Contemporary Comments

Violence against Indian Students in Australia: A Question of Dignity

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In January this year, Nitin Garg was stabbed to death on his way to work at Hungry Jacks in West Footscray, Melbourne. Mr Garg was 21 years' old and was studying accountancy. He was from India. His tragic death came after more than six months of public debate both in Australia and India around reports of violence against international students, mainly from India, while studying and living in Australian cities, particularly Melbourne and Sydney. Responses to his death from stakeholder groups mirror, and indeed deepen, the parameters that have shaped dialogue around this issue from the beginning. It appears that Mr Garg was not robbed during the attack and the absence of any apparent motive was sufficient for some commentators to claim that the attack was racially motivated (the absence of a motive is one of many indicators that can be used to determine whether an incident is a hate crime). On the other hand, the absence of evidence pointing to overt racial overtones on the part of the assailant/s meant that the Victorian police were not in a position to attribute a racist motive to the crime. None of this is any consolation to Mr Garg's grieving family. It does, however, signal the polarities of opinion that characterise contemporary debates on racist violence in Australia. I would like to consider these debates in this comment.

Safety and welfare problems faced by international students were forced onto the public agenda in May 2009, when several thousand students, led by the Federation of Indian Students in Australia, rallied in central Melbourne. It would be disingenuous to claim that nothing positive has come from this public protest and the media attention it garnered. There has been a plethora of government and community responses designed to reassure the international market that Australia is a safe and welcoming study destination. These include a Senate inquiry; a series of community consultations; reviews of the education and migration sectors; the introduction of sentencing aggravation provisions for crimes motivated by prejudice in Victoria; and a series of visits to Delhi by federal and state politicians. While much of this activity is driven by the need to maintain Australia's multi-million dollar education export industry, many of these initiatives are also prompted by genuine concern about the welfare of international students and concern to address the problem of racism and/or public perceptions about it. For example, in October 2009, the Australian and New Zealand Human Rights Commissions devoted their annual race relations roundtable to safety and welfare issues for international students. In February this year, the University of Sydney Student Union set up a 'meet and greet' roster at the Sydney international airport to welcome international students to the country. There are many other examples.

This is not to suggest that activists and others do not have reason to be disappointed about the extent or nature of the response from key government agencies, some of which have been fed by 'tough on crime' propaganda at the state government level. For instance, although the Victorian police are doing all they can to investigate the death of Nitin Garg, they were noticeably quick to draw upon new powers to stop and search commuters for

knives and other weapons on a western suburban train station in Melbourne in the wake of Garg's death (Cafagna 2010). This operational emphasis on the illegal possession of weapons raises questions about the root cause of the problem and consequent policy responses. Are we talking about a problem of illegal weapons, public space, an appropriate target and plenty of opportunity as the police suggest? Or are we talking about a visible minority group, intolerance and prejudice across a spectrum of racial and ethnic differences and/or tensions? Although it is overly simplistic to divide opinion on the question of causation into dichotomous camps, it is fair that say that public statements from Australian police and politicians have tended to play down the racial element of the violence, while student groups, Indian media and human rights activists have tended to emphasise the role that race and racism may play in these incidents (it is also worth noting that the question of gender has rarely been mentioned despite the fact that the reported victims of these incidents appear to be men, rather than women).

Attempts to play down the question of racism have come in different guises. Our Prime Minister, Kevin Rudd, has been careful to condemn the violence but has avoided directly commenting on whether racism is an element in the offences: no acknowledgement and no denial. Similarly, the Deputy Prime Minister and Minister for Education, Julia Gillard has assiduously avoided making any reference to the racism question, choosing instead to praise Australia's commitment to multiculturalism and characterise the victimisation of Indian students as part of a larger problem of urban crime and violence. Although Victorian police were originally adamant that racism was not a factor in the crime reports they were receiving, it soon became impossible for them to deny that some incidents did indeed have racist elements. For instance, the attack upon four members of the Singh family in September 2009 in a hotel car park in the Epping suburb of Melbourne was accompanied by comments that were clearly racist in nature (Rintoul and Trounson 2009).

