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Online
ISSN 1440-9828

February 2013 No 673

Death Penalty for Global Warming Deniers?

An objective argument...a conservative conclusion

Richard Parncutt: last updated 25 October 2012

In this article I am going to suggest that the death penalty is an appropriate punishment for influential GW deniers. But before coming to this surprising conclusion, please allow me to explain where I am coming from.

For years, hard-nosed scientists have been predicting global warming (GW) and its devastating consequences. For a reputable summary of arguments for and against GW, see www.skepticalscience.com

Some accounts are clearly exaggerated (more). But given the inherent uncertainty surrounding climatic predictions, even exaggerated accounts must be considered possible, albeit with a low probability. Consider this: If ten million people are going to die with a probability of 10%, that is like one million people dying with a probability of 100%.

When the earth's temperature rises on average by more than two degrees, interactions between different consequences of global warming (reduction in the area of arable land, unexpected crop failures, extinction of diverse plant and animal species) combined with increasing populations mean that hundreds of millions of people may die from starvation or disease in future famines. Moreover, an unknown number may die from wars over diminishing resources (more). Even if that does not happen, thousands of plants and animals will become extinct. Islands, shorelines and coastal communities will disappear.

So far, the political response to the threat of GW has been lots of talk and little action (more). But action is urgently needed. We are in a very real sense talking about something similar to the end of the world. What will it take to get people to sit up and listen?

Much more would have happened by now if not for the GW deniers. An amazing number of people still believe that GW is a story made up by scientists with ulterior motives. For a long list of climate change deniers and their stories see

desmogblog. The opinions of everyday GW deniers are evidently being driven by influential GW deniers who have a lot to lose if GW is taken seriously, such as executives in transnational oil corporations.

Of course it is possible that scientists are just making it up for their own benefit. The trouble with that argument is that scientists who publish fake data or deliberately set out to mislead people about GW have a lot to lose and nothing to win. When scientists fake data and are caught, that usually means the end of their career. It's not the kind of risk that a scientist would like to take. It is possible someone is paying the scientists behind the scences to publish environmental doomsday stories, but again the argument is problematic: there is simply no money in environmental doomsday stories (just like there is no money in writing internet pages like this one). And here is why: It has been clear for a long time that the cost of reducing GW to a manageable amount (whatever that is) will be enormous, and the costs incurred by not doing that or doing it too late will be many times greater. The main problem is that no-one wants to pay this money. As a rule, those who make money out of ignoring GW would rather leave this problem for our children and grandchildren to deal with. (How kind of them!) In this situation, a corrupt scientist can certainly earn a lot of money by publishing research that plays down the importance of GW, so that those who profit from ignoring it can continue their environmentally unfriendly activities – and presumably many scientists have already done so. But there is no money in publishing the uncomfortable truth about GW, except for the ordinary rewards that ordinary scientists get for publishing good research reports.

The problem gets even more uncomfortable when you consider the broader context. Even without GW (or ignoring the small amount that has happened so far), a billion people are living in poverty right now. Every five seconds a child is dying of hunger (more).The United Nations and diverse NGOs are trying to solve this problem, and making some progress. But political forces in the other direction are stronger. The strongest of these political forces is GW denial.

The death penalty

In this article I am going to suggest that the death penalty is an appropriate punishment for influential GW deniers. But before coming to this surprising conclusion, please allow me to explain where I am coming from.

I have always been opposed to the death penalty in all cases, and I have always supported the clear and consistent stand of Amnesty International on this issue.

Professor Richard Parncutt

The death penalty is barbaric, racist, expensive, and is often applied by mistake. Apparently, it does not even act as a deterrent to would-be murderers. Hopefully, the USA and China will come to their senses soon.

Even mass murderers should not be executed, in my opinion. Consider the politically motivated murder of 77 people in Norway in 2011. Of course the murderer does not deserve to live, and there is not the slightest doubt that he is guilty. But if the Norwegian government killed him, that would just increase the number of dead to 78. It would not bring the dead back to life. In fact, it would not achieve anything positive at all. I respect the families and friends of the victims if they feel differently about that. I am simply presenting what seems to me to be a logical argument.

GW deniers fall into a completely different category from Behring Breivik. They are already causing the deaths of hundreds of millions of future people. We could be speaking of billions, but I am making a conservative estimate.

My estimate of "hundreds of millions" is based on diverse scientific publications about GW. There are three important things to notice about those publications, in general. First, their authors are qualified to do the research. In general they worked hard and more than full-time for at least ten years before being in a position to participate credibly in research of that kind. They are not just writing stuff off their heads. Second, they do not generally stand to gain or lose anything if their research concludes that GW will be more or less serious than currently thought. They have a different motivation: they want their research to be published in a good academic journal so that people will read it and it will improve their career chances. As a rule that depends only on the quality of the research. Third, the authors of different studies are generally working independently of each other in different countries, universities and disciplines. If so many unbiased people independently come to a similar conclusion, the probability that that conclusion is wrong is negligible.

For decades, the tobacco lobby denied that cigarette smoking was linked to cancer, at the same time as countless research projects were presenting evidence to the contrary. How many deaths did tobacco denialism cause? Globally, lung cancer due to smoking claims one million lives per year. A significant proportion of these deaths is due to tobacco denialists who slowed attempts to slow down the rate of smoking. Those individuals may individually be responsible for tens or even hundreds of thousands of deaths.

I don't think that mass murderers of the usual kind, such Breivik, should face the death penalty. Nor do I think tobacco denialists are guilty enough to warrant the death penalty, in spite of the enormous number of deaths that resulted more or less directly from tobacco denialism. GW is different. With high probability it will cause hundreds of millions of deaths. For this reason I propose that the death penalty is appropriate for influential GW deniers. More generally, I propose that we limit the death penalty to people whose actions will with a high probability cause millions of future deaths

Consider the following scenario. A suicidal genius develops the means to destroy most of the world's population. A heroic woman turns

up (could also be a man, if you prefer) and kills the villain just in time. Just like one of those superheroes comics. Even Amnesty International joins in congratulating the heroine. What else can they do? They are glad to be alive themselves.

From this example, it is clear that there is a dividing line somewhere between murders for which the death penalty is appropriate and murders for which it is inappropriate. I am proposing to make that dividing line concrete at about one million people. I wish to claim that it is generally ok to kill someone in order to save one million people. Similarly, the death penalty is an appropriate punishment for GW deniers who are so influential that one million future deaths can with high probability be traced to their personal actions. Please note also that I am only talking about prevention of future deaths – not punishment or revenge after the event.

That raises the interesting question of whether and how the Pope and his closest advisers should be punished for their consistent stand against contraception in the form of condoms. It has been clear for decades that condoms are the best way to slow the spread of AIDS, which has so far claimed 30 million innocent lives. The number of people dying of AIDS would have been much smaller if the Catholic Church had changed its position on contraception in the 1980s, or any time since then. Because it did not, millions have died unnecessarily. There is a clear causal relationship between the Vatican's continuing active discouragement of the use of condoms and the spead of AIDS, especially in Africa. We are talking about millions of deaths, so according to the principle I have proposed, the Pope and perhaps some of his closest advisers should be sentenced to death. I am talking about the current Pope, because his continuing refusal to make a significant change to the church's position on contraception (more) will certainly result in millions of further unnecessary deaths from AIDS in the future. Since many of these deaths could be prevented relatively easily simply by changing the position of the Catholic church, which incidentally is one of the most influential political powers in Africa and elsewhere, we are talking about something remarkably similar to premeditated mass murder. Not the same, because the church does not want the affected people to die. But the numbers of people involved are so enormous that at some level it doesn't matter any more whether the murder is premeditated or not. The position of the church is presumably also racist: if those dying from AIDS were not predominately black, the church would presumably have changed its position on contraception long ago. Just imagine 30 million white people dying from AIDS in Europe or North America, and you will see what I mean.

What about holocaust deniers? The Nazi holocaust was the worst crime in human history, for two reasons: the enormous number of murdered people and the automation of the murder process. Those who deny the holocaust certainly belong behind bars. The death penalty would be too much for them, because holocaust deniers are not directly causing the deaths of other people. The holocaust is in the past, not the future. Those who died in the holocaust cannot be brought back to life.

Counterarguments

In self defence, both the Catholic church and the GW deniers would point out straight away that they don't intend to kill anyone. The Catholic church is merely of the opinion that contraception is generally a bad thing. The GW deniers are simply of the opinion that the GW scientists are wrong. Both groups are enjoying their freedom of speech and perhaps they sincerely believe what they are claiming. They can certainly cite lots of evidence (you can find evidence for just about anything if you look hard enough).

Another counterargument is that we can never be sure that the predicted GW will happen, or that its effects will be as severe as predicted. But this is not a strong argument. The courts are used to dealing with uncertainty. Even at the conclusion of a murder trial, there is generally some remaining uncertainty about the guilt of the accused, even if the court pretends that there is not. Courts must rely on eye-witness reports, but memories can be distorted and witnesses can have ulterior motives. That is why there are so many reports of executions of innocent people. In the case of GW, the case is clearer. Even if the prediction of hundreds of millions of deaths turns out to be exaggerated, the more moderate prediction of tens of millions will not.

For the purpose of argument, let's give the GW deniers the benefit of the doubt and imagine that the scientists are wrong with a high probability, say 90%. If they are right, some 100 million people will die as a direct result of GW. Probably more like a billion, but this is a conservative estimate. If the probability of that happening is only 10%, then effectively "only" 10 million people will die. These are the numbers that GW deniers are playing with while exercising their "freedom of speech". The number that the Catholics are playing with are an order of magnitude smaller, but still horrendously large. Since these figures exceed the arbitrary limit of one million that I am proposing, it follows that the death penalty might be an appropriate punishment for influential GW deniers and possibly also the Pope. It also follows for example that George W. Bush and Tony Blair should not face the death penalty for the Iraq war, since it "only" claimed about 100 000 lives since 2003 (more).

