

Oslo Manifesto Consultation REPORT

November 2021

Contents

Introduction	3
Consultation approach.....	4
Executive summary	5
Classification context	6
Consultation feedback	8
Awareness – did you already know about this publication?	8
Who do you think is the intended audience and are they likely to be influenced by it?	8
Do you think the availability of this publication in New Zealand is harmful or dangerous?	10
Availability – is there any value or importance in this document being publicly available?	12
What would be the impact on your community if it were banned?	14
What about if it were to be age restricted, e.g. R18?.....	16
Banning or age restricting this publication would limit freedom of expression – when could this be justified?.....	17
What are your views about the positives and negatives overall of either banning, age restricting or leaving this publication unrestricted?	20
The publication is one of many written by violent extremists; some have been banned and some have not. Is it useful to classify these types of publications?	22
Are there any risks or downsides to classification of these types of publications?	23
Other comments/observations.....	23
Conclusion.....	25
Appendices.....	26
Appendix 1: Submission form	26

Introduction

The Classification Office held a targeted consultation (29 June–August 2021) to inform the classification of the European Declaration of Independence (Anders Breivik), also known as the Oslo Manifesto.

Anders Behring Breivik (legally Fjotolf Hansen) is a far-right Norwegian terrorist convicted of mass murder, causing a fatal explosion and terrorism, after:

- detonating a van bomb in Regjeringskvartalet in Oslo (killing eight people)
- shooting dead 69 participants at a Workers' Youth League (AUF) [young politically progressive activists] summer camp on the island of Utøya.

The Oslo Manifesto is the document released by Breivik just before he conducted these attacks in Norway on 22 July 2011. Breivik has said that he viewed the attacks as a 'marketing operation' for the manifesto. An overview of the attack and document can be found at page 28.

At over 1,500 pages, the Oslo Manifesto is a compendium of Breivik's own writing and a collection of essays, blogposts and other texts from individuals. It sets out Breivik's extremist ideology, presents the Oslo attacks as necessary and justified, and serves to inspire others to join the extremist movement that Breivik promotes. The document also contains a large amount of practical advice for those who want to carry out their own acts of terrorist violence.

There are many publications freely available on the internet and elsewhere written by terrorists and killers seeking to glorify themselves and their actions. The Classification Office has not sought to proactively classify such documents, for reasons including not wishing to further promote them and because previously they haven't been directly linked to New Zealand.

However, the recent Royal Commission report into the Christchurch terrorist attack (December 2020) extensively refers to the Oslo Manifesto and the role it played in the terrorist's actions. This prompted us to call in the publication and conduct a formal classification.

This type of publication raises complex freedom of expression and harm issues. There can be legitimate reasons for people to be interested in understanding a perpetrator's rationale, but we also know that some of these publications can, and do, provide inspiration and guidance for extremists.

We decided to consult in order to better inform this classification and the difficult balancing exercise it presents.

We consulted minority and religious groups and sought the views of organisations in the tech sector and those in online environments, where we know this document will continue to exist regardless of any formal classification in New Zealand.

The consultation was targeted due to the sensitive nature of the topic and to minimise amplifying the content or encouraging people to seek it out.

We were also wanting to form an opinion on an agreed approach for how we deal with this type of material in future. Those we invited to give feedback all have a particular interest in the topic.

Consultation approach

We approached members of the Muslim, Jewish and Christian faiths, a women's rights group, academics, the tech sector, a survivor of the Oslo attack and a group of young people to provide feedback.

Letters of invitation

In April 2021 we sent letters to the different individuals and organisations, inviting them to attend workshops and provide written submissions. We also advised that we could supply a summary of the publication on request.

Consultation activity

- In-person two-hour workshop session with **academics**. This included representatives from Auckland and Otago universities and an independent researcher.
- In-person two-hour workshop session for **interfaith and women's rights** representatives. The National Council of Women of New Zealand (NCWNZ), the Catholic Archdiocese of Wellington, the Holocaust Centre of New Zealand (via Zoom) and the New Zealand Jewish Council attended.
- A teleconference with those interested in **internet harm**. This was attended by Netsafe and InternetNZ representatives.
- In-person two-hour workshop session for the **Muslim community** held in Christchurch – run by a community facilitator.
- A session with a group of **young people** – facilitated by Youthline.
- A teleconference with an international expert on extremism who is also a survivor of the Oslo terrorist attack.
- Letters to **international academics** inviting them to provide written submissions.

Submissions

We originally requested that submissions be returned by Friday 30 July 2021 but extended that to early August. This allowed more time for participants to consider their responses.

We received written submissions from NCWNZ and the New Zealand Catholic Bishops Conference (NZCBC).

Draft report

The draft consultation report was circulated to workshop attendees and submitters at the start of October to ensure accuracy.

Executive summary

Our legislation gives us the job of assessing publications that may be harmful and determining whether they might be unrestricted, age restricted or even objectionable; meaning it is unlawful to hold, access or distribute them. The Chief Censor has the power to 'call in' any publication for examination and the legislation also provides for consultations to inform classification decisions.

There are pros and cons to consider when classifying a document like this and how those can impact different people and communities, so we thought it important to seek external views.

The basic premise of the Oslo Manifesto is that there is a class of people in the world who are superior, and multiple classes of people who are biologically, sociologically and in every other measure inferior.

In some ways, this document is an early example of accelerationist thinking, representing a point of view where proponents believe that they need to completely tear down the existing system and anybody that can help them achieve that through violence and major unrest will support their cause. The subtext is that some of the groups that might help achieve this objective may then face a reckoning once that's achieved, in terms of the ultimate 'ethno state' approach.

During this consultation we heard a wide range of views from our diverse contributors. Some offered an opinion that this publication, and others like it, should not be classified, so that it is available for communities to learn from, debate and speak out against. Some stated that the document should be deemed objectionable and banned outright because of the harm it has already contributed to in Aotearoa, as evidenced in the Royal Commission report into the Christchurch terror attack.

Others felt that the existing classification legislation does not provide the range of options to deal with this publication in a manner somewhere between making it objectionable and age restricted.

This report outlines our consultation and provides some insight into the richness of thought and opinion shared with us to help in our decision-making process.

We are tremendously grateful to all those involved in this consultation. We appreciate their time and their valuable insights about the harm this type of publication presents and ideas of what can be done about it.

We would particularly like to acknowledge the Muslim community. This community has experienced many calls from a variety of agencies and organisations seeking its input. It is a credit to this community that they were willing to engage with us in a substantial way, despite the inevitable 'consultation fatigue' they have been experiencing. We very much appreciated their thoughtful and nuanced perspectives and participation.

Classification context

Dealing with historic publications like the Oslo Manifesto in an ever-increasingly digital world is complex and difficult.

The classification framework

The Films, Videos, and Publications Classifications Act 1993 ('the Act') allows classifications to protect the public from harm, but only in a way that is consistent with the New Zealand Bill of Rights Act 1990 (NZBORA). Essentially, information of all kinds should be available unless there is a good reason to restrict it.

The Act is based fundamentally on a pre-internet view of what publications are and how they might be restricted – e.g. physical items like films or books that could be banned at the border or seized by enforcement agencies.

Effectively, we currently operate within a 30-year-old legislative framework that reflects a world of largely physical media which no longer exists. Producers, hosts and digital distributors of harmful content often lie offshore, meaning most enforcement in some cases is limited to those within our borders and who may have had content sent or 'recommended' to them.

There are very real tensions between the need to prohibit content that may be harmful and ensuring that legal limits are clearly understood and communicated, and also preserving freedom of expression wherever possible. The tension between those various elements emerged in various ways during this consultation. No one thought that there was an obvious or easy 'right answer'.

The major issues arising in this space are clearly illustrated by the Oslo Manifesto. These issues have increasingly been the focus of policy makers around the world – as evidenced by the recent release of the UK Online Safety Bill and the EU Digital Services Act.

Balancing protection from harm and transparency

The Classification Office faces a 'classification paradox': if we are classifying material that has been circulated and 'amplified' by recommendation engines operating on social media platforms or apps, what obligations of public information/transparency may apply alongside a classification decision that renders the sharing or even simple possession of such material a criminal act? In the case of the 15 March 'livestream video' and subsequent decision on the 'Great Replacement' document, the Classification Office highlighted the decisions in a very public way, recognising that without this clear public messaging many members of the public would be at risk of continuing to possess and distribute the material with little or no understanding that what they were doing was criminal, or even wrong.

