Clearly, the term 'racist' is an acknowledged ideograph, it informs of both the subject's

political and ideological leanings and the wider societal reaction to such an ideological commitment.

By the coverage of the judgment day in contrast to the opening day coverage, as stated, 'racist' is included in the descriptors of Irving. The story nuclei of both days contain descriptors of Irving, this is inevitable as Irving, as has already been shown, is the main focus on the coverage. However, it is the tone of these descriptors that is worth noting. In the opening day's coverage the descriptors of Irving are focused on Irving in terms that are commonly understood, in the *Times*, *Independent* and *Telegraph* the terms are relatively understated, in these Irving is a 'right-wing' or 'controversial right-wing [or 'British] historian' (Ti1, In1, Te1), only in the *Guardian* is there a more outspoken descriptor 'alleged Nazi apologist' (Gu1). Such critical descriptors, whatever their tone of expression, apparently do not require explanation. However, the descriptors shift from the critical tone of the opening day's coverage, to the condemnation of the judgment coverage. In the judgment coverage there are more descriptors applied to Irving, but the terms that reoccur are the terms used by the judge in his judgment. These refer to Irving as a racist, an anti-Semite and a Holocaust denier. This is a marked upgrade from the opening days referral to Irving as 'right-wing' or 'controversial', rather than these ambiguous terms, the judgment coverage uses the unavoidable, direct term 'racist'. In addition the labelling of Irving as racist is presented, not as a claim or accusation, but as a factual description of him. There is a clear difference between the labelling of an individual as 'right-wing' and the labelling as 'racist'. To be right-wing is not to be placed outside of the acceptable political sphere, and while individuals may argue with a right-wing political ideology, it remains within the overall political mainstream. However, to be labelled as racist is to be judged as holding views that outside the socially acceptable.

The term racist can additionally function rhetorically as a metonymic device. The use of metonymic devices allows the individual to be rendered as identifiable by the device, and assumptions can be made in relation to it. Thus if an individual is identified primarily as a racist the process of metonymy allows us to make wider assumptions as to the rest of their character and beliefs, drawing on our understanding of the term racist. Overall the term 'racist' is one that invokes expectations as to the nature of the individual's beliefs, that this is an individual outside the politically acceptable sphere.

8.4 *'Holocaust Denier'*

As shown in the last chapter through the course of the trial and the judgment 'Holocaust denier' emerged as a legitimated label for Irving. The judgment offered a definition of the term and proposed usage criteria for that particular circumstance. The question then is how 'Holocaust denier' was used in the trial coverage and if that usage changed in the judgment coverage. It may be assumed that the use of 'Holocaust denier' in the coverage would reflect the action of the case. However, it is this that requires analysis at this stage. Taking both the analysis of the opening day's story nuclei and the analysis of the trial and judgment transcript, the use of the term 'Holocaust denial' in the judgment coverage must now be examined. In addition to the story nuclei as primary data, the story bodies will also be used to illustrate the overall usage of the term 'Holocaust denial' throughout the two days coverage.

It is the judgment and its coverage that may show the most interesting shift in the usage and clarification of the term 'Holocaust denier'. Up until the judgment the newspapers had, legally, to walk a balance between the two parties. As Irving's case was predicated, not just on the statement that he was not a 'Holocaust

denier', but also that the very term itself was illegitimate, for any of the newspapers to heavily use the term could be to lay the paper open to criticism and possible legal action. At this stage in the trial the term 'Holocaust denier' was an essentially contested concept (Gallie 1962), indeed the contestation of its founded the core of the case. However, by the judgment coverage, a decision had been made on the specific contextual usage of the term in the findings and the implications thereof to Irving. The term, for the purpose of the judgment at least, appears to have lost its contested status. The question remains as to whether its status in the judgment coverage remains contested or if it has shifted towards becoming an ideograph.

8.5 'Holocaust Denier' In The Opening Day Coverage

The term 'Holocaust denier', although central to the libel action, did not appear in any of the opening day's story nuclei. Instead the opening day's coverage gave the term with explanation further into the article bodies. Importantly, when the term did appear in the story bodies, it appeared within the context of speech or placed within quotation marks. It was a section of Rampton's speech detailing the defence claims of Irving's being a 'Holocaust denier' that the *Times*, *Independent* and *Guardian* all included in their opening day's coverage. This section of Rampton's speech précised the evidence as to what constituted Holocaust denial from the defence perspective. In terms of news coverage, such a précis functions efficiently in getting across a new and technical concept in a manner that is easily understood. This particular rhetorical skill, illustrated by the advocate skills of Rampton, is one that is necessary in both the law and the media to convey often complex and ambiguous material to a lay audience in such a manner that they can readily understand it. The three broadsheets, by including this section from Rampton's speech provided the readership with an explicit definition for understanding the concept of Holocaust denial as a legitimate term of description

from the perspective of the defence. All three broadsheets then gave sections of Irving's opening speech in which he protested as to the vituperative effects of being called a 'Holocaust denier' and referring to it as 'a verbal yellow star'.

Again, as has already been seen in the analysis of the opening day's story nuclei, the *Telegraph* took a rather different tack on the issue in their opening day coverage. In his opening speech Irving spoke of the defendants having labelled him a 'Holocaust denier' and his opinions as to the validity of the term. It was elements of this speech that the *Telegraph* included in their opening day's coverage. As well as the speech extracts the *Telegraph* also included the term elsewhere in its opening day's coverage, but the term was placed in quotation marks. Again, this illustrates another of the numerous uses of quotation marks in the construction of a story. As well as use as a "scare quote" (Bell, 1991) or emphasising the "so-called-ness" of a phrase (Tuchman, 1978), it also indicates a technical term, one that requires further explanation. In the opening day the term 'Holocaust denier' appeared as something requiring some level of explanation and the rhetorical safety of being buffering between quotation marks.

Examining the judgment day coverage there appears to be a noticeable difference from the opening day, not only in the frequency of usage of 'Holocaust denier', but also in the manner of its usage. At this stage it is worth returning to the question of quotation marks. In previous coverage of the action of the trial 'Holocaust denier' was placed within quotation marks, either in the context of reported speech or to indicate the term as somehow problematic. In the opening day coverage 'Holocaust denier' is a term that is contested, indeed it is the central issue of the libel trial. Yet for much of the opening day 'Holocaust denier' does not take a prominent place. However, in the judgment coverage not only has 'Holocaust denier' become more prominently used, but it is also noticeable used without quotation marks in contrast to the opening day.

As already stated, 'Holocaust denier' did not appear in the opening day nuclei, however it did appear in within the body of the stories that covered the opening day. The manner in which it was presented must first be examined in more depth to give a basis from which to view a possible development of the term over the course of the trial and its judgment. It is worth emphasising that it is the usage of the exact phrase 'Holocaust denier' that is being analysed, not the other adaptations of it, such as 'denying the Holocaust'. Keeping this in mind, how does 'Holocaust denier' appear? The extracts in the following analysis will be codified in a similar manner to the story nuclei, in that they will have the same newspaper and day abbreviations as the nuclei, but they will also be given a letter (a, b, c) to identify them. Additionally, the paragraph number will be included at the end of each extract to indicate where in the article the extract is from.