Please note that I am not directly suggesting that the threat of execution be carried out. I am simply presenting a logical argument. I am neither a politician nor a lawyer. I am just thinking aloud about an important problem.

Lawyers will see this situation differently, of course. According to current law you cannot exact a criminal sentence of murder on someone for deaths that have not yet happened, and might not happen if – despite GW deniers – governments and people act to stop GW. Even conspiracy to murder depends on intent to murder, which clearly does not exist in this case. Then there is the question of in which judicial system someone could be tried and prosecuted. Given that the alleged victims of the criminal act are not confined to the country in which the GW denier lives, but are all over the world, then only an international court (perhaps the International Criminal Court) would do. I guess that right

now there is no existing law, either national or international, under which such a prosecution could be pursued. Given the overriding importance of GW (just about everything else that we hold dear depends on it), I am proposing with this text a legal change that will make the criminal trial of GW deniers possible.

In such a trial, ignorance of scientific research would be no excuse. There is clear evidence that unprotected sex is causing the deaths of ten millions, and that GW deniers are causing the deaths of hundreds of millions. This evidence is freely available and constantly in the media. If the legal change that I am envisaging comes about, a future court of law will not accept the claim that the culprits simply did not know about this research.

Consequences

If my argument is correct, it has clear political consequences. Here is a scenario for what might happen if my argument is broadly accepted, both democratically and politically.

*The universal declaration of human rights and every national constitution would be amended to include the rights of future generations. Incidentally, that would also make national debts illegal, because they oblige future generations to pay them. Getting rid of national debts would in turn solve an important aspect of the "global financial crisis" (more), which currently belongs to the list of common excuses for not investing money in the prevention of GW.

*The proposed legal change would be announced and widely publicized for an extended period before it came into force. During that time, GW deniers would have a chance to change their ways and escape punishment.

*The police would start to identify the most influential GW deniers who had not responded to the changed legal situation. These individuals would then be charged and brought to justice.

If a jury of suitably qualified scientists estimated that a given GW denier had already, with high probability (say 95%), caused the deaths of over one million future people, then s/he would be sentenced to death. The sentence would then be commuted to life imprisonment if the accused admitted their mistake, demonstrated genuine regret, AND participated significantly and positively over a long period in programs to reduce the effects of GW (from jail) – using much the same means that were previously used to spread the message of denial. At the end of that process, some GW deniers would never admit their mistake and as a result they would be executed. Perhaps that would be the only way to stop the rest of them. The death penalty would have been justified in terms of the enormous numbers of saved future lives.

Outlook

Right now, in the year 2012, these ideas will seem quite crazy to most people. People will be saying that Parncutt has finally lost it. But there is already enough evidence on the table to allow me to make the following prediction: If someone found this document in the year 2050 and published it, it would find general support and admiration. People would say I was courageous to write the truth, for a change. Who knows, perhaps the Pope would even turn me into a saint. Presumably there will still be a Pope, and maybe by then he will even have realised that condoms are not such a bad thing! And by the way 2050 is rather soon. Most people reading this text will still be alive then.

I don't want to be a saint. I would just like my grandchildren and great grandchildren, and the human race in general, to enjoy the world that I have enjoyed, as much as I have enjoyed it. And to achieve that goal I think it is justified for a few heads to roll. Does that make me crazy? I don't think so. I am certainly far less crazy than those people today who are in favor of the death penalty for everyday cases of murder, in my opinion. And like them I have freedom of speech, which is a very valuable thing.

This page is inspired by the project Establishing Crimes Against Future Generations by the World Future Council. Please support the work of the World Future Council!

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The World Future Council

Here at the World Future Council we endeavor to bring the interests of future generations to the centre of policy making. We inform policy makers about future just policies and advise them on how to implement these. Political solutions for the challenges of our time exist.

UN Climate Conference COP18

Launch of WFC report: Feed-in Tariff Policies best tool to unlock renewable energy potential in Africa

6th Annual General Meeting of the WFC

Securing our World: Council adopts Work Programme for 2013

At the invitation of Abu Dhabi businessman and visionary Abdul Majeed Al Fahim, the Annual General Meeting of the World Future Council was held in the Arab world for the first time. The 2013 work programme of the Commissions Future Justice, Climate and Energy, Sustainable Ecosystems, Sustainable Economy and Peace and Disarmament was adopted unanimously. On the initiative of council members Dr. Scilla Elworthy and Dr. Rama Mani, a new "Circle of Vision and Ethics" was formed with the aim to investigate how psychology, communication and spirituality can contribute to creating a more ethical, equitable and sustainable world. "We will continue working with all our power to ensure that the rights of future generations are respected worldwide," stressed WFC Founder Jakob von Uexkull. "A quick change of course is an absolute prerequisite to prevent the impending consequences of unchecked climate change."

The opinions expressed on this page are the personal opinions of the author. I thank John Sloboda for suggestions, and further suggestions are welcome.

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UPDATE Professor Parncutt has taken down and re-written his death-penalty for sceptics manifesto. See the new version here; the original you can still read it; WUWT has a discussion too; on** 29 December 2012: **Prof. Parncutt has backed down and apologised .

UPDATE: The University of Graz has issued the following statement:

Die Karl-Franzens-Universität Graz ist bestürzt und entsetzt über die Ansicht und distanziert sich davon klar und deutlich. Die Universität legt größten Wert, dass die Wahrung aller Menschenrechte zu den obersten Prinzipien der Universität Graz gehört und menschenverachtende Aussagen mit aller Entschiedenheit zurückgewiesen werden. Die Universität weist zusätzlich mit Nachdruck darauf hin, dass eine rein persönliche Ansicht, die nicht im Zusammenhang mit der wissenschaftlichen Arbeit steht, auf universitären Webseiten nicht toleriert wird.

*

The University of Graz is shocked and appalled by the article und rejects its arguments entirely. The University places considerable importance on respecting all human rights and does not accept inhuman statements. Furthermore, the University of Graz points out clearly that a personal and individual opinion which is not related to scientific work cannot be tolerated on websites of the University.

Helmut Konrad

Dean, Faculty of Humanities and the Arts

Global Warming

I wish to apologize publicly to all those who were offended by texts that were previously posted at this address. I made claims that were incorrect and comparisons that were completely inappropriate, which I deeply regret. I alone am entirely responsible for the content of those texts, which I hereby withdraw in their entirety. I would also like to thank all those who took the time and trouble to share their thoughts in emails.

In October 2012, I wrote the following on this page: "I have always been opposed to the death penalty in all cases, and I have always supported the clear and consistent stand of Amnesty International on this issue. The death penalty is barbaric, racist, expensive, and is often applied by mistake." I wish to confirm that this is indeed my opinion. More generally, all human beings in all places and at all times have equal rights. I have been a member and financial supporter of Amnesty International for at least 18 years, and I admire and support their universal, altruistic approach to defending human rights.

Richard Parncutt,
27-28 December 2012
The opinions expressed on this page are the personal opinions of the author.

PRIME UGLIES AT WORK

Fredrick Töben comments on: 'I don't wish to receive it'!

So-called 'Global Warming Deniers' who dare question aspects of global warming – GW, must now surely be thinking about what has happened to the scientific method of eliciting objective knowledge. Remember, the Talmudic-Marxists laid out dialectic materialism as a scientific dogma, and some such inspired intellectuals, such as the East German Georg Klaus, attempted to reduce logic to one of Marxist's prime pillar: class thinking. Those individuals who refused to conform to this dogma and still claimed that logic-is-logic and thus independent of any class bias, were branded 'Revisionists'. They were then summarily dealt with by the law enforcers of the 'workers' paradise to re-education centres, which is still the case in Communist China where individuals who refuse to accept Chairman Mao's infinite wisdom, are physically shown the error of their ways.

Professor Richard Parncutt must be congratulated for his honesty in formulating a process of elimination that Revisionists have personally experienced in our so-called western democracies where freedom of expression is a sacred pillar of any intellectual endeavour.

In particular Holocaust Revisionists know that Jews have been in the forefront in this global attack on stifling any open debate on matters Holocaust-Shoah.

My particular example is journalist Jeremy Jones who since 1996 did everything he could to shut down open debate on matters Holocaust-Shoah in Australia – using all legal means at his disposal, which is his right, of course, and he never failed to stress this – all the while smearing me in the media.

There are two ways of killing an opponent: with a gun or by taking him through the legal system. Jones did the latter – and succeeded, i.e. if my personal bankruptcy is considered to be a kind of death.

The fear that is driving Jones is, of course, imbued with outright dishonesty. He knows very well that what is sold to the public as an official Holocaust-Shoah narrative is full of lies that are now legally protected. But his state of mind is also in a bind, which I attribute to his being ignorant of the physical facts of the Holocaust-Shoah narrative, a liar, or both.

It's only relatively recently that if anyone mounts a legal challenge about an issue that such an 'Applicant' needs to write to the person 'Respondent' a 'Genuine Steps Statement', i.e. to show the Applicant has taken genuine steps to resolve this matter by writing a letter to the Respondent. Such a statement enables basic moral considerations to be brought into an otherwise purely legal dispute.

Jones never had to do that because he never wanted to settle anything at all. His aim has always been immediately to initiate costly legal action in an attempt to silence his critics. He was never interested in settling a dispute but aimed to take matters 'Holocaust-Shoah' out of public discourse.

However, his public utterances, always hypocritical and self-serving, smeared me with the usual words, 'hater', 'Holocaust denier', 'antisemite', 'racist', 'Nazi', et al.

