

Stories of discrimination that matter
Melanie Judge

有关系的歧视故事
梅兰妮·贾吉

“Where do all these Chinese people come from?” was the rhetorical question uttered in my direction by a security guard at the Johannesburg High Court in March of this year. He was reacting to the presence of hundreds of members of the local Chinese community at the court house in support of an Equality Court case against anti-Chinese hate speech. The Chinese Association (TCA), formed back in 1903, brought the case against 12 respondents for comments they made on pages belonging to the Karoo Donkey Sanctuary, as well as on the Carte Blanche Facebook page after it had aired a report on trade in donkey skins in early 2017.

“这些华人都从哪里来的？”是今年 3 月在约翰内斯堡高等法院由一名保安人员对我说的修辞问题。那是当时他对在平等法庭上出现了数百名当地华人，就支持平等法院对反华仇恨言论而起诉，的社团所作出之反应。成立于 1903 年的南非杜省中华公会（TCA）针对 12 名被告在 2017 年初发布了驴皮贸易的报告之后且在卡鲁驴保护所的页面上以及卡特·布兰奇脸书上所发表的评论提起了诉讼。

The hearing continues on 25 November, and I find myself wondering if the court security will again express disbelief at the presence of fellow South Africans of Chinese origin at the court house. This incredulity is misplaced because Chinese South Africans have been part of this country's diverse make-up for hundreds of years.

听证将在 11 月 25 日继续，然而我想知道的是，法院保安是否会再次对华裔南非同胞在法院的存在性表示怀疑。其实这怀疑是错误的，因为数百年来，华裔南非人一直是该国多元化的组成部分。

The security guard's response reflects a reality in which South African Chinese, and their experiences of race-based prejudice, are frequently overlooked, including in public discussions on diversity and human rights. Against this backdrop, the case is an historic one, spotlighting the anti-Chinese racism that is so frequent on social media, and that, until now, has not been challenged in a South African court of law.

保安人员的响应反映了一个实际的问题，其中就是南非的华人以及他们基于种族的偏见经验，包括在关于多样性和公开人权讨论中，经常被忽视。到目前为止，社交媒体上，频繁的反华种族主义尚未在南非法院受到关注，此案，在这种背景下-是具有历史意义的。

TCA is centrally concerned with the harmful, hurtful and discriminatory effects of the speech on the dignity and equality of Chinese people. To understand this, one must consider the lived realities of Chinese in South Africa - both those whose parents and grandparents were born here and those who have more recently chosen South Africa as their home. This racially and ethnically marginalised community has experienced discrimination and exploitation for over three centuries at the hands of European settlers, which intensified during apartheid, and continues to this day.

南非杜省中华公会（TCA）为中心的关切是针对华人尊严及平等上有害，损害和歧视性的评论之影响。为了解这一点就必须考虑到华人在南非的现实生活以及他们的存在性- 在这里出生的父母和祖父母以及最近选择南非作为家的华人。这个种族和种族边缘化的社团，在欧洲定居者手中已经经历了三个多世纪的歧视和剥削，在种族隔离期间激化演变，更持续到至今。

Today, most South African born Chinese are fourth and fifth generation descendants of immigrants who arrived here from the late 1800s onwards. Prior to formal apartheid, the Chinese were racially classified in the category of 'Asiatic' and subjected to laws that placed restrictions on them in respect of trading, immigration and property ownership. Under the 1950 Population Registration Act, local Chinese were defined under the category of Coloured and as "generally accepted as a member of a race or tribe whose national home is in China".

如今，大多数南非出生的华人是从1800年代后期到达这的第四和第五代移民之后裔。在此之前，正式的种族隔离政策把华人种族分类为“亚洲人”，并受于贸易，移民和财产所有权法规的限

制。根据1950年的《人口登记法》，当地华人被定义为有色人种 “通常被视为居住于中国的种族或部落的成员。”

Apartheid thinking, which still permeates the South African psyche, is that racial categorisation is a black and white affair. However, race classifications were imposed, not self-inscribed, the purpose of which was to establish hierarchies of difference. To socially engineer racial difference, apartheid legislators split people into ethno-racial categories of unequal value. White people were at the top of the value chain with a series of racialised others being bound together under the master category of ‘non-white’, which included the Chinese.

