THE MATRIX OF HATE:
EXPLAINING THE ENIGMA OF HATE CRIME

A Thesis

Presented to the faculty of the Department of Criminal Justice
California State University, Sacramento

Submitted in partial satisfaction of the requirements for the degree of

MASTER OF SCIENCE

in

Criminal Justice

by

Chidike Okeem

FALL
2013
Student: Chidike Okeem

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__________________________, Graduate Coordinator
Yvette Farmer, Ph.D.                                Date

Division of Criminal Justice
Abstract

of
THE MATRIX OF HATE:
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by

Chidike Okeem

Hate crimes are a problem of increasing criminological relevance in Western society, and thus must undergo theoretical examination. This thesis examines the criminological literature on the topic, and presents a seven-point theory explaining the factors that cause people to commit hate crimes. It presents a theory called the Matrix of Hate, which argues that historical tendentiousness, superficially convincing purveyors of hate, illegitimate views regarding territoriality, unconstrained ethnocentrism, fear or inter-ethnic meritocratic competition, encouragement of victimhood, and the promotion of sociopolitical panaceas condition hate criminals, help to create a culture in which bigotry is commonplace, and promote the proliferation of ethnoviolence. Suggestions for further research are presented.

_________________________, Committee Chair
Daniel Okada, Ph.D.

_________________________
Date
ACKNOWLEDGMENTS

This thesis would not have been possible without the effort of my able thesis committee. Dr. Okada meticulously read my drafts and provided me with excellent feedback, edits, resources, and encouragement throughout this process. The final product is significantly better because of his guidance. Similarly, Dr. Vizzard made invaluable suggestions and directed me to excellent sources that helped to frame the thesis. Dr. Farmer was also extremely helpful in the fledgling stages of this project and gave me brilliant advice regarding theory construction. I am indebted to all.

Lastly, a crucial factor in the success of this graduate school experience is my family. It is from home that I learned that academic achievement is obligatory. My family has been an unremitting source of support and strength, and it has made this process considerably less difficult.
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Chapter 1

Introduction

As multiculturalism, globalization, and diversity increase in relevance as key issues in the Western world, a complementary increase in the manifestation of xenophobia and outbursts of violence against those viewed as ‘the other’ is also likely. As a result, hate crime research is not only important to contemporary criminal justice, but is also likely to have increasing criminological significance in the future. As argued by Al-Hakim (2010), those who commit hate crimes do so for the deliberate purpose of upending society’s dedication to the idea of “multicultural liberalism” (p. 344). Similarly, Finnish scholars Peutere and Kääriäinen (2010) eloquently state that hate crimes “pose a threat to social coherence” (p. 261). Those who engage in hate violence are committed to the maintenance of their view of cultural homogeneity and believe they are upholding societal purity. Manifestly, societies where there are key ethnic, religious, and cultural differences between people are more susceptible to this kind of violence.

After the Hart-Celler Act of 1965—or as it is more popularly known, the Immigration and Nationality Act of 1965—removed significant barriers to non-white immigration to the United States, immigrants from developing countries began to arrive in the United States in larger numbers (Stacey, Carbone-López, & Rosenfeld, 2011). Immigration policies in the past were distinctively designed to limit immigration to white Europeans. When those who are ferociously opposed to diversity discuss the multicultural effect of immigration, the Immigration and Nationality Act of 1965 is invariably cited as a significant moment in the decline of the United States. According to
this argument, non-white immigration is not beneficial to the United States. This political
dispute between pro-immigration and anti-immigration camps has many ramifications,
and the fervor with which anti-immigration advocates hold their beliefs can easily turn
into hate for people who are, in their eyes, ruining their country.

After the September 11, 2001 terrorist attacks on the United States perpetrated by
radical adherents of Islam carrying out their *jihad* on the West, there has been an increase
in violence against those resembling Middle Easterners (Disha, Cavendish, & King,
2011; Levin, 2007). This is often with complete disregard for religious practices, as
culturally uninformed assailants who cannot ascertain crucial differences between
practitioners of Islam and practitioners of other religions native to the East, such as
Sikhism and Hinduism, have attacked the wrong people while attempting retaliation for
Islamic terrorism. Kaplan (2006) argues that President George W. Bush’s decision to call
for American solidarity post-9/11 had a significant impact in reducing the frequency of
hate crimes against Muslims. Despite scholarly and news media attention paid to hate
crimes on Muslims after the World Trade Center attacks, blacks and Jews are still most
likely to be victims of hate crimes (“Hate Crime Statistics,” 2011, U.S. Department of
Justice). Given the fluidity of the term ‘hate crime,’ a scholar’s conceptualization of the
term has much to do with his/her perspective on the topic. A scholar with Muslim
sensibilities would likely be more attuned to hate crimes against Muslims, whereas a
black scholar would be more inclined to pay attention to hate crimes committed against
blacks.
Having a working definition of the term ‘hate crime’ is essential to meaningful examination of the topic; however, given its fluid nature, scholars have struggled to come to a consensus on a universal meaning (Garland & Chakraborti, 2012; Levin, 1999; Perry, 2001). Perry (2001) asserts that it is “a mechanism of power intended to sustain somewhat precarious hierarchies, through violence and threats of violence (verbal or physical). It is generally directed toward those whom our society has traditionally stigmatized and marginalized” (p. 3). Hate crime can be viewed as a part of domestic terrorism inasmuch as, according to Combs, terrorism “is an act of violence; has a political goal; is carried out against innocent people; and is intended to frighten the larger audience” (as cited in Yungher, 2008, p. 6). As Blazak (2011) highlights, the primary motivation for committing a hate crime is to terrify a targeted group of people.

Because ‘hate crime’ is a dynamic term, its definition can be interpreted to include various diverse groups. The development of hate crime legislation largely depends on which groups have the political cache to make the case for inclusion, as well as cases that are most visible in the media that would engender public outcry, which in turn would generate sufficient political and moral outrage to initiate such legislation. The term ‘hate crime’ can be exhaustive or restrictive—often simultaneously. Because the term is abstract, it can generate multiple definitions. It is important to define what is meant when discussing hate crime in order for there to be effective communication on the topic, as opposed to miscommunication where scholars are operating from divergent definitions with the semblance of having a fruitful conversation.
The Federal Bureau of Investigation defines ‘hate crime’ as “a traditional offense like murder, arson, or vandalism with an added element of bias” (“Hate Crime—Overview,” para. 2, n.d.). Perry (2001) argues that inasmuch as the fundamental goal of hate crime is to use any available person to send a significant and widespread message to an undesirable group, the victim’s personhood is reduced to an inconsequentiality, and thus s/he can easily be exchanged for another person in that group to whom the hate message is directed. Saucier, Hockett, and Wallenberg (2008) also note that the diminution of the victim’s individuality is a consequential component of the concept of ‘hate crime.’ McDevitt et al. (2003) posit that the concept of hate crime legally highlights bigotry as the trigger cause of an act that society customarily deems criminal. Hate crime legislation, then, is intended to symbolize society’s distaste for bigotry. Hate crimes generally possess some level of violence, and violence itself, on a fundamental level, is a concept with which there is academic definitional dispute (Ray & Smith, 2001). Understanding that not only is the term ‘hate crime’ subject to intense debate, but so also is one of its most fundamental components—violence—makes it clear that hate crimes require critical and somber analysis. Although most of these definitions have scholarly merit and are helpful to the understanding of hate crimes, Levin’s (2002) definition of hate crime is particularly helpful and will be utilized as the definition for the purpose of this research. He argues that hate crimes are:

...those offenses committed because of the actual or perceived status characteristic of another, or alternatively, as crimes where the motive is the actual or perceived status characteristic of another[.] (p. 227)
From pre-adolescence, humans demonstrate prejudicial behavioral patterns learned through primary socialization (Ehrlich, 2009). Bussey (2007) supports this by pointing out that “hatred has always played a role in human interaction” (p. 14). It is important to note that while hate crimes are unquestionably reprehensible, an element of prejudice is inherent in all individuals, despite the fact that it metastasizes into cancerous hate-fueled violence in only a few. Inasmuch as primary socialization is the period during which humans internalize various socially noisome biases, secondary and tertiary socialization need to be used to countervail the development of these biases. To fully understand the problem of hate crime, there also needs to be a focus on the idea of moral development—that is, enquiring as to what factors are critical to shaping human morality. Interestingly, as noted by Dunbar and Molina (2004), young people not only support hate crime legislation, but they are also concerned about the menace of hate crime within their societies.

Acts of violence committed against those who are viewed as unwelcome intruders to a particular place have political and sociological roots (Ehrlich, 2009). The actions of anyone who attacks another in a residential neighborhood because s/he is of a different race, ethnicity, culture, or sexual orientation may not be expressly political, but it most likely has political roots. If probed, such a person might express displeasure at groups of people immigrating to his/her country. While this argument may not be expressed with the nuanced articulation of a policy enthusiast at an anti-immigration non-governmental organization, it is nonetheless a political point sympathetic with an anti-immigration worldview. This illuminates the importance of careful analysis of hate crimes to
understand the ideas that people hold, which drive them to commit these crimes. As noted by Coser, hate crimes can be seen as a ‘safety valve’ for politicians where citizens who are experiencing political disaffection take their frustration out on those viewed as ‘the other,’ rather than taking their frustrations out on elected officials who are directly culpable for the societal malaise caused by injudicious public policies (cited in Levin & McDevitt, 1993, p. 158). Given this argument, marginalized people become a very valuable commodity for elected officials in terms of being convenient scapegoats for their political inefficiencies (Levin & McDevitt, 1993).

Although hate crimes happen all over the world, they are of particular import in the United States. Inasmuch as the United States is a multicultural nation with an unavoidable history of intergroup tension, the likelihood of ethnic conflict flaring up unexpectedly cannot be blithely dismissed. One cannot divorce the problem of hate crimes in the United States from the institutionalization of bigotry that has existed since the country’s inception (Alexander, 2010). Perry (2001) concurs with this line of thought as she writes:

…hate motivated violence can flourish only in an enabling environment. In the United States, such an environment historically has been conditioned by the activity—and inactivity—of the state. State practices, policy and rhetoric often have provided the formal framework within which hate crime—as an informal mechanism of control—emerges. (p. 179)

Inarguably, in the United States, policies have lent a decisive intellectual and legal imprimatur on discrimination. From the Jim Crow and lynching laws that legally allowed
for the subjugation and murder of blacks, to the internment of Japanese Americans during the Second World War under the guise of national security, seminal movements of bigotry have been routinely authorized by the state in America. These movements of bigotry have sociological and historical implications, as they are illustrative of how hate is inextricably woven into the social fabric of the United States. Certainly, the United States is not the only country in the world that has ever endorsed hate at the governmental level; however, in the American context, hate is in stark contradistinction to the lofty principles of equality espoused in the founding documents of the country.

It would be imprudent to attempt to analyze hate crimes without first examining the hate crimes that have been perpetrated by federal and state governments. Ironically, the very institutions that ostensibly exist for the protection of victims have been among the most tyrannical forces of oppression for many others. Analytical models that simply look at actions of individual hate violence while excluding a serious examination of institutionalized and structural bigotry are exceedingly flawed. Individual acts of hate violence cannot be looked at in isolation of the culture in which they occur. Hate crimes, then, can be seen as the unfortunate culmination of the most grisly moments of American history, where a culture of bigotry has actually been the sociological norm for centuries.

Despite the fact that the Civil War was fought to end slavery, and intellectual arguments were made in order to have civil rights respected for black Americans and end legalized discrimination, lamentably, the relics of racial discrimination still exist today.

Hate crime legislation can be understood better by looking at the work of Quinney (1970/2001). He argues that crime itself is a social construction by those in positions of
power. The law, he posits, is not arrived at after a consensus of the many; rather, the law is the brainchild of a few elites, who organize it to serve their interests. He also points out that laws are not inherent enablers of social and moral progress, and they have the tendency to be morally and socially antediluvian. Similarly, Hall (2013) notes that Quinney’s notion of crime being a social construct has great interpretative and analytical value vis-à-vis the topic of hate crime. He points out that inasmuch as social constructions are generally subject to interpretative disparities, Quinney’s analysis is beneficial in reconciling both quantitative and qualitative differences that are seen in hate crimes internationally.

In assessing hate crimes, the fact that it is practically a uniquely Western concept is something that must be considered. There are ethnic and tribal conflicts across the world, but it is primarily in Western scholarship where the concept of hate crime has truly flourished—and scholarship on the topic distinctively centers on cases of bigotry in the West. Tribal and religious conflicts are rife throughout the rest of the world. The genocidal war fought against the Igbos in Nigeria in the late 1960s resulted in the death of over one million people (Stedman & Lyons, 2004). The Rwandan Genocide, where the Hutus massacred the Tutsis in the mid-1990s, resulted in a death toll of another million people or more (Jones, 2006). Additionally, the Armenian Genocide in the early 20th century, perpetrated by the Young Turks government, resulted in the fatalities of between 600,000 to 1.5 million people (Akçam, 2006). The most recognizable example of genocidal hatred happened in Adolf Hitler's Nazi Germany in which millions of Jews were killed. Manifestly, these deplorable incidents can be considered hate crimes.
However, when scholars broach the topic, much smaller-scale incidences of violence in the West are those discussed. This can be explained for many different reasons. First, Western scholars are more likely to be attentive to crimes of hate that are culturally important to their lives, as opposed to focusing on hate crimes that, albeit intriguing, occur in distant lands. Second, some hate crimes are so intense that they have their own subsection called genocide. Genocide, then, can be considered an elder sibling of hate crime.

Perhaps one of the most notable conflicts in the study of hate crime is the debate over whether hate crime legislation is prudent, or whether it is legally Byzantine, difficult to enforce, and superfluous given existing laws criminalizing violence (Jacobs & Potter, 1997). Fundamentally, while this debate about the efficacy of hate crime legislation is of societal importance, the discussion of hate crime legislation is a subordinate debate to the more important inquiry as to why hate crimes occur in the first place. Once there is a theoretical understanding of why hate crimes are committed, then there can be a logical progression to decide which legislative route is appropriate to combat the problem. Reasonable people can agree that murder and assault are morally opprobrious and deserve serious criminal punishment regardless of their motivations; that aspect of hate crime legislation is not in desperate need of resolution. What can be done to remove the problem from society is a higher-order concern that requires one to examine the root causes of the problem. To focus on hate crime legislation without theoretical reasoning as to why people commit hate crimes is putting the proverbial cart before the horse. As noted by Perry (2001), the topic of hate crime “is not an area that has been examined
seriously through a theoretical lens” (p. 2). Scholars have tried to analyze the issue, but because it is so broad and undefined, there is understandable difficulty with getting a consensus—even on fundamental definitional issues. This thesis will attempt to address that conspicuous theoretical dearth in the literature.

