The Routledge International Handbook on Hate Crime

Edited by Nathan Hall, Abbee Corb, Paul Giannasi
and John G. D. Grieve

Foreword by Neville Lawrence, OBE

The Routledge International Handbook on Hate Crime

This edited collection brings together many of the world's leading experts, both academic and practitioner, in a single volume handbook that examines key international issues in the field of hate crime. Collectively it examines a range of pertinent areas with the ultimate aim of providing a detailed picture of the hate crime 'problem' in different parts of the world. The book is divided into four parts:

- An examination, covering theories and concepts, of issues relating to definitions of hate crime, the individual and community impacts of hate crime, the controversies of hate crime legislation and theoretical approaches to understanding offending.
- An exploration of the international geography of hate, in which each chapter examines a range of hate crime issues in different parts of the world, including the UK, wider Europe, North America, Australia and New Zealand.
- Reflections on a number of different perspectives across a range of key issues in hate crime, examining areas including particular issues affecting different victim groups, the increasingly important influence of the Internet and hate crimes in sport.
- A discussion of a range of international efforts being utilised to combat hate and hate crime.

Offering a strong international focus and comprehensive coverage of a wide range of hate crime issues, this book is an important contribution to hate crime studies and will be essential reading for academics, students and practitioners interested in this field.

Nathan Hall is a Principal Lecturer in Criminology and Policing at the Institute of Criminal Justice Studies at the University of Portsmouth.

Abbee Corb is a university professor, holds a PhD in Criminology, and bears the designation of CMAS (Certified Master Anti-Terrorism Specialist).

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Neil Chakraborti is a Reader in Criminology at the University of Leicester and an Adjunct Professor at the University of Ontario Institute of Technology. He has published widely within the field of hate crime, and his books include *Responding to Hate Crime: The Case for Connecting Policy and Research* (The Policy Press, 2014 with Jon Garland); *Islamophobia, Victimisation and the Veil* (Palgrave Macmillan, 2014 with Irene Zempi); *Hate Crime: Concepts, Policy, Future Directions* (Routledge, 2010); *Hate Crime: Impact, Causes and Responses* (Sage, 2015 and 2009 with Jon Garland); and *Rural Racism* (Routledge, 2004 with Jon Garland).

Neil is currently the Principal Investigator of research funded by the Economic and Social Research Council exploring victims' experiences of hate crime, and Co-Investigator of an EU-funded study of populist political discourse. He has also been appointed as a Commissioner on the first-ever inquiry into sex in prisons within England and Wales, established by the Howard League for Penal Reform. He sits on the editorial board of the *The British Journal of Criminology*, is Chair of Research at the Board of Trustees for the Howard League for Penal Reform, and is Director of the Leicester Centre for Hate Studies.

Abbee Corb works as a consultant with the law enforcement and intelligence services within Canada and abroad. Abbee Corb provides educational instruction to law enforcement and government agencies around the world. She is a university professor. Corb has a PhD in Criminology and bears the designation of CMAS (Certified Master Anti-Terrorism Specialist). Corb has been working in the field of hate and extremism for over 20 years. She began her career dealing with Internet-based hatred and right wing extremists. Corb worked dealing with Nazi War criminals for almost 10 years. Abbee is a court-qualified expert on hate and extremism, specifically as it applies to the online environment. She has produced three award-winning films dealing with hate crime. Corb is a published author and is periodically called upon by the Canadian media and pro-active community based organizations

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David Court is a Practice Development Officer and Probation Officer in the London Borough of Greenwich having previously specialised in working with Prolific and Priority Offenders, 2009 to 2012. Between 2001 and 2009 David was seconded to work in a targeted policing and crime reduction partnership initiative addressing initially race hate crime, then all forms of hate crime in the London Boroughs of Greenwich and Lewisham. David graduated in 1983 from London University with BA Hons in History and Physical Education, initially working for the West Midlands Probation Service in a Probation Hostel, then with adolescents in both open and secure unit conditions in east and south London. David is a Qualified Social Worker and Probation Officer (PostGraduate Diploma in Applied Social Studies, Certificate of Qualification in Social Work, South Bank University), and worked in Child Protection Teams in the London Boroughs of Haringey, Greenwich and Lewisham before rejoining the Probation Service in 1994. David is trained and specialised in supervising Sex Offenders with the Probation-Bracton Centre Partnership Challenge Project (1997 to 2001). David remains the lead officer for Hate Crime in Greenwich along with Restorative Justice.

Eila Davis' professional background is within the Probation Service. She has been interested in the characteristics of hate crime perpetrators since being awarded a Home Office scholarship (2004) to adapt the Priestley One to One programme to suit racially motivated offenders. In 2010 Eila completed a thesis 'What Works with Hate Crime?' at the Institute of Criminology, University of Cambridge, after which she developed an intervention now delivered in several Probation Trusts. The name of the intervention, 'Think Again', is not just a clarion call to perpetrators but an invitation to academics and practitioners to re-visit earlier conceptions of what works with hate crime. Eila contributes this chapter in a personal capacity as a practitioner and a manager.

Liz Dixon is the Restorative Justice Co-ordinator in London Probation. She has developed RJ for cases of acquisitive crime, violence and hate crime. She produced the Diversity and Prejudice Pack, a toolkit for working with racist and hate offending and has developed hate crime training for criminal justice staff. She has also produced a toolkit for interventions for those charged with terrorist-related offences She worked for many years as a Senior Lecturer in Criminal Justice Studies and has published a number of articles.

Marian Duggan is a Senior Lecturer in Criminology at Sheffield Hallam University. Her research interests focus on gender, sexuality and hate crime victimisation, including homophobia in Northern Ireland, gendered experiences of hate crime and male engagement in 'violence against women' prevention strategies. Marian is the author of *Queering Conflict: Examining Lesbian and Gay Experiences of Homophobia in Northern Ireland* (Ashgate, 2012) and co-editor (with M. Cowburn, P. Senior and A. Robinson) of *Values in Criminology and Community Justice* (Policy Press, 2013).

Corinne Funnell is a Senior Lecturer in criminology at the University of the West of England. Corinne has researched hate crime and also illegal drug markets and worked as a government policy and practice advisor in these fields. Her ESRC-funded PhD, undertaken at Cardiff University, explored victims' perceptions of racist hate crime and the impact of

these experiences on their lives. Corinne is particularly interested in ethnographic research methods and the potential social, emotional and physical harms to qualitative researchers generated by fieldwork.

Jon Garland is a Reader in Criminology in the Department of Sociology, University of Surrey. His research interests are in the fields of hate crime, rural racism, community and identity, the far-right, policing and victimisation. He has published five books: *Racism and Anti-racism in Football* (with Mike Rowe); *The Future of Football* (with Mike Rowe and Dominic Malcolm), and *Rural Racism*, *Hate Crime: Impact, Causes, and Consequences* and *Responding to Hate Crime: the Case for Connecting Policy and Research* (all with Neil Chakraborti). He has also had numerous journal articles and reports published on issues of racism, the far-right, hate crime, policing, cultural criminology, and identity.

Paul Giannasi is a Police Superintendent, working within the Ministry of Justice in the United Kingdom. He leads a cross-governmental hate crime programme which brings all sectors of government together to coordinate efforts in order to improve the response to hate crime from across the criminal justice system. Paul is the UK 'National Point of Contact' to the Organisation for Security and Co-operation in Europe (OSCE) on hate crime and has worked to share good practice within the OSCE region and within Africa. Paul is also a member of the Association of Chief Police Officers (ACPO) Hate Crime Group and is one of the authors of the Police Hate Crime Manual, which provides guidance to UK police officers and their partners.

Emmanuel Godin is a Principal Lecturer in European studies (politics) at the University of Portsmouth, UK. His research interests cluster around the political dynamics of the French right within its European context, including the mainstreaming of the extreme right. With Andrea Mammone and Brian Jenkins, he edited *Mapping the Extreme Right in Contemporary Europe From Local to Transnational* (2012) and *Varieties of Right-Wing Extremism in Europe* (2013) as part of Routledge's Extremism and Democracy series. He is currently working on the impact of Marine Le Pen's leadership on French mainstream parties and their responses to it.

John G. D. Grieve joined the Metropolitan Police in 1966 at Clapham and served as a police officer and detective throughout London, in every role from undercover officer to policy chair for over 37 years. His duties involved the Drugs, Flying, Robbery and Murder Squads senior investigator. He was also the borough commander at Bethnal Green and head of training at Hendon Police College and was the first Director of Intelligence for the Metropolitan Police. He led the Anti-Terrorist Squad as National Co-ordinator during the 1996–1998 bombing campaigns and created the Race and Violent Crime Task Force. In the latter role he was responsible with others for the creation and development of the Cultural Change, Critical Incident and Community Impact models for strategic crisis management. He retired in May 2002. He was appointed as one of four Commissioners of the International Independent Monitoring Commission for some aspects of the peace process in Northern Ireland in 2003 by the UK Government until 2011. He is a Senior Research Fellow at the University of Portsmouth and Professor Emeritus at London Metropolitan University and has taught in Europe, USA, Russia, China, Japan, Africa, Caribbean and Australia. He currently chairs the MoJ/HO Independent Advisory Group on Hate Crime and advises a number of policing bodies/individuals.

Nathan Hall is a Principal Lecturer in Criminology and Policing at the Institute of Criminal Justice Studies at the University of Portsmouth. He is a member of the Cross-Government Hate Crime Independent Advisory Group (IAG) and the Association of Chief Police Officers Hate Crime Working Group. Nathan has also acted as an independent member of the UK government hate crime delegation to the Organization for Security and Co-operation in Europe, and is a member of the Crown Prosecution Service (Wessex) Independent Strategic Scrutiny and Involvement Panel, Hampshire Constabulary's Strategic IAG, and the Metropolitan Police Service's Hate Crime Diamond Group.

Paul Hamilton is a course leader (BA) and lecturer in Criminology at Nottingham Trent University (NTU). Paul's main research interests are in the fields of 'crime and prejudice', offender motivation(s), desistance from crime and the role of human and social capital in facilitating behavioural change. Paul is an active member of Nottinghamshire's 'Hate Crime Steering Group', which provides an opportunity to engage with and influence key policy-makers and practitioners delivering hate crime interventions in the Nottinghamshire area. Paul has also recently been involved in research projects evaluating a number of resettlement initiatives within HMPS. Underpinning this is a commitment to improving the societal 're-entry' experiences of ex-offenders (and ultimately to reduce the incidence of reoffending). Prior to academia, Dr Hamilton spent eight years in the commercial sector, including IT consultancy and privately-funded social research.

Nick Hawkins has been a Chief Crown Prosecutor in England for 15 years and is the National Lead on sports matters. He has prosecuted a variety of hate crimes including sports-related offences. He deployed as legal adviser to the UK police team for the football World Cups in Germany in 2006 and South Africa in 2010 and has advised Brazilian authorities in the run up to the World Cup in 2014. He has also worked with the English Cricket Board/ICC on two international tournaments in England and Wales, and has links with a number of other sports. He is also a keen, but ageing, amateur sportsman.

Jody L. Herman is the Peter J. Cooper Public Policy Fellow and Manager of Transgender Research at the Williams Institute, UCLA School of Law. She holds a PhD in Public Policy and Public Administration from The George Washington University. She has published studies and co-authored reports on the topic of gender identity and transgender discrimination.

Paul Hodkinson is Reader in Sociology at the University of Surrey. He is author of *Goth. Identity, Style and Subculture* (Berg, 2002), *Media, Culture and Society* (Sage, 2010) and a range of journal articles and book chapters focused on matters connected to youth cultures, the role of online media in subcultural identities and ageing subcultural participants. He is also co-editor, with Wolfgang Deicke, of *Youth Cultures: Scenes, Subcultures and Tribes* (Routledge, 2007) and co-editor, with Andy Bennett, of *Ageing and Youth Cultures* (Berg, 2012). He is co-editor of the journal *Sociological Research Online*. His most recent research project, conducted with Jon Garland, provides the first detailed qualitative examination of experiences of targeted harassment and victimisation among participants of the goth scene.

