'Just crime'?

Violence, xenophobia and crime: discourse and practice

Tara Polzer and Kathryn Takabvirwa*

Tara.Polzer@wits.ac.za, Kathryn.takabvirwa@gmail.com

The minister of police and other prominent politicians have interpreted violence against foreign nationals as 'just crime', implying that it is criminally motivated, and thus denying the presence or relevance of xenophobic motivations. This article deconstructs this claim by showing that the police have in fact reacted strongly and specifically to this kind of 'crime'; analyses the assumptions about perpetrator motivations implicit in it; and reflects on the normative and political flavourings of terms such as 'crime' and 'xenophobia' suggested by the claim that violence against foreign nationals is 'only' crime. The article concludes by examining the implications of the distinction between 'xenophobia' and 'crime' in terms of shaping institutional responses to violence against foreign nationals and influencing general perceptions of xenophobia, including those of potential perpetrators.

In July 2010, in the days just after the end of the FIFA World Cup in South Africa, minister of police, Nathi Mthethwa, described attacks on foreign nationals in the country as 'just crime', that is, as being criminally motivated, and not 'xenophobia.'[1] This article deconstructs this, and similar statements by prominent politicians, asking what lies behind the distinction these public figures draw between 'xenophobia' and 'crime,' and what the implications of such a distinction are.[2]

At one level, describing violence against foreign nationals as 'crime' is, of course, empirically correct. Murder, grievous bodily harm, arson, intimidation, incitement to commit violence, robbery, looting: all these are against the law in South Africa. Therefore such actions are indeed 'criminal'.

The statements by the minister of police and others, however, seem to go beyond confirming that violence against foreign nationals is a criminal act. By contrasting 'xenophobia' and 'crime,' they are making a claim about the motivations of perpetrators, thereby contributing to the ongoing debate about what is 'really behind' violence against foreigners. It is with this broader implicit debate that this article engages.

Why is it important to take a careful look at discourses about violence against foreigners? Violence against foreign nationals constitutes a significant national security threat for South Africa, both in terms of domestic stability and international reputation. Developing effective institutional and social responses to such violence requires an accurate and empirically-based understanding of the nature and causes of violence. In addition, understanding why certain responses are chosen over others requires an understanding of the political values and imperatives informing actions by important institutions such as the police.

The rest of this article therefore puts the police minister's statement that violence against foreign nationals is 'just crime' in context; examines the actual practices (in contrast to the discourses) of the police regarding violence against foreigners; analyses the assumptions about perpetrator

* Tara Polzer and Kathryn Takabvirwa are researchers with the Forced Migration Studies Programme at the University of the Witwatersrand.

motivations implicit in the minister's statement as compared with empirical evidence concerning drivers and triggers of violence; reflects on the normative and political flavourings of terms such as 'crime' and 'xenophobia' suggested by the minister's statement; and concludes with implications of the distinction between 'xenophobia' and 'crime' in terms of shaping institutional responses to violence and influencing the general public and potential perpetrators.

CONTEXT

In a statement made on 15 July 2010, minister of police, Nathi Mthethwa, categorically stated that 'there is no such systematic thing as xenophobia in the country.'[3] He described violence against foreign nationals as 'criminality' perpetrated by 'criminal elements'. A similar position had been taken by the South African Communist Party a few days before, when they proclaimed that 'these are not xenophobic attacks... but acts of criminality…'[4] Even when the minister acknowledged that threats of violence were xenophobic in nature, he underscored criminality as the overriding aspect of the threats, describing them as 'these xenophobic threats by faceless criminals.'[5] This attempt to distinguish between 'xenophobia' and 'crime' is characteristic of multiple statements that the minister and others have made on the issue.

