

The Bookseller

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A historic victory in the libel courts for Penguin and Deborah Lipstadt against David Irving

Trade hails Penguin's resolve

Danuta Kean

The reaction from the book trade was unanimous: Penguin's victory on Tuesday in the libel action brought by historian David Irving against itself and author Deborah Lipstadt was "fabulous news".

In view of Penguin's £2m legal bill, there were doubts that many other publishing houses would have been willing to pay the price to defend the action. "Sadly, I really don't know if we would have spent the money," one leading publisher told *The Bookseller*. "The amount of money involved is astronomical."

Another said: "It is very good that Penguin fought it. When I heard Irving say on the radio that he would have accepted a small donation to charity rather than launch the action, I thought there were many who would have paid up."

Referring to Pearson, Penguin's parent, he added: "The company that owns the *Financial Times* and the publisher of *The Satanic Verses* could not really back down. That said, it is wonderful news, and fantastic of them to have done this."

Costs will be awarded at a future hearing, but it is unlikely Penguin or Professor Lipstadt will recover their costs from Mr Irving. Helena Peacock, Penguin's head of legal



A defeated David Irving left leaves court

affairs, had no regrets about the financial outlay. "It is £2m well spent," she said. "It was far more important to fight this case than start worrying about money." She added that Penguin would probably file a petition of bankruptcy against the historian, who plans to appeal.

There was obvious pride at the publishing house. Helen Fraser, Penguin general managing director,

recalled the battle to publish *Lady Chatterley's Lover* in 1960 and the publisher's defence of Salman Rushdie's *The Satanic Verses* following the fatwa against the author. "It is an issue of principle. In Penguin we have a tradition of fighting epoch making battles for freedom of speech," she told *The Bookseller*.

The judgment must cast in doubt some of Mr Irving's outstanding legal

battles. According to his Website, these include one against his former publisher Macmillan over its decision in the early 1990s to pulp his books, including the bestselling *Hitler's War*.

A key point in any future proceedings would be whether Mr Irving was attempting to "relitigate" the lost case, libel expert David Hooper of Biddle & Co said. In cases involving Holocaust denial, the courts would "probably strike out" his claim, because the judgment was so comprehensive and damning.

The case also finally lays to rest Mr Irving's claim that a "left wing Jewish conspiracy" had so intimidated mainstream publishers that they feared to publish him. "There has been a steady collapse in his authority as a historian," Simon Winder, Penguin Press editorial director, said. "This case has allowed everyone to look at what a terrible historian he is."

Hodder non-fiction publisher Roland Philipps said: "People have been wary of him for some time, but this really puts an end to him in publishing." Mr Philipps was attacked on Mr Irving's Website for his decision while at Macmillan to drop the historian's books.

Mr Irving was unavailable for comment.

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The end came in Court 36

For two hours, David Irving sat brooding as a hushed courtroom listened to the dismantling of his personal and professional reputation, *Joel Rickett writes*.

Mr Justice Gray began dispassionately, even praising Mr Irving's "unparalleled" reputation as a military historian. But within minutes he was destroying any vestige of credibility the author had. A painstaking examination of the evidence revealed the extent of the "misrepresentation, misconstruc-

tion and omission" in Mr Irving's works. "He has for his own ideological reasons persistently and deliberately misrepresented and manipulated historical evidence."

Worse, he "displays all characteristics of a Holocaust denier... He is an anti-Semite [and] a racist... The picture of Irving which emerges is that of a right-wing pro-Nazi polemicist." The media scrum on the High Court steps was undramatic compared to what had taken place in Court 36.

Final chapter for Irving and the trade?

The verdict closes what may be the final chapter in the one-time bestselling author's long and chequered involvement with the UK book trade, *Joel Rickett writes*.

In 1970, he was a defendant with Cassell & Co in a libel trial brought over comments in his book *The Destruction of Convoy PQ17*. The jury awarded substantial damages against the author and publisher.

In 1996, at the same time as he sued Penguin and Professor Lipstadt over *Denying the Holocaust*,

he issued writs against four Waterstone's booksellers. These were quickly withdrawn as the chain's head office took responsibility for ordering Professor Lipstadt's book.

He has also vigorously pursued Macmillan, the publisher he signed with in 1980, for its decision to drop him in 1991.

In 1990 he founded Focal Point Publications to publish and sell his own titles. He is raising funds on his Website to buy back rights to many of his earlier works.