

# VIOLENCE IS NOT A CRIME

## The impact of 'acceptable' violence on South African society

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*In his book, A Country at War with Itself, Antony Altbeker has highlighted that the extraordinary and distressing feature of crime in South Africa is not how common it is, but how violent. This analysis moves on from that point, arguing that rather than focusing on violent crime as a specific type of criminality, we should examine violence as a separate category that sometimes overlaps with crime and sometimes does not. This shift in focus reveals that it is not South African crime that is so violent, but South African society in general. It shows that many of these forms of violence are both legal and socially acceptable. This includes violence in childrearing, intimate relationships, education, sport, film and television, establishing social identities, and political negotiation, to name but a few significant areas. An examination of these popular and accepted forms of violence provides a revealing analysis of how these patterns are reproduced socially and psychologically, explaining how individuals and groups come to use violence as an everyday strategy of social negotiation. This analysis makes it clear that violent crime is a reflection of deeper patterns of violence within the society, and highlights the importance of including approaches other than law enforcement in reducing violence in South Africa.*

In his book *A Country at War with Itself*, Altbeker<sup>1</sup> makes the compelling argument that the exceptional feature of South African crime is not how prevalent it is, but rather how violent it is. This analysis was deepened by an important and far-reaching study by the Centre for the Study of Violence and Reconciliation,<sup>2</sup> exploring the reasons for this violence. Despite having commissioned the study, government's response was to dismiss it.<sup>3</sup>

The interest in the violent nature of South African crime is reflected in works such as *Someone Stole*

*My Smile: An exploration into the causes of youth violence in South Africa*,<sup>4</sup> and *Youth Violence: Sources and Solutions in South Africa*.<sup>5</sup> It is also reflected in popular concerns about being threatened with death, injury or sexual assault, which causes considerably more anxiety than simply losing property to criminals.

This paper explores just one aspect of the growing focus on violence, examining how we, as ordinary citizens and experts, think about the problem of violence.

### LAY THEORIES AND RESEARCH

Violence is usually seen as a sub-category of crime. A range of imagined scenarios shape our thinking: being hijacked, armed gangs invading our homes, being sexually assaulted by a stranger

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in a dark unfamiliar place. The immediate problem is that the existing research shows that these scenarios do not really correspond with actual risks. Victim studies<sup>6</sup> paint a substantially different picture to the images that keep most people awake at night. This problem is not solved by arguing that we should base policy on research data rather than popular opinion, as the relationships between popular opinion, scientific research, policy and implementation are in fact very complex.

The first complication is that even researchers themselves are, to some extent, influenced by these popular beliefs. While their specific claims may be based on rigorous research evidence, there are underlying tacit assumptions, derived in part from their social context, that structure how they conceptualise the field they are investigating. These assumptions and context also shape the way in which researchers formulate the questions they ask, and the theories they test.<sup>7</sup>

Another difficulty is that above these experts is a level of executive political decision-making by groups and individuals, who often rely on their own uncritical beliefs, rather than allowing themselves to be guided by more comprehensive data and careful analysis. This problem is aggravated by political populism, where decision-makers understand their role as short-term pandering to the collective anxieties of the electorate rather than applying their minds to solving underlying social problems in a more thoughtful and sustainable manner. Thus the pervasive influence of popular conceptions of crime and violence cannot be easily dismissed by simple appeals to evidence-based practice.

It is therefore important to carefully examine the received concept of violence that shapes our thinking. My argument is that we should begin by clearly separating violence and crime into two different categories that sometimes overlap, and sometimes do not. It is clear that some crimes (assault, robbery, rape, homicide) are intrinsically violent, but others (theft, fraud) are not. The more interesting point is that not all violence is defined as criminal by law or by social

convention. There are many forms of violence that are socially accepted and are commonly understood as benign, necessary, justifiable, below the threshold of criminality, or not recognised as violence at all. Separating violence from crime allows a broader analysis of all the different forms of violence, including the many forms of non-criminal violence, and how they are sustained and reproduced in South African society. This then enables us to explore how accepted forms of violence are linked to criminal behaviour, and to examine how hidden forms of victimisation relate to the popular anxieties concerning violent crime.

