

The Swastika

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Inquiry into Criminal Code Amendment (Prohibition of Nazi Symbols) Bill
2023
Senate Legal and Constitutional Affairs Committee

This submission provides some background information about the swastika, the foremost symbol of the Nazi Party. It also considers some of the ethical, ethnic and political problems that might arise due to regulation of the use of the swastika..

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Abstract:

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Introduction

The Committee should be aware that the swastika, the most prevalent Nazi symbol, existed for a very long time as a social and religious symbol, before being adopted by the German Nationalist Socialist Party. Criminalising or restricting the use of the swastika as a symbol may therefore infringe on the religious, social or cultural rights of some peoples to use that symbol for their own religious or cultural purposes.

Swastika As Cultural and Religious Symbol

The swastika is an ancient religious and cultural symbol found in many places around the world.

It is used as a symbol of spirituality and divinity in Indian religions, including Hinduism, Buddhism and Jainism. Swastika was originally derived from a Sanskrit word meaning something which promotes a feeling of well-being. An early use of the Sanskrit word is said to be around the 4th century BCE. It is thought to have been in common use in India since at least 500 BCE. The earliest known use of the swastika is said to be around 10,000 BCE.

In many Indo-European religions it symbolises the power of a great god, such as Zeus in ancient Greek religions, Jupiter in ancient Roman religions, and Thor in ancient Germanic religions. It also appears in some early Christian artworks as a symbol of the power of God.

In most of the Western world the swastika was a symbol of good luck prior to World War II when it was used by the German Nazi Party as a symbol representing the superiority of the Aryan race, and later white supremacy. It has since become a symbol of evil of one form or another.

In many countries European the display of a swastika is illegal because of it's association with Nazi Aryanism and white supremacy.

However, in many countries, such as India, Nepal, Thailand, Mongolia, China, Japan, Sri Lanka, and others associated with Hinduism and Buddhism, the swastika still represents good luck and prosperity. In the Americas, some Native American tribes also consider the swastika a symbol of 'goodness'.

By the beginning of the 19th Century, the word swastika, with the meaning previously given, had become part of the English language.

The swastika is know by many different names: the hooked cross, the crammponned cross or fylfot (in heraldry), the 'four-legged' cross, cross of fire or thunder, whirling logs (Navajo), wanzi (China) and manja (Japan). The swastika is a symbolised in the Chinese and Japanese written pictographic languages.

The fact that the swastika is known worldwide, as shown by its many names in different cultures, indicates its important place as an ever-present symbol and factor in human societies and religions.. In all these languages the swastika is a symbol, indicating prosperity, goodness, good luck, and other positive virtues. It also appears on carvings and other artefacts dating to the Bronze Age and earlier

The swastika has also often represented The Gate of Heaven, the North Pole, the *axis mundi* (centre of the Earth), and the Sun. It is also a symbol of Life, God, the Cosmic Order, and the Acts of God.

In Buddhism, the swastika sometimes symbolises the auspicious footprints of the Buddha. The counter-clockwise version is often shown on the feet, chest, or hands of images of the Buddha, where the shape symbolises the eternal cycle of life. In contrast, the clockwise version is more common in the tantric tradition of Buddhism, in the chakra theories and as an aid in meditation.

Jain temples and holy books must always contain the swastika, which is copied around the altar using rice at the end of ceremonies. The swastika's four arms here represent the four stages through which a soul must travel to be reborn.

The above examples show the significance of the swastika as a symbol of goodness in most parts of the world. In today's religions and cultures these 'good luck' meanings of the swastika still survive, and are often still in daily use. Take for example, the bride in a Hindu wedding who wears a swastika on her wedding gown.

Discussion

It must be pointed out that people in many countries may not be aware of our interpretation of the swastika as evil, or if they are aware, don't necessarily accept it nor agree. This may cause difficulties for people from non-European type cultures who come to live in Australia and who may wish to maintain some of the customs of their homeland, if use of the swastika is made illegal, or is strongly discouraged.

If the use of the swastika was completely outlawed in Australia, it could be taken as a criticism of the use of the swastika in some cultures, and may even be seen by some religious people as discrimination against them for their religious beliefs.

Thus it is important in considering any changes in the Criminal Code Amendment (Prohibition of Nazi Symbols) Bill 2023, which must of course include the swastika, that they do not create difficulties for people to whom our adverse meaning is at least controversial and probably distasteful or misconceived. This must include people from many cultures who now live in Australia, and who consider the swastika a good, or benign, symbol rather than as most older Australians see it, representing evil.

I do not consider that the use of the swastika as a political or racial symbol can be seriously tolerated, However, I do believe that making the use of it as such a symbol illegal, while allowing other people to use it as a religious or cultural symbol, may be seen as political discrimination by some people. Many of the people who use the swastika as a symbol for their extreme political and racial beliefs probably consider their usage of it to be quite acceptable, to themselves, and believe that society is wrong to make its use a legal issue.

Some Important Questions and Considerations

Given that the proposed Criminal Code Amendment (Prohibition of Nazi Symbols) Bill 2023 would "prohibit a person from knowingly, and without reasonable excuse, displaying a Nazi symbol", two questions occur to me.

Firstly, who is to decide what is a 'reasonable excuse', and how will 'reasonable' be defined? Any definition of 'reasonable' is unlikely to be one that is generally accepted by everyone in the population of Australia, or any other country.

Secondly, how can 'knowingly' be accurately and unarguably defined, without introducing inconsistencies, while allowing for different levels of intelligence, maturity and life experience?

The answers to these questions might be difficult to resolve and could have many political, ethnic, ethical and religious consequences.

I hope the Committee take all this into consideration, and find a way to resolve an awkward situation, which is almost certainly politically and ethnically dangerous, in its consequences.