Subsequent decisions on terror-promotional livestreams (such as in the case of the attacks in Halle, Germany in 2019) were also made very rapidly, and with public announcements. However, in some other cases a decision has been made not to 'call in', classify and publicise the material, because an assessment was made that there was little public awareness of, and relatively low levels of interest in, the videos or images in question. In calling in, classifying and announcing decisions around some

of this material, publicity itself could draw attention to, and effectively increase the audience for, the publications.

In other words, in a digital environment where huge volumes of harmful and potentially objectionable content is accessible through a simple internet search, an effort to reduce public harm by classifying a publication, and making that widely known, may have the effect of increasing harm, not reducing it.

It would be possible to classify publications without publicity, but that places members of the public at risk of possessing an objectionable publication. The Classification Office is not responsible for enforcement, but takes into account the possible impacts of decisions we make.

Consultation feedback

Our submission form (**Appendix 1**) consisted of 10 questions, providing an opportunity to give feedback on all aspects of the consultation. Our consultation workshops broadly followed the questions framework but frequently broadened out to discuss aspects of interest to those present.

The youth feedback session was tailored to focus on the issues of most interest to them and we used culturally responsive facilitation in youth and Muslim sessions.

We have summarised the feedback for each of the themes covered during the consultation.

Awareness – did you already know about this publication?

All of those that took part in the consultation knew of the publication to varying degrees. Some had been aware since Breivik's original terror attack in Norway and others became aware of it as a result of the Royal Commission of Inquiry into the Christchurch terror attack.

Some of the academics that attended our workshop had a more in-depth knowledge about the publication.

"I do remember a time it was widely derided in the mainstream media. It was seen as being basically comical and almost silly. Who on earth could possibly take this seriously and I suspect it was dismissed by large chunks of those who were commenting on it publicly, but it obviously had a much wider circulation and life amongst groups that were just invisible to the people making those sort of comments." **Law professor (constitutional, human rights and justice)**

Who do you think is the intended audience and are they likely to be influenced by it?

There was general consensus that at a high level the publication is aimed at disaffected men with extreme right-wing views.

"People like Tarrant. He wanted young frustrated white dudes to read it. It's frustrating to see him achieve that." **International extremism expert and Oslo attack survivor**

However, multiple layers within this broadly defined audience were also identified by our participants.

"He intended it to be widely read by what he would regard as Aryan or Eurasian people with the goal of directly inspiring the overthrow essentially of existing society, using attacks on multiculturalism, and particularly Muslims, as a rallying point for a broader attack on what he saw as a corrupt culture. It was clearly intending to be inspiring." **Law professor (constitutional, human rights and justice)**

The New Zealand Jewish Council believes it is aimed at people who have particular conspiracy theory tendencies and are likely to go to secret places on the internet to seek out information to reinforce their own feelings.

“Social media has given them a far better pathway to expressing that hatred than used to exist – we can’t do anything about that, but for something like the Oslo manifesto it would only be someone fixated on expressing very deep hatred who would actually look for it, read it and perhaps try to emulate it.” **New Zealand Jewish Council**

Some identified the importance to these people of getting ‘reach’ with their actions – the idea that the act in itself is not enough, it’s the notoriety that goes with it that is important.

The Catholic Archdiocese of Wellington pointed out that the publication has particular appeal to certain groups of Christians who feel threatened by anything that is challenging the dominance or supremacy of Christianity in certain parts of the world.

The NZCBC also says there is an explicit appeal to a Christian identity, and a view of multiculturalism as the late stages of a continuous thousand-year Christian–Muslim war.

“Church leaders and active Christians would be horrified by the call to criminal actions including mass killings, terror, cruelty and potential use of weapons of mass destruction. This does not represent our faith. However, the Oslo terrorist outlines an explicit intention to appeal to some members of our communities.” **NZCBC**

Netsafe thought it was also about taking people on a journey to the ‘truth’.

“It’s almost as though he believes that he could take people from not knowing the truth as he believes it on a journey of explanation as to the truth of the world and to mobilise them to action and give them advice on how to achieve it. Majority of people who are going to read it because they are somewhat sympathetic to the ideas and key constructs within it.” **Netsafe**

This was reiterated by the senior lecturer (violent extremism and conflict) who commented that there is a broader European audience that he is trying to ‘wake up’ an audience that Breivik believes is blind to changes in society in terms of immigration and women’s empowerment and the emasculation of the European male.

“Just as with the Christchurch terrorist and many of these people, it’s very much about waking up European or white males to what’s happening in society supposedly, and asking them to take action.” **Senior lecturer (violent extremism and conflict)**

The independent researcher (misinformation) identified the complex subtext within the publication where Breivik talks about the ‘enemy of my enemy [being] my friend’.

“We see that playing out also in white supremacist movements where they do co-opt other groups along the lines of their interests, so there’s clearly some aspects of this document that are anti-Semitic but then, there are other times in that document where he talks about so long as the anti-Muslim sentiment within Jewish communities is helpful to our cause we should capitalise on that as well.” **Independent researcher (misinformation)**

NCWNZ commented that the intended audience includes those following a right-wing extremist ideology, anti-jihadists, potential copycats, white supremacists, INCELS,¹ misogynists and the anti-feminist milieu.

¹A portmanteau of ‘involuntary celibate’: a person who regards themselves as being involuntarily celibate and typically expresses extreme resentment and hostility towards those who are sexually active.

They state that Breivik's text articulates a high level of aggression and hatred directed against multiculturalism, women and feminism, and Islam. The audience includes people who hate another set of people, hold conspiracy tendencies, and seek out material that reinforces their point of view.

"They include misogynists and racists, and those who hate or fear groups who differ from themselves in terms of culture, sex, or religion. They are fixated on expressing deep hatred and emulating that exhibited by others ... They are likely to be influenced by it as they are unwilling to listen to other points of view. It presumably expands on stances and themes they have been considering already, and has the potential to foster the germination of nascent predilections." **NCWNZ**

Do you think the availability of this publication in New Zealand is harmful or dangerous?

Most submitters felt that there was clear evidence that the Oslo Manifesto has caused harm in New Zealand.

"Even if you know it's wrong, and you're reading it, it impacts your thinking. And if the text is about you, you are the hate target, you internalise it and start believing. So let's not pretend like this shit has no consequences." **Muslim faith workshop**

Some talked about the role this publication played in the Christchurch terror attack (as outlined in the Royal Commission report) as evidence of the harmful and dangerous impact it has had in Aotearoa.

"The Christchurch Inquiry report shows that very direct correlation of here's someone who read this thing and was so inspired by it, he decided to go out and do his own version of it. Not just do his own version of what was argued for but then produce his own manifesto to try to almost be a codicil to [the Oslo Manifesto], that I think is a very strong direct indication of harm." **Senior lecturer (violent extremism and conflict)**

"We've seen concrete evidence of what it can do and the influence that it has. It's a call to violence. It identifies targets of that violence. It provides a rationale for the violence. It even provides tips on training." **Senior lecturer (violent extremism and conflict)**

Young people involved in the consultation immediately identified the harm in this publication – "it's a plan, not just a set of ramblings". Importantly, they also identified that the act of producing the manifesto had a radicalising impact in itself. The collating of material, being immersed in that world, is part of what led him to fulfilling his plan to kill.

"The book is not an opinion – it's a plan. We know because he did it. He is spinning his opinions, and those opinions had consequences. That was what led to those people unfortunately losing their lives. He probably started with a note pad and pen, jotting it out, and then went on a massive thousand-word tangent that helped him formulate his plan. He didn't write all of it. He did collect it, but that collection led to his overall life ending plan."

Young person's workshop

“We don’t need to wonder whether or not it’s going to influence or cause harm. People have literally written it on their guns and there’s not a lot stronger evidence that you can get that it is going to cause harm.” **Independent researcher (misinformation)**

Netsafe said that for the victims of the crime Breivik committed (and the statements he makes) the document could be ‘considered harmful, confronting and injurious to mental health’, but believes that the more significant question that should be asked is – does a document likely mobilise or cause violent action?

“Does putting a document like that into circulation cause a violent action that wouldn’t otherwise have been caused? Does it significantly increase the likelihood of some violent act? If the Oslo Manifesto didn’t exist does the Christchurch attack never happen? That would seem to be a pretty big leap for me. Perhaps some people would say ‘Yes’.” **Netsafe**

In discussing this point further, InternetNZ felt the value of putting information together in one place should not be underestimated.

The Muslim faith workshop participants thought the intent of producing the manifesto was to instruct others on how to produce harm.

“I guess it’s pretty hard to define intentions, but if the intent is so blatantly apparent, then yeah we do have to ask the question, do we allow that in our society? If we’re having the conversations about social cohesion, is this really going to be anywhere within this space?”

