



Submission to the Royal Commission on Antisemitism and Social Cohesion

The real drivers of racism and antisemitism in Australia, the case against repressive approaches, and recommendations that will reduce hate while protecting freedom and democracy

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 terms of reference relating to the drivers of antisemitism and racism in Australia and to social cohesion, specifically whether repressive laws designed to curb hate speech increase social cohesion and the comparative effectiveness of other approaches particularly, but not limited to, education and inter-group contact.

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

Executive Summary

This submission argues that the Commission must look beyond the symptoms of racism, including antisemitism, to address its root causes. Punitive and exceptionalist approaches to combating antisemitism risk deepening division and increasing anti-Jewish racism. Instead, a holistic, evidence-based framework that addresses structural drivers and promotes social cohesion will be effective in making Jewish Australians, and all Australians, safer.

The weight of criminological, legal, and social-scientific evidence demonstrates that repressive hate speech laws and related policing do not increase social cohesion and are frequently counterproductive, while education-based and contact-based interventions have a strong evidence base for reducing prejudice and racism, including antisemitism. Exceptions to this analysis are social media, where platform-level regulation is justified by the distinct dynamics of social media platforms and online hate speech, legacy media and speech of politicians, principally Parliamentarians.

JVOIS makes this submission because recent submissions by the Executive Council of Australian Jewry (ECAJ) and Australia's Special Envoy to Combat Antisemitism (ASECA) on state and federal hate speech laws indicate that they believe that the best way to combat antisemitism is through repressive quasi-legal, legislative and policing mechanisms – and that they will promote this approach to the Royal Commission. JVOIS rejects this and instead suggest the Commission recommend that the government fund and implement the National Anti-Racism Framework (NARF) developed by the Australian Human Rights Commission (AHRC).

Some of the drivers of racism and antisemitism in Australia stem from structural and worsening economic inequality and insecurity. We acknowledge that while the Commission may feel that it is outside its remit to make recommendations in relation to these foundational and deep-seated issues, that they are important to correctly identify since, otherwise, racism and antisemitism may seem inexplicable, inescapable or essential.

Recommendations

1. Implement a holistic, non-exceptionalist anti-racism framework – the AHRC National Anti-Racism Framework, focusing on education, inter-group contact and improved data collection
2. Distinguish Israel and Zionism from Jewish identity
3. Acknowledge inequality, housing and cost-of-living as drivers of racism
4. Hold institutional actors, not citizens, to higher standards – broadcast, print and social media companies and parliamentarians
5. Be cautious about legal changes and the treatment of political protest

This submission is structured as follows:

Part A examines the drivers of racism in Australia, including antisemitism.

Section 1 examines the general drivers, including economic inequality, far-right and religious extremism, social polarisation, media, segregation, foreign interference, and structural disadvantage.

Section 2 examines the specific driver of antisemitism: Israel's actions and the persistent conflation of the state of Israel and Zionism with Jewish identity.

Section 3 presents critiques of "the pyramid of hate" framework and argues that political speech, including advocacy for Palestinian human rights, has no causal link to violent antisemitism.

Part B examines why punitive and repressive approaches fail to reduce racism.

Section 4 presents criminological evidence that punitive approaches to hate speech and hate crime are counterproductive.

Section 5 presents evidence from free speech scholarship that hate speech laws are at best ineffective and at worst counterproductive in reducing intolerance.

Section 6 discusses the recent NSW decision that affirms political offence is protected communication.

Section 7 presents the positions of UN bodies and Special Rapporteurs, which caution against reliance on criminal law and recommend education-based alternatives.

Section 8 presents evidence that the proscription of organisations is being misused to suppress political dissent, with counterproductive effects on social cohesion, and explains the relevance of this evidence to Australia.

Part C presents what works to combat racism.

Section 9 presents the evidence base for holistic anti-racism frameworks and education and contact-based approaches to reducing prejudice, drawing on major meta-analyses and field experiments.

Section 10 addresses the regulation of social media and legacy media, and the case for a Parliamentary code of conduct – institutional measures that address the sources of racist discourse with the greatest influence on public attitudes.

Section 11 addresses the importance of data collection for evidence-based policy.

Part D presents recommendations, primarily drawn from the AHRC National Anti-Racism Framework, and concludes.

This submission should be read in conjunction with JVOIS's other submissions to the Royal Commission:

- Defining antisemitism: a critique of the International Holocaust Remembrance Alliance's non-legally binding working definition of antisemitism and recommendations for reliable identification of antisemitism in Australia
- Fear, antisemitism and social cohesion: distinguishing genuine threat from institutional amplification and misclassification
- Germany case study: Repressive legislative frameworks fail to combat antisemitism and undermine social cohesion
- Who's counting? The complexity of Jewish belonging and issues with current estimates of the number and diversity of Jews in Australia
- Experiences of antisemitism of Jewish Australians: Testimonies of Jews about attending Palestine solidarity rallies

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PART A: THE DRIVERS OF RACISM AND ANTISEMITISM

1 Drivers of racism in Australia, including antisemitism

- 1.1 Antisemitism is a form of racism. As such, it shares many of the structural drivers with other forms of racism and discrimination. Correctly identifying and addressing these drivers is essential if the Commission is to make recommendations that will genuinely reduce antisemitism, rather than merely addressing its symptoms as they occur.

Economic inequality and insecurity

- 1.2 A substantial body of research demonstrates that economic inequality and insecurity are among the most significant drivers of racism and prejudice. When people experience precarious economic circumstances, such as those arising from the current housing affordability crisis in Australia, they are more likely to seek scapegoats and more susceptible to narratives that blame minority groups for their difficulties.¹
- 1.3 Fear of losing something (prestige, economic opportunity, or social standing) is a well-documented precursor to prejudice. This is particularly potent when combined with populist rhetoric that frames economic competition as a contest between in-groups and out-groups.²
- 1.4 Experimental research published in *Psychological Science* by Bianchi, Hall and Lee (2018) provides causal evidence that economic downturns intensify racial prejudice. Their studies found that during recessions, white Americans felt less warmly about Black Americans, held more negative explicit and implicit racial attitudes, were more likely to condone stereotypes, and were more willing to regard inequality between groups as natural and acceptable. These findings extended beyond attitudes to real-world outcomes: during downturns, Black musicians and politicians were less likely to achieve success.³
- 1.5 Research by Lisnek et al. (2025), published in the *Personality and Social Psychology Bulletin*, demonstrates through experiments the psychological mechanism by which economic inequality increases prejudice. The studies found that higher perceived inequality triggers zero-sum beliefs, the perception that gains for one group necessarily come at the expense of another, and increased perceptions of intergroup competition, which in turn exacerbate prejudice against a wide range of out-groups.⁴
- 1.6 Connor et al. (2019), in a study using data from over two million Project Implicit respondents, found a significant association between state-level income inequality and anti-Black racial bias among white Americans. Areas with greater economic

¹ Wilkinson, R. & Pickett, K. (2009) *The Spirit Level: Why More Equal Societies Almost Always Do Better*, Allen Lane; Schama, S. (2013, 2017), "The Story of the Jews".

² Mols, F. & Jetten, J. (2020) "Understanding Support for Populist Radical Right Parties: Toward a Model that Captures Both Demand-Side and Supply-Side Factors," *Frontiers in Communication*, 2020 Vol 5.

³ Bianchi, E.C., Hall, E.V. & Lee, S. (2018) "Reexamining the Link Between Economic Downturns and Racial Antipathy: Evidence That Prejudice Against Blacks Rises During Recessions," *Psychological Science*, 29(10), 1584-1597.

⁴ Lisnek, J.A. et al. (2025) "Investigating How High Perceived Economic Inequality Exacerbates Intergroup Competition, Zero-Sum Beliefs, and Perceived Intergroup Prejudice," *Personality and Social Psychology Bulletin*, Oct;51(10):1942-1961.

inequality showed higher levels of both implicit and explicit racial prejudice, suggesting that inequality itself, not merely individual economic hardship, creates conditions conducive to racism.⁵

- 1.7 In the Australian context, the Scanlon Foundation's annual Mapping Social Cohesion surveys have documented a marked decline in social cohesion coinciding with rising housing costs, cost-of-living pressures, and perceptions of economic unfairness, with those experiencing the greatest financial stress consistently reporting higher levels of negative attitudes towards immigration and cultural diversity.⁶

Far-right extremism and religious extremism

- 1.8 Far-right extremism and religious extremism are direct drivers of racism and antisemitism in Australia. ASIO has consistently identified ideologically motivated violent extremism as a principal security threat.⁷ Far-right groups explicitly promote white supremacist, ethno-nationalist, and antisemitic ideologies. Some religious extremists also promote hatred against Jewish people and other minorities. These movements must be disrupted through community prevention-first approaches rather than solely through security and policing responses.
- 1.9 ASIO's 2025 Annual Threat Assessment, the most serious delivered by Director-General Mike Burgess, raised the national terrorism threat level to "probable" and identified politically motivated violence as a principal security concern alongside espionage and foreign interference. The assessment noted that the face, form and motivations of terrorism have become more diverse and complicated, with extremists increasingly self-radicalising online and creating hybrid belief systems that blend elements of far-right, religious, and anti-authority ideologies.⁸
- 1.10 The 2025 threat assessment revealed that the median age of minors subject to ASIO investigation is now 15, with the caseload overwhelmingly male (85 per cent) and Australian-born. ASIO found that far-right extremists are targeting young Australians through social media, with radicalisation now occurring in days and weeks rather than months and years. In one case, ASIO's covert online operators identified a 12-year-old self-professed neo-Nazi planning a school shooting followed by attacks on a church, synagogue or mosque.⁹
- 1.11 Research by the Global Network on Extremism and Technology (GNET) in 2025 documented the specific mechanisms by which far-right extremists target Australian youth online for radicalisation and recruitment. The research found that youth are appearing more frequently in counter-terrorism priority caseloads and growing numbers within violent extremist intervention programmes, with technology playing a central facilitating role in their exposure to extremist material.¹⁰

⁵ Connor, P. et al. (2019) "Income inequality and White-on-Black racial bias in the United States: Evidence from Project Implicit and Google Trends," *Psychological Science*, 30(2), 205–222.

⁶ Scanlon Foundation Research Institute (2024) Mapping Social Cohesion Survey 2024.

⁷ Australian Security Intelligence Organisation (2024) Annual Threat Assessment 2024.

⁸ Australian Security Intelligence Organisation (2025) Annual Threat Assessment 2025.

⁹ Australian Security Intelligence Organisation (2025), as cited above.

¹⁰ Global Network on Extremism & Technology (GNET) (2025) "The Generation of Digital Natives: How Far-Right Extremists Target Australian Youth Online for Radicalisation and Recruitment", 7 October 2025.

- 1.12 The Australian Government's 2025 Counter-Terrorism and Violent Extremism Strategy confirms that the threat from ideologically motivated violent extremism, particularly transnational and domestic nationalist and racist violent extremism, persists as groups attempt to recruit individuals and put them on the path to extreme violence. The strategy acknowledged that nationalist and racist violent extremists are weaving new issues into their conspiracy theories and anti-establishment views.¹¹
- 1.13 Cas Mudde, the leading comparative scholar of far-right politics, has documented in *The Far Right Today* how far-right movements globally have become increasingly mainstreamed, moving from the margins to influence national politics and public discourse. His analysis shows that far-right ideologies including antisemitism, white supremacism, and ethno-nationalism represent a persistent and growing threat to democratic societies worldwide.¹²

Social polarisation – media and politicians

- 1.14 Australian society has become increasingly polarised, driven by media, especially social media, and by populist and authoritarian politics.
- 1.15 Social media platforms employ algorithmic amplification that promotes outrage and division, creating echo chambers that entrench prejudice.¹³
- 1.16 Populist politicians exploit this polarisation through scapegoating of minorities, including Jewish Australians and other groups, undermining social cohesion.
- 1.17 Cass Sunstein's research at Harvard demonstrates that online platforms create 'echo chambers' and 'filter bubbles' that fragment the shared information environment essential to democratic society. His work shows that when individuals are exposed only to like-minded views, their positions become more extreme through a process of group polarisation, and that this dynamic is exploited by those seeking to promote racial and ethnic hostility.¹⁴
- 1.18 Jonathan Haidt's research documents how the restructuring of social media platforms around engagement-maximising algorithms beginning around 2012 has contributed to rising polarisation, declining trust in institutions, and increased vulnerability to extremist content, particularly among young people. The resulting fragmentation of shared reality creates fertile conditions for scapegoating and prejudice.¹⁵
- 1.19 Eatwell and Goodwin's comparative analysis of populist movements across Western democracies identifies four key drivers of support for national populism: distrust of political institutions, the destruction of traditional community bonds, perceived threats to national identity from immigration, and economic deprivation. Their research demonstrates that populist leaders deliberately exploit these anxieties through

¹¹ Australian Government (2025) Counter-Terrorism and Violent Extremism Strategy.