These statements were made in the context of prominent domestic and international media coverage of threats of xenophobic violence, predicted to start soon after the final match of the FIFA World Cup on 11 July 2010. The denials of violence could therefore be dismissed as a World Cup-related public relations exercise, and indeed several politicians decried reports of violence as 'meant to drown the World Cup success in the blood of lies and rumours.'[6]

However, the reduction of violence against foreigners to merely 'crime' goes beyond this specific context. It is a long-standing discourse, especially within the police service. In an interview in April 2010, an SAPS captain at Da Gamaskop police station in Mossel Bay described attacks against foreign nationals in his area during and since 2008 as follows:

> [I]n our area it was... more people that saw opportunity to do housebreakings and especially at the businesses of foreigners and do it under cover of xenophobia; so actually, although it was called xenophobia, it wasn't actually xenophobia in our area. We believe it was more criminal activities and not xenophobia as such...[7]

Also in April, the then acting executive director for Safety and Security at Nelson Mandela Bay Municipality characterised violence against foreigners as purely criminal, stating that it was 'never necessarily a xenophobia thing.'[8]

The 'crime' explanation for violence against foreign nationals is by no means the only discourse in South Africa, nor is it the dominant one, even among people in government. Prominent alternatives focus on the effects of apartheid and internalised racism ('Afrophobia');[9] the effects of poverty and 'resource competition' as the basis of a 'popular uprising' against perceived competitors;[10] or faulty immigration policies which have led to a supposed 'human tsunami' entering the country, against which poor South Africans are rebelling.[11] Our own research at the Forced Migration Studies Programme (FMSP) has focused on local governance issues as triggers of violence,[12] as discussed further below. Nonetheless, the discourse of violence against foreigners as 'crime' bears singling out due to its prominence and its dominance in the government institution currently most active in concrete action against such violence: the South African Police Service (SAPS).

ACTION VERSUS DISCOURSE

Before delving into the discourse itself, it is important to note a seeming discrepancy between the public statements by the political leadership of the police, which suggest a 'business as usual' approach, and the actions of the institution on the ground, which have shown an exceptional mobilisation of long and short-term resources.

Assessments of the police's role during the May 2008 violence, and in various episodes of violence prior to and since then, have been ambivalent at best, identifying insufficient protection of victims, half-hearted investigations against perpetrators, and in some cases outright collusion with attackers.[13] Police at senior levels have shown a concern to learn from these experiences, and since 2009 the SAPS has in fact adopted a series of measures to respond proactively to violence against foreign nationals, including the establishment of dedicated structures to address such violence.

A national coordinator for xenophobia has been appointed at director level within the Visible Policing department. The person in that position has recently been promoted to general, suggesting continued recognition for the person and the position. Further institutional structures still in the process of being operationalised include point-persons for xenophobia at provincial level and at lower levels, with duties to monitor and regularly report on incidents of violence and threatened violence against foreigners, thereby increasing levels of oversight and accountability throughout police structures.

A specialised team has been established to collect and collate crime intelligence data concerning crimes against foreign nationals, in order to establish patterns and assist in prevention and response planning. Since early 2010, these police structures have been engaging with other government departments to develop an operational multi-agency preparedness plan for potential cases of widespread violence; although so far with limited success in achieving a collective, practicable plan. Furthermore, the police structures have been developed on the basis of ongoing consultation and engagement with United Nations agencies and domestic civil society organisations, suggesting new levels of openness and a desire to find effective, and not only institutionally expedient, measures to prevent and respond to anti-foreigner violence.

While it is still too early to tell conclusively, it seems that these measures, combined with the extraordinary mobilisation of personnel and resources around the World Cup, have significantly contributed to preventing the predicted violence against foreign nationals in July 2010. There are many examples where the police have responded quickly and decisively to early signs of violence, stopping its spread, arresting people inciting and perpetrating violence, and assisting foreign nationals to protect lives and belongings. Senior police officers at provincial and sector level have made their cell phone numbers public in order to facilitate fast responses to threats and attacks. The sustainability of such a response remains to be seen, once the exceptional political and budgetary context of the World Cup has passed. For now, however, it seems that the police did not in fact treat the potential and reality of violence against foreign nationals in July 2010 as a 'normal' kind of crime. Rather, they acted on another of Minister Mthethwa's statements, namely that 'government will not tolerate any violence for any reason against foreign nationals resident in South Africa.'[14]

IMPLIED MOTIVATIONS FOR VIOLENCE

If the police's actions suggest a recognition that violence against foreigners is a significant category of crimes, deserving special structures and attention,[15] and if the interventions based on this recognition have been effective, why be concerned with a rhetorical distinction between 'crime' and 'xenophobia'?

