ADELAIDE INSTITUTE

PO Box 3300
Adelaide 5067
Australia
Mob: 61+401692057
Email: info@adelaideinstitute.org
Web: http://www.adelaideinstitute.org

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Adam Internet sale to Telstra sparks internet price war with rival Internode

***Meredith Booth and Cameron England,* adelaidenow*,* October 24, 201210:30PM**

Adam Internet customer service officers Timothy Gates, left, and Lucy Weber with Telstra innovation products and marketing group managing director Kate McKenzie and Adam's executive chairman Greg Hicks yesterday. Picture: Brenton Edwards

TELSTRA'S takeover of Adam Internet, rumoured to have made owner Greg Hicks $55 million richer, sparks a price war with rival SA provider Internode.

In an attempt to poach some of Adam's 80,000 customers who might be anti-Telstra, Internode launched an offer for free set-up and three months' free broadband to new SA customers. The special offer came just an hour after Adam and Telstra announced their deal.

Inquirers were asked to quote a promotion code "Eve", in a clear reference to the previously "rebel" broadband player Adam.

Internode founder Simon Hackett, on industry forum Whirlpool, likened his company's merger with iiNet in December 2011 to a "rebel alliance" against Telstra's "empire". Adam's sale to Telstra represented "a pretty substantial shift in the orientation of Adam", Mr Hackett said. "It's easy to see that change as representing their acquisition by 'The Empire' ... the very empire that Adam (and Internode) have spent two decades competing against vigorously in the retail market, and differentiating against with great services and pricing," he said.

Adam Internet Holdings made a $3.23 million net profit last financial year, on sales of $48.6 million.

Executive director and sole shareholder Mr Hicks would not confirm the $55 million takeover sum. But he said the deal would ensure the jobs of 200 SA-based staff and survival of a business which had about 25 per cent of the local broadband market.

Mr Hicks, who began the business from his Flagstaff Hill home in 1984, said he had staved off dozens of takeover offers over the years, including one from iiNet two months before it bought Internode for $105 million in 2011.

Mr Hicks' son and former managing director, Scott Hicks, who left Adam Internet in July, had vowed as recently as December that the company would not sell to a larger company. He did not comment on the deal.

And it will be business as usual for Adam Internet's 200 staff and 80,000 customers under new owner Telstra if the takeover deal is approved.

Telstra announced yesterday morning that it had entered into an agreement to acquire the internet service provider.
Existing employment arrangements for current staff would not be impacted by completion of the sale with Telstra continuing to operate Adam Internet as a stand-alone subsidiary.
Greg Hicks will stay on as a consultant with the company for a year following the deal. Mr Hicks said Adam and Telstra's "shared customer service philosophy was a pivotal reason behind today's announcement".
"This agreement will help cement a strong future for the Adam brand, our people, and our customers and represent the next stage of Adam's growth." "Adam will continue to provide excellent value-for-money broadband that doesn't compromise on service. The message for potential new customers is that, with Telstra behind it, Adam will be expanding nationally."
The deal means the last of South Australia's large independent ISPs is now gone, after iiNet bought Internode for $105 million late last year.
Adam has about 80,000 customers in the Adelaide metropolitan area. The agreed acquisition, which is subject to ACCC approval, will see Telstra acquire all of Adam's business, including its Adelaide data centre and fibre assets.
Telstra's innovation products and marketing group managing director Kate McKenzie said the acquisition aligned with Telstra's strategic priorities to retain and grow customers and build new growth businesses. "Customers trust the Adam brand and we'll certainly be keeping it as we work towards further growth under Adam's first-class management team."
Adam recently welcomed Telstra executive Sonya Moray as cloud business manager.
http://www.adelaidenow.com.au/business/sa-business-journal/adam-sale-sparks-internet-price-war/story-e6fredel-1226501897378

Memorial to 'Forgotten' Holocaust Opens in Germany

500,000 Gypsies Also Slaughtered by Nazis
By Reuters, October 25, 2012.

Unrecognized Horror: Dignitaries gather at a new memorial to the 500,000 Roma, or gypsies, killed in the Holocaust. - Getty images

Berlin — Germany remembered the Holocaust's forgotten victims on Wednesday by opening a memorial in the heart of Berlin to the half a million ethnic Sinti and Roma murdered by the Nazis.
As the mournful strains of a solo violin sounded through the trees, political leaders and frail survivors approached a dark pool close to the German parliament building.
It's still water is intended to evoke tears for the dead but also, in reflecting the beholder, inspire new generations to protect minorities from hate.
"This memorial commemorates a group of victims who, for far too long, received far too little public recognition - the many hundreds of thousands of Sinti and Roma who were persecuted by the Nazis as so-called gypsies," said German Chancellor Angela Merkel. "The destiny of every single person murdered in this genocide is one of unspeakable suffering. Every single destiny, fills us, fills me, with sadness and shame."
Discrimination against Sinti and Roma increased at alarming levels once Adolf Hitler took power in 1933. They were sent to forced labour camps and, from 1934, subjected to forced sterilisation as a result of the Nazis' "racial purity" laws.
By the start of World War Two, the Nazis' genocidal intent became clear as Sinti and Roma were deported to death camps, where they wore uniforms bearing a "Z" for "Zigeuner" (gypsy).
The first time a German leader recognised Nazi persecution of the Roma on racist grounds was in 1982, more than 30 years after then West Germany

acknowledged the murder of 6 million Jews and began to pay compensation to Israel.

DISCRIMINATION TODAY

German politicians and Roma leaders at the opening ceremony described the memorial as a reminder of the urgent need to protect minorities today.

Many of Europe's 12 million Roma face discrimination and social exclusion, often living in dire poverty.

"Half a million Sinti and Roma, men, women and children, were murdered during the Holocaust. Society has learned nothing, next to nothing from this, otherwise they would treat us differently," said Dutch Sinto survivor Zoni Weisz.

His voice faltered as he described how, as a seven-year-old, he watched his father, mother, sisters and brother being deported in a train to Auschwitz concentration camp.

Merkel also stressed it was a German and European duty to protect Roma rights. After her speech a heckler highlighted that Germany refuses to grant asylum to Roma from countries such as Serbia and Macedonia, where they face discrimination.

http://forward.com/articles/164898/memorialtoforgottenholocaustopensingermany/#ixzz2AS8Oa9t7

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Based on a news release by the British news agency Reuters, the Jewish periodical *Forward* headlined on October 25, 2012:

500,000 Nazi Victims – Lost and Found

By Santiago Alvarez, *TBR*, 26 October 2012

Already six days earlier, the German daily *Berliner Morgenpost* had written that the new memorial was to be opened on Oct. 24 by both Germany's Chancellor Angela Merkel and the country's formal 1st man in charge, Federal President Joachim Gauck. It is a rare thing to see both heads of state appear on such an occasion, hence public attention was accordingly large.

But what about the claim of 500,000 gypsies allegedly murdered by Nazi Germany? Is that correct at all?

Numbers are important weapons in the psychological war that is being waged not only against the German people but also against anybody not submissive to lobby groups enforcing political correctness in an attempt to further their agendas, whatever they might be. It is a fact that there is no basis for the claimed number of 500,000 gypsy victims, and that's not a mere revisionist contention:

In a paper bearing the title "Against Two Legends on the Holocaust," German mainstream historian Prof. Dr. Eberhard Jäckel, a major opponent of revisionism, wrote the following some twelve years ago in Germany's most prestigious daily newspaper:[1]

"The conclusion is that the historical concept of the Central Council of German Sintis and Romas *[the two largest gypsy tribes]* contradict the level of knowledge of international science. This is also true for the numbers. *[…]* It is certain to say that already as early as 1972 the highest estimates *[of the gypsy death toll under Nazi rule] were far lower than the number repeatedly claimed by the Central Council of German Sintis and Romas [=500,000]. It is to be hoped that the Central Council finally quits its struggle against science and against historical truth."*

Guenter Levy, Professor Emeritus of Political Science at the University of Massachusetts, Amherst, writes in his book *The Nazi Persecution of the Gypsies*(Oxford University Press, 2000) on page 222: "No sources or breakdown by country have been provided for this estimate *[500,000 gypsy victims]*, which renders it of questionable value."

On page 225 he states: "Most important, no overall plan for the extermination of the Gypsy people was ever formulated, and as argued above, the evidence shows that none was implemented."

On page 227 he argues: "The assertion that half a million Gypsies died under Nazi rule is put forth regularly without any kind of substantiating evidence…"

And finally, Professor Levy has this to say on page 228: "Simplified accounts according to which Gypsies *[…]* were persecuted and annihilated simply and solely on account of their biological existence are not only a distortion of the historical record but also a hindrance to progress in the relationship between Gypsies and non-Gypsies."

In 1989, German mainstream historian Michael Zimmermann published the most thorough study on the fate of the gypsies yet.[2] While in progress, Zimmermann's research was commented as followed by the German leftist newspaper *Frankfurter Rundschau*:[3]

"Only through an extensive study of documents was it possible to discover that the number of the murdered Sinti and Roma obviously lies well below that officially claimed: 50,000 instead of 500,000 murdered."

And that's just the beginning. Now let's turn an eye to some really critical researchers, who don't have an agenda like Jäckel and his ilk who aren't interested in truth either but who merely have an interest in granting the genocidal victim status to Jews only.

Dr. Otward Müller has shown in his paper "Sinti and Roma – Yarns, Legends, and Facts" on the population statistics of gypsies in Europe that they cannot have suffered any major population loss during World War II at all.

And finally, the intrepid Italian researcher Carlo Mattogno has demonstrated in his thoroughly research paper "The 'Gassing' of Gypsies in Auschwitz on August 2, 1944" that the claim that the gypsies deported to the Auschiwtz camp were murdered there is untenable either.

In conclusion it may be safely argued that not just the Central Council of the German gypsies is manipulating the world with mendacious propaganda, but also Germany's leading politicians in unison with the world's media. Nothing new, really, is it?

Notes: I am grateful for Dr. Otward Müller's important input to this paper.

[1] "Wieder zwei Legenden über den Holocaust," Frankfurter Allgemeine Zeitung, June 30, 2000, No. 149, p. 57.

[2] "Die Forschung fängt erst an", Frankfurter Rundschau, Feb. 13, 1997, p. 7.

[3] Michael Zimmermann, *Verfolgt, vertrieben, vernichtet. Die nationalsozialistische Vernichtungspolitik gegen Sinti und Roma*, Klartext-Verl., Essen 1989

http://barnesreview.org/wp/archives/618

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Austria: Anti-Semitic cartoon prompts inquiry

By BENJAMIN WEINTHAL, JERUSALEM POST CORRESPONDENT, 08/22/2012 05:10

Politicians posting of cartoon outrages Viennas Jewish community; ADL slams extremist politician.

PHOTO: REUTERS

BERLIN The Vienna prosecutors office launched an inquiry into far-right politician Heinz-Christian Strache on Tuesday for posting an allegedly anti- Semitic cartoon on his Facebook site.

The Austrian daily Der Standard reported prosecutors are investigating whether the cartoon meets the standard of inciting hatred against Jews, which would be a violation of the countrys anti-hate laws.

The cartoon depicts an obese man with a crooked nose, wearing a star of David on his cufflink as the embodiment of the banking system. Seated across from the overweight man at a dinner table is an emaciated man with a bone on his plate while the heavyset man devours a full course meal.

http://www.jpost.com/International/Article.aspx?id=282103

Goat accused of robbery

POLICE in Nigeria are holding a goat on suspicion of attempted armed robbery.

Vigilantes seized the black and white goat, saying it was an armed robber who had used black magic to transform himself into an animal to escape after trying to steal a Mazda 323.

A spokesman for police in the eastern state of Kwara said: 'The goat is in our custody.