The overwhelming majority of inclusions of the term 'Holocaust denier' are placed either in quotation marks or in a reported speech context. The only exception to this trend is in the *Guardian*;

'In the book Professor Lipstadt had branded Irving one of the most prominent and dangerous Holocaust deniers.' (*Guardian*, 12/1/2000, P3, para 23)

While this is neither in quotation marks or in the context of reported speech, it is in the context of a report of Lipstadt's book and one of its main concepts. There is a subtle difference between an inclusion in a reported speech context and an inclusion in quotation marks. A reported speech context appears as an account of an utterance, be it direct or indirect. The following two extracts illustrate this;

'In his statement Mr Irving rebutted allegations that he was a "Holocaust denier" as described by Ms Lipstadt.' (*Times* 12/1/2000, p3, para 16)

'He said that "Holocaust denier" had become one of the "most potent phrases in the arsenal of insult..." (Times 12/1/2000, P3, para 20)

The inclusions of 'Holocaust denier' in these extracts (Times 12/1/2000, p3, para 16) and (Times 12/1/2000, P3, para 20) are both in reported speech context, that is to say they are giving accounts of a speech act with differing degrees of directness. The inclusion (Times 12/1/2000, P3, para 20) is a more direct speech context than (Times 12/1/2000, p3, para 16), it presenting direct quotation in the account of Irving's opening speech. In the inclusion (Times 12/1/2000, p3, para 16) it provides an indirect report of the theme of Irving's speech. Yet this inclusion also indicated another use of quotation marks, that of 'mentioning' (Saka, 1998). As discussed in the analysis of the judgment transcript a phrase can be mentioned in order to either discuss that phrase as an object, or to discuss a specific usage of that phrase. In the inclusion (Times 12/1/2000, p3, para 16) Irving is reported as rebutting, not a speech, but 'Holocaust denier' as a concept from Lipstadt's book. The differentiation between the uses of quotation marks is something that has been the subject of much debate. What becomes clear in the analysis of quotation marks is their ambiguity.

This ambiguity can be seen if extract Tilb is compared with the following extract from the *Telegraph*;

'Holocaust deniers "has become one of the most potent phrases in the arsenal of insult..." (Telegraph, 12/1/2000. P4, Article 1, para 23)

Both of these extracts report the same aspect of Irving's opening speech. In the extract from the *Telegraph* above 'Holocaust denier' is placed within quotation marks. This may indicate that it is a direct quotation, it is placed in an overall context of reported speech ("he said"). Yet it may also indicate a 'mention' (Saka, 1998), the inclusion of a concept as the subject of discussion. What the use of quotation marks in this instance appears to indicate is that this is a 'mention'

rather than a direct quotation of 'Holocaust denier', specifically as the concept contained in Lipstadt's book, as a subject for Irving's speech. Thus the fuzzy boundaries between the types of quotation mark usages can indicate multiple functions rather than being able to clearly differentiate between direct quotations, mentions, scare quotes and distancing.

What presents itself as a tendency through all the inclusions is that they are all 'voiced' in some way. Thus all the inclusions of the term 'Holocaust denier' are presented as coming from a source, be it Lipstadt, Irving or Rampton, couched as a claim. 'Holocaust denier' does not appear without it coming from one of the protagonists within the trial. In this way it allows the newspapers to distance themselves from this contentious term, they do not need to give a direct opinion or interpretation of the term while they can include its usage by the participants. Thus, according to the eventual outcome the newspapers have not, themselves, used the term in an 'incorrect' manner, they have simply reported the way it has been used by these individuals. Additionally, the use of 'Holocaust denier' at this stage in the action, used as it is within quotation marks or reported speech context, indicates that this concept is a specialised one, a concept that may not be readily understood by the reader without further explanation.

8.6 'Holocaust Denier' In The Judgment Coverage

How different then is the use of 'Holocaust denier' in the coverage of the judgment day? The most immediate difference is that 'Holocaust denier' appeared in three of the story nuclei (Ti2, In2, Te2). Already then 'Holocaust denier' is taking a place in the coverage that is more immediate than in the coverage of the opening day. 'Holocaust denier' also appeared within the bodies of the judgment stories themselves. One of the most immediate differences in the two day's coverage is

that 'Holocaust denier' is used less in the judgment coverage than in the opening day's coverage. In the opening day coverage it was used sixteen times, in the judgment coverage it was used eight times. All of the broadsheets used 'Holocaust denier' more in their opening day coverage than their judgment day coverage.

What is clear is that in the coverage of the judgment is that 'Holocaust denier' has, in many instances, been removed from quotation marks. 'Holocaust denier' is no longer cited in the judgment coverage as a concept from Lipstadt's book that is being argued; instead it has now also taken on the status of being Gray's judgment, with all that that implies. The presentation as judgment also appears in the lead of Ti2. In this Irving is 'branded an anti-Semite, racist Holocaust denier and pro-Nazi polemicist'. Yet the voice of this judgment is not obvious. This ascription of Irving is not from a source, but by not giving a source of the ascription it can be presented as 'out-there' (Potter, 1996). What appears more important in this extract is *what* has been said as a judgment rather than *who* said it, as an individual. In the headline from the *Independent* (In2), the ascriptions 'Racist. Anti-Semite. Holocaust denier' again do not have a source, they are instead a judgment that is presented as labels attached to Irving. Thus history will judge Irving, not an individual. The implication being that this factual account of Irving will remain and that these ascriptions, 'Racist. Anti-Semite. Holocaust denier' are so powerful that they override all other ascriptions or identifiers. In the *Guardian* (Gu2) Irving is 'consigned to history as a racist liar'. Again the implication is that now Irving has been judged as a racist liar, this is something that cannot be overcome. With Irving judged as a 'Racist', Anti-Semite and Holocaust denier' he can effectively be dismissed.

While 'Holocaust denier' is used within quotation marks elsewhere in the judgment coverage, this appears as a subtly different presentation. Although one

of the inclusions in the *Telegraph* (*Telegraph*, 12/1/2000. P4, Article 1, para 23) remains in the form of an accusation; it is in its wider context an accusation that has been found to be justified. While this particular instance is similar to those inclusions in the opening day coverage that related to Lipstadt's book, the inclusions in the opening day are structured as claims and accusations. For example all report the same section of Irving's speech. They all are phrased as a claim made by Irving as to how gratuitously insulting the term 'Holocaust denier', as Lipstadt used it', is. The direct quotation from Rampton (*Guardian*, 12/1/2000, P3, para 23) is phrased as an accusation about Irving from the defence. In the judgment inclusion (*Telegraph*, 12/1/2000. P4, Article 1, para 23) this is information as to the history of the case.

The inclusions of 'Holocaust denier' without quotation marks also indicate a shift in the status of the term. Whereas before it needed to be used within either quotation marks or a reported speech context, in order to mark it out (Tuchman, 1980; Predelli 2003), now it can stand-alone. This is no longer a claim or an accusation; instead it is now presented as an objective fact. However, while 'Holocaust denier' may apparently now stand alone as a term of description without the need for quotation marks, it appears that some level of contextual explanation is required.

8.7 Contextual Support

A noticeable difference from the coverage of the opening day to the judgment day is the contextual information and elaboration of the term 'Holocaust denier'. As seen, on the opening day the inclusion of Rampton's speech gave a concise explanation as to the defence's approach to the term. The inclusion of Irving's speech in the coverage including the reference to the 'verbal yellow star' gave

Irving's position as to the effects that the phrase had allegedly had upon him. Thus the term was used in the opening day's coverage with elaboration from the parties themselves, if not directly from the journalists. Given that up to the hearing of the case, Holocaust denial was an issue that was known primarily to the parties interested, it may be assumed that 'Holocaust denier' would need some explanation for the wider readership. By the judgment day, that explicit explanation had shifted to a more subtle form. As can be seen Holocaust denial has moved from the article body of the trial coverage, to a headline phrase, a term that takes its place of condemnation alongside racist and anti-Semite.

By this point in the coverage the term 'Holocaust denier' is no longer one that is presented within quotation marks to set it apart as technical or 'so-called' (Tuchman, 1980). Instead it is now being used without quotation marks, implying that it has become a part of the commonly understood vocabulary. Yet this change in the usage of 'Holocaust denier' does not indicate a total transmission from a term that is set apart in quotation marks, to one that stands entirely alone. In order to show this what is required is an examination of 'Holocaust denier', not just in terms of its placement within or without quotation marks. Instead it is the placement of the term in a wider context that requires examination. As this stage it is worth returning again to the initial inclusions of 'Holocaust denier' in the judgment nuclei.

'Holocaust denier' may now be presented as a term that requires less explicit explanation than previously, yet the question remains as to whether the meaning of it is self-evident or if it still requires some level of explanation. Certainly 'Holocaust denier' has a somewhat self-evident meaning; quite clearly it refers to the Holocaust and the denial that it took place. However, this does not take into account the political and ideological implications of the term as used by the protagonists in the trial. If 'Holocaust denier' had been used as an entirely stand

alone headline, for example “Irving is a Holocaust denier”, it would be clear that ‘Holocaust denier’ was becoming firmly established as an ideograph. Yet ‘Holocaust denier’ did not appear in those terms.

