

Should Australian states outlaw the Nazi salute?

The issue at a glance

What they said...

'These are thugs who are trying to intimidate and put fear into people. If they're allowed to keep on doing this, it justifies it in the eyes of the public. There has to be a law to stop it'

Holocaust survivor, Jack Leder, criticising antisemites giving the Nazi salute

'If you don't believe in a person's right to say things that you might find "grossly offensive", then you don't believe in Freedom of Speech'

Comedian and actor, Ricky Gervais, defending a man who posted a videoclip in which a dog performed Nazi salutes

On January 27, 2023, it was reported that a group of Holocaust survivors are urging the Victorian government to ban the Nazi salute in public. [↗](#)

The move follows a series of recent incidents where white supremacists performed the gesture in public spaces, including at a ceremony for Indigenous Australians. [↗](#) Supporters claim the ban is necessary because of the distress caused Holocaust survivors and their families. They say it is also necessary to reduce the spread of racial hatred.

It is seen by some as a necessary follow-up to banning the Nazi swastika, which the Victorian government did in June 2021. Other states have since either banned or are about to ban the swastika.

However, some commentators are concerned that banning the Nazi salute is an excessive restriction of freedom of expression. [↗](#)

Background

The information below is an abbreviated version of two Wikipedia entries - 'Nazi salute' and 'Far-right politics in Australia.' The full texts can be accessed at [↗](#) and [↗](#)

The Nazi salute

The Nazi salute, also known as the Hitler salute or the Sieg Heil salute, is a gesture that was used as a greeting in Nazi Germany. The salute is performed by extending the right arm from the shoulder into the air with a straightened hand. Usually, the person offering the salute would say 'Heil Hitler!' or 'Sieg Heil!' It was adopted in the 1930s by the Nazi Party to signal obedience to the party's leader, Adolf Hitler, and to glorify the German nation (and later the German war effort). The salute was mandatory for civilians but mostly optional for military personnel, who retained a traditional military salute until the failed assassination attempt on Hitler on 20 July 1944.

Use of this salute is illegal in modern-day Germany and Austria and is also considered a criminal offence in modern-day Poland and Slovakia. The use of any Nazi phrases associated with the salute is also forbidden. In Italy, it is a criminal offence only if used with the intent to 'reinstate the defunct National Fascist Party', or to exalt or promote its ideology or members. In Canada and most of Europe (including the Czech Republic, France, the Netherlands, Sweden, Switzerland, the United Kingdom, Ukraine, and Russia), displaying the salute is not in itself a criminal offence, but constitutes hate speech if used for propagating the Nazi ideology.

Far-right extremists in Australia

In Australia, the far-right first came to public attention with the formation in 1931 of the New Guard in Sydney and its offshoot, the Centre Party in 1933. These proto-fascist groups were monarchist, anti-communist, and authoritarian. These early far-right groups were followed by the explicitly fascist Australia First Movement (1941). Far-right groups and individuals in Australia went on to adopt more explicitly racial positions during the 1960s and 1970s, morphing into self-proclaimed Nazi, fascist and anti-Semitic movements, organisations that opposed non-white and non-Christian immigration, such as the neo-Nazi National Socialist Party of Australia (1967) and the militant white supremacist group National Action (Australia) (1982).

Since the 1980s, the term has mainly been used to describe those who advocate for preservation of what they perceive to be Christian Anglo-Australian culture, and those who campaign against Aboriginal land rights, multiculturalism, immigration and asylum seekers. Since 2001, Australia has seen the formation of several neo-Nazi, neo-Fascist or alt-right groups such as the True Blue Crew, the United Patriots Front, Fraser Anning's Conservative National Party and the Antipodean Resistance, and others.

Internet information

On January 28, 2023, The Jerusalem Post published an opinion piece titled 'The risk of forgetting the Holocaust has never been greater'. The article proposes a number of reasons why the atrocities committed during the Holocaust are in danger of being forgotten.

The full text can be accessed at [🔗](#)

On January 27, 2023, J-Wire, a Jewish news site, published a report titled 'Holocaust survivors call for salute ban'. The report details the request made to the Victorian government by a group of Holocaust survivors and others that the Nazi salute be banned in public.

The full text can be accessed at [🔗](#)

On January 27, 2023, The Sydney Morning Herald published a report titled 'Holocaust survivors call for Nazi salute to be outlawed in Victoria'. The report details the request made to the Victorian government by a group of Holocaust survivors and others that the Nazi salute be banned in public.

The full text can be accessed at [🔗](#)

On January 27, 2023, the Herald Sun published an article titled 'Andrews government considers ban on public use of Nazi salute'. The news report gives details of a number of recent racist, extreme-right public displays involving the Nazi salute which have led the Victorian government to consider banning its use.

The full text can be accessed at [🔗](#)

On January 27, 2023, SBS News published an analysis and comment titled, 'Assaults, verbal abuse, and harassment: "Alarming" rise of antisemitism in Australia.' The report gives details of a significant increase in incidents of antisemitism in Australia, many of which involve the use of the Nazi salute.

The full text can be accessed at [🔗](#)

On January 23, 2023, the ABC's Religion and Ethics site published an analysis and comment titled 'The memory of the Holocaust and the mystery of unfathomable evil'. The article examines the history of hatred for Jewish people which, it claims, helped to make the Holocaust possible.

The full article can be accessed at [🔗](#)

On January 20, 2023, The Conversation published a comment by Josh Roose, Associate Professor of Politics at Deakin University titled 'Would a law banning the Nazi salute be effective - or enforceable?'

The opinion piece examines why banning the Nazi salute is being considered and then discusses why this move might be problematic.

The full text can be accessed at [🔗](#)

On January 17, 2023, SBS published an article titled 'This Australian state could ban the Nazi salute. Experts say it won't be easy' which reports that the Victorian government is considering banning the Nazi salute following a number of disturbing recent uses of the gesture. The article also considers why such a law would be difficult to implement.

