



Submission to the Royal Commission on Antisemitism and Social Cohesion

Germany case study: Repressive legislative frameworks
fail to combat antisemitism and undermine social cohesion

29 May 2026

Jewish Voices of Inner Sydney

Formed in 2024 on Gadigal and Wangal lands, Jewish Voices of Inner Sydney (JVOIS) provides community and avenues for collective advocacy to local Jewish people who have not felt represented by the old Jewish organisations. We are committed to universal human rights and democratic freedoms.

Members of JVOIS range in age, background and Jewish religious observance. Many of us are the children and grandchildren of Holocaust survivors and refugees who were given shelter here, on unceded Aboriginal and Torres Strait Islander lands.

In solidarity with many other groups, Jewish and non-Jewish, members of JVOIS campaign for justice for the Palestinian people and call on the Australian Government to end its political support of, and trade with, Israel. As part of this effort, JVOIS members have attended numerous rallies and protests. We have not experienced antisemitism within the Palestine justice movement, where we have made many friends.

The struggle against racism in this country has always been led by First Nations peoples, resisting all forms of oppression. During the twentieth century, when antisemitism was much more prevalent in Australia, Aboriginal activists were among the fiercest voices against it. We acknowledge that in Australia, racism against Aboriginal and Torres Strait Islander peoples is structural and foundational. We strongly support their calls for truth telling, justice and treaty.

Terms of Reference addressed

This submission addresses the Commission's first term of reference, which requires the Commissioner to understand and tackle antisemitism.

Specific matters addressed from the Letters Patent include a. i.-iii., and d.

Executive Summary

This submission is made to urge the Commission to exercise caution in drawing lessons from international legislative models, particularly Germany's, that have pursued an increasingly repressive approach to combating antisemitism.

These approaches have not only failed to reduce antisemitic incidents but have actively harmed Jewish pluralism, civil liberties, and broader social cohesion.

This submission explores the historical parallels of the current German framework with that of the Weimar Republic that was in place during the rise of Nazism.

1 Recommendations

The Commission should:

- 1.1 resist recommending any legislative framework that restricts political speech.
Both the Weimar and contemporary German experiences demonstrate that repressive speech laws fail to protect Jewish communities while causing serious collateral harm.
- 1.2 recommend investment in education, community-based initiatives, and intercommunal dialogue as the primary instruments for combating antisemitism – not funding restrictions, immigration conditions, or surveillance measures.
*As Clara Bünger, a member of the German Bundestag, has urged: 'We need real investment in education, victim protection and tackling all forms of antisemitism, including its local and historical roots.'*¹
- 1.3 affirm that Jewish communities in Australia are diverse, and that any measures to combat antisemitism must protect the full spectrum of Jewish political, religious, and cultural expression – including anti-Zionist perspectives.
A framework that silences Jewish dissent in the name of protecting Jews is not protection; it is coercion.
- 1.4 heed the lesson of Weimar and resist the construction of any censorship or surveillance apparatus that could, in a changed political environment, be turned against the communities it is meant to protect.
History teaches that the tools of repression do not remain in the hands of the well-intentioned. The infrastructure built to protect minorities today may be wielded against them tomorrow.

¹ Clara Bünger MdB, statement to *Die Welt*, August 2025, as reported in "Germany sees alarming rise in antisemitic incidents in 2025," *Ynetnews*, 7 August 2025, <<https://www.ynetnews.com/jewish-world/article/sycevn11del>>.

2 The Weimar Fallacy: A Historical Lesson

- 2.1 Before examining Germany's contemporary framework, it is essential to address a historical misconception that frequently distorts policy debates about antisemitism and speech regulation. A common intuition holds that if only Weimar Germany had more effectively censored Nazi speech, the Holocaust might have been prevented. The historical record demonstrates the opposite.
- 2.2 The Weimar Republic (1918–1933) maintained extensive hate speech laws, including laws specifically banning hateful speech directed at Jews. These laws were vigorously enforced against the Nazis. Top Nazi leaders including Joseph Goebbels, Theodor Fritsch, and Julius Streicher were sentenced to prison time for violating them.²
- 2.3 Nazi publications were frequently banned: in a two-year period alone, ninety-nine Nazi newspapers were shut down in Prussia. The Nazi party newspaper, the *Völkischer Beobachter*, was suspended multiple times for antisemitic content in the early 1920s.³
- 2.4 After Hitler's failed coup attempt in 1923, both the Nazi party and its newspaper were banned outright until 1925, and most German states banned Hitler from speaking publicly between 1925 and 1927.⁴
- 2.5 A 1922 law passed in direct response to Nazi agitation permitted authorities to censor press advocacy of violence and criticism of the government, followed by a series of emergency decrees expanding censorship powers.⁵
- 2.6 None of this stopped the rise of Nazism. As former ACLU President Nadine Strossen and free speech scholar Jacob Mchangama have documented, these censorship efforts were so demonstrably ineffective that the phenomenon is widely known in academic circles as "the Weimar Fallacy" – a term credited to Professor Eric Heinze.⁶
- 2.7 Hitler himself concluded in retrospect that the bans on his speech had been beneficial, boosting his fame and popularity. When Bernhard Weiss, the Jewish vice-president of the Berlin police, pursued legal action against Goebbels' newspaper *Der Angriff*, the resulting court cases served as a propaganda platform, enabling Goebbels to portray his publication as the victim of a Jewish conspiracy.⁷