Paul Iganski is Professor of Criminology and Criminal Justice in the Lancaster University Law School, UK. For well over a decade he has specialised in research, writing, teaching, public engagement and impact activity on 'hate crime'. He mostly conducts his research in

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Zoë James is an Associate Professor (Senior Lecturer) in Criminology at Plymouth University. Her key research interests lie in policing and diversity issues. Zoë worked for the Home Office Research and Statistics Directorate in the 1990s and subsequently completed her PhD at the University of Surrey on the policing on New Travellers. Since joining Plymouth University in 1999, Zoë has gone on to research further issues relating to policing, particularly focusing on Gypsies, Travellers and Roma. Zoë leads Teaching and Learning in Criminology at Plymouth and lectures undergraduates and postgraduates on criminology, policing and organised deviance. Zoë's current research explores Gypsies, Travellers and Roma experiences of hate crime and policing responses to them.

Daniel Köhler studied Religious Studies, Political Science and Economics at Princeton University and Free University, Berlin and completed his postgraduate studies in peace and conflict research at the University of Hamburg. He is specialized on political and religious extremism and terrorism, radicalization and deradicalization processes. He is currently the Director of Research at the Institute for the Study of Radical Movements (ISRM www.istramo.com) and the founder as well as editor-in-chief of the world's first peer-reviewed journal on deradicalization (www.journal-exit.de). He also works for EXIT-Germany, one of the leading deradicalization programmes for right-wing extremists worldwide and Hayat, a German family counselling programme working with relatives of foreign fighters.

Spiridoula Lagou is a research analyst with *H8hurts* (www.H8hurts.com) which provides commissioned evaluation research, consultancy, training and public engagement activities concerned with tackling the problem of hate crime, supporting victims and working with offenders. She contributed data analysis for the Equality and Human Rights Commission's (EHRC) (Scotland) project on the *Rehabilitation of Hate Crime Offenders* (2011), and on projects recently commissioned by the EHRC to analyse data from the British Crime Survey and the Scottish Crime and Justice Survey on equality groups' perceptions and experience of harassment and crime.

Sol Littman is a sociologist turned journalist and community activist. Some 30 years ago he wrote an article predicting that the Internet, in spite of its great promise, would become an instrument of hate and confusion owing to its obliquity, anonymity and lack of editorship. Littman spent 14 years in the employ of the Anti-Defamation League where his focus was the exposure of native racist hate groups. He subsequently spent 15 years as Canadian Director of the Simon Wiesenthal Centre during which he searched international archives for evidence against the several hundred Nazi war criminals who had taken shelter in Canada and the United States. His career as a journalist included editorship of the Canadian Jewish News, editorial and feature writing for the *Toronto Star* and the production of news documentaries for the Canadian Broadcasting Corporation on subjects ranging from the evils of confinement in Canadian prisons to comic book conferences.

Gail Mason is Professor of Criminology in the Sydney Law School, University of Sydney, Australia. Her research centres on crime, social justice and exclusion, particularly: racist and

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Hannah Mason-Bish is a lecturer in Criminology and Sociology at the University of Sussex. Her main areas of research are on hate crime policy and victimisation with a particular focus on gender and disability. She co-edited a text with Prof Alan Roulstone which provides a comprehensive and interdisciplinary examination of Disability, Hate Crime and Violence, exploring its emergence on the policy agenda. Hannah is currently working on research which looks at intersectionality and hate crime policy and a monograph looking at the emergence of hate crime policy.

Leslie J. Moran is Professor in the School of Law, Birkbeck College, University of London. In 2004 he published *Sexuality and the politics of violence and safety* (Routledge) with B. Skeggs, P. Tyrer and K. Corteen, a theory informed empirical study of safety in response to homophobic violence. He has worked with stakeholder organisations including London's Metropolitan Police as a LGBT Advisory Group member and as Chair of GALOP, a London LGBT anti-violence community organisation. He is currently International consultant working with Gail Mason on an Australian Research Council grant on hate crime. Current projects include hate crime in the news, sexual violence in prisons and sexual diversity in the judiciary.

Barbara Perry is Professor and Associate Dean of Social Science and Humanities at the University of Ontario Institute of Technology, and Visiting Fellow at Leicester University in the UK. She has written extensively in the area of hate crime, including several books on the topic, among them, *In the Name of Hate: Understanding Hate Crime*; and *Hate and Bias Crime: A Reader*. She has also published in the area of Native American victimisation and social control, including one book entitled *The Silent Victims: Native American Victims of Hate Crime*, based on interviews with Native Americans (University of Arizona Press). She has also written a related book on policing Native American communities – *Policing Race and Place: Under- and Over-enforcement in Indian Country* (Lexington Press). She was the General Editor of a five-volume set on hate crime (Praeger), and editor of *Volume 3: Victims of Hate Crime* of that set. Dr. Perry continues to work in the area of hate crime, and has begun to make contributions to the limited scholarship on hate crime in Canada. Most recently, she has contributed to a scholarly understanding of the community impacts of hate crime, anti-Muslim violence, and hate crime against LGBTQ communities.

Dave Rich is Deputy Director of Communications at the Community Security Trust (CST), which provides security advice and assistance to the UK Jewish community and represents British Jewry to police, government and media on antisemitism and Jewish security. Dave is CST's lead analyst of antisemitic hate crimes and the author of CST's annual *Antisemitic Incidents Report*. Dave is also a Research Student Associate at the Pears Institute for the Study of Antisemitism, Birkbeck College, University of London, where he is studying for his PhD.

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Paul Smith worked as a crime scene investigator (CSI) with Leicestershire Constabulary. During this time he investigated a range of major and volume crimes and trained as a crime scene manager and coordinator, advancing to an assistant senior CSI in the summer of 2004. He continued in this role and studied for a Masters in forensic archaeology which led to a PhD in embedded technologies for scene investigations. He graduated in 2008 and soon after moved into his current role as a senior lecturer with the University of Portsmouth.

Graham Spencer is a Reader in Politics, Conflict and the Media, University of Portsmouth, Distinguished Senior Research Fellow, Edward M. Kennedy Institute for Conflict Intervention, NUI, Maynooth, Ireland, Honorary Senior Research Fellow, Department of Politics, University of Liverpool and a Fellow of the Royal Society of Arts. He has published widely on the Northern Ireland peace process and is involved in a number of cross-community conflict resolution initiatives there. His two books *The British and Peace in Northern Ireland* (Cambridge University Press) and *From Armed Struggle to Political Struggle: Republican Tradition and Transformation in Northern Ireland* (Bloomsbury) are both due in 2015.

Loretta Trickett is a Senior Lecturer in the Nottingham Law School, NTU and is Module Leader for Criminal Law (BA Criminology), Criminology (LLB) and for the LLM in International Criminal Law and Human Rights and Criminal Justice. Loretta's research interests are on masculinities, crime and victimisation and she has published articles on male fear of crime, boys and bullying and men's violence within gangs.

Loretta is an Assistant Editor for the Internet Journal of Criminology and for the past two years she has been a member of the Nottingham Hate Crime Steering Group along with Dr Paul Hamilton. The Steering Group is made up of several criminal justice organisations and Nottinghamshire Community Safety Partnership who work together to develop and implement Hate Crime Policy in the Nottinghamshire Area. Loretta is currently undertaking research on police questioning and data collection on disability hate crime in Nottinghamshire.

Mark Walters is a lecturer in law at the University of Sussex where he teaches criminal law and criminology. Mark completed his DPhil in law (criminology) at the Centre for Criminology, University of Oxford in 2011. Mark has published widely in the field of hate crime, focusing in particular on the criminalisation of hate-motivated offences, the use of restorative justice in hate crime cases, and criminological theories of causation. Some of his most

recent publications include: Walters, M. A. and Hoyle, C. (2012) 'Exploring the Everyday World of Hate Victimization through Community Mediation', *International Review of Victimology*, 18(1): 7–24; Walters, M. A. (2011) 'A general *theories* of hate crime? Strain, doing difference and self control', *Critical Criminology*, 19(4): 313–330. Mark's monograph *Hate Crime and Restorative Justice, Exploring Causes and Repairing Harms* will be published by OUP in April 2014.

Michael Whine is the Government and International Affairs Director at the Community Security Trust, and a member of the Hate Crime Independent Advisors Group at the UK Ministry of Justice. Between 2010 and 2012 he acted as Lay Advisor to the Counter Terrorism Division of the Crown Prosecution Service. In 2013, he was both appointed to the Hate Crime Scrutiny and Involvement Panel of the London CPS, which assesses and evaluates hate crime prosecution cases, and the UK member of the European Commission Against Racism and Intolerance (ECRI), the monitoring agency of the Council of Europe.

Jordan Blair Woods is the Richard Taylor Law Teaching Fellow at the Williams Institute at UCLA School of Law. He is also a Gates Cambridge Scholar and PhD candidate at the Institute of Criminology at the University of Cambridge, UK. He received his M.Phil. in Criminological Research from the University of Cambridge, J.D. from UCLA School of Law, and A.B. in Social Studies from Harvard University.

Foreword

The challenge faced by my family and me when my son Stephen was so brutally murdered in 1993 has been recorded and captured by organisations, agencies and institutions around the world. This challenge is epitomised by the range of things that have happened since my son's murder. Legislation has been passed, Law Enforcement agencies have tried to improve services to Black and other minority communities, and Governments across all political persuasions have tried to help ensure that my family and I secure some justice.

I feel though that the greatest changes have taken place in education. Young students have embarked on research and taken up academic studies to understand why hate crime caused the killers of my son to murder him. They have become more sensitive to, and active in, challenging issues that previously were left solely to activists. I have travelled around the UK communicating with students and I have noticed a renewed passion for justice which was lacking from sections of the community before.

This international record of the evils of hate crime and its pervasive nature is further evidence of how educators and academic institutions are working hard to highlight how hate crime damages communities, and helps to explain the reasons why we should never relent in our fight against those who want to destroy our communities through hate.

It is a privilege and an honour to support the hard work put into writing this book and it is further evidence of how education institutions, academics, practitioners, and students are making every effort to raise the awareness of people across the world.

Neville Lawrence, OBE
13th April 2014

Introduction

Nathan Hall, Abbee Corb, Paul Giannasi and John G. D. Grieve

Welcome to *The Routledge International Handbook on Hate Crime*. For us as editors, the construction of this book has been a challenging but rewarding experience. The idea for a Handbook of this nature was conceived in the preparations for an academic seminar hosted by the UK Ministry of Justice on the 11th of May, 2011. At that time it was clear to us that a significant amount of very good work was being undertaken by academics and practitioners around the UK, but that it was largely disparate and, curiously, in many cases was not widely known about by others similarly working in the field of hate crime. In an effort to remedy this the academic seminar, hosted in London, brought together many leading hate crime scholars to share their work, their ideas and their visions for the future direction of hate crime research, policy and practice. It seemed to us that capturing this vast array of expertise in the form of a book was an appropriate and useful activity to undertake.

The original intention was to concentrate on the issues that informed that seminar – a move that would have probably seen this book entitled the 'Routledge UK Handbook on Hate Crime'. We quickly decided, however, that such a narrow focus on the UK, as valuable as that would be, was limited, not least because of the global nature of many of the issues in hand. The idea of an international approach to the issues relating to hate and hate crime was universally welcomed by everyone that we consulted, and thus this Handbook was born.

