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# 8

## THE POLITICS OF 'HATE CRIME'

This chapter examines the concept of 'hate crime' and hate-based violence. Hatred of the Other is hardly new in human history but has been thrown into relief by the civilizing process and anti-discriminatory principles of rights and equality. Until the second half of the twentieth century the use of extreme and everyday violence in enforcing hierarchies of social class, religious observance, race and ethnicity, sexuality and gender was widespread. In post-Civil War USA 'several thousand African Americans, mostly young black males who challenged the racial status quo', were lynched in the Southern states in public spectacles that had the active or tacit support of local state authorities (Clarke 1998). By the later twentieth century, in most developed countries and following the USA, 'hate crime' statutes and policing strategies were widely established. 'Hate crime' (also called 'bias crime') refers to crimes in which the victims are chosen because of particular characteristics, such as identity, race, ethnicity, disability, gender, sexuality and religion, although the scope of this legislation varies between jurisdictions. 'Hate crime' refers to a 'family of legislation' (Jacobs 2003: 412) that includes reporting statutes, enhanced penalties where an offence is motivated by bias, civil rights laws and new substantive offences.<sup>1</sup> Hate crime statutes are sometimes linked to the rise of identity politics in the 1980s (e.g. Jacobs 1993), although Levin (2002) argues that they are deeply rooted specifically in the history of the USA. The 1865 13th Amendment abolished slavery and the 1866 Civil Rights Act conferred equal legal citizenship to all Americans, prohibiting employment discrimination based on race and colour. However, the emancipation of slaves was violently challenged by the formation of the Ku Klux Klan in 1867, and there followed a century of struggles against racist violence and criminality, which culminated, Levin suggests, in legislation against hate crime. This might be an overly linear view of steady progress since it is also suggested that the civil rights movement faltered during the Reagan administrations (1981–89), during which time several civil rights statutes, notably the Equal Rights Amendment, were defeated (Craig 2003). Even so, the 1980s was also a period of intense social movement activism – of feminism, gay and lesbian rights, identity and anti-racist movements. The post-Reagan

development of hate crime statutes perhaps reflected how 'our sensitivity to, and distaste for, group prejudice and hatred have sharply increased' (Jacobs 2003: 412). This at least used to be a widely-held assumption though one now called into question by the resurgence of publicly voiced racism and hate crimes in the UK and in the US, where there are indications that equalities legislation might be weakened.<sup>2</sup> This chapter will first consider the origins of this legislation and then discuss ways of explaining hate-based violence, especially where this becomes a means of social bonding among perpetrators.

### Context for the hate crime agenda

Habermas and Rehg (2001) ask 'what basic rights free and equal citizens must mutually accord one another in post-traditional societies if they want to regulate their common life legitimately?' Part of the answer to this question could be the development of a legal framework of rights and constitutional protections since 'morality alone cannot meet the demands for regulation and organization in societies that can no longer rely on a common ethos for purposes of social integration' (2001). Virtually all societies now are 'multicultural' in that they include complex and hybrid patterns of ethnic, religious and cultural diversity which is premised upon cosmopolitan and pluralistic ethics and law. However, the extension of rights and entitlements based on universalistic principles (such as the struggles for suffrage and for civil rights) were among the hardest fought political battles of the twentieth century. Social movements were central agents around which new conceptions of rights and entitlements were formed and institutionalized.

The movements to establish hate crime laws can be placed in the broader context of modernization and informalization, which, as Elias noted, places an increased onus on the self-regulation of bodies and emotions. However, this is a complex process. We have seen that the civilizational process 'incrementally develops stable forms of self-constraint on individual drives and the social relations through which they operate' (Slocum 2005). Cooney (1997) noted that whereas violence was in earlier periods an elite way of resolving conflicts, by the twentieth century 'aggressive tactics – fighting, burning, seizing, killing, and so forth' are viewed as the preserve of non-elites in places where the state's rule is ineffective. A similar process might have occurred with expressions of racism and other forms of hate-based behaviour. In developed societies, overt expressions of hate have largely diminished among elites and in public spheres. O'Brien (2000: 29) says 'Today, it is pejorative to be called a racist. No-one with sense wants to be associated with racism. Nor do they want the organisation which they work for to be regarded as racist.' In our interviews with

racially motivated offenders in Greater Manchester (e.g. Ray et al. 2004), we found that respondents were often more willing to justify their perpetration of violence than the racist aggravation for which many had been convicted. This reflects a strong cultural prohibition on public expressions of racism, which has developed along with juridical controls on hate speech and behaviour, beginning in the UK with the Race Relations Act 1976, which criminalized incitement to racial hatred. One caveat should be noted though, that the 2016 UK referendum on EU membership and the US Presidential Election have been accompanied by increased recorded hate crime. More on this below.

The nature of 'hate' requires some reflection. Citing Gordon Allport's concept of hate, Iganski (2008: 2) describes hate as a sentiment rather than an emotion – 'an enduring organization of aggressive impulses' and 'habitual bitter feeling and accusatory thought'. That is, cold hatred rather than the heat of anger. Hate is bonding. Alford (1998: 68) similarly says that 'hatred is enduring. ... It can define a self, communicating it to others, anchoring it in the world, while at the same time acting as a fortress.' Hatred, he continues, 'consolidates the unconscious identification' between victim and victimizer. It energizes the self while keeping at bay feelings of helplessness (1998: 74). Hate, he suggests, is a medium of social bonding and is the 'simulacrum [i.e. a likeness or resemblance] of love' that gives meaning and purpose to life and chains individuals to those they hate, such that even when the victim dies the fetters remain. Hatred traps the victim and perpetrator in a 'world of bodies' in that the body comes to symbolize the world reduced to bare essentials of 'pain and power' (Alford 1998: 71–4).

