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Introduction

Considering the narrow way in which hate crimes boundaries are framed, Neil Chakraborti conducts a study to challenge such limitation that produces hierarchies and marginalises some types of victimisation. His research claims to maximise the 'real-life' value of theorizing and policy-making for such violence. However, some aspects must be considered concerning the equivocal aims of inclusiveness and emancipation of victims proposed by the author.

Summary

Chakraborti argues that the parameters with which we frame hate crimes are narrow, leaving many acts outside of the debate on hate crimes. Although there is no universal framework of hate crime, he suggests that we need to re-think how we frame these boundaries, considering that "the 'real' figure of hate crimes taking place is likely to higher still but remains elusively unquantifiable" (Chakraborti, 2014, p. 14). Many victims' experiences are marginalized and remain peripheral to the 'hate debate'. In so doing, the author claims to maximise the 'real-life' value of our theorizing and policy-making for such violence.

He also highlights the work of activists and campaigners who push hate crime to the forefront of political and social agendas and influence law-making and law enforcement. At the same time, he warns that such recognition is contingent upon the capacity or willingness of campaign and lobbying of some groups which have social mobilization, support networks, and advocacy groups. In contrast, many other cases of violence towards higher risk and more vulnerable groups remain marginalised and less visible.

Furthermore, the author criticizes the simplification of hate crimes in a person's identity *per se* to address one's vulnerability. In doing so, they also fail to give adequate

recognition to a range of identity characteristics that intersect with other aspects and situations.

'Ordinariness' is pointed out in the text in a way that hate crime is seen as 'everyday' act of prejudice that could be committed by any perpetrators, regardless if they belong to majority or minority groups. Rather, he believes that everyone can express hate towards others, irrespective of their own background. From the victims' side, they believe that victimisation is a consequence of being different, so that they tend to normalise it. Therefore, victims do not recognise or report it as a hate crime and then such violence continues to go unnoticed and unchallenged.

Hate Crime and Criminal Law

Hate crime is a legal construct, based on criminal law, which varies from jurisdiction to jurisdiction and, instead of a feeling of hate, it refers to prejudice (Jacobs & Potter, 1997). Thus, the victims are considered only as victims of crime. Indeed, hate crimes are established in individual responsibility of the perpetrators and which must be addressed in criminal justice. Although the author has stressed that hate crime is a human right issue that goes far beyond "criminal justice 'solutions' and the culpability of individual offenders" (Chakraborti, 2014, p. 13), there is a tendency to criminal justice to be on the centre of the concerns in a way that obscures policy alternatives and similar violent actions that emerge from, for instance, social behaviours, corporate wrongdoings and the state.

As the author stresses, hate crimes are committed by ordinary people and they are not exclusively done by minorities. The act of prejudice that goes through hate crimes is immersed in everyday life and is largely normalized by victims. As such, the binary relation between victim-aggressor which leads to an individual culpability is not enough to address a structural prejudice where hate crimes are just the tip of the iceberg. As Bauman said, there is no "biographic solution for systemic contradictions" in an individual society, that is why we compensate by "imaginary solutions" (Bauman, 2001, p. 52-53)

The discussion about the bad consequences of criminalization is an old debate among criminologists. Protecting people and their rights in the language of criminal victimisation advocated by some social movements has been considered an important

step for recognition which has a meaningful political effect. But once institutionalized, it is depoliticized (Elias, 1993). The social control imposed by criminal law is also related to preventive detention, imprisonment and severe punishment, with erosion of offender's rights who has seen an obstacle for the victims' rights. Such strategy has converged on an ineffective and conservative crime policies based on 'law and order' that has offered little benefits to victims (Elias, 1993; Garcia, 2018). In addition, criminal justice cannot give the expected emancipation, as Andrade points out (2006). For her, it rather reproduces the same social structure and creates more exclusion, even though it speaks in the name of the victims (Andrade, 2006). Thus, the excess of criminalization does not compensate the social deficit.

Under criminal law, there are few possibilities for effective protection of victims in a society whose victimization due to prejudice and discrimination is systemic. Therefore, punishing the perpetrators for what are considered hate crimes even in a broader sense is not a way to maximise the 'real life' value of theorising and policy-making of victimisation, but a failed form that rest on a symbolic solution.

