



An agnostic view of 'faith hate' crime

Abstract

So-called 'faith hate', or religiously aggravated crime stands out starkly as being the uncharted territory in hate crime scholarship and policy research. When the evidence about the problem in the United Kingdom is unfolded, it suggests that there may be valuable policy learning to be gained. There are some fundamental questions that need to be addressed, however. Are victims really targeted because of their faith or because of something else? Are such crimes different to other acts of hate crime, such as racist crime? And who are the perpetrators of 'faith hate' crime? Are they any different from those who commit race hate crime? These questions have important implications for policy and practice learning.

Key words

Faith hate; religiously aggravated crime; Muslim people; Jewish people; inter-Christian sectarianism.

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'Faith hate' crime, the uncharted territory of hate crime research

Despite the long history of sectarianism in Northern Ireland, which still continues to simmer even though paramilitary violence has subsided with the peace process, the notion of 'faith hate', or religiously aggravated crime has only entered the criminal justice lexicon in the United Kingdom (UK) within the last decade. Academics have been much slower to catch on to the notion than legislators and criminal justice policy-makers and practitioners, although some have recently bought into the idea that there is such a thing as 'faith hate' crime (Chakraborti & Garland, 2009: 36–54).

Nevertheless, so-called 'faith hate', or religiously aggravated crime stands out starkly as being the uncharted territory in hate crime scholarship, even in the United States (US) where the hate crime scholarly domain was founded. When the evidence about the problem in the UK is unfolded, it suggests that there may be valuable policy learning to be gained. However, given that the scholarly journey is just beginning, it is important to correct some early tendencies so that the direction is not wrong-footed from the outset.

One such tendency has been the domination of the field by a focus on so-called 'Islamophobic' incidents and crime with a relative neglect of other forms of faith hate crime. Consequently, a correlating tendency has been the almost complete neglect by scholars of how the experience of tackling inter-Christian sectarianism in Northern Ireland and Scotland might be applied to tackling other forms of faith hate crime elsewhere in the UK. Curiously, while inter-Christian sectarianism has been downplayed by some as a form of religiously aggravated crime, there has been an emergent tendency to cast racist crime against UK Jewish people as faith hate crime, even though Jewish people are recognised as a 'racial' group under case law.

In considering these early tendencies, there is clearly a need in some cases to define the extent of the problem of faith hate crime, and to understand it more clearly in order to better inform policy and practice. There is also a need to evaluate projects and interventions for the sharing of policy learning and good practice in tackling faith hate crime. And, most of all, there is a need for some critical reflection about the very notion of faith hate crime itself. Without wishing to seem discourteous to those who have fully embraced the concept, in

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many instances, faith hate is arguably a misnomer: it is an inappropriate label for many of the crimes so-labelled – although the notion of religiously aggravated crime is not entirely redundant. The matter open to question is not the existence of crimes against Catholics, Hindus, Jews, Muslims, Protestants, and Sikhs, for instance, where the offender's bigotry plays some part in their offending, as there is plenty of evidence that such crimes occur. But are victims of so-called faith hate crime really targeted because of their faith, or because of something else? Are such crimes different to other acts of hate crime, such as racist crime? And who are the perpetrators of faith hate crime? Are they religious zealots, or rather more ordinary people? And are they any different from those who commit race hate crime? Taken together, these questions provide a long agenda for analysis and debate. This paper takes some first steps.

The blurred boundaries between religiously aggravated and racially aggravated crime

Faith hate crime, as a concept, did not exist in England and Wales before 2001, when provisions for religiously aggravated offences were established by the 2001 Crime, Security and Anti-terrorism Act (HM Government, 2001). But the new measures were not a response to a long-standing concern about religiously inspired violence in the two countries. The prime concern of the provisions was the victimisation of Muslims.

Due to the apparent backlash of incidents against Muslims in Britain (or so-called 'Islamophobic' incidents) that followed the 9/11 terror attacks in the US, the new measures were needed in order to close a loophole in the law left by the provisions for racially aggravated offences in the *Crime and Disorder Act 1998* (HM Government, 1998). As Muslim people are regarded under law in the UK as a poly-ethnic religious community and not a racial group – followers of Islam are defined by adherence to its teachings and beliefs, rather by descent from a particular geographical origin – they were not, at the time, afforded the same treatment by the criminal justice system as victims of race hate crime. Although, as is the case with race hate crime, Muslim people, or those perceived to be Muslim, were targeted because of some aspect of their identity.

