

Arranging Prejudice: Exploring Hate Crime in post-apartheid South Africa

by

Bronwyn Harris



[Race and Citizenship in Transition Series](#), 2004.

Bronwyn Harris is a former Project Manager at the Centre for the Study of Violence and Reconciliation.

Acknowledgements

Thank you to the Ford Foundation, Development Cooperation Ireland and the Charles Stewart-Mott Foundation for generously funding this report.

Thank you also to the following people and organisations:

- Nahla Valji for support, input and editing across the duration of the Project
- Ingrid Palmay for insightful edits
- Polly Dewhirst and Carnita Ernest for management, guidance and encouragement, along with Graeme Simpson, Shamila Singh, Piers Pigou and Tracy Vienings
- David Bruce, Helen Hajiyiannis, Oupa Makhalemele, Moloko Malakalaka, Brian Molewa and the Research Committee for content discussions and information sharing
- Kenneth Collis and Alison Davidian for technical assistance and backup
- William Bird and all at the Media Monitoring Project for developing and 'chairing' the database with humour
- Lemosand Crane and the RaceActionNet team for a wonderful resource of information and cross-continental correspondence
- Tore Bjorgo for the generously forwarded knowledge
- Sasha, Nicky, Joan, Terry and Louis for all of your support!

Contents:

- [Race and Citizenship in Transition Series](#)
- [Executive Summary](#)
- [Introduction](#)
 - Methodology
- [Hate Crimes](#)
- [Defining hate crime](#)
 - What is a hate crime?
 - An act of prejudice
 - Hate versus Bias: A word on language
 - A motive-driven definition
 - Victim-identity

Graph 1: Prejudice and its contestation within the international context

Graph 2: Hierarchy of Prejudice

Graph 3: South African prejudice hierarchies

- [Hate crimes are 'message crimes'](#)
 - Intention and Effect
 - Vigilante Messages
 - Box 1: Hate crimes and vigilantism
 - What is the South African message?
- [Hate crimes are violent](#)
 - Talking about it
 - Box 2: Painting Thieves - fighting crime or disguising racism?
 - Box 3: How did the media speak about racially motivated violence?
- [Hate Crimes are under-reported](#)
 - Box 4: Characteristics of Hate Crime
- [Reasons for under-reporting include](#)
 - Limitations in the reporting categories available
 - Fear and shame
 - The Criminal Justice System
 - Police attitudes, actions and secondary victimisation
 - Box 5: The Stephen Lawrence Case
 - Language and logistical barriers
- [Consequences and impact of hatred](#)
 - A traumatic context
 - Post Traumatic Stress
 - Community-effects
- [Who are the perpetrators?](#)
 - Several distinct types of perpetrators
 - The Extreme Case: Right wing groups and lone wolves
 - Box 6: Barend "Wit Wolf" Strydom
 - Lone wolves, the internet and hate groups
 - Box 7: Database Results
 - Racism as a motive?
- [Hate crime is a group crime](#)
 - Box 8: Database Results
- [Youthful group membership](#)
 - Box 9: Database Results
- [Male](#)
 - Box 10: Database Results
- [Isolated incidents and stranger/anonymous crimes](#)
 - Box 11: What does the media say about incident-location?
- [Alcohol, drugs and gangs](#)
 - Box 12: Database Results
- [Socio-economic and family background factors](#)
- [Explaining Hate Crime Perpetration](#)
 - Scapegoating and relative deprivation
 - Psychological factors
 - Six techniques of neutralisation
 - Genocide: state violence and the collective violence of citizens

- Power, fear and identity
- The Role of Institutions and Politics
- Institutional Racism
- Political discourse
- [Conclusion](#)
- Hate crime in transition
- [References](#)

The Race and Citizenship in Transition Series¹

Bronwyn Harris, Nahla Valji, Brandon Hamber and Carnita Ernest

Race and citizenship are extremely complex concepts. In post-apartheid South Africa, they find expression on many different levels, including identity, conflict, nationalism, history, politics and inter-personal relationships. They occupy a spectrum ranging from everyday practices and interactions, to formal political and macro-economic forces. They also overlap with notions of reconciliation, justice and reparation, and, although they are separate notions with different histories, they overlap with each other. This creates an added dimension of complexity. Both race and citizenship can be (and commonly are) articulated and/or silenced to serve particular interests. Both can also feed into certain forms of violence, including xenophobia and racially motivated hate crime. Any analysis of race and citizenship must therefore acknowledge the complexity of their expression, representation and impact. Such complexity in the South African context must be assessed in relation to the country's apartheid history, as well as the processes of reconciliation best captured by the Truth and Reconciliation Commission (TRC).

Apartheid created *race* as a mechanism for violence. Race, in and of itself, was the social and psychological reality through which repression and violence functioned. Racism was institutionalised, legalised and internalised. South Africans saw the world in 'black' and 'white' terms and violence was commonly used to maintain this status quo. However, during the Mandela era (1994-1999), a new vocabulary emerged to describe the social order. This vocabulary spoke of nationhood, unity, racial harmony and reconciliation. South Africa was described as a 'rainbow nation'. Reference to race entered a sensitive and delicate terrain. This was a positive attempt to give South Africans a new language for speaking about – and to – each other. But, at the same time, it rendered the real, often violent, consequences of race invisible. In the Mandela era, there was little national debate on how race had influenced past human rights violations. There was also little recognition that race continues to shape identity and interactions – violent or not – within the present.

By contrast, the Mbeki era (1999-ongoing) has been characterised by a 'return to race'. This is partly a consequence of different presidential styles and roles – while Mandela had to stress forgiveness and underplay racial issues in order to consolidate a peaceful (and at times precarious) transition, Mbeki, as he stated in his 'two nations speech', has had to deal with economic inequality rooted in past racial practices. Additionally, the 'return to race' has been forced upon the society by violence: through the actions of white extremists like the Boeremag, as well as less political cases of racist hatred. Less violent expressions of/about

race have also re-entered popular and political discourse: in 2000, the Human Rights Commission held hearings into racism in the media, and, in 2001, South Africa hosted the [World Conference against Racism, Xenophobia and Related Intolerance](#).

Although race can be read across these two discrete eras - 1994-1999 and 1999-ongoing - it is important not to oversimplify or reduce the differences to how race has been articulated. Despite a general 'return to race' post-1999, there have been numerous contradictions and striking silences on the issue; for example, within the realm of violence and conflict, as well as Mbeki's own discourse (in 1996, he gave his inclusive 'I am an African' speech, which contrasted with his 'two nations' speech in 1999, but at the opening of parliament in 2001, he seemed to discard the two nations analogy in favour of a 'united' South Africa, irrespective of race). Also, while issues of race have partially emerged in the Mbeki era, the notion of reconciliation – particularly racial reconciliation - has become increasingly invisible. The TRC finally completed its work in March 2003. Many have interpreted this as the end of South Africa's reconciliation process. However, incidents of racial prejudice, intolerance and violence, both within South Africa and internationally, suggest that the TRC was just the beginning and not the end of a sorely needed social dialogue about racial reconciliation.

The Truth and Reconciliation Commission (TRC)

South Africa did not 'invent' the truth commission. Since 1974 there have been more than twenty-five truth commissions around the world. But it was the South African Truth and Reconciliation Commission (TRC) that captured the world's attention. This is partly due to international interest in the fight against apartheid. Also, the TRC was the largest and best resourced commission, and it was afforded extensive media coverage, both domestically as well as internationally. This ensured that the world was exposed to the Commission, and the openness of the process meant that the violence of the past could no longer be denied. The South African model also attracted scrutiny because it promised an alternative way of peacefully resolving entrenched difference through the unique 'truth for amnesty'² deal upon which it was premised. Consequently, the notion of using a truth commission to deal with political conflict has gained momentum and many countries are now holding their own Commissions.

TRC Chairperson Archbishop Desmond Tutu said that without the compromises made during the negotiations to ensure majority rule in South Africa, the country would have gone up in flames. From this perspective it follows that the agreement by the African National Congress (ANC) to grant amnesty to perpetrators of apartheid violence was a pragmatic choice. Amnesty was the price, albeit a costly one for victims, for saving the innumerable lives that would have been lost if the conflict had continued. However, unlike in most transitional countries to date, amnesty in South Africa was neither blanket nor automatic. Conditions applied to the South African amnesty and the TRC was the vehicle for this process.

The TRC process began in December 1995 and finished in March 2003, when the Commission handed over the final 2 volumes of its 7 volume report. 7 116 people applied for amnesty. Almost 22 000 people came forward and told how they were victimised under apartheid. The TRC made a number of recommendations to the South African government regarding financial and symbolic reparations, issues of justice and ways to address

relationships between South Africans. It is these issues that still need to be grappled with and addressed.

Evaluating the TRC

The public acknowledgement of past violations was perhaps the TRC's greatest success; as the brutal horrors of apartheid found their way, via the media, into the living rooms of every South African. An undeniable historical record has been created. However, apartheid history still remains contested and fraught with racialised interpretations; for example, many white South Africans continue to deny the impact of apartheid and many dismissed the TRC itself as a 'political witch-hunt' (cf. Thiessen, 1996³). The role of the TRC - in both writing history and as an historical process itself – demands ongoing scrutiny.

At a narrower, more immediate level, a minority of victims did uncover suppressed truths about the past. In some cases, missing bodies have been located, exhumed and respectfully buried. For others, the confessions of perpetrators have brought answers to previously unsolved political crimes – crimes, which the courts, due to expense and inefficiencies, may never have tried. However, for many, the TRC began a process that it was unable to complete. Many of the victims who went before the TRC, with the hope that their case would be investigated, feel let down and no closer to the truth than before they publicly told of their suffering. Irrespective of the feasibility of investigating every case, victims' high expectations of the TRC have been dashed, and in their eyes, this has undermined its credibility.

Justice also remains a burning issue. Politicians may be able to justify the exchange of formal justice for peace, but it was difficult for victims to watch while the perpetrators received amnesty. Not only were many perpetrators 'let off the hook', victims feel let down and disappointed by the government's response to the TRC. Regarding financial reparations, the Commission recommended that the government should pay those victims identified through the TRC process R3 billion, in annual installments over a 6 year period (this total figure represents 0.001% of the country's annual R300 billion budget, which translates into R136 000 per individual). However, the South African government has only agreed to pay R30 000 per individual, in a once off payment. The Commission also recommended that business and other apartheid beneficiaries should pay a once-off wealth tax and that the country's inherited apartheid debt (which accounts for approximately 20% of the government's annual budget) should be restructured in order to free up money for development and redistribution. Again, the government chose to ignore these recommendations. This has left victims feeling betrayed. It also does not bode well for long-term reconciliation. As CSVR researchers, Polly Dewhirst & Nahla Valji (2003) note,

The 'miracle' of a new SA is hardly sustainable if it is built without restoring the dignity and humanity of the majority of its citizens, nor if it fails to address the economic inequalities which fuel social conflict.⁴

There are also debates about the broader merits of the TRC. At the very least the reconciliation project, with the TRC at the helm, has brought South Africa through the transition period with relative political stability. The humanist approach of Mandela and Tutu brought compassion to a brutalised country. Despite the horrors revealed by the TRC,

glimmers of humanity shone through and provided hope for the future.

However for some, despite the merits of the TRC, 'reconciliation' is merely a euphemism for the compromises made during political negotiations - compromises that ensured continued white control of the economy. From this perspective, reconciliation is meaningless without structural change. A related, more cynical view is that the rapprochement between the old and new regimes was a strategy to consolidate a new black elite under the banner of reconciliation.

Many argue that the TRC missed the bigger picture by defining victims only as those who suffered intentional violence. Because the TRC focused on victims of gross human rights violations, such as torture and murder – it did not include the 'ordinary' victims of apartheid – the millions of South Africans who suffered from land removals, forced displacements, the migrant-labour system, Bantu education etc. As such the TRC did not engage directly with the institutionalised, structured ways in which racist policies affected and victimised people on a daily basis. Those who suffered more broadly from the economic ravages of apartheid and were not victimized directly by political violence were excluded from the TRC. An important question to ask is: what mechanisms do those, excluded from the apartheid state and then from the TRC, have for defining and consolidating a sense of citizenship in the 'new' South Africa?

Similarly, the degree to which the TRC used race as an explanatory variable in its understanding of the abuses it investigated remains questionable. In some cases, 'race' was generally collapsed into 'political motive', as exemplified by the amnesty decisions in the Amy Biehl, Chris Hani and St James' Massacre cases. However, this was done inconsistently and the relationship between race and politics was not clearly defined. Overall, the reconciliation process engaged less with 'black and white' issues than with inconsistent 'political' definitions of perpetrators and victims. This has had the after-effect of divorcing race, and racial identity, from the violence of the past. It similarly keeps race separate from understandings of violence in the present.

A related point is that, as a transitional justice mechanism, the TRC accepted and legitimated certain explanations for the violence of the past. In this way, it has played a key role in influencing the society's moral reactions to violence. This is specifically evident in the area of amnesty. The question needs to be asked, despite the compromises made to set up the TRC, has amnesty undermined South African citizens' sense of morality? Has it contributed to ongoing violence and impunity? Has it impacted upon how different race groups see each other? There have been various evaluations of the TRC, but none have taken into account the ways in which it has explicitly addressed race, morality and citizenship as components of past human rights violations and factors in contemporary social relations. It is precisely these questions that the [*Race and Citizenship in Transition Series*](#) has sought to address.

The different perspectives surrounding the TRC demonstrate the complexity of dealing with oppression and violence – and how past events shape the process of reconciliation.

The TRC was not alone in its attempts to build reconciliation in South Africa. A number of other institutions were set up to deal with the legacy of the past. These included for example the Land Claims Court and the Human Rights Commission. Other structures, such

as the Independent Complaints Directorate, were set up to monitor ongoing abuses by the police. However the degree to which these institutions, and the TRC can be said to have consolidated reconciliation and effected transformation can, at best, be described as ongoing but desperately incomplete. There are ongoing police abuses, young people still express feelings of marginalisation, racism and racist incidents continue to take place, and the poor have not substantially benefited from the changes in the country.

Levels of Reconciliation

The process of reconciliation can be said to operate on a number of levels, i.e. the political, community and individual levels.

At the political level, reconciliation has been embodied in the compromises that lead to a political peace. This process can be said to be broadly successful, as it has brought political stability to South Africa.

At the community level, despite some successes by the TRC, reconciliation is largely incomplete, with many of the old racial and political divisions remaining in place. This is evidenced through high levels of residential segregation between black and white South Africans residentially. It is also expressed between different groups divided along political affiliation, such as ANC and IFP supporters, and xenophobic hostility between South Africans and foreigners, particularly those from elsewhere in Africa.

At the individual level, the question is far more complex and is bound to how individuals feel in relation to the process of reconciliation. Many individual victims feel that their needs have not been met by the TRC. At the same time, many of those who benefited from apartheid are still denying their complicity status. This is linked to the many who refuse any responsibility for reparations and redressing the past. There is also an expectation that the next generation will somehow begin with a 'clean slate' (Oakley-Smith⁵). The ongoing impact of a racist and violent past continues to play out through incidents of racist hate crimes and expressions of xenophobia. Hostility towards foreigners, particularly black Africans, commonly results in violence and is spurred on by overly zealous views of nationalism in the 'new' South Africa. In addition, many South Africans are finding themselves questioning their role in the country. This could be linked to the many young people who are leaving the country as they feel there is no future for them in South Africa.

A Crisis of Citizenship

We would like to suggest that there is a 'crisis of citizenship' in South Africa at present, which threatens the genuine reconciliation begun through processes such as the TRC. This crisis manifests itself in ordinary people asking where they belong in the new society. This crisis suggests that there is much work that needs to be done to consolidate the process of reconciliation and a sense of inclusive citizenship. The [*Race and Citizenship in Transition Series*](#) is a space for exploring this citizenship crisis, along with the related issues of race, reconciliation, violence and identity in South Africa. Key issues to be examined include:

- **Racially motivated violence.** To what extent does race continue to impact on patterns and trends of violence? How relevant is the concept 'hate crime' to the South African context? What challenges does the criminal justice system face in

- dealing with racially motivated violence?
- **Race and the TRC.** As a key instrument of transition, how did the TRC engage with the racism of South Africa's past? How has this impacted on the telling of history and contemporary understandings of racial relations?
 - **Lessons from Guatemala.** There are many parallels between Guatemala and South Africa: historically, both countries were based on racist political systems, which resulted in racialised inequality and conflict. Both countries set up truth commissions to address their pasts and engage with citizenship in the future. Both countries continue to be marred by violence. What lessons can South Africa learn from the Guatemalan transition?
 - **Young people and race.** How do young people conceive of citizenship, identity and racial reconciliation? The views expressed by the younger generation provide a means by which to evaluate the degree to which South African society has, or has not, transformed; as well as the longer-term influences of transitional processes.
 - **Institutional transformation and the legacy of racism.** What recommendations and findings did the TRC make about transformation in the South African Police Services, schools, and efforts to address racism in South African institutions?

The Race and Citizenship in Transition Series is funded by the Ford Foundation, Development Cooperation Ireland and the Charles Stewart-Mott Foundation.

Series Editors

[Bronwyn Harris](#)

[Nahla Valji](#)

Executive Summary

This report is part of a CSVr series on Race and Citizenship in post-apartheid South Africa. It grapples with the violent expression of prejudice and draws on international experiences of hate crime to investigate commonalities and differences with the South African context. It touches on social representations and public perceptions of hate crime and considers media reporting on incidents thereof. Although racially motivated hatred is the primary focus of the report, the notion 'hate crime' goes beyond racism and as such, offers an organising principle for discussing and 'arranging' prejudice, particularly when it takes on a violent form.

Hate crime is not a common term in South Africa. Given the country's history of legislated racism and the ongoing expression of violent prejudice, it is perhaps surprising that the relevance of hate crime – as a reporting and sentencing category - has not been extensively debated. However, this very history, along with the politics of transition and the changing nature of violent prejudice, suggest that a number of questions need to be asked before such an assessment can be made. These questions are raised via an exploration of key hate crime 'qualities', or attributes, that are commonly challenged or accepted within the literature. These include:

- Hate crimes are acts of prejudice

- Hate crimes are message crimes
- Hate crimes are commonly violent
- Hate crimes are under-reported
- Hate crimes are motivated by right wing ideology
- Hate crimes are extreme (sensational/dramatic)
- Hate crimes occur/take place in small towns and rural areas
- Hate crimes are group crimes
- Hate crimes are perpetrated by young men
- Hate crimes take place between strangers/are anonymous
- Hate crime incidents are isolated/once-off
- Alcohol consumption and substance abuse contribute to hate crime perpetration

Please note that these 'qualities' cannot be accepted as factual. Rather, they are statements that have been synthesized from the literature in an attempt to capture and summarise a social discourse, or particular way of representing and speaking about hate crimes. As such, they allow for an engagement with stereotypes and assumptions about victims and perpetrators. They also raise questions about the criminal justice system and the definitions that are drawn on when articulating violence as a form of prejudice.

Through analysing these 'qualities' in relation to international literature and certain South African media trends (based on a database of hate crime incidents reported in the written press across the period 1994-2002, set up with the Media Monitoring Project) this report concludes that hate crimes do not take on one, homogenous form. Rather, particular incidents must be seen as occupying a spectrum of racism and violence. Within the complexity of such a spectrum, it is possible to identify various factors that facilitate certain manifestations of hatred. These offer focal points for further research, as well as the development of preventative strategies.

This report suggests that the term hate crime is a useful and important way for conceptualising and dealing with prejudice-related violence. But, it also warns that race, along with other social faultlines – new and old – needs to be constantly challenged and problematised, not marginalised, through the application of the term hate crime. This is important because hate crime speaks of identity: as a differentiating factor between individual victims and perpetrators and as a way to connect violence and prejudice with the social faultlines through which identity is created and sustained. Identity is a key factor in explaining violence of this nature and hate crime thereby situates violence directly at the interface between individuals and society. It recognises a social context and history but goes beyond macro-political and socio-economic factors to incorporate a less tangible dimension – that of psychology and power – as explanation. This is crucial in post-apartheid South Africa, where identity, including racial identity, itself is in transition.

That hate crime allows for the intersection of identity with violence, both of which can be conceptualised as 'in transition' within post-apartheid South Africa, is an important theme of this report. The flipside of this relationship is how to deal with hate crimes and their accompanying identities of violent prejudice. This is a theme that brings notions of reconciliation and peace building into the spotlight. Rather than seeing these as separate issues, hate crime creates a space to conceptualise racism as intricately related to reconciliation. It goes beyond the scope of this report to develop any singular or even coherent theory of hate crimes in transition. However, various reasons for racially

motivated violence are explored and flagged for future thinking. When read alongside other reports in this series, it is hoped that issues of citizenship, race and identity will emerge as central features in the continuities and changes of violence during South Africa's period of transition.

Introduction

In the past week alone, three cases of racial attacks on and abuse and torture of black rural victims received prominence in the media The cruel painting of "trespasser" Moses Nkosi by an Mpumalanga farmer; the rape of a woman, 33, by her employer on a farm in Alldays, Northern Province; and the torture and killing of Jabulani Mabelane in Burgersfort by three men, including a senior policeman. He was electrocuted with a welding machine for allegedly stealing R200.

(Sunday Times, 1999, July 25)

Take the farmer given a suspended sentence for killing one of his workers after he accidentally drove a tractor over the family dog. Or the landowner whom police declined to charge for putting a bullet through the head of a black teenager he suspected of stealing fruit.

(Mail & Guardian, 1999, July 30)

Although the South African constitution outlaws racism, racial prejudice is a clear feature of the post-apartheid society. What is not entirely clear, however, is the ways in which racism is finding expression, including violent expression. How is it transmitted? Who are the perpetrators and the victims? How is the society dealing with specific incidents? Racial tensions, attacks and stereotypes play themselves out in various ways. In certain cases, 'old-style' actions of crass racism reflect continuity with apartheid ideology and violence. In other cases, 'newer' patterns of prejudice, for example, xenophobic actions against foreigners, suggest shifts in the targets and tactics of racism. Within South Africa's transition to democracy, race, racism and violence have not remained static. Rather, these expressions of intolerance have found creative ways to change with the political order.

The persistence of prejudice jars against the reconciliation enterprise best captured by the Truth and Reconciliation Commission (TRC). Although the Commission handed over its final report in March 2003, racial reconciliation remains an area of 'unfinished business' in South African society. Alongside unresolved and racialised relations of power, democratisation has introduced new expressions of citizenship and new discourses for interpreting the present and future, as well as the past. Shifting identities are caught up with the shifting nature of conflict. Racially motivated violence represents a point of intersection between identity and conflict. It also comments on the nature of reconciliation and problematises the internationally marketed ideal of an all forgiving, all tolerant – i.e. reconciled - new South African citizen.

This report is part of a CSV series on Race and Citizenship in post-apartheid South Africa. It grapples with the violent expression of prejudice and draws on international experiences of hate crime to investigate commonalities and differences with the South African context. It touches on social representations and public perceptions of hate crime and considers media reporting on incidents thereof. Although racially motivated hatred is

the primary focus of the report, the notion 'hate crime' goes beyond racism and as such, offers an organising principle for discussing prejudice, particularly when prejudice takes on a violent form. There are a number of limitations to conceptualising and understanding violence, identity and race through the lens of hatred. For example, there is the risk of reducing a highly complex history, context and set of socio-political forces to a specific inter-personal incident. There is also the risk of individualising particular actions and role players in a way that allows for society to distance itself from the factors that support the extreme manifestation of prejudice as a hate crime. Although these cannot be the focus of this report, the institutionalised and ordinary, daily nature of racism, together with the discursive practices that keep it in place, are recognised as setting the boundaries of this analysis. These boundaries will be engaged with through later reports within the series. It is also impossible to answer the many questions that a study of this nature raises. Indeed, this report must be read as exploratory, as the beginning of a process that asks certain questions, rather than necessarily answering them.

Methodology

As a theoretical piece, this report is largely based on secondary sources, i.e. South African and international literature surrounding racism and hate crimes. The literature has been reviewed, contextualised and theorised through a specific lens informed by CSVR's core research concerns, namely, violence and reconciliation. In addition, CSVR also commissioned the Media Monitoring Project (MMP) to set up a database of hate crimes reported in the written press across the period January 1994-June 2002. Although it is yet to be fully analysed, the database reveals certain patterns and trends in media reporting on the topic. At various points, this report touches on these trends and the social functions that are served by such representations, as part of a broader engagement with racially motivated violence in post-apartheid South Africa.

In order to construct the Media Database, MMP monitored and tested the news items against various propositions, or themes. A proposition is a statement (such as 'hate crimes are violent') that attempts to capture and summarise a social discourse, or particular way of representing and speaking about something (in this case, hate crimes). A hate crime proposition is not factual. Rather, it offers insights into the common, often stereotypical ways, in which victims and perpetrators of racially motivated violence are portrayed. For the database, certain propositions were developed out of the literature reviewed in this report as 'summaries' of key hate crime qualities, for example, 'hate crimes are perpetrated by young men' (see full list of qualities in the 'defining hate crime' section below). Through the monitoring process, news items were tested against the propositions to see whether they supported or challenged the discourses implicit to them. The outcome of this process is reflected at various points within this report. Please note that the number of news items that engaged with a given proposition has been broken into percentages to show whether the item supported or challenged the proposition. Beyond this, there is no statistical significance in these figures.

Through analysing the literature and the database trends, this report concludes that hate crimes do not take on one, homogenous form. Rather, particular incidents must be seen as occupying a spectrum of racism and violence. Within the complexity of such a spectrum, it is possible to identify various factors that facilitate certain manifestations of hatred. These offer focal points for further research, as well as the development of preventative strategies.

It goes beyond the scope of this report to develop any singular or even coherent theory of hate crimes in transition. However, through the literature that is reviewed, various reasons for racially motivated violence are explored and flagged for future thinking. When read alongside other reports in this series, it is hoped that issues of citizenship, race and identity will emerge as central features in the continuities and changes of violence during South Africa's period of transition.

Hate Crimes

Hate crimes are usually defined as crimes motivated by prejudice or hatred. The term covers a range of actions (from property damage to physical violence) and it describes victims who are united by their perceived or actual membership of a 'hated group'.

Hate crime is the violence of intolerance and bigotry, intended to hurt and intimidate someone because of their race, ethnicity, national origin, religion, sexual orientation, or disability. ([Community Relations Service \(CRS\), 2001](#), p. 1)

'Group membership' is determined through the typical social fault-lines: race, nationality, ethnicity, sexual orientation, gender, age, physical disability or HIV-status. *The one fault-line that does not appear within either the literature or the law is class.* The reasons for this omission are beyond the scope of this report; however it is an important gap to bear in mind, particularly in the South African context, where race and class are so closely intertwined. This has implications not only in terms of how to define a victim but also in light of the broad socio-political debates on reparations and reconciliation within South Africa.

The concept of a hate crime is not common within the South African context, although crimes motivated by prejudice are. It is only with the country's transition to democracy that the term has taken on a limited form of currency. This report consequently explores the concept of a hate crime through the definitions and experience offered internationally. Much of the literature reviewed stems from the United States, the United Kingdom and Scandinavia, where the term is commonly utilised. This review considers various 'features' of hate crime and the challenges that the concept raises, both in terms of the key role players (victims, perpetrators, bystanders) and the criminal justice system. It also interrogates the utility of the concept in a post-apartheid context and explores the implications of re-naming and re-framing prejudice from a victim empowerment perspective.

Defining hate crime

What is a hate crime?

There are various ways of defining and understanding 'hate crime'. The term is not without controversy or differing perspectives and there are variations in definitions, both within and between countries. However, most definitions engage with, challenge or accept the following 'qualities':⁶

- Hate crimes are acts of prejudice
- Hate crimes are message crimes
- Hate crimes are commonly violent
- Hate crimes are under-reported
- Hate crimes are motivated by right wing ideology
- Hate crimes are extreme (sensational/dramatic)
- Hate crimes occur take place in small towns and rural areas
- Hate crimes are group crimes
- Hate crimes are perpetrated by young men
- Hate crimes take place between strangers/are anonymous
- Hate crime incidents are isolated/once-off
- Alcohol consumption and substance abuse contribute to hate crime perpetration

Please note that these 'qualities' cannot be accepted as factual. Rather, they are statements that have been synthesized from the literature in an attempt to capture and summarise a social discourse, or particular way of representing and speaking about hate crimes (in this way, they are directly related to the propositions that were developed in the media monitoring process – see methodology above). As such, they allow for an engagement with stereotypes and assumptions about victims and perpetrators. They also raise questions about the criminal justice system and the definitions that are drawn on when articulating violence as a form of prejudice.

