ABSTRACT. In the UK and USA ‘Hate crime’ has become a topic of public controversy and social mobilization around issues of violence and harassment. This has largely but not exclusively addressed racism, homophobia and gender based violence. This article has three objectives. First, to situate hate crime legislation within a broad theory of modernity; secondly to examine the politics of its emergence as a public issue; thirdly to use data from the authors’ recent research in Greater Manchester to illuminate the complexity of the concept of ‘hate crime’. The centrality of ‘hate crime’ to current debates derives from the importance of rights-based regulation of complex societies and the juridical management of emotional life. Hatred and violence have become problematic behaviour thrown into relief by a long term civilizing process. Hate crimes have thus acquired powerful rhetorical focus for mobilization of victim and identity politics. With reference to racist violence in Oldham and elsewhere in Greater Manchester, we argue that in its application and construction, however, ‘hate crime’ is a complex phenomenon that might dramatize rather than regulate the problems it seeks to address.

KEY WORDS: civilizing processes, complexity and regulating emotions, hate crime legislation, modernity, Oldham, policing of hate, racism, violence

This article arises from research undertaken by the authors on racist offenders in Greater Manchester. During the course of this research the publication of the Macpherson Inquiry into the murder of Stephen Lawrence in February 1999 placed the concept and politics of ‘hate crime’ at the centre of British politics. New legislation and police initiatives have begun to reconfigure the ways in which the criminal justice system deals with certain types of violence. Behind this there has been extensive social movement activity, such as victim movements, antiracism movements, and lesbian-gay activism, directed towards changing the ways we think about violence. In more traditional thinking violence was a threat that arose in some sense from ‘outside’ – from somewhere spatially separate, such as transitory spaces (deserted trains, subways, metro stations late at night)

1 For a summary of the findings of this research see L. Ray, D. Smith, and L. Wastell, ‘Understanding Racist Violence’, Criminal Justice Matters (42) (February 2001), 28–29. Publications that will present the findings in more detail are in preparation. ESRC Ref: L13325019.
or from ‘below’ (the threat to social order from the dispossessed). But in the reconfiguration of understandings of violence the existence of ‘safe’ spaces is called into question. Violence or its threat arises within the home and the local community, or indeed from the dark places of our inner psyche. It is within, not outside; and nowhere is safe. The concept of hate crime, then, is a vehicle for renegotiation of some profound social issues.

This article will address the following issues. First, it presents a brief consideration of the meanings and significance of violence and its current renegotiation. Second, it considers the social and institutional context in which juridical regulation of hate has become a major issue. Thirdly, it examines the emergence of hate crime as a public issue and considers some controversies surrounding current legislation and policing initiatives. It will examine patterns of racist violence in a specific location, Oldham in Greater Manchester, which will be discussed as an instance of the complexities involved in defining and interpreting hate crime. A theme in this discussion will be the extent to which ‘hate crimes’ have become constructed as public issues, reflecting in some ways other profound social and political changes.

WHAT IS VIOLENCE?

The concept of hate crime is part of the complex legal and cultural processes of the regulation of violence. As the concept has emerged as a public issue and a legal category, understanding of violence itself has changed. The definition of violence is contested, and this dispute is part of the process of resisting the ways in which it is reproduced.\(^3\) Violence is behaviour that intentionally threatens or does physical harm and infringes the integrity of the body. But context and intent are crucial to this, since these occur too in other settings, such as contact sports. Kelly’s famous definition, developed in the context of domestic violence, is a continuum of verbal, emotional and sexual abuses of power.\(^4\) This definition extends violence, then, to include behaviour that might not inflict direct physical harm, and treats ‘abuse of power’ as the key element. Certainly an important insight from work on domestic violence is that it is routinized in the ‘private’ spaces of the family and in intimate relations. But violence is not only perpetrated by the ‘powerful’; violence can be perpe-