The full text can be accessed at [🔗](#)

On January 14, 2023, The Foundation for Economic Education published a comment and analysis by Julian Adorney titled 'Hate Speech Laws: The Best Arguments for Them-and Against Them'. The article critically examines the arguments for and against outlawing hate speech.

The full text can be accessed at [🔗](#)

On October 1, 2022, The Daily Mail published a report and comment titled 'Watch the disgusting moment feral Aussie soccer fans BOO during the Welcome to Country and make Nazi salutes at historic cup final: "Pathetic. Absolute village mentality"'. The article describes and criticises the racist use of the Nazi salute by

soccer fans at a recent Australia Cup final.

The full text can be accessed at [🔗](#)

On June 29, 2022, Green Left published a comment by Jacob Andrewartha titled 'Banning Nazi symbols won't make the far right go away'. The point of view explains why attempting to prohibit for right groups in Australia is unlikely to be effective.

The full text can be accessed at [🔗](#)

On May 2, 2022, New South Wales Legal Aid made a submission to the New South Wales Parliament explaining the circumstances under which it believes banning the public use of the swastika could be an infringement of freedom of expression rights. (The same arguments could be applied to banning the Nazi salute.)

The full text of the submission can be accessed at [🔗](#)

On February 20, 2022, The Australian Jewish News posted a comment written by an Australian teacher titled 'We need more and better Holocaust education'.

The opinion piece examines why more and better Holocaust education is necessary in Australia.

The full text can be accessed at [🔗](#)

On October 28, 2021, WION published a report titled 'Republican Senator Ted Cruz defends use of Nazi salute by calling it "free speech"'. The report details the views of Senator Cruz and his defence of parents criticised for using a Nazi salute at a school council meeting.

The full text can be accessed [🔗](#)

On August 16, 2021, The Age published a comment and analysis titled 'Inside Racism HQ: How home-grown neo-Nazis are plotting a white revolution' detailing the activities of extreme right-wing groups within Australia.

The full text of this article can be accessed at [🔗](#)

On July 18, 2020, SBS published an analysis and comment by Tom Stayner titled 'Opinions divided on whether Australia could effectively ban extremist far-right organisations'. The article examines the likely effectiveness on attempting to ban far-right extremist groups in Australia.

The full text can be accessed at [🔗](#)

On March 23, 2018, The Daily Beast published a comment and report by Tom Sykes titled 'Ricky Gervais and the Curious Incident of the Dog Doing the Nazi Salute' which details the support given by Gervais and others to a British man who has been found guilty of an offence for posting a video of a dog making Nazis salutes. Gervais claims it is a freedom of expression issue.

The full text can be accessed at [🔗](#)

On January 19, 2018, The Indy Star published a report titled 'Why experts say students keep doing the Nazi salute in social media photos'.

This United States' report examines the widespread posting on social media of images of students making the Nazi salute. It gives the opinion of a number of psychologists as to why this is occurring.

The full text can be accessed at [🔗](#)

On August 19, 2017, Vox published a comment and analysis by Tara Isabella Burton titled "'Sexualized fascism': how the taboo nature of Nazi imagery made the alt-right more powerful" which examines how the forbidden nature of Nazi symbols can increase their appeal.

The full text can be accessed at [🔗](#)

On May 21, 2014, NBC News published a report titled 'Nazi Salutes "Not Always Punishable," Top Swiss Court Rules'. This report details the circumstances under which Swiss courts do not regard it as illegal to make a Nazi salute.



The full text can be accessed at [🔗](#)


Arguments in favour of outlawing the Nazi salute



1 The Nazi salute serves to promote an ideology and a regime that persecuted and killed millions of people


Those who support the banning of Nazi salutes argue that these salutes serve to memorialise and endorse the atrocities committed in the name of Nazism during World War II.




Nazi Germany, under the leadership of Adolf Hitler, prompted World War II and enslaved, tortured, and killed millions of people because of their ethnicity, religious beliefs, sexual orientation, and disabilities. This program of mass slaughter saw the wholesale murder of Poles, Roma (gypsies), homosexuals, and the disabled; however, the primary targets of this extermination program were Jewish people.

The Nazis' murder of six million Jewish people (including 1.5 million Jewish children ) from all over Europe and Russia is referred to as the Holocaust.  The Holocaust is the largest act of antisemitism (bigotry and hatred directed at Jewish people) ever perpetrated. Those who want the Nazi or Hitler salute made illegal argue that Australia should ban any act that seems to approve the prejudice and crimes against humanity that were committed under Nazi rule.


A group of Victorian Holocaust survivors, Abram Goldberg, Sarah Saaroni and Jack Leder, supported by Melbourne Holocaust Museum chief executive, Jayne Josem, and Anti-Defamation Commission chair, Dr Dvir Abramovi, have called on the Victorian government to ban the making of the Nazi salute in public in Victoria because of the support it gives to Nazi-derived ideas and actions. In a statement, the group said the Nazi salute celebrates 'Hitler's monstrous legacy and the indescribable crimes committed by his regime'. 

The group's request follows a series of recent incidents where white supremacists performed the gesture in public spaces, including on Australia Day when a neo-Nazi group attempted to disrupt an Indigenous mourning ceremony at Coburg Town Hall while making the salute. The group of about 20 men, dressed in black clothes and masks, waved Australian flags, and held banners that read 'White Pride Australia'.  Victoria Police were called and responded by forming a line between attendees and the protesters to protect those who were part of the Indigenous event before they went inside the Town Hall building. Jack Leder stated, 'These are thugs who are trying to intimidate and put fear into people. If they're allowed to keep on doing this, it justifies it in the eyes of the public. There has to be a law to stop it.' 

There is growing concern that the use of the Nazi salute indicates an increasing antisemitism and racism within some communities. Two days before the Coburg Town Hall incident, more than 20 white supremacists were also seen doing the salute on Elwood Beach. The group of neo-Nazis posed at the Point Ormond lookout while displaying a red and blue flag symbolic of the far-right European Australia Movement. All made a Nazi salute while posing for a photograph which has since been widely distributed. Elwood has a significant Jewish population, and this act has been condemned as intimidation. The white nationalist group was founded by Thomas Sewell, who was recently convicted of punching a security guard and sentenced to 150 hours of community work. Sewell made the Nazi salute on emerging from the court. 

