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Hate Crime as a Moral Category: Lessons from the Snowtown Murders

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Introduction

To brand a crime as the worst in the history of a nation is a powerful condemnation. The crimes that have become known as the Snowtown murders have, on numerous occasions, been stamped as “Australia’s worst serial killings.”¹ Yet, they have never been described as “Australia’s worst hate crimes.” This might initially strike the reader as a rather superfluous point. Why *would* the murders of ten men and one woman in the northern suburbs of Adelaide during the 1990’s qualify as hate crime? The answer to this question is perhaps most succinctly found in the words of Justice Martin of the South Australian Supreme Court when sentencing two of the Snowtown killers, John Bunting and Robert Wagner, to life imprisonment without parole. Justice Martin stated:

For many years you Mr Bunting harboured an intense hatred for persons that you perceived were paedophiles and of homosexual orientation. You became obsessed with the topic and made very little distinction, if any, between persons you regarded as homosexuals and those you believed were paedophiles. You referred to paedophiles as “rock spiders,” the “scum of the earth” and as persons who are “breathing our valuable oxygen” and who should die. ... You Mr Wagner ... expressed sentiments similar to those of Mr Bunting. (*R v John Justin Bunting and Robert Joe Wagner* NO.205/2001 29/10/2003, p. 2)

Despite the attention that Justice Martin draws to the role of hatred in these murders, the public image of the Snowtown case is very different. It is dominated by a media cocktail of social security fraud, “deviant” sexuality, socio-economic disadvantage, serial killing and the pathology of Adelaide. In this article I consider how we might understand this

disjunction between representations of the murders presented at trial and those offered in the media. This analysis hinges on the parameters of hate crime discourse itself.

Hate crime, by definition, is a crime of emotion: the emotion of hate. Yet, it would be overly literal to assume that the concept of hate crime reduces the question of causation to emotion alone. The “hate” in hate crime signifies a collective form of hate, often called prejudice, and, ultimately, the power relations that sustain it: hierarchical relations of self/other, insider/outsider, white/black, heterosexual/homosexual, Christian/Muslim and so on. In this article I will argue that whether a given form of conduct is identified as a hate crime is not just a matter of determining if there is prejudice in the heart of the perpetrator. It is also dependent upon the inclination of hate crime discourse to claim criminological events that assist in its own solidification and, more specifically, to reject those that do not. Hate crime discourse has political aspirations that reach beyond questions of causation and punishment. To stake a claim for justice, hate crime must have the capacity to engage, or disengage, affects that strengthen rather than hinder these aspirations. Writers such as Martha Nussbaum and William Miller argue that questions of justice are inevitably configured by emotions of compassion and disgust. What if a given form of conduct is riddled with hate but instead of evoking a sense of compassion for the victims, is only capable of eliciting feelings of disgust? Will conduct be likely to attract the hate crime classification if it is incapable of eliciting emotional reactions that push us to recognise the injustice of hatred?

I take the Snowtown case as my example in this analysis. I do not suggest that this case is representative of the kinds of factors that determine whether a particular crime is stamped as a hate crime. In contrast, by focusing on an extreme or “abnormal” case, I hope to illuminate some of the reasons why a particular crime might *not* be named as a hate crime when it is virtually drowning in hate. Further, and this is a point about which I wish

to be very clear, it is not my intention to argue that Snowtown *is* a hate crime. I seek to tread a finer line. I draw upon the Snowtown case to highlight the ways in which affect feeds into the maintenance of hate crime discourse and, in turn, expose the kind of emotional territory into which the concept of hate crime is unable to venture without destabilising itself. That is, I aim to reveal some of the limits of the hate crime category. Such an inquiry is not to be confused with the suggestion that Snowtown *should* be defined as a hate crime. The rationale for my analysis extends beyond Snowtown itself. It is to contribute to an on-going genealogy of hate crime (Mason, 2001, 2005) by unearthing the kind of “emotional thinking” through which hate crime is constituted as a field of knowledge.

The Politics and Emotion of Hate Crime

The concept of hate crime presents an opportunity to denounce the hostile and violent implications of collective hate. In the US and the UK, this denunciation has been formalised through the enactment of specific hate crime laws. No Australian jurisdiction has introduced comparable provisions (although some jurisdictions have enacted legislation that allows for criminal prosecution in cases of serious vilification or for hate to qualify as an aggravating factor in sentencing) (Chapman & Kelly, 2005; *Crimes (Sentencing Procedure) Act 1999* NSW s21A(h)). Nonetheless, with virtually no backing in law, the idea of hate crime has taken root in Australia.

This success can be largely attributed to individuals and interest groups who have promoted the concept of hate crime as a means of highlighting and challenging the ill-effects of prejudice (Cunneen, Fraser & Tomsen, 1997). Law reform has ever only been one goal of these social movements. More ambitiously, they have sought to deploy racist,

homophobic and anti-Semitic hostility as empirical evidence of the extreme damage wrought by hierarchical regimes of difference and Otherness. Within such regimes, the racial, sexual and ethnic Other is inevitably constructed as an outsider, foreigner or stranger who poses a “danger” to existing power relations (Ahmed, 2000, p. 23). The insider’s fearful response to this danger is prejudice and, in some instances, violence (Eisenstein, 1994, p. 8-9). The concept of hate crime seeks to resist this well-rehearsed trajectory. Take, for example, the “but for” test, one of the favoured means of determining whether hate or prejudice is a “substantial motivation for the perpetrator’s criminal conduct” (Lawrence, 1999, p. 10). Borrowing from the law of causation, this test asks: but for the race, ethnicity, sexuality, etc of the victim, would this crime have taken place? In so doing, it traces the source of victimisation to prejudice which, by very definition, is unjustified: a fearful reaction to stereotypes, distortions and falsities (Young-Bruehl, 1996). This provides racial, ethnic and sexual Others with solid moral ground upon which to claim the status of innocent victim on behalf of their otherwise tainted group. In other words, hate crime reveals that those groups of people who are imagined to be the embodiment of certain dangers are, in fact, the objects of hostility and violence themselves. In this climate of *ressentiment* (Brown, 1995), hate crime represents an opportunity for these Others to be reconstituted (cleansed/purged/humanised) as the victims of undeserved hostility. This is the political power of hate crime discourse: to attest to the victimisation of the Other and, in so doing, signal that prejudice, and the hierarchies of identity that bolster it, are never justified (the violence they produce is evidence of this).² The extent to which hate crime is able to realise this potential is dependent upon its ability to persuade the general public that crimes motivated by hate are never justified. They demand recognition as wrongdoings and they demand redress. In short, hate crime discourse is a call for justice.³