These 'qualities' and the questions that they raise about prejudice are explored within this report. As the project is particularly focused on racially motivated incidents, this form of prejudice will be the primary focus. However, hate crime in general is explored for the overlaps and differences with a specifically racialised manifestation.

An act of prejudice

'Hate crimes' are commonly defined as crimes committed out of prejudice, or motivated through hatred, as the following definitions illustrate:

[Hate crimes are] violent acts against people, property, or organisations because of the group to which they belong or identify with. ([American Psychological Association \(APA\), 1998](#), p.1)

[The Convention on the Elimination of all Forms of Racial Discrimination (CERD) defines hate activities as:] all of those which are based on ideas or theories of superiority of one race or group of one colour or ethnic origin, which justify or promote racial hatred and discrimination. (Article 4 quoted in Coussey, 2002, p.17)

These definitions describe crimes that are motivated by prejudice. In other words, the definition can be described as 'motive-driven'.

Hate versus Bias: A word on language

An alternative name for 'hate crime' (primarily within the USA) is 'bias crime'. Although the words 'hate' and 'bias' both directly describe the underlying motive i.e. prejudice, it is

unclear as to why certain definitions use 'bias', rather than 'hate'. 'Hate' conveys a strong social, even emotional, message about the motives behind such actions. In this way, the term hate crime sends a disapproving - and thereby moralising - message about the perpetrators. 'Bias' similarly comments on the motive, but in a less 'emotional' manner. On the one hand, this could be interpreted as an attempt to dilute the emotion and accompanying moral commentary that 'hate' suggests. This could have political utility in that it escapes a position of high emotion. On the other hand, because it dilutes the judgment implicit to 'hate', this could have the effect of sanitising the motive and removing the social comment about prejudice that 'hate' transmits. For this reason, the term 'hate crime', rather than 'bias crime', is deployed within this report. Hate crime more clearly conveys a social message that: a) this is the violence of prejudice, and b) it is to be condemned. As such, the concept comments directly from a human rights framework on the im/morality of such violence. It also comments on the moral values of the society in which the term is applied.

A motive-driven definition

The reasons underpinning hate crimes (i.e. the motives) are all important to their definition. These motives are commonly presented as hatred, bigotry, prejudice and bias. Framed as a motive, hatred conveys information about the possible reasons, justifications, attitudes and logic behind a violent action of this nature (e.g. 'I hate women/blacks/HIV positive people ... and so that is why I attacked X.'). In this way, prejudice becomes an explanation for violence. It comments on the psychology of violence and offers insights into the identity not only of the victim (who is chosen because of their membership of a group, that is, their group identity), but also of the perpetrator. This is because a motive-driven definition locates the concept of a hate crime within the perpetrator: indeed, what differentiates a hate crime from another act of violence is perpetrator prejudice. Prejudice consequently appears to be a prerequisite for a crime to be labeled a 'hate crime'. However, there are many challenges to proving and establishing prejudice as a motive. And, for certain manifestations of hate crime, it is very problematic to locate the definition within the perpetrator's possible intentions. These challenges will be discussed throughout this report.

While defining the perpetrator through motive, the definition of hate crime simultaneously describes the *target of hatred*. The opposite side of a 'perpetrator prejudice' coin is the identity of the victim.

Victim-identity

Within the definitions outlined above, prejudice determines the target, or victim, of a hate crime. Victims are targeted because of a particular physical feature (e.g. skin colour or appearance) or a quality that is perceived to be central to their identity (e.g. sexuality). Thus, specific types of hate crime (e.g. racist hate crime, xenophobic violence) can be isolated according to matching victim 'qualities' (e.g. race, nationality). These include crimes committed because of perceived or actual race, colour, nationality, religion, ethnicity, age, disability, sexuality, gender or HIV-status of the victim. Gibson & Gouws (2000) describe such qualities as 'identities based on ascriptive (and therefore exclusionary) rather than achieved characteristics' (p. 280). This is because they allow for the attribution of characteristics to individuals within, and based on, a designated group, rather than any personal or individual traits.

Ascriptive features also indicate something about perpetrator identity, namely, that perpetrators define and identify themselves in contrast to a particular ascriptive feature, through a process of exclusion:⁷ not-black (usually white), not-foreign (usually South African in the South African context), not-homosexual etc. In this way, as an act of prejudice, hate crimes comment not only on the individuals involved, but also on broad social categories. This is illustrated (and complicated) by the expansive nature of prejudice in cases where incidents are motivated by the victim's association with a 'hated group', rather than any personal ascriptive features. '[B]ias-motivated violence is by no means directed solely against immigrants and ethnic minorities, but also against anti-racists and native-born friends of immigrants' (Tirtanen, 1998, p.44). Thus, for example, a white anti-racist could fall prey to the violence of a white racist extremist. David Webster's assassination at the hands of the apartheid state illustrates this, as does the case of Zandspruit: In October 2001, more than 800 Zimbabweans and South Africans fled from the Zandspruit informal settlement in Johannesburg, after their homes were burnt (at least 112 were destroyed) and their belongings looted (Ndaba & Kalideen, 2001).

Zandspruit residents ... said the community had agreed to chase away the Zimbabweans and burn down everything that belonged to them. They said the community were angry that the Zimbabweans were employed, while hundreds of local citizens were jobless. They also claimed that Zimbabweans were involved in a series of armed robberies, rapes and muggings. (Ndaba, 2001a)

While the violence was centred on Zimbabweans, South Africans, especially South Africa women, were also targeted for their association with Zimbabweans (through marriage or work):

South African citizens at the squatter camp threatened to wipe out all Zimbabweans living there. They also demanded that all South African women in relationships with Zimbabweans must leave. (Ndaba, 2001b)

In certain cases, group association, rather than physical appearance per se, would account for victimisation. But, at the same time, such an act sends out a message to the 'hated group' too. It is important to note that hate crimes are 'us and them' crimes, crimes about both individual and group identities.

Because ascriptive qualities comment on both the individual and the group, a motive-driven definition of 'hate crime' provides the basis for a *typology of victimisation*, i.e. a system of identifying targets of prejudice: black, foreign, homosexual, woman, disabled, HIV positive. It goes beyond the scope of this report to consider each such category in detail. Rather, the intention is to highlight the link between a motive-driven action (which is thereby perpetrator defined) and victim identity. As the [American Psychological Association \(APA\) \(1998\)](#) suggests, 'this kind of attack takes place on two levels; not only is it an attack on one's physical self, but it is also an attack on one's very identity (p.2).

Victim-identity is crucial to the legal debates that revolve around the category of hate crime. Coussey (2002) suggests that there are three legal approaches to 'dealing with racist violence:

- treat it as a general criminal offence;
- have increased penalties for offences in which a racial motivation is established; and
- have specific racially-motivated offences' (p.21).

In South Africa, the current legal attitude to racially motivated crime fluctuates between the first and second approaches: it is not a specific crime category per se but, if racial motivation emerges as an aggravating factor within a case, it can impact on the length of sentence (Sarkin, in personal communication). Coussey (2002) comments that 'the advantage of treating racial violence as a general offence is that there is no need to prove that the action was racially motivated. Such evidence is often difficult to obtain, and may make successful prosecution more difficult' (p.21). However, in many other countries (for example, the UK and the USA) it is the third option that determines the legal approach to hate crime, namely, having a specific category of hate offences. Such legislation is driven by the characteristics of the victim. This process is unusual in criminal law, according to Moody (2000):

In most criminal offences the characteristics of the victim are of no significance except possibly as factors which may be taken into account in fixing sentences. Certain offences are victim specific, such as sexual offences against children, or abuse of the mentally ill by their professional carers, but these are not the norm. Racist crime, therefore, represents a departure from the usual approach of the criminal law. (p.2)

Coussey (2002) explains that 'the advantage of having specific offences or increased penalties for racial motivation is that it makes it clear that the authorities regard them as particularly serious and unacceptable' (p.21). However, Moody (2000) notes that this approach can present difficulties – both legally and to the individual victim. One problem, she suggests, is that the definition commonly 'emphasises the characteristics of the victims and puts the spotlight on them. [With racially motivated crime, the] focus is on the race of the victim rather than the racism of the perpetrator' (p.3). This risks leaving the ascriptive features unchallenged and socially entrenched:

The prominence given to colour, race or ethnic origin in the racist crime legislation reinforces false notions of difference rather than saluting the diversity and fluidity which should be the hallmark of multi-cultural societies (Moody, 2000, p.3).

Moody's (2000) concerns can be reframed as a moral dilemma, one of particular relevance to the South African context where race has so long structured social, political and legal relationships: How can a society address and punish racism without reproducing old patterns of racist relationships or reifying race itself? Can the concept of a 'hate crime' avoid its own terms of reference? And is it possible to engage with the prejudice of a perpetrator without 'bringing the victim under the spotlight' too? Moody (2000) recognises that a victim-focus may be 'inescapable' (p.3). However, here are key considerations when evaluating the concept of 'hate crime', especially from a victim empowerment perspective.⁸ If unmanaged, a focus on ascriptive features *could* re-victimise victims by uncritically reproducing the very qualities and discourses that contributed to their initial victimisation.

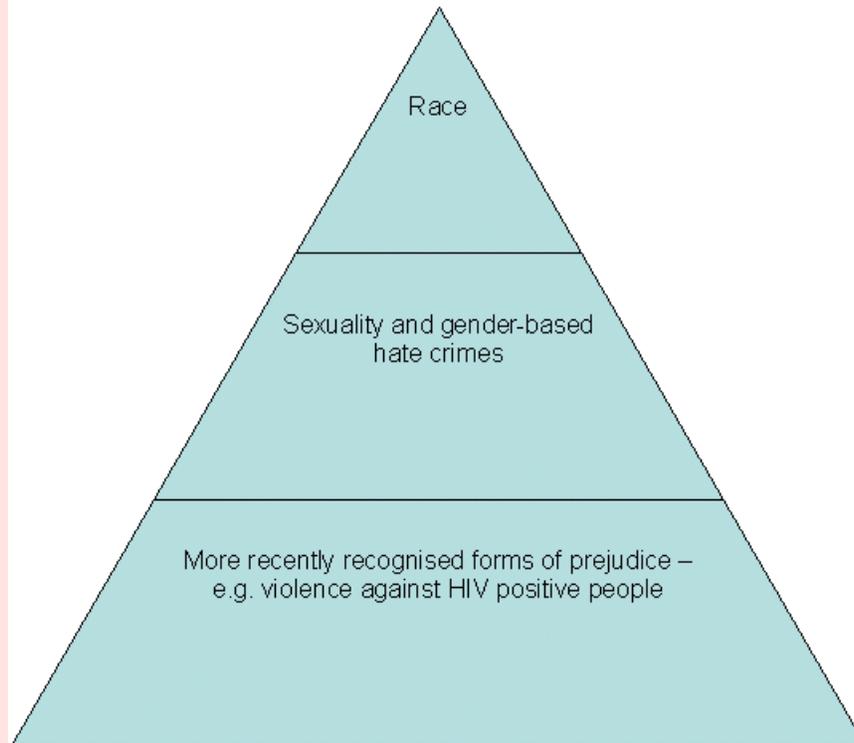
Another concern that Moody (2000) raises with a victim-driven categorisation of hate crime, is that of 'leaving out key groups' (p.3). She notes that in the United Kingdom, for example, anti-discrimination legislation does not extend to 'vulnerable groups, which are neither racial nor religious, such as gays and lesbians' (p.3). Similarly, the [Lambda Anti-Violence Project](#) observes that in the USA, '[c]urrent federal law covers crimes committed on the basis of race, religion, color or national origin. However, there are no federal protections for crimes based on sexual orientation, gender identity, or disability'. Although the South African constitution shields a range of vulnerable persons, these international experiences highlight the *danger of pre-determining categories of vulnerability*. One reason for this is because potential victims can 'fall through the legal cracks'. Similarly, victims may change over time, with the emergence of new forms of prejudice, for example, HIV positive victims or victims of Islamophobia in the wake of September 11. This calls for legal flexibility, as well as social understanding about the changing nature of victimisation. It also warns that prejudice itself is flexible and capable of adopting new forms and targets.

The flexibility of prejudice, as well as (legal) attempts to deal with it, is reflected historically through the expansive nature of the term hate crime. The category has become more inclusive over time. Tracked through the literature, race-based hate crime is the oldest, the largest and currently (within an international context) the least contested category. Internationally, 'newer' forms of recognised prejudice, such as those motivated by sexual orientation, disability and HIV-status, are more contentious and controversial. This has created what might be termed a 'prejudice hierarchy', in which race is less contested than other forms of prejudice. In graphical form, this hierarchy might take on the following shape, with 'race' as the least contested category and more recently recognised forms of prejudice reflecting higher levels of contestation:



Another graphical representation of a prejudiced hierarchy might look like that in Graph 2: The least contested form of prejudice – race in the international context – sits at the pinnacle of the hierarchy, whilst the more recent forms find themselves at the bottom of the pyramid. This has many implications, including those in relation to the social and legal treatment of victims, the sentencing of perpetrators, and the availability/direction of resources for research, intervention and advocacy. It also has implications for determining whether a crime will qualify as a hate crime or not (Valji, editing comments, 2003).

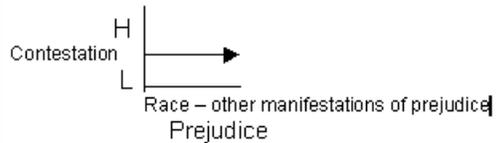
Graph 2: Hierarchy of Prejudice



Because the concept of hate crime is so new to South Africa and race politics remain particularly volatile, it is difficult to assess whether racial hate crime will be more or less contested than other forms of classified prejudice. This is an important research question, which needs future exploration.

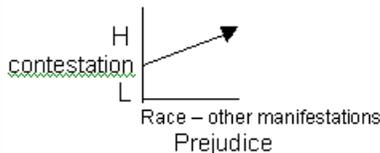
Graph 3: South African prejudice hierarchies

A South African 'prejudice configuration' will not necessarily evolve in the same way as international trends. This is because the concept of hate crime in South Africa has not had to unfold and adapt to 'newer' forms of prejudice over time. Instead, the notion can be imported wholesale as a category comprised of both older and newer manifestations of prejudice. On the one hand, this suggests the possibility for a 'prejudice flat line', as opposed to the 'prejudice hierarchy' that has evolved internationally, i.e. a typology system where all forms of prejudice are afforded 'equal' status.

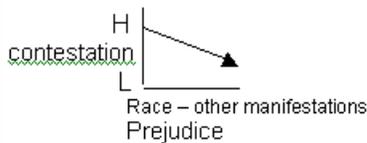


On the other hand, given South Africa's particularly racialised past, it could result in an inversion of the international norm where racially motivated prejudice is highly contested as a concept within the society, whereas other forms of prejudice may not receive as much attention (just because they are rendered invisible, does not mean that they are accepted, though). Another possibility is that awareness about South Africa's apartheid history and the wrongs of the past could result in people being more, rather than less, willing to recognise race-based violence (Valji, editing comments, 2003a). In this case, the South African trend might reflect the international norm.

International norm/one possibility for South Africa



Possible South African response



Or else, all forms of prejudice could merely be received at higher, lower or similar levels of debate/contestation as their international counterparts. These are important points for comparison within the international context and they need to be investigated.

The complexity of prejudice threatens to render any classification systems of hate crime too restrictive and narrow in defining, and thereby addressing, victims. It runs the risk of 'leaving victims out'. At the same time, however, this very complexity and the expansive quality of hatred also threaten to create a 'catch-all' category for accommodating anyone who does not fit into other legal categories. Too much definitional flexibility could undermine the political utility of, and social message against, crimes of prejudice if the category is so big as to become meaningless. It could also detract from understanding the dynamics, causes and characteristics specific to particular manifestations of prejudice. As Bjorgo & Witte (1994) suggest, '[o]ne difficulty with the concept of hate crime is that it tends to widen the scope so much that the specific features of racist violence may get neglected' (Bjorgo & Witte, 1994, p.15). Practically, this could impact on the development of intervention and prevention programmes if they are solely designed around the

unspecific notion of prejudice. The challenge, therefore, is to find a balance – from research, legal and intervention perspectives - between the qualities of specific forms of hate crime and the more generic category of prejudice.

The historically expansive nature of the category hate crime raises the key questions:

- Who constitutes a victim, and
- How is victim-status determined?

These questions suggest that hate crime is a political concept that cannot be divorced from the socio-political climate in which it emerges and is sustained. In the South African context, the changing legal and political nature of prejudice is particularly noticeable over the period of transition from apartheid to democracy. This is not only at a level of racial politics and identity. As Gear (in personal communication) observes, some of those who were designated 'criminals' in the past, for example through the category of homosexuality, are today potential 'victims' of prejudice. Through this legal shift from criminal to victim, particular social groupings are currently afforded specific constitutional protection.

While the (internationally-defined) category of hate crime has expanded to accommodate new victims over time, there has been little interrogation of experiences within and between the different victim-categories. Instead, hate crime victims are represented monolithically, as a uniform group, at least within the law. Moody (2000) terms this a 'problem of assumed symmetry' between victims of hatred (p.4). She suggests that it emerges from an assumption that prejudice is experienced equally and in a qualitatively similar way between victims from different victim-groupings. Focusing on racially motivated hate crime, she notes that 'there is an assumption of symmetry between the experience of different racial groupings who suffer racist crime' (p.4). For her, this assumption is faulty:

Yet we all know that racist crime committed [in the United Kingdom] against black and ethnic minority victims by whites causes more pain, is more damaging to the health of their communities and is more likely to undermine social harmony on a national scale than when the victim is white. (Moody, 2000, p.4)

Moody (2000) challenges assumptions of victim homogeneity from a British perspective. Whether and how the assumption of symmetry translates to the South African context needs to be examined across various levels, including that of national reconciliation, as well as between individuals and within communities. For example, in the South African context, what might be the impact on racial reconciliation if the experience of a black victim were privileged over that of a white victim, or vice versa? The current debates about farm(er) killings, in which white farmers are portrayed either as victims of racial attacks or victims of crime, give some insight into the complexity of ranking (and racialising) victim experience (cf. [Report of the Committee of Inquiry into Farm Attacks](#), 2003).⁹ It is important to explore the implications of moving beyond a framework of victim homogeneity. Is it possible to quantify and 'rank' victim-status? How would this impact on legislation and sentencing? Will it create and sustain a hierarchy of prejudice? Is one person's experience of prejudice more or less hurtful than another's? How is this measured? These questions bring to light notions of subjectivity and personal experience.¹⁰ They also

suggest that an analysis of prejudice cannot be divorced from the very categories (class, race, sexuality, age, etc) that define it, especially at points where these categories intersect and overlap. Hence, in a particular incident of racially motivated violence, for example, what is the impact/influence of class and gender, as well as race? This is an important question when juxtaposed alongside another quality (of certain forms) of hate crime, which is that incidents are not isolated; they take place in a context and as part of daily life, and are commonly an accumulation of taunting, hate speech, bullying and ongoing conflict (see section on isolated incidents below). An interrogation of the 'big' categories of prejudice and how they define and intersect with hate crime would thus benefit an analysis of hate crime as part of 'everyday living'. This is also important in terms of understanding coping mechanisms and accessing justice, as well as dealing with the trauma of an actual incident. Do particular forms of prejudice (and their manifestation as hate crime) co-exist with, and feed, others and how? At the same time, does prejudice simply 'add up' through the accumulated categories, for example, poor+woman+black+foreign? How can a formulaic approach to hate crime be avoided? And, how do individuals and their actions fit into these bigger categories of understanding conflict and prejudice?

These questions need careful interrogation when applied to the South African context, with the specifics of an apartheid history and the contemporary nuances of transition. Simpson (in personal communication) points out that during the apartheid era victims were primarily defined – from a progressive perspective – by reference to racial marginalisation. He notes that democratisation has, however, lifted this political mantle and asks "what does this mean for victims today? How will victims be defined in the new South Africa?" If prejudice, rather than racial marginalisation per se, is to become *the* mantle for referring to victims (through the concept of hate crime), Simpson questions what will happen to other layers of analysis, for example class and gender. To this must be added race itself. Although gender and race are typical categories of hatred, class is not commonly used to define motive. Similarly, in seeking to understand an incident of victimisation, it may be the intersection and cumulative contribution of various 'isms' (e.g. racism, classism, sexism), rather than one alone, which explains and defines the victim experience of a hate act. Considering the specifics of the South African context also raises related questions about importing a concept – that of hate crime- from 'developed' countries to those undergoing political and social transition, commonly termed 'post-conflict societies'.¹¹ Simpson (in personal communication) suggests that from a victim empowerment perspective it may be valuable to compare points of difference between what the concept of hate crime means for a 'society in transition' versus its meaning in the 'developed world'.

An understanding of 'victims', who they are and what this means – to themselves, legally, socially, politically, and in terms of prejudice – is crucial to hate crime definitions. Even although it seems inevitable that victims do come under the spotlight of these definitions, it is important that key questions have been and continue to be raised around a victim-focus. It is similarly crucial from a victim empowerment perspective to acknowledge that neither prejudice nor victims are static. At the same time, it is important not to lose sight of those who are consistently victimised and remain vulnerable to ongoing prejudice, in old and new guises. The relationships and interconnections between victims and perpetrators, society and prejudice, need careful examination in order to reach a clear understanding of the term hate crime; and also, to evaluate and assess its utility as a legal and political category within the South African context.

Hate crimes are 'message crimes'

Hate crimes impact not only on the individual victim, but on the whole 'hated group'. For this reason, the [American Psychological Association \(APA\) \(1998\)](#) explains that they are 'message crimes' (p.4):

They are different from other crimes in that the offender is sending a message to members of a certain group that they are unwelcome in a particular neighborhood, community, school, or workplace. (APA, 1998, p.4)

By communicating a social message, hate crimes serve a threatening and warning function beyond the particular incident and those directly involved. Bjorgo & Witte (1993) define racist violence as,

any violence in which victims are selected because of their ethnic, 'racial', religious, cultural or national origin. The victims are attacked not in their capacities as individuals but as representatives of such groups which [in Europe] are normally minorities in terms of numbers as well as in terms of power. Buildings, properties and institutions may also be attacked because they represent these groups or their interests. (p.6)

The [Lambda Anti-Violence Project](#) suggests that,

[h]ate crimes are a form of terrorism that have a psychological and emotional impact which extends far beyond the victim. They threaten the entire community.

By likening hate crime to terrorism, this definition introduces an interesting discursive link between the two, because it is commenting on the consequences and impact of crimes driven by prejudice.¹² Because they target social categories, the effect of hate crimes moves beyond any given victim, in a similar way to the broader social intentions of terrorism: 'the subjects of terrorist attacks generally have little intrinsic value to the terrorist group but represent a larger human audience whose reaction the terrorists seek' ([Botha, 2001](#), p.16).

Intention and Effect

While there is overlap in the consequences of hate crime and terrorism, it is important not to draw the parallels too closely, particularly on the issue of intention. The impact of a crime motivated by prejudice may include fear, community disturbance and social control. However, this does not mean that (for the individual perpetrator, unlike the terrorist) such an effect was deliberately intended. Indeed, the extent to which social planning and deliberation underpins any particular incident is an area for exploration. In this vein, intention may provide a useful criterion through which to sub-categorise and refine the concept of hate crime (for example, perpetrators motivated by a specific socio-political agenda, versus those who are less deliberate in their intentions). Unraveling the notion of intention depends very much on who the perpetrators are and what motivates them. The issue of intention similarly raises questions about the nature of prejudice. While hatred is commonly presented as a 'crime of ignorance', what are the ways in which prejudice can be

pre-meditated, planned and expressed? To what extent is prejudice thoughtless?¹³ Valji (editing comments, 2003a) notes that the issue of intention is particularly interesting in South Africa, where racism has been socially entrenched. 'What about where a crime is clearly perpetrated through a dehumanisation of the victim because of racist socialization, yet the perpetrator does not consciously acknowledge that they are 'racist'?' She notes that 'much of the violence of the apartheid state forces was particularly brutal because black people were subconsciously seen as 'subhuman' but perpetrators would be unwilling to admit that racism played any role'. Seeking to understand intention also raises questions about the role of the media and the ways in which hate crimes are phrased and publicised. If social control and fear are intended, then how are they conveyed? What mechanisms are deployed by perpetrators to reach beyond a particular incident? More generally, what social devices feed fear and control, whether or not the intention is to send such a message?

Vigilante Messages

The message quality of hate crime highlights its overlap with vigilantism. This is because one function of vigilante violence – which can be defined as the violence of taking the law into one's own hands - is to send a social warning: vigilantism 'strives for ... control, by instilling fear within the audience. It warns the victim and onlookers It also generalises beyond the actual incident [that is being punished] to future possibilities' (Harris, 2001a, p. 19). This social warning expresses itself through the methods and modus operandi of many vigilante activities. These are commonly visible, harsh, bodily forms of punishment, including sjambokking, stoning and body painting. While it goes beyond the scope of this report to explore the similarities and differences between general actions of vigilantism and hate crime, it is important to note that there is an overlap. The visible and violent methods of the Ku Klux Klan - lynchings and burning crosses, for example - clearly illustrate this. In South Africa, as elsewhere, violent forms of hate crime can be defined as vigilante in nature and certain vigilante manifestations are motivated by prejudice. Consider Box 1.¹⁴

Box 1: Hate crimes and vigilantism

The murder of Gugu Dlamini, an AIDS activist and educator, represents an example of prejudice-motivated vigilante action in South Africa. In 1998, she was beaten and stoned to death by a crowd purely because she publicly disclosed her HIV-positive status, an action that was framed as 'degrading' to her community. Following her death, community members continued to apply tactics of intimidation and fear to other AIDS activists working within the area of KwaMancinza. For example, consider the following article:

[AIDS worker lives in fear](#), Bareng-Batho Kortjaas (Sunday Times, 10 January 1999)

BARELY a month after the killing of an AIDS educator, her close friend and fellow activist is now being targeted with death threats. Gugu Dlamini, 36, was killed by a mob because she is alleged to have degraded her community by confessing that she had the AIDS virus. Now her friend ... is living in fear after receiving threatening calls warning her that she will follow Dlamini "to the grave" if she does not stop urging those who are silent about their HIV status to go public ... "A man called me and said it was not my problem that people had contracted the virus. He said because I had a big mouth about AIDS, I was next on the hit

list," she said ... the calls continued on a daily basis and with different voices. I realised my life was in danger. I am now living in fear of being killed. "What makes it worse is that they say nasty things - like I became HIV positive because I was a prostitute, slept around with white men and deserved to contract the virus because I was promiscuous. "This is driving me crazy, more so because it shows their ignorance about AIDS," she said ...

The messaging quality of hate crimes suggests that there are different thematic levels through which to explore the concept:

- Individual victims and perpetrators
- Social communities and messages
- Intention, action and effect
- Specific incidents
- Generalised prejudice
- Fear and control

In certain cases, these levels overlap and complement each other, for example when individual perpetrators are motivated out of ideological beliefs that have an explicit social message. Barend "Wit Wolf" Strydom is one such example (see section on lone wolf perpetrators below). In others, the message may be located at one specific level. For example, [Bjorgo \(1998\)](#) notes that in Sweden, certain killings with 'right-wing extremist or racist dimensions [were so defined not because of] the presence of a racist or political motive, but [because of] the identity of the perpetrators' (p.6). Rather than being defined by a specific incident or the relationship between the individual perpetrators and victims involved, racially motivated hate crime in these cases 'could be seen as part of the more general mode of violently aggressive behaviour of the perpetrators and the racist subculture to which they belonged' (Bjorgo, 1998, p.6). In the South African context, this is an important point. It represents a challenge for neatly defining and identifying racial motivation. If the concept spans beyond any particular incident and is located instead within the identity of the perpetrator (and the victim), is it possible to divorce race from any interpretation of violence between different race-groups in the South African context? How can particular incidents be contextualised within a broader culture of both racism and violence?¹⁵ What does the notion of 'racially motivated' mean in a society where violence is the norm, the primary 'solution' to problems (cf. [Simpson, Mokwena & Segal, 1992](#); [Hamber, 1999](#))? These are challenging questions, not only in relation to racially motivated hate crime, but also to other forms of prejudice, including xenophobia, Islamophobia and gender-based violence.

