

**Submission
No 123**

MEASURES TO PROHIBIT SLOGANS THAT INCITE HATRED

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NSW Legislative Assembly Committee on Law and Safety Inquiry: Measures to prohibit slogans that incite hatred

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Biography

I provide this submission in my capacity as a subject matter expert with expertise in Jewish history, histories of Australian policy and international law-making, and histories of migration, statelessness, settler-colonialism, multiculturalism, and emotions in Australia. I hold a PhD in History from the University of Melbourne, which explored Australian Jewish cultures, practices and politics of Holocaust remembrance through an examination of Holocaust education in Jewish schools. I completed an Australian Research Council-funded postdoctoral project, investigating Australian policy-making for child refugees. And I am currently an Australian Research Council Future Fellow, undertaking a project on intergenerational memories of statelessness in Australia, in which I am exploring the ongoing effects of statelessness across generations of Australian citizens in five groups: Jews, Palestinians, Kurds, Tamils and people from the former USSR. I also bring subject matter expertise gained through personal experience as the granddaughter of Jewish Holocaust survivors.

My work on Australian history has received wide recognition: I have held a Visiting Fellowship at the Humanities Research Centre at the ANU; been awarded the 2021 Marian Quarty Prize for my article 'Refugee children, boats and drownings: a history of an Australian 'humanitarian' discourse', published in *History Australia*; and the 2023 John Barrett Award, Open Category, for my article 'Files, Families and the Nation: An Archival History, Perhaps', published in *Journal of Australian Studies*. I am also the author of *Anxious Histories: Narrating the Holocaust in Jewish Communities at the Beginning of the Twenty-First Century* (Berghahn Books, 2015) and co-editor (with David Slucki and Esther Jilovsky) of *In the Shadows of Memory: The Holocaust and the Third Generation* (Vallentine Mitchell, 2016). My second book *Cruel Care: A History of Children at our Borders* (Monash University Publishing, 2023) was shortlisted for the Victorian Premier's Literary Awards, highly commended for the NSW Premier's History Awards, and was co-winner of the Oral History Australia book prize.

Submission

In this submission I argue that “the need to protect communities from hatred, intimidation and violence” is best met by *not banning* phrases like “globalise the intifada”; that such phrases need to be understood fully by government and society and

their use should not be subject to knee-jerk and politicised responses; that such phrases are neither hateful nor do they lead to the “incitement of hatred” or “threaten community safety”; and that community and social harmony and cohesion are best achieved by reckoning with Australia’s settler-colonialism and ensuring that the needs of the community as a whole, particularly its most marginalised groups, are accounted for. It is essential that this is not undertaken as a zero-sum game of pitting marginalised settler peoples against each other.

Given my expertise, I outline below the reasons why such phrases should not be banned across four different factors: a) the genuine meaning of such phrases; b) the political understanding of emotions; c) the ways that belonging (or what is termed by government as social cohesion) can and should be actively cultivated; and d) the criminalisation effects of the imposition of such laws.

In short, while there are people who consider phrases such as “globalise the intifada”, “from the river to the sea, Palestine will be free”, and so on to present a threat to community cohesion and safety, I strongly caution against this understanding of how these phrases function and what it would be mean to legislate against them.

A) The genuine meaning of such phrases

The word intifada is an Arabic word meaning “shaking off”. It is used to name or describe uprisings across the Arab world as well as in Arabic translations of resistance movements elsewhere. Notably, for instance, it has been regularly used – including by Jewish institutions such as the United States Holocaust Memorial Museum– to describe the Warsaw Ghetto Uprising, a Jewish event during the Holocaust.¹

Intifada are sometimes violent but not always. More importantly than their relationship to violence is the sense that events with this name represent for Palestinians and others who face colonial rule: that is, they represent endurance, *sumud* (or steadfastness), and participation in the internationally-enshrined right to resist colonial repression. We must note that a great deal of Israel’s behaviour towards Palestine and Palestinians is widely recognised as illegal and immoral, by Palestinians as well as by bodies such as the International Court of Justice and the International Criminal Court, and large numbers of civil society organisations.

Phrases such as “globalise the intifada” and others like it represent an idea that this collective resistance should be spread around the globe. Considering that Australia too is a settler-colony – and I write this submission from Victoria, a state which has recently entered into a treaty relationship with the Aboriginal groups of this state, thus recognising

¹ For an explanation of this see, for instance, Mouin Rabbani on X, 19 June 2025, at <https://x.com/MouinRabbani/status/1935507112785822137>.

the ongoing nature of settler-colonial relations here – it stands to reason that ideas of resisting, or pushing back against, colonial rule should be shared from Palestine to here. In late 2023, Aboriginal and Palestinian communities in Australia developed the saying “From the river to the sea, Always was always will be” to bring these relationships together into the same frame. This phrase, like “globalise the intifada” speaks to the transnational existence of both settler-colonialism and Indigenous resistance to that colonialism.

Hence while some people may hear something different when they hear this chant, it is incumbent upon the NSW government to understand that what is heard is not what is being said. This misinterpretation must not supersede the intended and actual meaning. The risks to many people of enshrining a misinterpretation into law far outweigh any perceived benefits.

B) The political understanding of emotions

There is a great deal of emotional discussion at play in this Inquiry, in both the reasons why it was formed and the terms of reference that govern it. As a historian of emotions, I submit that it is vitally important that emotions – such as fear, anger, resentment, and so on – not be allowed to dictate the legal mechanisms that arise from this inquiry.