Attempting to understand why people commit hate crimes is a question of criminological inquiry; however, because criminology deals with human beings, it is indebted to several other fields of study. The literature breaks the theoretical explanations for why people commit hate crimes into two different focuses—one with focus on the individual and the other with focus on society (Green, McFalls, & Smith, 2001). This thesis will argue that, although useful, there are imperfections in the popular deviant-based theories of why people commit hate crimes—such as the three-prong approach of Levin & McDevitt (1993). It will also argue that socio-historical-based theories of hate crime are also useful, but need development. In this research, these two categories are called deviant-focused and socio-historical-focused approaches to understanding hate crimes. What is relevant about these two approaches is that the preponderance of the theoretical literature does not sufficiently merge the two. Of course, there is no problem with spotlighting either, but there needs to be an integrated theory that adequately blends both, as this would be more effective in offering a more comprehensive and accessible explanation for why hate crimes exist. A blending of these two schools of thought, while amending their analytical flaws, would provide a more effective explanation for why people commit hate crimes. The research question is:
Can deviant-focused approaches to understanding hate crimes and socio-historical-focused approaches to understanding hate crimes be critiqued, modified, and integrated to create a robust and persuasive explanation for why people commit hate crimes?
Chapter 2

Methodology

Content analysis essentially seeks to deduce information from documented ideas, whether spoken or written, and it attempts to identify themes within these documented perspectives (Babbie, 2007; Weare & Lin, 2000). Little, Akin-Little and Lloyd (2011) argue that content analysis is a critically important tool to use in providing a snapshot of the knowledge that is present in a field of study at any particular juncture. Moreover, they argue that content analysis has high utility, inasmuch as the current trend in various fields is to use ideas and strategies that are proven to be beneficial, which necessitates thorough examinations of those fields in order to decipher what works from what does not work.

Babbie (2007) points out that coding is an integral aspect of content analysis, given that the material is being surveyed in order to find certain concepts and themes. He asserts:

In content analysis, communications—oral, written, or other—are coded or classified according to some conceptual framework. Thus, for example, newspaper editorials may be coded as liberal or conservative. Radio broadcasts may be coded as propagandistic or not, novels as romantic or not, paintings as representational or not, and political speeches as containing character assassinations or not. (p. 325)

This thesis will employ an investigational approach that utilizes both manifest and latent forms of content analysis within the literature, but with a more specific focus on latent content. As described by Babbie (2007), manifest content focuses on patent themes
communicated in the content, whereas latent content focuses on abstract, even obscure themes tacitly communicated in the content. This method will be used to construct a theory using the current literature, coding it as either deviant-based or socio-historical-based approaches to understanding hate crime, and deciphering which elements of the literature are helpful to the understanding of the topic, in addition to positing overlooked, salient points that the literature lacks. Since the intention of this thesis is to analyze, critique, and merge deviant-focused and socio-historical-focused approaches into one cohesive statement, content analysis will be especially useful.

Italian positivist Cesare Lombroso’s early criminological work focused on analyzing the physical features of offenders in order to identify themes and detect traits that were common among, or exclusive to, criminals. As pointed out by Tibbetts and Hemmens (2010), “Lombroso outlined a theory of crime that largely brought together the pre-Darwinian theories of craniometry, phrenology, and physiognomy” (p. 198).

Similarly, today, social positivists practice environmental criminology, which examines physical areas to determine whether there are environmental factors that either cause or contribute to the various decisions of deviants to engage in criminality. The identification of traits and themes are important to the advancement of criminology and has always been a customary mode of criminological inquiry from Lombroso to the present day.

Content analysis will be used to identify themes that are existent in the current explanations for why people commit hate crimes, and the most criminologically important will be incorporated, and the criminologically insignificant, while also critiqued, will be either modified or dismissed. It is the identification of these themes—in
addition to themes that are currently missing or downplayed by the criminological literature on the topic of hate crimes—that will inform the construction of this theory. This is consistent with other integrated, thematic criminological theories that have been constructed, such as Agnew’s (2005) web of crime.

Despite the existence of inarguable examples of hate crimes occurring throughout history, hate crime literature is relatively new to criminological scholarship (Streissguth, 2009). Although there are only a few decades of scholarship that directly reference hate crimes, it would demonstrate prudence to look at classical works in criminology to ascertain whether such works have any illuminative benefits when applied to the modern understanding of hate crimes. For this reason, the literature review examines not only contemporary hate crime literature, but it also examines traditional criminology to determine how these works explain hate crime.

Given that the ultimate product will be presented with abstract themes, this necessitates some discussion of conceptualization. Babbie (2007) defines conceptualization as “the refinement and specification of abstract concepts” (p.133). In essence, conceptualization is the idea of explaining mental images that are being utilized in any research endeavor. Because the theory will use abstract themes, there will be an analysis devoted to expounding on these abstractions.

Although content analysis offers a lot, it would be negligent not to point out that it also has some limitations as a social science research method. One of the strengths of content analysis is that it allows a wider scope for examination—and it is particularly friendly to historical examination (Babbie, 2007). By contrast, other methodologies are
restricted to only looking at singular periods of time. Given that hate crime literature has been written for the better part of three decades, content analysis is the most applicable here. Another strength pointed out by Babbie (2007) is that the ‘documentation’ stipulation gives the method reliability, due to the fact that the analysis can always be verified, and mistakes corrected. This ‘documentation’ stipulation in content analysis, however, can also be seen as a limitation. As highlighted by Babbie (2007), the fact that researchers are constrained solely to material that has been previously documented omits potentially pertinent information that has not been recorded. Additionally, he notes that a high level of subjectivity is a limitation when using content analysis. In the case of this thesis, the analysis will be interpretative. The conclusions reached will definitely be idiosyncratic, but they will be accessibly presented in a way that is conducive for later research and verification.
Chapter 3

Literature Review

The Contested Definition of ‘Hate Crime’

The term ‘hate crime’ engenders considerable debate in academic and legal circles. In presenting the contested definition of hate crime, it is important to highlight key scholars who have different perspectives on the topic. ‘Ethnoviolence’ is a key alternative term used when discussing hate crime (Ehrlich, 2009; Perry, 2001). Ehrlich (2009) defines ethnoviolence as “…an act or attempted act motivated by group prejudice with the intention to cause physical or psychological injury” (p. 17). The psychological aspect of ethnoviolence is what distinguishes it from other crimes. This means that hate crimes are supposed to not only inflict the kind of agony that normal crimes do, but such crimes are also intended as an assault on the psyche. As Ehrlich (2009) argues, the notion of intergroup prejudice is inextricably linked to the concept of ethnoviolence. Perry (2001) also points out that traditionally stigmatized groups are more likely to be victims of hate crimes.

According to Ehrlich (2009), the term ‘hate crime’ was developed for an expressly political purpose, and was not created to be used by social scientists, inasmuch as politicians and social scientists have divergent goals. Ehrlich further argues that ‘hate crime’ is a term that is an imprecise descriptor but is designed to persuade, which makes it acceptable and effective in a political setting, but challenging, or less useful to social scientists who are expected to be meticulous in addressing the acute problem of prejudicial intergroup violence in their scholarship. He also maintains that hate is an
unyieldingly harsh and subjective term that does not accurately reflect the multiplicity of factors that spur fallible and complex humans to violent activity. Specifically, he argues that it is imprudent to “cram an entire world of human motivations into an immutable, tiny box called hate and hope [to] have solved a problem” (Ehrlich, 2009, p. 19). Also deviating from the ‘hate’-focused school of thought, Mason (2001) controversially posits that while academicians seem transfixed on rigidly employing the theoretical framework of hate, scholars may be neglecting to use other related (and debatably as powerful) frameworks for understanding why humans engage in criminality, such as love. Given that love and hate are often inextricably connected, she argues that love could be a beneficial model to employ to understand seemingly hateful acts of violence.

Similarly, Jacobs and Potter (1998) argue that the term ‘hate crime’ is vague, inasmuch as such crimes have more resemblance to the concept of prejudice than hate. Although prejudice and hate often have the same emotional roots, they are different inasmuch as hate is a much more negative and aggressive emotion than prejudice. Although this distinction is academically important, it is a distinction without difference to the victim of such violence. They further argue that simply describing these crimes as prejudice-based is insufficiently specific, given that prejudice itself is nebulous. To resolve this ambiguity, they argue that the best way to understand crimes of hate is to acknowledge that they are committed for reasons that are largely motivated by prejudices that are repugnant and morally intolerable within society. They point out that these crimes are more likely to be represented in hate crime legislation.

Iganski (2008) concurs with this line of analysis in writing:
…when the motivating impetus behind so-called ‘hate crime’ is examined[,] the emotion of ‘hate’ often has little to do with the crime in question. ‘Hate crime’ is a misnomer, for sure, given the events that the term is used to represent (p. 2).

While there are some violent crimes where hate is unequivocally involved, Iganski’s (2008) analysis is certainly true for other crimes where the ‘hate’ hypothesis is far too aggressive—and sometimes even entirely misplaced. Certainly, some analysts tendentiously bolster the hate crime category with such inappropriate cases. Such lackadaisical analysis is invariably harmful to the cause of combating hate crimes.

Grattet and Jenness (2001) are more accepting of the use of the term ‘hate crime,’ and they argue that a consensus may be emerging on the meaning of the term. They optimistically write:

A central concern has been that hate crime is by definition a highly subjective and vague concept and therefore will lead to resource waste as officials strain to determine how best to implement the laws. This research suggests that the ambiguity of the concept is decreasing over time in all of the spheres we have examined. Specifically, social movement players have generally reached agreement on how to operationalize the concept (p. 691).

Although scholars quibble over the definition of hate crime, and whether the term is coherent and useful, the definition offered by Levin (2002), again, ...

...those offenses committed because of the actual or perceived status characteristic of another, or alternatively, as crimes where the motive is the actual or perceived status characteristic of another... (p. 227)
is appropriate and will be utilized for the purpose of this review.

What is universally understood as a ‘hate crime’ is to target someone who may be unknown to the attacker specifically because of a distinguishable characteristic that indicates that the victim is a member of a certain group. However, even with this, a self-evident problem arises: who gets to arbitrate precisely what characteristics—or groups that possess those characteristics—get protected under the law?

Levin (2002) astutely notes that although permanent personal qualities like race and gender are most commonly associated with hate crimes, flexible personal characteristics such as age and social status can also be major motivations for hate crime commission. The possibility of moving inside and outside of hate crime legislation categories also becomes an issue, especially with respect to concerns about age and hate crimes against the elderly. Moore and Rennie (2006) note that there is difficulty ascertaining which groups should be protected under hate crime laws—and who makes the decisions as to which groups receive this consideration. The point here is that there is broad subjectivity regarding groups chosen for protected status under hate crime law. Indeed, as pointed out by Jacobs and Potter (1998), the number of hate crimes committed is wholly dependent upon which conceptualization of hate crime is being utilized. What is apparent is that any discussion of hate crimes is fruitless without critical definitional information vis-à-vis the term.

Similarly, research by Saucier, Brown, Mitchell, and Cawman (2006) found that race and gender are significant factors in understanding what constitutes hate crime. Aside from being disinclined to looking at violence against women with the framework
of hate crime, the participants in the research conducted by Saucier et al. (2006) were significantly less prepared to agree that attacks on Caucasians constituted hate crimes, whereas they supported strident hate crime enhancements to punishments when presented with victims who belong to minority ethnic groups. This is not a surprise since harsh punishment is today’s norm. As Cogan (2002) notes: “Given that sentence enhancement is a popular response in the get-tough-on-crime culture that has dominated U.S. policy for more than a decade, it is no surprise that hate crime activists’ success has also been in the sentence-enhancement arena” (pp. 182-183). Quinney's (1970/2001) thesis of crime being a fluid concept that gets made into law by elites offers some insight as to why people have different opinions on what constitutes the commission of a hate crime, and which parts of hate crime are sanguinely enforced. What constitutes deviance, and which kinds of deviance are made illegal, varies depending on the social status and the worldview to which lawmakers subscribe.

As argued by Morgan (2010), hate crimes committed against people who work in controversial occupations—such as violence against abortion doctors—are essentially ignored. There are arguments to be made that many different at-risk groups should be paid special attention to under hate crime legislation. To this point, Jenness and Broad (1997) note that groups protected by hate crime laws are not developed in a darkroom with few people, but overt, rigorous political activity and public debate are often drivers of this development. They argue:

In the case of hate crime, the standing of certain individuals and groups as victims is not a mere reflection of an objective state of affairs. Rather, it is the product of
collective definitions that have been developed by watchdog organizations, contested in legislative and public arenas, and ultimately institutionalized into law. (p. 173)

It is entirely possible for there to be victims of hate crime with characteristics that are not universally recognized as triggers for hate violence. These victims are often ignored due to their lack of political power or inability to generate the requisite public interest to warrant inclusion in hate crime legislation. This demonstrates that inclusion in hate crime legislation is very much a political power contest in which political pressure results in special protective legislation, and no political pressure means certain groups go without special protections.

Levin (1999) argues that hate crimes are more extreme than other crimes particularly because of the damage they cause to both the individual and society. The broad reason why some disagree with the perspective of those who wish to enforce hate crime legislation is because they believe it will do nothing more than create special victim classes—potentially violating the Fourteenth Amendment—and is the outgrowth of a multicultural society’s infatuation with identity politics (Jacobs & Potter, 1998). Phillips (2009) argues that it would be a mistake to believe that simply putting hate crime laws on the books would be a panacea for this complex problem. He also argues that an individual’s unwillingness to report a hate crime to the police combined with an institutional unwillingness to enforce that law, in addition to the socialization of the people enforcing the law are relevant factors that could act as impedimenta with respect to combating hate crime (Phillips, 2009).
Levin (1999) posits that the more overelaborate the definition for the term ‘hate crime,’ the greater the likelihood that constitutional problems will arise. He also argues that as a result of these constitutional red flags, it is significantly more difficult to pass crucial hate crime laws. One important point he makes is that the law necessitates that people understand what specific criminal behavior is, and what behavior is worthy of punishment. The First Amendment is a bulwark against punishing people for their thoughts. Essentially, then, clear, constrained, and precise definitions of the term ‘hate crime’ are more legally and scientifically advisable, as opposed to more ambitiously ambiguous definitions influenced by emotion.

**Evolution of Hate Crime Legislation**

Some scholars trace the origin of hate crime legislation to the 1980s (Jacobs & Potter, 1998; Ray & Smith, 2001). Other scholars go further and suggest that statutes proffered in Colonial America address the ethnic and gender hatred shown towards minorities—specifically blacks—and women (Levin, 2002). Although there are many different groups that have been victims of hate crimes in American history, black victimization is the apotheosis of how toxic bigotry can be when it is combined with governmental authority.

Levin (2002) posits that hate violence is embedded deeply into the very founding of the nation. While America’s founding documents —most notably the Declaration of Independence—utilized language that elaborately heralded equality, the enslavement and lynching of blacks and the genocide of Native Americans are inextricably linked to
America’s founding, which, manifestly, were jarringly incongruous with the language of equality promoted on paper (Levin, 2002).

Perry (2002a) notes that journeying back to early America, where Native Americans were systematically annihilated can provide a powerful analytical framework that can be used to understand hate crimes in America today. It makes perfect sense to be attuned to the possible subjugation of certain groups based on various characteristics, in recognition of the fact that institutionalized bigotry is an unsightly, indelible stain that cannot be blithely ignored (Ehrlich, 2009). Similarly, women were treated as second-class citizens and formally discriminated against until the first wave of the feminist movement began its fight to ensure basic rights for women. Relics of this discrimination exist today. These are issues that must be discussed in productive forums to ensure historical understanding and to facilitate policy debates that would aid in the protection of the civil rights gains that have already been established.