Designing and constructing a book such as this is not easy. Deciding which topics to include, which experts to approach (or chase – delete as appropriate!), the nature of the chapter contents to request, and so on, coupled with the sheer size of the volume, have meant that patience has become a virtue for all of us, and not least for Tom Sutton and Heidi Lee (especially Heidi) at our publishers, Routledge. All the patience and the effort was, we believe, worth it. We are hugely grateful to all our contributors, who have taken time to share their thoughts, and have produced chapters of great interest and worth, and we hope that this book will prove to be a valuable addition to the international literature base on hate and hate crime.

We do however believe that it is important to be aware of the limitations of the book. We make no claim to have included every issue or debate, every discussion or subject area. This is the Routledge Handbook *on* Hate Crime, *not* the Routledge Handbook *of* Hate Crime. As we explain a little later in this introduction, the expansive nature of the subject area means

that to have included every issue relating to hate crime would have proved impossible, but the scope of the chapters are such that as many issues that we could have reasonably included *are* included somewhere, even if not in a chapter that specifically names them in the title. Perhaps the most obvious example is that relating to issues of Islamophobia and anti-Muslim hate crime, which is not the subject of a standalone chapter, but is discussed in one way or another in fourteen of the thirty-five chapters. We have also aimed for as broad a scope as possible, from the so-called 'low-level' to the extreme, and as such we hope that this volume will be of value to a similarly broad range of scholarly and practitioner interests. With all this in mind, what follows is a brief overview of the chapters within this Handbook.

Part One: *Theories and Concepts*

Part One of this Handbook discusses issues relating to theories and concepts. The subject of hate crime is inextricably bound up with a range of complex theoretical and conceptual issues that have come to define scholarly, and indeed wider, debates within the field. The chapters within this section of the book therefore seek to explore many of these complexities, and in so doing, provide the broader context within which to situate the more specific issues discussed in *Parts Two*, *Three* and *Four*.

Everything that we subsequently associate with hate crime is determined, to one degree or another, by the way in which the problem is defined and conceptualised. The question '*what is hate crime?*' is therefore of central importance to our understanding of the subject area. The significance of this issue is made starkly apparent in the opening chapter by *Neil Chakraborti*, who explores the ways in which hate crime has been 'framed' through a range of existing definitions, and discusses the considerable implications, both conceptual and practical, associated with establishing, maintaining and widening the 'boundaries' of the subject area.

One of the particular issues identified in *Chapter One* concerns the use of discrete characteristics in the construction of both hate crime definitions and existing policy around the world. That is to say that there is a historical and contemporary tendency to talk about hate crime issues in relation to this identifiable characteristic, or that identifiable characteristic. This 'silo' approach to the hate crime, and the issues and limitations associated with it, is explored in depth by *Hannah Mason-Bish* in *Chapter Two*. In considering the concept of 'intersectionality', she argues the case for rethinking the rather simplistic silo approach, and examines the need for hate crime policy to circumvent traditional notions of primary identity characteristics and to understand the fluidity of identity and the multiple ways in which prejudice and violence might be experienced.

The different ways in which hate crime is experienced are the subjects of *Chapters Three* and *Four*. It has long been suggested, and indeed assumed, that hate crimes 'hurt more' than comparable, non-hate motivated, events, and have additional wider impacts that extend beyond the immediate victim or victims of an attack. These claims have been, and indeed remain, the subject of considerable scholarly debate between those who *support* and those who *oppose* viewing hate crime as a distinct, even unique, form of crime.

In *Chapter Three*, and in support of the former position, *Paul Iganski* and *Spiridoula Lagou* extend the evidence base further by examining some new data on the physical, emotional, and behavioural injuries of hate crime. In doing so, they suggest that understanding the particular impacts of hate crime can, and should, serve to inform appropriate and effective support for victims and inform the training of those working with victims.

Beyond these 'personal' impacts of hate crime on the individual victim or victims, such victimisation is generally considered distinctive because of its distal effects – that is, the

victim of hate crime is not restricted to the individual. Rather, the harm and the 'message' contained within the perpetrator's actions also extend to the victim's community. This particular aspect of victimisation is the subject of *Chapter Four*, in which *Barbara Perry* explores three layers of these wider effects, namely the impacts on targeted communities; impacts on shared values of inclusion; and, unusually, the mobilising effects of targeted violence.

These seemingly disproportionate impacts of hate crime on both the victim and wider communities have been central tenets of often-controversial attempts in many countries around the world to challenge hate crime through the use of criminal law. Although discussions around specific attempts to combat hate crime are reserved for *Part Four*, here in *Chapter Five*, *Gail Mason* considers a number of theoretical and conceptual issues in relation to legislating against hate. In particular, she examines the ways in which the concept of hate crime is translated into, and regulated by, law, and posits a tripartite model for understanding hate crime legislation across national borders and, in turn, for understanding the common elements that distinguish a hate crime from an ordinary crime under the law. As such, the chapter offers a transnational snapshot of hate crime laws and some of the key debates and dilemmas that currently surround them.

Notwithstanding the debates and dilemmas surrounding the use of criminal law in attempting to control hate, the very existence of hate crime laws points to the existence of a particular, and indeed distinct, form of offending behaviour. Writing in 1999, Ben Bowling lamented, in relation to race-hate offenders, that "*there has been almost no research on perpetrators. Whilst the most basic of descriptions have been formulated, they remain something of an effigy in the criminological literature*". Similarly, a decade later, Barbara Perry noted that "*it is curious that hate crime has not been an object of extensive theoretical inquiry*". In light of these concerns, in *Chapters Six* and *Seven*, *Nathan Hall* first presents an *overview* of sociological and criminological knowledge in relation to the perpetrators of hate crime, followed by a consideration of explanations of hate offending offered by the wider social sciences. Combined, these two chapters seek to shed some light on both what is known about the perpetrators of hate crime, and what might cause this type of offending.

Part Two: *The International Geography of Hate*

Having examined some of the key theoretical and conceptual issues underpinning the various debates within the field of hate crime, the chapters contained within *Part Two* of this Handbook both illustrate and examine a range of specific hate-related, and broader hate crime, issues from around the world.

In *Chapter Eight*, *Mike Whine* examines a range of issues relating to hate crime across Europe, and in particular considers the efforts of international bodies to recognise, measure, and address the problem in different countries across the continent. The chapter also provides a useful historical account of the emergence and evolution of political concerns relating to hate and hate crime in Europe. Moreover, as a consequence of these concerns, the chapter further discusses the broad range of commitments made by the resulting international governmental organisations (IGOs), including those which focus their efforts on (and commit their member states to) confronting the problem, including legislative reviews, collection of data, criminal justice agency training programmes, assistance to civil society organisations (CSOs) and vitally, regularly reviewing states' progress in combating the problem.

Whilst the reasons for the emergence of hate crime as a contemporary social and political concern differ by country, in England and Wales (and indeed the UK more generally) most policy and legislation has direct links to the 1999 Public Inquiry report into the racist murder

of Stephen Lawrence. As such, the UK's evolving engagement with hate crime has often been described as a 'journey'. In *Chapter Nine*, then, *Paul Giannasi* explores this 'journey' and argues that, whilst in comparative terms at least, this path is relatively advanced, much remains to be done in order to address the range of contemporary hate crime issues currently facing the UK.

Such is the diversity of the UK-related issues that Northern Ireland, and its particular association with sectarianism, commands its own chapter. In *Chapter Ten*, *Marian Duggan* analyses the factors informing and sustaining sectarian hostility, victimisation and segregation, with a view to understanding the changing nature of this deeply embedded form of prejudice. In doing so, she outlines the specific characteristics of sectarianism in Northern Ireland, from the establishment of the province and the ensuing 'Troubles' period, through to the legacy of this conflict in the form of paramilitary groups, identity symbolisers and 'peace' measures which serve to further segregate opposing communities. Her evaluation of sectarian hate crime questions how such acts are distinguished from the on-going, everyday processes of partition which promote safety and security through separation and segregation. The chapter concludes by considering the feasibility of political drives for greater cohesion and integration from parallel, but somewhat more peaceful, communities.

Chapter Eleven returns us to the broader international arena, where *Dave Rich* examines issues relating to anti-Semitic hate crime in a number of different countries. As the editors of a collection such as this, one of the inevitable dilemmas is to determine where to place each respective chapter. As an illustration of this, this particular chapter has found itself moved regularly between *Parts Two* and *Three*. Ultimately, as editors, we decided that whilst anti-Semitism is undoubtedly a key issue in hate crime (and therefore suited to a place in *Part Three*), such is Dave Rich's contribution to understanding international geographical variations in anti-Semitic hate crime that his chapter is equally at home in *Part Two*. As such, the chapter explores existing data, both official and unofficial, to form tentative snapshots of the different social and political dynamics that influence anti-Semitic hate crime in different countries, with a particular (but not exclusive) focus on the United Kingdom, France, Hungary, and Canada.

A similar editorial dilemma was presented by *Chapter Twelve*, in which *Emmanuel Godin* examines the European Far Right. Whilst similarly a key issue in hate crime (and therefore also suitable for inclusion in *Part Three*), the international flavour of the chapter persuaded us to include it in *Part Two* instead. In his chapter, Godin seeks to demonstrate that if extreme-right parties in Europe have moved from the margins to the mainstream of the political spectrum, they have not necessarily become more moderate for it. Furthermore, the chapter also identifies some of the non-party channels (think-tanks, social movements and new social media, transnational organisations) through which extreme-right values and ideas permeate the different strata of European societies, and thus influence and shape 'hateful' views amongst sections of the populace.

The next three chapters concentrate on hate-related issues in territories outside of Europe. In *Chapter Thirteen*, *Jordan Blair Woods* discusses hate crime in the United States, where he considers the evolution of various legislative efforts to address the problem. In addition, he examines the available data on hate crime, highlighting that existing empirical studies on hate crime in the United States focus primarily on hate crime victimisation, resulting in limited information about hate crime offending, policing and prosecution. A similar approach is taken in *Chapter Fourteen* where *Abbee Corb* considers issues relating to hate crime in Canada. Here she discusses the domestic hate crime problem, and in particular examines the challenges faced by Canadian law enforcement and the wider legal communities when dealing with hate crimes.

Finally for *Part Two*, *Chapter Fifteen* presents a discussion of hate crime issues in Australia and New Zealand, where *Nicole Asquith* examines the variety of legislative, policy and practice responses to 'hate speech' and prejudice-related violence in existence across the ten jurisdictions of those two countries. The chapter also outlines the institutional and cultural contexts in which these responses have emerged as a criminal justice issue, before proceeding to a critical discussion of antipodean hate crime governance.

Part Three: *Key Issues in Hate Crime*

Part Three of this Handbook has presented us with our biggest editorial challenges. As one of us (Hall, 2013) has noted elsewhere, somewhat ironically, the process of identifying which 'key issues' to include here is somewhat reflective of one of the often-cited criticisms of hate crime itself, noted in *Chapter One*, namely that selective decisions necessarily have to be made about which issues to include and which to omit. In many respects we find ourselves in a 'no-win' situation at the outset of this section – by selecting some issues over others we suspect that we will inevitably cause consternation amongst some readers for whom we will have left out issues close to their heart. But (and not withstanding the practical issues of constructing a book such as this) the inevitably expansive nature of this subject area means that including all of the seemingly infinite number of issues that might possibly and reasonably be considered 'key' becomes an impossible task. So with this in mind, the chapters within this section are the product of our selective decision-making (open to disagreement, obviously), but are chosen to reflect what we believe to be some, but not all, of the most prominent contemporary concerns at the time of writing. That said, however, even where a particular issue is not the subject of its own chapter, such is the breadth of discussion within the chapters of this Handbook that it is likely addressed in a number of different places within the pages of this book.