In the opening coverage, ‘Holocaust denier’ was a term used as part of the trial action, the meaning and implications of which were contested and which needed explanation for the readership. What then is the level, if any, of explanation provided in the judgment coverage for what ‘Holocaust denier’ is and what are its implications? It is noticeable that what does not appear in any of the broadsheets is a headline or lead that is couched in such direct terms as ‘Irving is a Holocaust denier’ or ‘Irving judged a Holocaust denier’. Instead, ‘Holocaust denier’ appears within a more indirect context. Taking the headline from the *Independent* (In2) initially;

*Racist. Anti-Semite. Holocaust denier. How history will judge
David Irving*

Assuming that the reader was entirely new to the coverage of the trial and had no prior understanding of what constitutes Holocaust denial, how informative is this headline? In order to understand this, it is worth ‘unpacking’ all the elements of the headline.

‘**Racist**’. The subject of the headline is racist. This is not framed as a claim or an accusation, but as a statement. The subject is identified immediately as occupying the common sense category of ‘Racist’. ‘Racist’ is not a morally or politically ambiguous category in the same way that ‘nationalist’ may be. Instead this is a negative and socially unacceptable category. This overall category is a metonymic device implying irrationality and beliefs outside the socially acceptable boundaries. As such it prompts as to the interpretation of the subject in the context of its membership of this category.

'Anti-Semite'. Again this is a commonly understood category of socially unacceptable beliefs or opinions. But it also importantly shares a strong relationship with the wider category of 'racist'. 'Anti-Semite' is effectively a sub-category of 'Racist' but one that is also understood on its own. This therefore reinforces and clarifies the previous prompting of 'Racist'.

'Holocaust denier'. As the third item in the headline the suggestion is that 'Holocaust denier' is fundamentally related to the previous items. Grice's maxim of relevance (1974) states that the assumption will be made that all parts of a communicative element, in this case a headline, will be relevant to the communication. Similarly the closeness of the aspects implies that they are to be considered together as parts of a relevant whole. The use of three part lists such as this allows for the making of "progressively more emphasis" (Atkinson, 1984, p 159) of the point. Thus the focus of the emphasis culminates in the third part of the list. The 'Holocaust denier' of the headline is intrinsically racist and anti-Semitic, both they and their activity. An interesting parallel can be drawn between the three part list in this headline and that in the headline following another high profile libel case, that involving Jonathan Aitken the former Conservative cabinet minister. Aitken lost his libel action against the *Guardian* Newspaper and Granada Television following accusations that he had dishonestly accepted financial gifts. The headline in the *Guardian* on the day after the judgment was **'He lied and lied and lied'** (*Guardian*, 21/6/97, P1). In the Aitken headline the three parts of the list are the same word, repeated in order to increase their impact. The repetitive nature of this instance implies that the lies were not a single, and therefore forgivable, occurrence. Instead the lies were part of a repetitive pattern. This repetitive element may be seen in the *Independent* headline, with the inclusion of the categories of 'racist' and 'anti-Semite' as well as establishing the category that 'Holocaust denier' is part of, also repeatedly invokes the overall category of prejudice. In this manner the subject is a bigot on multiple levels. To contrast with the nuclei of the Irving trial and the question as to whether 'Holocaust denier' can stand alone, it is worth drawing another parallel

with the Aitken trial, previously mentioned. In this headline “**He lied and lied and lied**”, ‘lied’ stands alone as an understandable judgment, not just as an abstract concept, but also as a specific judgment of this individual and his actions. The statement that the unnamed subject has lied is presented as not needing explicit explanation. By comparing the Aitken headline with the headlines of the Irving trial, it may be seen that while ‘Holocaust denier’ is presented as a judgment, but it cannot yet stand-alone.

The placing of ‘Holocaust denier’ as the third element of the list is also important following as it does the ideographs of ‘Racist’ and ‘Anti-Semite’. The first two items of the three-part list suggests a link, while the third part confirms and completes it. Additionally the ‘Mutual Knowledge Hypothesis’ (Sperber & Wilson, 1995) suggests the placement of new information after the mutually understood information in order that the understanding of the initial information can be transferred across to the new information. By constructing the headline in the structure ‘ideograph, ideograph, potential ideograph’, a cue is given as to what the potential ideograph stands for. Thus by exploiting the existing understanding of the readership in the context in which the new information is given, ‘Holocaust denier’ can be later be used as a term without the need for explicit explanation, the implicit explanation having already been prompted in the headline by ‘racist’ and ‘anti-Semite’.

Headlines may be viewed in relation to Grice’s concept of communication (1974). At their most effective headlines are informative, without containing extraneous information, they efficiently communicate the core of the story, they are relevant to the reader and their understanding and they are brief and to the point. In this format, it can be assumed that any inclusion would be relevant to the overall understanding and construction of the headline. In this way anti-Semite and racist give indication as to ‘Holocaust denial’ being a position of prejudice rather than

an objective historiographical pose. Thus the implications of 'Holocaust denier' can be drawn from the mutually shared understanding of 'Racist' and 'Anti-Semite'. This is a 'contextual effect' (Sperber & Wilson, *ibid.*). This describes the interaction between old or known information (in this case 'Racist' and 'Anti-Semite') and new information (Holocaust denier). A contextual effect takes place when the new information adds to and strengthens the assumptions of the old information. Thus, in this instance, 'Holocaust denier' adds to the category of 'prejudice' as well as expanding the understanding of the actions of those category members to further their own agenda.

The establishment of 'Holocaust denier' as part of the wider category of 'prejudice' through the use of implicit prompts may be seen in the other broadsheet nuclei. This can be seen in the *Times* lead paragraph

"David Irving's reputation as an historian was demolished yesterday when his High Court libel case ended with him branded an anti-Semitic, racist Holocaust denier and pro-Nazi polemicist." (Ti2)

The initial observation is that 'Holocaust denier' does not appear alone; rather it has two adjectives attached, 'anti-Semitic and racist'. By presenting 'Holocaust denier' along side supporting adjectives, its meaning is implied. Again, as in the *Independent* there are the ascriptions of Irving as 'anti-Semite', 'racist' and 'Holocaust denier'. In this lead however, the list is arranged slightly differently. In the *Independent* 'Racist', 'Anti-Semite' and 'Holocaust denier' were presented as three separate elements of the overall list. Yet in the *Times*, the term 'Anti-Semitic' remains as a separate element and 'pro-Nazi polemicist' is introduced from Gray's judgment as the concluding element of the list. However, the central element is 'racist Holocaust denier', presented as a unified element. By presenting 'Holocaust denier' as part of a unified element with 'racist', 'Holocaust denier' is established as part of that wider category, linked to 'racist'. The inclusion of 'pro-Nazi polemicist' also introduces the implication of activity. Irving

is 'anti-Semitic', 'racist' 'Holocaust denier' and 'pro-Nazi' but is also a polemicist.

The *Independent* and *Times* both used 'Holocaust denier' as part of a construction with other elements that are generally understood. By using the understood elements as implicit prompts as to the understanding of 'Holocaust denier' and its membership of the wider category of prejudice, 'Holocaust denier' is presented without explicit explanation and thus appears as idiomatic of the discussion of racism and its implications.

The *Guardian* takes a subtly different approach, in that the term 'Holocaust denier' is not included in the nucleus. Rather there is an explanation of the finding against Irving in terms of his activity and motivation.

Irving: consigned to history as a racist liar

The author David Irving falsified history to exonerate Adolf Hitler, driven by anti-Semitism and his own pro-Nazi views, the high court ruled yesterday. (Gu2)

In the headline Irving is established both within the category of 'prejudice' and as a liar. Within the lead paragraph the three-part list format is again visible; Irving did X because of Y and Z. The motivational link within this three-part list establishes Anti-Semitism and racism as motive for the fabrication of history. The omission of 'Holocaust denier' in the nucleus does not preclude the explanation of its understanding. Instead the *Guardian* nucleus presents an explanation of Irving's activity that provides implicit prompts as to the meaning of 'Holocaust denier'. 'Holocaust denier' appears first in the *Guardian* in the second paragraph;

“In a devastating judgment Mr Justice Charles Gray ruled that a book which branded Irving a Holocaust denier was justified in its charges.”

