

# The key traditional theoretical approaches to victimology



**ASSIGN  
BUSTER**

Hate crime is a relatively new term in victimology and one that Jenness and Broad (1997) attribute the rise of to a series of progressive social movements in United States starting in the 1960s<sup>1</sup>. Chakraboti and Garland (2009) argue that in the UK hate crime appears to have gained momentum as a result of numerous high profile publicised events that took place such as the Brixton riots of 1981, the racist murder of Stephen Lawrence in 1999 and the nail bomb attacks by David Copeland in 1999, all drawing widespread attention to the problems posed by crimes against members of minority groups.

Hate crime is relative and establishing a universal definition in the context of constantly changing social norms will always be difficult especially due to the subjectivity associated with emotive term 'hate.' Generally, what differentiates hate crimes are not the criminal offences attributed to them but the motivation of the perpetrator.

Hate crimes are largely acts of violence or intimidation on already stigmatised and marginalised minority communities that portray a message to these communities that they are in some way different and as a result the effects of the crime extend further than the direct participants to the different communities from which both the perpetrator and victim belong<sup>5</sup>. Perry (2001) refers to them as 'message' crimes.

Gerstenfeld (2004) defined hate crimes not where the offender simply hates the victim but are criminal acts that are motivated by the group affiliation of the victim. The definition provided by the Association of Chief Police Officer's (ACPO) 2005 Hate Crime Guidelines extended the incidents that can be

recorded under hate crime to those motivated by prejudice “ any incident which is perceived by the victim or any other person as being motivated by prejudice or hate.”

Petrosino 2003 adds a notion of an imbalance of power between the perpetrator and the victim defining victims as less powerful politically and economically and hate incidents occur when the minority community represent a threat to the perpetrator’s quality of life. This framework of power relations sheds light on hate crimes not as extraordinary offences but of extensions of the types of prejudice and marginalisation experienced by minority groups in ‘ every day’ society.

Bias motivated crime from this viewpoint provides a tool for, in western societies; white, young, heterosexual, males to reaffirm their place in a complex social hierarchy by responding to perceived threats to this innately constructed structure. Perry (2002) offers a full definition that “ hate crime... involves acts of violence and intimidation, usually directed towards already stigmatised and marginalised groups. It is a mechanism of power and oppression intended to reaffirm the precarious hierarchies that characterise a given social order.

It attempts to recreate simultaneously the threatened (real or imagined) predominant influence of the perpetrators group and the appropriate subordinate identity of the victims group” Perry encapsulates a lot of commonalities that definitions of hate crime share and when evaluating how effective traditional victimology theories are in explaining and understanding hate crime it is important to take all these aspects into account and realise

that “ hate crime is much more than the act of mean-spirited bigots, it is embedded in the structural and cultural context within which groups interact.” Young (1990), Bowling (1993), Kelly et al (1993)<sup>6</sup>. The origins of victimology have been popularly ascribed to the work of Mendelsohn (1956) and Von Hentig (1948)<sup>4</sup>. Their early work was concerned with developing ways of differentiating the victim and non-victim with regards to how prone and culpable they were at becoming victims of crime and sparked the development of the theory of positivist victimology.

Miers (1989) defines such an approach as “ the identification of factors which contribute to a non-random pattern of victimization, a focus on interpersonal crimes of violence, and a concern to identify victims who may have contributed to their own victimisation<sup>4</sup>” Positivist victimology looks at victimising events in a scientific manner and is concerned with what is understood as ‘ normal’ crime. The victim is presumed to be obvious, meaning they are either given by the criminal law or obvious in the nature of their suffering.

It provides a static snapshot of a society, in particular what constitutes criminal victimisation at a given time in history, and however, it can’t provide an understanding of the social or historical production of such victimisation. A positivist theory can help one start to understand the victimology, which around the time the theory was being developed, was still a relatively new area of research within criminology, and this could only have been useful for understanding victims of hate crime as the emergence of the victim would therefore have been synonymous with the rise in different types of victimisation, such as hate crime.