Muslim faith workshop

Another aspect of harm talked about by participants was online forums where like-minded people now get together and share ideologies, and how this is contributing to the acceleration of radicalisation. These online spaces were seen to bring together people who previously would never have met, and allow a cross-fertilisation of ideas and identification of common enemies.

“I think this really accelerates the radicalisation process as well as this bringing them together in a way that is actually synergistic. It pushes each one along further than they would have gone independently. Bringing these people who are, whether they’re preppers or survivalists or whether they’re accelerationists, together is something really dangerous. It seems to be happening in the last two or three years, in a way that it never has before and so things are happening faster than they have before as well.” **Senior lecturer (violent extremism and conflict)**

The idea that the document is very transferable was raised as another aspect of the harm it can cause.

“The thing about this white nationalist ideology is it can morph from one location to another to fit local context and different ... whether it be Mexicans in El Paso. Whether it be the Jewish community in Pittsburgh. Whether it be Muslims in New Zealand and so on. It’s easily transferred to a local context, even though it’s written about another location, in another country.” **Senior lecturer (violent extremism and conflict)**

There was also comment on how the document itself can affect people in different ways depending on the context. NCWNZ pointed out that this will likely cause distress to all who are the object of the author’s hatred, particularly in some communities such as religious minorities and rainbow groups.

The Muslim faith workshop included discussion about context, and the fact that the threshold for classification was not inspiration or ideology but the operational, instructive aspects.

“We do have to be robust in the sense that if we do take everything that’s inspirational, we will ban all religious texts. From the Buddhists, to the Vedas, to the Quran, to the Bible, to the Torah but what we’re saying here is what makes this different, so it’s not just inspirational ideological. It’s the operational and functional aspect of the document that as a package make it so much more and so much more worthy of a censor’s classification.” **Muslim faith session**

The international extremism expert and survivor of the Oslo attack commented that the publication is a danger for some people, but not all, who read it.

“It ‘washes itself out’. It’s overly long, detailed, and unreadable. Most reasonable people self-select out of reading it. The minority of people who have access will be using it as inspiration for carrying out terror attacks on the scale of Tarrant. Not many, but there’s still people using it. If we can make one less person like Breivik, then we must make one less person be like Breivik. If we prevent one terror attack, it must be worth it.” **International extremism expert and Oslo attack survivor**

They went on to say that current technology can make this a lot more impactful.

“Breivik tried to livestream his attack, but failed. Tarrant was able to achieve much more with 10 years of technological advancement.”

Availability – is there any value or importance in this document being publicly available?

There were two camps of thought on this question: those who thought it should remain in the public domain so that the issues can be debated and discussed; and those who believe it should be banned outright but that exemptions for access should be able to be granted for certain research purposes.

The survivor of the Oslo attack says there is no value in the general public being able to read this publication. “The first time I read it was two weeks after almost being killed by Breivik.” He said the hardest things to read are all of the pieces copied and pasted from other sources. He says if the general public want to know something, experts can contextualise the document and they can read about it from that.

“I think, if it’s available, then it should be available only strictly for the purposes of research and looking at how we can continue to dismantle a lot of that type of behaviour and thinking.” **Independent researcher (misinformation)**

Netsafe was on the side of making the publication objectionable with the ability to make it available for research purposes. “It’s not as though you would be deleting it from the planet.”

Some of those attending the young person’s workshop felt the same way.

“You can get information about the general beliefs and the general ideas and things without something so specific that was written by such an awful person with so much hate. I don’t see any value in showing the document for educational purposes that couldn’t be gained from reading more general things. Like maybe there are some very specific work in government where it would be useful for your job to understand the manifesto in detail, but that is not the average person.” **Young person’s workshop**

The survivor of the Oslo attack:

“Many of these attacks have happened over the years. Breivik’s wasn’t special, but it was the first. A watershed moment. It will be important regardless of the content of the manifesto, a point of reference like Mein Kampf. The symbolic value is greater than the literary value.”

International extremism expert and Oslo attack survivor

The senior lecturer (violent extremism and conflict) commented that making the publication objectionable would play into the paranoia around a progressive government preventing people being able to see and receive certain information.

“If you do slow it down [its dissemination] to some extent, the rewards in terms of preventing another Christchurch definitely pay off in that context, but on the other side, is whether that will be countered by the sense of paranoia that it does create in terms of this sense of banning that document.” **Senior lecturer (violent extremism and conflict)**

In terms of the value of having the document available, NCWNZ said that if the ideology is not in the public domain it cannot be rebutted.

“The protective measure of banning something, while the action has a feel-good factor, can often achieve the opposite of what is intended, tempting people to seek out that which has been banned.” **NCWNZ**

The Jewish community felt strongly that there is more ability to combat hatred through public debate and discussion, rather than necessarily formally banning material.

“There seems to be a thought that antisemitism is a Jewish problem and Islamophobia is a Muslim problem – they’re not. They’re our problem as a country and we have to take away the onus from the Muslim community, the Jewish community, whichever community is under attack. They shouldn’t be standing there alone defending. But we have to be careful about what we are trying to do in terms of protection. The banning of material might be a sledgehammer that doesn’t crack this nut. It might feel good but it might not be good.”

Holocaust Centre of New Zealand

This position was held by some attendees of the youth workshop.

“Even though it is an absolutely horrible book, disgusting, there is some intrinsic value to it in a sense. It’s important to look back and learn. If you just completely ban it without any follow up, it’ll be repeated. When you’re trying to say something’s good, you always need something as an offset to say this is not what it should be.” **Young person’s workshop**

The NZCBC recognised a need to balance freedom from discrimination, hatred and violence with freedom of religion and freedom of expression.

They felt that in an ideal world, if it were possible that alternative perspectives and opinions could be reasonably discussed and debated with people who are attracted to this literature, that would be better than banning or restricting the publication. If it were possible to reach those susceptible to its message, to educate and persuade them to consider other ways of looking at the issues, to change hearts and minds through open discussion and debate, that would be preferable to censorship.

“However, we are not in that ideal world. If allowed to circulate freely in the community, we believe the Oslo Manifesto’s message of hatred and violence will spread further and faster than could any antidote to its hate. We also know that many people in New Zealand

communities, including church communities, are vulnerable to misinformation and disinformation. We frequently receive communications from correspondents who lack skills to assess critically the truthfulness and value of online material.” NZCBC

What would be the impact on your community if it were banned?

“I would always want documents such as this, no matter how dangerous they are, to be available in certain circumstances for research purposes.” Holocaust Centre of New Zealand

As documented in this answer, many felt strongly that if the publication were banned it still needed to be available in certain circumstances for research and reporting purposes. Where this issue was raised by responders, the Classification Office clarified that any member of the public can apply to the Office for an exemption from classification under section 44 of the Films, Videos, and Publications Classification Act 1993. An exemption under section 44 means you will be able to legally access a specified publication for reasons including research, education and journalism.

“For the majority of us, no effect because we wouldn’t seek it out. But there will certainly be a percentage of the community that will see the banning of a document like this as further reason for their disenchantment, so the very people that we are worried about acting on this type of material may actually be motivated by the banning of this material and then of course the internet will enable them to go and get it anyway, it won’t actually stop them getting it and it may enrage them more, not sure I’d worry that much about them but that’s the effect it could have.” Netsafe

The Holocaust Centre of New Zealand said that while banning things like this feels good it doesn’t mean it’s effective and may not achieve the effect required, and can promote just the opposite of what is wanted.

“If something is banned, we need to be clear why we’re doing it and whether it will have the effect we want it to have – I tend to think it hasn’t necessarily been a protector to the Jewish Community to ban things ... people standing up to say that’s rubbish has been much more protective.” Holocaust Centre of New Zealand

They went on to add that the thing that’s protective is empowering people to stand up against what is hateful.

“Campaigns to get people to stand against hatred and to normalise that is what we must be doing, that’s the main game in town. Banning guns is a good idea and useful but it won’t save us from another Christchurch attack. What will save us is to change hearts and minds and that’s the main game in town. And when we do that, it will give our society a wonderful protective umbrella to shelter under, for all of us – so I’m not convinced that banning lots of things will necessarily do the job. If it would, we probably wind up our work at the Holocaust Centre of New Zealand.” Holocaust Centre of New Zealand

The Catholic Archdiocese of Wellington was less tolerant of the idea of this being circulated, with the opportunity for it to be rebutted by people.

