

An assessment of Police perceptions of Microaggression in Gauteng Province, South Africa

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Abstract:

Microaggressions are brief and commonplace verbal, behavioural, or environmental indignities that communicates hostile, derogatory, or negative racial slights and insults towards people of minority groups and may be committed intentionally or unintentionally by perpetrators. The study was motivated by the prevalence of gendered violence in South Africa. Purposive sampling was used to identify twenty police officials for interviews at six police stations in the Gauteng province. The objective of the study was to explore police perspectives of microaggression. Results showed that most police perceived microaggression as intimidation and gender-based discrimination. Punitive measures were recommended against behaviour. The findings are ungeneralizable.

Keywords: *Discrimination, microaggression, police, respect, responsibility*

Una evaluación de las percepciones de la policía sobre las microagresiones en la provincia de Gauteng, Sudáfrica

Resumen:

Las microagresiones son breves y comunes indignidades verbales, conductuales o ambientales que comunican desaires e insultos raciales hostiles, despectivos o negativos hacia personas pertenecientes a grupos minoritarios, y pueden ser cometidas de manera intencional o no intencional por los perpetradores. El estudio fue motivado por la prevalencia de la violencia de género en Sudáfrica. Se utilizó un muestreo intencional para seleccionar a veinte funcionarios policiales para entrevistas en seis comisarías de la provincia de Gauteng. El objetivo del estudio fue explorar las percepciones de la policía sobre las microagresiones. Los resultados mostraron que la mayoría de los policías percibían las microagresiones como formas de intimidación y discriminación de género. Se recomendaron medidas punitivas frente a este tipo de comportamientos. Los hallazgos no son generalizables.

Palabras clave: *Discriminación, microagresión, policía, respeto, responsabilidad*

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1. Introduction

South Africa's democracy was founded on the principles of human dignity, non-racialism, non-sexism, and universal adult suffrage to ensure accountability (South African, 1996). These values impose obligations on the state institutions to deter harmful intentional acts to protect the human rights of vulnerable groups. Intentionality or intent is profound element in the criminal justice system (CJS), especially when determining criminality. The element of intentionality of an action warrants preventative measures and the policing of the act (Nunez, Laurent & Gray, pp.2013, p.22). Statements perceived as defamatory can lead to litigation, as evidenced in the case *Adams v Makhoya* Case no. 2974/2019 ZANWHC 142. The notion of respect is key to achieving such immense responsibilities in the CJS and the public.

"Recognition respect" is a type of respect that all humans are owed simply because they are human beings, and yet microaggression prevents us from enjoying this right given that aggression may cause us harm or discrimination when our social identities are targeted. People may fail to show others respect by treating them as if they were socially or morally inferior, consequently merely suspecting that we are on the receiving end of a microaggression can be so distressing. Microaggressions are defined as minor acts of hostility directed at other people's social identity. Human beings are very sensitive to their social standing. Therefore, a responsible person should assure others that he or she is not deliberately disrespecting other when doubted is cast. This level of consideration helps one to forge ties, preserve bonds of trust, and cooperation between individuals and social groups (De Vries, 2024, pp.391-397).

Respect for members of different social groups is entrenched in various legal frameworks. The Constitution of the Republic of South Africa (Act No. 108, 1996) prohibits discrimination. For example, section 9(3) provides that:

"The state may not unfairly discriminate directly or indirectly against anyone on one or more grounds, including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth."

Discrimination means any act or omission, including a policy, law, rule, practice, condition, or situation which directly or indirectly: (a) imposes burdens, obligations, or disadvantage on; or (b) withholds benefits, opportunities, or advantages from any person on one or more of the prohibited grounds (South Africa, 2015, p.5). Allport (1954, 1979) defined discrimination as the behavioral manifestation of prejudice. Prejudices must be viewed as a process within a set of relationships, rather than a state or characteristic of particular people (Abrams, 2010, p.13). Prejudice can take different forms. People's use of language, behavior, emotional reactions and media images can all reflect prejudice (Abrams, 2010, p.9). Allport (1979, p.1) defined prejudice as an antipathy based on faulty and inflexible generalization directed towards a group or towards an individual because he is a member of that group. By its nature, prejudice denies individuals human dignity and breaks the fundamental unity among people. Negative prejudice and discrimination are expressed in escalating levels of violence, and the five stages are as follows (Allport, 1979, p.1): (1) *Anti-location* – Spoken words such as malicious gossip, nasty jokes and verbal putdown, (2) *Avoidance*, (3) *Discrimination* – Exclusion, segregation aimed at denying the enjoyment of certain rights, (4) *Physical attacks* - Violence against people or property, and (4) *extermination or genocide* – Systematic attempt to destroy an entire group.