The Last Word: Contempt for Truth

Jeremy Jones, 31 August 2009

Fredrick Toben is in an Australian jail, for continuous, contumacious contempt of court. He has a record of more than 15 years of promoting the fiction that Jews, academics, politicians and others conspired to hoodwink the rest of the world to believe that the Nazis and their collaborators murdered approximately six million Jews during the Holocaust.

But it was his refusal to abide by the orders of the Federal Court which was the proximate cause of his incarceration. Unlike the other individuals who have been ordered by Australian courts to cease diminishing the rights of other Australians to live their lives free of harassment, insult and vilification, **Fredrick Toben seemed determined to bring punishment upon himself by flaunting the very gentle "penalty" of being directed to obey this country's laws.**

Holocaust denial was not the only strand of antisemitism within the publications of Toben's blandly titled "Adelaide Institute". At various times, he promoted the view that there was never a "Russian Revolution" – but rather a Jewish takeover of Russia. Another recurring Adelaide Institute theme is that Jews, no matter what stream of Judaism they identify with, or how secular, religiously or culturally-disengaged they may be, are automatically and existentially opposed to non-Jews due to the pervasive influence of the Talmud, a body of work the Adelaide Institute neither understood nor sought to understand. One of the justifications Toben gave for his campaign of assault on history and human decency was the claim that understanding of the Nazi Genocide was not merely one reason some people have sympathy for Israel, but that Israel could not survive if the world accepted his proposition that the Shoah was a mass fraud perpetrated on humanity.

This contention brought Toben invitations to speak at Iranian academic institutions and to extremists in Indonesia.

Toben is in prison, but another individual who has spent decades promoting vicious myths has been elected to the decision-making body of the Fatah movement.

Uri Davis, the man who has the dubious distinction of being the best-known and longest-acting promoter of the claim that Israel practices apartheid, also has the distinction of being simultaneously a Muslim convert and being described in the media as the "first Jew" to serve on the Fatah Council.

I met Uri Davis on the first day of the infamous NGO Forum preceding the UN World Conference Against Racism in Durban in 2001.

While having a friendly discussion with a dedicated left-wing activist I had met a few year earlier, a scruffy man with an arrogant demeanour walked up to us and after a brief first-name introduction started telling us that he and his colleagues were going to "use the Holocaust".

When pressed, he recommended we come to the session on antisemitism and see for ourselves.

As a speaker, I was already committed to be at that session and saw first-hand what Davis meant.

After the speakers had presented, and after a delay caused by an attempt to violently disrupt proceedings, the session broke up into working groups. I went from group to group to answer questions on my paper and to assist in drafting resolutions.

Davis was there, arguing that antisemitism was irrelevant and opposing Holocaust commemorations.

His "compromise" point was to commemorate "holocausts", including the one he and his motley crew of mainly South African followers claimed Israel either had committed or was in the process of committing.

When he was out-voted, he mockingly stated that he had the overwhelming backing of the most influential people at the NGO Conference – a fact that, while true, was hardly a feather in his hat.

Fredrick Toben has not been promoted to the pantheon of martyrs to the cause of free speech, as Australians have too much common sense and decency to fall for that furphy.

But amongst those who have railed against his imprisonment have been some of the most prominent anti-Israel campaigners, who seem to think any antisemite is a natural ally and any acceptance of the Shoah as reality weakens their cause.

No one should be surprised.

http://www.aijac.org.au/news/article/thelastword-contempt-for-truth

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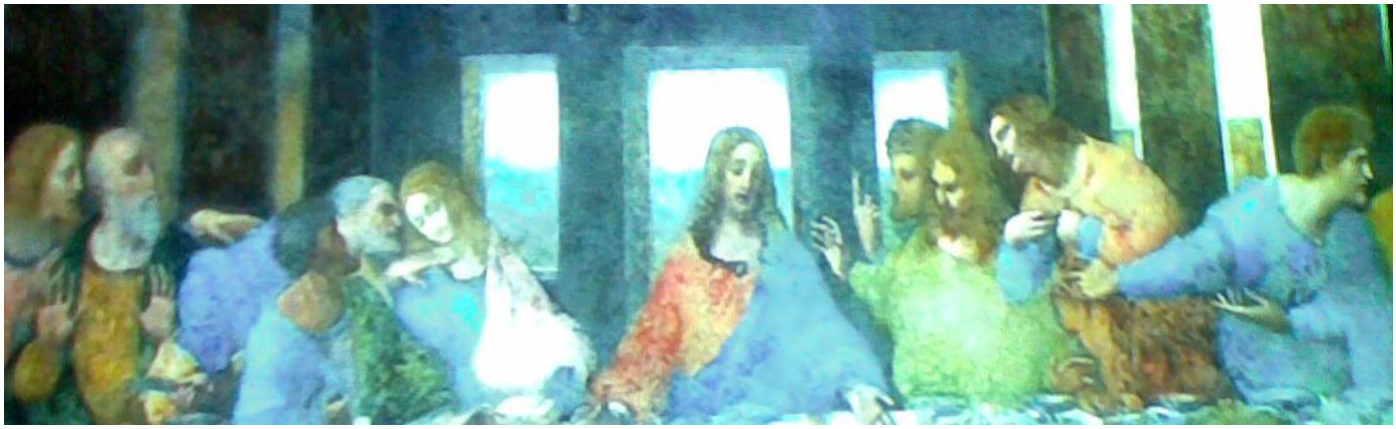
*TRUTH IS MY DEFENCE *



During the late 1990s both Mrs Olga Scully and I walked out of the Human Rights and Equal Opportunity Commission's hearing that Jones, et al, initiated against us. The reason was a simple one. We asked the HREOC commissioners whether TRUTH was a defence. Both refused to give us clear answers – and so because we view truth as a moral value, we could not continue to attend the hearings because where truth is no defence, lies prevail and so contaminate the proceedings, which then degenerate into immoral proceedings.

In the above article Jones makes out he embraces truth when the fact is clear: he hates the truth and will do anything to prevent it from emerging, especially in matters Holocaust-Shoah.

His whimperish trick to claim hurt feelings is just as dishonest as not wishing to investigate the truth-content of the official Holocaust narrative. But he continues to defame those, and the Germans who still want to be Germans, with that slippery concept 'antisemite'.

Now, last year when I had the good fortune of finding a legal person who was prepared at least to give it a go and legally retaliate, the good Mr Jeremy Sean Jones didn't like it one bit, especially not when he received a visit from a process server at Jones' place of work whose task it was to deliver my legal summons to Jones.

It was difficult to ascertain on which level Jones' office was located, but when finally with a stroke of luck it transpired that it was the 6th floor the process server entered a large room and saw an old man sitting at a desk, nodding on-and-off. When asked where Mr Jones could be found he pointed to a closed door. The process server reports:

*

3. At the time of service I identified the person I served as Jeremy Sean Jones by reason of the fact:

3.1 I said: 'Jeremy Sean Jones?'

3.2 He said: 'Yes, what do you want.'

3.3 I said: 'I have legal documents here from the Federal Court of South Australia.'

3.4 The defendant refused to accept them saying: 'I don't wish to receive it.'

3.5 I said: 'The documents have been served. I'll put them here on your desk.'

I then placed the documents on the respondent's desk and said: 'You have been served.'

*

As the process server left the room he could hear Jones rushing out of his office then loudly berating the old man for having given away the locating of Jones' office.

This is typical of a person who grew up playing the victim role for profit, but when given the opportunity to be honest and to tell the truth about matters Holocaust-Shoah behaves like a tyrant and calls in the big legal guns to shoot down anyone who asks for the physical evidence that would support the wildly irrational and fictitious narrative.

But I am advised that is how the show is run in Sydney – you come with two lawyers and they come with twenty. Then again, today's business and political world always has a legal team at the ready. In fact, legal eagles saturate our free and democratic western world.

Still, in Germany there are Mittelstand businesses where a handshake seals deals. Kaminski, I think though, would agree with Goebbels' expressed sentiment. Unfortunately, it trivialises matters when someone claims Jews have a monopoly on lying.

One point about that Durban, South Africa, 28 August-7 September 2001 UN conference on Racism, Xenophobia, and related Prejudices, when just four days after the 9/11 tragedy happened.

Jones does not mention the fact that at the conclusion of the conference Israel stood condemned as an apartheid, racist, Zionist terrorist state.

After 9/11 the western world condemned the Muslim world, the religion of Islam as a fountain of terrorism – and this has continued to date, though now Jews are in the forefront of building bridges between various Muslim political organisations.

Interestingly, in Australia the Friends of Palestine organisation is run by Jews who ensure that the hypothesis ZIONISM=NAZISM is developed, and that matters Holocaust-Shoah are not used as Jones indicates in the above article happened during the Durban conference.

Anyone who attends such organisations is scrutinized about their belief on matters Holocaust-Shoah, and any dissent from the party-line is not tolerated.

Such is the meticulous attention to detail in matters Holocaust-Shoah lies, and Palestinian Australians are letting themselves be bullied into accepting this view-point.

I don't think history repeats itself in absolute detail but in broad outline we are again having the world agitate for a common scapegoat that has thrown caution to the wind and begun to make wild claims on those whom Talmud designates as Goyim - cattle.

Judaism will survive because it is a religious idea whereas there was no such thing as 'Hitlerism', except in the propaganda sense driven by the All-lies. The question to ask is this: Will the Jewish state of Israel survive?

Note how already the ship-jumpers are designating Israel as a mere Zionist entity when its prime minister has clearly stated it is a Jewish country, the physical homeland of the religious Jewish people.

Never mind that none other than Arnold Toynbee predicted it was a grave error for the Jewish leaders to seek a physical homeland

because then the religious person is confronted with physical reality, while the religious comfortably remains in the realm of belief and dogma.