'Vigilantes saw some hoodlums attempting to rob a car. One escaped while the other turned into a goat.'

Never mind the Bible,
it's the sanity of the Talmud you need to understand the world and yourself.

Rabbi Adin Steinsaltz, one of the Jewish world's leading scholars, says Israel would be a less fanatical place if schools were to focus on teaching the Gemara

By RAPHAEL AHREN August 9, 2012, 6:24 am

Which book should be at the core of Jewish education? Most educators would probably point to the Bible without thinking twice, but Rabbi Adin Steinsaltz happens to disagree. While not doubting the

importance of Bible study, he would prefer that the Talmud, or Gemara, stand at the center of the Israeli school system.

"It's a central pillar for understanding anything about Judaism, more than the Bible," says Steinsaltz, one of the world's best known Talmudical scholars. "The Talmud is not a divine gift given to people. The Jewish people created it. But on the other hand, it created the Jewish people. In so many ways, we're Talmudic Jews, whether we believe in it or not."

Does one have to believe in God to appreciate Talmud study? Steinsaltz doesn't think so. "Do you have to believe in Shakespeare?"

No other book has shaped the Jewish people as much as the Babylonian Talmud, asserts Steinsaltz, 75. He should know. He spent nearly five decades writing a comprehensive commentary on all of the Gemara's 63 tractates, which deal with everything from civil, criminal and ritual law to Jewish history, ethics and mythology.

"Dealing with Talmud is like doing psychoanalysis. At least you're beginning to understand what you are," he said. "No part of Jewish culture, on any level, is without some sort of connection to the Talmud."

Gemara guru Rabbi Adin Steinsaltz in his Jerusalem office (photo credit: Raphael Ahren/Times of Israel)

The Talmud records the legal and religious discussions thousands of rabbis had over centuries until it was compiled in about 500 CE. It constitutes the foundation of Jewish law, practice and customs to this very day and forms the core curriculum of Orthodox yeshivas.

But Talmud study would be helpful even outside the yeshiva world, Steinsaltz believes. Replacing the Bible as the key book taught in Israel's schools could help the Jewish state become a more balanced and stable society, he asserts. "The Talmud as a book has the enormous quality that the world needs now more than anything else: sanity," he told The Times of Israel recently in his study, situated in a serene street of Jerusalem's Nahlaot quarter.

"The Talmud is the book of sanity. And when you study it, it confers a certain amount of sanity," posits Steinsaltz, suggesting that the most fanatical rabbis are rarely great Talmudists. After all, the Gemara consists mainly of logical and rational back-and-forth discussions about legal issues, aimed at arriving at a factual truth, he points out. What could be more sane than that?

"It was a big mistake to make the education in Israel based so much on the Bible," Steinsaltz says, in between puffs of his pipe. "Because the Bible was written by prophets. If you read the Bible, you somehow become in your mind a little prophet. That's the way in which Israelis speak to each other — they don't have conversations, they all have complete and unlimited knowledge. Learning Talmud would bring a big change to the Israeli mind, because it deals with and is connected to dialectic."

'Dealing with Talmud is like doing psychoanalysis. At least you're beginning to understand what you are'

Talmudic discussions are indeed often methodological attempts to arrive at a just conclusion on the basis of scrutinizing a legal problem. But the Gemara is not always "rational." Sometimes it delves into the supernatural. Certain segments speak, quite literally, of the power of demons or magic amulets. One particularly baffling segment describes how several sages created vegetables and other food items for their own consumption pretty much ex nihilo, by merely uttering some magical formulas.

Steinsaltz, a white-bearded all-round scholar who has published more than 60 books on subjects ranging from Jewish mysticism to zoology, has many responses to such challenges. One of them is referring to "The Screwtape Letters" by Christian writer C.S. Lewis, **a novel describing the correspondence between a senior demon and his apprentice**. One of the first lessons the senior demon teaches his student is to make the humans believe demons have horns and a tail. "Because if the humans see you they will never recognize who you are," Steinsaltz quotes with a smile.

"I don't know why we shouldn't believe in demons," he says. "We see enough of them walking around in human form, don't we?"

Witty stories aside, Steinsaltz, is well-versed enough in modern science to confidently posit that whoever believes in the latest physical theories should not be bewildered by Jewish mysticism.

"If you study the physics of today, you are no longer astonished about anything," he says. To give an example he mentions String Theory, which — grossly simplified — speaks of at least twice as many dimensions as the classical model of Einstein's relativity and which physicists predict **will replace the world's current understanding of the universe.** "The cucumbers in the Gemara will sound to you nice, sane and pretty much real-life after you read it."

Steinsaltz's first name "Adin" means gentle or tender in Hebrew, which characterizes him well: he is smiley and friendly and speaks so quietly that it almost sounds like

he's whispering. During our interview, he patiently answered every question — often interjecting personal anecdotes and quotes from Plato to Pushkin into his responses — until his aides intervened and (politely) threw me out.

The Steinsaltz Center in Jerusalem's Nahlaot quarter (photo credit: Raphael Ahren/Times of Israel)

Born in Jerusalem to secular parents, Steinsaltz studied mathematics, physics and chemistry before embarking on a rabbinical career. At 23, he became Israel's youngest school principal. His claim to fame, however, is his groundbreaking commentary to the almost 6,000 pages of the Babylonian Talmud, a labor of 45 years. He completed the monumental project two years ago, providing a commentary that helps Hebrew speakers decipher the complicated text of the Gemara, which was written in ancient Aramaic and without punctuation.

In what has come to be known as "the Steinsaltz edition," the classical medieval commentary of Rashi was given a different place on the page, which was one of the reasons parts of the Haredi world deemed Steinsaltz's commentary unacceptable. Some hardliners shunned Steinsaltz and his text: the late Rabbi Eliezer Menachem Shach, for example, called him a "heretic" and forbade students to consult his commentary or even debate him.

But the ban did not hold. Many prominent Orthodox rabbis had plenty of good things to say about the Steinsaltz Talmud and today it can be found on countless bookshelves around the world. According to the website of Shefa, the organization publishing and promoting Steinsaltz's works, students include Prime Minister Benjamin Netanyahu, US Supreme Court Justice Antonin Scalia, US Senator Joe Lieberman, celebrity lawyer Alan Dershowitz and former Italian prime minister Giulio Andreotti. In 1988, Steinsaltz received the Israel Prize and earlier this year was among the first recipients of Israel's Presidential Award of Distinction.

This summer, the Jerusalem-based Koren publishing house presented a new English translation of the Steinsaltz Talmud — just in time for this month's restart of the cycle of daily Talmud study. In 1923, Rabbi Meir Shapiro of Poland initiated *daf yomi* — the daily study of one page of Gemara, with Jews all over the world starting and completing the entire Talmud at the same time. "The largest book club in the world," as the growing daf yomi community has been called, is currently renewing its commitment to daily study in well-attended ceremonies all over the globe.

Last week, more than 90,000 Jews cramped into a New Jersey football stadium for **the world's largest *Siyum HaShas* event**; in Israel, too, large venues were rented to celebrate the renewal of the process. Steinsaltz was one of several scheduled speakers at an English-language daf yomi event on August 9 in Jerusalem's Great Synagogue.

The Talmud accessible for English speakers

The new Koren edition of the Gemara is of course not the first time the Talmud has been translated into English. So why is another version needed?

For one thing, the publishers say, the Soncino and ArtScroll editions of the Gemara — which both consist of a translation and commentary — omit certain censored passages. During the Middle Ages, the Church removed from the printed versions of the Gemara any section they believed had to do with Jesus or their religion. In one instance, the Talmud speaks of the *evangolion*, which Koren loosely translates as "core elements of the New Testament." Students of the classic Talmud editions have never seen this passage.

"A yeshiva boy, or any Talmud student for that matter, will stumble upon sections he has never seen before, and probably wasn't even aware existed," said Rabbi Tzvi Hersh Weinreb, a former director at the Orthodox Union and the Koren edition's editor-in-chief.

"It's a very non-apologetic book," agrees Steinsaltz, who a few years ago Hebraized his name to Even-Israel but is still widely known by his Old World moniker. "My writing is not apologetic, about anything. If the text speaks about demons, I don't make any efforts to make them appear more human. If it speaks about sex, I don't try to make it more acceptable to people. If it speaks about Jews and non-Jews, or whatever it may be, I don't try to be apologetic. This is the book. You either become close to it and begin to identify with it, or not. But I won't try to whitewash anything."

For Steinsaltz, learning Gemara is more than merely studying. As he writes in the preface to the new Koren edition, his work aims to allow Jews to study the Talmud, "approach it, and perhaps even become one with it."

What does that mean, becoming one with the Talmud?

"It's a matter of identification," Steinsaltz responds, puffing on the pipe again. Sometimes people see or read things but remain estranged from them, even if they fully comprehend the content. For some Talmud students a superficial knowledge of the material might be enough, but his goal is to allow readers to be able to "get involved" with the text, he says.

"The Talmud is a language of thinking. In order to be fascinated by it you have to somehow either acquire it or admire it," he says.

As you'll have gathered by now, Steinsaltz himself is totally sold on the Talmud's value: "In certain ways, it is far more relevant than mathematics," he says. "Because most of mathematics has no relevance to anything, not in this world and not in the world to come."

The 'Koren Talmud Bavli,' a new English translation of the famed Steinsaltz Gemara. photo credit: courtesy Koren Jerusalem.

Many a mathematician has attacked Steinsaltz for such statements, the sort of which has been making in hundreds of articles and lectures over the years. He's unrepentant. Despite his knowledge and appreciation of natural sciences, he considers that people trying to convince laymen of the importance and helpfulness of mathematics are "con men," he says. "It's funny, but even the mathematics you need for making a satellite is not very high mathematics," he insists.

Yet the Talmud, Steinsaltz argues, is eternally relevant.

"If you learn Gemara you don't really know what to do as a Jew today," he admits, since it mostly recounts discussions whose conclusions — if there are any — are not necessarily binding in contemporary religious law. "But, as in mathematics, some of these things are the basics and you build on them later." In other words, the Talmud's dialectic discussions teach the student the know-how he needs to approach any question that may arise.

'If you don't get it beyond the shards and the cow, then you didn't really learn Gemara'

Once a student understands that learning Gemara is not necessarily about the actual subject the rabbis are discussing but understanding axioms, he can tackle any other problem, says the rabbi.

Uninitiated people, glancing at a page of Talmud, might scoff at the apparent obsolescence of the matters discussed, many of which originate from a pre-modern, mostly agrarian society. Why would anybody care today who is responsible for the damage to an earthen vessel caused by oxen on the loose?

"Some of the questions are about oxen and some are about the breaking of shards. But these are only examples," Steinsaltz says. Every old book suffers from outdated examples, and even at the time of writing the Talmud was "not always up-to date," he allows. But the deeper imperatives remain: When the Gemara deals with the laws of damages, it uses oxen and shards, but the same principles it uses can today be used for cars and iPods or anything else. It's about primary damages and secondary damages; intentional damages and unintentional damages, those that could have been avoided and those that were bound to happen, and so on.

"If you don't get it beyond the shards and the cow, then you didn't really learn Gemara," Steinsaltz says. "Everybody who thinks that an ox is an ox is himself an ox."

http://www.timesofisrael.com/never-mind-the-bible-its-the-sanity-of-the-talmud-you-need-to-understand-the-world-and-yourself-adin-steinsaltz/

ABC Radio National

Big Ideas

Sue Lawley: Hello and welcome to the third in this year's series of BBC Reith Lectures. Today we're in Gresham College in the City of London – its oldest place of higher education. This hall dates back five centuries, hence the creaky floorboards, which you may well hear from time to time.