There are two reasons: firstly, the distinction implies a debate about what motivates perpetrators who attack foreign nationals; and secondly, the discourse has a direct impact on institutional and public responses to the issue. These are dealt with in the following two sections.

Motivations are important for understanding crime and violence patterns, identifying potential perpetrators, and designing appropriate preventative responses.[16] In the case of violence against foreign nationals in South Africa, any convincing discussion of motivations must be able to explain: a) who commits such violence

(including why such violence tends to be concentrated in certain types of communities), b) who the targets of such violence are and why these particular individuals or groups are targeted, and c) the various forms that intimidation and violence take.

The 'just crime/not xenophobia' discourse, as set up through public statements, can be interpreted to imply that none of the perpetrators of violence against foreigners are motivated by discriminatory sentiments or attitudes, but rather that they are all exclusively motivated by 'opportunistic' greed.[17] The suggestion is, furthermore, that motivations for violence against foreign nationals therefore do not differ from any other forms of violence classed as 'crime'.

This distinction between discriminatory attitudes (i.e. negative perceptions about groups of people by virtue of their nationality, race, religion, etc.) and violent actions is in fact an important and legitimate one. Successive studies have shown that negative attitudes towards foreign nationals pervade all economic, racial and educational strata of South African society. They are by no means limited to, or significantly more virulent in, the poorer, predominantly black, informal settlements where violence has mainly occurred to date.[18] Indeed, far from the political claims that 'South Africans are not xenophobic',[19] many more South Africans of all walks of life espouse strong negative attitudes about foreign nationals than the overt violence in particular places suggests.[20] This implies that violence cannot be explained by looking at attitudes alone.

However, postulating motivations of pure opportunism and material interest also do not explain why foreign nationals are targeted above other groups with goods to steal; why such attacks only happen in some places where foreign nationals reside and not in others; or the forms that group mobilisation for violence and actual attacks often take.

Some groups of foreign nationals, specifically shopkeepers in informal settlements, are said to be targeted by robbers because they are perceived to be more likely to keep cash on the premises (due to difficulties in accessing banking facilities),[21] or indeed just because any shop is targeted, irrespective of the nationality of the owner. Such examples are used in support of the opportunistic crime interpretation. However, this explanation does not account for aggression in cases where there is no opportunity for material benefit to the attackers. These include threatening statements by neighbours, landlords, taxi drivers, employers and public servants, which foreign nationals have increasingly reported since late 2009;[22] throwing a Zimbabwean from a train without taking any of his belongings;[23] and physical attacks on Somali and other foreign shopkeepers without any goods being looted.[24]

Furthermore, research has shown that in Alexandra township in Johannesburg, the epicentre of the May 2008 violence, poorer foreign residents were more likely to have experienced threats and physical violence due to their nationality than those with more resources,[25] challenging the argument that people were targeted for purely material reasons.

The FMSP's in-depth studies of twelve places where violence occurred in and since May 2008 have consistently identified localised competition for (formal and informal) political and economic power as the immediate triggers for violence. Leaders and aspirant leaders mobilised residents to attack and evict foreign nationals as a means of strengthening their personal political or economic power within the local community. In many instances, violence was organised by South African business owners intent on eliminating foreign competitors.[26]

While such attacks often do include looting, and while such incitement is indeed criminal, the mobilisation element cannot be understood without two factors that go beyond immediate material opportunism. The first is prevalent sentiments against foreign nationals, which, while not sufficient to create violence on their own, nonetheless enable mobilisation against this particular group. The second is the perceived structural 'outsiderness' of foreigners, which

creates a sense of impunity for crimes committed against this group. Even though some perpetrators in May 2008 were arrested and convicted,[27] the public perception of judicial impunity remains. The combination of attitudinal and structural 'othering' is what can properly be understood as a climate of xenophobia.

