Objectives

- Understand that this course focuses on hate crime as a specific type of violent conduct and criminal activity, as well as on social control efforts designed to curb such violence; and
- Understand the objectives and key questions of this course.
- Understand what it means to think about "hate crime" as both an old and a new social problem;
- Identify some modern manifestations of the problem;
- Understand that the forms of "hate crime" can range from "symbolic to fatal"; and
- Understand "hate crime" as both a trans-historical and a trans-national phenomenon.



Please do the following required reading for Lesson One:

- The Violence of Hatred,
 Introduction to In the
 Name of Hate (BP)
- Hate Crimes Hurt More, Chapter 9 of Hate and Bias Crime: A Reader (BP)
- Consequences for Victims: A Comparison of Bias and Non-Bias-Motivated Assaults, Chapter 10 of Hate and Bias Crime: A Reader (BP)
- Connecting the Past to the Future: Hate Crime in America, Chapter 1 of Hate and Bias Crime: A Reader (BP)
- Beyond Black on White:
 Minority on Minority
 Violence," Chapter 5 of
 In the Name of Hate
 (BP)
- Hate Crime: An
 Emergent Research
 Agenda, Chapter 2 of
 Hate and Bias Crime: A
 Reader (BP)

Welcome to Hate Crimes.

I am your professor, Valerie Jenness, a Professor in the Department of Criminology, Law and Society and in the Department of Sociology at the University of California, Irvine. My research focuses on the links between deviance and social control (especially law), gender, and social change (especially social movements). I am the author of four books -

- <u>Making Hate a Crime</u>: From Social Movement to Law Enforcement Practice (with Ryken Grattet, 2001);
- Hate Crimes: New Social Movements and the Politics of Violence (with Kendal Broad, 1997)
- Making It Work: The Prostitutes' Rights Movement in Perspective (1993)

and co-editor of a recent volume

- Routing the Opposition: Social Movements, Public Policy and Democracy (with David Meyer and Helen Ingram, 2005)
- as well as numerous articles on the politics of prostitution, AIDS and civil liberties, hate crimes and hate crime law, and the gay/lesbian movement and the women's movement in the United States. To learn more, Meet Your Professor and read up On Your Professor.

The conduct we now call "hate crime" is as old as humankind. In the latter part of the 20th century, national attention has focused on hate crimes as an identifiable social problem connected to systematic discrimination and changing and strained intergroup relations. Indeed, *The National Law Journal* noted that the 1990s may go down in history as the "the decade of hate - or at least of hate crime" (Rovella 1994:A1). Perhaps the 21st century will too.

This observation attests to growing public concern with the perpetration of violence motivated by hate or bias, as well as recent legal and extra legal efforts undertaken to stem what some analysts refer to as a "rising tide of bigotry and bloodshed" (Levin and McDevitt 2002).

With this in mind, this course discusses hate crime as a specific type of violent conduct and criminal activity, as well as social control efforts designed to curb such violence.

The purpose of this course is to examine the causes, manifestations, and consequences of hate crimes, as well as the larger social context within which they occur, are reacted to, and seem to be proliferating. Throughout the course we will treat the study of hate crimes as a window through which a variety of social structures and processes can be rendered visible and amenable to examination, especially those related to social stability, social change, and social control.

Specifically, this course addresses a timely set of interrelated questions about the politics and dynamics of intergroup violence born of bigotry and manifest as discrimination.



For example, historically speaking, why has bias-motivated violence and its attendant categories of victimization only recently been recognized as a serious social problem in the United States - especially since violence directed at people because of their real or imagined characteristics is as old as humankind? Related, why is it that injuries against some people - Jews, people of color, gays and lesbians, and, on occasion, women and those with disabilities - are increasingly recognized by the law and in the public's mind as "hate crimes," while other types of bias-motivated violence continue to go unnoticed?

We can ask a number of other questions: What is the nature of the acts that constitute hate crimes? Who commits hate crimes and why? Who is most likely to be victimized by hate crimes and why? In what ways are hate crimes and efforts to curb them connected to larger social movements? How - and under what conditions - do communities in which hate crimes occur respond to such acts? What types of behaviors seem to be getting center stage in both public and policy discussions of hate crimes?