Although slavery has been abolished, the fact remains that there are those who still promote prejudice. Alexander (2010) argues that current law still discriminates against ethnic minorities in ways that mirror discrimination of the past. The ahistorical falsehoods advanced by those who vigorously deny the Holocaust of the Jews exemplify how some rationalize the most heinous acts of violence against groups placed in the ‘other’ category (Levin, 2001). Levin’s (2002) analysis that certain amendments to the U.S. Constitution, such as the Thirteenth, Fourteenth, Fifteenth, Nineteenth, and Twenty-Fourth Amendments, can be considered hate crime legislation themselves is moot.
However, his analysis provides a useful framework for charting the evolution of how the
law has dealt with violence and discrimination against certain groups of people, particularly African Americans. Without the hard-fought battles waged for black civil rights, there would be no such concept as hate crime, as the subjugation and oppression of certain groups would still be sanctioned by the law and likely enthusiastically accepted culturally (Levin, 2002). For example, in *Dred Scott v. Sandford* (1857), the pre-Civil War U.S. Supreme Court held that blacks were not allowed to become citizens due to what was believed to be “the inferiority of the Negroid race.” This is a quintessential example of the law being used from the highest pinnacles of power to marginalize groups of people.

Interestingly, widely celebrated anti-slavery activists like Abraham Lincoln, who is fulsomely praised for his 1863 Emancipation Proclamation speech, was, at one point, someone who was a staunch defender and apologist for slavery. Levin (2002) highlights that during the Lincoln-Douglas debates in 1858, then candidate for senator Lincoln “sounded much like an educated version of a modern-day White supremacist” (p. 230). Lincoln argued that there were insuperable differences between the races that would be a hindrance to peaceful inter-racial cohabitation (Levin, 2002).

The Thirteenth Amendment (enacted in 1865), Fourteenth Amendment (enacted in 1868), and Fifteenth Amendment (enacted in 1870) were all attempts to provide federal protections for blacks and to subdue discriminatory practices. However, even these referenda were not sufficient to end discrimination. Although the Ku Klux Klan was originally formed in December 1865—in large part as a response to the Thirteenth Amendment being ratified—itits first iteration was relatively short-lived and collapsed in
However, this dissolution of the Klan saw the genesis of the barbaric practice of lynching blacks, which led to intense debates about the necessity of anti-lynching laws (Levin, 2002). However, as Foner and Garraty highlight, opposition from senators were pivotal obstructions to these bills becoming law (as cited in Levin, 2002, p. 233). Lieberman, Arndt, Personius, & Cook (2001) note that the term ‘hate crime’ did not exist in the 1800s, but the Ku Klux Klan’s actions were fitting examples of violence catalyzed by extreme prejudice.

Even a cursory glance at the historical record indicates that hate crimes, or at least what we would call hate crimes today, have occurred throughout American history, and federal legislation to combat hate crimes is inarguably a rich part of American history. The hate crime movement stems from this legal struggle in American history (Grattet & Jenness, 2001). Levin (2002) points out that the Supreme Court in Wisconsin v. Mitchell (1993) affirmed that it is perfectly constitutional to enhance penalties for people who engage in hate crimes. While anti-black discrimination was uncontroversial and popular during the 1800s, today, we now have hate crime legislation considered a “politically-popular cause” (McShane & Emeka, 2011, p.70). This shift in public opinion was a collaborative effort that was brought about by the dedicated work of conscientious scholars and longsuffering political activists (Altman, 2001). Other countries with histories of racial bigotry and violence, like South Africa, continue to push for hate crime laws to become politically popular (Breen & Nel, 2011). Steen and Cohen (2004) proffer that public opinion polls show support for hate crime legislation, and are more reflective
of a generalized disapprobation of hate crime, as opposed to a specific statement about what constitutes leniency or excessiveness in punishment. They write:

As with much criminal law, hate crime laws have at least two dimensions; one dimension defines the behavior that is wrong, and the other defines the penalties to be imposed for that behavior. We speculate that opinion polls that have shown strong support for hate crime laws have measured primarily the former—disapproval of the behavior itself—rather than the latter. (p. 93)

Even though there has been a shift in social attitudes, where society is no longer overwhelmingly accepting of discrimination, as was the case in the 1800s, the majority of hate crimes in American society today are still committed against blacks (Gabbidon & Greene, 2009; Shusta, Levine, Wong, Olson, & Harris, 2008). The historical connection between the bigotry of yore and the manifestation of bigotry today cannot be discounted. According to FBI (2011) statistics, 47.4% of hate crimes were committed with race being at the basis; additionally, 71.9% of hate crimes were committed against black people (“Hate Crime Statistics,” 2011, U.S. Department of Justice).

After the genesis of the term ‘hate crime’ in the 1980s, and an increased societal awareness of the problem, arguably three of the most prominent hate crime cases occurred: the assault of Gregory Reddick, the killing of James Byrd, and the murder of Matthew Shepard. The savage beating of Gregory Reddick ensued when an African American assailant became fueled with rage after watching the movie Mississippi Burning—a Hollywood depiction of the murders of three civil rights workers in 1964. Todd Mitchell decided to attack a random young Caucasian male (Gregory Reddick) to
avenge the injustices of racial violence committed against African Americans (Gerstenfeld, 2004). As a result of this attack, Reddick ended up in a coma and one of his attackers was imprisoned with a sentence-enhancement of a hate crime. This legal importance of this case was demonstrated when it found its way to the Supreme Court, which held that using hate as a reason for a sentence enhancement was indeed constitutional. What is intriguing about *Wisconsin v. Mitchell* (1993) is that it was not the typical hate crime case, inasmuch as, according to Department of Justice statistics, white males are not traditional victims of hate crime. Gerstenfeld (2004) notes that it is a typical white nationalist rhetorical technique to suggest that hate crime laws do nothing to help Caucasians. This atypical but prominent case, however, is a dazzling refutation of the white nationalist/supremacist shibboleth suggesting that hate crime laws only benefit minorities while punishing whites.

The James Byrd case was especially savage. Fueled by the ideology of white supremacy, Byrd’s killers targeted him primarily because he was black. Byrd’s assailants tied him to the back of a pick-up truck and dragged him behind leading to his dismemberment and death. Byrd was 49 years old at the time. This case then led to rancorous political infighting within the Texas Republican Party. George W. Bush, the governor at the time, did not see the necessity in signing the James Byrd, Jr. Hate Crimes Act that was presented to him because he believed that all violent crimes are hate crimes (Gerstenfeld, 2004). However, as Gerstenfeld (2004) notes, Rick Perry, Bush’s gubernatorial successor, signed the act into law.
This intra-Republican Party battle in Texas over hate crime policy is a microcosm of the academic battle that rages elsewhere. Does a hate crime occur every time a violent crime takes place? If so, the logical implication of that school of thought is that hate crime legislation is nugatory. However, if hate crimes are so especially vicious and different from other violent crimes, then they deserve their own category that intensifies the punishment dispensed. Importantly, it must be noted that those who do not believe in pushing for hate crime legislation are not necessarily pro-hate crimes. Often, those who reject hate crime legislation as a legitimate reaction to the problem are conservative politically and, as a result, support some of the most severe sentences for all violent crime. It would be simply erroneous to assume that those who reject hate crime legislation do so as a result of allegiance to criminals or devotion to the doctrine of punitive leniency for violent felons.

Matthew Shepard, age 21, was murdered by Russell Henderson and Aaron McKinney. He was picked up at a bar, driven by his attackers to a remote area, brutally tortured, and murdered; Shepard’s homosexuality is believed to have been the reason he was targeted. One of the critical factors in this case was the fact that the murder occurred in the state of Wyoming, which had no hate crime statutes (Gerstenfeld, 2004). The case subsequently became the flagship case advocates of hate crime legislation used in arguing for the implementation of these laws. Regarding state implementation, Soule and Earl (2001) assert that the sociopolitical characteristics of those states are significant in determining whether or not they will enact hate crimes. The authors also argue that implementation of hate crime legislation is most likely to occur in Democratic-oriented
states. This is presumably due to the Republican Party’s ideological disinclination to formally engage in anything resembling identity politics.

Notably, attention must be paid to the fact that these three victims were white, black, and gay—respectively. These cases show that although minorities disproportionately are victims of hate crimes, it is possible for hate crimes to occur to others. Additionally, they combine to belie the errant claim that hate crime legislation simply protects certain minority groups, while excluding Caucasians who are victims of hate crime.

The 1990s produced three pivotal legislative efforts vis-à-vis hate crime: The Hate Crime Statistics Act of 1990, the Violence Against Women Act of 1994, and the Hate Crime Sentencing Enhancement Act of 1994 (Jacobs & Potter, 1998). The fundamental goal of the Hate Crime Statistics Act was to provide a legal definition for hate crime, as well as to ensure that the federal government focused on publishing yearly reports detailing the frequency of hate crime occurrences across the country (Jacobs & Potter, 1998). Jacobs and Potter argue that discounting the influence of the Hate Crime Statistics Act of 1990 solely because it does not include sentence enhancements would be a mistake, inasmuch as the Hate Crime Statistics Act deals with facts, figures, and definitions, and thus has an imperative role in molding the hate crime issue and its national debate. After the Hate Crime Statistics Act was passed, the Violence Against Women Act was also enacted to rectify the fact that violence committed against women was not included in the definition of ‘hate crime’ under the Hate Crime Statistics Act (Jacobs & Potter, 1998). Lastly, also in 1994, the Hate Crime Sentencing Enhancement
Act was introduced at the federal level, which symbolized the federal government’s aggressive anti-hate crime stance (Jacobs & Potter, 1998).

In the new millennium, the most prominent piece of hate crime legislation is the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act of 2009. The law includes further protections of the gay community and expands federal jurisdiction to deal with cases where hate crimes have been committed. Essentially, if one looks at the hate crime legislation that has been enacted since the 1980s, a clear pattern emerges. Legislation went from recognizing that a problem exists, and then gathering information about it (with the Hate Crime Statistics Act); to adding a legal definition of hate crime (with the Violence Against Women Act); to instituting penalties in the form of federal sentence enhancements (with the Hate Crime Sentencing Enhancement Act); expanding the federal government’s jurisdiction to deal with it; and then to elevating various groups to protected status (e.g., the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act). If this trend continues, more groups will be added, which leads to the question: Could stringent criminal laws against violent crimes that are universally applied have the same effect as hate crime legislation, without the constitutional disputation that occurs as a result of ever-evolving and expanding hate crime legislation?

**Challenges to Measuring Hate Crime**

In measuring the frequency of hate crimes, Gerstenfeld (2004) notes that there are several fundamental problems that arise making hate crime statistics unreliable. Chief among these is that agencies have varying jurisdictional rules and very different practices for recording hate crime (Gerstenfeld, 2004; Phillips, 2009). Additionally, the differences
in organizational culture are occasionally ineffable, which makes them almost impossible to account for in the data.

For instance, in a high-crime neighborhood, crimes that are motivated by bias, such as vandalism of black or Jewish cultural centers, may be treated with less seriousness, given the priorities police departments place on them. By contrast, similar crimes of vandalism in areas where there is less crime would be treated as an issue of more importance. However, it is important to note the point made by Peutere and Kääriäinen (2010) about seemingly unserious crimes of bias having a deleterious effect. They argue that “the effects of hate crime do not depend on the seriousness of the offence – minor offences may also send a negative message to the victim and the group he or she represents” (p. 278). To this point, Glaser, Dixit, and Green (2002) point out that hate crimes vary in form depending on the group targeted for victimization. They write:

Jews, often stereotyped as affluent and greedy, are more frequently the victims of vandalism than assault. Gays and lesbians, who are perceived to be a moral and sexual threat, are more often the victims of physical assault. Blacks are attacked in a variety of ways, including acts of vandalism and intimidation, apparently in an attempt to confine African Americans to a subordinate status and keep them physically separate from [w]hites. (p. 178)

Another point to note is that in highly homogenized cities, there is little need for a police department to record or focus on hate crimes. However, in heavily multicultural cities like New York, hate crime is something that must be both trained for and meticulously reported. As noted by Levin and Amster (2007) leaving aside the
nationwide drop in crime, because of the New York Police Department’s conscientious focus on dealing with the issue, incidences of hate crime in the city have impressively declined. These authors present the following list of points about what significant contributing factors led to this achievement:

1) A well-funded and highly placed specialized unit with autonomy over investigations;
2) Specific response and investigative protocols for all officers mandated in the Patrol Guide throughout the department’s chain of command;
3) Specific academy and in-service training;
4) Effective intake and data collection methods that gather incidents from precincts, other agencies, and private groups for investigations;
5) Notification and regular contact with private groups and other agencies;
6) Media accessibility of the commanding officer to quell false rumors and aid investigations;
7) Strong new laws that allow for significant penalties for hate crime;
8) Effective deployment of detectives to track down offenders; [and]
9) Multilingual victim services. (p. 338)

The underreporting of crime has consistently been a criminological challenge, and presents an obstacle to understanding crime in any region. However, this problem is significantly more acute where hate crimes are considered (Gerstenfeld, 2004). As Gerstenfeld (2004) notes, groups that are most likely to suffer as victims of hate violence, paradoxically, have characteristically strained relations with law enforcement. Blacks, for
instance, have severely strained relations with the police and are less likely to report crimes as a result of mistrust of law enforcement. Even though blacks are most likely to be victimized, and the U.S. Department of Justice (2012) points out that in 2011 there were 7,713 hate crimes, the problem could be significantly greater due to underreporting.

Gerstenfeld also cites the problem of victim groups not necessarily being mutually exclusive as a problem when recording hate crimes. She notes that it is entirely possible for there to be black Hispanics and other hybrid race/ethnicity combinations, and attacks, sans key slurs and bias identifiers, would create difficulty in determining exactly what kind of hate provoked the attack, whether it was singular hate or a merging of different kinds of hate. As noted by Ringnalda and Kool (2012), ethnic/racial slurs are significant identifiers used to distinguish and prosecute various hate crimes. Saucier, Hockett, Zanotti, and Heffel (2010) also point out that the lack of slurs, and also the uttering of the slurs, can present a serious challenge to hate crime classification. It is important to note that this is the kind of vagueness that critics of hate crime legislation conveniently use to argue that the concept is too ambiguous to be taken seriously.

The fact that hate crime groupings are not mutually exclusive also makes it more difficult to pinpoint the precise characteristics that engender hate (Gerstenfeld, 2004). As Gerstenfeld notes, there is often difficulty differentiating Arab from Muslim when hate crimes are committed against Middle Easterners, and whether the attack was motivated by bias against the Arab ethnicity, or whether the attack was motivated by bias against the faith of Islam, which is a very important distinction as far as hate crime recording is
concerned. This shows that hate crime legislation can lead to unique problems that would
not ordinarily arise from universally applied laws against violent, criminal behavior.

Gerstenfeld also points out that although hate crime and hate speech are affiliated
by the common theme of hate, they are different concepts legally. She argues that
haphazard analyses may cause the conflation of these two linked, but different
concepts—resulting in non-criminal hate speech being incorrectly placed under the
category of hate crime. To this point, Boeckmann and Turpin-Petrosino (2002) highlight
that engaging with paraphernalia of hate groups is, for the most part, considered speech to
which people are legally entitled, despite its societal offensiveness.

Gerstenfeld (2004) astutely argues that some hate crimes are not committed
against actual people, inasmuch as synagogues, mosques, and cultural centers are
routinely vandalized. She notes that those who attend these victimized institutions are not
collectively considered victims of hate crimes, inasmuch as the attack is officially seen as
one attack even though the effect is much larger in scale and more emotionally
catastrophic for a vast number of people. This shows the inherent limitation of
quantitative measures of this complex problem; hate crime requires much more rigorous
qualitative deliberation and analysis to be fully comprehended.