¹² Mudde, C. (2019) *The Far Right Today*, Polity Press.

¹³ Bail, C.A. (2021) *Breaking the Social Media Prism: How to Make Our Platforms Less Polarizing*, Princeton University Press.

¹⁴ Sunstein, C.R. (2017) *#Republic: Divided Democracy in the Age of Social Media*, Princeton University Press.

¹⁵ Haidt, J. (2024) *The Anxious Generation: How the Great Rewiring of Childhood Is Causing an Epidemic of Mental Illness*, Penguin Press.

scapegoating of minorities, including Jewish communities, Muslims, and immigrants.¹⁶

- 1.20 Research published in Nature by Arcila Calderón et al. in 2024 has established a causal relationship between online hate speech and offline hate crimes, demonstrating that the polarisation and hatred amplified through social media platforms has direct, measurable consequences for the safety of minority groups.¹⁷
- 1.21 The role of legacy media in promoting racial prejudice is also well documented. Research by All Together Now and the University of Technology Sydney, monitoring Australian newspapers and television current affairs programmes from 2018 to 2020, found that negative race-related reporting was concentrated in particular outlets, with News Corp publications responsible for the most negative coverage. Muslims were mentioned in more than half of opinion pieces examined, and more than twice as often as any other group.¹⁸ The UN expert panel on racial discrimination has reported that racist media debate is on the rise in Australia and recommended that Australian media adopt a code of conduct with provisions to ban racism.
- 1.22 The scholarly literature on media and racism, led by Van Dijk's foundational Racism and the Press in 1991, demonstrates that mainstream news media do not merely reflect existing prejudice but actively construct and reinforce racial hierarchies through framing, stereotyping, and the systematic underrepresentation of minority voices. Australian research confirms this pattern, with studies finding evidence of systematic 'othering' and stereotyping of ethnic communities in newspaper coverage that both reflects and reinforces the marginalisation of minority groups.¹⁹
- 1.23 Media Diversity Australia's research has further documented the severe underrepresentation of culturally diverse voices in Australian television news and current affairs. When media commentary about minority communities is overwhelmingly produced by commentators who do not belong to those communities, the resulting coverage is more likely to perpetuate stereotypes and hostile framing. This lack of diversity in media production is itself a structural driver of prejudice.²⁰
- 1.24 The role of politicians in driving polarisation and prejudice is significant. Research by Devine (2021) established a direct causal link between the rhetoric of politicians during the Brexit referendum campaign and subsequent spikes in hate crime, demonstrating that when political leaders use divisive or racially charged language, prejudice-motivated violence increases measurably in the communities they speak to.²¹

¹⁶ Eatwell, R. & Goodwin, M. (2018) National Populism: The Revolt Against Liberal Democracy, Penguin.

¹⁷ Arcila Calderón, C. et al. (2024) "From Online Hate Speech to Offline Hate Crime," Nature. <<https://www.nature.com/articles/s41599-024-03899-1>>.

¹⁸ All Together Now & University of Technology Sydney (2020) "Social commentary, racism & Covid-19: A case study on opinion pieces in Australian mainstream newspapers".

¹⁹ Van Dijk, T. (1991) Racism and the Press, Routledge. See also Teo, P. (2000) "Racism in the news: a Critical Discourse Analysis of news reporting in two Australian newspapers," Discourse & Society, 11(1), 7–49.

²⁰ Media Diversity Australia (2020) Who Gets to Tell Australian Stories? Putting the spotlight on cultural and linguistic diversity in television news and current affairs in Australia.

²¹ Devine, D. (2021) "Discrete events and hate crimes: the causal role of the Brexit Referendum," Social Science Quarterly, 102(1), 374–386.

- 1.25 Saul's scholarship "Dog-whistles and Figleaves" provides a theoretical and empirical framework for understanding how politicians use coded language to enable racism while maintaining plausible deniability. Dog-whistle rhetoric (language that carries one meaning for the general public and another for a targeted audience) allows politicians to mobilise racial resentment without making overtly racist statements. Saul demonstrates that this form of political communication is particularly insidious because it is difficult to challenge directly and operates to normalise prejudice in public discourse.²²

Poor social bonds and segregation

- 1.26 Intergroup contact theory, supported by one of the largest meta-analyses in social psychology, demonstrates that meaningful contact between diverse groups significantly reduces prejudice.²³ Conversely, segregation and a lack of exposure to diverse communities, including during school education, where groups may not mix, perpetuate ignorance and suspicion that provides fertile ground for racism, including antisemitism.
- 1.27 The theoretical foundations of contact theory were established by Gordon Allport in *The Nature of Prejudice* from 1954, which identified the conditions under which intergroup contact reduces prejudice: equal status between groups, common goals, intergroup cooperation, and the support of authorities, law, or custom. Allport's framework remains the most influential theoretical model in prejudice reduction research.²⁴
- 1.28 Pettigrew and Tropp's 2006 meta-analysis, encompassing 515 studies and over 250,000 participants across 38 nations, found that intergroup contact significantly reduces prejudice, and that this effect generalises beyond the immediate contact situation to attitudes towards the entire out-group. Importantly, the research found that even contact that does not meet Allport's optimal conditions still reduces prejudice, though the effect is strongest when those conditions are present.²⁵
- 1.29 Davies et al.'s 2011 meta-analytic review, published in *Personality and Social Psychology Review*, specifically examined the role of cross-group friendships in reducing prejudice. The study found that cross-group friendships are a particularly powerful form of intergroup contact, producing larger reductions in prejudice than more casual contact, and that the effects are mediated by reduced anxiety and increased empathy towards out-group members.²⁶
- 1.30 In the Australian context, research by Dunn et al. has consistently found that areas with lower levels of cultural diversity and less intergroup contact report higher levels of racist attitudes, while areas with greater diversity and more meaningful cross-cultural interaction show lower prejudice. This supports the case for educational and

²² Saul, J. (2024) *Dogwhistles and Figleaves: How Manipulative Language Spreads Racism and Falsehood*, Oxford University Press.

²³ Pettigrew, T.F. & Tropp, L.R. (2006) "A Meta-Analytic Test of Intergroup Contact Theory," *Journal of Personality and Social Psychology*, 90(5), 751–783.

²⁴ Allport, G.W. (1954) *The Nature of Prejudice*, Addison-Wesley. The foundational work on contact theory.

²⁵ Pettigrew, T.F. & Tropp, L.R. (2006), as cited above.

²⁶ Davies, K. et al. (2011) "Cross-Group Friendships and Intergroup Attitudes: A Meta-Analytic Review," *Personality and Social Psychology Review*, 15(4), 332–351.

community programmes that promote mixing across cultural, ethnic, and religious lines from an early age.²⁷

Foreign interference and geopolitics

- 1.31 Foreign state actors purposefully spread discord within Australian society, including by amplifying racist and divisive content online. This is a documented national security concern.²⁸ Hostile foreign powers use social media to exacerbate existing social tensions, including racial and religious divisions, as a form of strategic interference.²⁹
- 1.32 The Australian Department of Home Affairs' Foreign Interference Transparency Scheme has documented ongoing efforts by foreign state actors to influence Australian public discourse and community relations. ASIO's 2025 Annual Threat Assessment identified foreign espionage and interference as a principal security concern, characterising it as 'deeper and broader than you may think' and assessing the threat level as 'certain'.³⁰
- 1.33 Research by Woolley and Howard at the Oxford Internet Institute has documented how state actors, including Russia, China, and Iran, use computational propaganda and social media manipulation to exacerbate social divisions in target countries. Their research demonstrates that these operations specifically target racial, ethnic, and religious fault lines, amplifying existing prejudices and creating artificial conflicts to weaken social cohesion in target societies.³¹ Recently, Israel has started programmes aimed at affecting AI responses relating to the Israel-Palestine conflict and social media algorithms.³²
- 1.34 The Lowy Institute's research on digital authoritarianism has documented how foreign powers exploit the openness of democratic information environments to spread divisive content, including racist and antisemitic material. Khalil's analysis highlights that Australia is a specific target of such operations, and that the amplification of racial and religious tensions is a deliberate strategic objective of hostile foreign actors.³³

²⁷ Dunn, K., Forrest, J., Burnley, I. & McDonald, A. (2004) "Constructing Racism in Australia," *Australian Journal of Social Issues*, 39(4), 409–430.

²⁸ Australian Strategic Policy Institute (2023) *Counterterrorism Yearbook 2023: Foreign interference and social discord*.

²⁹ Khalil, L. (2023) *Digital Threats to Democracy Dialogue Summary Report*, Lowy Institute, Sydney, 1 June 2023, <<https://www.lowyinstitute.org/publications/digital-threats-democracy-dialogue-summary-report>>.

³⁰ Australian Government, Department of Home Affairs (2024) *Foreign Interference Transparency Scheme Annual Report*.

³¹ Woolley, S. & Howard, P.N. (2018) *Computational Propaganda: Political Parties, Politicians, and Political Manipulation on Social Media*, Oxford University Press.

³² Haaretz, *Losing the Republican Base, Israel Pours Millions to Target Evangelicals and Churchgoers*, <<https://www.haaretz.com/israel-news/security-aviation/2025-11-09/ty-article-magazine/.premium/losing-the-republican-base-israel-pours-millions-to-target-evangelicals-and-churchgoers/0000019a-540e-db4c-a5fb-dfafea590000>>; Responsible Statecraft, <<https://responsiblestatecraft.org/israel-chatgpt/>>.

³³ Khalil, L. (2023), as cited above.

Structural disadvantage and social stigma

- 1.35 Structural and self-reinforcing poor economic outcomes for disadvantaged groups lead to social stigma that entrenches racism. This is most acutely experienced by First Nations peoples, who continue to experience systemic disadvantage across all major social indicators,³⁴ but also affects other groups, for example, Sudanese Australians and other African communities who face compounding cycles of disadvantage and discrimination.³⁵
- 1.36 A systematic review and meta-analysis by Paradies et al. from 2015, published in PLOS ONE, analysed 293 studies encompassing nearly 300,000 participants and found that racism is significantly associated with poorer mental and physical health outcomes. This creates a vicious cycle: structural disadvantage driven by racism leads to poorer health and economic outcomes, which in turn reinforce the stereotypes and stigma that drive further discrimination.³⁶
- 1.37 The Productivity Commission's Closing the Gap reports have consistently documented the failure to close disparities between First Nations and non-Indigenous Australians across life expectancy, education, employment, incarceration, and child removal. These persistent gaps are both a product of historical and ongoing racism and a driver of the social stigma that perpetuates negative attitudes towards First Nations peoples.³⁷
- 1.38 The Australian Institute of Health and Welfare's Australia's Health 2024 report documents the continuing health disparities experienced by culturally and linguistically diverse communities, with racism identified as a social determinant of health. The report confirms that structural disadvantage and discrimination create compounding effects that are passed between generations, entrenching both the disadvantage and the prejudice associated with it.³⁸
- 1.39 Quillian's influential research on group threat theory demonstrates that dominant group prejudice increases in response to the perceived size and competitive threat of minority groups, particularly when those groups are economically disadvantaged. This creates a structural trap: disadvantaged groups are stigmatised precisely because of their disadvantage, and the resulting discrimination perpetuates the disadvantage that fuels the stigma.³⁹

³⁴ Productivity Commission (2024) Closing the Gap Annual Data Compilation Report.

