

# Hate Crimes: Victimizing the Stigmatized

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In an important sense there is only one complete unblushing male in America: a young, married, white, urban, northern, heterosexual Protestant father of college education, fully employed, of good complexion, weight and height, and a recent record in sports.

—Erving Goffman

**B**ecause there may be more painful facts in the statement than can be endured, Goffman's characterization of the status characteristics of "normals" must be put wryly. It suggests something so deeply troubling about a culture that regards as acceptable categories of normalcy whose membership criteria so few can meet unabashedly that these can only be described as mythical social niches. Everyone must fall short of such ideal standards at one time or another, and even where norm expectations can be attained by some, the sheer multiplicity disqualifies most. Consequently, in matching ourselves against tough cultural norms rooted

in a Puritan past that dwell upon human perfectibility, it is inevitable that we see ourselves as inadequate. Psychologically pitting oneself against such unforgiving ideals induces anxiety depending upon how deeply these values are internalized.

However, phantom prescriptions are evanescent and are entrenched nowhere in particular; still they cast a long shadow on social encounters and relationships everywhere. Moreover, they compel invidious distinctions that warp cultural life by situating some people at the bottom of the social hierarchy while locating others more strategically in the preferred statuses of color, creed, and sexual orientation.

Values shape our social etiquette and may also, as events suggest, promote alienation and disdain against those stigmatized socially, because they do not snugly fit into cultural categories of acceptability. Cultural and racial distinctions, a consciousness of kind, flow naturally from a normative value system that historically has distinguished and stratified individuals and groups.

Racism, like ethnocentrism, consists of beliefs and attitudes that result in the creation of differences between and among groups that produce inequities of all kinds. These prejudices often lead to discrimination or institutional racism, because in social settings in which such beliefs are widespread and deeply embedded in our thinking and feeling, they are not significantly challenged morally or legally.

In the spring of 1990, New York City, described by its newly elected African-American Mayor as a "gorgeous mosaic," was a bundle of raw racial nerves. Mayor David Dinkins meant to emphasize the rich ethnic and social textures that were the secret strength of community life in New York City. However, the communities making up the ethnic kaleidoscope were brimming with tensions and frustrations. A series of incidents involving race and bias had occurred months previously and had ignited hysterical reactions. For many in the minority communities, Howard Beach, Bensonhurst, and many other incidents dramatized the fear of widespread racism

and prejudice festering just beneath the surface. Some reporters assigned to bias incidents were subjected to personal attack.

Racial, ethnic and religious tensions were not limited to New York or other large cities. They have erupted in rural places and on college campuses across the country—even in schools noted for their liberal sentiments and progressive attitudes. The targets of intolerance include blacks, gays, Jews, Hispanics, Asians, and Caucasians. Characteristic of many incidents in colleges is an abiding resentment toward affirmative action programs that are ideally designed to facilitate minority entry and mobility into higher educational institutions.

◀The collective evidence from many jurisdictions around the country suggests that racially, religiously, and sexually motivated incidents have increased in the last decade. RRES (racial, religious, ethnic, and sexual) crimes have become a distinct category for investigation by anti-bias units within police departments and district attorneys' offices in states and regions where populations are large, diverse, and heterogenous (San Francisco Police, 1988; NYPD, 1991).▶

On top of investigative and evidence-gathering roles, bias units in New York, Connecticut, Missouri, Massachusetts, California, Maryland and Pennsylvania are directed to take active roles in promoting a climate of harmony and peace by acting swiftly to isolate the crime scene and working to restore calm (Pennsylvania Advisory Committee, 1988; Connecticut Advisory Committee, 1988; Massachusetts Advisory Committee, 1988). Implicit in such a mission is a significant redefinition and broadening of police functions (Kelling and Stewart, 1989). In order to fulfill these objectives, police departments must carefully examine their relationship with neighborhoods and how they might serve to reestablish neighboring relationships and build communal competence to solve conflicts. This is no easy task; the lessons of police history are too incoherent to provide a useful guide, and the trends in recent years toward professional autonomy make the creation of effective partnerships with communities difficult (Skolnick and Bayley, 1986). Bias crimes—prejudice-based

criminal acts motivated primarily by race, ethnicity, religion, or sexual orientation—have been relegated to police control, aided by city and state commissions that monitor these incidents.

Apart from the devastating effect on individual victims and their families, bias crimes create considerable pressures within the neighborhoods and communities affected. These crimes are special, because their community fallout can easily spread fear and traumatize those whose only connections with the actual victims are shared racial, religious, sexual or ethnic characteristics. If an incident is perceived to involve bias, the community may feel especially vulnerable and intimidated, finding itself enveloped in tense emotions directed against the group with which the assailants may be identified.

Law enforcement agencies that must deal with hate crimes are organized to reassure both the victims and their communities that every available resource will be utilized to locate and arrest those responsible for such acts.