Much has been said about the Indian media's coverage of this issue, which has been described by some Australian commentators as 'hysterical' and 'shrill' (it is interesting to remember that feminism has revealed how, historically, the very same language has been used to discredit women). Certainly, sections of the Indian media have had a passionate response to the reports they have been receiving of Indian nationals being victimised while studying in Australia. Without a doubt some of this coverage has been inaccurate and downright misleading. *Times Now*, which is the online cousin to the respected *Times of India*, seems to be leading the charge here. Any attack upon an Indian national in Australia is quickly described in its news reports as racist, irrespective of whether there is accompanying evidence to indicate that racism was a motivating factor. In some cases, coverage in the Indian media is not just reactionary, it is downright dishonest. For example, on another online news service I came across an item on racist violence against Indians in Australia that was accompanied by an image of the Cronulla riots from 2005, implying that this was a picture of an Indian national being attacked.

We can speculate that the eagerness of the Indian media to malign Australia has something to do with cricket or Australia's refusal to sell uranium to India. Nonetheless, beneath this veneer of extravagant reporting, the Indian media have an important point to make. Indian nationals studying in Australia, their families and compatriots back home, have good reason to be angry. Many families have saved hard and sacrificed much to send their children overseas to study in pursuit of what they anticipate will be a better future

(both in terms of education and migration). To be confronted with poor educational facilities, substandard teaching and a less-than-caring attitude in some private institutions would be enough to enrage any of us. When coupled with over-crowded living conditions, low-paid employment and long hours of travel on public transport, it is not surprising that many students feel disgruntled and disillusioned in the face of what must feel like a string of broken promises — and dreams.

The responses of Indian students and their supporters, including the media, to these very tangible problems also need to be contextualised within global geopolitics. Significantly, media coverage of the issue in India has focused not just on the violence itself, but also on the reaction of Australian authorities to this violence. Heavy criticism has been levelled at police, universities and government for supposedly failing to do enough to stop the violence. Heavy criticism has also been levelled at many of these same institutions and individuals for refusing to acknowledge that racism may be playing a role in the violence. There is much at stake in India's demand that Australia acknowledge this.

India is the world's largest democracy. It is also a nation that has undergone significant change in the last few decades. Buoyed by slogans of 'India shining'[1], India's burgeoning middle class is acutely aware of the increasing influence of their nation on the world stage. India's strengthening identity as a nuclear power that can command both fiscal and political force does much to relegate the humiliation of British colonial rule to a distant memory — but it is still a memory. This tension between an exciting future and a colonial past creates an understandable sensitivity around issues of national pride, respect and dignity. It only takes a few violent incidents with racist overtones — and we have certainly seen a few in Melbourne and Sydney in the last 12 months — for a deep message of intolerance and cultural disrespect to be conveyed to India. This is how prejudice-related crime works: the negative impact upon a targeted community is greater than the sum of its parts. Individual victims experience physical and psychological injury but, as the Victorian Sentencing Advisory Council recently recognised, several incidents added together quickly send a 'powerful message of intolerance and discrimination' that can have a 'general terrorizing effect' on all members of the target group (Victorian Sentencing Advisory Council 2009:G8, A4). In assessing the impact of crimes committed against Indian nationals in Australia, it does not really matter whether the majority of incidents are motivated by pure racism or not (nor does it matter whether Indians are victimised at a higher rate than other groups or are at greater risk in Australia than they are at home). Some incidents clearly do have racist elements and this is all it takes for a group of people with a common identity to feel under siege: it is the idea that one's community is the target of violent racism that generates the discomfort and consequent anger. We could call this a 'moral panic', but such descriptors have only minimal heuristic power when it comes to understanding the indignity of a community that feels like it has become a 'cash cow' without the accompanying esteem that is normally accorded to a financially lucrative community sector. As Bollywood star Amitabh Bachchan said in June 2009 when he turned down an honorary doctorate from Queensland University of Technology said: 'My conscience does not permit me to accept

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[1] 'India shining' was a controversial slogan used by the Bharatiya Janata Party (BJP) in the early- to mid- 2000s to signal India's economic success and sense of optimism.

this decoration from a country that perpetrates such indignity to my fellow countrymen' (Doherty 2009).