With this in mind, *Part Three* begins with two chapters that address issues relating to disability hate crime. In *Chapter Sixteen*, *Chih Hoong Sin* identifies a number of consistent features of hate crime against disabled people reported in the available international literature. The chapter explores, specifically, certain features of hate crime against disabled people that appear to be distinct from other types of hate crime, or at least where it exhibits important nuances. While discussing such distinctiveness, the chapter nonetheless asserts the importance of the need to understand hate crime through the lens of multiple identities (note the link with the discussion in *Chapter Two*) without reifying disability as the sole or primary identity that explains or helps us understand the incidence and experiences of hate crime against disabled people.

Whilst the previous chapter concentrates largely upon issues of victimisation, *Chapter Seventeen* draws attention to the perpetrators of disability hate crime. Here, *Paul Hamilton* and *Loretta Trickett* argue that whilst it would be wrong to suggest that nothing is known about the motivations of those committing such insidious expressions of hostility, harassment and violence, what is patently missing is a cohesive, nuanced body of research with offenders themselves. As such, their chapter examines what is known about these offenders, whilst simultaneously suggesting ways forward to better understand the perpetrators of disability hate crime.

Chapter Eighteen, by *Jon Garland* and *Paul Hodkinson*, provides a critical outline of some of the core arguments relating to an emerging area of policy, practice and academic study within the UK – the targeted victimisation of those within alternative subcultures. Despite falling outside of national hate crime policy for protected characteristics, it is suggested here that various aspects of this victimisation are comparable with that which recognised hate

crime victim groups suffer, including the frequency and nature of 'low–' and 'high–level' incidents, and their potential psychological impact upon the victim and those in their community. The chapter also discusses some of the difficulties and dilemmas involved with including alternative subcultures under the hate crime 'umbrella'.

Having then considered a hitherto largely unrecognised form of hate crime, *Chapter Nineteen*, by *Zoë James*, addresses issues relating to Gypsies, Travellers and Roma, who, it is often argued, experience more bias–motivated crime and discrimination in Europe than any other minority communities. In examining this issue, her chapter explores how and why hate crimes have manifested against Gypsies, Travellers and Roma in Europe in the twenty–first century. In order to do this, she considers the context within which hate crime has arisen, and in doing so addresses some of the histories of Gypsies, Travellers and Roma in Europe. The chapter then examines the extent of contemporary hate crimes against Gypsies, Travellers and Roma, and identifies the range of hate crime experiences inflicted upon them. Importantly, the chapter also considers how hate incidents have been conflated with the experiences of discrimination and prejudice that Gypsies, Travellers and Roma experience as hate crime. The chapter also examines how the existence, or notion, of 'Europe' as a political and legal entity, has attempted to resolve this problem.

Arguably more traditional notions of racism are explored by *Loretta Trickett* in *Chapter Twenty*. In this chapter, though, she notes that contemporary debates about hate crime have had surprisingly little to say about gender, particularly when considering perpetrators. To address this shortcoming, the chapter provides an exploration of data from interviews with a group of white males who regularly targeted Asian shopkeepers for physical and verbal abuse, and the data demonstrates how the respondent's motivations for attacks were often informed by their reflections upon their own masculine identities. The chapter concludes that a greater focus on perceived threats to masculine identities could produce a more nuanced appreciation about why and how certain hate crimes manifest themselves.

Issues of gender extend into *Chapter Twenty-one*, where *Leslie Moran* examines key issues relating to Lesbian, Gay, Bisexual and Transgender (LGBT) hate crime, and argues that violence associated with sexual orientation and gender discrimination is at the heart of LGBT hate crime. The focus of the chapter is the challenges that LGBT experiences and perceptions of these forms of violence raise for the hate crime agenda, campaigning and activism, law and institutional reform, and the realisation of safety and security. In drawing attention to the potential for change, and some of the associated problems, the chapter aims to raise awareness, promote critical engagement, and thereby promote the more effective realisation of the ultimate goal of respect and recognition for all citizens.

In *Chapter Twenty-two*, the topic of crimes motivated by bias against a victim's actual or perceived gender identity or expression is explored by *Jordan Blair Woods* and *Jody L. Herman*. They argue that hate crime is part of a wider pattern of discrimination and marginalisation that many transgender and gender non–conforming people experience in vital spheres of daily life. More specifically, the chapter discusses some definitional issues involving this category of hate crime, summarises existing statistics and empirical research on hate crime motivated by anti–transgender bias, and discusses arguments for and against hate crime laws that include gender identity or expression.

Having examined a range of issues largely specific to certain group characteristics, *Part Three* of this Handbook then moves on to examine a number of increasingly important issues associated with hate, hate crime and the Internet. *Sol Littman* sets the scene in *Chapter Twenty-three* with a short but thoughtful and personal reflective piece that considers the emergence of the Internet and its role as a medium for both good and evil.

Chapter Twenty-four examines and synthesises existing research relating to online hatred. In a wide-ranging piece, *Sarah Rohlfing* discusses the Internet as a tool for hate groups to spread and incite hatred, and considers the challenges the Internet delivers for those whose responsibility it is to combat online hatred, including the problems associated with legislative responses. She also considers some of the current research limitations, including the challenges that the complexity of online hatred delivers, the 'end-product-approach' taken by many researchers, and the lack of knowledge regarding the impact of online hatred on its victims. Finally, some concluding thoughts about the future of research into online hatred and related policy making are discussed.

In a related piece, *Abbee Corb* discusses issues relating to the Internet as an unrestrained setting for extremist activity in *Chapter Twenty-five*. Here she argues that hate-motivated offences perpetrated by extremist groups and their "lone wolf" soldiers have increased over the past decade. This rise in worldwide hate crimes, coupled with the changes in social and political environments, and the flourishing of various global groups, have been propagated and advanced through the use of technology by means of the Internet. As she discusses, these changes have lead to an increase in contentious websites, questionable material and, to say the least, dubious uses of available technology that reach out to impressionable people using popularised social networking venues in a venture to indoctrinate them with their fundamental, and at times fervidly racist and odious messages.

Finally for *Part Three*, in *Chapter Twenty-six*, *Nick Hawkins* bridges a key contemporary issue that has links to social media and implications for responses to the hate crime problem, namely hate crimes in sport. In this chapter, he argues that sport by its very nature produces an environment which can be a force for good and which actively promotes equality and diversity amongst participants, officials and spectators. However, and conversely, the nature of sport also sets people against each other and this can (and has) cause(d) an environment in which incidents of hate crime can occur. This chapter therefore examines all aspects of hate crime in sport, in the UK and worldwide, and considers ways of tackling hate crime by looking at the role of sports authorities and police and prosecutors. Throughout the chapter, examples are given covering a range of sports from around the world.

Part Four: *Combating Hate and Hate Crime*

Part Four of this Handbook is devoted to specific efforts to combat hate and hate crime, and begins with three chapters that examine different aspects of the policing of hate crime. In *Chapter Twenty-seven*, *Paul Giannasi* outlines some of the significant operational challenges that the police face in their efforts to prevent hate crime, bring offenders to justice, and build positive relationships with the affected communities. In particular, he uses examples from the UK to demonstrate these challenges with specific reference to the under-reporting of hate crime, the relationship between hostility and public disorder, the challenges of policing hate crime on the Internet, and hate crime targeting disabled victims.

Chapter Twenty-eight, by *John Grieve*, specifically discusses the role of intelligence-led policing in dealing with hate crime. Here, an argument is developed that suggests that what is needed in general are 'community friendly' police intelligence systems, but that there are tensions, practical and logical, between this aspiration and the proximate social and cultural, professional and political context, and distal wider and international environment in which any intelligence developments are taking place. This chapter expressly addresses the application of intelligence, with all the current context of concerns that have arisen, to the policing of hate crime.

Continuing the policing theme, *Paul Smith* provides an overview of forensic science with reflections on its use in hate crime cases, in *Chapter Twenty-nine*. The discussion assumes little or no knowledge of forensic science by the reader and its purpose is to provide an overview of the key aspects in the application of science to hate crime. The context within which forensic science operates is discussed, and the contemporary issues and constraints affecting its use in practice are presented along with the fundamentals of forensic science. To facilitate this the 1999 London nail bombings are used as a case study as they exemplify the use of forensic science processes in a large complex investigation, which utilised a multi-disciplinary and multi-agency response along with the proactive use of intelligence resources, used to inform the strategic deployment of forensic science to the investigation.

We start to move away from policing per se in *Chapter Thirty*, in which *Corinne Funnell* presents findings from an ethnographic study that aimed to explore victims' perceptions and experiences of racist hate crime. The research took place at an agency located in England that was run by victims of racist incidents for such victims and which provided a casework-based service. The experience of victimisation is analysed here with reference to a principal aspect of the caseworkers' role, which was to "empower" clients. The focus is victims' perceptions of acts of provocation by the perpetrator and 'under-protection' by the police service and the potential for "retaliation" by the victim. Running through the analysis is a consideration of the operation in practice of the victim-centred Stephen Lawrence definition of hate crime in terms of how those who perceived that they were victims maintained or lost victims status vis-à-vis recording agencies such as the police service, but also how victims could be constituted as perpetrators.

From working with victims, the following two chapters discuss differing aspects of working with offenders. In *Chapter Thirty-one*, *Liz Dixon* and *David Court* rightly note that the publication of the Stephen Lawrence Public Inquiry report heralded revolutionary changes in the prosecution of race hate crime in the UK as police services and other criminal and community justice agencies began to address the phenomenon of racist crime. They argue that the focus on this form of criminal activity has had the effect of extending the criminal gaze to other strands of hate crime, and to the appreciation that there are moving targets when thinking about potential victims. Their chapter therefore seeks to reflect on this ongoing work with convicted perpetrators of hate crime, drawing on practitioner experience in London specifically. In doing so, they reflect on the emerging landscape to establish the extent to which the lessons learned with race hate perpetrators can apply to other forms of hate.

In *Chapter Thirty-two*, *Eila Davis* builds upon the previous chapter's discussion by examining the theories and processes behind the development of an intervention programme for hate offenders. In doing so, she reflects upon her experience of adapting an existing rehabilitative programme for *generalist* offenders into one specifically suited to *hate* offenders. In considering the delivery of such a programme, she argues that an intervention that is rounded, problem solving in content, and motivational in style, is likely to be more effective than one that attends directly to discriminatory attitudes and their origins.

Much has been written in this Handbook about the causes and consequences of hate crime, and about the use of legislation (and therefore increased punishments) to try to tackle the problem. But as *Mark Walters* notes in *Chapter Thirty-three*, whilst there are sound reasons why legislatures should pursue such an approach to tackling hate-motivated offences, critics have noted that penalty enhancements do little to actively repair the emotional, social and cultural damage caused by hate-motivated incidents. In this chapter, then, he examines whether restorative justice can help to repair the harms caused by hate crime. He begins by briefly summarising several commonly used restorative practices that have been empirically

examined in the context of hate crime offending. He then explores the key process variables within restorative practice that have been identified as aiding the recovery of hate victims, before examining the potential limitations of restorative justice, including the secondary harms that "community" participants may expose hate victims to. It is here that he outlines the measures that restorative practitioners must undertake in order to guard against the risks posed to victims of hate crime by restorative justice.

The theme of reparation between parties continues into *Chapter Thirty-four*, where *Graham Spencer* reflects upon the ways in which sectarianism, with particular reference to Northern Ireland, might be challenged. In considering what might be done to address this incredibly complex issue, he argues that boundaries, walls and fears indicate the more fixed aspects of identity and the desire to preserve and protect what one is, and essential for this are rigid depictions of the 'other' who has little to offer 'us'. He suggests that though it would be ridiculous to claim that the sectarian mind inhabits all in conflict societies, it is nevertheless apparent that a sectarian minority can create fears and tensions which can hold that society back and in turn incite further violence and hatred. In this instance, it is movement or process that the sectarian fears most, at one level viewing this as contributing to the dissolution of identity and at the other presenting the 'other' as a distorted construct, who is revealed as such through engagement and dialogue. He therefore argues that a new future-oriented context which moves beyond 'us' and 'them' and which facilitates expectations of compromise, precisely because identity is conceived in terms of a wider social context rather than a communal one, has the ability to dissolve the sectarian tendency.