³⁵ Dunn, K. et al. (2004) "Constructing Racism in Australia," Australian Journal of Social Issues, 39(4), 409–430.

³⁶ Paradies, Y. et al. (2015) "Racism as a Determinant of Health: A Systematic Review and Meta-Analysis," PLOS ONE, 10(9).

³⁷ Productivity Commission (2024) Closing the Gap Annual Data Compilation Report, as cited above.

³⁸ Australian Institute of Health and Welfare (2024) Australia's Health 2024: In Brief.

³⁹ Quillian, L. (1995) "Prejudice as a response to perceived group threat: Population composition and anti-immigrant and racial prejudice in Europe," American Sociological Review, 60(4), 586–611.

2 The specific driver of antisemitism: Israel's actions and the conflation of Israel and Zionism with Jewish identity

- 2.1 In addition to the general drivers of racism set out in Section 1, antisemitism in Australia has a specific and significant driver that the Commission must confront directly: the actions of the state of Israel, coupled with the persistent conflation of the state of Israel and Zionism with Jewish identity, particularly by Israel itself, Jewish communal organisations and Jewish and other media.

The actions of the state of Israel

- 2.2 Israel's actions, including conduct that the International Court of Justice has found gives rise to a plausible risk to the right of Palestinians in Gaza to be protected from acts of genocide,⁴⁰ conduct for which the International Criminal Court has issued arrest warrants for Israeli leaders,⁴¹ what leading human rights organisations including Amnesty International, Human Rights Watch, and the Israeli organisation B'Tselem have characterised as apartheid,⁴² and its ongoing occupation and military aggression – generate profound moral outrage globally and within Australia. When these actions are conflated with Jewish identity, that outrage is misdirected towards Jewish people as a group.
- 2.3 The ICJ's provisional measures orders in the genocide case represent the most authoritative judicial findings. In January 2024, the Court found that at least some of the rights asserted by South Africa under the Genocide Convention, in particular the right of Palestinians in Gaza to be protected from acts of genocide, were plausible, and that there was a real and imminent risk of irreparable prejudice to those rights. It ordered Israel to take all measures within its power to prevent genocidal acts, enable humanitarian assistance, and preserve evidence.⁴³ In subsequent orders of March and May 2024, the Court expressed growing concern at the deteriorating humanitarian catastrophe and ordered further measures, including requiring Israel to halt its military offensive in Rafah.⁴⁴ UN experts described the ruling as a landmark offering the first concrete hope for civilians facing what they called apocalyptic conditions.⁴⁵
- 2.4 The characterisation of Israel's regime as apartheid is supported by findings from the world's leading human rights bodies. Human Rights Watch published a report in 2021 concluding that Israeli authorities are committing the crimes against humanity of apartheid and persecution, based on detailed analysis of Israeli laws, planning

⁴⁰ International Court of Justice, Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel), Order of 26 January 2024.

⁴¹ International Criminal Court, Arrest warrants issued in the Situation in the State of Palestine, 21 November 2024.

⁴² Amnesty International (2022) Israel's Apartheid Against Palestinians: Cruel System of Domination and Crime Against Humanity.

⁴³ International Court of Justice, Order of 26 January 2024 (South Africa v. Israel), as cited above.

⁴⁴ ICJ Order of 28 March 2024, ordering Israel to ensure provision of humanitarian aid throughout Gaza; ICJ Order of 24 May 2024, ordering halt to military offensive in Rafah.

⁴⁵ UN Office of the High Commissioner for Human Rights, "Gaza: ICJ ruling offers hope for protection of civilians enduring apocalyptic conditions, say UN experts," 31 January 2024.

documents, official statements, and land records.⁴⁶ The Israeli human rights organisation B'Tselem reached the same conclusion independently, finding that the entire area between the Jordan River and the Mediterranean Sea is governed by a single regime organised around the supremacy of one group over another.⁴⁷ Amnesty International's comprehensive 2022 report confirmed these findings.⁴⁸

- 2.5 Most significantly, the ICJ itself issued an advisory opinion in July 2024 on the legal consequences of Israel's policies in the Occupied Palestinian Territory. Opinions of the justices were that Israel's measures imposing and maintaining separation between Palestinians and Israeli settlers constitute a breach of Article 3 of the International Convention on the Elimination of All Forms of Racial Discrimination – the treaty provision prohibiting racial segregation. Multiple judges, including the Court's president, made clear that this finding means Israel is responsible for apartheid.⁴⁹
- 2.6 B'Tselem's July 2025 report further assessed that Israel is committing genocide in Gaza, based on the coordinated and deliberate manner in which Israel has acted to destroy Palestinian society in the Gaza Strip since October 2023.⁵⁰

The dangerous conflation of Israel and Zionism with Jewish identity

- 2.7 The conflation of Israel and Zionism with Jewish identity is promoted both by those who wish to shield Israel from criticism and sanction by framing all criticism as antisemitic, which makes people, who do not otherwise know better, erroneously equate all Jewish people with the actions of the state of Israel. The result is that Jewish Australians are held collectively responsible for the actions of a foreign government, increasing the risk of violence against Jews. Conflation is created by multiple actors including Israel and Jewish organisations, but also non-Jewish actors.
- 2.8 The scholarly evidence on the dangers of this conflation is substantial. Prof. John Agnew of UCLA has demonstrated in a peer-reviewed analysis that the conflation of anti-Zionism with antisemitism is historically problematic, arguing that pro-Zionism and antisemitism have in fact had a much stronger historical relationship than anti-Zionism and antisemitism.⁵¹
- 2.9 Political scientist Prof. Mira Sucharov of Carleton University has shown through survey research that the term 'Zionism' is understood in vastly different ways even among Jewish populations. Her 2022 survey of American Jews found that while 72 per cent identified as Zionist, this figure changed dramatically depending on the

⁴⁶ Human Rights Watch (2021) *A Threshold Crossed: Israeli Authorities and the Crimes of Apartheid and Persecution*.

⁴⁷ B'Tselem (2021) "A regime of Jewish supremacy from the Jordan River to the Mediterranean Sea: This is apartheid."

⁴⁸ Amnesty International (2022) *Israel's Apartheid Against Palestinians*, as cited above.

⁴⁹ International Court of Justice, *Advisory Opinion on the Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem*, 19 July 2024.

⁵⁰ B'Tselem (2025) 'Our Genocide', Assessment report concluding that Israel is committing genocide in Gaza, <https://www.btselem.org/sites/default/files/publications/202507_our_genocide_eng.pdf>.

⁵¹ Agnew, J. (2024) "The language of intractability and the Gaza War: Conflating anti-Semitism and anti-Zionism is historically problematic and misses how much contemporary Israel has become a role model for ethno-nationalists worldwide," *Human Geography*, SAGE, Vol 17(2) 203-209, <<https://journals.sagepub.com/doi/10.1177/19427786231220046>>.

definition offered: plummeting to just 10 per cent when Zionism was defined as privileging Jewish rights over non-Jewish rights. This research demonstrates that Zionism is a contested political ideology, not a core component of Jewish identity, and that conflating the two misrepresents the diversity of Jewish thought.⁵²

- 2.10 The Jerusalem Declaration on Antisemitism, now endorsed by over 370 international scholars in antisemitism studies, Holocaust studies, and related fields, was developed as a corrective to the IHRA definition precisely because of the latter's conflation of criticism of Israel with antisemitism. The Declaration holds that anti-Zionism and antisemitism are 'categorically different' concepts, and that the fight against antisemitism is inseparable from the overall fight against all forms of discrimination.⁵³
- 2.11 Academic analysis of the IHRA working definition of antisemitism has found that it operates as a mechanism for conflation, functioning to push Jewish individuals into identification with the state of Israel and to shield Israel from accountability for its treatment of Palestinians.⁵⁴
- 2.12 Crucially, the empirical data on antisemitic incidents confirms the causal mechanism by which conflation drives antisemitism and that conflation is a worldwide issue.
- 2.13 Hate crime researchers including Prof. Brian Levin have documented a consistent pattern across multiple decades: each major escalation of the Israeli–Palestinian conflict is followed by a measurable spike in antisemitic incidents in countries far from the conflict zone. In October 2000, the onset of the Second Intifada was followed by a 183 per cent rise in anti-Jewish hate crimes in the United States compared with the same month a year earlier, the sharpest such spike in the data, and comparable increases recurred during the Israel– Hamas conflicts of 2006, 2014, 2018 and 2021. The pattern repeated dramatically after October 2023.⁵⁵
- 2.14 The scale of the post-October 2023 spike is unprecedented. The Anti-Defamation League recorded 9,354 antisemitic incidents in the United States in 2024, its highest annual total on record, with the surge beginning immediately after 7 October 2023. Separately, FBI data showed anti-Jewish hate crimes rising by 63 per cent between 2022 and 2023 (from 1,122 to 1,832 incidents), the highest figure the Bureau has recorded. Together these represent the most dramatic surge in recorded antisemitic incidents in the history of systematic monitoring.⁵⁶
- 2.15 The same pattern is evident in Europe. In the United Kingdom, the Community Security Trust recorded 4,103 antisemitic incidents in 2023, of which 2,699 (66 per

⁵² Sucharov, M. (2025) "The conflation problem: Why anti-Zionism and antisemitism are not the same," The Conversation, <<https://theconversation.com/the-conflation-problem-why-anti-zionism-and-antisemitism-are-not-the-same-267676>>.

⁵³ Jerusalem Declaration on Antisemitism (2021).

⁵⁴ Gordon, N. (2024) "Antisemitism and Zionism: The Internal Operations of the IHRA Definition," Middle East Critique 33(3), 345-360, <<https://www.tandfonline.com/doi/full/10.1080/19436149.2024.2330821>>.

⁵⁵ Levin, B. "Our data, across three decades, clearly show huge percentage spikes in anti-Jewish hate crime in the U.S. when there is war in the Holy Land" in VOA "Backlash Effect": Why the Middle East Conflict Triggers Hate Crimes in the US" Available at: <<https://www.voanews.com/a/backlash-effect-why-the-middle-east-conflict-triggers-hate-crimes-in-the-us-7339873.html>>. See also Perliger, A. (2023), University of Massachusetts, research on conflict-triggered hate crime patterns.

⁵⁶ FBI 2023 Hate Crime Statistics <<https://www.justice.gov/crs/news/2023-hate-crime-statistics>>.

cent) occurred on or after 7 October 2023, representing a 589 per cent increase over the equivalent period the previous year.⁵⁷ The EU Agency for Fundamental Rights reported that some Jewish community organisations recorded increases of more than 400 per cent in antisemitic incidents since the outbreak of the war in Gaza.⁵⁸

- 2.16 This correlation between Israeli military attacks and antisemitic incidents globally is itself the strongest evidence that conflation is the mechanism driving antisemitism. If antisemitism were driven primarily by ancient prejudice unrelated to Israel, there would be no reason for it to spike in correlation with military attacks on Gaza. The fact that it does demonstrates that the actions of the Israeli state are being attributed to Jewish people as a group, which is the very definition of conflation.
- 2.17 Kovács & Fischer's research further demonstrates that, contrary to the conventional assumption, hostility to Israel and hostility to Jews as persons are actually inversely correlated across Europe and the United States. That is, populations with the strongest anti-Israel sentiment tend to have the lowest levels of personal antisemitism, while populations with pro-Israel sentiment, particularly in Central and Eastern Europe, tend to have higher levels of antisemitic prejudice. This finding directly contradicts the claim that criticism of Israel is a primary vector of antisemitism.⁵⁹
- 2.18 The Antisemitism Research Center's monthly monitoring data further confirms the correlation. February 2025, the only full month during which a ceasefire in Gaza between Israel and Hamas held, recorded notably lower antisemitic incidents globally than surrounding months when active fighting was occurring. This strongly suggests that reducing conflict and conflation are the most effective path to reducing antisemitism.⁶⁰
- 2.19 The tragic violence at Bondi is an illustration of the dangers of this persistent conflation.
- 2.20 ASECA's March 2026 explainer *Defining Antisemitism in Australia* illustrates this conflation in practice. The document attempts to construct a chain of association linking the biblical word "Zion" (a geographic and spiritual reference to Jerusalem and the land of Israel that appears in the Hebrew Bible) to the 20th century political ideology of Zionism, and from there to a claimed universal Jewish identity and connection with the state of Israel. The rhetorical purpose of this chain is clear: by attempting to naturalise Zionism as the organic expression of a 3,000-year religious and cultural tradition rather than a modern political movement with contested and evolving ideological content, the document lays the groundwork for treating criticism of Zionism as an attack on Jewish identity itself, and by extension as antisemitic.
- 2.21 This is misleading. The word "Zion" in the Hebrew Bible and in rabbinic liturgy carries spiritual and eschatological meaning that is quite distinct from the political programme of modern Zionism, which emerged in 19th century Europe as a specific

⁵⁷ Community Security Trust (2024) Antisemitic Incidents Report 2023.