Taking this question of dignity a little further, we can see that the safety and welfare concerns raised by Indian students in Australia have tapped an underlying vein of resentment, at least in some quarters, around the cultural dynamics of the global trade in education. This trade largely involves affluent western countries selling education, and migration potential, to developing and/or post-colonial nations. Tertiary education in 'the West' is held out as the pinnacle of achievement for children of the middle classes in these nations. The normative and assimilationist aspects of this exchange, and the diaspora it encourages, are viewed by some as demeaning and illusory for young Indian men and women, especially when coupled with signs that as international consumers of education they are not always welcome in countries like Australia. Some online comments from readers of *Times Now* in late 2009 give a sense of this perspective:

> [O]ur Indian counterparts should finally stop craving to live in [foreign] countries because they don't really have anything to give us (Faizi, Mumbai, 17 September 2009).
>
> Why are Indians demeaning ourselves by wanting to study/immigrate/live overseas among such white supremacist racist[s]. Such incidents hurt not only the immediate victims but the entire people of India (DK Mishra, Mumbai, 17 September 2009).
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> Could this be the galvanizing moment for us Indians to decide that we shall build our India into our land of dreams rather than going around the world in search of Eldorado? (Nagesh, Bangalore, 18 September 2009).

For others, this is a matter of India's ability to garner respect from other nations:

> This incident [referring to an early attack] is horrifying, unpardonable, brutal and pathetic. The world community must raise their voice to stop this atrocity and heinous crime. ... Now, India will emerge as most developed country in the world within next 5 to 10 years. India has been progressing fast. … I believe that you will soon find that the rest of the world will start paying respect to Indians (Mrinal, Kanti, Banarjee, 30 May 2009).

Violence with prejudicial overtones is the antithesis of cultural, national and racial respect for others. The reluctance, and in some cases complete refusal, of many Australian institutions and politicians to directly acknowledge that prejudice is a factor in *some* of the violence that is experienced by Indian students becomes a sign of further disrespect. It dismisses India's very real concern that its citizens are good for making curry, driving taxis, paying fees, serving at petrol stations or running late night convenience stores, but not good enough — or important enough — to command us to acknowledge that cultural intolerance and chauvinism do exist in this country.

Determining whether it is appropriate and helpful to categorise a crime as racist is not easy. While some of the crimes that have been committed against Indian students in Australia over the last 12 months clearly have racist features to them, others do not. However, the question of whether a crime is racist or not hinges not just on whether there is evidence of actual racism but, more fundamentally on how racism is defined. Many people would agree that it is racist for an offender to attack an Indian national simply because

he/she hates Indians and wants to see them suffer. But is it racist if an offender is already looking for someone to rob and selects a victim whom he/she presumes to be Indian, on the basis of stereotypes about Indians, such as Indians are passive and will not fight back or Indian students carry a lot of electronic technology; and is there a difference between these two stereotypes? Is it a racist crime if the offender uses racial insults before, during or after the commission of an armed hold-up that is motivated by financial gain (eg 'Go home you dirty Indian')? Should any of these examples attract a penalty that is higher than parallel crimes that do not involve prejudice? These are important questions of definition and scope that Australian jurisdictions must grapple with as we increasingly move towards the introduction of hate crime laws: such laws now operate in Western Australia, New South Wales, Northern Territory and Victoria. They are particularly important questions because one of the common features of these laws is that they impose heavier penalties for crimes that are motivated by prejudice or group hatred and, in jurisdictions, such as Western Australia, rely upon a definition of 'racial aggravation' that has the potential to apply to a very wide set of circumstances. The issue of violence against Indian students in Australia has begun to force these questions onto the agenda to an extent never before seen in this country. We may not agree on the answers, but it is time we had the conversation.

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