These disruptive demonstrations involving the use of the Hitler salute have been denounced as perpetuating the hatred embodied by the Nazi regime. Dr Abramovich and Melbourne Holocaust Museum chief executive Jayne Josem have stated, 'It is beyond belief that those inflamed with virulent antisemitism, who are using this evil gesture as a rallying cry and who have weaponised the salute to intimidate and terrorise the community, have the law on their side.'  A Victorian Government spokesperson has said, 'We've been clear there's no place for this hateful ideology in Victoria. Vilification has no place in our community.'  When in May 2022, the Victorian government put through legislation to ban the public display of the Nazi swastika, the state's Attorney General, Jaclyn Symes, similarly stated, 'We know that this is a symbol of hate and division, and it is incredibly harmful and damaging, the messaging it sends...Victoria is multicultural. We are multi-ethnic. We do not want a community that stands for this type of behaviour.' 

2. The Nazi salute is a recruitment tool for Neo Nazi movements which are increasing in strength in Australia Those who support the banning of Nazi salutes in public argue that they serve as a recruitment tool. They warn that extremist right-wing groups are growing in size and number in Australia and governments should do all they can to discourage them.

Those who call for banning the Nazi salute argue that neo-Nazi groups are becoming increasingly dangerous. In 2021, undercover surveillance conducted within neo-Nazi groups in Victoria, who have connections with groups in other states, made some disturbing discoveries. A report published in The Age on August 16, 2021, stated, 'Neo-Nazi leaders are taped advising members to hang onto their guns and raise funds to buy up rural property to form the genesis of a new, racist state. They're also involved in prolific networking with other violent cells across Australia and overseas.'  The Director-General of the Australian Security Intelligence

Organisation, Mike Burgess, warned Australians of the growing threat of far-right extremism in his 2021 Annual Threat Assessment. Burgess stated, 'Ideological extremism investigations have grown from around one-third of our priority counter-terrorism caseload, to around 40 per cent.'



These groups have numerous ways to attract new members, including extensive use of the Internet; however, critics of the current laws have noted that the Nazi salute can act as a powerful recruitment tool both in the real world and online. As an example of the salute being used in the physical world and as a recruitment tool online, a report published in The Adelaide Advertiser on September 3, 2022, noted that a neo-Nazi group had posted a photograph of its members giving the Fascist salute in front of the Adelaide Holocaust Museum. This has been condemned as the group attempting to attract attention by spreading the message of hatred embodied by the crimes of the Third Reich. Anti-Defamation Commission chair, Dr Dvir Abramovich, has stated, 'The contagion of unvarnished, raw hate that is now defiling Adelaide has reached an ominous pitch...'

Dr Abramovich has further warned, 'They use the Hitler salute as a rallying cry to celebrate the murderous legacy of Hitler. I don't think that they should have the law on their side.'

It has been claimed that using the Internet to spread neo-Nazi gestures like the Hitler salute is potentially very influential as the Internet dramatically extends the reach of these symbols. In an article published in Time Magazine on February 18, 2020, it was noted that one of the biggest problems is in the infrastructure of social media and tech companies. Algorithms give priority to content that maximises viewer attention and to content that causes anger and indignation. Researcher into extremist groups and their recruitment strategies, Julia Ebner, has stated, 'It's like handing a megaphone to extremists. It's allowed fringe views to get a much bigger audience.'

It has been claimed that transmitting gestures like the Nazi salute in this manner is very dangerous.

The visible and dramatic nature of the Nazi salute and the ease with which it can be made means it can be imitated by children and young people, who may not be fully aware of the significance of what they are doing, but who are being drawn into neo-Nazi hate groups. On October 1, 2022, Sydney United Supporters group (SUS) disrupted the opening of the Australia Cup final. They booed and raised their arms in what appeared to be a Nazi salute during the Welcome to Country. These actions have been widely condemned as seeking to promote racial division. Former United player and Australia international Craig Foster described the behaviour as a 'horrific display of racist hate' and apologist to Indigenous Australians. Concerns has been expressed that such behaviour, witnessed by the 16,461 spectators at the game and by many, many thousands more watching the televised competition at home, could well spread racist hostility. The state Jewish Board of Deputies chief executive, Darren Bark, has stated, 'These vile symbols and salutes have no place in modern Australian society... Reprehensible conduct such as this... [is] undermining our cohesive multicultural society.'

3. The Nazi salute gives grave offence to the victims of Nazism and their descendants

Opponents of the Nazi salute being made publicly in Australian states argue that the gesture is deeply painful and offensive to both those who survived Nazi persecution and to the descendants of the victims of Nazism.

In 1933, when the Nazis first came to power in Germany, there were 23,000 Jewish people in Australia. A further 9,000 escaped Europe before the start of World War II. After World War II, Australia accepted growing numbers of Holocaust survivors. Approximately 15,000 survivors settled in Australia in the four years from 1945. By 1961, about 35,000 pre-war Jewish refugees and post-war Holocaust survivors had immigrated to Australia. Many of Australia's present-day Jewish community are descendants of those who escaped Nazism in the 1930s and '40s. The 2021 census indicated that Australia has a Jewish population of almost 100,000 which is a 9.8 percent increase since the 2016 census. Though the number of Jewish people living in Australia who survived the Holocaust grows smaller each year, the number of their descendants is growing.