Iganski (2008: 2), however, says that such definitions would confine the concept to 'extreme bigots' rather than the more common forms of confrontation violence that constitute 'hate crimes'. But this is not necessarily the case if we view hate in terms of what social movement theorists call a 'sentiment pool' of shared grievances that can be mobilized in certain situations. For example, in the wake of the refugee crisis in Europe from 2016 onwards hundreds of attacks on asylum centres were reported in Germany and elsewhere, and such periodic manifestations of hatred can be mobilized by the mass media or political parties because they tap into widely shared grievances about housing, employment, schooling, welfare benefits and 'threats' from globalization (Benček and Strasheim 2016). Refugees then, became tangible scapegoats for multiple anxieties that were mobilized through the mass media – which was further evident during and after the UK EU referendum campaign in which migrants became objects of political disgust. The issue of possible entry of refugees from outside the EU was elided with the issue of EU migration, which was identified by Komaromi and Singh (2016), has the dominant media motif of the campaign. Migrants were often portrayed as potential rapists, murderers and terrorists and a Leave poster showed a line of refugees, warning that 'we'

(the putative defended community) were at 'breaking point'.<sup>3</sup> In this way, hatred that is directed towards people who are marginalized and have little power is socially produced while reinforcing established status and power hierarchies (cf. Perry 2002). This enables us to view hate actions as invoking structures of power and exclusion even in situations of confrontation violence that might not have been premeditated by 'extreme bigots'.

Hate takes as its object the surface of the body since physical appearance is here the essential marker of difference. As Shilling (2005: 52) says, 'the very construction of race has been dependent ... on classifying humans on the basis of corporeal characteristics such as skin colour.' Social hierarchies are inscribed on to bodies and ways of feeling as signifiers of gender and sexual difference, religion, ethnicity, race and disability. Michael John (1999) says 'As a "raced body" I do not have the luxury of entering spaces as a "race neutral" body. My body carries certain signifiers such as the drug dealer, car jacker, rapist, and sexual promiscuity.' The body of the Other has been constructed variously as inferior, diseased, licentious, menacing, primitive, cunning and world-controlling, and therefore fit only for displacement, segregation, cleansing and genocide. The ghetto is a space for the disciplining and quarantine of stigmatized bodies within physically, symbolically and socioeconomically constructed walls. Describing the violent exclusion of two black students (James Meredith and Autherine Lucy) from the universities of Mississippi and Alabama in 1955 and 1956 respectively, Jackson (2006: 22) says that 'by denying Meredith and Lucy admittance ... the university was saying to them that their black bodies were despicable and disturbing, that the mere fact of their racial existence was reason enough to justify horrid treatment'. This extreme othering can also be a prelude to genocide, discussed in Chapter 11.

However, we saw in Chapter 4 that gender identities are performative rather than fixed, and a performative approach to stigma, exclusion and identity is also productive. The body is dressed and presented in ways that mark, subvert or challenge dominant culture or again to 'pass' as not visibly different. 'Passing' is also about managing personal appearance in the light of anticipated stigmatizing responses of others. Passing evokes 'normality', as Goffman (1961) said, by controlling 'the information conveyed through ... bodies'. However, while some signs are congenital (such as skin colour), some vary in their permanence and some are 'less stable' and subject to 'slips' (Goffman 1961: 61). The crucial thing is that these boundaries are maintained by the implicit threat of retaliation for stepping out of line – for example, entering the 'wrong' neighbourhood or holding hands in the wrong place. Thus, Perry (2001: 55) says:

When we do difference, when we engage in processes of identity formation, we do so within confines of structural and institutional norms. In so doing ... we reinforce the structural order. However, not everyone always performs

'appropriately'. ... We step out of line, cross sacred boundaries, or forget our place. ... Hate crime often emerges as a means of responding ... to perceived violations.

Both passing and hate violence confirm the 'natural' orders of race, sexuality, body form, dress and so on, and mark their boundaries. Racist discourse is part of a 'reservoir of procedural norms' that not only tacitly inform routine activity but also legitimate racist practices (Perry 2002).

The violence referred to here can be extreme and has a high rate of repeat victimization. In prosecuted cases in England and Wales, offences against the person are the most frequent (67 per cent) with criminal damage and public order offences at 11 and 12 per cent respectively (CPS 2009: 13). Further, according to the Institute of Race Relations (IRR) in the 20 years since the murder of Stephen Lawrence in 1993 in the UK at least 105 deaths were racially motivated murders (IRR 2017).

## Legislating against hate

However, the meaning of hate crime is often unclear, contested and differs between national jurisdictions, where they are informed by particular national histories and collective memories. Moreover, the development of laws against hate crime can be viewed in two contrasting ways. On the one hand, they can be seen, as Levin (2002) argues, as extensions of the long struggle for rights-based equal citizenship. On the other hand, the extension of legislation in this area can be seen as evidence of the 'new' regulatory state attempting to 'impose civility through coercion', on a par in the UK with anti-social behaviour orders (subsequently Community Protection Notices and Criminal Behaviour Orders) and community safety initiatives (Crawford 2006). In either case, though, hate crime laws define the quality of an action differently depending on the putative motive underlying it. While judgements of motives do have a well-established place in the criminal justice system (CJS), as Lawrence (1999: 106–9) points out, the judgement here is not simply about culpability – to what extent was the harmful outcome intended by the perpetrator? – but also about its meaning. In many jurisdictions the penalties for bias or hate-motivated crimes will be enhanced where the offence was motivated or accompanied by expressions of religious, racial and sexual hate.<sup>4</sup> These are 'signal crimes' in a way that, say, muggings are not, in that their significance is enhanced because of the message sent by both the crime and the sentence.

Is hate crime 'stranger violence'? Two conditions are sometimes suggested for identifying hate crime. First, that the victims are interchangeable so long as they share the relevant characteristic of the stigmatized group; second, that there is little pre-existing relationship between victim and perpetrator that might give