The college was founded by a bequest of one of the shrewdest financiers of the Elizabethan age, Sir Thomas Gresham. Sir Thomas wanted his money to be used to pay distinguished professors to give free lectures to the people of London – a

tradition which continues to this day. Well, our distinguished professor today is Niall Ferguson. His subject - The Rule of Law and its Enemies.

In his first lecture he set out his main argument that the West's relative decline since the 1970s, has been in part the result of a deterioration in the quality of our institutions. In lecture two, he discussed how excessively complex financial regulation is the disease of which it purports to be the cure.

Today, he turns his attention to the law. Has the rule of law – the foundation of our liberties for centuries – now degenerated into the rule of lawyers? With his third lecture, The Landscape of the Law, ladies and gentlemen please welcome the BBC Reith Lecturer 2012 - Niall Ferguson.

(Audience Applause)

Niall Ferguson:

"The fundamental question the Chinese government must face is lawlessness. China does not lack laws, but the rule of law… this issue of lawlessness may be the greatest challenge facing the new leaders who will be installed this autumn. Indeed, China's political stability may depend on its ability to develop the rule of law in a system where it barely exists."

These are the words of Chen Guangcheng, the blind lawyer who was recently allowed to leave China to study in the United States after successfully escaping from his Communist Party persecutors. Less well known in the West, but more influential in China, is the legal scholar He Weifang.

In an essay entitled 'China's First Steps Towards Constitutionalism', published in 2003, He rather more tactfully observed:

The Western legal landscape does make an interesting and illuminating contrast to China's legal situation, revealing many discrepancies and inconsistencies between the two… [A]lthough China's modern system was borrowed from the West … things often proceed in different ways between China and the West.

The theme of my third Reith Lecture is the landscape of law. I want to ask what, if anything, developing countries like China can learn from the West about the rule of law. And I want to cast some doubt on the widespread assumption that our Western legal systems are in such good health that all the Chinese need to do is replicate our best practice – whatever that may be.

What exactly do we mean by the rule of law? In his book of that name, the late Lord Chief Justice, Tom Bingham, specified seven criteria by which we should assess a legal system:

1. The law must be accessible and so far as possible intelligible, clear and predictable.
2. Questions of legal right and liability should ordinarily be resolved by application of the law and not by the exercise of discretion.
3. The laws of the land should apply equally to all, save to the extent that objective differences [such as mental incapacity] justify differentiation.
4. Ministers and public officers at all levels must exercise the powers conferred on them in good faith, fairly, for the purpose for which the powers were conferred, without exceeding the limits of such powers.
5. The law must afford adequate protection of fundamental human rights.
6. Means must be provided for resolving, without prohibitive cost or inordinate delay, bona fide civil disputes which the parties themselves are unable to resolve; and
7. Adjudicative procedures provided by the state should be fair.

My undergraduate study of history at Oxford taught me that the English rule of law was the product of a slow, incremental process of judicial decision-making in the courts, based in large measure on precedents.

I now realise that this was a rather naive view. As the greatest living theorist of law in the English-speaking world, Ronald Dworkin, explained in Law's Empire, there really are principles of justice and fairness underpinning the common law, even when those principles are not codified as they are in the United States Constitution.

Behind the operation of the law lie two things: the integrity of judges and, to quote Dworkin: "legislation …flowing from the community's present commitment to a background scheme of political morality."

Now, to proceed from the ethical roots of law to its economic consequences may seem like rather a leap. But it's not.

Few truths are today more universally acknowledged than that the rule of law – particularly in so far as it restrains the grabbing hand of the rapacious state – is good for economic growth, as well as just good.

According to Douglass North: "The inability of societies to develop effective, low-cost enforcement of contracts is the most important source of both historical stagnation and contemporary under-development.'

Enforcement of contracts by a third party is necessary to overcome the reluctance of private sector agents to participate in transactions over significant time or distance. The creditor fears the debtor will welch on the deal.

Contract enforcement can be provided by private sector agencies such as exchanges, credit companies and arbitrators.

But usually, in North's words: 'Third-party enforcement [means] … the development of the state as a coercive force able to monitor property rights and enforce contracts effectively.'

The problem is getting the state not to abuse its power – hence the need to constrain it. As Avner Greif has argued, if public contract-enforcing institutions reveal information about the location and amount of private wealth, the state, or its functionaries, may be tempted to steal it.

Where states are not constrained by law, therefore, private contract-enforcing institutions are safer, like the network operated by 11th Century Maghribi traders in the Mediterranean, which was based on their common Jewish religion and kinship ties. The defect of such institutions, as with medieval guilds, is their tendency to raise entry barriers and establish monopolies, discouraging competition and reducing economic efficiency. That is why private contract enforcement tends to yield to public, as economies become more sophisticated. But that process is dependent on constraining the state to use its power of coercion in such a way as to respect private property rights.

In economics, that is the essential function of the rule of law. It's the property rights - more than the human rights - that are fundamental.

Neither the French civil law system, originating in the Roman legal tradition, nor the German and Scandinavian legal systems, were as good, to say nothing of non-Western systems of law.

What was it that made and makes common law economically better? In their seminal 1997 article, La Porta, Lopez-de-Silanes, Shleifer and Vishny argued that common law systems offer greater protection for investors and creditors. The result is that people with money are more willing to invest in, or lend to, other people's businesses. And higher levels of financial intermediation tend to correlate to higher rates of growth.

Like so many arguments in social science, this theory of legal origins implies a certain version of history. Why did French law end up being worse than English? Because the medieval French crown was more assertive of its prerogatives than the English. Because France was less peaceable internally and more vulnerable externally than England.

Because the French Revolution, which distrusted judges, sought to convert them into automata, implementing the law as defined and codified by the legislature – or emperor. The result was an even less independent judiciary and courts precluded from reviewing administrative acts. When the French exported their model to their colonies in Asia and Africa, the results were even worse.

The theory of legal origins also has important historical implications for non-Western legal systems. As He Weifang has argued, in the imperial era, Chinese government made: 'no arrangement whatsoever for the separation of powers' so that 'the country magistrate exercised comprehensive responsibilities [including all] three basic functions, namely the

enacting of rules … the execution of rules … and the resolving of disputes'.
Confucianism and Taoism deprecated lawyers and deplored the adversarial mode. Yet attempts to import elements of the British legal system to China were a failure. When the late Qing state belatedly entered the commercial sphere, it did so in a counter-productive way, over-taxing merchants and delegating power to monopolistic guilds without effectively constraining itself or its agents. The results were rampant corruption and economic contraction.
In recent years there has been something of a backlash against the legal origins hypothesis. Naomi Lamoreaux and others have pointed out that the French economy performed rather well, not least financially, despite not having the common law. Yet for me the theory's weakest point becomes apparent if we just look at the state of the English common law as it was in the period when, by implication, it must have done the greatest good: the period of the industrial revolution, when the English and their Celtic neighbours radically altered the course of world economic history.
Here is a contemporary description of an English court at that time:
… [S]ome score of members of the … bar … are … mistily engaged in one of the ten thousand stages of an endless cause, tripping one another up on slippery precedents, groping knee-deep in technicalities, running their goat-hair and horsehair warded heads against walls of words and making a pretence of equity with serious faces, as players might…
[T]he various solicitors in the cause, some two or three of whom have inherited it from their fathers, who made a fortune by it… are… ranged in a line, in a long matted well … between the registrar's red table and the silk gowns, with bills, cross-bills, answers, rejoinders, injunctions, affidavits, issues, references to masters, masters' reports, mountains of costly nonsense, piled before them.
This is the Court of Chancery … which so exhausts finances, patience, courage, hope, so overthrows the brain and breaks the heart, that there is not an honourable man among its practitioners who would not give – who does not often give – the warning, "Suffer any wrong that can be done you rather than come here!"'
(Audience Laughter)
It might be objected that Charles Dickens was not being entirely fair to the legal profession of his day in Bleak House. Yet Dickens had started his career writing court reports.
He had seen his own father imprisoned for debt. His biographers confirm that he knew whereof he spoke. And historians of the 19th Century English legal system largely confirm his account.
First, we must note the tiny size of the system. As late as 1854, the entire judiciary of England and Wales sitting in courts of general jurisdiction numbered just fifteen.
Second, until 1855 there were severe statutory restrictions on the ability of entrepreneurs to create limited liability companies, a legacy of the time when the promoters of monopoly firms like the South Sea Company had successfully pulled up the ladder behind them to boost the value of their own shares.
Third, in the single most important sector of the Victorian industrial revolution, the railways, recent research has revealed that 'English common law and common law lawyers had a profound and largely negative impact'. Solicitors were notorious as speculative railway share promoters, judges were publicly accused of favouritism and the Parliamentary Bar ran a nice little racket, effectively selling statutory approval for new rail lines.
What are we to make of this? Does history essentially refute the legal origins thesis that the common law trumps all other systems? Not quite.
For despite the evident shortcomings of the English legal system in the industrial age, there remains compelling evidence that it could and did adapt to the changes of the time, perhaps even in ways that facilitated the process as well as accommodating it. This point is best illustrated with reference to the 1854 Exchequer case - well known to law students on both sides of the Atlantic - of Hadley and Baxendale.
The dispute was between two Gloucester flour millers, Joseph and Jonah Hadley, and the London-based carriers Pickford & Co. The Hadleys had sued Pickfords for the full amount of their losses – including foregone profits – resulting from late delivery of a replacement hand-crafted mill shaft. It's no coincidence that Pickfords are still around today and the Hadleys' firm, City Flour Mills, is not.
For although the local jury decided for the Hadleys, the appellant judges in London reversed their decision. According to the American judge and legal scholar Richard Posner, Hadley and Baxendale enshrined the principle 'that where a risk of loss is known to only one party to the contract, the other party is not liable for the loss if it occur'.
It was later said of the original Assize judge, Sir Roger Crompton, that he 'never recognized the notion that the common law adapts itself by a perpetual process of growth to the perpetual roll of the tide of circumstances as society advances'.
That was certainly not the approach of the appeal judges, Barons Alderson, Parke and Martin, who – in the words of a modern commentator – 'refashioned the substantive law of contract damages'.
As Alderson reasoned: 'The only circumstances… communicated by the plaintiffs to the defendants at the time the contract was made were that they were millers whose mill shaft was broken. There was no notice of the 'special circumstances' that the mill was stopped and profits would be lost as a result of delay in the delivery of the shaft."
So the loss of profits couldn't be taken into consideration in estimating damages. To put it really crudely, this was a ruling that favoured big over small business – but that is not really the important point. The point is that Baron Alderson's reasoning illustrates very well how the common law evolves - a process elegantly described by Lord Goff in the 1999 case of Kleinwort Benson and Lincoln City Council:
When a judge decides a case which comes before him, he does so on the basis of what he understands the law to be. This he discovers from the applicable statutes, if any, and from precedents drawn from reports of previous judicial decisions… In the course of deciding the case before him he may, on occasion, develop the common law in the perceived interests of justice, though as a general rule he does this 'only interstitially'… This means not only that he must act within the confines of the doctrine of precedent, but that the change so made must be seen as a development, usually a very modest development, of existing principle and so can take its place as a congruent part of the common law as a whole.
I believe this gives an invaluable insight into the authentically evolutionary character of the common law system. In this lecture, however, I want to address a different question: How good in practice is the rule of law in the West – and in particular in the Anglosphere – today? There are four threats I would identify.
First, we must pose the familiar question about how far our civil liberties have been eroded by the national security state – a process that in fact dates back almost a hundred years to the outbreak of the First World War and the passage of the 1914 Defence of the Realm Act. Recent debates about the protracted detention of terrorist suspects are in no way new. Somehow it's always a choice between habeas corpus and hundreds of corpses. (Audience Laughter)
A second threat is the very obvious one posed by the intrusion of European law – with its civil law character – into the English legal system, in particular the far-reaching effects of the incorporation into our law of the 1953 European Convention on Fundamental Rights and Freedoms. This may be considered Napoleon's revenge: a creeping French-ification of the common law.
A third threat is the increasing complexity - and sloppiness - of statute law. A grave problem on both sides of the Atlantic as

the mania for elaborate regulation spreads through the political class.