The empirical picture of violence against foreign nationals therefore shows that this is not a one-dimensional or indeed binary issue: neither 'just crime' nor 'just xenophobic attitudes'. A combination of attitudes, structural impunity, political mobilisation, and, in some cases, short-term material gain, is at play.

NORMATIVE AND POLITICAL ASSUMPTIONS

Given this complex picture, what purpose is served by postulating the one-dimensional explanation of 'just crime'? What lies behind the police minister's insistence on referring to violence against foreign nationals as '*so-called* xenophobia'?[28] In his non-use of the term 'xenophobia', the minister brings to the fore the need to examine the normative and political assumptions behind the use of the terms 'crime' and 'xenophobia'.

Firstly, the use of criminal terminology makes a normative statement about the perpetrators of such violence, and in so doing, a claim about the majority of South Africans. Criminal behaviour is deemed socially unacceptable, with criminals being outside of the norm. The main response to crime – incarceration – involves physically removing those labelled 'criminals' from the general populace, thereby demonstrating the normative removedness of criminals from society. By classifying violence against foreigners as solely criminal, and its perpetrators as criminals, those who make such claims dissociate violence against foreigners from the general population of South Africans. This is illustrated by Gauteng premier, Nomvula Mokonyane's claim in reference to such attacks: 'We don't actually believe South Africans are xenophobic. We see that as a pure act of criminality.'[29]

The avoidance of the term 'xenophobia' (and with it the notion of xenophobia) also reflects the assumption that in South Africa xenophobia is an event, and not an ongoing phenomenon. More than that, it is an event that occurred in 2008 and is securely in the past – in a past that cannot and should not be revisited. Hence the minister of police's claim that 'xenophobia is not going to happen.'[30] Distinguishing between the widely criticised events of May 2008, and 'isolated criminal elements' in 2010, attempts to make a break from that previous experience. This sheds light on the police minister's reprimand of reporters and civil society for the 'squall of bad omen' by using the term 'xenophobia'.[31]

Thirdly, calling perpetrators 'criminal elements' implies that reported attacks against foreign nationals are isolated cases – unplanned, with no connections or continuities between discrete criminal events. This diminishes the seeming scale of such attacks, making the phenomenon appear more manageable or at least less alarming. It also suggests that conventional and established crime fighting and visible policing approaches are appropriate and sufficient for addressing the issue.

Finally, the choice of terminology has a political and ideological dimension. Much of the leadership of the ANC and broader ruling alliance understands itself as heir to a long non-discriminatory, pan-African tradition. The idea that many, indeed perhaps the majority, of voters may be xenophobic is ideologically and politically uncomfortable. One possibility of dealing with this discomfort is to deny the discrepancy in party and popular positions and claim that it is impossible for 'South Africans' to be xenophobic. Individuals and institutions (including opposition parties, 'the media', and parts of 'civil society') that speak of xenophobic sentiments and tensions therefore become 'peddlers of… rumours and lies who are hell-bent to dent our humanity as a people.'[32] The crime discourse, by contrast, does not hold the same ideological and political tinder since 'criminals' are constructed as normatively outside of broader society, rather than representing a potentially dangerous political force within the electorate.

IMPLICATIONS FOR INSTITUTIONAL AND PUBLIC RESPONSES

The normative and political assumptions discussed above, and the public statements that emanate from them, have concrete implications for responses to violence against foreign nationals.

Where violence is characterised and conceptualised as crime, it follows that the response to it is a criminal justice response with a focus on policing. This is beneficial when it results in a show of force by the state as a short-term preventative and response measure. The same is true when it produces a longer-term sense of security and preparedness.