What is the South African message?

Within South Africa, actions of prejudice are not commonly framed as 'hate crime'.¹⁶ The concept has very limited social and legal currency and there are no alternative labels, i.e. there is no one concept for arranging, exploring or punishing 'prejudice' per se. Why this is so remains to be explored (and is a central theme within this report). Possibilities include:

1. The general prevalence of violence within South Africa. Prejudice-motivated violence is just one form of violence, and the causes of violence itself remain under-

- explored and poorly interrogated within popular social discourse.
2. An automatic assumption that prejudice does underpin many violent actions in South Africa (and hence it may not be overtly articulated).
 3. A lack of engagement with apartheid history and silence within contemporary South Africa about prejudice, particularly racially motivated actions. The reasons for such silence are varied and may include political correctness and a failure of the reconciliation enterprise to keep prejudice on the socio-political agenda. The dynamics of political transition may also have created a set of social conditions that are very different to those in 'developed' countries where the term hate crime is currently applied.
 4. A lack of strategy for coping with and tackling prejudice.
 5. The fragmented nature of prejudice itself. Prejudice is a massive category, which has different manifestations and expressions. This, as Moody (2000) and Bjorgo & Witte (1994) suggest, risks rendering the concept of 'hate crime' unwieldy and so big as to be meaningless.

In the absence of a common label for crimes of prejudice in South Africa, it is important to ask: what social message, if any, is being conveyed about and against prejudice? Is it possible to send one consistent message? And is this desirable?

Hate crimes are violent

It is commonly asserted that hate crimes – more than many other forms of crime - are violent in nature (cf. APA, 1998, Stop the Hate). The [American Psychological Association \(APA\) \(1998\)](#) notes that while hate crimes may constitute attacks on property, as well as verbal abuse and economic exploitation, the predominant trend within the USA is one of physical violence:

According to the FBI ... about 70% (of hate crimes reported during 1996) involve an attack against a person. The offense can range from simple assault (i.e. no weapon is involved) to aggravated assault, rape and murder. (pp.1-2)

Stop The Hate similarly lists violence as a central characteristic:

hate crimes involve a higher level of assaults against persons than crimes generally ... [and they] are more violent than crimes generally.

Violence in these definitions appears as a key feature of hate crimes. It is implicit to the concept; a quality that defines and separates hate crimes from their less violent crime counterparts. This understanding complements the idea that hate crimes are 'message crimes': indeed, what better way to communicate a social message, instill community fear and strengthen control than through the visibility of physical violence?¹⁷ Even in those cases where a social message is not deliberately intended by individual perpetrators, an incident of racially motivated crime still holds the potential to provoke community violence and fear. The Community Relations Service (CRS) in the USA explains that,

[o]f all crimes, hate crimes are most likely to create or exacerbate tensions, which can trigger larger community-wide racial conflict, civil disturbances, and

even riots. ([CRS, 2001](#), p.1)

Hate crimes can expose long-standing community relations of friction and hostility, or create new social divisions, leading to racial polarisation and community-wide reaction. Racialised violence in the English towns of Oldham (cf. [Ritchie, 2001](#)), Burnley (cf. Clarke, Burnley Task Force, 2001), and Bradford (cf. Denham, 2001) illustrates this. Sparked by particular incidents between Asian and white residents, racialised violence quickly extended outwards on a community scale, during mid-2001, to involve and absorb many other residents.¹⁸ Extensive property damage and a number of injuries were reported in each town.

Hate crimes can be catalysts for community-level conflict. They can similarly galvanize organised groupings (e.g. anti-racist groups) into action. Certain anti-racist movements in the international context are known for their violent responses to prejudice. In his review of racist violence in Scandinavia, [Bjorgo \(1998\)](#) explains that '[v]iolent confrontations between neo-Nazis and militant left-wing antiracists have been a recurrent pattern in Sweden as in other countries' (p.6). Commenting on racist trends in Norway, he notes that,

in several communities, there were spirals of violence between nationalist skinheads and militant antiracists, where the latter were sometimes no less violent than the former. The neo-Nazis have tended to use bombs, Molotov cocktails and firearms, whereas Norwegian anti-racist militants have usually restricted themselves to sticks, stones, fists and boots, possibly because the antiracists have usually been numerically stronger. During the mid-1990s, the means of violence have become more extreme [on both sides, to include bombings, arson, shootings and vandalism]. (Bjorgo, 1998, p.8)

Although there are militant anti-racist groups that deliberately deploy violent tactics in their confrontations with neo-Nazi and right-wing organisations (especially, it seems, within the Western European context) it is important to recognise that groups falling under an 'anti-racist' banner are neither homogenous nor automatically violent. Rather, they are splintered and fragmented, comprised of, amongst others, 'non-confrontationists, the non-violent confrontationists and the militant confrontationists' (Peterson, 1998, p.103). Indeed, violence itself (and its rejection or promulgation) can be used as a variable for categorising different anti-prejudice positions, as well as racist groups. Grouping anti-racists into violent or non-violent categories suggests that violence can be an *instrument of ideology* within the prejudice/anti-prejudice ambit, and, in certain cases, is a conscious choice. It can also be seen as a *factor of morality*, a tool for justifying various positions on the morality scale (e.g. the use of violence is one way of exploring and arranging the various bodies that comprised the anti-apartheid movement). However, even ideology and morality can, according to Bjorgo (1998), give way to personally motivated and emotionally driven responses. He notes that revenge is a common motive for ongoing spirals of violence between racist and anti-racist organisations: '[h]atred and personal grievances quickly replace political considerations and [for certain organisations] scruples against violence' (p.10).

Prejudice can prompt attacks and counter-attacks between bodies that are self-consciously and ideologically constituted. The very act of a hate crime can also draw automatic (and potentially violent) lines within communities without any ideological or political

deliberateness. This is because (potential) victims are delineated and identified through ascriptive features. And these, because they are so 'visible', can easily create the lines along which to draw social divisions and fuel community tensions. Not only do ascriptive features automatically create 'victims' (and, to an extent, 'perpetrators'), they can also force people – ideologically - into groups with which they do not necessarily identify; Yesilgov (1993) observes that '[i]ndividual members of groups which are the potential victims of anti-racist violence, are often by definition perceived as being anti-racist themselves' (p.179). In this case, it is the perceptions of others, of society, that actively thrust group membership upon certain individuals, who are seen as anti-racist, as well as (potential) victims. Such membership can be commensurate with individual beliefs. But, for those who do not have an articulated ideological position, it can impose and facilitate a sense of *morality*, which is guided less by belief than by society. About these individuals Yesilgov (1993) asks '[d]o they oppose racism as an ideology or are they 'anti-racist' because it threatens them?' (p. 179). Although the distinction may be invisible in practice, this is an important question. It challenges assumptions of ideological solidarity (or even basic political awareness) within anti-racist discourse. It also raises questions about morality in a society where anti-racism is legally, politically and ethically prioritised, where anti-racism represents morality. For those who are not consciously motivated through principle and belief, the socially imposed label of 'anti-racist' creates an *artificial, externally imposed morality*. This allows victims and potential victims, by virtue of their group membership, to be simultaneously beneficiaries of a moral order. Indeed, it is their very potential to be victims that lends them a socially granted 'moral high ground'. For many, a socially prescribed morality need not be at odds with their daily experience and practice (or if it is, the effects of victimisation may far exceed any abstract 'benefits' that pertain to a moral framework). However, Yesilgov's (1993) question does introduce the possibility for prejudice and discrimination amongst (potential) victims themselves: 'this does not necessarily mean that these victims of racist violence cannot themselves advocate racist beliefs and ideologies' (p.179). In essence, he is challenging the notion that victims, or potential victims, cannot also be perpetrators of prejudice. This is important in the South African context, especially when looking at the new manifestations and forms of prejudice across the process of political transition. Xenophobia represents a clear example of Yesilgov's (1993) point, for it is South Africans from across the racial spectrum who display hostility towards (usually African) foreigners (cf. [Harris, 2001b](#)).¹⁹

When analysing conflict between social groupings, it is imperative to differentiate between planned violence and revenge attacks on one hand, and more spontaneous or provoked events on the other, for example, marches and rallies (either for or against racism) that turn violent. Planned violence can take on various forms, such as targeted assassinations, copy-cat killings and incidents of revenge. In South Africa, the assassinations of Hendrik Verwoerd and Chris Hani can both be interpreted as violence motivated in relation to prejudice. In the case of Chris Hani, prejudice (caught up in politics) was the key motive. In the Verwoerd example, anti-prejudice (caught up in politics and personal mental illness) was the primary impetus.

Chris Hani	Hendrick Verwoerd
-------------------	--------------------------

On 10 April 1993, Chris Hani, secretary-general of the South African Communist Party, was assassinated by Janus Walus, a Polish immigrant to South Africa. The murder was planned together with his co-accused, Clive Derby-Lewis (a founder member of the Conservative Party (CP)). The assassination was generally seen as political; a right wing bid to destabilise the country's process of transition towards democracy and black majority rule. Both men were sentenced to death in 1994 (commuted to life sentences when the death penalty was abolished). They applied for, and were denied, amnesty by the Truth and Reconciliation Commission, on the grounds that they 'failed to meet two requirements of the [Promotion of National Unity and Reconciliation Act](#), namely full disclosure of the facts and sufficiently proving political motivation for the killing' (Bothma, 1999). At the time, and in a subsequent court challenge, they maintained that the Amnesty Committee was inconsistent in its decisions. 'The assassins and their families believe that they have been treated unfairly and that double standards have been applied to deny them amnesty while granting it to applicants whose legal claim is no stronger. Derby-Lewis's wife, Gaye ... says: "If there is a single thread through the amnesty process, it is glaring inconsistency"' (Laurence, 2001). Drawing on cases where amnesty was granted – e.g. those involved in the Amy Biehl killing and the St James Church massacre, and Sibusiso Ngcobo, a member of the IFP, who was granted amnesty 'in spite of the IFP's commitment to non-violence' (Laurence, 2001) – Gaye Derby-Lewis said: 'There is no legal or moral consistency in the decision' (Bothma, 1999). The high court, however, found that 'its task [was] not to pass judgment on whether the amnesty finding ... [was] consistent with findings in earlier amnesty committee decisions. Rather, it [was] to assess whether the findings [were] consistent with the amnesty provisions of the Promotion of National Unity and Reconciliation Act'- this it found (Laurence, 2001).

On 6 September 1966, Hendrick Verwoerd, then Prime Minister of South Africa and the 'father of apartheid' was stabbed and killed by Demitrios Tsafendas, a 'coloured' Mozambican immigrant to South Africa. Tsafendas suffered from schizophrenia and, at the time, his actions were represented as symptomatic of his mental condition. He was sentenced to death and remained on death row for nearly 30 years (Carte Blanche Interactive, 2001). However, recently revised information suggests that his actions were motivated by politics, along with his own social position as a 'coloured' person in Southern Africa (although he was given a job as a parliamentary messenger because he appeared to be white). Biographer Henk van Woerden (author of [A Mouthful of Glass](#)) suggests that: 'Demitrios Tsafendas was almost emblematic of a situation in South Africa and I'm referring – and I know its sensitive – to the position of the coloured people. To those of mixed race in South Africa. He was emblematic of the struggle for identity' (quoted in Carte Blanche Interactive, 2001). He also explains that '[t]he records that I have looked at suggest without a doubt that at the time he murdered Verwoerd, he was completely compus mentus. When asked for his motives, he said: 'I didn't like the man, I dislike what he's doing to the country, I don't agree'. It was politically motivated' (quoted in Carte Blanche Interactive, 2001).

In certain cases, the actual motives behind a particular assassination may be less important

than public perceptions about the cause. For example, in May 2002, Pim Fortuyn, Dutch leader of the far-right Pim Fortuyn's List Party, was assassinated in the Netherlands. Whether this was motivated in direct response to his anti-immigrant, anti-Islamic politics or not (at the time of writing, the motive has not yet been established), this is the common perception. And out of this perception, as a consequence thereof, his assassination resulted in civil unrest and further (more spontaneous) violence and displays of prejudice within the Netherlands.

Hundreds of angry demonstrators, some wearing swastikas, took to the streets outside the Dutch parliament and threw bottles and stones at riot police who were called to disperse them A handful of extremists shouted "Pim de Fuhrer", comparing him to Nazi leader Adolf Hitler. (Mail & Guardian Online, 07/05/2002)

In South Africa, public reactions to prejudice-related assassinations and other high profile hate crimes have, in certain situations, also resulted in further violence. For example, in Vryburg, various incidents of racism and violence at Hoerskool Vryburg resulted in high levels of community polarisation. This spilled into racial tensions beyond the school. 'Following one particular incident at Hoerskool Vryburg, there were newspaper reports of open conflict between black and white police officers' (South African Human Rights Commission, 1999a, p.2). Bail hearings, trials, sentencing, funerals, anniversaries of death – these all signify the consequences of a particular hate crime, and, at the same time, hold the potential to initiate new manifestations of violence, both planned and more spontaneous in nature.

That violence can result from a particular hate crime does not mean that it is inevitable. Victims, their families, and affected communities do not usually resort to violence in response to an incident (and care must be taken to avoid re-victimising victims by painting them as potential perpetrators). Similarly, perpetrators are not always violent. In many situations, there is no violence either within a particular hate crime – see characteristics below - or in response to a violent incident. In these cases, it is crucial to establish why, to look at the factors that contribute to peace, or at least, to avoiding conflict, as much as those that facilitate violence (in this regard it would be interesting to embark on a comparative study of three cases: a) a non-violent hate crime and its effects, b) a violent hate crime where no further violence results, c) a violent hate crime which provokes further violence).

In cases where conflict does result, it is important to move beyond a generalised concept of 'violence' to one which recognises that there are various levels for its expression. These include:

- **Individual, discreet incidents:** revenge violence between those directly affected, copy-cat incidents, targeted assassinations.
- **Group-level violence:** clashes between organised groupings (racists and anti-racists), large-scale community-level conflict, and
- **Regional or national-level violence:** genocide, state-driven/sponsored violence (e.g. the apartheid regime, Israeli-Palestinian conflict), liberation movement actions.

Any typology must also recognise the complex nature of violence – particular hate crimes may differ in terms of,

- the form of violence
- the level of violence
- the extent of violence
- the degree of spontaneity within the violence (i.e. how planned it was)
- the targets, victims and perpetrators of violence, and
- any related acts of violence (numbers, targets, form etc.).

Although hate crimes are commonly presented as more violent than many other forms of crime, this is not as straightforward as it may appear from the definitions and media representations. Rather, there are differing perspectives and interpretations. These reveal a complex relationship between violence, prejudice, and social understandings and justifications for various actions. Rather than conceptualizing hate crime as one monolithic category, it is useful to place it on a spectrum with physical violence and injury on one end and language on the other (see characteristics of hate crime, [box 3](#) below).

Talking about it

One level of contestation is that of language, of the ways in which violent actions are phrased and justified. [Virtanen \(1998\)](#) comments that,

[v]iolence comes closer to the experience of the victims of violence than that of the perpetrators. Perpetrators of what others consider violence usually try to avoid the term violence, preferring fight, struggle, self-defence, or war in their rhetoric. Some perpetrators also place their acts of violence in the context of more or less elaborated political ideologies or discourses within which their actions appear not only acceptable but even commendable. (p.40)

How language is used, and who uses it, to label and interpret a violent incident is important. Not because it should detract - objectively and morally - from the actual event of violence (although it commonly does) but because it offers insight into the expression, experience and justifications of prejudice. Language tells about perpetrator identity (for example, perpetrators may see themselves as 'moral guardians' or 'freedom fighters') and the role of the perpetrator's community (they may receive tacit or overt support from a wider social or ideological network). In their analysis of life history constructions and mass violence (as told around the experience of the Indian Partition), [Sonpar & Singh \(2002\)](#) suggest,

One route to understanding these phenomena appears when we shift away from victim-defined violence such as murders, rapes, assassinations, riots, massacres to the perspective of perpetrators. Here we find acts of violence framed in terms of reference of faith, duty, dharma, just war, crusade, jihad, purification. (p.1)

Language also tells about the victim's experience and perceptions of violence and prejudice. In the 2000 British Crime Survey (BCS), [Clancy, Hough, Aust & Kershaw \(2001\)](#) suggest that,

[w]hilst people from ethnic minorities are no more at risk of violent crime than others [in Britain], they are much more likely to perceive a racial dimension in the crimes they experience. (p.vii)

Clancy *et al.*'s (2001) point highlights the importance of victims' perceptions and interpretations of events. The perception that a violent incident is racially motivated – whether or not it is – could account for the higher than average violent content of hate crimes. However, this is very difficult to quantify, validate or reject because perceptions hark back to questions about perpetrator motives and how to understand these. Similarly, Clancy *et al.*'s (2001) point does not explore the complexities that go into developing and sustaining perceptions. For example, they do not link victims' perceptions about a particular incident to a general climate of racism; a climate Oakley (1996, cited in [Bjorgo, 1998](#)) terms the 'everyday racism' (p.39) that can affect victims constantly and can precipitate or underpin a particular event. This is particularly relevant to the South African context, given the country's long history of institutionalised racism and racialised relationships. Consider Box 2:

Box 2: Painting Thieves - fighting crime or disguising racism?

In South Africa, alleged criminals are frequently apprehended and violently punished for crimes such as theft and rape. Disguised under a veneer of crime fighting, certain of these actions do seem to be linked to motives of prejudice. But, it is often difficult to directly extract 'racial motivation' from 'crime fighting' motives. Consider the following example:

Woman painted Green Ndivhuwo Khangale (Sowetan, 24 May 2002) 'A Soweto woman who tried to use her sister's credit card to purchase clothing ... allegedly had enamel paint poured over her by the store manager on Wednesday ...' (Khangale, 2002).

In this media article, no explicit details are given about the race of the perpetrator. The article is, however, accompanied by a large photograph of a black woman covered in paint; she is the victim. In addition, the names of both perpetrator and victim are printed (Afrikaans and 'white-sounding' for the manager, Sotho and 'black-sounding' for the 'Soweto' victim). The overt explanation for the incident is the allegation of credit card fraud. However, in an accompanying media piece, the 'Human Rights Commission said the action ... could be an expression of racism' (Kweza, 2002). These details invite the reader to draw conclusions of racial motivation. In an era of political correctness and democratic reporting, assumptions of racism are commonly concluded through names and places, rather than being explicitly stated. While this signals an important move away from crass labeling within the media, it is problematic in cases of hate crime, where the race of both victim and perpetrator are central to understanding the incident; indeed, race motivates the incident. Omitting race when it is a key variable of explanation insulates the racist nature of such incidents and thereby prevents racism from being tackled head on.

Although race is not overtly mentioned in the woman painted green article, the incident certainly speaks of high levels of dehumanisation in South Africa. It also compares with other such 'painting' incidents, which have received recent media attention. In this phenomenon, black victims, mostly accused of shop-lifting or trespassing, are painted by (usually) white perpetrators. Although these incidents are widely represented as racist in motivation, they can be complicated by the 'actors' involved. For example, consider the following extract:

Fury greets sentence in painted-girl case Rapule Tabane, Moshoeshoe Monare & Sapa (Independent Online, 2001, April 05). 'The acquittal of a former [white female] ... store manager and the conviction of her [black male] subordinate for painting a black teenage girl white has drawn sharp criticism ... Jody Kollapen, senior commissioner at the HRC said ...'The person who did the painting was an employee of the one who supposedly instructed him; so we have to look at power relations in this case, not just at the actual perpetrator.'... Justice Minister Penuell Maduna's spokesperson, Paul Settese, said ...'it is necessary that the court should, particularly in racially motivated cases, send a message that inhumane treatment will not be tolerated ...'

As in cases where a victim of racial hate crime can be of the same race as the perpetrator (e.g. xenophobic incidents) or of a different race to their perpetrator's expressed racial target (e.g. white anti-racists being attacked by neo-Nazis), so, this incident reveals, perpetrators can also be of the same race as their victims. At the same time, this case suggests that it is possible for perpetrators (in this case, the black male paint-pourer) to be simultaneously victims of a bigger system of racialised power relations. The concepts of dehumanisation and relations of power are crucial in understanding the painting phenomenon in contemporary South Africa. And these cannot be divorced from the country's history of racism, both at an institutional level and, less formally, between individuals on a daily basis.

The complexity of the relationship between violence and prejudice poses a central challenge for utilising the concept of racially motivated crime in post-apartheid South Africa. On the one hand, race is implicit to many forms and manifestations of violence, even in cases where it is not actively articulated (or where the perpetrator may be of the same race as the victim). On the other hand, the temptation is to read race into expressions of conflict that are not necessarily motivated by prejudice. The challenge is how to find a balance which neither racialises every incident unquestioningly nor renders race invisible but rather accurately reflects the racial (or not) dynamics involved in each case. This is important not only in terms of current incidents but also for how South Africa's history is framed and re-written (cf. related reports in the Race and Citizenship in Transition Series.). Language gives insight into ways of understanding the past and speaking about the future.

Box 3: How did the media speak about racially motivated violence during South Africa's period of transition?

As part of the research process, CSVr commissioned the Media Monitoring Project (MMP) to set up a database of hate crimes reported in the written press across the period January 1994-June 2002. The database reveals certain patterns and trends in media reporting on the topic. The media items contained in the database are based on the following keywords:

Racial violence	450
Racial tensions	321
Racial crimes	177

Racial hatred	214
Racially motivated	259
Race conflict	367
Racial attacks	426
Racism + population	137
Racism + deaths, murders	527
Racism + influences	232
Racial hatred	68
Racial interaction	104
Racial Friction	182
Total Race Search	3423
Xenophobia	625
Illegal immigrants	808
Unwanted persons	1018
Foreigners	80
Total Xenophobia Search	2531
Total Overall Search	5954

(MMP, unpublished, pp.3-4)

According to these keywords, the overall print media search yielded 5 954 items for the period January 1994-June 2002 (8.5 years). Many of these items do engage with prejudice and violence.

BUT, compare these numbers to the wider context:

Bird (in personal communication) estimates that South African print media (excluding community-level media) produces approximately 15 000 items (covering the full spectrum of 'news') per week. Over an 8.5 year period, this amounts to 4 080 000 items. 5 954 items (i.e. the full extent of the Database) thus account for 0.14% of the total number of items represented in the print media across the period under review i.e. South Africa's period of transition to democracy.

Much of this time coincides with the life of the South African Truth and Reconciliation Commission (TRC). A highly public institution, the TRC received extensive media coverage, **BUT** only 14 items on the CSVN-MMP Database directly engaged with the TRC. Given that the TRC was focused on South Africa's racist past and that it received extensive media coverage, this is a striking figure. It suggests that the TRC was being spoken about in the media and society with language that did not engage directly with racist violence. It also suggests that the Commission itself was speaking about the past with a different discourse to the keywords identified in the Database (cf. [Fullard, 2004](#)).

Language, experience and interpretations of prejudice can contribute to labeling the violent quality that is so frequently held to comprise hate crimes. Another reason for seemingly high levels of violence is that hate crimes are generally under-reported; in many cases, it is only very violent experiences that prompt victims to 'speak out', whilst less violent forms go unspoken (cf. APA, 1998; Sampson & Phillips, 1995). Under-reporting appears to be a key quality of prejudice-motivated crime. There are various reasons for this and these complicate the close association of 'hate crime' with 'hate violence'. They also argue for an expanded category of 'hate crime' characteristics (that is, expanded beyond 'violence' to include a wider ambit of prejudice-related actions).

Hate Crimes are under-reported

Sampson & Phillips (1995) note that a common hate crime trend is under-reporting; most incidents are only reported 'because the victims "could not take any more" and wanted the racial crimes to stop' (p.v). Similarly, Dunbar (cited in Mjoseh, 1998) comments that even in 'the most serious cases of hate crimes, like sexual assault and assault with a deadly weapon, people are much less likely to go to law enforcement agencies [in the USA]' (p.2). This suggests that reporting occurs as a last resort or an extreme measure, not as a first or automatic step in the experience of racialised victimisation (reasons for this under-reporting are explored below). It also implies that many hate crimes are not 'once off', isolated incidents but rather exist in a context of repeated victimisation and less violent yet persistent forms of harassment. See [Box 3](#) for the Characteristics of Hate Crime.

Box 4: Characteristics of Hate Crime

Although there are different 'types' of hate crimes, including random, isolated incidents of violence, the more common acts appear to take place on a regular basis. These are typically carried out by perpetrators who are known to their victims and who harass them frequently. Harassment in these cases usually occurs within the workplace, at schools, or within the victim's neighbourhood/living area. Stop the Hate suggests that hate crime attacks 'are often preceded by a series of confrontations and incidents that escalate in severity'. These may involve property attacks, verbal abuse and physical violence. The [British] Commission for Racial Equality (cited in Peabody Trust, 2002) explains that, within the victim's living environment, the most common acts of harassment include:

- 'Unprovoked assaults
- Property damage
- Discriminatory slogans, graffiti, excrement, eggs, paint, rubbish and/or other offensive substances on or in any part of the home
- Arson or attempted arson
- Verbal abuse
- Threatening and/or abusive behaviour including spitting and failure to control dogs
- Repeated unfounded complaints to the landlord about a resident
- Threatening letters or phone calls of a discriminatory nature.
- Participation in any activity which is calculated to deter the person from occupying or enjoying their home' (Peabody Trust, 2002).

In the South African context, victims of xenophobia report very similar experiences, namely ongoing abuse and harassment, verbal insults, bullying, destruction of documentation, extortion, spitting, pushing, threatened violence, and physical injury (cf. [Harris, 2001b](#)). For many foreigners, it is the 'smaller' but more consistent events of victimisation that leave them feeling isolated and discriminated against. Victimisation can take place at the hands of 'ordinary' perpetrators (i.e. South African citizens) but also through institutions and figures of authority. As the [Roll Back Xenophobia Campaign](#) (1998) recognises:

there is more to xenophobia than killings and attacks in the streets of South Africa. Extortion and abuse at the hands of some sections of police and civil servants, and discrimination in areas of education, health care and labour markets are but examples of institutions and segments of society where xenophobia manifests itself (National Plan of Action, p.1).

In most cases it seems that the characteristics of hate crime extend beyond physical violence, or that a particular incident of violence represents an accumulation of 'smaller', regular victimisation tactics. This translates to the experiential level of the individual victim (verbal abuse, bullying etc), as well as a broader context of discrimination that facilitates particular abuses. For example, the Leadership Conference Education Fund/Leadership Conference on Civil Rights (LCEF/LCCR) (1997) situates violent incidents of hatred within a general context of discrimination, prejudice and intolerance. The report comments on ongoing racial and gender discrimination (in terms of salaries and managerial positions) within the USA workplace: 'the barriers against women and minorities often reflect the crudest and cruelest discrimination, even in major corporations' (p.1). It suggests that 'the prejudice and raw hatred revealed in [hate] incidents is only one element of a combustible mixture of social problems that produces hate crimes' (LCEF/LCCR, 1997, p.2).

What characteristics were described by South African media?

In order to construct the Media Database, MMP monitored and tested the news items against various propositions, or themes. A proposition is a statement, such as 'hate crimes are violent', that attempts to capture and summarise a social discourse, or particular way of representing and speaking about something (in this case, hate crimes). A hate crime proposition is not factual. Rather, it offers insights into the common, often stereotypical ways, in which victims and perpetrators of racially motivated violence are portrayed. For the database, certain propositions were developed out of the literature reviewed in this report as 'summaries' of key hate crime qualities, for example, 'hate crimes are perpetrated by young men' (see full list of qualities in the 'defining hate crime' section above). Through the monitoring process, new items were tested against the propositions to see whether they supported or challenged the discourses implicit to them. The outcome of this process is reflected at various points within this report. Please note that the number of items that engaged with the particular proposition has been broken into percentages to show whether the item supported or challenged the proposition. Beyond this, there is no statistical significance in these figures.

The Media Database findings suggest two general trends in the reporting of hate crime

characteristics in South Africa: On the one hand, events were represented as 'dramatic and violent' and 'a large portion of the incidents ... [suggested that] people were subjected to life-threatening injuries and even death, with murder and death accounting for numerous incidents' (MMP, unpublished, p.29). This trend is also reflected in the following propositions

Proposition	Number	Support	Challenge	Neither
"Racially motivated incidents are violent"	490	74%	17%	9%
"Racially motivated incidents result in death"	230	87%	3%	9%

On the other hand, language 'presented as the second most widely noted event ... tending to negate the contention that all racial incidents are physically violent in nature, and simultaneously confirming the prominence of non-violent racist incidents' (MMP, unpublished, p.29).