⁵⁸ EU Agency for Fundamental Rights (2024) Survey on experiences and perceptions of antisemitism.

⁵⁹ Kovács, A., and Fischer, G., *Antisemitic Prejudices in Europe: Survey in 16 European Countries*. Action and Protection League / Ipsos, Budapest, 2021.

⁶⁰ Combat Antisemitism Movement, Antisemitism Research Center (2025).

response to European nationalist politics and antisemitism. The equation of ancient religious concepts with a modern political ideology is unsupported by the scholarly literature on the history of Zionism.

- 2.22 The document then compounds this analytical problem by citing data from the Crossroads23 survey conducted by *The Jewish Independent* to support its claim about the centrality of Israel and Zionism to Jewish identity. This citation does not withstand scrutiny. There is no question in the Crossroads23 survey instrument that corresponds to the data ASECA presents.
- 2.23 If the conflation between Israel/Zionism and Jewish identity continues to be reinforced, including by elements of the Australian Jewish communal leadership, Jewish and other media, and by the adoption of definitions such as the IHRA definition that treat anti-Zionism as presumptively antisemitic, the risk of further violence against Jewish Australians will increase, not decrease.⁶¹
- 2.24 This means that the insistence by legacy Jewish organisations like ECAJ that Zionist Jewish Australians should be able to continue to publicly support Israel, despite the implicit suggestion that they support Israel's human rights abuses, and be protected from reasonable criticism and ostracism, creates significant difficulty for the government.
- 2.25 The causal mechanism discussed in this section must be understood precisely, because it is frequently misrepresented in ways that would misdirect the Commission's recommendations. It is the *conflation* of Israel and Zionism with Jewish identity, not the expression of political opposition to Israel, that converts outrage about Israeli state conduct into incidents directed at Jewish people. These are analytically distinct phenomena.
- 2.26 Conflation is not a property of the protester; it is a property of the environment. When institutions consistently present Jewish identity and support for Israel as coextensive, they create conditions in which anger at Israel's conduct may be misdirected towards Jewish people as a group. The same political anger, expressed in an environment where Israel and Jewish identity are clearly distinguished, does not produce this effect. The Kovács & Fischer data cited above confirms this: populations with the strongest anti-Israel sentiment tend to have the *lowest* levels of personal antisemitism. If expressing opposition to Israel caused antisemitism, that pattern would be reversed.
- 2.27 Protest against Israeli actions is the public expression of that opposition. It is an act of anti-conflation, a refusal to attribute responsibility for those actions to Jewish people as a group, not a cause of the confusion it opposes. Section 3 examines this directly and finds that pro-Palestinian advocacy is not a driver of violent antisemitism; treating it as one inverts the causal logic explored in this section and would suppress precisely the political expression that, in a well-functioning public discourse, helps break the association that makes antisemitic incidents more likely.

⁶¹ See e.g., Beinart, P. (2024) "How to Think about Antisemitism in America," <<https://peterbeinart.substack.com/p/how-to-think-about-antisemitism-in>>.

3 What is not a driver of violent antisemitism

A critique of the 'pyramid of hate' framework

- 3.1 The Commission is likely to be urged by the ECAJ, ASECA and affiliated Holocaust education institutions to adopt the “pyramid of hate” as a framework for understanding how prejudiced attitudes and speech escalate into violence as justification for suppressing speech (the base of the pyramid) including political protest and criticism of Israel. JVOIS urges the Commission to reject the pyramid as an analytical framework. It is conceptually flawed, empirically unsupported by the leading scholarship on genocide and mass violence, and, if adopted as a basis for policy, points in exactly the wrong direction, because it misidentifies the actual drivers of the move from speech to violence.

The framework and its institutional dissemination

- 3.2 The “pyramid of hate” was developed by the Anti-Defamation League (ADL) and disseminated as a five-level visual model in which biased attitudes at the base (stereotypes, insensitive remarks, microaggressions) are said to escalate through acts of prejudice, systemic discrimination, and bias-motivated violence, to genocide at the apex. The framework is loosely derived from Gordon Allport's 1954 *The Nature of Prejudice*.⁶²
- 3.3 The pyramid is extensively promoted by Holocaust education institutions. A joint ADL/USC Shoah Foundation Institute curriculum has disseminated it internationally since 2003; it is embedded in the educational resources of the Holocaust Center for Humanity (Seattle), the Illinois Holocaust Museum, the Holocaust Museum Houston, the US Holocaust Memorial Museum's programmes, the UK National Holocaust Centre and Museum, and many other national and state Holocaust museums, including in Australia. The ADL's own flagship classroom resource uses antisemitism as its case study and expressly teaches that hate begins with biased ideas and will escalate to violence if left unchecked at each level.⁶³ The framework is therefore likely to be presented to the Commission as settled causal and educational orthodoxy. The Commission should be cautious before treating it as such.

Why the framework fails as a causal account of mass violence

- 3.4 The pyramid's core deficiency is its implicit causal architecture: that low-level bias mechanically ascends the pyramid and that interrupting speech at the base prevents violence at the top. This model has been rejected, and in several instances directly refuted, by the most authoritative scholars on genocide, mass violence, hate crime and incitement. The following six critiques illustrate the problem.

⁶² Anti-Defamation League, *Pyramid of Hate* (2021; updated 2025), <<https://www.adl.org/sites/default/files/documents/2025-04/Pyramid-of-Hate-2025.pdf>>. Allport, G. W. (1954) *The Nature of Prejudice*, Cambridge, MA: Addison-Wesley.

⁶³ Anti-Defamation League & USC Shoah Foundation Institute, *Pyramid of Hate Exercise* (2003), <https://sfi.usc.edu/sites/default/files/lessons/units/POH_Final_0.pdf>; ADL, *Mini-Lesson: Understanding the Pyramid of Hate*, <<https://www.adl.org/resources/tools-and-strategies/mini-lesson-understanding-pyramid-hate>>; Holocaust Center for Humanity (Seattle), *Pyramid of Hate*, <<https://www.holocaustcenterseattle.org/pyramid-of-hate>>.

Prof. Michael Mann – *The Dark Side of Democracy*

- 3.5 Mann's comparative study of murderous ethnic cleansing, covering colonial genocides, the Armenian Genocide, the Holocaust, Cambodia, Yugoslavia and Rwanda, demonstrates that mass violence against minorities is not produced by the gradual accumulation of popular prejudice. It is produced by a specific conjunction of political conditions: rival ethno-national claims over the same territory, the capture or destabilisation of the state by a political movement that mobilises a majoritarian group against an "enemy" minority, and the deployment of state and paramilitary power against that minority. Widespread low-level bias exists in virtually every society, including stable democracies, and rarely escalates. What converts diffuse prejudice into violence is the political mobilisation of the state – not speech at the pyramid's base.⁶⁴

Prof. Scott Straus – *The Order of Genocide*

- 3.6 Straus's empirical study of the 1994 Rwandan genocide, based on the most comprehensive interviews ever conducted with convicted perpetrators, directly tests the hate speech escalation thesis and rejects it. Ethnic antipathy, he concludes, operated more as a background condition; the actual drivers were civil war, Rwanda's unusually effective state apparatus, intra-Hutu social pressure and intimidation, and a system of ethnic classification imposed by the state. The role of hate radio (RTLM), long treated as the canonical example of speech causing genocide, was considerably smaller than the standard narrative suggests. Straus generalises his findings to the Holocaust, Armenia and Cambodia: he finds the drivers to be: state capacity, wartime insecurity and political mobilisation, not accumulated popular hatred.⁶⁵

Prof. Christopher Browning – *Ordinary Men*

- 3.7 Browning's classic study of Reserve Police Battalion 101, the German unit responsible for mass shootings of Jewish civilians in occupied Poland, found that the perpetrators were not fanatical antisemites climbing a pyramid of hate. They were middle-aged conscripts, working-class men from Hamburg, of whom only about a quarter were Nazi Party members. Browning attributed their participation in mass murder to conformity, deference to authority, war-induced polarisation, and the institutional architecture of the Nazi state, not to escalating individual prejudice. What transformed a society with widespread but ordinary antisemitism into the society that carried out the Holocaust was not the failure to suppress speech at the base of a pyramid, but the capture of the state by a genocidal political project.⁶⁶

⁶⁴ Mann, M. (2005) *The Dark Side of Democracy: Explaining Ethnic Cleansing*, Cambridge: Cambridge University Press.

⁶⁵ Straus, S. (2006) *The Order of Genocide: Race, Power, and War in Rwanda*, Ithaca, NY: Cornell University Press. Winner of the 2006 Association of American Publishers Award for Excellence in Political Science and Government.

⁶⁶ Browning, C. R. (1992; rev. ed. 2017) *Ordinary Men: Reserve Police Battalion 101 and the Final Solution in Poland*, New York: HarperCollins.

Prof. Richard Ashby Wilson – *Incitement on Trial*

- 3.8 Wilson's empirical study of international prosecutions for incitement to genocide at the ICTR (Rwanda) and ICTY (former Yugoslavia) establishes that legal and social-scientific efforts to prove a direct causal link between hate speech and subsequent violence have repeatedly failed in court and in the scholarship. Wilson notes that there is not a significant body of social-science evidence supporting a directly causal relationship between hate speech and violence. His research identifies a specific and narrow rhetorical form, "revenge propaganda" delivered by state actors or actors with equivalent authority during armed conflict, as the form of speech most strongly associated with collective violence. This is categorically different from generalised prejudice or political expression, and cuts directly against any framework that treats ordinary speech as an incipient driver of atrocity.⁶⁷

Prof. Omer Bartov – Holocaust and genocide scholarship

- 3.9 Bartov, described by the US Holocaust Memorial Museum as one of the world's foremost specialists on genocide, has shown across his body of work, including *Hitler's Army*, *Murder in Our Midst*, and *Anatomy of a Genocide*, that the transition from coexistence to extermination is driven by the state-led construction of a target group as an existential threat, the withdrawal of state protection from that group, active government scapegoating, and the mobilisation of institutional and paramilitary power. His microhistory of the Galician town of Buczacz demonstrates that the decisive variable in whether a community with long-standing low-level ethnic tensions slides into mass violence is political and structural, not attitudinal.⁶⁸

Prof. Nadine Strossen – *HATE: Why We Should Resist It with Free Speech, Not Censorship*

- 3.10 Strossen specifically identifies and refutes the "Weimar fallacy" that underlies pyramid-style reasoning: the assumption that if only Weimar Germany had suppressed Nazi speech more aggressively, the Holocaust might have been prevented. The historical record contradicts this. Weimar Germany had extensive, vigorously enforced hate speech laws; the Nazis were repeatedly prosecuted and convicted under them. What enabled Hitler's rise was not permissive speech laws but the failure of the state to punish Nazi political violence, and the subsequent capture of the censorship apparatus by the Nazi state itself.
- 3.11 Strossen's comparative evidence further shows that jurisdictions with the most stringent hate speech laws, Germany, France, the United Kingdom, have not achieved lower levels of antisemitism or racist violence than jurisdictions without them, and that in several cases those laws have been used against the very minorities they were meant to protect. This comparative evidence is developed in

⁶⁷ Wilson, R. A. (2017) *Incitement on Trial: Prosecuting International Speech Crimes*, Cambridge: Cambridge University Press; see also Wilson, R. A. (2015) "Inciting Genocide with Words," *Michigan Journal of International Law* 36(2), 277–320.