The enhanced penalties, as established by section 28 of the *Crime and Disorder Act 1998* (HM Government, 1998), that could be applied to offenders of race hate crime in a number of pre-existing offences could not be applied to identical offences against Muslim people. Concerns had been raised by some Muslim groups about the inequity under law (Addison, 2002; Forum Against Islamophobia and Racism, 2002).

Incidents against Muslim people had, of course, been occurring before the terror attacks on the World Trade Center and the Pentagon, but it is likely that many would-be offenders needed the trigger of 9/11 to thrust Muslim people into the public consciousness as potential targets. Although there are hardly any published police data on so-called 'Islamophobic' incidents in the aftermath of the 9/11 attacks, anecdotal evidence suggests a significant backlash in Britain. The Commission on British Muslims and Islamophobia noted in its 2004 report that *'Thousands of British Muslims have tales to tell from the days after 9/11 – rudeness and insensitivity, or worse, from colleagues, associates and neighbours, and from total strangers in shops and buses, trains and streets'* (The Commission on British Muslims and Islamophobia, 2004: 16).

Incidents involved either the deliberate targeting of identifiably Muslim public locations, such as Mosques and cultural centres, or the opportunistic targeting of Muslim people, particularly Muslim women, made visible by their attire. Many incidents were seemingly committed by ordinary people going about their everyday lives: passers-by in the street; people out shopping; people driving their cars; colleagues at work; and children at school. Hundreds of offensive emails were sent to the Muslim Council of Britain, and they are revealing in the way that they illuminate the sentiments of offenders. Many arguably did not target Islam as a religion. Instead, they demonised, denigrated and defamed Muslim people in a way that parallels common sense racist discourse (Iganski, 2008: 31–32). The object of 'hate' was not Islam and its teachings as a faith, but some visceral conception of Muslim people.

The same seems to apply to the incidents against Muslim people in the US, which spiked after 9/11. A snapshot of retaliatory attacks listed by Perry (2009), for instance, shows little evidence of sentiments defaming Islam as a faith or attacking the tenets of Islamic

teaching. Accordingly, one interviewee quoted in the 2004 Commission on British Muslims and Islamophobia report (2004: 4) insightfully suggested that 'Islamophobia' is 'just racism with a spin'. Such a description also seems to very aptly apply to the many incidents against Muslim people following the July 2005 bombings in London (although the extent of the backlash has been disputed, see Iganski, 2008: 133–135), and, as was the case for incidents that followed the 9/11 attacks, many were committed by ordinary people in the context of their everyday lives, with few seemingly prompted by any religious zealotry (Iganski, 2008: 31–34).

Academics who have written about incidents against Muslim people have uncritically used the term 'Islamophobia', and, by so doing, arguably perpetuate the confusion between religiously aggravated and racially aggravated crime. Some have clearly framed Islamophobia as 'racism' and 'race hate' rather than aversion to Islam as a religion (Frost, 2008). Others have conflated religion and 'race' by using the words 'Islam', 'Muslims' and 'Arabs' interchangeably (Perry, 2009). None appear to have critically engaged with the question about how religion features in offenders' motivating impulses or the victims' experiences.

Although there has been hardly any empirical research on the matter in the UK, if the anecdotal evidence about anti-Muslim incidents is examined, it is clear that, in many instances, Muslim people are

targeted because of their religion, in the sense that visible signs associated with the Muslim faith – such as wearing a hijab or a burkha, for instance, mark some people out as potential targets. Yet, it is not the faith of victims that is being attacked. While most offenders probably do not coherently articulate to themselves or to others the sentiments that inform their offending, it is rather more plausible that in the backlash of incidents against Muslim people following the 9/11 and 7/7 terror attacks, anti-Muslim incidents were fuelled by a bigotry in which Muslim people as 'terrorists' featured prominently.

Despite the evidence of a substantial number of incidents against Muslim people, there is no way of knowing how many of those incidents are reported to the police. Data on anti-Muslim incidents have not been disaggregated in the annual publication *Statistics on Race and the Criminal Justice System* (Riley et al, 2009), which has combined racially aggravated incidents and religiously aggravated incidents into one category in recorded crime figures since 2001 – further manifesting the conflation and confusion about 'race' and religion in hate crime victimisation.

