

Counting – and Countering – Hate Crime in Europe

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Over the past decade, the European Union has experienced unprecedented demographic shifts, both quantitatively and qualitatively. Contemporary migration patterns, as well as the increased visibility and activism of such communities, people with disabilities, and LGBT individuals, have arguably enhanced the dynamism and diversity of host countries. However, these same patterns have engendered a perception of threat that has all too often manifest itself in violence directed toward the *Other*. As nations attempt to negotiate the place of these new voices, they must also attend to the behaviours which would otherwise continue to silence them. Consequently, the measurement and regulation of hate crime have become important components of the public agenda around intolerance and xenophobia.

The persistence of hate crime poses both immediate and secondary effects. Research suggests that first and foremost among the impacts on the individual is the physical harm: bias motivated crimes are often characterized by extreme brutality.¹ Additionally, the empirical findings in studies of the emotional, psychological, and behavioural impact of hate crime are beginning to establish a solid pattern of more severe impact on bias crime victims, as compared to non-bias victims.² In addition, however, many scholars point to the “fact” that hate crimes are “message crimes” that emit a distinct warning to all members of the victim’s

¹ J. Levin and J. McDevitt, *Hate Crimes: The Rising Tide of Bigotry and Bloodshed* (New York 1992).

² G.M. Herek, J.C. Cogan, and J.R. Gillis, ‘Victim experiences in hate crimes based on sexual orientation,’ 58 *Journal of Social Issues* (2002) pp. 319-339; J. McDevitt, J. Balboni, L. Garcia, and J. Gu, ‘Consequences for victims: A comparison of bias- and non-bias-motivated assaults,’ 45 *American Behavioral Scientist*, (2001) pp. 697-713.

community: step out of line, cross invisible boundaries, and you too could be lying on the ground, beaten and bloodied.³ Consequently, the individual fear typically associated with crime generally is thought, in the case of hate crime, to be accompanied by the collective fear within the victim's cultural group, possibly even within other traditionally vulnerable groups. Weinstein,⁴ refers to this as an *in terrorem* effect: intimidation of the group by the victimization of one or a few members of that group.

Hate crime also has disturbing consequences for the relationships between communities. Cultural groups that are already distant by virtue of language differences, or differences in values or beliefs are rendered even more distant by virtue of the fear and distrust engendered by bias motivated violence. Intergroup violence and harassment further inhibit positive intergroup interaction. Consequently, it throws into question not only the victim's and the community's identity, but also national commitment to tolerance and inclusion. Speaking specifically of Native Americans over fifty years ago, legal scholar Felix Cohen noted that mistreatment – legal or extralegal – of minorities “reflects the rise and fall of our democratic faith.” More recently, a New York state bill⁵ proclaimed that:

... bias-related crimes undermine the freedom that forms the foundation of what should be an open and tolerant society. These crimes vitiate the goodwill and understanding that is essential to the working of a pluralistic society. They are the antithesis of what this nation and state stand for. Accordingly, the legislature finds that ... bias-related crimes should be prosecuted and punished with appropriate severity.

In other words, the persistence of hate crime is a challenge to democratic ideals. It reveals the fissures that characterize its host societies, laying bare the bigotry that is endemic within each. As such, it may very well be the case that bias motivated violence is not just a precursor to greater intergroup tension, but is an indicator of underlying social and cultural tensions.

If we are to effectively intervene in hate crime, we must first understand the nature, distribution, dynamics and impacts of hate crime. Yet the evidence suggests that few EU nations have succeeded in developing effective strategies for gathering the necessary data – indeed, some have not even made a concerted effort to do so.⁶

³) P. Iganski, ‘Hate crimes hurt more,’ 45 *American Behavioral Scientist*, (2001) pp. 626-638.

⁴) Cited by Iganski, *loc. cit.*

⁵) *Comprehensive Bias and Gang Assault Act*, N.Y.S. 6220, 214 Laws of Res. Sess. sec. I (1990)

⁶) European Monitoring Centre on Racism and Xenophobia, *Racist Violence in 14 EU Member States* (2005); Office for Security and Cooperation Europe, *Hate Crime Laws: A Practical Guide*. (Warsaw: 2009).