Despite liberal assertions that justice involves an objective assessment of right and wrong (James, 1997), the ways in which we perceive and respond to calls for justice are inevitably configured by our emotional responses to the issues in question (Bandes, 1999; Nussbaum, 2004). This is not necessarily a “subjective” or “personal” matter (Massumi, 1996, p. 221). Recent theories of affect suggest that emotions can be understood as collective rather than purely individual feelings (Patton, 2000; Deleuze & Guattari, 1987). Gibbs (2001) argues that the collective nature of emotion is demonstrated in the sociality of feelings, in the way in which one person’s feelings can be visually and linguistically transferred to others and thus felt by others. It is through this process of “interaffectivity” – the contagion of feelings between us – that we “catch” hate, disgust, compassion, and so on. This does not mean that emotions are not experienced at the personal or subjective level but, rather, that they do not originate in, and cannot be reduced to, individual subjectivity. Notwithstanding the very different theoretical origins of her work, Nussbaum also acknowledges that emotions are the product of normative relations between self and other (Nussbaum, 2004, p. 93). Neither the opposite of reason or rational thinking, emotions are a part *of* thinking (Nussbaum, 2004, p. 74). As “intelligent responses to the perception of value” they allow us to acknowledge that which is important to us (Nussbaum, 2001, pp. 1, 90). In other words, emotions are ethical resources that assist us to judge the actions and situations of others, and ultimately, their claims for justice. It is this normative “logic” – what Gibbs might call the sociality of affect - that determines which objects are appropriate for which emotions (Nussbaum, 2001, p. 148).

When it comes to assessing claims for justice, Nussbaum argues that the emotion of compassion is not only appropriate but essential. To feel compassion is to be prompted to “make the lot of the suffering person as good, other things being equal, as it can be – because that person is an object of one’s concern” (Nussbaum, 2001, p. 342). In other

words, it is through the presence or absence of compassion, whether we care about the suffering or subjugation of others, that we gauge the deservedness of their treatment. The more we care the more likely we are to condemn the poor treatment of others and to support their claim that such wrongdoing requires redress. In contrast to compassion, which pushes us to care about injustice towards others, some emotions encourage us to be complacent about, or even commit, injustice. Nussbaum names disgust as one such emotion. Although disgust is very much a visceral feeling (Probyn, 2000), it is simultaneously a “moral thread or criterion we follow when we ask how immoral [an] act is” (Nussbaum, 2004, p. 86). William Miller is similarly explicit about the cognitive content of disgust. He argues that to feel disgust for others is to make a moral judgment that they have violated a norm of behaviour that we deeply value. It is a feeling that “lets us know that we are truly in the grip of the norm whose violation we are witnessing or imagining” (Miller, 1997, p. 194). In other words, for both Miller and Nussbaum, disgust is “constructed by norms of hierarchy” (Kahan, 1998, p. 1624). Thus it is no coincidence that the dirt, the smell and the distaste of disgust have long been projected onto women, Jews, blacks and homosexuals (Miller, 1997, p. 245). In short, disgust has a long history of mobilisation in the interests of prejudice.

Although Miller’s focus is on the disgust that we feel for the perpetrators, like Nussbaum, he also recognises that we may feel disgust for those who are violated, especially the victims of cruelty, torture, humiliation or degradation. He explains it like this:

The disgust directed against the violator is raised purely by what we would recognize as moral failure; the disgust directed against the victim, however, imputes moral failing to him [or her] as a consequence of his [or her] having been

rendered ugly, deformed, undignified, and disgusting by victimhood (Miller, 1997, p. 196).

In other words, to be a “spectator” to another’s shame or humiliation disgusts us. The imputation is that the victim is deserving of his or her treatment: “the victim is held to some moral account for being so degraded” (Miller, 1997, p. 196). In order to counter such disgust, Miller argues that it is necessary to muster a sense of indignation about the treatment of such victims. We need to feel that these victims do not deserve to be harmed or wronged in this way (Nussbaum, 2004, p. 99). Indignation, Miller suggests, “forces disgust to aid in the cause of justice by motivating action against the offender” (1997, p. 196). Without indignation “disgust too often withdraws or averts the gaze” (Miller, 1997, p. 196).

Although Nussbaum and Miller are at odds regarding the role that emotions such as disgust should play in law, they both agree that disgust is “the prime sentiment of disapproval” (Miller, 1997, p. 205). For Nussbaum disgust is a problematic emotion because it impedes our ability to feel compassion for certain victims, the very form of “emotional thinking” that we need to assess their demands for justice (Nussbaum, 2001, p. 342). In recognising that we may feel disgust for the victims of violence, as well as the perpetrators, Miller also implicitly accepts that disgust can be a hindrance to calls for justice. Our only way out of this emotional quagmire is to muster a sense of indignation about the injustice of the victim’s plight despite our disgust. This is the affective struggle over which the concept of hate crime seeks influence and authority. Hate crime has the capacity to weaken the disgust that many spectators otherwise feel towards those who are tainted by normative systems of morality – homosexuals, Jews, Muslims, Blacks – by transferring such sentiment onto the perpetrators of hate crime: the perpetrators become

the wrong-doers instead of the victims. As Kahan puts it, communities can “mobilize the emotion of disgust to fight the disgust expressed in hate crimes themselves” (Abrams, 2002, p. 1423). Deflecting disgust onto the purveyors of hate enables victims and potential victims to be acknowledged as the undeserving objects of prejudice. This destabilisation creates an emotional space within which compassion for the violation of the Other can flourish. It creates a space that enables us to “think” about justice in the face of hate.

Unearthing Snowtown

Hate crime discourse has the capacity to transform acts of victimisation into sites of resistance. Yet no event is a hate crime until it is named as such. This requires more than the identification of a perpetrator who feels hate for his or her victim. As the above discussion suggests, much rests upon the kind of affective response such events engender amongst those who look on and judge, including those who have a vested interest in the politico-discursive aspirations of hate crime discourse. In this section I introduce the Snowtown case as an example with which to illustrate and expound this argument. My knowledge of this case and the manner in which it has been represented and received in various forums is grounded in an empirical study. Here, I outline the nature and scope of this study. In the following section I provide a summary of the details of the case, as derived from this study. Ultimately, I will consider how this case has, or has not, been articulated within hate crime discourse and the kinds of “emotional thinking” that have fashioned this response.

The Snowtown study involved the examination, collation and analysis of two bodies of material. First, was a series of more than twenty legal documents surrounding the case.