Reasons for under-reporting include:

Limitations in the reporting categories available

In countries where 'hate crime' is not a recognised offence or reporting category per se, victims of prejudice rarely have a clear legal conduit for documenting their experience. This is not because there are no alternative legal protections for the common expressions of prejudice; even in countries without specific hate crime legislation, there usually are (e.g. the South African Constitution and the Promotion of Equality and Prevention of Unfair Discrimination Act (2000)). However, where these protections are not arranged into a coherent crime-reporting category, it does make it more difficult for victims to lay charges that summarise their experience. This limitation is further compounded by the range of hate crime characteristics and the cumulative impact of daily harassment and racism: if represented in isolation and as discrete, a-contextualised events, it is challenging to capture and document the victimising quality of the less visible actions, for example, a verbal insult or offensive piece of graffiti. Even in countries that do subscribe to hate crime legislation, the 'smaller', less violent manifestations of prejudice are difficult to criminalise. These consequently go undocumented, despite the fact that 'minor assaults and 'non-physical' actions such as jostling, spitting, verbal and written abuse – unprovoked and repeated – constitute racial harassment that more forcefully contributes to the "everyday racism" that affects victims' lives' (Oakley, 1996, cited in [Bjorgo, 1998](#), p.39).

Fear and shame

Another reason for underreporting is the 'shame of being repeatedly victimised [and] fear of reprisals' (Sampson & Phillips, 1995, p.v). [The American Psychological Association \(1998\)](#) notes a 'reluctance of many victims to report such attacks' (p.3).

In fact, they are much less likely than other victims to report crimes to the

police, despite-or perhaps because of- the fact that they can frequently identify the perpetrators. This reluctance often derives from the trauma that the victim experiences, as well as a fear of retaliation. (APA, 1998, pp.3-4)

Because hate crimes usually take place within a context of regular harassment and victimisation, it is unsurprising that victims fear revenge or intensified harassment if they expose the perpetrator/s. This fear may be compounded in countries that do not offer the legal protections of hate crime legislation, or where weaknesses – perceived or real – in the criminal justice system lend themselves to low conviction rates and non-detering punishments. In addition, the prejudice that motivates a particular perpetrator may reflect in broader social attitudes and pockets of community support. For example, Bjorgo (1998) explains that,

One of the features distinguishing xenophobic violence from ordinary criminal violence, is that the perpetrators of violence against unpopular foreigners may often find audiences which are sympathetic to their way of acting. (p.17)

By reporting one incident, victims may merely expose themselves to prejudice from other quarters. This may be reinforced by the legally tenuous, marginal status of particular victims, for example, undocumented foreigners or homosexuals in countries where homosexuality is outlawed. In such circumstances victims risk not only further prejudice and shame, but repatriation or criminalisation if their 'illegal' status is discovered through the reporting process. Additionally, in South Africa, the economic vulnerability of certain victims, for example farm and domestic workers, might also result in dismissal or further abuse for reporting an incident.

Given that hate crimes attack the victim's very identity, i.e. 'who' they are, reporting shame is also not unexpected. In conservative areas, victims may have to confront their own sense of shame (for example about 'being' homosexual or HIV positive) or that of their family. This is often compounded, not only by the actual perpetrator's actions, but by community attitudes and an unsympathetic and/or unprepared criminal justice system.

The Criminal Justice System

Police attitudes, actions and secondary victimisation

Prejudice can manifest within the very institutions intended to protect victims of hate crimes (individually and institutionally). For example, the American Psychological Association (APA) (1998) suggests that

some people do not report hate crimes because of fear that the criminal justice system is biased against the group to which the victim belongs and, consequently, that law enforcement authorities will not be responsive. (p.4)

Negative police attitudes and institutionalised racism within the criminal justice system may result in a lack of police responsiveness or a failure to investigate certain incidents thoroughly, if at all. The high profile case of Stephen Lawrence, in the UK, offers one such example (see Box 4).

Box 5: The Stephen Lawrence Case

On 22 April 1993, Stephen Lawrence, a young black man, was murdered in south-east London by a group of white youths. After a full hearing in 1997, an Inquest jury unanimously found that the murder was racially motivated, 'a completely unprovoked racist attack by five white youths' (Macpherson Report, 1999, chp. 1). In the initial investigation, a number of errors and poor policing actions resulted in a 'bungled' process, such that the prime suspects were ultimately acquitted of all charges (Macpherson Report, 1999). Through pressure applied by Stephen Lawrence's parents and the wider public interest generated by the case, a high profile Inquiry – resulting in the Macpherson Report (1999) - was conducted into the role of the police and the circumstances surrounding the investigation. The Inquiry found that: 'There is no doubt but that there were fundamental errors. The investigation was marred by a combination of professional incompetence, institutional racism and a failure of leadership by senior officials. A flawed MPS [Metropolitan Police Service] review failed to expose these inadequacies' (Macpherson Report, 1999, chp. 46, para. 1). The Inquiry suggested that both 'institutional' and 'unwitting' racism contributed to the failure of the initial investigation. It 'recommended a series of measures that would subject the police to greater public control, enshrine rights for victims of crime and extend the number of offences classified as racist [in the UK]. Freedom of information and race relations legislation will also apply to the police' (*Guardian Limited*, 1999). The Inquiry's findings and recommendations have impacted on policing practice, as well as definitions and classifications of 'racist incidents' within the UK.

Authorities may actively target victims reporting a particular incident, thereby compounding their initial experience of victimisation. This, together with passive/neglectful practices of discrimination, is known as secondary victimisation and it can be illustrated by African foreigners' experience of xenophobia at the hands of police in South Africa:

Not only do the authorities neglect to pursue individual cases, [at times] they actively interrogate and victimise the victim further. This is done by means of a range of tactics, including verbal abuse, the destruction of valid documents, arresting the complainant, and sometimes, physical violence. Xenophobic attitudes and practices stand as a strong disincentive for foreigners to report crime and violence to the police. ([Harris, 2001b](#), p.71)

As with all 'frontline' workers and law enforcement agencies (including the Department of Home Affairs, the South African National Defense Force, hospital staff, social workers, prison officials, Lindela staff, and educators), police members, by virtue of their positions of authority, hold the potential to inflict secondary victimisation and reproduce institutionalised racism. In addition, certain members themselves may be the sole or primary perpetrators of hate crimes. The South African 'Police Dog Unit Incident', screened globally in November 2000 ([Special Assignment, 2000](#)), illustrates this. The documentary depicts six white South African policemen and their dogs savagely brutalising three black undocumented Mozambicans. In addition to kicking, punching and setting their dogs on the men, the police cast racist slurs and verbal abuse upon their victims. The incident clearly

represents the intersection of racism and violence. While it repeats a crass racist pattern reminiscent of apartheid order violations,²⁰ it simultaneously highlights a newer form of racialised prejudice, namely, xenophobia (the men's undocumented status rendered them particularly vulnerable to the attack). The incident also raises the connection between racist dehumanisation and economic exploitation: prior to the incident, the police reportedly offered the men their 'freedom' in exchange for R300, which they were unable to afford (Boyle, 2000).

The Dog Unit incident offers a clear, if extreme,²¹ example of police abuse of power and primary hate crime perpetration. As with broader community responses, police attitudes and actions towards victims and perpetrators can vary - between stations and individual members, as well as at an institutional level (Institutional Transformation in South Africa, particularly around the issue of racism, is a theme of the *Race and Citizenship in Transition Series*).

The reception of a victim may also depend on the type of prejudice that has been experienced, as well as the publicity and awareness around particular forms of prejudice. For example, following various high profile incidents of racist painting, Banda (2002) reports that when 'another black person [was] painted for allegedly shoplifting at a supermarket', the police greeted the news with anger and dismay: 'Sources said fury swept through the ... police station when news of the incident surfaced' (Banda, 2002). By contrast, victims of xenophobia commonly report that the police 'laugh' at their experience or tell them to 'go home' (cf. [Harris, 2001b](#)).

Language and logistical barriers

Along with active, passive and unwitting expressions of prejudice, certain logistical obstacles can impede the reporting of hate crimes. Sampson & Phillips (1998) note that 'language difficulties' (p.v) can deter victims from turning to the police. Given that South Africa hosts 11 official languages, as well as various others (for example as spoken by refugees and immigrants) it is highly likely that at least some victims will face language difficulties. This is not an obstacle unique to the experience of hate crime victims. However, because prejudice frequently works through language, which is so closely aligned with race and nationality in the South African context, it is possible that hate crime victims will be over-represented within this category.

Language is not just crucial to recording and documenting an incident. It also plays a role in the expression of a traumatic experience. Primary trauma theory teaches that victims who are able to 'talk about' their experience, especially in a language with which they are comfortable, are less likely to suffer from post-traumatic stress disorder and related psychological distress. While psychotherapy is not the primary role of the criminal justice system, a positive reporting experience can be therapeutic. If victims are unable to report an incident because of language difficulties, a valuable healing opportunity could be lost. Similarly, the flipside of this is that people who are unable to express their trauma are likely to feel even more isolated in a society that has already targeted and victimised them as 'the other'. This could compound their experience of trauma further. More generally, police stations may not have the capacity or training to adequately handle victims of prejudice, for example, rape facilities for victims of sexual hate crimes. This could be another reporting

deterrent. Reporting systems need to be carefully constructed and implemented in order to ensure that those, targeted and vulnerable because of their perceived or real identity, feel safe enough to report their experiences. Just as under-reporting is a feature of hate crime, it simultaneously represents a challenge to the criminal justice system/any legal framework for accommodating and addressing crimes motivated by prejudice. It also poses a challenge to broader institutional and social practices (see for example the role played by politicians and the media in sustaining a climate conducive to prejudice in the 'explaining hate crime perpetration' section below).

Consequences and impact of hatred

The effects of hatred are difficult to measure and impossible to quantify. One reason for this is the subjective quality of prejudice: both as a motive (for the perpetrator) and an experience (for the victim). How much do I hate someone? How much do I feel hated? And what does that mean for the impact of a racially motivated incident? Another reason rests with the fact that there is not one form of hatred per se; hate crimes occupy a spectrum of actions and targets. Different expressions of hatred may thus have different outcomes and consequences. When assessing their impact, it is therefore important to consider the perceptions of those involved in an incident (victim, perpetrator, bystander, society), the type of crime (violent or not), the context (isolated, once off attack versus a series of harassing incidents), the amount of support available to the victim, the consequences for the perpetrator (legal action, tacit or overt community support etc.) and the response of the society.

A traumatic context

Hate crimes are based on prejudice and usually take place in a context of 'us-them' divisions. Regardless of whether an individual is directly targeted by a hate crime, the context itself may be the source of great stress and damage (physical and psychological) for *potential* hate crime victims. For example, [McKenzie \(2003\)](#) suggests that racism represents a public health problem. He explains that there is 'growing literature showing an association between racism, morbidity and mortality' (p.1). He suggests that 'racism may be aetiologically important in the development of illness' (p.1) and cites various studies that link the experience of discrimination to hypertension, anxiety, psychosis, depression, low birth weight and an increased number of sick days. Beyond the physical impact of a racist context, there are also psychological consequences to consider. Theunick, Hook & Franchi (2002) introduce the concept of complex-traumatic stress disorder, also known as 'disorders of extreme stress not otherwise specified' (DESNOS), to explain the negative impact of a heterosexist context on 'self-identified homosexual people':

DESNOS has been found to be co-morbid with PTSD (post traumatic stress disorder), BPD [borderline personality disorder], depression, mania, general and phobic anxieties, interpersonal sensitivity, paranoia, psychoticism, sexual dysfunction, eating disorders, anger, suicidality, and drug and alcohol addiction/abuse Given the over-representation of self-identified homosexual people among sufferers of BPD, suicidality, eating disorders and substance abuse, it could be postulated that this is caused by the chronic stress experienced by gay people as a result of living in a heterosexist context. (p.133)

A context of daily, 'ordinary' prejudice (sans violence or any particular hate event) is a constant stressor for members of the 'hated group'. When a hate crime is experienced, these environmental factors may well reinforce and worsen the impact of the incident, turning 'what might otherwise be quite minor incidents into seriously upsetting events – sometimes made worse by their cumulative nature' (Clancy et al., p.xii). In turn, hate crimes contribute to the general climate of stress and fear, both because they commonly take place within a regular and cumulative series of incidents (thereby cultivating fear and trauma for those directly targeted), and because they often send a 'message' beyond the direct victim to the targeted community at large. Consequently, the effect of a particular hate incident cannot be divorced from the traumatic effect of prejudice in general. And this must be seen as part of a process, rather than an event. Smith (1997) highlights the impact of cumulative incidents on individuals:

many of these events on their own do not constitute crimes, although some crimes may occur in the sequence, so that the cumulative effect is alarming and imposes severe constraints on a person's freedom and ability to live a full life. Racial harassment is the term used to describe a pattern of repeated incidents of this kind. (p.718)

Theunick, Hook & Franchi (2002) suggest that DESNOS is a useful way for conceptualising the process and trauma of otherisation:

The diagnostic concept of DESNOS opens up a view of traumatic stress reactions as being responses to a context of stress and not merely singular events. This is applicable to gay people, where the experience of stress is not always a definitive event, but rather the experience of a heterosexist environment that enforces silence, discriminates and devalues same-sex desire, as well as the person who creates an identity based on it. (Theunick, Hook & Franchi, 2002, pp.132-133)

In this way, DESNOS can be used to highlight not just the mental health impact of prejudice, but also the political nature of victimisation (Palmary, editing comments, 2003). Medicalised approaches towards victimisation can be useful from an advocacy perspective. This is because they provide links between health (mental and physical), hate crime consequences and individuals. However, it is important not to detract from the political nature of hate crimes by reducing the consequences to individual bodies and minds alone (Palmary, editing comments, 2003). Rather, the medicalised model must be utilised to strengthen a political framework for understanding (and thereby tackling) hate crime.

Post Traumatic Stress

Within a traumatic context, the experience of a particular hate incident may result in post traumatic stress disorder.

What is the emotional damage? Intense feelings of vulnerability, anger, and depression, physical ailments and learning problems, and difficult interpersonal relations – all symptoms of posttraumatic stress disorder – can be brought on by a hate crime. (APA, 1998, p.4)

Victims of vicious hate propaganda have experienced physiological symptoms and emotional distress ranging from fear, rapid pulse rate, post-traumatic stress disorder to psychosis and suicide. Garnets, et al. (1990) noted that victimization interferes with perception of the world as meaningful and orderly and leads people to self-devaluation. ([Virtanen, 1998](#), p.41)

When violence is involved, it may be difficult (and not necessarily desirable) to separate the specific effects of the hate crime from the general effects of a violent experience. Trauma as a result of violence is common. And many hate crimes are violent in expression. The difference (if there is any) may result from the added impact of prejudice on self esteem and identity: hate crimes attack identity – 'who' someone is - and thus their impact may be felt at the level of self esteem and self worth:

Being victimized by violence may in itself be an extremely traumatic experience. Becoming a target for harassment and violence just because of what the person is and cannot change – race, nationality and origin – may be even more devastating to one's self-esteem and identity. (Bjorgo, 1997, p.10)

Research cited by the [American Psychological Association \(APA\) \(1998\)](#) suggests that the 'recovery time' for a hate crime victim may exceed that of general crime victim:

some hate crime victims have needed as much as 5 years to overcome their ordeal. By contrast, victims of nonbias crimes experienced a decrease in crime-related psychological problems within 2 years of the crime. (APA, 1998, p.4)

Similarly, Clancy, *et al.* (2001) note that '[e]motional reactions to racially motivated incidents were generally more severe than for other incidents' (Clancy, et al., 2001, p.viii). It is however difficult to quantify this difference and, although well intended and politically useful, such studies do risk overlooking factors of resilience and support - the healing mechanisms - for victims. In this way, they could unintentionally marginalise victims further by presenting a somewhat bleak outlook for their recovery.²² As Lemos (in personal communication) suggests: 'with time, most victims just ... well ... get better'. One possible area of future study may thus be researching factors of resilience and healing alongside the effects of hate crime.

Community-effects

Because hate crime is as much about prejudice and social messaging as it is about particular individuals, its impact is commonly felt at a community-wide level too. This is most obvious in the case of genocide, which can be framed as hate crime on a massive scale.²³ Across the spectrum of hate crime, fear, insecurity and anger are typical community responses to an incident(s):

The dissemination of racist ideas, racist activities, racial harassment and violence are a threat to the cohesion and stability of multi-racial and pluralist societies. These activities are profoundly disturbing and frightening to people from the ethnic minorities and create a sense of insecurity and helplessness (Coussey, 2002, p.17).

The purveyors of hate use explosives, arson, weapons, vandalism, physical violence and verbal threats of violence to instill fear in their victims, leaving them vulnerable to more attacks and feeling alienated, helpless, suspicious and fearful. Others may become frustrated and angry if they believe the local government and other groups in the community will not protect them. When perpetrators of hate are not prosecuted as criminals and their acts not publicly condemned, their crimes can weaken even those communities with the healthiest race relations (CRS, 2001, p.1).

Other than simply weakening 'communities with the healthiest race relations' hate crimes can actively polarise communities by reinforcing existing divisions. This can translate into animosity and sometimes violence, in the form of property damage, revenge and interpersonal conflict. Again, it is difficult to quantify the community impact of hate crime. However, in certain cases, for example, Bradford, Burnley and Oldham in 2001, there have been attempts to attach a financial value to the impact of race-based violence. Consider Table 1.

Table 1: Racialised Disorder in Bradford, Burnley and Oldham, 2001 (from Denham, 2001, p.7)

	Bradford (15 April)	Bradford (7-9 July)	Burnley (24-26 June)	Oldham (26-29 May)
Nos. involved	Approx 100	400-500	400	500
Injuries: Police	None	326	83	2
Injuries: Members of the public	20	14	28	3
Estimated cost of Damage	£117 000	£7.5- £10 million	Over £ 0.5 million	£1.4 million

Table 1 can be read as an attempt to quantify racialised conflict in terms of injury and short-term financial damage. The violence of hate crimes, according to the Community Relations Service (CRS) (2001) can also exact an economic toll on communities in the long run:

Hate crimes put cities and towns at-risk of serious social and economic consequences. The immediate costs of racial conflicts and civil disturbances are police, fire, and medical personnel overtime, injury or death, business and residential property loss, and damage to vehicles and equipment. Long-term recovery may be hindered by a decline in property values, which results in lower tax revenues, scarcity of funds for rebuilding, and increased insurance rates. (p.1)

The *economics of hate crime* represents one avenue for exploring the socio-political impact of this phenomenon, as well as 'measuring' the levels of violence that accompany prejudice.

An economic reading of hate crime can also be applied beyond particular incidents to a 'bigger' picture of prejudice and its costs, for example, the financial reparations claimed by victims of apartheid can be interpreted as costs of a system based on hatred. These 'costs' have been debated and disputed, in terms of their monetary value and their 'moral' worth (centred on the question: 'are we putting a price to suffering?') but it goes beyond the scope of this report to engage with the debates, except to acknowledge that financial reparations can be seen as a key political instrument for connecting issues of justice with notions of both hatred and reconciliation (cf. Valji, 2003b for a critical overview of reparations, reconciliation and justice in South Africa). A financial perspective is also possibly something to investigate in South African communities that have seen overt racial tension surrounding a specific incident. It would, however, require a careful comparison with the financial costs of other crime forms (figures that are not readily available or reliable in South Africa). A cost-analysis approach also runs the risk of reducing the impact of violence to money alone. Therefore, any such study would have to consider the non-financial, less 'visible' consequences of hate crimes too. At the same time, it would have to place victims firmly at the centre of any financial analysis, so as to avoid marginalising those directly affected by prejudice in favour of business interests and capitalist rhetoric.²⁴

Who are the perpetrators?

As with victim typologies, any categorisation of perpetrators must be done with caution as there are always potential dangers with grouping people into a typology. This is particularly at the level of perpetrator identification and profiling. For example, focusing on commonalities between offenders (i.e. grouping) can allow for an 'atypical' perpetrator to fall through the classification net. On the opposite end of the spectrum, there is the danger of stereotyping and possibly even 'predetermining' offenders, when categories are used uncritically. In this regard, lessons from racial profiling are instructive, despite the irony²⁵ that such a comparison involves. Racial profiling can be defined as 'any police-initiated action that relies on the race, ethnicity, or national origin, rather than the behaviour of an individual or information that leads the police to a particular individual who has been identified as being, or having been, engaged in criminal activity' (Ramirez, McDevitt & Farrell, 2000, p.3). Racial profiling thus falls directly within the ambit of prejudice, and, because it is based on the categorisation of people according to stereotypical, ascriptive features, it teaches of the pitfalls that uncritical classification can bring.

The risk of stereotyping, and thereby victimising, individuals as 'perpetrators' according to pre-determined groups is fed by the very nature of hate crimes, which are closely related to issues of identity. As the literature reveals, crimes of prejudice can be differentiated from many other forms of crime because they target the identity of victims. Much has been written about the impact that prejudice has on victims' identity and sense of self. By extension, it is possible to interpret certain acts of prejudice as acts of *perpetrator* identity, acts in which perpetrators define themselves against their victims (as 'not black', 'not gay' etc²⁶). An identity-based framework highlights the risk of victimisation inherent in grouping people into perpetrator categories, if such a grouping pivots on identity qualities (i.e. ascriptive features, such as race, gender, nationality). Caution must thus underpin any attempt at describing and defining perpetrators. That said, it is valuable to review the various types of perpetrator that have been identified in the literature. These are commonly based on 'clusters' of individual variables such as age, gender, education etc. This section of

the report will:

1. Describe existing perpetrator typologies, with a particular focus on the extremist case,
2. Consider the role of racism as a motive in racially motivated hate crimes, and
3. Examine certain variables and factors underpinning these typologies, including the role of groups, gender, age, the relationship between victim-perpetrator, alcohol, drugs and gangs, and socio-economic background.

Several distinct types of perpetrators

Just as the manifestations, forms and victims of prejudice vary, so do the perpetrators. It is impossible to categorise perpetrators into any one group, particularly because prejudice is a general, catch-all term. This encapsulating quality is useful for understanding the commonalities between hate crimes, but its very breadth detracts from the differences between targets, types, and even motives, which underline specific acts of prejudice. This, together with the 'expansionist' trend in the concept (see prejudice hierarchies and classifying prejudice above) is one possible reason for the legal existence of hate crime subcategories, such as 'racial' and 'sexual orientation'. Rather than simply collapsing all perpetrators into a 'motivated by prejudice' category, it is also important to examine perpetration through the various 'types' of prejudice that the subcategories designate. Within the particular sub-categories, it is similarly important to recognise different motives and expressions of perpetration.

Speaking about xenophobic perpetrators, [Bjorgo \(1998\)](#) suggests that,

rather than seeing perpetrators of xenophobic violence as one uniform category, and looking at average values of various factors and variables, it makes much more sense while interpreting data if one realises that there are several distinct types of perpetrators who are influenced by quite different factors.(p.21)

Various studies of racial violence in Europe have drawn similar conclusions about types and patterns of perpetration (cf. Bjorgo, 1998 for an overview of Willems (1993, 1995) and Loow (1995)). Willems, for example, isolates four main types of xenophobic/racist perpetrators in Germany:

1. **Ideologically motivated, right wing extremist:** violence is legitimised through ideology. Extremist group membership is common. Perpetrators are usually employed and/or from a middle class background.
2. **Xenophobic or ethnocentrist youth:** membership of youth sub-culture/gang. Violence is motivated by a sense of 'unfairness' over perceived privileges accruing to foreigners, especially jobs and resources. Perpetrators are commonly unemployed, with little education. Conflict at school and within the family may be a feature too.
3. **Criminal and marginalised youth:** violence is common and used as a legitimate solution to many problems – it is not reserved for foreigners alone and perpetrators are quick to resort to violent action in many situations. Perpetrators are commonly

young, with 'negative social backgrounds' – high levels of unemployment, violent families, school drop-outs, long histories of criminal activity.

4. **The fellow traveler:** violence is linked to group-dynamics such as peer pressure and the need for conformity. It is not typically target-driven except as a means to impress, assist or support others. Perpetrators in this category tend to follow, rather than initiate, violent practice. Perpetrators rarely have financial or family-life problems.

(Willems, cited in Bjorgo, 1998, pp. 20-21)

Willems' typology is based on 'social background factors' (Bjorgo, 1998, p.24). These include 'social' variables such as age, level of education, un/employment, family-background, criminal history, gender, and political activism. Such variables are not fixed between Willems' categories and, Bjorgo (1998) argues, it is useful to read his 'types' as dynamic, and open to change and other social forces. He explains that certain youth gangs/groups 'as well as many of the individual members may change their character during the course of time, and will often show traits of several types' (p.22). It is thus important to allow for flexibility and change within a system of typology.

Social background factors are common components of perpetrator typologies. These may co-exist with typologies that emphasize more-traditionally psychological factors, such as attitudes, group dynamics and moral beliefs.²⁷ For example, Franklin (cited in APA, 1998) identifies four categories of perpetrators involved in sexually motivated hate crime:

1. **Ideological assailants:** violence is explained in terms of the 'negative beliefs and attitudes about homosexuality that [perpetrators] perceive other people in the community share. They see themselves as enforcing social morals'. This factor combines elements of the first two categories in Willems' typology; namely ideologically-motivated and xenophobic youth. This is because perpetrator motives are located both within beliefs and ideology but with direct reference to broader social morality (whether this is genuinely reflected in the community or a misperception used to strengthen justifications for violent actions by perpetrators).
2. **Thrill seekers:** 'are typically adolescents who commit assaults to alleviate boredom, to have fun and excitement, and to feel strong'.
3. **Peer-dynamics assailants:** 'commit assaults in an effort to prove their toughness and heterosexuality to friends'. Perpetrators are commonly adolescents. This category resonates with Willems' fellow traveler.
4. **Self-defense assailants:** 'typically believe that homosexuals are sexual predators and say they were responding to aggressive sexual propositions'.

(Franklin, cited in APA, 1998, p.8)

The USA-based Community Relations Service ([CRS](#)) (2001) offers a similar typology for categorising perpetrators:

Some perpetrators commit hate crimes with their peers as a "thrill" or while under the influence of drugs or alcohol; some as a reaction against a perceived threat or to preserve their "turf"; and some who out of resentment over the growing economic power of a particular racial or ethnic group engage in scapegoating. (p.1)

In contrast to both the social and psychological typologies discussed above, Loow (in [Bjorgo, 1998](#)) focuses on one typological factor, namely, motivation. She distinguishes between 'politics/ideology' and 'ordinary crime' as motives behind racist and xenophobic actions. She also looks at the role (if any) that these motives have played historically for individual perpetrators. In this way, Loow (1995, cited in Bjorgo, 1998) differentiates between three 'types' of racist/xenophobic perpetrator in Sweden:

1. **Organised racist/nationalist activities:** perpetrators who are motivated by political objectives and ideology.
2. **Sympathisers:** perpetrators who support the objectives and actions of organised racism.
3. **Unorganised perpetrators:** perpetrators who may or may not be motivated by political/ideological crimes.

(Loow, cited in Bjorgo, 1998, p.24)

Using this typology, Loow's study of convicted racist perpetrators in Sweden suggests that the relationship between political motivation and racist actions is more complex than might be assumed. She notes that of the convicted perpetrators who belonged to extremist nationalist groups, many had not previously participated directly in racist attacks. Rather, their prior actions had been targeted at homosexuals or anti-racist activists, as opposed to immigrants themselves (Bjorgo, 1998). This suggests that prejudice has a flexible quality; that it can be displaced and generalised across targets. However, within her study, there were also members of organised groups with a history of 'street crime' instead of prejudice-targeted actions. By contrast, many of the perpetrators who did not belong to extremist groups 'were responsible for most of the terrorist-type attacks, such as arson and bombing of refugee hostels and similar targets' (Bjorgo, 1998, p.24). This suggests that group membership and/or political ideology are not always straightforward predictors of method or target.

