

## A Crime by Any Other Name: The Semantics of “Hate”<sup>1</sup>

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In a previous paper, I attempted to identify what I saw as some of the most significant gaps and limitations within hate crime scholarship. One of the first issues I addressed was what I referred to as the semantics and definition of the very term “hate crime” itself:

The phrase is fraught with dilemmas and difficulties. Laypeople as well as professionals and scholars tend to take it far too literally, often insisting that all (violent) crimes are “about hate,” or alternatively, that perpetrators don’t necessarily “hate” their victims . . . This is to oversimplify the concept through very prosaic interpretations of the concept. It is, then, unfortunate that the term coined by Representatives Conyers, Kenally, and Briggs in their 1985 sponsorship of a hate crime statistics bill has stuck. (Perry 2003)

I have become increasingly dissatisfied with the continued reliance on the term “hate crime,” due in large measure to the often willful scholarly and public misunderstanding and misuse of the phrase, wherein references are made to such processes as “the criminalization of hatred” (Dority 1994). In response to such tendencies, like Gail Mason (2001, 253) in her recent *Law and Critique* article, “I wish to raise some questions about hate as a heuristic device.”

In what follows, I devote the bulk of my comments to unpacking the conceptual limitations of the term “hate” as a descriptor of the forms of bigoted violence to which it refers. I then consider an array of alternative concepts that may or may not be richer, more accurate, more dynamic.

There will be some who respond to my critique by saying that it is merely an exercise in semantics; that “hate” crime connotes the broader underlying motives of cultural animus or prejudice. My response to this is, yes, it is an issue of semantics, of language and discourse. But language matters. It shapes our perceptions, our ways of interpreting the social phenomena that confront us. Discourse is undeniably central to the production and reproduction of inequality in contemporary Western cultures. Just as the racial epithets that often accompany racial violence frame that act, so too does the term “hate crime” frame that legal construct. The use of such an apolitical term in fact veils the racism, heterosexism, or ableism that

underlies the related violence. Typically, critical discourse analysis draws attention to the charged meanings of “code words.” In this paper, however, I draw attention to efforts to denude an action of its power-embedded context (and content): to render it, in fact, neutral.

### I. MORE THAN HATE

Paramount among the reasons for my growing dissatisfaction with the phrase “hate crime” is the distortion enabled by simplistic uses of the word “hate,” uses that trivialize and diminish the import of the term. For the most part, serious scholars of the phenomenon understand “hate” as a kind of shorthand for the sorts of bigoted, bias-motivated violence to which it refers. We acknowledge the implied assertions of power that underlie racist, sexist, homophobic expressions. Yet the notion is subject to a loss of specificity and impact in the marketplace of public discourse as critics disingenuously question the validity of criminalizing hatred, the “emotion” (e.g., Jacobs and Potter 1998).

Ironically, even supporters of hate crime legislation rely on the narrow emotive reference to hate crime. Legal scholar Dan Kahan (2001; see also Kahan and Nussbaum 1996), for example, supports enhanced punishment for violence grounded in “emotional” responses to victims. Granted, his is a non-traditional understanding, predicated on emotion as an “evaluative judgment” of the worth of the putative victim. Nonetheless, it retains what is, for me, an unhelpful reliance on individual, cognitively based motivations.

What is even more problematic are those critics who—willfully or not—define hate in very narrow, very literal terms as an individual emotion or state of mind. Brian Rosebury (2003, 37), for example, responds to Kahan, asking, “Could we rightly be punished for having bad emotions? Or rewarded for having good ones?” This is illustrative of the all too common practice whereby the term assumes the status of the trivial, akin to “dislike,” thereby allowing them a basis on which to oppose hate crime regulation. Critics like Rosebury argue that “hate” crime refers to “thought” or “attitude” or “belief.” Consequently, from laypeople, journalists, and scholars respectively, we get such titles as

“Hate Is Not a Crime” (Metzger 1995)

“Bad Thoughts” (Rosen 1993)

“Should Hate Be a Crime?” (Jacobs 1993)