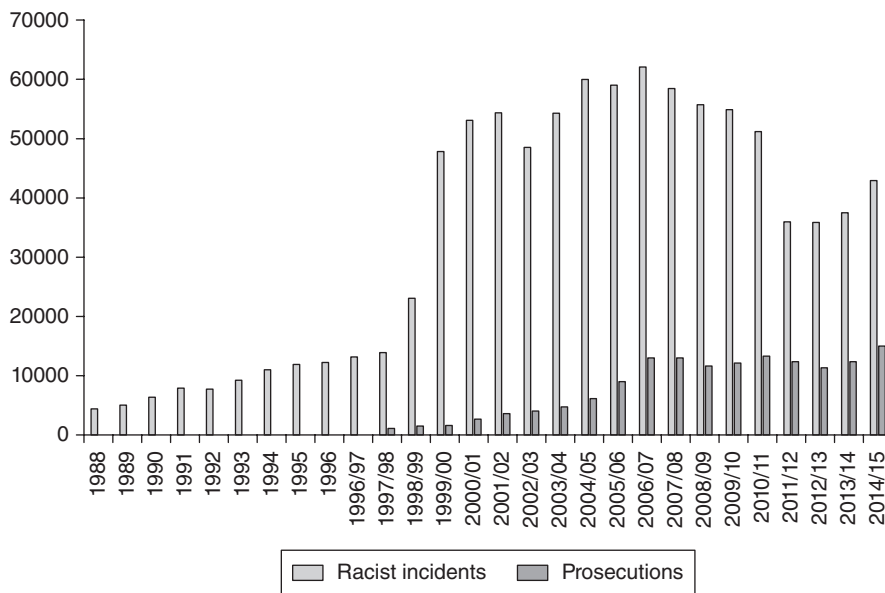


rise to some other motive for the offence (Lawrence 1999: 14–17). But both of these conditions are problematic. For example, domestic violence is frequently included within the category of hate crime (e.g. in the US Violence Against Women Act 1994) and women who are subject to IPV are by definition known to the perpetrator. Further, much research (including Ray et al. 2004) suggests that true stranger violence is atypical, and that victims of racist and homophobic crimes are often known to their attackers, though not as intimates (Mason 2005). Kielinger and Paterson (2007) similarly found that in the majority of hate incidents reported to the police in London, perpetrators were people with whom victims came into contact in their daily lives. Victims are not generally 'known' but for the perpetrator are symbolic of some perceived external threat. The crucial question really is whether the victim would have been selected had it not been for their particular identity? For example, in Greater Manchester there are frequent attacks on taxi drivers, many of whom are South Asian. These incidents might arise (as perpetrators often claim) from a disputed fare, but the important question for the legislation is whether the dispute would have arisen or become violent were it not for the ethnicity of the victim?

Legislative regimes vary between countries. Hate crime legislation in the USA is founded on five key Federal Acts: the Hate Crime Statistics Act 1990, the Violence Against Women Act 1994, the Hate Crimes Sentencing Enhancement Act 1994, the Hate Crimes Prevention Act 1999 and the Matthew Shepard Act 2009,<sup>5</sup> plus over 150 state statutes. By contrast with the UK's victim-centred Macpherson definition (1999: Ch. 47, para. 12) – 'A racist incident is any incident which is perceived to be racist by the victim or any other person' – the US Hate Crime Statistics Act 1990 requires, for the recording of an event as a 'hate crime', 'manifest *evidence* of prejudice based on race, religion, sexual orientation or ethnicity', which entails a 14-point checklist to be completed by the recording officer (Jacobs 2003). In UK legislation 'hate crime' does not feature explicitly, although the term is widely used in the annual reporting regimes for the CPS and divisional police forces and in posters encouraging reporting.<sup>6</sup> While US legislation is informed by the history of slavery and subsequent struggles for civil rights,<sup>7</sup> the UK's approach to diversity is framed by policies of multiculturalism and a post-colonial history of labour migration.<sup>8</sup>

The UK's approach is broad and 'victim-centred' in that hate crime includes 'any criminal offence that is motivated by hostility or prejudice based upon the victim's [perceived]: disability, race, religion or belief, sexual orientation or transgender' (Home Office 2010: 56). Racist violence in the UK came under sharp public scrutiny following the murder of a black teenager, Stephen Lawrence, by a gang of racist white youths in 1993 and the subsequent public inquiry that reported in 1999 (Macpherson 1999).<sup>9</sup> Criticism of the police investigation and a broader suggestion that the police were 'institutionally

racist' resulted in widespread scrutiny of institutional practices in the police and other public organizations of ways in which racism might be inscribed in routine practices and beliefs.<sup>10</sup> This also resulted in the creation of many new practices, training, and requirements to report, record and act on allegations of racist harassment and assault, and established the Macpherson definition of a 'racist incident' that removed police discretion from the recording process and encouraged third-party reporting of incidents through organizations such as community associations and schools. Partly as a result of this, the numbers of recorded racist incidents in England and Wales rose from 15,000 in 1988 to 25,000 in 1999 and 57,902 in 2006, falling to 38,327 in 2007–08 but rising to over 40,000 in 2014–15 (see Figure 8.1). There is, though, a discrepancy between numbers reported to the police and those recorded by the CSEW – the latter reported *falling* racially motivated incidents (from 390,000 to 179,000) between 1995 and 2005 and again between 2010–15 (from 150,000 to 106,000) when numbers of incidents reported to the police rose (Home Office, 2016b).



**Figure 8.1** Racist incidents reported to the police in England and Wales (Home Office Racist Incident Reports and CPS Reports 1997–2015)

The UK's Crime and Disorder Act 1998 states:

A crime will count as 'racially aggravated' if it can be shown that it was motivated either wholly or partly by racism or, if it can be shown that even though the motivation for the attack was not racist, racist hostility was demonstrated during the course of the offence or immediately before or after it. (Section 28)

The definition is broad and does not require proof of motive, which is difficult to establish, but only of hostility, which will typically refer to the use of racist speech by the offender. Most of the behaviours included under the 'hate crime' category are already criminal – harassment, damage, assault, threatening behaviour and homicide. The new content of hate crime legislation is the emotion attached to the act, which can attract an enhanced sentence if the prosecution can prove either that the victim was selected because of their race, ethnicity, religion, gender, sexual orientation or disability or that such hostility was evident at the time of committing the act.<sup>11</sup>

### Victim politics

Legislation against hate-motivated crimes resonates with Elias's thesis of growing repugnance of violence and management of unruly passions. However, the increasingly global agenda of hate crime laws reflects ambivalence in the relationship between states and victims. Is hate crime legislation an extension of rights (protection from bias-motivated harm) or does it reflect the weakness of the juridical process? Rock (2002) suggests that although victims were once marginal to the criminal justice process, they have acquired more centrality in the wake of the political impact of victims' movements. He further suggests that the contrast drawn between the 'moral' states and 'immoral' offenders is made more sharply by publicising 'victims' palpable distress'. Hate crime initiatives have been encouraged by victim movements, anti-racism movements, and lesbian-gay activism. In the USA, civil rights groups, women's groups and lesbian and gay campaigners (often in alliance with more traditionally 'right-wing' victim movements) have argued that bias victimization is 'terrorism' directed against sexual and ethnic minorities (Jenness and Broad 1997). Victim politics can also enable the construction of broad coalitions, such as the campaign for the Stephen Lawrence inquiry, which brought together disparate actors including left-wing anti-racist movements, senior police officers and the *Daily Mail*, a right-wing national newspaper.