What is for sure is that very few religiously aggravated offences have been prosecuted since the provisions were first established in 2001 (see **Figure 1**, below and **Table 1**, overleaf). The 17 prosecutions for offences against Muslim people in 2006–07, for

Figure 1 Annual number of cases finalised and recorded as religious incidents under the CPS Racist Incident Monitoring Scheme

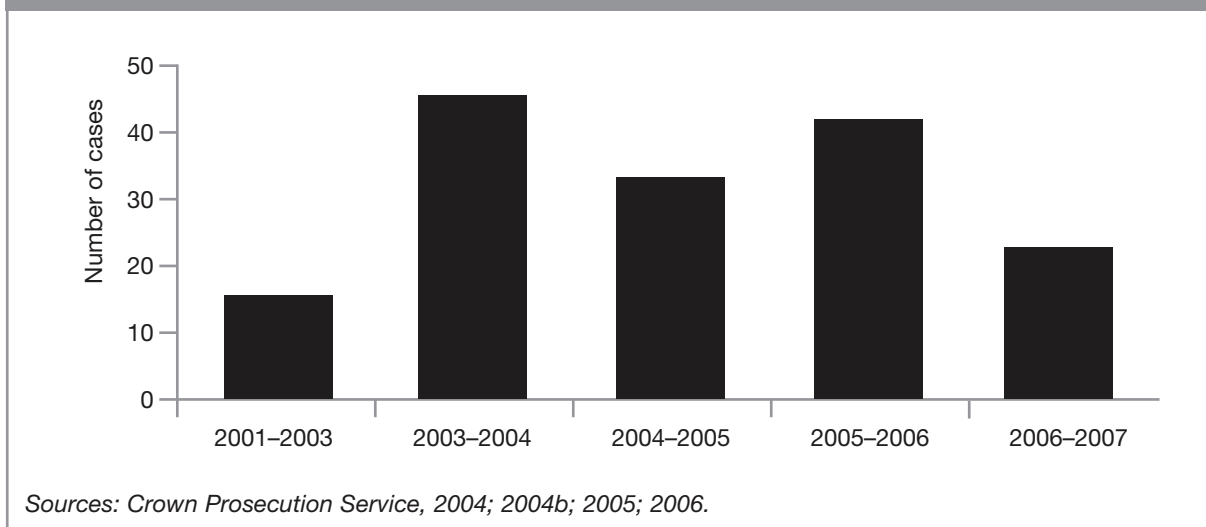


Table 1 CPS religious incidents: victim's actual or perceived religion

Actual or perceived religion of victim	Numbers of incidents				
	2001–2003	2003–2004	2004–2005	2005–2006	2006–2007
Muslim	10	22	23	18	17
Sikh	2	2	0	1	1
Hindu	2	3	2	0	0
Jewish	1	5	0	0	2
Jehovah's Witness	1	1	0	0	0
Christian	1	8	4	3	3
Other/unknown	1	0	5	21	4

Sources: Crown Prosecution Service, 2004a, 2004b, 2005, 2006, 2007.

instance, appear to be barely significant when compared with the 7,694 defendants prosecuted for racist incidents in the same period (Crown Prosecution Service, 2007: 4). If the number of prosecutions is any measure of the number of incidents reported to the police, then there is a serious disjunction between victimisation and reporting.

The matter of reporting is not just important for intelligence-led policing and for the prosecution of offenders – important though these are. Ideally, the reporting of hate crime enables victims to access and receive appropriate support. Following the apparent stigmatisation by the media of Muslim people as extremists and potential terrorists, fuelled by the disproportionate application of anti-terrorism measures against Muslim people suggested by a number of academics writing about anti-Muslim 'hate crime' (Frost, 2008; Perry, 2009), and the suggestion that Muslim people have been targeted by hate crime because of the 'war on terror' (Frost, 2008: 549), it would not be surprising if many Muslim victims of incidents would be reticent about reporting victimisation to the police. There is obviously a challenge, therefore, for the police to attain the confidence of Muslim communities for the reporting of hate crime, while appropriately investigating potential extremism and terrorist activity. There is also a pressing

need for the Crown Prosecution Service to investigate the reasons for the low number of prosecutions for religiously aggravated crime against Muslim people.