Law (cited in Remigio, 2002) similarly testifies to the complex relationship between ideology, motive and attitude through suggesting 'three distinct groups' of racist perpetrators:

1. **Specialist offenders:** are those who only target specific cultural groups and are likely to be members of hate organisations. This category is somewhat akin to the 'ideologically motivated' cluster within the socio-psychological typologies and to Loow's organised racist/nationalist activists (although Loow's grouping does allow for the generalisable displacement of prejudice beyond a particular cultural group.)

2. **Racially aggravated offenders:** are those who commit a range of offences, of which some are racially motivated. Willems' criminal and marginalised youth group appears to overlap most closely with this category. It is also possible to identify elements of all of Loow's groupings within this category, as 'racial motivation' cuts across her typology.
3. **Offenders with racist attitudes:** are 'offenders who express racist views, which don't necessarily spill over into their offending' (Remigio, 2002, p.16). This category partially accommodates all except the ideologically motivated group in Willems' typology. However, such a 'fit' is not particularly clear or stable. Similarly, Loow's category of sympathisers could perhaps be located in this group, although, her findings reveal that most of the perpetrators (regardless of their motives) held racist attitudes.

(Law, cited in Remigio, 2002)

The Extreme Case: Right wing groups and lone wolves

One popular type of perpetrator is the lone wolf. The lone wolf is commonly represented in popular culture as a young man motivated by extremist right-wing ideology, someone who justifies his actions with reference to a 'cause'. These actions are commonly violent. Although the word 'lone' implies a solitary individual acting in isolation, Willems (1993, cited in Bjorgo, 1998) suggests that

the ideologically motivated, right-wing extremist is normally a member of an extremist organization. His readiness for violence is legitimised by ideology and violence is directed at particular groups of victims on the basis of political and instrumental assessments. (p.20)

In South Africa, the case of Barend Strydom represents a classic 'textbook' example of a lone wolf motivated by ideological reasons and attached to an extreme right wing organisation, the Wit Wolwe (White Wolves):

Box 6: Barend "Wit Wolf" Strydom

Marsh (1999) explains that 'on 15 November 1988, Barend Hendrik Strydom (23) wearing camouflage-style army fatigues, randomly opened fire on any black person within the vicinity of Strjdom Square in Pretoria, specially chosen for its links to Prime Minister J.G. Strydom, who had strong apartheid ideals. He murdered [seven] people and injured 16. 'I am king of the Wit Wolwe. The shootings were to show the world that there are boere (farmers) in the southern part of Africa who will fight to protect what is theirs,' Strydom said. After being told that he had killed five or six people, he replied: 'I shot badly.' He said that he felt nothing for the victims. On 25 May 1989, he was sentenced to death eight times. Strydom remained on death row until he was granted amnesty [in negotiations between the African National Congress (ANC) and the former apartheid state], following the 1994 democratic elections' (extracted from Marsh, 1999; & the *South African Press Association (Sapa)*, 2003).

At the time of Strydom's shooting spree, Marsh (1999) explains that police denied the existence of the Wit Wolwe. In 1997, when Strydom applied for amnesty from the Truth and Reconciliation Commission,²⁸ it was suggested that the Wit Wolwe 'never existed, but was a propaganda project of the Vlakplaas police hit-squad unit' (*Mail & Guardian*, 1997). However, since this time, the Wit Wolf 'organisation' has continued to enter public rhetoric through its role in promoting inter-racial violence within South Africa; in the public imagination, at least, it is commonly accepted as being an extremist group. For example, in her analysis of drive-by shootings in the early 1990s, Rauch (1993) notes that: 'On 21 March [1993], a black child was injured when a white driver attempted to run down black pedestrians and then opened fire on them. The "Wit Wolwe" secretary-general, a Mr Bosman, claimed responsibility for the attack, saying it was in retaliation for the attack of white motorists on 19 March [1993]. Johan Hendrik Roelofse, who was found guilty of this murder, described himself as being involved in right-wing politics'. In another apparent racial incident on 12 January 2000, De Wet Kritzinger opened fire on a bus, killing three black people and wounding four others. At the start of his trial in 2003, Barend Strydom 'said Kritzinger (30) was also a member of the Wit Wolwe movement, and described him as a close friend' (*Sapa*, 2003, p.1).

Although the link is commonly made between ideology, group membership and lone wolf action, activist lone wolves may be discouraged from formally joining extremist groups by the groups themselves. This is for politically expedient reasons. Scheeres (2001) notes that

Extremist groups [in the USA] have been crippled by lawsuits, infiltrated by law enforcement agents and rejected by the mainstream. Now they are calling on individuals to act independently The leaders supply individuals with the philosophical motivation for their hatred, and the lone wolves attack without jeopardizing the organization. (p.1)

Lone wolves, the internet and hate groups

An ideological and supportive - but not official - link between extremist groups and lone wolves may be facilitated by the internet. This, Scheeres (2001) suggests, can create a barrier of protection between statements and actions of prejudice:

In the old days, [extremist hate] groups snail-mailed propaganda to their members. Now they just create a web page, so there's no direct link to their adherents. The goal is to keep the official connection hidden from law enforcement. The net permits them to disseminate their message instantly, inexpensively and worldwide. (Scheeres, 2001, p.1)

Technology can facilitate a lone wolf approach to hate crimes; one which simultaneously receives tacit support from a cyber 'pack'. Goldman (2001) notes,

The advent of the "lone wolf" gunman whose hatred may be fed by hate group propaganda, bigoted organizations who use e-commerce to support their hateful enterprises, and the newly emerging racist cyberterrorist, all will continue to present great challenges to law enforcement and online civil rights.

(p.1)

Scheeres (2001) explains that in the USA, the internet also

provides extremists with the tools to track and destroy their quarry. A simple search can provide a victim's address, e-mail, phone number, a map to their home, as well as information on bomb-building or weapons dealers. (p.2)

In South Africa, technology plays, perhaps, a lesser role in tracking and determining victims, as well as in co-ordinating perpetrators. However, as [Rauch \(1993\)](#) notes, the white right generally has access to resources such as firearms and motor vehicles. In the same vein, the internet represents a similar resource for 'ammunition' and allows for the global spread of extremist ideas.

Although the internet can provide a space for extremist organisations and lone wolves, there has been controversy over the extent of this role. Some suggest that it has not had the impact that others claim. For example, Goldman (2001) of Hatewatch, a website that monitored online hate between 1995-2001, notes that

The standard and often repeated quote [in the mid 1990s] was that the "Internet is the greatest thing to happen to hate". Much to our joy, it has in fact been one of the worst What these groups didn't count on was that forcing their way into people's homes via the Web would have the effect of mobilizing ordinary people to join in the fight against them. (p.1)

The role of the internet in the lives of 'ordinary people', i.e. those who do not belong to extremist groups, is thus also important when trying to isolate the impact of technology and communications on prejudice. On the one hand, it can provide a platform for the anti-racist mobilisation of which Goldman (2001) speaks, but on the other hand, it can also reflect and sustain basic attitudes of prejudice. For example, Allen & Nielsen (2002) note that after September 11 in both Belgium and Denmark 'anti-Muslim sentiment and language dramatically increased' on the internet and sms-text messages (p.14). They suggest that '[a]nonymity probably accounts for this higher incidence of explicit Islamophobia' (p.14). In their literature review and scoping paper on children and racial harassment in the United Kingdom, Crawley & Lemos (2002) observe that "[e]lectronic bullying through mobile phone and/or email is also emerging" (p.1). Coussey (2002) cautions that access to and dissemination of racist materials could impact on violent actions:

Racist violence is the extreme expression of negative and hostile views and may be partly encouraged or legitimized by a climate in which the dissemination of racially derogatory materials or words is allowed (Coussey, 2002, p.17).

It goes beyond the scope of this paper to explore the complexity of technology and its overlap with hate actions, hate speech and related issues. As with any public medium, however, it does seem that the internet can be used for multiple purposes and agendas, including but not restricted, to those of extremist groups and/or lone wolves.

Despite the common connection between lone wolf action and extremist groups (tacit or

overt), there are also cases in which lone wolf incidents are completely unrelated to extremist groups. It is, however, difficult to separate lone wolves from extremist groups totally because they usually overlap at an ideological²⁹ level. Whether an extremist group commissions an act of prejudice or welcomes it retrospectively, is, at the level of ideology (if not practice), somewhat arbitrary. In the South African context, where racism was both legally and, importantly, morally, legitimised during the country's past, it is particularly difficult to draw a line between organised 'group' membership and what, in the international literature, would be termed general 'extremist' or 'right wing' mentality. Church, school, work, community, family - 'group' membership - could, depending on the case, play an active role in encouraging racially motivated lone wolf action. For example, in January 2002, Lucas Dreyer 'allegedly fired shots at one moving car after another on the busy R24 road between Rustenburg and Krugersdorp, apparently only choosing those ferrying blacks. Fourteen people were injured Police said a racial motive had not been ruled out' (Adams, Hlangani & Sapa, 2002). On his arrest, a bible, binoculars, a hunting rifle, and a half-drunk bottle of whiskey were found in his vehicle. Dreyer 'was drunk at the time he was arrested on the roadside' (Adams *et al.*, 2002). At the time of writing this report, his case had not yet gone to trial, making it impossible to determine what motivated Dreyer and whether he had any links to right wing organisations. However, the presence of a bible in Dreyer's car indicates an important ideological and moral 'tool', possibly one used to justify what appears to be a lone wolf incident of racial violence and one which suggests a broader 'group' of support, whether real or imagined.

In popular public discourse, extremist groups and lone wolves are upheld as the primary perpetrators of racially motivated violence. However, international research suggests that most hate crimes are not committed by organised or specialist offenders, i.e. members of ideologically-motivated, right-wing organisations (cf. APA, 1998; [Bjorgo, 1998](#); Remigio, 2002). Instead, it is 'ordinary people' – without formal political or ideological group membership – who are the majority of perpetrators (APA, 1998). Why extremist groups and lone wolves occupy centre-stage as primary perpetrators is not entirely clear. One reason may be the romantic image that is conjured by the concept of a lone wolf:

The lone wolf notion is romantic to many young men. They see themselves as heroic loners waging an underground war on minorities, Jews, abortion providers, the government and whomever else they hate. (Scheeres, 2001, p.2)

The idea of 'fighting for a cause' is not only attractive to lone wolves themselves; it is often the content of films and other forms of media, whether valourised or demonised. Lone wolves and extremist groups are, in this sense, marketable. This could result in a 'cool factor', whereby (young) viewers identify with and glamourise the lone wolf (regardless of the intended moral message behind the media). Similarly, lone wolves frequently gain public notoriety for their actions because they are usually violent and therefore more 'newsworthy' than less extreme 'everyday' forms of hate crime. This coverage can impact on 'ordinary' actions of prejudice: Bjorgo (1998) explains that,

one main form of association between violent perpetrators and extremist organizations is that the perpetrators often use symbols, slogans and arguments "borrowed" from organizations of the far right. Many actions also appear to be inspired by media accounts of similar actions in other localities – what can be

seen as a "copy-cat" or "contagion" effect. (pp.23-24)

Part of the marketability and 'cool factor' of extremist groups and lone wolves is that they represent a social extreme. To concentrate on their actions, to highlight these socially is thus important, because it can (depending on the tone and medium) raise public awareness and send out a moral message against such actions, even if it might sensationalise them simultaneously. However, a different social function is served when society presents lone wolves/extremist groups as the *primary*, rather than extraordinary, perpetrators of racially motivated hatred. This is a distancing function, one which allows society to create a distance between ordinary, everyday actions, including everyday forms of racism, and these extremes. It allows 'ordinary' individuals to divorce their own actions and thoughts from the very context of prejudice that facilitates hate crimes.

Social distance is further created through another common representation of extremists as 'rednecks' and 'nutters'. This discourse sits alongside, and possibly enhances, the 'cool factor' because it objectifies and makes exotic lone wolves and extremists. As such, extremists are clearly positioned as Them; not Us. The otherisation that this creates is not only played out in terms of social space. It is similarly fueled by a geographical form of marginalisation, in which extremists are represented as 'rural', 'backwater', 'country-bumpkins', who come from small towns, farms and non-urban areas. This stereotype is borne out in patterns of media reporting within South Africa: 'there is a far greater tendency for more violent forms of racial incidents in the Northern, rural, farm-dominated provinces of the country' (MMP, unpublished, p.44).

Box 7: Database Results				
Proposition	Number	Support	Challenge	Neither
"Racially motivated incidents are ideologically motivated" (i.e. linked to right wing organizations/ religious fundamentalist groups).	93	66%	10%	25%
"Racially motivated incidents take place in small towns and rural areas".	385	67%	21%	13%

In the South African context, geographical markers are commonly reinforced with language barriers; 'the right white' is usually synonymous with 'an Afrikaans white right'.³⁰ This is a complex association, and it will not be explored in this report, suffice to mention that it has been exploited and cultivated by a range of roleplayers, including political parties and extremist groups themselves. For example, in late 2002, the Boeremag, a militant group of rightwingers, claimed responsibility for a series of bomb blasts in black areas. Their claim was made in the name of 're-establishing the Boer republics that disappeared into history' (Engelbrecht, 2002). This claim was closely tied to reasserting 'volk' culture and language and it became a springboard for various politicians to comment beyond the Boeremag about the perceived social status of 'Afrikaners' more generally. For example,

Former Freedom Front leader General Constand Viljoen said he did not rate the threat [posed by the Boeremag] as serious. However, Viljoen ... said the

Afrikaner was dissatisfied under the current dispensation He said reasons for discontent included perceptions that some crime was anti-Afrikaner – particularly farm attacks - fears of Zimbabwe-style land reform and affirmative action (*Sapa, Otto & Engelbrecht, 2002*).

Geographical, linguistic and social distancing mechanisms feed stereotypes of 'who' racist perpetrators are. That the media, public figures and society contribute to public perceptions about such patterns of perpetration should not however minimise the violence of racial incidents that do take place in rural areas or at the hands of extremists. It is important that these incidents are exposed. At the same time, it is also important to explore how these are reported relative to similar incidents perpetrated within the urban areas and/or by non-extremists. It is these differences in popular and media discourse that are of interest and must be open to critical interpretation. Possible ways to explore them could include:

- A holistic study of media reporting on rural areas in South Africa. Beyond incidents of racially motivated violence, what other issues are covered and how much profile do these get? How do these compare (in terms of trends, frequency, slant etc.) relative to racial incident reporting?
- A country-wide comparison of violence in general, as reported in the media. How does racially motivated violence compare to trends in other forms of violence? Where – geographically - are these other incidents most commonly located? Who are the primary perpetrators?
- A comparison of media reports of racial violence with police dockets. Where are incidents – as reported to the police – taking place? Do these differ from media representations?
- An analysis of language – how are specific incidents described (both in police dockets and the media) and do these descriptions differ geographically? This study would focus on the language of representation. It is possible, for example, that rural/urban, extremist/everyday representations of perpetrators could be linked to reporting differences and these could differ geographically. Certain incidents may be described/interpreted as racial in nature according to power relationships, levels of dehumanisation and access to remedial and protective legal mechanisms – all of which may differ according to location. In rural areas, with limited access to legal protection, it is possible that only very clear (i.e. extreme) examples of racial violence are reported and followed up. It is also possible that in certain areas, daily incidents of racialised harassment are so much the norm that these may not be framed as racist incidents per se and may subsequently go unreported. This is one possible way to interpret preliminary findings from the CSVN-MMP Database. Here, the geographical breakdown of events suggests that violent and extreme incidents 'make the news' within the Northern Cape, Limpopo, Mpumalanga, North West, Free State and Eastern Cape Provinces. Less extreme incidents, particularly those that revolve around language and non-violence, are rarely reported on within these areas, unlike in Gauteng, KwaZulu Natal and the Western Cape (MMP, unpublished).
- An analysis of social relationships and identity patterns within a specific locale affected by an incident of hate crime. By exploring community dynamics, the context and conditions under which racially motivated violence occurs may become clearer. Similarly, related factors (such as the role of alcohol, age, peer pressure etc.) may emerge. It is important to contextualise this form of prejudice as much as possible because it is not the exclusive domain of extremist groups or lone wolves.

Rather, as the Leadership Conference Education Fund/Leadership Conference on Civil Rights (LCEF/LCCR) (1997) note, '[t]o be sure, hate crimes are symptoms of a host of social ills' (p.1).

When examining the meaning and impact of the ways in which extremist groups and lone wolves are represented in South African society, it is useful to draw the parallels with Mamdani's (1996) general critique of the South African Truth and Reconciliation Commission (TRC). He critiques the TRC for being too narrow in its focus because: 1) the amnesty applications and decisions were based on political motivation, rather than the broader ideology of apartheid and racial exclusion, and 2) the TRC mandate was to deal only with victims of gross human rights violations. These limitations, Mamdani (1996) suggests, restricted the TRC focus to 'extremes' of violence such as torture and thereby lost the impact of the daily machinery of the apartheid state, i.e. the tiny, systematic ways in which racism was legislated and enforced. In a similar vein, Fullard & Rousseau (2003) point out that

Another area of silence in the amnesty hearings, and one that is reflected throughout the work of the TRC as a whole, is that of racism. Racist motivations were specifically excluded in the amnesty process. This silenced many applicants around what must have been a key factor in their actions ... yet race is perhaps the most crucial subtext running through the commission's work. The fundamental backdrop of race was assumed as understood, rather than explored and explained. The TRC's report does not examine the development or the practices of racism – instead, it examines structures and the policies of the main role-players in political violence. Racism is the implicit rather than explicit context for examining the actions of the security forces and did not receive specific attention by the commission. To this extent, the wider enabling and mobilizing context of racism was decentred from the examination of political repression. (pp.212-213)

In the post-TRC era, social representation of extremists as the primary perpetrators of prejudice serves a similar function to the TRC because it portrays race crimes as extreme and distanced from the daily lives of most South Africans. Racism, in turn, becomes separated as something extreme, violent and not part of daily South Africa. This, as with the TRC, allows for people to separate their own actions and experiences from both the violence (of then and now) and racism (also then and now). This creates a space for vocal condemnation of extreme racial violence on the one hand while on the other hand it facilitates silence within society, silence around the perpetration of everyday abuses and ongoing 'ordinary' manifestations of prejudice. Silence of this nature allows for ongoing (old) patterns, but also newer forms, of prejudice to develop.

Extremist perpetrators – and the ways in which they are represented – are simultaneously a social mirror and a social smokescreen. As a mirror, they offer insight into certain (extreme) manifestations of prejudice, as well as various social responses (usually distance, but also outrage and shock) to racism and violence. As a smokescreen, they detract from the general context of prejudice – the conditions of/for hatred - in which hate crimes occur. According to the broad perpetrator typologies, extremists are also the 'easiest' group to classify. This is because they are defined through self-conscious ideology and, as such, their motives are most commonly based on overt racism and prejudice. 'All hate groups have beliefs or

practices that attack or denigrate an entire class of people, typically for their beliefs or immutable characteristics' (Tolerance.org). Their extreme quality also lends them a marketability that is not as prevalent in other 'types' of perpetrators. Extremists and lone wolves are consequently vital components of any perpetrator typology. However, as international research suggests, they do not comprise the majority of racist perpetrators. Most perpetrator typologies – whether they describe broad socio-psychological factors or focus more narrowly on a particular factor such as motivation - support the notion that racially motivated actions are not the exclusive domain of organised racist groups.

Racism as a motive?

'The view that the majority of offenders are members of racist organizations may be popular but it is not borne out by research, which tends to comment on the fact that perpetrators very often refute racism as a motive and clearly see this as a term of abuse and a badge, which they would not wear with pride' (Remigio, 2002, p.7). Ironically, it appears that for many perpetrators of (what are defined as) racially motivated crimes, racism is either not a motive, or it is denied as such. The [American Psychological Association \(APA\) \(1998\)](#) suggests that,

Many people perceive hate crime perpetrators as crazed, hate-filled neo-Nazis or "skinheads". But [recent research suggests that very few offenders are members of organised hate groups]. Most hate crimes are carried out by otherwise law-abiding young people who see little wrong with their actions (p. 2).

Various explanations have been put forward to explain this trend. For example, APA (1998) adopts an approach rooted in the social psychology of prejudice:

Alcohol and drugs sometimes help fuel these crimes, but the main determinant appears to be personal prejudice, a situation that colors people's judgment, blinding the aggressors to the immorality of what they are doing. Such prejudice is most likely rooted in an environment that disdains someone who is "different" or sees that difference as threatening. One expression of this prejudice is the perception that society sanctions attacks on certain groups ... [for example] in some settings, offenders perceive that they have societal permission to engage in violence against homosexuals. (APA, 1998, p.2)

In this explanation, 'prejudice' is presented as unthinking, as something that is so fundamentally part of a perpetrator's personal psychology, as well as the environment, that it is rendered invisible. Unlike the self conscious articulation of ideology that (usually) defines extremist group membership, this level of prejudice (because it is invisible), suggests APA (1998), cannot be articulated as a specific motive per se. Rather, motives are framed as actions against a 'threatening difference' or in accordance with 'societal will and permission'. The APA (1998) explanation suggests a link between prejudice and morality. According to them, deep seated, invisible prejudice 'blinds aggressors to the immorality of their actions' (i.e. invisible prejudice=invisible immorality. The concept of invisible immorality suggests that perpetrators do not frame their actions as immoral. It therefore implies a feigned or imagined morality, which operates to justify actions of prejudice). One tacit conclusion from this logic is that if the prejudice is exposed, so too will be the

immorality of the actions (visible prejudice=visible immorality). This conceptualisation of morality is problematic because it posits a moral order that exists independently from the immorality of hate crimes. Such a framework does not adequately account for the 'moral order' of apartheid for example, wherein legislated racism represented the social 'morality'. Nor does it leave space for 'moral flexibility' and 'degrees of morality', which may circulate between the two poles of Moral and Immoral (see section on power, fear and identity below).

Remigio (2002) adopts a different slant. For her, many perpetrators of racist violence knowingly express their prejudice in a society which pre-defines it as immoral. This, she suggests, results in an active 'notion of shame and a realisation that racism is a negative label which these young people do not want to associate with. Hence, they employ neutralization techniques in order to perpetrate their crimes' (p.14). Scheff (1997) also draws on the concept 'techniques of neutralization' (put forward by Sykes & Matza, 1957) to describe 'how a special culture develops among [offenders] which neutralises the norms in their larger culture which oppose crime' (p.4). These techniques are discussed in the 'explaining hate crime' section below.

The idea that racism is not always a conscious or deliberate motive underpinning racially motivated incidents raises a number of questions:

- How do the concepts of 'shame' and 'negative labeling' link to political correctness? How does Remigio accommodate any differences between shame and superficial self-censorship?
- What does it mean to apply labels like 'racially motivated' to crimes where perpetrators deny that race was a motive? Legally, various countries have taken steps that allow for a hate crime definition that is not tied to group membership or explicit ideology. For example, in 1994, the Norwegian Supreme Court ruled that 'the 'racist motive' provision is not dependent upon the perpetrators holding an explicit racist ideology or membership in a racist organisation (which would only be relevant in a minority of cases). Rather, the decisive factor is whether victims are *attacked in their capacity as immigrants or members of minority groups*' ([Bjorgo, 1998](#), pp.16-17, emphasis original). In this example, the court ruling is based on and directed by a victim-driven, rather than perpetrator-centred, approach. A similar definition has been followed in the UK, on the recommendation of the Stephen Lawrence Inquiry and South Africa's Promotion of Equality and Prevention of Unfair Discrimination Act (2000)³¹ places the burden of proof and determination of fairness or unfairness on the respondent, not the complainant:

13. (1) If the complainant makes out a *prima facie* case of discrimination –

- a) the respondent must prove, on the facts before the court, that the discrimination did not take place as alleged: or
- b) the respondent must prove that the conduct is not based on one or more of the prohibited grounds

(2) If the discrimination did take place –

- a) on a ground in paragraph (a) of the definition of 'prohibited grounds' ... then it is unfair, unless the respondent proves that it is

fair;

b) on the ground in paragraph (b) of the definition of 'prohibited grounds', then it is unfair –

i) if one or more of the conditions set out in paragraph (b) of the definition of 'prohibited grounds' is established; and

ii) unless the respondent proves that the discrimination is fair.

(Promotion of Equality and Prevention of Unfair Discrimination Act, 2000, p.8)

- How might political correctness overlap with the practical consequences of proving racial motivation, especially those that impact on punishment (i.e. enhanced sentencing)?
- If perpetrators do not link racism to their actions, then what motivating factors do they pose? (i.e. how do they explain and justify their actions?)
- In a context such as that of post-apartheid South Africa, how does race collide with age, apology, political awareness and motivations for violence? (Would young people be more cautious than older perpetrators in defining their justifications? In cases where perpetrators from the 'apartheid generation' are involved, would they consciously censor themselves or might race simply not enter their perspective? - either because it is implicitly built into all inter-racial interactions and/or because of the massive extent to which dehumanisation prohibits a racialised reading of violence?)
- How self-conscious would racist perpetrators be about denying or admitting their racism. And how does attitude link to confession or self awareness? For example, most of the perpetrators in Loow's (1995, cited in [Bjorgo, 1998](#)) study did display prejudiced attitudes, whether or not they articulated their actions as such.
- How does a sense of victimisation overlap with perpetration? For example, do perpetrators of racist violence define themselves as victims of a racialised order (e.g. drawing on discourses about affirmative action, scapegoating foreigners for crime and job loss etc.) Is there what might be termed a 'rush to victimisation' wherein perpetrators actively occupy a victim position? (see section on power, fear and identity below, as well as footnote 32) And how does this relate to their attitudes – before and after an incident and in relation to any accompanying sentence/consequences? This question has implications for the 'bigger' debates on reparation and atonement for apartheid, as well as the efficacy of the criminal justice system in dealing with individual perpetrators.

Hate crime is a group crime

Norms play a pivotal role in hate crime analysis. Hate crime is commonly presented as a 'group' activity, as an action motivated and driven in terms of peer pressure and/or group norms. Stop the Hate, for example, suggests that 'hate crimes are more likely than other criminal activity to be committed by groups of perpetrators'. Bjorgo (1998) similarly notes that

xenophobic violence is a typical group crime. In the large majority of solved cases [in Scandinavia], there were two or more persons participating actively, or there was a more or less approving audience of mates present when the violent act was carried out. In many of the remaining cases, a lone perpetrator

carried out the act in order to impress mates who were not physically present. Thus, group dynamic processes obviously play an important role in the developments leading up to the violent act. (Bjorgo, 1998, p.19)

Group identity, a sense of belonging and/or wanting to belong, approval, group support, and peer encouragement are commonly presented as psychological features of group perpetration. Consider the following statement about the perpetrators who murdered Stephen Lawrence:

The group of white murderers then disappeared down Dickson Road. We refer to them as a group of murderers because that is exactly what they were; young men bent on violence of this sort rarely act on their own. They are cowards and need the support of at least a small group in order to bolster their actions. There is little doubt that all of them would have been held to be responsible for the murder had they been in court together with viable evidence against them. This murder has the hallmarks of a joint enterprise. (Macpherson Report, 1999)

In this description, the perpetrators are presented as 'young men bent on violence' but also as 'cowards'. The role of the group, the Inquiry suggests, is to 'bolster' the perpetrators, to provide them with the necessary bravado for committing the murder. As such, The Group is seen to play a magnifying role, whereby it strengthens and encourages individual attitudes of prejudice, as well as any individual proclivity for violence. In this way, hate crimes represent a core feature of group identity, as well as a conduit for the expression of individual self-image/esteem/identity.

Box 8: Database Results				
Proposition	Number	Support	Challenge	Neither
"Racially motivated incidents are group crimes"	352	84%	7%	9%

As a quality of hate crime perpetration, this form of group identity intersects with a number of related features of hate crime. These include age, gender, nature of perpetrator-victim relationship, and alcohol/drugs and gangs.