In our final contribution, *Daniel Köhler* examines issues of deradicalisation in *Chapter Thirty-five*. Here he argues that deradicalisation as a field of research and as a practical counter-terrorism and anti-extremism tool is still in its infancy, but is one of the most promising future areas for academics and policy makers in that regard. Nevertheless, he suggests, a strong need for more comprehensive and substantial research in individual deradicalisation processes, as well as comparative interdisciplinary works, is among the factors impeding the development of deradicalisation programmes. In addition, he argues that policy makers still need to recognise the strategic value of deradicalisation tools for domestic security and to combat other forms of asymmetric threats. What nevertheless is clear from the existing research and practical experience, he notes, is that Deradicalisation and Disengagement Programmes are a valuable contribution to a comprehensive democratic culture, to the security and safety of every citizen, and an essential tool to combat terrorist and extremist threats.

Concluding comments

As we hope will have become clear by now, this Handbook examines a range of hate and hate crime related issues. The subjects discussed cover a host of contemporary problems, but with a strong emphasis on how these might be addressed, and it is within this spirit that we chose the cover of this book. It might seem a little odd to be discussing the choice of a book's cover within its introduction, but the story here is, we think, worth a moment or two of the reader's time.

There comes a point in the process of writing a book where an email will arrive from the publisher, usually with the subject of 'Cover Concepts', or something similar. For some, this is neither here nor there, and the process of choosing from the half-dozen or so mocked-up covers sent by the publisher ranges from being a minor inconvenience to quite good fun. For others it can become something of a headache as one wrestles with the 'meaning' behind the images to be permanently and forever on the front of their work. For this

project, vast as it is in its scope and the range of issues covered, we couldn't decide on an appropriate cover. Some implied more North American issues, others British or European. Some suggested extremism, others one form of hate or another. Nothing seemed to capture the totality of the issues.

It was at this point that we decided upon something a little more abstract (itself a significant advancement in the process). It was here that images of lightning started to appear in the email inbox, and so another dilemma began: *which one looked the prettiest?* On this wholly superficial basis Nathan, Abbee and Paul had agreed to disagree, and so it was left to John (despite his protests, considered by the rest of us to be by far the most cerebral of our editorial team) to provide the answer. And he did. Sort of. Whilst the three of us were thinking about the visual attractiveness of the cover, John sent us an email, some of the content of which we shall share with you here:

> Have just read article on how little we know about the science behind lightning (although we know a lot about the science of storms) . . . The lightning is dramatic but I think it is about the totality of the storm . . . Reinforces my view that the 'lightning in the distance' are the better ones for the cover. So there could be a symbolism about what we know and what we still need to find out.

So this insightful input narrowed us down to a choice of two, at which point we asked Heidi Lee at Routledge to referee and make the final choice, which she duly did. The important point here though relates to John's comments about the 'totality of the storm', and what we know and what we still need to find out, and the road symbolises our (in the widest sense) collective journey in this regard. It is our hope then that this Handbook contributes to our understanding of the totality of this particular 'storm', but also that, in areas where it can't, it will nevertheless help to identify the things that we still need to find out. And in the event that it does neither, we hope that you still like the cover.

NH, AC, PG & JG, 2014

Reference

Hall, N. (2013). *Hate Crime* (2nd edition), Abingdon: Routledge.

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Theories and concepts

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1

Framing the boundaries
of hate crime

Neil Chakraborti[1]

Hate crime has become an increasingly familiar term in recent years as the harms associated with acts of bigotry and prejudice continue to pose complex challenges for societies across the world. It is rightly seen as a human rights issue that has wider social and political ramifications beyond simply identifying criminal justice 'solutions' and the culpability of individual offenders. However, whilst hate crimes are now afforded greater recognition throughout all levels of society – from law-makers, law-enforcers, academics, students, activists and from 'ordinary' members of the public – some significant challenges remain. These continue to create uncertainty within the domains of hate crime scholarship and policy, particularly when it comes to making sense of the concept in a way that allows us to maximise its 'real-life' value to victims of hate crime.

On the one hand, questioning the value of our hate crime scholarship and policy-making may feel counter-intuitive to many of us who continue to praise the underlying principles of the hate crime movement and to marvel at its strengths: both as an umbrella construct to connect various forms of bigotry and as a bureaucratic term that lends itself to policy- and not just theory-building. Hate crime is a politically and socially significant term that cuts across disciplines, across communities and across borders. It is a concept which has inspired legal and social change designed to protect people from being persecuted simply because of who they are, or who they are perceived to be. It is an area of policy that has been prioritised regionally, nationally and internationally and which has been central to the governance of community cohesion.

At the same time, most of us would agree that there remains much about hate crime which we do not know, and this has implications for the 'real-life' value of our theorising and policy-making. This has a great deal to do with how we frame the parameters of hate crime. A vivid illustration of this can be seen in the official hate crime figures that are presented by different countries in an attempt to understand the scale of the problem within the Organization for Security and Co-Operation in Europe (OSCE) region. Figures collated by the Office for Democratic Institutions and Human Rights show considerable variations between OSCE member states: for instance, the number of hate crimes recorded by police in England, Wales and Northern Ireland in 2011 – 44,519 – contrasts quite dramatically with the corresponding numbers for countries such as Germany (4,040), Poland (444), Spain (115)

and Italy (68) (ODIHR, 2012: 23–25). In reality, these figures are not an accurate measure through which to gauge international comparisons of hate crime: they are more a reflection of the way in which hate crimes are defined, publicised, recorded, reported and statistically collated by different countries, than of any genuine disparity in levels of hate crime.[2] Moreover, whilst this set of police-recorded figures from England and Wales paints a much more realistic picture than that offered by most other states, it does not begin to paint anything like a full picture. Recent sweeps of the Crime Survey for England and Wales – which accounts for experiences of victimisation not necessarily reported to the police – indicate that approximately 278,000 hate crimes are committed each year (Home Office, 2013), a total which is far higher than corresponding 'official' figures. Moreover, I would argue that the 'real' figure of hate crimes taking place is likely to be higher still but remains elusively unquantifiable, as many cases of hate crime are simply not recognised as hate crimes by criminal justice agencies, non-governmental organisations or by victims themselves.

   This point is important because it shows that our understanding of hate crime is contingent upon the way in which we choose to frame the boundaries of hate crime. Within the discussion that follows, I call for a re-think in how we frame these boundaries, and I challenge the way in which narrow constructions of identity and community have led us to overlook a range of significant issues. As long as such issues remain peripheral to the 'hate debate' we risk marginalising the experiences of many victims, and thereby reducing the 'real-life' impact of hate crime theorising and policy-formation. Before outlining those issues, let us first consider the key features that have shaped our common understanding of hate crime.

Conventional boundaries

Hate crime is a social construct which has multiple meanings to different actors and which is subject to a myriad of interpretations. There is therefore no single universal framework that defines the way in which we conceive of the problem, although some notable efforts have been made by policy-makers and scholars to develop a common understanding that can generate workable responses to hate crime. One such attempt has come from The Office for Democratic Institutions and Human Rights (ODIHR), whose guidance for OSCE member states describes hate crimes as 'criminal acts committed with a bias motive' (2009: 16). For ODIHR, this bias does not have to manifest itself as hate for the offence to be thought of as a hate crime, nor does hate have to be the primary motive. Rather, it refers to acts where the victim is targeted deliberately because of a particular 'protected characteristic . . . shared by a group, such as "race", language, religion, ethnicity, nationality, or any other similar common factor' (2009: 16). Importantly, ODIHR's guidance does not seek to specify which protected characteristics should form the basis of a member state's hate crime policy, aside from making reference to aspects of identity that are 'fundamental to a person's sense of self' and to the relevance of 'current social problems as well as potential historical oppression and discrimination' (2009: 38).

   This broad, pan-national framework for understanding hate crime was developed in recognition of the significance of hate crime across Europe and the pressing need for states, statutory and non-governmental organisations to acknowledge and respond to the problem. However – and as illustrated by the divergence in hate crime figures collated by different countries referred to above – there is little evidence of a shared understanding of the concept across nations. As such, inconsistencies abound when it comes to defining what a hate crime is, who the potential victims are and what type of legislative response is most appropriate

(for further discussion, see Garland and Chakraborti, 2012). To some extent, this is an inevitable and understandable result of the way in which different countries' histories have shaped their prioritisation of different forms of hate crime. In countries such as Germany, Austria and Italy, for example, the connection of hate crime to right-wing extremism and anti-Semitism is clearly a legacy of tragic events from the twentieth century, while an emphasis on challenging racism in the UK is perhaps attributable to the mass migrations from the Caribbean and south Asia to the UK from the late 1940s onwards. Although a universal consensus on the implementation and prioritisation of hate crime policy may be unfeasible, the significance of ODIHR's guidance in the context of the discussion that follows lies in its broad interpretation of hate and the targets of hate.

A similarly broad interpretation is evident too within the hate crime policy framework of the UK. A key source of guidance comes from the Association of Chief Police Officers (ACPO), whose operational definition is enshrined within their guidelines for police forces in England, Wales and Northern Ireland (ACPO, 2000; 2005; 2014). As with ODIHR's hate crime guidance ACPO's policy framework makes specific reference to prejudice as well as hate, and it requires police forces to record not just hate *crimes* but all hate *incidents*, even if they lack the requisite elements to be classified as a notifiable offence later in the criminal justice process. In this context ACPO takes its lead from the landmark Macpherson Inquiry, whose attempts to address the deep-rooted institutional racism identified as being embedded within police culture by that Inquiry resulted in the adoption of a more flexible interpretation of a racist incident.[3] Accordingly, the hate crime guidance issued by ACPO stipulates that any hate incident, whether a *prima facie* 'crime' or not, should be recorded if it meets the threshold originally laid down by the Macpherson definition of a racist incident – namely, if it is perceived by the victim or any other person present as being motivated by prejudice or hate.

As for the protected characteristics that give rise to a hate crime, ACPO's guidance refers to five strands of monitored prejudice or hatred: race, religion, sexual orientation, gender identity and disability. This has facilitated a level of consistency in the way in which hate crimes are recorded and monitored by police forces, and successive governments have now passed a series of laws offering protection against expressions of hate crime falling under each of these strands. However, this does not preclude other forms of prejudice or hatred from being treated as hate crimes by local areas, as acknowledged within a recent government action plan (HM Government, 2012), and illustrated in April 2013 when Greater Manchester Police became the first police force within the UK to record attacks against members of alternative subcultures as hate crime.

In an academic sense Barbara Perry's (2001) conceptual framework is arguably the most influential. Whilst it is not the only one to have influenced the development of hate crime scholarship (see for example, Lawrence, 1999; Jacobs, 2002), it has left an indelible imprint upon contemporary hate crime discourse throughout the world (see, *inter alia*, Hall, 2005; Iganski, 2008; Chakraborti, 2010; Garland, 2012). It also offers much-needed theoretical substance to the more operationally-oriented frameworks described above. For Perry, hate crimes are acts of violence and intimidation directed towards marginalised communities, and are therefore synonymous with the power dynamics present within modern societies that reinforce the 'othering' of those who are seen as different. Indeed, the process of 'doing difference' is a central theme of Perry's framework which sees hate as rooted in the ideological structures of societal oppression that govern normative conceptions of identity. Within such a process, hate crime emerges as a response to the threats posed by 'others' when they attempt to step out of their 'proper' subordinate position within the structural order. It is, in other

words, a mechanism through which violence is used to sustain both the hegemonic identity of the perpetrator and to reinforce the boundaries between dominant and subordinate groups, reminding the victim that they are 'different' and that they 'don't belong'.