<https://assignbuster.com/the-key-traditional-theoretical-approaches-to-victimology/>

Positivist victimology also sparked the development of criminal victimisation surveys, which were influential in making criminal victimisation a more prominent social matter. A criticism, however, it is that it places too much emphasis on the self-evident nature of victims. It also accentuates the differences between the offender and the victim. Whilst acts of hate are fundamentally against 'the other,' positivist victimology believes victims could be identified by some personal characteristic which marked them as being different from the 'norm' which in reality is not the case with crime in general, let alone hate crime.

Under positivist victimology the societal 'norm' is the white, heterosexual, male, which is in line with the 'norm' in hate crime theory in western societies<sup>9</sup>, however, such a theory is too basic and while it may acknowledge the fact that some hate crimes are committed against ethnically different communities the notion of victims and offenders being physically different, or even from different communities, as will be examined later, is a primitive view.

Hate crimes are different as they are bracketed together for the commonality the victims share in regards to the persecution they feel as a result of being a member of a certain social, religious, sexually orientated or physically able community and positivist victimology does little to help readers understand this<sup>6</sup>. Dignan (2005) argued that a "positivist victimology fails to appreciate the fact that both the state itself, through its agencies and also the legal and penal processes that it sanctions may themselves create new victims and also further victimise those who have already been victimised by an offender."

<https://assignbuster.com/the-key-traditional-theoretical-approaches-to-victimology/>

A shortfall that radical victimology would attempt to address. Radical victimology, instead of seeing victimization as a product of the personal attributes of individual victims draws attention to structural factors relating to the way society is organised and also the role of the capitalist state itself and the legal system in the social construction of both victims and offenders, Quinney (1972).

Radical victimology is predominantly concerned with structural inequalities and how these shape the distribution of victimisation. Although it has been criticised for its narrow preoccupation with social class structures this could be useful in trying to understand the notion of an imbalance of power between perpetrators and victims of hate crime (Petrosino 2003 and Perry 2001).

Radical victimology, in this respect, could help to back up a finding of Sibbitt's (1997) study of perpetrators of racist violence on two South London housing estates which found that many white people living on the estates felt let down by local authorities (the state) who were blamed for allocating resources to minority ethnic groups, who in their eyes, didn't deserve them, ultimately resulting in racist abuse. While radical victimology can be effective in describing this sort of motivated hate crime it still doesn't address why the white perpetrators chose to direct their hate or prejudice against minority groups.

Perry (2001) argues that hate crime offending is designed to maintain society's social hierarchies, which privilege white, heterosexual, males and stigmatise those who don't conform to these hegemonic identities which is in

line with radical victimology, however, Sibbitt (1997) and Gadd, Dixon and Jefferson (2000) suggest that racist hate crime is more likely to occur in deprived neighbourhoods where perpetrators would not appear to be more socially privileged. Out of the shortcomings of radical victimology, radical left realism was created.

This approach highlights the fact that, as Dignan (2005) stated, “ The most predatory crime was directed not against the wealthy bourgeoisie but against the poorest members of society who tend to live among those responsible for crime.” This fits in with the findings of Sibbitt’s (1997) and Ray and Smith’s (2001) studies that concluded that those who engaged in hate crime violence often had a history of criminal behaviour, came from dysfunctional families, had very basic education and were mostly unemployed<sup>6</sup>. Reiterating hate crimes as more likely to occur in deprived neighbourhoods by members of similar social classes.

Victims of hate crimes appear in reality to be from the same neighbourhoods as the perpetrators which can be explained more effectively using the ‘ engaged’ criminology stance of radical left realism<sup>9</sup>. Whilst radical victimology acknowledges social structures and how they impact on the victimisation of lower social classes and the considerable power of the law and the state to oppress, it fails to consider features of the process of victimisation other than class, for example not taking into account factors such as gender, race, age and religion and is therefore limited in how effective it is in explaining hate crime.

Radical left realism on the other hand has offered a more detailed documentation of who the victims of crime are at local levels. Phipps (1988) highlights that under radical left realism, criminal victimisation is just one aspect of social victimisation. People are harmed by 'normal' social and economic relations which in turn results in them harming each other.