And the text that accompanies such suggestive titles reinforces this tendency:

[I]t is utterly wrong-headed to make hate illegal. (*First Things* 2000)

Isn't it enough that people be punished for what they *do* rather than for the attitudes that drive them to do it? What is the advantage in prosecuting people for what amounts to crimes of wrong *thinking*? (Raspberry 1999)

A crime is a crime. They all have to do with hate. (*Arizona Republic* 1999)

All crimes are hate crimes . . . The real target of hate crime laws is ideas. Certain ideas are claimed by the government to be intolerable, and therefore any crime committed by holders of those ideas deserves extra punishment. (*Arizona Republic* 1999)

Having never seen a “love” crime, we view all crime as hate crime. (police officer, cited by Balboni and McDevitt 2001, 5)

The reduction of the concept of “hate” crime to its basest interpretation is vividly illustrated in Andrew Sullivan’s (1999) contention that

Hate is a vague, complex and highly personal emotion and does not pertain to a particular set of beliefs. Thus labeling violent acts committed against certain victims of “hate crimes” is deeply problematic and possibly unconstitutional.

If one assumes that all crimes are predicated on some sort of underlying feelings of malevolence toward the victim, there is no reason to distinguish the motivation or class of crime. And if in fact “hate” is the defining characteristic or motive of this class of crime, then the critics may be right—the term becomes meaningless in that it may very well describe all, or at least most, crime—particularly violent crime. In short, a great deal of crime probably *is* motivated by some emotion akin to “hate.” However, such reductionist accounts, I would argue, miss the point. They are consciously used to minimize the import and impact of violent and discursive forms of bigotry. They occlude the distinction between the popular “dictionary” meaning of hate, and the sociological meaning that underlay the adoption of the term in the first place. In such cases, “hate” is divorced from its cultural and political context. This evasion is readily apparent in the simplistic analogy drawn by Dority (1994):

What if a crime is found to have been motivated by hatred of the victim’s material success or superior physical or mental abilities? What about the vast number of crimes undeniably motivated by vindictiveness and hatred inspired in the perpetrator due to a virtually limitless list of personal wounds and offences inflicted by the victim?

This is an overly simplified analogy; it represents a sanitized, depoliticized interpretation of hate. It refers not at all to the sorts of crimes that actually

fall under the rubric of “hate crime.” The examples offered by Dority (1994) are motivated by individualized, isolated hatreds—in the usual sense—directed toward a specific individual *qua* individual. They are not the “group hatreds” or “identity based hatreds” intended by the phrase “hate crime.”

The above examples drawn from Dority (1994) and from Sullivan (1999) are illustrative of accounts that misread the concept of hate crime as referring to acts emerging out of individual, psychological motives. “Hate,” as popularly understood and as reified in these examples, comes to be seen as an individual emotional state or sentiment. This estranges acts of hate from their cultural—as opposed to individual—origins. Consequently, the notion of hate as an affective motive tends to individualize bigoted violence, as the outcome of deeply personal dislikes rather than a reflection of structural and institutional patterns embedded in the broader culture (Ray and Smith 2001, 221).

Why this predilection for a reductionist understanding of the word “hate” when used in this context? Are critics fearful of politicizing the phenomenon? While hate is a strong sentiment, it is a relatively “safe” one that does not imply rigidly structured patterns of oppression. It does not require us to admit that bias-motivated violence is constituted of and by difference; that it is about race and racism; sex and sexism and heterosexism, for example. Rather, this interpretation of hate crime removes it from the realm of “cultures of violence,” placing it instead in the realm of the psychology of violence (Ray and Smith 2001; Goldberg 1995).