In other ways, hate crimes are unlike other crimes in that, while they may produce apathy or collective fear in the victimized community, these crimes also seem able to mobilize segments of communities into protest demonstrations and marches that may increase tensions and retaliatory violence. While hate crimes may drive the fearful into their homes, at the same time they may impel others to take to the streets for "justice."

Because of their peacekeeping function, law enforcement agencies—police, prosecutors, and courts—are themselves often the focus of criticism from both victims and the victimized in communities. The actual victims and victimizers become minor, secondary actors in the ensuing dramatic conflict. In New York City and Los Angeles victims diffusely level their frustrations blindly not only at the perpetrators but in their communities and groups with which they are identified. Since 1989, the situation has escalated with racial, religious, and sexual bias incidents making headlines. Demonstrations, marches, and "street actions" have drawn the police into the fray to separate the antagonists from each other. The protests have

expanded to include most institutions of government, including law enforcement, for failing to curb these crimes. Government at large has been criticized for permitting conditions to degenerate so appallingly that bigotry can be acted out with relative impunity. Bias incidents quickly become politically sensitive issues. In such highly charged circumstances, hate crimes may become the occasions for the expression of pent-up feelings of anger and frustrations with existing living conditions; these find natural outlets in specific concrete events where prejudice and discrimination are tangibly linked with acts of criminal violence and depredation. The police find themselves situated awkwardly in the middle. >

### **Law Enforcement Bias**

< Often, hate crimes trigger negative reactions against law enforcement and raise questions about law enforcement bias itself. Criticisms of the police increased in the wake of racial and religious incidents in New York involving the vandalism of synagogues. They were accused of callous indifference toward those targeted by attacks. At the same time, in those communities where a bias incident occurred and where the victim was not a resident but an "intruder," complaints against the police and prosecutors mounted. Complaints are also loudly voiced that prosecutors are too quick to stigmatize an entire community as culpable for the acts of some of its members. Law enforcement is accused by both parties of responding primarily to political influence. The implicit criticism of law enforcement is that it fails to behave professionally by affording equal treatment to all of a community's citizens. The necessity for police departments to deploy a solid co-production of bias crime control via coordinated intervention with community cultural and racial groups is often overlooked in such situations. Clearly, the law enforcement response to bias crimes must utilize and exploit community negotiators, clergy, and community spokespersons in order to effectively deal with these crisis-prone events.

A major risk in such critiques of the police is that the moral shame imposed and the stigmatization process itself will push police further

into collective self-concepts that validate claims that they act unprofessionally. Two decades ago, police actions in a New York City gay bar, the Stonewall, touched off major demonstrations in the gay community. The Stonewall Riot was an epochal event in the political consciousness of the homosexual community; a sense of outrage over brutal treatment led to the massive mobilization of the community around civil rights issues. On the other hand, criticism of the police may be healthy by providing occasions for self scrutiny and examination of policies and procedures. There is, however, a delicate line between shaming that is reintegrative and shaming that is disintegrative (stigmatizing). Reintegrative shaming means that expressions of community disapproval, which may range from mild rebuke to serious personnel and organizational changes, is followed by gestures of reacceptance into the community. Disintegrative shaming, in contrast, divides communities by creating a pariah group, a class of outcasts (Braithwaite, 1989).

Gay, feminist, racial and religious minorities have accused the police of not only ignoring crimes committed against them because of their social identities, but of exhibiting willful neglect in the performance of their duties. Apart from complacency in handling bias incidents, the police and other law enforcement agencies have been faulted for mistreating minority offenders and perpetrators. Incidents involving African-American victims in New York City and Los Angeles are cases in point. In these episodes and others where youths have been involved, the police have been accused of acting precipitously and using excessive force in subduing offenders. Similarly, the gay and feminists' communities cite instances where police are alleged to have demonstrated indifference and lack of sensitivity toward the sexual victim, or instances where the victim becomes the object of humiliation at the hands of the police which grievously compounds the brutalities of the street incidents.

For these and other reasons, many believe that hate crimes require a special response, because they possess unique emotional and psychological impacts on the victim and may effectively intimidate

other members of the victim's community, leaving them feeling isolated, vulnerable, and unprotected by the law.

The tense situation in New York City over the murder of an African-American in Bensonhurst, Brooklyn, and the racial attacks and murder of another African-American youth in Howard Beach, Queens, have all the dynamics of disintegrative shaming. Marches and demonstrations in these predominantly white communities may not have created a sense of collective remorse but backfired by further polarizing white and black communities, prompting expressions of racial antipathy. The cleavages between white and black communities may widen as a consequence of protest marches supposedly designed to sensitize one community about the feelings of degradation of another.