A fourth threat – especially apparent in the United States – is the increasing cost of the law: an estimated $1.7 trillion a year, according to the U.S. Small Business Administration Report, in additional costs arising from compliance with regulations. On top of that come the costs arising from the U.S. system of tort law, which the Pacific Research Institute puts at more than 2.2 per cent of U.S. GDP in 2003.

Well, one may argue about such figures. But my own personal experience tells a similar story: merely setting up a new business in New England involved significantly more lawyers and much more in legal fees than doing so in old England. Experts on economic competitiveness, like Michael Porter of Harvard Business School, define the term to include the ability of the government to pass effective laws; the protection of physical and intellectual property rights and lack of corruption; the efficiency of the legal framework, including modest costs and swift adjudication; the ease of setting up new businesses; and effective and predictable regulations.

Evidence that the United States is suffering some kind of institutional loss of competitiveness can be found not only in Porter's recent work but also in the World Economic Forum's annual Global Competitiveness Index and, in particular, the Executive Opinion Survey on which it's partly based. The survey includes 15 measures of the rule of law, ranging from the protection of private property rights to the policing of corruption and the control of organised crime.

It's an astonishing yet scarcely acknowledged fact that on no fewer than 15 out of 15, the United States now fares markedly worse than Hong Kong. In the Heritage Foundation's Freedom Index, too, the U.S. ranks 21st in the world in terms of freedom from corruption, a considerable distance behind Hong Kong and Singapore.

Perhaps the most compelling evidence of all comes from the World Bank's Indicators on World Governance, which suggest that, since 1996, the United States has suffered a decline in the quality of its governance in three different dimensions: government effectiveness, regulatory quality and the control of corruption.

Compared with Germany or Hong Kong, the U.S. is manifestly slipping behind. One consolation is that the United Kingdom doesn't appear to have suffered a comparable decline in institutional quality.

If the rule of law, broadly defined, is deteriorating in the United States, where is it getting better? I recently delved into the Bank's treasure trove, the World Development Indicators database, to see which countries in Africa are ranked highly in terms of:

1. The quality of public administration;
2. The business regulatory environment;
3. Property rights and rule-based governance;
4. Public sector management and institutions; and
5. Transparency, accountability and corruption in the public sector

The countries that appear in the top twenty developing economies in four or more of these categories are Burkino Faso, Ghana, Malawi and Rwanda.

Another approach I've taken is to look at the IFC's Doing Business reports since 2006 to see which developing countries have seen the biggest reduction in the number of days it takes to complete six procedures: starting a business, getting a construction permit, registering a property, paying taxes, importing goods and enforcing contracts.

The African winners are, in order of achievement, Nigeria, the Gambia, Mauritius, Botswana and Burundi. Other emerging markets on the right track are Azerbaijan, Croatia, Iran, Malaysia and Peru. Yes, I did say Iran - but I would hold off on investing there this year. (Audience Laughter)

By contrast, The People's Republic of China has achieved astonishing growth without good legal institutions and without much improvement in them. However, many scholars argue that if China does not now transition to the rule of law, there will be a low institutional ceiling, limiting its future growth.

The case of Bo Xilai's anti-corruption campaign in Chongqing illustrates just how far China still is from the rule of law.

As He Weifang has pointed out, the Chongqing judges essentially acted as an arm of Bo's regime, accepting extorted confessions and omitting cross-examination. For years, He Weifang has campaigned for judicial independence, the accountability of the National People's Congress, especially with regard to taxation, the freedom of the press and the conversion of the Communist Party into a 'properly registered legal entity', subject to the law – including the currently meaningless rights in Article 35 of the PRC Constitution.

For those of us who live in the West, where lawyers often seem to have become their own vested interest, it's strange to encounter lawyers who aim at this kind radical change. Today, however, Chinese lawyers – who numbered just 150,000 in 2007 – are a crucial force in China's rapidly evolving public sphere.

Recent surveys suggest that they are 'strongly inclined towards political reform… and are profoundly discontented with the political status quo'.

To read statements like the following, from a lawyer in Henan province, is to be reminded forcibly of a time when lawyers were in the vanguard of change in the English-speaking world, too:

'The rule of law is premised on democracy; rights are premised on the rule of law; rights defence is premised on rights; and lawyers are premised on rights defence.'

The fall of Bo Xilai this year is one of a number of signs that elements within the Communist Party hear these arguments.

In a recent speech in Shenzhen, Zhang Yansheng, secretary general of the academic committee for National Development and Reform, argued that – and I quote – 'we should shift towards reform based on rules and law', adding 'if such reform does not take off, China will run into big trouble, big problems.'

What we don't know is whether or not China's next experiment with importing the essentially Western notion of the rule of law will be more successful than past attempts. With good reason, He Weifang warns against naive imitation of the English, or American, legal systems.

In Shakespeare's A Midsummer Night's Dream, he writes in a rather engaging aside:

'A person was changed into a donkey, and the other person cried, "Bless thee! Thou art translated'"

The introduction of a Western system to China is just like this. Common law translated into Chinese might well turn out to be like Bottom: a donkey, if not an ass.

Like the human hive of politics or the hunting grounds of the market economy, the legal landscape is an integral part of the institutional setting in which we live our lives. Like a true landscape it's organic, the product of slow-moving historical processes – a kind of judicial geology.

But it is also a landscape in the sense of Capability Brown: it can be improved upon. And it can also be made hideous – even rendered a desert – by the rash imposition of utopian designs. We may imagine Oriental gardens in England and English gardens in the Orient. But there are limits to what transplantation can achieve.

Once-verdant landscapes can become desiccated through natural processes, too. Mancur Olson used to argue that, over time, all political systems are likely to succumb to sclerosis, mainly because of rent-seeking activities by organised interest groups. Perhaps that is what we see at work in the United States today. Americans could once boast proudly that their system set the benchmark for the world; the United States was the rule of law. But now what we see is the rule of lawyers, which is something different. It's surely no coincidence that more than a third of Senators are lawyers, and a quarter of members of the House of Representatives. But how is the system to be reformed if, as I've argued in these lectures, there's so much that is rotten within it: in the legislature, in the regulatory agencies, in the legal system itself?

The answer, as I shall argue in my final Reith lecture, is that reform – whether in the English speaking world or the Chinese speaking – must come from outside the realm of public institutions. It must come from the associations of civil society. It must come, in short, from us: the citizens.
Thank you very much. (Audience Applause)
SUE LAWLEY: Many thanks, many thanks indeed Niall Ferguson. So there you have it - a look across the landscape of law where the West is found wanting, and emerging nations such as China have fundamental lessons to learn. Let me turn to our invited audience here in Gresham College in the City of London. Ladies and gentleman, the floor is yours, though I can't pretend that the professor will be putty in your hands - gentleman here.
JOHN COOPER: Thank you. My name is John Cooper, Queen's Counsel. I'm also a Visiting Professor of Law at Cardiff University. But perhaps more pertinent to this question, I was also counsel who represented Occupy outside St. Paul's in that recent litigation. You seem to argue in your eloquent lecture that it's property rights, not human rights, that should be fundamental. In the Occupy case, it was the enforcement of property rights which trumped the rights of freedom of expression and freedom of assembly. Were the city's rights more important than human rights?
NIALL FERGUSON: There are two points that I would make in response to that. The first was not to say that property rights were as a general principle more important than human rights, but from an economic point of view that they were more important. So that's the distinction that I'd like to make at once.
The second point is that there's a difference between the right of assembly and the right to protest and the right to squat illegally on private property. It wasn't only the city that had a problem with the Occupy Movement. Harvard Yard found itself occupied for a period in the fall semester and this caused tremendous inconvenience to my students as well as to their professors.
I had no idea what they thought that they were achieving by pitching tents for a period of weeks in the increasingly chilly weather of New England since at no point was any articulate set of propositions made visible to me. So that is the distinction we must make. I would never stand in the way of people who wanted to walk through Harvard Yard one afternoon and express their dissatisfaction with the financial system - as I made clear in my second lecture, I have many dissatisfactions with the financial system too. But to pitch tents for a period of days, indeed weeks, and disrupt the life of ordinary people, that seems to me a very clear breach of the rule of law.
SUE LAWLEY: Question there.
LINDA YEUH: Linda Yeuh, Bloomberg's Economics Editor, Economics Fellow at Oxford, and former practising lawyer. The Chinese paradox is as you've defined it, which is very strong growth and weak legal institutions. However, what has been under appreciated is the extent to which the Chinese have had institutions that don't fit the formal definitions of what we think of in the West as rule of law or effective rule of law, and in fact it's that aspect which has underpinned a great deal of its performance.
So, therefore, for you to argue that China has a great deal to learn from the West, the Chinese scholar might turn around and say do you fully appreciate the kinds of institutions which have arisen in China which are not common law derived. In fact they're civil law derived because they derive from the major era of the Japanese, which was itself derived from the German system.
So in fact the Chinese picking and choosing of the law is very evidenced if you look at its statute. So, for instance, corporations have a supervisory board like the Germans do. So, perhaps my question is simply that - for you to argue there is a ceiling to Chinese development because of institutions. I would have to say you have to articulate perhaps a little bit more about what this Chinese paradox is and why they can't continue down this road.
NIALL FERGUSON: There are two parts to this story and you mentioned one of them. One part is the legacy of the post-imperial, the nationalist era's experiment with German-type institutions. There's no doubt that they decided the English route wasn't the one to go down and it would be better to copy some continental style institutions - rather as the Japanese had done. This did not work well. And it didn't work well for a whole range of reasons, probably more to do with the fundamental instability of the politics of the nationalist era.
And that doesn't mean - and I want to reiterate this - that there's something fundamentally wrong with German or, for that matter, French legal systems. I hope you picked up my scepticism about the Schleifer argument about legal origins. I'm rather more agnostic than Andrea on this point and I think any real historian would be.
There's a second set of institutions, though, that turn out to be more important as far as I can understand it in China today, and those are the informal contracts enforcing institutions in the private sector.
The thing that we associate with words like guanxi: the networks of kinship or of friendship which are often the reason that disputes don't go to court or don't get settled in court.
One of the interesting things that I read in my preparation for this lecture was the evidence that a huge number of processes that are initiated in the Chinese court system don't actually ever get concluded or judgements never get enforced. And that tells us something.
It tells us that there is a private system of contracts enforcement going on. The question is can such a system which relies on a mix of imports and private contract enforcement be as successful as the idealised common law system of Bingham and Dworkin, and I think the answer is no.
The networks that run China are, we would say, corrupt - and economists might say inefficient. And this will ultimately prove to be a major handicap as the economy becomes more complex and particularly as the financial system becomes more sophisticated.
SUE LAWLEY: Come back on that.
LINDA YEUH: Just very quickly if I might. There is a very strong strand of argument the Chinese are substituting legal reform for effective political reform. And my own take on this in one sentence is that eventually the rule of law will hit the rule of the party and I think that's going to be the point when China has to decide what its future ultimately is.
SUE LAWLEY: I see a former Reith Lecturer nodding hard on the front row. Tony Giddens there, Reith Lecturer 1999 I think I'm right in saying, aren't I?
TONY GIDDENS: Also former Director of The London School of Economics. I wonder if one shouldn't make more of a distinction between, as it were, first phase economic development and second phase economic development than you seem to do because the conditions which underlay the first origins of the Industrial Revolution anywhere in the world are arguably different from those once you've got a model to follow, and that might limit the application of common law and might suggest you're using a rather British sort of centric view of the world because the state, for example, played a very important part in economic development and Japan, Germany, now in China on the basis that you've got something to copy, which you didn't have originally in the UK.
And I just wonder also if, you know, you're a bit too harsh on the state and government really. I mean we all know that, as you say, rapacious states need to be controlled, but the state is also the basis of legitimacy, it's the basis of a monetary system, it's the basis of many of the things that we assume as social and legal order, and if you're going to control rapacious lawyers in the US, no matter how difficult it might be, surely it's only government that can really do that?
NIALL FERGUSON: I don't think that you can avoid the Anglo-centric nature of the Industrial Revolution. It just happened here first and that's inescapable. Moreover, when one asks the question how did the state led models fare in the 20th Century, the answer is disastrously because in each of the cases that you mentioned - Germany, Japan, you might

