

Change law – punish those who incite racial violence

Vic Alhadeff

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On Sunday evening the president of the NSW Jewish Board of Deputies and I sat with the family viciously assaulted while walking home from a family dinner in Bondi last Friday night.

Just out of hospital, they bore the marks of the unprovoked attack. Horrific bruising. Broken bones. One had had bleeding on the brain. Another glass fragments in his eye. The physical and psychological scars may never completely disappear. While physical violence is unfortunately a common feature of any great city, the viciousness and apparent anti-Semitic aspects of the incident have prompted the wider community to take pause, eliciting an outpouring of support for the Jewish community – from political leaders, trade union leaders, Muslim and church representatives, the Sydney Alliance, the Arab Council Australia.

The incident brings three clear issues into sharp relief. Bearing in mind two of those arrested are teenagers, it underscores the need to engender respect for difference, at school and in the home. This is the objective of the Board of Deputies' 'Respect, Understanding, Acceptance' program, which annually brings together about 1500 students of multiple backgrounds with the aim of generating respect for diversity and emphasising the need to speak out against racism. Which segues to the second issue: bystanders. NSW has witnessed numerous incidents recently in which people have been publicly abused because of the colour of their skin – prompting nothing but awkward silence from onlookers. If we are bystanders, we are part of the problem.



One of the victims of the attack. Photo: Supplied

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Finally, the Bondi incident highlights the need to deter and punish racial harassment and vilification. We are geographically far from France, where unprecedented violence occurred against members of the Jewish community last year, where the number of anti-Semitic attacks rose an alarming 82 per cent. This is not Hungary, where ultranationalist Jobbik party member Marton Gyongyosi suggested members of the parliament who are Jewish be counted and registered "in order to avoid the national security risk caused by the Jew".

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That said, the Australian Jewish community experiences incidents of racial vilification every year, and the number is rising. The evidence of vilification in relation to other racial groups in this country is equally concerning. And in 2005 the NSW Bureau of Crime Statistics and Research released a report which concluded that racist taunts are a principal cause of violence in schools.

Those who engage in violent behaviour are liable to criminal prosecution under NSW criminal law. But those who incite them in the first place by appealing to their prejudices, fears and grievances are effectively beyond the reach of the criminal law if they do not themselves engage in acts or threats of violence or clearly procure others to do so.

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The problem of what happens when the law is ineffective over many years - which is the situation in NSW - is not limited to crimes being committed without being punished; it extends to members of the public feeling powerless to intervene.

History teaches that when incitement is undeterred, violence often follows, even if not directly and immediately. We need legislation which makes it clear that those who incite racist violence will face the full force of the law.

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