Survivors of the Holocaust and their descendants are deeply offended and traumatised by symbols and gestures like the Hitler salute. They are reminders of the atrocities committed by the Nazis and promote neo-Nazi hatred and prejudice. The impact of this salute and the abuse that often accompanies it has been explained by recent victims. In May 2022, a heavily tattooed man made a Nazi salute towards a young Jewish mother and her child as they were walking in the Caulfield area. She was walking near the local synagogue when a young man driving past, slowed and made a Hitler salute. The woman said, 'It is hard to

believe that this is happening in Melbourne, in the heart of the Jewish community. I am very scared.' [↗](#) Adelaide Jewish community leader, Norman Schueler, has described being verbally attacked by a man performing a Hitler salute on a Camberwell street in Melbourne on September 28, 2022. The man gave a Nazi salute and said, 'We should have killed all the Jews; we will kill the f--king Jews.' Mr Schueler stated, 'I was horrified. It brought to life the images from members of one's family - the people who experienced Kristallnacht and the stories they told when they left Germany.' Mr Schueler further stated, 'I was absolutely staggered that could happen in a civilised society in the street.' [↗](#) Mr Schueler said he had been left traumatised and struggling to sleep after the incident. A similar confrontation occurred, in January 2023, when an elderly Jewish woman was accosted by a neo-Nazi man at a supermarket in Elsternwick, Melbourne. The bald, middle-aged man in dark clothing, raised his arm in a Nazi salute and called out 'Heil Hitler!' The woman, who is in her 70s and whose family survived the Holocaust said, 'I never thought it would happen in Australia in 2022.' [↗](#) The woman has said she is afraid she will encounter the man again and that it will happen again.

It has been claimed that episodes involving the Nazi salute can traumatise and intimidate individuals and entire communities. Anti-Defamation Commission chair, Dr Dvir Abramovich, has described the effect of the Elsternwick incident on the Jewish community living in the area. Referring to his own trauma, he has stated, 'As the son of Holocaust survivors who fled Europe to give their family a peaceful life, it brought back all the traumas of my past: the guilt of my parents for surviving the Holocaust and their struggles.' Referring to Elsternwick as a whole he claimed, 'Openly giving the Nazi salute in a supermarket in the heart of the Jewish community shocks the conscience and shows that these Hitler worshippers are less inhibited in expressing their wild and dangerous feelings in public.

These violent gestures not only scar and traumatise the victims, but they shake the affected community, leaving many frightened and vulnerable.' [↗](#)

4. Nazi symbols have already been banned in Victoria and other states


Those who argue that the Nazi salute should be banned note that Victoria and other Australian states have already banned the public display of the swastika. They claim that the Nazi salute should be outlawed for the same reasons as have led governments to prohibit the swastika.


Victoria was the first Australian state to mark its opposition to Nazi ideas and ideology by banning the Hakenkreuz, often referred to as the Nazi swastika. On June 21, 2022, the Summary Offences Amendment (Nazi Symbol Prohibition) Bill 2022 was passed in the Victorian Parliament. A media release issued the same day noted, 'This landmark passing sends a clear message that the dissemination of Nazi and neo-Nazi ideology through the public display of the Nazi symbol has no place in Victoria.' [↗](#) The state's minister for Multicultural Affairs, Ros Spence, added, 'These laws are part of our unwavering commitment to challenge antisemitism, hatred and racism wherever and whenever they occur.'

Victorian Jewish representatives have argued that the Nazi salute should be banned on the same rationale as the swastika was outlawed, arguing that any state that recognises the harm caused by the swastika should also recognise the harm caused by the Nazi salute. Anti-Defamation Commission chair, Dr Dvir Abramovich, has stated, 'There was a very strong and unequivocal indication from the government at that time [when the swastika was banned] that they are certainly open and willing to look at banning other Nazi symbols.' A Victorian government spokesperson has endorsed this view stating, 'We've been clear there's no place for this hateful ideology in Victoria - public demonstrations and displays such as these [involving Nazi salutes] do nothing but cause further pain and division. Vilification has no place in our community.' [↗](#)

Other Australia states have followed Victoria's lead and banned the public display of the swastika. On August 11, 2022, the New South Wales Parliament passed legislation which makes it illegal to wave a Nazi flag or display memorabilia bearing swastikas. The New South Wales Attorney General, Mark Speakman, stated, 'The events that occurred under the Nazi regime represent one of the darkest periods of recorded human history. The atrocities committed during that period are almost unimaginable, and the intergenerational trauma they have caused continues to be felt by many people today. This new offence sends a clear message that the display of Nazi symbols, and the hatred and bigotry they represent will not, and should not, be tolerated.

This new criminal offence will provide important, additional safeguards against hate speech and vilification in our State.' [↗](#)


The head of the New South Wales Jewish Board of Deputies, Darren Bark, welcomed the new law stating, 'Nazi symbols are a gateway to violence and are used as a recruitment tool by extremists. Banning their display is a long-overdue and much needed law in our state.'  Again, supporters of banning the public making of a Nazi salute argue that Nazi symbols and gestures represent the same danger and so should both be banned.



Later in 2022, the Queensland and Tasmanian governments indicated that they would soon introduce similar legislation to the anti-swastika bills passed in Victoria and New South Wales. On January 23, 2023, the Western Australian Government issued a media release indicating that it too would be introducing a bill to prohibit the display and possession of Nazi symbols. The release states, 'The display of Nazi symbols is offensive to many members of society, and particularly to the Jewish community, survivors of the Holocaust and their families and those who have fought against fascism. Nazi symbols, such as the Hakenkreuz (commonly referred to as the swastika), are widely associated with antisemitism, genocide, and racial hatred. Unfortunately, in Western Australia and throughout Australia, there continues to be reported incidents of antisemitism, which sometimes involve the display and possession of Nazi symbols.' 


There is a growing movement across Australia to outlaw the display of the Nazi swastika. Opponents of the public display of the Nazi salute believe it represents the same offence to Holocaust survivors and their families and the same threat to public safety and community welfare.

5. Allowing the Nazi salute normalises its use

Those who believe that the Nazi salute should be outlawed in public, argue that if its use becomes commonplace and seen as appropriate this can spark curiosity about its origins and may also encourage young people to see neo-Nazi views as acceptable.