Conversely, what types of behaviors evoke the attention of those charged with controlling hate crimes and/or protecting civil liberties? Who are the relevant political players and what organizations, institutions, and constituencies are associated with both the proliferation and the social control of hate crimes? Finally, how have social control efforts been undertaken, and to what degree have they been effective?

To address the questions identified above, this course is organized around three general themes:

- · Conceptualizing and measuring hate crimes,
- The social context of hate crimes, and
- The social regulation of hate crimes.

Since no single conceptual framework or theoretical position can adequately account for the complexity of the production, maintenance and control of hate crimes, this course draws upon an array of classical and contemporary theoretical work, empirical research, and case studies to address the questions identified above.

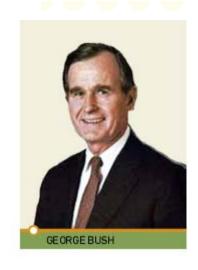
Before we begin this course, I would like to encourage you to elect to get acquainted with one another. Exchange your phone numbers and e-mail addresses. Form study groups. Engage in collaborative learning. Studies show that students who engage in collaborative learning tend to do better in college and beyond.

I also encourage you to communicate with me as often as is necessary to do well in this course. Do not wait until problems are exacerbated or concerns are outdated to seek assistance. My e-mail address is jenness@uci.edu. When e-mailing me, please indicate in the subject line that your message is in regard to the "Hate Crimes" course.

What does it mean to think about "hate crime" as both an old and a new social problem? As you will learn in this introductory lesson, violence targeted against specific groups is a subject that recieves much attention today, but it is far from a new phenomenon in human socieities.



Some of the most visible politicians have commented on the problem, for example, in his 1990 State of the Union Message, President Bush (1990:D22) acknowledged, named, and legitimated hate crime as a vexing social problem when he said "everyone of us must confront and condemn racism, anti-Semitism, bigotry and hate. Not next week, not tomorrow, but right now." Shortly thereafter, he elaborated when he argued that "today, some Americans are victims of appalling acts of hatred. And this is a sad irony that while our brave soldiers are fighting aggression overseas, a few hate mongers here at home are perpetrating their own brand of cowardly aggression. [T]hese hate crimes have no place in a free society and we are not going to stand for them" (Bush, 1991).



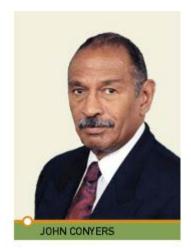


In 1997 President Bill Clinton established a "race relations commission" charged with, among other things, addressing hate crime in the United States. Shortly thereafter, he called for and attended a day-long national conference designed to bring national attention to the many problems and proposals surrounding hatemotivated violence.

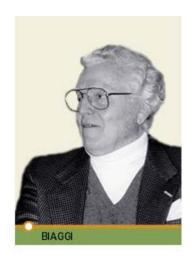
In recent years, the United States has witnessed an "anti-hate crime social movement" that has infiltrated multiple policy and institutional arenas. As Maroney (1998:564-56) concluded, "An extraordinary amount of police, legislative, judicial, scholarly, and community activity around hate crime in such a short period of time - less than two decades - is the result of an emerging social movement against hate crime. ... If, indeed, 'times have changed,' such change is attributable to the rise and societal impact of a social movement dedicated to hate crime victims" (Maroney 1998:564-568).

Times have changed so much, in fact, that journalists, activists, politicians, educators, scholars, community representatives, and other interested players continue to evaluate the parameters of bias-motivated violence and debate how best to respond to "the rising tide of bigotry and bloodshed."

In the United States Congress, for example, Representative John Conyers, Jr., explained in 1988 that "hate crimes, which can range from threats and vandalism to arson, assault, and murder, are intended to not just harm the victim, but to send a message of intimidation to an entire community of people. Hate crimes are extraordinary in nature and require a special government response" (Congressional Record 1988:11393).