Given that ‘hate crime’ is an abstract term that means different things in different
states or situations, it is natural that there would be myriad discrepancies between how
hate crimes are reported in different states. With that said, simply having an agreed upon
definition of hate crime would be insufficient to solve these problems, inasmuch as
reviewers will still bring their idiosyncrasies and worldviews in applying an agreed-upon
definition to different situations. The points raised by Gerstenfeld (2004) demonstrate the importance of looking at hate crimes through more than just a quantitative lens and through a more careful qualitative lens, as this is an important step towards producing a solution to this acute and highly complex societal problem.

In addition to identifying the challenges the criminal justice system faces vis-à-vis measuring hate crimes, Gerstenfeld (2004) makes valid points regarding the possible unintended consequences that hate crime laws have that may perpetuate hate as opposed to reducing it. She argues that hate crime laws can lead to self-satisfaction. Passing these laws may give those who advocate for them a false sense of accomplishment, especially when these presumed accomplishments may only have infinitesimal actual effects on hate crime rates. Hate crime legislation is necessarily reactive—that is, such legislation responds to hate crimes after they have been committed. However, for hate crime to be productively reduced, proactive efforts need to be employed to combat the problem. A proactive approach to combating hate crime requires having a functioning theoretical model that explains why hate crimes occur, which is a necessary first step in significantly attacking the problem.

Gerstenfeld argues that hate crime laws may incite further hatred of protected minority groups. Hate crime laws, she points out, can be used by demagogues to engender a feeling of victimhood in those who are not victims. She points out that David Duke, former Klansman and noted white supremacist, routinely recites the false claim that hate crime legislation is part of an organized effort to marginalize and persecute Caucasian Christians. Granted, just because something can be manipulated to serve the
paranoia of racist rabble-rousers is not reason that it should abandoned; however, it is reason to be cautious. Moreover, Gerstenfeld warns that sentence-enhancing hate crime legislation can turn hate criminals into martyrs, and spur further violence against those believed to be responsible.

Jacobs and Potter (1998) highlight the fact that hate crime legislation, and those cases leading to media coverage, may provide publicity-seekers unwarranted celebrity, and a means of victimizing those they feel animus towards. In short, they argue that hate crime legislation can be a magnet for fraudulent claims of victimization. Again, these can give succor to the arguments that are made by white nationalists who suggest that almost all hate crimes are bogus. Concluding their argument, Jacobs and Potter (1998) write: “Breaking down generic criminal law into new crimes and punishment hierarchies depending on the prejudices of offenders and the demographic identities of victims may exacerbate rather than ameliorate social schisms and conflicts” (p.144). Clearly, this is a position to take as seriously as the pro-hate crime legislation position.

Why Do People Commit Hate Crimes?

Deviant-Focused Hate Crime Theories. The most useful model of the available deviant-focused explanations for understanding the reasons why people are driven to commit hate crimes is presented by Levin and McDevitt (1993), who break hate criminals into three typologies. Their work is inarguably relevant to the understanding of why individuals commit various hate crimes. The role that culture plays in promoting prejudice and bias is introduced, but in constructing their theory, Levin and McDevitt focus exclusively on the offender. The cultural aspect of hate is insufficiently integrated.
Levin and McDevitt point out that we live in a culture where it is natural for positive adjectives to be affixed to certain dominant groups, while negative descriptors are affixed to those who are members of the ‘other’ category. This unspoken norm makes it possible for supposedly lighthearted comments that are only halfheartedly said in jest. These jokes reveal a great deal about society’s tolerance for bigotry under the guise of humor.

In closing their argument on hate and society, tellingly, Levin and McDevitt (2003) argue that hate is becoming a prominent ideology in American society. They assert:

In the growing culture of hate, liberalism has become about as popular as leprosy. In its place, we find a new brand of political correctness—one that fits better with the prevailing conservative proclivities of the American people and our hard economic times, with the recent influx of newcomers from Eastern Europe, Asia, and Latin America who are blamed for stealing job opportunities. If anything, the rising tide of multiculturalism is being met by growing resentment among native-born white males who believe that their masculine advantage has been eroded. (p. 44)

What is problematic about this analysis is the way in which liberalism's contribution to the climate of hate is neglected. Politicizing the problem of hate crime while arguing that entrenched stereotypes, bias, and hate have become prominent in American society is unneeded. Granted, right-wing ethnic hatred exists, but, as will be discussed later, there are also aspects of liberalism that provide succor to groups that
promote hate. A coherent societal explanation for why hate crimes exist cannot only feature attacks on conservatism and right-wing ideologies without recognition of the fact that people of all political stripes, even adherents of what Al-Hakim (2010) refers to as “multicultural liberalism,” do their part to fester hatred, bias, and prejudice—even unwittingly (p. 344). Looking at hate crime while wearing ideological blinders is unhelpful to the goal of eliminating the problem from society.

Before describing their hate crime typologies, Levin and McDevitt (1993) described characteristics of hate crimes generally. The first is that hate crimes tend to be particularly savage and brutal. They argue that most hate crimes cause injury to their victims, and most are crimes of assault. At the time they wrote, the level of assaults reported nationwide made up 7% of all crime, whereas of hate crimes in the Boston area, half were assaults. Jacobs and Potter (1998) rejoin that Levin and McDevitt’s argument is insufficient. They argue: “Simply reporting that assaults comprised half of all hate crime over a four-year period does not indicate whether the bias motivated assaults caused more injury than nonbias-motivated assaults during the same period” (p. 82). Further, Jacobs and Potter argue that Levin and McDevitt did not logically show how hate crimes are more savage and brutal than other assaults. This is a reasonable criticism, inasmuch as the evidence that Levin and McDevitt presented to support their claim was inconclusive.

Levin and McDevitt also point out that a major hate crime characteristic is that they tend to be both senseless and random. They point out that this senselessness makes it difficult to predict and thus avoid:
When it comes to hate crimes, a potential victim cannot rationalize his or her future safety by saying, for example, ‘I don’t use drugs, so I won’t ever be hurt in a situation like that.’ Rather, for all members of a group under attack, the mere decision to leave home automatically puts them at risk of being victimized. (p. 13)

Another key to understanding hate crime is that the specific victim is not as important as is sending a message to the greater community, and thus the victim can easily be exchanged for any other member of the hated group. The best way to understand this is that hate victims are dehumanized and reduced to whatever characteristic offends their attacker (Levin & McDevitt, 1993).

The first Levin and McDevitt typology is the ‘thrill-seeking’ hate crime. This is an attack committed for enjoyment and entertainment. They point out that young offenders are most likely to be a part of the “thrill seeking” group of hate crime perpetrators. Generally, young people are much more likely to feel ennui, and thus are motivated to commit deviant acts as a cure for boredom. Levin and McDevitt (1993) point out that this ‘thrill-seeking’ group of hate crime offenders are the most likely to be susceptible to peer pressure and commit their crimes to impress their peers. This presents the question as to whether the hate or the peer pressure is responsible for the engagement in hate crime, or whether the two work in symbiosis. This is understandable considering that young people are much more likely to experience peer pressure in general, and contribute most to criminality in society (Farrington et al., 2003; Johnston, O'Malley, Bachman, & Schulenberg, 2004). Levin and McDevitt (1993) point out that those who
commit hate crimes are often fueled by their friends to engage in actions that they would not ordinarily engage in independently:

[A]n individual in the presence of his friends may take risks that he would otherwise find unacceptable. Under such circumstances, he feels free from accountability—responsibility is shared with his buddies and so is blame. In addition, members of a group act within a division of labor and are typically asked to play only specialized roles in the commission of a violent act. (p. 66)

Clearly, if the frequency of these acts are going to be reduced, it is important to develop societal understanding about the power of peer pressure on impressionable young people, for whom being expelled from a peer group can often be much more debilitating than any other experience. Ironically, young adults often engage in victimizing others so that they can avoid feeling like ‘the other’ within their own friendship groups. The concept of ‘the other,’ then, is important not just in describing how the attacker feels about the victim, but it is also the status that the thrill-seeking attacker wishes to avoid within his own friendship group.

Typically, hate is discernible only in the leader of the group committing the hate crime, whereas the other members are often driven predominantly by peer pressure. This further highlights a fundamental dilemma at the heart of the discussion surrounding hate crime: Is it prudent to categorize this as a hate crime, especially when many of the participants have no hate? Levin and McDevitt note that tracking down and prosecuting thrill-seeking hate criminals is particularly difficult, inasmuch as the randomness of the crime can frustrate the effort to identify any logical path that could lead to the
apprehension of the culprits. This difficulty becomes all the more acute when hate crimes are committed against property.

Given that most thrill-seeking hate crime incidents only contain one agent who might be motivated by hate, it is difficult to claim that hate is the driver of the thrill-seeking hate crime, especially if the main concern of many participants is saving face in front of their peer group. It seems, then, that thrill-seeking hate crime can be better understood by examining the intricacies of mob mentality and studying how people respond to peer pressure more so than it can be understood by a hate hypothesis.

The second group of hate crimes, as postulated by Levin and McDevitt (1993), is the “reactive hate crime.” In a revision to their original theory, Levin and McDevitt (2002) changed the ‘reactive’ label to ‘defensive.’ Here, some hate crimes that are defensive can also be reactive. This type of hate crime generally arises when criminals who are motivated by xenophobia use that conviction as a rationale for committing crimes against those they detest. Unlike the criminally adventurous ‘thrill-seeking’ hate criminals who leave the comfort of their own environments and go into new areas to commit their attacks, reactive hate criminals victimize others within their own communities. Levin and McDevitt further argue that more than any other type of hate crime, reactive hate crimes are the kind that are deliberately intended to communicate a message that the victim and his/her community is detested.

The light at the end of the tunnel as far as reactive hate crimes are concerned, when compared with other hate crime types, is that they are easier to solve since they have a more comprehensible trigger cause, and thus there is significantly more
predictability as to what kinds of crimes will be committed and who the victims may be. Levin and McDevitt note that these crimes are generally always resolved and stop occurring at the point where the perceived threat has been neutralized. Among the many triggers of reactive hate crimes, proximity, i.e., minorities moving into certain areas or neighborhoods, is chief among them. However, what is problematic about this is that the provocation that leads to this is not based on any legitimate complaint, inasmuch as bigotry and feelings of entitlement are not a basis for committing violent assaults. Demanding that potential victims avoid living in certain areas may ameliorate the problem, but as a matter of practicality and legality, why should these victims have to inconvenience themselves in order to placate the biases of their potential attackers?

Levin and McDevitt describe a third group of hate criminals: those who have a mission to accomplish. While the argument can be made that all those who commit hate crimes have psychological issues, this group is perhaps the most psychotic (and, providentially, also the rarest). These hate criminals commit ‘mission-oriented’ hate crimes specifically with the intent to eradicate a certain kind of “wickedness” from their presence. In their description of the ‘mission-oriented’ hate crime, Levin and McDevitt (1993) note, “In the hatemonger’s view, all outgroup members are subhumans, either animal or demon, who are bent on destroying his culture, his economy, or the purity of his racial heritage” (p.89). The best examples of these are crimes committed by the Ku Klux Klan, Aryan Nation, as well as the violence used in the Third Reich under the leadership of Adolf Hitler, which was explicitly defended using the alleged intellectual and ethnic “inferiority” of Jews and other non-Aryans. Harnishmacher and Kelly (1998)
point out that Hitler believed that the Jews were intent on world domination and
Corrupting society. They write: “This ultimate goal according to Hitler was what made
the Jews the threat of mankind; because their ultimate aim was the conquest of the entire
world, Hitler’s battle against them was for the good not only of Germany but of the entire
world” (pp. 37-38).

What is interesting to note about this third category of hate is that delusion and
Irrational fear are clear signs of mental instability. However, as noted by Levin and
McDevitt (2002), mission hate crimes are more than capable of being executed by those
who are, by all objective measures, sane. This said, it is important to note that hate crimes
committed by the mentally ill require markedly different solutions than those committed
by those who are sane.

Clearly, Levin and McDevitt’s “thrill seeking,” “reactive/defensive,” and
“mission-oriented” typologies are critically important to the understanding hate crimes.
These three categories, however, although useful, understandably do not explain all hate
crime motivations. While scholars can add to the understanding of this issue, it is
important to note that human beings cannot be easily analyzed, picked apart, and
reconstructed.

Humans are highly nuanced. In understanding the constraints that academicians
deal with when dealing with the concept of hate crime, perhaps one can borrow from the
Austrian School of economics. The Austrian School has continuously argued against the
simplistic application of theories and formulae to predict human behavior, and many of
the policy errors that are made in the field of economics have been the result of fallacious
thinking about important issues (Sowell, 2008). The field of criminology, like economics, is rife with various theories that purport to be the best explanations for why criminals commit crime. However, understanding that human behavior is not robotic and easily predictable put these theories into perspective.

Although Levin and McDevitt’s analysis offers an important framework, there are many questions that can be asked about each category. With respect to “thrill-seeking,” one must wonder whether or not this can logically be considered a hate crime category. There seems to be a contradiction between thrill, which is linguistically adjacent to the idea of euphoria, and the idea of hate, which can be logically linked to the idea of anger, resentment, and other negative emotions. It seems incongruous to argue that those who are motivated to commit hate crimes experience thrill or euphoria before or while committing such actions. And it is plausible to question whether or not it is possible for one to be both filled with enough hate to commit a violent act against someone and still receive thrills and euphoria from these actions. If someone receives pleasure from committing heinously violent acts against others, that individual has psychological problems—in which case, the “thrill seeking” category can be directly linked with the “mission-oriented,” which includes attacks by psychotic people. This presents a problem for meaningfully categorizing hate crimes.

Additionally, since there are mentally ill who commit hate crimes—especially mission-oriented hate crimes—no amount of legislation will deter those with psychological disorders from committing brutal violence. Hate crime legislation, then, cannot be another avenue that is used by the government to avoid providing proper
medical services to those who need them. Those who are violent as a result of mental illness must be provided with proper medications to keep them sane and free, or taken off the streets, if required.

**Socio-historical-focused hate crime theories**

In addition to the deviant-focused hate crime typologies produced by Levin and McDevitt (1993), others have contributed to socio-historical explanations of hate crime. Ehrlich (2009) argues that a confluence of socio-historical factors can be blamed for the proliferation of hate crimes. Given that Ehrlich’s approach is based largely on these factors, he is critical of Levin and McDevitt’s approach, inasmuch as he believes that they are too rigid in their focus on offender typologies and the response of law enforcement to hate criminals. Ehrlich (2009) argues that “[i]n Levin and McDevitt[’s book], you will not find any index entries or formal concern with prejudice and discrimination, but there are chapters on the law and the police” (p. 18). This is accurate. Levin and McDevitt discuss prejudice, but this seems tangential to the emphasis that is placed on typologies. As mentioned earlier, in describing Levin and McDevitt, while their three typologies of hate crime offenders are useful, they simply do not provide a comprehensive idea as to why people engage in hate violence.