have added Russia - the power of the state to steer or accelerate industrialisation ended up being catastrophically abused, and as a result not only were property rights violated, all conceivable rights ended up being violated in Germany, in the Soviet Union and to some extent also Japan.
So, I think the lesson that I infer from it is that there was something preferable about the way in which things unfolded in the English and North American context. One ought not to be Anglo-centric in the sense of looking only at these parts of the British Isles we call England because the really important thing is the way in which the English common law was exported globally by the British Empire.
TONY GIDDENS: I do have to say I disagree fairly fundamentally with that and what I was saying was that the situation you sketched in was correct for the first origins of the Industrial Revolution anywhere, but after that you have a very different ball-game and I think continental law is much more interesting and much more positive than you seem to do.
I think if you look at Germany today, it's clearly a leading economy in the world anywhere. Of course, it had to go through massive dislocations, but this was true of many parts of the world.
NIALL FERGUSON: Can I just say one mustn't overlook the extent to which the original model, the 19th Century Victorian model that I sketched in both its Dickensian and let's say its more positive light.
This model didn't simply become obsolete because German manufacturing industry outstripped British. This model continued to be the framework within which the most successful economy in the world, the United States economy, flourished.
The US kicked these economies' butts - to use American English - where it really mattered, which was in sustained productivity growth, rapid industrialisation, and constant technological innovation without the sacrifice of individual freedom.
DR DAMBISA MOYO: Yes, I'm Dr Dambisa Moyo. I'm an author and economist. I find your comment that China - I'm paraphrasing - should learn something about the rule of law from Britain or the West rather disturbing.
I should say that my fundamental belief is that the rule of law as a policy tool is actually largely irrelevant and in fact the rule of law is an artifact - or an outgrowth - of economic growth and, thus, the primary goal of policymaking, particularly in the international landscape, should be to ensure that these emerging economies can establish on a sustained basis economic growth and meaningfully put a dent in poverty.
NIALL FERGUSON: Dr Moyo, as a Zambian you of course must be aware of some of the less appealing aspects of the Chinese economic model since they are visibly to be… to be appreciated in your native country today. And that of course has become something of a hot-button issue in Zambian politics. The substantial presence of Chinese companies, mostly state-owned, in the Zambian economy was probably one of the decisive issues in the last Zambian election.
The African experience seems to me to be quite at variance with what you've just said, with all due respect. As African countries improve their institutions in the direction of improving property rights and political rights, so their economies do better. When African countries are run like China with a one party state, they do disastrously badly.
That's surely the lesson of the post-colonial experience. And when you pick out. as I sought to do in the lecture, the countries that really measurably have improved their institutional framework, it correlates pretty closely with the best performers in Sub-Saharan Africa. Botswana's the case that Paul Collier has written about and I think it's worth reflecting on why Botswana is one of the most prosperous counties in Sub-Saharan Africa.
It's not because they copied the Chinese model. It's because actually, unlike most post-British colonies, they preserved a non-corrupt system of administration under the rule of law.
SUE LAWLEY: You mentioned then the African countries and other developing countries during the course of your lecture that had scored well in the polls - being good where you could set up business and so on.
I don't know whether you were surprised or sceptical. I mean Nigeria, Azerbaijan are notoriously corrupt.
NIALL FERGUSON: What's important about these measures that the World Bank produces is that you're measuring improvement. What I didn't tell you, of course, is that they were starting …
SUE LAWLEY: (over) Where the base is.
NIALL FERGUSON: (over) … in Nigeria (Audience Laughter) from an almost staggeringly low base. But the direction is important and those countries - Rwanda is, I think, a better example - those countries where there is improvement and you're getting out of the foothills and up to something more like a mountain in terms of legal quality, I think there you actually do see consequences. But I specifically singled out the countries that empirically score well in those exercises.
SUE LAWLEY: (over) Okay.
NIALL FERGUSON: … because we need to ask the question: is this right? And I don't want to make it seem as if I've got all the answers here to African economic development. I'm telling you what best practice in development economics currently is.
GEOFFREY ROBERTSON: Geoffrey Robertson. I'm a lawyer. I want to take you on this mantra that stopped the rule of law being the rule of lawyers. We do that, particularly in America, through the jury system but when it comes to judging governments, when it comes to deciding questions of power, we have no alternative but judges who are jumped-up lawyers, and it is the independence of the judiciary that is the most crucial aspect of the rule of law. It is the reason why London, not America or Paris, is the centre of arbitration, and so forth. It's idle to talk about China ever undergoing a rule of law because it's a country that cannot allow the independence of the judiciary. And you talk of Hong Kong - I've argued a case in Hong Kong for the Vietnamese refugees. They were succeeded in the Supreme Court. The Communist Party of China exercised its veto and reversed the decision.
NIALL FERGUSON: I think this is one of the key points that He Weifang and other Chinese legal reformers is that, as you say, the independence of the judiciary is the key; and the fact that in Chongquing essentially the judges were lackeys of Bo Xilai is probably the single most important thing that has emerged.
Initially when Bo Xilai was riding high, he could portray himself as the scourge of the corrupt officials and it was as an anti-corruption populous that he was really making his mark. But on closer inspection he was in fact running an extortion racket in which he would look at any successful Chongquing business operation and say 'we're going to do you for corruption' and then they would take the chap away, interrogate him, the confession would be produced and the judges would say 'you're quite right' end of story, no cross-examination. So I completely agree with what you're saying.
You also made a really important point that needs to be emphasised and that is that enduring success of London as a centre for international litigation. Why is it that they want to come to London rather than, let us say, Shanghai? It's a no-brainer: because the system here delivers a far higher quality of justice.
WILLIAM AYLIFFE: William Ayliffe. I'm the Gresham Professor of Physic. I'm really intrigued as to how you might reconcile the rule of law and the rule of property with the accumulation of capital by these economies, which completely ignored the property rights of the people they were involved with and, furthermore, even their human rights.
NIALL FERGUSON: Which economies are you talking about?
WILLIAM AYLIFFE: Well, I was thinking of the expansion of America into Native American territories. I was thinking of the British Empire in Africa - even into our lifetime - which ignored property laws and human rights.
NIALL FERGUSON: (over) Well I …
WILLIAM AYLIFFE: … as we're finding out to this day.
NIALL FERGUSON: I highly encourage you to read my book Empire (Audience Laughter) in which I address precisely these

issues. John Locke, of course, was the political philosopher who most articulately defined what property rights signified in his ideal commonwealth and it was Locke who argued that freedom, liberty, was essentially bound up with property rights. The self same Locke was of course the man who drew up a constitution for the slave state of Carolina, a constitution which explicitly defined the ways in which slaves would be treated.

At the heart of the expansion of England was a huge hypocrisy, which in some ways Locke personified - that the property rights were peculiar to white men. It was only gradually that that kind of idea was questioned. An obvious way in which that happened was the recognition that slavery was not legal in English common law. The famous Mansfield judgement in the late 18th Century fundamentally shattered the legitimacy of slavery as a legal institution, and within a very short space of time the anti-slavery campaign developed unstoppable force. So I think one has to recognise, in again taking an historical approach to these questions, the dynamic character of the discussion on human rights or, for that matter, property rights.

What people said and thought in the 1700s became very different by the early 1900s. The question really is - and this is the central point I'm trying to make - how does an evolutionary system differentiate itself from one in which absolute principles are enunciated and imposed from up on top? And the great benefit of an evolutionary system is it can evolve in the kind of direction that you implicitly favour.

SUE LAWLEY: Over here.

AILEEN McCOLGAN: Aileen McColgan. I'm Professor of Human Rights Law at King's College London. You say essentially that the common law does it better than imported structures of rights, but isn't the problem with the common law that its focus on property, in particular, serves to protect the interests of the wealthy?

And if you look at an area such as discrimination law, the common law was terrible. It did not deal with race discrimination. It was helpless in the face of sex discrimination…

NIALL FERGUSON: (Over)… But can that argument be upheld in the American case, where exactly these same issues had to be dealt with and exactly these same issues were resolved? I think one of the points that's being missed here is that as attitudes changed on these questions - and they changed around the world at different times and in different ways - so law, legal systems had to adapt, and the implication that somehow the common law couldn't, I'm not sure is compelling - at least if one looks at the US.

AILEEN McCOLGAN: (Over) Well, it couldn't and in the US it was constitutional rights and then the Civil Rights Act which was legislation. It wasn't common law.

NIALL FERGUSON: Yeah but I'm not saying you do… with all due respect, I'm not saying you don't need legislation. The whole point about the common law is the interplay between what judges interpret as precedent and what the statutes new and old say.

SUE LAWLEY: And a last question here.

MICHAEL BRINDLE: Michael Brindle. I'm a lawyer. You talk about Ronald Dworkin's views about law and morality, which I've always thought were beautifully expressed but rather confusing. I'd like your view on that, particularly in the context of the current debate about tax avoidance.

Our Prime Minister goes out and castigates one private individual for having acted immorally, perhaps in the hope that it might become illegal merely by being shouted very loudly. Has this got anything to do with law and has it got anything to do with the rule of law?

NIALL FERGUSON: I am the first to concede that much of Dworkin's prose is opaque to me, but that's a limitation of my intellect. I have never been terribly philosophically inclined. As I said, I'm an empirical thinker. I think there is a really important point that you've raised here, which is that if he's right and that our common law system is in some sense derived from implicit principles, then it's quite easy, isn't it, to vary those principles if you make a loud enough noise. And this of course empowers an institution about which too little has perhaps been said in the course of these lectures - the press.

So there's nothing more odious to me than the sight of the British media in one of their period fits of faux morality. I've mentioned hypocrisy once tonight in the context of British imperialism. Let me mention it again in the context of the British press - this kind of thing in which we stipulate that, while the law has in fact been obeyed, never-the-less some moral code has been violated, is perhaps Dworkin inspired. I could take it from him, but from The Daily Mail? That I think really crosses a threshold which I can't bear.

SUE LAWLEY: (over) What about from the Prime Minister? Is it for the Prime Minister to stand in moral judgement on the taxpayer?

NIALL FERGUSON: One of my rules is never publicly to criticise the Prime Minister (Audience Laughter) It's a very, very difficult job that he has to do and I'm sure, just as occasionally he leaves a child in a pub (Audience Laughter) now and again he says things which I'm sure on reflection he will realise were not entirely judicious.

SUE LAWLEY: And there we must stop. (Audience Laughter) Next week, for the last lecture in the series, we'll be in Edinburgh where Niall Ferguson will be offering some solutions to the systems of politics, finance and the law, which he's been holding up to the light.

And, as he's indicated, he's going to be arguing that the answers lie in our own hands. Until then, Niall Ferguson, BBC Reith Lecturer 2012, thank you very much. And from Gresham College in the City of London, goodbye.

Recorded at Gresham College, London and first broadcast on BBC Radio 4 and the BBC World Service on Tuesday, 3 July 2012.

http://www.abc.net.au/radionational/programs/bigideas/reithlecturespart-three/4119058

Der völkische Staat hat in dieser Erkenntnis seine gesamte Erziehungsarbeit in erster Linie nicht auf das Einpumpen bloßen Wissens einzustellen, sondern auf das Heranzüchten kerngesunder Körper.

