T R A N S C R I P T

LEGISLATIVE COUNCIL LEGAL AND SOCIAL ISSUES COMMITTEE

Inquiry into Extremism in Victoria

Melbourne—Wednesday, 15 June 2022

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WITNESSES *(via videoconference)*

Dr Richard Joyce, Faculty of Law, Monash University,

Ms Elisabeth Lopez Desvars, Faculty of Law, Monash University,

Professor Sundhya Pahuja, Melbourne Law School, and

Professor James Martel, Department of Political Science, San Francisco State University, Research Group on International Law and the Challenge of Populism.

The CHAIR: Good afternoon, everyone. I declare open the Legislative Council Legal and Social Issues Committee's public hearing for the Inquiry into Extremism in Victoria. All mobile phones should now be turned to silent, please.

I would like to begin by respectfully acknowledging the traditional custodians of the Wurundjeri land from which I am joining you here today and the various First Nations lands that we all join online from today and paying my respects to their ancestors, elders and families past and present and Aboriginal elders of other communities who may be here today.

By way of introduction, I am Samantha Ratnam, and I will be chairing the session this afternoon. We are joined by our fellow committee members, Ms Cathrine Burnett-Wake and Dr Matthew Bach, and we might have Ms Taylor join at a later point in the session, so she might pop up in just a second.

By way of explanation around parliamentary privilege and Hansard, all evidence taken is protected by parliamentary privilege as provided by the *Constitution Act 1975* and further subject to the provisions of the Legislative Council's standing orders. Therefore the information you provide during the hearing is protected by law. You are protected against any action for what you say during this hearing, but if you go elsewhere and repeat the same things, those comments may not be protected by this privilege. Any deliberately false evidence or misleading of the committee may be considered a contempt of Parliament.

All evidence is being recorded. You will be provided with a proof version of the transcript following the hearing. Transcripts will ultimately be made public and posted on the committee's website. For the Hansard record, can I please ask you to state your name and any organisation you are appearing on behalf of. Dr Joyce, do you want to start?

Dr JOYCE: Dr Richard Joyce from the Faculty of Law at Monash University.

The CHAIR: Welcome.

Prof. PAHUJA: Professor Sundhya Pahuja from the University of Melbourne. I am not representing any organisation, though.

The CHAIR: Welcome, Professor Pahuja.

Prof. MARTEL: James Martel from San Francisco State University, and I am also not representing anyone.

The CHAIR: Welcome.

Ms LOPEZ DESVARS: I am Elisabeth Lopez, PhD candidate at Monash University, also not representing any institution.

The CHAIR: Welcome, everyone. We really welcome your submission to the inquiry and the evidence you will be presenting here today. On that note I welcome you to make an opening statement of up to 10 minutes combined, after which the committee members would like to ask some questions and enter a discussion on the material you have presented here today. I am happy to hand over to you, whoever would like to kick off.

Dr JOYCE: Thanks, Dr Ratnam. I will kick off. I would like to commence by acknowledging that we speak from the unceded lands of the Wurundjeri and Boon Wurrung peoples of the Kulin nations and pay our respects to their elders past and present and extend that respect to any Aboriginal and Torres Strait Islander people attending today. We should also recognise the extremism of colonialism itself, from dispossession to deaths in custody, while we speak about these issues.

On behalf of our author group I want to thank the members of this inquiry for providing the opportunity to make submissions and have this discussion. I want to also note that we are indebted to the work of our co-authors, Professor Andrew Benjamin and Dr Rose Parfitt, who cannot be here today. We note in particular that Dr Parfitt has been working for many years on the relationship between international law and the far right, particularly fascism. We are part of an ARC discovery project entitled 'International law and the challenge of populism', and as my colleagues have mentioned, we present on the basis of our academic research and expertise and we do not speak on behalf of our institutions or on behalf of the ARC.

We note that populism and extremism are not the same thing, but right-wing populism is a key link in the chain, we think, between mainstream positions and right-wing extremism. Overall our research shows that right-wing populism and its extremist variants are the wrong answer to some important questions, especially about the fairness of the global and domestic economies. But rather than actually dealing with these questions, right-wing populism thrives on and intensifies social division, racism and inequality and distracts from the real causes of discontent which feed into it.