Framing inter-Christian sectarian violence as hate crime

Even though there is a long history of violence between Catholics and Protestants in Northern Ireland, which very few scholars refer to as hate crime, let alone faith hate crime, the problem of sectarian incidents and crime has seemingly not been well documented in official records. The Police Service of Northern Ireland (PSNI) has only recorded sectarian incidents since the introduction of the enactment of the *Criminal Justice (no. 2) (Northern Ireland) Order 2004* (Northern Ireland Association for the Care and Resettlement of Offenders, 2008: 7–8). The PSNI define sectarian incidents as 'any incident which is perceived to be sectarian by the victim or any other person' and it states that:

'The term "sectarian", while not clearly defined, is a term almost exclusively used in Northern Ireland to describe incidents of bigoted dislike or hatred of members of a different religious or political group.'

It is broadly accepted that within the Northern Ireland context an individual or group must be perceived to be Catholic or Protestant, Nationalist or Unionist, or Loyalist or Republican.' (Police Service of Northern Ireland, 2009)

Sectarian incidents and crimes have accounted for over half of the hate incidents (crimes and non-crimes combined) recorded by the PSNI (see **Table 2**, below).

While it is clear that religion has not been the only factor involved in sectarianism in Northern Ireland as a colonial struggle, and subsequent communal competition over economic resources and political power have provided a context to the violence (Northern Ireland Association for the Care and Resettlement of Offenders, 2008: 3), it nevertheless should not be downplayed compared with other forms of faith hate crime. As is the case with anti-Muslim incidents just discussed, victims are targeted because of their religion, or their presumed religion, even though it is not the tenets of their faith that are being targeted. While the visual markers that identify suitable targets of sectarian violence are perhaps not as obvious as the markers that identify Muslim people, they can include an individual's name, the locality in

which they live, the school they attend and school uniforms, religious jewellery and badges, sportswear and patterns in the use of public space such as particular areas, roads and even bus stops (Northern Ireland Association for the Care and Resettlement of Offenders, 2008: 6).

The official recording of sectarian incidents and crimes in Scotland slightly preceded recording in Northern Ireland, although the published records have been confined to numbers of prosecutions rather than numbers of incidents more broadly. Provisions in Scotland for religiously aggravated and religiously motivated offences were established by section 74 of the *Criminal Justice (Scotland) Act 2003* (HM Government, 2003), and there have been a substantial number of prosecutions compared with the prosecutions for religiously aggravated offences in England and Wales (see **Figure 2**, overleaf). The great majority of the charges have been for breach of the peace, with the remainder for assault or vandalism.

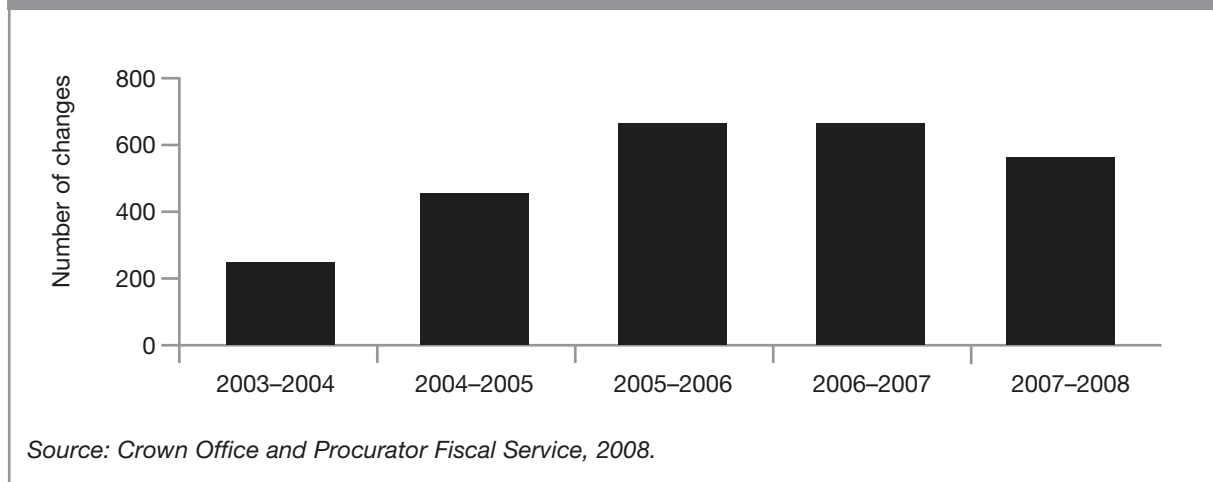
Most of the incidents reported have occurred in the west of Scotland, with just over half in Glasgow and about a quarter in Lanarkshire. Nearly two-thirds of incidents have involved aggravation towards Roman Catholicism, and nearly a third against Protestantism,

Table 2 Incidents with a 'hate motivation' recorded by the Police Service for Northern Ireland 2005/06 to 2008/09

Hate motivation	Numbers of incidents			
	2005/06	2006/07	2007/08	2008/09
Racist	936	1,047	979	990
Homophobic	220	155	160	179
Faith/religion	70	136	68	46
Sectarian	1,701	1,695	1,584	1,595
Disability	70	48	49	44
Transphobic	NI	32	7	10

Source: Police Service for Northern Ireland, 2007, 2008, 2009.