² Strossen, N., Lukianoff, G. (2022), "Would Censorship Have Stopped the Rise of the Nazis?" Foundation for Individual Rights and Expression (FIRE), 27 April 2022; Mchangama, J. (2022), *Free Speech: A History from Socrates to Social Media*, Basic Books; Neier, A. (1979), *Defending My Enemy: American Nazis, the Skokie Case, and the Risks of Freedom*, E.P. Dutton.

³ Doskow, A., Jacoby, S. *Anti-Semitism and the Law in Pre-Nazi Germany*, Committee on Public Relations of the General Jewish Council <https://www.bjpa.org/content/upload/bjpa/4_an/4_Anti-Semitism_September-October_1940.pdf>.

⁴ Mchangama, J. (2022), *Free Speech: A History from Socrates to Social Media*, Basic Books.

⁵ *ibid.*

⁶ Ben-Ami, D. (2022), "The Weimar Fallacy," *Radicalism of Fools*, 31 March 2022 (crediting the term "Weimar Fallacy" to Mchangama who in turn credits it to Eric Heinze); Strossen, N. (2022), "Would Censorship Have Stopped the Rise of the Nazis?" FIRE, 27 April 2022.

⁷ Mchangama, J. (2022), as cited above.

- 2.8 As Mchangama argues, the hate speech laws not only failed to prevent the rise of the Nazis but actively helped them gain legitimacy among a substantial section of the German public.⁸
- 2.9 More insidiously, the censorship apparatus built by the Weimar Republic to suppress extremism was inherited by the Nazis when they came to power. The laws that had permitted authorities to shut down newspapers and control radio broadcasts were turned against all opponents of the regime. The infrastructure of repression, built with the best of intentions, became the tools of totalitarianism.
- 2.10 This history carries a direct lesson for the present Commission: the belief that antisemitism can be legislated away through speech restrictions is not merely untested – it has been tested, in the most consequential possible setting, and it failed catastrophically.

⁸ *ibid.*

3 Contemporary Germany: History Repeating

- 3.1 Germany today has developed what is arguably the most extensive state apparatus for combating antisemitism of any Western democracy.
- 3.2 Key elements include:
- the 2017 formal adoption of the IHRA working definition of antisemitism as a framework for government action⁹
 - the Bundestag's 2019 resolution branding the BDS movement as inherently antisemitic and calling for denial of public funding and facilities to organisations supporting BDS¹⁰
 - the November 2024 resolution titled "Never Again Is Now," which expanded these measures to encompass funding cuts for any organisation that questions Israel's right to exist¹¹
 - amendments to citizenship law requiring naturalisation applicants to answer questions about Israel's right to exist¹²
 - the classification by Germany's domestic intelligence agency of BDS as a 'suspected extremist threat.'¹³
- 3.3 There are strong similarities in this framework to that proposed in the ASECA plan.
- 3.4 The parallel with the Weimar period is striking. Once again, Germany has strictly enforced hate speech and anti-extremism laws aimed at protecting Jewish life. And once again, antisemitism has surged, and a far-right party with deep connections to antisemitic ideology has grown dramatically.
- 3.5 The Alternative für Deutschland (AfD) has risen from its founding in 2013 to become one of Germany's most powerful political forces, doubling its support in the February 2025 federal election. In the 2024 state elections in Thuringia, the AfD won the largest share of the vote – the first time a far-right party had done so in any German state since the Nazi era.¹⁴
- 3.6 According to the ADL's J7 Task Force, the AfD 'provides an environment for antisemites to flourish' and 'has close links to right-wing extremist circles.'¹⁵
- 3.7 In January 2024, the investigative group Correctiv revealed that AfD members had attended a meeting with Identitarian movement activists to discuss plans for mass

⁹ Bundesbeauftragte der Bundesregierung für jüdisches Leben in Deutschland und den Kampf gegen Antisemitismus, "IHRA Definition," antisemitismusbeauftragter.de (confirming Cabinet adoption on 20 September 2017).

¹⁰ German Bundestag, Resolution "Resisting the BDS Movement with Determination – Combating Antisemitism," 17 May 2019.