The written submission engages with these issues in some detail, and we do not propose to use this time to summarise those points. What I want to focus on today is the rhetoric of sovereignty and nationalism, which is an issue which cuts across the submission as a whole and which links the rise of right-wing populism and right-wing extremism. Our specific concern in this respect is the mainstreaming of strident nationalist discourse and simplistic assertions of sovereignty by political leaders and the effect this has on the political culture in Australia and elsewhere. Such rhetoric gives extremists confidence that their positions will be tolerated and encouraged. Our research indicates that it is not possible to flirt with virulent nationalism without awakening the demons of racist extremism, and this virulent nationalism is a transnational phenomenon and can also form part of transnational identities. Members will recall the example yesterday from the team at Charles Sturt University about white European racial identity as a pan-national identity. It is also a reaction, if a malignant one, to a perceived weakening of the authority and autonomy of nation-states in the global economy.

For these reasons we think it is important for this inquiry to think about the international legal, political and economic dimensions of populism and extremism. Victoria has an opportunity to be a leader on how we construct different and more open ideas of national identity, of our place in the world and of the political realities, effects and opportunities of multiculturalism and global trade, to pick just a couple of examples. I think a really good example of this is Victoria's lead on the treaty process. I am thinking specifically of the creation of the Treaty Authority. To do that, we really had to reimagine—the state has had to reimagine—the grounds of sovereignty on which our society is built. So it shows that we can create social change by going deep into the conceptual foundations of what makes up our community.

If populism and extremism are transnational, then so too needs to be our response. Our research suggests that countering right-wing populism and its transnational racist nationalisms depends on creating anti-racist transnational solidarities. These solidarities are not dependent on national governments speaking for the state or the people. They are fostered within and by the community, but importantly they can be supported by our political institutions. So in terms of early intervention, we think that efforts by the Victorian Parliament to support multicultural community groups to build networks of solidarity across borders could be one important measure to counter the rise of populism and extremism. So we are talking about social cohesion, civil engagement and community building not just within Victoria but between communities and across borders. What we are talking about is an effort to move away from zero-sum nationalism and simplistic ideas of sovereignty and to think about creating cooperative ways to meet the challenges, economic, social and environmental, that we all face more broadly but also which drive populism and extremism.

That is all I wanted to say by way of introduction. I will now hand over to Professor Martel, who will speak briefly to the issue from the perspective of a scholar from the United States, and he will then pass over to Professor Pahuja to speak a little about the international institutional dimensions of these issues.

Prof. MARTEL: Thank you so much. Thanks for listening to us. I just want to acknowledge that I am speaking from the unceded land of the Ohlone people in California. I am speaking to you from the United States, which is a country in which extremism has gotten much more advanced than anywhere in Australia, and I hope that you never come to where we are. Hopefully your work here will help make sure of that. In my comments I want to briefly talk about 1956 correspondence by Karl Jaspers, a German philosopher, who wrote a letter to his former student Hannah Arendt about her book *Eichmann in Jerusalem*. In that letter Jaspers

commended Arendt on her understanding of the sources of totalitarianism and hence of extremism as well. He compared totalitarianism to a fungus, and he said that:

> The carriers of the disease—

of totalitarianism—

> are intelligent the way fungi are because they do instinctively what is required of them; that they are capable of what is required is also a consequence of their basic nihilism, which overcomes all human resistance. They therefore have the talent of being able to obey the law of this disease without comprehending it as a whole.

I believe there is a lot of wisdom in this passage because what makes extremism possible is a way of not thinking. One does not have to think, because an absolute and internal logic is already present. All questions have already been answered. This was the basis of Arendt's own understanding of what she called 'the banality of evil', a sense that evil is not consciously doing horrible things but rather believing in an ideology in which what one is doing is not horrible but justified, even necessary.

Like the growth of a fungus, extremism does not come all at once. It is subtle at first. It simply allows people to start to say openly things that they know they should not be able to say. Such thoughts become normalised and then, next thing you know, certain deeds become acceptable too—and so forth until you have the full-blown expression of fascism where anything goes. In the US I can attest to the development of this disease, which has grown in leaps and bounds. I think the ingredients for extremism are actually always present. There are always those who will say and think horrible, racist, misogynist and violent things. But when society is healthy they pay a price for saying those. They are shunned or denounced by everyone for their thoughts. When such speech acts are not met with such collective disapproval, when forums are created in which they are actually encouraged, the disease begins to grow and spread.