Youthful group membership

According to international research and statistics, hate crime perpetrators, especially those who operate as 'part of the group', are typically young. The National Criminal Justice Reference Service (NCJRS) notes that in the USA (1997-1999) 'young offenders were responsible for most hate crimes. Thirty-one percent of violent offenders and 46 percent of property offenders were under age 18'. At the same time, *victims* of hate crime also usually fall into the youthful category. For example, in Scandinavia, [Virtanen \(1998\)](#) notes that the group most affected, is the 15 to 24 year old group. Similarly, 'research in Cardiff showed that 50% of the racist incidents considered by the Race Equality Council involved young people under 16 years old, and 25% of these incidents involved children between the ages of six and 10 years' (Macpherson Report, 1999). The youthfulness of both perpetrators and victims of hate crime is not unexpected. Not only does this trend reflect patterns in violence

generally (cf. Wilson & Petersilia, 1995), hate crimes are crimes of/about identity, and identity construction represents *the* developmental task of adolescence (Erikson, 1968). 'Exceptions' to the youthful norm are reported in the membership of ideologically constructed extremist groups. These may be comprised of mixed age membership. [Bjorgo \(1998\)](#) points out that groups which retain their same membership base will age, with their members, across time. In such groups, older perpetrators might commonly encourage, organise and mentor youthful members. In other groups, there may be a high membership turnover, which usually leaves the group, as a whole, young (Bjorgo, 1998).

Box 9: Database Results				
Proposition	Number	Support	Challenge	Neither
"Youth are the common perpetrators of racial incidents".	218	69%	6%	25%

Male

Oakley (1996, in [Virtanen, 1998](#)) suggests that the 'distinctive ethos of male youth culture' is a key factor in fueling racist incidents (p.47). Although the gendered dimension of hate crime is rarely explored, most literature suggests that the majority of perpetrators are male. As with age, an exception might be found within organised right wing extremist groups; these can reflect mixed gender membership. 'One important tendency during the 1990s is that in several countries there has been a strong increase in the proportion of girls in the militant racist milieu, approaching one third of the total or even more in some localities' ([Bjorgo, 1998](#), p.20). Virtanen (1998) notes that the gendered nature of relationships can play a particular role in fueling certain forms of xenophobic violence especially 'stranger crime' in public places. For example, within Finland, he suggests, 'mixed company with foreign men and Finnish women seemed to evoke hostility' (p.68). [Harris \(2001b\)](#) documents a similar manifestation of violence and hostility between South African and foreign men 'over' South African women. Little has been written about the complex role of women as bystanders or indirect/direct perpetrators of racist violence, however.

Box 10: Database Results				
Proposition	Number	Support	Challenge	Neither
"Racially motivated incidents are committed by men".	59	55%	16%	29%
"Women are just helpless victims".	43	51%	19%	30%

Isolated incidents and stranger/anonymous crimes

Hate crimes are commonly portrayed as once off isolated incidents committed by strangers who are unknown to the victim. For example, Stop the Hate notes that in the USA, '[m]ost crimes against persons are committed by someone whom the victim knows; hate crimes, however, are more likely to be committed by strangers'. This portrayal seems applicable to certain manifestations of hate crime, such as those with clear political or ideological

objectives (aimed at 'the group' rather than particular individuals), and those that attract heavy media interest (usually the same incidents, for example, the lone wolf actions committed by Barend Strydom and De Wet Kritzenger).

Once-off and/or stranger crimes may also be a product of circumstances or location. [Virtanen \(1998\)](#) explains that

In a Finnish study ... certain restaurants and their immediate environment in the center of the city were significant hot spots of violent assaults, while the most violent time was late on Friday and Saturday night between two and four, when the restaurants have just closed or are closing. (pp.43-44)

In a study of racially-victimised youth in Britain, Webster (1997, cited in Virtanen, 1998) found that '[a]n increased availability of leisure facilities for Asian youngsters had taken them off the streets reducing their visibility and availability as victims' (p.45). However, the change of space such as that described in Webster's study may only have a short-term or temporary effect if victimisation is displaced from the streets to recreational facilities, or to times (e.g. closing time) when potential victims leave the safety of the recreational facility to go home. The double-edged sword of creating protective spaces that are simultaneously repositories of potential victims has similarly played out in South Africa, where, for refugees and asylum seekers, residential patterns are largely connected to issues of safety and security (Sinclair, 1998; Morris, 1999). The general climate of xenophobia is reflected in 'clusters' of nationalities within certain areas, particularly inner city spaces, such as Hillbrow and Berea in Johannesburg (Morris, 1999). Sinclair (1998) points out that living-space-clusters serve not only to ease the social transition for foreigners, they also function as a defense against the hostility and crime that vulnerable newcomers face. However, [Harris \(2001b\)](#) explains that such 'clustering' can paradoxically attract violence and crime, because South Africans generally know where to find vulnerable foreign victims; as a police officer explains: 'Hillbrow is the ATM of South Africa' (Harris, 2001b).

While time and place are important to whether a stranger-perpetrated incident may occur, not all forms of hate crime fit the once-off, anonymous definition. In their research on racist violence in Manchester, Smith, Ray & Wastell (2002) found that '[a]ssailants and victims usually knew each other, though not well' (p.5). Similarly, statistics indicate that certain hate crimes take place in the home or school environment, where perpetrators and victims have a greater likelihood of 'knowing' each other. 'FBI hate crime statistics (2001) reveal that out of 9 730 incidents, 30.9% took place in homes and residences, 18.3% occurred on highways, roads, alleys or streets, and 10.1% were perpetrated at colleges or schools' (National Criminal Justice Reference Service (NCJRS)). Research into xenophobia within South Africa suggests a similar pattern, with incidents commonly taking place on a daily basis between people who live/work in close proximity.

At another level certain racist incidents, although separate, or isolated, from each other, may occur in close succession. Bjorgo & Witte (1994) suggest that

Racist violence tends to come in waves Sudden news items, media coverage and 'moral panics' (Cohen, 1980), often in close connection with the presence of minorities, may contribute to provoke these waves. 'Copycat' actions may produce a contagion effect, with sudden surges of racist violence in

'new' localities. (Bjorgo & Witte, 1994, p.3)

Similarly, a 'wave' of drive-by shootings (some of which were overtly committed by white right wingers) in the run up to South Africa's first democratic elections could be seen as 'separate but linked'. This may be through significant dates, for example, [Rauch \(1993\)](#) notes that,

White right-wingers also killed one black man in a drive-by incident in Vanderbijl Park during the Hani commemorations in April [1993]. On June 16 [1993], two black men were injured when they were shot at by three white men near Rustenburg. It is surely no coincidence that so many of these attacks took place on days commemorated by black South Africans because of their historical political significance.

Or via a co-ordinated process designed to appear random and unrelated:

A small proportion of the total number of drive-by attacks [in the early-1990s were] perpetrated by supporters of the white right-wing on racially-selected victims. As this group generally has access to both firearms and motor vehicles, it is a particularly easy method of generating fear and heightening racial tension, which would serve the political interests of the white right. It remains an open question whether these incidents can be linked to any other drive-by attacks, and therefore whether the organised right-wing can be held responsible, in a grand conspiracy theory, for a larger proportion of all drive-by attacks ([Rauch, 1993](#)).

Although some incidents are isolated and stranger crimes (and this is important - and maybe more likely - in South Africa, which remains spatially segregated), hate crimes in general cannot be reduced to this feature. To do so decontextualises them and risks keeping them at the margins, where they are represented as extreme and unrelated to broader social processes. Bjorgo & Witte (1994) argue that 'in most cases [racist violence] consists of a series of repeated incidents which is properly understood as a process' (p.4). Lemos (in personal communication) suggests that research into racially motivated violence has followed a similar trajectory to rape discourse: while traditional thinking held that rape was largely an anonymous crime committed by unknown perpetrators in the heart of the night in isolated city areas, today, research challenges this myth, to reveal that most rapes are committed by people known to the victim. He suggests that racially motivated violence, while stereotypically believed to be an anonymous crime, has recently been presented as something that takes place more commonly between neighbours and as an accumulation of incidents of harassment.

Box 11: What does the media say about incident-location in South Africa?

The Media Database has been coded for 'place of occurrence'. It is difficult to draw specific conclusions from the distribution of locations – which is a diverse distribution (diversity is a key conclusion in and of itself). Notably, educational institutions (schools and tertiary institutions) 'present by far as the most common location of violence' (MMP, unpublished,

p.23). This supports the suggestion that certain hate crimes are perpetrated by those who know, or are in daily proximity to, their victims. It also points to the 'youth' quality of hate crime and suggests that spaces of racial integration (such as schools) in South Africa are not necessarily harmonious or conflict-free. In contrast to the items recorded as 'violent', those captured under the topic codes 'human rights violations', 'deportation/repatriation' and 'crime' were recorded in very general terms: 'place unknown', 'other public space', 'town or city', or 'other government institution'. On the one hand, these unspecified forms of location point to the 'overall failure of the media to adequately mention where incidents of Human Rights Violations have occurred' (MMP, unpublished, p.24) but on the other hand, they may be symptomatic of the stranger quality of certain incidents, or the fact that 'in many, if not most instances of deportation and repatriation, the event is not identified as having occurred in a single particular place' (MMP, unpublished, p.25). As such, the spread of locations within the Database, argues for a spectrum of hate crime incidents with very different features, depending on who commits them and why.

Proposition	Number	Support	Challenge	Neither
"Racially motivated incidents are isolated incidents".	265	15%	70%	15%
"Racially motivated incidents take place between strangers/are anonymous".	292	48%	43%	9%

Alcohol, drugs and gangs

In his analysis of hate crimes in Scandinavia, [Bjorgo \(1998\)](#) notes that a

large proportion of the known perpetrators – ranging from less than 40 per cent to more than 80 per cent in different studies – were under the influence of alcohol when they committed the violent act. About two thirds of the incidents took place during weekend nights – the time when alcohol is usually consumed in large quantities in Scandinavia. (p.19)

Alcohol and/or drugs are commonly introduced as factors that fuel hate crime perpetration, particularly in relation to certain perpetrator categories, for example thrill-seekers, peer-dynamics assailants and xenophobic/ethnocentrist youth. These are usually juxtaposed with a particular form of identity; one that rests on a youthful, gang-type culture, a culture that engages with turf related-issues, us-them divisions and group dynamics.³²

Within much of the literature, alcohol and drugs are usually presented together as one singular homogenous factor that influences and motivates hate crime. However, different drugs may have different effects (if any), with some possibly suppressing acts of violence, rather than promoting them. For example, Webster (cited in [Virtanen, 1998](#)) notes that over a five year period in Britain, white violence against Asian youth declined temporarily for a number of reasons, including the 'increased availability and use of drugs other than alcohol' (p.45). Similarly, gangs and peer pressure are more complex than offering perpetrators an avenue of violent expression. They are commonly a space for the

production of identity. As Bjorgo (1998) notes:

carrying out acts of violence, displaying racist views and symbols, or joining extremist groups can often be understood as ways some young people construct identities for themselves in relation to the peer group, and for the group in relation to its social surroundings. (p.22)

Violent identity as an aspect of gang expression need not only be associated with reactionary, racist and conservative motives; in certain cases, it may be motivated from a progressive ideological position. In Scandinavia, for example, militant anti-racist groups (with gang-features) have been involved in violent clashes with neo-fascist organisations (cf. Peterson, 1998). Youth identity formation rests on many factors; it is important to contextualise gangs, substances and peers within this complexity.

Box 12: Database Results				
Proposition	Number	Support	Challenge	Neither
"Alcohol consumption contributes to racially motivated incidents".	31	74%	6%	19%
Substance abuse contributes to racially motivated incidents"	3	100%	0	0

Socio-economic and family background factors

Most perpetrator typologies engage with 'socio-economic' factors relating to employment, education and/or class as part of their social profiling function. For example, Willems (1993, 1995 cited in [Bjorgo, 1998](#)) suggests that criminal and xenophobic youth frequently come from 'negative social backgrounds' associated with high levels of unemployment and school drop-outs, while his fellow travelers and ideologically motivated perpetrators commonly come from middle class, educated backgrounds (pp. 20-21). When taken in isolation, it is very difficult to assess the impact of socio-economic and family background factors on perpetrator categories. As with studies of violence in general, linking class, education and employment to hate crime perpetration risks re-victimising already marginalised groups – i.e. those who are unemployed, uneducated, or come from broken homes. This link can reinforce negative stereotypes by suggesting that violent perpetration is the exclusive terrain of these groups. Just as various typologies recognise perpetrator-types from middle class and educated backgrounds, so it is important to acknowledge that not all 'youth at risk' become perpetrators. Bjorgo (1998) argues that individual agency is a central factor in determining perpetration:

a 'type' is not necessarily something a youth passively becomes due to various circumstances and pressures in life. It may also be something a young person is actively seeking (p.22).

Similarly, Mamdani (2001) notes that human agency, choice and responsibility should not be overlooked (although, he argues, they commonly are) by those seeking to explain the 1994 Rwandan Genocide:

To explain the mass involvement in genocide, writers have accentuated one of two factors: the economic and the cultural. Without necessarily denying the significance of either, I shall shift accent away from both to the political aspect of the genocide Though [life] may be taken under the pressure of necessity (economy) or the force of habit (culture), we need to highlight the decision as conscious, as the result of a deliberation My critique of those who tend to accent the economic or the cultural in the understanding of the genocide is that their explanation obscures the moment of decision, of choice, as if human action, even – or, shall I say, particularly – at its most dastardly or heroic, can be explained by necessity alone. Though we need to take into account the circumstances that constrain or facilitate – that is necessity – we must resist the temptation to present necessity as choice and thereby strip human action of both the dimension of possibility and that of responsibility. (pp.196-197)

It is also important to consider victimisation patterns alongside perpetrator typologies because victims commonly come from the same, or worse, socio-economic circumstances as perpetrators. For example, xenophobia studies throughout the world suggest that marginalised foreigners at the 'bottom' of the socio-economic ladder (e.g. refugees, asylum seekers and undocumented migrants) suffer from the highest levels of victimisation. Indeed, as Valji (editing comments, 2003a) notes, victimisation - by its very nature - is commonly geared towards those who are more vulnerable, with less power and limited access to remedial mechanisms and justice.

Explaining Hate Crime Perpetration

This section of the report outlines various theoretical approaches to understanding hate crime. It does not cover the full range of thinking within the field, which is huge and ranges from genocide on one end of the spectrum to detailed case studies about a particular, isolated incident of hate crime on the other.³³ This report merely touches on certain aspects of the literature (for example genocide studies) in order to highlight possible avenues for examining racially motivated violence in South Africa. It has been difficult to 'explain' hate crime for three key reasons. Firstly, this report assumes that there is a relationship between hate crime and the topics of prejudice, violence, identity and racism. Each topic represents a massive field. However, their intersection at the point of hate crime is not neatly synthesised into a coherent theory within the literature. Indeed, bringing together these topics under the label of hate crime is only one way of explaining the phenomenon and this is open to contestation. At the same time, their combination may strengthen an understanding of prejudice-related violence. Secondly, it is difficult (and undesirable) to extract the causes and explanations from the qualities of hate crime and the related victim-perpetrator typologies (see report above). This is because they are all connected. For example, the quality, 'hate crimes are group crimes', is not only a characteristic of, but is also a partial-explanation for, racially motivated actions; it assumes the workings of peer pressure, group dynamics, diluted responsibility, in-group support etc. Thirdly, much of the available theory is based on studies, trends and patterns of hate crime in the 'western world', where, for example victims comprise numerical minorities and racism relates largely to refugee/migrant issues. As a country undergoing transition from a past of legislated racism, South Africa brings with it unique features and a specific history. These, along with the process of transition itself, need to be accommodated and understood within a framework

for studying racially motivated violence (cf. CSVR [Violence and Transition Series](#) for a theoretical orientation to this framework; see also footnote 6).

Scapegoating and relative deprivation

Unemployment and poor economic conditions may appear as *elements* within a perpetrator typology. In addition, they may be offered as *explanations* for hate crime perpetration. For example, [CRS \(2001\)](#) contend that,

Racial and ethnic tensions increase during periods of economic downswings. Hate crimes may occur when unemployed or underemployed workers vent anger on available scapegoats from the minority groups. (p.3)

This form of explanation draws on scapegoating theory, which explains violence as a displacement of community and/or individual frustrations and anger onto the most vulnerable groups in society – because they are vulnerable and thus 'easy' to blame for social woes such as unemployment and crime. It also draws on relative deprivation theory, which suggests that

a key psychological factor in generating social unrest is a sense of relative deprivation. This arises from a subjective feeling of discontent based on the belief that one is getting less than one feels entitled to. When there is a gap between aspirations and reality, social discontent is a likely result. (De la Rey, 1991, p.41)

In the South African context, scapegoating theories have been put forward to explain xenophobic hatred (cf. [Harris, 2001b; 2002a](#) for an overview of different explanations, including the scapegoating, isolation, and bio-cultural hypotheses). The language of relative deprivation is also sometimes used to frame and explain the experience of violent crime. This can take on a racialised dimension. [Harris \(2003b\)](#) notes that:

Sometimes, crime and violence are given a more overtly racialised interpretation. For example, certain of [Gear's \(2002\)](#) former white conscripts today "perceive crime to be structured along racial lines, and consider Whites to be the primary victims For them, violent crime represents the most powerful component of a broader assault against the white population, and particularly white males" (pp.108-109). While this is a perception that can fuel a reactionary and racist agenda, it can be difficult to separate "race" from "crime" in certain cases. For example, in their interviews with young black gangsters ("Amagents"), Segal, Pelo & Rampa (2001) explain that:

Many of the Amagents' narratives give vent to a deep bitterness and resentment about racial injustices in South Africa. In the minds of most interviewees, the line between the haves and have-nots is still a racial one. Most are unapologetic about their racial attitudes and feel that white people are getting what they deserve if they are victims of crime (p.104).

In a context where race has, for so long structured relationships, created and

sustained social divisions, and informed interpretations of violence, a key challenge for tackling racist violence is how to speak about it. Indeed, how to recognize it? In a way that is meaningful (Harris, 2003b, p. 5).

In the examples within this extract, the language of relative deprivation is used to explain the experience of violent crime; both Gear's (2002) former white conscripts and Segal, *et al.*'s (2001) black gangsters locate themselves as social underdogs (or, in other words, relatively deprived). However, a contradiction exists between the two at the point of race – the white respondents use their self-defined (and racialised) victim status to 'justify' being victims, whereas the black respondents use their self-defined (and racialised) victim status to 'justify' being perpetrators. It goes beyond the scope of this report to explore this contradiction further. However, it is interesting to observe the language of relative deprivation and its racialised appropriation/application within these two examples.

Although the notions of relative deprivation and scapegoating are conceptually useful up to a point, they can not explain all forms and manifestations of hate crime. For example, they are unable to accommodate actions perpetrated by middle class, well educated, employed perpetrators (e.g. Willems' fellow travelers and ideologically motivated perpetrators). They also do not explain why many members of society who perceive themselves to be 'relatively deprived' do not resort to violence or prejudice. As Green, (cited in APA, 1998) suggests, 'a weak economy does not necessarily result in an increase in hate crimes' (p.9). Similarly, research from the Bias Crime Unit of the New York City Police Department also suggests that 'high unemployment does not give rise to hate crimes' (APA, 1998, p.9).

Psychological factors

Alongside the economic-based theories of relative deprivation and scapegoating it is important to engage with psychological notions of attitudes, prejudice and fears. These may directly influence the ways in which economic change and circumstances are interpreted, as Green (cited in APA, 1998) suggests:

one form of economic change that may set the stage for racist hate crimes occurs when minorities first move into an ethnically homogeneous area. According to Dr Green, the resulting violent reaction seems to be based on a visceral aversion to social change. The offenders frequently justify the use of force to preserve what they see as their disappearing, traditional way of life. The more rapid the change, holds Dr Green, the more likely violence will occur Conversely, says Dr Green, integrated neighborhoods, sometimes characterized as cauldrons of racial hostility, tend to have lower rates of hate crime than neighborhoods on the verge of integration. (APA, 1998, p.9)

Fear of change and losing tradition, plus a romanticisation of the past are psychological factors that may feed prejudice, particularly when coupled with real or imagined political transition. Thus these factors often co-exist with ideologically motivated and politically articulated hate crime. In this vein, they may be manipulated by perpetrators to 'justify' certain actions of violence, for example, violence committed in the name of 'protecting culture' or 'preserving language'.³⁴ Although it is not clear what s/he means by 'integration', Green's argument (cited in APA, 1998), contains an important lesson for understanding patterns of violence within a framework of social transition, namely that spaces of

integration, or those that are about to be integrated, are not necessarily violence-free. Rather, they hold the potential to entrench divisions and further alienate communities. This presents a challenge for the South African reconciliation enterprise which emphasizes living, working and schooling together in a racially integrated fashion. While racial integration is emblematic of reconciliation on the one hand, it paradoxically contains the potential for violence, on the other.

Psychological strategies that resist change and reinforce difference do not just work at the level of the individual. Rather, they are part of a wider set of discursive practices that lend collective support for particular actions of prejudice. Remigio (2002) and Scheff (1997) introduce the concept 'techniques of neutralisation' (put forward by Sykes & Matza, 1957, and developed by Alvarez, 1997 (cited in Scheff, 1997)) to explain how perpetrators are able to justify and sustain their actions, even when broader social norms frown upon them. In the South African context, where racism and violence have for so long represented these norms, such techniques may be even more powerful in allowing perpetrators to resist the new (and fragile) culture of human rights.

Six techniques of neutralisation

1) Denial of Responsibility

This technique suggests that individuals deflect any responsibility for their actions away from themselves and onto a broader collective group. Looking at atrocities committed during the Holocaust, Alvarez (1997, cited in Scheff, 1997) suggests that for Nazi perpetrators denial of responsibility commonly took the form of 'carrying out orders from above' (p.4). This technique closely complements the group crime quality of hate crime; within a group, responsibility can be assigned more readily to the collective and it is perhaps more easily diluted amongst individual participants. Similarly, for those motivated by ideology, religion or a charismatic leader, it is perhaps easier to shift personal responsibility to a 'higher' power.

2) Denial of Injury

Scheff (1997) explains that this technique usually occurs through the use of euphemisms, whereby actions are described in disguised terms, such as 'cleansing' and 'special treatment' (p.4). In the apartheid regime, similar terms were utilised, for example, 'permanent removal from society'. Language of this nature plays various functions, including that of absolving a state from taking direct responsibility for death and murder; it simultaneously allows for the violence of these actions to be separated from their meaning. This technique operates at a state-level of mass-violence and prejudice (as illustrated by both the apartheid and Nazi examples). Individual perpetrators may also shroud violent actions in the language of sanitisation ([Virtanen, 1998](#)).

3) Denial of Victim

This technique of neutralisation 'asserts that the victim actually brought on their own downfall' (Scheff, 1997, p.4). For example, Scheff (1997) explains that a popular myth in Nazi Germany was that of Jewish World Enslavement, which allowed perpetrators to justify the holocaust as 'self defense' against the threat of subjugation (p.4). Willems' xenophobic or ethnocentric youth (in [Bjorgo, 1998](#)), who typically blame foreigners for 'unfairly' taking what is perceived (by the perpetrators) as 'ours', may well draw on this technique to rationalise any violent actions.

4) Condemning the Condemners

Through this technique, perpetrators dilute their own bigotry and prejudice by emphasising that of their critics. In Nazi Germany, for example, Alvarez (in Scheff, 1997) explains that there was a common tendency for the German government and media to highlight 'worse crimes' such as the inhumane treatment of black people in the USA and European colonies (p.4).

5) Appeal to Higher Loyalties

This neutralisation technique rests on nationalism and patriotism. Violence and prejudice are rationalised through patriotic zeal. As with the 'denial of victim' technique, Willems' xenophobic or ethnocentric youth may well incorporate a patriotic undertone to their actions. This is common in the South African context, where a clear boundary between 'us' (South Africans) and 'them' (foreigners) is drawn to fuel xenophobic hostility. Similarly, ideologically motivated perpetrators also appeal to a sense of nationalism in order to justify their actions (for example, in extreme Afrikaner nationalism, racial exclusion is defined through the concept of 'the nation' and 'the people' ('die volk')).

6) Denial of Humanity

Following his study of the Holocaust, Alvarez added 'denial of humanity' to the five neutralization techniques originally put forward by Sykes & Matza (1957, in Scheff, 1997). This describes a technique of dehumanisation deployed by perpetrators to see their victims as sub-human, bestial and evil. Scheff (1997) suggests that this device is common at an inter-personal level but that it was also manipulated by the German state during the Holocaust. In South Africa, one legacy of apartheid has been the creation of an ongoing culture of dehumanisation. Many racially motivated incidents, as well as 'ordinary' inter-racial exchanges, appear to rest on a discourse of dehumanisation.

It is these six techniques, Scheff (1997) suggests, that lay the foundation for collective violence. For him, they explain not only individual actions of perpetration, but also those of groups and states, because they insulate prejudice from broader (human rights and international) norms. Sonpar & Singh (2002) similarly note the relationship between individual psychology and cultural norms in their analysis of hate violence committed during India's partition and justified by perpetrators more than 50 years later:

acts of violence enhance self-idealisation [because they are typically defined as 'just' and 'in defence of ...']. But in order to do so, other mechanisms have to come into play to neutralize the equally strong human tendencies towards altruism, sympathy and empathy. These include processes such as dehumanization and demonisation, the security of rigid stereotypes rather than the complexity of ambivalence, the over-riding of the norms and prohibitions of the superego by the cultural ego ideas and so on. (Sonpar & Singh, 2002, p. 1)

Genocide: state violence and the collective violence of citizens

The complex relationship between norms, identity, the state and ordinary citizens is central to Mamdani's (2001) analysis of the 1994 Rwandan Genocide. He distinguishes 'state violence' from the 'collective violence' of citizens:

The genocide was not simply a state project. Had the killing been the work of state functionaries and those bribed by them, it would have translated into no more than a string of massacres perpetrated by death squads. Without massacres by machete-wielding civilian mobs, in the hundreds and thousands, there would have been no genocide. (Mamdani, 2001, p.225)

What, he asks, motivated ordinary civilians into genocide? For him, the answer cannot be found within the actual violence of genocidal acts or the individual ('evil') psychology of particular perpetrators. Rather, he suggests, it is the context, history and politics of Atrocity that need understanding.

[A]trocity cannot be its own explanation. Violence cannot be allowed to speak for itself, for violence is not its own meaning.³⁵ To be made thinkable, it needs to be *historicized*. My preoccupation is not with the universal character of evil, with describing acts of cruelty to underline the fact that people – or some people – are capable of unspeakable cruelty. It is, rather, with trying to understand the *political* nature of violence – that its targets are those defined as public enemy by perpetrators who see themselves as the people – and thus with the process that leads to it and the specific conditions that make this possible. (Mamdani, 2001, pp.228-229, emphasis original)

Mamdani (2001) recognises that, within the context of colonial/national identity, history and politics, local relationships and community dynamics play a crucial role in informing the 'conditions' for ethnic violence. In Rwanda, he suggests, these played out through varying local patterns – with some areas more and other less, affected - by the genocide. Similarly, Varshney (2002), in his study of ethnic conflict, peace and violence within India, notes that

Sooner or later, scholars of ethnic conflict are struck by a puzzling empirical regularity in their field. Despite ethnic diversity, some places – regions, nations, towns or villages – manage to remain peaceful, whereas others experience enduring patterns of violence. Similarly, some societies, after maintaining a veritable record of ethnic peace, explode in ways that surprise the observer and very often the scholar as well. Variations across time and space constitute an unresolved puzzle in the field of ethnicity and nationalism. (Varshney, 2002, pp. 5-6)

He suggests that national level explanations for ethnic-based conflict do not adequately capture the variations in violence and peace between cities and regions within India. To accommodate these differences, Varshney (2002) argues for community-level analyses of both peace and violence. He notes that a key factor in local and regional variations of ethnic conflict is 'intercommunal or interethnic civic engagement' (p.281). In Indian cities with high levels of ethnic tensions and violence, he reveals, there are very few examples of intercommunal civic engagement, unlike in those cities with peaceful ethnic relations. Intercommunal civic engagement is comprised of two forms of engagement; namely 'associational' and 'everyday' activities (Varshney, 2002). Associational civic engagement includes 'business associations, professional organizations, reading clubs, film clubs, sports clubs, festival organizations, trade unions and cadre-based political parties' (p.3), whilst

everyday engagement consists of

such simple, routine interactions of life as Hindu and Muslim families visiting each other, eating together often enough, jointly participating in festivals, and allowing their children to play together in the neighborhood. Both forms of engagement, if robust, promote peace; contrariwise, their absence or weakness opens up space for communal violence. Of the two, the associational forms turn out to be sturdier than everyday engagement, especially when people are confronted with the attempts by politicians to polarize ethnic communities. (pp. 3-4)

It goes beyond the scope of this report to explore Varshney's (2002) thesis in detail. However, it is important to recognise the role of local factors, particularly at the level of civic engagement, when examining hate crime perpetration and factors that support or defuse violence. Additionally, various 'sites' for potential hate crimes - schools, streets, shopping malls, home- are similarly spaces that require detailed scrutiny.