But, again, that was the logical outcome of playing the racist and ethnic card for physical identification purposes. It is thus little wonder that anyone who is taken under the Racial Discrimination Act to court need not prove racial identity as such. Then when it gets to evidence all that matters is that what is complained about has caused hurt feelings. It's as simple as that.

That such legal processes are conducted under the Human Rights concept is all the more disturbing because only the aggrieved complainant is given any kind of rights while the offending respondent receives punishment!

Finally, anyone who hypothesises ZIONISM = NAZISM is ignorant of the fundamentals that separated the German from those who claimed to be Jews, one being that Germans did not favour the barbaric child sexual abuse practice of circumcision, and refused to permit kosher slaughter, and also between a loving man and woman there was no hole in the sheet.

'To continually assert, as Töben does throughout the case, that "truth is the defence" (McEvoy, 2000, sec 1.2) is to miss the point.'- M W King

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FREEDOM OF SPEECH FOR WHOM?
Free Speech, Hate Speech, and the Fredrick Töben Case

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The challenge posed by hate speech to liberal conceptions of freedom of speech is evident in the quantity of passionate debate generated by issues related to freedom of expression. Although it does not have an especially prominent history in Australia, the unique issues raised by Holocaust denial to free speech principles have recently garnered the attentions of the popular media and Australian academia, due to the activities of Dr Fredrick Toben and his website the Adelaide Institute. That case will be a particular focus of this paper.

On the thirteenth of August, 2009, Toben was sentenced to three months gaol by the Federal Court of Australia for contempt of court in relation to material published on the Adelaide Institute website. The gaol term was the eventual result of a sustained period of non-compliance with the Court's 2002 order to remove racially offensive material from his website (Australian Associated Press, 2009), following a Human Rights and Equal Opportunity Commission (HREOC) (now the Australian Human Rights Commission) ruling in October 2000. While the court was eager to point out that the gaol term was a result of Toben's non-compliance (rather than any specific content based censure of his speech), it essentially amounted to him being the first person in Australia to serve gaol time as a result of Commonwealth anti-vilification laws, in this case as an application of the Racial Discrimination Act 1975 (RDA). The case was also considered a landmark as it was the "first to apply the RDA's racial vilification provisions to use of the internet" (Human Rights and Equal Opportunity Commission, 2007). Toben and his supporters have been quick to play the "free speech" card (Adelaide Institute, 2009; McEvoy, 2000). Toben claims to be a "revisionist" in search of the truth, and that he has a democratic right to do so as part of his "independent research...into an important historical and sociological issue (McEvoy, 2000, Sec 4.1)."

In an interview closely following the decision, prominent Australian free speech academics Adrienne Stone and Katharine Gelber outlined the two typical approaches to contested speech of this kind (Radio National, 2009). The first is the view that principles of freedom of expression should take precedence over the temptation to censor, and require us to tolerate instances of Holocaust denial in observance of the greater value of overarching free speech principles. This view is dominant among civil libertarians who couch it in the classical Millian mould (Appiegnesi, 2005; Telegraph View, 2008) and notably in the tradition of First Amendment jurisprudence emanating from United States (U.S.) constitutional theory. In general, this approach is characterised by a "sticks and stones" philosophy, that being, that speech cannot be thought of as directly harmful in and of itself, and thus regulation cannot be justified no matter how offensive the content of the speech.

The second approach is the less dominant view that "this kind of highly offensive, untrue material, levelled at someone because of their race, ethnicity...(etc) is not valuable in free speech terms...indeed it might even undermine those values which freedom of expression is directed to" (Radio National, 2009). The case for this view has been gathering momentum over the last few decades on the strength of arguments from Critical Race Theorists such as Richard Delgado (R. Delgado, 1982) and Mari Matsuda (Matsuda, 1988-1989), feminist theorist Catharine MacKinnon (MacKinnon, 1993), and legal theorist Owen Fiss (Fiss,

1996). Fundamental to this view is that speech cannot only be tangibly harmful in a personal or group sense, but it can lead to minorities being excluded, or "silenced", in public debate, thus harming the overall condition of the free speech market. A "sticks and stones" approach fails to sufficiently recognise the absence of substantive, rather than just formal, equality in the speech market that would be favourable to realising a condition of free speech in the truest sense.

In the context of those competing approaches, I will assess Toben's speech by looking to Caroline West and David Braddon-Mitchell's post-Millian conception of free speech as a "social condition."

The view of free speech as a social condition has been emerging in Australia since the Nationwide News v Wills (1992) (Hill, 2007, p. 93) in which free speech is conceived of not simply as maximising free flow of speech. In this approach, the boundaries of free speech are demarcated by the best justifications for the speech; free speech is "patrolled by principles that are connected to the very point of having free speech in society...free speech is what is justified by its best justifications" (Braddon-Mitchell & West, 2004, p. 437). Braddon-Mitchell and West qualify the need for free flow of speech by asserting free flow is only valuable "insofar as it is justified by truth" (Braddon- Mitchell & West, 2004, p. 442), and that "(a) speech act only becomes an act of free speech when it promotes the overall condition" (Braddon-Mitchell & West, 2004, p. 459 in Hill, 2007, p. 93).

LIBERAL JUSTIFICATIONS FOR FREEDOM OF SPEECH - A SOCIAL CONDITION APPROACH?

A diverse approach is often evident in attempts to justify freedom of speech. As West and Braddon-Mitchell point out, this is not necessarily a bad thing (see also Scanlon, 1972, p. 209). They argue that free speech is "whatever natural social kind is justified by the best arguments" (Braddon- Mitchell & West, 2004, p. 437). In other words they see free speech as only valuable as a concept, in fact existing as a concept, insofar as it is related to the best justification of that speech, and hence "propose to identify free speech with those conditions that best serve the ends of the classical justifications of 'free speech'" (p. 438). That is, that advocacy of 'free speech' does not imply a blanket assertion of the value of unmitigated flow of speech, but connects a commitment to free speech to the very reasons we value the concept in the first place (reasons that I will explore below).

Speech is a "social condition rather than a set of rights" (Braddon-Mitchell & West, 2004, p. 439). Rather than a rigidly defined set of principles, the social condition approach recognises the complex interplay between the many competing arguments regarding free speech, and that none of these principles can be absolute. When assessing whether someone has a right to free speech we may take into account "the extent to which the protection of the other interest itself (freedom of expression) enhances the ability of the Australian people to enjoy their democratic rights and privileges" (Nationwide News v Wills, 1992 in Hill, 2007). For example, a condition in which people are encouraged and able to submit their investigations to the scrutiny of peer reviewed journals could be seen as beneficial to the social condition of free speech, whereas a climate in which unsubstantiated claims dominated public discourse could be seen as very much less conducive to the underlying goals of having free speech in society. Viewing free speech as a social condition recognises that the benefits of free speech are not brought about by simply maximising its flow.

Liberal Free Speech Models

The three major justifications for freedom of speech in liberal polities can be summarised as: the argument from rights (autonomy/self fulfilment); the argument from truth ("marketplace of ideas"); and the argument from democracy (Barendt, 1985; Schauer, 1982). The first is an example of a deontological theory. Rights justifications of speech stress speech as good in itself, as an end rather than a means. The second and third, as consequentialist theories, argue in favour of free speech on the grounds that it leads to desirable consequences, or enables the attainment of some social good.

The argument from truth, or "marketplace of ideas" justification, sees the search for truth in social discourse as best served by an unrestricted speech "market," and exerts a confidence that truth will triumph over error under these conditions. The argument from democracy, most famously made by U.S. First Amendment advocate Alexander Meiklejohn (Meiklejohn, 1972), sees freedom of speech as essential to the functioning of self-government.

It is arguable that neither consequentialist nor rights arguments are sufficient on their own to deal with the complexity of problems that are encountered in the debates regarding free speech. An absolute adherence to any of these principles to the exclusion of all others quickly generates exceptions. For example there may be a point where even in a democracy you must censor speech that threatens or undermines the system of democracy itself. Even in the US, where speech is offered substantive constitutional protection under the First Amendment, exceptions are generated in line with social and political norms. Obscenity, commercial speech and defamatory speech are still unprotected under the near absolutist protection of the First Amendment (Cohen, 2008), as well

as some forms of terrorist advocacy in the wake of the U.S. response to September 11 (Healy, 2008). What is considered protected speech and what is not is thus subject not to a single set of unchanging legal principles, but to an ongoing process of social debate with regard to what is and what isn't "free speech."

Given the limited space afforded here and the nature of the case at hand, I will move straight on to a discussion of the most relevant underlying justification for a free speech principle, J.S. Mill's case for freedom of thought and discussion.

Mill's Case for Freedom of Thought and Discussion

The classic civil libertarian case for freedom of thought and expression, made most prominently by Mill, persists in contemporary political discourse (Gelber, 2002, p. 29), and is identified by Eric Barendt as "historically the most durable argument for a free speech principle" (Barendt, 1985, p. 8). It is even more relevant here for the fact that it has commonly been cited in connection with the various trials and tribulations of Holocaust deniers in the international arena, predictably by their supporters (for example see Australian Civil Liberties Union, 2000), but certainly not exclusively.

The general spirit of the argument, as Schauer summarises, is that "(o)pen discussion, free exchange of ideas, freedom of enquiry, and freedom to criticise...are necessary conditions for the effective functioning of the process of searching for truth" (Schauer, 1982, p. 15).

Broadly speaking, Mill's arguments in On Liberty are concerned on a philosophical and political level with the proper limits of government intervention into the lives of citizens (Brink, 2007, Sec 3.1). The more general argument for freedom of governmental interference, the 'minimal state' envisioned by Mill, is implicit in arguments regarding freedom of speech, as well as Mill's well known fears regarding the potential negative effects of the majority silencing the minority in democratic polities (Bracken, 1994, p. 11). While not an absolute defence of freedom of speech, Mill's is the most defensible extreme liberal position. Mill demands "absolute freedom of opinion and sentiment on all subjects, practical or speculative, scientific, moral or theological" (OL I, 12).