⁶⁸ Bartov, O. (2018) *Anatomy of a Genocide: The Life and Death of a Town Called Buczacz*, New York: Simon & Schuster (National Jewish Book Award for Holocaust); Bartov, O. (1996) *Murder in Our Midst: The Holocaust, Industrial Killing, and Representation*, Oxford: Oxford University Press; Bartov, O. (1991) *Hitler's Army: Soldiers, Nazis, and War in the Third Reich*, Oxford: Oxford University Press.

Part B of this submission and in JVOIS's companion submission on Germany as a case study.⁶⁹

What these critiques share: structural racism and government scapegoating move societies from speech to violence

- 3.12 What these six critiques share, drawn from comparative historical sociology, genocide studies, Holocaust history, criminology and free expression scholarship, is a finding that directly inverts the pyramid's implied causal logic.
- 3.13 Low-level bias is, and has always been, widespread in virtually every society. It does not, by itself, produce violence against minorities. Drawing on these six bodies of work, JVOIS submits that the factors consistently identified by the evidence as drivers of the transition from attitudes to mass violence are:
- **Government scapegoating:** political leaders and state institutions identifying a minority group as the cause of economic, social or security problems.
 - **Structural racism:** the embedding of discriminatory classifications and exclusions in state institutions, including citizenship regimes, policing, education, housing and employment.
 - **Wartime or manufactured insecurity:** conflict, real or constructed, that allows leaders to frame a minority as an existential threat.
 - **Withdrawal of state protection:** the removal of a target group from the community of legal and moral obligation.
 - **Mobilisation of institutional and paramilitary power** against a targeted group.
- 3.14 These are the actual drivers of the move from attitudes to widespread violence. They are not addressed by policing microaggressions, slogans, or criticism of the policies of foreign states.

Implications for the Commission

- 3.15 If the pyramid of hate is adopted as the analytical frame for this Commission's inquiry, the Commission will be drawn towards interventions the evidence shows are ineffective and frequently counterproductive (Part B), while neglecting the drivers the evidence shows actually matter (Sections 1 and 2). Worse, the pyramid's treatment of political expression as an incipient form of violence risks the Commission recommending the suppression of precisely the speech (protest, dissent, and political criticism of a state's actions) that international human rights bodies, Australian courts and the scholarly evidence all protect as categorically distinct from incitement.
- 3.16 The Bondi attack illustrates the point. No publicly available evidence indicates that the perpetrator's violence grew out of pro-Palestinian political speech. What the evidence points to, consistent with Sections 1 and 2, is online far-right radicalisation,

⁶⁹ Strossen, N. (2018) *HATE: Why We Should Resist It with Free Speech, Not Censorship*, New York: Oxford University Press. See also Strossen, N. and Lukianoff, G. (2022) "Hate speech laws backfire," Foundation for Individual Rights and Expression, <<https://www.thefire.org/news/blogs/eternally-radical-idea/hate-speech-laws-backfire-part-3-answers-bad-arguments-against>>.

the state- and institution-reinforced conflation of Jewish identity with support for Israel, and institutional failures to address youth radicalisation. A framework oriented at the pyramid's base would direct the Commission's attention and government resources away from these actual drivers.

Framing political protest against genocide as the first step in the pyramid is wrong

- 3.17 There is no publicly available evidence that protest for human rights for groups affected by Israel's actions is a driver of antisemitic violence like the Bondi attack. Advocacy for Palestinian rights, protests against military operations, and calls for compliance with international humanitarian law are exercises of political expression protected under international human rights law.⁷⁰
- 3.18 The right to protest and to freedom of expression in political matters is protected by multiple international instruments. The International Covenant on Civil and Political Rights protects freedom of expression (Article 19) and the right to peaceful assembly (Article 21). The UN Human Rights Committee's General Comment No. 34 affirms that political expression, including commentary on public affairs and criticism of government policy, receives especially strong protection.⁷¹
- 3.19 The UN Special Rapporteur on Freedom of Opinion and Expression has consistently emphasised that states must not use counter-extremism or anti-hate-speech measures to suppress legitimate political expression and protest. The Rapporteur's 2019 report to the General Assembly cautioned specifically against the use of vague definitions of extremism or hatred to criminalise dissent and political opposition.⁷²
- 3.20 The Rabat Plan of Action, adopted by the Office of the High Commissioner for Human Rights in 2013, provides the authoritative international framework for distinguishing between protected expression and advocacy of hatred. It establishes a six-part threshold test for when expression constitutes incitement to discrimination, hostility, or violence, and makes clear that political criticism of states and their policies does not meet this threshold.⁷³
- 3.21 The UN Special Rapporteur on Freedom of Religion or Belief has further affirmed that advocacy of hatred based on religion must be carefully distinguished from legitimate criticism of religious ideas, institutions, or states associated with particular religions. States must not conflate criticism of a state's policies with incitement against a religious group.⁷⁴
- 3.22 Characterising such protests as inherently antisemitic is itself a form of conflation. It wrongly equates criticism of a state's policies with hatred of an ethnic or religious

⁷⁰ UN Human Rights Committee, General Comment No. 34 (2011) on Article 19: Freedoms of Opinion and Expression, CCPR/C/GC/34, para. 11.

⁷¹ International Covenant on Civil and Political Rights, Articles 19 and 21; Universal Declaration of Human Rights, Articles 19 and 20.

⁷² Report of the Special Rapporteur on Freedom of Opinion and Expression, A/74/486, United Nations (2019).

⁷³ UN Office of the High Commissioner for Human Rights, Rabat Plan of Action on the Prohibition of Advocacy of National, Racial or Religious Hatred, UN Doc A/HRC/22/17/Add.4 (2013).

⁷⁴ Ghanea, N. (2024), "Advocacy of Hatred Based on Religion or Belief," UN Doc A/HRC/55/47 OHCHR.

group. Moreover, it delegitimises the political expression of Palestinians, their supporters, and many Jewish Australians who participate in these movements.

- 3.23 As Part B of this submission demonstrates, the mischaracterisation of political protest as a driver of antisemitism is not merely analytically wrong – it is actively harmful. When governments respond to such mischaracterisation by enacting punitive laws or proscribing organisations, the evidence shows that the resulting suppression of political expression alienates communities and deepens the very divisions that fuel prejudice. The evidence from the UK and Europe on the misuse of proscription powers against Palestine solidarity activism (Section 8) illustrates this dynamic directly.

PART B: WHY PUNITIVE AND REPRESSIVE APPROACHES FAIL

Having identified the real drivers of racism and antisemitism in Part A, this Part examines the approach to combating antisemitism that the Commission is most likely to hear advocated: punitive and repressive measures including strengthened hate speech laws, enhanced criminal penalties, the proscription of organisations and policing focused on suppressing advocacy for Palestinian freedom.

The ECAJ and ASECA have indicated in their previous submissions and public statements that they favour strengthening criminal and regulatory responses to antisemitism targeting individual citizens, including through expanded hate speech provisions, enhanced policing, and the adoption/embedding of the IHRA definition that would extend the reach of these measures to political expression about Israel.⁷⁵

The apparent aim of these organisations is to lower the fault threshold, significantly limiting or removing the availability of any defences – effectively moving towards an absolute liability framework. Such a framework would override competing protections enshrined in other legislation. It would also constrain judicial discretion and diminish the role of case law, shifting the system towards rigid statutory interpretation. This would likely reduce judges to becoming instruments of enforcement, applying fixed legislative rules without meaningful engagement with the facts/context of individual cases. Additionally, there is strong evidence that ECAJ and ASECA aim to make Zionists a protected category – this is clearly illustrated in the recent ASECA document *Understanding Antisemitism in Australia*.

Australian governments have already made substantial moves in this direction. The evidence presented in this part demonstrates that such approaches do not reduce prejudice, do not increase social cohesion, and are frequently counterproductive – disproportionately harming the very communities they purport to protect.

⁷⁵ Recent ASECA submission <<https://www.aph.gov.au/DocumentStore.ashx?id=9483c256-7765-447f-a7b3-d8bbcb0d01e5&subId=784292>>; ECAJ submissions <<https://www.ecaj.org.au/wordpress/wp-content/uploads/20260116-ECAJ-submission-on-measures-to-prohibit-slogans-that-incite-hatred.pdf>>, <<https://www.ecaj.org.au/wordpress/wp-content/uploads/ECAJ-Submission-Combating-Antisemitism-Hate-and-Extremism-Bill-15.1.2026.pdf>>, <<https://www.ecaj.org.au/wordpress/wp-content/uploads/20251029-ECAJ-submission-on-defining-terrorism.pdf>>

4 Criminological evidence: punitive approaches are counterproductive

- 4.1 Criminological literature provides substantial evidence that punitive responses to hate crime and hate speech do not reduce prejudice and can exacerbate the problem.
- 4.2 This insight was succinctly articulated by Australian criminologists Hardy and Wickes in *We can't coerce our way to social cohesion. Here's what else governments should be doing*.⁷⁶
- 4.3 This section draws on three authoritative sources: Walters, Jacobs and Henry.

Prof. Mark Austin Walters

- 4.4 Prof. Walters is Professor of Criminal Law and Criminology at the University of Sussex and Co-Director of the International Network for Hate Studies. His DPhil in Law (Criminology) is from the University of Oxford. He is the UK's leading criminological researcher on hate crime and restorative justice, having conducted the first empirical study of restorative justice for hate crime in the UK and a comparative study of hate crime laws across 190 jurisdictions.^{77,78,79}
- 4.5 Walters argues that while hate crime laws serve an important declaratory function in condemning public wrongs, a purely punitive approach is self-defeating. He contends that punitive sanctions 'act mostly to alienate and exacerbate the problem of hate crime.' He proposes that the criminal law's declaratory role need not be backed by punitive sanctions, and instead advocates for reparative interventions grounded in restorative justice.
- 4.6 His empirical research in the UK found that community-based mediation for hate crime was significantly more effective than police-led approaches. In a Southwark-based hate crimes mediation project, 20 out of 23 participants reported being "very satisfied" or "satisfied" with the mediation process. A Stanford Law School policy report synthesises the broader restorative justice research literature as demonstrating 'greater compliance with agreements or judgments, ... greater satisfaction for both victims and offenders, and ... reduced recidivism rates,' and specifically examines Walters' UK hate crime mediation study as a leading example of these outcomes in practice. Turning to hate crime specifically, the same report found that in Walters' UK mediation study a majority of victims reported the process 'directly improved their emotional well-being.'⁸⁰
- 4.7 Walters also emphasises that hate crime victimisation is rooted in structural disadvantage. Restorative dialogue can humanise 'difference' and challenge

⁷⁶ Hardy and Wickes, *The Conversation* (2026), <<https://theconversation.com/we-cant-coerce-our-way-to-social-cohesion-heres-what-else-governments-should-be-doing-277734>>

⁷⁷ Walters, M.A. (2016) *Readdressing Hate Crime: Synthesizing Law, Punishment and Restorative Justice*, SSRN, <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2794601>.

⁷⁸ Walters, M.A. (2014) *Hate Crime and Restorative Justice: Exploring Causes, Repairing Harms*, Oxford: OUP.

⁷⁹ Walters, M.A. (2022) *Criminalising Hate: Law as Social Justice Liberalism*, Palgrave Macmillan.

⁸⁰ Stanford Law School Policy Lab & Brennan Center for Justice (2021) *Exploring Alternative Approaches to Hate Crimes*, pp. 20–21 (general restorative-justice findings summarised from C. Menkel-Meadow; hate-crime-specific findings drawn from M. Walters' UK study). <https://law.stanford.edu/wp-content/uploads/2021/06/Alternative-to-Hate-Crimes-Report_v09-final.pdf>.

prejudice, whereas punishment alone fails to address the socio-cultural and socio-economic causes of hate-motivated offending.