Perry's framework has been of considerable value, not least because it helps us to think about hate crime within the broader psychological and socio-political contexts that condition hostile reactions to the 'other', and to recognise that hate crimes are part of a process of repeated or systematic victimisation shaped by context, structure and agency (Kelly, 1987; Bowling, 1993). But notwithstanding the significant advances made as a result of this framework – and through the operational guidance described above – I would argue that there is scope to develop our thinking even further to maximise the 'real-life' value of our theorising and policy-making. There remains much about hate crime that remains un- or under-explored, and this is a result of the way in which conventional constructions have been used to shape the parameters of what is categorised as hate crime without giving due regard to whether this satisfactorily accounts for the experiences and motivations that are connected to various manifestations of hate. As a result, certain realities of hate crime vic-timisation and perpetration have remained peripheral to the 'hate debate'. In the section that follows I outline a series of significant, yet 'peripheral' issues that could, and should, be considered alongside the more familiar aspects of hate crime discourse.

The case for extending boundaries

It is often said that hate crime policy creates and reinforces hierarchies of identity: some victims are deemed worthy of inclusion within hate crime frameworks whereas others invar-iably miss out. This is a now-familiar criticism of conventional hate crime policy (see, *inter alia*, Mason-Bish, 2010; Jacobs and Potter, 1998) but one that has not been adequately resolved. To some extent, this is an unavoidable outcome of having policy that makes a qualitative distinction between 'hate'-fuelled victimisation and 'ordinary' victimisation, where the needs and experiences of certain groups are prioritised over those of others. However, even if we accept that as a necessary, if uncomfortable, reality of hate crime policy, the process of deciding upon this 'hierarchy' is perhaps less palatable. As Mason–Bish (2010: 62) notes:

> . . . hate crime policy has been formed through the work of lobbying and advisory groups who have had quite narrow remits, often focusing exclusively on one area of victimisation. This has contributed to a hierarchy within hate crime policy itself, whereby some identity groups seem to receive preferential treatment in criminal justice responses to hate crime.

Activists and campaigners have undoubtedly played a key role in pushing hate crime to the forefront of political and social agendas. Whether through generating debate about the nature of prejudice and intolerance of 'difference' or through evidencing the problem of targeted violence in its various guises, activists and campaigners can generate the momentum neces-sary to influence law making and policy enforcement (Lancaster, 2014; Perry, 2014). This is a process which has been crucial to the maturation of hate crime as an issue of international significance, yet there is a downside to this process too: namely, that the parameters of what we cover under the hate crime 'umbrella' can be contingent upon the capacity or willingness of campaign groups to lobby for recognition under this umbrella. Whether because of greater resources, a more powerful voice, public support for their cause or a more established history

of stigma and discrimination, campaigners working to support certain strands of hate crime victim will invariably be able to lobby policy-makers harder than other potential claim-makers. It is that capacity to 'shout louder' that can sometimes influence who receives protection from hate crime laws and who does not, meaning that some victims of hate crime may not receive the recognition they expect or deserve.

Moreover, some groups may be denied altogether the privilege of having any campaign or advocacy groups lobbying on their behalf. This is especially true for certain 'others' who can find themselves marginal to or excluded from hate crime policy and scholarship despite being targeted because of characteristics fundamental to perceptions of who they are or their sense of self. Wachholz (2009), for instance, questions the failure to recognise the acts of violence and intimidation directed towards the homeless within the US as hate crime, whilst in the UK similar points could be made in relation to the targeted victimisation suffered by elderly and isolated victims (Meikle, 2011); by those with mental health issues or drug and alcohol dependency (Doward, 2010); by sex workers (Campbell, 2014); or by foreign nationals, refugees, asylum seekers, migrant workers and overseas students (Athwal et al., 2010; Fekete and Webber, 2010). These groups have much in common with the more established victim groups within hate crime discourse, in that they too are often singled out as targets of hate, hostility or prejudice specifically because of their 'difference'. However, lacking either the support of lobby groups or political representation, and typically seen as 'undesirables', *criminogenic* or less worthy than other more 'legitimate' or historically oppressed victim groups, they are commonly excluded from conventional frameworks.

Understanding the interplay between 'difference', vulnerability and hate crime is important if the concept is to have 'real-life' value beyond its existing confines. Of course, being 'different' does not automatically mean that someone will be singled out for harassment or abuse. Nor is it the case that *all* crimes against people who are 'different' will invariably be hate crimes: as we know, legal frameworks tend to require evidence of bias motivation against the victim, whether this takes the form of hostility, prejudice, bigotry or hate, in conjunction with the crime itself (ODIHR, 2009). However, we know both from contemporary research, and from simply opening our eyes to the world around us, that there are some 'others' in especially vulnerable situations who are at heightened risk of being victimised because of who they are – and this victimisation is likely to 'hurt' every bit as much as that suffered by the more established hate crime victim groups, and in some senses much more so (Chakraborti and Garland, 2012). And yet, by continuing to 'marginalise the marginalised' within our studies of hate crime we have little understanding of the victimisation directed towards less visible targets who lack the power of class or language, the privilege of advocacy groups and support networks, or the bargaining clout of political, economic or social mobility to draw from.

Currently these experiences of victimisation tend to fall between the cracks of existing scholarship and policy frameworks. So too does another dynamic pivotal to our understanding of hate crime: the intersectionality of identity characteristics that can be targeted by perpetrators of hate crime. Conceiving of hate crimes simply as offences directed towards individual strands of a person's identity fails to give adequate recognition to the interplay of identities with one another and with other personal, social and situational characteristics. Broadening our lines of enquiry beyond conventional singular constructions of identity has two key advantages. First, it acknowledges the intersections between a range of identity characteristics – including sexual orientation, ethnicity, disability, age, class, mental health, or body shape and appearance (to name but some) – thereby exposing what Moran and Sharpe (2004: 400) describe as 'the differences, the heterogeneity, within what are assumed to be homogeneous identity categories and groups'. In reality, these are not homogeneous

categories and groups consisting of people with uniform characteristics and perceptions (see also Garland, 2012). Just as none of us should be defined exclusively by any one single identity characteristic (by being an ethnic minority, by having a disability, by being gay, for instance) nor should hate crime scholars and policy-makers automatically assume that perpetrators target their victims exclusively because of a single identity characteristic.

Second, recognising that hate crime can be the outcome of prejudice based upon multiple distinct yet connected lines is important not just for recognising the reality behind both the experience of victimisation and the commission of the offence, but for recognising the interplay between hate crime victimisation and socio-economic status. Many especially harrowing cases of hate crime take place in areas on the economic margins – in areas that many of us can conveniently avoid, ignore or write off – and yet the relevance of class and economic marginalisation to the commission of hate crime has rarely been a central line of enquiry to scholars and policy-makers. To use one well-known UK-based example, the years of disablist harassment directed towards Fiona Pilkington and her family – which tragically led to her taking her own life and that of her daughter Francecca[4] – has since been referred to as a watershed for the prioritisation of disablist victimisation. However, whilst the case serves as a powerful reminder of the nature and impact of prejudice directed towards disabled people, the relevance of related factors such as the family's social isolation and their economically deprived locality should not be discounted. Hate crimes can often be triggered and exacerbated by socio-economic conditions, and some potential targets of hate crime will invariably be better placed than others to avoid persecution by virtue of living at a greater distance from prejudiced neighbours or in less overtly hostile environments (Walters and Hoyle, 2012). Again, the probing of these factors should feature more prominently within contemporary hate crime studies.

A related shortcoming of our conventional approaches to understanding hate crime has been a failure to recognise the 'ordinariness' of much hate crime: ordinary not in relation to its impact upon the victim but in the sense of how the offence is conceived of by the perpetrator, and sometimes by the victim too, as discussed shortly. A consistent theme running through much of the hate crime literature is the association of hate with the prevailing power dynamics that reinforce the dominant position of the powerful and the marginal position of the 'other'; the idea that hate crimes prop up the perceived superiority of the perpetrators whilst simultaneously keeping victims in their 'proper' subordinate place. But while this stance accounts for many expressions of hate crime, it obscures those more spontaneous actions which occur in the context of a highly individualised 'trigger' situation rather than being a result of entrenched prejudice (Iganski, 2008; McGhee, 2007). While hate crimes are undeniably linked to the underlying structural and cultural processes that leave minorities susceptible to systemic violence, conceiving of these offences exclusively as a mechanism of subordination overplays what for some perpetrators will be an act arising from more banal motivations, be it boredom, jealousy or unfamiliarity with 'difference'.

This is another uncomfortable, and often-overlooked reality of hate crime. Political, public and scholarly responses can still be governed by a tendency to conflate hate crimes with the ideology of organised hate groups, supremacists or far-right extremists. And yet the evidence would suggest that many hate crimes tend to be committed by relatively 'ordinary' people in the context of their 'ordinary' day-to-day lives (Iganski, 2008; Mason, 2005; Ray et al., 2004). These offences are not always inspired by a sense of entrenched prejudice or hate on the part of the perpetrator but may instead arise as a departure from standard norms of behaviour; or through an inability to control language or behaviour in moments of stress, anger or inebriation; or from a sense of weakness or inadequacy that can stem from a range of subconscious emotional and psychological processes (Dixon and Gadd, 2006; Gadd, 2009).

Equally, our reliance on the labels 'victim' and 'offender' assumes dichotomous roles in hate crime offences, but research has shown that this reinforces a de-contextualised picture of some cases, particularly neighbourhood conflicts, where both parties can share culpability for the anti-social acts which form the basis for the broader conflict and hate offence (Walters and Hoyle, 2012).

This has a number of practical implications for the way in which we frame the boundaries of hate crime. First, it tells us that hate crimes are not committed exclusively by obvious 'haters'; by those whom one might immediately associate with 'hate'-fuelled beliefs. Instead, we must look beyond the realms of convention and recognise the 'everyday' acts of prejudice that blight victims' lives. The narrower our framework, the lower the chances of capturing these experiences. Second, it reminds us of the capacity for members of minority groups to be perpetrators as well as victims of hate crime. The kinds of biases, prejudices and stereotypes that form the basis of hate crimes are not the exclusive domain of any particular group, and yet the foundations of much hate crime policy and scholarship have been built on the assumption that these are exclusively 'majority versus minority' crimes. However well-intentioned, such an assumption fails to account for the acts of hate, prejudice and bigotry committed by minorities against fellow minorities, or indeed against those who might be described as majority group members. Again, this is too significant an issue to remain peripheral to the domains of scholarship and policy.

And finally – but perhaps even more significantly – the 'ordinariness' of hate crime has important implications for what victims themselves see as hate crime. For many victims of hate crime, harassment, bullying and violence form an entrenched, routine part of their day-to-day lives to the extent that this victimisation becomes a normalised feature of being 'different', and not something that they would recognise or report as 'hate crime'. Indeed, as noted earlier, there will invariably be high numbers of victims who are unfamiliar with the term 'hate crime' and who may be reluctant to share (or incapable of sharing) their experiences with a third party. Unless we recognise the many and varied forms that hate crime can take, more experiences of hate crime victimisation will continue to go unnoticed and unchallenged.

Using research to examine hidden truths

The preceding discussion identifies a series of issues which would be better placed at the forefront, rather than the periphery, of our thinking if we – as scholars, as activists, as policy-informers and as citizens – are to develop effective responses to the problems posed by hate crime. As noted earlier, interpretations of hate crime vary considerably and some of these issues may be beyond the scope of policy, law enforcement and scholarship in certain countries. Moreover, calls to think more broadly about a notion already as conceptually ambiguous and diffuse as hate crime are unlikely to be welcomed by all. Nonetheless, I would contend that thinking more broadly is an essential part of the process in understanding what hate crimes are, whom they affect and in what ways they create damage. Perhaps even more importantly, this line of thinking is key to maximising the real-life value of scholarship and policy to those countless numbers of victims whose experiences of hate crime go unnoticed.