Similarly, Wieviorka (2009: 47ff.) argues that in the past, crime represented a threat to the social bond and the purpose of justice was to dissuade the majority from wrongdoing. Whereas victims did not then feature in this exchange of infraction and punishment, 'The contemporary victim began to acquire a certain public visibility in the nineteenth century, in at least two domains ... international ... and internal social life' (Wieviorka 2009: 48). Internationally, sensitivity to war victims, and especially civilians, grew following the formation of humanitarian organizations such as the Red Cross in 1863, psychiatry's interest in trauma and war neurosis, and the welfare state encouraged broader ideas of social protection. In the later twentieth century 'victims

enter public space *en masse*' through victimization studies, 1960s collective protest movements and campaigns for recognition of victims of rape, abuse, violence and discrimination (2009: 44ff.). That these protest movements coincided with the anti-Vietnam War movement suggests they were part of a broad process of internal and international pacification. Wieviorka continues that victimhood feeds into fear of crime while the 'culture of complaint' accords power to the complainant, evidenced by the use of victim impact statements in the sentencing phase of criminal trials. Victim politics can, in a sense then, be seen as a challenge to state authority.

However, such a challenge may be followed by a strengthening of the state as power is consolidated through new laws that extend 'security'. While extreme racial violence such as lynching in the Southern USA 'dramatically depicts the state's failure to protect a racial minority group from violent, extra-legal social control' (King et al. 2009), the enforcement of hate crime legislation can be evidence of the state's increasing control over the means of violence. Grattet and Jenness (2003) describe the development of training and intervention policies for specialized enforcement units that also evoke new knowledge of offenders' motivations. Likewise, the initial challenge to the UK CJS posed by the highly critical Macpherson Report was met by radical review and revision of the way racism and racist crime is policed. This extension of state power has been contested – in the USA the constitutionality of hate crime statutes were challenged in appellate courts 38 times between 1984 and 1998 (Grattet and Jenness 2003: 399). However, these challenges prompted a refinement of the concept to specify the criteria for a judgment of bias crime. The embedding of hate crime legislation into the routine practices of institutional life, then, which allows the creation of new subjects of intervention, represents an *extension* rather than weakening of state authority.

### The hate debate

Hate crime laws are often advocated on the grounds that hate crime is more damaging and the violence often more extreme than other crimes (e.g. Iganski 2001; Messner et al. 2004). Further, they are 'message crimes'. That is, hate crimes are directed at whole communities with a message of hostility and exclusion. The trauma of being selected for crime because of one's identity, it is argued, is greater than for other crime. A respondent in Iganski's (2001) Boston pilot research on harms of hate crime says:

It is much more difficult I think as a victim to say I was put in the hospital because I'm gay or because I'm Hispanic, or because I'm a woman, than it is to say, you know I was walking down the street and I had my bag around my arm and some

guy snatched from me, some guy knocked me over the head and took what I had, because they want property. You're not being singled out. You are beaten or hurt because of who you are. It is a direct and deliberate and focused crime and ... it's much more difficult to deal with ... because what a hate crime says to a victim ... is 'you're not fit to live in this society with me. I don't believe that you have the same rights as I do. I believe that you are second to me. I am superior to you.'

Many sources report that victims feel isolated, depersonalized and deprived of a sense of self-worth, often blaming themselves and experiencing shame and flashbacks (e.g. Patton 1999).

Advocates of hate crime statutes further argue that alongside the additional hurt done by these crimes the law has an expressive function of promoting collective values. As Lawrence (1999: 169) puts it, 'If bias crimes are not punished more harshly than parallel crimes, the implicit message expressed by the criminal justice system is that racial harmony and equality are not among the highest values in our society.' Perry (2001: 237) regards the law as having a transformative role but argues further that there is a need for social practices that disrupt institutionalized structures of inequality, including the reclaiming and empowering of difference. Quoting Iris Young, she says:

I am just what they say I am – a Jewboy, a colored girl, a fag, a dyke, or a hag – and proud of it. No longer does one have the impossible project of trying to become something one is not, under circumstances where the very trying reminds one of who one is. (Perry 2001: 237)

Critics of hate statutes dispute these claims. They argue that all crimes (not only 'bias crimes') have repercussions beyond individuals, and that these laws 'fix' identities into '*government-designated group[s]* which benefit from government-mandated preferences' (Sowell 1990: 14). Indeed, hate crime statutes can confirm the status of designated 'vulnerable groups' as victims and promote a 'nanny culture of the victim' (Gates et al. 1999). For Green et al. (2001), this can further heighten intergroup resentment. Hate crime laws punish 'speech' or what the offender was thinking at the time of the offence. For example, Ignatieff (2000: 24) says:

We do not need to police each other's thoughts and attitudes towards our differences. We simply need to master violence, to punish the kind of attack that occurred at that bus stop in south London, with all the determination that we can muster. And insist – before another courageous mother has to remind us – that justice is indivisible.

In other words, there is no need to for specific anti-hate laws so long as there is sufficient will to prosecute. Moreover, as noted above, most offenders are not committed 'haters'. In their review of the Crime and Disorder Act, Burney et al.

(2002: 111–12) say that ‘Serious race hate is fortunately rare – which is why the label “hate crime” is so misleading.’ Most people, they claim, have prejudices, but those who ‘get prosecuted for racially aggravated offences are often too ignorant or unsophisticated to exercise self-control’.