By differentiating between associational and everyday engagements, Varshney's (2002) theory also holds implications for exploring reconciliation and community relationships. For example, it raises questions about what is being measured (associational or everyday engagements) in surveys/research/theory on reconciliation and what conclusions can consequently be reached. In the South African context, surveys about race and reconciliation commonly tap into questions about the everyday engagements of daily life, for example, through measuring items around eating practices and social interactions (cf. the Nature of Race Relations in South Africa Survey (2000) conducted by the Institute for Justice and Reconciliation). This is understandable, given the country's segregated history, where equitable everyday social engagements were largely outlawed. However conclusions based on everyday engagements about racial reconciliation, peace and conflict may be very different to conclusions based on measures of associational engagements.

That said, it is important to be aware of the limitations to Varshney's (2002) theory, especially when applied to the South African context, which is marked by unique and different historical factors. As he notes:

we might need an initial distinction in our theory between (a) multiethnic societies that have a history of segregated civic sites (unions, churches, schools, business associations) – for example, the United States and South Africa – and (b) multiethnic societies whose ethnic groups have led an intermixed civic life – for instance, India. Interracial or intercommunal civic engagement may be a key vehicle of peace in the latter but, given the relative absence of common black-white civic sites in countries like the United States, there may not have been any space for intrracial associational engagement historically, leading to puzzles about the precise mechanisms of peace in a different historical and social setting. (p.299)

It is also important to avoid making the assumption that sufficient inter-racial 'mixing' will reduce racial tensions. As Mamdani (2001) notes, intermarriage was common in Rwanda. In many cases, it is also difficult to ascertain physically who is a Tutsi or a Hutu and yet, these ethnic divisions were easily available for manipulation at the time of the Genocide. In

a similar vein, Mamdani (2001) highlights the importance of recognising differences between regions, states and societies, particularly in terms of identity construction and dealing with issues of race and ethnicity.³⁶

All postindependence regimes were determined, to one degree or another, to do away with the stigma of race that they associated with colonial rule. The tendency of the postcolonial state was to deracialise civic identity. Civic citizenship ceased to recognize any difference based on race or place of origin. That is where similarities ended and differences sprouted among different kinds of post-colonial reform agendas. (Mamdani, 2001, p.237)

When looking at the conditions that make violent hatred possible (whether once off isolated incidents or large scale genocide), it is important to uncover factors of time, place and history and to relate these to identity formation. In addition to spatial and temporal variations in the manifestation of the Rwandan Genocide, Mamdani (2001) interrogates norms and morality – at the extremes and within mainstream Rwandan society. He writes of 'ambivalent stories of the genocide', in which the same individuals risked their lives in certain cases to save people, but killed in other cases:

I realized that these cases were not solitary. Many had combined saving in one place with killing in another. Could they have killed under duress – knowing that if they refused or even appeared reluctant they would surely be killed – and saved life when the opportunity presented itself? Was this not more representative of humanity in the ordinary? They were less than heroic under stress, yet humane in ordinary circumstances ... (Mamdani, 2001, p.221)

For Mamdani (2001) the Rwandan Genocide cannot be understood without the concept of ambivalence. Ambivalence is not just an explanation for why the same individuals both killed and saved. It can be extended past individual psychology to describe specific social 'positions' available for individuals to move in and out of: here, these might include active willing perpetrator, active unwilling perpetrator, passive bystander, resistor, and active anti-perpetrator/'saver'. Mamdani's (2001) analysis can be read discursively to suggest that during the Rwandan Genocide many individuals occupied different social positions at different times. This implies a certain amount of flexibility at the level of individual actions, a condition that simultaneously suggests a malleable social and moral order.

Power, fear and identity

Although there is a degree of flexibility within the social order (which grants certain individuals the ability to occupy different social and moral positions at different times) this flexibility is neither infinite nor equally accessible to all members of society. Rather, as Foucault (1980) teaches, the social order is one governed by relations of power and these impact on who is able to occupy what position when.³⁷ For example, in South Africa, it is impossible for individuals who occupy the category (i.e. social position) of 'undocumented migrant' to simultaneously step into the social position of 'state beneficiary' in any sustainable way.³⁸ This facilitates a context of xenophobia and prejudice. It goes beyond the scope of this report to explore power relations in detail. However, it is important to acknowledge that power does shape, sustain and produce inequality and prejudice within

society. Indeed, hate crimes cannot be explained without the notion of power. And power is usually understood to be part of a system. For example, the South African Human Rights Commission (SAHRC) defines racism as

a systematic discrimination against, or exclusion or oppression of a group of people based upon a quality as in skin colour or hair texture, or ideology. It's not simply random acts. Racism is about having the power or capacity to translate prejudices and attitudes or feelings of superiority into practice, custom, policy or law. ([SAHRC interim report, 1999b](#), p.17)

From a Foucauldian perspective, power can also be seen to play out at a micro level, through relationships between and within individuals (including relationships of violence and inequality, as well as pleasure), and at a macro level through the technologies of bio-power that regulate the population (and, in the case of hatred, institutionalise prejudice) (cf. Foucault, 1980). Although these actions and technologies can be overt and obvious (as in the legal policies of Apartheid), they are more usually covert and insidious, working in subtle ways through discourse and action. Hate crimes – as overt expressions of prejudice – find their place on the spectrum of power, which is also governed by subtle and flexible discourse.

The intersection of power, discourse and prejudice is highly complex and, in relation to hate crimes, represents an area for future study and theory-development. Similarly, the ways in which power produces emotions and thereby exerts social control is also an avenue that demands further exploration. For example, Mamdani (2001) describes the role of fear within the Rwandan Genocide:

For Hutu Power propagandists, the Tutsi question was not one of rights, but of power. The growing appeal of Hutu Power propaganda among the Hutu masses was in direct proportion to the spreading conviction that the real aim of the RPF was not rights for all Rwandans, but power for the Tutsi. This is why one needs to recognize that it was not greed – not even hatred – but fear which was the reason why the multitude responded to the call of Hutu Power the closer the war came to home. Hutu Power extremists prevailed not because they promised farmers more land if they killed their Tutsi neighbors – which they did – but because they told farmers that the alternative would be to let RPF take their land and return it to the Tutsi who had been expropriated after 1959. (p.191, emphasis original)

Fear and insecurity can be central components of prejudice. According to Hugo (1993), they are key ingredients for explaining the persistence of 'ethnicity' as a social faultline. Writing prior to Mamdani's (2001) analysis of ethnicity, prejudice and genocide in Rwanda, and just before South Africa's first democratic elections (i.e. 1993), Hugo notes that in the research field of 'ethnic phenomena',

the balance has ... tipped towards over-conceptualisation of the quest for understanding and under-researching of the sentiments of men and women whose 'commonsense understandings' make up the stuff of the ethnic drama or what Okwudiba Nnoli calls the 'individual insecurity and internalized dimension of ethnic sentiments' [which remain] even when the original basis of

ethnicity, socio-economic competition among classes and individuals, is eliminated. (p.240)

He suggests expanding the notion of fear into a 'syndrome of fears' (p.247) comprised of at least two separate 'categories' through which racialisation operates, namely a psychological category of fear, concerned with issues of identity and discrimination, and a physical category of fear, concerned with safety and violence. The latter, he suggests, is 'a qualitatively different brand of fear which does, in fact, involve perceptions of violence, a total collapse of society, expulsion and flight' (pp. 242-243). He argues that this form of fear has not been rigorously examined, although '[t]here are persuasive reasons for regarding fears of this kind as being at least as important within the context of the debate about change in South Africa as fear of the loss of privilege, possessions and identity, which are more typically mentioned' (pp. 242-243). By complexifying and separating fear in this manner, Hugo (1993) offers an interesting way for a) conceptualising different types, manifestations and expressions of fear, and b) disaggregating the ways in which perpetrators, victims and society speak of ethnicity as it relates to fear, and fear as it relates to actions of prejudice. However, the notion of 'hate crime' does pose a key challenge for Hugo's (1993) suggested separation of fear into physical and psychological categories. This is because hate crimes represent an intersection of violence (physical fear) with identity (psychological fear), rather than a separation between the two.

Hugo's (1993) call to focus on 'commonsense understandings' of ethnicity and to develop a more complex understanding of fear must be contextualised within a specific time and place: 1993 South Africa, when he was examining 'the politics of racial phobia' surrounding white and Afrikaans 'fears' of political transition (p.256). More recently, various studies have incorporated the notion of fear into their explanations of both ethnicity (for example Mamdani (2001)) and hate crime in general. Consider the following extracts:

The impact of New York [Sept 11] ... seemed to have a direct impact on the way that an increased sense of hostility and lack of tolerance was exerted against pre-existent, usually historically perceived foes ... it provided a catalyst of fear that, to some degree, offered a newly acceptable justification. Fear seems to be the vital ingredient in this phenomenon. (Allen & Nielsen, 2002, p. 41)

The fear and hostility felt towards someone, because of another person's bias towards the group to which they may belong, is the cause of most hate crimes Because of rampant ignorance and fear surrounding homosexuality, many bias-motivated physical assaults against gay, bisexual, HIV-positive, and transgendered persons are extremely violent and brutal. ([Lambda Anti-Violence Project](#))

Given the message quality of hate crimes and the fear that they create amongst targeted and victimised communities, it is ironic that 'fear' is presented as a factor for explaining perpetration. From a cynical perspective, fear could be interpreted as a discursive device that is deployed by perpetrators to shift from the position of perpetrator into a social position of fearful victim. However, this perspective does not consider the complexity of racial identity and its relationship with individual fears and social forces. Winant's (200) comments on whiteness in Europe and the USA seem applicable to white identity in post-

apartheid South Africa:

The dissolution of the transparent racial identity of the formerly dominant group, that is to say, the advancing racialization of whites in Europe and the United States, must also be recognized as proceeding from the increasingly globalized dimensions of race. As previous assumptions erode, white identity loses its transparency, the easy elision with 'racelessness' that accompanies racial domination. "Whiteness" becomes a matter of anxiety and concern. (Winant, 2000, p.187)

It is not just the isolated psychological effects of 'fear' that can sustain and even fuel actions of hatred. Rather, it is important to question how fear is disseminated and how it takes on a role that enables it, along with other psychological factors, to become an explanatory variable. Hugo (1993) suggests that 'a fruitful way of understanding white fears is to see them as a product of history and learning (socialization)' (Hugo, 1993, p.253). The role of learning (formally and informally) introduces the relationship between individuals and institutions, such as schools, the media and the state, as well as broader political and social forces.

The Role of Institutions and Politics

A key objective of the Race and Citizenship in Transition Series is to examine South African institutions in relation to racism and transformation. This will be done in the next phase of the research process (cf. upcoming reports on Institutional Transformation). Consequently, this section of the report will not engage with particular institutions or the details of institutional transformation. Rather, it will merely flag certain ways in which institutions and broad political processes can create and sustain prejudice, and thereby facilitate hate crime perpetration, as well as the production of racialised identities.³⁹

Institutional Racism

Racism can be defined in a number of ways. Some definitions locate it at the level of ideology. For example, the debates surrounding the question: 'Can black people be racist?' revolve around ideological positions: some say 'yes' (racism is about personal and individual attitudes and practice) and others 'no' (racism is about structures of power and access to resources). Other definitions point to the variety of forms racism can take. In their discussion document for a 'National Action Plan and Strategy to Combat Racism', the South African Human Rights Commission (SAHRC, nd) takes a holistic approach towards understanding and tackling racism in South African society. Racism is presented as endemic and multifaceted, taking on various forms, including xenophobia, economic disempowerment, ethnic/tribal divisions, race hate-crimes, and gender-based differences. Other definitions of racism point to the multiple layers at which it manifests, including unwitting and institutional, as well as conscious and individual, levels. For example, the Macpherson Report (1999), which resulted from the Stephen Lawrence Inquiry (and which comments specifically on policing practices in the UK) (see box 5 above) explains that

Unwitting racism can arise because of lack of understanding, ignorance or mistaken beliefs. It can arise from well intentioned but patronising words or actions. It can arise from unfamiliarity with the behaviour or cultural traditions

of people or families from minority ethnic communities. It can arise from racist stereotyping of black people as potential criminals or troublemakers. Often this arises out of uncritical self-understanding born out of an inflexible police ethos of the "traditional" way of doing things. Furthermore such attitudes can thrive in a tightly knit community, so that there can be a collective failure to detect and to outlaw this breed of racism. The police canteen can too easily be its breeding ground. (Chp. 6, para 6.17)

Unwitting racism, as it is defined in the Macpherson Report (1999), is closely linked to institutional racism:

Institutional racism has been defined as those established laws, customs, and practices which systematically reflect and produce racial inequalities in society. If racist consequences accrue to institutional laws, customs or practices, the institution is racist whether or not the individuals maintaining those practices have racial intentions. (Commission for Racial Equality (CRE), quoted in the Macpherson Report, 1999, Chp. 6, para. 6.30)

In these definitions, unwitting racism seems to find expression between individuals at a narrower level than institutional racism. However, both are located beyond individual intentions, as part of a system that overrides any conscious or deliberate actions of prejudice. How institutional racism – beyond creating a context of prejudice -overlaps with hate crime is a complex question. In South Africa, this overlap is something to explore further, alongside the current manifestations of institutional racism and in relation to the legacy of apartheid (institutionally entrenched racism), and the politics of transition (institutional transformation). This will be the focus of later reports in the Race and Citizenship in Transition Series; here it is sufficient to point to the complexity and subtlety of racism, embedded as it is, within many different social and institutional layers.

Political discourse

In addition to understanding and addressing institutional racism, it is important to explore political discourse and its relationship with institutions and identity (and their overlaps with hate crimes). In the South African context, the Constitution represents a tool of governance and a platform for shaping social attitudes, as well as providing a legal structure based on human rights. Hailed because it protects vulnerable groups, the Constitution lends legal support to an anti-prejudice framework. It sends out a political message of tolerance and non-discrimination. A significant challenge, however, lies with putting these principles into practice. In addition, critics suggest that South African law – even if it is properly applied – is not sufficient to protect hate crime victims. They argue that legislation should be introduced to deal specifically with hate crimes (verbal debate at the South African Human Rights Commission, 2003a).

Beyond the constitutional framework, political attitudes may impact on social discourses about hate and prejudice. These may vary considerably according to the type of prejudice involved, the political party itself and individual politicians and public figures. In South Africa, for example, certain political parties strongly frown on homosexuality and/or immigration, whilst simultaneously promoting the rights of women and children. Populist politicking and vote-garnering tactics frequently exploit the prejudice that surrounds certain

identity-groups, as fear is a powerful mobilising force.

Discrimination based on identity can be manufactured, stoked or inflamed for political purposes. Governments in all continents have whipped up anti-gay sentiment and used it in a calculated and conscious way to attack their opponents, court support or deflect attention away from their own misdeeds or shortcomings. They have sought to use gay people as convenient scapegoats for perceived social ills, such as a break-down in morality or law and order. (Amnesty International, 2001, p.5)

Along with politicians, influential public figures, such as entertainers, artists and sports heroes, share a responsibility for informing public debate and opinion. The national controversy provoked by poet Mbongeni Ngema's song *AmaNdiya* in 2002 illustrates the powerful role that public figures can play in both reflecting and influencing attitudes. In loose translation, the song states: 'The Indians don't want to change. Even Mandela has failed (to change them). It was better with white people because we knew we were fighting for the land' (*Sowetan*, 2002). Ngema defends the song and his 'role as an artist ... [as one which] mirror[s] the society and highlight[s] the plight of the people on the ground' ([Adams & Sapa, 2002](#)). However, others have criticised it as divisive and actively contributing to stereotypical thinking (cf. Harris, 2002b). Cases of this nature also raise questions about the relationship between hate speech and hate crime; a relationship that has been fiercely and increasingly debated in the country's first ten years of democracy (for an interesting case study, track the Human Rights Commission's findings on the statement 'kill the boer, kill the farmer', SAHRC, 2003b, see also Louw, 2001⁴⁰).

Political statements, party membership, and the response of authorities to particular incidents can play a role in facilitating hate actions. The Eurobarometer survey for the European Monitoring Centre concludes that 'political party affiliation is part of the causal system producing attitudes towards minorities' (Coussey, 2002, p.18). Allen & Nielsen (2002) suggest that in the wake of September 11, certain politicians fueled public attitudes of hostility towards Muslims and foreigners. For example, in the Netherlands, they explain that '[f]ar-right groups increased their activities, where those such as the Populist Party used explicit Islamophobic language, whilst others such as the New National Party acted similarly to recruit new members' (p.24).

Just as political and public figures can feed racist and hostile attitudes (or actively perpetrate violence), so they can challenge stereotypes and tackle hatred. In South Africa, these include the popular figures of history (and the reconciliation enterprise) – such as Nelson Mandela and Desmond Tutu - as well as a number of public figures who are involved in a wide range of anti-prejudice causes. Institutions can similarly play a role in fighting hatred. For example, Allen & Nielsen (2002) observe that the media contributed to fostering positive social reactions to Muslims in Finland post-September 11:

Overall, actions and reactions to the events were almost entirely positive. The media in Finland were specifically noted in this respect, acting with responsibility towards Muslims and other ethnic minorities. Various platforms for Muslim voices were provided, and a strong anti-racist and anti-xenophobic message was expressed in Helsingin Sanomat. There was also a rise in the

number of younger people reading newspapers, along with a widespread public demand for more information about Islam, with sales of literature on the topic dramatically increasing. (Allen & Nielsen, 2002, p.16)

Although public figures and institutions can use their influence to contest prejudice, it is important to evaluate the extent to which racism dominates within society when gauging the success of anti-racist discourse. South Africa's history of legislated racism, coupled with new targets of prejudice, suggests that the (non-legal) playing field is unequally weighted against those who attempt to resist, rather than perpetrate, prejudice. At the same time, however, the legal playing field is stacked against the perpetration of prejudice. Within South Africa, the changing, dynamic nature of a society (and racism itself) in transition must be incorporated into any assessment of institutional and political discourse surrounding racist violence.

Conclusion

Hate crime in transition

Despite very recent and limited discussions about whether to legislate against hate crime (SAHRC, 2003a), the term is not commonly used in South Africa. Indeed whether and how it should be applied in the post-apartheid dispensation remains to be decided. Generally, hate crime describes violent actions motivated by prejudice and, as such, the concept represents a way in which to organise, analyse and punish these actions. It consolidates and 'arranges' prejudice, both as a theoretical concept and as a reporting/sentencing category. However, the international literature reviewed in this report shows that hate crime is a complex phenomenon, with multiple meanings, interpretations and explanations. There are a number of pros and cons attached to its application. When mapped onto the South African context, these benefits and challenges also need to be interpreted in light of the country's unique racist history, the transition to democracy and the ongoing expression of violent prejudice today. It is these factors, intertwined with more general lessons from the international context, that raise a number of questions around the relevance and application of the term hate crime to the post-apartheid context. These include questions around:

- **Victims and perpetrators:** How to identify and deal with both? Who is a victim? Who is a perpetrator? What is the relationship between individuals and society? What is the relationship between individuals and history? How do debates about reparations and justice for the country's apartheid past fit into the hate crime debate? Are there new victims and perpetrators of prejudice? How can they be identified?
- **The criminal justice system:** What are the sentencing implications for perpetrators? Are there alternative models for rehabilitation and justice? How can the criminal justice system best cope (logistically and practically) with a new reporting category 'hate crime'? Is there an appropriate victim empowerment strategy for managing victims and the trauma not only of a racist attack but also of the possible reporting 'fall out' for victims living in prejudiced communities? What is the relationship between institutional racism and hate crimes?
- **Race, identity and violence:** What is the relationship between extreme incidents of violence and 'ordinary' racism? How do other factors of identity impact on race and

the expression of violence? Are hate crimes always motivated by prejudice? How is prejudice transmitted? How can a society (especially one with an apartheid history) address racist hatred without reproducing old patterns of racist relationships or reifying race itself?

- **The concept 'hate crime' itself:** Can the term be expanded to accommodate a spectrum of hate crimes, rather than a monolithic category that does not capture the nuances and differences in victims, perpetrators, social responses, and actions? What are the commonly expressed 'qualities' of hate crime? How is hate crime represented and interpreted socially? How can these be explored and challenged in order to avoid a one-dimensional, misleading application of the term and/or the development of stereotypical representations of victims and perpetrators? In South Africa, how can the term be broadened past 'race', to include other forms of prejudice? How can the notion accommodate the flexibility of prejudice and violence in transition?

These questions (and many others) need to be raised and debated in South Africa. The idea of hate crime itself must be expanded beyond a singular category to include a spectrum of actions, victims, perpetrators and responses. It must also be contextualised alongside the complex concepts of identity, prejudice and violence in a society undergoing transition. This report is informed by a theoretical assumption that violence, including racially motivated violence, is in transition within South Africa (cf. CSVV Violence in Transition Series for a detailed engagement with this assumption). As a consequence, the notion of hate crime – if it is to have relevance within South Africa - needs to accommodate 'new' targets of prejudice, for example, black African foreigners, as well as 'old' victims and perpetrators. While it is crucial to acknowledge and articulate new patterns of conflict and prejudice, it is also important to avoid merely shifting the emphasis – socially, legally and politically – away from race. Care must be taken to avoid creating a new language that drives the discourse of racism underground without eliminating its real and often violent effects. As Winant (2000) warns:

The main task facing racial theory today, in fact, is no longer to critique the seemingly "natural" or "commonsense" concept of race – although that effort has not by any means been entirely completed. Rather, the central task is to focus attention on the *continuing significance and changing meaning of race*. It is to argue against the recent discovery of the illusory nature of race; against the supposed contemporary transcendence of race; against the widely reported death of the concept of race; and against the replacement of the category of race by, supposedly more objective, categories like ethnicity, nationality, or class. All of these initiatives are mistaken at best and intellectually dishonest at worst. (Winant, 2000, pp181-182, emphasis original)

Race, along with other social faultlines – new and old – needs to be constantly challenged and problematised, not marginalised, through the application of the term hate crime. This is important because hate crime speaks of identity: as a differentiating factor between individual victims and perpetrators and as a way to connect violence and prejudice with the social faultlines through which identity is created and sustained. Identity is a key factor in explaining violence of this nature and hate crime thereby situates violence directly at the interface between individuals and society. It recognises a social context and history but

goes beyond macro political and socio-economic factors to incorporate a less tangible dimension – that of psychology and power – as explanation. This is crucial in post-apartheid South Africa, where identity, including racial identity, itself is in transition.

That hate crime allows for the intersection of identity with violence, both of which can be conceptualised as 'in transition' within post-apartheid South Africa, is an important theme of this report. The flipside of this relationship is how to deal with hate crimes and their accompanying identities of violent prejudice. This is a theme that brings notions of reconciliation and peace building into the spotlight. Rather than seeing these as separate issues, hate crime creates a space to conceptualise racism as intricately related to reconciliation. As the Human Rights Commission notes:

Reconciliation in our country will mean nothing if it is not racial reconciliation. At the heart of dealing with the question of reconciliation is dealing with the problems of race and racism (SAHRC, nd, p.2).

Notes:

¹ This introduction updates the proposal *Consolidating Citizenship and Reconciliation in the Post-Truth and Reconciliation Commission Period* submitted to the Ford Foundation (2000).

² Perpetrators of political violence had to fully disclose details of their past crimes in order to qualify for amnesty. Simply put, it was agreed that justice would be overlooked provided that the perpetrators publicly told the truth. The truth, it was hoped, would help the process of healing individual victims and the nation.

³ Theissen, G. (1996). *Between Acknowledgement and Ignorance: How white South Africans have dealt with the apartheid past*. Research report based on a CSVR-public opinion survey conducted in March 1996. Braamfontein: Centre for the Study of Violence and Reconciliation.

⁴ Dewhirst, P. & Valji, N. (2003, April) [Little joy, no rainbow, victimized again](#). *City Press*.

⁵ Oakley-Smith, T. (2003, May). Editorial, *The Star*.

⁶ These qualities have been expanded into the propositions outlined in the introduction to this report and tested by the MMP monitoring process.

⁷ This is not to suggest that perpetrators are conscious or self-aware in 'defining' themselves this way. As basic identity theory teaches, those situated within dominant social categories (e.g. 'men', 'white', 'heterosexual') rarely see their own position or recognise their 'identity' with reference to these social faultlines of privilege.

⁸ These questions also tap into a broader debate on language and messaging, i.e. what social message is being sent through focusing on the race or gender or disability etc of the victim?

⁹ It goes beyond the scope of this report to engage with farm killings and the discourses surrounding them. It is interesting to note however, that when MMP ran a keyword search on the term (in relation to the media database), over 6000 items emerged (more than the combined sum of the remaining keywords). A future study that focuses on race discourse, reconciliation, victimisation and perpetration in relation to rural areas is recommended. Valji (editing comments, 2003a) makes the important observation that farmer killings have been given a prominent place in media discourse as an almost accepted category of racial crime and yet abuse against farm workers is rarely reported and certainly not treated within the same discourse. The patterns of media reporting also lend to the characterization of crime against farmers as racial, despite high levels of crime throughout the society in general.

¹⁰ This is not to suggest that a typology of victimisation such as that which exists under the current rubric of hate crime, is by any means 'objective' or able to avoid subjectiveness. Moody's (2000) concerns suggest that an 'all victims are equal' model can reinforce patterns of prejudice and further marginalise already marginalised victims. As with the 'neutral' country position, this begs the question, is it possible or desirable to be neutral not only about prejudice but about punishing it too?

¹¹ The [Violence in Transition Series](#), along with other key CSVN research, shows that, contrary to popular myth, a post-apartheid South Africa is not conflict-free. Although the phrase 'post-conflict society' is commonly applied to societies undergoing transition, the South African case study shows that this is not accurate. Indeed, it is actively misleading, and can be used to fuel and disguise 'new' forms of violence. That violence itself undergoes transition and takes on new forms and targets is a key assumption underpinning this report. It is also a crucial starting point for understanding prejudice and its contemporary manifestations in South Africa and for comparing the concept of hate crime internationally.

¹² This is particularly interesting in the wake of September 11, where 'terror' has re-entered international social and political discourse in a very specific way. On the one hand, terror and hatred have been closely coupled in ways that reinforce and complement each other. On the other hand, 'the war against terror' has itself 'justified' certain actions, which, in the definitions discussed in this report, are hate crimes. This is because 'terror' has come to be associated with particularly vulnerable social groupings defined along religious and racial lines under the broad rubric of 'Islam', for example, 'Muslims' and 'Arabs'. Discursively, the concept of terror has thus opened up the space for hate crime perpetration, as much as it has solidified the link between terror and hatred.

¹³ Palmary (editing comments, 2003) comments that 'this question seems to be based on the idea of prejudice as an "attitude" in the traditional psychological sense. We can also think about prejudice as a culturally available resource which some (all?) people draw on and then think through how these create the space for violence.'

¹⁴ Another interesting overlap between general vigilantism and hate crimes is that both are commonly shrouded in a moralistic discourse – perpetrators frequently justify their actions by reference to a moral high-ground, rooted in religion or codified through a sense of moral guardianship (e.g. beating an alleged criminal to death might be justified as filling a perceived policing gap and keeping a community safe from crime, whilst killing a gay man

might be justified as upholding Christian values. Another recent example of the overlap between vigilante hatred and moral discourse is that of 'corrective rape' in which lesbians are 'raped, assaulted and victimised ... in an attempt to force a change in their sexual orientation' and turn them 'into real African women' ([Mufweba, 2003](#)).

¹⁵ Palmary (editing comments, 2003) suggests that this is important in order to avoid writing off hate crime as an individual form of pathology and instead being able to analyse it as part of a broader socio-political system.

