

HATE CRIME

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Abstract

Hate crimes remain one of the most prevalent forms of criminal activity in the developed world. With the growing diversity of population, violence against minorities attracts increasing attention from law enforcement professionals and social activists. In this paper, the current state of research on hate crimes against gays, lesbians, and bisexuals is reviewed and analyzed. The paper reviews the most popular theoretical explanations of hate crime, the role of stigma, attitudes, and prejudice in hate crimes, as well as the future of hate crime in the developed world. Recommendations for the future research are provided.

Keywords: hate crime, gays, lesbians, bisexuals, law, prejudice, bias, activism.

Hate Crime

With the growing diversity of population, hate crimes continue to attract increasing professional and public attention. Since the beginning of the 1990s and until present, hate crimes have been one of the most prevalent forms of crime activity in the developed world. Herek, Gillis and Cogan (1999) discovered that

Much of this heightened concern has reflected an assumption that whereas all crimes have negative consequences for the victim, hate crimes represent a special case because of their more serious impact of both the crime victim and the larger group to which she or he belongs. (p.945)

This is actually one of the main reasons why hate crime remains a matter of hot public concern. This is also why hate crime remains an important topic of research and analysis in social and criminological sciences. As of today, there is no single explanation as to why people commit hate crimes. With the growing diversity and openness of the population, hate crimes against sexuality and minorities become even more problematic. The focus of this literature review is the current and future state of hate crime against gays, lesbians, bisexuals, and transgendered individuals.

Hate Crimes against Sexuality: Definition and Statistics

Despite the growing body of literature on hate crime, many researchers take its meaning for granted. However, the topic of hate crime in social and crime research is not new, and the first definitions of hate crime were coined at the beginning of 1980s (Green, McFalls & Smith, 2001). Hate crime is a complex term encompassing numerous meanings. Generally, hate crime is referred to any form of unlawful conduct against different target groups, including racial minorities and gays (Green et al.,

2001). Hate crime is not limited to acts of violence but also includes harassment, destruction of property, and trespassing (Green et al., 2001). In this situation, it is wonder that reconciling the competing conceptualizations of hate crime has become an impossible task for many scholars. According to Green et al. (2001), finding a single possible definition of hate crime has been rather problematic. For this reason, and with the growing urgency of the hate crime problem, the lack of a comprehensive definition should transform into an issue that lends itself to become part of the complex research processes (Green et al., 2001).

Hate crimes against gays, lesbians, bisexuals, and transgendered individuals generate a lot of public attention. Back in 1989, Gregory M. Herek described antigay hate crimes as words or actions intended to intimidate or harm an individual simply on the basis of their belonging to a sexual minority group. Herek (1989) was also one of the first to define hate crime as “bias crime”. According to Herek (1989), hate crimes are particularly dangerous and intimidating, as long as they are directed against the entire class of people. Although hate crimes can be directed against different population groups, gays and lesbians remain the primary target of bias crime (Herek, 1989). Herek (1989) mentions a statewide survey of almost 3,000 junior and senior high school students, which revealed that gay people generated greater hostility among their peers than members of racial and ethnic minorities. Twenty years later, Herek (2009) explored the rates of hate crime among sexual minorities and found that every fifth respondent reported having faced a property or person crime based on their sexual orientation, while every tenth respondent indicated having experienced housing or employment discrimination. These data raise a number of questions related to the hate crime epidemic in the United States, as well as the overall validity and reliability of these statistical findings.