It is also claimed that there are logical problems of determining which groups to include in the legislation, which will, in practice, be set by those social movements with most influence while being denied to those ‘whose suffering is less dramatic’ (Moran and Skeggs 2004: 42). Use of the coercive state, critics say, further aligns with the ‘very emotions that it seeks to challenge’, of vengeance (2004: 42). Hate crime laws reduce issues of racism and structural discrimination to individual motives and ‘incidents’. They are a liberal way of being ‘tough on crime’ in that they build on the power of state agencies but avoid addressing issues of structural violence such as healthcare disparities, economic inequalities and police brutality. Hate crimes occur within dynamics of power and exclusion to which the law has paid little attention and which punishment enhancement fails to address (Franklin 2002). There are also free speech objections to the effect that with enhanced sentencing it is *speech* rather than action that is being punished (e.g. Jacobs 1993) since what distinguishes a hate crime from the basis offence is the hate language and sentiment.

Some of these critiques are valid. But the long-term consequences of hate violence can be profound, heightening social divisions, conveying long-enduring messages of vulnerability or empowerment, even to those far removed from the initial violence, provoking potential victims to limit their activities, and shaping a dynamic of contention that can fuel further violence (Blee 2007). The ‘free speech’ argument – that only actions and not words should be punishable – makes an untenable distinction between actions and speech, suggesting that what is spoken is inactive as opposed to deeds with real effects. Speech act theory argues that speech acts are performative and have intentions and effects. When we speak we do so to achieve effects – to embarrass, persuade, frighten, warn and so on – so if speech does things and is an act, the distinction between words protected by constitutional freedoms and acts regulated by law also becomes problematic. There is clearly a danger of extending this argument into a regulation of speech in general and this agenda can be broadened to limit socially permissible speech, ironically entailing violent disruptions of events on university campuses. But certain kinds of speech – oaths, curses, threats, epithets and so forth – do not invite the hearer to enter dialogue, but reinforce and instantiate systems of exclusion and marginalization. Further, hate crime invokes the power of the dominant culture and instantiates a hierarchical order of exclusion (Perry 2001). While hate crime laws define various vulnerabilities, thereby risking encouraging a ‘culture of the victim’, it is hate-based crime that ‘fixes’ identities – one becomes acutely aware who one is when this identity can mean a life of security and peace or a life of fear and anxiety.

Where critics might be right is in relation to the individualization of societal issues. This will be developed here because it is relevant to a wider understanding of the politics of hate crime. The ultimate reference point for hate crime is the threat of systematic ethno-national violence and terrorism. Hate crime *can* be viewed as a harbinger of terrorism. But whereas ethno-national violence and terrorism are viewed in a largely politicized frame of reference, in which individual motivation is largely taken for granted, hate crime is often viewed as expressive of mental or social pathology. One does not generally ask questions about the 'motivations' of ethno-nationalist organizations (Green et al. 2001). In Northern Ireland, as ethno-national conflict declined following the peace process, the frame of interpretation shifted from that of sectarian conflict to one of 'sectarian hate crime'. MacGinty (2001) argues that the key differences between ethno-national violence and hate crime are politicization and the scale of conflict. Other differences, he argues, are that ethnic violence is concentrated in outbursts while hate crime is more stable and ongoing. In ethno-national violence, spatial segregation of communities is critical, with violence often appearing on 'peace lines' such as West Belfast, while hate crime is more territorially diffuse. In ethno-national conflicts paramilitaries monopolize and regulate violence, which has strategic purpose, such as murders of Catholics by Unionist militias to undermine support for the IRA. Hate crime, by contrast, is more informal and unregulated, and most perpetrators are not willing to subordinate to party ideologies and discipline (Krell et al. 1996). Similarly, Deloughery et al. (2012) identify key differences between hate crime and terrorism in that:

- 'Terror' is 'upward crime' (against elites by the disadvantaged) as opposed to 'downward' hate crime perpetrated by the privileged against marginal groups.
- Hate crime is often a response to terror as, for example, with attacks on Muslims after 9/11 or in the UK after the terror attacks of 7 July 2005 (and we might add, the terrorist attacks in Manchester and London in 2017), the incidence of which they say is generally lagged for one to four weeks.<sup>12</sup>

Even so, the differences between hate crimes and sectarian violence might be matters of degree and of 'range of movement along the conflict cycle' (MacGinty 2001). The above 'directional' distinctions are also not so clear since a suicide bomb in a market place or on crowded public transport is not directed against elites but ordinary members of the public. Green et al. (2001) propose that 'genocide and civil war' are 'extreme instances of hate crime'. These are actually often spatially structured on borders between residentially segregated communities and in supposedly 'safe' spaces such as gay villages (Mason 2005). They can also occur in outbursts such as the riots against asylum-seekers and migrants in East German cities like Hoyerswerda and Rostock in 1991 and the anti-refugee

violence in the UK in the early 2000s. The Northern Ireland peace process was followed by a steep rise in reported sectarian and other hate crimes, which points to a process of informalization of violence (PSNI 2009). MacGinty (2001) says 'all hate crime is political in the sense that it involves a statement that goes far beyond' the act itself and 'involves the ... depersonalization of the victim'. Ethno-national violence can manifest with macabre theatricality – as with the 'Shankill Road Butchers' who murdered 30 Catholics in the 1970s – often in familiar and apparently secure places such as shopping malls and transit centres (Jurgensmeyer 2003: 122). These killings had no direct strategic purpose but were public rituals of extreme expressive violence and illustrate how close, at times, the conflict came to being genocidal. Both ethno-national violence and hate crime, then, invoke structures of power and exclusion and might be amenable to broad structural and civilizational analysis. While racist violence can take a cyclical pattern in which its objective is the maintenance of racial hierarchies, it can, especially in a context of weakening state authority, slide into ethnic cleansing and potentially genocidal violence. Offenders dehumanize the victims, who serve as 'scapegoats' for their own feelings of inadequacy and failure (Wieviorka 1995: 74–6).

## Hate and discivilization

There are differences between hate crimes and ethno-national violence, especially of degree, politicization and organization, but if, as suggested above, there are also some similarities, then explanations of hate crimes could be placed in a broad socio-political context. A large volume of literature on perpetrators of hate crime focuses on motives and the psychosocial and environmental factors that contribute to intergroup violence. Offenders are generally young, male, under-educated, hostile to diversity, and regard violence as supported by their peer groups (Heitmeyer 1994; Krell et al. 1996; Ray et al. 2003, 2004). Table 8.1 presents a model of preconditions and offenders.