Like positivist victimology, it doesn't address the motivation behind victimising minority groups as a result of social and economic harms but radical left realism does help one understand that hate crime is in fact a result of much deeper social hierarchies and oppression that are active every day, like the oppression felt by social victimisation. It is only when this spills over into criminal incidents that it is acknowledged as a cause of deviant behaviour.

The feminist movement within victimology has attributed to helping one understand hate crime also. Specifically the uncovering of the private arena as a place where behaviour can now be scrutinized, which has been vital in uncovering hate crimes by carers on physically disabled victims<sup>6</sup> and 'day-to-day' behaviour that might have previously been accepted but can now be recognised as legitimate victimising. The success of feminist victimology has made visible forms of victimisation that had largely been ignored.

It is the importance of power relationships and their impact on people's lives that links hate crimes to feminist victimology<sup>9</sup>. Stanko (1990) draws parallels with feminist research into domestic and sexual violence, to the process of black and ethnic minority group victimisation, linking repeat victimisation in both<sup>10</sup>. Genn (1988) identifies certain acts of victimisation towards women



that are just 'parts of life.' This is effective for understanding the least violent forms of hate incidents where victims don't realise the subtle oppression they are subject to.

This is crucial especially for explaining some hate crimes that are as a result of internalised societal norms that have been the norm for a long time and have never been challenged until feminist victimology challenged such subconsciously constructed societal norms in relation to subtle persecution of women which can then be to other minority groups. Lastly for the traditional theoretical approaches to victimology, critical victimology is focused on the process of becoming a victim through the application of the label.

Miers (1990) observes " Many groups and individuals may claim the label, but the key questions for a critical victimology are who has the power to apply the label and what considerations are significant in that determination." Acquiring the label of 'victim' is crucial for victims to gain the appropriate public acknowledgment and support. Critical victimology can be useful for understanding hate crime this regard as the main issue of incorporating hate crime legislation into the legal framework is how to make it operationally viable.

This labelling of who is 'deserving' of special treatment as a result of being victimised is a very contentious problem however. Hate is a very emotive word that will mean different things to different people and looking at criminal offences extremely closely it could be argued that an element of hatred could be a motivating factor of most crimes and therefore, who has

the power to choose the minority groups that receive the tag of victims of hate crime is contentious.

In the UK, in 2008-09, Domestic Violence was moved out of the bracket of hate crime and only four particular grounds for prejudice or hatred are outlined under the ACPO guidelines (2005), which are prejudice or hate based on: race, sexual orientation, faith and disability. What makes victimisation being felt as a result of being a member of one minority group different or similar to that of another? Limiting the applicability of hate crime to certain groups is necessary to make it more operationally viable but very controversial.

A critical victimology would identify that the state would have the power to do this and would attempt to examine the wider social context in which the four types of prejudice or hate outlined by the ACPO have become more dominant than others. It constitutes an attempt to appreciate how general mechanisms of capitalism have set the conditions for different victim movements to become more prominent than others. Although it doesn't do this in a simple and straight forward manner it would clearly be useful in understanding what forces determine which minority communities receive 'special' treatment under hate crime support.

Hudson (1993) states that critical victimology highlights relative deprivation and marginalisation as primary determinants of crime which is where it connects minority status and crime<sup>8</sup>. Critical victimology confronts at least two of the primary facts associated with hate crime; marginalisation and power<sup>9</sup>. Both are important for understanding hate crime as they are about

exercising power with the goal of asserting the marginal status of the victim's community and reaffirming the higher status of the offender's.

Critical analysis of minorities and crime, has however, remained relatively underdeveloped. Class and economic relations are still prioritised as determinants of crime and victimisation which is inadequate when trying to understand hate crime completely. Although crime is seen as an outcome of socioeconomic processes it is still not regarded as a process, which is what Bowling (1993) and Perry (2001) insist must happen for one to completely understand hate crime.

Hate crime is important in terms of the meanings it has to not only the direct participants of an incident but their respective communities and this is something that not just critical victimology has failed to incorporate.

Although aspects of the traditional theoretical approaches to victimology have been used to help understand hate crime, victimology has really failed to provide a coherent framework for understanding its diverse nature.