There is no unanimous agreement as to whether or not the U.S. and the rest of the developed world are facing a hate crime epidemic. On the one hand, hate crime rates continue to grow. On the other hand, according to Jacobs and Henry (1996), the concept ‘hate crime epidemic’ is

highly subjective and ambiguous. Jacobs and Henry (1996) write that the word 'epidemic' is intended to dramatize the growing incidence of hate crime against sexual minorities, while, in reality, the nature of counting hate crimes is highly subjective and overtly political. The base rates of hate crime against sexual minorities require further analysis. Rayburn, Earleywine and Davison (2003) confirm the difficulty investigating and counting hate crime, due to the increasingly sensitive nature of hate crime experiences. Finally, the effects of numerous factors on the rates of hate crime reporting cannot be underestimated. More violent forms of aggression and the race/ethnicity of gays and lesbians greatly influence the rates of hate crime reportage (Dunbar, 2006). Additionally, gays and lesbians' concerns about police bias and disclosure of their sexual preferences are crucial factors in deciding whether to report antigay violence (Herek, Cogan & Gillis, 2002). Even then, there is still little evidence that the developed world is facing a hate crime epidemic. Nonetheless, as members of sexual minorities are becoming more explicit in their preferences and orientations, theoretical explanations and possible factors of hate crime need to be considered.

Analyzing Hate Crime: Theoretical Explanations

Contemporary researchers provide numerous theoretical explanations to hate crime. However, until present, few researchers attempted to systematize the existing knowledge of hate crime in social sciences. The most interesting is, probably, the typology of theoretical frameworks developed by Green et al. (2001). Green et al. (2001) confirm the fact that the lack of a single, universal definition of hate crime further complicates the analysis and systematization of the competing theoretical explanations of hate crime. The existing theoretical explanations of the hate crime phenomenon can be categorized as psychological, social-psychological, historical-cultural, purely sociological, purely political, and economic (Green et al., 2001). The most interesting are, probably, social-psychological and social explanations of hate crime. Green et al.

(2001) suggest that social-psychological theories of hate crime fulfill two major functions: first, they identify the source of prejudiced orientations and actions; second, they also define the circumstances under which these attitudes and violent intentions express themselves. Peer group pressures, conformism and disinhibition, the power of community norms, and legitimization of racist subcultures foster the expression and realization of biased attitudes against members of sexual minorities (Green et al., 2001). Based on social-psychological theories, a complex interplay of psychological and social factors predisposes the expression of hatred of violence against gays, lesbians, and bisexuals (Green et al., 2001). European researchers are almost unanimous in that print and electronic media play a huge role in the rapid expansion of biased attitudes toward sexual minorities as a caste (Green et al., 2001). The linguistic and semiotic structure of meanings presented by the media propagates motives and empowers individuals to commit hate crimes (Green et al., 2001).

In terms of purely sociological explanations of hate crimes, Green et al. (2001) refer to Emile Durkheim's theory of modernization and attribute the recent escalation in hate crimes against sexual minorities to the rapid social and cultural transformations in the postmodern society. "Hate crime results alternatively from an anomic outburst of socially disintegrated individuals or from the solidaristic reaction of a threatened community or group" (Green et al., 2001, p.487). Added to this is the rapid proliferation of sex-related stereotypical beliefs and the distorted perceptions of fairness and justice in a diverse society (Lyons, 2006). Lyons (2006) proposes another explanation to hate crime, based on the feeling of blame, which potential victimizer places on the gay, lesbian, or bisexual victim for distorting the discussed balance of fairness and justice in society. Based on these perceptions, members of sexual minorities incur higher ratings of blame and injustice than those, who hold the majority status (Lyons, 2006). Therefore, these sexual minority representatives are more vulnerable to the risks of physical, verbal, and other attacks.

Stigma, Bias, Prejudice, and Attitudes in Hate Crime

Stigma, bias, prejudice, and attitudes are recurrent themes in today's hate crime research. These are also the most common explanations to hate crime against gays, lesbians, bisexuals, and transgendered individuals. Herek (2009) explored the crime and hatred experiences of sexual minority members and concluded that physical violence, verbal abuse, as well as property crimes based on sexual orientation, were a manifestation of the society's sexual stigma or its negative perceptions of non-heterosexual behaviors. Herek (2009) further described sexual stigma as a complex of cultural beliefs through which homosexuality is discredited, denigrated, and destroyed as immoral and even criminal relative to heterosexuality. Sexual stigma has far-reaching psychological and social consequences for LGBT individuals, who may experience stresses and develop a subjective sense of threat (Herek, 2009).