## POPULAR VIOLENCE

Once we separate the two concepts, some interesting issues become apparent. While South Africans report the threat of violent crime as a major cause of anxiety, and an obstacle to their quality of life,<sup>8</sup> they are remarkably enthusiastic about many other forms of violence. Violence in entertainment is extremely popular. Action films, defined by the pervasive representation of violence, are dependable box office hits. The spectacle of federation wrestling captures prime time television slots. Other aggressive sports such as boxing and rugby are national pastimes. Popular video games insert young players into the active role of violent combatant.

Violence in law enforcement is also frequently greeted with enthusiastic support. The overwhelming majority of South Africans want the return of the death penalty,<sup>9</sup> the use of extreme physical force in apprehending, interrogating and even punishing suspects, is largely welcomed by citizens,<sup>10</sup> and one third agree that 'police should use unrestrained violence including torture to hunt criminals'.<sup>11</sup> Although there are increasing objections to police brutality against innocent victims, and against the use of police in quashing social protest, violence against suspected criminals receives little criticism and frequent vocal support.<sup>12</sup> The proposal regarding 'shoot to kill' legislation (2012 revision of section 49 of the Criminal Procedure Act), expanding police powers to use lethal force beyond immediate self-defence, does not just satisfy the needs of the political elite

for authoritarian control; it panders to a public desire for more forceful and aggressive policing.<sup>13</sup> And where the police fail to rise to these expectations, popular vigilantism offers zealous citizens the opportunity to assault and even kill suspected criminals.<sup>14</sup>

Implicit in the popular view is the idea that fear of punishment deters lawbreaking and that effective crime prevention strategies can easily be derived from this assumption. The underlying belief is that crime is a matter of incentives and disincentives. The most effective disincentives are those that will terrify the offender, such as the credible threat of severe pain, injury, or death. Thus, in this lay theory, violence is the most effective and desirable method of dealing with criminality.

Violence is also widely seen as an appropriate and effective way of regulating interpersonal relationships. It is understood as an essential tool for raising children,<sup>15</sup> a useful disciplinary technique in educational institutions, an acceptable strategy in pursuing sexual encounters,<sup>16</sup> an indispensable resource in intimate relationships,<sup>17</sup> and an effective way of establishing social status.<sup>18</sup> Across the board, it is regarded as a useful and effective resource. The stress-inducing behaviour of a disobedient child can be resolved with a smack, a disruptive learner can be hit with a ruler, an unwilling sexual partner can be grappled into submission, the jealousy triggered by a lover's behaviour can be eliminated with a slap, and the humiliation caused by an insult can be overcome through a successful fight.

Violence is also understood to be a useful tool of broader social negation. Strikes are believed to be effective only if they include violence,<sup>19</sup> and the Marikana massacre showed how brute force may be used by those trying to manage social disruption and dissent. It is widely used as a tool for political mobilisation, as evidenced in the 'kill for Zuma' and 'kill the boer' sloganeering of Julius Malema, and as a way of eliminating the threat of democratic political competitors, as seen in the ongoing assassinations of councillors and party members in KwaZulu-Natal.<sup>20</sup> It is used to eliminate economic competitors, such as the

xenophobic attacks on foreign nationals accused of 'stealing our jobs',<sup>21</sup> and it can be used to regulate gender and sexuality through gay-bashing and 'corrective rape'.<sup>22</sup>

## PROBLEMS WITH EVERYDAY THINKING

Framing the issue by means of these examples highlights three serious problems in everyday thinking about violence. The first is the way in which personal risk is imagined. People primarily fear violence that forms part of property crimes and sexual assaults by strangers,<sup>23, 24</sup> whereas research<sup>25</sup> indicates that most serious violence (assaults, homicides) takes place in conflicts between people who know each other.<sup>26</sup> Physical attacks are less frequent in the context of mugging and housebreaking, and are more often part of escalations of disputes than is commonly believed. Rapes are more commonly committed by family members, social acquaintances, teachers, religious leaders, and other authority figures than by anonymous predators in dark alleyways.<sup>27</sup> Homicides are less likely to be the calculating work of callous robbers than popular fears suggest, and are more likely to result from fights between acquaintances that spiral out of control.