Prof. James B. Jacobs & Prof. Jessica S. Henry

- 4.8 Jacobs (NYU) and Henry (Montclair State University) published one of the most cited criminological critiques of hate crime legislation in the *Journal of Criminal Law & Criminology*.⁸¹
- 4.9 Jacobs and Henry argue that hate crime legislation can generate a 'pessimistic and alarmist portrayal of a divided conflict-ridden community' that becomes 'a self-fulfilling prophecy' and 'exacerbates societal divisions.'
- 4.10 They further argue that hate crime legislation misdirects us from looking at much deeper issues, such as the systemic causes of racism, homophobia, and xenophobia.
- 4.11 A 2023 article in the *George Mason Law Review* synthesises these critiques. It contends that the increased focus on biased motives may 'intensify hostility and conflict between groups, thus leading to retaliatory crimes.' Furthermore, punishing an offender under hate crime laws 'may increase his hatred by causing him to blame his punishment on the group he victimized.' Further, it concludes that hate crime legislation 'is arbitrarily applied, incentivizes victimized groups to compete against each other, and is counterproductive.'⁸²

⁸¹ Jacobs, J.B. & Henry, J.S. (1996) "The Social Construction of a Hate Crime Epidemic," *Journal of Criminal Law & Criminology*, 86(2), 366-401.

<<https://scholarlycommons.law.northwestern.edu/cgi/viewcontent.cgi?article=6864&context=jclc>>.

⁸² Conklin, M., (2023) "Unnecessary, Counterproductive, and Unjust: The Case Against Hate-Crime Legislation," *George Mason Law Review* F. 12. (2023). <<https://lawreview.gmu.edu/wp-content/uploads/2023/06/Conklin-Forum-Vol.-30-12-2023.pdf>>.

5 Hate speech laws are ineffective and often target minorities

Prof. Nadine Strossen – Former Pres. American Civil Liberties Union

- 5.1 Discussed previously, Prof. Strossen is Professor of Constitutional Law at New York Law School and served as the first woman national President of the ACLU (1991–2008). Her father was a Holocaust survivor who nearly died at Buchenwald. Her 2018 book *HATE: Why We Should Resist It with Free Speech, Not Censorship* is the leading monograph on the topic.⁸³
- 5.2 Strossen's central thesis, drawing on international comparative evidence, is that hate speech laws are 'at best ineffective and at worst counterproductive' in reducing intolerance. She documents how the 'inevitably vague terms' of such laws 'invest enforcing officials with broad discretion,' with the result that 'predictably, regular targets are minority views and speakers.'
- 5.3 Strossen marshals evidence that hate speech laws have historically been turned against the very communities they purport to protect. She cites the support of prominent civil rights leaders including Thurgood Marshall, John Lewis, Henry Louis Gates Jr., and Eleanor Holmes Norton, who opposed hate speech laws because free speech has been among the most powerful tools in the struggle for social justice and minority rights.
- 5.4 On alternatives, Strossen states: 'The goal is to change people's minds and perspectives: to enlighten them and broaden their understanding of other people.' She argues that society should 'move towards a restorative justice approach, where we root our work on how to constructively integrate people into our society.'⁸⁴

Jacob Mchangama – The Future of Free Speech

- 5.5 Mchangama is Founder and Executive Director of The Future of Free Speech, a Research Professor at Vanderbilt University, and a Senior Fellow at the Foundation for Individual Rights and Expression. His 2022 book *Free Speech: A History from Socrates to Social Media* provides the most comprehensive comparative evidence base on hate speech laws globally.⁸⁵
- 5.6 Drawing on the German Federal Office for the Protection of the Constitution's own statistics, Mchangama observes that despite Germany's 2017 NetzDG law and longstanding criminal hate speech provisions, there has been a rise in right-wing extremists and in extremists willing to use violence every year since the law's passage. He concludes: 'It seems to me that this approach is not actually working. You see the same thing in France. The far right has not had its wind taken out of its sails by cracking down on free speech.'⁸⁶

⁸³ Strossen, N. (2018) *HATE: Why We Should Resist It with Free Speech, Not Censorship*, Oxford: Oxford University Press, 2018.

⁸⁴ Strossen, N. (2025) Interview, Center for the Study of Organized Hate, 13 January 2025. <<https://www.csohate.org/2025/01/13/counterspeech-nadine-strossen/>>.

⁸⁵ Mchangama, J. (2022) *Free Speech: A History from Socrates to Social Media*, Basic Books.

⁸⁶ Mchangama, J. (2025) Interview with Yascha Mounk, Persuasion, 19 March 2025. <<https://www.persuasion.community/p/jacob-mchangama-free-speech>>.

- 5.7 Writing in *Foreign Affairs*, Mchangama observes that ‘there is little evidence that the ‘balanced’ approach [of European hate speech regulation] actually creates more broadly tolerant societies.’⁸⁷

⁸⁷ Mchangama, J. (2025) “Who Has Free Speech?” *Foreign Affairs*, Review Essay, Nov/Dec 2025.

6 Australian constitutional law: political offence is protected communication

- 6.1 The NSW Court of Appeal's recent decision in *Jarrett v State of New South Wales* [2026] NSWCA 62⁸⁸ provides authoritative Australian constitutional authority for the principles advanced in this section.
- 6.2 Although *Jarrett* arose in the context of protest restrictions rather than hate speech legislation, the constitutional principles the Court applied are not confined to that setting: any law that burdens political communication, whether by restricting where people may assemble or by criminalising what they may say, must satisfy the same test of constitutional legitimacy, and a purpose of suppressing expression in order to preserve social cohesion fails that test regardless of the legislative vehicle chosen.

On the constitutional protection of offensive, confronting, and emotional political speech

- 6.3 The Court held that the implied freedom of political communication under the Commonwealth Constitution extends to the full spectrum of political expression – including speech that is ‘confronting, upsetting and provocative’ and that causes ‘annoyance, unease and even hostility’ in others.
- 6.4 Endorsing the High Court's earlier reasoning in *Levy v Victoria*, the Court affirmed that the constitutional implication protects ‘false, unreasoned and emotional communications’ no less than measured and careful argument, because ‘[t]he appeal to reason cannot be said to be, or ever to have been, an essential ingredient of political communication or discussion.’
- 6.5 The Court also cited approvingly Justice Douglas's observation in *Terminiello v Chicago* that free speech ‘may indeed best serve its high purpose when it induces a condition of unrest, creates dissatisfaction with conditions as they are, or even stirs people to anger.’
- 6.6 This principle has direct bearing on proposals to expand hate speech laws to reach political expression about Israel: speech that others find deeply offensive or upsetting does not thereby lose its constitutional protection, and legislative instruments that cannot make this distinction face fundamental validity problems.

"Social cohesion" as an impermissible basis for suppressing political dissent

- 6.7 The Court's treatment of "social cohesion" as a justification for restricting protest is of particular relevance to this submission's analysis. The NSW government had sought to justify the restrictions on public assemblies by invoking the need to protect social cohesion following the Bondi Beach attack – precisely the rationale that has been advanced to justify expanded hate speech laws and anti-protest measures targeting Palestine solidarity activism in Australia and elsewhere.

⁸⁸ *Jarrett v State of New South Wales* [2026] NSWCA 62, 16 April 2026, Bell CJ, Ward P and Free JA, on the post-Bondi PARD scheme <<https://www.caselaw.nsw.gov.au/decision/19d9354aeb610427262d9102>>.

- 6.8 The Court of Appeal rejected this reasoning as constitutionally impermissible. It held that the system of representative and responsible government itself ‘entails acceptance of the potential for disharmony, incivility and disruption that is part and parcel of democratic intercourse,’ and that ‘suppressing public debate of certain kinds may be a means to a legitimate end, but it cannot be a legitimate end in itself.’
- 6.9 The Court further held that the constitutional framework does not permit ‘a sweeping and indiscriminate restriction on all public assemblies’ that lacks any mechanism for distinguishing between assemblies based on their actual conduct, content, or impact on community safety.
- 6.10 This reasoning directly undermines the case for broad-brush legislative instruments – including expansive definitions of antisemitism that cannot distinguish between genuine racial hatred and protected political dissent – and gives constitutional weight to the free speech scholarship surveyed above.

7 UN and international human rights bodies recommend education over criminalisation

UN Special Rapporteur on Freedom of Opinion and Expression

- 7.1 In his 2019 report to the UN General Assembly (A/74/486), Special Rapporteur David Kaye stated:

*States should generally deploy tools at their disposal other than criminalization and prohibition – such as education, counter-speech, promotion of pluralism, and so forth – to address hateful speech that does not constitute incitement to discrimination, hostility, or violence.*⁸⁹

UN Special Rapporteur on Freedom of Religion or Belief

- 7.2 In her January 2024 report, Special Rapporteur Nazila Ghanea expressed:

*caution against relying solely on criminal law to combat hate speech, as this can be counterproductive and will result either in increasing the resentment of those who engage in such discourse or inhibiting victims' ability to find real protection in institutions controlled by socially dominant groups.*⁹⁰

- 7.3 The Special Rapporteur instead favours extra-legal mechanisms and concludes that 'the most effective measures are those that seek to eliminate the real situations of discrimination underlying these discourses.'

UNESCO and the Rabat Plan of Action

- 7.4 UNESCO's report *Countering Online Hate Speech* notes that 'a purely legal lens can miss out on how societies evolve through contestation and disagreement' and cites the example of Apartheid South Africa, where hate speech law was used to criminalise criticism of white domination.⁹¹

- 7.5 The UN Rabat Plan of Action affirms that States should use 'alternative tools – such as education and promoting counter-messages' to address hateful expression. The UN's own position explicitly states: 'Addressing hate speech does not mean limiting or prohibiting freedom of speech.'⁹²

⁸⁹ Report of the Special Rapporteur on Freedom of Opinion and Expression, A/74/486, United Nations (2019).

⁹⁰ Ghanea, N. (2024), "Advocacy of Hatred Based on Religion or Belief.", UN Doc A/HRC/55/47 OHCHR.

⁹¹ UNESCO (2015) *Countering Online Hate Speech*, Paris: UNESCO.

⁹² UN Office of the High Commissioner for Human Rights, *Rabat Plan of Action on the Prohibition of Advocacy of National, Racial or Religious Hatred*, UN Doc A/HRC/22/17/Add.4 (2013) <<https://www.un.org/en/hate-speech/understanding-hate-speech/hate-speech-versus-freedom-of-speech>>.

8 Proscription is being misused and is counterproductive

- 8.1 The preceding sections have demonstrated that repressive approaches to hate speech and hate crime are counterproductive and that education-based alternatives are more effective. This section presents evidence that proscription, the designation of organisations as terrorist or extremist groups, is being misused across Europe to suppress legitimate political dissent, particularly Palestine solidarity activism, with effects that undermine rather than strengthen social cohesion.

European Legal Support Center – Europe’s Proscription of Palestine Solidarity

- 8.2 A 2025 report by the European Legal Support Center (ELSC) documents how governments across the UK, Germany, the Netherlands, and France have instrumentalised counterterrorism and public order measures to criminalise Palestine solidarity organisations.⁹³ The report identifies a convergent pattern across these jurisdictions: vague definitions of terrorism enable states to criminalise basic acts of solidarity and bypass judicial oversight, while proscription decisions are made through processes that require no criminal conviction and disclose no evidence publicly.
- 8.3 The ELSC report details specific cases that illustrate the misuse of proscription powers.
- 8.4 In the UK, Palestine Action was proscribed under the Terrorism Act 2000 in July 2025, with the government bundling the vote with two neo-Nazi groups to avoid scrutiny specific to the organisation. The High Court subsequently found it ‘reasonably arguable’ that the proscription interfered with freedom of expression and protest rights. Notably, the Home Secretary’s own assessment was that only three of Palestine Action’s 385 actions would meet the statutory definition of terrorism.
- 8.5 In Germany, the authorities banned Samidoun and other solidarity organisations under the Associations Act. In France, the government targeted Urgence Palestine and Collectif Palestine Vaincra using dissolution powers.
- 8.6 In each case, the report finds that proscription was deployed not in response to genuine security threats, but to protect political and economic interests tied to arms manufacturing and diplomatic relationships.
- 8.7 The report finds that these proscription regimes are counterproductive in several respects.
- 8.8 First, the broad and vague definitions of terrorism used in proscription frameworks, such as the UK Terrorism Act’s inclusion of ‘serious damage to property’, invest authorities with wide discretion that is selectively exercised, consistent with the findings of Strossen and Mchangama discussed in Section 5 above.