There are typologies of motivation of which McDevitt et al.'s (2002) has been particularly influential in identifying perpetrators in terms of:

- Thrill seeking – to display power, experience rush of excitement.
- Defensive – to protect the 'neighbourhood' from outsiders.
- Retaliatory – following a rumoured incident or response to attacks.
- Mission – committed 'hater' who seeks to rid the world of 'evil'.

Messner et al. (2004) suggest that the specialist 'mission' offender is three times more likely than others to commit an unprovoked attack that results in serious injury. This type could be described as true 'hate crime', although it



**Table 8.1** Model of hate offending

Predisposing structural conditions	Factors disinhibiting violence	Offenders	Performance of 'hate'	
Socio-economic deprivation; family dysfunction; economic downturn; residential and cultural segregation.	Community stereotypes and tolerance of 'hate'; social disorganization; acceptance of violence; resource competition; sense of threat; peer dynamics, media images; alcohol or drugs; local myths and rumours.	Young, mostly male; probably engaged in other criminality; unstable employment and educational history; low or unstable self-esteem; cognitive disturbance and hypersensitivity; unacknowledged shame; need for masculine validation; sense of grievance and resentment.	Unacknowledged shame turns to fury in situations of conflict that provoke assertion of difference.	
			<i>Typical 'specialist'</i> Greater severity of violence; victim a stranger; high risk of repeat offending; hate ideology.	<i>Typical 'generalist'</i> Less serious offences arising from disputes; victims known, though not well.

only accounts for a small proportion of reported incidents. Susan Martin (1995) points out that 'bias' might be only a secondary motivation – people hurl racist and other epithets in the course of a confrontation that is rooted in more tangible concerns. Even so, in the act of articulating these epithets, whole structures of exclusion and stigmatization along with stereotypes of minorities are invoked, whether or not perpetrators adhere to a racist worldview.

However, 'motivation' should be placed in a wider structural context. Many theories of hate motivation tend to be theories of prejudice rather than specific theories of violence, and their frequent focus on anomie and social disorganization might overlook the ways in which violent hate can act as a medium of social bonding. Beck (2000) developed an influential cognitive psychological model that draws on classical models of authoritarianism and racism, such as Adorno et al. (1950). Beck (2000) claims that hypersensitivity and 'continual mobilization to fight' combine with pro-violent attitudes towards minorities and women, which arise from archaic beliefs about their inferiority. Like Scheff (1997), Beck argues that the offender is often provoked by a sense of being disrespected. Further, perpetrators feel deprived as a result of the others' presence, their 'success' in life and perceived lack of concern for the perpetrators induces a sense of shame. Target groups become the scapegoat for intra-psychic conflicts and demonizing them gives the in-group a sense of power and identity. Heitmeyer (1994) argues that hostility towards foreigners is based on a process whereby feelings of perceived threat develop into racist violence.

First, feelings of 'estrangement' are expressed as 'an attitude of distance' and 'contempt'. Second, this fear of foreigners becomes overshadowed by a 'competitive stance fuelled by economic and/or cultural considerations'. Third, tolerance disappears and 'complete hatred of foreigners' arises resulting in hostile 'offensive struggle' (Heitmeyer 1994: 17). Bjørge (1994) focuses on patterns and motives of violence towards immigrants and refugees in Scandinavia where youth gangs, often with criminal records, perpetrate the majority of racist incidents. Though not necessarily members of extreme right groups, they have been exposed to their propaganda and methods. Alcohol is significant in the planning and enactment of attacks, but as a disinhibiting rather than causal factor. These models regard the racist offender as having a distinctive personality that predisposes them to both racism and violence. Violent racism arises from poor and problematic moral reasoning, cognitive defects, including an inability to accept the impact of violence on the victim, a predisposition to resort to violence and a 'distorted worldview'.

However, the 'problem of violent racism', as (Bowling and Philips 2002: 125) argue, is not simply a matter of racist individuals, but of a wider racist culture, which defines people as problematic, 'threatening' and (simultaneously) vulnerable. There is considerable evidence that perpetrators' racist views are shared by the communities to which they belong and provide a source of reinforcement and justification of their behaviour, at least by not condemning it (e.g. Ray et al. 2003; Sibbitt 1997). The association between football and racist violence is not accidental since both summon up identities based on territory, in the context of which prejudice is more a disinhibiting rather than motivating factor (Messner et al. 2004). As Englander (2007a) notes, these 'conformist rebels' are less likely to encounter social disapproval from peers if the victim is 'different'. Blee (2007) points out that the initial motive for violence might not be racism or other hatred, but rather members of violent groups might become racist or homophobic by engaging in assaults which suggests that 'hatred can be an outcome as well as the motive for violence'. It can build groups as well as be an outcome of these groups so 'violence *makes* a group' (Blee 2007).

This illustrates that human behaviour is not simply 'caused' but is embedded in systems of belief, legitimation and justification within which it appears to be acceptable. Sibbitt (1997) argues that prejudice permeates whole communities that have entrenched problems of socioeconomic deprivation and crime and 'spawn' violent perpetrators through mutually supportive relationships between the perpetrator and the wider community (1997: 101). Hence, she speaks of 'perpetrator communities' that scapegoat their problems on to visible minorities who serve to provide an external focus for their dissatisfaction, frustration and alienation. In the racist riots in Hoyerswerda and Rostock in 1991, 'hooligans really did believe they were simply carrying out the wishes of a large

number of spectators', and 'that they were so doing was obvious from the applause and approval of the latter' (Krell et al. 1996). Collins argues that 'violence is generated by an entire attention space' (2008: 413) and there is a mutually supportive relationship between the violence of leaders and the crowds from which they derive emotional energy (2008: 430).