In making his case, Ehrlich posits that there are ten key factors by which we should understand hate crimes. Ehrlich calls these ten factors “pathways” (p. 3). Ehrlich’s first pathway is “the social heritage of prejudice and discrimination” (p.4). He argues that everyone is born into an environment that invariably contains narratives, prejudices, hierarchies, and systems. Although humans are not privy to all these systems, they are
very quickly socialized to comply with them. He points out that research in social psychology has identified the alacrity with which people adapt to the systems and narratives they are born into, and that before toddlers are capable of even coherently differentiating between various groups, they are bombarded with prejudicial messages and forced to learn them. This analysis makes sense inasmuch as socialization is critically important to the development of biases and stereotypes.

Ehrlich’s second pathway is described as “the incorporation of violence into everyday behavior” (p. 4). Before discussing violence within the wider culture, Ehrlich points out that actors are increasingly exposed to alarming levels of violence in the home. He posits that women are much more likely to be injured as a result of home violence than anywhere else, as well as pointing out the fact that this is where children are often victimized. With respect to the wider culture, Ehrlich argues that increasing violence on television is problematic for the socialization of children as it makes murder—the ultimate act of violence—a normal activity, which then makes other lesser forms of violence even more *de rigueur*.

Ehrlich’s third pathway is what he calls “rapid social and economic change” (p. 5). He describes the 1950s America as a manufacturing-based epoch where the capitalistic notion of rugged individualism and free markets intellectually ruled the day. He points out that the 1950s saw the commencement of the Cold War, in which right-wing foreign policy was adopted. There was an ideological shift in America towards the left in the 1960s, which shifted back to the right in the 1970s. He argues:
the strong radical and countercultural trends of the new left of that period, which extended through the early 1970s, so threatened traditional values and existing power arrangements that a serious opposition developed. The new left created the new right; and the rest of this decade, extending through the presidential administrations of Reagan, Bush, and Clinton, saw the rise of a powerful conservative movement and a new era of rightist, white supremacist organizations. By the end of the 1980s, America had become politically polarized and that polarization continues today. (p. 6)

Ehrlich’s fourth pathway is “the economic restructuring of the 1980s and 1990s” (p. 7). The fundamental point he makes is that during the 1980s, there was a shift in America’s workforce, where the most significant employment increase was seen in lower paying jobs, whereas higher paying jobs were going overseas. The decline of manufacturing jobs and other blue-collar jobs were significant reasons for the expansion of urban ghettos and the economic crisis those in the inner cities faced. This shift in economic structure, he argues, was one of the most significant reasons for the proliferation of recipients of government assistance and the reduction of the American middle class.

The fifth pathway is the impact of "globalization" (p. 8). Ehrlich (2009) believes that this is disadvantageous to Americans because it allows for both capital and labor flows around the world. He writes that:

> [g]lobalization robs society of it is social capital. It increases hierarchy, concentrates power, and promotes individualism. The consequences are the
disenfranchisement and unemployment of the working and lower-middle class, especially black and brown workers. (p. 9)

What Ehrlich either misses or omits from his analysis is how globalization has a beneficial impact on the poor. Manifestly, globalization allows for the creation of cheaper goods, resulting in lower prices for these goods, which disproportionately benefits the poorest Americans. Even if one were to accept his analysis regarding the negative side of globalization, it is important to note that globalization clearly has positive results also. However, globalization would be an inherently vile concept to those inclined to commit hate crimes inasmuch as they are less likely to view the world as a global community.

The sixth pathway discusses “the culture of denial” (p. 9). Essentially, he argues that there is an impulse in American society to deny problems of prejudice and discriminatory structures:

[The] culture of denial…is the social condition contributing to the persistence of prejudice, discrimination, and conflict. Like all cultural patterns, these are transmitted across families, friends, and teachers, and authorized and maintained by authorities in government, the church, and the mass media. Evidence can be seen in such occasions as President Ronald Reagan’s assertion that civil rights leaders exaggerate racial problems to keep their organizations alive. (p. 9)

Moreover, Ehrlich asserts that because many believe that 21st century racial problems in the United States are now largely passé, they are virulently against policies designed to deal with them. Reagan’s assertion that civil rights leaders exaggerate racial problems for their personal gain may be a politically incorrect point to make, but it contains some
veracity (Rosenthal, 1989). The numerous hate crime hoaxes promulgated by civil rights leaders like Al Sharpton—most notably, the Tawana Brawley case in which six Caucasian men were falsely accused of rape in 1987—is evidence that not every racial problem/hate crime case trumpeted by civil rights leaders is true. That notwithstanding, Ehrlich is accurate in suggesting that there are some who maintain a head-in-the-sand mentality in order to avoid recognizing and addressing concerns of discrimination and prejudice that continue to exist in American society. Although these structures are not as unconquerable as some civil rights leaders have claimed for dramatic effect and financial profit, to pretend as though prejudice is a problem of the past, as some do, is also misguided.

Ehrlich’s seventh pathway refers to “social class and power in society” (p.10). His principal point here is that Americans are born with dramatically divergent life opportunities due to the societal construct of class. People accept the social class disparities in their belief in the American Dream—the idea that anyone can change his/her social position through hard work. He further points out the marked similarities between class and ethnicity, and argues that a society that believes dramatic differences in class and status is acceptable is much more amenable to accepting stereotypical and prejudicial belief systems on the basis of ethnicity. There is “[a] fundamental contradiction…between economic inequality and the acceptance of racial and ethnic equality. This is the built-in paradox of modern society” (Ehrlich, 2009, p. 11).

The eighth pathway is “the growth of corporate power” (p.11). Society has become much more comfortable with doling out excessive corporate welfare under the
principle of corporations being people. He argues that corporatization is problematic for three fundamental reasons. First, corporatization is an enemy to democracy, inasmuch as it empowers people with the financial means to nefariously influence the political process, leaving those without financial leverage politically unheard. His next point is that laissez-faire economic principles are insidious, and he believes that corporatization is inextricably linked to this economic system. Lastly, he argues that corporatization is an enabler of bureaucracy, which he believes is a deeply insidious institution.

Ehrlich’s (2009) ninth pathway is “bureaucracy” (p. 12). He adamantly opposes bureaucracies for two reasons. First, inherent in any bureaucracy is an emphasis on a power structure, where some are leaders and others are subordinate. Secondly, bureaucracies are powerfully dehumanizing and objectifying. Ehrlich (2009) writes, “those in authority in a bureaucratic organization therefore have a license to manipulate the behavior and lives of others without regard to their identity as individuals. Such depersonalization is a necessary condition of discrimination and ethnoviolence” (p.12). Ehrlich (2009) astutely points out that the bureaucracy was created as a more humane and workable alternative to other systems that have been criticized for their rigidity and dictatorial power structures, such as theocracies and monarchies; however, the bureaucracy has its own brand of idiosyncratic violence that overmatches the systems it replaced. He notes that “participation in a bureaucratic organization has the effect of validating inequality and authorizing depersonalization as an acceptable mode of behavior and of subjecting people to the repeated experience of treating others in this manner” (p. 13).
Ehrlich’s (2009) last pathway is “the selling of self-worthlessness” (p.13). He argues that those having feelings of worthlessness are more likely to project their feelings onto others and engage in prejudicial behavior. Additionally, he suggests that such negativity is not directed solely at one group, but is generally directed at different groups. Ehrlich also notes the danger of personal isolation, especially when it is accompanied with the feeling of self-worthlessness. He writes that “[t]his isolation in combination with self-rejection is toxic. It increases people’s susceptibility to authoritarian appeals and disengages them from a democratic process” (p.14). This is a very critical point. Commendably, this is where Ehrlich at least tries to bring in some deviant-based analysis for why people engage in hate crime.

Ehrlich’s ten factors describe how American society has become susceptible to ethnoviolence. The first and most important step is to examine the social context in which hate crimes occur before looking at individual offenses to understand why these criminals commit their acts of violence. Once the social context in which hate crimes occur is understood, individual crimes will be easier to assess.

Ehrlich’s analysis, however, while creative, often becomes too broad, unwieldy, and demonstrates political tendentiousness. Is there an argument to be made that economics and hate crime violence are linked? Certainly. But the case made by Ehrlich almost seems to be that any economic policy or institution that slightly favors market-based economics can be considered a pathway to hate crime. Again, Ehrlich (2009) falls into the same ideological trap that Levin and McDevitt (1993) fell into: while focusing on the politics and obvious bigotry of the extreme right, these authors discount the ways in
which center-left politics has contributed to a culture in which hate is fostered. Although Ehrlich’s theory makes some valid points, a detached and careful socio-historical-focused explanation of what factors influence the commission of hate crime cannot simply be a laundry list of ideological irritants. A much more careful analysis is required. Ehrlich, however, must be credited for his attempt to integrate deviant-focused and socio-historical-focused theoretical models, which Levin and McDevitt (1993) do not.

**Moral Development**

Given the nature of Levin and McDevitt's (1993) discussion, there must be some consideration given to moral development—that is, how do people form their morals and how do those morals shape their behavior. Moral development provides an important piece of the hate crime puzzle. One of the primogenitors of the field of moral development is B. F. Skinner. His groundbreaking book, *The Behavior of Organisms: An Experimental Analysis*, offers a psychological/scientific approach to understanding moral behavior. Skinner’s (1938) argument essentially is that knowledge of individual environments is critical to understanding moral behavior. His analysis puts nurture in higher regard than personal nature theories of behavior. His work is the foundation on which behavioral psychology is based.

Later came Kohlberg, who offered a more lucid theory of moral development, based on three fundamental stages of moral thinking. He calls these three levels of moral development the “pre-conventional,” “conventional,” and “post-conventional” (Kohlberg & Hersh, 1977, pp. 54-55). The first stage, the pre-conventional level, argues that humans simply respond to the actions of superiors in order to avoid punishment, with no moral
depth considered in making those decisions. Also, this is where self-interest is prioritized. At the second stage of moral development, the conventional level, Kohlberg suggests that humans follow rules in order to make superiors happy and to conform to society. At the third and last level of moral development, the post-conventional model, moral reasoning is defined well, and people follow an internal compass that maximizes autonomy. Rather than mechanically following rules, people are capable of nuanced moral reasoning and analysis, and can independently determine right from wrong.

Moral development is crucial to the understanding of why people commit hate crimes. As discussed earlier, children are socialized by stereotypes at very early ages (Ehrlich, 2009). Just as socialization occurs in stages, moral development occurs in stages also. While someone may be morally conditioned to believe that hate for others is acceptable, such a person is also likely to be exposed to other positive social factors that conflict with that socialization. For example, the recent renunciation of white nationalism by Derek Black, the son of the founder of the notoriously racist website Stormfront (see Potok, 2013), supports the contention that positive socialization can counteract the effect of negative primary or secondary socialization.

Another point about moral development and hate crime is that those who are guided by objective morality would be less likely to commit hate crimes. Conversely, if one subscribes to capricious and insidious conceptualizations of moral relativism—that is, someone believes that morality is flexible and that cultural considerations should be taken into account when judging moral behavior—such a person would not view crime commission with the same opprobrium as someone with a fixed, objective morality. With
this said, it is important to note that the spate of terrorist attacks perpetrated by radical practitioners of Islam over several decades is demonstrative of the fact that simply following a faith that professes morality is no definitive insurance against crime commission.

As noted by Wilson (1993) in *The Moral Sense*:

> The moral relativism of the modern age has probably contributed to the increase in crime rates, especially the increases that occur during prosperous times. It has done so by replacing the belief in personal responsibility with the notion of social causation and by supplying to those marginal persons at risk for crime a justification for what they might have done anyway. If you are tempted to take the criminal route to the easy life, you may go further along that route if everywhere you turn you hear educated people saying—indeed, “proving”—that life is meaningless and moral standards arbitrary (p. 10).

If moral relativism becomes more prominent within society, there will likely be an increase in crime, and hate crime will be included in that. The cultural permeation of moral relativism, then, is a warped form of moral development that, if unchecked, could contribute to hate crime.

**Applying Criminological Theories to Hate Crime**

The previous sections of this review highlighted many of the salient points that contemporary scholars have made regarding hate crime directly. While the insights of these scholars are important, it is also vital to assess the work of scholars who preceded the creation of hate crime as a criminological area of inquiry to see if their work offers
any illumination as to why hate crimes occur. Similarly, it is important to apply broad criminological theories of crime to the subject of hate crime in order to assess their explanatory power.

**Thomas Hobbes**

Manifestly, Hobbes’ writings are part of the field of political philosophy with inescapable criminological implications. The hypothetical ‘state of nature’ he posits precedes the social contract and has direct relevance to why people commit crime. Essentially, Hobbes (1904/1651) argues that an especially robust, central government is imperative in order to avoid the cataclysmic breakdown of society. Importantly, he also argues that the central goal of human interaction is what he calls *felicity*, which is the idea that humans are driven to acquire things they desire. Felicity, he argues, leads to a quest for power, inasmuch as it is a certain way to acquire more desirable things, as well as maintain desirable things already acquired. Hobbes analysis of what humans desire is similar to the points later made in Maslow’s (1943) Hierarchy of Needs. Needless to say, the quest for social power can be intoxicating.

Hobbes’ felicity offers an understanding of why some engage in hate crime. Hate crimes are generally committed by those in positions of influence against those who have less power but are on the rise—or are perceived to be on the rise (Deloughery, King, & Asal, 2012). Perry (2001) similarly argues that hate crimes are committed when those who are in positions of social authority believe they are on the verge of losing their authority to a new emerging minority. This ‘pursuit of power and felicity’ perspective that Hobbes posits strongly correlates to hate crime commission. Hobbes’ political
philosophy can be used to understand reactive/defensive hate crimes. These crimes are committed to send a message that kin of these victims are unwanted and will not be tolerated. Reactive/defensive hate crimes can be understood as a way for hate criminals to protect their environments, maintain their already acquired goods and power, and continue in a state of felicity.

**Cesare Beccaria**

As one of the founders of modern criminal justice, Beccaria advocated for what has come to be known as Classical Theory. Interestingly, Beccaria was heavily influenced by many English philosophers, including the aforementioned Hobbes, and included Hobbes’ theory of human nature into his own work (Tibbetts & Hemmens, 2010). Beccaria believed that there were three key elements at the foundation of human behavior: (a) free will; (b) the ability to act in ways that maximize pleasure and minimize pain; and (c) the capacity for ratiocination. Free will is prominent, especially since all actors have a choice in their actions, thus we all have the freedom to choose which pro-social or antisocial behavior we wish to commit or not commit. The idea of maximizing pleasure and avoiding pain is what Beccaria argues makes appropriate punishment an effective deterrent. Beccaria (1775/1992) writes: “…for if laws be too cruel they must be altered, or anarchy and impunity will succeed” (p. 63).

Beccaria’s perspective can be applied to understanding why people commit hate crimes. First, just as free will relates to all forms of criminal activity, it is also apparent in the commission of hate crimes. Criminals choose their behaviors. Similarly, ratiocination and maximizing pleasure/minimizing pain are significant. As the literature demonstrates,
those who commit hate crimes for the explicit purpose of conserving advantageous social constructs, which they believe are imperiled by those seeking to progress up the socioeconomic ladder, choose to commit hate crimes against those social climbers (Perry, 2001; Perry 2002b). Given this logic, it is clear that hate crimes are committed for distinctively rational purposes, to minimize the negative experience of the destruction of advantageous constructs, and, conversely, to maximize the positive experience of maintaining such profitable constructs.