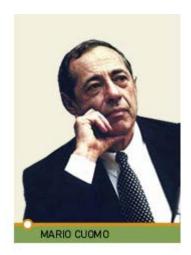


As you will see in this course, the law has been implicated as the institution primarily charged with responding to hate-motivated violence. Legal reform has arguably been the dominant policy response to the social problem of bias-motivated violence in the United States. As U.S. Representative Mario Biaggi argued during a 1985 congressional debate on hate crime, "the obvious point is that we are dealing with a national problem and we must look to our laws for remedies" (Congressional Record 1985:19844).



New York's then-Governor Mario Cuomo addressed the issue of hate crime when he argued that "as government, our single most effective weapon is law" (cited in Jacobs 1998:169).

In the early 1980s, U.S. lawmakers began to respond to what they perceived to be an escalation of racial, ethnic, religious and other forms of intergroup conflict with a novel legal strategy: the criminalization of hate-motivated intimidation and violence. John Conyers, Jr., the U.S. Representative most responsible for initiating and holding federal hearings on U.S. hate crimes, explained that "enactment of such legislation will carry to offenders, to victims, and to society at large an important message, that the Nation is committed to battling the violent manifestations of bigotry" (U.S. Congress 1985b:62).



Social and legal attention to so-called "bias motivated crime" continue to take interesting turns. For example, in 2009 Maryland became the first state to recognize homeless people in state hate crime law. Read this short article and the accompanying commentary.

Meanwhile, calls for legal reform in the area of hate crime continue. For a recent example, watch the <u>YouTube video found here.</u>

Opposition to hate crime legislation also continues. For example, read <u>this recent article</u> and the accompanying commentary.

These proclamations and policy changes speak to a larger shift in social thinking and reform. Namely, in the 1980s a new category of crime emerged and found a place in both legal and public discourse. The emergence and institutionalization of hate crime as both a legal and cultural category has transformed heretofore private injuries of select groups of individuals into the subject matter of a leading public issue accompanied by controversial legal reform. Select constituencies - people of color, Jews, immigrants, gays and lesbians, women, and those with disabilities - increasingly have been recognized as real and potential victims of a newly recognized type of violent criminal conduct: "hate- or bias-motivated violence" (Jenness 1995a).

Consider some contemporary examples:

Are all of the incidents mentioned on the preceding screen hate crimes? What characteristics do they have in common? How do they differ?

What might be inferred about hate crimes in general from these examples? Can you begin to develop a working definition of "hate crime" from your discussion of these incidents?

To participate in the discussion, select OUTLINE from the TOOLS menu. Once you are back at the OUTLINE, select the appropriate FORUM from this lecture.



The incidents we have been considering are hardly isolated incidents. Sheffield (1992) cites the following:

Attacks on African Americans who moved into a predominately white neighborhood in Philadelphia ... Attacks by neighborhood youths on families of Cambodian refugees who had to flee Brooklyn ... The harassment of Laotian fishermen in Texas ... The brutal attack on two men in Manhattan by a group of knife- and bat-wielding teenage boys shouting "Homos!" and "Fags!" ... The assault on three women in Portland, Maine, after their assailant yelled anti-lesbian epithets at them ... The stalking of two lesbian women while they were camping in Pennsylvania, including the brutal murder of one of them ... The gang rape, with bottles, lighted matches, and other implements, of a gay man who was repeatedly told that he was getting "what faggots deserve"... The fatal stabbing of a heterosexual man in San Francisco because he was presumed to be gay ... The gang rapes of a female jogger in Central Park and a mentally handicapped teenager in Glen Ridge, New Jersey

EVERY HOUR

Someone commits a hate crime

EVERY DAY

Eight blacks, three gays, three jews and one latino become hate crime victims

EVERY WEEK

A cross is burned

The year 1998 saw three highly publicized cases of homicide wherein the victims seemingly were selected because of a social characteristic - race, gender, and sexual orientation, respectively.

In June, the murder of James Byrd in <u>Jasper, Texas.</u>

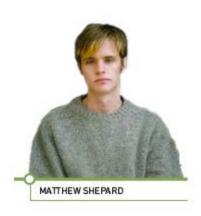
For a more recent view, 10 years after Byrd's brutal murder, see here.