However, these interaction rituals take place in a wider social context. In Chapter 4 it was argued that neoliberalism had the localized decivilizing consequences of generating a harsh environment for those who lose out from social and economic restructuring, with the decline in social supports, brutalization and consequent narcissistic violence. But it is not necessarily the economic impact of social changes alone that has this effect since violence is related to dynamics of shame among those 'disadvantaged and marginalized economically and culturally and thus deprived of the material basis for enacting a traditional conception of working class masculinity' (Ray et al. 2003: 112). Iganski (2008) found that 'traditionally white strongholds that have experienced greater demographic change' in terms of increased minority residents 'experience greater rates of "race hate" victimization' compared with communities with a less dominant white population (2008: 70) as did the offenders in Ray et al. (2004). Ciftci (2012) used cross-national data from the Pew Global Attitudes surveys and found that Islamophobic attitudes correlate most highly with low levels of education and feeling economically and culturally threatened.<sup>13</sup>

The intersection of economic exclusion and masculinity is developed by Ferber (1998), who argues that a central goal of the white racists is to re-affirm the masculinity of white men threatened by structural transformations. 'The visible boundaries and borders separating races have been threatened with disruption', she says, and 'as in the past, when secure boundaries separating races begin to break down, fears of racial intermixture ... emerge' (1998: 59). Anahita's (2006) analysis of the 'global skinhead movement' found that it is largely composed of 'white, downwardly mobile, young men who perform a heteronormative, hyper-masculine gender identity'. There are similar arguments in Blee (2007) and Kimmel (2002), who note that the multiple processes of globalization and other structural shifts have reshaped masculine identities in profound ways. By 'hyper-masculinity' Anahita means an identification with an iconographic style: shaved heads, heavy work boots, and other markers of white working-class masculinity. Again, Tomsen (2001) argues that homophobic crimes serve a dual purpose of constructing a masculine and heterosexual identity through involvement with violence and by establishing homosexuals as social outsiders. Fatal gang attacks that are seen as 'hate crimes' can then also be read as masculine crimes characterized by the group production of masculine identities. They also reflect the limited material and cultural resources available for the achievement of a masculine status among the groups of young men who carry out these attacks.

Intersections of perceived class disadvantage are interlaced with racialization. So, for example, the targets of hostility are often those perceived as 'middlemen' mediating the worlds of cosmopolitan capital and local communities. It was classically Jews who were scapegoated in this role but more recently this has been extended in different contexts to South Asians in the UK, Koreans in the USA, and East African Asians in East Africa (Perry 2001: 134). Ray et al. (2003) further found that racist offenders tended to scapegoat South Asians for community problems of unemployment, the decline of local manufacturing, and (somewhat paradoxically) for the rise in local crime. We also found respondents drawing a contrast between the global city image of central Manchester and the isolated and deprived life on outer-city housing estates from which many racially motivated offenders came. Offenders frequently expressed hostility at their exclusion that was projected on to South Asians as symbols of an apparently cosmopolitan culture. Linehan (2012) further argues that there are symmetries between antisemitism, Islamophobia and 'asylophobia' with the recycling of stigmatizing representations 'Jewish conspiracies', disloyalty and cultural difference and animosity also attached to Muslims.<sup>14</sup>

These observations suggest that there are links between deprivation, social and personal disorganization and racist violence. Moreover though, hate crime and expressions of violent hostility involve release from constraints of mannered social interactions, and Elias's emphasis upon weaker senses of mutual identification between groups, when emotions become heightened and more difficult to control during times of social crisis, is relevant. Two major events of 2016 – the UK EU referendum and the US Presidential Election – could be seen as symptomatic of a decivilizing downswing, perhaps prompted by the processes of social fragmentation described above. There is a loss of civility in public life when a US president openly boasts about having sexually assaulted women, uses vulgar language, regularly posts offensive tweets<sup>15</sup> and seems to encourage attacks journalists, after he tweeted a video of himself at a pro-wrestling event throwing to the floor a man with a CNN logo for a head.<sup>16</sup> It was noted above that the UK EU referendum campaign was accompanied by public articulation of xenophobic hostility and threats of violence. It was followed by a degeneration in public debate, in which High Court judges (ruling that triggering Article 50, the notice to leave the EU must be debated by Parliament) were condemned in some print media as 'enemies of the people' (*Daily Mail*, 2016) and opponents of Brexit as 'saboteurs' (*Daily Mail* 2017). Between 2010–16, the *Daily Express* led on migration 179 times and the *Daily Mail* 122 times in which 'all foreigners are a problem and everything is Europe's fault' (*Subscribe* 2016). The next passage provides further examples and the manifestation of xeno-racism in everyday life.

In both the USA and the UK these developments were accompanied by a sharp increase in reported hate crimes. In the USA the Southern Poverty Law Center aggregated media reports and gathered submissions from its website, catalogued 1,064 such incidents in the first month after Trump won the presidency.<sup>17</sup> In England and Wales the number of hate crimes recorded by regional police forces rose by an average of 27 per cent (Home Office 2016b). These figures should be treated with caution since it is possible that there was an increase in reporting, especially as the issue attracted media attention, victims became more sensitized to the phenomenon and thus more likely to report, and the police, similarly sensitized, became more likely to record reported incidents and to flag them as hate crimes. Nonetheless, the systematic nature of these reports from across the country suggest there was a real spike in hate crimes, and these occurred in a context of socioeconomic fracturing and public signals legitimating the release of violence affects.

## Hate and social bonding

Within a context of localized, decivilizational processes hate crime perpetrators are not necessarily best described as 'anomic'. Alford (1998: 68) argues that 'hatred creates history, a history that defines the self and provides it with structure and meaning'. Moreover, 'loving recitation of harms suffered and revenge inflicted constitutes the single most important, most comprehensible and most stable sense of identity'. In his study of US skinheads, Hamm (1994) deploys the antinomy of anomie (i.e. 'synomie') to argue that membership of hate groups creates social bonding that was otherwise absent in their lives. Movements such as the Aryan Nation (AN) in the USA draw members from among the most marginalized American youth seeking a sense of belonging (1994: 71). They bond through mutual interests in style and music to cultivate what Katz (1988: 89ff.) calls a 'bad asses' dramatic style of presentation. Hamm found a profound sense of hopelessness mixed with rage that no one could prevent terrible things from happening (1994: 80). He emphasizes that these youths are conformists, who are not alienated but are well bonded to conventional systems and display a 'hyperactive commitment to American culture' (1994: 130). They are no more alienated than similar youth and in some ways less so since they had 'faith in the future' and 'alienation is not a necessary antecedent' for extreme beliefs (1994: 166). Violence becomes a means of social bonding and is viewed as 'defensive' rather than predatory. Hamm further emphasizes the closeness of skinhead friendships since they 'appear to love and value one another' in a family-like mentality (1994: 184). But their 'souls

are full of chaos' and they do 'believe in vengeance' and are 'devoted to vitriolic hatred' (1994: 205). Similarly, Lyons (2007) argues that social disorganization theory predicts more hate crime than we find in disadvantaged areas and that rates are higher in 'defended neighbourhoods' that are socially organized to oppose outsiders.

