



It's Offensive When Labor Plays Politics With Racism

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It is disappointing when politicians stir up racial and religious tensions for their own political purposes. And it's not politicians on the Right I'm talking about. It's Bill Shorten, who spent the better part of last week trying to mobilise ethnic and religious communities against increasingly likely changes to section 18C of the Racial Discrimination Act, with warnings of "a new foothold for divisive and hateful abuse".

As part of his crusade, Shorten has pointed to the bogeyman of a "green light" to anti-Semitism; tactics that are as predictable as they are patronising. What Shorten doesn't understand is that many Jewish Australians, myself included, share the same concerns about 18C as an increasing number of people in the wider community.

Specifically, that banning forms of expression merely because they are "insulting" or "offensive" is inherently incompatible with the right to free speech.

Public opinion has no doubt been shifted by recent incidents like the 3-year case against three



university students because of harmless Facebook banter and the spectacle of a satirical cartoon coming under investigation by a government commission.

Incidents like this have nothing to do with “hate speech” – as nebulous a concept as that is – but about the Orwellian idea that the state can determine – and prevent – things as subjective as insult and offence.

To be sure, many Jewish community organisations do support 18C. But other Jewish voices are among those arguing that change is needed.

Former judge James Spigelman, delivering – ironically – a speech to the Australian Human Rights Commission, has said that “declaring conduct, relevantly speech, to be unlawful, because it causes offence, goes too far. The freedom to offend is an integral component of freedom of speech”.

Robert Magid, publisher of the Australian Jewish News, argues that free speech “is the most precious of our values”.

Restricting the free speech of others – even if it is disgusting and offensive – is not just undesirable, but counter-productive.

“Cartoons and articles have appeared which are grossly insulting to the Jewish and other communities,” Magid writes.

“But do we really want to censor them?”

“There are other strings to our bow than reaching for the law.” Leading Israel advocate Alan Dershowitz, writing for The Australian, goes a step further. He warns that the “resort to censorship as a short-term response to racist expression does far more harm than good, both to the cause of anti-racism and to the cause of liberty”.

Dershowitz is not wrong.

History shows that laws against bigoted speech end up emboldening the bigots themselves.

Suppression by the state gives publicity and credibility to racist lunatics who would otherwise receive, at most, ridicule. Banned ideologies move underground and fester, away from the scrutiny of the mainstream.

There is no greater example than the laws against the “insulting of religious communities” that existed in Weimar Germany in the 1930s. They were rigorously enforced, including against prominent Nazis like Joseph Goebbels. One Nazi newspaper was the subject of no less than 36 court actions, all of which saw its circulation increase.

These laws – with hauntingly similar wording to 18C – not only failed to suppress Nazism, they were used as a vehicle to promote it. In a painful irony, the world’s first laws against hate speech



preceded the most devastating anti-Semitic episode in modern history.

My grandparents were among the lucky few who got out of Europe in time. Like many others, they knew the brutality of authoritarianism that my generation is fortunate to have never experienced.

But the open and free society that we enjoy is as fragile as it is precious. It relies on fundamental civil and political rights, not least of all the freedom of speech.

The government's recently announced inquiry into 18C is an important, if overdue, step towards reform.

In the meantime, Labor plays the race card, expecting ethnic and religious communities to obediently respond at the ballot box. It is insulting and more than a little offensive.

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