¹¹ German Bundestag, Resolution "Never Again Is Now: Protecting, Preserving and Strengthening Jewish Life in Germany," 7 November 2024.

¹² CNN, "Germany demands new citizens accept Israel's right to exist," 27 June 2024.

¹³ Saul, B., Völkerrechtsblog, "Boycott, Divestment, Sanction as an 'Extremist Threat': German Intelligence Overreaches," 8 September 2025, <<https://voelkerrechtsblog.org/boycott-divestment-sanction-as-an-extremist-threat-german-intelligence-overreaches-and-threatens-fundamental-rights/>>.

¹⁴ AJC, "Why Germany's Antisemitic Far-Right Party is Thriving," People of the Pod podcast, 25 February 2025; CNN, "AfD becomes first far-right party to win German state election since 1945," 2 September 2024.

¹⁵ ADL J7 Task Force, 7 Annual Report on Antisemitism 2025, Antisemitism Report, 7 May 2025.

deportation of foreign-born Germans, drawing comparisons to the 1940 Madagascar Plan.¹⁶

- 3.8 Germany's extensive anti-hate-speech apparatus has done nothing to prevent this rise.
- 3.9 In the same period, antisemitic incidents have reached levels not seen since the postwar period. In 2023, authorities registered 5,274 antisemitic crimes – a 96 per cent increase over 2022.¹⁷
- 3.10 RIAS documented 8,627 antisemitic incidents in 2024 alone, a 77 per cent increase.¹⁸ Berlin recorded a record 2,267 antisemitic crimes in 2025, up from just 381 in 2022.¹⁹
- 3.11 In October 2024, Germany's Commissioner for Jewish Life, Felix Klein, stated that open antisemitism was 'stronger than at any time since 1945.'²⁰ In September 2025, a shop owner in Flensburg posted a sign reading 'Jews are banned from here! Nothing personal. No antisemitism. Just can't stand you.'²¹ – in a country that has spent decades building a legal fortress against precisely such acts.
- 3.12 Germany's framework has manifestly failed to make Jewish communities safer. The pattern echoes Weimar: repressive laws coexist with, and may even contribute to, increasing antisemitism and the rise of the far right.

¹⁶ Correctiv, "Geheimplan gegen Deutschland" [Secret Plan Against Germany], 10 January 2024.

¹⁷ Bundesministerium des Innern und für Heimat (BMI), *Politisch motivierte Kriminalität im Jahr 2023 – Bundesweite Fallzahlen*, May 2024 or for the same data in English; Human Rights Watch, World Report 2025: Germany, 16 January 2026.

¹⁸ RIAS (Bundesverband der Recherche- und Informationsstellen Antisemitismus), "Antisemitic Incidents in Germany 2024," Annual Report, 4 June 2025.

¹⁹ Times of Israel, "Berlin saw record 2,267 antisemitic crimes in 2025," 26 February 2026.

²⁰ Times of Israel, "German antisemitism czar says country facing 'tsunami' of Jew hatred since Oct. 7," 4 October 2024.

²¹ Euronews, "Ban on Jews entering Flensburg shop recalls Germany's darkest days and sparks nationwide outrage," 18 September 2025.

4 Collateral Harms: Jewish Pluralism, Civil Liberties, and Social Cohesion

The Silencing of Jewish Voices

- 4.1 One of the most troubling consequences of Germany's framework is its impact on Jewish communities themselves. By conflating criticism of Israel and Zionism with antisemitism, the German state has effectively empowered itself to determine who counts as a "legitimate" Jew – a deeply troubling echo of the very mentality that antisemitism itself embodies.
- 4.2 In August 2024, 150 Jewish intellectuals living in Germany issued an open letter opposing the government's conflation of criticism of Israel with antisemitism. The Jüdische Stimme für gerechten Frieden in Nahost (Jewish Voice for a Just Peace in the Middle East), a German Jewish organisation, has had its bank accounts frozen, its members arrested at peaceful protests, and its events shut down by police – all in the name of "combating antisemitism." As its chairperson, Wieland Hoban, has observed, that as anti-Zionist Jews in Germany 'We're more likely to be threatened by the police than by Palestinians or Muslims.'²²
- 4.3 In November 2024, Yuval Abraham, a Jewish-Israeli journalist and descendant of both Holocaust victims and survivors, was accused of antisemitism by the city of Berlin for criticising Israel's actions in the West Bank. That same month, Jewish organisations in 22 countries across six continents issued a joint statement condemning the Bundestag's resolution, stating that while it pays lip service to Jewish life, it 'narrows that life down to one element: the state of Israel.'²³
- 4.4 The German state's network of Antisemitism Commissioners (non-Jewish officials charged with defining and policing antisemitism) has developed, as Hoban describes it, a long record of accusing Jews of antisemitism for criticizing Israel.²⁴ This Kafkaesque situation, in which Jewish people are labelled antisemites by a German government apparatus, should alarm anyone genuinely concerned with Jewish welfare.