When coupled with Mill's "harm principle," the presumption against governmental interference in the public sphere to the point of harm to another, this provides the basis for the civil libertarian defence of freedom of speech.

Mill provides two powerful general arguments for why society is not justified in silencing an individual opinion, whatever it may be. The first is a class of reasoning relating to the general progress of truth and knowledge (Brink, 2007, Sec. 3.3). If a suppressed opinion is in fact true, or partly true we "are deprived of exchanging truth for error" (OL II, 1). This reasoning "represent(s) freedom of expression as instrumentally valuable; it is valuable, not in itself, but as the most reliable means of producing something else that Mill assumes is valuable (either extrinsically or intrinsically), namely, true belief" (Brink, 2007, Sec. 3.3).

Secondly, the knowledge we do have will become stronger and more resilient for having been continually tested by arguments to the contrary; people will come to know the basis of their beliefs rather than perpetuating them dogmatically in an unquestioned chain of received wisdom (OL II, 1,22-30); "however true it (an opinion) may be, if it is not fully, frequently and fearlessly discussed, it will be held as a dead dogma, not a living truth" (OL II, 20). If we do not know the grounds of our opinions, and are not able to defend or explain them in the face of dissent or argument, then they cease to be reasoned opinions and instead become beliefs based on faith. Once an opinion or body of knowledge becomes deified or beyond reproach, the "living power", or "living apprehension" of the truth begins to fade (OL II, 26, 30). While it may seem wasteful to have to continually defend known truths, it is argued that this disadvantage is ultimately offset by the condition of knowing the basis of assumed truths in order that they may continue on foundations of reasoning rather than assumption.

Central to Mill's defence of dissenting opinions, and explicit throughout OL is the concept of fallibilism (Skorupski, 1989, p. 376). Essentially this forms an argument against censorship for the reason that, while there are some things we are very sure about, no one human being, or group of human beings, is infallible. This is especially true in the areas of politics and morality, where there are more often than not good and bad arguments rather than absolute truths and untruths. Political arguments are rarely falsifiable in the way that scientific hypotheses are. Therefore in order to justify acting on our opinions we must open them to the widest possible scrutiny. While this of course does not attain surety, it is through this process that we get as close as we can hope to come.

This is Mill's line of argument when he states: To refuse a hearing to an opinion, because they are sure that it is false, is to assume that their certainty is the same thing as absolute certainty. All silencing of discussion is an assumption of infallibility (OL II, 3). No person or group thus has the "authority to decide the question for all mankind" (OL II, 3). This is especially relevant with respect to governance, or any sphere in which one holds pretensions of deciding moral and political truths in the interests of others.

One more point of Mill's against censorship is important to how we

view the argument from truth. Mill views censorship as dangerous for the additional reason that it does not just suppress an idea in a single or individual case, but leads more generally to a depressed intellectual climate. A society in which people's ideas are regularly censored may be one in which they fear to air their views. This would have a detrimental effect on the search for truth because it is inferred that finding the truth is best served through an adversarial process, where opposing ideas can clash publicly, with truth winning out (Goldman & Cox, 1996, pp. 29-30). In other words, it is not just, or even predominantly, the censored that suffer from suppression of discussion, but the public as a whole (OL II, 19).

Mill's Concept of Speech Related Harm

While Mill is forthright in his advocacy for freedom of thought and discussion, he does impose limits on the extent of this freedom. These are in line with his harm principle; "That the only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others" (OL I, 9). Mill saw the harm principle as "the only valid principle for determining legitimate invasions of liberty, so that no conduct that fails to satisfy its terms can properly be made criminal" (Feinberg, 1984, p. 11). Mill explicitly states that the freedom to discuss should almost be comparable to the freedom to think (OL I, 12). All speech is tolerated up to the point of incitement, when an act of speech ceases to be merely an assertion of opinion or a truth claim, and takes on immediately harmful qualities owing to the context in which it is performed. Mill's classic example in the opening paragraphs of OL's third chapter, is that of an expression of an opinion to an excited mob, that can be more or less reasonably assumed to take the speech less as an attempt to contribute to discussion on a controversial issue, and more an provocation to act in line with that opinion in a way that is harmful; Whenever, in short, there is a definite damage, or a definite risk of damage, either to an individual or to the public, the case is taken out of the province of liberty, and placed into that of morality or law. (OL, III, 1)

So Mill's doctrine is not an absolutist libertarian defence of free speech. Mill does not hold that freedom of discussion in the search of truth is a value above all else. Importantly, offence is not included in this formulation, in fact Mill specifically speaks against offense as harm and therefore as a reason to censor (Tucker, 1985, p. 129). The distinction between offence and harm has thus traditionally become a key one in free speech debates, as does defining harm and the ways in which speech may harm. A major problem in the discussion of hate speech and free speech is that it is evident there are different kinds of harm that can and do flow from speech that is not so obviously incitement as per the Millian conception. Whether or not it is wise to broaden the definition of speech-related harm above and beyond this Millian formulation is thus recurrent in contemporary debates surrounding hate speech. How we define the way in which speech can harm, and the challenge this poses to Mill's liberal conception of free speech, will be the subject of the following section.

THE EMERGENT CRITIQUE OF LIBERALISM AND SPEECH THAT HARMS

I will now discuss one major aspect of the challenge to the Millian liberal "marketplace of ideas" defence of unregulated speech. It is argued that by condoning a "free" speech market, sufficient weight is not given to the fact that an unregulated speech market is far from a level playing field. Free flow of speech is not necessarily conducive to optimising the social condition of free speech.

Critical Race Theory

The work of Critical Race theorists that has been developing since the mid-1970's and is central to the critique of liberalism and the arguments attempting to define and regulate hate speech. Critical race theorists posit that a liberal framework is inadequate, as it refuses to look at issues of race and the role that prejudice, especially of the less overt or "everyday" kind, plays in the social, political and economic outcomes in our society. The "colour blindness" of the law may lead to a sense of formal, but not substantive, equality (R. Delgado & Setefancic, 2001, pp. 21-23). Mari Matsuda implores us to ponder the fact that the "places where the law does not go to redress harm" in liberal societies, "tend to be the places where women, children, people of colour, and poor people live" (Matsuda, 1988-1989, p. 2322). For instance, Delgado and Stefancic ask us to "think how our system applauds affording everyone equality of opportunity, but resists programs that assure equality of results" (R. Delgado & Setefancic, 2001, p. 22). Substantive, not formal, equality in all aspects of society is one of the goals of critical race theory.

In terms of speech, this approach may make us reconsider exactly how the concepts of race and racial stereotyping play out in a free speech "market." Are stereotypes and insults always open to redress through rational argument, through more speech in the spirit of open discussion? Can we ignore the fact that to "freely discuss" certain things may involve harmful speech that perpetuates discrimination against people? Delgado and Stefancic argue; How can one talk back to messages, scripts, and stereotypes that are imbedded in the minds of one's fellow citizens...the idea that one can use words to undo the meaning that others attach to these very same words is to commit the empathetic fallacy – the belief that one can change a narrative by merely

offering another, better one – that the reader or listeners empathy will quickly and reliably take over (R. Delgado & Setefancic, 2001, p. 28)

Given the long history of anti-Semitism in Western societies, and the imposing legacy of the Nazi Holocaust, it could be argued that the suggestion of these stereotypes could do damage that is not redressable by more speech; by simply making a better argument or educating people regarding the known facts. The speech could be seen to act to preclude a rational response, silencing the target group, as well as being harmful in the long term. As Brison argues, "(s)ome speech functions something more like a slap in the face than an invitation to dialogue. It is a kind of 'pre-emptive strike' that precludes any rational reply" (Brison, 1998b, p. 44).

Hate Speech

The term "hate speech" has been variously defined by authors. Gelber and Stone emphasise that the speech targets or refers to specific social groups (Gelber & Stone, 2007), as well as the fact that the force of the utterance acts to perpetuate discrimination (Gelber, 2002b, p. 69). Sometimes referred to as a form of "low-value" speech, it can be summarised as a form of "highly offensive speech that vilifies, insults, or stigmatises an individual on the basis of race, ethnicity, national origin, religion, gender, age, handicap, or sexual orientation" (Sharman, 1994-1995, p. 324). Importantly for this debate, Delgado and Stefancic emphasise that hate speech is not necessarily of the most obvious kind, such as a racial epithet directed to the face of a victim. Hate speech takes many less overt forms and the damage may not be immediately obvious, for example:

…a learned address by an educated bigot explaining why blacks or Jews cannot advance beyond a certain point – ordinarily does not do immediate damage, even if overheard by one who understands that the passage is about him or her. The harm is long-term, a society internalises and later acts on the message.

More "learned" forms of hate speech have been least studied but have gained attention in recent times, notably for the "effects on the fabric of society and the life chances of the groups it targets" (Richard Delgado & Stefancic, 2004, p. 12). While this may be viewed as difficult to quantify, it is nonetheless important to keep in mind.

