

Faith and Prejudice: sectarianism as hate crime

Colin Cramphorn explains the complications of defining crimes motivated by sectarianism.

In the aftermath of the Stephen Lawrence Inquiry, the police service entered into a period of intense reflection and reassessment. There were many painful realities that had to be faced up to and questions that had to be answered. One of the most pressing was how to improve targeting of racially motivated crimes to prevent them in the first place, or to effectively investigate them to a successful conclusion. The concept of 'hate crime' was developed primarily in response to racially motivated crimes, however, it was recognised within police circles from the very start that hate crime was a much wider issue, as this edition of *Criminal Justice Matters* makes clear. Hate crime is defined in the Association of Chief Police Officers (ACPO) *Guide to Identifying and Combating Hate Crime* as: "... a crime where the perpetrator's prejudice against any identifiable group of people is a factor in determining who is victimised" (ACPO, 2000: 13). Homophobic and religious hatreds were obvious motivations for some crimes and were therefore recognised as additional species of hate crime.

Notwithstanding the Home Office's own

damage, public order offences and harassment.

Sectarianism is often regarded as just a segment of wider religious prejudice as motivation for criminal acts, being intra-faith religious prejudice as contrasted to inter-faith religious prejudice. But it is more complex than this, as the Oxford English Dictionary definition of sectarianism illustrates: "adherence or excessive attachment to a particular sect or party, especially in religion; undue favouring of a particular denomination". This raises questions about how to define what is and is not a religion, and what actions, if any, might properly be described as sectarian. This is more than semantics, particularly for those framing legislation and those who have to try to apply such legislation.

There is an old Belfast joke about a Jewish youth walking up the Antrim Road in the north of the city, an area where Protestant and Catholic communities have lived cheek by jowl since the industrial growth of the 19th century. The Jewish youth comes upon two rival gangs facing up to each other. Surprised by his arrival they turn on him and ask him what he is and naturally he replies Jewish. This momentarily

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research into religious discrimination in England and Wales (Weller *et al.* 2001), religious motivation for crime was not regarded as a major concern outside Northern Ireland and the west of Scotland prior to the events of September 11th 2001. In their aftermath, religious prejudice became a highly contentious issue throughout the UK. The passage of the *Anti-terrorism, Crime and Security Act 2001* through Parliament in December 2001 highlighted the degree of contentiousness and the lack of consensus around this issue. Parliament rejected a provision to create a criminal offence of 'incitement to religious hatred' to mirror and match the long standing, if infrequently used, offence of 'incitement to racial hatred' (s. 17 *Public Order Act 1986*). It did, however, pass amendments to part 2 of the *Crime and Disorder Act 1998* and section 153 of the *Powers of Criminal Courts (Sentencing) Act 2000*, making religious motivation an aggravating factor for sentencers to take into consideration when dealing with the commission of assaults, criminal

causes both groups to pause until one youth, rather quicker than the rest, asks: "Ah yes, but are you a Catholic Jew or a Protestant Jew?" This joke illustrates how in Northern Ireland these issues of definition have been reduced to a simple bi-polarity to distinguish between friend and foe. It is simplistic and inappropriate to use Catholic and Protestant allegiances in this way: i.e. as a proxy for the many other divisions one can identify in Northern Ireland, nationalist and Unionist, Republican and loyalist, Gaelic-Irish and Ulster-Scot, etc; nevertheless, it is done. And this brings with it an intensity and bitterness which those looking on from the outside find hard to comprehend in religious terms, because it cannot be understood in such terms alone. Whilst there is an obvious religious context to the sectarianism of Northern Ireland, it is wrong to describe it purely as a matter of religion.

A real example perhaps best illustrates this point. On the evening of 20th May 2002, near the Oldpark Road in north Belfast, a three-year-old toddler

followed a neighbour's cat whilst his mother's attention was distracted, ending up on a nearby playing field. There he was set upon by a group of boys between 10 and 13 years old. His screams attracted the attention of a neighbour who rescued him. Fortunately he was not seriously injured. In press reports the following day his mother was quoted as follows; "It was sectarian. There's no other reason because they've stolen his bike before because they know we're Protestants" (*The Newsletter*, 2002). Clearly the mother's perception of the motive for the attack was built on her own sense of identity as a Protestant and that of the group of 10 to 13 year olds as Catholic. But none of these children are likely to be capable of properly distinguishing between their respective denominations; Protestant and Catholic are thus reduced to convenient symbols for 'us' and 'them'. Sectarianism, whilst related to religious affiliation, is, therefore, more than a simple matter of religious prejudice.