⁹³ European Legal Support Center (2025) Europe’s Proscription of Palestine Solidarity, ELSC Monitor & Research Department. <<https://elsc.support/wp-content/uploads/2025/08/Europes-Proscription-of-Palestine-Solidarity.pdf>>.

- 8.9 Second, proscription generates a chilling effect that extends far beyond the targeted organisations, suppressing the lawful political expression of entire communities. The UN Human Rights Chief condemned the UK's proscription of Palestine Action as being at odds with its obligations under international human rights law.
- 8.10 Third, by equating political dissent with terrorism, proscription alienates and stigmatises communities, exacerbating the societal divisions that the criminological evidence in Section 4 demonstrates are a predictable consequence of punitive approaches.

The Index of Repression – ELSC and Forensic Architecture

- 8.11 The scale of the chilling effect and broader repression generated by proscription and related counterterrorism frameworks is documented by the Index of Repression, an interactive database developed by the ELSC in collaboration with Forensic Architecture.⁹⁴ The UK index, launched in February 2026, documents 964 verified incidents of repression against Palestine solidarity activism between January 2019 and August 2025.⁹⁵
- 8.12 The Index reveals that repression operates as a coordinated, multi-sited system involving state and non-state actors, including police, universities, employers, pro-Israel advocacy organisations, and media outlets, rather than as a series of isolated incidents.
- 8.13 The ELSC identifies a three-stage architecture: allegations are first amplified by media outlets or advocacy groups, then taken up by institutions and converted into disciplinary or legal processes, and finally enforced through arrests, job terminations, or financial sanctions. Students, academics, and teachers are the most frequently targeted group, with 336 documented incidents. The database also records 141 incidents involving Zionist advocacy organisations as initiating or escalating actors.
- 8.14 The Index demonstrates that proscription frameworks do not operate in isolation but form part of a broader infrastructure of suppression that includes the UK's Prevent strategy, the IHRA working definition of antisemitism, and the Terrorism Act. The ELSC's analysis concludes that the two main allegations used to justify repression of Palestine solidarity in the UK are antisemitism and support for terrorism – precisely the kind of vague and elastic categories that the free speech scholars discussed in Sections 3 and 5 warn are disproportionately turned against minority communities and political dissent.
- 8.15 This evidence is directly relevant to the Commission's terms of reference on social cohesion. Proscription regimes that are perceived as selectively targeting political dissent, while leaving untouched the conduct they claim to address, do not build social cohesion. Rather, as the criminological literature in Section 4 predicts, they alienate communities, generate resentment, and produce the very divisions they purport to prevent.

⁹⁴ ELSC & Forensic Architecture, Index of Repression: UK Platform. <<https://www.index-of-repression.org/uk/platform>>.

⁹⁵ ELSC (2026) On All Fronts: The Multi-Sited Repression of Palestine Solidarity in Britain. <<https://elsc.support/uk-data/>>.

- 8.16 The ELSC's findings from Germany are particularly instructive: despite Germany's extensive use of proscription and banning powers, the German Federal Office for the Protection of the Constitution's own statistics show a rise in right-wing extremists willing to use violence every year since these measures were intensified – the same finding cited by Mchangama in Section 5. See the related JVOIS submission on Germany as a case study.
- 8.17 This evidence is directly relevant to Australia. Australia's existing proscription regime under the Criminal Code already provides for the listing of terrorist organisations, and recent changes have created similar powers for designation of hate groups. The European experience demonstrates that such measures, once created, are liable to be deployed against political dissent rather than genuine security threats. The Commission should recommend changes to the recently adopted laws to avoid replicating the patterns documented by the ELSC, and that any proscription or designation powers be subject to robust judicial oversight, transparent evidentiary standards, and safeguards against use to criminalise political expression protected under international human rights law.

PART C: WHAT WORKS – THE EVIDENCE BASE

9 Evidence base for education, contact and inclusion-based approaches

Holistic anti-racism frameworks are more effective than exceptionalist approaches

- 9.1 The foundational evidence for a holistic approach comes from the large-scale 2022 meta-analysis by Hsieh et al., which examined what actually reduces prejudice in real-world settings. The study found that the most effective interventions are those that address multiple forms of prejudice simultaneously rather than targeting single groups, and that structural and institutional approaches outperform individually targeted measures.⁹⁶
- 9.2 Weiss, Ran and Halperin's 2023 study published in the Proceedings of the National Academy of Sciences found that educational interventions designed for broad inclusion were significantly more effective at reducing prejudice than those targeting specific group attitudes. Their experimental evidence supports the proposition that anti-racism frameworks work best when they are universal rather than group-specific.⁹⁷
- 9.3 A comprehensive evidence review commissioned by the Scottish Government concluded that multi-strand approaches to prejudice reduction, which address racism, religious prejudice, and other forms of discrimination within a single framework, produce more durable attitudinal change than approaches targeting individual prejudices in isolation.⁹⁸
- 9.4 Ted Cantle's influential framework on community cohesion, developed following the 2001 UK riots, demonstrates that segregation and 'parallel lives' are root causes of inter-group hostility, and that breaking down barriers between communities through a unified approach to social cohesion is far more effective than treating each form of prejudice as a separate problem.⁹⁹

Distinguishing Israel/Zionism from Jewish identity reduces antisemitic risk

- 9.5 The scholarly evidence and incident data set out in Section 2 demonstrates that the conflation of Israel and Zionism with Jewish identity is a primary driver of antisemitic incidents. The research of Sucharov, Agnew, and others, and the analysis of the IHRA definition all point to the same conclusion: clear public communication distinguishing between Israel/Zionism and Jews is essential to reducing the misdirection of political anger at Israel towards Jewish Australians.

⁹⁶ Hsieh, W., et al. (2022) "What reduces prejudice in the real world?" British Journal of Social Psychology, 61(3).

⁹⁷ Weiss, C.M., Ran, S. & Halperin, E. (2023) "Educating for Inclusion," PNAS, 120(16).

⁹⁸ Scottish Government (2019) What Works to Reduce Prejudice and Discrimination? A Review of the Evidence.

⁹⁹ Cantle, T. (2012) Community Cohesion: A New Framework for Race and Diversity, Palgrave Macmillan.

Education and contact-based approaches reduce prejudice

- 9.6 As noted previously, the evidence base for education and contact-based approaches to reducing prejudice is among the strongest in social psychology. The landmark meta-analysis by Pettigrew and Tropp found that intergroup contact significantly reduces prejudice, with effects extending beyond the immediate contact situation to wider attitudes towards the out-group.¹⁰⁰
- 9.7 Hsieh et al.'s 2022 systematic review of real-world prejudice reduction found that education-based interventions, particularly those implemented in schools and targeting young people, produce the most robust and lasting reductions in prejudice. Interventions are most effective when they combine knowledge (about the history of racism, stereotypes, and dehumanisation) with direct or indirect intergroup contact. Importantly, the evidence shows that direct teaching of prejudice-reduction techniques may be ineffective, whereas indirect teaching of the skills and dispositions needed to combat prejudice, including cooperative learning, meaningful intergroup contact, and critical thinking, is effective.¹⁰¹
- 9.8 Schultz, Barr and Selman's research demonstrates that anti-prejudice educational programmes are most effective when introduced early and sustained across multiple education stages, supporting the recommendation for curricula at all levels. Their evaluation of the *Facing History and Ourselves* curriculum, which uses historical case studies including, but not limited to, the Holocaust, found that participants showed statistically significant decreases in racist attitudes compared to a control group.¹⁰²
- 9.9 Weiss, Ran and Halperin's field experiments in Israeli schools demonstrated the scalability of these approaches: theoretically informed intensive education programmes improved students' attitudes toward minorities, with some effects on pro-diversity behaviour persisting up to 13 weeks after the intervention. The programme was effective even when delivered by regular classroom teachers rather than specialists.¹⁰³

¹⁰⁰ Pettigrew, T.F. & Tropp, L.R. (2006), as cited above.

¹⁰¹ Hsieh, W., et al. (2022) as cited above.

¹⁰² Schultz, L.H., Barr, D.J. & Selman, R.L. (2001) "The Value of a Developmental Approach to Evaluating Character Development Programmes," *Journal of Moral Education*, 30(2).

¹⁰³ Weiss, C.M., Ran, S. & Halperin, E. (2023) "Educating for Inclusion," *PNAS*, 120(16).

10 Strengthening social media regulation

- 10.1 The preceding sections have argued against repressive laws targeting individual speech, and in favour of education-based approaches. This section identifies additional institutional measures that can reduce racist discourse, including antisemitism, without criminalising speech: strengthening media regulation and establishing a Parliamentary code of conduct with zero tolerance for racism and dog-whistle rhetoric. These measures target institutions rather than individuals, and operate through standards, accountability and transparency rather than criminal sanction.
- 10.2 The research consistently distinguishes online hate speech from offline contexts. A systematic review found that online racism has significant effects on mental health and can ‘undermine social cohesion by perpetuating racial stereotypes and increasing political polarization,’ and that there is a clear association between digital hate speech and actual hate crime.¹⁰⁴
- 10.3 Research published in *Humanities and Social Sciences Communications* in Nature, 2024, found that online hate speech on social media platforms acts as a predictor of offline hate crimes against migrant and LGBT communities.¹⁰⁵ A 2024 study in *Crime Science* found that victims of online hate speech exhibited more pronounced feelings of insecurity outside the internet compared to victims of other forms of cybercrime.¹⁰⁶
- 10.4 This body of evidence supports the position that while repressive laws directed at individual speech are counterproductive, platform-level regulation of social media, including content moderation, algorithmic transparency, and counter-speech infrastructure, is justified by the scale, speed, and amplification dynamics unique to social media. In the Australian context, this evidence provides the empirical basis for strengthening the eSafety Commissioner’s powers to address racist, including antisemitic, content online.

¹⁰⁴ Madriaza, P. et al., “Exposure to hate in online and traditional media: A systematic review and meta-analysis of the impact of this exposure on individuals and communities”, <https://pmc.ncbi.nlm.nih.gov/articles/PMC11736891/>.

¹⁰⁵ Arcila Calderón, C. et al. (2024) “From Online Hate Speech to Offline Hate Crime,” *Nature*. <https://www.nature.com/articles/s41599-024-03899-1>.

¹⁰⁶ Dreißigacker, A., Müller, P., Isenhardt, A. & Schemmel, J. (2024) "Online hate speech victimization: consequences for victims' feelings of insecurity," *Crime Science* 13, 4. <https://doi.org/10.1186/s40163-024-00204-y>.

11 Strengthening non-social media regulation and Parliamentary standards

Strengthening non-social media regulation of racist reporting and opinion

- 11.1 Australian broadcasting and publication is regulated by the Australian Communications and Media Authority (ACMA) under the Broadcasting Services Act 1992 and the Australian Press Council. While ACMA and the Press Council administer industry codes of practice and can investigate complaints, their regulatory frameworks do not include enforceable standards specifically addressing the broadcast or publication of material that promotes racial hatred or stereotyping, including antisemitism. The current co-regulatory models rely primarily on industry self-regulation, with the bodies intervening only when complaints are not resolved by broadcasters and publishers.
- 11.2 Research demonstrates that media plays a significant role in normalising or challenging racist attitudes. The research cited in Section 10 on online hate speech applies equally to broadcast and print media: exposure to racist content in traditional media has been shown to perpetuate stereotypes, increase political polarisation, and contribute to a climate in which hate incidents become more likely. The UN Special Rapporteur on Minority Issues has noted that hate crimes rarely occur without prior stigmatisation and dehumanisation of targeted groups in the media.¹⁰⁷
- 11.3 This submission does not argue for censorship of individual speech. Rather, it argues that media organisations, as institutional actors operating under public licences, should be held to enforceable standards that prohibit the broadcast of material promoting racial hatred – including antisemitism, Islamophobia, anti-Arab and Palestinian racism and racism against First Nations peoples, and other forms of racism. This is consistent with the approach taken in the EU, where the Audiovisual Media Services Directive requires member states to ensure that audiovisual media services do not contain incitement to hatred based on race, sex, religion, or nationality.¹⁰⁸
- 11.4 ACMA and the Press Council's existing regulatory frameworks should be strengthened to include enforceable standards on the broadcast of racist content, with a clear complaints pathway and meaningful sanctions for breaches. This should extend to digital media platforms operating in Australia, consistent with the EU's Digital Services Act model and the recommendations of the UN Special Rapporteur on Minority Issues for improved content standards.¹⁰⁹

¹⁰⁷ de Varennes, F. (2021) *Report of the Special Rapporteur on minority issues: Hate speech, social media and minorities*, A/HRC/46/57, UN Human Rights Council. <<https://www.ohchr.org/en/documents/thematic-reports/ahrc4657-minority-issues-report-special-rapporteur-minority-issues>>.