The effects of hate speech have been prominently documented. Immediate verbal assaults may cause "rapid breathing, headaches, raised blood pressure, dizziness, rapid pulse rate, drug-taking, risk-taking behaviour, and even suicide" (Matsuda, 1988-1989, p. 2336) (see also R. Delgado, 1982, p. 143). Additionally, hate speech is claimed to cause mental and psychological damage over the long term, and has been observed as creating in victims the characteristics of inferiority designated by the speakers of dominant groups (Richard Delgado & Stefancic, 2004, p. 14). Hate speech is in this way a social aspect of the reproduction of privilege. Verbal "tagging" categorises individuals into members of groups that are assumed to share equally in the negative traits assigned to them. In this way negative racial generalisations may have the effect of precluding neutral interaction between racial groups, inducing irrational suspicion and prejudicing relationships before they begin (R. Delgado, 1982, p. 137; Matsuda, 1988-1989, p. 2339). As US Judge Easterbrook argued with regard to pornographic depictions of the sexual subordination of women, "depictions of subordination tend to perpetuate subordination. The subordinate status of women in turn leads to affront and lower pay at work, insult and injury at home, battery and rape on the streets" (cited in Hill, 2007, p. 94).

The Free Speech Argument Against Hate Speech

Central to the purposes of this paper is the argument that hate speech may have the effect of "silencing" the victim group. In essence, that by exercising their liberty to speak in a certain way, a speaker may infringe on the possibilities for others to speak. In this situation, the speaker has not given sufficient warrant for the value of equality, which arguably must qualify the free speech value in liberal societies as part of a balance between liberty and authority (to promote the ideal of equality). Kathleen McEvoy referenced such an argument specifically in her decision against Toben, a point that I will address later in my discussion of the case. Catharine MacKinnon makes this "silencing" argument in the context of the competing values of the First and Fourteenth (that provides for equal protection under the law) amendments in the US constitution. MacKinnon's main area of investigation is the silencing effect of pornography, but her argument can be generalised to a certain extent. She argues that a "free market" approach to speech fails to recognise that people do not have equal access to speech, and that some groups disproportionately bear the burden for the principled allowance of many kinds of speech; we need to recognise the fact that "some people get a lot more speech than others" (MacKinnon, 1993, p. 72). There are power asymmetries in the speech market that we must acknowledge in order to gain a full picture of what is going on when we say "free speech";

Speech theory does not disclose or even consider how to deal with power vanquishing powerlessness; it tends to transmute this into truth vanquishing falsehood, meaning what power wins is considered true (MacKinnon, 1993, p. 79).

Taking this into account means that the liberal impulse toward fighting hateful speech with more speech can be seen to underplay the fact that free speech is in actuality somewhat removed from an

idealised and free "marketplace of ideas."

Keeping in mind that one of the main fears of Mill and many other liberals is the silencing of minorities in democratic politics, further weight is given to argument such as those made by Owen Fiss for a "democratic" rather than "libertarian" approach to speech policy (Fiss, 1996). For Fiss, a free market approach to speech "is unable to explain why the interests of speakers should take priority over the interests of those individuals who are discussed in the speech, or who must listen to the speech, when those two sets of interests conflict" (Fiss, 1996, p. 3). Due to the very nature of communication in hate speech cases, it is inescapably the hate-speaker that "shoots first." By default they are initiating a communication on a topic that it can be assumed the subject is not interested in engaging in, or would not initiate a debate about. People should not be expected to launch "pre-emptive strikes" against racial abuse. Fiss sees a limited role for government in "allocat(ing) public resources...to those voices who would not otherwise be heard in the public square. It may even have to silence the voices of some in order to hear the voices of others" (Fiss, 1996, p. 4). That being said, there is no reason to decide in favour of the counter-value of equality as a rule, for this would be "mirroring the error of libertarians who assert the priority of speech" (Fiss, 1996, p. 13).

Speech that Harms

In contrast to the Millian conception, speech can be shown to harm in tangible ways over and above Mill's harm threshold of incitement to a violent act. This can harm people in the immediate sense, and can also be seen to have real negative effects on their life chances. The marketplace of ideas that underlies the social condition of free speech can therefore be a source of harm as well as an effective approach for a vibrant and truth seeking polity. However, it is not only personally and privately that the effects of hate speech are felt. The marketplace of ideas also suffers. Distorted by the silencing effects of hate speech, far from maximising the search for truth, we tend to hear the voices of the people that speak the loudest, or in such as way as to preclude others from speaking. Free speech is not necessarily served by simply maximising the flow of speech. The social condition of free speech, that is, the justifications that underlie the very point of having free speech in society, would better be served by minimising the direct harms of hate speech, and discouraging speech that silences.

HOLOCAUST DENIAL AND THE TOBEN CASE

I will now turn to an analysis of Holocaust denial in specific reference to the Fredrick Toben case in the context of the above discussion. I argue that while many aspects of Mill's approach are convincing and should be retained, the potential for Holocaust denial to be harmful to Jewish people cannot be ignored. This is especially true given the form and context in which Fredrick Toben made his historical claims. While Toben's claims are not justified by truth (see below) and therefore, according to Braddon-Mitchell and West's conception of free speech as a social condition, should not be viewed as within the boundaries of what we call "free speech," I argue that denial of history can be redressed with more speech. However, speech that undermines and discredits minority participation in the speech market cannot. This has the effect of distorting the market of ideas in favour of those that couch their arguments in racialised or hateful terms, and thus is must be seen as harmful to the overall social condition of free speech. I argue that history denial should not be viewed as a sufficient condition to constitute vilification, but the nature of Toben's speech and the rhetoric of the *Adelaide Institute* is such that it should be viewed as harmful and unprotected regardless.

Background

Existing online since 1994, the *Adelaide Institute* tends to construct its activities in the language of democratic rights, intellectual freedom and freedom of speech. Appeals to Voltairean virtues of freedom of discussion, and claims of totalitarian-style persecution and censorship of Toben (the Institute's founder and icon) dominate the site. The *Institute's* main focus is the promotion and glorification of materials questioning the existence or extent of the Holocaust, such as the infamous Faurisson report (asserting the 'impossibility' of there being functional gas chambers at the Nazi concentration camps) – (sic- AI), as well as news of the trials and tribulations of fellow Holocaust deniers around the world. In support of Toben are the aforementioned ACLU, who argue that his speech must be tolerated in the interests of free speech and democracy (Australian Civil Liberties Union, 2000).

The Argument Against Toben

In 1994 Jeremy Jones made a case in the *Australian Journal of Human Rights* to the effect that Holocaust denial should be viewed as "clear and present case of racial vilification" (Jones, 1994).

Drawing on Deborah Lipstadt and others, he argued that "(d)eniers misuse of research and science has an identifiable agenda." Noting laws developed in Germany, Switzerland, France and Austria to combat denial, he stated

The primary motivation for most deniers is anti-Semitism, and for them the Holocaust is an infuriatingly inconvenient fact of history…Holocaust deniers underlying contention is that Jewish people are dishonest, deceitful and perpetrators of massive fraud, and their arguments directly vilify Jewish Australians.

Jones cited incidents such as the desecration of a Perth synagogue with Holocaust denial slogans, and

that "1993 was the first year in which teachers of the history of the Nazi genocide and related subjects reported questioning by students as to the actual occurrence of the Nazi Holocaust and comments intimating a belief that Holocaust deniers had elements of validity (Jones, 1994)" (see also more recently Jones, 2004). Bemoaning the stance of free speech absolutists, he implored "Those who administer racial vilification laws (to) be aware of the necessity of recognising that Holocaust denial is, for the racist of today, as potent a weapon as charges of deicide and witchcraft in past times." After receiving objections regarding Toben's Holocaust denial website from Jewish community members, he filed a complaint with the HREOC in May, 1996, citing section 18C of the RDA ("offensive behaviour because of race, colour or national or ethnic origin").

The exact nature of the complaint against Toben is critical and should not be glossed over. It is far too simplistic to merely reject his speech in view of his associations or his being labelled a Holocaust denier. It is misleading to characterise Toben's activities, or the nature of the speech at issue, merely as "Holocaust denial." To assert that Toben was censured for being a Holocaust denier is, at least in part, incorrect. To continually assert, as Töben does throughout the case, that "truth is the defence" (McEvoy, 2000, sec 1.2) is to miss the point. The fact that something is true does not mean that expressing it could not reasonably be construed as designed to intimidate or humiliate someone. If I were to reveal a fact about someone on the internet (for instance that they had recently been the victim of a sexual assault), this could reasonably be assumed to have the effect of humiliating or intimidating the person, regardless of the relative truth or falsity of the claim.

The disputed speech on Toben's Adelaide Institute is not simply making a historical claim. For example, one excerpt of his allegedly offensive speech reads; "Jews brought forth the homicidal ideology which enveloped half the planet like a cloud of poison gas and killed off a hundred times more than a lousy 6,000,000" (McEvoy, 2000, sec 3.3) (the statement is presumably a reference to the ideology of Communism- note the perverse use of the poison gas simile). I think it is fair to say that when someone publishes a statement such as that, there is an element of rhetoric more complex than simply free speech in the search for truth. The passage goes on to state that the Holocaust is an "evil lie," and to document the "Talmudic habit of deceit and manipulation...the Talmud condones lies, deceit, perjury, brutality, greed, vile obscenities, sodomy, paedophilia, bestiality, hatred of gentiles, Christians in particular, and sadistic killings of Christians simply because they are Christians" (McEvoy, 2000, sec 3.3). To claim in publishing such material that you are interested in generating genuine debate regarding the facts of the Holocaust is disingenuous to say the least, and not just because the statements are untrue. As McEvoy stated in her summary and determination;

Dr Toben spoke in the course of this enquiry of freedom of speech, but it must be acknowledged that the freedom which he seeks in the material which he has published, *deprives others of their freedom of speech, it they are so humiliated and intimidated they are no longer able to access that freedom.* I am satisfied that is one of the consequences of the vilificatory, bullying, insulting, and offensive material contained on Dr Toben's Adelaide Institute website. (My emphasis)

So to claim at this point that Toben was censored for denying the Holocaust is incorrect. In making her determination, Kathleen McEvoy has alluded to the idea that by exercising a speech liberty in a certain way, you may impinge on the liberties of others. By speaking in a certain way you may act to silence.