In the US I am afraid to say that we are in a situation now where many millions of people are almost immune to any kind of external influence. Once the disease really sets in, these subjects are unaffected by facts, science or disapproval. On the contrary, they seek and even love disapproval. They love it when they are dismissed as crazy or stupid. And to be clear: I do not think these people are either crazy or stupid. Instead I think they are suspended in a web of thoughtlessness, the fungus itself, where everything is already known and everything is already okay. It is not that there are literally no consequences for bad actions in the United States. Many who participated in the 6 January uprising have found themselves, often to their surprise, in prison. The leadership of the Proud Boys, for example, just last week was charged with sedition. We are not at the full bloom of the disease just yet. The structures of democracy have held in the US, barely. But it is very vulnerable, and we are facing the worst crisis of our democracy since the US Civil War.

I truly hope that your inquiry helps to arm Victoria, and Australia more generally, against this terrible disease. And now I pass the baton on to Professor Pahuja.

Prof. PAHUJA: Thank you. So I guess that the underlying message of our submission is that the problems that prompted this inquiry—the rise of far-right extremism in Victoria—really need to be addressed in two ways. One is to be tough on far-right extremism itself, but the other is to be tough on the causes of extremism, if I can trundle out that cliché. But, in other words, it is very important to clamp down quickly on extremist behaviour and individual acts of extremism, but it is important for us also to address the very real economic and social dislocations that are giving rise to the anxieties which are fuelling that right-wing extremism and also to be tough on the mainstream discourses which fuel that, whether wittingly or unwittingly.

I guess for you guys in particular this places a kind of positive obligation on our political representatives: not to mobilise racist sentiment for political gain but also not to fall back on simplistic reassertions of sovereignty and nationhood as though they would address the insecurity that many people feel. This touches on something that Dr Joyce mentioned. But where our research and our written submission really relates to this is in understanding three things. The first is the extent to which this insecurity may be caused by international agreements. The second is the complex ways that that reality has fed into the rise of populist governments in several countries, which has brought a commensurate rise in far-right extremism in those countries. And the third is the way that transnational solidarity movements and solidaristic governmental initiatives at all levels of government may be an effective way both to reassert meaningful economic control over economic issues and provide an alternative narrative—to pick up on a previous submission—that could be effective against racist scapegoating.

Professor Martel spoke about the rise of far-right extremism in the United States. I think it is very important to keep making the point that far-right extremism in a country like Australia or the United States is a kind of majoritarian extremism, which is different to minority-based extremist behaviours. You may remember the way that former US President Trump mobilised an anti-NAFTA—North American free trade agreement—rhetoric. That fed on the real insecurity caused in the United States by creating rights for large firms, for example, to move operations freely, to move capital freely, to sue states directly for enacting laws in the public interest and did not create commensurate responsibilities or protect ordinary people from the creation of those rights in firms. But instead of addressing those issues or thinking about how to curtail those rights, the former US president, if you recall, combined it with a campaign to build a wall between the US and Mexico. To pick up on something that Dr Joyce said, it is a perfect example of providing a bad answer to what were good questions.

The debate in the United Kingdom about Brexit was a very similar example of feeding on the insecurity caused by, for example, opening trade without sufficient attention to the resulting precariousness of employment that that could cause and caused by the reduction in social safety nets and caused by a kind of creeping marketisation of everything. But instead of addressing the causes of insecurity a Britain-first rhetoric was mobilised, perhaps cynically, to create a false sense of security. So it is that illusion of security that is given by the kind of increasing borders rhetoric that does not address the actual economic insecurity that is caused by a different set of international arrangements.

In each of those two cases the outcome has been basically to give the lie to a false promise about what would be achieved or could be achieved by the promoted course of action, and we have seen in each case that a racist backlash against minority communities has resulted. This pattern has possibly produced short-term political gain for some, but it has visibly undermined democracy in the US and the UK by producing a vicious circle of fomenting distrust in government because of the broken promise and racist scapegoating, and we need to avoid going down that path in Australia.