Erst in zweiter Linie kommt dann die Ausbildung der geistigen Fähigkeiten.

Hier aber wieder an der Spitze die Entwicklung des Charakters, besonders die Förderung der Willens- und Entschlußkraft, verbunden mit der Erziehung zur Verantwortungsfreudigkeit, und erst als letztes die wissenschaftliche Schulung.

Adolf Hitler - Mein Kampf II:2/452

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Schon Bismarck hatte das geheime Wahlrecht als ungermanisch bezeichnet. Das ist es auch. Durch diese Namenlosigkeit wird die Feigheit des Einzelnen als eine Denkungsart unter anderen anerkannt, es wird bewußt das Gefühl der Verantwortung untergraben. Auf ein

ganzes Volk angewandt, bedeutet das Züchtung einer seelischen Verlumpung. Rosenberg, Alfred - *Der Mythus des 20. Jahrhunderts*, 1934, 398 S., Text, .pdf und als Hörbuch

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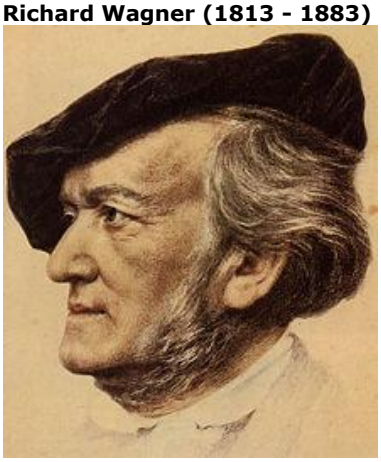
"Auch heute bin ich einsam, weil ich Dinge weiß und andeuten muß, die die Anderen nicht wissen und meistens auch gar nicht wissen wollen."

Carl Gustav Jung - Begründer der analytischen Therapie

Selbst seine Sprache, dieses einzige heilige, durch die größten Geister ihm mühsam erhaltene und neugeschenkte Erbe seines Stammes, sieht der Deutsche stumpfsinnig dem Verderbnisse preisgegeben.

Richard Wagner (1813 - 1883)



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Die deutsche Sprache ist die Orgel unter den Sprachen.
Jean Paul (1763 - 1825)

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German army authorised to act on home soil
17/08 17:25 CET
The German Constitutional Court is authorising the army to intervene in exceptional circumstances to deal with terrorist threats on home soil. Until now, only the police could respond. Operations of national defence and internal security have been kept strictly separate since the end of the Nazi era, to avoid involving the army against civilians.
http://www.euronews.com/2012/08/17/german-army-authorised-to-act-on-home-soil/

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Merkel supports circumcision as a right 13/07/2012 20:13 CET

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Arzt aus Hessen zeigt Rabbiner wegen Beschneidungen an, Mittwoch, 22. August 2012,
http://www.aerzteblatt.de/nachrichten/51372

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From: Butz Arthur R.
Sent: Wednesday, 24 October 2012 9:00 AM
Subject: Britain pulling out of crazy treaty.

This is the treaty under which Fredrick Töben could have been extradited from Britain to Germany four years ago.

Britain has left the European Union in all but name

By Ambrose Evans-Pritchard Economics October 23rd, 2012

To all intents and purposes, the UK is already out. We stayed still. Europe galloped away without us. No doubt we can find some elegant formula to paper over the split. As my friend Daniel Hannan puts it, we could devise a Swiss arrangement while pretending that we are still EU members. No point frightening the horses.

For those readers who missed it, the UK is preparing to pull out of almost all areas of "Justice and Home Affairs", the so-called Pillar III of EU jurisdiction. (Pillar I is the single market, and Pillar II is foreign affairs)

This is revolutionary. We are withdrawing from 130 directives, covering everything from the European Arrest Warrant, the European Public Prosecutor, to the European justice department (Eurojust).

Luckily, Tony Blair negotiated the right to a mass opt-out on this Pillar III corpus to be exercised before it all becomes justiciable at the European Court (ECJ) in 2014, a move that would transform the ECJ into Britain's supreme court. (The same ECJ that rubber-stamped the rights violations of Connolly, Andreasen and Tillack, and against which there is no further appeal.) We did so on the grounds that the UK's Common Law foundation requires special treatment, but nobody really thought at the time that we would use the opt-out. It was a sop to placate people like us at The Daily Telegraph until the Lisbon storm had passed.

Well, it turns out that Theresa May is opting out. Some say she will have to opt back in immediately to almost all of it. We will see about that.

The withdrawal from the insidious arrest warrant gives me particular pleasure. I covered the legislation as it rolled through the Brussels and Strasbourg machine years ago.

We were told categorically that it was to cover terrorist offences only. Then it became "terrorist-related". Then serious crimes. Then the final draft appeared and it included such issues as xenophobia, a term that other parts of the EU machinery had extended to include euroscepticism.

Finally, we discover that it is being used to arrest people who fail to pay parking tickets. Any political magistrate can have you extradited for anything without having to put up evidence.

Free speech is not safe, as the criminal witchhunt against the rating agencies in Italy shows all too clearly.

(Incidentally, Germany simply ignores the warrant. It won't even extradite a member of the SS to Denmark. Yet we turn over anybody, even to one country on the Danube that has sacked its judges and stacked the judiciary)

Meanwhile, the EU's onward march to a banking union, a fiscal compact, and variants of fiscal union have simply left us behind. To whom – by the way – will the new banking union be accountable? To national parliaments and courts? Obviously not. It will "answer" to MEPs and the ECJ.

A whole superstate structure is coming into being. It cannot be democratic because there is no European political nation or shared political language, and all attempts to mimic the vibrant democracies of the ancient states have failed. The European Parliament has its charms but it is not a body that can hold a powerful executive to account.

Eurosceptics warned from the outset that EMU was unworkable as constructed. Monetary union would engender crises that forced ever more extreme solutions to keep the show on the road, acting as a powerful catalyst for full political union. They have been entirely vindicated. This is exactly what has happened.

It is now clear that Britain's decision to stay out of the euro at Maastricht was a de facto decision to leave the EU as well, as Britain's political leaders feared even then. It has a taken two decades but we can almost all see now that a free and self-governing Britain can no longer be part of the Project.

This is the backdrop to William Hague's speech this morning, his cri de coeur, his warning that anger over EU encroachment has reached boiling point. "A great machine that sucks up decision-making from national parliaments to the European level until everything is decided by the EU. That needs to change. If we cannot show that decision-making can flow back to national parliaments then the system will become democratically unsustainable."

Obviously, nothing is about to flow back. The EU is going headlong in the opposite direction. What Mr Hague is really doing is preparing the ground for withdrawal.

Of course, we don't to want lose the EU single market – Margaret Thatcher's bittersweet triumph, 20 years old this month – and Europe does not want to lose our market. We will have to work it out.

Relations are likely to be stormy for the next few years. Yet once the boil is lanced, we may find that our relations with Europe improve dramatically. The moment that the EU no longer threatens our laws, our parliament, our democracy, and our way of life – that is to say, the moment we take the stone out of our shoe – almost all hostility will drain away.

We can all become lovers of Europe again. Good fences. Good neighbours.

http://blogs.telegraph.co.uk/finance/ambroseevans-pritchard/100020923/britain-has-left-the-european-union-in-all-but-name/

Now an item from the archive:

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Suspected Holocaust denier wins his legal fight against extradition after judge throws case out of court

By CHARLOTTE GILL

UPDATED: 02:30 GMT, 30 October 2008

An alleged Holocaust denier has won his fight against extradition to Germany.

Dr Gerald Fredrick Toben, 64, is accused of publishing anti-Semitic material on his website. The Australian academic is wanted in Germany to stand trial for posting the alleged items between 2000 and 2004. The German authorities claim they are 'of an anti-Semitic and/or revisionist nature'.

Suspected Holocaust denier Dr Gerald Fredrick Toben walked free from court today (sic) in London after a judge threw out an extradition bid from Germany where he is wanted for publishing anti-Semitic material on his website

In the European Arrest Warrant issued in October 2004, he is accused of approving of or playing down the murder of the Jews by the Nazis.

But District Judge Daphne Wickham ruled the warrant invalid today at the City of Westminster Magistrates' Court in London, saying it contained inadequate detail about the offences.

It neither states the name of the website nor where the propaganda is said to have been published from - only referring to the 'world-wide internet'.

After discharging Toben, Judge Wickham granted him bail pending an appeal after imposing strict conditions which include a 100,000 security. Other conditions include residence at an approved address, written confirmation from the Australian High Commission of which passports he holds, and not to access the internet. He is also banned from giving press interviews.

Judge Wickham added that she had not been required to decide at this stage whether the alleged crimes were valid extradition offences.

Grey wavy-haired Toben, smartly dressed in a suit, appeared pleased on hearing the judge's decision from the glass-fronted dock at City of Westminster Magistrates' Court. The public gallery was packed with supporters of Toben.

Toben claims he will not get a fair trial in Germany.

The controversial author was reportedly jailed in 1999 at Mannheim prison for breaching Germany's Holocaust Law Section 130, prohibiting anyone from 'defaming the dead'.

Toben's Adelaide Institute website has drawn criticism for many years.

In 2000 he fought an order by the Human Rights and Equal Opportunities Commission in Australia to remove its 'offensive' content. The commission claimed it breached Australia's Racial Discrimination Act.

Toben completed his Dr of Philosophy course at the University of Stuttgart in 1977 and taught schools and colleges all over the world.

He founded the Adelaide Institute and is the author of at least eight books on education, political science and history.

At an earlier hearing he accused the 'world press' of wrongly portraying him as 'horrible, terrible, vicious...I must respond

to that, because this is nonsense.' Attempting to reassure the court he would not jump bail, he added: 'The world is my prison. 'I'm well known and to suggest there's no honour in my person is to slander me.'

http://www.dailymail.co.uk/news/article-1081579/Suspected-Holocaust-denier-wins-legal-fight-extradition-judgethrowscasecourt.html#ixzz24L4IRwuN

Dr. Virginia Abernethy's Response to USA Today article

Posted: 26 Oct 2012 10:07 AM PDT

Editor's note: Dr. Virginia Abernethy is running for Vice-President for the American Third Position. (Merlin Miller is A3P's presidential candidate.) The following is her response to an article on her, also reprinted below, that appeared in *USA Today* and *The Tennessean* (Nashville). Dr. Abernethy has also given two video interviews on these issues, link below

Dr. Virginia Abernethy

The Tennessean and *USAToday* ran the same article about me. I write in hopes that one or both papers will print my comment.

The article is accurate in several respects, but inaccurate in others, and thus disturbing. The SPLC's negative and hateful characterizations of people like me who oppose mass immigration are factually untrue.

The SPLC has upped the ante by adding the false charge of neo-Nazi to the tired old [and incorrect in my case and in most cases] label of racist.

Organizations like the ADL are complicitous in these hateful smears and, at the least, do themselves a disservice by repeating charges designed to tar people who disagree with them.

Apparently, their ideal for the United States is to be part of a borderless world, while Israel, they think, is entitled to secure borders.

The SPLC clearly hates patriots like me. This demonstrates that their "anti-hate" stance is merely a cover for their globalist Marxist agenda. They want Europeans-Americans to "tolerate" their own dispossession. This suicide of a whole people is the goal of their 'Teaching Tolerance'.

Other factual errors in an article that treats the SPLC as authoritative include:

It is factually untrue that I am a supremacist. I am an ethnic separatist, which means respecting preferences to be with whomever one wishes. I have no objection to campus African-American groups, B'nai B'rith, La Raza or countless others. What I see, however, is that Christian and European-American groups—and only these groups—are targeted for discrimination. They are in the SPLC bull's-eye of hate—hate for anyone who does not agree with the the SPLC's anti-Christian, anti-patriotic, globalist agenda.