Or perhaps one should say the psychopathology of violence. For to individualize hate in this context is also to pathologize it, to reduce it to an aberration committed by an unstable individual. From this perspective, it is only deeply troubled or marginal or extremist individuals who act out their hatreds—hatreds which are represented as irrational, or deviant, or random. Popularized conceptions of the terms “hate” and “hate crime” lend themselves to an analysis that renders the phenomenon something out of the ordinary, something ascribable to hateful individuals suffering from some form of phobia or paranoia, perhaps. From this perspective, racist or sexist or anti-Semitic expressions are seen as “ab-normal” or as “un-usual” (Goldberg 1995, 269). To understand “hate” crimes in this way is to

encourage their dismissal as abnormal, as not the sort of undertaking ordinary people actually engage in, as the irrational product of a warped mind. (Goldberg 1995, 269)

Hence, the common reaction to hate crime in one’s community, at the hands of one’s neighborhood: he seemed like such a nice young man; these things

don't happen in our community; he seemed so friendly. The implied interpretation: nice people in nice neighborhoods don't do such things; hate crime only happens in bad neighborhoods; only sick or angry or delusional people would commit such acts.

The reality, of course, is quite different. Racist or gendered violence, for example, is not aberrant. It is not un-usual or ab-normal in cultures like ours, that is, in cultures which are permeated by bigotry and prejudice. On the contrary, racist, or anti-Semitic, or anti-gay acts are normative in Western cultures, and are seen in cultural forms including the language and epithets we use, the media images we observe, even the legislation that regulates our behavior (Goldberg 1995, 269).

To pathologize hate is to present it as irrational, as the product of a sick mind. However, the violence of which we speak

is not—or more exactly is not simply or only—about hate . . . [it involves] normal inductive reasoning and not necessarily the prejudice of affective—hateful—animosity. (Goldberg 1995, 269-270)

In other words, hate crime is not typically grounded in a mental state; nor is it the outcome of extreme hostility or pathology. Rather, it is more often foreseeable, and rational, at least from within the world view of the perpetrator. Anti-gay violence that is conditioned by a particular reading of scripture is not irrational; it is not necessarily even grounded in animosity or some other negative affect. Rather, it derives quite logically from a system of belief that proclaims homosexuality as sin. Similarly, racial harassment of a black family moving into a predominantly white neighborhood derives not only from racial animosity, but also from public perceptions about the expected impact of "those people" on property values, for instance. Violence emerging in these contexts, then, is not "about" hate, but is "about" the assertion of one's own identity and belongingness over and above others—in short, about power. It reflects much more than the perpetrator's state of mind. In fact, it reflects the taken for granted, popular notions of identity and hierarchy.

The sorts of violence we have in mind, then, are not "about" hate, but are "about" the cultural assumptions we make with respect to difference. In short, bias-motivated violence is reflective not of individual values or sentiments, but of culturally normative values of domination and subordination. It is one of the many mechanisms in an arsenal of oppressive practices. We must look beyond individual motives to unpack the "cultures of racism" or of heterosexism, or of ableism, for example, that condition the attendant violence (Ray and Smith 2002, 89). Along similar lines, Whillock and Slayden (1995, xiii) contend that

Acknowledging that hate is naturalized, that it finds subtle as well as extreme expressions, that it is not simply an irrational, unseemly outburst, enables us to explore more thoroughly its uses within society and to recognize that it is culturally bound and viable and, perhaps, even necessary.

There is nothing irrational or pathological about engaging in racist violence, for example, in a decidedly racist culture. It is, rather, wholly rational given the array of institutionalized practices and discourses that lend permission to minimize or victimize the Others in our midst. Hate crime is nested in a web of everyday practices that are used to marginalize and disempower targeted communities. It is, consequently, more than the act of mean-spirited or misguided perpetrators. It is systemic. It resonates with a network of norms, assumptions, behaviors, and policies that are structurally connected in such a way as to reproduce the identity-based hierarchies that characterize so many Western cultures. In this respect then, hate crime is as normal and as usual as alternative mechanisms of oppression, such as cultural stereotyping or employment segregation.