¹⁰⁸ EU Audiovisual Media Services Directive (2018), Article 6(1). <<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32018L1808>>.

¹⁰⁹ UN Special Rapporteur on Minority Issues (2022) Draft Effective Guidelines on Hate Speech, Social Media and Minorities. <<https://www.ohchr.org/sites/default/files/2022-06/Draft-Effective-Guidelines-Hate-Speech-SR-Minorities.pdf>>.

A Parliamentary code of conduct with zero tolerance for racism

- 11.5 Political rhetoric by elected officials has a disproportionate influence on public attitudes. Research in political psychology has established that when politicians use racist language, whether overt or through “dog-whistle” rhetoric, it signals to the public that such attitudes are socially acceptable, normalising prejudice and emboldening those inclined toward hostility. The Brexit referendum in the UK provides a well-documented case study: research from 2021 found a direct correlation between the use of anti-immigrant rhetoric by prominent politicians and a spike in hate crimes in the weeks following the vote.¹¹⁰
- 11.6 Dog-whistle rhetoric (coded language that conveys racist messages while maintaining plausible deniability) is particularly insidious because it operates below the threshold of overt racism while activating racial prejudice in audiences. Prof. Jennifer Saul has documented how “figleaf” phrases provide just enough cover for racism, allowing politicians to exploit racial resentment while claiming innocence. This mechanism undermines social cohesion precisely because it is difficult to challenge through conventional anti-discrimination frameworks.¹¹¹
- 11.7 Australia adopted a Behaviour Code for Parliamentarians following the Jenkins Review, which addresses bullying and harassment. However, the Code does not specifically address racism or dog-whistle rhetoric, and its enforcement mechanisms remain limited. Given the disproportionate influence of political leaders on public discourse, a Parliamentary code of conduct should explicitly prohibit racist language (including antisemitism, Islamophobia, and racism against First Nations peoples, and other forms of racism), dog-whistle rhetoric that is designed to activate racial prejudice, and the use of parliamentary privilege to vilify racial, ethnic, or religious groups.¹¹²
- 11.8 Such a code would be consistent with this submission’s broader argument: rather than criminalising the speech of ordinary citizens (which the evidence shows is counterproductive), the focus should be on holding institutional actors (media organisations and elected representatives) to higher standards. This approach addresses the sources of racist discourse that have the greatest influence on public attitudes, without restricting the political speech of citizens that is essential to democratic functioning and social cohesion.

¹¹⁰ Devine, D. (2021) “Discrete events and hate crimes: the causal role of the Brexit Referendum,” *Social Science Quarterly*, 102, 374–386. See also evidence submitted to UK Parliament on the correlation between campaign rhetoric and hate crime spikes: <<https://committees.parliament.uk/writtenevidence/70137/pdf/>>.

¹¹¹ Saul, J. (2024) *Dogwhistles and Figleaves: How Manipulative Language Spreads Racism and Falsehood*, Oxford: Oxford University Press. See also Saul, J. (2025) “Beyond dogwhistles – racists have a new rhetorical trick,” *Psyche*. <<https://psyche.co/ideas/beyond-dogwhistles-racists-have-a-new-rhetorical-trick>>.

¹¹² Behaviour Code for Australian Parliamentarians, Parliament of Australia. <https://www.aph.gov.au/Parliamentary_Business/Chamber_documents/Senate_chamber_documents/standingorders/Standards_of_behaviour_and_behaviour_codes/Behaviour_Code_Parliamentarians>.

Data collection is essential for evidence-based policy

- 11.9 Without robust, nationally consistent data on racism, including antisemitism, it is impossible to measure the scale of the problem, identify trends, or evaluate the effectiveness of interventions. The AHRC's National Anti-Racism Framework recommendations on data collection are supported by the broader evidence on evidence-based policymaking and the experience of jurisdictions that have invested in systematic hate crime recording.¹¹³

¹¹³ AHRC National Anti-Racism Framework (2022), Recommendations 59–63, 25, 31, 44.

PART D: RECOMMENDATIONS AND CONCLUSION

12 Recommendations

- 12.1 JVOIS's recommendations reference the AHRC National Anti-Racism Framework and are designed to address antisemitism within a holistic social cohesion and anti-racism framework.
- 12.2 JVOIS recommends a NARF-based implementation programme – including a National Social Cohesion and Anti-Racism Taskforce (NARF 1 & 2), a National Human Rights Act (NARF 8), strengthened eSafety Commissioner powers (NARF 12 and 49), media regulation reform (NARF 46 and 47), a Parliamentary code of conduct (NARF 26), anti-racism curricula and educator training (NARF 28, 29, 30, 32, 38), a national racism data collection framework (NARF 59–63, 25, 31, 44), positive duty and AHRC enforcement powers (NARF 10, 11, 14), reform of religious discrimination law (NARF 14), and folding the special envoys' functions into the AHRC under the Race Discrimination Commissioner.
- 12.3 The recommendations below concentrate on the specific implications of the evidence presented in this submission – namely, the evidence that the conflation of Israel and Zionism with Jewish identity is a distinct driver of antisemitism, that youth radicalisation is an escalating and specific threat, that economic inequality and housing unaffordability causally worsen racism, and that treating legitimate political protest as a driver of antisemitism will be counterproductive.

Recommendation 1: Implement a holistic, non-exceptionalist anti-racism framework – the AHRC National Anti-Racism Framework, focusing on education, inter-group contact and improved data collection

- The Commission should recommend that governments address antisemitism within a holistic social cohesion and anti-racism framework like the AHRC National Anti-Racism Framework, and should not recommend approaches that treat antisemitism as categorically different from other forms of racism.

The evidence in Part A demonstrates that antisemitism shares the structural drivers of other forms of racism. Treating it as uniquely exceptional, rather than type-specific within a shared analytical and policy framework, would fuel resentment among Australians including other groups experiencing their own severe discrimination: First Nations peoples, Muslim Australians, and Palestinian, Arab, Indian, African and Asian Australians. Exceptionalist framings are therefore counterproductive: they risk increasing, not decreasing, antisemitism.

Recommendation 2: Distinguish Israel and Zionism from Jewish identity

- The Commission and the Australian Government should make clear public statements distinguishing between the state of Israel and the political ideology of Zionism on the one hand, and Jewish identity and Judaism on the other.
- Specifically:
 - The Commission's final report should include an explicit statement that criticism of Israel and of Zionism – including advocacy for Palestinian human rights, support for boycott, divestment and sanctions, and the use of terms such as “apartheid” and “genocide” where grounded in the findings of international bodies – is not, in itself, antisemitic.
 - The Prime Minister, Attorney-General, and Race Discrimination Commissioner should make complementary public statements at the release of the Commission's report and at appropriate subsequent moments (including in response to incidents in which the conflation is publicly activated).
 - Australian Government communications, guidance materials, training products and quasi-legal documents referring to antisemitism should be reviewed to ensure they do not assume, assert, or imply that Jewish identity is coextensive with support for Israel or Zionism.

The evidence in Part A (Section 2) establishes that the persistent conflation of Israel and Zionism with Jewish identity is a specific driver of antisemitic incidents in Australia: it makes Jewish Australians targets for grievances about Israeli state conduct, and it reinforces the antisemitic stereotype of Jewish loyalty to a foreign state. Authoritative public statements from the Commission and governments are a low-cost, high-impact intervention directly responsive to this driver.

Recommendation 3: Acknowledge inequality, housing and cost-of-living as drivers of racism

- The Commission should:
 - acknowledge, on the basis of the evidence presented in this submission, that economic inequality, housing unaffordability, and cost-of-living pressures causally contribute to rising racism (including antisemitism) and declining social cohesion;
 - recommend that the Australian Government commission research into the relationship between economic inequality and racism, including antisemitism in the Australian context, to inform policy development; and
 - recommend that major economic, fiscal and housing policy be assessed for its likely impact on social cohesion, in a manner analogous to existing environmental and regulatory impact assessments.

- The Commission should be careful not to adopt recommendations that treat legitimate political protest as a driver of antisemitism.

The Bianchi, Hall & Lee (2018), Lisnek et al. (2025), Connor et al. (2019), and Mols & Jetten (2020) evidence set out in Part A establishes a causal relationship between economic insecurity and intergroup prejudice. While specific economic policy is beyond the Commission's remit, its final report should recognise that efforts to combat antisemitism and racism will be materially undermined if the structural economic conditions that drive prejudice continue to worsen.

Recommendation 4: Hold institutional actors, not citizens, to higher standards – broadcast, print and social media companies and parliamentarians

- Where the media (including social media companies) and Parliamentarians are concerned, the Commission's recommendations should focus on institutional accountability rather than on criminalising individual speech. JVOIS endorses the AHRC's recommendations on media regulation (NARF 46 and 47) and a Parliamentary code of conduct (NARF 26), with two specific additions supported by the evidence in Part C of this submission:

Opinion pieces, not just reporting

- Media regulation should explicitly cover both news reporting and opinion content.

The All Together Now / UTS research cited in Part A shows that opinion pieces, particularly in News Corp publications, have been a disproportionate vehicle for racist framings of minority groups, and any reform limited to news reporting will fail to address the principal site of the harm.

Parliamentary privilege

- The Parliamentary code of conduct should explicitly prohibit the use of parliamentary privilege to vilify racial, ethnic or religious groups, with a meaningful independent enforcement mechanism. The Jenkins-derived Behaviour Code is, in its current form, inadequate to this purpose.

This approach is consistent with the broader logic of this submission: the evidence indicates that the most consequential sources of racist discourse are institutional, and that addressing them at the institutional level is both more effective and less corrosive of democratic freedom than criminalising citizens' speech.

Recommendation 5: Be cautious about legal changes and the treatment of political protest

- JVOIS urges the Commission to be extremely cautious about recommending legal and quasi-legal changes that reduce freedom of political expression, including, but not limited to reducing judicial oversight and sentencing discretion, changes to the reasonable-person test, changing the intent-and-context threshold, and ensuring that “Zionism” and “Zionists” do not become political ideologies subject to legal protection through conflation with Jewish identity.
- The evidence in this submission supports a further point of emphasis: The Commission should not adopt recommendations that treat legitimate political protest, including pro-Palestinian protest, as a driver of antisemitism.

Parts A (Section 3) and B of this submission show that pro-Palestinian advocacy is not, as a category, a driver of antisemitism, and that framing it as such has, in comparable jurisdictions, both undermined civil liberties and increased rather than decreased hostility towards Jewish communities. Recommendations that conflate protest with hate will alienate communities, entrench grievances, and damage the Commission's own credibility with the communities whose cooperation is necessary for social cohesion.

13 Conclusion

- 13.1 Antisemitism is real and must be addressed. But it will not be addressed effectively by treating it as exceptional, by conflating the state of Israel and Zionism with Jewish identity, or by adopting repressive laws that undermine the civil liberties of all Australians.
- 13.2 The evidence points instead to a holistic approach that addresses the structural drivers of racism and prejudice, economic inequality and housing unaffordability, social polarisation and the media ecosystem, segregation, extremism (including the distinct problem of youth radicalisation), foreign interference, and the specific conflation of Israel and Zionism with Jewish identity. The AHRC National Anti-Racism Framework provides a comprehensive, evidence-based roadmap for this work and how it should be implemented.
- 13.3 The Commission should adopt recommendations that will make all Australians safer by building a more cohesive and diverse, equal, and rights-respecting society.

ENDS