It is factually untrue that I am a neo-Nazi, or that people with whom I associate are neo-Nazis. They are American patriots. Moreover, anyone who has political affiliations associates with people whose language and positions are not identical with their own.

I am neither racist nor anti-Semitic, although I support the recent letter from leaders of mainstream American churches to the effect that Congress should re-examine the no-strings-attached policy of giving large aid packages to Israel.

Further, Kathy McKee is the Arizonan who started and saw though to a successful ballot conclusion Proposition 200. Well into the initiative process in 2004, she asked me to speak with the overseas media, which I was pleased to do. I hope I helped. In any event, 47% of Hispanic voters supported Prop. 200. The harm of mass immigration to less educated working people, including established immigrants, is abundantly clear.

My most important academic work focuses on the "fertility opportunity hypothesis" [see Population Politics and an earlier book, Population Pressure and Cultural Adjustment]. This hypothesis suggests that couples and/or men and women who see expanding economic opportunity will allow larger family size. Couples who perceive diminishing economic opportunity try in all possible ways to avoid additional dependents.

The evidence in support of my fertility opportunity hypothesis is huge and growing. Read the books and post-1993 papers. The hypothesis correctly predicted that fertility rates in the "nine Asian tigers" would decline significantly faster than trend line after those countries' economic collapse of 1998-99.

American3rd Position is a new Party and one that may draw support from Americans who feel unrepresented by the major Parties. These Americans see Democrats and Republicans as "one bird with two wings". A3P is pro-American, which means representing the values of the majority of Americans and defending European-Americans from being cast as the destroyers of society. European-Americans are historically, and are still, builders.

European-Americans are on track to becoming a numerical minority in the United States. This trend can be reversed by stopping mass immigration and a conscious coming together of like-minded men and women.

Moreover, European-Americans should begin to identify themselves as an ethnic group that participates on equal footing with other ethnic and racial groups that define the new multicultural reality. I would prefer a country in which "American" came first and religious and ethnic or racial identities receded to insignificance. But that is no longer the reality, or even the ideal among groups such as the SPLC and ADL.

The SPLC is the real hate group, and its fellow travellers like the ADL are enablers, because they incite divisions and hatred. Unfortunately, the SPLC has power, has defined the new reality, and forces all of us to identify by ethnic group whether or not that is our first inclination.

http://www.theoccidentalobserver.net/2012/10/dr-virginiaabernethysresponsetousatodayarticle/abernethy/

Interviews: See here and click on the interview boxes for the two interviews (one is 3:15 long and the second, 23:11)

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Original Article from *The Tennessean* website: http://www.tennessean.com/apps/pbcs.dll/article?AID=20123 10220014&nclick_check=1

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Retired Vanderbilt professor is 'ethnic separatist' candidate - By Anita Wadhwani, The Tennessean

The self-described 'ethnic separatist' is running for vice president on an obscure third-party ticket.

Just shy of her 80th birthday, elegantly dressed in silver jewelry and a pencil skirt, retired Vanderbilt professor Virginia Abernethy doesn't appear a likely contender for emerging leader of the nation's white supremacist movement.

But the Anti-Defamation League described her as an "unabashed white supremacist."

The Southern Poverty Law Center calls her a "full-fledged professor of hate" and added Abernethy to its list of 30 new leaders to watch on the radical right.

This year, Abernethy is on the ticket as a vice presidential candidate of the obscure American Third Position Party, or A3P. The whites-only political party was formed "to represent the interests of White Americans," according to its website. It has run a handful of candidates for offices as varied as the Mesa, Ariz., City Council and the New Hampshire governor's office. Republicans in New Hampshire called A3P the party of "despicable racists."

Abernethy calls all the attention misguided but amusing. "I think it's hilarious," said Abernethy, speaking from the corner office on the Vanderbilt campus that is hers for life as a professor emerita of anthropology and psychiatry. "I'm 104 pounds exactly. I'm punching above my weight, to hear the SPLC tell it."

She politely would like to set the record straight. She is not a white supremacist, Abernethy said. She's an environmentalist and a scientist. She opposes most immigration. She's a feminist who helped put an end to Vanderbilt professors calling female medical students "girls." She's a Christian and a European-American. She is also, she said, an "ethnic separatist." "Separatism says, 'Birds of a feather flock together,'" Abernethy said. "I say, 'Let them.' What I see is rampant racial discrimination against European-Americans. And I am not in favor of discrimination.

"I see African-American groups and Asian-American groups and I feel that we should respect our identity as European-Americans as well.

"I do not see anything whatever wrong with that."

Abernethy appears on the Tennessee ballot as running mate to Gatlinburg-area filmmaker Merlin Miller, who is running for president of the United States. The party was founded by neo-Nazi skinheads in California in 2010 in response to the recession and Barack Obama's election. The A3P, according to the SPLC, is the "most important hate group in America at the moment."

Views 'repugnant'

Abernethy is unusual among American white separatists, said Heidi Beirich, director of the SPLC's "intelligence project," which has tracked Abernethy's affiliations, speeches and writings for more than a decade.

Abernethy's academic credentials, which include a Harvard Ph.D., a Vanderbilt M.B.A. and 20 years as a Vanderbilt Medical School professor, have long lent credibility to her position on immigration, which Abernethy strongly opposes with the exception of Europeans, Beirich said.

But Beirich has traced a marked shift in Abernethy's focus and affiliations in recent years. Where Abernethy once worked with more mainstream immigration-reform groups, now her affiliations are with neo-Nazis and white supremacists, groups that have benefited from Abernethy's credentials, Beirich said.

"Because of her background, she elevates these horrible views and these racist organizations," Beirich said. "She provides cover to them and lends them an academic veneer to views that are repugnantly anti-Semitic and racist."

Virginia Abernethy is running for vice president on an 'ethnic separatist' party ticket. / John Partipilo / The Tennessean

The A3P party is a prime example, according to Beirich. The group was founded by California corporate lawyer William Johnson, who once sought a constitutional amendment to deport any American with an "ascertainable trace of Negro blood."

Fellow board members include James Edwards, host of the "pro-white" radio show "The Political Cesspool"; Don Wassal, publisher of The Nationalist Times, which SPLC calls a "racist newspaper"; and James Kelso, a former aide to Ku Klux Klan leader David Duke.

"How does a professor emeritus end up hanging around with people who want to throw out people with a drop of 'Negro' blood?" Beirich said. "There's a difference between being concerned about our immigration policies and overcrowding in schools and being involved in organizations that say non-whites should not be in this country."

Abernethy, however, said she "doesn't subscribe" to the idea of deporting African-Americans.

Where she and Johnson do agree is on the platform of the American Third Position Party, she said. "The American Third Position Party believes that government policy in the United States discriminates against white Americans, the majority population, and that white Americans need their own political party to fight this discrimination," the party's platform says.

"We are constantly seeing reports about African-Americans being discriminated against," Abernethy said. "Why are we not reading about white Americans who are also being discriminated against?"

Born in Cuba to American parents, raised in Argentina, Abernethy said her life outside the United States has made her more strongly patriotic.

'Ethnic separatist'

In her two decades as a Vanderbilt professor — she retired in 1996 — Abernethy was perhaps best known within academia as the author of the "fertility-opportunity hypothesis." Abernethy's theory says that as women have access to more economic opportunities, they have more children, rather than fewer.

The theory runs counter to a prevailing hypothesis that says when women become better educated and more affluent, they have more access to contraception and tend to opt for fewer children. Abernethy said her theory is behind her opposition to sending food aid to developing countries to avoid contributing to overpopulation.

Outside academic journals, Abernethy's theory drives her anti-immigration activism. In 2004, Abernethy was asked to lead Arizona's Proposition 200 campaign. The measure, which passed, required proof of legal residence for voting and to access public benefits.

When Abernethy described herself as an "ethnic separatist" during the campaign, she got national attention — most of it negative. A non-public figure before that election, Abernethy said she was called out by international news outlets for not having politically correct views.

"There is a level of hostility some people have toward scientists who describe the world as they think it is instead of how it ought to be," Abernethy says now. Abernethy concluded from the Arizona experience that "some people favor mass immigration. The divide is between people who want European-Americans to become a minority and those who do not."

Kathy McKee, an Arizona anti-immigration activist who worked with Abernethy, said Abernethy, like herself, drew charges of racism for simply advocating for reasonable immigration limits. But McKee said she grew concerned when she learned Abernethy served as an editorial adviser to the Council of Conservative Citizens, a group that has referred in its written materials to African-Americans as a "retrograde species of humanity."

"When I found out she was affiliated with this group, I called her and said, 'It sounds terrible — have you looked at their website? Because they're a bunch of nasty racists,'" McKee said. "She resigned immediately. You don't meet many people her age or my age who have said, 'Maybe I have made a mistake and will change.' I respected her for that. "I think her views that people of European ancestry — that there's a concerted effort to discriminate against us — that's not my issue, but what she says certainly seems factual to me," McKee said.

Intellectuals lend legitimacy

Abernethy joined the board of the American Third Position in 2011. Shortly afterward, she agreed to join the ticket of the A3P party, which sprang from the organization.

"Parts of our beautiful country now resemble Third World communities in Latin America, Africa and Asia," the party platform says. "White people are already a minority in many cities and counties, along with several states, both large and small. Without constructive political action, within a few decades we will become a minority across the entire country. Enough is enough! The American Third Position Party believes that we should put America first!"

Abernethy doesn't actively campaign, except to send out a steady stream of emailed commentary daily to several hundred people on her mailing list about world events.

Running mate Miller, 60, is a filmmaker who left Hollywood to found Americana Pictures in his hometown, Gatlinburg. The company's goal is "to develop, produce and market quality motion pictures, which promote fresh talent and the best of traditional European-American ideals."

Miller said criticism of Abernethy — and himself — is driven by "Zionist power background, including the mainstream media, which is controlled by Zionist influences in my opinion."

Those same interests helped spur his candidacy, which Miller said he uses as a platform to spread the message that European-Americans have lost representation politically.

"For the most part, Virginia and I are in agreement on various platforms," he said. "She is forthright and doesn't pull any punches. She has incredible credentials. We both believe European-derived Americans have not had representation politically. I believe diversity can be a very good thing, but look at Ireland, Germany. They're unique in their national character. But America is different, and global elites want a borderless world and they don't want American sovereignty."

A white supremacist movement led by professionals in law, film, academia or other areas represents a new vehicle for extremism that hate watch groups such as the Anti-Defamation League are keeping a close eye on.

"They're not this old image of rednecks in the backwoods," said Marilyn Mayo, co-director of the Anti-Defamation League's Center on Extremism, which monitors right-wing extremism in the United States. "What makes this party different is it's made up of a number of people who are intellectuals and well established in their fields. It gives this party a form of legitimacy. They're of concern because they're a party that's organizing to get some kind of power in this country."

Retired for more than 20 years and now a great-grandmother, Abernethy makes the trip from her home in Hendersonville to her office on the Vanderbilt campus three days a week.

"All emeritus in good standing are permitted use of space within the Medical Center's Emeritus Professors' Office," Vanderbilt University spokeswoman Amy Wolf said. "As an emeritus professor, faculty are permitted access to shared office space that is to be used for academic and scholarly pursuits."

Reach Anita Wadhwani on 615-259-8092 or at: awadhwani@tennessean.com.

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The Fairness of Whites as a Critical Weakness

Posted: 26 Oct 2012 07:36 AM PDT

Editor's note: This is a comment on Colin Liddell's *Plasmagoord and the Sigma Signals*.