There has been general concern expressed at a growing tendency to normalise Nazi symbols and gestures by dissociating them from their horrific origins and seeing them as funny or as a form of entertainment. One prominent instance of such normalisation supposedly intended for entertainment was the work of Englishman Mark Meechan who trained and filmed his girlfriend's pug making a Nazi salute in response to Hitler speeches, the phrase 'Sieg Heil' and the phrase 'gas the jews'. He made videos which were posted on the Internet in April 2016 and have been watched millions of times. Meechan defended his video claiming, 'It was clearly satire. It was clearly a joke. I wasn't setting out to cause any offense to any people. If anything I was wanting people to laugh, and just obviously, it was taken the wrong way.' 

In March 2018, Meechan was found guilty of a charge under the British Communications Act in that he posted a video on social media and YouTube which was 'anti-Semitic and racist in nature' and was likely to aggravate religious prejudice. Sheriff Derek O'Carroll stated, 'In my view it is a reasonable conclusion that the video is grossly offensive. The description of the video as humorous is no magic wand. This court has taken the freedom of expression into consideration. But the right to freedom of expression also comes with responsibility.'  A range of commentators have defended Meechan's post; however, its critics maintain it is not only offensive but harmful, in that it could popularise extreme and violent views. Gavriel D. Rosenfeld, a Professor of History at Fairfield University, has warned of the dangers of normalising Nazism. He has stated, 'The Internet above all is the medium that really focuses on Hitler as a completely decontextualised, dehistoricised figure. We can draw a Hitler moustache on anything or a swastika on anything and start laughing at it.' 

Some commentators have warned that popularising the Nazi salute and other Nazi symbols can be especially harmful to adolescents as they are at an impressionable stage of their development. Ashleigh Woods, psychologist, and board member for the Indiana Psychological Association, has explained that group acceptance is a major consideration for young people. She has stated, 'Belonging-ness is an important motivator for behavior especially in teens.' This means that seeing the Nazi salute used by others can prompt its wider use among adolescents. Julie Steck, a psychologist specialising in children and adolescents with developmental, learning, emotional, and behavioral concerns, has stated, 'They don't think long-term and don't think about the consequences of their behavior. There's the herd mentality that if one person says this will be a good idea, they jump on board without thinking of the consequences.' 

One of the concerns is that for young people with a propensity to accept Nazi beliefs and prejudices, copying the salute and being curious about its origins could result in them becoming members of far-right groups.

Psychologist Julie Steck has explained that some of those who have used the Nazi salute did so because they think it is 'funny in the moment, and in retrospect, [acknowledge] they did something stupid, and they regret it.' She argues that there is a more concerning group who are 'proud of what they said and did and would say they don't regret it.' Lastly, Steck suggests, there is the most concerning group who come to 'believe in what they are doing...' [↗](#) Reports of such concerning, apparently Nazi-inspired behaviour were published about a private school in Melbourne in September 2022. A parent has complained that a large group of bullies at the school refer to Jewish students as 'Jew' and perform Nazi salutes in their presence. Some of the victims of this bullying are descendants of Holocaust survivors. [↗](#) Critics argue that the possibility that normalising the use of the salute might lead to an increase in neo-Nazi beliefs is an important reason to outlaw the use of the gesture.

Arguments against outlawing the Nazi salute

1. Any law prohibiting the Nazi salute would be very difficult to enforce

Some of those who argue that the Nazi salute should not be made illegal claim that such a law would be almost impossible to implement.

The primary difficulty of enforcing such a law would be proving that an accused person had knowingly given a Nazi salute. He or she could claim to have simply raised an arm or given a wave. Extremism expert Dr Josh Roose from Deakin University has stated, 'The challenge with making the Hitler salute illegal, as much as potentially desirable, is...[the] level of ambiguity... An individual could say they were putting their hand up in the air, and you've misinterpreted the burden of proof, which is actually quite difficult [to establish].'

From a legal perspective, you'd have to look to contexts, and put a lot of time and effort and resources into prosecuting.' Dr Roose has noted that the same difficulty also exists with other hand gestures that alt-right and far-right groups now use such as the 'okay symbol'. The okay symbol is made with the connection of the thumb and index finger, which can be interpreted to reflect a W and P, standing for white power; however, as Dr Roose has observed, subjects can 'just say they are making an okay symbol' if questioned. [↗](#)

A recent incident demonstrating the ambiguity to which Dr Roose refers occurred on April 11, 2022, when Artem Severiukhin, a 15-year-old Russian racer, made a disputed gesture while on the podium following the FIA Karting European Championship in Portugal. Members of the crowd were outraged, believing he had offered a Nazi salute. In a video released on social media two days later, Severiukhin claimed he was simply giving thanks to some of his supporters in the crowd with his chest taps and arm wave. He stated, 'Standing on the podium, I made a gesture that many perceived as a Nazi salute. It's not true. I have never supported Nazism and consider it one of the worst crimes against humanity...Please believe that there was no intention in my actions. There was no support for Nazism or fascism.' [↗](#)

The difficulty of establishing malicious and racist intent was also shown in a 2019 case in the United States where a West Virginia government review of a class photo showing trainees for Department of Corrections jobs making 'Nazi salutes' concluded that most did so out of ignorance. The introduction to the report's findings states, 'The investigation to this point reflects that, with some possible exceptions, participation in the conduct was largely based on ignorance, along with a remarkable and appalling lack of judgment.' The salute is alleged to have begun with one student who claimed to have started it as a joke. The posed group shot depicted most class members making the salute with outstretched arms and an open, out-facing hand often associated with Nazis. In the group's defence, however, it was noted that some class members were making a closed fist salute. [↗](#)

Similar concerns have been raised in other parts of the world. Dieudonné M'bala M'bala is a French comedian, actor, and political activist. Convicted for hate speech and slander in Belgium, France, and Switzerland, Dieudonné is best known as the inventor of la quenelle - a hand gesture that resembles a chest-level version of the Nazi salute, which has become a symbol for growing anti-Semitism in France. Dieudonné has insisted that he means the quenelle to be a generic anti-establishment gesture. According to his lawyer, Mr. Verdier, the quenelle is in fact an 'anti-system, anti-establishment, anti-left, anti-right symbol meant to provoke the indignation of the politically correct.' Courts have accepted different interpretations of the gesture. [↗](#)

Similar differences of interpretation have arisen with other performers. In 2005, criticisms were made of a Justin Bieber performance in which he appeared to gosestep and raise his arm in a Nazi salute. The move,

called a 'stomp,' is part of an apparent in-joke between the singer and his fans. A representative of Nidar Oz Communications, the company which manages Bieber's productions, has stated, 'These are dance moves...Dance moves are meant to entertain. Not everything has to do with the Jewish people...'