Chief amongst these documents was the transcript of the Bunting and Wagner trial. Heard in the South Australian Supreme Court before Justice Martin, the trial ran for approximately nine months from October 2002 to July 2003.⁴ The transcript is over 12,000 pages long and was examined at the South Australian Criminal Registry. Detailed examination was made of: the opening prosecution and defence statements; the evidence of the chief prosecution witness and co-murderer, James Vlassakis; the defence case; evidence from a number of other prosecution witnesses; the prosecution and defence closing statements; and the summing up by Justice Martin. Crucial material was also gathered from the sentencing decisions for Bunting and Wagner as well as Vlassakis.⁵ The rulings in 20 associated, pre-trial and appeal hearings were also examined.⁶

Criminal trials and hearings do not unearth the “truth” of events. Rather, they represent selective, largely contested, narratives that have been mediated through the rules and interests of the parties to the trial process. As Findlay puts it, the facts of a trial simply become “those claims that appear to be the most plausible, the most convincing, or the least fallible (Findlay, 2001, p. 179). In the Bunting and Wagner trial, the mediated nature of the facts is exaggerated by the brevity of the defence evidence (approximately 75 pages out of 12,000). The interests of the prosecution case and their version of events dominates.⁷ Despite the jury’s willingness to accept this version of events (as evidenced by their verdicts of guilty) it cannot be taken as an objective account of the murders. Fortunately, it is not an objective account that I look for in these legal documents. As I will explain below, my analysis focuses on the way in which the case has been constructed within the discursive space of law.

In order to consider how this legal narrative has been represented in the wider public domain, the second body of empirical material in my study is a sample of print

media representations of the Snowtown case. This sample consists of all items discussing the case that appeared in major Australian and regional newspapers between May 1999 and December 31 2004 (5 years and 6 months).⁸ This time period covers the discovery of the bodies in May 1999, the committal hearing in December 2000, the trial of Bunting and Wagner in October 2002-July 2003, the sentencing of Bunting and Wagner in September 2003 and the trial of the fourth accused, Mark Haydon, in 2004. Although some international coverage is also included in the sample, the case received only occasional coverage overseas, primarily in the English press. Clearly, media representations only provide a partial picture of the ways in which the Snowtown case entered the public arena.⁹ As with all crime, such coverage is likely to have been filtered by pressures of newsworthiness, marketability, competition and politics (Schlesinger & Tumber, 1994; Howe, 1998; Sparks, 1992). Nevertheless, the media is the primary avenue through which the general public comes to know about a case such as Snowtown. The media is also a major forum within which criminologists, psychologists, lawyers, politicians, activists, and community representatives communicate their opinions to the public. Hence, the print media allows us to access not just the work of journalists but also the views of a wide and varied group of potential commentators.

My approach to all of these documents is one of discourse analysis in the archaeo-genealogical tradition (Foucault, 1980; Kendall & Wickham 1999; Mason, 2002). Such analysis focuses on identifying the clusters and regularities of language that are used to represent the Snowtown case and thereby constitute it as a particular object of knowledge (Foucault, 1972); for example, as a hate crime. This is not a matter of trying to uncover the “depths or hidden semantic weight” behind the legal and media representations of the murders (Rose, 1996, p. 178). Rather, it is about identifying the disciplinary struggle between fields of knowledge – for example, between the discourse of hate crime and the

discourse of serial killing – to name and define these murders in their own interests. As Bauman points out, this is not just “a fight of one definition against another ... It is a fight of determination against ambiguity, ... clarity against fuzziness” (1991, pp. 7-8). When it comes to crime, this desire for definitional certainty is commonly satisfied by the identification of a “motive” (Foucault, 2003, p. 122). Hate crime discourse has a heavy investment in this search for a motive. It is the means via which it stakes a disciplinary claim over particular violent events. My analysis aims to consider whether the legal documents referred to above provide any basis for hate crime to stake such a claim over the Snowtown case and, if so, whether such a claim has ever been made outside of the legal arena, particularly in the media. First, a sketch of the case itself must be provided.

The Case

In October 2003, John Bunting (37) and Rogert Wagner (31) were sentenced to life imprisonment on multiple counts of murder by the South Australian Supreme Court (Bunting was convicted of the murders of eleven people and Wagner, who had already pleaded guilty to three murder charges, was convicted of seven charges of murder) (*R v John Justin Bunting and Robert Joe Wagner* NO.205/2001 29/10/2003).¹⁰ Bunting and Wagner were accompanied in many of these murders, which took place between 1992 and 1999, by two other men: James Vlassakis (a virtual step-son to Bunting and only 22 at the time of his hearing) and a friend, Mark Haydon (45). Initially, all four men were charged with murder but, prior to trial, Vlassakis pleaded guilty to four counts of murder and received a life sentence with a non-parole period of 26 years. Mark Haydon was tried separately and found guilty on five counts of assisting murder (the jury was hung on two counts of murder and one count of assisting).

The case first came to public attention in May 1999 when the dismembered bodies of eight of the victims were found inside barrels in the vault of a disused bank in the tiny South Australian town of Snowtown. Evidence at the trial of Bunting and Wagner, particularly the testimony of Vlassakis, revealed that most of the victims had been tortured, in sexual and non-sexual ways, prior to their deaths (through the application of pliers, sparklers, cigarette lighters and electric shocks to various parts of their bodies). There was evidence to suggest that the murders had become increasingly ritualised through the use of music, repetitive behaviours and key phrases. For example, some victims were forced to refer to their killers as “Lord Sir,” “God” and “Master” (Transcript 17.10.02/171/21-27). Many victims were compelled by Bunting et al. to make tape recordings before their death. These were later played over the telephone in an attempt to convince family and friends that the victims were still alive but had left town. In addition, a number of victims were forced to reveal details of their bank accounts, pin numbers, social security benefits and so on. Although this information was also used to make it appear as if the victims were still alive, Bunting et al. benefited by accessing these funds from six of the victims (in addition to a range of other possessions belonging to the victims, such as cars and household items). My calculations indicate that the total financial gain from the murders was in the vicinity of \$74,000 (*R v Bunting and Wagner* No.205/200, 29/10/03).

All of the victims were known to the perpetrators prior to their deaths. In some cases, the relationship was only casual but in other instances it was close. For example, the third victim, Barry Lane, had entered into a sexual relationship of several years duration with Robert Wagner when Wagner was only 14. The seventh victim, Troy Youde, was Vlassakis’ half-brother, and the eleventh victim, David Johnson, was the son of Vlassakis’

step-father. Elizabeth Haydon, the only female victim, was the wife of Mark Haydon. Like the perpetrators, most victims had limited educational, social and economic resources. A number lived in unstable and sometimes abusive family situations. Some had an intellectual disability, mental illness or history of addiction. Although it is difficult to be completely certain, the legal documents surrounding the case contain convincing evidence that three of the victims had previously sexually abused male children (Barry Lane, Troy Youde and Ray Davies). Two victims (Clinton Tresize and Michael Gardner) were openly gay and it is possible that a third victim was also gay. The evidence also suggests that two victims were heterosexual (Elizabeth Haydon and David Johnson), although there was discussion in Bunting's circles that David Johnson had had a sexual relationship with a 13 year-old girl. There is insufficient information to speculate about the sexuality of the remaining three victims.