However, when violence against foreign nationals is seen as '*just* crime', there are broader institutional and public implications. For both, the response to such violence is *just* a crime-oriented one. If the characterisation of such violence is overly narrow, essentialising and inadequate, then the response that is informed by it is likely to be inadequate, if not inappropriate.

Institutionally, firstly, the response to violence against foreign nationals becomes the same as the response to any other form of crime, without considering the discriminatory aspect of such violence, as well as its patterned nature. Consequently, focus shifts away from both the underlying causes of such violence and the factors that enable its perpetration against a specific group of people.

The lack of a sustained or preventative approach to violence against foreign nationals is the second risk of a 'just crime' discourse. As seen in 2008, the security response increases when there is an increase in the number and/or prominence of cases, but this security response declines or ends as soon as the immediate perceived threat is over.

Finally, and perhaps most significantly, statements made by public figures have implications that reach beyond the institutions they lead. How do the general public and potential perpetrators of violence understand the crime discourse and adjust their actions and attitudes accordingly? If violence against foreigners is characterised as 'just crime', an activity practiced by certain 'removed' elements of the population, 'xenophobia' as a concept and a widespread attitude is not addressed. Furthermore, by distinguishing the 'xenophobic' attitude from 'criminal' violent actions, the attitude itself is potentially normalised. It becomes possible for a person in a public meeting to unreservedly proclaim that he or she is 'proudly xenophobic but not a criminal' or that 'criminals are hiding behind xenophobia',[33] as if xenophobia were a morally palatable fig leaf.

This is not to deny that strong statements about 'criminality' from the police may have contributed to preventing violent acts in July 2010, since some potential perpetrators may not have wanted to be associated with 'criminals'.[34] This is clearly a positive outcome in the short term. However, the emphasis on criminality to the exclusion of other elements of xenophobic discrimination presents a slippery slope, where certain acts of discriminatory aggression (such as intimidation and harassment) can be seen as acceptable, as long as they are not violently 'criminal'. This is reflected, for example, in perceptions that 'xenophobia' was averted in July 2010 since there have been few cases of outright physical attacks, even while thousands of foreign nationals have experienced sufficient intimidation to effectively displace themselves out of the country.[35]

In conclusion, governmental and police actions in response to threats and attacks against foreign nationals in July 2010 indicate a seriousness of purpose in the highest offices, which is to be welcomed and commended. However, the adherence to a discourse that characterises such violence as '*just* crime' could in many ways undermine the overall efforts to address and in future prevent the targeting of foreign nationals.

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NOTES

1 The Minister initially said the threats were only 'rumours', even though these rumours would be taken seriously and acted upon. Then he admitted they were 'xenophobic threats' but said they were being made by 'faceless criminals' who were not predominantly motivated by 'xenophobia'. See statement issued by the Ministry of Police. 'Minister Mthethwa Condemns and Cautions These Thugs to Refrain from Threats', *South African Government Information,* 1 July 2010, http://www.info.gov.za/speeches/2010/10070115451001.htm (accessed 31 July 2010).

2 This article is based on a combination of sources from work by the Forced Migration Studies Programme, including over four years of empirical research into violence against foreign nationals; various studies on the police's role, and perspectives on immigration policing and violence against foreigners; two years of direct engagement with high levels of police leadership on early warning and preparedness for xenophobic violence through channels such as the national Protection Working Group, of which the FMSP is a member; and analysis of recent media reports on statements by political leaders.

3 'Xenophobia Hysteria' Dismissed, *News24,* 15 July 2010, http://m.news24.com/news24/South Africa/News/Xenophobia-hysteria-dismissed-20100715 (accessed 31 July 2010).

4 It's Crime, Not Xenophobia, *Mail & Guardian,* 13 July 2010, http://www.mg.co.za/article/2010-07-13-sacp-its-crime-not-xenophobia (accessed 31 July 2010).

5 Ministry of Police, Minister Mthethwa Condemns and Cautions These Thugs.

6 M Gigaba, 'We're being tainted as savage and ferocious animals', *ANC Today,* 12 July 2010, http://www.politicsweb.co.za/politicsweb/view/politicsweb/en/page71654?oid=186489&sn=Detail (accessed 31 July 2010).

