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Repeal S.18(C) which makes it a crime in Australia to offend another because of what you say.

What Would Socrates Do?

By James Romm, 5-4-14

In recent weeks, increased scrutiny of Martin Heidegger and Paul de Man --men who, in most eyes, failed the ethical tests posed by the rise of the Nazis -- has raised questions about the connection between words and deeds, and about the moral responsibilities of thinkers and writers living under brutal regimes. For students of philosophy, these questions have a very long, indeed ancient, pedigree.

Publication in Germany of the first volume of Heidegger's private notebooks, now known to be tinged by anti-Semitism, has revived debate over the philosopher's leadership of the University of Freiburg in 1933, during a purge of non-Aryan faculty. In this country, meanwhile, Evelyn Barish's biography of literary theorist Paul de Man has shed new light on a man who often transformed himself, chameleon-like, to advance his career. As a newspaper editor in occupied Belgium in the early 1940's, de Man embraced a Nazi agenda, probably without any personal conviction, to rise more quickly through literary ranks.

How badly has collusion with Hitler -- whether out of shared racist beliefs, as in Heidegger's case, or mere opportunism, as in de Man's -- tainted the writings of these men? Does the rise of autocracy, with its power to bend wills and cloud minds, excuse their bad choices? Within the Greco-Roman philosophic tradition, to which Heidegger and de Man claimed

to be heirs, these issues are exemplified by a Roman portrait bust today displayed -- appropriately, perhaps -- in Berlin.

The bust shows two great thinkers in a Janus-faced arrangement, joined at the back of the head as though sharing a single mind. Looking one direction is Socrates, the great paradigm of lived philosophy, a man famous for never swerving from his moral code. Looking the opposite way is a less familiar visage, and a more complex man; an inscription identifies him as Seneca, the Roman ethical thinker of the mid-1st century A.D. The pairing invites viewers to contrast two very different sages, who differed most in their responses to political power.

Socrates famously refused to collude with despots, even when his life was at stake. The fascistic regime of the Thirty, who ruled Athens briefly in 403 B.C. -- a gang as ruthless as any Gestapo squad--put Socrates to the test by demanding that he help arrest one of their enemies. Socrates, according to Plato's *Apology*, dutifully went to the Thirty's headquarters, along with four other men, to receive his assignment. But then he went home and did nothing. The fall of the regime shortly after saved him from becoming one of its victims -- though the democracy that replaced it was no kinder.

Half a millennium later, Seneca, an adherent of the Stoic school with its emphasis on reason and moral awareness, served as chief advisor and head speechwriter to Nero. In the course of a decade at court, he became ever more deeply enmeshed in the emperor's crimes and perversions. He wrote treatises extolling philosophic virtue even while helping to disguise those crimes. Critics called him a collaborationist, a charge he seemed to concede when, in moments of self-examination, he claimed that his soul was ill with an incurable disease.

Ironically, Seneca revered the courage Socrates had shown in defying potentates. He wrote pointedly of how Socrates declined to join the court of Archelaus, a king of Macedon, despite powerful inducements. Archelaus had usurped the throne in a bloody coup and was buying up Greek thinkers and writers at great expense – the playwright Euripides was one of his acquisitions – to bolster his legitimacy. But Socrates, Seneca explained, knew that the gifts bestowed by a despot can never be repaid. To accept them, inevitably, is to enter a voluntary servitude.

Seneca spoke of such servitude out of first-hand experience. Nero offered lavish handouts to his court circle of intellectuals, and Seneca himself amassed a fortune. Attacked by his contemporaries, Seneca tried to give back all he had received, but Nero refused to take it: The Roman people, the emperor claimed, would think he had confiscated it. Seneca was doomed to prove his own point, that taking gifts from tyrants makes one a slave of power.

In one of his essays, Seneca sought to justify his wealth by imagining how Socrates might defend him. Yet he also rejected the idea that he should be measured by such a yardstick of moral perfection. "I am not a wise man, nor will I ever be," he wrote, employing a term of art (*sapiens*) by which the Stoics anointed their saints and exemplars. "Ask not that I be equal to the best, but better than the bad." The plea rings hollow, for it was the lives of "the best," enshrined in stories and anecdotes, by which philosophers, even Seneca himself, imparted their ethical lessons.

Seneca tried one last time to emulate Socrates, but once again fell short. As Nero's antipathy grew, Seneca collected a cup of hemlock, the numbing poison Socrates had cheerfully drunk at the order of the state, to use as his own means of suicide. When his death sentence at last arrived from the palace, Seneca found that his toxin had no effect. He was forced to end his life by other means. His great role model outshone him right up to the end.