Hate crimes are usually committed against those who are vulnerable and at the lower end of the socioeconomic totem pole (Deloughery, King, & Asa, 2012). The rationale for hate criminals can also be seen in that the targets are usually those least equipped to fight back. Their inability to fight back can be looked at from physical and legal viewpoints. Often, those targeted for hate crimes are not only physically weaker—which explains why physical hate crimes, according to Levin and McDevitt (1993), are often more brutal—but also those who do not have the financial and social resources to use the law to effectively fight off their assailants. Additionally, hate crimes are usually committed against those having poor relations with law enforcement (Gerstenfeld, 2004). Clearly, ratiocination is at work when hate criminals choose their victims.

Beccaria (1775/1992) also believed that the social contract is vital to the steady functioning of society. The most important aspect of the social contract is that the right of self-defense is ceded to a governmental body in order to avoid the chaotic effect of mass retaliatory violence. He argues:
If every individual be bound to society, society is equally bound to him, by a contract, which from its nature, equally binds both parties. This obligation, which descends from the throne to the cottage, and equally binds the highest, and lowest of mankind, signifies nothing more, than that it is the interest of all, that conventions which are useful to the greatest number, should be punctually observed. The violation of this compact by any individual, is an introduction to anarchy. (pp. 21-22)

The social contract is important in understanding why people commit hate crimes. Hate criminals believe they are under attack, and do not trust the system to defend them from their “attackers,” which compels them to take the law into their own hands and commit hate violence. Of course, this analysis applies best to a certain kind of hate criminal—that is, those hate criminals who commit defensive/reactive hate crimes against people that they feel are out to destroy their way of life.

Émile Durkheim

Durkheim is known as the father of sociology because of his pioneering work regarding the influence of society on individual behavior. Durkheim (1893/1997) posited a collective conscience arguing that humans have similar occupations, hobbies, goals, needs, and desires, and that there is homogeneity within society that acts as a bonding element, which is further strengthened by coming into contact with those with similar mindsets. When the collective conscience is weakened, such as when there is a diversification of people and practices within society, a state of anomie arises, and there is a much greater likelihood that conflict arises.
A fundamental premise of hate crime is that a critical difference exists between the attacker and the victim. Clearly, the proliferation of a multicultural society where actors import their value systems, in whole or in parts, will necessarily lead to the breakdown of social homogeneity and more conflict resulting in the commission of hate crime by those with proclivities towards violence. Durkheim’s postulations about the likelihood of inter-ethnic conflict when social homogeneity is endangered has been addressed in later scholarship (Marcson, 1945). When those with glaring socio-demographic differences are made to live together in a multiethnic society, there is considerably larger opportunity for conflict. Durkheimian criminology provides one of the strongest theoretical approaches to the understanding of why offenders commit hate crimes.

Routine Activities Theory/ Rational Choice Theory

Cohen and Felson (1979) advanced routine activities theory, which, as the title suggests, posits that crime is a natural, casual occurrence in the lives of criminals. At the heart of this theory is that crime is essentially a rational action that some undertake after weighing the pros and cons and deciding that the act of criminality will be advantageous. The authors postulate a three-prong theory of the conditions needed in order for crime to occur. They argue that there has to be a willing offender, a potential victim, and a lack of a competent guardian. The basis of routine activities is similar to rational choice theory and Beccaria’s criminology insofar as these theories operate from the premise that criminals are rational in deciding which crimes to commit.
Hate crimes are generally committed against those who are more powerless than their attackers, particularly on a social level (Deloughery, King, & Asal, 2012). This fits in well with routine activities theory. It is important to note that hate crimes are regularly committed against religious buildings such as churches, synagogues, and temples. Given that houses of worship are presumed to be peaceful places that do not ordinarily necessitate strong law enforcement protection, it makes them uncomplicated targets for hate criminals to inflict damage.

Iganski (2008) suggests that those who have been victims of hate crimes would prefer to believe that routine activities theory is wrong, and that only especially depraved people are capable of engaging in hate violence, but he argues this is misguided, even if emotionally consoling. He writes:

For those who belong to communities victimized by ‘hate crime’ there is perhaps a sad and paradoxical comfort in the thought that offenders might be an aberration, confined to the margins of society in terms of the sentiments they express. It is somewhat more threatening, however, to think that rather than being on the margins, the offenders are amongst ‘us’ and their sentiments are shared by many in the communities to which they belong. (p. 11)

Fundamentally, it is fair to presume that no one looking to engage in hate crime would choose a target who is especially well-equipped to fight back. Rational choice theory, then, plausibly elucidates why actors engage in hate crime. After his groundbreaking theoretical work with Cohen, Felson (1998) further proffered an explanation of why certain people are likely to be victimized and others are not. His model was based on the
constructs: value, inertia, visibility, and accessibility, or VIVA. A target that is *valuable* in the mind of the attacker, *easy* to attack, *perceptible* to the attacker, and easy to *contact* will result in crime. This is especially true for thrill-seeking hate crimes—the first prong of Levin and McDevitt’s (1993/2002) hate crime typology.

Rational choice theory argues that deviants commit criminal acts after careful utilitarian calculation. Although rationality is a concept having deep roots in historic criminology, rational choice theory is a chiefly economic construct utilized to explain why people commit crimes (Tibbetts & Hemmens, 2010). In explaining their theory, Cornish and Clarke (1987) write:

...offenders respond selectively to characteristics of particular offenses—in particular, to their opportunities, costs, and benefits—in deciding whether or not to displace their attentions elsewhere. Indeed, since the existence of criminal dispositions is questioned, so too is the corresponding notion of criminal ‘energies’ which have to be displaced into alternative actions. If frustrated from committing a particular crime, the offender is not compelled to seek out another crime nor even a noncriminal solution. He may simply desist from any further action at all… (p. 934)

In addition to routine activities theory and rational choice theory being legitimate explanations as to why some engage in hate crime, these theories also provide insight into why some are targeted for victimization whereas others are not.

**Strain Theory**
Strain theory argues that crime occurs because actors are stressed or strained. These strains can be either personal or societal. Although many have modified the original Durkheimian strain theory that generally focuses on strain caused by a lack of economic wherewithal to achieve one's goals, Agnew (2005) provides the most useful adaptation known as general strain theory. Agnew states that “a major motivation for crime is negative treatment by others” (p.26). Some of the factors that cause strain are:

…the blockage of monetary, autonomy, and masculinity goals; parental rejection; harsh or erratic discipline; child abuse and neglect; partner abuse; negative school experiences, like low grades and negative treatment by teachers; work in low-paying, dead-end jobs with unpleasant working conditions; homelessness; peer abuse; experiences with prejudice and discrimination; and criminal victimization.

(p. 27)

Agnew (2005) argues that well-balanced domains, on the other hand, in human lives, are critically important to prevent people from engaging in crime. However, he also notes that when these domains—namely, educational experience, marriage, self-restraint, parenting, peer-groups, and employment—intersect, i.e., cause strain, they lead to a “web of crime” (p. 65). This web analogy is particularly effective, inasmuch as it shows that if one of these domains is unbalanced, this has negative consequences on the other domains. For example, one of the domains Agnew offers is “poor parenting practices,” and the web shows that this has negative consequences on peer relationships and employment. Interestingly, Agnew’s analysis mirrors Hirschi (1969), who also posited the relationship between school misbehavior and crime.
Agnew is particularly useful to understanding why people commit hate crimes. Because he offers a holistic approach and focuses on the many domains in one’s life, it is conceivable that those who commit hate crimes have strain in their personal life domains—even if they conceal these strains by deflecting from their own personal dysfunctions by focusing on the group to which their hatred is directed. Also, it is important to note that some of the strains that Agnew names, such as poor employment can actually be used as justifications for hate crimes. For example, those who believe that immigrants to the United States are the reason for their inability to get the jobs they want are more likely to lash out at the “cause” of their strain. Agnew’s brand of strain theory certainly makes sense as an explanation for why people would engage in hate crime.

**Social Learning Theory**

Social learning theory essentially suggests that people learn criminal behavior through criminal socialization. The theory was clearly outlined by Bandura (1971) who argued for less focus on internal factors when examining human behavior vis-à-vis crime, and for much more focus on, what he believed, were the more important societal factors that influenced criminality. In explaining social learning, Bandura (1971) writes:

In the social learning view, man is neither driven by inner forces nor buffeted helplessly by environmental influences. Rather, psychological functioning is best understood in terms of a continuous reciprocal interaction between behavior and its controlling conditions. The social learning theory…places special emphasis on the important roles played by vicarious, symbolic, and self-regulatory processes,
which receive relatively little attention even in most contemporary theories of learning. (p. 2)

As Ehrlich (2009) argues, prejudice is something that is learned early on in one’s development. The internalization of biases, stereotypes, and prejudices are key factors in establishing the belief that some have more worth than others. While most do not react to the negative internalization of the stereotypes they hold by committing violent crimes, some use these biases as the lynchpin of their behavior. More than just learning stereotypes by way of socialization, the potential for learning the actual acts of hate crime are also explained by social learning theory. For example, when someone who has never committed a hate crime before witnesses one taking place, s/he is learning from the perpetrator of such a hate crime.

Of all of these theories, social learning theory and strain theory are the most relevant components to the theory that will be created in the subsequent chapter. Strain and social learning theories relevantly explain the intersection of how individual idiosyncrasies and socialization encourage or discourage criminal behavior. Bandura's point about "reciprocal interaction" between the human psyche and the culture within which one resides is crucial to the understanding of hate crimes (p. 2).
Chapter 4

Analysis

In creating a theory of hate crime, it is important to note that while both deviant-focused approaches and socio-historical-focused approaches are important to understanding the phenomenon, the socio-historical approach is the basic framework from which deviant-focused hate crime theories flow. Trying to understand how individuals behave without first examining the culture and social context in which they develop their belief systems and idiosyncrasies is impractical. To understand hate crimes, it is important to first understand that bigotry is a necessary component to their commission, but not a sufficient component. Many hold bigoted views, but would never act out their beliefs. Those who commit hate crimes generally have a proclivity towards violence. For instance, a neo-Nazi writer who publishes articles and materials to recruit others into the fold may be even more prejudiced than a hate criminal who holds the same view. There are many, sometimes ineffable, factors that create hate criminals; hate may simply be a catalyst that induces people who have the native propensity for violence to engage in such behavior.

No one theory can fully encapsulate the entire breadth of hate crime, although carefully integrated theories can do a better job than insufficiently integrated theories. Because hate crime is so amorphous, theories can only provide a general explanation of the phenomenon. This, however, is consistent with the concerns that have affected the field of criminology from its genesis. While there must be some level of generalization when positing a theory of hate crime, it is important to acknowledge the difficulty of
reducing highly complex influences of human behavior that spur violence into one comprehensive theory.

**The Matrix of Hate**

This theory consists of seven components that explain the phenomenon of hate crime. Borrowing from Agnew’s (2005) depiction, the theory can be appropriately called the Matrix of Hate, inasmuch as it describes multiple personal and social variables that create an environment in which hate comfortably thrives, and which likely culminates in hate violence. The topic of whether or not there are linkages between the seven components of the Matrix of Hate will be left for future research.

**Historical Tendentiousness**

History is important in the traditional aspect of the literature on hate crimes. Thus Ehrlich’s (2009) first gateway discusses “the social heritage of prejudice and discrimination” as a pathway for our current societal condition (p. 4). He points out that discrimination is passed down to subsequent generations. Thus, history is important in shaping the social hierarchy that exists and why some are viewed as acceptable while others are treated as outcasts. Aside from the history of oppression that certain groups have faced, it is important to note that the way history has been written is critically important to shaping a culture where certain people are viewed as superlative and elite, and others are viewed as subpar and lowly. While it would be preposterous to suggest that historians are directly responsible for hate crimes, it is logical to suggest that the work of historians is influential in shaping the culture that allows bigotry to flourish.
For example, the common narrative around Christopher Columbus is that he discovered a land in which Native Americans were already living. This kind of historical narrative has an ineluctable dehumanizing effect, inasmuch as it presents the notion that Native Americans were nonentities until Europeans landed in ‘The New World.’ Such ahistorical mythologies that wildly exaggerate Columbus’ exploratory genius while trivializing the humanity of Native Americans, frankly, are part of the socio-historical narrative that helps to promulgate the myth of the innate inferiority of certain people and the superiority of others—a precursor to hate crime.

One of the critical components of hate speech is that it communicates the notion of inadequacy and unimportance of certain groups of people based upon gender, race, ethnicity, or some other congenital factors (Matsuda, Lawrence, Delgado, & Crenshaw, 1993). Using this premise, it is important to realize that ahistorical, counterfactual history that disregards non-Western contributions to Western civilization, although not directly hate speech, has the same dehumanizing effect and contributes to the dismissal of certain ethnic groups as inferior. Society focuses so meticulously on the extreme expressions of bigotry that some of the more mundane activities that have damaging effects slip under the radar.

History that is told from the perspective of Africans being excessively tribal and thus unable to advance and develop, without telling the history of oppressive colonialism on the continent, is a way to promulgate the notion of African inferiority. This in turn leads to prejudices that encourage a belief that committing hate crimes against supposedly inferior Africans is acceptable. Manifestly, splitting of African land into
artificial countries with no respect for the ethnic and religious differences that separated different Africans was a product of ethnocentric hubris. This, however, was the reality of European colonization of Africa, and is a causal factor in fueling the ethnic tensions and conflicts that currently exist on the continent. Similarly, the shameful institution of apartheid in South Africa, perpetrated by Europeans, in which black South Africans were subjected to segregation and second-class citizenship has a lasting historical legacy. When the European influence is downplayed in the history of Africa, it only tells part of the story and allows bigots to advance the myth of the inferiority of Africans.

Apart from the African natural resources that were used to build much of the West, many neglect to mention the human resources that were taken from Africa for exploitation. African slaves constructed some of the most prestigious buildings and universities that currently exist in America—including its Capitol building and White House. When this information is carefully placed within the confines of “Black History Month,” it misleads an unenlightened public and reduces African industry to footnote status, as opposed to an important part of American history worthy of inclusion within the broader curriculum.

The focus on Africa in this section is vital because the portrayal of the continent is important to the cultural view of blacks who reside in the Western world. Inasmuch as the Negroid originated from Africa, portrayals of Africa have a significant impact on the way blacks are viewed around the world. Most of the racial slurs that blacks face are Africa-based or related. If depictions of poor, disease-ridden dying children are the only images seen in the Western media, this influences the impression that many have about
Africa—especially if they have not seen the continent through anything other than Western lenses. This has serious implications for African immigrants and slave-descendant Africans in the West.

When stories of what is commonly referred to as the “Third World” are told, the historical perspective of European colonialism and current day agricultural policies in the West are separated from the narrative. Bigots present poverty in these regions as irrefutable emblems of black and brown inferiority; however, when the history of European colonialism and current Western agricultural policy is included in the discussion, it makes it less comfortable to argue that the maladies that can be seen in the region are evidence of the inferiority of these people. Rather, one comes away with a much different conclusion—one that suggests that oppressive systems of colonialism and Western economic protectionism set these nations back several decades. Regarding economic protectionism and its impact on African economies one African economist explains:

In an uncertain world, Western countries (notably France and the US) are fearful of relying on other nations for their food in the event of a global war. Moreover, elected Western politicians have remained keen to protect their agricultural markets, and win the backing of the powerful farming lobby. The net result is a protective world of trade restrictions and barriers thrown up around the West, to keep African (and other developing regions’) produce out. But developed markets are crucial, in terms of both purchasing power and size, for African trade, which depends on such countries for much of its export revenue. … Estimates suggest
that Africa loses around US$500 billion each year because of restrictive trade
embargoes—largely in the form of subsidies by Western governments to Western
farmers. (Moyo, 2009, p. 115)

Granted, it is impractical to blame all of this continent’s problems on agricultural
subsidies and colonialism; however, these are major factors to be considered. When
Westerners see the countries from which immigrants emigrate from a more
comprehensive historical and geopolitical context, as opposed to through filtered Western
glasses, it is salubrious to intercultural relations and understanding.