Here is the essence of what I feel is the primary weakness that has somehow been implanted within the genetic makeup of White European people. This foolish idea that seems to exist within the vast majority of our people's minds – our **Aryan sense of fairness**, and the clearly stupid idea that Whites can expect to receive fairness and be treated honorably by non-Whites, if only we can manage to explain to them how they are being unfair to us. Our enemies, primarily the Jews, but in the long run – all non-white races who constitute our racial competition – have very cleverly sensed this weakness in our people and they have done everything possible to pour fertilizer on it, to make sure that it blossoms and flourishes among our demographic group. For it is this weakness, this Aryan sense of fair play and honor – that hands these opponents the means by which they can exploit and take advantage of our natural tendency towards treating others fairly, as we mistakenly think they will treat us if they wind up in power and rule over us. It is this stupid and clearly suicidal notion that leads Whites to vote for non-White candidates who are seeking to obtain political power and dominance over societies and nations which Whites built. Incredibly, these kinds of Whites never seem to be able to grasp the extremely deadly and potentially fatal danger of turning over political power to their racial competitors.

News flash: These non-whites have not at any time in world history, and will NEVER treat our race with any sense of fairness at any point in the future, because non-whites are not genetically engineered to possess these kinds of traits.

Yesterday, I was watching the latest speech by Jared Taylor who was invited to speak at Texas A&M University a few days ago. Taylor ran through his usual talking points about how diversity is not a strength, but a source of incredible conflict and misery and that everywhere on Earth where diversity

exists, racial, ethnic, and cultural tensions are always at very strained and tenuous levels – and more often than not, these tensions erupt into very bloody violence between ethnic groups. The standard Taylor stump speech.

Anyway, the video never panned across the audience, so the viewer had no way of knowing whether any non-whites were in attendance. During the Q&A session which followed the conclusion of Jared Taylor's remarks, all of the voices that were heard asking questions seemed to sound like they were coming from very polite, very cordial-sounding White people who were in the audience. This was quite a contrast from the **speech Taylor gave** at Towson University a few weeks earlier. In that one, for the length of time I could bear to watch it – every single questioner was a minority, and they were all very hostile to the ideas that Taylor had expressed during his talk – and it was pretty clear to me that non-Whites do NOT approve of Whites being able to express their perfectly legitimate, perfectly natural and normal, ethnic specific interests. The racial deck is stacked in their favor and they want it to stay that way.

So, what's the point behind my mention of the Texas A&M speech and other speeches made by Taylor? It is this: When a White spokesman stands up in front of an audience, whether it is populated by all Whites or by a combination of Whites and non-Whites and then proceeds to try to appeal to a 'sense of fairness' that clearly does not exist within the genetic blueprint of non-Whites and when that White spokesman tries to point out the unfairness that goes along with this hypocritical double standard – he or she may as well be barking at the moon.

Not only does this approach bounce off of the heads of non-whites, making it both ineffective, as well as a little bit comical – it also gives the impression that Whites are pleading with non-Whites to see and respect our point of view and to make allowances and concessions that address our legitimate concerns. This is not going to ever happen, in the first place and in the second place – it reinforces the idea inside the heads of these aggressive and highly predatory non-Whites that the White man is scared, weak, on the defensive and that they have got him on the run. So, they immediately think: Why should I compromise now, when we are so close to our final and ultimate victory over the White race?

Believe me when I say that the only way to deal with this existential threat to the survival of White European people is from a position of strength and confidence and with an attitude of uncompromising determination. We will not ask minorities for their permission or for their approval in matters that relate to the survival of White European people – that is the formula and template that will yield results in our struggle, friends. Initially, minorities might not like this approach – because it will mean that the White man will no longer let himself be intimidated by the race card, and that will be a shock to their ability to scam the system. But, as I said – we have to drop this suicidal desire to seek the approval of our racial competitors; we will never get it. What we need from our racial competitors – is respect, and perhaps even a little dose of fear to go along with that respect – because, after all, in the third world that these minorities belong in – fear and respect go hand in hand.

http://www.theoccidentalobserver.net/2012/10/the-fairnessofwhitesasacriticalweakness/?utm_source=feedburner&utm_medium=email&utm_campaign=Feed%3A+theoccidentalobserver%2Ffeed+%28The+Occidental+Observer%29

Holocaust-Leugner will nach München – Irving klagt gegen Einreiseverbot

Von Ekkehard Müller-Jentsch, 25.10.2012, 17:22,

Er ist als Nazi-Verharmloser und Holocaust-Leugner bekannt: Schon vor Jahren ist gegen den britischen Buchautor David Irving ein Einreisevebrot verhängt worden. Dagegen hat der nun geklagt - er will so bald wie möglich wieder nach München kommen.

Der rechtsextreme "Historiker" und Buchautor David Irving, britischer Staatsbürger, möchte möglichst bald wieder nach München kommen. Doch das Kreisverwaltungsreferat lehnt das ab: Das gegen ihn verhängte Einreiseverbot soll nicht vor 2022 enden. Dann wäre der als Nazi-Verharmloser und Holocaust-Leugner bekannte Irving aber schon 84 Jahre alt. Deshalb hat er vor dem Verwaltungsgericht München Klage erhoben, über die am Donnerstag verhandelt wurde.

Die Münchner Sicherheitsbehörden stützen sich vor allem auf zwei Verurteilungen des Holocaust-Leugners. 1993 hatte Irving vor Gesinnungsfreunden in München behauptet, dass die den Touristen in Auschwitz gezeigte Gaskammer eine

Abernethy doesn't actively campaign, except to send out a steady stream of emailed commentary daily to several hundred people on her mailing list about world events.

Running mate Miller, 60, is a filmmaker who left Hollywood to found Americana Pictures in his hometown, Gatlinburg. The company's goal is "to develop, produce and market quality motion pictures, which promote fresh talent and the best of traditional European-American ideals."

Attrappe sei, die nach Kriegsende von den Polen gebaut wurde. Dafür verurteilte ihn das Landgericht München I wegen Beleidigung und Verunglimpfung des Ansehens Verstorbener zu einer Geldstrafe von umgerechnet 15.000 Euro. Die Münchner Ausländerbehörde wies ihn unbefristet aus.

Irving hat auch in Australien, Italien, Kanada, Neuseeland und Südafrika Einreiseverbot - und in Österreich: Hier war er 2006 in Wien wegen "nationalsozialistischer Wiederbetätigung" zu drei Jahren Haft verurteilt, später ausgewiesen und nach Großbritannien abgeschoben worden.

Das Aufenthaltsverbot für Österreich endet 2014 - für das Münchner Gericht ein wichtiges Datum, da die Münchner Verurteilung viel älter als die Wiener ist. Da Irving EU-Bürger sei und man die Problematik daher im Lichte europäischen Rechts sehen müsse, sei daher eher Januar 2014 ein angemessener Zeitpunkt, Irving wieder einreisen zu lassen, deutete die Vorsitzende der 12. Kammer an.

Der britische Holocaust-Leugner David Irving will wieder nach München kommen und klagt deshalb gegen ein Einreiseverbot gegen ihn. ***(© AFP)***

Vorausgesetzt natürlich, dass der Brite bis dahin nicht neu belangt werde: "Er wird es halt milder formulieren, sodass er sich nicht strafbar macht", vermutete die Richterin. **Ein Urteil will die Kammer an diesem Freitag verkünden.**

http://www.sueddeutsche.de/muenchen/holocaust-leugner-irving-klagt-gegen-einreiseverbot-1.1506352

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Verwaltungsgericht München entscheidet: Holocaust-Leugner Irving darf bald wieder einreisen

München, dpa, 26.10.12

München - Der rechtsextreme Autor und Holocaust-Leugner David Irving darf einem Münchner Urteil zufolge ab 21. März 2013 wieder nach Deutschland einreisen.

Das Verwaltungsgericht München hob am Freitag einen Bescheid der Ausländerbehörde auf, der für den britischen Journalisten ein Einreiseverbot noch bis 2022 vorgesehen hatte (Az.: M12K12.78). Die Begründung des Urteils steht noch aus.

Der jetzt 74-Jährige ist 1993 in München wegen Beleidigung und Verunglimpfung des Ansehens Verstorbener zu einer Geldstrafe von 30 000 Mark (rund 15 000 Euro) verurteilt worden. Irving hatte bei einem Treffen von Geschichtsrevisionisten in der bayerischen Landeshauptstadt öffentlich die Ermordung von Millionen Juden in den Gaskammern von Auschwitz bestritten. Nach der Verurteilung war der Brite unbefristet ausgewiesen worden. Seinen 2011 gestellten Antrag, die Ausweisung aufzuheben, hatte die Behörde abgewiesen und gleichzeitig das Einreiseverbot bis 2022 befristet.

Der rechtsextreme Autor ist nach einer Verurteilung in Wien wegen „nationalsozialistischer Wiederbetätigung" im Jahre 2006 (also lange nach seinem Münchner Prozess) auch aus Österreich ausgewiesen worden, die dortige Frist endet 2014. Die Richter hatten Irving in Wien zu drei Jahren Haft verurteilt. Nach Verbüßung von zwei Dritteln der Strafe war er dann nach Großbritannien abgeschoben worden.

Irving darf inzwischen auch nicht mehr in Australien, Italien, Kanada und Neuseeland einreisen.

Die Münchner Richter hatte in der Verhandlung darauf hingewiesen, dass man die Ausweisungsproblematik im Licht des europäischen Rechts sehen müsse, weil Irving EU- Bürger sei.

*Tz - jbp fmj mat Authors: Jean-Baptiste Piggin, Angelika Klingenfuss**http://www.tzonline.de/aktuelles/muenchen/holocaust-leugner-irving-darf-bald-wieder-einreisen-tz-2576099.html***

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British historian David Irving overturns German entry ban

By our dpa-correspondent and Europe Online 26.10.2012

Munich (dpa) - David Irving, the British author, won his fight Friday to overturn an entry ban for Germany, imposed for his questioning of the Holocaust. Irving, 74, has written a series of books about the Third Reich denying the historical evidence for the Holocaust. A Munich court convicted and fined him in 1993 on a charge of insulting the memory of the dead after he disputed that the gas chambers at Auschwitz killed hundreds of thousands of Jews. It also imposed the entry ban.

David Irving

Irving applied last year for re-entry, but German authorities replied that he remained banned until 2022. The administrative tribunal rejected this, ruling that this ban could not be upheld under European Union rules of free movement. Dpa

http://en.europeonline-magazine.eu/british-historian-david-irving-overturns-german-entry-ban_246098.html

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Traditionalists expel Holocaust-denying bishop

The Associated Press, Friday, Oct. 26, 2012 | 3:34 a.m.

A traditionalist group of breakaway Catholics on Wednesday expelled a Holocaust-denying bishop whose views sparked a major Vatican crisis in 2009. The Society of St. Pius X said its governing council expelled Bishop Richard Williamson because he ignored a deadline to "declare his submission" to its authority and had called for the society's superior to resign.

A spokesman for the group said Williamson's comments about the Holocaust were part of the reason for his expulsion.

In a 2009 interview with Swedish TV, Williamson denied that any Jews were killed in Nazi gas chambers. The comments earned him a criminal prosecution in Germany, where Holocaust denial is a crime, and caused great embarrassment to German-born Pope Benedict XVI, who had lifted Williamson's excommunication from the Church on the day the interview was broadcast.

But Williamson also angered the group's superiors by posting attacks against them on a blog that was "full of crude ideas" and by performing sacraments despite being forbidden to do so, said the spokesman, Andreas Steiner. "The third thing, which was key, was that he always criticized the talks with Rome (the Vatican)," Steiner told The Associated Press.

The Society of St. Pius X was founded in 1969, opposed to the reforms of the Second Vatican Council. In 1988, the Vatican excommunicated the group's founder and four bishops - including Williamson - after he consecrated them without papal consent.

http://www.lasvegassun.com/news/2012/oct/26/eu-vatican-traditionalists/