“There’s a beautiful line in Catholic social teaching which is: Racism will only disappear from legislation when it disappears from our hearts. But we still need the protection that laws can give us.” Catholic Archdiocese of Wellington

The law professor (constitutional, human rights and justice) thought there was a strong argument for being able to ban the publication now because it doesn't have immediate newsworthiness.

"All you would be taking away is kind of the exemplar of a form of writing or a form of communication which is demonstrably harmful because the kind of people that are creating this are backing it up by killing people and that doesn't seem to be a very strong or valuable form of speech that is necessary to promote and keep going in our society.

If taking this off the table stops people from learning about it and trying to do it again, what have we lost? Well, nothing. ... the necessity for people to be able to directly access it in general terms has long since passed. There's no newsworthiness, there's no need for people to look at it. Even less in the case of the Christchurch atrocity manifesto. There are still the available avenues to allow it to be properly studied for those who are actually looking at it in a genuine, wanting to learn fashion, so the balance of harm versus value can be struck in that manner." **Law professor (constitutional, human rights and justice)**

There was commentary around people holding a copy who could inadvertently be committing a crime if the manifesto was banned.

"When you're projecting into the future about somebody who might inadvertently get caught up in this. We can't weigh that against the risk that we already know is actually happening and the harm that is actually happening may be broadly accessible now." **Independent researcher (misinformation)**

The survivor of the Oslo attack believes that the availability of the Manifesto is a greater infringement of human rights than banning would be; and that while classifying it will draw attention to it, "Anyone who wants it has it by now".

"But banning is an okay trade-off from my perspective. The right to freedom of expression gives way to other rights, like the right to be alive. Breivik has infringed significantly on the rights of people to be alive, or the rights to dignity." **International extremism expert and Oslo attack survivor**

NCWNZ felt banning would send a positive signal.

"It would show that authorities are willing to put in place measures to protect vulnerable members of society, and society in general, from expressions of extreme hatred and ideologies promoting violence against certain population sectors." **NCWNZ**

The NZCBC summed up the issues at hand in considering this classification by stating:

"It is hard to persuade people of the need to counter the hateful ideology of the Oslo and Christchurch Manifestos without exposing them to it. But sharing information about the Oslo Manifesto runs the risk of drawing attention of those most susceptible to it." **NZCBC**

Coming from a different perspective, the young people we spoke to are very concerned with the radicalising impact social media algorithms are having on their peers. They discussed how content like the Oslo Manifesto can be 'recommended' to young people who may be vulnerable to radicalisation. They are aware of right-wing extremists using the internet to radicalise young people.

"In terms of restricting it, in terms of how it affects the young people, I think the majority of us won't be affected but there are ones that will be.

There is probably a small subset who have this ideology who will seek it out even if it's banned. I think those people, we are not going to stop them, so I don't think that they should be the focus. I think the focus is on getting people on the edge of casual racism. I do think that it will be effective. It's preventing people becoming radicalised by finding it. I think that banning it will be more effective than not because it makes it harder to access it as extra steps. Young people are less likely to fall into that stuff I think if it is really difficult to find."

Young person's workshop

The young people were very clear that the extreme right has mastered the art of social media marketing.

The alt-right pipeline is the clearest cut version where you could see the radicalisation on social media, especially for young teenage boys. A teenage boy watches a soccer video, a Fortnite video, something like that. Most of the time, especially on YouTube, the algorithm would see the people watching this and there'll be other people who have more extreme ideas, watching the same thing. The YouTube algorithm will then say, 'Oh this person watches the same thing as this person. This person may like the same thing'. Which slowly backwards to the alt-right. Then you get to more extremist YouTubers with slightly more political things to say. Then they'll recommend anti-feminist videos. Then they'll carry on and on, and an impressionable 13, 14-year-old is left thinking, 'oh, this is how the world sees us. This is how I see it. Well, yes, women deserve to be in the kitchen. They're not funny'."

Young person's workshop

Overall, members of this workshop felt quite strongly that this type of publication and ideology should be kept away from young people.

Members of the Muslim faith workshop reflected on the silo-ing of terrorists as individuals (as was seen in the 15 March Christchurch terrorist attack) as opposed to seeing them as being connected and inspired by ideology.

"Why can't you label white supremacists as an ideology? I don't see it like a lone wolf. You can't really connect it to just him but the ideology that he follows. I see the link when we talk about Oslo, if it's seen as that acknowledgement when he was influenced by that. I see it as like this narrative we try to put on him. It's just really hurtful for our community to be dismissed like that."

Muslim faith workshop

Members of the Muslim faith workshop shared that being the subject of this sort of hatred was nothing new for them.

"Does the rest of the community or society know that we've been dealing with this? Not all the time, but it's not new. It's normal. I can understand why it was so shocking for others."

Muslim faith workshop

What about if it were to be age restricted, e.g. R18?

"This publication is on the table because it demonstrably radicalised an adult man to go out and kill 50 odd people. Would making it available only to people over 18 stop that? No, so then why on earth would you respond to what happened with putting an age restriction on it given that the demonstrable harm was to an adult, how on earth would sane people only

over the age of 18 can read this respond to that harm.” **Law professor (constitutional, human rights and justice)**

There was little appetite from responders for age restricting this publication. Most felt that the intended audience and the majority of those likely to act and perpetrate the violence expressed within it were over the age of 18. The view was also expressed that the Office does not have nuanced tools for classification purposes in today’s world. A number of responders felt there should be a range of tools between R18 and objectionable classifications. Issues of how to enforce this type of a restriction were also raised.

“It’s not practical to enforce on the internet. The UK is going to try to age verify every online service. It has to be either based on trust (people put in the right age information) or radically intrude into their privacy [to find out]. We don’t have people in video shops anymore to check people’s ID. It’s possible in principle but we need another decade of progress in digital identity work [to be able to do this].” **InternetNZ**

The Holocaust Centre of New Zealand articulated a common theme in feedback around an R18 classification.

“When you tell young people that they can’t see stuff it just makes them want to see it – I really think that doesn’t work and we have ample evidence of that.” **Holocaust Centre of New Zealand**

The NZCBC said they didn’t believe that young people are the only ones susceptible to the proposed thinking and actions in this document. “Age is not the primary issue here.”

“Breivik was 32 when he made the attack. Most of the attackers are in their 20s. People sharing are in their 50s. I don’t think age restriction would be the way to go. By age restricting it you will make it more attractive to young people.” **International extremism expert and Oslo attack survivor**

Banning or age restricting this publication would limit freedom of expression – when could this be justified?

A common theme expressed by those responding to the consultation was that freedom of speech or expression comes with responsibilities and trade-offs. The Muslim faith group talked about freedom of expression until it translates into violence.

“From an Islamic perspective, huriya or freedom, is really important and if you intend to limit that freedom in any way, you have to have a really robust test. If you limit a freedom that’s granted by God, you have to look at a crime against God and these are the hadood laws, so hirabah or terrorism is a hadood crime. If you applied this test to this document, what makes it come under that category which could make us even consider like even under Islamic law, limiting someone’s expression, because the huriya of opinion, of an expression of that opinion, is fundamental. There is this expression from the Muslim community, saying ‘I will not ban anyone from speaking until they take up a sword’, until it translates into violence. It’s enshrined in our thinking.” **Muslim faith workshop**

The NZCBC also felt that the Oslo Manifesto overstepped the bounds of reasonable freedom of expression.

“In its explicit hatred of Muslims because of their religious identity and faith; its extreme advocacy of violence against not just the Muslim community but all who work for a united, diverse community; and its explicit instructions for how to carry out violent acts against civilians and non-combatants, the Oslo Manifesto is well outside reasonable limits of freedom of expression.” **NZCBC**

NCWNZ was very clear that the right of free speech comes with the obligation to do no harm, such as by causing incitement to violence, and that the vulnerable should be protected.

“The right to free speech is a basic principle of a democratic society. What is often forgotten is that with rights there are responsibilities – the rights of one individual should not impinge on the rights of another. In speaking out freely, an individual has the responsibility to ensure that those who hear the words are free from verbal abuse and fear. Speaking not only refers to the oral representation of words, but also how those words are communicated by electronic means.” **NCWNZ**

InternetNZ talked about the trade-offs for reasons including privacy, intellectual property, mitigating harms, protecting contracts etc.

“You have to be realistic around the scope when talking about things like this, it’s safety of the community and even if it’s symbolic it’s offering a way of saying when one group of people use their expression to deter another group of people from participating – that’s also a harm ... it’s the kind of thing you can care about and intervene on.” **InternetNZ**

Protection of the vulnerable was a recurring reason for placing limitations on freedom of expression.