Earlier in 1991, Herek also analyzed the topic of stigma and described the social psychology of sexual prejudice. According to Herek (1991), antigay prejudice emerges under the influence of cultural authoritarianism and ideological stereotypes that distort individual perceptions of homosexuality. Homosexuality has no place in the traditional gender role ideology, giving rise to homophobia (Alden & Parker, 2005). Alden and Parker (2005) found a strong empirical correlation between the society's perceptions of changed gender roles and homosexuality, homophobia, and hate crime victimization. Obviously, attitudinal constructs play a huge role in the development of public homophobia and antigay ideologies, whose severity also depends on the strength of traditional values, religiosity, conservatism, and authoritarianism of the community/society (Herek, 2002). Eventually, hate crime against gays is a reflection of the wrong message sent to the heterosexual majority that treating homosexuals with dignity and respect is neither possible nor necessary (Dressler, 1995).

The Future of Hate Crime against Gays and Research Recommendations

If attitudes, beliefs, prejudices, and stereotypes are so pervasive in the hate crime phenomenon, the main question is what awaits sexual minorities in the future and whether there is a chance to eradicate hate crime? Surprisingly, researchers agree that law and criminal justice professionals can never protect sexual minorities from the risks of hate crime (Jenness, 1995; Kohn, 2001). Institutionalization of bias is one of the most popular topics of discussion in the hate crime literature. Kohn (2001) claims that the criminal justice system always favored certain classes of people, and LGBT individuals remain a disfavored class. The sustained marginalization of LGBT individuals in criminal justice suggests that the law will hardly save them from hate crime (Kohn, 2001). Consequently, both Jenness (1995) and Kohn (2001) are convinced that only social activism of sexual minorities can become a valid protective force against the rapid expansion of hate crime. In other words, Jenness (1995) and Kohn (2001) expect that hate crime against gays will continue to persist, and only LGBT activism can dismantle the existing favored/disfavored class categorization in today's criminal justice. Lambert, Ventura, Hall and Cluse-Tolar (2006) make another suggestion that education does have the potential to reduce prejudiced attitudes and bias against sexual minorities.

Unfortunately, all these propositions and findings are not without limitations. Apart from the lack of a single, universal explanation of antigay hate crime, the current state of literature is dominated by the exhaustive explanations of attitudes, prejudice, and beliefs (Green et al., 2001). More often than not, researchers rely on self-reported forms or surveys and analyze how adults perceive sexual minorities and policies designed to protect minority interests (Green et al., 2001). In the meantime, actual factors and behavioral manifestations of prejudice and bias remain severely underexplored. Before any policy or law recommendations are developed, researchers should try to define the scope and boundaries of antigay crime and delineate possible drivers of hate crime against

LGBT individuals and groups. This will lay the foundation for the development of comprehensive legal and social frameworks for the analysis and prevention of antigay hate crime in society.

Conclusion

Hate crime remains a prevalent form of criminal activity in the developed world. The current state of research provides abundant information regarding the nature and drivers of hate crime against sexual minorities. Researchers have developed a number of theories to explain the origins and possible consequences of hate crimes against LGBT individuals, but the major controversies surrounding the hate crime phenomenon continue to persist. Scholars in sociology and criminology lack a single, universal definition of hate crime. As a result, reconciling the competing conceptualizations of hate crime and its origins is virtually impossible. The future of hate crime is rather pessimistic, and researchers vote for gay activism as the most reliable instrument of combating hate crime. Additionally, future researchers need to focus on organizing and systematizing the existing knowledge of hate crime to create the basis for the development of comprehensive equality and justice policies.

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