2. The law would be a potential infringement of freedom of speech

Some of those who oppose the outlawing of the Nazi salute argue that it should be protected as part of freedom of expression.

One of the defences of the Nazi salute is that it can be used by people who are opposing oppression. In these circumstances the argument is put that the sign is being used ironically as an accusation that those being hailed are dictators, as Hitler was. This defence was offered in the United States in September 2021 when two parents were accused of making a Nazi salute at a school board meeting in Worthington, Ohio. The parents' action was cited as an example of aggressive and intimidating behaviour when the United States Justice Department started an investigation into the rise of violence against teachers. Republican Senator for Texas, Ted Cruz, defended the parents' use of the Nazi salute, stating that this was a 'free speech' issue. Cruz claimed, 'My God! A parent did a Nazi salute at a school board because they thought the policies were oppressive.'

Cruz went on to condemn a memo sent to the Federal Bureau of Investigation (FBI), urging them to 'go investigate parents as domestic terrorists' and claimed that the parents 'doing a Nazi salute at an elected official, is...protected by the First Amendment.' (The First Amendment to the Constitution of the United States guarantees American citizens freedom of speech.) Three years earlier a similar point had been made when students at Baraboo High School in Wisconsin, who appeared in a photo seemingly giving a Nazi salute, were declared by the school superintendent to be protected by free-speech rights. The photographer claimed that the salute was misinterpreted.

In other jurisdictions, giving a Nazi salute is defended as a freedom of speech issue even when the gesture is made knowingly. In Switzerland, for example, making a Nazi salute is only considered illegal when it is done as a propaganda gesture intended to spread Nazi ideology and foment racial hatred. If the gesture is used to express a conviction or a point of view 'among like minded people' then it is allowed under Swiss law. This distinction was made in a Swiss Supreme Court ruling brought down in 2013. Some Swiss legal authorities claim that a sweeping ban on the salute would be punishing the offenders' attitudes or belief systems rather than the act itself which is not physically harmful. The Federal Tribunal's ruling, entitled 'Hitler salute in public not always punishable,' stated that the gesture is a crime only if someone is using it to try to spread racist ideology to others, not simply declaring one's own belief. The situation is similar in many other parts of the world. In Canada and most of Europe (including the Czech Republic, France, the Netherlands, Sweden, Switzerland, the United Kingdom, Ukraine, and Russia), displaying the salute is not in itself a criminal offence, but constitutes hate speech if used for propagating the Nazi ideology.

Civil rights concerns over banning Nazi symbols and salutes have also been expressed in Australia. On May 2, 2022, Legal Aid New South Wales made a submission to the New South Wales Parliament in response to a bill intended to ban the display of Nazi symbols. The submission stated, 'We note that the proposed offence may unintentionally curtail freedom of expression. While freedom of expression is not an absolute right, any restrictions of this freedom must be necessary to protect national security, public order, or public health and morals...We are concerned that the proposed offence...is too broad and risks criminalising behaviour that is not intended to cause harm.' The legal aid body noted that it was important that any accused could be proved to have displayed a symbol or made a salute knowing their connection with Nazism. They also argue that it was necessary that the accused be proven to have intended harm. Without these assurances, the legal aid group believe citizens' freedom of expression would be being unreasonably restricted.

3. A ban on the Nazi salute could make Nazi supporters more dangerous by encouraging them to hide their activities

Some of those who oppose banning the Nazi salute argue that actions such as banning Nazi symbols, denying them access to online platforms and prohibiting their organisation may be counterproductive. They claim that such actions may force the groups underground where they are potentially more dangerous.

A number of those who work to control the actions of all forms of terrorist groups argue that these groups are more dangerous when hidden. Referring to the far-right groups which sometimes use Nazi salutes, Mike

Burgess, the Director-General of the Australian Security Intelligence Organisation, has stated, 'People often think we're talking about skinheads with swastika tattoos and jackboots roaming the backstreets like extras from [movie] Romper Stomper, but it's no longer that obvious.' [↗](#) A 2022 Parliamentary briefing paper written in 2022 by Caitlin Grant, from Foreign Affairs, Defence and Security, also noted that right wing extremism can be difficult to identify. The report stated, 'It is important to note that right-wing extremism does not always involve violent extremist movements. Groups exist in small pockets and echo chambers that internalise hateful messaging and may promote violence. The New Zealand Royal Commission into the Christchurch attack noted that there are often "fluid boundaries" between hate crimes and right-wing terrorism.' [↗](#)

It has been claimed that laws which seek to prohibit these groups tend to drive them underground where they are more difficult to monitor and track. Dr Kristy Campion, senior lecturer in Terrorism Studies at Charles Sturt University and author of 'Chasing Shadows, the Untold Deadly Story of Terrorism in Australia' promotes the 'sunlight theory'. This principle argues that so far as possible it is better to keep far-right groups operating in the open where their plans to take extreme action can be more easily detected. [↗](#) This point has also been made by Dr Josh Roose, Senior Research Fellow in Politics and Religion at the Institute for Citizenship and Globalisation at Deakin University. Dr Roose has argued that banning certain groups might also make them more difficult to track. He suggests, 'They could reform under different names, dissipate, spread, or pop up in new places.' [↗](#) Counter-terrorism analyst Professor Clive Williams has also stated, 'Once you ban...[right-wig groups] it drives them underground and makes them much more cautious about their communication...The threat really from right-wing groups can be monitored fairly well because at the moment they are not particularly security conscience and they are relatively easy to infiltrate.' [↗](#)

It has also been argued that in addition to making ultra-right groups more difficult to monitor, driving them underground makes them more difficult to reform. Political opinion writer, Julian Adorney, has noted, 'Even when hate speech laws actually target genuine hatred, they don't eliminate it; they just drive bigots underground. This actually makes it harder to root out bigotry and to confront prejudiced people with the ideas necessary to help them move past their prejudice.' Adorney goes on to give an example of extremists having their views changed through the intervention of someone with an opposing view. Adorney explains, 'Daryl Davis is a black jazz musician who befriends KKK members and convinces them to disavow their racist beliefs. He finds them, talks to them in earnest, listens to their hatred...and changes their minds. To date, he's convinced more than 200 KKK members to hang up their robes, including an Imperial Wizard (the highest-ranking member of the Klan).'