“Protection of life and protection of the vulnerable are greater priorities in Catholic social teaching than unrestricted free speech. Some voices in the community are currently arguing that free speech is a tenet of Catholic teaching, but that is an oversimplification. Catholic teaching which supports freedom of conscience, religion and expression does not give free reign to express ideas that will threaten life or cause harm to vulnerable people.” **Catholic Archdiocese of Wellington**

And countering that argument was the New Zealand Jewish Council point:

“We think freedom of speech as represented by very hateful ideologies is better to have them available than banning because we thinking banning them makes things more desirable and therefore likely to have worse effects.” **New Zealand Jewish Council**

The senior lecturer (violent extremism and conflict) addressed the argument that it’s preferable not to ban publications and that way they can be defeated in the marketplace of ideas and through debate.

“There’s quite a large number of academic studies that show that’s not really how it works. It’s generally people go away and find a whole lot of information to come back and be able to argue against that. Argue with you again and so it just makes people double down on their opinions rather than convinces them that they were wrong.” **Senior lecturer (violent extremism and conflict)**

The independent researcher (misinformation) said that for many who experience hate speech regularly, that is the harm, not just when a violent action takes place, and that this harmful speech diminishes those who are exposed to it.

“I think the system could definitely do a better job of recognising that level of harm that we already experience prior to somebody actually picking up a gun.” **Independent researcher (misinformation)**

The independent researcher (misinformation) went on to say that the term ‘free speech’ and the prioritising of free speech disproportionately marginalises groups.

“We know who’s harmed most when people wave the free speech flag over and above protections and we also know that there’s clear protections for indigenous rights defenders, human rights defenders, environmental rights defenders that are put in declarations that we’re signatories to and we have responsibilities to as well and those are very rarely spoken to in the same context.

We know that there are groups that are disproportionately harmed when you prioritise free speech to the exclusion of those other rights and responsibilities that are in those documents. If we’re heading down the discussion about where is this also leading us and what’s the future context for understanding free speech, again in Aotearoa, we have to bring Te Tiriti into that discussion and what is a Tiriti centred approach to understanding what free speech should look like. A lot of the free speech law and doctrine we know comes from a very racist era with the 17th century Bill of Rights and there are echoes of that still in the way in which that is applied today.

It is time for us to start to reassess whether or not people are protected. Whether or not the tools in our kit are working and what should freedom of speech, which so often is used as a cloak for violent behaviour, look like now and how do we cope with a really swiftly changing, accelerating and increasingly risky info-scape. **Independent researcher (misinformation)**

At the Muslim faith workshop concern was expressed that if the document was made objectionable it could still fall into the wrong hands and be harmful.

“One of the things that I’m concerned about is the talk about restrictions to who has access to the document. One of my concerns there is the part of that that mentioned researchers but there’s also a lot of researchers that don’t align with Māori values or Māori views. In fact, they’re quite racist towards us and even researchers can take on a white supremacist view and then get to publish those documents and get to speak about those documents to impressionable minds. I see this as a risk to Māori and so I see it as extending the impact that we are already going through.” **Māori Muslim workshop attendee**

The law lecturer (racial justice and Pacific issues) stated that in his studies of hate speech, decisions around freedom of expression are executed in favour of the white supremacist content because of existing power imbalances, because of the people who are making these decisions and because of having to weigh up these different competing interests.

“They tend to not actually have any lived experience with the hate and so, I think I understand why balancing exercises like this need to take place. I think in light of what’s happened with Christchurch and what’s at stake, there needs to be bravery from people such as yourself and the government and then there needs to be a de-centring of Pākehā voices and Pākehā interests and western interests, because the ultimate priority should be protecting Muslims and other communities of colour and we will always fall into the trap of protecting freedom of speech when these balancing exercises are undertaken.” **Law lecturer (racial justice and Pacific issues)**

NCWNZ submitted that freedom of speech should be limited where the intention is to do harm, for example inciting violence and providing information on how to make weapons.

“If the document is promulgating an ideology, then it should not be restricted. If the document crosses the line into being a ‘how to’ manual for any form of violence or harm to people, it should be classified as objectionable. Incitement to violence is criminalised by the Crimes Act 1961. The line may be difficult to determine. Should sweeping generalisations be banned? Probably not, but the people on the receiving end of the hate speech might not agree.” **NCWNZ**

The NZCBC stated that there is no valid defence of the Oslo Manifesto on the grounds of its distorted Christian theology.

“Just as the violent extremism of Isis does not represent Islam, neither does the violent extremism of the Oslo terrorist represent the faith or teachings of the Catholic Church. For example, the Compendium of the Social Doctrine of the Church teaches:

It is a profanation and a blasphemy to declare oneself a terrorist in God’s name ... To define as martyrs those who die while carrying out terrorist attacks distorts the concept of martyrdom; which is the witness of a person who gives himself up to death rather than deny God and his love. Martyrdom cannot be the act of a person who kills in the name of God. No religion may tolerate terrorism and much less preach it. Rather religions must work together to remove the causes of terrorism and promote friendship among peoples. (Compendium paragraph 515)” **NZCBC**

What are your views about the positives and negatives overall of either banning, age restricting or leaving this publication unrestricted?

Responders generally felt that there were more positives to classifying this document as ‘objectionable’ than there were to age restricting it or leaving the publication unrestricted, although a small number did favour an age restriction classification. Either way, there were some concerns about what restricting access to the document could mean (whether that be through an age restriction or through exemptions under an objectionable classification).

InternetNZ leaned towards banning it and believed it wouldn’t be bad to have the option of charging people who have copies of the publication.

The Holocaust Centre of New Zealand believes there is a line that you cross when a publication is not just putting across an ideology but is also a ‘how to’ manual.

“I think you don’t want to teach people the ‘how to’ so I’d be much more comfortable with banning that because it does provide a protective nature when you stop people from learning about how to harm communities of people. Conspiring to kill someone is a crime – there is a reason for that – to teach someone how to kill is illegal. And that’s the line for me that you would definitely be wanting to stop that communication.” **Holocaust Centre of New Zealand**

The Catholic Archdiocese of Wellington was also in favour of classifying the document as objectionable.

“For me this is such a distortion of Christianity ... I wouldn’t have confidence that without really clear guidance some people would know how to discern what was worthwhile or not in this. It leads me to favour it to not being in people’s hands.” **Catholic Archdiocese of Wellington**

The law lecturer (racial justice and Pacific issues) outlined concerns that the Oslo Manifesto provides a faux intellectual basis on which to rationalise and encourage white supremacist and white nationalist violence. Without it being available, they think there is a lower risk of white supremacist and white nationalist violence in the future.

“I don’t think the availability of the manifesto serves any public good and that it’s perfectly possible to study it and to use it in research without it being available in full.” **Law lecturer (racial justice and Pacific issues)**

Some responders felt this publication should be treated the same way as online child sexual abuse material.

“I actually think it’s very reasonable to put this in the same place as child sexual abuse online. In [the Oslo Manifesto] he talks about how if you’re not willing to take a child’s life and a woman’s life, then this is not the work for you. He’s talking about taking innocent lives and so, the same as it would be a document clearly outlining how to sexually abuse a child. It should definitely be treated the same in the context with this discussion.” **Independent researcher (misinformation)**

The survivor of the Oslo attack thought the publication should be banned and that it is important to take a stance on this.

“It’s a moment in time and it’s worth thinking about the long-term effects. [If it is banned] the next generation of Far Right Extremists won’t be able to get their hands on it.”

“It’s important symbolically to take a stance on this. If we’re going to classify all of the issues of Rumiya or Dabiq, but not those written by terrorists that look like us, that’s extremely problematic.” **International extremism expert and Oslo attack survivor**

NCWENZ was clear that where a document is exhorting violent action or describing how to make weapons and carry out violent attacks, it should be banned. However, if a document is solely presenting an ideology, regardless of how abhorrent this might be, they believe it should not be suppressed, restricted or banned.

The NZCBC submitted that banning a document is a very blunt instrument, but recognised that either banning or age restricting the Oslo Manifesto are the only options available to the Classification Office to limit the influence of this document.

“In an ideal world, we would prefer to see that there could be education, discussion and debate to counter the incitement to violence that is expressed in this document. However, we recognise that in our current context of increasingly fragmented communications, it is very difficult to reach people attracted to the call to criminal violence expressed in the Oslo Manifesto.” **NZCBC**

The NZCBC went on to say that banning the Oslo Manifesto may be the only tool available to the Classification Office to give guidance that this document promotes unacceptable attitudes and criminal behaviour.