The HREOC clearly takes the view that the facilitation of truth seeking by free flow of speech is only one of a number of social goods which should be taken into account when assessing contested speech. The offense, insult, humiliation or intimidation of people based on the race, colour or national or ethnic origin of the other person, or of some or all of the people in the group (RDA, IIA, 18C) is also taken into account. The Commission takes its role to be the fair assessment and balancing of these social goods, as McEvoy makes clear: "The "truth" of an assertion made is not the only factor which the legislation requires to be taken into account in making (the) determination. It may well be the case that even if the assertion is "true", it might still bring section 18C into operation" (McEvoy, 2000, sec 2.2.2). This is the case because a truth can still be used to intimidate or humiliate someone. She continues by adding that there is ample breadth for exceptions to 18C offered by the exemption clause 18D. Section 18D provides for a broad range of exceptions, including anything done "reasonably and in good faith" and "in the course of any statement, publication, discussion or debate made or held for any genuine academic, artistic or scientific purpose or any other genuine purpose in the public interest" (RDA, IIA, 18D). This approach by the Commission appears reasonable.

Some ambiguity remains with regard to whether or not you are allowed to assert a certain version of history under the act. The HREOC has no mandate to decide on a version of history for all mankind, and in no way asserts such a mandate, as the Commissioner Kathleen McEvoy states (McEvoy,

2000, sec 2.2.2). There is no official state sanctioned version of history in Australia.

However, by the time the determinations of the HREOC are taken to the Federal Court in 2002 (after Toben's continual refusal to moderate his rhetoric), Toben was ordered to remove within seven days (and restrained from republishing);

(i) the document headed "About the Adelaide Institute";

(ii) any other material with substantially similar content to the document "About the Adelaide Institute"; and

(iii) any other material which conveys the following imputations or any of them -

A there is serious doubt that the Holocaust occurred;

B it is unlikely that there were homicidal gas chambers at Auschwitz;

C Jewish people who are offended by and challenge Holocaust denial are of limited intelligence;

D some Jewish people, for improper purposes, including financial gain, have exaggerated the number of Jews killed during World War II and the circumstances in which they were killed. ("Jones v Toben," 2002)

Points C and D clearly refer to the vilificatory nature of Toben's publications. These are lines of argument that specifically and purposefully degrade Jewish people. Points A and B, however, would appear to be more controversial. The Court is essentially ruling that you cannot, under this interpretation of vilification law, make a historical argument asserting a false version of Holocaust history. We know that the Holocaust occurred, but is it the state's role to enforce an accepted version of history? Can a historical assertion constitute hate speech?

Discussion

These questions are not as difficult to answer as may be so with other cases. With regard to total freedom to assert an opinion on any issue, I think Mill's argument generally stands. Toben should absolutely be able to make any historical claim he wishes. A historical claim is one kind of speech that I would argue can be combated with more speech. The Holocaust is one of, if not the most, documented events in modern history. Historians have nothing to fear in open debate regarding the known facts of the Holocaust. A concerted response from Holocaust scholars to the arguments of deniers has shown that many believe that the best way to counter the historical arguments of deniers is to continually prove their falsity. Prominent texts from Lipstadt (Lipstadt, 1994, 2005), Shermer and Grobmen (Shermer & Grobman, 2000), and Richard Evans (Evans, 2002) have all made highly accessible contributions to defending Holocaust history in response to the challenge posed by Holocaust denial. Shermer and Grobman speak of a "duty to respond," and show a confidence that the "truth will always win out when the evidence is made available for all to see" (Shermer & Grobman, 2000, p. 17). What makes one version of history superior to another is evidence that it is true. In this case, the overwhelming weight of evidence is on the side of the fact of the Holocaust as a historic event. The resurgence of literature defending the history of the Holocaust would appear to be a clear example of Mill's defence of dissenting opinion as serving a purpose (this phenomenon has also been noted by both Dan Meagher and Lawrence MacNamara in relation to the "History Wars" generated in the wake of Keith Windschuttle's *The Fabrication of Aboriginal History* (MacNamara, 2004, p. 361; Meagher, 2005, p. 521)). A confidence can surely be asserted that the truth of the Holocaust will out in open debate over pernicious distortions of history such as those perpetuated by Holocaust deniers, otherwise future generations will have no reason for choosing one version of history over another. There is nothing to be gained by suppressing Holocaust denial that could not be gained by facing and dismantling their arguments.

As much of an affront as the denial of the Holocaust presents, I think if a serious argument is to be found for its regulation, it lies in our appreciation of how words can harm, both in the sense of enacting discrimination, and the way in which certain types of speech can distort the market of ideas. By analysing the contents of the Adelaide Institute website in context we can gauge a lot more than a simple historical assertion. Further to those already discussed, some instances of the speech on Toben's website include: "It appears God has 'chosen' Jews to demonstrate how people should not behave"; that the Protocols of the Elders of Zion are a "faithful documentation of the Judeo-Communist methods of political subversion"; and that the Holocaust is an " "evil lie" used to exploit "moral sensibility", promote "feelings of guilt" and extort money from the US Government and "German taxpayers." The Holocaust, in the views expressed, was designed to "create a guilt complex for Christians" (All quotes taken from McEvoy, 2000). These statements are made, relatively speaking, from a position of power (Toben is a white male and a Doctor of Philosophy), and are not simply true or false statements. They are a public attempt to portray Jewish people as systematically and intrinsically dishonest, profiteering, lying and worthy of derision simply by the fact of their Jewishness. Statements such as these reference an entire history of Jewish stereotyping (see Allport, 1954) in the Western world and cannot be taken as observations regarding historical facts. They recall a history of violence and exclusion of Jewish people, in which stereotyping such as this played a major role. Stereotyping of this nature has in the past been a precursor to dehumanisation and violence

against Jewish people, as identified by Gordon Allport in his classic text *The Nature of Prejudice* (Allport, 1954, pp. 14-15). The fact is that even if the Adelaide Institute's assertions regarding the Holocaust were true, these words would still be considered independently harmful. The force of the "historical claims" on the Adelaide Institute website must be taken in the context of the overall speech situation.

Second to its publicly accessible demonization of Jews, harm is done to the social condition of free speech when people exercise their speech right to undermine the contribution of a targeted minority. This distorts the market of ideas by privileging people that choose to express themselves in such a way as to prejudice any potential reply. This "silencing" effect undermines the market of ideas that is the major justification for free speech. This is explicitly relevant in a case where a major characteristic of the contested speech is an attempt to characterise Jewish people as conspiratorial and dishonest by virtue of their group membership. Rhetoric of this kind can reduce the opportunity for Jewish people to fully participate in Australian public life and in the democratic decision making process. Furthermore, Holocaust denial of this kind is damaging for the fact that it not only robs Jewish people of a shared history in which their very right to life was questioned, it simultaneously precludes a reply in defence of that history by the insinuations of innate dishonesty.

By "shooting first", the hate speaker in this situation gains a rhetorical advantage that is systematically denied, by definition, to the subject of the speech. To assert that the speech on the Adelaide Institute website is an exercise in "free speech" is to ignore the fact that this speech seeks to, and in effect does, reduce and undermine the likelihood that Jewish people can speak freely, or that their speech will be considered.

Having said that, I do make the above argument with some caution. The fact that hate speech cases present such complexity, especially with regard to history denial, means that the potential for a "chilling" effect on speech is a genuine concern. It has been noted by some authors that the harm threshold of the RDA is very low (McNamara, 2002, p. 81; Meagher, 2005, p. 530), and in the event that the complaint is seen as justified by the Commissioner, the burden to prove the "in good faith" requirement falls on the respondent. This would be a heavy burden for many speakers to bear, as Meagher has noted (Meagher, 2005, p. 530). The ability to undertake historical investigation should not be limited by the capacity to defend oneself in the event that you offend someone, although I would argue that it is not unreasonable to expect that researchers be required to defend their claims with evidence should they wish to be viewed as a genuine contributor to public debate.

If we view free speech as social condition, that is, that free speech is that which is "justified by its best justifications" and "patrolled by the principles that are connected to the very point of having free speech in society" (Braddon-Mitchell & West, 2004) it is very difficult to mount a defence of Toben's speech on any grounds. In terms of the "market of ideas" and the argument from truth, the speech is of minimal value (a) because we almost certainly know it is untrue, and (b) it disables rather than enables the market of ideas through precluding a reply. The market of ideas must be seen to operate most effectively when all voices are heard and considered, not the loudest or most derogatory. From a viewpoint of democracy, Toben's speech arguably undermines the "ability of the Australian people (in this case Australian Jews) to enjoy their democratic rights and privileges" ("Nationwide News Ltd v Wills," 1992) by publicly and explicitly undermining the reputation of the group as a whole.

CONCLUSION

This paper has assessed the challenge to the liberal or Millian civil libertarian defence of freedom of speech using a recent case. It has found the potential for speech to harm over and above the point of incitement theorised by Mill. Classic liberal free speech approaches such as Mill's tend to encourage formal rather than substantive equality in the marketplace of ideas. The critique of this conception is premised on the argument that advocating formal equality in the speech market ignores the roles that race, history and power play in "free speech." In keeping with this argument, it was asserted that hate speech can silence minority expression and undermine the potential for their full democratic participation. Taking a view of free speech as a "social condition," I assessed the case of Australian Holocaust denier Fredrick Toben. Through an analysis of the speech of his *Adelaide Institute* website, it was found that the speech was of such a nature as to be clearly detrimental to the social condition of free speech. This assessment was made on the basis of the explicitly anti-Semitic nature of Toben's historical claims, which must be judged as an attempt to enact discrimination against Jewish Australians that can have tangible effects on their standing in the Australian community. Additionally, by aiming to silence a specific minority group, speech of this kind distorts the marketplace of ideas that is the dominant justification underpinning the social condition of free speech.