This relatively neutral picture of the case tells us very little about the how the perpetrators saw their victims, the basis upon which they selected them to be killed, or their reasons for killing. In the following section I consider the manner in which these questions of motive were addressed within the legal proceedings against Bunting et al.. Did the language of hatred feature in the legal discourse of the case?

Killing in Hate

From the first day of the Bunting and Wagner trial, the prosecution staked its claim that hatred was the common denominator in the Snowtown murders. In their opening statement to the court they alleged:

[T]he evidence will demonstrate that there is an underlying unity between all of the murders ... John Bunting and Robert Wagner had a hatred for people that they characterised as paedophiles and there is evidence from which you can infer that the intensity of this feeling on their part was extreme. ... John Bunting and Robert Wagner did not distinguish between paedophiles and homosexuals; they were all lumped together, in their minds. (Transcript 16.10.02/20/13-14; 16.10.02/43/23-31)

Bunting and Wagner did not contest these assertions. Indeed, Wagner's defence counsel made it clear that his client had no issue with the prosecution allegation that "Mr Wagner hated paedophiles" (Transcript 18.10.02/229/2-5).

Throughout the course of the trial the theme of hatred was regularly and consistently drawn upon by the prosecution to lay out the case against the accused. At least 17 witnesses were called to attest to the claim that Bunting et al. hated paedophiles and/or gay men. Several described the "spider wall" that Bunting had constructed in his home in Salisbury North:

This consisted of yellow Post-it notes with names written on them which were stuck to the wall. ... [T]hese were the names of people considered to be paedophiles and notes were joined to show links, or relationships between various people. (Transcript 16.10.02/44/10-16)

The "spider wall" contained the names of a number of the victims (including Barry Lane and Ray Davies). The prosecution's star witness, James Vlassakis, testified that he and John Bunting had engaged in many conversations over the years about paedophiles.

During some periods these conversations took place “practically all the time” (Transcript 13.02.03/4962/2):

Q: What did John Bunting say about paedophiles?

V: How much he hated them. ...

V: You could tell that he hated them. ...

V: Just the way he talked about them, a lot of anger, a lot of hatred.

(Transcript 13.02.03/4954/31 to 4958/6)

Bunting expressed the same sentiments towards homosexuals:

Q: We have spoken about paedophiles. Was there any conversation about homosexuals?

V: Yes. Basically, he said to me being homosexual will soon lead to paedophilia, not those words of course.

Q: Were particular words used to describe homosexuals as opposed to paedophiles?

V: Same thing.

(Transcript 13.02.02/5005/5-12)

According to a psychiatric report submitted at Vlassakis’ sentencing hearing, he also had “come to share Mr Bunting’s views” (*R v James Spyridon Vlassakis* NO.175/2001, Supreme Court Criminal Jurisdiction, Adelaide, 10 July 2002, p. 16). Vlassakis himself was very clear about his own attitudes:

Q: [W]hat was your attitude to paedophiles?

V: I hated them.

(Transcript 13.02.02/4998/23-24)

Although Mark Haydon was said by witnesses to be “more reserved in his speech,” he was present during many of these anti-paedophile conversations and “would certainly be in agreement” (*R v Haydon (No 3)* [2005] SASC 17 at 45).

Throughout the trial, the prosecution sought to link virtually all of the murders through this theme of anti-paedophile/homosexual sentiment. In the following list I provide the name of each victim, in chronological order, with examples of some of the evidence used to connect, in one way or another, that victim’s murder with the perpetrator’s hatred of paedophiles and homosexuals.

- Clinton Tresize: said to be known by the nickname “Happy pants”; Bunting said that “Happy Pants” was a paedophile (Transcript 17.10.02/111/26)
- Ray Davies: according to Vlassakis, Davies was killed because he was a paedophile (Transcript 18.02.03/5010/28-29)
- Michael Gardner: was openly gay; “His sexual orientation appears to be the only reason why you would have murdered Mr Gardiner” (*R v John Justin Bunting and Robert Joe Wagner* NO.205/200, Supreme Court Criminal Jurisdiction Adelaide, 29 October 2003 p. 4, per Justice Martin)
- Barry Lane: had a sexual relationship with Wagner when the latter was a minor; Bunting saw Lane as a “rock spider” (Transcript 17.10.02/156/3-20)

- Thomas Trevilyan: had shared a house with Barry Lane although their relationship was unclear; appeared to have been killed because he knew about Lane’s murder and “posed a risk” (Transcript 17.10.02/161/1-17)
- Gavin Porter: was a heavy drug user; Bunting referred to him as a “waste” (*R v Bunting & Others (NO 3)* No. SCCRM-01-205 [2003] SASC 251 (29 October 2003) p.16)
- Troy Youde: Vlassakis claimed that Youde had sexually abused him at the age of 13 (Transcript 24.2.03/5185/24-38); Bunting told Vlassakis that Youde’s murder was an opportunity to get his revenge (Transcript 25.2.03/5197/11-16)
- Fred Brooks: Bunting said that Brooks had “touched up a girl” (*R v John Justin Bunting and Robert Joe Wagner* NO.205/200, Supreme Court Criminal Jurisdiction Adelaide, 29 October 2003, p. 8); Bunting also said that Brooks was a dirty and a paedophile who needed to “go to the clinic” (Transcript 17.10.02/183/2-5) (the clinic was a euphemism for being killed, in the sense that the victims were a disease for which the killers were the cure (Transcript 25.02.02/5256/21,36-38))
- Gary O’Dwyer: Bunting referred to O’Dwyer as a “fag” and a “waste” who “needed to go to the clinic” (Transcript 27.02.02/5395/2118.10.02/205/3-7)
- Elizabeth Haydon: alleged to be murdered because she knew about a previous murder (Transcript 18.10.02/211/36-38; 18.10.02/212/1-2; 18.10.02/217/27-30)
- David Johnson: referred to as a “faggot” who “needed to die” by Bunting (Transcript 16.10.02/77/21-23) after being told that he had dated a 13 year-old girl (Transcript 04.03.03/5558/19-24)

Anti-paedophile/homosexual sentiment is directly connected to the circumstances surrounding eight of these murders.¹¹ A further two victims (Trevilyn and Haydon) were

said to be killed to keep them quiet (Trevilyn was also closely connected to Barry Lane who was known to have had sexual relationships with male children). The only murder that is not stamped with hate or the need to cover up its ill-effects is that of Gavin Porter.¹² Although Bunting referred to Porter as a “waste” because of his drug addiction, the evidence indicates that Porter was likely to have been a financial target. For example, Bunting told Vlassakis that Porter “‘fell into our laps’ and he would be set for life with income” (*R v Bunting & Others (NO 3)* No. SCCRM-01-205 [2003] SASC 251 (29 October 2003) p. 16). Significantly, however, Bunting referred to Porter’s murder as a “funny one,” suggesting that he saw a pattern and consistency to the other murders that made Porter the odd one out. This pattern can only have been anti-paedophilia/homosexual sentiment. Hence, if we include those victims who were killed to keep them quiet, it is fair to say that the language of hate winds its way through all of the Snowtown murders bar one.