Chilling Effects on Civil Liberties

- 4.5 Human Rights Watch, in its November 2024 analysis, warned that Germany's antisemitism resolution created risks: 'There are fears it will open up new avenues for abusive enforcement, further chill free expression, peaceful assembly, and free association, and risk stigmatizing migrant communities, while downplaying homegrown antisemitism in German society including from the far right.'²⁵ Amnesty

²² Left Voice, "We're More Likely to Be Threatened by the Police than by Palestinians: Interview with Jewish Voice in Germany," 28 December 2023; Anadolu Agency, "Jewish peace activist slams Germany for silencing criticism of Israel," 24 April 2024.

²³ Middle East Eye, "Israeli-Palestinian film on West Bank occupation branded 'antisemitic' by Berlin city portal," 13 November 2024; Jüdische Stimme, "Germany misunderstands antisemitism and 'Never Again,'" statement co-signed by Jewish organisations in 22 countries, November 2024.

²⁴ Anadolu Agency, "Jewish peace activist slams Germany for silencing criticism of Israel," April 2024.

²⁵ Human Rights Watch, "Germany's Muddle on Antisemitism," 11 November 2024; Human Rights Watch, World Report 2025: Germany, 16 January 2025.

International raised similar concerns.²⁶ United Nations independent experts have formally warned that Germany's classification of BDS as an extremist threat may violate rights to freedom of expression, association, assembly, privacy, and reputation under international law.²⁷ The Federal Administrative Court found that Munich's BDS discussion ban violated constitutional free speech protections,²⁸ and the Bundestag's own research service found the 2019 resolution to be unconstitutional.²⁹

- 4.6 Just as the Weimar Republic's censorship infrastructure was ultimately turned against the very people it was meant to protect, Germany's contemporary apparatus has been used to silence pro-Palestine speech at universities, cancel academic appointments, ban demonstrations, deny entry to speakers, and prosecute peaceful protesters – including Jewish ones. As one member of Jüdische Stimme has warned, given the rightward shift of German politics, 'it will not take long for such tools to fall into the hands of fascists.'³⁰

Undermining Social Cohesion

- 4.7 Germany's framework has produced the opposite of social cohesion. By attributing rising antisemitism primarily to immigration from the Middle East and North Africa, the Bundestag's resolutions have provided ammunition to the very far right forces that pose the greatest threat to Jewish life. The AfD's deputy parliamentary leader explicitly welcomed the 2024 resolution as an admission that 'the explosion in antisemitism in Germany has something to do with immigration and Islam.' When a state's anti-racism measures are celebrated by the far right, something has gone seriously wrong.³¹
- 4.8 The laws have stigmatised Muslim and migrant communities while downplaying deeply rooted domestic antisemitism – even though German police statistics attribute over 90 per cent of antisemitic incidents to far right extremists.³²
- 4.9 This scapegoating has fractured potential alliances between minority communities, weakening the solidarity that is the surest defence against all forms of racism and bigotry. As Human Rights Watch observed, the result is a framework that raises concerns about 'stigmatization of Muslims and immigrant communities and interference with speech and protest rights while downplaying homegrown antisemitism.'³³ Parallels to outcomes in Australia post-Bondi are, again, striking.

ENDS

²⁶ Amnesty International Germany, public statement on the Bundestag antisemitism resolution, 7 November 2024 (quoted in Courthouse News Service, "Germany's take on antisemitism stokes controversy," 7 November 2024).

²⁷ Saul, B., Völkerrechtsblog, as cited above.

²⁸ Bundesverwaltungsgericht (Federal Administrative Court), Ried v. City of Munich, Case BVerwG 8 C 35.20, Judgment of 20 January 2022.

²⁹ Wissenschaftliche Dienste des Deutschen Bundestages (Scientific Services of the German Bundestag), *BDS-Beschluss des Deutschen Bundestages*, WD 3 – 3000 – 288/20, December 2020. Available at bundestag.de.

³⁰ 'Never again' statement, as cited above.

³¹ Beatrix von Storch (AfD), speech in the Bundestag, *Plenarprotokoll 20/197*, 197. Sitzung, 7 November 2024, p. 25719, <<https://dserver.bundestag.de/btp/20/20197.pdf>> (German original); as reported in English in Stern, J., "German parliament adopts far-right 'antisemitism' resolution," *World Socialist Web Site*, 8 November 2024, <<https://www.wsws.org/en/articles/2024/11/08/vgfu-n08.html>>.

³² Federal Criminal Police Office (BKA), Antisemitic Crime Statistics, First Quarter 2025, 31 July 2025.

³³ Human Rights Watch, as cited above.