Just to conclude, I would say that we usually think of international law as automatically synonymous with good things, protective values and so on, but many international economic arrangements have in fact contributed to a decline in security, particularly economic security, in recent decades. So our suggestion to this inquiry is to consider the ways in which all levels of government can encourage themselves and each other to take care not to feed into the narratives of right-wing extremism, unwittingly or wittingly, but also to take responsibility for engaging better with the relationship between international law and global economic arrangements and their impacts on communities and democratic decision-making. We can potentially say a bit more about that in response to questions, but it also is set out in our written submission.

The CHAIR: Thank you so much. Lots of food for thought in both your written submission and the evidence you have presented today. If I could kick off the questioning. This has certainly sparked a number of lines of inquiry from me in terms of interrogating the impact of populism on far-right extremism, and it is one of the lines of inquiry for this inquiry in terms of what are the legitimising forces that are giving rise and really accelerating the growth of some of these far-right extremist movements. We have also heard evidence submitted to the inquiry about that careful balancing act between the right to free association and free speech and the contest of ideas, even if they are abhorrent to some people—the space to do that—that you cannot police your way out of that conundrum. At the same time we have got populist politics in some ways being normalised, which is perhaps the project of the far-right, right-wing extremist groups and organisations. In some ways they have succeeded in somewhat normalising it, or it is just accepted as part of the political discourse. I am interested in your thoughts about where we are at, both internationally and locally in terms of those kind of populist politics and with the dangers attached to them infiltrating the mainstream political discourse at a much more fervent level now—almost a normalised kind of level. How do we respond to that without impacting those freedoms that need to be part of a liberal society as well?

Dr JOYCE: Thanks, Dr Ratnam, for that question. I might kick off, and then my colleagues will be able to chip in if they have additional points. I think it is a really insightful question and it is something that we are still thinking through of course and have been thinking a lot about. I do not think there is really any concern that the response would need to police everyone's thinking on such matters. But given the nature of the politics you describe, it is out there—and we heard yesterday we expect it to continue, it is going to continue to be out there—so we think that that puts a responsibility on political leaders to be careful about the way they talk and engage with that. I think these people are very sophisticated listeners of dog whistling, and so they will hear things that lots of us do not hear when certain things are said. I think it has gone long enough for us to actually

be able to understand some of those trigger points, some of those forms of rhetoric, and it is that combination—at least as it connects with our work—of simplistic answers to complex problems. So the extent to which our leaders engage in simplistic answers—and the classic ones are Build the Wall or Britain First in Brexit—gives fuel to those things. If we understand our problems as complex and our place in the world as complex and our neighbours as part of our community, then we cannot speak that way. So we think that we do not need to take responsibility for what the far-right extremists say and do, but we do need to take responsibility for how we speak knowing how some of those things will be picked up.

Prof. MARTEL: I just read this article, which was very interesting, about how Australia ended up with gun control while the US has not had gun control. Basically the article said that the US is both blessed and cursed with the Bill of Rights. We have the Second Amendment, the right to bear arms, and we have the First Amendment, the right to free speech, and I think those have been cleverly used to kind of create these spaces where extremism can really spread. I think Australia's gift—it is a very un-American thing for me to say—is to not have those constitutional limits. I think you should use those, because I think people just get brainwashed on the internet and everything. This is one of the first two things that Dr Pahuja was talking about—it is shutting down extremism. I think you have got to go where they are and limit as much as possible. With the gun control thing—I did not know this—people freaked out in Australia. Like all these gun owners were freaked out and were really pissed, but they could not do anything about it. That is fine, because people are not being murdered, so I think the same thing should be done with these kinds of internet sites where all these horrible things are being said.

The CHAIR: Thank you very much.

Prof. PAHUJA: Could I just say one more—sorry.

The CHAIR: Please do, Professor Pahuja.