That is, this Inquiry has been called as a response to a fear of further violence and a desire to create a neat target in order to contain that violence. While the Bondi massacre was not undertaken by anyone with any connection to Palestine, Palestinians, or the Palestine solidarity movement, it is Palestinian speech which is the target of this Inquiry. That should give any responsible legislator pause.

Emotions are historical, political and cultural. They are not natural. Historian Barbara Rosenwein has written of “emotional communities”: circulating emotions bring people together into a community. These are communities in which “shared vocabularies and ways of thinking... have a controlling function, a disciplining function”, which push the group towards particular actions.² As she explains, we need to be careful with how these groups work. Similarly, cultural theorist Sara Ahmed writes of emotions being “sticky”: that feelings bond us to one another as we feel in similar ways.³

The risk with these feelings is that they can lead to group actions which do not benefit the broader society. Historian Francesco Ricatti has described the way that, in Australia, “white anxiety, xenophobia and racism can be emotionally ‘repackaged’ as more

² Barbara Rosenwein, *Emotional Communities in the Early Middle Ages*, Ithaca: Cornell University Press, 2006, pp. 24–27.

³ Sara Ahmed, *The Cultural Politics of Emotion*, Edinburgh: Edinburgh University Press, 2004.

palatable feelings of moral superiority.”⁴ This point is salient for the Inquiry to consider: to what extent are feelings of white moral superiority being used to create further potentially racist political goals? That is, are Arabic phrases being considered for banning because they are an easy target in an Australia that remains shaped by both War on Terror-era attitudes towards Palestinians, and Arabs and Muslims more generally, as well as the over two years of genocide that Palestinians have experienced and the accompanying dehumanisation that they have faced globally? I submit that this is indeed the case. Thus legislators need to be careful to ensure that their desire to sit alongside certain emotional communities – who express fear about phrases they do not understand – does not lead to them creating legislation that exacerbates racial, and racist, dividing lines within Australian society. The proposed bans will exacerbate those dividing lines and thus must be abandoned.

C) Cultivating belonging (or social cohesion)

Banning a phrase is a legal step which must be taken with great caution. In a democratic society with implied freedom of speech such as Australia, it is vitally important that any limits on those freedoms are minimal and only for the most serious of cases of harmful speech. Thus while there must be limits to racist speech, there is a vast difference between the speech that neo-Nazis – for instance – offer, which is only intended to cause violence and offend, and speech of a political and cultural movement which is expressing valid political sentiments.

If we truly want to build a sense of belonging for all people living in Australia, then it is incumbent upon governments to ensure that specific groups are not excluded, punished, targeted, or harmed by legislation. The proposed banning clearly targets Palestinian, Arab, and Arabic-speaking communities. Given the extent of anti-Palestinian racism already experienced – as outlined, for instance, in the *Anti-Palestinian Racism in Australian Schools report, 2025* - the NSW parliament must not undertake actions which further exacerbate this racism.⁵ Cultivating belonging should not be a zero-sum game where different groups are pitted against each other.

As part of this, Jewish belonging is of course also fundamentally important. Particularly after the Bondi massacre, many Jewish people in Australia hold legitimate fears about their safety and wellbeing. It is important though that those threats primarily arise from the far-right, including individuals who identify themselves with ISIS but most particularly including neo-Nazi organisations and individuals, and those who support them. It is

⁴ Francesco Ricatti, ‘A country once great? Asylum seekers, historical imagination, and the moral privilege of whiteness’, *Journal of Australian Studies* 40, no. 4, (2016): 479.

⁵ Ryan Al-Natour, Randa Abdel-Fattah, Sophie Rudolph and Tasnim Mahmoud Sammak, “Anti-Palestinian Racism in Australian Schools,” Melbourne: Australia Palestine Advocacy Network, 2025. Available at https://apan.org.au/wp-content/uploads/APR_Report_Digital.pdf.

these groups who should be the target of social cohesion measures. No-one is made safer by banning the proposed phrases, as the threat of violence does not come from those who might use them. While certainly there may be some people who will be comforted by the banning of these phrases, that comfort does not breach the threshold required for such serious legislation to be passed.

Australian multiculturalism is a tenuous thing, made precarious by years of anti-First Nations and anti-immigrant sentiment emanating from political discourse, the media, and the general public. Serious work is needed to create proper social harmony. That work cannot be done when government is not trusted to make responsible decisions and choices.

D) Criminalisation effects

The creation of more laws inevitably produces more opportunities for people to be found in breach of those laws. Given that policing is widely accepted to be a racialised process, resulting in the targeting of racial minorities for prosecution, it is incumbent on parliaments to be extraordinarily careful when designing legislation.⁶ This proposed legislation primarily targets Palestinians, Arabs, and Muslims, groups who are already over-policed. Any increased police contact creates risks for those subjected to that contact.

This is additionally so for those on precarious visas who might be brought into contact with police as a result of these laws. As currently being considered, there is a risk of falling foul of character tests and the Immigration Department's Code of Behaviour for those on Bridging visas. This is an unacceptable penalty. All of these potential effects must be considered by the Inquiry.

Conclusion

The question of how marginalised community groups fit into Australian public and social life is of great concern. There is self-evidently a great amount of work that needs to be done by all aspects and branches of society to transform relations. To be effective this work must begin with a reckoning of Australia's settler-colonialism, and must not pit one marginalised settler group against another. The factors which the present Inquiry is considering do not meet this approach and must be abandoned. A substantially different approach, undertaken after proper reflection, work and consultation, must be taken.

⁶ See the significant body of research on this collated by the Police Accountability Project at https://policeaccountability.org.au/research_resources/.