种族隔离思想仍然渗透在南非人的精神中，种族分类是个黑白之间的事情。然而，种族分类是被施加的而不是自刻的，其目的就是为了建立差异层次的等级。种族隔离的立法者为了对种族差异进行社会工程的改造，将人们分为价值不平等的种族类别。白人处于价值链的顶端，而在“非白人”的主要类别中（包括中国人）是一系列被种族歧视捆绑在一起的人。

This is the context in which hate speech against Chinese people is perpetrated. What is striking about the speech in the case currently before the courts is its violent content. Some of the speech being challenged is plainly genocidal, threatening the killing of Chinese people and their children.

这就是针对华裔人民的仇恨言论所发生的背景。目前在法院审理的该案中令人震惊的是其暴力之内容。而受到盘问的某些言论显然是种族灭绝，威胁要杀害华裔人民及其子女的行为。

Moreover, it falsely communicates that Chinese people are naturally predisposed to harming animals. In reality, animal cruelty is not the preserve of any one nationality or ethnic or racial group. The conflation of isolated acts of cruelty to the entire Chinese population portrays them as ‘all the same’, namely as people with an uncivilised and cruel culture, and so fair game for discriminatory treatment.

此外，它错误地传达华人自然倾向于伤害动物。实际上，虐待动物并不可保留于任何一个民族，族裔或种族。将孤立的残酷行为与整个华人混为一谈，将他们描绘成“一视同仁”即具有不文明和残酷文化的人种-也因此被用于歧视方法对待-是为公平的。

One of the hallmarks of racism is to paint those who are seen as racially inferior with the same brush, so to speak. Reducing an entire social group to a set of negative and violent descriptors is dehumanising. Notably, all the respondents accused of hate speech are white. For centuries the violence and cruelty of racism has been a defining feature of white and Western cultures and identities.

可以这么说，种族主义的标志之一是用相同的笔刷，画出那些种族低劣的人。将整个社会群体简化为一系列负面和暴力的描述是不为人道的。更值得关注的是，所有被指控憎恨言论的被告都是白人。几个世纪以来，种族主义的暴力和残酷行为一直是白人，西方文化与身份的明确特征。

Anti-Chinese sentiments have become commonplace in the South African social media landscape and remain mostly unchallenged. Against this backdrop, the upcoming Equality Court hearing will draw necessary attention to a form of racism that has persisted over centuries and continues into the present.

反华情绪已在南非社交媒体领域变得司空见惯，且仍然不受到挑战。在这背景下，即将举行的平等法院听证会将已持续多世纪，甚至一直持续到现在的种族主义形式提高关注。

The case gives voice to local Chinese and so counters their silencing within dominant narratives of democracy, diversity and non-racialism. As the Nigerian novelist Chimamanda Adichie puts it, “Many stories matter. Stories have been used to dispossess and to malign... Stories can break the dignity of a people. But stories can also repair that broken dignity”. There is much to be told of the indignities

that Chinese people in South Africa have had to endure, and in the pursuit of social justice these too are stories that matter.

该案让当地华人有话语权, 反击在民主, 多样性和非种族主义的主流叙述中对抗沉默. 正如尼日利亚小说家Chimamanda Adichie所说, “许多故事都很重要. 故事可用于处理和破坏...故事可以破坏人民的尊严. 但故事也可以修复破碎的尊严.” 关于南非华人必须忍受侮辱是有很多可诉说的然而在追求社会正义上这些故事是更为重要的.

Melanie Judge is an adjunct associate professor of public law at the University of Cape Town and advisor to The Chinese Association (TCA).

梅兰妮·贾吉 (Melanie Judge) 是开普敦大学公共法学兼职副教授, 也是南非杜省中华公会 (TCA) 的顾问.

This is a translation of the original article ‘Time it was told: Equality Court shines a light on centuries of racism against Chinese South African’ that appeared in the Sunday Times on 17 November 2019.

The article is available at

<https://www.timeslive.co.za/sunday-times/opinion-and-analysis/2019-11-17-equality-court-case-shines-a-light-on-racism-against-chinese-south-africans/>

这是发表在 2019 年 11 月 17 日《周日时报 / Sunday Times》上 “是时候公布于世了: 就平等法院揭示了针对南非华人受到百年历史的种族歧视一案” 之原件译文.

文章链接

<https://www.timeslive.co.za/sunday-times/opinion-and-analysis/2019-11-17-equality-court-case-shines-a-light-on-racism-against-chinese-south-africans/>