¹⁶ Indeed, the first time that I encountered an organised, self conscious application of the term 'hate crime' in South Africa was in September 2003, when it appeared on a public invitation to a seminar at the South African Human Rights Commission (SAHRC, 2003a) entitled: Race-based crimes: hate-motivated crimes and hate speech in South Africa. As an invited speaker, I observed: 'When I received the invitation to come and speak today, I was fascinated and excited to see the term "hate crime" on the agenda. Although prejudice is not new to South Africa, this forum represents, I think, one of the first public and social spaces in post-apartheid South Africa where prejudice has been framed as a concept – one which comes with legal, moral and practical implications – namely that of hate crime. In this sense, I think that we are making a conceptual leap in this room by starting a discussion about hate crime and looking at its links to racially motivated violence and hate speech.' (Harris, 2003a, presentation to the South African Human Rights Commission, September 03)

¹⁷ Palmary (editing comments, 2003) links physical, bodily violence to the fact that hate crime victims are often identified through physical features. She says: 'often people are identified by the way they look and this [violent] emphasis on the body seems symbolic. Is the part of the body that is attacked significant, e.g. a woman's womb or painting a person?'

¹⁸ Although these incidents are commonly represented in neutral terms as violence 'between' Asian and white residents, human rights representatives point out that Asian residents were the initial victims of the violence and that it did not take place in a deracialised vacuum (i.e. the playing fields were not level to start with) (noted by various participants at the RaceActionNet Conference, 2003). Similarly differential sentencing of Asian and white perpetrators involved in the 2001 violence reinforces questions about racism within the criminal justice system (3-4 years for 'rioting' vs 9 months for being involved in a 'fray') (RaceActionNet, 2003, participant question directed at key note speakers).

¹⁹ Valji (editing comment, 2003a) links this to power. She suggests that it is about 'resisting oppression from those with more power whilst simultaneously exerting power on those more vulnerable'.

²⁰ This is not to suppose that 'old' patterns of racism were always as crass or clearly 'black and white' as this particular incident was. However, the language that the men deployed was typical of apartheid-era slurs and their racism was overt and 'uncensored'. They did not attempt to disguise their racist actions in any way, and reflected no self-awareness about a changed socio-political order.

²¹ The incident has generally been depicted as an example of 'rogue' cop action and something beyond the norms of common policing practice, an isolated and extreme incident. However, there have been subsequent allegations that the use of undocumented migrants as 'human bait' was/is not uncommon practice within the dog units (cf. headline news in Venter & Staff reporter, 2001, November 20). More generally, it appears that there are a number of less-brutal incidents that take place, sans publicity (cf. HRW, 1998). These include the destruction of documents, threats, bribes, racial profiling, assaults, unlawful detention and illegal repatriation. It is impossible to understand the Dog Unit incident without contextualizing it in a climate of xenophobia, racism and displaced targets of prejudice, as well as ongoing dehumanisation and police impunity.

²² This is particularly tricky in light of recent legal actions that take into account 'victim impact' when determining sentencing and compensation (Crane, in personal communication). The risk is that 'those who cry the most, get the most' and this is very problematic from a victim empowerment perspective – trauma finds expression in different ways and it is important to avoid prescribing a 'hate crime victim template' if it does not accommodate resilience or the possibility that there has been no direct or measurable impact on a victim.

²³ Within the literature reviewed for this report, genocide was rarely linked to hate crime, if it was introduced at all. The reasons why are not clear and cannot be fully explored here. One key reason may be that the massiveness of genocide overrides any commonality with 'smaller' manifestations of prejudice. Another possibility (with implications for the study of hatred in post-apartheid South Africa) is that the massive scale of genocide challenges the notions of 'minority' and 'majority' (even although it is frequently 'minority groups' who are attacked in mass hate killings, the numbers involved go beyond conventional definitions of 'minority' and 'majority'; a simplistic notion of 'minority' is similarly not applicable within the South African context of prejudice, even although the scale of hate incidents does not constitute genocide). Whatever the differences between theories of hate crime and genocide, there are lessons to be learnt from the latter in terms of the psychology of prejudice and mass-violence. For example, Mamdani's (2001) analysis of the Rwandan Genocide offers insights into the motives and actions of perpetrators (see explaining hate crime perpetration below). Another reason for introducing genocide to the hate crime spectrum is that genocide is more commonly theorised in relation to the field of Transitional Justice, unlike hate crime studies which tend to focus on individual perpetrators and the criminal justice system, rather than justice, reparations and reconciliation in a bigger picture (cf. Harrell (2003) for an exploration of the Rwandan Genocide and the need for transitional justice mechanisms, such as the gacaca, to publicly condemn that which perpetrators viewed as condoned). This allows for links to be made between institutions, such as the media in Rwanda, which was used to incite genocide (cf. Harrel, 2003; Louw, 2001; Mamdani, 2001), and individual actions.

²⁴ This is one lens through which to assess the debates and law suits surrounding apartheid reparations (cf. Valji, 2003b).

²⁵ This comparison is ironic because, rather than engaging with perpetrators, racial profiling creates victims of prejudice. This is despite the fact that the police themselves may justify their actions as dealing with 'potential perpetrators'. This irony is reflected in

the USA in the increased number of arrests and detention of foreigners, particularly from Arabic countries, post-Sept 11th, and the related practice of forcing males of Arabic origin to 'register' with the US government (Valji, editing comments, 2003a); or in South Africa, the common policing practice of arresting 'illegal immigrants' (because they look like 'illegal immigrants') on the suspicion that they are 'drug dealers' or 'hijackers'. These examples illustrate the risk of victimisation and the inherent bias of classifying 'perpetrators' according to ascriptive criteria.

²⁶ This may be more complex – for example, cases of homophobic perpetrators acting out because of their discomfort with/denial of their own gay identity, or cases of what might be termed 'internalised oppression' where black perpetrators participate in racist violence.

²⁷ One problem with this level of classification, as Palmary (editing comments, 2003) notes, is that it locates violence within individual pathology and detracts from broader social processes and systems that create the space for this violent expression. She asks 'to what extent would all the members of the Ku Klux Klan have to accept responsibility for one member's actions?' A similar tension - between individual motives and psychology on one hand, and social processes/responsibility, on the other - can be seen to both set itself up and play itself out in many TRC amnesty cases (cf. Mamdani's (1996) critique of the individualising nature of the TRC).

²⁸ Although Strydom had already been released from jail in the pre-TRC negotiations, [Sapa \(1998\)](#) explains that he 'applied for amnesty so that his parole conditions could be lifted, his criminal record erased and he be protected from civil claims by the victims' families' (available online). At the time when he applied, it was suggested that the 'Vlakplaas claims have a bearing on Strydom's [TRC] amnesty application because, in order to qualify for amnesty, a criminal act must have been politically motivated. If it is shown that Strydom acted alone, he will not qualify for amnesty' (*Mail & Guardian*, 1997). However, before a decision could be made, Strydom withdrew his amnesty application in 1998 on the grounds that 'only a general amnesty could resolve the amnesty question and that the government was using the issue to humiliate and belittle the Boer nation' (Sapa, 1998).

²⁹ Although it must be recognised that not all extremist groups support violence (which is usually a common feature of lone wolf activity). Valji (editing comments, 2003a) asks 'doesn't it depend on how violence is defined?' She suggests that 'exclusion in any form can be interpreted as a form of violence, for example, apartheid beneficiaries may claim that they perpetrated no violence themselves, however, they supported the institutional violence of the system'.

³⁰ It would be interesting to analyse discourses on language, politics, actions and culture as these surrounded Inkatha and the notion of a coherent, unified 'Zuluness', especially during the East Rand violence of the early 1990s; violence which could be framed as 'motivated by prejudice'.

³¹ This legislation will be enacted through the Equality Courts; although please note that these courts are civil, not criminal in nature – there is still a broader social debate underway regarding the possibility of legislating 'hate crime' as a criminal category in and of itself.

³² Given the related perpetrator factors – of group membership, youth and masculinity – it is not surprising that alcohol and/or drugs may be present, although this is a feature of general crime patterns and is not unique to hate crimes. However, because hate crimes are about identity (of both perpetrators and victims), substances may take on extra-prominence as they feed into and are part of a 'macho' identity.

³³ Genocide is not commonly linked to mainstream hate crime studies – see footnote 18 for further explanation.

³⁴ At this level, these factors are also discursive devices used to exploit public fears and divert from other reasons for committing violence, such as maintaining the status quo and the ongoing exploitation (often financial) of 'the other'.

³⁵ This is an interesting point and one which needs further examination in light of the (possibly contradictory) 'culture of violence' argument. The latter is commonly used to 'explain' ongoing cycles and patterns of violence during political transition. One interpretation of this argument is that 'violence breeds violence', i.e. violence does, in an essential way, become an explanatory and causative factor through which to understand continuities and changes in violence.

³⁶ This is not only important when trying to understand hate crime, but also when trying to deal with it. At a national-level, for example, Harrell (2003) argues 'the emerging liberal-prosecutorial model of transitional justice is not appropriate in all transitional contexts' even although it is commonly applied as a universal 'solution' across countries (p.6). He compares the genocide of Rwanda with Pinochet's dictatorship in Chile and suggests that: 'It is absurd to think that one model of justice could be appropriate in both these situations ... the two countries need justice to accomplish very different ends. Chile arguably needs justice to consolidate its democratic government, to deter potential coups, and to consolidate the rule of law. Rwanda, I will argue, needs justice for fundamentally different reasons: to eliminate the popular morality that tolerated genocide, to ensure security, and to promote reconciliation.' (Harrel, 2003, p.7)

³⁷ Often (and this is ironic but not unexpected), it is those who occupy social positions of power who locate themselves within 'victim' positions. For example, Crawley & Lemos (2002) note that '[i]n areas of heightened racial tensions [in the UK], white children are almost as likely as ethnic minority children are to report racial harassment. In one study (Webster, 1996) more white people reported being victims of racial attacks than did Asian people. He found that the main reason for this was the establishment of Asian vigilantism based on territorialism. Webster discovered that local territories had historically been designated as white or Asian. He reports that the majority of racial incidents on white people were perpetrated when known racists entered what was seen as Asian territory, thus explaining it as Asian resistance to white violence. However there remains a belief in the white community that they rather than Asians are the victims of violence'. (p.30)

³⁸ This does not mean that particular individuals cannot resist or exploit or transcend certain social positions. However, in the bigger picture, power relations (which usually work hand-in-hand with economic inequality) constantly create barriers between certain

categories and the individuals represented therein.

³⁹ This does not assume that all institutions are equally responsible for hate crime perpetration or, indeed that any institution is directly and/or consciously involved in committing hate crimes. Also, this does not assume that institutions cannot and, in certain cases, do not play a role in contesting and fighting against hate crimes.

⁴⁰ Louw (2001) argues that 'hate speech should be regulated in Africa because the ethnic, racial or religious composition of African states are more often than not the reason behind conflicts on the continent. Violent civil strife with strong ethnic undercurrents has afflicted [a diverse range of countries] The failure to find a solution to inter-ethnic conflicts in Africa is not due to any inherent characteristics of ethnicity in African societies. Rather, it is due to an inadequate analysis of the problem and the exploitation of ethnic differences by African leaders. Hate speech is usually the tool used by leaders to promote intolerance based on existing ethnic or religious divisions in societies.' (p.3)

References

Adams, S. & Sapa (2002, May 28). [Song furore a storm in a teacup](#), says Ngema. *Independent online*.

Adams, S., Hlangani, M. & Sapa (2002, January 17). Man held for attack on black passengers . *The Star*.

Allen, C. & Nielsen, J. (2002). *Summary report on Islamophobia in the EU after 11 September 2001*. Vienna: European Monitoring Centre on Racism and Xenophobia.

American Psychological Association (APA). (1998). [Hate crimes today: an age-old foe in modern dress](#).

Amnesty International (2001). *Crimes of hate, conspiracy of silence: torture and ill-treatment based on sexual identity*. Oxford: The Alden Press.

Banda, C. (2002, September 18). Fury after another theft suspect is painted. *The Star*.

Bareng-Batho Kortjaas (1999, October, 10), [AIDS worker lives in fear](#), *Sunday Times*.

Bjorgo, T. & Witte, R. (1994). Introduction. In T. Bjorgo & R. Witte (Eds.), *Racist Violence in Europe* (reprint), 1-16. New York: St Martin's Press.

Bjorgo, T. (1997). *Summary: racist and right-wing violence in Scandinavia: patterns, perpetrators and responses*. Doctoral dissertation: University of Leiden, also published as a book: Oslo: Tano Aschehoug.

Bjorgo, T. (1998). [Patterns of violence against immigrants and asylum seekers in Scandanavia](#). In T. Virtanen (Ed.), *Youth and racist violence in the Nordic countries*, 2-38.

Botha, A. (2001). [The multi-headed monster: different forms of terrorism](#). In H. Boshoff, A.

Botha & M. Schonteich (Eds.), *Fear in the city: urban terrorism in South Africa*, 13-36. Pretoria: Institute for Security Studies.

Bothma, S. (1999, April 08). [Challenge looms on amnesty decision: Gaye Derby-Lewis vows to fight 'inconsistencies' in ruling on Chris Hani's killers](#). *Business Day*.

Boyle, B. (2000, 13 November). Mauled by dogs for not having R300, *Daily Mail and Guardian*.

Carte Blanche Interactive. (2001). *A question of madness*. D. Lucas (Producer), D. Watts (Presenter).

Clancy, A., Hough, M., Aust, R., & Kershaw, C. (2001). Crime, policing and justice: the experience of ethnic minorities, findings from the 2000 British Crime Survey. *Home Office Research Study 223*. London: Home Office.

Clarke, T. (Chair) (2001). Burnley Task Force.

Clouder, J. (2002). Foreward. In M. Coussey, *Tackling racial equality: international comparisons*. *Home Office Research Study 238*, i. United Kingdom: Home Office Research, Development and Statistics Directorate.

Cogan, J.C. & Preston, C. (2001). Hatecrimes/Hatecrimes (book review). In, *Signs: Journal of women in culture and society*, 26 (3), 908. Chicago: University of Chicago Press.

Community Relations Service (CRS). (2001). [Hate crime: the violence of intolerance](#). *CRS Bulletin*, December.

Coussey, M. (2002). *Tackling racial equality: international comparisons*. *Home Office Research Study 238*,.i. United Kingdom: Home Office Research, Development and statistics Directorate

Crawley, R. & Lemos, G. (2002). *Children and racial harassment: a literature review and scooping paper*, at <http://www.RaceActionNet.co.uk>.

De Beer, E. (2002, 27 December). [Notable, quotable memories of 2002](#). *Independent online*.

De la Rey, C. (1991). Intergroup relations: theories and positions. In D. Foster & J. Louw-Potgieter (Eds.), *Social psychology in South Africa*, 27-56. Isando: Lexicon.

Denham, J. (Chair) (2001). *Building cohesive communities: a report of the ministerial group on public order and community cohesion*. London: Home Office.

Engelbrecht, L. (2002, 17 September). Right-wing's bark worse than its bite. *Mail and Guardian*.

Erikson, E.H. (1968). *Identity: Youth and Crisis*. New York: Norton.

- Fullard, M. (2004). [Dis-placing race: The South African Truth and Reconciliation Commission and interpretations of violence](#). *Race and Citizenship in Transition Series*. Braamfontein: Centre for the Study of Violence and Reconciliation.
- Fullard, M. & Rousseau, N. (2003). Truth, evidence and history: a critical review of aspects of the amnesty process. In C. Villa-Vicencio & E. Doxtader (Eds.), *The provocations of amnesty: memory, justice and impunity, 195-216*. Institute for Justice and Reconciliation, Cape Town: David Phillips.
- Gear, S. (2002). [Wishing us away: challenges facing ex-combatants in the 'new' South Africa](#). *Violence and Transition Series (8)*. Braamfontein: Centre for the Study of Violence and Reconciliation.
- Goldman, D. (2001). Hatewatch says goodbye, at <http://www.hatewatch.org/>.
- Guardian Limited* (1999, February 24). The Macpherson report: summary. Macpherson's 70 proposals to take on our 'institutionally racist' police. *The Guardian*, at <http://www.guardian.co.uk/lawrence/story/0,2763,208693,00html>.
- Hamber, B. (1999). ['Have no doubt, it is fear in the land': an exploration of the continuing cycles of violence in South Africa](#). Paper presented at the Centre for the Study of Violence and Reconciliation seminar, 27 May 1999.
- Harrell, P.E. (2003). *Rwanda's gamble: gacaca and a new model of transitional justice*. New York: Writers Club Press.
- Harris, B. (2001a). [As for Violent Crime that's our Daily Bread: Vigilante Violence during South Africa's Period of Transition](#). *Violence and Transition Series (1)*. Braamfontein: Centre for the Study of Violence and Reconciliation.
- Harris, B. (2001b). [A Foreign Experience: Violence, Crime and Xenophobia during South Africa's transition](#). *Violence and Transition Series (5)*. Braamfontein: Centre for the Study of Violence and Reconciliation.
- Harris, B. (2002a). [Xenophobia: A new pathology for a new South Africa?](#) In Hook, D. & Eagle, G. (Eds.), *Psychopathology and Social Prejudice*, 169-184. Cape Town: University of Cape Town Press.
- Harris, B. (2002b, June 16). [New song, same old tune?](#), *City Press*.
- Harris, B. (2003a). Hate crime in South Africa. Presentation to the South African Human Rights Commission, September 03.
- Harris, B. (2003b). [Spaces of violence, places of fear: Urban conflict in post-apartheid South Africa](#). Paper presented on the Conflicts and Urban Violence panel, Foro Social Mundial Tematico, Cartagena, Colombia (16-20 June 2003).
- Herek, G. & Berrill, K. (1992). Confronting violence against lesbians and gay men.

- Newbury Park, California: Sage, cited in Cogan, J.C. & Preston, C. (2001). Hatecrimes/Hatecrimes (book review). In, *Signs: Journal of women in culture and society*, 26 (3). p.908. Chicago: University of Chicago Press.
- Hugo, P. (1993). The conflict among troubled souls: apartheid and the crises of transition in South Africa. In P. Anyang' Nyong'o (Ed.), *Arms and daggers in the heart of Africa: studies on internal conflicts*, 237-260. Nairobi: African Academy of Sciences.
- Human Rights Watch (1998). *'Prohibited persons': abuse of undocumented migrants, asylum seekers, and refugees in South Africa*. New York: Human Rights Watch.
- Jacobs, J. & Potter, K. (1998). Hatecrimes: Criminal law and identity politics. New York: Oxford University Press, cited in Cogan, J.C. & Preston, C. (2001). Hatecrimes/Hatecrimes (book review). In, *Signs: Journal of women in culture and society*, 26 (3), p.908. Chicago: University of Chicago Press.
- Khangale, N. (2002, May 24). Woman painted Green. *Sowetan*, p.3.
- Kweza, N. (2002, May 24). Manager's actions are unacceptable – HRC. *Sowetan*, p.3.
- Lambda Anti-Violence Project, at <http://lambda.org/>.
- Laurence, P. (2001). [The case of Clive Derby-Lewis](#). *Focus 21* (March 2001). Helen Suzman Foundation.
- Leadership Conference Education Fund/Leadership Conference on Civil Rights (LCEF/LCCR). (1997). *Cause for concern: hate crimes in America*. Washington DC: LCEF/LCCR.
- Leiter, A.D. (2001). Hatecrimes. In *Georgetown journal of gender & the law*, 2 (2). pp. 243-261.
- Louw, L. (2001). Hate speech in Africa: formulating an appropriate legal response for a racially and ethnically divided continent with specific reference to South Africa and Rwanda. In C. Heyns (Ed.), *International yearbook of regional human rights masters programmes*, 157-193. Pretoria: University of Pretoria, Centre for Human Rights.
- Macpherson, W. (1999). The Stephen Lawrence inquiry, at <http://www.archive.official-documents.co.uk/document/cm42/4262.htm>.
- Mail & Guardian* (1998, July 08). Wit Wolwe 'was Vlakplaas project', at <http://archive.mg.co.za/nxt/gateway.dll/DailyNews/>.
- Mail & Guardian* (2002, May 05). Dutch far-right politician Fortuyn assassinated, at <http://archive.mg.co.za/NXT/gateway.dll/DailyNews/MG02002/31v02146/41v02666/51v02>.
- Mamdani, M. (1996). Reconciliation without justice. *South African Review of Books* 46.

- Mamdani, M. (2001). *When victims become killers: colonialism, nativism, and the genocide in Rwanda* (2nd impression). Claremont: David Philips.
- Marsh, R. (1999). *With criminal intent: the changing face of crime in South Africa*. Cape Town: Ampersand Press, Barend Strydom extract, at <http://www.africacrime-mystery.co.a/barendhe.htm>.
- Maynard, W. & Read, T. (1997). Policing racially motivated incidents. *Crime detection and prevention series*, 84. London: Police research group.
- McKenzie, K. (2003). [Racism and Health](#) (editorial). *Bmj.com*.
- Media Monitoring Project (unpublished). Shades of prejudice: the media, racially motivated incidents and xenophobia: an analysis of print media from 1994-2002. Braamfontein: Centre for the Study of Violence and Reconciliation.
- Mjoseh, J. (1998). Psychologists call for assault on hate crime, in *APA (American Psychological Association) Monitor*, 29 (1), at <http://www.apa.org/monitor/jan28/hate.html>.
- Moody, S.R. (2000). Islands of the colour-blind. Defining racially motivated violence and designing research on ethnic minority victims. Paper presented at the X International Symposium on Victimology, Montreal, at http://www.aqpv.ca/diffusion/abstracts/mnopqr_a/moody_s.html.
- Morris, A. (1999). *Bleakness and light: inner-city transformation in Hillbrow, Johannesburg*. Johannesburg: Witwatersrand University Press.
- Mufweba. Y. (2003, November 07). [Corrective rape makes you an African woman](#). *Saturday Star*.
- National Criminal Justice Reference Service (NCJRS). US Department of Justice, at http://www.ncjrs.org/hate_crimes/.
- Nature of Race Relations in South Africa Survey (2000). Institute for Justice and Reconciliation, at <http://www.ijr.org.za/>.
- Ndaba, B. (2001a, October 21). Raging mob evicts Zimbabweans, burns homes, *The Star*.
- Ndaba, B. (2001b, October 22.). 'Xhosa speakers' behind xenophobic rage. *The Star*.
- Ndaba, B. & Kalideed, N. (2001, October 24). More shacks belonging to Zimbabweans burnt, *The Star*.
- Palmay, I. (2003). Editing comments. Internal document. Braamfontein: Centre for the Study of Violence and Reconciliation.
- Peabody Trust (2002). Hate crimes: example policy and procedure for RSLs. *RaceActionnet*, at <http://www.raceactionnet.co.uk/KnowledgeDocs/95.asp>.

Peterson, A. (1998). [Youth and drama of immigration in contemporary Sweden](#). In T. Virtanen (Ed.), *Youth and racist violence in the Nordic countries*, 82-111.

Promotion of Equality and Prevention of Unfair Discrimination Act (2000, September 02), Act no 20876. *Government Gazette*, CT, 416 (4).

RaceActionNet Conference (2003, October 09). Networking and developing action against racist attacks ... improving policy and practice. London: Institute of Electrical Engineers, Savoy Place, at <http://www.raceactionnet.co.uk/>.

Ramirez, D, McDevitt, J. & Farrell, A. (2000). A resource guide on racial profiling data collection systems: promising practices and lessons learned (monograph). Washington D.C: US Department of Justice, at <http://www.usdoj.gov>.

Rauch, J. (1993). [Drive-by shootings in 1993](#). CSVR *Seminar No. 9*. Braamfontein: Centre for the Study of Violence and Reconciliation.

Remigion, R. (2002). How can we engage effectively with racially motivated offenders?, National probation service, Kent. RaceActionNet, at <http://www.raceactionnet.co.uk/Knowledge Docs/119.asp>.

Ritchie, D. (Chair) (2001). Oldham Independent Review: one Oldham, one future (Panel Report), at <http://image.guardian.co.uk/sys-files/Guardian/documents/2001/12/11/Oldhamindependentreview.pdf>.

[Report of the committee of inquiry into farm attacks](#) (2003, July 31). Committee of inquiry into farm attacks for the South African Police Service.

[Roll back xenophobia campaign](#) (1998). *National plan of action*. Parktown: South African Human Rights Commission.

Sampson, A. & Phillips, C. (1995). Reducing repeat racial victimization on an East London estate. *Crime detection and prevention series*, 67. London: Police research group.

Scheeres, J. (2001, January 30). Will the hatemongers survive? Wired News, at <http://www.wirednews.com/news/culture/>.

Segal, L., Pelo, J, & Rampa, P. (2001). Into the heart of darkness: journeys of the amagents in crime, violence and death. In J. Steinberg (Ed.), [Crime Wave: The South African underworld and its foes](#), 95-114. Johannesburg: Witwatersrand University Press.

Simpson, G., Mokwena, S. & Segal, L. (1992). [Political violence: 1990](#). In M. Robinson & A. Rycroft (Eds.), *Human rights and labour law handbook*, 1991, 2, 193-219. Cape Town: Oxford University Press.

Sinclair, M. (1998). Community, identity and gender in migrant societies of Southern Africa: emerging epistemological challenges. *International Affairs*, 74 (2), 339-353.

Smith, D.J. (1997). Ethnic origins, crime and criminal justice. In M. Maguire, R. Morgan & R. Reiner (Eds.), *The Oxford handbook of criminology (2nd Ed)*, 703-759. Oxford: Clarendon Press.

Smith, D., Ray, L. & Wastell, L. (2002). Racist violence in greater Manchester (a summary for Raceactionnet), at <http://www.raceactionnet.co.uk/KnowledgeDocs/107.asp>.

Sonpar, S. & Singh, S. (2002). Life history constructions and mass violence: a psychological perspective (15 case studies). Unpublished document. Project on reconstructing lives. Delhi: Centre for the study of Developing Societies.

South African Human Rights Commission (no date). The national action plan and strategy to combat racism: discussion document. Parktown: South African Human Rights Commission.

South African Human Rights Commission (1999a). *Inquiry into racism in the SAPS Vryburg district*. SAHRC: Parktown

South African Human Rights Commission (1999b). [Investigation into racism in the media, interim report](#). Parktown: South African Human Rights Commission.

South African Human Rights Commission (2003a). Race-based crimes, hate motivated crimes and hate speech in South Africa. Public discussion and debate. Parktown: South African Human Rights Commission.

South African Human Rights Commission (2003b). [Finding on the slogan 'Kill the Boer, Kill the farmer'](#).

South African Press Association (Sapa) (1998, April 29). [Barend Strydom withdraws amnesty application](#).

South African Press Association (Sapa), Otto, H. & Engelbrecht, L. (2002, 17 September). 'Naïve rightwingers pose no real threat'.

South African Press Association (Sapa) (2003, February 25). Kritzinger in C-Max for 'own safety', at <http://iafrica.com/news/sa/982709.htm>.

Sowetan, The (2002, 05 June). 'Only blacks and whites have truly reconciled', loose translation of the lyrics to AmaIndya, p.3.

Special Assignment (2000, November). [Police dog brutality video](#), SABC 3.

Stop The Hate, at <http://www.stopthehate.net/index1.htm>.

Tabane, R., Monare, m. & Sapa (2001, April, 05). Fury greets sentence in painted-girl case. Independent Online.

Theunick, A., Hook, D. & Franchi, V. (2002). Avoiding the implicit repathologisation of

male homosexuality: a politico-clinical direction for research. In D. Hook & G. Eagle (Eds.), *Psychopathology and social prejudice*, 124-138. Cape Town: UCT Press.

Tolerance.org, at <http://www.tolerance.org/>.

Valji, N. (2003a). Editing comments. Internal document. Braamfontein: Centre for the Study of Violence and Reconciliation.

Valji, N. (2003b, July 02). South Africa: no justice without reparation. *openDemocracy*, at <http://www.opendemocracy.net/debates/article.jsp?id=5&debateId=76&articleId=1326>.

Varshney, A. (2002). *Ethnic conflict and civic life: Hindus and Muslims in India*. New Haven: Yale University Press

Venter, Z. & staff reporter (2001, November 20). I used aliens to teach dogs to bite. *The Star*.

Virtanen, T. (1998). [Cycles of racist and xenophobic violence among the youths in Finland](#). In T. Virtanen (Ed.), *Youth and racist violence in the Nordic countries*, 38-81.

Wilson, J.Q. & Petersilia, J. (1995). (Eds). *Crime: public policies for crime control*. Oakland: ICSPress

Winant, H. (2000). The theoretical status of the concept of race, in L. Back & J. Solomos (Eds.), *Theories of race and racism: a reader, 181-190*. London: Routledge

Yesilgoz, Y. (1993). Double standard: the Turkish state and racist violence, in T. Bjorgo & R. Witte (Eds.), *Racist Violence in Europe (reprint)*, 179-206. New York: St Martin's Press.