The presentation of ‘Holocaust denier’ in this context displays it as understood, it meaning having been established implicitly in the nucleus. The ruling of Irving as a ‘Holocaust denier’ is linked to the “falsification of history” as presented in the lead, thus presenting them as elements of a whole.

What does not appear in the presentations of ‘Holocaust denier’ in the *Times*, *Independent* and *Guardian* is an explicit definition of either what Holocaust denial is, or what part of the Holocaust specifically has been denied. Rather what is presented is ‘Holocaust denier’ as a categorisation of the individual. This is ‘Holocaust denier’ as a sort of person, not as a specific activity.

As seen in previous analysis, the *Telegraph* again presents a curiously different perspective than the other broadsheets.

Judge Brands David Irving a Holocaust denier who falsified the facts to exonerate Hitler

Racist historian faces £2m bill for libel defeat

David Irving, the historian and author, was facing financial ruin last night after defeat in his libel action against an American academic who accused him of denying the Holocaust.

In the superhead there is the most explicit explanation of what ‘Holocaust denial’ is in the form of what Irving was judged to have done. In the headline Irving is a racist historian, a downgrading of the condemnation evident in the other headlines. In the *Telegraph* headline Irving remains an ‘historian’, albeit a ‘racist historian’, in comparison to the ‘racist liar’ presented in the other broadsheet nuclei. In the *Telegraph*, in contrast to the other broadsheets, the supporting adjectives have disappeared in this initial appearance. Instead ‘Holocaust denier’

is presented as someone “who falsified the facts to exonerate Hitler.” What “the facts” are is unclear, this is some form of falsification, along with an ascription of motive. While Irving is explicitly established as a ‘racist historian’ and a ‘Holocaust denier’, the establishment of the ‘Holocaust denier’ in the category of prejudice is less emphatic in the *Telegraph* nucleus than in other broadsheet nuclei. However the *Telegraph* does present further elaboration in the second paragraph;

“A High Court judge branded him a racist, anti-Semite and associate of neo-Nazi extremists who falsified history in order to disprove the existence of the gas chambers and exonerate Hitler from involvement in the mass murder of Jews.”

It is here that ‘Holocaust denier’ becomes implicitly established in the category of prejudice. The superhead presents Irving as a “Holocaust denier who falsified the facts to exonerate Hitler”, in the second paragraph Irving is “a racist, anti-Semite and associate of neo-Nazi extremists who falsified history...” The repetition of the invocation of falsification of history places ‘Holocaust denier’ implicitly alongside ‘racist’ and ‘anti-Semite’ as part of the same overall category of ‘prejudice’.

8.8 Motive and Ascription

Membership of the overall category ‘prejudice’ implies not only assumptions about the political and ideological beliefs of the individual, but also judgments as to what sort of person falls into this category. Thus the racist is judged, not only to hold racist views, but also to be the sort of person who holds racist views and the associated behaviours that are linked with such views. Acknowledging that it is beyond the bounds of acceptable political opinion to hold prejudiced views, the possible assumption that the prejudiced individual may also engage in other

unacceptable activities is less problematic than such assumptions about those within the boundaries of acceptability.

The question at this stage is; how is Irving described in the nuclei, and what are the implications of these descriptions to assumptions about his character. In the story nuclei Irving is variously referred to as an;

“Anti-Semitic, racist Holocaust denier and pro-Nazi polemicist.”
(Ti2),

“Racist. Anti-Semite. Holocaust denier.” (In2),

“Consigned to history as a racist liar” (Gu2),

“A Holocaust denier who falsified the facts to exonerate Hitler”
(Te2).

On a simplistic level these function as descriptions of Irving, an encapsulation of the judgment against him, detailed in the following stories. However, it is important to view these nuclei, not only in terms of their descriptions of Irving, but also of their ascriptions of Irving's character.

In order to do this it is worth examining what the nuclei did not say. None of the nuclei were phrased in terms of;

“Irving found to have denied the Holocaust in his writings.” Or

“Irving made racist and anti-Semitic statements in public.”

Rather, the nuclei are all couched in terms of what Irving is rather than what Irving did. This may appear to be an arbitrary distinction, but it is vital to the understanding of the rhetoric of these nuclei.

Ascriptions of disposition do more than inform as to what the person has done, it gives inferential clues as to what sort of person they are and the kind of behaviour that they are likely to exhibit (Edwards, 1995). Edwards discussed this in terms of the jealous behaviour of the partner ascribed the disposition of the 'jealous person'. The important differentiation in this particular question is between 'being' and 'doing'. 'Being' something may infer some level of causality to the actions of the individual, especially from the perspective of folk psychology, the day-to-day laypersons understanding of actions. To illustrate, there is a difference in the rhetorical impact of stating that an individual is a racist as opposed to stating that an individual had done something racist. 'Racist', as an action, is worthy of social condemnation, but it is a description of an action. However, 'racist' as an ascription of the character of the individual that the label is attached to, implying that it informs as to the nature of the individual. Such ascriptions additionally suggest a continuity of character. The racist is racist, and continues to be racist, whatever else they are. This sheds a light on the ascriptions of Irving in the coverage.

As well as the establishment of 'Holocaust denier' in the wider category of 'prejudice', the story nuclei also make an inferential link between the membership of the 'prejudice' category and untruthfulness. This link is evident in the nuclei; "racist liar" (Gu2), "Racist who twisted the truth" (Ti2), "Holocaust denier who falsified the facts" (Te2). This link between prejudice and lying increases the condemnatory tone of the nuclei. Given the dispositional implications of being called a 'liar', in addition to the dispositional ascriptions of 'racist', 'anti-Semite' and 'Holocaust denier', the nuclei provide a powerful condemnation of Irving as being a man whose actions and, more importantly, whose character traits are beyond the pale. The concept of continuity of disposition is reflected in the headlines of the *Guardian* and *Independent*; "Irving: consigned to history as a racist liar" (Gu2). "How history will judge David Irving" (In2). Irving is to

remain known, not only in the present but also in the future, as a racist and anti-Semite.

In all the broadsheets Irving is a 'Holocaust denier', not someone found to have done 'Holocaust denial'. This is then a constant ascription of Irving in terms of his character, rather than his actions. Irving is a 'Holocaust denier', as well as a 'racist' and 'anti-Semitic', thus this strain of 'prejudice' category membership is implied to be a consistent through his actions and character. This concept is continued in that the actions of which Irving was judged upon are not included in the coverage, instead the focus is upon the judgment of Irving as being a 'Holocaust denier'. Irving is ascribed the label of 'Holocaust denier', with all the assumptions that that particular category carry with it, and assumptions can be made as to other characteristics of the individual.

In addition to being an ascription of the kind of person Irving is, 'Holocaust denier' also implies a level of activity on the part of Irving. Thus Irving is not passive in his views, but instead is someone whose political position is one of sympathy to denials of the Holocaust, and someone who actively denies the Holocaust. In the *Guardian* (Gu2) and *Telegraph* (Te2) a direct link is made between Irving's politics and his Holocaust denial. Irving has not, from the perspective of these nuclei, made genuine mistakes in his interpretation of history as a result of some scholastic error. Instead Irving has falsified historical facts in order to achieve some political goal, namely the denial of the Holocaust and the exoneration of Hitler. Thus 'Holocaust denial' is an action motivated by beliefs outside the socially acceptable sphere. In the *Times* (Ti2) and *Independent* (In2), this motivational connection is less explicitly stated. Irving is an "anti-Semitic [and] racist...and a pro-Nazi polemicist" (In2 lead); these are his political beliefs and the implication being that these motivate him to make claims about history. The ascription of motivation to Irving that predicated on his politics is displayed

in the nuclei as objective fact. Indeed, in the *Guardian* (Gu2), Irving's politics have 'driven' him to fabricate history. The extreme nature of Irving's politics is such that he has overstepped the boundaries of acceptable behaviour, breaking the shared rules of historiographic practice, in order to further his own agenda.