Figure 2 Charges reported to Procurator Fiscal by police in Scotland for offences aggravated by religious prejudice 2003–2008.



only a handful involved Jewish, Muslim or Christian religions. Sectarian abuse was targeted at the police in about three in 10 incidents. Approximately three in 10 incidents occurred on a 'busy main street', with some occurring outside pubs and clubs, just under a fifth in football stadia with further football related incidents occurring outside and beyond football grounds, and approximately one in 10 incidents occurring in a pub or club.

These figures are naturally an underestimate of the actual extent of sectarian incidents and crime in Scotland, as they omit the many incidents that would have not been reported to the police, or incidents that were reported but not prosecuted. However, in the absence of more comprehensive data, the figures provide the best snapshot for the time being.

As is the case with sectarian incidents and crime in Northern Ireland, religion is only one factor in the aetiology of sectarian violence in Scotland. The Cross-Party Working Group on Religious Hatred (2002: 8) observed that:

'Political and cultural differences may have been historically based on religious differences but it can still be hard to identify an informed religious perspective in a so-called 'sectarian' attack. Focusing on religious differences can be a way of expressing cultural intolerance or racist attitudes. It may even be difficult to disentangle whether religious, racist or cultural beliefs are an impetus

to harmful or violent behaviour, or simply a cloak. In many cases, religious difference might be the pretext for, rather than the cause of, an assault.'

In 2006, the Scottish Executive published an action plan for tackling sectarianism, which included a number of significant measures targeted at school children and students in higher education (Scottish Executive, 2006). Such measures, and interventions also made against sectarian hate crime in Northern Ireland, offer a wealth of potential for policy and practice learning that might be applied to other forms of hate crime.

Racist incidents against Jewish people

Jewish people are recognised as a racial group under case law in the UK as confirmed by the case of *Mandla v. Dowell-Lee* (1983). While a majority of UK Jewish people appear to be affiliated with a synagogue (Schmool & Cohen, 2002), one survey of Jewish people in London and the south east of England in 2001 revealed that just over half of the survey sample described themselves as 'secular' or 'somewhat secular' (Becher et al, 2002). Therefore, not all Jewish people in the UK are religiously observant, and it appears that many see their Jewish identity as an ethnic rather than a religious identity – corresponding with the case law classification of Jewish people as a racial group rather than as a religious group.

Consequently, under the criminal law, 'hate' crimes against Jewish people have been covered by the provisions for racially aggravated offences under Section 28 of the *Crime and Disorder Act 1998* (HM Government, 1998). Despite this, there has been some confusion about whether incidents against Jewish people should be recorded by police forces as racially aggravated or as religiously aggravated incidents (Iganski, 2007) – probably originating in the extension of hate crime provisions in the UK by the category of religiously aggravated offences introduced by the *Crime, Security and Anti-Terrorism Act 2001* (HM Government, 2001). The confusion has been compounded by the lack of guidance for police forces about the appropriate classification of incidents against Jewish people, with no guidance offered in the Association of Chief Police Officers' (2005) *Good Practice and Tactical Guidance on policing hate crime*.

As is the case with incidents against Muslim people, there are currently no official published police data on hate crimes and incidents against Jewish people in the UK. However, the Community Security Trust (CST), a non-governmental organisation that advises and represents Britain's Jewish community on matters of antisemitism, terrorism and security has been systematically receiving and compiling reports of anti-Jewish incidents since 1984 (Community Security Trust, 2009; Whine, 2003). The overall trend in incidents reported over time has been upwards; the pattern of incidents shows a persistent occurrence of street level racism against Jewish people, punctuated by peaks in incidents that correspond with political crises – especially actions by the Israeli military.