Prof. PAHUJA: I was just going to say that I think one of the things about the transnationalisation of right-wing extremism—on the internet, for example—is the way that we pick up American discourses around things like the right to free speech as well. So whilst I would not be in favour of a kind of regressive clampdown or anything like that, I think that a false dichotomy is created around the way that far-right extremism should be addressed through a conversation about a contest between a right to free speech and somebody else's right. I think it would be better to actually respond by talking about something like civic responsibility, and as Richard said—or as Dr Joyce said—the idea that to denormalise the idea that one can just say anything and defend it through a notion of free speech is actually not correct. It is not correct in law, and it is not correct in a civil discourse.

I think one of the previous people presenting to you earlier was talking about the idea of alternative narratives rather than counter narratives, and I think that is a very powerful instance of saying, 'I won't meet your assertion of one right with the assertion of another right', because anything can be turned into a zero-sum game in that way; 'What I will do is meet your assertion of a putative right to free speech with a rival story about civic responsibility'—whether that be us as people, and people who live in a community, or whether that be myself as a political office-holder or as a public journalist with a responsibility to the public, rather than some other sense of responsibility, perhaps to make the paper turn a profit, for example.

The CHAIR: Fantastic. Thank you very much. Ms Taylor, did you want to go next or come back?

Ms TAYLOR: I am fine to go next. Sorry that I have come a little late, but it is very, very interesting. I was just wondering—and there is a risk that I will overlap something that might have been said—what do you see as the greatest risk to democracy from populist ideologies? I know there has been some allusion to Trump and his phase, so to speak, but I think it would be good to explore that.

Dr JOYCE: Sure. I might throw to Professor Martel, actually, to give that insight from the US, and then we can add our thoughts from Australia.

Prof. MARTEL: Well, since we are really in it here—I mean, it has come to the point that the actual structures of elections have come under threat. I think that is the most direct and most dangerous thing of all. I do not know Australian law well enough to know if there is any equivalent to this, but we have a lot of loopholes in the United States. I mean, President Trump and his team were actually exploiting loopholes in the US constitution that were not completely ridiculous. I mean, they were horrible, but they were not wrong, because it is not a very democratic system. So I would say one good thing is to sort of check your constitution

and make sure that there are no loopholes that you can get by, because to me that is everything. Once you get rid of that, the jig is up, right? Trump is busily replacing people that stopped him in the first election—not just Trump but the Republican Party in general—with people that are not going to do that next time. So we are now realising, because we are having these public hearings, how close we came to having a coup—a fascist coup—and it was very, very close. It really only came down to a few people doing the right thing. But again, they were exploiting semi-legal or not clearly illegal loopholes, and that is really a vulnerability that we still have.

Dr JOYCE: Thanks. I think, as we mentioned in our submission, obviously there are things here—compulsory voting, preferential voting, a strong electoral commission, political parties not having control over gerrymandering and so on, that kind of thing—which offer guardrails that perhaps do not exist in the same way in the United States. I guess one question that might be relevant for our local situation is to think about the extent to which complex problems are able to be dealt with by our system. I do not think the problem is that we are about to face a fascist coup but that the discourse in our community is not sufficiently nuanced and complex. I think our media landscape particularly is not sufficiently nuanced and complex to actually deal with the problems that we face, and so that feeds into simplistic answers, that feeds into nationalist rhetoric and that feeds into scapegoating, because they are effective. These are effective electoral tools. We are not at the same level of institutional risk that the US is and other places are too, but there are certainly limits that our political and media culture are putting on our capacity to deal with problems, and I think that is where the specific threat to our democracy exists. As Professor Pahuja was saying, if we cannot fix our problems, then we lose the trust of the community, and that is a danger.

Prof. PAHUJA: I guess one thing one could say is the flipside of what Professor Martel said as well. On one hand there is an example of a populist government in the United States making use of the loopholes in a sense, but as any lawyer will tell you the rules alone cannot solve the problem. To me the biggest threat of populism is the erosion of confidence in the government itself as an abstract idea in a sense as well as a series of offices. Democracy in Australia does not survive only because we have good rules; it also is resilient because of a culture of political civility. If we do not engage seriously with populism—which is a kind of false god, because populism is not popular sovereignty; it is the mobilisation of an idea of the people to push through a politics that actually does not achieve the aims that it says it is going to achieve. It is a language that says, 'I speak in the name of the people, and I will benefit', but it does not actually speak in the name of the people. It speaks in the name of the people in order to create divisions between some people and others to achieve political ends, so to that extent it is a profoundly cynical discourse. So I think that the threat that it poses is a threat to a resilient and strong sense of civic pride in government per se. The idea that people can and should disagree but disagree respectfully rather than cynically, I think, is one of the strongest counters we have to a rise in populism.