In a common-sense understanding of the world, people do things because they have a reason to do so. Just as we justify our own actions through the citation of reasonable motivation, we also ascribe motive to the actions of others in order to understand them. People must have motives for their actions, in our understanding, whether they are socially acceptable or not. Those who commit actions that are commonly viewed as beyond the acceptable boundaries of behaviour may seek to justify themselves and normalise their behaviour (Sykes & Matza, 1957). Just as the individual may seek to explain their behaviour through minimising it's harm or blaming others, we may seek to explain the behaviour of others through a shared understanding of those actions. We ascribe motives in order to make sense of the world and other people's actions. The provision of an explanation for Irving to deny the facts of Holocaust history is then predicated on his anti-Semitism and racism. If Irving can hold apparently irrational prejudice, he can also make irrational claims and it is his beliefs that lead him to do so.

In the *Independent* (In2) the judgment had moved beyond an individual, albeit one of authority, judging Irving. Instead the condemnation of Irving has taken on it's own existence as an objective fact that will endure. Ascribing the labels 'racist', 'anti-Semite' and 'Holocaust denier' to him irrevocably destroy Irving's reputation as an historian. The attachment of 'Holocaust denier' to Irving is an outright condemnation, ultimately removing him from the ranks of historians and history authors of any merit. In some way this corresponds with Irving's claims as to the destructive nature of the label 'Holocaust denier' that he made in his opening and closing speeches. However, in Irving's speeches he defined

'Holocaust denier' as a term purely of insult, one that had no intrinsic meaning other than as a means to damage otherwise honourable reputations. What the judgment and its coverage show is that while it may permanently damage the reputation of the individual to whom it is attached, this is a term with an understandable implication and criteria of application. It is applied to those who through political motivation seek to deny the historical facts and evidence of the Holocaust. The condemnatory nature of the term reflects the socially shared criticism of the holders of extremist political views and the efforts these individuals go to in order to promulgate them.

8.9 Ideographic Development

Although 'Holocaust denier' appears in the judgment coverage without quotation marks, the assumption should not be made that this indicates that the status of it has shifted to that of an ideograph. Indeed, it would be wrong-headed to assume the ideographs are diametrically opposed to the essentially contested concept (Gallie, 1962). While it may appear that ideographs require a clearly defined and shared understanding of their essential meaning, it would be more accurate to regard ideographs as being presented as if there were a shared understanding. An ideograph can remain essentially contested, in the instance of such higher-level ideographs as 'equality' or 'democracy' the essential concept may be open to discussion and debate, but the potentially ambiguous meaning of the concept remains part of the shared ideology nonetheless. The development of ideographs is not a process that can be regarded as an automatic and mechanical progression. One of the defining features of an ideograph is that it is presented as if it does not require any explanation. An ideograph is presented as a term of commonplace understanding. To illustrate, 'racist' encapsulates the ideology and politics of racism, and while these may be complex, we do not need further explanation as to what they are in order to use and understand the ideograph. Thus 'racist' stands in

our vocabulary without the need for further clarification. What is vital to the understanding of ideographs is not only that it encapsulates an ideology, but also that there is a shared understanding of that position within the wider socio-ideological landscape. Thus the ideograph 'racist' not only carries the ideological meaning of term, but also the understanding of what the wider implications of adhering to that ideology are. One of the examples given by McGee (1980) in his original discussion of ideographs was that of the 'rule of law' and the shared understanding of its importance in a democratic society. As McGee said, such a term is presented in a way that both the meaning of it is assumed and that its position as a valued and vital strut of democracy is also tacitly understood. By applying such an ideograph as 'racist' to Irving, this implies an enduring moral and ideological condemnation of him. The close linking of 'racist' and 'Holocaust' denier together shows that this moral and ideological condemnation also stems from being judged to be a 'Holocaust denier'.

In the coverage of the opening day, 'Holocaust denier' appeared with explicit explanation as to the way in which it was being used. These explanations came from within the opening speeches of the two parties. Thus 'Holocaust denier' was presented as a gratuitous insult and politically motivated slur without any intrinsic meaning from Irving's perspective, or as denial of the historical events and evidence of the Holocaust from Rampton's perspective. The positioning of 'Holocaust denier' in the judgment day story headlines and lead paragraphs establishes the meaning as inherently linked to racism, anti-Semitism and pro-Nazi views. In his comments to the court, Irving positioned his opinions on the Holocaust as being simply matters of interpretation and quibbling over minutia. However, the phrasing of the nuclei positions Holocaust denial as lying. The positioning of the term 'Holocaust denier' in close proximity to references to racism and anti-Semitism, clarifies the meaning of the term. By comparing the opening and judgment day's coverage and the examples of how the term 'Holocaust denier' is used, the possible ideographic construction can be

illustrated. Ideographs are, by their very nature, dynamic; they rise and fall in their relevance and prominence. Take, for example, the recently constructed ideograph "bogus asylum seeker". As a term it is one that is of relatively recent origin, however, due to its prominence in the media, it has become part of the wider lexicon. Indeed, as a descriptive tool, it requires no further explanation or elaboration. However, when the currently contentious topic of immigration is subsumed by another media-dominating discussion, the ideograph of "bogus asylum seeker" may fade from public consciousness. Such a shift from the public consciousness can be seen in the previously media-prevalent ideograph of the 'New-Age traveller'. For a large part of the early and mid nineteen-nineties the 'New-Age traveller' occupied a prominent position in media and public discourse, however, it has since been over-taken by the 'bogus asylum seeker' both as an ideograph and as a 'folk devil' in the media. While the presentation of 'Holocaust denier' in the opening day's coverage was as a technical phrase, in the judgment day's coverage the term 'Holocaust denier' is presented as readily understood, a phrase implying an ideological position. Importantly, the construction of an ideograph is more than the entrance of a new word or term into the language; it is a term that encapsulates a rhetorical and ideological whole. The term 'Holocaust denier' gives a dual indication of ideology. It indicates the ideology of Holocaust denial as part of contemporary fascism. However it also indicates the prevailing ideology that rejects it.

What can be seen then is the subtle movement of the term 'Holocaust denier' throughout the trial and judgment coverage away from being a contested term. The legitimacy of the term is confirmed by its acceptance by Mr Justice Gray. Given that the basis of the action was Irving's claim that the term was itself illegitimate, by it being declared legitimate in the judgment, the term becomes a valid descriptor, both of a given ideological position and of Irving himself. It is important that the implications of these terms are commonly understood as negative. While far right groups and individuals subscribe to such beliefs as

implicated by these terms, they tend to define them in more neutral terms. For example, those individuals who partake in Holocaust denial refer to it as 'revisionist' or 'historical review' rather than anti-Semitic denial of accepted historical fact and belief in conspiratorial theories of post-war politics. It is clear that it is accepted that to be referred to as a racist, an anti-Semite or a 'Holocaust denier' is negative and leaves the individual open to condemnation. This is shown by the very fact of the case itself. Irving brought the case because he objected to being called a 'Holocaust denier', despite his openly expressed extreme views. Thus, while Irving's position on the negative connotation of the term 'Holocaust denier' may be seen as evident in the use of the term, the denotation of it, as in Rampton's argument remains evident as well. Thus 'Holocaust denier' may be a term that would damage the reputation of an individual, however, if they are shown to engage in the activities of Holocaust denial, the label becomes inescapable.

Chapter 9. Conclusion

The Irving trial was not, as a libel trial, particularly remarkable. Indeed, if it were not for other factors, one might call it a rather run of the mill case. The plaintiff (Irving) felt that a book published by the first defendant (Penguin Books) and written by the second defendant (Lipstadt) had damaged his reputation and had thus caused him financial loss. The defendants challenged his assertions and the case went to court. The plaintiff lost in his claim, the judge finding for the defendant. In such a way the Irving libel trial was much like many other libel cases heard every year.