Consequently, some aggressive acts informed by prejudice can be labeled as deviant, antisocial or even criminal. Verbal aggression (swearing), physical aggression (slapping or hitting someone), relational aggression (spreading rumours), postural aggression (making threatening gestures or invading one's personal space) are distinct forms of aggression carried out with the intent to harm another (Allen & Anderson, 2019, pp. 4-5).

Law enforcement and people in protective social roles must be vigilant of communication because discrimination is not always readily detectable. Law enforcement has a huge responsibility of mitigating discrimination given that studies show a strong correlation between discrimination and intimidation (Bahji & Altomare, 2020, p.e108). Although various statutes impose this responsibility, the most significant statute is the constitution. The Constitution (South Africa, 1996) makes provisions for state protective mechanism to ensure that all inhabitants are safe. For example, section 205(3) provides that: *"The objectives of the*

police service are to prevent, combat and investigate crime, to maintain public order, to protect and secure the inhabitants of the Republic and their property, and to uphold and enforce the law.”

Consequently, the South African Police Service (SAPS) is mandated to protect vulnerable groups from threats of violence. This implies that they should police microaggression against women. Successful policing of microaggression depends on police perspectives of microaggression. Ideally, police perspective of microaggression should be informed by their awareness of the applicable legislation. Most applicable legislation explicitly define misconduct that is criminalized in South Africa.

1.1. Problem statement

The right to equality and dignity are fundamental right yet, reports on violence against women in public spaces are prevalent (South Africa, 1996). Women face more microaggressions than men. Microaggression like any other form of discrimination can be projected to any minority group. Microaggression is one of many social precursors to violence against women. Gender microaggression, a form of sexism, is one of many dominant forms of discrimination and bias affecting women (Baseford *et al.*, 2014, cited in Kumar & Soni, 2022, pp.1-2). The problem is that not all bias are criminalized in South Africa. Although the South African legislation is explicit on the types of bias criminalized, namely hate crimes and hate speech, such acts may be subtle in microaggression. Under reporting is common when criminalized bias is subtle. The few reported defamation cases in South Africa do not accurately reflect the prevalence of microaggression in South Africa. The criminal justice system (CRJ) faces challenges in policing microaggression. In the case *Adams v Makhoya* Case no. 2974/2019 ZANWHC 142, the South African Magistrates court could not quantify the gravity of a defamation wherein a financial remedy sought was disputed by the accused (South Africa [North West High Court], 2023). Issues such as defamation are complex, and more so is microaggression given the absence of the term in an array of legal document. The complexities of policing defamation, insults and related phenomena of leave women vulnerable. Police perspectives on subtle violence is of consequence to women’s safety. An assessment of police perspectives of microaggression may enhance public understanding of laws that protect them from subtle violence, particularly microaggression. The study is justified because research on police perceptions of microaggression could contribute to policy development mitigating gendered discrimination and misconduct related to the studied phenomenon.

1.2. Research Objectives and Research Questions

The study aimed to create awareness of policing of microaggression in the Gauteng province, in South Africa. The research objective was to explore police perspectives of microaggression. Three research objectives were formulated as follows: To establish how SAPS officials conceptualize microaggression, to establish if SAPS officials perceive microaggression as gender-based discrimination (GBV), and to establish police officials’ awareness of legal frameworks applicable to the policing of microaggression. The qualitative study used three “open-ended questions (Venkatesh, Brown & Sullivan, 2016, p.441). Enlisted below are research questions:

1. How do SAPS officials conceptualize microaggression?
2. Do SAPS officials perceived that certain microaggression constitute gender-based discrimination?
3. What legal frameworks do SAPS officials use in policing microaggression?

