

Words fail me

Keith Chapple experiences the honkey stomp

The Iraq war, terrorism, cannibalism in Germany, Janet Jackson's breast.

It has been a rugged 12 months or so and some days I have to steel myself to pick up a newspaper.

Saddam and Osama have had plenty of publicity but the most gripping articles seem to involve the human body.

Of course, Janet was the most important story. After her and Justin Timberlake's bodice ripping exercise ('lewd and sexually explicit conduct') during the half-time show in the American Super Bowl in January someone from Knoxville, Tennessee is apparently suing CBS and Janet and Justin and whoever else on behalf of 80 million people who suffered 'outrage, anger, embarrassment and serious injury'.

If it is all for real, the most extraordinary thing about the recently published pleadings are the plaintiff's 'factual allegations' that claim that the Super Bowl is 'a uniquely American cultural event' and 'an American celebration of our nation's many blessings, many gifts and talents'.

I think there was a football match going on as well on the same day if anyone was interested.

Across the Atlantic, disturbing reports from Berlin about the complex case of Adrian Meiwes provide the strongest support yet for remaining computer illiterate.

Herr Meiwes, described as a 'gentleman of the old school' was charged with murder after successfully advertising on the Internet for a fit man to eat - literally. Somebody replied, they met and only one survived.

According to Meiwes's lawyer, many have similar interests. 'In Germany, about 200 hundred people were offering on the Internet to be slaughtered, 30 were ready to do the slaughtering and 10 to 15 wanted to watch,' he said.

No doubt it is difficult to find anyone willing to share a cell with the accused now. You would never go to sleep.

My neighbour in chambers, Mandible, suggested to me the other day that the best way to relieve 'post traumatic news disorder' was to listen to soothing music.

Mandible's room is the one closest to the kitchen and they say he had a very big 'broken bones' practice. He has been oversolicitous about my health and svelte figure recently and drops IT magazines on my desk every day.

I was working late the other evening, bogged down with some dictation, when Mandible followed up on his musical therapy advice.

Knowing I was a Carl Orff fan from way back, he tossed a CD of 'Carmina Burana' through my door together with Volume 75 of the *Federal Court Reports* with a yellow sticker in it. He mumbled something about the Federal Court cover version of 'O Fortuna' as he went off to e-mail someone about dinner.

I put the disc in the machine and settled back with a Black Label.

Nothing could have prepared me for what followed. Expecting the restful chorus of 'O Fortuna' to envelop me I had cranked up the volume without knowing that Mandible had snared a copy of the techno mix variant reviewed in *Schott Musik International GMBH & Co and Others v Colossal Records of Australia Pty Ltd and Others*: (1997) 75 FCR 321.

'Techno music' figured largely in the case and for the uninitiated was described by the trial judge Tamberlin J as follows:

The evidence indicates that the 'techno' genre is a form of music particularly favoured at 'raves' which have been described in evidence as all-night dance sessions where loud pulsating music is played. It is said that the techno genre embodies a 'slavish' devotion to the use of rhythm as a hypnotic tool that is, largely, if not primarily, interpreted by electronic means.

On appeal, Hill J dealt with the techno improvements on the rather staid original of 'O Fortuna' thus at 325:

It is difficult in words to compare the techno adaptation to the original. The ear is a better means of comparison. ... but the changes made include electronic sounds, transposition, electronic distortion giving a harshness to the choral voices, pumping rhythms, various voices interspersed, including at one stage a voice saying 'do the honky stomp, do the honky stomp, do the honky, do the honky, do the honky, do the honky stomp', piano riffs and a variety of electronic effects.

It was torture. I felt like I'd been lifted from my seat and flung around the room. I think my ears were bleeding.

I could hardly hear Mandible when he returned - I was still in pain - but it seems he thought the Federal Court had got it right and basically Carl Orff needed a bit of souping up. He agreed with Mr Toop from the Musicology Unit of the Conservatorium who said that the original was 'kitsch' anyway and not susceptible to debasement.

I was in no physical condition to argue and Mandible had to leave.

He told me he didn't want to be late home for his dinner date as he had a real surprise in mind. That's why I call him a proper gentleman.

I wonder if he can get hold of the Federal Court video for me - so I can follow the music without suffering outrage, anger, embarrassment or serious injury.