The rise of the Nazis in Europe posed different problems than that of the Thirty at Athens or the Caesars in Rome. But the Janus-faced bust nonetheless offers lessons for modernity, lessons that Heidegger and de Man would have done well to heed. On one side stands Socrates, who taught that the unexamined life is not worth living. On the other stands

Seneca, whose collusion with Nero supplied the corollary: Merely to examine life is not enough.

"I profit from a philosopher only insofar as he can be an example," wrote Nietzsche in 1874. Like Seneca under the Caesars, Heidegger and de Man under the Nazis went astray in their response to autocratic power, the very arena where the Socratic tradition demanded most from them. The books of such tainted sages will endure, as they should. But it is the man who wrote nothing, who taught through deeds rather than words, who continues to inspire.

Comment:



FToeben • a few seconds ago

What nonsense you write when you use the catch-all concept "antisemitism" because Heidegger, like many of his contemporaries, at least attempted to be highly moral in that he tried to tell the truth.

For example, he is quoted as having written the following sentence, which is an historical fact beyond dispute:

"The Jews, with their marked gift for calculating, live, already for the longest time, according to the principle of race, which is why they are resisting its consistent application with utmost violence."

Is this not a fact? Thus we may not like what Heidegger wrote but truth-telling cannot be antisemitic - and in passing you mention Nietzsche, but then remember one of the reasons why Richard Wagner broke with Nietzsche was because of the latter's hedonistic inversion, which Wagner saw as a limitation on the creative impulse that exists between man and woman.

In any case, when mentioning the Nazi era it would be morally justified, for the sake of balance, to bring into the discussion the *Babylonian/Jerusalem Talmud* and what kind of thought structure we find therein. After all, this is the foundation of Jewish ethical behaviour, something Heidegger and other freedom fighters recognized so clearly.

By the way 1940's is possessive and in your sense it should be written as of the 1940s period, which is plural.

James Romm teaches Classics at Bard College in Annandale, New York. His most recent book is *Dying Every Day: Seneca at the Court of Nero*, published by Knopf.

<http://hnn.us/article/155511>

In a decision handed down on April 26, 1983, senior French judges recognised the scientific character of my own research and findings on what the historian Olga Wormser-Migot, in 1968, called "the problem of the gas chambers". They concluded that everyone should have the right to say, as I had done, that those alleged weapons of mass destruction had not existed and, furthermore, could not have existed...

<http://robertfaurisson.blogspot.it/2014/04/whether-holocaust-by-gas-or-holocaust.html>

Putin passes law banning Nazi crime denial

Russians make crime punishable by up to five years in a prison camp or a fine of up to \$14,000

By [AFP](#) May 5, 2014, 9:50 pm [3](#)

MOSCOW — Russian President Vladimir Putin on Monday signed new legislation introducing harsh punishments for the justification or denial of Nazi war crimes.

The legislation makes it a criminal offence to deny facts established by the Nuremberg trials regarding the crimes of the Axis powers and to disseminate "false information about Soviet actions" during World War II.

Such acts are punishable by up to five years in a prison camp or a fine of 500,000 rubles (\$14,000), the law says. Those making such claims in mass media are liable for the harshest punishments.

The legislation was voted through by Russia's upper and lower houses of parliament last month.

It comes as Russia makes more and more explicit comparisons between Ukrainian nationalists and Nazi war criminals.

It regularly condemns the Kiev authorities as supporters of Stepan Bandera, a wartime nationalist leader who collaborated with the Nazis.

Pro-Kremlin lawmaker Leonid Slutsky has compared the Odessa blaze in which at least 42 died amid clashes between pro-Moscow activists and pro-Kiev protesters last week to the Auschwitz death camp.

Russia takes enormous pride in the Soviet victory over the Nazis in World War II that came after the price of some 30 million dead.

Its laws already ban public display of Nazi symbols and the distribution of Nazi texts.

Russia will mark World War II victory over the Nazis on Friday in celebrations that are expected to be particularly grandiose this year after its annexation of Crimea in March.

<http://www.timesofisrael.com/putin-passes-law-banning-nazi-crime-denial/>

Brussels police disperse rally supporting banned far-right event Water cannon used against crowd protesting cancelation of 'anti-Semitic hate-fest' featuring quenelle inventor

By **AFP** May 4, 2014, 8:16 pm [12](#)

BRUSSELS, Belgium (AFP) — Riot police in Brussels Sunday used water cannon to disperse a crowd defying a ban on a gathering of controversial far-right figures including French comic Dieudonne, which critics called an "anti-Semitic hatefest".