The call for unbiased teaching of history with respect for the achievements of
non-Western people is often viewed as an attempt at ‘feel-good’ revisionism for ethnic
minorities, rather than as an attempt to include relevant information that is systematically
left out of mass-market history books. It is often forgotten that historians write history
books while wearing various, often ethnocentric, cultural glasses. Those who have been
socialized to believe that Westerners contributed everything of worth to the world and all
other regions of the world contributed little to nothing will bring that sociological
worldview to their work as historians. It is also relevant to point out that the work of
academicians is significant to the shaping the dominant perspectives held in the media
and popular culture.

If Africa is portrayed as being in a lackluster state due to the inferiority of its
residents, manifestly, Africans in the West will also be looked at as inferior. If heinous
Nazi ideology straight from the Third Reich is mainstreamed via modern political talking
points, it makes Hitlerian ideology and Jew-hatred seem all the more palatable to those
susceptible to that line of thinking. Clearly, history written about different places in the world have significant impact, particularly as globalization has become a key factor in the 21st century.

It is also critical to acknowledge that the way history is handled could be a cultural promoter of a climate of hate. Black History Month, created by the esteemed black historian Dr. Carter G. Woodson, is considered a celebration of black cultural and historical achievements, which are often ignored or downplayed. However, in practice, this recognition inadvertently aids the culture of hate. The idea of singling out a month of the year in which to teach and celebrate black history separates black history from American history. In other words, it can be seen as academic/historical Jim Crowism. Moreover, white supremacists consistently cite the recognition of Black History Month in service of their ideological cause. Black History Month is used by white supremacists to stir up ethnic hatred and promulgate the myth of the disenfranchisement and oppression of Caucasians. Black history should be integrated fully in American history curriculum and culture. Removing the demarcations and teaching a complete, cohesive, and integrated history with respect for reality and respect for all group achievements would be much more effective in combating a culture of prejudice.

History can also be used to promote retaliatory hate crimes. Manifestly, the history of race relations in the United States is grisly, and it can stir up negative emotions. In Wisconsin v. Mitchell (1993), African Americans were enraged after watching Mississippi Burning and decided to attack a random white stranger. While it would be imprudent to suggest that history should be watered down to avoid acts of retaliatory hate
crime violence, it is important to note that history can be used as a propagandistic tool to incite people to violence against those who did no wrong but just happened to be born with certain racial/ethnic characteristics. Thus, something as positive as teaching the truth about history to avoid its repetition can easily be turned into a negative, by inciting people to recreate the same deplorable behaviors that were prominent in days of yore. In addition, incidents of retaliatory hate violence can then be used to intellectually support the contentions of white supremacists, who argue that Caucasians suffer from systematic discrimination and hate crime savagery.

Overall, history is crucial to understanding hate crimes, not just in the sense of the legacy of bigotry that Ehrlich (2009) discusses, but also because history in and of itself is written with ideological, intellectual biases, and can be used to provide pseudo-intellectual bases for the prejudicial beliefs that many hold. As argued previously, when the worst of what is called the ‘Third World’ is highlighted, while the heinous impact of European colonialism is downplayed, the conclusion that inhabitants of the ‘Third World’ are incapable of managing civilization is more appealing.

**Superficially Convincing Purveyors of Hate**

If hate is to be successful as an ideology, strategic marketing is essential. Fundamentally, there are two branches to an effective hate marketing strategy. The first is that hate ideology should be intellectually convincing, and the second is that hate ideology should be emotionally persuasive. Granted, some are more moved by intellectually convincing arguments while others are more likely convinced by emotionally persuasive arguments. However, when trying to convert the average person
who would not ordinarily be prone to such a worldview to become acquainted with the ideology of hate, there needs to be more than just the repetition of crude, offensive slurs. The Internet today, for example, has given promulgators of hate a means to proselytize and gain converts to their movements of hate (Gerstenfeld, Grant & Chiang, 2003; Perry & Olsson, 2009).

Swain (2002) argues that white supremacists are becoming less odious and more interesting, articulate, and personable as they recruit those who would not ordinarily be taken in by their rhetoric. This, she argues, even includes renaming themselves ‘white nationalists’ as opposed to ‘white supremacists,’ given that the former is much less threatening than the latter. She also points out that white nationalists have successfully used language to hide themselves within the mainstream of the conservative political movement, so that those who are not apt to engage in careful scholarship would be taken in by the similarity of their rhetoric to that of mainstream conservatism.

White nationalists make arguments about the inferiority of blacks and Jews, and offer pseudoscientific analyses and arguments in attempts to defend their positions. In describing the new emerging brand of white nationalism in America, Swain (2002) writes:

Cultured, intelligent, and often possessing impressive degrees from some of America’s premier colleges and universities, this new breed of white racial advocate is a far cry from the populist politicians and hooded Klansmen of the Old South who fought the losing battles for segregation and white supremacy during the great civil rights upheavals of a generation ago. … The new white
nationalism, in this sense, might be considered a kind of repackaged, relabeled, and transformed white supremacy that is aiming its appeal at a broader and better-educated audience. (pp. 15-16)

Swain explains how the views of today’s white nationalists have much more intellectual potency than similar ideas previously advanced. Swain also argues for the importance of taking on the arguments of these intellectual white nationalists with cogent refutations, rather than ignoring them and treating them as though their influence is as insignificant as their intellectually unserious brethren, the skinheads. Hamm (1994) calls these sycophants “Idiots with Ideology” (p. 2). However, this kind of white supremacy is on the decline in America, and those with airs of erudition and intellectualism are on the rise, which makes them significantly more dangerous.

Another way in which hateful ideologies can spread is via illusory racial optics. Specifically, this is the use of spokespeople who are of the same race and/or ethnicity as the people being abused. When Patrick Buchanan chose Ezola Foster, a black woman who is proud of the Confederate flag, as his political running mate on the Reform Party during the 2000 Presidential Election, clearly it was an attempt to soften his reputation as a bigot by running with a black woman with similar beliefs. As Janofsky and Ayres (2000) write:

[Foster] seemed an unlikely choice for Mr. Buchanan, whose views are so far to the right on many issues that he has especially strong appeal to fringe groups that include white supremacists, militia members and anti-Semites . . .
Bay Buchanan, who serves as the chief campaign strategist for her brother, said Ms. Foster emerged as the vice presidential choice over several others because she shared Mr. Buchanan’s views on most issues and because she could hold her own in debates. (para. 12-13)

Although Ezola Foster’s worldview and that of Patrick Buchanan are similar, it is much harder to accuse someone of racism when she is of the same race of those she is said to despise. This is why illusory racial optics is an incredibly effective tool to use to spread hate.

Similarly, Jesse Lee Peterson, a self-proclaimed black conservative, has a history of making outrageously anti-black comments. He has argued that black people need to be sent back to plantations to develop a work ethic (Lee, 2012). Additionally, he has thanked God and white people for slavery, since that allowed blacks to leave the African continent, and even more preposterously compared the brutal experience of blacks being carried on slave ships as similar to flying on a crowded airplane. This stunning erroneousness of this is best encapsulated by Perlmutter who describes the experience on a slave ship, namely, the Middle Passage voyage:

The sense of misery and suffocation was so terrible that in the ’tween-decks—where the height was sometimes only eighteen inches, so that the unfortunate slaves could not turn around, were wedged immovably in fact, and chained to the deck by the neck and legs—that the slaves not infrequently would go mad before dying or suffocating. In their frenzy some killed others in hope of procuring more
room to breathe. Men strangled those next to them and women drove nails into each other’s brains. (as cited in Petrosino, 2003, p. 15)

Despite all that is known about the shocking misery of slaves on slave ships, it is not as easy to disregard the impudence of a black man who articulates such brutally ahistorical rhetoric against his own race. Rhetoric coming from those like Peterson is an effective tool in creating a culture of hate, inasmuch as it trivializes the most brutal experiences of blacks and gives racists cover for their most heinous bigotry.

Similarly, as those who discredit the Nazi Holocaust, Michelle Malkin, who styles herself as a conservative political commentator and is of Filipino descent wrote *In Defense of Internment: The Case for Racial Profiling in World War II and the War on Terror*. In it, she goes beyond simply arguing for racial profiling, which, in times of war, is a strategy that can be morally defended. Malkin (2004) leapt from supporting the potential necessity of careful racial profiling to arguing that President Roosevelt’s discriminatory policy of imprisoning Japanese American citizens was acceptable and justifiable and was not based on racial prejudice.

After citing statistics that show that people from other nations than just Japan were interned, she writes that “…FDR’s internment measures were not based on anti-Japanese racism, as so many Asian-American activists now claim, but on common-sense nationality distinction in time of war” (Malkin, 2004, p. 54). However, statements from those like General John Dewitt, who directed the internment are difficult to explain away:

In the war in which we are now engaged[,] racial affinities are not severed by migration. The Japanese race is an enemy race and while many second and third
generation Japanese born on US [sic] soil, possessed of US [sic] citizenship have become “Americanized,” the racial strains are undiluted. (as cited in Petrosino, 2003, p. 17)

Clearly, race was a critical factor in the decision to intern Japanese Americans, and this imprisonment remains one of the most shocking examples of how toxic a culture of prejudice can be when meshed with unbridled governmental power. However, when an Asian woman makes sophistical suggestions that the Japanese imprisonment was not primarily based on racial hatred, her pseudo-intellectual argument is given more credibility than it deserves.

Emotionally persuasive hate arguments are the kind that have the logical fallacy of faulty generalization as their bases. For example, when white nationalists make the argument that whites are under attack because they can reel off a list of incredibly vicious cases in which whites were victims of clearly identifiable hate crimes, one can understand why that would make an emotionally persuasive case. However, hate crime statistics show that white victimization, while certainly abhorrent, is clearly less frequent than victimization of others. Another style of faulty generalization is the notion that if black hate crime hoaxes cloud the dialogue, then hate crimes against blacks can be written off, in toto, as a myth. White supremacists rely on this sophistry going unnoticed in order to promulgate their ideology.

Fundamentally, the use of appealing hate messages and spokespeople who can casually advance a hate message is an important factor in understanding how a culture of hate proliferates. Messages that lead to the adoption of hate ideologies may be subtle, and
may not always rise to the level of hate speech, but the subtlety of the rhetoric is an attempt to mask the sinister motive of mass persuasion. More dangerous than just the subtle rhetoric is the use of strategic, appealing spokespeople to take up roles as apologists for bigotry against their own racial/ethnic group. This tactic is incredibly potent, inasmuch as it shields the position from critique, and makes it more difficult for the guileless to identify the heinous ideology behind the rhetoric.

**Illegitimate Territoriality**

The third component in this theory is illegitimate territoriality. Territoriality is the idea that various regions are owned exclusively by certain people, and encroachment on that location leads to aggressive action. Perry and Blazak (2010) discuss the apocryphal geographical demarcations that white supremacists fantasize about—especially in their belief that America is a country exclusively for the white race, whereas Third World countries are places for those of color. Moreover, they argue that in order to advance their worldview of America being a God-ordained white homeland, they ignore the contributions of Africans, Asian and Hispanic laborers, and Native Americans. In his book, *Human Territoriality: Its Theory and History*, Sack (1986) defines territoriality as “the attempt by an individual or a group to affect, influence, or control people, phenomena, and relationships by delimiting and asserting control over a geographic area” (p. 19). According to Cassel and Bernstein (2007), one of the principal factors that engenders hostility between people living in a geographic location is breached territoriality. These authors also point out that when there is disputation regarding territoriality, violence is a likely corollary. They argue that
Research on territoriality and aggression has suggested that ill-defined territory—whether primary (one’s home) or public (political boundaries or even bench space at a stadium)—is associated with aggression, whereas well-defined boundaries tend to be associated with peace. (Cassel & Bernstein, 2007, p. 116).

Interestingly, in the context of hate crimes, the territory that hate criminals believe is their right to control is largely based on whimsy and an illegitimate sense of entitlement, not on concrete legality. It is therefore important to distinguish between legitimate territoriality and illegitimate territoriality. Those inclined to commit hate crimes usually believe that their territory extends beyond their own personal property and space—which they are entitled to defend against intrusion—to the protection of a community, city, or country, which they are not.

Territoriality, as it relates to hate crimes, cannot be considered an acceptable legal concept such as the Castle Doctrine, which allows people to use deadly force when their home is being invaded or under attack (Samaha, 2005). Violent actions against people who violate legitimate territoriality are generally protected under the law. Perhaps the most important point is that there is generally no legal standing to hate criminals’ claims of territoriality. For instance, when a hate criminal spray paints abusive graffiti on a Jewish synagogue in an effort to get those who use or attend those facilities to leave the area, there is no justification for such behavior, as those institutions are legally permitted to be on that territory. Hate crimes, then, arise as a consequence of impractical notions of territoriality that hate criminals harbor. Even in the case of hate crimes against undocumented workers, who by definition are not legally permitted to be in the country,
generally, hate criminals do not know the legal status of those they assault.

Undocumented aliens do not walk around carrying ‘illegal alien’ signs. What is more likely is that if a hate criminal sees a Hispanic-looking target and stereotypes him/her as an illegal immigrant, an attack may follow.

Overall, this aspect of the Matrix of Hate ties in with Levin and McDevitt's theory regarding the defensive hate crime, where hate criminals attack those they feel are encroaching in their land. The belief that spurs defensive hate crime is rooted in what can be considered illegitimate territoriality.

**Unconstrained Ethnocentrism**

Related to the concept of territoriality, is ethnocentrism. In 1906, Sumner coined ‘ethnocentrism,’ which he defined as:

…[a] view of things in which one’s own group is the center of everything, and all others are scaled and rated with reference to it. Folkways correspond to it to cover both the inner and the outer relation. Each group nourishes its own pride and vanity, boasts itself superior, exalts its own divinities, and looks with contempt on outsiders. Each group thinks its own folkways the only right ones, and if it observes that other groups have other folkways, these excite its scorn … For our present purpose the most important fact is that ethnocentrism leads a people to exaggerate and intensify everything in their own folkways which is peculiar and which differentiates them from others. It therefore strengthens the folkways. (as cited in Kleg, 1993, pp. 164-165)
To be clear, not all aspects of ethnocentrism are inherently invidious. There is nothing intrinsically awful about having the view that one’s culture is central, and scaling other cultures with respect to one’s own culture. This rating process shows engagement and a certain degree of open-mindedness. After all, through the process of socialization, everyone adopts a worldview. The main harmful aspect of ethnocentrism, however, is the viewing of others outside of one’s ethnocentric bubble with contempt. This is where prejudice, bigotry, and hate come into play, and ethnocentrism becomes harmful.