Adorney concludes, 'In a world where white supremacists weren't free to utter their noxious beliefs, Davis's work would be impossible. He wouldn't know who to target... If bigots don't air their ideas in public, they're less likely to be exposed to a solid refutation of those ideas... In a world where their hateful ideas are banned, these men and women will only feel free to express their thoughts to people who already agree with them. That creates echo chambers.' [↗](#)

4. Banning the Nazi salute could add to its appeal for some people



Some of those who oppose the banning of the Nazi salute are concerned that a ban will intensify the appeal of the salute and the impact of its message.


It has been suggested that banning the Nazi salute and other symbols adopted by right-wing groups can increase these groups' anger and their hostility to the societies that prohibit them. As instances of this, Nazi swastikas were found painted in Melbourne's east and southeastern suburbs, a week before the ban on the symbols was enforced in Victoria. Two swastikas were discovered at the Central Gardens in Hawthorn and on a fence in Brighton, while an anti-Semitic phrase was found painted on a Cheltenham garage. [↗](#)


Then, the day after the Victorian government made it a crime to publicly display a swastika within the state, a giant swastika was painted onto a Mornington Peninsula road. The symbol was painted overnight on Dundas Street at Rye near a group of shops. [↗](#) It has been noted that for some extremist groups bans only incite protest action.


Some critics have also claimed that seeking to prohibit Nazis slogans, symbols and salutes allows ultra-rightists to present themselves as the victims of government oppression. In a comment published on June 29, 2022, in Green Left, Jacob Andrewartha stated, 'Banning Nazi symbols...allows the far right to portray themselves as victims of repression.' [↗](#)

Sociologist Mitchell Berbrier has similarly claimed that a belief in their own victimhood is a powerful

psychological mechanism used by far-right groups for recruiting members, galvanizing around a cause, and forming what is essentially a support group.  Recent psycho-social studies have claimed that a shared sense of grievance is a strong motivator for many extremist groups. Sophie Kaldor writing for the International Centre for Counter-Terrorism at The Hague has stated, 'A notion of unmet grievances, which are held on to and nursed until the...[subject] derives a masochistic pleasure from his own victimhood...[are] an important precipitant of individual radicalisation and terrorist group formation.' 


Professor Pam Nilan, a sociologist at the University of Newcastle, New South Wales, has studied the ways in which young people are attracted into ultra-right extremist groups. She states, 'Far Right recruitment sets out to activate the emotions and feelings of young people using persuasive discourses like white victimhood, anti-elitism, and invasion. That rhetoric - offline and online - offers them the opportunity to step up to an apparently heroic cause that will change the world.'  Groups that have had their salutes, slogans and symbols banned are in a position to present themselves as the targets of government tyranny and to call on new members to join the fight against this oppression. Some commentators warn that when governments act to prevent Nazi slogans being used to attract support, they need to be careful to weigh the benefits against the potential harms. It is possible that in banning swastikas and Nazi salutes they are unintentionally giving far right groups a new recruitment tool.

It has also been suggested that banning Nazi salutes, symbols and groups has heightened the appeal of these talismans and gestures. It has given them the attraction of the forbidden. It is suggested that their prohibited nature gives them a power and a significance that some people find attractive. Writing for Vox in an article published in 2017, Tara Isabella Burton has argued, 'If anything, the sheer taboo nature of Nazi imagery - how thoroughly outside the window of acceptable discourse it is - has, to its supporters, only added to its appeal. Its very transgressive nature has made it easy for propagandists to market it as "sexy" and "forbidden."' 

Social commentators have warned that young people are particularly attracted to the forbidden. Health psychologist Gema Sánchez Cuevas has noted the particular appeal that the taboo has for adolescents. She writes, 'In adolescence, young people need self-affirmation of who they are while at the same time they are getting to know and discover themselves. To do this, it is necessary during this juvenile stage to differentiate themselves from parental patterns by highlighting their own ideas and defining their own path... At this stage, seeking after that which is forbidden is often a way for them to differentiate themselves from the ideals ingrained since childhood, which now are not useful.'  Again, commentators warn that governments need to be careful not to make far right activity attractive to young people by the act of banning it.


5. It is more important to educate people about the evils of Nazism than to ban its symbols


Many of those who oppose the imposition of a ban on the Nazi salute argue that educating about the horrors of Nazism is a better means of discouraging its reemergence than enforcing bans.


It has been claimed that the best means to prevent a recurrence of the dreadful crimes and abuses that occurred in Nazi Germany is to remember what was done and build values of tolerance and respect that will help to ensure that these events are not repeated. This is the position that has been adopted within modern Germany. German high-school students are required to take classes on 20th-century German history, including the Nazi era and the Holocaust. Many schools are also part of a nationwide program called 'Schools Without Racism,' whose more than 2,800 participating institutions pledge to offer additional study for students on such issues. Though visiting the site of a concentration camp is not compulsory, many students choose a special course that offers this experience. Visiting the memorial concentration camps has become increasingly popular with visitors from around the world. In 2018, 2.2 million people visited Auschwitz; five years prior, the number was 1.5 million. 


Similar programs are now taught in Victoria in response to the growing problem of increasing right-wing extremism. On February 26, 2020, then Education Minister James Merlino required all government secondary schools to teach the Holocaust and to address the broader issues of racism and prejudice. Mr Merlino also announced new and refreshed teaching and learning resources for Holocaust education would be developed in partnership with the Victorian Jewish community. Mr Merlino stated, 'It is vital that each generation understands the horror of the Holocaust to ensure it can never be repeated and to educate the community on the damage caused by anti-Semitism, racism and prejudice.

