

Australia Fruitless Gestures: Victoria Bans the Nazi Salute

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It took place with hardly any debate, though it interested some parliamentary members at the committee stage. The Australian state of Victoria now faces laws that will lock a person up for 12 months or punish individuals with fines of A\$23,000 or above if they dare enact a gesture. That gesture is giving, with intent, the Nazi salute.

Victoria had already banned displays of the Nazi Hakenkreuz last December, imposing fines of approximately A\$22,000 or a period of 12 months' imprisonment for breaching the injunction. (That notably, had no effect whatsoever.) But vocal advocates such as Dr Dvir Abramovich of the Anti-Defamation Commission always wanted more. "To see the Hitler salute, it's as threatening as being confronted with a gun," he [explained](#) to Australia's SBS network. "It is a weapon in my view. It is an unacceptable reality that in 2023, it is still legal."

On August 29, the Victorian Premier's office [announced](#) that, "The Nazi salute and other gestures and symbols used by the Nazi party will be banned in Victoria under new reforms to prevent hateful conduct and address the harm that it causes the community." To aid that reformist claim, Attorney-General Jaclyn Symes duly introduced the *Summary Offences (Nazi Salute Prohibition) Bill 2023* into Parliament, intending "to send a clear message that Nazi ideology and the hatred it represents is not tolerated in Victoria."

On August 30, the Minister for Police, Crime Prevention and Racing (such a comic

combination is standard in Australian States), [predictably tabled](#) a “statement of compatibility” with the state’s *Charter of Human Rights and Responsibilities Act 2006* (Vic). “Under the Charter, rights can be subject to limits that are reasonable and justifiable in a free and democratic society based on human dignity, equality and freedom. Rights may be limited in order to protect other rights.”

According to the Minister, **Anthony Carbines**, public displays or the “performance of Nazi gestures, particularly the Nazi salute, and other Nazi symbols impinges” the right of people to enjoy their human rights without discrimination. The minister specifically notes the threat to “the dignity and self-worth of groups that have been historically persecuted by the Nazi Party and targeted by neo-Nazi groups,” among them the Jewish community, LGBTIQ+ individuals and people with disability.

Across Australian territories and states, including New South Wales, the Australian Capital Territory, Tasmania and Western Australia, such measures are being enacted, though with an initial focus on banning Nazi symbols.

Ultimately, laws explicitly punishing such conduct must be judged by their effect. Blanket bans are usually the sign that the account of ideas has been overdrawn, if not closed altogether. We are told that prohibiting such symbols, and the salute, is intended to stifle the “recruitment drive” for far-right groups. “To the often alienated and angry young men attracted to far-right ideologies, photos of groups of men making the Nazi salute offer a sense of a collective and belonging,” [writes](#) the anthropologically attuned Josh Roose.

The Australian Security Intelligence Organisation (ASIO), an agency prone to sketchy assessments at the best of times, [is concerned](#) about the lowest common denominator. “Extremist insignia [are] an effective propaganda tool because they are easy to remember and understand. They also can transcend language, cultural and ethnic divides; creating and distributing them is not limited to a select few or one cultural or language group.” The conclusion, it follows, is that a ban is good to keep the thickos in check.

If that is the purpose, that it can hardly be said to have worked in a number of jurisdictions keen to stomp out the twitch felt in the arms of some individuals. In Europe, where the Nazi salute is banned on pain of various grades of penalty (Germany, Austria, the Czech Republic, Slovakia and Poland, for instance), nationalist movements can hardly be said to have felt awe and trepidation at such regulations.

While Victoria’s parliamentarians have acted out their somnambulistic rituals in passing this reactive legislation, aided, no doubt, by the outbreak of the Israel-Hamas War, a sprinkling of Australian commentary has been wise to failing of such prohibitions.

Lydia Khalil of the Lowy Institute [says with crisp confidence](#) that such bans do little to “decrease anti-Semitism, the hateful targeting of LGBTQ communities or counter right-wing and fascist extremists. If anything, it may make matters worse.” Case in point: the rise of right-wing extremism in Germany, with 2021 being a particularly notable year. In December 2022, Khalil reminds readers, German security forces “arrested more than two dozen people for an expansive plot to overthrow the state.” Those same security forces, ironically enough, are facing the threat of infiltration by neo-Nazi groups. So much for the laws against the salute.

Greg Barton, Chair of Global Islamic Politics at Deakin University, though more cautious than

Khalil, is also [wise to the fact](#) that banning Nazi symbols might well “only serve to amplify the groups’ message and draw attention to their hateful cause.” Small organisations with minimal political clout and influence, such as the puny National Socialist Network, suddenly have something to talk about, if only because they are being spoken about. “Prosecuting them for symbolic action risks giving them the very thing they so desperately want: attention.” (Khalil also remarks on this same point: [I]f there’s anything that these neo-Nazi groups want, it’s a reaction.”)

The [explanatory memorandum](#) behind the Nazi Salute Prohibition bill does what so many such instruments do when a crisis is inflated and fattened by unimaginative politicians. Has Victoria seen thousands march and salute to the Horst Wessel Lied, rioting with hearty hatred? Hardly. But something must be seen to be done or, as the memorandum says, “The purpose of this amendment is to address the recent increase in the public display and performance of the Nazi salute in Victoria.” That way, the political representatives can always give the impression that something threatening and noxious is being dealt with, however large that threat is, while drawing attention to the seductive allure of doing so. That way, the problem is not solved but compounded.

In terms of symbolism and the state’s efforts to criminalise displays, the sharper tools in the box of extremist politics can always come up with another gesture, if not another symbol altogether. (Admittedly, many such characters lack imagination and would prefer to stick with the traditional staple of the salute and Hakenkreuz.) An example of such subversive responses is the [use of the OK symbol](#) in place of the salute. The normally banal can then be suffused with ideological potency, while baffling law enforcement. There will always be issues of difficulty, then, in discharging the burden of proof.

Evidently, Victoria’s authorities think they can afford to expend resources upon what would essentially be fatuous prosecutions, when existing criminal laws are already in place to achieve much the same purpose. And how fabulous it will be to see prosecutions stumble over what is accepted as satirical depiction and what is not. How the ghost of Charlie Chaplin and the working pen of Larry David must delight when such buffoonery manifests.

As for the parliamentarians themselves, having done and dusted the bill with speed verging on irresponsibility, they could then turn their minds to far worthier concerns: [expressing outrage](#) at the banning of Sprite the rescue dog from their place of work.

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Featured image: Members of the [Hitler Youth](#) in Berlin performing the Nazi salute at a rally in 1933 (Licensed under CC BY-SA 3.0 de)

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