The popularized literalist interpretation of hate crime fails to acknowledge this politicized dimension of bigoted violence, in short, the embeddedness of violence that results in the construction of the Other. In Betsy Stanko's (2001, 328) words, "the use of the generic terminology—'hate crime'—obscures the conceptual framework within which 'hatred' derives its resources from social resources." The use of the term "hate," then, occludes power relations. Earlier, I said that hate is a "safe" notion; it is also a relatively neutral phrase—anyone can, and probably does, hate. Hate is apolitical. But racist or anti-Semitic violence, for example, is not neutral; it is not apolitical. On the contrary, it is itself very much informed by relations of power; thus it is itself an expression of power, not hate. In other words, expressions of racism or sexism or any other "ism" enable the perpetrator to assert his or her relative superiority vis-à-vis the victim.

The acts we are referring to—anti-gay or anti-Muslim or anti-Latino violence, as examples—are directly implicated in efforts to maintain unequal relations of power. Such violence is itself a mechanism of social power by which white, heterosexual males in particular assert a particular version of hegemonic whiteness and/or masculinity. As such, it is a mechanism for reinforcing the privilege of whiteness and the subjugation of color. It represents a "will to power" by which the very threat of otherwise unprovoked acts of violence deprive the victims of personal security, and therefore of freedom of movement and engagement. Conversely, both the threat and use of violence by perpetrators enhance their authority in the eyes of the communities of both the victim and the offender. Violence is empowering for its users: physical dominion implies a corresponding cultural mas-

tery. This is perhaps most evident when subjugated groups resist their oppression. Unfortunately, this posture of empowerment is often seen as an affront to white power, whereupon it motivates further assaults. Seen in this light, hate crime is a reactionary tool, a resource for the reassertion of whiteness over color, for example.

In previous work (Perry 2001; 2003), I have defined hate crime in such a way that the emphasis is not on "hatred" or "disliking" the putative victim, but on bigoted violence as an exercise of power. I argued that our understanding of hate crime is furthered by a conceptualization that recognizes the ways in which this particular category of violence facilitates the relative construction of identities, within a framework of specific relations of power. This allows us to acknowledge that bias-motivated violence is not "abnormal" or "anomalous" in the United States, but is rather a natural extension of the racism, sexism and homophobia that normally allocate privilege along racial and gender lines. As expressions of hate, such acts of intimidation necessarily "involve the assertion of selves over others constituted as Other" (Goldberg 1995, 270), where the self is thought to constitute the norm.

Few social scientists have sought to construct culturally meaningful interpretations of hate crime that recognize its role in the "politics of difference." Among those who have made the attempt, Wolfe and Copeland (1994, 201) contend that hate crime is violence directed toward those who suffer discrimination in other realms of society. Their definition is useful in that it acknowledges that the predominant victims of hate crime are those already marginalized in other ways. Yet it fails to give a sense of how hate crime itself contributes to this marginalization. Sheffield's (1995, 438) definition is thus more relevant to the current discussion:

Hate violence is motivated by social and political factors and is bolstered by belief systems which [attempt to] legitimate such violence . . . It reveals that the personal is political; that such violence is *not* a series of isolated incidents but rather the consequence of a political culture which allocates rights, privileges and prestige according to biological or social characteristics.

Sheffield explicitly addresses the importance of the political and social context that conditions hate crime; moreover, she highlights the significance of entrenched hierarchies of identity as precursors to hate violence. What is still missing here is a sense of the effect of hate crime on the actors—victim, perpetrator, and their respective communities.

Consequently, the preferred definition can begin with the principles identified by Wolfe and Copeland (1994) and Sheffield (1995), yet extend

them to account for the role of hate crime in co-constructing the relative identities and subject positions of both the victim and the offender, individually and collectively. Hate crime, then, involves acts of violence and intimidation, usually directed toward already stigmatized and marginalized groups. As such, it is a mechanism of power and oppression, intended to reaffirm the precarious hierarchies that characterize a given social order. It is intended to simultaneously recreate the threatened (real or imagined) hegemony of the perpetrator's group, and the "appropriate" subordinate identity of the victim's group. It is a means of marking both the Self and the Other in such a way as to re-establish their "proper" relative positions, as given and reproduced by broader ideologies and patterns of social and political inequality (Perry 2001; 2003).

