

An Australian facing charges in Germany is there precisely because he chose to challenge the law, writes Gerard Henderson.

IS FREDERICK Toben an entrapped political prisoner, a martyr for historical truth en route to becoming a human sacrifice and/or an innocent abroad? Or none of the above? What is clear is that the Adelaide-based amateur historian has an unfortunate sense of timing.

Certainly, Dr Toben has won his moment of fame, albeit in unpleasant circumstances, incarcerated in Mannheim, where he faces charges under the German law that prohibits defaming the memory of the dead. This legislation is aimed at thwarting the resurrection of the extreme Right.

How did an Australian stumble into this? The exact details are not known but the general story is clear enough.

Frederick Toben was born in Germany in 1944 and, 10 years later, migrated here with his parents. He attended primary and secondary schools in South Australia and Victoria and did his first degree at Melbourne University. He subsequently studied in New Zealand and Germany, where he obtained a doctorate in philosophy before returning to Australia.

He admits that he is "not an historian".

In the early 1990s Toben began posting out a newsletter titled Truth Missions, a cheaply produced flyer, opposing war crimes trials in Australia and querying the nature and number of Jewish deaths in the Nazi Holocaust.

In late 1994 Toben junked the name Truth Missions and began circulating his views as a newsletter of an organisation he termed the Adelaide Institute. Later the institute all but abandoned the printed word in preference for a Web site.

The institute is based in Toben's home in suburban Adelaide. It has a couple of hundred (overwhelmingly male) members countrywide. They describe themselves as "a group of individuals who are looking at the Jewish-Nazi Holocaust, in particular . . . the allegation that the Germans systematically killed 6 million Jews. . .".

Until this year Toben received little publicity, apart from the modest media coverage of a case brought against him in the Australian Human Rights Commission by Jeremy Jones, vice-president of the Executive Council of Australian Jewry. Jones claims that Toben's Web site breaches the Racial Discrimination Act by inciting hatred against the Jewish people. The commission has yet to announce its finding.

Then Toben decided to internationalise his campaign.

The institute's Web site quotes with apparent approval a report in the Wimmera Mail Times of February 22 that "Dr Frederick Toben flies to Europe today to challenge the German ban denying the Nazi genocide of the Jews". One diary note, written by Toben in late March, contains the words: "Next missive from Germany, wish me luck."

The available evidence indicates that Toben knew about German law, with respect to comments on the Holocaust, before travelling to Mannheim. This is confirmed by one of the institute's own videos, which was shown on ABC TV's The 7.30 Report last Tuesday. It depicts a Toben lecture in which he claims that the Nazi Holocaust "cannot be questioned in Germany" because "laws have been enacted which prevent such an exercise".

According to the institute's Web site, "this arrest was a case of entrapment". It claims that "Dr Toben is a political prisoner" who "has joined the list of martyrs for historical truth". Geoff Muriden, an institute

member, has been quoted as declaring that Toben "has become a human sacrifice".

David Irving, the British revisionist historian, has also weighed into the debate. He told ABC Radio's AM on April 10 that he regarded Toben's German visit as "naive and foolish in the extreme". Irving added: "But that's one of the endearing charms of the Australian people; they are nice, simple, innocent people who don't believe that . . . in the Northern Hemisphere the laws are different."

Condescension apart, Irving is simply wrong. Toben, an Australian citizen of German extraction, is well aware of German law. That is precisely why he went to Europe on this trip.

It turns out that timing and technology went against him.

Toben arrived in Mannheim, where there is considerable concern about the emergence of the extreme Right. That concern extends through Germany and neighbouring Austria, where, last month, Jorg Haider's extreme right-wing Freedom Party obtained a staggering 42 per cent of the vote in a regional election.

What's more, the recent bombings in London and shootings in Colorado (all of which have been perpetrated by individuals with connections to the extreme Right) are likely to make authorities in Europe and North America even more cautious about right-wing movements.

This is not to suggest that the Adelaide Institute is in any way associated with political violence. But successive German governments, conservative and social democrat alike, want to prevent the circulation of any propaganda that may give succour to the Lunar Right, broadly defined.

It is here that technology ceases to be the institute's friend.

There is no evidence, so far at least, that Toben has queried in Germany the nature and extent of the Holocaust. But material placed on the institute's Web site in Adelaide can be downloaded in, say, Mannheim.

Moreover, Toben consciously chose to draw the attention of German authorities to his, and the institute's, views on the Holocaust. He even went to the trouble of arranging a meeting in Mannheim with a government prosecutor.

Right now, no doubt, German authorities are examining the institute's Web site. What will they find?

Plenty. Toben's personal diary refers to the "alleged homicidal gas chamber story". It seems that it is official institute policy that there was no death camp on the Auschwitz site.

But that's not all. An institute member, David Brockschmidt, alleged on The 7.30 Report that there was a "Bolshevik Jewish Holocaust between 1917 and 1953 until Stalin died". This is repeated on the Web site, which praises Helen Demidenko-Darville for raising the issue in her (discredited) novel *The Hand That Signed The Paper*.

This is a rehash of the old "Judaism equals communism" theory, which has been completely debunked. In fact, during the last decade of his life, the Soviet dictator Joseph Stalin became quite anti-Semitic. This is well documented by Robert Conquest in *Stalin: Breaker of Nations* (Pheonix, 1998) and in Arkady Vaksberg's *Stalin Against The Jews* (Vintage, 1995).

From time to time, the Jewish- Bolshevik conspiracy line has been run by many an ideologue. But it should not be forgotten that this theory was central to Hitler's early political thought, as depicted in *Mein Kampf*.

As an Australian citizen, Toben is entitled to the consular assistance available to his fellow citizens abroad. And he deserves a fair hearing. But it is a matter of record that he is in this predicament because he sought to challenge German law. It is unlikely that German authorities will take much notice of Toben's claim that he is a campaigner against "political correctness". No doubt they have heard that cliché before. Gerard Henderson is executive director of the Sydney Institute. sydins@2mpx.com.au