In contrast, the murder of four young girls in a Jonesboro, Arkansas, schoolyard in March of 1998 was framed as a "youth crime" by *Time* magazine (Labi 1998) and as a "schoolyard crime" by *Newsweek* (McCormick et al. 1998). It was not called hate crime, despite the revelation that the young boys in custody for the killings sought to shoot girls because it was girls who angered them. (To learn more, read about what happened and why).

For a more recent view of school shootings, see this book by <u>Katherine Newman</u>.

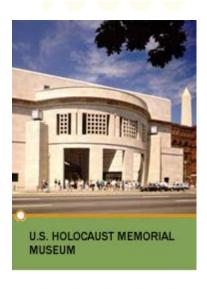
The murder of Matthew Shepard, a young gay man who was pistol-whipped, tied to a fence, and left to die, got discussed as a hate crime by the national news media and immediately inspired federal hearings to pass yet another piece of hate crime legislation in the U.S.

<u>New information</u> has redefined Matthew Shepard's murder as something other than a hate crime.



More recently, a gunman walked into the U.S. Holocaust Memorial Museum and opened fire on the crowd. The 88 year old James von Brunn, a Holocaust-denier with links to several violent white power groups, killed a security guard before being shot himself.

To a greater or lesser degree, this and the three previous events now get talked about and written about as hate crimes.





Conflict between Jews and Muslims reaches far beyond the U.S., however. <u>See this New York Times article</u> for an international perspective.

These kinds of crimes, as well as many other cases of violence, are increasingly defined as "hate crimes" in the United States. Do they differ in some way from bias-motivated violence that occurred in the past?

Do you think "hate crimes" are a new problem? Why? Why not?

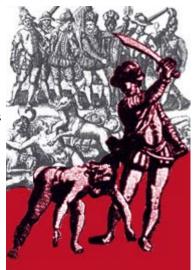
To participate in the discussion, select OUTLINE from the TOOLS menu. Once you are back at the OUTLINE, select the appropriate FORUM from this lecture.



What we now commonly refer to as "bias-" or "hate-motivated violence" is not a new phenomenon: It is a feature of human societies throughout history and across the globe.

Social scientists from many disciplines have noted that the history of human society is the history of intergroup conflict. Bias-motivated violence continues to take a variety of forms, from symbolic attacks to fatal assaults. It also implicates a range of perpetrators, from intimates to strangers to institutions, such as the state. As Sheffield (1992:388) observed:

"Our history reveals a pattern of violence, brutality, and bigotry against those defined as 'other.' State violence was committed against Native Americans, captured and enslaved Africans, African-Americans, workers, and citizens who protested domestic and foreign policies."



In a similar vein, Jacobs and Potter (1996:391) observed: "It is hardly necessary to point out our nation's history of bias: Native Americans were brutally murdered as the West was conquered; the blood and sweat of Chinese and other immigrant workers stain the expanses of railroad tracks across the midwest; lynchings of blacks were once common; violence against various European immigrants and Jews was a fact of life. Clearly, violence motivated by racism, xenophobia, anti-Semitism and other biases is not new."



Finally, using the terms hate-crime, bias crime, and hate-motivated crime interchangeably, <u>Maroney</u> asserts:

"Hate crime, far from being an anomaly, has been the means of maintaining dominant power relationships throughout the United States history. Hate crime may be defined as acts of violence motivated by animus against persons and groups because of race, ethnicity, religion, national origin or immigration status, gender, sexual orientation, disability (including, for example, HIV status), and age. Thus defined, the category encompasses a wide range of historical practices, such as the many individual acts of violence against African Americans used strategically to cement slavery's power base. Historically, such crimes have been actively encouraged, passively condoned, or simply ignored by systems of governance, especially the criminal justice system."