It is not surprising therefore that collective hate towards paedophiles and homosexuals was presented by the prosecution as the “common link” between the perpetrators (Transcript 16.10.02/45/4-6), and the basis of an “underlying unity between all of the murders” (Transcript 16.10.02/20/13-14). The implicit suggestion was that only hate could account for the kind of malice that could prompt four men to kill eleven people: that is, hate provided the primary motive for the murders. If one were so disposed, it would not be difficult to make the argument that these murders fit the profile of “mission” hate crime. Cited as the “rarest” form of hate crime, such violence is said to be committed by individuals who “seek to rid the world of evil by disposing of the members of the despised group” (Levin & McDevitt, 2002, p. 91). Mission hate crime typically involves a perpetrator who is seeking some form of revenge for the “horrific problems he has suffered” (Levin & McDevitt, 2002, p. 91).¹³ The Snowtown killers fit this mould almost

perfectly: a vigilante group fighting a “spider’s web” of evil in the name of revenge or a higher-order purpose.

It would be misleading, however, to suggest that the perpetrators’ hatred of paedophiles and homosexuals was presented as the sole motivation for the Snowtown murders. The prosecution also alleged that Bunting et al. derived significant and increasing pleasure from their murders, which they referred to as “playing” (Transcript 21.07.03/10785/12-20). Much attention was also paid to the financial benefits that the perpetrators acquired from the murders. It is important to note, however, that financial gain was never presented at trial as a primary motive. Rather, in the words of John Bunting himself, it was merely “the icing on the cake” (*R v John Justin Bunting and Robert Joe Wagner* NO.205/200, Supreme Court Criminal Jurisdiction Adelaide, 29 October 2003: 14). Despite the presence and seemingly escalating importance of these other pleasures and benefits, the theme of hate did not dissipate as the murders progressed. John Bunting continued to refer to victims as “dirties” and “fags” and to use torture to force them to “confess” to being such. Indeed, as time went on hatred seemed to take on increasing importance in the ritual of murder itself. For example, during the later murders Bunting insisted on playing one particular CD track that referred to paedophilia. In effect, hate may have become less of a *reason* to kill but was eventually entrenched as the *justification* for killing. We might speculate that this was Robert Wagner’s intention when he declared at his sentencing hearing:

Paedophiles were doing terrible things to children and innocent children were being damaged. The authorities did nothing about it. I was very angry. Someone had to do something about it. I decided to take action and I took that action.

(Debelle, 2003, September 9)

In short, the Snowtown perpetrators may have not always killed out of “pure” hate but the regularity with which their killings are linked to their hatred of paedophiles and homosexuals within the legal proceedings provides ample grounds upon which to claim “but for” this hatred they would have had neither a motive nor a justification for killing.¹⁴

Claiming Snowtown

The question of whether there are sufficient grounds to claim Snowtown as a hate crime is different from the question of whether it has ever been claimed as such. In this section I ask, to what extent has Snowtown been defined as a hate crime outside of the legal arena? Has it perhaps been considered, yet rejected, as a hate crime? I turn to representations of the case within the print media in order to consider these questions, that is, to consider how Snowtown has entered hate crime discourse.

The answer to these questions is disarmingly simple. Despite the fact that legal representations of the murders are saturated with the language of hate, Snowtown has *never* been explicitly categorised as a hate crime outside of this context. Certainly, the allegation at trial that Bunting et al. killed out of hate was covered in the media. Journalists reporting on the case reproduced, in a factual manner, some of the courtroom evidence that Bunting et al. hated paedophiles and homosexuals and that they selected victims on this basis: “it was hatred and disgust that drove Bunting – and most of all he hated paedophiles.”¹⁵ In other instances, the murders were identified as a form of vigilantism or crusade against paedophiles.¹⁶ Yet, in five and a half years (May 1, 1999 to December 31, 2004) only *one* newspaper article took this evidence to its potential conclusion by describing Snowtown as a hate crime. Paradoxically, the promise of this

article's title, "A crime of hate," was never fulfilled as it contained no discussion of hate crime but focused instead on the relationships between the parties ("A Crime," 1999, May 25).¹⁷ Significantly, not one criminologist, lawyer, politician, psychologist, psychiatrist, academic, activist or community organisation was quoted in the print media as identifying hate as a likely motive for the murders, much less referring to Snowtown as a hate crime (or even arguing that it was *not* a hate crime). In effect, journalists and other commentators steered clear of the concept of hate crime altogether.

This begs the question: how were the Snowtown murders represented in the print media? As the case unfolded, numerous, sometimes conflicting, themes competed with each other in an attempt to assign their own causal or classificatory logic on the case. These included suggestions that: the murders were the work of a paedophile ring that had turned on its own members;¹⁸ the murders were another example of Adelaide's status as "murder capital"; the perpetrators were psychopaths who killed for sadistic (including cannibalistic) pleasure; and the murders were motivated by personal revenge.¹⁹ Yet, two criminological classifications stand out for the sheer regularity and durability with which they have been cited as explanations for the murders: financial gain and serial killing.

In terms of the former, the idea that the victims were murdered for their social security benefits emerged early in the case.²⁰ It gained momentum via the commentary of crime experts and eventually came to prominence when aired by the prosecution at the committal hearing.²¹ Although this explanation eventually lost favour as contradictory evidence emerged in the trial itself, it has never been put to rest as a primary motive.²² Despite an AAP press release on March 12, 2003 reporting trial evidence that financial gain was ever only an "added benefit of killing" and "the icing on the cake" (Ahwan, 2003, March 12), this was not picked up by any newspaper sampled for this study.

Ultimately, however, social security fraud was eclipsed by serial killing as an “explanation” for the murders. Once the body count reached more than seven (Ivan Milat’s total), Bunting et al. were honoured with the title of Australia’s “worst serial killers.”²³ The work of criminologists was drawn upon to flesh out this account.²⁴ Although the language of serial killing was never used in the legal arena, and was assiduously avoided by Justice Martin when sentencing Bunting and Wagner, serial killing prevails in the post-trial period as the dominant label attached to the murders within the print media and other publications.²⁵

There is an ambiguity to the Snowtown murders that defies categorisation and, moreover, highlights the artificiality of classifying such events in order to eradicate their “indeterminate and unpredictable” qualities (Bauman, 1991, p. 7). Yet this uneasy fit, between the conduct in question and the categories that are available to explain it, is no truer of the category of hate crime than it is of the category of serial killing (or social security fraud). Snowtown simply does not fit either typology perfectly. The “success” that serial killer discourse has had in claiming the Snowtown case can be partly attributed to the purchase that the concept has within popular culture and the ease with which it can be applied to any case involving more than one killing across time (Seltzer, 1998). Yet, hate crime and serial killing are not mutually exclusive categories. Conventional typologies of both tend to include the sub-category of the “mission” perpetrator (Levin & McDevitt, 2002; Seltzer, 1998), which can be simultaneously invoked without undermining the heuristic claims of either discourse. This did not happen in relation to Snowtown. The theme of hatred was overlooked and ultimately downplayed in favour of other aspects of the case. Indeed, the concept of hate crime is conspicuous in its very absence from media coverage of the case, both in terms of expert and journalistic commentary. This silence is exemplified in a recent book by journalist Andrew McGarry.