This challenge to popular interpretations of "hate" crime brings us to an important place. It leaves us in a position to rethink the referent itself. The critique helps us to acknowledge hate crimes for what they are: acts of power intended to constrain the options and activities of those whom our culture has marked as the Other. In short, the critique offered here of the misinterpretations and misconceptions associated with the popularized understanding of "hate" points us toward choosing language that is more direct — language that is more honest in its evocation of themes of power, advantage/disadvantage, and subordination/ domination.

## II. MOVING BEYOND "HATE"

I propose that we open up a dialogue that considers the utility of alternative terms, all of which have different connotations. In particular, I suggest the need for a much more self-conscious language that places the violence in question within its cultural context—and specifically within the broader relations of power.

Interestingly, the point I raise here has a parallel in the literature on "domestic violence." Similar debate has raged around the preference for a more gender-explicit terminology, such as woman abuse, wife beating, and so forth. Domestic violence, it is argued, denudes the violence of its political and cultural reality—that it is women who are most likely to be victims of domestic violence and other forms of gendered violence. To speak of woman abuse, or violence against women generally, is to place the phenomenon culturally—to acknowledge the role patriarchy and male dominance play. So too with more explicit alternatives to the term "hate crime."

Optimally, when we are referring to violent expressions of power, we would concretize its nature as racist violence, or anti-Semitic violence, or gender-motivated violence, for example. Such phrases capture the specificity of the victimization. Moreover—assuming a consensus on the struc-

tured and institutionalized nature of "isms"—these terms capture the political nature of bias-motivated violence; they evoke consideration of these acts as being grounded in the assertion of power and subordination noted above. In addition, they explicitly point to the identity-based animus that underlies such victimization. In short, these terms admit to rather than deny collective relations of power. The term "racist violence," for example, explicitly evokes recognition of forms of victimization that are "specifically targeted against ethnic minority communities and incidents that are aggravated by racism and racial prejudice" (Bowling and Phillips 2002, 108). In so doing, this and similar terms point directly to the relations of domination and subordination that motivate such violence. They make clear that racialized others, for example, are victimized because of their presumed racial identity.

The use of identity-specific terms indicates that victims are selected not because of some personalized animosity, but precisely because of who they are—because of their identity. Often they are victimized because they live up to, or, paradoxically, challenge their prescribed roles. On the one hand, hate crime perpetrators are said to be punishing victims for inappropriate performances of sexuality, or race, for example. So a black man engaged in a relationship with a white woman is victimized for having transcended the boundaries of both sexuality and race. On the other hand, he is also being punished for engaging in what is *perceived* to be race-appropriate behavior: He is living the stereotype of "black-man-as-predator" that has long been used to justify the inferior position of black males. What this suggests is a "lose-lose" situation. In sum, people who are victims of such stereotyping are "damned if they do and damned if they don't." Victims may be punished for *transcending* normative conceptions of relevant categories of difference, but they may also be sanctioned for *conforming* to relevant categories of difference.

However, it is decidedly unwieldy to utter such phrases as "racist, ethnic, anti-immigrant, anti-gay, anti-Semitic, anti-Catholic, anti-Muslim, gendered . . . violence" when speaking in generalities about violence motivated by victims' group membership. This is, in fact, one of the reasons the term "hate crime" emerged—as descriptive shorthand for the cluster of motivations understood to underlie a particular class of victimization. The search for an appropriate umbrella phrase has encompassed an array of potential options, ranging from the relatively neutral terms "bias crime/incident" to middle-ground terms like "targeted violence" to more explicitly politicized terms like "oppressive violence." Some have even called for the recognition of such expressions as crimes against humanity, or domestic terrorism. In the following pages, I test the connotations of some of these phrases against their ability to move us toward seeing "hate" crimes "for

what they actually are: violent acts of imposed power over and against those *this* culture and its members continue to marginalize as . . . Others” (Goldberg 1995, 278).