The second and related issue is that violence is not simply a feared and hated scourge that most people would like to see disappear from our society. On the contrary, it is widely accepted and defended as an essential tool for dealing with a wide range of problems and social situations. This leads us directly to a third important problem with everyday assumptions about violence: the imagined clear boundary between the non-violence of decent law-abiding citizens and the violence of antisocial criminals. In fact, this sharp boundary does not exist: most criminal violence is simply a stronger version of a form of socially acceptable aggression. The boundary is usually a matter of degree.

The analysis here allows us to reframe the problem in terms of defining and managing this threshold. How can we create strong moral, social, and legal boundaries between violent and non-violent behaviour?

## ESTABLISHING BOUNDARIES

A major challenge to this project lies in establishing consensus. South Africa is a highly diverse society, with many competing cultural, intellectual and ethical traditions. Reaching agreement on what constitutes acceptable and unacceptable social behaviour is no easy task. There is also the danger of a bad consensus on the many issues where popular opinion goes against the standards of constitutional human rights and the law. A multi-year survey of students' attitudes towards violence found that 90% support the 'right' of adults to hit children,<sup>28</sup> also 74% of men admit to using violence in intimate relationships,<sup>29</sup> and 60% of young people (both male and female) believe coercion is appropriate in sexual encounters.<sup>30</sup> On what basis can popular beliefs such as these be challenged by those who hold that this kind of thinking perpetuates violence in South African society?

Altbeker<sup>31</sup> has convincingly argued that we need to recognise the normalisation of violence as a fundamental problem, and argues that the criminal justice system should 'come down like a ton of bricks' on violent offenders in order to reassert the social norms against violent behaviour. His solution, however, relies on exactly the conflation of violence and crime that I am arguing against. He also shies away from identifying the normalisation of violence with the term 'culture of violence' used by other researchers<sup>32</sup> because of the sensitivities at play in asserting 'culture' as an underlying cause of social behaviour (especially when it has also been used as a code word in racist accounts). Pelser,<sup>33</sup> on the other hand, argues that we need to focus precisely on the social basis of violence, and move away from a law-enforcement approach towards more inclusive interventions that include education and welfare to reduce the risk of youth being drawn into violence and criminality.

A significant body of social research explores how violence is a socially learned behaviour.<sup>34</sup> Children who grow up exposed to violence, either as victims or witnesses, tend to learn it as a behavioural repertoire. They learn both the

violent specific actions, and that these actions are socially acceptable, and are then at far higher risk of becoming violent in later life than those who grow up in non-violent environments. Psychological research also reveals that violence tends to increase in situations of stress.<sup>35</sup> This is not only seen in situational incidents such as road rage, but in the ways pervasive social stressors such as poverty and urban overcrowding can contribute to increased levels of violence. In the presence of such stressors, the socially acceptable forms of violence outlined above can escalate into more severe acts of criminality and destructiveness.

Psychodynamic theory argues that people do not simply learn violence as a social behaviour, but that they use psychological defences to deal with overwhelming traumatic emotions, such as terror and helplessness, which arise when they are victimised. This is especially true if they are young or emotionally vulnerable. These traumatic emotions are pushed out of conscious awareness, but still remain powerful unconscious triggers for defensive emotional reactions in later life. When later situations trigger these defences, the emotional reaction is severely out of proportion to the situation, as it releases the intense previously repressed emotions. This can be used to explain common patterns of seemingly irrational violence, such as the dramatic eruptions of intimate partner violence in response to jealousy or fear of abandonment, and the extreme retaliation to perceived humiliation that is seen in many fights between acquaintances.

Drawing on these approaches may help us account for the mechanisms by which violence is maintained in our society. In relation to the widespread belief that violence is increasing dramatically, many researchers highlight the historical systems of colonial and apartheid violence that have defined the formation of South African society.<sup>37</sup> The question is why these did not spontaneously wither away with the emergence of the democratic state and constitutional human rights. Pointing to the ongoing problems of poverty and economic inequality goes a long way in accounting for high levels of property crime, but these do not adequately explain the more pervasive

patterns of societal violence. A focus on the specific question of violence shows how neither a purely socio-economic analysis, nor populist calls for more aggressive law enforcement, offer effective solutions.