“We accept that, in the digital age, banning the document would not remove it from the internet. However it would mean that people would be less likely to encounter it casually or accidentally.” NZCBC

Netsafe felt that an age restriction classification would be a more appropriate response.

“I do feel it needs a restriction but it’s not objectionable. If it could be somewhere between R18 and banned would prefer. On call to action grounds I lean towards objectionable but push to R18 because of practicalities.” Netsafe

The publication is one of many written by violent extremists; some have been banned and some have not. Is it useful to classify these types of publications?

There was acknowledgement that the sheer volume available of these types of publications is a challenge, as well as the fact there are no ‘bright lines’ between what might be regarded as an ‘awful but lawful’ expression of racist or hateful opinion and what may be a publication that will cause real harm and is illegal in the New Zealand context. The act of classifying documents can lead to drawing attention to an otherwise unknown publication.

NCWNZ acknowledged the difficult tension.

“Classifying a document draws attention to it. However, allowing such documents to be available causes mental and emotional harm to vulnerable communities. It is essential that critical thinking learning is taught and encouraged in our education system.

There will be mental and emotional harm to vulnerable communities. There needs to be consideration of the long-term effect on society and whether this has more impact than on a subsection of society.” NCWNZ

The NZCBC agreed that banning each of these documents may well draw attention to them, so did not deem it necessary for the Classification Office to consider each of these, especially when considering publications that are primarily generated and circulated overseas.

“However, if a similar document began to circulate or was identified as influential in New Zealand communities, the Classification Office should have the discretion to consider whether a New Zealand restriction or ban is justified.” NZCBC

InternetNZ felt that one option could be to classify publications for a period of time so they could be reviewed and released when deemed to not be such a problem; they drew parallels with the current anti-vaccination debates and misinformation circulating.

The law professor (constitutional, human rights and justice) alluded to the difficulty of knowing which of all the material circulating out there is getting to the level that it should be called in and classified, especially because the channels where it might be gathering momentum are opaque to most of society.

“I mean, we all thought that the Breivik manifesto was a bit of a joke and he was talking about being a crusader and everyone realised he was a bit of a fabulist, whereas clearly, lots of people weren’t seeing it that way. So how are you getting information as to what is a risk?”

The hard question's going to be around these manifestos that are popping up right, left and centre, trying to weigh up the potential threat they have by working out how widely circulating they are amongst New Zealand's sub groups and knowing whether they pose any real risk as opposed to just being an internet artefact that's just not getting looked at. I mean, that's a problem for the future I think. I don't know how much of that I'd factor into making a decision on this particular document given the factual background we've got identifying the danger." **Law professor (constitutional, human rights and justice)**

Although some held concerns about the 'slippery slope' argument – that by banning the Oslo Manifesto you are opening the door to banning everything you don't like – the senior lecturer (violent extremism and conflict) said this shouldn't be given too much weight.

"I wouldn't see the slippery slope argument as holding too much weight given this document is such an exemplar and I think you'll be able to point out it has inspired so many people directly to violence. It's been incredibly influential. We banned/restricted Isis material so therefore really we should be restricting this as well." **Senior lecturer (violent extremism and conflict)**

The Muslim faith community discussed at length the symbolic merits of banning publications such as the Oslo Manifesto. For them, it was about communicating to society what is and isn't acceptable discourse. A participant shared their experience of meeting a young man seeking to volunteer in the aftermath of the Christchurch shooting. The young person expressed deep guilt and regret for participating in hateful discussions in online chatrooms prior to the attack, and wanted to make up for it.

"I think that guilt came because so many people had died. Otherwise, if none of that had happened, he would have resumed as if nothing was wrong. The young person thought that what he was doing was right: 'I can post all this stuff, but I wouldn't kill anyone'. That was where he was drawing the line. Where society draws the line tells those people who can be easily influenced. It doesn't necessarily stop people from accessing it. What it does it says is that society does not tacitly approve this. We draw the line here and it matters." **Muslim faith workshop**

Are there any risks or downsides to classification of these types of publications?

Similar responses were made as those to the question on classifying the Oslo Manifesto, including drawing attention to or amplifying such documents, the practicalities of doing this with the thousands of documents in existence, and the risk of making these documents seem more attractive.

"Unfortunately, it is easier for hatred to spread than for the rebuttal of hatred to be heard. Our hope is that if they are freely available, less attention will be drawn to them by those who do not already know about them (and those people will always be able to find such documents)." NCWNZ

Other comments/observations

We received a very clear message from the Muslim community about consultation fatigue and how they are tired of calling attention to white supremacy and having nothing happen about it. They were unanimous in their advocacy of acting against it and are strongly disappointed in the response

to white supremacy following the 15 March Christchurch terror attack. They believe the presence and continued availability of the Oslo Manifesto shows that.

“The ultimate disappointment for us, reading through [the manifesto], was that nowhere near enough is being done in countering the causative, root causes and factors of white supremacy.” **Muslim faith workshop**

This workshop also expressed the need to ensure that consultation encourages a wide range of views.

“That’s what we have to think about. Who is not in the room? Who do we represent? Who is not having their opinion heard?” **Muslim faith workshop**

A poignant insight shared by the survivor of the Oslo attack was the need for universal human rights.

“Human rights are supposed to be universal, not just for white people. The goal of these rights is not to protect the majority, but to protect everybody.” **International extremism expert and Oslo attack survivor**

And NCWNZ shared with us some of the commentary published as Norway acknowledges the 10-year anniversary of the Utøya attack, citing the words of Craig Jackson:²

“Ten years after the attacks, Norway’s strict gun laws are set to become more so, with fewer dangerous people accessing firearms. The youth of ‘generation Utøya’ are more committed to political debate and less tolerant of violence, and better public understanding of the facts around mental illness and violence was a consequence of Breivik’s highly publicised trial. Despite Breivik’s atrocity, he inadvertently made a civilised country even more so. Should he ever be released from prison, he may find himself in a Norway he no longer recognises.”

The NZCBC acknowledged that there has been no public outcry against the banning of Isis material, or claims that freedom of speech justified the circulation of Isis material in the community.

“Neither the opinions of Isis nor those of the Oslo terrorist are representative of the Muslim or Christian faiths. It is important that the Classification Office is even-handed in relation to its treatment of material produced by extremist groups, whether claiming to be Muslim or Christian.” **NZCBC**

This point was also made by the Muslim faith workshop with comments about the need for a consistent approach to classifying right-wing extremist propaganda in the same way as ‘Islamic terrorist’ material.

“If we are able to report on the pathology, and engage with it, we don’t need to repeat it. We should be exploring in a more principled, objective, holistic way. We might convince a few young Muslims that the war on terror hasn’t been a war on them.” **Muslim faith workshop**

² Jackson, C. 2021. Utøya massacre 10 years on: what has changed in Norway?
<https://theconversation.com/utoya-massacre-10-years-on-what-has-changed-in-norway-164819>.

Conclusion

It has been incredibly humbling to hear the views expressed by so many diverse voices during our consultation. Those who took part spoke from the heart and left us in no doubt that publications like this one have far-reaching implications for many of us here in Aotearoa and elsewhere in the world.

We entered into this process with open minds and were provided with a range of views, from banning the document outright, to age restricting it, to leaving it unrestricted. Of course, what we decide here will also have future implications for other, similar publications and material.

We'd like to thank all those who took part in our consultation. The insights gained have been invaluable and have given us a lot to consider in making our classification decision, which will be released before the end of 2021.

Appendices

Appendix 1: Submission form

June 2021

Making a submission on the Oslo Manifesto

Submissions close 30 July 2021 at 5pm

Do you have a view on the Oslo Manifesto, its impact and what should be considered before a formal classification of the publication is made? If so, we want to hear from you.

Dealing with historic publications like '2083: A European Declaration of Independence (by Anders Breivik)' (referred to as the Oslo Manifesto for this consultation) in an ever-increasing digital world is complex and difficult. We think it is important to classify this publication now, particularly because it was referenced multiple times in the report of the Royal Commission of Inquiry into the terrorist attack on Christchurch masjidain on 15 March 2019. We want to hear your views to help us inform our thinking, and to help with the classification of this publication.

Warning: Unfortunately, we know all too well how personally affecting and potentially harmful exposure to this publication, and the acts of those who act on the ideas and philosophy promoted by this publication, and others like it, can be. We think it is important to engage with these serious issues in an empathetic and safe way. We do not propose to show this full publication to people we are consulting. There is no expectation or obligation for you to engage with this consultation. If you would prefer to decline or refer this to one of your colleagues, please let us know.