Often used interchangeably with hate crime, the related terms “bias crime” (or “incident”) and bigoted violence are equally dissatisfying. To be sure, more so than the term “hate crime,” use of the term “bias” or “bigotry” suggests the politics of difference. Each explicitly connotes the role that prejudice may play in motivating offenders. Yet they remain relatively sterile, neutral terms. Moreover, each retains an individualized referent; both suggest isolated acts derived from the personal animosities and biases of a given offender, rather than culturally conditioned or systemic ideological constructs. One thinks of Archie Bunker in his armchair rather than the cumulative ways in which the media, politicians and historical legacies have shaped his execrable utterances. In short, “bigoted violence” occludes the cultural resources that give such violence its life and meaning.

I move now out of the realm of the popular and familiar to more specialized terms that are primarily to be found in the academic literature. This is not inherently a limitation, but a challenge for us to inject more critical, self-reflexive terminology into the public dialogue on the forms of violence that interest us here. Howard Ehrlich and his colleagues at the Prejudice Institute have done much to popularize the term “ethnoviolence.” This is a phrase I have found myself using extensively in the past couple of years. Literally “violence against the people,” the phrase implies a sense of “othering,” of the imposition of force against the out-group. In fact, a more appropriate translation of the terms might be “violence against *those* people,” as in “those people come here and steal our jobs,” or “those people are a threat to my children,” or “those people don’t look, or act, or believe, or talk like we do.” The term evokes the notion of difference, of relational positioning of the self viz. the other, in-group viz. out-group. Problematically, the term may be limited—like “hate crime”—by literalist interpretations. Purists might argue that the root “ethnos” applies only to “true” ethnic groups, excluding alternative cultural groups like women, gays, or people with disabilities.

In her writings on “normal” or “everyday” violence, Betsy Stanko has come to refer to the non-random victimization experienced by women, homosexuals, and people of color as “targeted violence” (Stanko 1990; 2001). Specifically, Stanko uses this novel term to capture the vulnerability of members of particular groups because of their “relational disadvantage” to their attacker(s) (Stanko 2001, 318; 1990). The correlation between targeted violence and social relations of power is explicit in Stanko’s conceptualization of the terms, which, she argues, implies that

the assailant *chooses* to hurt a particular victim in the way that an assailant *can* do 1) because of who the victim “is”; 2) because the assailant can rely on the available resources (available to a collectivity from historical, social, and economic legacies) in order to do so; and 3) because the assailant retrieves popular discourses that assist in justifying that such actions are legitimate in the eyes of some portion of a population. (Stanko 2001, 318)

The notion of “targeted violence” allows us to recognize that racial or gendered or anti-immigrant violence, as example, are nested in a structural complex of relations of power grounded simultaneously in often intersecting identities. The interactions between subordinate and dominant groups provide contexts in which both compete for the privilege to define difference in ways that either perpetuate or reconfigure hierarchies of social power. Such confrontations—including violent ones—are inevitably informed by the broader cultural and political arrangements that “allocate rights, privileges and prestige” (Sheffield 1995, 438).

This is something I captured, I think, in my earlier elaboration of structured action theory as an account of hate crime (Perry 2001). There, I argued that the historical and contemporary patterns of identity politics have given permission to hate. For instance, there are extensive cultural mythologies that facilitate inequities and corresponding hate-motivated violence. It is within culture that we find the meanings, the significance, and the roles assigned to self and other, “a range of rules: ‘is’s’ and ‘oughts,’ ‘do’s’ and ‘don’t’s,’ ‘cans’ and ‘cannots,’ ‘thou shalt’ and ‘thou shalt not’s’” (Goldberg 1990, 297). Where the popular image of the Other is constructed in negative terms—as it typically is—group members may be victimized on the basis of those perceptions. Cultural assumptions about men, women, and the relationships between them, for instance, condone and often encourage victimization of women *qua* women, because they commonly objectify and minimize the value of women. In other words, men “physically and emotionally abuse women because they *can*, because they live in a world that gives them permission” (Pharr 1988, 14). In short, Stanko acknowledges the extent to which western cultures have cultivated a climate—political, economic, and discursive—of hate that facilitates violence against the marked Other.