## A TYPICAL FAILURE

The tendency to conflate violence and crime has major consequences for how we tackle the problem of violence in South African society. Nearly a hundred billion rand, or close to ten per cent of the national budget, is spent annually on various elements of the criminal justice system, but very little is directed toward the specific problem of violence.<sup>38</sup> Education and social welfare further take up the lion's share of the budget, and while this is important for addressing the underlying socio-economic context in which violence thrives, almost none of this is specifically targeted towards effective violence reduction initiatives. Even the institutions and processes that are designed to ensure equality and human rights seldom focus explicitly on violence reduction.

To illustrate this problem, let us consider just one recent misadventure in national policy.

In 2007 the Children's Act Amendment 41 was placed before the South African Parliament for discussion. This Act was a culmination of more than a decade of work by experts, activists and government officials, and proposed a comprehensive range of legislation to deal with the many problems surrounding childhood in South Africa. When the document was presented it elicited a consensus seldom seen in the extremely diverse landscape of South African politics. Political parties across the spectrum agreed that the Act contained a fatal flaw. In clause 139 of this complex and encompassing Act was the proposal that corporal punishment be prohibited, including the suggestion that parents would no longer be allowed to hit their own children in the privacy of their homes.<sup>39</sup> This idea was met with widespread protest by religious and political groups. The general public agreed that it threatened one of the most fundamental and cherished rights shared by social groups across the

nation: the inviolable right to hit their children.<sup>40</sup> In the face of this consensus, the offending section of the Act was scrapped.

Given the extremely high levels of violence against children in South Africa,<sup>41</sup> and the urgent need to establish effective mechanisms for protecting them, it seems regrettable that this proposal could not become policy. But this is not the only interesting issue here. One of the more robust findings of the past five decades of social science research is the strong correlation between childhood victimisation and exposure to violence, and later violent offending.<sup>42</sup> Many countries have successfully prohibited corporal punishment, and now show low rates of overall social violence of all types.<sup>43</sup> These examples strongly suggest that phasing out corporal punishment in South Africa would, over time, have a significant impact on overall levels of violence. The problem, however, is that the very idea of preventing parents from hitting their own children was seen as preposterous from a popular 'common sense' perspective. The idea that one can regulate and discipline children without violence seems not to exist in the popular imagination of South Africans. In fact, it was commonly argued that **not** hitting children would lead them to become violent offenders; that without violence there could be no discipline, and without discipline youngsters would become juvenile delinquents and later career criminals.<sup>44</sup> Against all available data, both the public and politicians seem to believe that corporal punishment is not a form of violence, that it is absolutely necessary for social regulation, and that its absence would lead to increased criminality.

What is interesting is that a policy suggestion arising from the well-informed concerns of local experts, widely substantiated by global research and supported by international best practice, simply had no traction against popular opinion. A potentially important and effective strategy in the attempt to reduce violence in South African society collapsed because it did not fit with the conventional way violent crime is imagined, and with the fact that, even as they fear being victimised by criminals, South Africans remain

deeply dependent on the use of normalised violence in their everyday lives. A failure to conceptualise the links between socially acceptable forms of violence and criminal aggression undermined a well-informed attempt at social reform.

## HOW TO CREATE A VIOLENT SOCIETY

What if we turned this problem on its head, and asked what we should do if we actually wanted to create a violent society? Presented this way, some key suggestions are easily identified.

- Teach children violence through observation and personal experience
- Expose the young and vulnerable to overwhelming distressing emotions without appropriate emotional support, so that they develop unstable emotional defences
- Expose people to stressful situations that they are unable to manage
- Maintain many types of inequality
- Withhold the provision of non-violent skills for resolving conflict and stress
- Normalise violence by maintaining socially acceptable forms of it, and forms that are legitimated by social authorities

### Teach children violence

Children should be exposed to violence as much as possible. They should see it in films and on television, and be taught to play with toy weapons and engage in aggressive competitive activities. More importantly, they should see it in action in their homes and social environments. Parents should use it to resolve disputes, and teachers should use it to maintain control. The important thing is not just that the violence be seen, but that it should be seen as an effective and socially acceptable form of negotiation.