What made the Irving case remarkable were the nature of the plaintiff and the content of the material under debate, both from the defendant and the plaintiff. As already stated, the courtroom may present more than an arena for the resolution of a legal dispute. Due to the nature of the courtroom, it may provide a platform for an individual to promulgate their views without fear of legal challenge, as discourse within the courtroom is privileged from claims of defamation. Thus, should the judge or bench allow the individual to go on speaking, their words will be part of the record, and potentially able to be reproduced in the press. With the public consumers of the media in the role of 'targeted over-hearers' (Levinson, 1982), the individual may use the courtroom and the press reports of it as a tool for dissemination. It is such as this that made the Irving case noticeable, as well as being an important stage in the recognition of the problem of 'historical revisionism' and Holocaust denial in particular. Additionally, the question of reporting the fascist in the press also made the case fascinating. This was not an event involving a member of an overtly fascist organisation, or even a recognised far right group. This case involved a man who had claimed academic respectability, and indeed who had enjoyed it in the early years of his career, and presented himself as the author of historical fact but who had aligned himself with

one of the most insidiously bigoted movements of post-war history, battling against forces that wanted to silence the 'truth' as he would communicate it.

9.1 Contemporary Fascism And Holocaust Denial

Chapter 2 introduced the historical and social context of the trial. The context of the trial is important in its understanding. As stated above, if the case is taken solely as a libel action in a mechanistic sense, then it is unremarkable. However, the political and ideological background of Irving and the issue under debate is central to the understanding of the trial and its implications. While it is difficult to encapsulate the history of fascism in Britain and the growth in Holocaust denial, such an introduction was necessary in order to place the action of the trial in its context. What this introduction showed is that fascism is a dynamic and ongoing ideology, which exhibits itself publicly in an adaptive fashion in order to appeal to a population that holds modern sensibilities. For the contemporary fascist, there is an active need and desire to downgrade the most problematic elements of fascist history in public presentation. If the more repugnant elements of fascist history can be glossed over, then the core ideology of fascism may be presented as a legitimate political position. By denying the Holocaust the contemporary fascist achieves a dual task. There is an attempt to rehabilitate fascist history and expunge one of the darkest periods of history from the fascist ideology. Additionally, Holocaust denial also continues the recurrent 'Jewish conspiracy' thread that runs throughout fascist ideology.

9.2 Theoretical Approaches To Analysing Fascism

There have been numerous theoretical examinations of fascism. Chapter 3 introduced some of the theories of fascism and its analysis. The traditional approaches including those of Adorno *et al* (1950) and Reich (1975) were based upon traditional Freudian approaches, focussing upon internal motivations and the personality of the individual fascist or potential fascist. These traditional personality approaches view fascism as a result of some form of psychological 'damage' in childhood, primarily as a result of authoritarian parenting. However, what is missing from the traditional approaches is an understanding of what it is that the fascist or potential fascist is attracted to. From the traditional approaches fascism appears to exist as a concept outside the individual. While it may be valuable to understand the individual motivations within the fascist, what is missing from such analysis is an understanding of the ideology of fascism, of what it is within fascism that appeals to the individual.

CDA provides a theoretical basis from which to understand ideology and its expression, both explicit and the implicit. However, while it provides a number of useful methodological and theoretical tools it fails to provide an entirely satisfactory basis from which to examine the case at hand. Instead, as the introduction of Discourse and Rhetoric showed, the analysis of the rhetoric of ideology was to prove more valuable in the understanding of the trial and its coverage. The rhetorical analysis employed in the thesis was one that was informed by a background in Discursive Psychology. Thus, while elements of Discursive Psychology were utilised, the primary analytic method was one of Rhetorical Analysis. The use of a primarily Rhetorical methodology allows for the argumentative and ideological nature of the data. While Discursive Psychology provides vital insights into fact construction, Rhetorical Analysis allows for a greater understanding of the use of fact construction within an

argumentative setting as an ideological tool. One of the elements of the thesis was the use of rhetorical analysis to examine not only the rhetoric of the fascist, but also the rhetoric used to discuss the fascist by the newspapers.

9.3 Analysing The Media And The Law

The specific context of the case and its coverage was discussed in chapter 4. The courtroom provides a supreme example of rhetorical skills. Additionally, the media reporting of this is interesting both as reporting of rhetoric, as well as the newspapers presentation of Irving. This chapter set out the premise that the Irving trial was predicated upon the use of rhetoric and the particular instance of the fascist in court. The understanding of rhetoric within both the courtroom and the newspapers reports was to be central to the thesis. The lack of prior research in this area was highlighted, and the basis for such analysis was thereby set out.

The three introductory chapters, taken as a whole emphasize the limits of a single prescribed methodology, being too restraining in this context. Instead, a broad scholarship basis for the analysis within the thesis was shown to be required. This requirement was thus reflected in the material used in support of this thesis.

9.4 Sample and Content Analysis

Both the sample and a content analysis of the newspaper data was presented and discussed in chapter 5. The content analysis provided a quantitative analysis of the newspaper data. One of the findings of the content analysis was that the broadsheet newspapers gave far greater coverage to the trial than the tabloids. As

a result of this the broadsheet newspapers were to be the focus of the analysis. What the content analysis further showed was that the first day of the trial and the judgment of the case gained the most coverage among the newspapers. This was the justification for focussing on these days. Additionally, the content analysis showed that Irving was the main focus of the newspapers coverage. However, what the content analysis failed to show was *how* Irving was presented as the main focus. It was this that required further analysis.

9.5 Irving Trial First Day Nuclei

The findings of the content analysis that showed Irving as the main focus of the newspaper coverage, as well as the first day of the trial being one of the two days that gained most coverage. What chapter 6 showed was that Irving was not presented in a wholly neutral fashion. Instead, the newspapers employed subtle techniques to present Irving as a questionable individual. While the *Times*, *Independent* and *Guardian* all used similar strategies; the Telegraph differed in being subtler in its presentation of Irving. However, what all the broadsheets shared were a critical presentation Irving, while remaining within the boundaries of the law. What the analysis showed was that the newspapers were able to report Irving without allowing him an open platform. The implications of this will be discussed later.

9.6 Trial Analysis

The premise of chapter 7 was that the term 'Holocaust denier', its meaning and its use, were central to the action of the case. The analysis in this chapter was carried out on selections from the trial transcript. Definitions of 'Holocaust deniers' were

examined. This chapter contained examinations of 'Holocaust denier' from the perspective of both Irving and Rampton. For Irving 'Holocaust denier' had no intrinsic meaning and instead was an insult of such magnitude that it had damaged his reputation. For Rampton, 'Holocaust denier' was a descriptor of actions carried out by Irving, Irving had denied the Holocaust in speech and writing, *ipso facto* he was a 'Holocaust denier'. What was shown in the analysis was that Irving's presentation of the term 'Holocaust denier' relied upon a Contextualist approach to meaning, while Rampton took a more Literalist perspective. A comparison of the opening speeches with the closing speeches of the two parties showed that the manner of presentation of 'Holocaust denier' did not change significantly though the trial. To complete the analysis, Mr Justice Gray's judgment was also examined. This showed that Gray also took a literalist perspective in his judgment, focussing on the denoted meaning, rather than the connotations of the term. What was notable was the shift in Gray's judgement from the use of quotation marks around 'Holocaust denier' to illustrate its position as the subject of discussion, as well as the contested nature of the term. By the conclusion of Gray's judgement, the quotation marks were no longer in evidence around the term 'Holocaust denier'. One of the implications of this was shown to be the shift of 'Holocaust denier' away from being an essentially contested concept (Gallie, 1962) towards being one that had a clearly understood meaning.

9.7 Development Of The Term 'Holocaust Denier'

A comparative analysis of the newspaper coverage of the first day of the trial and the judgment was contained in chapter 8. What the analysis showed was that there was a shift in the coverage away from the ostensibly neutral, albeit critical, coverage of the opening day, to the overtly condemnatory coverage of the judgment. The analysis showed the shift in the presentation of Irving from being questionable at the start of the coverage, to being beyond the pale in the coverage

of the judgment. This shift was further seen in the descriptors used, away from accusations about Irving, voiced from other sources and into explicit statements of Irving's character.