A supporter of French comic Dieudonne Mbala Mbala displays a t-shirt with his image, in front of Zenith Area in Nantes, western France, Thursday, Jan. 9, 2014. (photo credit: AP/David Vincent)

Citing a threat to public order, the mayor of the Brussels district of Anderlecht banned both the meeting and any protests connected to it.

But organizers of the so-called "European Dissidents' Congress" — a Brussels bookshop and a group called "Debout les Belges!" (Belgians, Rise up!) — urged supporters to head to the venue for "a surprise", sparking the standoff with riot police.

"It's over. Everyone should disperse calmly," said Laurent Louis, the 34-year-old far-right lawmaker and founder of "Debout les Belges", after police forcefully broke up the crowd of about 500 protesters without making arrests.

"They're coming down on us, I don't want any injured," Louis told the crowd, though about 40 supporters remained outside the venue later.

The event was to bring together a string of far-right figures, including the comedian Dieudonne M'bala M'bala, who has faced repeated accusations of anti-Semitism, Holocaust denial and incitement to racial hatred.

Dieudonne, a longtime cult figure in France, shot to a wider notoriety when footballer Nicolas Anelka performed the comic's signature quenelle gesture during a match in Britain.

The quenelle, a stiff armed pose, is defended by its users, including event organizer Louis, as an anti-establishment gesture but critics see it as a disguised Nazi salute.

Louis had kept the venue a secret until the last moment to prevent it from being closed down.

The organizers immediately challenged the ban before Belgium's state council, which was to issue a fast-track ruling, and around 200 supporters and critics of the event had rallied in Anderlecht early Sunday afternoon, many performing the quenelle.

The Belgian League against anti-Semitism, LBCA, Friday filed a complaint before the Brussels prosecutor against what it called "a day of hate, that would serve as a platform for the worst gathering of anti-Semite authors, theorists and propagandists that our country has seen since the end of World War II."

The Nazi-hunting Simon Wiesenthal Centre rallied behind the calls for a ban, dubbing the event an "anti-Semitic hatefest".

"The fact that this hatefest is to be held in Brussels, the capital of Europe, the seat of its Parliament... is a threat to democracy reminiscent of the 1920s Weimar Republic, which brought Europe to the Nazi abyss," the center's director for international relations Shimon Samuels warned in a statement.

Louis had remained defiant despite the ban.

"There are people coming from Switzerland, France, Strasbourg, from all over," he told Belgian television early on Sunday. "I will be there to welcome them and if they want to arrest us, then arrest us."

"Our guests have confirmed they will be coming, and in any event — ban or no ban — you can meet them and spend an unforgettable day," Louis had written on his Facebook page.

<http://www.timesofisrael.com/brussels-police-disperse-rally-supporting-banned-far-right-event/>

EU debate: how Nigel Farage triumphed over Nick Clegg

Political correspondent Matthew Holehouse assesses the performances of the Liberal Democrat and Ukip leaders in the wake of their second debate on the UK's membership of the European Union

By **Matthew Holehouse**, video by **Philip Allen**, 11:01PM BST 02 Apr 2014

It was Nick versus Nigel round two - and according to the snap pollin g, [Nigel Farage](#) won decisively.

A week after the debate hosted by radio station LBC, the two party bosses met once more at the BBC's Broadcasting House

in London to put forward their sharply divergent views of the UK's membership of the European Union.

Political Correspondent [Matthew Holehouse](#) explains how the Ukip leader has honed his message, dodged a bullet on Putin and left [the Deputy Prime Minister](#) floundering. [Ukip's most non-PC member: Godfrey Bloom's real views](#)

02 Apr 2014

[Sketch: Clegg v Farage... and this time it's personal](#)

03 Apr 2014

[Highlights from Nigel Farage phone in](#)

04 Apr 2014

[Farage v Clegg: the alternative debate](#)

02 Apr 2014

[Nigel Farage: Who Are You? - 'even UKIP fans would find it s](#)

<http://www.telegraph.co.uk/news/worldnews/europe/eu/10740136/EU-debate-how-Nigel-Farage-triumphed-over-Nick-Clegg.html>

David Cameron: I am 'awestruck' by holocaust survivors. The Prime Minister speaks ahead of a meeting of hundreds of survivors of Nazi persecution in London

By [Georgia Graham](#), Political Correspondent, 7:12PM BST 04 May 2014

David Cameron has said he is "awestruck" by the dedication of holocaust survivors ahead of the biggest ever meeting of people who lived through the Nazi camps to be held in London today.