Framing hate crime victimisation and intersectionality

Proposing a broader concept of hate crimes, Chakraborti reviews the way in which hate crimes have been framed. This can be outlined in two main points. Firstly, considering that hate crime has been formed through the work and lobbying of some identity groups, law-making often focusses on specific forms of victimisations, leaving other victims on the margins. Such policy of hate crimes tends to create and reinforce hierarchies of identities amongst those who may receive recognition and those who do not deserve it. In the same vein, Jacob and Potter (1997) argue that the boundaries of hate crime legislation are fixed by political decision rather than by any logical or legal rationality. Equal concern is exposed by Garcia (2018) who questions the way in which stereotypes of victims – the "ideal" victim of hate crime – are constructed and can operate even in hate crimes where law gives implicitly the message of prejudice as a wrongdoing.

To avoid such exclusion, Chakraborti suggests thinking more broadly about which prejudices, groups of victims, and types of experience we might choose to classify hate crime (2014, p. 21). However, to construct an open framework of victimisation in a

politicised field where is dominated by public compassion promoted by victim advocates is not an easy task. Moreover, to avoid the “ideal victim” portrayed by Nils Christie (2018) is necessary to overcome some stereotypes and social judgments to recognize vulnerability and suffering. Therefore, it is legitimate the inclusive aim of Chakraborti to consider victimisation through victims’s experience and to put it under the umbrella of hate crimes, but he does not explain the pathway to do it.

Secondly, Chakraborti conceives that hate crime is an outcome of a prejudice which comes from an intersection of identities and other situational factors from one’s life. Intersectionality, he explains, is a fundamental tool to understand victimization and to overcome its simplification in conceiving just one single identity, ignoring the heterogeneity within the group. Moreover, in highlighting one element only, the message is that other elements do not matter (Mason-Bish, 2014).

Conversely, to understand the diversity of experiences in one’s life requires a great effort to see what counts as victimization and to avoid generalizations. Furthermore, considering the multiplicity in the oppression system, it is challenging to frame victims’ experience in policies and even more so into the concept of hate crimes. As Manson-Bish explains, “policy is often reduced to one axis of oppression, meaning that intersections and diversity are rendered invisible” (2014, p. 31). Although Chakraborti’s concern about intersectionality is worth to acknowledge the experience of victimization, it remains, again, without a clear framework that can put into an available policy to support victims and to make social transformation.

Recognizing victimisation: speaking in the name of victims

Chakraborti’s proposal rests on the fact that many forms of victimisation are marginalised, at the same time that victims tends to normalise it. That is why his proposal is to think broadly to classify them as hate crime and he points out the need to “capture the realities of hate crime victimisation and perpetration” to promote a “common language of hate crime discourse – a language which is open to differences in interpretation across time, place and space, and one which can shape more effective responses to any expressions of prejudice that reinforce the persecution of ‘others’” (2014, p. 21). Although the author avoids a universal definition, he searches for “greater conceptual and operational clarity” (2014, p. 21).

Despite shedding light in many types of invisible violations related to prejudice and discrimination, there is no space for victims who remain as great bystanders. Based on the academics' narratives, the intervention supports the idea of victims' inability to do so without a constant supervision (Spivak, 2005). Saying solely they are victims and they need policies to protect them as a response for such violence is not enough to give them freedom or emancipation. Rather, as passive takers, victims are not subjects, but "object[s] of benevolence of human rights" (Spivak, 2005, 172).

Considering the absence of oppressed people engagement, Paulo Freire argues that such "pedagogy" serves the oppressors "as long as they [oppressed people] do not become 'conscience for themselves', they assume fatalistic attitudes in the face of the concrete situation of oppression in which they are" (1987, p. 27). For him, the emancipation comes from a praxis that is an interaction of reflexion and action, and freedom from oppression cannot be achieved by donation (Freire, 1987).

It is therefore concluded that re-thinking hate crimes in a broadly way as proposed by the author is not a practice that can offer social transformation. In doing so, such conception tends to have more demeaning rather than empowering effects.

Conclusion

In summary, despite the claim for rethinking the way hate crimes are framed, which the author considers narrow, and his concern for the complexity of such victimization, it has to be acknowledged that the current study is still far from promoting any emancipation regarding acts of bigotry. Concentrated in a criminal legal definition, the issues advanced in this text risk to perpetuate the same old failures in dealing with hate crimes victimisation, unable to overcome the structural prejudice and discrimination.

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