Such peaks are instructive for interpreting anti-Jewish incidents in general. The latest peak and the highest on record occurred in January and February 2009, a period during and immediately after the Israeli military attack on Gaza, when the CST recorded 397 incidents. Previous high peaks in incidents occurred in October 2000, when the second Palestinian Intifada began, and between July and August 2006, during the war between Israel and Hizbollah in Lebanon.

Incidents range from serious assaults to abusive behaviour, to criminal damage and desecration of synagogues, tombstones, cemeteries, Jewish schools and buildings of Jewish organisations. In its report on antisemitic incidents between January and June 2009,

the CST observes that on the day following news reports of Israeli shells hitting a UN aid compound in Gaza there was an outbreak of antisemitic graffiti across London in what appeared to be '*an orchestrated campaign of intimidation*'. Sprayed in various locations were the slogans '*Kill the Jews*', '*Jihad 4 Israel*', '*Jews kill babies and lie*', '*Slay Jewish pigs*', '*Holocaust was a lie*', and '*Nuke Jews*' (Community Security Trust, 2009: 4).

As was similarly noted in the case of anti-Muslim incidents, from the 'discourse' used in such graffiti it is evident that it is not faith or religious beliefs that are being attacked and targeted, but some visceral notion of what Jewish people represent for the offenders. It would be misleading, therefore, to conceive of such incidents as religiously aggravated incidents, even though targets are victimised because of their religious identification. It would also be misleading to think of the perpetrators of incidents against Jewish people during the peak, and also during the usual episodes of offending, as religious zealots or extremists. The research evidence is very limited, but an analysis of reports of antisemitic incidents recorded by London's Metropolitan Police Service observed that many offenders are ordinary people who offend in the unfolding contexts of their everyday lives (Iganski et al, 2005).

Close liaison has been established between the CST and police services. In 2001, the CST was accorded third-party reporting status, enabling it to report incidents to the police and to serve as a channel of communication between the police and those victims who are unable or unwilling to report incidents directly to the police. As well as monitoring and reporting on incidents against Jewish people, the CST has long experience of providing security and protection for Jewish religious and communal buildings. In the government response to the recommendations of the *Report of the All Party Parliamentary Inquiry into Antisemitism* (Parliamentary All Party Group against Antisemitism, 2006), a recommendation was made for the Home Office to provide a greater level of support for the security needs of British Jewish people, and especially for the 'target hardening' of religious buildings and schools (UK Department for Communities and Local Government, 2007: 4). With respect to such security

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provisions there is, unfortunately, a great deal to be learned from the experience of Jewish communities in the UK that can be shared with other communities targeted in acts of hate crime.

Conclusion

While victims of so-called faith hate, or religiously aggravated, crime are commonly targeted because of their religion (in the sense that religious markers identify them as potential targets) it is commonly not their religion – religious teachings and tenets of faith – that is being targeted. Even though Muslims, Catholics and Protestants, and Jews (and those assumed sometimes mistakenly to be members of these communities) are targeted because of their religious markers, the contexts behind offending are so distinct that there is hardly any apparent value in using the catch-all label of faith hate or religiously aggravated crime. Even worse, the label masks and conceals the particularities, and often the local contexts, of the experience of different communities.

Hence, consideration needs to be given to the following.

- ♦ Abandoning the category of 'religiously aggravated offences' used in reported crime statistics, and instead reporting data on offences against Jews and Muslims, separately, along with data on inter-Christian sectarian incidents.
- ♦ Police forces similarly recording and collating reports of incidents against Jewish and Muslim people separately, and inter-Christian sectarian incidents where they occur, rather than using the catch-all category of faith hate or religiously aggravated crime.
- ♦ Devoting resources to researching, documenting and communicating models of good practice and creative solutions to the problem of hate incidents and crimes in which individuals are targeted because of their religious affiliation or assumed religion.
- ♦ Targeting policy and practice evaluation, learning from the long experience of interventions against sectarian hate crime in Northern Ireland and Scotland as there is much to be gained by acknowledging the relevance of that experience for tackling hate crime against other victimised communities.

- ♦ Learning from the long experience of measures used to tackle and prevent incidents and crimes against Jewish people in the UK, and applying that experience to other communities targeted in acts of hate crime.
- ♦ As a matter of priority, dedicating resources and policy initiatives to investigating the problem of incidents against Muslim people and especially the under-reporting and under recording of such incidents, and the reasons for the very low number of prosecutions. It would be timely and appropriate for an All-Party Parliamentary Inquiry Against 'Islamophobia' to thoroughly investigate the many issues of concern.

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