This is about using this terrible historical event to talk to students and educate them about the broader issues


of racism and prejudice in our society.' 



It was also announced that not-for-profit organisation Courage to Care, which uses the Holocaust to teach students about bystander behaviour, would receive Victorian government funding to establish an ethnic or religious vilification hotline for schools, students, and parents. The organisation would also establish a new student advisory group to look at what can be done to make schools more inclusive. Jewish Holocaust Centre director Jayne Josem said lessons from the Holocaust were 'frighteningly relevant today.' Ms Josem further stated, 'Learning more about the Holocaust and equipping teachers to face this challenging subject gets students to reflect on the world they live in today.' 



Similar programs are being introduced in other countries, also in response to the growing problem of anti-Semitism and neo-Nazism. On November 9, 2022, Stephen Lecce, Minister of Education in Ontario, Canada, announced a series of reforms across the state, including the introduction of mandatory Holocaust learning for the first time in elementary schools. The Education Minister stated, 'We are taking action to counter antisemitism and hate, because those that fail to learn from history are doomed to repeat it.' Currently, mandatory learning about the Holocaust and other acts of genocide are included in the Grade 10 Canadian History Since World War I course. The revised Grade 6 Social Studies curriculum, which is part of Ontario's continued modernisation of the curriculum, will be implemented in September 2023. Ontario is also investing in community partnerships to help students learn about historical and present-day discrimination and how to identify and address hate. 

Both Germany and Victoria have adopted a mixed approach, combining education about the Holocaust and the need for racial tolerance with laws that prohibit hate speech and Nazi symbols. Some commentators suggest that the educative role is more important as it helps to prevent citizens unwittingly slipping into racist attitudes as the result of using racist symbols or gestures. Authorities like Dr Kristy Campion, senior lecturer in Terrorism Studies at Charles Sturt University and author of 'Chasing Shadows, the Untold Deadly Story of Terrorism in Australia' argue that responses to terrorism should not mean 'over-reacting' by restricting freedom and limiting open societies. 



Further implications



Right-wing extremism and anti-Semitism (hatred and bigotry directed at Jewish people) seem to be increasing around the world. 


In Australia, there were 478 antisemitic incidents logged during the year from 1 October 2021 to 30 September 2022, according to the Executive Council of Australian Jewry's (ECAJ) annual report on Antisemitism in Australia released on January 27, 2023.  Some of these incidents were extreme. The Council has given concerning specific examples. A group of Orthodox Jewish men were verbally abused and physically assaulted in Melbourne in February 2022, with their religious skullcaps forcibly removed. A woman punched, kicked and bit a Jewish man in May 2022 after she saw his Star of David necklace. In June 2022, a Jewish man in Bondi in Sydney was approached by a man and woman, who told him he 'did not belong in the area' and was 'destroying the heritage', before taking his hat from his head and throwing it on the ground.  The incidents detailed in the Council's report include physical assault, vandalism, verbal abuse, harassment and intimidation, hate messages, graffiti, and propaganda material such as banners, flags, leaflets, posters, and stickers.

Analysts note that there are many dimensions to the problem. One is the proliferation of right-wing and antisemitic material on the Internet. A 2018 Fundamental Rights Agency survey on Experiences and Perceptions of Antisemitism among Jews in the European Union found nearly nine in ten respondents considered online antisemitism a problem. Eight in ten encountered antisemitic abuse online.  The web plays a significant role in spreading and accelerating antisemitic texts, pictures, and films. Antisemitism has exploded on the Internet, as data from long-term studies reveal. In the ten years between 2007 and 2017, the volume of antisemitic comments in online commentary sections has tripled, and in some realms quintupled.  Not only does online antisemitism intimidate and distress Jewish people, it also serves as a powerful medium through which antisemitism can be spread and right-wing extremist groups can recruit members.

Another concern is that Holocaust survivors, firsthand witnesses to the horror of the Nazi regime are dying. It is now nearly eighty years since the end of World War II when the Allied forces went through Europe liberating the areas where the Nazis had established concentration camps and revealing the atrocities that

were committed there. There are now very few people who can give direct testimony to the dreadful nature of what had occurred.  In an article published on January 28, 2023, The Jerusalem Post noted, 'Today, there are an estimated 400,000 survivors; by 2030, that number will decline by 75 percent. Once they are gone, those stories are lost to time, as is some meaningful portion of Holocaust memory.'  After World War II, there were only 35,000 refugees from war-devastated Europe in Australia so the number of Holocaust survivors in this country is small. Their loss makes it relatively easier for people to deny what occurred, to minimize their suffering and, remarkably, to demonise them.

Both developments are challenges for Australia's education system. It is one vital mechanism through which Holocaust education can be conducted. It is an important means of countering the antisemitism found on the Internet and of trying to ensure that the message contained in the suffering of those who survived the Holocaust is not forgotten. The need for this does not seem to have been lost on Australian state governments. In the last two years the Victorian government has moved to mandate and improve the quality of Holocaust education offered in the state.  New South Wales also mandates Holocaust education. In Tasmania the state government has established a Holocaust Education and Interpretation Centre. The purpose of the centre is that Tasmanian citizens continue to learn about the horrors of the Holocaust in the hope that they will not be repeated. 

However, many believe that more needs to be done. A 2021 study conducted by Deakin University on knowledge and awareness of the Holocaust, surveyed more than 3500 Australians from all states and territories and who represented a variety of age groups. The results showed that almost a quarter of those who were assessed had little to no knowledge of the Holocaust. The millennial age group made up for a significant percentage of those who lacked knowledge. 

Outlawing the Nazi swastika and the Nazi salute may well be part of the solution to countering the rise of right-wing extremists and antisemitism; however, they are secondary to the importance of effective education. Whatever is not taught in schools will be taught to many students and others on the Internet and the bigoted and perverting nature of much which is promoted there cannot go unchallenged.