A problem with mass protest actions is that entire groups of people are indiscriminately accused of immoral conduct. They are based on a premise that integral to a community's cultural ethos is an exclusionary posture toward others who are different. However, can we reasonably talk schematically about Bensonhurst or Howard Beach or Simi Valley in greater Los Angeles as if these were single monocultural entities? Furthermore, it is not that groups grow tired of hearing the moral exhortations—a good message demands repetition—the point is that the global nature of the accusations makes it virtually impossible for reasonable people to formulate any appropriate response. To assert that entire communities are racist is conceived so broadly that no one knows what to do with the assertion. Clearly, there are cases—the Holocaust—where the horror of the victimization outruns the rhetoric. Even with the Holocaust, those who have written seriously about it have learned that relentless insistence on the theme of victimization does not seem to be consistently effective as a rhetorical strategy for dealing with its meanings. The escalation of rhetoric defeats its laudatory purpose. The inflation of victimization rhetoric makes the inequities of distorted and tormented selves too vast for anyone to grasp or feel guilty about. Even when the grievances are great, might not the rhetoric produce opposite effects? That is, rhetoric calibrated to match the grotesqueness

of the offense may simply awaken others to injustice but deaden sensibilities to it.

What appears to be overlooked or ignored in these tragedies is that the two main projects of the anti-bias campaigns are not dependent upon each other. Economic progress does not necessarily roar to life when discrimination is defeated and racial religious or sexual justice is achieved. In an economy as technologically sophisticated as the American one, anti-bias strategies, particularly anti-racist programs, are not sufficient to end the dependency and poverty of lower-class minorities. Social mobility requires other sets of tactics and policies as well.

### **Legislative Responses to Hate Crime**

Although it is recognized that a cross-burning is not a simple case of arson, a swastika painted on a temple is not mere vandalism, and anti-gay violence is not simply a mugging (although it may be that too), legislative actions that would allow prosecutors to upgrade the severity of the charge in bias-related crimes in which the assailant seems motivated by prejudice have failed to pass in New York State. Although such crimes may be increasing faster than other conventional crimes, the New York State Senate rejected the bill, proposed by the Governor and supported in the Assembly, that would increase the penalties for persons convicted of committing bias related crimes (Gutis, 1989; Bensinger, 1991).

The legislation was designed to create disincentives for bias incidents, and at another level, because many offenders may be indifferent to the legal consequences of their acts, it represents a gesture of sensitivity to those groups and communities most adversely affected by hate crime.

Critics of the bill contend that it would be wrong to say that a crime against one person would be more serious than a crime against his neighbor. The law must remain blind to social status characteristics and squarely concentrate on the acts themselves. However, these same critics favor passage of legislation requiring the death penalty for homicide against a law enforcement officer.



For gays and lesbians the hazards of criminal victimization are increasing (Berrill, 1991; Manney, 1990). A study by the National Gay and Lesbian Task Force revealed the extent of homophobic aggression in large cities. According to Wertheimer:

Twenty-two percent of the gay men surveyed had been punched, bit, kicked, or beaten simply because they were perceived to be gay. Thirty-six percent of the women had been sexually harassed or assaulted based on the assumption that they were lesbians. Thirty-two percent of the men and women had been chased or followed, forty percent experienced threats of violence, and eighty-five percent reported verbal harassment (1988,53).

Since then, the homophobic violence is unabated and has increased. In New York City, the Gay and Lesbian Anti-Violence Project has documented significant increases, year by year, of anti-gay sentiment and expressions of bias and bigotry in the non-gay population. This violence manifests itself in a variety of different forms from simple harassment through menacing behavior, AIDS-related attacks, homophobic and sexual assault, police inaction, or abuse.

The persistence and increase in attacks and bias incidents have empowered militant gay groups to organize in regions and communities often regarded as politically inactive, where gays and lesbians have not settled in significant numbers (Freiberg, et al., 1988). San Francisco, New York, Boston, and Washington, D.C., traditionally have had strong gay organizations, but militant groups disgusted with the inertia of lobbying tactics are taking their case to the streets in Kansas, Maine, Minnesota, Georgia, North Carolina, and Tennessee. In almost every case, these groups are dedicated to direct political action.

Some gay groups, such as Act Up, use civil disobedience extensively. Other groups are spurred to action by the foot dragging on AIDS research; still others are fed up with the persistent gay bashing. But how effective is gay militancy? Gay activism may have produced invigorating protests and inspired a sense of empowerment, but it remains less clear whether the activism has brought about significant

changes politically and socially. If the major effect of the action has been to raise political elite consciousness, then it has succeeded partially. Not all mainstream gay organizations take a charitable view of extremist political action. For many gay groups, political work requires the careful cultivation of access and establishing credibility with non-gays.

Whereas Asians are often considered the "model minority," gays and lesbians might be considered the "marginal minority." Their inclusion under hate crimes legislation has been sporadic, based generally on political rather than rational considerations, because gays increasingly carry considerable voting blocs in large cities.