The role of the Classification Office

In New Zealand, our Classification Office aims to inform, empower, and safeguard New Zealanders from media harm. My role as the Chief Censor is to determine the classification of that content. Classifications can range from unrestricted, to age-rated, to banned. There are legal penalties for breaching classifications.

Sometimes the Office consults others to inform our decisions. We have decided to consult on this classification as we consider that the potential harm of this type of material needs to be addressed. We are also conscious of the complexity of the freedom of speech and harm issues, and think it's important to conduct a robust and targeted consultation to inform the classification decision.

Why we want to know what you think

The main purpose of this consultation is to help inform our classification for the Oslo Manifesto. We are also taking the opportunity to take understand the wider issues and look at how we respond to classification of other publications of this nature. We want to help build our understanding of the best way to minimise the harm these publications cause.

We appreciate your feedback.

Confidentiality

This is a sensitive topic and as such we are trying to manage the consultation in a way that does not amplify the issue or encourage people to seek out the material for themselves. We are sharing material with you on a confidential basis – thank you for your understanding on this.

How your comments will be used

Your feedback and comments will be included in our consultation report and will help inform our classification decision and our approach to how we deal with this type of material in future.

Given the publication's potentially distressing content we are committed to ensuring that this consultation is undertaken in a sensitive manner. Anyone involved can elect to discontinue at any time.

The questions

The questions contained in this form are designed to get you thinking about the issues so you can share your insights with us. Please provide additional thoughts if you would like to.

How to make your submission

You can make your submission in person or by filling out this submission form, or both.

Completed submission forms must be received by 30 July 2021 at 5pm.

Please fill in this form online and return it by email to consultations@classificationoffice.govt.nz.

If you prefer to print off and return by post, please send your completed submission form (allowing at least five days for mail delivery) to:

PO Box 1999
Wellington 6140
New Zealand

Background Information

What happened?

Anders Behring Breivik (legally Fjotolf Hansen) is a far-right Norwegian terrorist convicted of mass murder, causing a fatal explosion and terrorism, after:

- detonating a van bomb in Regjeringskvartalet in Oslo (killing eight people)
- shooting dead 69 participants at a Workers' Youth League (AUF) [young politically progressive activists] summer camp on the island of Utøya in 2011.

The Oslo Manifesto is the document released by Breivik just before he conducted two attacks in Norway on 22 July 2011. Breivik has said that he viewed the attacks as a “marketing operation” for the manifesto. He sent this to over 1,000 separate email addresses approximately an hour before the bomb attack.

At over 1,500 pages, the Oslo Manifesto is an extremely large publication. It is a compendium of Breivik's own writing and a collection of essays, blogposts and other texts from individuals who are prominent in the Counter-Jihadi³ community. It sets out Breivik's extremist ideology, presents the Oslo attacks as necessary and justified, and serves to inspire others to join the extremist movement that Breivik promotes. The document also contains a large amount of practical advice for those who want to carry out their own acts of terrorist violence.

The 2020 Royal Commission of Inquiry into the Terrorist Attack on Christchurch Mosques on 15 March 2019 considers that the Christchurch terrorist was significantly influenced by the Oslo Manifesto.

Summary of the publication

The first half of the document identifies the key anxieties and beliefs that drove Breivik.

1. Cultural Marxism or multiculturalism. This is a conspiracy theory that claims a group of intellectuals known as the Frankfurt School managed to subvert traditional Christian patriarchal values by introducing 'Marxist' ideas into cultural spheres such as education and politics. These 'Marxist' values and practice are viewed as responsible for modern ideals such as feminism, egalitarianism, globalism and liberalism.

2. Islamisation of Europe. Breivik promotes the idea that Islam is not a religion but a violent political ideology that has been engaged in a grand historical struggle against Christian Europe. The 'Marxist' political elite, journalists and educationalists in Europe have all promoted Islamic migration in an effort to gain favour with the Arab world and cement their own position in society. The Eurabian⁴ conspiracy theory is presented as evidence of collusion between the EU and the Arab world.

³ The Counter-Jihadi movement is a collection bloggers, activists, think tanks, lobbyists and pundits across the US and Western Europe, all united by the shared belief, to varying degrees, that the 'Islamic world' is at war with the 'West'.

⁴ The Eurabia conspiracy theory is an unsubstantiated belief that there is a secret plot between the EU and the Arab powers to Islamise and Arabise Europe.

3. Feminism. Breivik believes feminism is a key component of 'Marxism' and bears a significant amount of responsibility for the perilous situation Europe is currently facing. Feminism has resulted in the loss of traditional patriarchal norms and the emasculation of the indigenous European man. This has left him weak and unable to fend off the Muslim masses.

Breivik denies being a racist, using the argument that Islam is not a race. He also denies being a National Socialist, but this appears to be a strategic decision not to alienate the general public who have been indoctrinated by the 'Marxists' to believe nationalism is evil.

In the second half of the document Breivik proposes what he believes to be the solution – a conservative revolution that plays itself out in three phases.

The first phase involves clandestine cells of patriotic individuals conducting pseudo-commando 'shock attacks' that target the 'Marxist' enemy. The Oslo attacks represented one such example. Muslims are not a key target but can be attacked as a means of eliciting revenge that will show the oblivious European public the true face of Islam. The second phase involves more advanced paramilitary operations meant to destabilise industries and European governments. The final phase involves coup d'états and the establishment of a culturally conservative political agenda. Breivik foresees this happening by 2083.

Breivik claims he is a founding member of a secret organisation known as the reborn Knights Templar. The Knights Templar have been entrusted with leading the revolution and are effectively acting as judge, jury and executioner. Any patriotic European can become a member as long as they are committed to the cause. Breivik gives detailed information about all aspects of being a Knight.

Breivik provides any aspiring Knight with detailed information on planning an operation, including instructions on how to create your own body armour. He suggests targets and provides advice on strategy and tactics. Information on 'weapons of mass destruction' includes highly detailed instructions on how to create a fertiliser bomb. Breivik's own experiences in creating the bomb he detonated on 22 July are usefully recorded in a lengthy diary/personal log.

Breivik outlines his visions for the future in a collection of musings that amount to over 100 pages. He imagines a conservative, patriarchal, monocultural Europe that practices a version of militant Christianity that focuses on societal cohesion rather than religious doctrine and devotion. Everyone living in Europe will have to conform to these ideals or be deported elsewhere.

In addition to the diary/personal log, Breivik includes a lengthy Q&A session at the end of his document. The material is a rehash of his ideology, conviction and visions for the future presented as if he were an aspirational leader being unveiled to an adoring public. Insights into his personal history are manipulated, misrepresented and fabricated to cast him in a highly favourable light.

The document ends with a collection of 'professional' glamour photographs that Breivik hoped would inspire his readers and be used by media and the authorities.

Classifying a publication

Classifying sensitive publications like this one is complex. Decisions can result in legal penalties, including jail time. Classification can enable enforcement agencies and industry to act more swiftly to remove or manage certain materials.

The categories we have available to us for classifying these types of materials include:

- R18 classification.
This would make it an offence to show to someone under 18. If an individual showed someone this content unaware of the restriction, they could be fined up to \$3000. Showing it with knowledge to under 18s can result in a jail sentence for up to three months and fines up to \$10,000.
(There are other, higher penalties if content is shown by an organisation.)
- Objectionable classification.
This classification means you cannot possess or share the content. Possessing objectionable material has a range of penalties: without knowledge – there's a fine (for an individual) of up to \$2000; with knowledge – imprisonment up to 10 years or fine up to \$50,000. There is a penalty of up to 14 years' imprisonment for distributing objectionable material.
(There are various other penalties regarding displaying or distributing content in a public space or to a young person.)
- An unrestricted classification would mean anyone can legally view the content.

Submission form

Please don't feel that you must answer all these questions, or provide personal information, if you don't want to.

- Submission completed by: (your name) _____
- Address: (street/box number) (town/city) _____

Are you submitting this as (tick one box only in this section):

- An individual or individuals (not on behalf of an organisation)

- On behalf of a group or organisation(s)
 - Organisation: _____
 - Position: _____
 - Email: _____

Privacy

Please note your submission may be requested under the Official Information Act 1982. Each request will be considered on its merits, and we will endeavor to withhold personal identifying information. If you want to make your submission to us in confidence so it won't be released, please state that clearly to assist us.

If you are happy to have your name released, either in response to an OIA or in our documentation please tick the below box.

- I give permission for my personal details to be released.