2. Literature review

Aggression is a phenomenon that can take many forms, ranging from relatively minor acts, serious acts, to more severe acts. Minors acts of aggression include name calling or pushing someone; serious acts include hitting, kicking, and punching; and severe acts such as stabbing, shooting, and killing a person or people. The fact that aggression appears in so many forms can sometimes make it difficult to determine with certainty that aggression has occurred. Aggression and violent behavior are best conceptualized as being on a continuum of severity with relatively minor acts of aggression at the low end of the spectrum and violence at the high end of the spectrum (Allen & Anderson, 2019, pp.1-3).

Microaggressions are not called ‘micro’ because they are not a big deal or they do not cause harm, they are ‘micro’ because they happen on an individual basis (University of Portland, 2020, p.1). To reduce the recurrence of microaggression stakeholders formulating possible solutions or strategies to combat

microaggression should focus on the intent underlying such heinous behavior (Allen & Anderson, 2019, p.3). The behavioural manifestations depend on the following three types of microaggressions ‘microassaults’, ‘microinsults’ and ‘microinvalidations. Unlike microassaults, the perpetrators of microinsults and microinvalidations are usually not consciously aware of the harm they are causing. Microassaults are defined as conscious and intentional acts by an aggressor they are also known as “overt discrimination”. The three types of Microassaults include (a) Verbal microassaults such as name-calling and the use of epithets, (b) non-verbal microassaults which involves behavioral discrimination such as Christian parents discouraging their children from interracial marriages or dating Muslim people, and (c) environmental microassaults include exhibiting offensive signs, posters, or other visual displays. Evidence of such heinous behavior include media portrayals and physical drawings of Asian caricatures with extremely slanted eyes, depicting indigenous African women with extremely hug buttocks, or depicting obese people as excessive eaters. A microinsult is defined as any comment or action that communicates insensitivity or disregard for a person’s identity or heritage. A microinvalidation is defined as any comment or action that ignores or dismisses the thoughts, feelings, or experiences of a member of an underrepresented community (University of Portland, 2020, p.1).

The term microaggression is novel to South African legislative framework, it originates from western literature, coined by Pierce Broke in the 1977 (Freeman & Schroer, 2020, pp.1-2). However, the escalation of linguistic violence is a global phenomenon often classified as hate speech (Freeman. & Schroer, 2020, p.121).

The conceptualization of microaggression indicates that aggression can be classified in many ways. It can be hostile or instrumental, reactive or proactive, impulsive or premeditated, direct or indirect, active or passive, overt or covert, and legitimate or illegitimate (Allen & Anderson, 2019, p.12). The continuum of micro aggression can be evidenced when prejudice leads to discrimination. One way to measure discrimination is to ask people if they felt they have been treated unfairly due to their identity. Members of racial or ethnic minority groups in many countries feel that they face discrimination in daily encounters. Discriminatory norms and behaviours remain widespread and continue to drive social exclusion (United Nations, 2018, p.1).

Consequences of microaggression can result in a breakdown of social relations. Peace and harmony is an important goal of any society and mostly maintain through various legislative frameworks. Legislation and applicable policies against discrimination, in South African, includes the following: The South African Constitution 108 of 1996 (South Africa, 1996), National action plan (NAP) (South Africa, 2015), the Promotion of Equality and Prevention of Unfair Discrimination Act (PEPUDA) 4 of 2000 (South Africa, 2000), and the Prevention and combating of Hate Crimes and Hate speech Act 16 of 2023 (South Africa 2023). United Nations (UN) member states, such as South Africa have a legal obligation to protect human rights and prohibit discrimination (United Nations Women [UNW], 2016). Obligations such as the UN Sustainable Development Goals on gender equality (SDG 5) serves as collective resolve against gender-based discrimination (Statistics South Africa [Stats-SA], 2023, p.82). The Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) of 1979 is one of the international treaties binding to South Africa (UNW, 2016). Consequently, South Africa has laws against that criminalize intimidation and offensive communication, and these are as follows: Intimidation Act 72 of 1982 (South Africa, 1982) and the Domestic Violence Act (DVA) 116 of 1998 (South Africa, 1998).