The Prime Minister, warned that Britain must make sure that the "memory and the lessons of the Holocaust are never forgotten" as survivors meet today to discuss plans for a lasting memorial to mark the atrocity.

Natasha Kaplinsky will host a meeting of hundreds of survivors of Nazi persecution held in London as part of the Holocaust Commission set up by the Government.



David Cameron is awestruck by the experience of holocaust survivors. Photo:ANDREW WINNING/WPA POOL

The event is believed to be one of the largest gatherings of survivors ever held in Britain, will hear ideas about how the Holocaust should be remembered.

Mr Cameron said: "I am awestruck by the work that so many survivors do teaching our young people about the Holocaust. We must ensure that the memory and the lessons of the Holocaust are never forgotten.

"Today's event is important because it gives the Commission the chance to hear from survivors first-hand about how to best commemorate the Holocaust and to educate future generations of every faith and none."

The commission has been set up to investigate what more needs to be done to ensure Britain has a fitting memorial to the Holocaust and the right educational resources to educate future generations about the genocide, in which an estimated six million Jews were slaughtered.

Actress Helena Bonham Carter, whose grandfather Spanish diplomat Eduardo Propper de Callejon helped thousands of Jews flee from occupied France during the war, is sitting on the project.

Labour shadow chancellor Ed Balls, Simon Hughes, the Liberal Democrat justice minister and Ephraim Mirvis, the Chief Rabbi, are also on the cross-party commission.

Concentration camp survivors will join those who fled to Britain on the kindertransport rescue mission, and those who were hidden from the Nazis as children, to help shape how the Holocaust should be remembered in museums, monuments and education programmes.

<http://www.telegraph.co.uk/news/politics/10807963/David-CameronIamawestruckbyholocaustsurvivors.html>



**POLEMIC
POLITICS**

Andrew Bolt: exposed by his own freedom

By [Michael Brull](#), 5.May.14

The state of debate over the amendments to the Racial Discrimination Act suggested by Attorney General George Brandis [continues to be bleak](#).

Most recently, two people from the Human Rights Law Centre [happily wrote that](#) while they opposed bans on street preachers in Rundle Mall in Adelaide [they supported bans on protesters](#) harassing women seeking abortions. They allowed that this 'seems contradictory'; they preferred to think of their position as nuanced.

It seems to me that those who claim to support freedom of speech (and the authors are dismissive of 'simplistic' claims about the value of freedom of speech) often do little more than advocate for the rights of people with whom they agree. Like the abortion picketers, Max Brenner protesters may also harass those who seek to buy goods, citing what they claim are links to Israeli human rights violations. Equally, opponents of abortion literally think that they are protesting the murder of babies. Their protests may be offensive, but it is in the nature of freedom of speech to involve defending the freedom to express views that are considered shocking by others. For those who hold moderate, politically-mainstream views, it is easy to forget that the category of 'shocking' and 'appalling' included opponents of the First World War in Western countries – and at various times advocates of communism, the Wobblies, anarchists and so on.

On the other side of the debate are other 'nuanced' supporters of freedom of speech. These include Brandis, Andrew Bolt and so on – people who who have [no objections to our defamation laws](#) (which were introduced in the Howard administration, under which Brandis served).

Those of us who believe in freedom of speech need to defend that freedom, even when we are not great admirers of the people (like Bolt) whose rights we defend. At the same time, the corollary of opposing legal restrictions and penalties on speech is a duty to criticise the very speech that we would leave unpenalised.

When one has a look at Bolt's blog, one sees that section 18C does not appear to have induced greater sensitivity or compassion on issues relating to racial minorities. Consider the post that [begins](#) 'parts of Sydney now seem to have the disorder we'd expect in a Beirut.'

Oh? Beirut? What an odd choice of city! He links to a story noting the shooting was in Sydney's South West. His blog goes on to observe. 'I do not know who police are looking for in these latest shootings so leap to no conclusions about their ethnicity. Unrelated, then, is this comparison, provided by reader Sasha.' The comparison shows two maps, one of where Muslims are concentrated in Sydney, and one of Sydney gun crime. As the 'ethnicity', number of Muslims and gun crime are unrelated, it is surely a coincidence that Bolt happened to mention Beirut. On an unrelated note, I was whistling when I was walking my dog the other day.

