

editorial

hate crimes

Hazel Croall and David Wall set the theme in context.

Hate crimes are as old as civilization itself, yet only in recent years have they come to be placed so carefully under the political lens, notably in the aftermath of the Stephen Lawrence murder. Hate crimes are, as ACPO recognise in their *Guide to Identifying and Combating Hate Crime* (ACPO, 2000), particularly pernicious crimes where victims are harmed because of their membership of a hated group.

The perpetrators of hate crimes have in common a hatred of the 'other' whose 'difference' becomes their target. At their most extreme, hate crimes involve genocide, ethnic cleansing and serial killing. In their lesser yet nevertheless insidious forms they can include assaults, rape and/or the many 'lower level' incidents of name-calling, harassment or vandalism which threaten and degrade the quality of life of victims.

Traditionally, hate crime has tended to be associated with racism, but the many valuable contributions to this special issue of *Criminal Justice Matters* illustrate with a chilling clarity how hate crimes take on many diverse forms and are based on different forms of hatred. The articles included broaden our understanding of the problem to include the targeting of, and crimes against, those who are 'different', such as ethnic groups, the gay community, vulnerable women, different religious groups and those, such as travellers, who live lifestyles perceived to be different. Furthermore the collection also shows how hate crimes are also targeted against 'outsiders' whether they be asylum seekers or citizens of neighbouring countries with whom there have been long cultural traditions of hostility.

Clearly, many jurisdictions now have in place specific legislation designed to protect vulnerable groups from hate crimes and employ specialised police and prosecution units to

enforce those laws. Looking at how the particular types of hate crime are tackled by criminal justice agencies and assessing the scope and effectiveness of these laws is the subject of many of the contributions.

Research such as that carried out by Kielinger and Stanko questions the nature of the 'hate' involved in incidents defined as hate crimes, many of which involve minor violence, name-calling and harassment. While hate crime is quintessentially defined as a 'stranger' crime, many of these incidents must be seen in the context of the local neighbourhoods and communities in which they take place - often victims and offenders are not stran-

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gers. Smith and Ray also direct our attention to the dangers of equating all so-called racist crime with 'hate crime' as its racist element may be part of a much more complex set of motives. The racist element in football hooliganism also leads Garland and Rowe to query whether football hooliganism is a form of hate crime, concluding that it too is a diverse phenomenon with only a small number of incidents fitting into a hate crime paradigm. Hate crime is also often associated with deprived urban neighbourhoods, yet as Jones shows, it can also take place elsewhere, such as in seaside towns.

Ellison and others draw our attention to the complex roots of hate crime, arguing that the emphasis placed upon the connection between 'hate' and 'crime' can often result in the simplification of a range of complex issues and may end up being counter-productive. Particularly the tendency to perceive offenders as 'strangers' which often results in the pathologisation of hate crime as the work of a small number of

disturbed individuals. This reductionism leads press coverage to problematise groups 'with difference' - a point that Baird suggests, which also emerged in the CJM edition on crime and the media. Interestingly, the same process also points the finger at the folk devil of the internet, as Sutton illustrates, as a forum for the enablement, organisation and transmission of hate speech.

Importantly, focusing on the link between hate and crime diverts attention away from the wider cultural and structural sources of hate crimes. Sectarian violence, as Kelly, Cramphorn and Ellison indicate, has deep historical roots and is related to the divided nature of communities. Racial violence takes place in the context of a racist culture and the legacy of colonialism and as Moran strongly argues, homophobic crimes in a homophobic culture are not deviant. These deep cultural roots also direct attention to the need to explore the location of hate crimes and to seek to understand them in the context of wider structural

as McManus, and Thomas and Denton, describe. Some areas, particularly those involving those of different faiths as Spalek demonstrates, are less well recognised in both the law and by victim support.

How effective is legislation in relation to hate crime? Should more be introduced to encompass sectarian, religious and other forms of violence? Several contributors raise important questions about the effectiveness of the law. Some argue for the extension of Scottish and Northern Irish laws to encompass religion and sectarianism, although the use of law in relation to hate crimes is far from straightforward. Donnelly argues that institutional discrimination still exists within the UK which allows hate crimes to persist.

While laws and opinion against hate crime can be welcomed, they raise, as McLaughlin suggests, important issues in relation to rights and freedoms where they give the police powers to intervene into speech and thought, an issue also explored by Coussey. In her contribution, Valier suggests that punishment itself can be a form of hate crime, particularly when societal hatred is directed towards perpetrators.

As many victims do not report the crimes committed against them, police interventions may only scratch the surface. As Clarke and Moody point out, seemingly trivial incidents may receive only small sentences which inadequately reflect the experience of persistent violence. Despite decades of anti-discrimination legislation and anti-racist initiatives Britain contains pockets of deeply rooted racism and, as the contribution from the Newham Monitoring Project reminds us, racial attacks show no sign of waning. Law alone therefore may be unable to tackle the structural and cultural roots of hatred for the 'other' which underpin hate crimes. Nonetheless as Matassa and Newburn point out, lessons can be learnt which may inform work for the future.

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