Intimidation is crime abroad criminalized by various statutes, some of which are listed above. DVA also criminalizes intimidation. Section j of the DVA criminalizes “*any other behaviour of any intimidating, threatening, abusive, degrading, offensive or humiliating nature towards a complainant* “ (South Africa, 1998). The policing of microaggression depends on how it is conceptualized in common law, its interpretation by both the public and the officials responsible for crime prevention.

Institutions that are responsible for enforcing policies prohibiting microaggression include the public and private institutions. Some of the state institutions responsible for policing microaggression include Public Service Commission (PSC) and the SAPS. In terms of section 195 and 196 of the South African Constitution, the PSC may investigate unconstitutional crime in state departments (South Africa, 1996). This implies that the PSC has a responsibility to manage criminalized bias such as hate speech and hate crimes when police officials are not present at the crime scene. The escalation of linguistic violence, hate speech and hate crime can be policed regardless of differences in terminology that influence the way acts of aggression are conceptualized.

3. Methodology

3.1. Research Paradigm and Research Design

A paradigm is a set of beliefs about how certain problems must be investigated (Kamal, 2019: 1388). The study used an interpretive paradigm to explore participants' perceptions because it requires the study to consider differences in culture, times, and various circumstances that account for differences in social realities (Alharahsheh & Pius, 2020, p.41). The study was a phenomenological design that explored police officials' perceptions of microaggression. Phenomenology is qualitative research that seek to understand the meaning of experiences, and not of text. The problem of phenomenology is not how to get from text to meaning, but how to get from meaning to text (Van Manen, 2017, p.2).

The study was conducted in one of the major metropolitan municipalities in the Gauteng province. The three major metropolitan municipalities are Ekurhuleni, Tshwane and Johannesburg (Stats-SA, 2022, p.1). The study population was in the three municipalities. Population refers to the entire group of individuals or elements that share a common characteristic or feature. On the other hand, the target population refers to a segment within the larger population that is the primary focus of a study (Willie, 2023, p.1). The research population was the SAPS in the Gauteng province. The target population was the members of Visible Policing Section (Vispol) in the three metropolitan municipalities. The number of SAPS officers has declined steadily over the past decade. In 2020 the SAPS staff headcount stood at 182126 at the end of the 2020/2021 financial year, a decrease of 8.8%. The staff head count includes sectors in administration, Vispol, crime intelligence, detective services, Protective and security services. The total number of police deployed in Vispol was 94 993 during the 2020/2021 financial year (Business-Tech, 2021; Kean, 2022).

Two Community Service Centre (CSCs) also known as police stations were identified from each municipality and these included, Douglasdale police station, Jeppe police station, SAPS Dududza Police Station, SAPS Lyttleton Police Station, SAPS Primrose Police Station, and Silverton Police Station. Sampling is the process of selecting a statistically representative sample of individuals from the population of interest (Majid, 2018, p.7). Purposive sampling technique, also called judgment sampling, is the deliberate choice of a participant due to the qualities the participants possess. It is a non-random technique that does not need underlying theories or a set number of participants (Etikan, Musa & Alkassim, 2016, p.2). Although purposive sampling procedure in qualitative research allows the study to select participants based on the research questions asked, it is still difficult to obtain a defined sample size (Bekele & Ago, 2022, p.42). Participants were identified through referrals, meaning that each SAPS officer was identified and recruited through colleagues once approval was granted by the Station Commander of the CSC.

Regarding the sample size, there is no universal rule that dictates the maximum and minimum number of participants for one qualitative research (Bekele & Ago, 2022, p.44). The sample size totaled 20 participants. The criteria for participation were as follows: South African, SAPS member employed in the selected municipality in Gauteng, willingness to partuculate, age 18 to 65 years. The study excluded people working as volunteers or interns in the SAPS. Linguistics competence is not measured, as the study depends on participants' self-report on level of education.

