

Racist Violence As Hate Crime

Research by Larry Ray and David Smith showed many incidents involving racial hostility were complex and interrelated with other social factors.

This article draws on research on the perpetrators of racist violence conducted by the authors from 1998-20001. In the course of the research the publication of the Macpherson Report on the murder of Stephen Lawrence and the subsequent police investigation (Macpherson, 1999) brought the concept of hate crime as a way of understanding racist violence into prominence in the media and in political debate. There is no doubt that Stephen Lawrence's murder bears the hallmarks of a classic hate crime, in which the victim is selected because of his or her perceived membership of a particular social category, defined for example by ethnicity, gender, nationality, social class, or sexuality, and is unacquainted with his or her attackers. But, judging from our research, such attacks are exceptions rather than the norm among acts of racist violence; while we cannot generalise confidently from Greater Manchester to all parts of Britain, we believe that the same pattern would emerge from research in towns and cities in the north and midlands of England with similar demographic and economic characteristics. Given this, the value of seeing racist violence in terms of hate crime can be questioned, and the implications of doing so become problematic.

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'Hate crime' is a relatively recent formulation, but one with powerful rhetorical force. It can be seen as an outgrowth of American anti-discrimination legislation of the 1970s: originally applied mainly to racism, it has been extended in the legislation of some US states to cover gender and sexual orientation. In principle, hate crime legislation could encompass almost all imaginable social groups, justified by the claim that victimisation because of what one is, or is perceived to be, carries with it greater hurt than victimisation because of who one is, and that in the interests of public support for the values of harmony, equality and diversity such crimes should be punished more harshly than similar crimes not motivated by hostility and hatred towards a particular social group (Lawrence, 1999). It is essential to this version of 'hate crime' legislation that victims are interchangeable so long as they have the hated characteristic, and that there is no other motive, such as might arise from a pre-existing relationship, that could explain the crime. 'Hate crime' so conceived is essentially and necessarily stranger violence, and tends to presuppose a highly motivated offender acting with some degree of

premeditation. The provisions in Section 28 of the 1998 *Crime and Disorder Act* for suspects to be prosecuted for 'racially aggravated' crimes which ought to attract more severe sentences because of their racist motivation, is the clearest instance of this conception of hate crime in the criminal law of England and Wales.

The 1998 Act was implemented after the start of our research, so it was only in the latter half of it that we found subjects for interview who had been convicted of racially aggravated offences. From the interviews, it became clear that the degree of racist motivation acknowledged by offenders bore little relationship to the likelihood of their having been convicted for a racially aggravated crime. Two interviewees who had been convicted of such an offence were among the most consistent and convincing in arguing that motives other than racist hostility lay behind the offence: they claimed that it could only be understood as an outcome of a long-running dispute between neighbours. Others, where the evidence of racist motivation seemed clear, both from the facts of the offence (as far as we could ascertain them) and the attitudes of the offenders, had been convicted of offences without any racial aggravation. This is an obvious example of what we

take to be the inherently contestable nature of many acts of racist violence: racism is often one motive among others. The meaning of such offences is problematic, the object of competing definitions and representations of 'what really happened', in which the police, the prosecution, the probation service, magistrates and judges and offenders themselves are all involved. This complexity is what one would expect, given that in almost all cases victims and offenders already knew each other. Typically, the relationship was a commercial one: the victims were South Asians who ran shops, taxis, or restaurants; the perpetrators were their customers. Offenders deployed a familiar set of techniques of neutralisation to explain their offences (Sykes and Matza, 1957): the status of victims was denied through claims of over-charging, or that assaults were actually acts of self-defence; the reality of injuries was minimised; the condemners were condemned (the police were allegedly racist themselves, but had exaggerated the racist element of offences to aggravate their seriousness). If these incidents were properly understood, we were told, it would be clear that the supposed offenders were in fact the true victims. This is not to deny that there



was a racist element in virtually all of the 64 cases on which we had information; but it is to claim that racist hostility often interacted with an underlying sense of resentment, a readiness to use violence to solve problems, and the historical dynamics of a relationship between the parties that helped to shape the immediate situation of violence.

The conception of 'hate crime' that sees it as stranger violence against interchangeable victims can distort understanding of racist violence at neighbourhood level as well as in respect of individual acts of violence. Oldham became notorious after our research was completed, following the riots of early 2001; but it was clear during our research that the pattern of racist violence, as recorded by the police, was different in Oldham from any other police division in Greater Manchester. The number of racist incidents was disproportionately high in Oldham from the mid-1990s, but its real peculiarity was the high proportion of such incidents in which the victims were white and the suspects Asian. For example, in 1999-2000, 44% of the 494 Oldham victims were white, accounting for 37% of all white victims in Greater Manchester in that year (Greater Manchester Police, 2000). This pattern, acknowledged to be unique in Greater Manchester and possibly in the entire country, was taken for granted but not explained in Oldham's 1999 *Crime and Disorder Audit* (Oldham Metropolitan Borough, 1999). It had also been a recurring theme in the local press over several years; typically, the police divisional commander was cited as the source of the view that Oldham had a special problem of Asian-on-white violence. *The Oldham Evening Chronicle* of 17 March 1998, for example, had a headline: 'Fears growing over plague of racist attacks by Asian gangs'. The story quoted Chief Superintendent Eric Hewitt as saying: "Anyone seems to be a target if they are white and they are vulnerable" – a classic 'hate crime' account. An accompanying commentary noted that 'the police find it impossible to give a reason for the upsurge of Asian violence'.

We could find no demographic or economic reasons for Oldham's apparent uniqueness, and concluded that its figures on racist violence are at least in part a product of the authoritative

definition of the problem that has prevailed locally since the mid-1990s, and has tended to be uncritically reproduced in the local press. It is a definition that encourages whites to define violence as racially motivated and to report it, and sends the opposite message to Asians. And, because it employs a concept of 'hate crime' that abstracts racist violence from its context in local institutional practices (such as those of the police) and in patterns of exclusion, marginalisation and segregation, it can provide no explanation of the phenomenon in terms other than those of individual and group pathology. The classic version of 'hate crime' makes racist violence a unified, well-defined problem, rather than seeing its racist element as part of a complex set of motives developing over time within cultures of violence, resentment and hostility. We do not deny that classic 'hate crimes' happen; but the hate crime concept is inadequate to explain most of the racist violence identified in our research. ■

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