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Fredrick Töben's brief response:

Besides making basic factual errors in this essay, King is also known to intimidate his students, especially those who ask probing questions. He blocks such challenges with: 'Your question borders on the offensive!'

Why does he rely on such tactics to kill open enquiry? – because King is a morally and intellectually bankrupt coward.

Why does he not accept Professor Robert Faurisson's challenge: 'Show

me or draw me the homicidal gas chambers at Auschwitz?' – because he cannot fulfil this challenge. It's a very simple challenge but Revisionists are still waiting for any Holocaust believer to fulfil this challenge.

Instead, King huffs and puffs and bluffs his way through academia – playing the hurt feeling plea card – but at the same time defaming me and other Revisionists. Why has he not bothered to deliver the physical-factual proof of mass gassings, namely showing us the murder weapon? It allegedly is still at Auschwitz.

Such is the system of academic suppression when it concerns the Holocaust-Shoah narrative.

Remember, it is not good enough to claim that discussing the matter and opening the argument up to a matter of physical evidence causes hurt feelings in Holocaust survivors – it may well do. But so, too, is it hurtful for those who have been accused that their parents committed a horrendous crime, then not given the opportunity of looking into such horrendous allegations of mass murder.

Holocaust-Shoah believers, and their academic and legal defenders, need to face the music of truth one day because in time what evidence the Revisionists have will become common knowledge – so according to Schopenhauer.

*

Remember: If you take away my freedom to think and to speak, you take away my humanity, and you commit a crime against humanity. Truth is my defence.

Remember Melbourne in December 2013
Richard Wagner's *Der Ring Des Nibelungen*

My Music

JANE MATHEWS, *LIMELIGHT* November 2012

The first female judge of the NSW Supreme Court on the joys of commissioning new music – and a chance encounter with Wagner that changed everything

I have lived with music all my life. My mother, and her mother before her, were professional pianists who became piano teachers. So classical music was constantly being played in the home. We children were about four or five when we started tinkering on the piano, and my older sister also became a highly proficient pianist. One of my great regrets is that I gave up playing the piano when I was in my late teens. By the time I tried to take it up again, some decades layer, my fingers refused to perform properly. It became an exercise in frustration, and I quickly abandoned it.

I was brought up in Wollongong, south of Sydney. When I started to study law, at the age of 17, I had to move to Sydney, as the only law school in NSW at that time was at Sydney University. I was lucky enough to have a record player with me, and all my studies were accompanied by classical music.

I still listen to classical music most of my waking hours. The first thing I do each morning is turn on the classical music radio station, and the last thing I do each night is turn it off. I also go to many concerts and live performances. It is amazing how the cultural life of Sydney has changed over the decades. In the old days you would be fortunate to find a classical music performance once every three or four weeks. Now there are three or four every day! My work in the legal profession over the years has often been extremely stressful, and I obtain huge solace in music.

My musical tastes have changed significantly over time. I commenced with Mozart, Beethoven and the Romantics. Strangely, it was only later that I went backwards in time and started to appreciate the genius of Bach. Music of the 20th century did not exist for me in those earlier days. I think that it was my love of Wagner which changed all this. This love affair started when I was already in my forties. Like so many other people, I thought, in my ignorance, that Wagner was heavy and unapproachable. Then, in the early 1980s, Leo Schofield arranged for the ABC to broadcast a simulcast on radio and television, over a series of Sunday evenings, from the 1976 centenary Bayreuth performance of Wagner's Ring Cycle. I was not in the slightest interested in watching this, but one Sunday evening I happened by chance to be in front of my TV during Act II of Die Walkuere. I was stunned. I then became glued to my TV for the remainder of the cycle, and it literally changed my life.

I went straight out and bought the Solti CDs of the Ring Cycle, and quickly learnt that you must always follow the music with the libretto, including the English translation. Since then I have been to many Ring Cycles around the world. I also organise my own home Ring Cycles, where guests either watch DVDs of the Ring operas, or listen to the CDs which they follow with the written libretti. We eat and drink well in the meantime, and it is a wonderful combination of culture and fun.

Last year I became President of the Wagner Society in NSW, and we organise many Wagner-related activities, so these days Wagner is a constant presence in my life.

Over the decades I have come to appreciate and love 20th- and 21st-century music. Indeed, Shostakovich is one of my all-time favorite composers. Like Julian Burnside (Limelight, August 2012) I have also, in recent times, discovered the joys of commissioning new works. It started with Carl Vine, once of our great composers, and has continued with Matthew Hindson and others. It is a huge privilege to listen to a new piece of music and realise that, without support, it might never have been written.

www.limelightmagazine.com.au

Adolf Hitler

Pictures from the Life of the Führer 1931–1935

Introduction: By Julius Rosenthal

Why deal with Hitler again? Why translate this arch-Nazi document, a collection of essays by high officials, each describing the genius of the Chief?

The renewed wave of interest in the meaning of Nazism, which goes by the name die Hitlerwelle in Germany and is mounting all over the world, has produced enough writings to fill a small library. At the very outset, I wish to emphasize that this book is different from most of the others. They often represent careful, scholarly investigation, very valuable of course. ADOLF HITLER is the raw material of history, intended in this edition not primarily to be tested for truth or falsehood content – it is obviously full of lies and distortions – but to be quarried for a true conception of how the Nazis wished to perceive themselves and to be perceived by the German nation.

The neo-Nazis might try to exploit this document. "Ah, you say Hitler was a monster? Don't you realize you are succumbing to Jewish lies? Judge Wilhelm Stäglich has already proved that the ovens of Auschwitz were really bakeries (Nation Europa, Oct 1973). Arthur Butz, Associate Professor of Electrical Engineering at Northwestern University, has demonstrated that nowhere near six million people died in the concentration camps; it was only three and they, not by design, but by unavoidable wartime hunger and disease. (The New York Times, Dec 28 1976) Now, look at this book, ADOLF HITLER. See what a genius he was and how beloved of the German people!

Adolf Hitler aspired to build a thousand-year Aryan Empire and to live on in history forever. This book brings additional attention to him and might even add to the fulfilment of the first dream, the Empire, considering the impossibility of permanently dividing Germany given the prodigious capacities of its inhabitants and its supremely strategic location.

This book is being published with faith in human intelligence and decency. Anyone prepared to believe its contents and not be sickened by every statement and claim is terribly misguided. Professor Butz is crazy or wicked or both and probably beyond redemption with or without the book. But those who now repudiate him and all his works in historical hindsight still require material such as is in this publication in order to grasp the reason for his hold on his people.

I think of the case of Albert Speer. His two books from prison seem to be sincere repentance.

Nevertheless, I have some questions. He represents himself as a mislead technician: I doubt that any man of his status could have been all that innocent of the atrocities. He even sneers at Hitler's architectural ability. "His real preferences were for arched passageways, domes, curving lines, ostentation, always with an element of elegance – in short, the baroque … I observed that he did not know how to convey in his sketches the ornateness he extolled in words". (SPANDAU, New York 1977)

These questions are sharpened when we read in this translation the young, enthusiastic Albert Speer. "… The Fuehrer started out … with singular experience as a master-builder. He created stone buildings which are sure to give evidence of a cultural capability for making something that will cause the people's age of greatness to last a thousand years." And, "For him art is his highest objective." Was he dissembling then – or now?

Without additional information one has to proceed on the basis of impressions. It is my impression that he was sincere then and is sincere now. I believe he was swept along in a crashing wave of enthusiasm which embraced not only politics but the whole idea of Germany revived by touching the politics and this is another instance of the cooperation between businessmen and Nazis. The first run of the soccer book was 250,000 and they were always reprinted.

Anyone who has read popular German writing on Hitler in all the media at that time will have been struck by their essential sameness. It is as if they were all operating from the same press release and who knows? Here we are reading a classic specimen of such propaganda. It is a particular which illuminates the general.

Those responsible for this republication will be gratified if it proves of value to scholars. Its aim, though, is to the average person. Here is information on how the Nazis sought to influence the Germans. Similar methods are being employed today in South Africa, Uganda, Brazil and at least nine other countries. Can it happen here? That is the question – can it happen here?

You are about to read material shedding fresh light on a bloody event in history. The book ADOLF HITLER surely does not tell the truth. It ought to be read in order to search out the whole truth.

In 1933 the critic Ernst Bertram wrote a "Fire Song", music to burn books by, sending a copy to his "dear friend", the self-exiled Thomas Mann so that the latter "might better understand". It concluded, "Because I love the Fatherland/I outlaw all that seduces her/Into the flames with what threatens her!" Thomas Mann did not answer personally, but also wrote a poem. It concluded, "Because I love the Fatherland/I cannot see her burn the search for truth/Along with it, her soul perishes in the flames".

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Fredrick Töben comments:

The pathological state of mind that can write: 'Anyone prepared to believe its contents and not be sickened by every statement and claim is terribly misguided.' , is indeed merely describing its own condition.

Much like King, above, Rosenthal in his Introduction also does nothing but defame, and he certainly fears meeting the challenges openly stated by Revisionists. His following comments illustrate my point:

'Judge Wilhelm Stäglich has already proved that the ovens of Auschwitz were really bakeries … Professor Butz is crazy or wicked or both and probably beyond redemption with or without the book … The book ADOLF HITLER surely does not tell the truth. It ought to be read in order to search out the whole truth.'

This year the copyright of **Mein Kampf** expires and it will be interesting to see how Holocaust believers will react to that new challenge.

"I hope you don't mind, but I used the computer to remove all those age spots and that hideous mole you have."

"Lately, I've been feeling lethargic, listless and apathetic, and if I stand up too suddenly, I get dizzy. My daughter says she has to smoke two joints to feel like that."