3.2. Data collection method

Ethical clearance was obtained from the university's ethics committee. The study also adhered to the Protection of Personal Information Act (POPIA) 4 of 2013 (South Africa, 2013) which regulates protection of personal information, and mandates respect of participants right to privacy. Participants were briefed about the nature and purpose of the study. Participants were informed of their rights to withdraw from the study. All participants were informed of voluntary participation, confidentiality and anonymity, and assured that they would not be negatively labeled for partaking in the study. The study provided no incentives to participants. All participants provided written consent to the face-to-face interviews that lasted 30 minutes. The study was not funded, and there was no conflict of interest in conducting the study.

Interview schedules were used to collect information from the 20 participants. A semi-structured interview schedule is simply the list of topics and associated questions that the interviewer asks the participants (Bearman, 2019, p.1). Interviewing is a common data-gathering instrument used by social scientists to expand their understanding of how humans perceive their social worlds and how they act within them (Philipps & Mrowczynski, 2021, p.60).

Bias in research entail prejudice and must be monitored throughout the study (Florczak, 2022, p.22). Reflective field notes were managed to prevent bias during the data collection. All participants were asked to verify the accuracy of their written responses. Bias was managed by limiting evaluating responses to participants' answers, this implied avoiding value judgements.

3.3. Data collection method

Qualitative data analysis is characterized by “merging of analysis and interpretation and often by the merging of data collection with data analysis”. Thematic analysis is defined as a qualitative information encoding process. It can be used to analyse a large range of data sets to find patterns and develop themes (Jnanathapaswi, 2021, pp.2-3). The data analysis process was reiterative. Interview schedules were coded to remove identifiable information such as participant names. The interview schedules were scanned, uploaded and converted to digital documents, so that thematic content analysis (TCA) could be conducted on Atlas ti.

The measures of trustworthiness applied comprise of credibility, transferability, dependability and confirmability (Ahmed, 2024, p.1). In order to ensure the process is trustworthy, the study should satisfy these four criteria (Guba & Lincoln, 1989 cited in Maher, Hadfield, Hutchings & de Eyto, 2018, p.3): Credibility ensures the study measures what is intended and is a true reflection of the social reality of the participants; Transferability relates to the ability to the findings to be transferred to other contexts or settings; Dependability ensure the process is described in sufficient detail to facilitate another researcher to repeat the work.; and Confirmability is comparable to objectivity in quantitative studies.

3.4. Data collection method

The Social Identity Theory (SIT) provides that peoples' emotions, perceptions and behaviours are informed by the norms and values of the social groups they identify themselves as belonging to. SIT also postulates that people may demonstrate behavioural aspects such as solidarity or commitment to a group they belong to maintain a positive social identity. Consequently, people's perceptions are informed by the values and norms of the groups that identify with (Scheepers & Ellmer, 2019, p.132). The theory facilitates understating of the role of legislation on police perceptions of microaggression.

4. Results, interpretation of data, and discussions

4.1. Demographic data and emerging themes

The twenty participants completed the interview schedules satisfactorily. The demographic findings showed (10) males and (10) females, between 30-58 years old. The years of tenure at the SAPS ranged from 1 to 35 years. The ethnic representation was Afrikaans, Sepedi, Setswana, Tshivenda, Tsonga, Xhosa, and Zulu. The level of education showed Grade 12 (7) and tertiary education (13).

The three emerging themes intimidation, gender-based discrimination and legal statues are discussed below:

Participants' responses when asked, how do SAPS officials conceptualize microaggression? The results showed intimidation (8), harassment (3), both intimidation and harassment (2), both intimidation and defamation (1), bullying (1), labelled as a nonsense word (1), and other terminology (4). Some quotations are provided below:

P03 said: “Harassment”.

P07 said: “Intimidation”.

P05 said: “Aggression is something that manifests to violence. Microaggression does not exist – the word does not make sense. It is not violence. It is only an insult”.

P08 said: “It is provocation as they want you to retaliate and do them harm”.

P11 said: “It is both intimidation and harassment because they go hand-in-hand”.

P15 said: “Microaggression is a crime in a form of intimidation”.

The emerging theme from the research question was intimidation. The term intimidation means to make timid, fearful or induce a sense of inferiority into another person (Merriam Webster dictionary, 2026).