Meanwhile, there's Bolt's [continuing dark references to how he would like to defend the articles](#) that the Federal Court held to have breached the RDA, but, sadly, he cannot. The implication is that, actually, he was right, if only he were allowed to say why.

Yet Bolt has not explained why, if he is so sure his articles were actually right, his legal team only cross examined three of the plaintiffs.

Indeed, it is useful to consider what was and was not disputed:

65. By their pleadings both Mr Bolt and HWT have admitted that each of Ms Heiss, Ms Cole, Mr Clark, Dr Wayne Atkinson, Mr Graham Atkinson, Professor Behrendt, Ms Enoch, Mr McMillan and Ms Eatock are of Aboriginal descent; that since each was a child, at the times of publication of each of the Articles, and at present, each person did and does

genuinely self-identify as an Aboriginal person and did and does have communal recognition as an Aboriginal person. It is admitted that each of these persons has fairer rather than darker skin colour. That each was reasonably likely to be offended and was offended by the Articles or parts thereof is denied.

Okay, so in court, Bolt admitted that all those discussed are Aboriginal, but have 'fairer rather than darker skin colour'. That was before he was silenced by that awfully oppressive Federal Court ruling.

Nevertheless, once again, on his blog, [he refers to a Guardian article](#) critical of him by Bindi Cole, one of the plaintiffs in the RDA case. More exactly, Bolt refers to a reader of that article at the *Guardian*, and links to a comment. Bolt's blog notes:

a *Guardian* reader of an article by one of the "fair-skinned Aborigines" who successfully sued me identifies an error I am said to have made about her – one of the errors which is said to justify the banning of two of my columns arguing for an end to "race"-based division. I'd like to say more in response to the article but the legal danger is now too high

His [link is here](#). And if you scroll down, you see what he's talking about. A commenter refers to this [Quadrant link](#). It reveals a picture of Bindi Cole's grandmother, with a quote from Cole above it with the words 'because she was black' in bold. Presumably, readers are invited to chortle that the woman does not look particularly dark-skinned.

Let us return to what Andrew Bolt originally wrote. Yes, [his articles are still online](#). In one, Bolt wrote:

Meet, say, acclaimed St Kilda artist Bindi Cole, who was raised by her English-Jewish mother yet calls herself "Aboriginal but white".

She rarely saw her part-Aboriginal father, and could in truth join any one of several ethnic groups, but chose Aboriginal, insisting on a racial identity you could not guess from her features.

She also chose, incidentally, the one identity open to her that has political and career clout.

Let us pause, for a moment, and consider Bolt's apparent conviction that being Aboriginal delivers more 'political and career clout' than a white or Jewish identity would. [According to Justice Bromberg](#), Cole discovered her mother had Jewish heritage after her mother died (para 75). Justice Bromberg held that her father was Aboriginal, her mother was not. But was Cole raised by her mother? The judgment notes (paras 76-78:

In her early childhood and until she was seven or eight years old, Ms Cole lived with her mother, who was a single parent, in St Kilda. Her father had been a part of her life until she was about six years old. When her mother became unfit to look after her from the age of seven or eight, Ms Cole lived with her father for a year before living with, and being looked after by, her paternal grandmother. She lived with her paternal grandmother for the next four years. She lived in the country with her grandmother, her grandmother's eight children, cousins, aunties and uncles who were and who all identified as Aboriginal persons. She later returned to Melbourne and continued to live with her grandmother. She was always surrounded by family who identified as Aboriginal. She moved back to live with her mother at about the age of 13, but regularly visited and maintained strong ties with her maternal grandmother. Ms Cole's mother died when Ms Cole was 16. Her Aboriginal father had come back into her life when she was about 14 or 15 and she had been in regular contact with him. She continued to maintain strong ties with her maternal grandmother until she passed away when Ms Cole was 18. Ms Cole grew up in quite disadvantaged circumstances.

It was Ms Cole's Aboriginal grandmother who instilled in her a sense of pride in her Aboriginal heritage. However, Ms Cole was aware of her Aboriginal heritage before she went to live with her grandmother. Her mother always told her that she was Aboriginal. Ms Cole has always regarded herself to be Aboriginal. She did not choose to be Aboriginal.