### **History of Hate Crimes Legislation**

The essence of hate crimes legislation lies in the recognition of a special group of victims who are targeted solely because of some personal characteristic they share with others. This concept has been saddled by other, often unexamined, historical assumptions about the nature of the characteristics properly falling under the protection of hate crimes legislation.

Homosexuals, unlike other hate crime victims, are not a protected class under federal discrimination legislation or litigation. Generally, gays and lesbians have received protection against discrimination only under city and state provisions, and this has led to situations where gays and lesbians are protected in agencies under local ordinances but are ignored under the "consent decrees" fashioned under federal law.

This bias creates a difficulty in attempting to establish homosexuality as a "status," because it is difficult to conceive of homosexuality as existing independently of its defining behaviors. In other words, it is not clear whether homosexuality is something one is, or something one does, or both (Sagarin and Kelly, 1980).

Consequently, for homosexuality to be recognized as a status (something one is), it must exist as a desire and not only as behavior (something one does). The unwillingness of most gays and lesbians to separate their desires from their behavior has been recently ex-

pressed in the refusal of three Lutheran clergy to be ordained only under the condition that they not "practice" their homosexuality.

Characteristics included under current hate crimes protection are often seen as independent of the individual's choice and beyond their control, or in the case of religion, not deemed suitable for control. The perception of homosexuality as a behavior under an individual's control is widely held. In part, this belief is due to the confusion between sexual desire, which seems to be more like a status, neurologically determined, discovered, rather than selected, and not generally modifiable, and sexual behavior, in which the individual chooses to seek out opportunities to express personal desire.

This social disclaimer based upon perceived individual control enters into other institutional decisions, such as the refusal of the Veterans Administration to recognize alcoholism as a medical disability, and the reluctance of health care insurers to provide benefits to cigarette smokers.

Adding to the confusion is the ability of some individuals to periodically engage in homosexual behavior, without violating a fundamentally heterosexual behavior. This is possible, because sexual proclivity is most likely a continuum, whereas other protected characteristics (sex, race, religion) are conceived of and generally expressed in a dichotomous manner. In reality, some current protected orientations and statuses, such as race, are in fact better understood as a continuum.

Consequently, it is those complexities which make the inclusion of homosexuality under the protection of hate crime legislation difficult to justify on a historical basis. However, the inclusion of homosexuality is quite understandable. In practice, the more abstract and neutral term, "sexual orientation," is usually employed when including homosexuality as a protected characteristic, although attacks against individuals because of their heterosexuality are virtually nonexistent.

The use of sexual orientation is consistent with the similar use of race, generally meaning African-American or Asian, although attacks against Caucasians are increasingly common. When gender is

used, it generally refers to females, although such attacks are relatively rare, while attacks on males are also virtually nonexistent. When religion is used, it generally refers to Jews or certain sects, although attacks against Christians, Catholics, Muslims, Hindus, Buddhists, and others are common historically in other parts of the world.

Janet Caldwell of the Center for Democratic Renewal, a group that monitors organizations like the Ku Klux Klan, reports:

There has been an increase in homophobic behavior and it is not just within the general population. It is also an outgrowth of the activities of the organized hate groups including the Klan and the neo-Nazis (*New York Times*, 6/8/89).

It is this violence against gay men and women that continues to be alarmingly widespread. In its fourth annual report (1989), the National Gay and Lesbian Task Force, a nonprofit civil rights and public educational organization, observed that it was becoming increasingly concerned about violence committed by organized right-wing groups and on college campuses, where it said "intolerance may be gaining ground." The organization attributed much of the anti-gay violence to the AIDS epidemic. "Hatred and blame associated with the disease is still a problem," said Kevin T. Berrill, author of the report. Kamerman (1989) reports that AIDS is associated with disvalued groups—homosexuals, bisexuals, IV drug users—and all people who contract the disease are suspected of being in these groups. Finally, Kamerman reports that AIDS has become the contemporary symbol of death.

The state and local political environment reflects the lack of national initiatives concerning the inclusion of homosexuals and lesbians in bias prevention legislation. For example, for the third time in 1989, Republicans controlling the New York State Senate rejected a bill that would increase the penalties for people convicted of committing "bias related" crimes. The bill would have increased the penalties for a violent or intimidating act committed "with the intent to deprive an individual or group of individuals of the exercise of

their civil rights." Governor Mario Cuomo, who along with Democrats in the State Assembly and Senate, strongly supports the measure, has repeatedly charged that the Senate Republicans refused to allow the bill to come to vote in their chamber, because it specifically includes sexual orientation as a protected category. The other categories include race, creed, color, national origin, sex, disability, and age. The bill has been the target of lobbying by gay rights groups and the Black and Puerto Rican Legislative Caucus. The Senate Republican Majority Leader, expressed the view that the

bill is dead for the session not because it includes sexual orientation, but because they the legislators believe that there should be no special protection for some segments of our society. It would be wrong to say that a crime against one person would be more serious than a crime against his neighbor (*New York Times*, 6/8/89).