More organized 'hate groups' develop social practices of bonding and socialization. Balch's (2006) study of AN found that for members,

[b]esides Sunday services, church activities included regular Bible studies and holiday celebrations, and church facilities were used for all AN events. The regular attenders were bound together by a dense network of friendships and family ties that were reflected in frequent family get-togethers, casual socializing, and collective projects.

The church was the social hub where talk about Scripture and Bible history lubricated relationships. Similarly, the White Power Movement (WPM) provides children with racist activities such as racist crossword puzzles, colouring pages, and children's white power literature (Blee 2007). Parents use web-based home schooling material such as colouring books, children's literature and workbooks. Home schooling is often chosen to escape the contrary influence of public schools. All of these materials are easily accessible in cyberspace, enabling WPM families to integrate them into their daily practices.<sup>18</sup>

Other media of social bonding include the initiation into conspiracies, rumours – which might be formal or informal – into a world of secret and forbidden messages – symbols that transform ordinary realities into 'extraordinary ones' (Hamm 1994: 211). Conspiracy theories have been crucial to hate movements, the most notable being *The Protocols of the Elders of Zion*, a forgery produced in 1903 by the Tsarist secret police, which is still in global circulation (Ben-Itto 2005). This purported to have uncovered the secret records of shadowy Jewish leaders plotting to bring crisis and chaos to the world prior to taking control of national governments. This conspiracy worldview is invoked by neo-Nazis in the epithet 'ZOG' (Zionist Occupation Government) and less overtly in the belief that a 'Jewish lobby' has a stranglehold over American foreign policy. Rumour is also a catalytic element in racist violence, pogroms and lynching. Rumour constitutes community since it binds participants around narratives that condense and displace social problems while offering an experience of empowerment. Racial violence is frequently linked to accusations of ritual crime – child murder or kidnap in anti-Jewish pogroms or sexual crime, as in lynching in the USA. But rumour can operate in more mundane ways too in the form of myths and folklore that legitimate hostilities against minorities. In the Manchester racist violence research for example, a 29-year-old woman from an outlying estate, poorly served by public transport and visibly suffering from deprivation, damage and violence said, 'They get a good

deal. What they get causes resentment. Moss Side is all done up now. They should do it round here. People feel left out and let down' (Ray et al. 2004).

## Conclusions

Hate crime statutes have a complex genealogy in post-Civil War USA and the following century of struggles for civil rights. In the later twentieth century, this combined with broad social movement activism and rights-based advocacy, identity politics and victims' movements. The emergence of hate crime legislation across the developed world has been controversial and sometimes condemned as inappropriate and counter-productive. However, the legislation is justified by the additional harm, the signal nature of these offences and the way they instantiate structures of inequality and exclusion. It would be naïve to expect hate crime legislation to solve structurally and culturally embedded hatreds and divisions, and it does, further, carry risks of polarizing divisions and reducing structural violence to individual motivations. Racist and other difference-based violence summons up deeply embedded notions of the 'normal body' and is linked to socioeconomic structures of masculinity and locality. Offenders (as the summary in Table 8.1 outlines) act within complex determinants, and the risk of offending is high in conditions of deprivation and residential segregation combined with street cultures of unfulfilled masculine expectations. Prejudices held by peer groups will underpin violence, in combination with disinhibiting factors such as a perception of community 'under threat'. The law will not be effective here unless linked to transformative practices such as anti-racism, civic education and engagement with communities designed to shift identities towards non-defensive openness to cultural difference. In this process, the law and policing are not monolithic but provide resources that can be mobilized towards this kind of transformative politics and regulate our common life effectively.

### POST-REFERENDUM XENO-RACISM IN EVERYDAY LIFE

Hate crime takes place in a wider political and social context and is affected by the mainstream media, social media, political debate and the level of civility of public utterances. A coarsening or decivilizing public culture is associated with

*(Continued)*

(Continued)

increased abuse, threats and violence. When a hostile environment is promoted politically and repeated multiple times in the media it can also enter everyday discourse and permit and make acceptable previously unacceptable racist hostility.

Komaromi and Singh's (2016) study of post-referendum racist aggression reported via social media found an 'increasing normalization of xeno-racist narratives' and the manifestation of the 'hostile environment principle' – to make migrants unsettled and unwelcome, which reflects anti-immigrant government policies in recent years. The Twitter site @PostRefRacism collects instances of abuse in social media. For example:



@PostRefRacism Yday morning a woman called me a “dirty p\*\*\*”, “scum” and said “p\*\*\*s need to be rounded up and shot” among other insults

26 June 2016 Submitted to PostRefRacism



@PostRefRacism Last night a Sikh radiographer colleague of mine was told by a patient “shouldn't you be on a plane back to Pakistan? we voted you out” 26 June 2016

26 June 2016 Submitted to PostRefRacism

Out of 517 recorded instances of abuse, 327 referred specifically to the referendum. Common phrases were 'Go home', 'Pack your bags', 'Leave', 'F\*\*\* off British Muslim'. The sustained anti-EU campaign in sections of the print media had repeated anti-migrant messages in which the EU came to stand for migration and diffuse threats.

#### Example headlines on migrants

'EU blamed for migrant chaos' (*Daily Express* 3/9/16)

'Migrants rob young Britons of jobs' (*Daily Express* 18/8/11)

'4000 foreign murderers and rapists we can't throw out' (*Daily Mail* 2/1/13).

'Rescue boats? I'd use gunships to stop migrants' (Katie Hopkins in the *Sun* 17/4/15, where she described refugees as 'cockroaches', the same term used by 'hate radio' in the Rwanda genocide in 1994.)

'Migrant workers flooding Britain' (*Daily Mail* 27/5/11)

'Workers are fired for being British' (*Daily Express* 14/9/11)

'EU to blame for mass migration and that's a fact' (*Daily Express* 20/5/16)