Having sat through the entire trial, McGarry sums up the Snowtown case as a “gang” of “serial killers” who “worked for profit” (2005, pp. 361, 362). He arrives at the startling conclusion that there was nothing “similar” about the victims (p. 364).

Averting Our Gaze

It is unusual for hate to be identified in the legal proceedings surrounding a crime but for this to be met with silence in the community (it usually happens the other way around). Although Findlay (2003) points to the general paucity of media and professional interest in the Snowtown case – which he attributes to the fact that Bunting and Wagner’s trial started on the same day as the 2002 Bali bombings and, more fundamentally, to the unglamorous, “fringe dweller” status of the perpetrators and their victims - this does not explain why some accounts of the case, such as serial killing and fraud, have been articulated in the public arena and others, such as hate crime, have not. Nor is this silence adequately explained by the ambiguities that characterise the case. Crimes have been publicly claimed to be the product of hatred on much weaker evidence than that which we see in Snowtown. For a striking example, we need only remember the ease with which the well-publicised gang rapes in Sydney’s western suburbs in 2000 were characterised as being crimes of “hatred,” “racist” and “racially-motivated” by politicians, journalists and members of the public (Crichton & Stevenson, 2002; Jones, 2001, July 30; S. Gibbs 2002, July 9; Devine 2002: 15; Ashton, 2001, August 5).²⁶ Uncertainty surrounding the role that ethnicity played in these sexual assaults did little to stop the theme of hatred from dominating public dialogue.

In this final section I bring together the discussion of the previous sections to consider why the concept of hate crime never entered, much less “lost,” a discursive battle to name and define the Snowtown murders. Why did no-one come forward to claim even some of these murders as hate crime; for example, the murder of Michael Gardiner whom, according to Justice Martin, was killed solely because he was gay? Why did those of us who work in this field remain silent? What might this silence “say” about the kind of events that will or will not be articulated within hate crime discourse?

The explanation for this silence is found not simply in the particular facts of the Snowtown case but, more fundamentally, in the concept of hate crime itself. As I have argued above, hate crime is more than a descriptive account of the relationship between a perpetrator’s prejudice and his/her act of hostility. Hate crime discourse has the potential to transfer the contempt and disgust that is so often felt towards the traditional victims of prejudice onto the actual purveyors of prejudice. Unlike the concept of serial killing, which makes no moral claims in the name of its victims, the concept of hate crime seeks to deploy evidence of victimisation as a means of reconstituting racial, sexual and ethnic Others as the undeserving objects of prejudice. The success of this politico-discursive aspiration is dependent upon the extent to which independent spectators recognise the injustice of prejudice: it is in this recognition that the blamelessness of the victim is signalled.

One of the primary, albeit not only, ways in which we recognise injustice is through compassion. As Nussbaum argues (2001, 2004), to feel compassion is to make an assessment that the suffering of a given victim is worthy of our concern. This is not an unlikely response to the treatment of the Snowtown victims. Not only were their lives extinguished, most were degraded, humiliated and tortured before their deaths. Only the heartless would feel no compassion for this degree of suffering. The difficulty, however, is

that compassion is not a response to suffering alone. It is also tied to the identity of those who suffer. To feel compassion is to push ourselves to “make good” the lot of the suffering person, “*other things being equal* [italics added]” (Nussbaum, 2001, p. 342). In Snowtown, other things were *not* equal. The Snowtown victims were not the same as others in their suffering. At a minimum, they were degraded and humiliated in their death and thus are likely to elicit feelings of disgust amongst outside observers who may, ultimately, hold them to “moral account for being so degraded” (Miller, 1997, p. 196). Yet, irrespective of their treatment, the Snowtown victims were never capable of being viewed as equal to other victims. Although Miller does not make this connection himself, it is not just the victims of degradation and cruelty who are found to be morally wanting. Some victims are held to “moral account” irrespective of the precise ways in which they are violated. This phenomenon has been well documented in the context of sexual assault, where victims who are morally tainted (such as sex workers, women who “ask for it” or gay men) elicit far less compassion than their supposedly innocent, naive or respectable counterparts (Stanko, 1990). Deemed capable of precipitating their own violation, and thus deserving of their treatment, such victims are commonly held to account for their apparent moral failures. The feelings of disgust they elicit have the power to overshadow the sympathy and compassion that is essential if their calls for justice are to be heard.

The irrefutable reality is that a powerful moral stain spreads across the whole of the Snowtown case. This is the stain of paedophilia. Despite evidence that most victims were not paedophiles, the perpetrators’ claim that they were on a mission to rid the world of paedophiles, coupled with the fact that at least some victims had sexually abused children, taints each and every one of the Snowtown victims. By marking out “moral matters for which we have no compromise” (Miller, 1997, p. 194), disgust is one of the most common affective responses to an accusation of paedophilia.²⁷ Indeed, according to

Miller, it is the only moral sentiment up to the task of condemning harms, such as child abuse, for which there is “no plausible claim of right” (1997, p. 36). In Snowtown, the effect is an emotional impasse. We may feel compassion for the suffering of the Snowtown victims but, at the same time, we are just as likely to feel disgust and contempt for the violation of an ethical code that many of us share: children are vulnerable individuals who should not be exploited for the sexual pleasure of adults.

According to Miller, our only way out of this emotional deadlock is to muster a sense of indignation about the treatment of the Snowtown victims. Indignation forces us to “aid in the cause of justice” by condemning the actions of the perpetrators, despite our disgust. This is difficult if disgust feels not only to be a justified reaction but also an ethically desirable reaction (perhaps the only affect up to the task). The disgust that many people feel for paedophiles is not simply a gut feeling. It is also a normative response through which we “define and locate the boundary separating our group from their group, purity from pollution, the violable from the inviolable” (Miller, 1997, p. 195). Indignation blurs this line. As an incentive to “right the wrong” (Nussbaum, 2004, p. 105), it requires us to acknowledge that paedophiles have been unfairly harmed. Many people may not feel certain about this. They may not welcome such an incentive. Perhaps paedophiles “deserve everything they get.” Perhaps we are on safer moral ground if we refuse to dilute our disgust with indignation. In this way we can be certain of the boundary between “our purity” and “their pollution.”