Ms TAYLOR: Thank you. Very good.

The CHAIR: Definitely lessons for all of us, and the institutions that we occupy as well. Dr Bach, over to you.

Dr BACH: Thanks, Chair, and thank you all for being with us and for sharing your views. I was struck, Dr Joyce, by the use of the expression 'guardrails', and I have been very interested in the discussion today with you, especially regarding an erosion of trust in government—and of course this echoes some of our earlier conversations and themes that have come up again and again in the fantastic submissions that we have received. I think again it was you, Dr Joyce, who earlier said that those of us in the political class must take responsibility for how we speak. It seems to me, based on your further evidence and that of others, that we also have to take responsibility for how we act. Moving down into the specifics a little more, it is a good thing in my view that we have an Independent Broad-based Anti-corruption Commission here in Victoria. Are there things we could do further to that—noting that, I dare say, some members of the political class will always behave badly, but nonetheless—now at this important time to seek to enhance the trust that people feel in their political leaders, because I do agree with your assertion that at the moment for a whole range of reasons that is at a low ebb?

Dr JOYCE: Thank you, Dr Bach, for the question. I think that anti-corruption commissions will be one tool. I do not—and I do not think you are presenting it as a fix-all. I think it will be one tool among many. There are certainly, I think, some connections between the corporatisation of public life and privatisations and so on and people's engagement with government being mediated through private organisations that raise questions of corruption or provide a context in which potential corrupt activities become more likely. And it connects with

what Professor Pahuja was saying a little bit earlier about political and social changes where responsibility does not travel with power. So we might need an anti-corruption commission to deal with an increased risk of corruption that has been produced by outsourcing and privatisation of government services, for example. So that is where your question connects with more institutional and structural changes that drive some of the research that we have been doing. But certainly even in their own terms, anti-corruption commissions that are respected and that root out corrupt behaviours ought to, as a way of demonstrating confidence that the community can have in the process itself, also act as a discipline on behaviours as well, so it is not just about catching the bad guys but about creating a better attitude to public office.

Prof. PAHUJA: May I jump in there? I think that is a fabulous question, Dr Bach, and I suppose focusing on the point I made about civility as well, I think Dr Joyce's point about guardrails is excellent. One thing that has often occurred to me is the idea of cross-party initiatives that have to do with respectful disagreement, and I wonder whether there would be a strong public appetite for such a thing—the production of a portfolio of teachable moments in respectful disagreement—because the best thing about having different views is the idea of what is produced through disagreement and the most depressing thing about politics for most people I think is a kind of negativity in politics where people criticise each other for the wrong reasons. So I would like to see more focus on respectful treatment of each other as a cross-party question.

Dr BACH: Fantastic. Thank you very much.

Prof. MARTEL: I could just add one quick thing from a US perspective, which is that in the US after years of a drumbeat of negativity from all sides I think government is now seen as at best a necessary evil. I am not really sure what the political culture in Australia is like. I imagine it is healthier than that, but I would definitely resist that kind of assumption that it is just a necessary evil you have to put up with and sort of try to spin it in a more positive direction, because I do think that is the beginning of the erosion of the trust in government—the sort of frame that it comes with. I think it has a very bad frame, in this country anyway.

Dr BACH: Thank you very much.

The CHAIR: We have got time for a few more questions, so, fellow committee members, please let me know if you have any questions—raise your hand or jump in. I might start off with another one. One of the lines of inquiry that this inquiry has been pursuing is kind of assessing the level of threat. We have heard certainly from the evidence that there is a threat of violent extremism and then we also know there are the other threats to social cohesion, democracy, trust in institutions and our very ability to work as a cohesive society. We have seen examples, as have been presented today, of when that breaks down. I am interested in your perspective on the threat that exists and in what parts of society that exists. I know you have talked about it in terms of populism, but I am just interested in your perspectives on that in terms of the threat far-right extremism poses to societies.