7 This is from a forthcoming study on the local governance of migration, conducted by the Forced Migration Studies Programme (FMSP) with the South African Local Governance Association (SALGA).

8 Ibid.

9 Consider M Neocosmos, From 'Foreign Natives' to 'Native Foreigners': Explaining Xenophobia in Post-Apartheid South Africa: Citizenship and Nationalism, Identity and Politics, CODESRIA: Dakar, 2006.

10 D Glaser, (Dis)connections: Elite and Popular "Common Sense" on the Matter of "Foreigners", in S Hassim, T Kupe, and E Worby (eds) *Go Home or Die Here: Violence, Xenophobia, and the Reinvention of Difference in South Africa,* Wits University Press, 2008.

11 See D Breen, 'Premier Zille's 'illegal immigration' statements – A response', http://writingrights.org/2010/07/21/premier-zilles-illegal-immigration-statements-a-response/ (accessed 31 July 2010), and also J-P Misago et al. *Violence against Foreign Nationals in South Africa: Understanding Causes and Evaluating Responses,* Forced Migration Studies Programme (FMSP) and Consortium for Refugees and Migrants in South Africa (CoRMSA), University of the Witwatersrand: Johannesburg, 2008. http://www.cormsa.org.za/wp-content/uploads/2009/05/may-2008-violence-against-foreign-nationals-in-south-africa.pdf.

12 J-P Misago, LB Landau et al., *Towards Tolerance, Law, and Dignity: Addressing Violence against Foreign Nationals in South Africa,* Johannesburg, IOM and FMSP, 2009; J-P Misago, T Monson et al., *Violence against Foreign Nationals in South Africa: Understanding Causes and Evaluating Responses,* Johannesburg, CoRMSA, 2010.

13 CoRMSA, 'Protecting Refugees, Asylum Seekers and Immigrants in South Africa', Johannesburg, Consortium for Refugees and Migrants in South Africa, 2010; V Igglesden, T Monson et al., *Humanitarian Assistance to Internally Displaced Persons in South Africa; Lessons Learned Following Attacks on Foreign Nationals in May 2008,* Johannesburg, Forced Migration Studies Programme, University of the Witwatersrand, 2009; South African Human Rights Commission, 'Report on the SAHRC Investigation into Issues of Rule of Law, Justice and Impunity arising out of the 2008 Public Violence against Non-Nationals', Johannesburg, South African Human Rights Commission, 2010.

14 Ministry of Police, Minister Mthethwa Condemns and Cautions These Thugs.

15 There is an extensive literature on 'hate crimes', one manifestation of which may be crimes against foreign nationals, which emphasises the importance of taking discriminatory motivations into account. A new 'hate crimes' bill is currently under discussion in South Africa. While we argue that motivations are important to consider, 'hatred' or discriminatory attitudes are not the only reasons for which foreign nationals are targeted (other reasons may include the belief that they carry cash or that the police are less likely to investigate, etc.) The scope of this paper, however, does not allow for a full discussion of the issue of 'hate crimes' and 'hate crime' legislation.

16 See E Chiu, The Challenge of Motive in the Criminal Law, *Buffalo Criminal Law Review*, Vol. 8, 2005, and consider Hessick's argument for the increased consideration of motive in criminal law: CB Hessick, Motive's Role in Criminal Punishment, *California Law Review,* University of Southern California, 2006, http://www.scribd.com/doc/23808762/89-Motive-s-Role-in-Criminal-Punishment (accessed 31 July 2010).

17 'Xeno fears as shops looted', *The Mercury*, 13 July 2010, http://www.themercury.co.za/?fArticleId=5552820.