The rationale is not surprising. It merely reflects the traditional attitudes of the lay public concerning the psychosocial identity and orientation of gays as well as a general ignorance of victimization and crime.

The socio-political dynamics governing the inclusion of homosexual men and women in bias and hate crime legislation is further convoluted by the social identity of the victim and the victimizer. In a case that recently gained national prominence involving the murder of two gay men in Dallas, the judge said that the victims were "queers" when he sentenced the killer to a thirty-year prison term instead of the maximum life sentence for ordinary murder (*New York Times*, 6/8/89). Similar situations in which AIDS victims have had their trials held in the parking lot of court buildings or have been denied access to free legal aid attorneys are numerous.

◀ As Maghan and Sagarin (1983) pointed out nearly a decade ago, there may be a parallel in the victim-turned-victimizer when one compares racial and ethnic groups with perceived sexual deviants. Victimization appears to produce a rage that feeds an offender mentality, and offenders then choose victims who are the most

vulnerable, closest (spatially and socially), and offer the greatest opportunities. Crime cannot be contained, as Dostoyevsky so brilliantly showed in *Crime and Punishment*. One plans the murder of the pawnbroker to take place at a time when her sister will be absent from the scene, and one ends by slaying the pawnbroker *and* her sister. Rage incited in blacks by white oppression takes on the form of offenses by blacks against blacks, as Richard Wright depicted in *Native Son*. The victim turned offender finds a ready target in his own backyard, neighborhood, or bedroom.

### **Motivation in Bias Incidents**

Not only are bias crimes on the increase, they also appear to entail greater amounts of gratuitous violence. The question to be asked then is why are such criminal acts on the rise? Why did the attackers of the Central Park jogger beat her mercilessly after raping her? Why was Yusuf Hawkins shot when he clearly posed no threat to his assailants? Likewise, why did the Howard Beach offenders relentlessly pursue their victims after they had beaten them savagely and had them in flight?

Perhaps there is something seductive about excessive violence for some; perhaps the heat of the action itself resurrects deeply seated psychological needs and fears. Why do such acts of violence seem to be spontaneous for some but more calculated for others? Is it the act itself that pushes the individual into still more violence?

Some possible causes of hate-based criminal acts may include rapid ethnic and racial demographic changes, the exacerbation of intergroup tensions in fluctuating job markets and in areas where housing is scarce, affirmative action policies designed to redress past and present discriminatory practices, and the role of international events on the attitudes of people. Perhaps it is the confluence of all of these elements that constitute the explanatory background in bias incidents.

Katz (1988) states that the social science literature is slim in regard to the evidence about the psychological, emotional, and moral processes involved in committing particular crimes. He further suggests

that social scientists have not bothered much with the attraction and lures of criminal activities. It has been left to literary artists to examine some of the distinctive qualities of criminal acts and criminal actors (Sagarin and Kelly, 1985). Dostoyevsky, more than any other writer (with the exception of Jean Genet), attempted to get into the mind of the criminal victimizer showing us the rage, ecstasy, dilemmas, and struggles that crowd the feelings and thinking of the criminal. Right and wrong, good and bad—the moral structure of thoughts and actions becomes blurred and suspended when other considerations and needs, driven by impulses, desires, and beliefs that are often unclear to the perpetrator take hold and compel action.

In his study of Nazi physicians who participated in the genocide of the death camps, Lifton (1987) shows that many deeply believed in the Nazi ideology which prescribed an appalling course of action for medical men; they killed and killed so that they might survive. Jews, and other undesirables, were defined as threats to the racial and social integrity of the German national socialist state. By embracing Nazi doctrine, physicians were freed of the professional creed and moral inhibitors of their training; consequently, the Nazi dogma contained the seeds of inevitable destruction of the German state and its people. Those so-called "crimes of obedience" exposed a cloak of emotional insulation that appears markedly similar to the contemporary bias crime perpetrator.

Others not driven by the Nazi precepts and those less committed ideologically were nonetheless equally able to conduct heinous experiments and destroy human lives. This group of Nazi physicians evokes interest. They more than the true Nazi believers were not engaged in a quasi-religious crusade to purge the nation of its contaminants; they appear to have been able to repress their sentiments and values of fairness, charity, kindness, reasonableness and become, if only for the moment and in the context of the situation, stone-killers. Like Mafiosi, these people seemed capable of engendering multiple selves that come to the surface and dominate the personality. In one situation they are able to callously slaughter; in another they are capable of tenderness and sympathy.

How the Nazi physicians and Mafiosi explain the rhythms of seduction and compulsion into violence and meanness suggests that a complex psychological mood of determinism governs their actions. Self-justifying rhetoric and rationalization typically fall back on circumstances and events outside the person that forced, compelled or precipitated their action. Their self-justification begs the question as to how reliable and honest these explanations are. Is there anything more to say beyond the simple causal explanations of crediting background factors and the force of contingent circumstances as the sources of behavior? What of those "quiet good boys" and "models of propriety" who explode predictions and seem, at least on the face of it, to choose to act as they do? Can any insights into those capable of episodic brutality be developed?