Such acts have been well documented, especially with reference to violence based on race, religion, ethnicity, sexual orientation, and gender. For example, in *Racial and Religious Violence in America: A Chronology, Newton and Newton* (1991:ix) have documented "a time line of atrocity, acts of mayhem, murder, and intimidation perpetrated on the grounds of racial or religious prejudice, from the discovery of North America to modern times." They conclude that "bloodshed based on race or creed is interwoven with the fabric of our culture from the first arrival of explorers to the present day. [O]ur modern spate of ethnic mayhem is by no means new, unprecedented, or unique."

Focusing on this century in particular, Kressel (1996:1) surmised the following in *Mass Hate:*

"The twentieth century has been a century of hostility, an epoch in which the brutality of humankind has erupted and flowed more expansively than ever before. During the past eight decades, mass hatred has reached genocidal proportions in Turkey, Germany, Indonesia, Nigeria, Bangladesh, Burundi, Cambodia, Bosnia, Rwanda, and elsewhere. Blood has gushed so freely, and with such frequency, that one might consider the urge to kill one's neighbor an inborn characteristic of our species. The continuing cycle of violence that characterizes Israeli-Palestinian relations serves as a contemporary reminder of the ongoing nature of such inter-ethnic conflict.

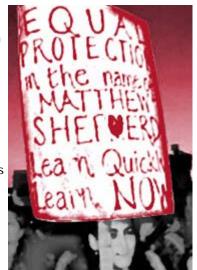
"Killing one's neighbor," to use Kressel's term, does not only occur as a result of racial, ethnic, and nationalistic conflicts. Sexual orientation and gender are also routinely implicated in bias-motivated assaults.



Violence against homosexuals and people presumed to be homosexual has been documented for as long as the lives of gay men and lesbians have been documented. For example, Boswell (1980) documented violence against gay men and lesbians from the beginning of the Christian era to the 14th century. In *Gay American History*, which covers a period of over 400 years, Jack Katz (1976) documented a history of violence directed at individuals because of their sexual orientation, identity, or same-sex behavior. Historically, such violence often has represented official state policies and has been perpetrated by representatives of the state as well as private citizens.

Two decades ago, the National Gay and Lesbian Task Force documented literally thousands of incidents of violence against gay men and lesbian women the United States throughout the latter part of the 20th century. These data led the Reagan administration's Justice Department to commission a report on bias violence in 1987. It concluded "the most frequent victims of hate violence today are Blacks, Hispanics, Southeast Asians, Jews, and gays and lesbians. Homosexuals are probably the most frequent victims" (National Gay and Lesbian Task Force 1987:10; Vaid 1995:11)

More recently, the National Coalition of Anti-Violence Programs documented over 2,000 incidents of anti-LGBT violence in 2000 alone—a 24% increase from 2006 (National Coalition for Anti-Violence Programs 2008). View the full report here.

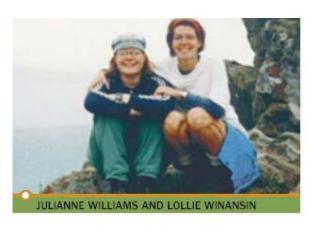


Over the last few decades, feminist historians, activists, and scholars have documented literally thousands of cases of violence against individuals because of their gender (for a recent review, see Caputi 1992 and Davies 1994). This violence, which includes everything from rape to wife burning to genital mutilation, spans history and is not bound by culture or region. Indeed, in the preface to *Women and Violence*, Davies (1994:vii) refers to violence against women as, simply, a "universal problem."

Read Attorney General John Ashcroft's indictment of Darrell David Rice for the murders of Julianne Marie Williams and Laura "Lollie" S. Winansin 2001.



Read a more recent (2004) update on this case.







- Although an awareness of "hate crime" may be a recent development, the phenomenon itself is by no means new. It is a trans-national, transhistorical phenomenon – a method of maintaining power dominance whose forms may vary from symbolic to fatal.
- Thousands of hate crime assaults and murders based on race, religion, gender, and sexual orientation have been well-documented over the past few decades.
- The criminalization of hate-motivated intimidation and violence began in earnest in the United States in the 1980s. The emergence and institutionalization of hate crime as both a legal and cultural category has transformed heretofore private injuries of select groups of individuals into the subject matter of a leading public issue accompanied by controversial legal reform.