It is for such reasons that historically no separate statistics were recorded in Northern Ireland for sectarian crimes and/or incidents. Individual crimes or incidents which were perceived as having a sectarian motivation were recorded as such, however statistics were not produced from these individual reports. The risk was always that subjectivity, prejudice and political manipulation would undermine any value such data had as a barometer of inter-communal strife, for which there were better descriptors. For example, in attributing paramilitary style assaults, shootings, bomb attacks and other security situation statistics, the Police Service of Northern Ireland uses the descriptors 'Republican' and 'loyalist', as did the Royal Ulster Constabulary GC.

Sectarianism in Northern Ireland is therefore a complicated and multi-faceted phenomenon, all too frequently used in the political lexicon as a value judgement about the morality of the act concerned and of the relative worth of those involved. Nowhere else in the

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world, so far as I am aware, would politicians, academics and public officials freely talk of ordinary decent crime (ODC), without a sense of irony. Yet in Northern Ireland this is the case, so that to apply the epithet 'sectarian' to a crime immediately elevates it above ODC in terms of its political significance. By definition it makes it abnormal and hence demonises both the act and those responsible for it. Conversely one's own worth, as determined by the relative degree of victimisation one has suffered, is elevated. In Northern Ireland it is not unusual to see individuals and groups striving to secure for themselves the status of 'true' victims in order to establish moral superiority over their rivals.

For the police this means that great care must be taken not to become a tool to be deployed to bolster a particular political position, campaign or aspiration. The reality of Northern Ireland is that Catholic and Protestant have become descriptors of community background rather than religious belief or observation. And yet some terrorist crimes have been motivated by religious prejudice. There are, for example, some Protestant paramilitary groupings who quote scriptural justifications for their actions and who believe that Catholicism represents the anti-Christ. Their crimes are, therefore, sectarian in the religious as opposed to the community background sense.

When all these complexities are taken into account, applying ACPO's generic principles regarding hate crime to sectarian crime is extremely difficult. Yet, hate crime is an especially useful concept when seeking to deal with vulnerable groups of victims, whether they be racial or ethnic minorities, the gay and lesbian community, asylum seekers and refugees, or any other minority group. The population of Northern Ireland is overwhelmingly made up of white Caucasians, with an increasingly even split between those of a Catholic community background and those of a Protestant community background. It is anticipated that the 2001 census will show 46% or so Catholic and 52% or so Protestant, so neither community can therefore be described as a true minority and therefore as vulnerable per se. But on the other hand, anyone who saw on their television screen the picketing of the Holy Cross school in north Belfast during the autumn term of 2001 and the acts of criminality associated with it, could not fail to have seen the hatred that was openly displayed.

Policing such a deeply divided society as Northern Ireland frequently requires such conundrums to be addressed. There is great danger in making simplistic 'read-across' comparisons with policing in either Great Britain or the United States. Sectarianism, whilst having some characteristics in common with racism or homophobia, is more culturally specific in its manifestations. The Police Service of Northern Ireland therefore takes each case on its merits and records the evidence and the perceptions of those concerned in crimes where the issue of sectarianism arises. Out of total recorded crimes of 139,786 for 2001/02, 3,827 (2.74%) offences were recorded as motivated by sectarianism. Whilst this takes no account of their relative seriousness as offences, it does help to provide a sense of scale to the issue.

No one should doubt the degree to which sectarianism blights the communities of Northern Ireland. Equally no one should underestimate its complexity and therefore oversimplify the issues that it raises. For police officers dealing with the human consequences of such irrational and prejudiced behaviour, the first priority must remain provision of a professional, responsive and customer focused service. Sadly, their ability to do so is, on occasion, constrained by the sectarian prejudices they face from both Protestants and Catholics. In fact the police truly are the third force in the sectarian cock-pit of Northern Ireland.

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References:

- ACPO (2000) *Guide to Identifying and Combating Hate Crime: Breaking the Power of Fear and Hate*, London: Association of Chief Police Officers.
- Weller, P., Feldman, A. and Purdam, K. (2001) *Religious Discrimination in England & Wales*, Research Study 220, London: Home Office.
- The Newsletter* (2002) 'SHAMEFUL', 21 May, p. 1.