### **Problems with Motivation**

The key criterion in determining whether acts fit into the definition of an incident of racial, religious, or sexual bias is the motivation behind the action.

An act is bias-motivated, if its purpose is to harm a person or property because of race, ethnicity, religion, or sexual orientation. However, because such acts involve other crimes as well, bias as a motive or as the motive may not be apparent or dominant.

In many instances, the victim of bias may not be aware of their victimization, because the usual reasons such as robbery or burglary for an assault are also present. It may be difficult to classify a biased incident, if the offender doesn't make clear his purpose or does not provide clues as to his motive.

Typically, the clues and signs of bias motivation include offensive symbols, the statements of perpetrators and suspects, a prior history of similar incidents in the same area affecting the same victim group, involvement of an organized hate group, a victim different than most or all others in an area, and assaults against persons or property where other obvious motives like poverty are absent.

From those states with information legislation and from the National Institute against Prejudice and Violence, it seems clear that the



problems of ethnoviolence, racial, religious and sexual incidents are persistent, pervasive, and serious (Weiss, 1989; Appendix A & B).

### **The Targets of Bias**

According to police department data in New York City, the total number of bias incidents in 1988 shows the following patterns: of 550 incidents, 30 percent (167) were committed against African-Americans; 30 percent (163) against Jews; 19 percent (105) against whites; 8 percent (43) against gays; and 8 percent (48) against Asians and others (NYPD, Bias Incident Unit, 1989).

In Los Angeles in 1988, the County Commission on Human Relations reported that the majority of racial incidents were against African-Americans and more than 90 percent of religiously motivated incidents were against Jews. Interestingly, the Los Angeles Report provided no information on bias incidents against gays. However, the Fourth Annual Report of the National Gay and Lesbian Task Force indicated that 7,200 incidents of violence and verbal harassment against gays have occurred nationally.

Bias incidents are on the increase, and we must ask why this trend exists. In the case of the victims of sexually motivated crimes, victims attribute much of the increase in anti-gay violence to the fear and resentment engendered by the AIDS epidemic. Hatred and blame associated with the syndrome are major causative factors in their estimation. Some think that this situation will only subside when AIDS becomes evident among heterosexuals. Others are not so sanguine.

In the case of racial incidents, the economic pressures on the working-class white community in its competition for jobs may have intensified resentments toward those perceived to occupy favored status via government policy concerning affirmative action. The victimization seems to be selective and largely geared toward those least able to resist intimidation and harassment.

### **Characteristics of the Motivational Syndrome**

Asking assailants why they attack may not elicit all the useful data about the criminal actor's makeup. Asking what they were trying to

accomplish through their acts and how they interpret their acts, may generate information that deepens our grasp of the motivations. We are concerned primarily with the emotional processes that accompany acts of bias—the compulsions and seductions of the act that appear to have a special dynamism.

Examining the contexts in which bias incidents occur, one might be able to arrive at a range of criminal activities into which they fit: gang violence, adolescent robberies, and "senseless" coldblooded murder in the commission of a felony.

Central to these experiences are such moral emotions as humiliation, righteousness, ridicule, and vengeance. In each it would seem that the victimizer is attracted to his acts, because they provide an occasion to overcome what is seen as a personal challenge to moral and material existence. For the impassioned racial or sexual attacker, the challenge is to escape a situation that seems otherwise humiliating.

What is the racial attacker or gay basher trying to do in an assault? How do they understand themselves, their victims, and the scene at crucial moments? Why do they feel compelled to act? Such acts may not be consciously calculated and deliberately executed. They may tend to emerge quickly; they may be fiercely impassioned and seem to be carried out with an indifference to legal consequences. Thus, such acts may be conducted within a quickly enveloping rage.

Whether these impulses are similar to those precipitating the blind irrational urge of sexual psychopaths to destroy and defile is not clear. What seems important to consider is how this rage is produced and what functions it serves. Further, how does rage shape the assailant's perceptions and understanding of the events in order to make sense of them—whatever sense we wish to ascribe to these incidents.

The state of rage is useful emotionally for the victimizer; he can blind himself to his future and insulate himself from the pain and suffering he inflicts. At a negative level, the victimizer may choose to understand that the victim is threatening to what he, the attacker, holds to be of value—his neighborhood or the racial, ethnic, reli-

gious, or sexual homogeneity of his milieu. Thus, the victimizer, through an inverted logic, turns the tables on the victim and perceives himself as acting defensively to protect personal and community values as he understands them. In other words, the victimizer may develop a righteous passion as a defender of the respectability of his community or neighborhood against the "incursions" of outsiders whose race, religion, or sexual orientation contaminate the moral makeup and cultural continuity of his territory.