Dr. King and Malcolm X are ideal examples of the differences between constrained and unconstrained ethnocentrism. Dr. King was ethnocentric in a constrained way, inasmuch as his black-centered worldview did not transfer to the belittling of other races. His famous speech delivered on the steps of the Lincoln Memorial is evidence of his belief in peaceful cohabitation between races and ethnicities. Malcolm X, in contrast, advocated a black supremacist worldview. Both men responded to the intensely racist conditions of the mid 20th century, nevertheless, King managed to constrain his ethnocentrism whereas Malcolm X did not. It is not surprising that King’s mode of constrained ethnocentrism led to Gandhi-esque peaceful protests to ensure civil rights for black Americans, whereas Malcolm X’s mode of unconstrained ethnocentrism led to the rise of groups like The Black Panthers that engaged in violence to achieve their goals, and inspired a generation of racist anti-white activists. As Booker (1998) points out, the Black Panther Party covertly supported impulsive, retaliatory violence against various governmental figures, despite the pretense that such violence was part of a carefully coordinated strategy.
While ethnocentrism emphasizes respect and reverence for one’s own culture, what some ethnocentric people sometimes forget is that the history of world is not one dimensional; no ethnic group developed completely independently of other groups. Afrocentric people would be intellectually dishonest to deny the cultural European influence on the African continent and African culture—from style of clothing to governmental systems. Similarly, white nationalists would be equally dishonest to deny the impact of Africans in the West. Resources, both human and natural, helped to build both the United Kingdom and the United States. Manifestly, then, Western civilization today is an amalgamation of the efforts of many different groups. Unconstrained ethnocentric people in the American context delude themselves into believing that everything in America is the result of their labor.

One of the most significant white nationalist/supremacist tropes is the notion that they are not motivated by hatred of other races, but by love for their own race. While it can be accepted that they love their own kind, the fact is that they do and say observably racist things that are harmful to other races. Herein lies the problem with ethnocentrism: if ethnocentrism can be constrained and only include the element of adoring one’s own race and culture, then it would be a perfectly acceptable, healthy, and innocuous concept. However, when unfettered, ethnocentrism is venomous because it transmogrifies into a racial/ethnic superiority complex, which seeks to destroy “inferior” races and ethnicities.

**Ethnic Jealousy & Fear of Inter-Ethnic Meritocratic Competition**

The literature is almost at a consensus that hate crimes are committed by dominant groups in service of oppressing less dominant groups. It is also vital to point
out that when minority groups begin to succeed, ethnic jealousies and threats emerge which in turn can lead to hate crimes. As insightfully pointed out by Chua (2004), middleman minorities, which she calls "market-dominant minorities" (that is, ethnic minorities in a region, but who do well in business, education, or other key social sectors) are routinely despised everywhere (p. 265). Similarly, Sowell (1994) argues that hatred and discrimination are rife wherever middleman minorities are located:

The political mobilization of envy has led to legal restrictions on productive groups, preferential policies for those unable to compete with them, mass expulsions, confiscations, and mob violence. Such responses have been common in the most culturally diverse societies—whether directed against the Tamils in Sri Lanka, the Germans in Russia, the Japanese in Peru, the Ibos in northern Nigeria, or many other groups in many other places. (p. 17)

Ingenuity and hard work are crucial components necessary to succeed in a capitalistic and meritocratic society. Competition is economically beneficial to society, inasmuch as economists argue that it allows for the creation of better products that are significantly cheaper to consumers. However, the very notion of competition is that some will do better than others. Economic competition can unfortunately breed unhealthy ethnic competition, of which hate violence may result.

In American history, there is evidence of hate crimes birthed from racial hate and envy. An example of this is the Tulsa Race Riots of 1921 in which resentful whites burned down a highly prosperous neighborhood in Tulsa, Oklahoma's Greenwood District (Brophy, 2002), an area that had earned the sobriquet of “The Black Wall Street”
because of how economically indomitable the area was. Within the space of a few hours, it was burned to the ground, leaving the area consumed. Ethnic jealousy and fear of inter-ethnic meritocratic competition is a powerful driver of hate crime.

**Encouragement of Victimhood – Real or Imagined**

In discussing victim psychology, it is important to note that there are two distinctive groupings: real victimization and imagined victimization. When actual victims, or descendant of victims, are encouraged to make their victimhood a part of their identity, hate violence could follow. Similarly, when those who are not victims are made to feel as though they are, hate violence is also likely. Ehrlich’s (2009) point about the selling of self-worthlessness is of value at this point in this theory. His argument regarding the appeal of demagogues to people who have low opinions of themselves is logically valid and worth exploring.

*Wisconsin v. Mitchell* (1993) demonstrates how stoking the victimhood of certain people can lead to retaliatory hate violence against innocent others. However, there is also a type of victimhood that is imagined. For example, white supremacists consistently rewrite history arguing that white men have been victims throughout American history and minority group members have regularly victimized white men. They cite crimes committed by immigrants and the 1965 Immigration and Nationality Act to support their claims of victimhood (Buchanan, 2006). Such accusers argue that the immigration of non-whites to the United States is a calculated attempt to quash the white race and repress America’s white destiny.
Public policy can be used to bolster the arguments of those who try to create a victim mentality and rile up others to act out against those usurping their rightful prominence (Gerstenfeld, 2004). White supremacists continuously complain about affirmative action laws and programs, arguing that whites have been unfairly disadvantaged (Swain, 2002). White supremacists who target affirmative action often omit the history of structural setbacks that have been placed in front of other races, as introduction to such a line of argument could temper the passions of those they are trying to agitate.

It is important to note that such arguments are not solely articulated by fringe radical thinkers. In 2013, Supreme Court Justice Antonin Scalia referred to the Voting Rights Act of 1965 as a "racial entitlement" for blacks (Overton, 2013). Such a remark, coming from the supposed intellectual leader of the conservative wing of the Supreme Court, is incredibly worrying inasmuch as his remarks are profoundly influential across many arenas. Arguing that a law designed to remove discrimination against blacks is a type of racial entitlement is an example of imagined victimhood mentality. It presents the absurd notion that allowing blacks to do what whites could already do is evidence of anti-white discrimination. Again, it is important to note that such arguments need not always be intellectually robust or logically coherent; they simply need to move the intended audience viscerally and emotionally. While it is easy to focus on the actions and ideas of individuals without positions of power, one must pay attention to the fact that the advocacy of bigotry and prejudice is not something that can be divorced from governmental power, particularly in the American context. Just as President Roosevelt
endorsed the internment of Japanese Americans, it should be of no surprise that such remarks come from someone as powerful and as intellectually well-regarded as a sitting Supreme Court justice.

Another point that cannot be stressed enough is that looking at what creates an environment conducive to hate crimes through a partisan or political lens will inevitably result in myopic analysis and a jejune treatment of the societal problem. Simply pointing accusing fingers at one political party or a certain area of the political spectrum misses the fundamental point: the socio-historical arrangement of society that makes hate crimes possible goes beyond partisanship. Progressive senator John F. Kennedy opposed the Civil Rights Act of 1964, as did the National Review magazine, a leading conservative publication, which at the time was spearheaded by conservative intellectual William F. Buckley, Jr. There was, clearly, opposition across ideological lines. Looking at the problem of a culture of hate through partisan political lenses inevitably obstructs more than it elucidates on this very important issue.

Furthermore, it is crucial to note that those who claim to want to improve the situation of certain groups can also help fuel imagined victimization, which can lead to retaliatory hate violence. For example, while Al Sharpton and Jesse Jackson have fostered commendable progress for the cause of civil rights for African Americans, they are also responsible for perpetuating race-based hoaxes, such as helping to perpetuate the fraud that was the Tawana Brawley case. Fraudulent cases build resentment in two different ways: some hearing about these false hate crime cases may be motivated to retaliate against innocents of the race that they believe perpetrated the hate crime. In
addition, when hate crime hoaxes are exposed, they bolster the arguments of those who
wish to dismiss hate crime as a fake problem, and advance the narrative of white
victimization at the hands of scheming minorities.

Hate crime hoaxes are insidious inasmuch as they have deleterious consequences
that can be broken into three parts: First, they diminish the seriousness of hate crimes;
second, they promote victimhood in the ethnic group of the fake victim, which could lead
to retaliatory hate crimes; and, third, they promote victimhood in the ethnic group of the
falsely accused attacker, which could also lead to retaliatory hate crimes.

Overall, the creation of victims and the stoking of victimhood mentality is a
significant analytical framework to use to understand why people commit hate crimes.
Both real and imagined victimization are dangerous, but imagined victimization is
especially dangerous, inasmuch as it not only can lead to an increase of hate crime
violence, but also trivializes the very serious issue of hate crime violence.

Sociopolitical panaceas

Often, many cultural leaders and politicians feel as though they are helping by
providing sociopolitical solutions for various societal problems. While these attempts
may be helpful, and sometimes even necessary, they can also have harmful unintended
consequences that promote the worldviews of those who seek to cause war-like ethnic
division, and thus increase incidences of hate crime.

One example of this is affirmative action. As pointed out by Sander and Taylor
(2012), affirmative action not only harms blacks who are beneficiaries of it by artificially
placing them in situations where they are not likely to compete, but it also obfuscates the
rightful achievement of other blacks who did not require affirmative action largess. Another problem is that it promotes the insidious stereotype of black underachievement. This, again, provides succor to the white supremacist talking point of the Negroid being inferior.

In their 2003 book *Contemporary Voices of White Nationalism in America*, Swain and Nieli interviewed various white nationalists/supremacists in order to understand how they think. Reno Wolfe, the leader of the National Association for the Advancement of White People (NAAWP) highlights how affirmative action is one of the trigger causes that helped spawn his group:

INTERVIEWER: So the main purpose of your organization, then, seems to be opposition to affirmative action. Your main goal in life seems to be opposing what you see as the special advantages and special privileges that are given to people because of their minority racial status. Is that an accurate description of the goals of the NAAWP?

WOLFE: Yes, that would be the main objective, though our objectives encompass much more. When you talk about programs that we oppose, we oppose all special privilege programs. These include programs that are offered at the time that a child is born to all the special programs that are given after that time. (p. 116)

As is common with white nationalist hate groups, their concern and attention is almost always devoted to impeding the progress of other groups, as opposed to conscientiously finding ways to advance their own position. The fact that there are entire white supremacist organizations that have been created as a response to affirmative action
proves that well-intentioned policy programs may have hazardous social consequences. The argument here is not that affirmative action should stop solely because it ruffles the feathers of white supremacists; the point is that sociopolitical elixirs have consequences that are often overlooked while society celebrates the commendable intentions of those who push these elixirs.

Summary of theory

In summation, the Matrix of Hate theory provides a seven-point examination regarding the personal and cultural reasons for the existence of hate crime. The first point, historical tendentiousness, stipulates that the inaccurate, biased telling of history has a dehumanizing effect that can be used as evidence for the supposed inferiority of certain groups, which could lead to the commission of hate crimes against those presumed to be inferior. The second point, superficially convincing purveyors of hate, highlights the ways in which hate can be disguised by cunningly identifying spokespeople who can be shielded from the accusation of bigotry and cause the credulous to be taken in by their sophistical, offensive, and erroneous contentions. The third point, illegitimate territoriality, hypothesizes that those with a broad interpretation of what geography they are entitled to defend, will likely engage in hate violence. For example, someone who has an illegitimate sense of territoriality may believe the entire U.S. is his/her land, and that it is within his/her right to protect it by driving away intruders by any means necessary. The fourth point, unconstrained ethnocentrism, argues that ethnocentrism itself is not harmful, so long as it can be constrained to having reverence for one's own culture. An unconstrained ethnocentric, however, sees other cultures as not only inferior, but
problematic. It is the unconstrained ethnocentric view that is the most insidious and leads to hate crimes against those viewed as culturally inferior. The fifth point, *ethnic jealousy and fear of inter-ethnic meritocratic competition*, argues that when people fear the rise of other groups that they are competing against, fear turns to jealousy, which could ultimately lead to violence against members of those groups. In order to send a message that their economic domination is not appreciated, aggressive antisocial action will be taken against them. The sixth point is *encouragement of victimhood—real or imagined*. This element of the theory points out the encouragement of a victimhood mentality can lead to retaliatory violence against those viewed as oppressors. The seventh and final point is *sociopolitical panaceas*, which argues that many of the societal solutions that are purported to be remedies for the culture of bigotry that exists may be perpetuating bigotry under the guise of solving it, and could provide justifications for hate violence.
Chapter 5

Conclusion and Further Research

This thesis has provided a theoretical construction comprised of seven deviant-focused and socio-historical-focused elements that are combined in an effort to explain the enigma of hate crime. The theory is called the Matrix of Hate. The literature review highlights the scholarly dispute over the term ‘hate crime,’ and how its discussion is strained, inasmuch as the term is abstract and is the subject of much definitional dispute. Additionally, various perspectives on the evolution of hate crime legislation were addressed. Given the importance of moral development to criminal decision-making, this was also reviewed in the literature. Criminological theory was also addressed. The works of Hobbes, Beccaria, Durkheim, and others scholars’ theories were discussed to determine whether or not their works offer insight into the topic of hate crime.

As far as further research is concerned, some of the points offered in this theory could be tested in different ways. For the historical tendentiousness component, qualitative and/or quantitative research can be conducted into the historical biases of those who commit hate crimes. In addition, a content analysis of American or world history books could expose biases that form the foundations for ethnic hatred that eventually lead to hate violence. To test the superficially convincing purveyors of hate component, studies can ascertain whether the language used and the appearance of those preaching hate has any bearing on whether or not participants agree or disagree with the hate message. Unconstrained ethnocentrism can be tested via survey research of those who have been convicted of hate crime, as well as asking the same survey questions to
those who belong to various cultural groups. Likely, the latter group would register a strong adoration of their own cultural group, and little or no contempt or interest for other groups; participants from the former would likely register high adoration for their own cultural group, and high contempt for other groups. Lastly, further research can be done in order to discover possible relationships between the components.

Hate crime is a captivating topic with serious future implications for the increasingly multicultural and multi-ethnic Western world. The study of its impact on societies as well as how to curb its proliferation is much needed, as failure to deal with the problem could have serious consequences. While a coherent explanation for why people commit hate crimes must include a blending of deviant-focused theories and socio-historical-focused theories, it is important to note that any meaningful attempt to significantly reduce the problem of hate crime must first start with the societal and historical understanding. Laub and Sampson (2001) point out that criminal desistance occurs when negative, crime-causing stimuli are replaced with constructive stimuli. Indeed, society has a role in helping to curb this problem via positive socialization.

It is important to clarify here that the intention of this thesis is not to diminish the important principle of personal responsibility by arguing that society is ultimately culpable for the actions of individuals. It is not to argue in favor of what Wilson (1993) refers to as “replacing the belief in personal responsibility with the notion of social causation” (p. 10). There is a fundamental and important distinction between social causation and social influence. While exculpating hate criminals and wholly blaming society is an exercise in futility, it is also important to note that hate criminals do not
operate in a vacuum, and they do belong to a culture that invariably shapes their warped worldviews—worldviews in which engaging in ethnoviolence is acceptable. To deny the role of society in shaping hate criminals would be just as impractical as suggesting that hate criminals are puppets completely stripped of volition who are forced to commit hate crimes by society.

This thesis has attempted to show, particularly with the point regarding sociopolitical panaceas, that anti-bigotry legislation and attempts to right the wrongs caused by ill-devised, government-sanctioned bias may also stimulate hate. Society, then, must look beyond the obvious hate peddlers and begin to examine how seemingly salubrious institutions and policies may have insidious effects that perpetuate some of the problems they were designed to solve. Once civil society wins the war against the ideology of hate, hate crime will ineludibly decrease in both frequency and severity.
References