The prime focus of this chapter was on the use of 'Holocaust denier' within the coverage of the two days. It was shown that 'Holocaust denier' did not appear in any of the story nuclei of the opening day, while it did appear on this day further on in the story, in the context of an accusation made against Irving. However, 'Holocaust denier' appeared prominently in the judgment nuclei of the *Times*, *Independent* and *Guardian*, as well as throughout the story bodies. Importantly, it was shown that 'Holocaust denier' was used in the judgment coverage without contextual support, in contrast to its use in the story bodies of the opening day, in which the term was placed in a context that gave an explanation of it. Also, the analysis showed that 'Holocaust denier' appeared in the judgment coverage without quotation marks, displaying it as a term that could stand without them. Thus, what was shown in the analysis was that a shift in the status of the term 'Holocaust denier' had taken place over the course of the trial and its coverage. 'Holocaust denier' was seen in this chapter to becoming an ideograph, albeit one that retained some level of contextual clues.

9.8 Findings Of The Analysis

In writing this thesis, I set out to examine the Irving libel trial and its coverage. While I came into this analysis with a strong understanding of the case, after all I had only recently finished writing my undergraduate dissertation on the cross-examination of Irving by Rampton, there was still much to analyse and new conclusions to reach. Indeed, at the time of writing, I have spent over five years submerged in this trial; its actors and context. Initially, my main target was to

start the analysis, however as this progressed, two major aspects emerged as important. The first was the manner in which the newspapers presented Irving. As already stated, the apparent dichotomy between censorship and an open platform may be a false one; instead there is the path of mediated coverage. Such a path, while being stock-in-trade for the journalist, remains a problematic one, and something especially worthy of examination in the instance of the fascist in court. How would the newspapers present a man such as Irving, not a stereotypical shaven-headed thug, nor a pompous blustering demagogue such as John Tyndall? How would the newspapers deal with the coverage of Irving, a man who has spent many years perfecting his apparently respectable persona, as well as being a man who is notoriously litigious? The second aspect that emerged was the dynamic and evolutionary nature of language. In particular, the status and usage of the term 'Holocaust denier'. The trial and its coverage took place over only four months, an astoundingly short space of time in the development of language. However, with the use of the term 'Holocaust denier' there was the opportunity to illustrate this development. Could the term 'Holocaust denier' be shown to have made a significant shift over the brief course of the trial? Would it remain a technical term, buffered in quotation marks and always requiring explanation for the reader?

The question of determining the nature of the mediated coverage was examined primarily in chapter 6, in the analysis of the opening day nuclei. This analysis showed the various presentational strategies employed by the broadsheet newspapers. Taken in consideration with the comparative analysis in chapter 8, the presentational strategies become clear. The coverage of the judgment employs descriptors of Irving that are uncompromising in their condemnation. By the use of selective inclusion and quotation, the presentation of Irving was one that was critical, while the critical aspect was presented as coming from others and not from the newspaper itself. To illustrate this, the headline from the *Guardian's* opening day nuclei may be used;

‘Pariah’ Irving sues Holocaust author.

The source of the claim that Irving is a pariah is unclear, indeed it appears as an accusation made against him. However, further reading revealed that the source of the accusation ‘pariah’ was not from Irving’s opponents, but instead came from Irving himself, claiming his own victimhood. Additionally, the *Times*, *Independent* and *Guardian* utilised elements of Rampton’s speech, the section referring to Irving as a liar and not an historian, in their nuclei. This first presentation of Irving was thus shown to be based upon the defence’s accusations against him and not by his own claims of being a victim.

The potential for an individual such as Irving to use the courtroom, and thus the newspaper coverage as a means of gaining publicity remains regardless of the nature of coverage given to the individual. The old adage that ‘any publicity is good publicity’ remains true. For Irving’s supporters, descriptions of him as racist and anti-Semitic, a man who has no shred of reputation left to him may serve only to give succour to his supporters in their beliefs and self-image as persecuted by their opponents, as well as possibly reassuring them that Irving retained his beliefs. However, the presentation of Irving, be it critical as it was for the opening day, or condemnatory as it was for the judgement, denied Irving an unfettered platform. Irving was not allowed to make his claims without qualification; his voice was not unmediated in the press.

In looking at the potential development of language, this case presented a fascinating opportunity to observe the shift in language over a short space of time. Prior to the trial, ‘Holocaust denier’ was a term that was arguably outside the common vocabulary. It was a term understood by the interested parties, that is to say the Holocaust deniers themselves, as well as the academics and community

groups that opposed them. 'Holocaust denier' could thus be defined as a technical term. Such a technicality and uncommon term required some level of support and explanation in the trial and the coverage.

What we can observe in the shift in 'Holocaust denier' through the course of the trial and its coverage may not be the emergence of a new ideograph, although we can see the process by which an ideograph emerges. Instead, what the term 'Holocaust denier' through the passage of the trial is what Moscovici referred to as Social Representations (1983). Moscovici illustrated his theory with the passage from technicality to common vocabulary of scientific and psychoanalytic terms. In the case of the term 'Holocaust denier' may be seen to have shifted from a technical term, to one that may be used in common vocabulary, with an accompanying social representation of what Holocaust denial is. The shift in the term 'Holocaust denier' was accompanied by an argument as to the meaning and validity of the term. This argument was examined in chapter 7, showing that this involved lay theories of language and meaning. The social representation of the Holocaust denier appears to be anchored in the social representation of the anti-Semite and racist. Thus, the establishment of Holocaust denier as another aspect of this category of social representations of prejudice is illustrated in the passage of the term through the trial. The implications of an understanding of this representation of Irving as a 'Holocaust denier' is one that ultimately shows the presentation through the press of a man who has, of his own volition, placed himself outside society. The label of 'Holocaust denier' is not, in this representation, a weapon in an arsenal of insult as Irving claimed. Rather it is an indicator of a political and ideological stance that serves to rightly condemn the subject. In terms of implications for Irving, the judgment of the libel trial has served to fix him with a label of holding irrational and extreme prejudice, Irving can no longer claim that the term 'Holocaust denier' is only applied to him by those with their own agenda to further, rather this is a term applied by the High Court, and thus indelible.

9.9 Implications For Future Research

The analysis of the combination of both trial transcript and its press coverage has proved to be fruitful in this instance, providing fascinating sources. What has become clear is that the combinations of methodologies and data sources used suggest the effectiveness of using such combinations in further research. As a methodology for understanding the mechanics of the skills of advocacy utilised in the court room, and the public consumption of that process, I would suggest that the approach taken in the thesis will prove highly significant. Initially, what suggests itself is further examination of the press coverage of the legal system, including examination of cases involving high levels of public opprobrium, including rape and sexual assault. What also suggests itself as a consequence of this research, is further examination of what may be best referred to as the 'expert' world and the manner in which it is reported through the press. At the start of this thesis it was acknowledged that the public's main source of information about the legal system comes from the media. In common with this, the public's main source of information about many of the influential 'expert' fields also comes through the media. Thus, such a methodology may prove insightful in examining the media coverage of areas such as science, medicine, economics and politics. I believe that the combination of methodologies and data sources used in this thesis is to prove to be invaluable in future research.

"I would like you to believe me. I saw the gas chambers. I saw the crematoria. I saw the open fires. I was on the ramp when the selections took place. I would like you to believe these atrocities took place because I was there." (Oskar Groening, former SS officer at Auschwitz, quoted in Rees, 2005)

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Appendix 1. Biographical Details

In order to gain a fuller understanding of the trial and its action, it is necessary to understand the background and relationships of the main actors within the trial, that is to say, Irving, Lipstadt, Rampton and Gray.