This is harsh emotional terrain. It is easy for compassion to be lost. The sympathy we may feel for the Snowtown victims is masked by the disgust we feel for their supposed moral failings. We find it difficult to condemn the suffering of individuals who have been accused of inflicting suffering on others. We withdraw or “avert our gaze.”

This inadvertence has very specific implications in the context of hate crime discourse. The criminal law may have dispensed formal justice to the Snowtown perpetrators but the concept of hate crime holds out the promise of a rather different kind of justice. By arousing compassion for the victims of prejudice and disgust for the perpetrators, hate crime aims to convince independent spectators that such prejudice can never be justified. This is simply not possible when the victims in question are perceived to be paedophiles. In contrast to other “minority” groups who have made significant political progress over the last few decades - largely on the grounds that they do not inflict harm upon others - paedophiles have no plausible claim of right for the harm they inflict. They are the “moral monsters” who will always have bricks thrown through their windows and who will always be kicked out of “our” town.²⁸ It is not surprising that gay organisations, for example, chose not to claim any of the Snowtown murders as homophobic hate crime. More than any other group, they know the dangers of being associated with paedophilia: immediate condemnation by a moral discourse more powerful than homophobia. The gay community had nothing to gain and everything to lose by speaking out on behalf of the Snowtown victims.²⁹

Yet, averting our gaze to the hatred embodied in the Snowtown murders is more than a matter of complacency. It is an active defence against the danger that is intrinsic to such naming. “Real” hate crime is the product of prejudice. It is the presence of prejudice that tells us that these victims have been wronged in a way that cannot be justified; they are the victims of injustice. Paedophiles may be the objects of hate but they can never be the innocent victims of prejudice. Indeed, the disgust that many spectators feel for paedophiles may bring them alarmingly close to sympathising with the claim of the Snowtown perpetrators that *they* were the one’s dispensing justice. The concept of hate crime cannot afford to align itself with this kind of emotional thinking. Victims who are

incapable of being cast in an innocent light have little to contribute to its transformative aspirations. Moreover, to attempt to embrace such victims would risk stripping the concept of its legitimacy. It would risk undermining the disruptive potential of the discourse itself. It is within this politico-discursive context that the public refusal to name Snowtown as a hate crime becomes explicable.

Conclusion

It is well recognised that emotions such as fear, disgust and estrangement are closely entwined with the emotion of hate. Such emotions do not originate in purely private or individual experience. Rather, they are collectively transferred between individuals and carry with them, amongst other things, normative values and histories of relations between self and other. These emotions are integral to the hostility and violence that erupts under the name of hate.

Emotion is central to hate crime in more ways than one. The “hate” in hate crime is a signifier of the hierarchical regimes of race, sexuality and ethnicity that fuel hostility and violence towards the Other. Contained within the concept of hate crime is an implicit condemnation of these regimes and a call to reject the injustice they embody. The success of this call is, *inter alia*, dependent upon the capacity of hate crime to elicit a sense of compassion on behalf of those groups of people who are, or are likely to be, its victims and a sense of disgust for the values of those who perpetrate such hostility and hatred. These affective responses enable hate crime to perform its larger politico-discursive work, which is to challenge the power relations that make prejudice and its violent expression possible in the first place.

Whether a given form of conduct will be defined as a hate crime is generally assumed to be a question of whether the perpetrator is motivated by hatred or prejudice towards the victim. However, the point I have sought to make in this article is that the application of the hate crime category does not depend solely on how *the perpetrator* feels about the victim. Hatred on the part of the perpetrator is not sufficient. The classification of a crime as a hate crime also depends on how independent spectators, *we the public*, feel about the victim (and, by extension, how we feel about the perpetrators). “Real” hate crime must be capable of eliciting emotional thinking that pushes us to feel the injustice of its hostility (such as compassion and indignation). If these feelings are choked by emotional thinking that discourages us from caring about the treatment of the victims in question (such as disgust), it is unlikely that we will be motivated to claim the conduct in question as a hate crime. Indeed, if the conduct involves irredeemable emotional territory we may pointedly ignore it on the grounds that it is more likely to jeopardize than solidify the aspirations of hate crime discourse for unambiguous moral authority. This, I believe, is one of the things that the Snowtown case tells us about the application and constitution of the concept of hate crime.

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Endnotes

¹ Mitchell (2004, p. 98); Debelle (1999, June 12, 2005, May 24); “Web Of Evil” (1999, May 25); Haran (2000, July 9); “Snowtown Case” (2003, September 9); Davis (2003). I refer to these murders as the Snowtown murders because this is where the majority of bodies were found. Only one victim was actually killed in Snowtown.

² Examples of this include the education/prevention campaigns developed by the NSW Gay and Lesbian Anti-Violence project during the late 1990’s which challenged homophobia rather than violence itself.

³ I use “justice” to refer to the recognition of wrongdoing and the need for redress (Nussbaum, 2001). It may or may not involve a formal legal response. For example, justice may simply involve public acknowledgement that an act is racist and that this is unacceptable, both because it is violent and because it is a manifestation of racism.

⁴ *R v John Austin Bunting and Robert Joe Wagner*, NO.205/2001, Supreme Court Criminal Jurisdiction, Adelaide, 16 October 2002-10 July 2003. Transcript citations are according to date/page/line(s) (eg: 24.02.03/5185/17-19 is 24 February 2003, page 5185, lines 17-19).

⁵ *R v John Justin Bunting and Robert Joe Wagner* NO.205/200, Supreme Court Criminal Jurisdiction Adelaide, 29 October 2003; *R v James Spyridon Vlassakis* NO.175/2001, Supreme Court Criminal Jurisdiction, Adelaide, 10 July 2002.

⁶ These included: an unsuccessful application by Bunting and Wagner for separate trials; a successful application by a fourth perpetrator, Mark Haydon for a separate trial; appeal hearings by Bunting and Wagner; and numerous applications relating to evidence, suppression orders, stay of proceedings, the questioning of jurors and other issues. See: *R v Bunting & Others* No. SCCRM-01-205 [2002] SASC 412 (17 December 2002), *R v Bunting & Others (NO 2)* No. SCCRM-01-205 [2003] SASC 250 (29 October 2003), *R v Bunting & Others (NO 3)* No. SCCRM-01-205 [2003] SASC 251 (29 October 2003), *R v Bunting & Wagner (NO 4)* No. SCCRM-01-205 [2003] SASC 252 (29 October 2003), *R v Bunting & Wagner (NO 5)* No. SCCRM-01-205 [2003] SASC 253 (29 October 2003), *R v Bunting & Wagner (NO 6)* No. SCCRM-01-205 [2003] SASC 254 (29 October 2003), *R v Bunting & Wagner (NO 7)* No. SCCRM-01-205 [2003] SASC 255 (29 October 2003), *R v Bunting & Wagner (NO 8)* No. SCCRM-01-205 [2003] SASC 256 (29 October 2003), *R v Bunting & Wagner (NO 9)* No. SCCRM-01-205 [2003] SASC 257 (29 October 2003), *R v Bunting and Wagner* [2005] SASC 45 (10 February 2005), *R v Bunting & Wagner (No 2)* [2005] SASC 185 (24 May 2005), *R v Haydon (No 1)* [2004] SASC 437 (23 December 2004), *R v Haydon (No 2)* [2005] SASC 16 (21 January 2005), *R v Haydon (No 3)* [2005] SASC 17 (21 January 2005), *R v Haydon (No 4)* [2005] SASC 18 (21 January 2005), *R v Haydon (No 5)* [2005] SASC 19 (21 January 2005), *R v Haydon (No 6)* [2005] SASC 20 (21 January 2005), *R v Haydon (No 7)* [2005] SASC 21 (21 January 2005), *R v Haydon (No 8)* [2005] SASC 22 (21 January 2005), *R v Haydon (No 9)* [2005] SASC 23 (21 January 2005).