This “embeddedness” of violence is also reflected in Iris Marion Young’s use of the term “systemic violence,” by which she means the “random, unprovoked attacks on . . . persons or property that have no motive but to damage, humiliate or destroy the person” (1995, 83). The parallels with Stanko’s understanding of targeted violence are especially evident in Young’s observation that systemic violence is, in fact, permissible if not encouraged by the social context in which it occurs — a context that dis-

empowers and stigmatizes raced and gendered minority groups through multiple and overlapping mechanisms of oppression (Young 1995, 83).

In some respects Young's use of the term "systemic violence" is even more explicit in its evocation of power relations than is "targeted violence." In fact, this concept is inseparable from the myriad other dimensions of oppression that coalesce to ensure the marginal position of the Other. For Young—and for me—the oppression of which racial violence is a part is more than the outcome of the conscious acts of bigoted individuals. It is, in fact, embedded in the norms, practices and institutions that characterize our daily realities. Rather than an aberration, it is an extension of the normative culture, and a means of maintaining taken-for-granted inequities of power and resources. Young (1990; 1995) specifically articulates five interrelated "faces of oppression" by which we might characterize the experiences of minority groups: exploitation, marginalization, powerlessness, cultural imperialism, and violence. The first three of these mechanisms reflect the structural and institutional relationships that restrict opportunities for minority groups to express their capacities and to participate in the social world around them. It is the processes and imagery associated with cultural imperialism that support these practices ideologically. Together, structural exclusions and cultural imaging leave minority members vulnerable to systemic violence.

Given Young's framework for understanding systemic violence, an equally useful term—and certainly a more explicit one—might be "oppressive violence." Such a term clearly politicizes the phenomenon, tying it to social relations of power. Violence is empowering for its user. It facilitates the ability to set the terms of discourse and action, and to impose a particular type of order. Oppressive violence is itself a mechanism of social power by which white males in particular assert a narrow vision of hegemonic whiteness. As such, it is a mechanism for reinforcing the privilege of whiteness and the oppression of color, or masculinity, or sexuality, as the case may be. It represents a will to power by which the very threat of otherwise unprovoked violence "deprives the oppressed of freedom and dignity" (Young 1995, 83).

In short, violence reaffirms the oppression of the victim and his or her community. This is also acknowledged by Goldberg (1995, 270) who asserts that racist (and other) speech and action

may serve ideologically to rationalize relations of domination, or they may serve practically to effect such domination by defining who are its objects and what they may be subjected to. So these expressions may be taken most centrally and generally as the condition of this domination and subjection, the mode and function of . . . oppression.

That racial violence, for example, is oppressive has been readily apparent in my own work with Native Americans. Not surprisingly, the cumulative effect of anti-Indian activity takes its toll. Those I have interviewed describe an array of individual and collective reactions, many of which were indicative of the aggregate impact of normative, systemic victimization. One participant stated the impact very simply: "A lot of it is petty stuff. But it's the petty stuff that gets to you after a while, because it's all the time." Indeed, among the people I have interviewed, there is a generalized sense of feeling weighed down, oppressed, by the ongoing threat of harassment and other racist actions:

You just get tired. You don't want to have to face it anymore. After a while, you hate to go into town, 'cause ya know as soon as you cross that line, somebody's gonna do something—yell at ya, curse ya, maybe chase you back across the river. Sometimes it's just too much.

The perception of recurrent threats and harassment leaves its victims feeling disempowered. It is, as many expressed it, "overwhelming," or "tiring," or "wearing." These frequently noted sentiments lend some empirical credibility to the use of the term "oppressive violence."