In 2008, Ms Cole learnt about her maternal heritage from her maternal grandmother. At about that time she began to describe herself as of English, Jewish and Wathaurung descent. She agreed that there was nothing to have precluded her from deciding to identify more closely with her Jewish heritage but said that this was something she had not explored because she does not feel a connection to her Jewish heritage.

As for all the opportunities supposedly only available for Aboriginal people, Cole has never applied for any positions designated exclusively for Aboriginal people. She has worked hard for everything that she has achieved. She works for herself and does not claim social security benefits. She applies for grant funding which is available to support artistic work. She probably applies for more non-Aboriginal funding than funding available to Aboriginal people. She applies for funding because it is there and available irrespective of whether the funding is designated for Aboriginal people.

Meanwhile, while 'Ms Cole was cross-examined ... in the main her evidence was not contested'. But now that Bolt has discovered that her grandmother's skin wasn't dark enough for him, he thinks that perhaps ... well, who knows? Bolt has, he says, been silenced. One might almost forget that Bolt's article was not about Cole's grandmother, but about her mother, who Bolt falsely claimed raised her – and that Bolt falsely said that Cole rarely saw her father.

Indeed, when one reads about the actual upbringing of Bindi Cole, one can only be appalled at Bolt's shocking misrepresentation of the facts, and his scurrilous insinuations about Cole.

But if he changes the subject – or if certain writers at *Quadrant* are willing to do so for him – well, so much the better for him. Cole's grandmother is dead, which perhaps makes it less risky to imply that she is the fake white Aboriginal person choosing an identity for convenient political and career clout. And what evidence does Bolt have that Cole chose her identity for that clout? Perhaps Bolt's lucky that he's been so silenced that all he can do is smear, mutter, and hint darkly about the real truth on the matter.

Oh, and why didn't Bolt refer to Cole's grandmother in his original article where he made his claims about Cole? According to the judgment (para 403), Bolt explained that this was because of a lack of space. Justice Bromberg regarded this as disingenuous.

It is interesting to reflect that much of this controversy would have been avoided if Bolt had simply been sued for defamation. For now, it suffices to note that there is a very long and excellent judgment that found that Andrew Bolt's journalism breached the Racial Discrimination Act.

In regards to freedom of speech, it is a lousy judgment.

But for those seeking a guide to the factual reliability and moral worthiness of what Bolt writes, it is a treasure. Whenever one wants to write about Bolt, one can simply begin by noting that he was found to have breached the Racial Discrimination Act by the Federal Court of Australia. And whenever Bolt insinuates in his writings about things he would say about this case if he were free to do so, review the factual record of what he actually did say when he had his day in court.

Michael Brull is studying Juris Doctor at University of NSW and has written for ABC Drum, Indigenous Law Bulletin, National Times, Overland and elsewhere.

More by [Michael Brull](#)

<http://overland.org.au/2014/05/andrew-bolt-exposed-by-his-own-freedom/comment-page-1/#comment-81432>

The RDA debate part 1: Defending bigots

Posted by [im_modest](#) Monday, March 31, 2014 · [Leave a Comment](#)

NB: I lost access to my old blog, so I thought I'd start a new one. I think there's a lot to say about the current debates over the RDA, so I thought I'd have a blog handy so I can say things, even if it's really just because a lot of the debate over it is making me angry. I may wind up saying other things here, too.

Defending Bigots

For people who care about freedom of speech – and there aren't many of us in Australia – the debate that's being conducted over Attorney General George Brandis's proposed changes to the *Racial Discrimination Act* (RDA) has mostly been frustrating. Many of the people who comment on the matter are cynical and inconsistent.

To begin with, it should be understood that just because somebody says they support freedom of speech, it doesn't mean that they actually do. Saying that one supports freedom of speech is like saying that one supports justice: it is basically a 'yay' word that few people will openly oppose. When people do oppose freedom of speech, it is usually not on the grounds that freedom of speech is not a good thing, but that it should not be taken to an extreme. It may be fine to allow some freedom of speech, but not too much.

In essence, this is the position of *all* opponents of freedom of speech. No one and no government has ever tried to prevent people talking about everything. When restrictions on speech are made, they are inevitably made to prevent certain kinds of things from being said, sometimes by certain kinds of people. These are always believed to be matters of grave importance.

Governments don't try to censor people saying popular, inoffensive things. They try to censor and suppress those who say things which are regarded as evil, pernicious, and dangerously wrong. As John Stuart Mill noted in *On Liberty*, the censors are always convinced of how right they are; sometimes, history proves them wrong. One such example was Socrates, one of the greatest philosophers of all time, put to death for corrupting the youths and failing to believe in the gods of the state.