⁷ For example, to gain judicial approval for all of the charges to be heard in one trial the prosecution needed to satisfy, amongst other things, the requirements of s 278 of the *Criminal Law Consolidation Act 1935* (SA), which states that charges for two or more offences may be joined if the charges “are founded on the same facts, or form, or a part of, a series of offences of the same or a similar character.” In addition, in trying Bunting and Wagner together the prosecution sought to establish that the murders were part of a “joint enterprise.” Hence, the prosecution claim that hatred of paedophiles and gay men operated as a nexus between the murders provided both the justification for a single trial and an explanation for the alleged joint enterprise.

⁸ These included: *The Australian*, *Australian Financial Review*, *The Sydney Morning Herald*, *The Age*, *Sunday Mail*, *Sun Herald*, *Adelaide Advertiser*, *The West Australian*, *Northern Territory News*, *Courier Mail*, *The Hobart Mercury*, *Canberra Times*, *The Daily Telegraph*, *Herald Sun*, *Gold Coast Bulletin*, *Illawarra Mercury*, *Newcastle Herald*, *Cairns Post*, *Geelong Advertiser*, and *Townsville Bulletin*.

⁹ There is no reason to think that print media coverage of Snowtown differed from television, radio or internet coverage of the case. My own observation is that the case was discussed in very similar ways in all of these media.

¹⁰ Both men were charged with the murder of a twelfth victim, Suzanne Allen, but the jury was unable to deliver a verdict on this count. Bunting and Wagner appealed their sentence but were unsuccessful: *R v Bunting and Wagner* [2005] SASC 45 (10 February 2005), *R v Bunting & Wagner (No 2)* [2005] SASC 185 (24 May 2005). Wagner was also charged with the murder of Clinton Tresize but the jury were directed to bring in a not guilty verdict on that count due to the lack of evidence sufficient to support a guilty verdict.

¹¹ This is consistent with Justice Martin's comment that the Crown alleged "the paedophile/homosexual theme" existed in 8 of the eleven murders (*R v Bunting & Others (NO 3)* No. SCCRM-01-205 [2003] SASC 251 (29 October 2003 p.32).

¹² Although Bunting looked into O'Dwyer's financial situation before killing him, the hatred theme is still present in circumstances of this murder (Transcript 18.10.02/205/10-15).

¹³ Wagner and Vlassakis were sexually abused as children and there is some evidence to suggest that Bunting may have been as well.

¹⁴ Whilst it is arguable that this lessens the claim that the concept of hate crime has on these murders, it is worth asking whether we would accept such an argument if the murders were "justified" rather than "motivated" by a hatred for Jews or Muslims.

¹⁵ Debelle (2002, September 21-22). See also: "A Crime" (1999, May 25); Gelastopoulos & Stevenson (1999, May 28); Owen-Brown & Weir (2001, February 24); Dornin (2001, February

24); McGarry (2001, July 5, 2002, December 9, 2002, December 18); Reid (2003, February 14, 2003, February 25).

¹⁶ Owen-Brown & Weir (2001, February 24); “Sex Fiends” (1999, May 24).

¹⁷ “A Crime” (1999, May 25).

¹⁸ Krupka, Abraham & Plane (1999, May 22); Debelle (1999, May 22); “How The Grisly Tale” (1999, May 22); Debelle (1999, May 24); “Sex Fiends” (1999, May 24); Zinn (1999, May 25); Heinrichs (1999, May 25); “Snowtown Case” (2003, September 9); Ellis (2002, August 14).

¹⁹ Debelle (2002, September 21-22, 2003, October 29, 2003, September 10); Ferguson (1999, June 11); Akerman (1999, May 27); Heinrichs (1999, May 25); “Men Fried” (2002, March 1); Ellis (2002, August 14); “Snowtown Trial” (2002, October 12); Maynard & McGrory (2003, September 9); Sprouli (2003, September 12).

²⁰ Debelle (1999, May 26, 1999, May 27); “Pensions Worth” (1999, May 25); Zinn (1999, May 25); Ferguson (1999, June 23).

²¹ Cornford (2000, December 13); Weir (2000, December 24)

²² Smith (2002, October 5); Penhall (2004, April 21)

²³ Debelle (1999, June 12); Walsh (1999, May 26); Haran (2000, July 9); “Snowtown Case” (2003, September 9); Johnston & Debelle (2003, September 13).

²⁴ Haran (2000, July 9).

²⁵ Mitchell (2004); McGarry (2005); Davis (2003); Debelle (2005, May 24).

²⁶ Another example can be found in the recent media coverage of a 2003 inquest into the disappearance of three men in Sydney during the 1980s. The alleged murders were labelled as possible “gay hate” murders by “gay hate gangs” yet it was acknowledged that robbery may have been a motive for such gangs to target gay men because they are believed to be soft targets who will not fight back (Lamont, 2003). In this case the mixture of multiple perpetrators, multiple victims, hate, financial gain and target selection on the basis of vulnerability did not, as it did in Snowtown, operate as a barrier to the application of the hate crime label. Another high profile

example is the “Central Park Jogger” case which was labelled a hate crime (Jacobs & Potter 1998, p. 140).

²⁷ A recent example of this was seen in the response to a nationwide police investigation into online child pornography in late 2004 which was reported to “prompt disgust and revulsion from John Howard and Mark Latham” (Callinan & O’Brien, 2004, p.1). Of course, this raises the question of whether individuals actually do *feel* disgust in such circumstances or whether they draw upon the language of disgust to publicly signal their condemnation, or whether it is possible to meaningfully differentiate, given that disgust is a socially constructed feeling.

²⁸ “Pedophile was forced out of state, papers show” (2006, January 6).

²⁹ It is also likely that the middle-class and urban gay movement found very little with which to identify in the lives of the poor and marginalised gay men who were killed by Bunting et al..

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