

NOTED

Why banning the accused gunman's manifesto is a bad idea

by Graham Adams / 28 March, 2019

Hiding our heads in the sand is not going to make the problem go away.



The chief censor, David Shanks, has put New Zealanders in a very odd position by his [decision to ban the 74-page manifesto](#) reportedly written by the man alleged to have slaughtered scores of Muslims in two Christchurch mosques on March 15.

The decision that the document is “objectionable” — which means it is an offence to possess or distribute it — applies only to people residing in New Zealand and subject to our laws. So if you live in, say, Australia, among its more than 500,000 New Zealand expatriates, you are free to read it. As, indeed, you will be if you duck over to Sydney for the weekend.

To put it in personal terms, my brother who has lived in Brisbane for decades — and who like me was born in New Zealand — can read it legally and I can't. Yet I am a citizen of the nation most directly affected and with far keener interest in its ramifications for our politics and society.

Perhaps you might think that the difference is that Brenton Tarrant has been charged with murder in New Zealand and the censor doesn't want the accused's rights to a fair trial jeopardised — ie, that any reporting of the substance of the document might contravene the sub judice rule.

Steven Price, a Wellington barrister specialising in media law, thinks this is unlikely. He told NOTED: "I suppose it is possible that some commentary now about the gunman's state of mind, based on the manifesto, might be thought to raise sub judice problems (because it may go to his intentions, which are an element of the crime). But I find it very hard to see how straight-up factual reporting about what was in the videos and what was in the manifesto could possibly be a contempt of court, simply because it is difficult to see how what he said and did could be an issue at the trial."

Another odd aspect of Shanks' media statement is that it appears to allow journalists to quote parts of the manifesto that have already been published. Or, at least, that appears to be the implication of the following portion of his media statement:

"Those engaged in further reporting on the Christchurch attack may be tempted to consider the use of quotes from the publication that have already been used in other media reports. That use of excerpts in media reports may not in itself amount to a breach of the FVPCA [Films, Videos & Publications Classification Act 1993], but ethical considerations will certainly apply."

Yet, how can a local journalist judge how much weight to give a quote without the context provided by the whole document if they haven't read it themselves?

Shanks says "reporters" — along with "researchers and academics" — may qualify for an exemption to the ban, which immediately raises the question of why a priestly class may be allowed to read the document while the rest of the nation can't.

Again, to make the question personal, why should I be able to apply to read it legally while nearly all NOTED readers won't have the same right?

As political and economics commentator [Michael Reddell wrote on his blog Croaking Cassandra](#) in arguing for the ban to be reversed: "Mr Shanks might allow exemptions for some in the media (at least the bits he counts as 'safe') and parts of academe (and MPs might well be able to argue they needed it for their official duties), while forbidding it to the general public — the people who actually vote and set the ultimate direction for the country, including how we respond to these attacks.

"Would you trust the police and intelligence agencies to tell you what to take from the attack and attacker? I wouldn't (in general and in principle, let alone in these specific

circumstances). Would you trust a government that does nothing to damp down the inflammatory rhetoric of senior MPs from its support partners? I wouldn't.

“Let alone a government 10 years hence that might want to use the event for its own purposes (viz Simon Bridges calling for more personal privacy to be sacrificed to the state).”

Steven Price also says the exemption for journalists could “create some tricky problems” in writing about the manifesto.

“While what they write is not the same as the manifesto, and therefore would be a separate publication and not covered by the ruling, it is possible that their publications would be objectionable if they contained the same material or had the same harmful effects.”

How will journalists know whether what they write might have harmful effects and whether it is objectionable? How might that be defined?

As part of justifying his decision, David Shanks has passed off the manifesto as a “crude booklet”. [He told Jack Tame on TVNZ's Breakfast](#), “I don't think I would justify or credit it with the title ‘manifesto’ — it's a terrorist promotional booklet.”



Yahya Cholil Staquf. Photo/YouTube.

Others, however, are taking it seriously. Yahya Cholil Staquf — prominent Muslim cleric and general secretary of [Nahdlatul Ulama](#), Indonesia's largest Muslim organisation with some 50 million members — says the manifesto shows the accused gunman is “an

unabashed white supremacist” and, significantly, that the killings in Christchurch can only be understood as part of “an ancient cycle of violence” that radicalises some Muslims and non-Muslims alike.

He asserts: “Ending the cycle of violence requires addressing not only the ideology and motivations of someone like Tarrant, but also the historical framework he shares with many Muslims. That is, that Muslims and non-Muslims are and shall remain in a state of permanent conflict, until the end of time (according to Islamists) or the disappearance of Islam (according to advocates of a ‘counter-jihad’).”

These are not academic questions. Staquf sees the Christchurch killings as a “dangerous moment” for the world, which leads him to declare, “There is a desperate need for honest discussion of these matters.”

But how can we address the accused’s ideology and motivations and engage in an honest discussion without being able to read the manifesto?

It’s worth remembering that in discussing the “ancient cycle of violence”, this is not a casual racist or bigot talking. Staquf is an eminent Muslim scholar, who heads an influential organisation founded in 1926 which teaches that the primary message of Islam is universal love and compassion.

Shanks admits that, “People will rightfully say, ‘Well perhaps I should be able to read this thing to try to understand what happened’ [but] this is a very poor place to go to try to understand what happened.

“Most right-thinking people will read this and not be harmed by it, not be affected by it, not be influenced by it — it’s not for them, it’s not for you. It’s for a target audience susceptible and vulnerable to that message — and that can be very dangerous.”

So the ban is to prevent a tiny minority of the population from being inspired or encouraged to their own acts of terror. But how many people really believe, in 2019, that banning such a manifesto will prevent those people reading it given it is widely available on the internet?

Or that it won’t attract more readers of that ilk for the very reason it has been banned?

Or that it is a wise move for a bureaucrat to decide the manifesto is of so little value in understanding how to prevent another atrocity that its dissemination is best left to a small, privileged group of New Zealanders who can interpret it on behalf of everyone else?

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