### Create unmanageable emotional reactions

If at all possible, children should not simply observe violence, but experience it first hand.

Especially during the early stages of psychological development and emotional vulnerability, children should experience moments of overwhelming vulnerability and terror from physical and emotional threats. This should either happen in a context of overall neglect, or the available caregivers should regard this violence as normal or necessary, and no support should be offered to help these children deal with the state of distress that it causes. As a result they should have to repress these traumatic emotions. The unresolved emotions should continue to exist outside of conscious awareness until they are later triggered by situations of stress, fear or humiliation, at which point they should erupt uncontrollably into acts of violence.

### Create stress

Wherever possible, people should be subject to stressful conditions. For this, poverty and unemployment are very effective, as are abusive working conditions. Social support should be inadequate and unreliable, and people should worry about housing, health and education, and be anxious about their future. Material hardship and risks to health and safety should be pervasive. People should feel powerless to change their living conditions, and have little hope for responsive social support or effective government. Police should be seen as hostile rather than protective, social services as incompetent and indifferent, and political leaders as self-interested rather than representative. If rights exist, they should be difficult to access.

### Maintain inequality

Above all, for violence to thrive there should be inequality. Not just economic inequality, but significant differences in power across multiple social dimensions, as violence usually relies on one person or group having power over another. There should be significant differences in the social status between men and women, and children should have fewer rights than adults. Not only should men have power and privilege over women, but there should be socially entrenched differences in gender identity. Women should be trained to be

submissive and acquiescent, while men should be required to be aggressive and dominating. Minorities of all kinds – ethnic, sexual, religious, political – should face discrimination and harassment, as should foreign nationals. It should be understood that they are legitimate targets of violence. Social leaders should openly speak negatively about these groups, and where they do have formal rights, public servants and politicians should ensure that these remain inaccessible. Religion, tradition and culture should be invoked against any notions of equality and universal human rights.

## Suppress alternatives

Having established these social conditions, it is important that little or nothing is done to promote non-violent strategies for resolving these problems. All the dominant models of social negotiation, from childrearing to politics, should rely primarily on violence. The primary strategy for managing violent crime should be violent law enforcement. Individuals, especially men, should have little insight into how to recognise and manage their frustrations and aggressive impulses. Parents should be ill-prepared for the stresses of childrearing, and spouses should have few skills for managing the emotional complexities of ongoing intimacy and dependency. Certainly teaching these emotional and interpersonal skills should have no place in any national life-skills educational curriculum and creative conflict resolution skills should not be a required part of public education.

## Normalise violence

Normalising violence, or rather, ensuring that it continues to be normalised, is not difficult. Appeals to culture, tradition, and common sense can be used to provide justifications. Everyday forms of violence should be trivialised (in cases such as childhood bullying), or enthusiastically supported (as in violent sports). Leaders should endorse violence, promoting aggressive methods of social regulation, and make frequent use of language of combat and war in addressing social problems. Above all, violence should be presented

as a preferred style of law enforcement, and a legitimate method of social control.

## BEYOND VIOLENCE

By separating the broader issue of violence from the problem of crime, we can clearly see that if our aim is to combine a range of social and psychological factors known to increase overall levels of violence in society, we are doing very well indeed. From this perspective, there is nothing surprising about the fact that South Africa continues to be one of the most violent societies in the world. If, however, we would prefer to have a less violent society, this analysis makes it clear that we need to conceptualise violence as a far broader and more pervasive issue than violent crime. We need to identify the wide variety of types of violence at work on our society, and to tease out the complex interrelationships between them. This specifically entails identifying those types of violence that are commonly regarded as socially acceptable, and foregrounding both the ways in which these may in fact be harmful in themselves, as well as the ways in which they increase the risk of other destructive behaviours. As we do this it becomes increasingly clear that the primary obstacle to reducing violence is not a lack of research and social theory in this area. Rather, the dysfunctional morass of everyday 'common sense' that endorses many forms of violence fails to see the links between acceptable and unacceptable forms of violence, and actively obscures our understanding of the underlying processes at work. It is only by clearing away this fog that we can begin to tackle the problem effectively.



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