David Irving

David Irving was born in 1938, into a comfortable middle-class family. He started reading for a Physics degree at Imperial College, but only completed the first year. While at Imperial College, Irving was already involved in and adherent to far-right ideology. Searchlight, the anti-Nazi magazine published a quote from one of Irving's former tutors, stating that Irving would introduce into tutorial, statements of "unvarnished notions of neo-fascism and anti-Semitism" (Trafford, 2001). On leaving Imperial College, he moved to Germany and worked in a steel plant. Here he perfected his German, and started on a path that was to ultimately lead to his own downfall. While he was in Germany he heard about the Allied bombing raids from the German perspective, which in combination with his Germanophilia and extreme right politics, sowed the seeds of his standpoint on the Second World War. Irving started writing books and articles on Second World War history in the early 1960's. From the 1960's to the 1980's Irving was published by several respectable publishing houses, including Hodder & Stoughton, Harper Collins, and Penguin Books.

Much of Irving's work has focussed on the Second World War from the perspective of the German nation and senior members of the Nazi regime. As such, he often faced controversy, but he did also gain respect for his undoubted skills as an archivist. Irving's first book in 1963 was *The Destruction Of Dresden* which was well received and presented a radical new perspective on the saturation bombing carried out at the end of the Second World War on German cities by the Allies. This was criticised for its vastly enlarged fatality figures. Irving claimed

that hundreds of thousands of casualties died in the resultant firestorms. Original estimates put the figure at around 35 000, but Irving's calculations brought the number to 135 000 dead. During the Irving Vs Penguin & Lipstadt trial, Richard Evans, Professor of Modern History at Cambridge, showed Irving's calculations to be at fault and that the original estimates were more likely to be a truthful account.

The publication of Irving's *Destruction of Convoy PQ17* led to him being sued in 1970 for libel over claims made in the book that the British commander Captain John Broome, had acted in a cowardly fashion over the destruction of a supply convey from Britain to Russia, blaming him for its destruction by German aircraft and U-boats. Irving lost the case and had to pay £40 000 damages, loosing again on appeal. The award for damages included £25 000 exemplary damages. Exemplary damages are only awarded in cases where the defendant has been shown to have deliberately defamed the individual with the intention of making money (Evans, 2001).

The start of Irving's decent into Holocaust denial, in terms of his writing, was the publication of *Hitler's War* in 1977. This book was an account of the Second World War from the perspective of Adolph Hitler. In this Irving first made his claim that Hitler had been unaware of the plans for the final solution, and indeed, had gone to efforts to mitigate the worst anti-Semitic excesses of his generals during the war. In Irving's book, Hitler was a strong but balanced leader, seeking for the greater good of the German nation. In response to the controversy that resulted from this, Irving offered a cash reward for anyone who could provide written proof of Hitler's knowledge of the Final Solution.

A noticeable event in Irving's career came with the publication of the 'Hitler Diaries', documents that were later to emerge as forgeries. The documents were

purported to be part of Hitler's personal diaries emerged in 1983, with extracts published by *Stern* magazine in Germany. It was alleged that the documents had previously been in the hands of the East German authorities. *Times* newspapers in London made a successful bid for the UK publication of them and Hugh Trevor-Roper, a distinguished historian was given a rushed examination of the diaries in the murk of a Swiss bank vault. Under pressure, Trevor-Roper declared them to be genuine. The translation and publication of them in Britain was much publicised. Irving became involved as a source of authentication. The man who had forged the 'Hitler diaries' along with numerous other Nazi documents approached August Priesak, an elderly Nazi, who in turn approached Irving (Evans, 2002). Irving had already bought documents that were to be shown later as forgeries, from the pen of the same forger. At a press conference organised by *Stern* to counter claims that the diaries were fakes, Irving announced that the diaries were, indeed, fakes. Analysis of the material used in the diaries showed that he was right, they were indeed, fakes. However, curiously, within a few days, Irving had recanted his opinion (Harris, 1986). Irving publicly declared that the diaries were real, and when challenged again changed his position, but stated that he had been the first person to declare them fakes, conveniently glossing over his later statements.

As Irving's writing moved more towards Holocaust denial movement, he became more embraced by the spiritual leaders of the movement. In the 1980's Irving was awarded with a prize by Gerhard Frey, a crypto-fascist German publisher, in recognition of his work that sought to disprove the Holocaust by means of archival research (Griffin, 1991). The ascent of Irving's denial adherence was concurrent with his descent in reputation in the mainstream historical community. During the 1980's Irving spoke at several Institute for Historical Review (IHR) conferences, making claims as to Hitler's generosity towards the Jews, without explicitly denying the events of the Holocaust. The first of Irving's writings to explicitly deny the Holocaust was in his 1989 introduction to the British

publication (by his own publishing company, Focal Point) of the Leuchter Report. This claimed that by scientific analysis, Leuchter had proved that Zyklon B gas could not have been used to murder humans in the gas chambers at Auschwitz. Once this was published, Irving had effectively terminated his own reputation. The publishing houses that had previously worked with him withdrew their support. Even the works of Irving that remained outside the realm of Holocaust were rejected. Throughout this period, Irving wrote at length in his own 'Action reports' (available through his website) about the iniquities of the 'traditional enemies of truth' (a term that appeared in the trial transcript), the Jews, that he felt were behind the withdrawal of his previous mainstream outlets. It appears that at no time did Irving acknowledge his own agency in the mainstream historical community turning their back on him. By 1991 Irving was being described as "perhaps the world most prolific and high profile producer of sophisticated revisionist literature" (Griffin, 1991, p335).

A major tool in Irving's denial writing has been an attempt to either find an equivalence in the actions of the Nazi's and the Allies, or to shift the emphasis onto the actions of the Allies so as to show them as having committed war crimes. In doing this, Irving has used what appears as a standard technique of Holocaust deniers, that is to demand absolute and incontrovertible proof as to the guilt of Nazi's and Hitler in particular, while condemning the Allies on fairly flimsy and circumstantial evidence.

Professor Deborah Lipstadt

Professor Deborah Lipstadt is the Director of the Rabbi Donald A. Tam Institute for Jewish Studies and the Dorot Professor of Modern Jewish and Holocaust Studies at Emory University in Atlanta, Georgia. She is from a German- Jewish family in New York, attending the Hebrew University of Jerusalem reading political science and history. Lipstadt had previously written *Beyond Belief: The American Press And The Coming Of The Holocaust 1933-1945*, that argued that the American press had failed to treat seriously the information coming out of the Nazi occupied countries about the destruction of European Jews during the second world war.

Her primary motivation for writing the book at issue was the survey result that stated that 22% of the American public believed that it was possible that the Holocaust did not happen (Lipstadt, 1996). In response to this information, and in the growing presence of Holocaust deniers on American university campuses, Lipstadt wrote the book. *Denying The Holocaust* was written with the partial funding and support of the *Vidal Sassoon International Centre For The Study Of Anti-Semitism Of The Hebrew University Of Jerusalem*. Irving argued that the source of funding illustrated the conspiratorial and international nature of the alleged 'campaign' against him, not acknowledging that the Sassoon Centre is a legitimate research organisation in a legitimate academic institution.

Lipstadt did not appear as a witness during the trial, and she has long maintained that to engage in active debate with Holocaust deniers is to grant them a legitimacy that they do not deserve. Lipstadt continues to write and teach at Emory University.

Richard Rampton QC

Mr Richard Rampton QC has an outstanding reputation as an advocate in the British and International courts. Mr Rampton was called to the bar in 1965 and made silk (became a Queens Council) in 1987. His reputation was made primarily in the field of defamation, in the form of libel and slander. He has represented in a number of high profile cases as well as representing Penguin Books in Irving v. Lipstadt and Penguin Books. These trials have included representing George Galloway in the case of Galloway v Telegraph Group, in which Galloway successfully sued Telegraph newspaper for printing claims that he had been in the pay of Saddam Hussein between the two Gulf conflicts. Gillian Taylforth v Metropolitan Police; McDonalds v Steel & Morris (longest trial in English legal history).

Mr Rampton was retained as lead defence by Penguin Books. During the course of the trial he acted as lead council for the defendants as a whole.

Mr Justice Gray

Mr Justice Gray (at the time of the trial, at the time of writing now Sir Justice Grey) was himself a highly regarded advocate working in the field of civil litigation. Justice Gray was called to the bar in 1966, took silk in 1984 and was elevated to the position of High Court Judge (Queens Bench Division) in 1998.