Thus, the test for supporting freedom of speech is not whether you support the right of people to say inoffensive things, like what they ate for breakfast. The real test is whether you support the right of people to say things regarded as disgusting, appalling, and horrendously wrong. As Noam Chomsky says, 'If you're in favour of freedom of speech, that means you're in favour of freedom of speech precisely for views you despise.' That is why groups like the American Civil Liberties Union have devoted great effort to defending the freedom of speech for Nazis. In doing so, they have gone a long way to securing the freedom of speech of everyone else.

Thus, when Brandis said that 'people do have a right to be bigots', he was in good company. That is a standard position for civil libertarians in the United States, and was established several decades ago by their Supreme Court. However, Brandis went on to claim that 'People have the right to say things that other people would find insulting, offensive or bigoted.' In fact, they do not. As Julian Burnside has noted, Brandis should be aware of this: he was part of the

Howard government which introduced our uniform national defamation laws. Our defamation laws are extremely harsh and onerous. So whilst Brandis's proposed bill may allow Australians to say insulting, offensive or bigoted things about racial groups in the course of most types of public discussions, they would not allow us to say those types of things about groups or individuals selected on other criteria. As the *Sydney Morning Herald* editorialised, 'if the senator is so concerned about free speech, why is he not scrapping the ability of the powerful to sue for defamation?'

Similarly, there is the case of the most famous contravener of the relevant provisions of the RDA, Andrew Bolt. Bolt wrote that 'we have the right to say what others might claim is bigotry. But we also have the right to denounce what we find is bigotry, and even a duty.' We do not have the right to denounce what we like as bigotry. If I described Bolt's writings as bigotry, he could sue me for defamation. Indeed, he could sue me for defamation merely for having suggested above that I might describe his writings as bigotry. That's how harsh our defamation laws are: if I raise in public a criticism about someone that is defamatory, even if I say I don't believe it, if I don't refute it, I'm regarded as equally culpable for defamation. Bolt claims that he makes it 'a point of pride to never sue' for defamation. In fact, he has publicly sought legal advice, and announced that he was 'considering my options' in response to public criticisms.

But suppose Bolt really would never sue for defamation. He can hardly be taken seriously as an advocate for freedom of speech, when he opposes restrictions that affect him personally, but has nothing to say about far worse legal restrictions.

Indeed, this point should be stressed. Whilst the RDA purports to protect racial and ethnic minorities from offensive and hurtful speech, defamation law similarly serves to protect people from offensive and hurtful speech. The major difference is that defamation actions are not available to most people: only the wealthy and powerful can afford to launch such actions. Those who want to scrap the RDA, but retain our defamation laws, in effect are against allowing offence to the powerful, but in favour of permitting offence to marginalised minority groups.

Whilst section 18C of the RDA has been framed as a response to the National Inquiry into Racist Violence. Whilst Nick Cater of the *Australian* was unfamiliar with its correct name, he correctly noted that the report was opposed to laws directed towards 'protecting hurt feelings or injured sensibilities'. It recognised the value of free speech, and felt only that 'incitement to racial hostility' should face legislative action, with possible remedies being conciliation and compensation. When the original laws were being debated, the Greens reportedly worried that the proposed 18C would create thought police.

But let us now turn to some of the law's defenders. ALP MP Michael Danby, for example, has worried that 'any kind of comment, no matter how racist or bigoted' would be allowed under Brandis's proposed changes to the RDA. This may sound alarming to readers, but this may be due to lack of familiarity with Danby.

Danby has in the past compared proponents of boycotts, divestments and sanctions against Israel to the Nazis. He wrote that 'The parallels between the present-day boycotts of Brenner chocolate shops and the Nazi-era boycotts of Jewish commerce are too obvious to mention.' Danby has also publically accused Antony Loewenstein and I of anti-Semitism. If anything, Danby is a good example of why 18C is dangerous: one person's dangerous bigot, to another person is simply advocating for human rights.

Another proponent of keeping section 18C is CEO of the NSW Jewish Board of Deputies, Vic Alhadeff. Alhadeff warns that getting rid of the current laws 'sends a message that racism could effectively be given a free pass if uttered in the course of

public discussion, while the message we should be hearing is how harmful racial bigotry can be to those against whom it is directed and how destructive it is to our society.' One might get the impression from this that Alhadeff is opposed to giving racism a pass. That impression would be false. Alhadeff welcomed Israeli historian Benny Morris on a speaking tour of Australia. Benny Morris has happily declared, among other things, that 'The Arab world as it is today is barbarian', and that Palestinian society is 'very sick'. Though I have repeatedly raised this issue for six years, both to Alhadeff and to the JBD, there has been no response forthcoming, and I am not holding my breath. Racism comes in many forms, and evidently some forms of racism are more equal than others.