Resistance or defiance on the part of the victim to taunts, threats, and insults only heightens the rage. The fact of defiance, even in casual settings, is often enough to compel the offender to respond to what he sees as a fundamental challenge to his worth. It is interesting to note that audiences are often present in such scenes as if to confirm the righteousness of the act.

### **The Emotional Aftermath of Bias Incidents**

In the wake of lethal attacks, an offender often acknowledges a determining sense of compulsion saying, "I got carried away," "I wasn't myself," or "I didn't know what I was doing." These may not be only face-saving ploys but genuine feelings.

There are other dimensions to the process. In cases in which the desecration of a religious building occurs, a spirit of violation, follows the penetration of a sacred or holy site and its destruction. The offenders are likely to have anticipated correctly that those they would make victims will so define themselves.

The historical precedent for this line of interpretation of the motivational forces in bias incidents derives from work by Lifton (1987). Lifton found that their unshakable commitment to Nazi ideology enabled medical and other professionals as well as good average citizens to formulate a bizarre logic of destruction. They said to themselves that we kill in order to survive, and Jews, Slavs, and enemies of the Third Reich are systematically exterminated so that the Aryan race and the political hegemony of the Reich would be preserved.

## Conclusion

The different kinds of brutalization prompted by race, religion, or sex have much in common historically and psychologically. What they seem to share is their relationship to contemporary notions of social normalcy and moral acceptability. Bias incidents and hate crimes cannot be fully appreciated in either purely external contextual or internal individual terms, but in the kinds of imagery they mobilize within groups of people who are the victims and the victimizers. The themes that emerge around bias events suggest that close attention ought to be paid to the victim's and victimizer's intense concern with the historical record. Here, the ways of feeling and belonging reflect inner states of individuals caught up in conflicts, confrontations, and crimes. Bias crimes also reflect individuals' sense of involvement however twisted in specific events. The two are deeply intertwined: the inner state of rage, despair, collapse, or recovery retains its importance in connection with, and not in isolation from, social, communal contexts. In this sense, the historical record of events has considerable importance for the individual's continuing life processes. That importance is enormously magnified by the individual's need to formulate and render significant his or her victimization as that individual victimizes others.

It seems that the impetus behind the creation of bias crime statistics and agencies can be understood as part of a significant ideological shift in American political culture. Hate crimes have long been a problem, and the claims of victims have always had moral credibility. The movement to focus interest on such crimes was not prompted by any recent increase in such crimes. On the contrary, hate crimes may actually begin to experience a decline in real numbers. The attention to these has intensified, because of the harmony between the rhetoric of militant civil rights activist groups and the ways in which public problems are now conceived. There is a clearer relationship between the focus on the prejudicial motives of the offender and the political rhetoric of racism, primarily because victim groups have taken pains to document this phenomena.

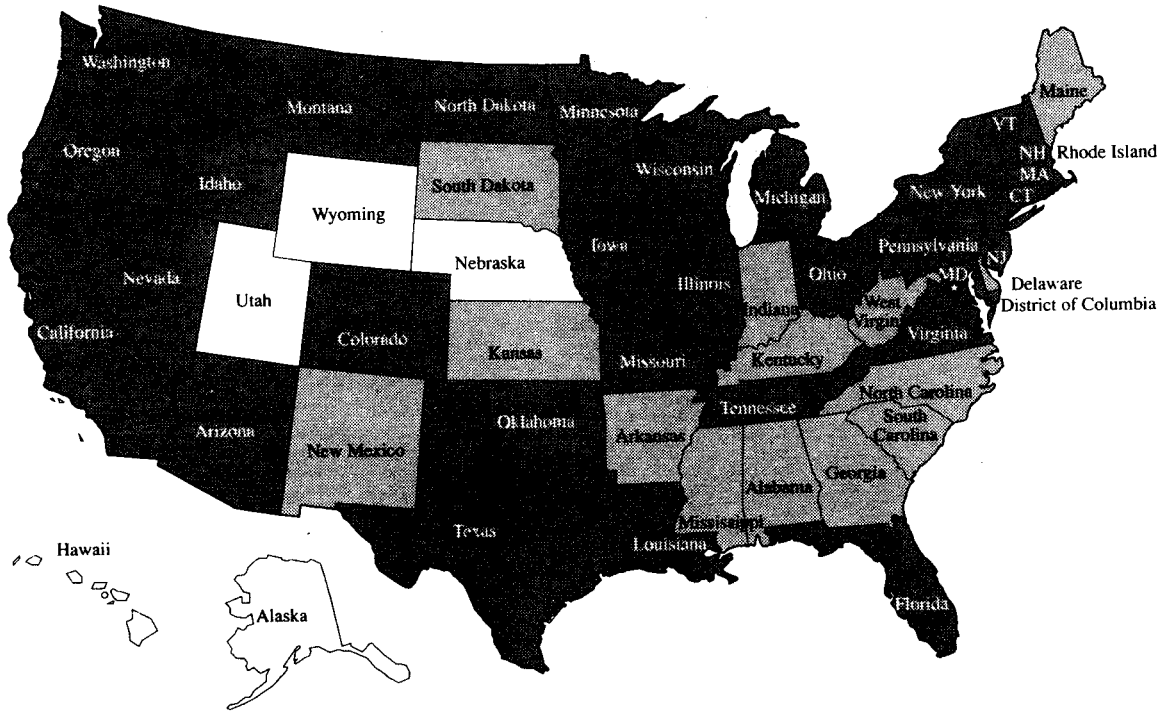
Finally, it must be evident that hate crimes cannot be simply defined as a law enforcement problem. They engage larger social, economic, and political forces that go beyond the resources and capabilities of the law enforcement community.