18 See the Gauteng City-Region Observatory (GCRO) report on 'Xenophobic Attitudes', which indicates that their survey found that '69% of Gauteng city-region residents hold xenophobic attitudes.' The report is available on http://www.gcro.ac.za/sites/default/files/Projects/GCRO_2009_QoL_survey_Xenophobic_attitudes_final.pdf . A more extensive GCRO report entitled 'South African Civil Society and Xenophobia', released in July 2010 is available on http://www.gcro.ac.za/sites/default/files/Projects/GCRO_2009_QoL_survey_Xenophobic_attitudes_final.pdf.

19 Gauteng Tackling Xenophobia, *News24,* 14 July 2010; http://www.news24.com/SouthAfrica/Politics/Gauteng-tackling-xenophobia-20100714.

20 Gauteng City-Region Observatory (GCRO), 2010, Xenophobic Attitudes, http://www.gcro.ac.za/sites/

default/files/Projects/GCRO_2009_QoL_survey_Xenophobic_attitudes_final.pdf.

21 See CoRMSA 2009. Protecting Refugees, Asylum Seekers and Immigrants in South Africa, 119.

22 CoRMSA, 'Is street-level public and institutional xenophobia increasing in Johannesburg?' Report on Consultative Forum with Migrant Youth, Johannesburg, CoRMSA, Crisis in Zimbabwe Coalition, FMS, 2009.

23 'Zimbabwean Thrown Off Train in Xenophobic Attack', *AllAfrica.com*, 7 July 2010, http://allafrica.com/stories/201007071019.html.

24 Desperate bid to stem xenophobia, *The Weekend Post Online,* 26 July 2010, http://www.weekendpost.co.za/article.aspx?id=587418.

25 J-P Misago, V Gindrey, et al., Vulnerability, Mobility and Place; Alexandra and Central Johannesburg Pilot Survey, Johannesburg, FMSP, SARCS and UNOCHA, 2010.

26 J-P Misago, LB Landau, et al., 'Towards Tolerance, Law, and Dignity'; J-P Misago, T Monson, et al., 'May 2008 Violence against Foreign Nationals in South Africa'; T Polzer, 'Xenophobia': Violence against Foreign Nationals and other 'Outsiders' in Contemporary South Africa, *Migration Issue Brief 3,* Johannesburg, FMSP, June 2010.

27 South African Human Rights Commission, 'Report on the SAHRC Investigation into Issues of Rule of Law, Justice and Impunity arising out of the 2008 Public Violence against Non-Nationals', Johannesburg, South African Human Rights Commission, 2010.

28 Minister Mthethwa has been criticised for this, for example in: 'Still No Xenophobia for Mthethwa', *Mail & Guardian Online.* 16 July 2010, http://www.mg.co.za/article/2010-07-16-still-no-xenophobia-for-mthethwa. The Mail & Guardian article notes that the Minister of Police '...continued to insist that this week's violence in the Western Cape was 'so-called' rather than actual xenophobia.'

29 'Gauteng Tackling Xenophobia', *News24,* 14 July 2010. The South African Institute of Race Relations similarly cited the Gauteng Premier in their article 'Denialism All Over Again.' 19 July 2010, http://www.sairr.org.za/sairr-today-denialism-all-over-again-19th-july-2010.

30 'Xenophobia Hysteria' Dismissed, *News24,* 15 July 2010.

31 'Mthethwa Dismisses Xenophobic Hysteria', *The Star,* 15 July 2010, http://www.thestar.co.za/?fSectionId=3268&fArticleId=nw20100715153914968C447499.

32 M Gigaba, "We're being tainted as savage and ferocious animals".

33 'Xeno fears as shops looted', *The Mercury,* 13 July 2010; 'Ten held for terror night', *Times Live*, 20 July 2010, http://www.timeslive.co.za/local/article561169.ece/10-held-for-terror-night.

34 Thanks to Braam Hanekom for this insight, based on his discussions and observations in Cape Town.

35 Research in Johannesburg and Musina from 15-20 July 2010 by the FMSP confirms that the number of Zimbabweans leaving the country from early July increased dramatically, and that the majority left due to fear of violence. See forthcoming brief based on this research on www.migration.org.za.