This has been illustrated by media debate over whether Holocaust denial will be exempted from attention under the amended RDA. What passed with little attention or debate was when Labor's Laurie Ferguson invited 'One of the world's most vocal Armenian genocide deniers' to make an address at Parliament House. Plainly, Labor is not entirely united on how to respond to so-called hate speech. Evidently, some of them want open discussion on some topics, but not others.

Indeed, it's interesting to note how glibly Alhadeff dismisses the value of freedom of speech. He smugly quotes Lionel Murphy listing 11 categories of exemptions from freedom of speech, and says that he kept this quote nearby during his career as a newspaper editor. This taught him that 'we do not have absolute freedom of speech, just as we do not enjoy absolute democracy – and nor should we.'

If anything, this should be considered alarming. Alhadeff worked as a subeditor in apartheid South Africa. He noted that 'A key instrument in the apartheid government's strategy of subjugating the country's black population while keeping the ruling white sector uninformed about the revolutionary movements fermenting beneath the surface was press censorship'. So according to Alhadeff, a 'key' measure for suppressing black people in apartheid South Africa was preventing freedom of speech. And during his career as a journalist, he looked to inspiration to a quote that reminded him that freedom of speech wasn't such a big deal anyway.

One might have hoped that Alhadeff would have learnt a different lesson, or imbibed different values whilst living under apartheid as a white man. Let us recall the example of another white man who lived in apartheid South Africa. His name was Barend van Niekerk. I expect few readers to know who he was. He was a bold and outspoken opponent of apartheid and racial inequality in South Africa. He fought three court battles for his opinions: one for urging judges to 'kill one aspect' of the Terrorism Act by denying 'practically all creditworthiness' to evidence procured by holding detainees in extended solitary confinement. Another case was for criticising the judiciary, and another dismissed the 'lack of concern for justice' of the South African government, which resulted in a defamation case against him by the Minister for Justice. As another courageous opponent of apartheid, John Dugard, noted, 'His writings were challenging, provocative and outrageous to some, but full of humour and bonhomie. He spoke boldly. His speeches were courageous, explosive and characterized by a robustness unfamiliar to his staid profession. He lived daringly. His life was an adventure, and he showed no caution in his commitment to the causes he cherished. Many disagreed strongly with his writings, his speeches, and his actions.'

Once the battles for a more decent society are won, it is easy to forget that those battles were fought by those once considered subversive and dangerous. That is why it is important to defend freedom of speech, even when people as enlightened as us think we are protecting society from those we consider subversive and dangerous. Because we, too, could be wrong.

<http://mikebrull.blog.com/2014/03/31/the-rda-debate-part-1-defending-bigots/>

Swastika covered up on Austrian tombstone

Police threatened man with a \$5,500 fine should he fail to obscure the Nazi symbol

By AP May 6, 2014, 4:49 am



A Tuesday, Jan. 21, 2014 file photo showing a marble tombstone which is adorned by a swastika and the inscription "He died in the struggle for a Great Germany" at the central cemetery in Graz, Austria. (photo credit: AP/Hans Punz)

A swastika on a tombstone in an Austrian cemetery has been covered up after what state broadcaster ORF said was a police warning to the owner that he would be fined unless he did so.

ORF said Monday the unnamed owner was told that he would have to pay 4,000 euros (about \$5,500) unless the Nazi symbol was covered. A photo on its website showed it concealed by a small marble square.

City and Catholic officials in Graz, about 120 kilometers (70 miles) south of Vienna, had long claimed a section of criminal law banning such symbols didn't apply because the headstone was put up before the law was passed in 1947. But critics cited a civil law provision requiring covering up such symbols or removing them.

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<http://www.timesofisrael.com/swastika-covered-up-on-austrian-tombstone/>

Fredrick T öben asks:

IS TRUTH-TELLING RACIST?

IS TRUTH-TELLING BIGOTRY?

IS TRUTH-TELLING ANTISEMITIC?

IS TRUTH-TELLING HATE SPEECH?

IS TRUTH-TELLING HOLOCAUST DENIAL?

IS TRUTH-TELLING GLORIFYING NAZISM?