By way of illustration, let me refer briefly to The Leicester Hate Crime Project,[5] a two-year study of hate crime victimisation funded by the Economic and Social Research Council.[6] This study has adopted a deliberately broad interpretation of hate crime – acts of hate, prejudice or bigotry directed towards the victim because of their identity or perceived 'difference' – in order to learn more about the profile of people affected, the nature of their

experiences of victimisation and their expectations of agency responses. Although the research is ongoing as I write, a number of notable themes have started to emerge. First, as a research team we have already heard numerous accounts detailing harrowing experiences of prejudice – including physical attacks, harassment, criminal damage and online bullying – from victims who have often found themselves on the margins of conventional hate crime frameworks. This includes people targeted because of their body shape, their 'unusual' appearance or manner of dress, their mental health issues, or because of their perceived deviancy or 'bottom-of-the-ladder' status as asylum seekers, refugees, Gypsies or Travellers, to name just some examples. These are groups of people who each have very different sets of identity characteristics and yet who share a form of 'difference' that gives rise to repeated acts of targeted violence and intimidation.

Second, many of the victims whom we have engaged with so far are people who have little or no familiarity with the concept of hate crime, despite having suffered what most scholars and practitioners would automatically class as hate crime on repeated occasions. For these victims, experiences of hate crime are normalised as an everyday, unwanted but routine part of being 'different' rather than being seen as an act of victimisation that should be reported. Moreover, such victims will often find themselves based outside the perimeters of the 'knowledge' society: in environments where awareness of hate crime policy and associated publicity campaigns and reporting structures is invariably lower; where people are likely to feel less comfortable about sharing their experiences through official channels; and where the sense of bitterness, alienation and resentment that often triggers the scapegoating of 'others' is likely to be all the more pervasive as a result of prevailing economic conditions (see also Chakraborti and Garland, 2012; Gadd, 2009).

Third, the research has revealed that it is not just someone's identity *per se* (their ethnicity, their sexuality, their disability and so on) that makes them vulnerable to hate crimes, but rather the way that identity intersects with other aspects of self and with other situational factors and context. In this sense, the likelihood of being targeted is increased by the presence of factors that are distinct from an individual's 'main' or visible identity characteristic. Certainly, within the context of our ongoing research, the process of victim selection appears to have been influenced by factors such as the victim's manner of dress, their command of English, their isolation, their routine activities, their lack of physical presence or the type of area they live in – in association with what one might class as their main identity characteristic. Equally, some victims have found it difficult to limit the reasons for their selection by the perpetrator to one specific identity feature, and instead have referred to the relevance of multiple identity characteristics: being Asian *and* gay, elderly *and* disabled, or a veiled Muslim woman, for instance.

Finally, judging from the cases we have come across so far in our research it would seem that the notion of hate crimes being 'majority versus minority' crimes is much too simplistic. For instance, within our study some victims of racist and religiously motivated hate crimes described the perpetrators as being fellow ethnic minorities from different ethnic or faith backgrounds, while some victims of homophobic and transphobic hate encountered prejudice from within minority ethnic and faith communities and from within the lesbian, gay, bisexual and transgender (LGBT) community itself. Clearly, both victims and perpetrators of hate crime can belong to minority communities, and sometimes – if we are to group people under the broad homogenous banners of minority ethnic, LGBT, and so on – even to what might be described as the same minority community. Everyone has the capacity to express hate towards others, irrespective of their own background or identity.

Conclusion

The themes outlined in the preceding section offer support for the central message of this chapter: namely, that thinking more broadly about hate crime enables us to acknowledge important truths that would otherwise remain peripheral, at best, to the way in which we theorise, develop and enforce policy, support victims and punish offenders. As we have seen, international and domestic policy guidance gives us scope to think broadly about which prejudices, which groups of victims and which types of experiences we might choose to classify as hate crime. The faultlines associated with responses to hate crime, therefore, lie not so much with official policy and legislative frameworks but with the way in which we collectively – as scholars, practitioners, campaigners and citizens – limit the parameters of what we categorise as hate crime without accounting for the experiences and motivations that are connected to various expressions of hate.

As we all know, hate crime is an elastic concept that has multiple meanings for multiple audiences. Whilst this can be a source of frustration, it is also an inevitable consequence of using an umbrella term to cover a diverse and complex range of emotions and behaviours, whose meanings are contingent upon contextual factors relevant to individual cases and open to the interpretation of law enforcers. The search for a universally accepted, all-encompassing definition of hate crime may therefore be futile, but the search for greater conceptual and operational clarity is not. Rather, the onus is on us to extend the boundaries of our own cognitive frameworks in order to capture the realities of hate crime victimisation and perpetration. In so doing we can promote a common language of hate crime discourse – a language which is open to differences in interpretation across time, place and space, and one which can shape more effective responses to any expressions of prejudice that reinforce the persecution of 'others'.

Notes

1 This chapter has been adapted from the following article: Chakraborti, N. (2015) 'Re-Thinking Hate Crime: Fresh Challenges for Theory and Practice', *Journal of Interpersonal Violence*, 30 (1).
2 In England and Wales, a hate crime is recorded if the victim or any other person feel a criminal offence is 'motivated by prejudice or hate' (ACPO, 2005: 9). This 'victim-oriented' approach results in higher numbers of hate crimes being recorded than in most other states. The post-Macpherson priority given by the police, Ministry of Justice and other bodies in England and Wales to tackling hate crimes has also been a significant factor in encouraging more victims to report them.
3 Recommendation 12 of the Macpherson report defines a racist incident as 'any incident which is perceived to be racist by the victim or any other person' (Macpherson, 1999: para. 45.17).
4 Fiona, a 38-year-old mother of Francecca, an 18-year-old girl with learning difficulties, was driven to kill herself and her daughter in October 2007 by setting light to her car, with them both inside, near their home in Leicestershire, England, following years of disablist abuse from local youths directed at her family.
5 The Leicester Hate Crime Project is a two-year study which is due to be completed in October 2014. Further information about the research and its findings can be found at ww2.le.ac.uk/ departments/criminology/research/current-projects/hate-crime.
6 The Economic and Social Research Council (ESRC) is the UK's largest organisation for funding research on economic and social issues. It supports independent, high quality research which has an impact on business, the public sector and the third sector. More information can be found at www.esrc.ac.uk.

Bibliography

Association of Chief Police Officers (ACPO) (2005) *Hate Crime: Delivering A Quality Service – Good Practice and Tactical Guidance*. London: Home Office Police Standards Unit.
Association of Chief Police Officers (ACPO) (2000) *Guide to Identifying and Combating Hate Crime*. London: Home Office Police Standards Unit.

Athwal, H., Bourne, J. and Wood, R. (2010) *Racial Violence: The Buried Issue*. London: The Institute of Race Relations.

Bowling, B. (1993) 'Racial Harassment and the Process of Victimisation'. *British Journal of Criminology* 33 (2): 231–250.

Campbell, R. (2014) 'Linking Sex Work and Hate Crime in Merseyside', in N. Chakraborti and J. Garland (eds) *Responding to Hate Crime: The Case for Connecting Policy and Research*. Bristol: The Policy Press.

Chakraborti, N. (2010) 'Crimes against the 'Other': Conceptual, Operational and Empirical Challenges for Hate Studies'. *Journal of Hate Studies* 8 (1): 9–28.

Chakraborti, N. and Garland, J. (2012) 'Reconceptualising Hate Crime Victimization through the Lens of Vulnerability and "Difference"'. *Theoretical Criminology* 16 (4): 499–514.

Dixon, B. and Gadd, D. (2006) 'Getting the Message? 'New' Labour and the Criminalisation of "Hate"'. *Criminology and Criminal Justice* 6 (3): 309–328.

Doward, J. (2010) 'Vulnerable Tenants Targeted by Drug Gang "Cuckoos"'. *The Observer*, 3 October, p. 16.

Fekete, L. and Webber, F. (2010) 'Foreign Nationals, Enemy Penology and the Criminal Justice System'. *Race and Class* 51 (4): 1–25.

Gadd, D. (2009) 'Aggravating Racism and Elusive Motivation'. *British Journal of Criminology* 49 (6): 755–771.

Garland, J. (2012) 'Dilemmas in Defining Hate Crime Victimisation'. *International Review of Victimology* 18 (1): 25–37.

Garland, J. (2010) ''It's a Mosher just been Banged for No Reason": Assessing the Victimisation of Goths and the Boundaries of Hate Crime'. *International Review of Victimology* 17 (2): 159–177.

Garland, J. and Chakraborti, N. (2012) 'Divided by a Common Concept? Assessing the Implications of Different Conceptualizations of Hate Crime in the European Union'. *European Journal of Criminology*, 9 (1): 38–51.

Hall, N. (2005) *Hate Crime*. Cullompton: Willan.

Home Office (2013) with Ministry of Justice and Office for National Statistics, *An Overview of Hate Crime in England and Wales*, London: Home Office.

HM Government (2012) *Challenge It, Report It, Stop It: The Government's Plan to Tackle Hate Crime*. London: HM Government.

Iganski, P. (2008) '*Hate Crime' and the City*. Bristol: The Policy Press.

Iganski, P. (2001) 'Hate Crimes Hurt More'. *American Behavioral Scientist* 45: 697–713.

Jacobs, J. (2002) 'Hate Crime: Criminal Law and Identity Politics'. *Theoretical Criminology* 6 (4): 481–484.

Jacobs, J. and Potter, K. (1998) *Hate Crimes: Criminal Law and Identity Politics*. Oxford: Oxford University Press.

Kelly, L. (1987) 'The Continuum of Sexual Violence', in J. Hanmer and M. Maynard (eds) *Women, Violence and Social Control*. London: Macmillan, 46–60.

Lancaster, S. (2014) 'Reshaping Hate Crime Policy and Practice: Lessons from a Grassroots Campaign', in N. Chakraborti and J. Garland (eds) *Responding to Hate Crime: The Case for Connecting Policy and Research*. Bristol: The Policy Press.

Lawrence, F. (1999) *Punishing Hate: Bias Crimes under American Law*. Cambridge, MA: Harvard University Press.

Macpherson, Sir W. (1999) *The Stephen Lawrence Inquiry: Report of an Inquiry by Sir William Macpherson of Cluny*, CM 4262-1, London: Home Office.

Mason, G. (2005) 'Hate Crime and the Image of the Stranger'. *British Journal of Criminology*, 45 (6): 837–859.

Mason-Bish, H. (2010) 'Future Challenges for Hate Crime Policy: Lessons from the Past', in N. Chakraborti (ed.) *Hate Crime: Concepts, Policy, Future Directions*. Cullompton: Willan, 58–77.

McGhee, D. (2007) 'The Challenge of Working with Racially Motivated Offenders: An Exercise in Ambivalence?' *Probation Journal* 54 (3): 213–226.

Meikle, J. (2011) ''Night Stalker'' Jailed for Life'. *The Guardian*, 25 March.

Moran, L. and Sharpe, A. (2004) 'Violence, Identity and Policing: The Case of Violence against Transgender People'. *Criminal Justice* 4 (4): 395–417.

ODIHR (Office for Democratic Institutions and Human Rights) (2012) *Hate Crimes in the OSCE Region: Incidents and Responses. Annual Report for 2011*. Warsaw: OSCE Office for Democratic Institutions and Human Rights.

ODIHR (Office for Democratic Institutions and Human Rights) (2009) *Hate Crime Laws: A Practical Guide*. Warsaw: OSCE Office for Democratic Institutions and Human Rights.

Perry, B. (2001) *In the Name of Hate: Understanding Hate Crimes*. London: Routledge.