Looking outside victimology theory to other criminological theories could help further an understanding of hate crime.

Travis Hirschi's variant of control theory briefly attributes criminal offenders to having 'broken bonds' with conventional society<sup>4</sup>. The constraints that ordinarily inhibit deviant behaviour have been deteriorated to an extent that the perpetrator lacks the incentive to abide by the law. This theory would be useful for explaining the extreme cases of hate crime, for example the racist and homophobic nail bombing attacks by David Copeland in 1999. Copeland was a neo-Nazi loner, someone who was out of control, psychologically

disturbed and distant and different from the 'norm' according to Ray and Smith (2001).

This portrayal of perpetrators of hate crime, however, is hugely inaccurate for 'every day' hate crime and a control theory would only be useful to those extreme cases. Ray and Smith (2001) note that the majority of hate crimes are not organised by hate groups but by teenagers on the basis of underlying prejudices which on occasion spill over into criminal conduct. McDevitt et al (2002) similarly found that in their study only 1% of the cases were committed by mission offenders, like Copeland, totally dedicated to bigotry<sup>6</sup>. Robert Merton's strain theory could be utilised to further ones understanding of hate crime.

As a result of the strain of not being able to achieve society accepted goals, lower class youths generally resort to crime and violence as an alternative means of achieving the status and prestige denied to them<sup>4</sup>. Hate crime is therefore one way by which young men can prove their toughness and try and establish a social hierarchy. This can be taken as useful when recalling the findings of Gadd, Dixon and Jefferson's (2005) study of racist hate crime which concluded that perpetrators were not hardened race haters but were characterised by deprivation, domestic violence, drug and alcohol issues and previous criminal behaviour.

The limiting factor of strain theory is that if strain accounted for hate crime, certainly then the minority communities that were the victims would instead be the predominant perpetrators. Strain theory also suggests that hate crime occurs in spite of 'conventional culture' but as defined earlier, hate crime

occurs because of it. It is a normal, just extreme, expression of the biases that are within the culture and history of societies<sup>4</sup>. Finally the last criminological theory I believe that can be effective in understanding hate crime is labelling theory.

With this theory being concerned with marginalisation and stigmatisation one would expect it to provide good insights into hate crime. Crime is explained under labelling theory as a social process, which is in line with the definitions of hate crime provided earlier. It also helps explain the concept of 'dehumanisation' in hate crime offences. Goffman (1963) states that those who have been stigmatised as 'different' are reduced to a 'tainted and discounted' image. This aspect of labelling theory is useful for explaining when a victim of a hate crime has been selected because of their perceived difference to the perpetrator.

McDevitt et al (2002) found that a large proportion of incidents in their study were for 'thrills' and occurred in large groups. This is interesting as it highlights the importance of peer pressure, inter-group dynamics and the dehumanisation of the victim. Bowling (1999) and Craig (2002) also suggest hate incidents typically involve multiple perpetrators and the group dynamic may diffuse the responsibility of the crime leading to a loss of perspective, culminating in potentially violent outcomes.

Like all other theories labelling theory is restricted in understanding hate crime though as it tends to focus on the 'sensational' deviants rather than the effects of 'every day' exercises of power. To conclude, whilst one might feel like as if only the surface has been scratched in relation to victimology

theory behind hate crimes, Flowers (1990) states that the most neglected field of inquiry in criminology has been the relationship of crime and minority groups within society.

Hate crime can encapsulate all forms of criminal offence ranging from large scale terrorist attacks to bigoted intimidation and making sense of such a varied subject that also changes with time and societal norms is very difficult. This essay has shown that it requires many different aspects from different theories, even those unconfined to victimology, and still hate crime cannot fully be explained.

Rather than referring simply to crimes motivated by hatred, hate crime has been proved to be associated with a large range of aspects including notions of prejudice, bigotry and group identity, all within frameworks of power, hierarchy and oppression. Finding a coherent theory to encapsulate all this would seem impossible. As the status of victims in criminal justice systems continues to grow, however, so will the research and academia that corresponds to it, hopefully allowing budding scholars a greater chance of explaining and understanding hate crime using theoretical approaches to victimology in the future.