## References

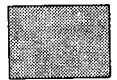
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**Appendix A**



**States with hate crimes laws based on or similar to ADL model**



**States with other forms of hate crimes laws**



**States with no hate crimes laws**

## Appendix B

## State Hate Crimes Statutory Provisions

	AL	AK	AZ	AR	CA	CO	CT	DE	FL	GA	HI	ID	IL	IN	IA	KS	KY	LA	ME	MD	MA	MI	MN	MS	MO	
Bias-Motivated Violence and Intimidation					✓	✓	✓		✓	✓		✓	✓		✓					✓	✓	✓	✓		✓	
Civil Action					✓	✓	✓		✓	✓		✓	✓		✓						✓	✓				✓
Criminal Penalty					✓	✓	✓		✓	✓		✓	✓		✓					✓	✓	✓	✓			✓
Race, Religion, Ethnicity					✓	✓	✓		✓	✓		✓	✓		✓					✓	✓	✓	✓			✓
Sexual Orientation					✓		✓		✓				✓		✓						✓			✓		
Gender					✓		✓								✓							✓	✓			
Other <sup>1</sup>					✓		✓						✓		✓											
Institutional Vandalism	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓		✓	✓	✓	✓	✓	✓		✓	✓	✓	✓
Cross Burning or Religious Symbol Burning					✓		✓		✓	✓		✓			✓					✓						
Interference with Religious Worship					✓				✓			✓								✓	✓	✓	✓	✓		✓
Wearing of Masks, Hoods and Disguises							✓		✓	✓			✓									✓	✓			
Data Collection <sup>2</sup>			✓		✓		✓		✓			✓	✓		✓					✓	✓		✓			
One or More Sections Based on Similar to ADL Model			✓		✓	✓	✓		✓			✓	✓		✓			✓		✓	✓	✓	✓			✓

<sup>1</sup> "Other" includes mental or physical disability or handicap, (CA, CT, IL, IA, OK, WA, WV, WI), political affiliation (CA, IA, WV) and age (CA, VT).

<sup>2</sup> States with data collection statutes including sexual orientation are CA, CT, FL, MD, MA, MN, OR.



Appendix B

	MT	NE	NV	NH	NJ	NM	NY	NC	ND	OH	OK	OR	PA	RI	SC	SD	TN	TX	UT	VT	VA	WA	WV	WI	WY	
Bias-Motivated Violence and Intimidation	✓		✓	✓	✓		✓		✓	✓	✓	✓	✓	✓			✓				✓	✓	✓	✓	✓	
Civil Action										✓	✓	✓		✓							✓	✓	✓		✓	
Criminal Penalty	✓		✓	✓	✓		✓		✓	✓	✓	✓	✓	✓			✓				✓		✓	✓	✓	
Race, Religion, Ethnicity	✓		✓	✓	✓		✓		✓	✓	✓	✓	✓	✓			✓				✓	✓	✓		✓	
Sexual Orientation			✓	✓	✓							✓									✓				✓	
Gender				✓			✓		✓												✓			✓		
Other <sup>1</sup>											✓										✓		✓	✓	✓	
Institutional Vandalism	✓		✓		✓	✓		✓		✓	✓	✓	✓	✓			✓	✓				✓	✓		✓	
Cross Burning or Religious Symbol Burning	✓				✓			✓						✓	✓		✓				✓	✓	✓			
Interference with Religious Worship			✓			✓	✓	✓			✓			✓	✓	✓								✓		
Wearing of Masks, Hoods and Disguises								✓			✓	✓				✓						✓		✓	✓	
Data Collection					✓ <sup>3</sup>						✓	✓	✓	✓				✓				✓				

<sup>3</sup> Executive Directive from N.J. Att. Gen.

The District of Columbia has laws regarding bias-motivated violence and intimidation including provisions for civil action and criminal penalties (sexual orientation is included); institutional vandalism; cross burning, interference with religious worship, and data collection, and its legislation is similar to the ADL model.