Perry, J. (2014) 'Evidencing the Case for ''Hate Crime''', in N. Chakraborti and J. Garland (eds) *Responding to Hate Crime: The Case for Connecting Policy and Research*. Bristol: The Policy Press.

Ray, L., Smith, D. and Wastell, L. (2004) 'Shame, Rage and Racist Violence'. *British Journal of Criminology* 44 (3), 350–368.

Wachholz, S. (2009) 'Pathways through Hate: Exploring the Victimisation of the Homeless', in B. Perry (ed.) *Hate Crimes Volume Three: The Victims of Hate Crime*. Westport, CT: Praeger, 199–222.

Walters, M.A. (2011) 'A General *Theories* of Hate Crime? Strain, Doing Difference and Self Control'. *Critical Criminology* 19 (4): 313–330.

Walters, M.A. and Hoyle, C. (2012) 'Exploring the Everyday World of Hate Victimisation through Community Mediation'. *International Review of Victimology* 18 (1): 7–24.

2

Beyond the Silo

Rethinking hate crime and intersectionality

Hannah Mason-Bish

During my doctoral research on the emergence of hate crime legislation I interviewed a number of campaign group activists who were working on improving the criminal justice response to hate crime victimisation. Many of these worked on one specific hate crime "strand" and were members of monitoring groups looking at racist, religious, homophobic, disablist or gendered crimes. However, one respondent worked independently and had been victimised herself in a violent attack in the street. She observed "I am disabled, gay and a woman. If I am targeted am I supposed to say which aspect was the most hurtful and damaging?" She was frustrated at a criminal justice response which would only allow her to tick one aspect of her identity as the potential cause of the attack and also at campaigners who were wedded to one aspect of identity in their lobbying efforts. This was not an uncommon opinion, with many also highlighting the competition between different charities and lobbying groups over resources, police attention and media coverage. What was clear was that hate crime policy had emerged through an identity politics which tended to oversimplify victim groups and did not necessarily take into account the diverse experiences of victims and the nuances of the harms that they might suffer.

The development of hate crime legislation has been characterised by this "silo" approach to identity, where groups are added to policy as time goes on. The Crime and Disorder Act 1998 set out specific offences for some racially aggravated crimes and that was expanded in 2001 to include crimes with a religious aggravation. In 2003 the Criminal Justice Act detailed sentence enhancements for crimes which were motivated by prejudice towards disability and sexual orientation. Transphobic hate crimes were added in 2012 under the Legal Aid, Sentencing and Punishment of Offenders Act. In June 2013 the Law Commission published its consultation looking into the further extension of hate crime provisions, suggesting that the group-based approach would continue for the foreseeable future. While this strategy does allow for the monitoring of criminal justice performance under each strand, this chapter suggests that the continuing focus on the group dimension of victimisation could be problematic. Scholars have noted that it creates a "competition to be counted" whereby some victim groups are included and others are left out (Morgan, 2002). The impact of excluding some categories of identity means that they are not only overlooked by policy, but they are also ignored as aspects of identity in other victim groups. Seeing that the original aim of hate

crime legislation was to send a positive message to communities, then this exclusion or misrepresentation of identity groups warrants attention.

The aim of this chapter is to challenge the victim group approach to policy and to consider what can be gained from an intersectional understanding of hate crime. This will be achieved by first outlining the problems of policy which is wedded to identity politics, touching upon assumptions made about what it is to experience hate crime. The chapter then moves to examine the importance of considering intersectionality by looking at an emergent body of research that assesses the impact of multiple systems of oppression on the hate crime victim experience. Fundamentally it will be suggested that hate crime policy needs to circumvent traditional notions of primary identity characteristics and to understand the fluidity of identity and the multiple ways in which prejudice and violence might be experienced. In research this means studying the lived experience of the victim and to tease out the unique harms and risks that people might face in order to gain a more comprehensive understanding. For policy, this would require increased awareness about the risks faced by people who inhabit more "complex" identities, greater community engagement and the ability to record data to take account of this.

Hate crime policy

Internationally, policy definitions of hate crime differ broadly but most statutes are accompanied by a list of victims or identity groups who can seek redress and potentially a harsher punishment for their perpetrator. Typically, the groups included tend to be categories with a long history of oppression and in particular, a challenging relationship with the police and criminal justice system. What also appears to be the case is that once hate crimes are enshrined in law, campaign groups mobilise in an attempt to expand the list of victims and to gain recognition for the harms that they suffer (Jenness and Grattet, 2001). In the UK, the hate crime policy domain emerged after the racist murder of Stephen Lawrence in 1993 and the subsequent Macpherson Inquiry, which identified key failings in the Metropolitan Police Service. Calls for a specific offence of racial violence were made and garnered the support of New Labour, who made a manifesto commitment to do so once in power. The calls for enhanced punishment chimed with their political objective to appear "tough on crime". In 1998 the Crime and Disorder Act did just that, with the aim of sending a positive message but also providing a practical impetus for change within the justice system (Iganski, 1999). Already there was discord amongst some politicians and campaigners who queried the message sent to excluded groups. Lord Mackay of Drumadoon for example, wondered what message would be sent about other motivations and was concerned that they would be downgraded (Hansard (HL), 16 Dec. 1997). The exclusion of religion was a particular concern and MPs made specific reference to Islamophobia. The legislation was expanded to include religion in 2001, following revenge attacks against Muslims in the wake of the US terrorist attacks on the Twin Towers. Although Muslim organisations had been documenting Islamophobic attacks for a number of years, the 9/11 attacks also garnered media coverage about their victimisation and enabled a more concerted campaign to extend hate crime provisions (Law Commission, 2013a: 10). Importantly, campaigners wanted their victimisation correctly recognised as being linked to religious, rather than racial identity.

Hate crime provisions in Britain were further extended in 2003 to include sexual orientation and disability. Although not a specific offence, the Criminal Justice Act allowed for judicial discretion in adding a sentence enhancement. This too followed a high profile hate crime in which neo-Nazi David Copeland targeted the black, Bangladeshi, and gay

communities, which demonstrated a broad spectrum of hate crime and similarities in the impact on victims. The debates in the House of Lords surrounding the amendment show that politicians drew upon victimisation surveys to show the scale of the problem of homophobic and disablist hate crimes when discussing these categories (Hansard (HL), 5 Nov. 2003). Transgender identity was added to this list in 2012, again with policymakers having viewed convincing evidence that these communities faced increasing violence that needed to be deterred. However, the work of lobbyists does not finish at the enshrinement of statute and research has shown that once included in hate crime law, victim groups have continued to work hard to ensure that provisions are implemented. For example, the Crown Prosecution Service did not produce a policy on prosecuting disability hate crime until 2007, which only came about after a series of murders of disabled people added impetus to the claims being made by the disability movement (Mason–Bish, 2012b). The involvement of myriad activists, monitoring organisations and advisory groups has been central to maintaining pressure on the criminal justice system to work on hate crime policy.

Identity politics and intersectionality

The character of hate crime legislation in Britain has been defined by an identity politics approach to which recognition is the main aim. According to Nancy Fraser, such objectives tend to be merely affirmative in recognising a simplistic aspect of identity and do little to really transform underlying structures (Fraser, 2003). Hate crime legislation shares this characteristic with other "recognition struggles" which have been critiqued for their tendency to create competition between victim groups. As Barbara Hobson notes:

> Recognition politics are dynamic: social actors seize political opportunities, reclaim and refashion public discourse and reconfigure the politics surrounding recognition and redistribution. But claims and claims-makers exist in political cultures. Socio-political context can be seen as a field of constraints and opportunities both in terms of a) who and what gets recognised; and b) where and how cultural identities are embedded.
>
> *(Hobson, 2003: 8)*

This demonstrates the way that activists have to grab opportunities as they arise in order to have an impact. This comes with a compromise in that some groups will not achieve the same level of recognition. Hate crime policy in Britain demonstrates this quite clearly because only five types of identity characteristic have been enshrined in law. Jon Garland's work on the exclusion of subcultural identity is a case in point. In 2007 Sophie Lancaster was brutally murdered for her appearance as a Goth and despite the judge labelling it as a "hate crime" there was no legal mechanism to prosecute it as such (Garland, 2010: 41; see also this volume). However, the case shared many characteristics associated with traditional forms of hate crime such as a history of marginalisation and being attacked because of perceived difference.

Chakraborti and Garland also draw attention to "undesirable" groups including the homeless, those with drug and alcohol dependency and refugees for not being included because they lack lobby group support and political experience (Chakraborti and Garland, 2012: 504). Therefore, hate crime is both a moral and legal construct that requires groups to engender "emotional thinking that encourage[s] others to see them as the undeserving victims of prejudice" (Mason, 2007: 249). Academic Jo Morgan takes this point further, arguing that hate crime laws are particularly damaging because:

> Competition to be "counted" and the political clout required to be counted has not only frozen out disorganised groups and individuals that experience hate crime, it has also led to in-fighting between social movements in the US.
>
> *(Morgan, 2002: 32)*

Morgan's work looks particularly at attacks on people who work in abortion clinics, sex workers and paedophiles and shows the similarities in their experiences when compared with more established hate crime groups. She observes that excluding groups because they lack political impetus is distinctly damaging in that it further fails to recognise their victimisation and renders them powerless. Furthermore, it creates a competition between groups who are seeking to show that their particular experience is worse and therefore needs recognition in law. This message is something that policymakers have clearly been acutely aware of. When the provisions for racially aggravated offences were being discussed in 1998, concerns were raised about the signal sent to other groups. Now in 2013, the Law Commission are considering amending hate crime provisions and their impact assessment warns against the "potential for harm to the reputation of the CJS as other groups . . . do not get the same protection" (Law Commission, 2013b: 3). For hate crime policy, you are either in or out.

An important by-product of the identity strand approach to hate crime policy has been to oversimplify the victim experience and to fail to acknowledge the lived reality for victims. This simplification of identity is described by Moran and Sharpe as the "either/or logic" (Moran and Sharpe, 2004: 410). Essentially, hate crime legislation has functioned by adding categories as seemingly separate entities – race or sexual orientation, disability or religion – and has not encouraged an understanding of identities that intersect. This sends the potentially harmful message that one aspect is irrelevant. Moran and Sharpe illustrate that it is impossible to find policy that makes reference to the transgender experience of racial violence, thus rendering it insignificant, difficult or invisible. Writing about the experiences of lesbian, gay, bisexual and transgender (LGBT) people, Doug Meyer found that approaches which only consider one aspect of oppression tend to provide "homogenized and distorted views of marginalized groups, advancing the interests of more privileged individuals" (Meyer, 2012: 850). Such criticisms have certainly been levelled at organisations such as Stonewall for failing to adequately campaign on behalf of black and minority ethnic (BME) people and for the large disability charities which have been criticised for speaking for and not with disabled people. Similarly, as is often a characteristic of identity politics, deeper structural and economic issues affecting victims of hate crime are often subsumed under the broader and simpler title of an identity characteristic (Fraser, 2003: 133). How might a wealthy gay man experience hate crime differently to a gay man living in poverty? Obviously such nuances are not just for policy to consider, but also relate to the importance of hate crime scholarship, which will be examined shortly.

The nuances of victimisation are also lost when totalising assumptions are made about group characteristics. For example, the Crown Prosecution Service (CPS) disability hate crime policy was criticised for failing to account for the diverse ways that disabled people experience hate crime. The CPS had to revise its policy to reflect the fact that disabled people might face very particular forms of hatred which had not necessarily been considered before – such as being attacked by pseudo-friends (Mason-Bish, 2012b). Of further importance has been the assumption that disabled people are inherently vulnerable and "easy targets" of hate crime, rather than victims of intentional hatred. Roulstone et al. observe that there has been a long history of labelling disabled people in this way and assuming that their identity is rooted in