

HATE

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09 February 2004

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CONCEPTUALIZATION

Hate is a dynamic term and has several interrelated dimensions as a concept. It attempts to provide historical, psychological and socio-cultural depth to the forms of hostility and animosity that the term “hate” ostensibly defines, and to make the idea clear in terms of its linguistic usages. As such, it faces obstacles that often appear insuperable. Nonetheless, “hate crimes,” specifically, criminal acts and behaviors motivated by hate, have been added to the repertoire of statutory codes of criminal justice jurisdictions throughout the world. The laws help to illuminate the social and political dynamics of racial and xenophobic ethnic hostility as well as gender discrimination.

Hatreds based on identities, lifestyles, cultural values and tastes appear to have historic continuity and keep simmering across generations. Hate crimes reflect a reservoir of biases and angry memories widely shared within groups that nurse grievances and whose origins are often blurred or obscured by time; but nonetheless continue to retain a need for revenge and retribution. These antagonisms can act as a flash point for violent behavior in times of economic deprivation or during the stresses that accompany profound demographic transitions in a community which experiences the impact of forced immigration.

Indeed, crimes precipitated by hate involve some of our deepest and darkest instincts. Although moral and ethical principles are basic to the understanding of the problem and instrumental in its resolution, it should not be supposed that effective coping with this particular negative human potential has been achieved. On the contrary:

HATE MONGERING

Saying hateful things is facilitated by the standard discourse of most cultures, which usually furnishes speakers with a rich vocabulary of words and colloquial expressions that can demean, denigrate, mortify, insult, instigate and arouse violent behavior. Even mass media outlets appear to have been polarized along political-ideological cleavages in which extremist fringes (right or left) disseminate pernicious ideas and caricatures, all under the guise of “free” speech.

INTERNATIONAL SCOPE OF HATE CRIMES

In April 2002, the United Nations International Centre for the Prevention of Crime issued a paper, *Preventing Hate Crimes: International Strategies and Practice*. The document suggested that most countries are concerned about hate crime, but because of inherent cultural or religious differences in the kinds of behavior that may be included under the rubric “hate crime” a universal definition and legal terminology is problematic.

European nations, including Germany and the United Kingdom for example, emphasize primarily crimes where a racial motive is apparent. Hateful speech also falls under hate crime definitions in these states. French law refers to hate crime in terms of racism, intolerance, and xenophobia. By contrast, in Germany, the expression "hate crime" is rarely used. Instead, "politically motivated violence," "xenophobic criminality," "right or left wing extremism" are more common indicators of hate crimes. Australia refers to the idea of "racial vilification" as its criminal conceptualization of hate crime. The legal terminology of Canada and the United States tends to be more inclusive by citing acts against those of particular religious affiliation, ethnic and racial background, sexual orientation, age, gender, and, more recently, disability or physical impairment.

The United States Hate Crime Statistics Act of 1990 (HCSA) defines hate crimes as: "crimes that manifest evidence of prejudice based on race, religion, sexual orientation, or ethnicity, including, where appropriate, the crimes of murder, non-negligent manslaughter, forcible rape, aggravated and simple assault, intimidation, arson, and destruction, damage or vandalism of property." The Act has also been amended to include physical disability.

In determining whether a hate crime has been committed, the qualifier "hate" conveys a distinctive sense about the underlying dynamics promoting this behavior – that behind the crime is an aversion for the victim or a morbid attraction to a potential victim precisely because of their perceived individual and social attributes. Thus, what seems to distinguish hate crimes from other crimes are the motives that drive violent, destructive behavior against others or their property. However, proving that hate is the prime motive in committing a criminal act can be very difficult, and in consequence many such offenses go unrecorded or are not prosecuted as hate crimes for lack of a strong, convincing body of evidence.

NEW PERSPECTIVES

With the end of the 45 years of the Cold War (1945-1990), the major powers which were left standing dismantled their imperial empires, leaving in their wake a bevy of new states and nations striving to establish their sovereignty. Another legacy of the colonial period is the abiding hatred and bitter resentment of former colonies, many of which are mired in tribalism, warlordism and unremitting fear of 'others.'

In the new world of the 21st century the phenomenon of hate crimes is a cultural artifact of a particular kind, however etiolated by social and psychological theories. To understand hate crimes in this context of new and swarming states it is essential to consider how they have come into historical being, in what ways their meanings have changed over time, and why, today, they command emotional legitimacy. It appears that hate crimes are the distillation of complex racial, ethnic and political/historical forces. These elements are further defined and formulated into legal/criminal categories, and concomitantly into statutory law, becoming "modular." Hence, they are capable of being transplanted with varying degrees of applicability to a variety of social terrains, and to merge and be merged with a correspondingly broad class of legal and criminal codes.

A forerunner of modern hate crime legislation was the American Civil Rights Movement of the 1960s, which agitated to bring about profound changes in American jurisprudence concerned with hate-related violations of rights. That movement's ethical and legal courage bequeathed to the world new standards of decency in behavior and attitude expressed in hate crime law.

THE CONTEMPORARY SCENE

The terrorist attacks of 9/11, and subsequent terrorist actions around the globe, have made it clear that despite the significant advances societies have attained in humane treatment of their members, there still lurks a worldview as treacherous as the Nazi insanity of the 20th century. Unbridled terrorist violence, with its conjoining fanaticisms, steps across moral thresholds most of the world accepts. Simply put, there are groups prepared to kill randomly, who are skilled in the use of chemical weapons, ballistic devices and biological weapons that can correctly be classified as weapons of mass destruction. In viewing these two notions, terrorism and hate, as folded into each other, it is quickly sensed that more than a political point is being made. Gratuitous hatred is painfully evident.

These terrorists make no effort to justify the bloodshed beyond perfunctory claims of imperialist colonialism, Zionist repressions and American-led interventions into non-Christian societies.

Hate crimes will probably continue to occur because, regardless of the actual inequality and exploitation that may prevail in every country, the state/nation itself, at any point in time, is ultimately conceived as a deep, horizontal comradeship. At the end of the day, it is this fraternity that makes the criminal behavior driven by hate possible. And one must add that terrorism is the quintessential hate crime.

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