Intimidatory acts have been criminalized since the 19th century in South Africa. Intimidation Act 72 of 1982 criminalizes intimidatory conduct but does not define the term intimidation. The Act provides the following (South Africa, 1982):

“Any person who – (a) without lawful reason and with intent to compel or induce any person or persons of a particular nature, class or kind or person in general to do or to abstain from doing any act or to assume or to abandon a particular standpoint – (i) assault, injures or cause damage to any person; or (ii) in any manner threatens to kill, assault, injure or cause damage to any person or persons of a particular nature, class or kind... shall be guilty of offense”

Participants’ responses when asked, do SAPS officials perceived that certain microaggression constitute gender-based discrimination? The results showed gender-based discrimination (8), GBV (5), both gender-based discrimination and GBV (3), harassment (1), prejudice (1), and ‘other’ (1). Participants’ responses are presented below:

P03 said: “Gender-based discrimination against men or women”.

P06 said: “Harassment”.

P08 said: “Prejudice”.

P10 said: “Discrimination”.

P12 said: “They fall under gender-based violence”.

P13 said: “It is both discrimination and gender-based violence”.

The emerging theme from the research question was gender-based discrimination. Section 9(3) of the RSA Constitution prohibits gender discrimination (South Africa 1996), and read:

“The state may not unfairly discriminate directly or indirectly against anyone on one or more grounds, including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language, and birth”.

Participants’ responses when asked, what legal frameworks do SAPS officials use in policing microaggression? The results showed articulation of South African criminal statutes (15) and other (5). Some of the responses are presented below:

P02 said: “We can do awareness campaigns and maintain public order”.

P03 said: “Harassment Order”.

P06 said: “Criminal procedure Act 51 of 1977”.

P07 said: “Criminal procedure Act 51 of 1977 and the Constitution because it protects rights”. to equality.

P012 said: “Domestic Violence Act 116 of 1998”.

P014 said: “A case docket can be registered...”.

The most frequency reported criminal statutes were Criminal procedure Act (CPA) 51 of 1977 (South Africa, 1977) and Domestic Violence Act 116 of 1998 (South Africa, 1998). The Criminal procedure Act 51 of 1977 provides guidelines for law enforcement and prosecutors. The Domestic Violence Act 116 of 1998 criminalizes domestic violence and provides guidelines for law enforcement and prosecutors enforcing the Act.

4.2. Discussion

People have a responsibility to communicate respectfully to avoid litigation. Cases of defamation and other forms of hate crimes or hate speech are a result of threat to dignity. Microaggressions are multidimensional and tend to be evident in hate-speech and hate crimes. Although the term microaggression is relatively novel to the South African CJS most participants readily identified applicable legislation. This implied South African legislative framework does protect vulnerable groups such as women and girls from microaggression.

The three emerging themes, intimidation, gender-based discrimination and the criminal statutes, indicate that the participants considered microaggressions as harmful and criminal. In terms of SIT the participants' perceptions are informed by their commitment to the rule of law and legislations applicable to the South African policing context. The 2025 SDG Index of countries' progress towards achieving SDGs shows that South Africa had successfully maintained SDG5 (Sachs, Lafortune, Fuller & Iablonski, 2025, p.378)

5. Conclusions

Microassaults are an act of discrimination that can affect victims emotionally and psychologically. The SAPS is one of few state institutions with a constitutional mandate to ensure the safety and security of people. Gender-based violence like gendered-discrimination threatened the dignity of vulnerable groups, such as women. The study established that most participants perceive microaggression as intimidation and gender-based discrimination. Although the concept 'microaggression' is novel to South African legislations, most participants could identify laws that criminalize microaggression. The identification of applicable legislation by the participants indicates participants' awareness of the obligations imposed by certain laws, to prevent microaggression against vulnerable groups. In terms of the SIT participants' perceptions of microaggression was informed by individual commitment to the SAPS and criminal statutes that are normative to policing gender violence. The study could create public awareness of the policing of microaggression, as it asserts police perceptions of possible solutions to combat microaggression. It also contributes to growing literature on microaggression in the South African policing contexts. The study's ethical approval number is Ref#7679, and the data is accessible on request directed to the author.

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