Rosga (1999) and Hamm (1994) have both argued for an even more politically grounded choice of terminology. They have separately articulated arguments that hate crime might more appropriately be understood as a form of terrorism, whereby

an attack motivated by prejudice targets not only its individual victim, but by its symbolic weight, effectively targets a whole group of marked individuals . . . . It functions, in other words, to reduce complex, multifaceted individuals into one-dimensional, victimized identity categories. (Rosga 1999, 145)

Similarly, Hamm (1994) champions the use of the term "domestic terrorism," by which he means violence—generally perpetrated by organized extremists—intended to reinforce a "putative norm." Typically, that "putative norm" refers to existing hierarchies along raced or gendered lines.

"Terrorism"—especially now—is a powerfully evocative term. Both uses of the term capture the dramatic collective impact of bias-motivated violence. The phrase demands the recognition that "hate crime" is intended to reinforce the subordination—perhaps even the invisibility—of the targeted groups. My concern with the term is that in the current climate, there would be significant resistance to using the term to apply equally to the attacks on New York City and Washington, and to individual attacks on minority group members.

Finally, I want to draw attention to the possibility of yet another term. Goldberg (1995), almost in passing, suggests the utility of reconfiguring “hate crime” as a “crime against humanity.” While his rationale for doing so is not fully articulated, it is nonetheless suggestive. He calls for the explicit recognition

not simply that they [the perpetrators] have harmed a particular individual and society abstractly, but also that they have harmed the entire group—the body of particular people with whom the object of the injustice identifies. In this sense, racist wrongs are wrongs . . . against an entire class of people. (1995, 273)

Quite clearly, this is the most politically charged term addressed herein. It is a sweeping indictment of hate crime perpetrators and the collective harm they do. It portrays “hate crime” as akin to human rights violations, or perhaps to genocidal practices. Violence directed at someone because of his or her identity is in fact a denial of personal dignity. Clearly, hate crimes have both the intent and typically the effect of restricting the autonomy and active participation of the Other.

The practical utility of invoking a rights discourse is that it allows for—in fact encourages—recognition of the role of the state as well as of private actors in perpetuating such forms of violence. Additionally, this concept draws force and legitimacy from international law and convention. The 1948 Declaration of Human Rights and subsequent conferences on genocide and an array of rights issues draw attention to the human rights violations that inhere in intergroup violence. Indeed, the very notion of human rights is “one of the few moral visions ascribed to internationally” (Bunch 1990, 486). The literature on violence against women as a human rights violation, for example, fits nicely within this paradigm (see, for example, Bunch 1990, 1995; Chapman 1990). So too does work on anti-immigrant violence (Dunn 1996) and that on social or ethnic cleansing (Bell-Fialkoff 1999; Naimark 2001). Additionally, Ward Churchill (1994; 1996)—a Marxist indigenous scholar—has long argued that the legacy of legal and extra-legal violence against Native Americans must be characterized as a syndrome of crimes against humanity and as genocide.

Moreover, to invoke rights claims generally is potentially transformative, in that the discourse of rights shifts the focus from violations of the person to violations of the body politic. In short, it invokes the collective identity-based nature of both the act and the harm done. Consequently, the exploitation of human rights narratives creates avenues by which the systemic subordination and victimization of minorities can be challenged both in the legal realm and in the marketplace of public ideas.

## III. CLOSING THOUGHTS

This foray into the semantics of hate is not intended necessarily to lobby for the adoption of any particular alternative terminology for what we currently refer to as "hate crime." Rather, it is meant to challenge us to think more seriously and critically about the implications of the language we use. Specifically, I have argued that, to the extent that we are critical scholars, it behooves us to name it for what it is: a mechanism of empowerment and disempowerment. The violence of which we speak is not simply about the individual affect of the individual perpetrator. Rather, it is an inevitable outgrowth of a rigidly structured and hierarchical society. It is an act of collective empowerment that relies heavily on the history and persistence of relations of advantage and disadvantage. As Stanko (1990; 2001) and Goldberg (1995) both make clear, racist, sexist, ethnic, homophobic and other forms of bigoted violence draw on available cultural resources to gain motivation, meaning and legitimacy. What I ask is that scholars be thoughtful in choosing terminology, so that the politics of difference that underlie "hate crime" becomes transparent.

## NOTES

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