Questions

1. Before receiving this submission form, had you ever heard about this publication before?

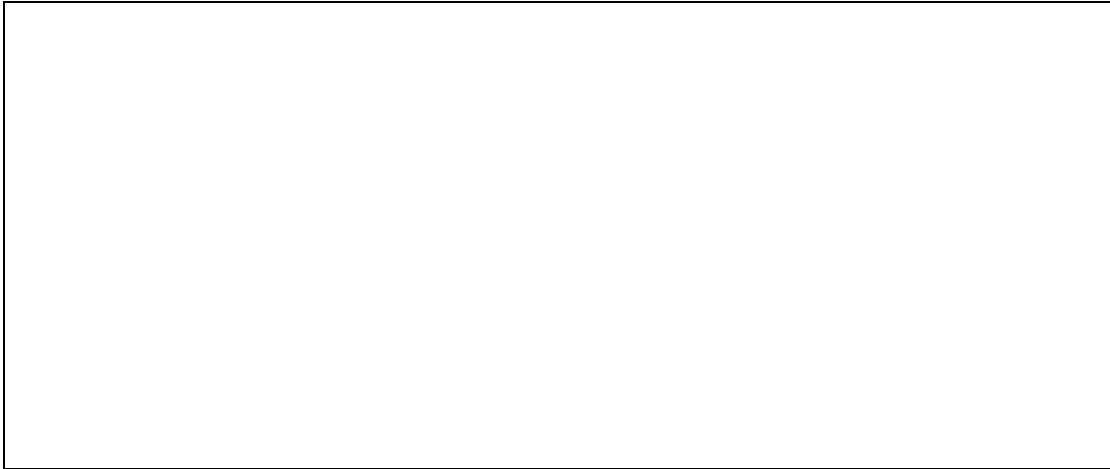
Yes / No / Unsure / Prefer not to say

2. Who do you think is the intended audience for this publication? Do you think they are likely to be influenced by it, and if so how? If not, why not?

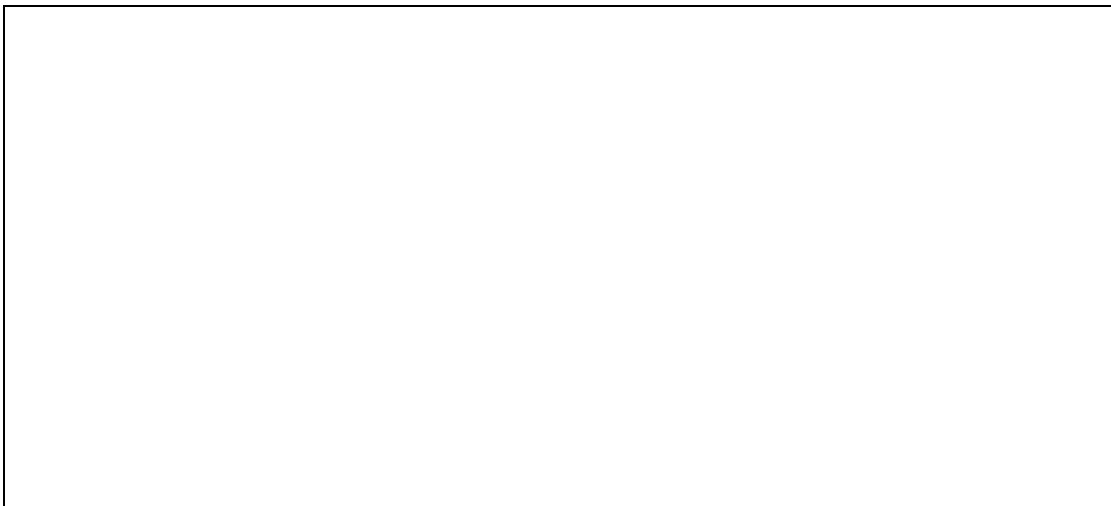
3. Do you think the availability of this publication in New Zealand is harmful or dangerous? Please tell us why/why not.

4. Is there any value or importance in this publication being publicly available? Please tell us why/why not.

5. **If this publication was to be banned, how would that impact your community (if at all)?**



6. **What about if the publication was age restricted, for example R18?**



7. **Banning or age restricting this publication would impose a limitation on freedom of speech. In general, when do you think limiting freedom of speech may be justified?**

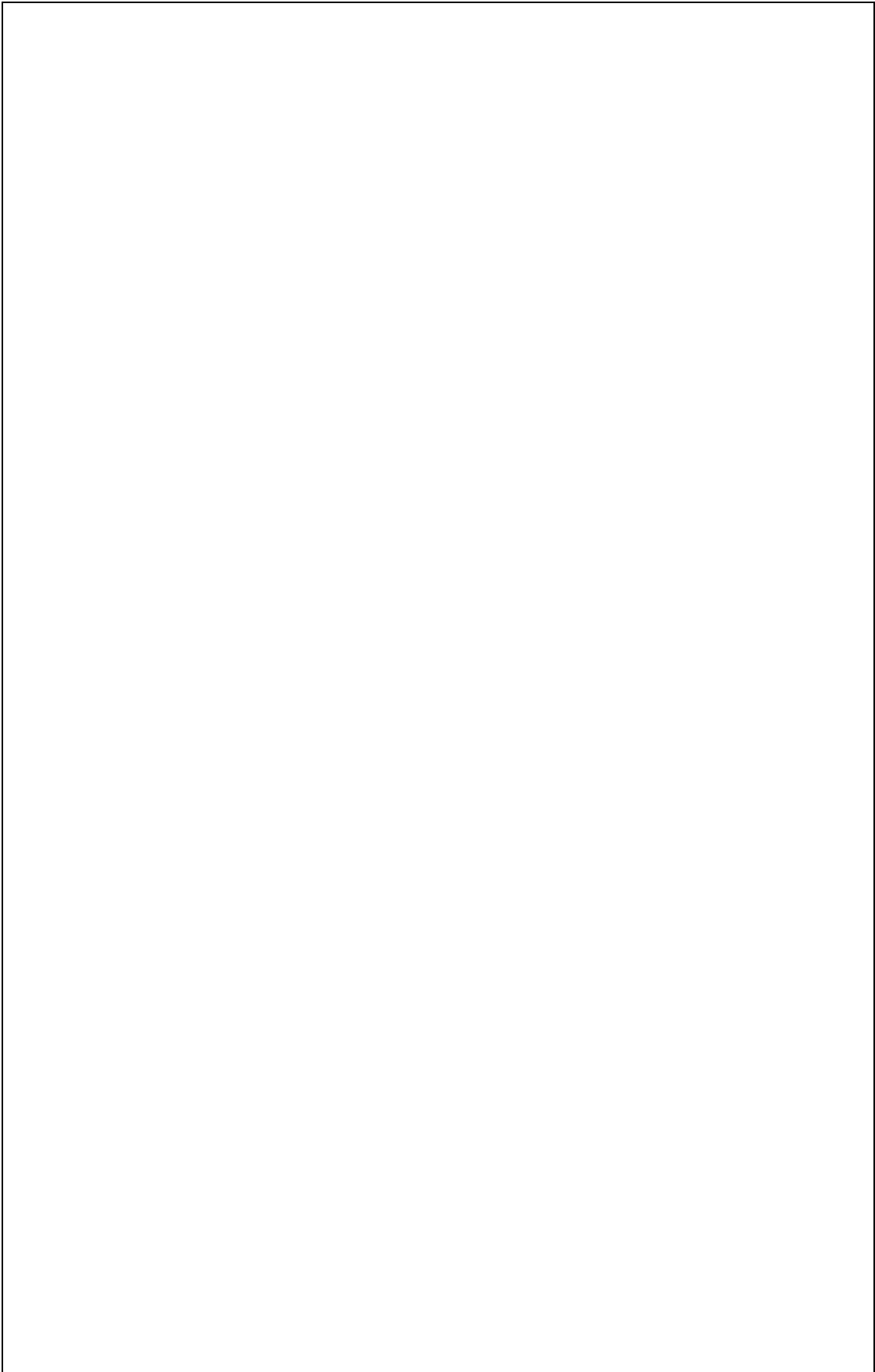


8. What are your views about the positives and negatives overall of either banning, age restricting or leaving this publication unrestricted?

9. The publication is one of many written by violent extremists. Some, like the 'manifesto' written by the 15 March terrorist, have been banned in New Zealand, but some have not. In general, do you think it's useful for these sorts of publications to be classified? Please tell us why/why not.

10. Do you think there are risks or downsides to classifying this type of publication? If so, please tell us what these are. If not, why not?

Any other comments / observations?

A large, empty rectangular box with a thin black border, intended for providing additional comments or observations. The box is currently blank.