Dr JOYCE: Perhaps I will kick off again. I think the way our research connects with that question is to think about what is normalised and what becomes acceptable and what then political space is created when this happens. So the danger and the threat seems to be one of a sliding scale, where mainstream positions become potentially heard as dog whistles in a broader populist movement. If we take for example—and Ms Lopez may be able to speak to this as well—the anti-COVID-vaccination demonstrations, what you have there is in part a moment where large numbers of people are able to come together and see themselves as part of a community. Where they might manifest as disparate, lonely people on their computers at home, suddenly there is a public event that they can be part of. So the populist or extremist aspects of those movements are not necessarily the whole of the movement, but to the extent that they are provided with a space in which they can participate, that creates a broader effect than would be possible if we had not created a situation for those kinds of demonstrations. I mean, I am not saying we should prevent demonstrations at all or have anti-protest laws or anything like that but just observing the effect of what the political discourse has done and how it has mobilised and so on and that there are lots of people in those movements who do not necessarily have extremist or populist political views but they are providing a forum in which expressions which have become more isolated can have a more mainstream effect. And then it obviously gets reported and it seems a bigger thing than it is, and that feeds into, I think, that sense of threat.

Prof. MARTEL: Can I jump in?

The CHAIR: Please do.

Prof. MARTEL: This is from the US perspective again, but I think one thing—again it is a very subtle point, but I think it is very important—is not to let this discourse of this backlash against progressive change root itself too well. Because, for example, in this country people talk about 'wokeness'—I do not know if you use these words in Australia—and there is the thing against critical race theory. The right wing have come up with and have demonised these perfectly understandable things, and they have turned them into very bad things. I would watch that at the very get-go, because I think it starts off again very subtly and yet it is really powerful. It is a really, really dangerous thing when wokeness becomes a bad thing. The same thing used to happen when I was younger with political correctness. Some right-wing people—I do not know where they are, but they are very smart—pick these things and then they run with them. Like I said, it creates a frame that is very, very dangerous and very, very destructive in the long run. It starts off as a very small thing. So I would push back hard right from the get-go and not concede anything, which is kind of what Dr Joyce was saying earlier.

The CHAIR: Thanks very much. That is very useful. Committee members, do you have any follow-up questions? If the panel wants to add anything further, you are welcome to as well.

Prof. PAHUJA: I think Ms Lopez was trying to say something, yes.

Ms LOPEZ DESVARS: If I could just draw together both Dr Joyce's and Professor Martel's points, I think it is very important to be aware of what is happening and what has happened in the US, particularly around the Capitol riots, for many reasons: one, because we do see a similar grievance base for both of these—we see a pushback against government and organised civil society from both groups, in terms of the Melbourne protests but also in the Capitol riots; and also because of the direct parroting we see in the Melbourne protests, directly copying the noose that we saw for Pence in the US with a noose for Andrews at the Melbourne protests. We see similar grievance bases, similar forms of protest.

We are also now in a situation where we are looking at refining techniques that have been used in the US in the past. We are at a particular point—and maybe because of the broad use of social and mass media in general—but we are seeing ideas that maybe in the past have been confined to the history books being transferred far more rapidly than they have been in the past. You no longer have to be a student of history to learn from history. We are seeing maybe not directly in Australia but in other countries the way in which the Capitol riots were not successful being addressed as a sort of, 'How can we make them successful?'. So what went wrong in the US from a civil liberties point of view is being turned into a 'How can we do a successful coup? We have the people on the ground. We have the impetus and the social grievances. How can we refine that and make it into a successful project?'.

I was just hoping, I guess, to contribute that, again to restate, we are absolutely in favour of civil liberties and the positive things that human rights and public international law can bring to society—but also to be cautious about where it can lead us in broader terms, so not letting dog-whistle terms get out of hand and being aware of the way that we speak in a responsible manner and that respectful disagreement that Professor Pahuja also drew on before.

The CHAIR: Excellent. Thank you very much. That is a really important summary of some of the really key points raised throughout this hearing. Are there any further questions that we have? We have just got a couple of minutes. We might at this point draw this session to a close. Thank you very much for the really, really powerful submission that you have made today and in your written submission as well.

Witnesses withdrew.