Peer – Reviewed & Refereed Journal

The Law Journal strives to provide a platform for discussion of
International as well as National Developments in the Field of
Law.

DISCLAIMER

No part of this publication may be reproduced or copied in any form by any means without prior written permission of Editor-in-chief of White Black Legal – The Law Journal. The Editorial Team of White Black Legal holds the copyright to all articles contributed to this publication. The views expressed in this publication are purely personal opinions of the authors and do not reflect the views of the Editorial Team of White Black Legal. Though all efforts are made to ensure the accuracy and correctness of the information published, White Black Legal shall not be responsible for any errors caused due to oversight or otherwise.

EDITORIAL
TEAM

Raju Narayana Swamy (IAS) Indian Administrative Service officer

Dr. Raju Narayana Swamy popularly known as Kerala's Anti Corruption Crusader is the All India Topper of the 1991 batch of the IAS and is currently posted as Principal Secretary to the Government of Kerala . He has earned many accolades as he hit against the political-bureaucrat corruption nexus in India. Dr Swamy holds a B.Tech in Computer Science and Engineering from the IIT Madras and a Ph. D. in Cyber Law from Gujarat National Law University . He also has an LLM (Pro) (with specialization in IPR) as well as three PG Diplomas from the National Law University, Delhi- one in Urban Environmental Management and Law, another in Environmental Law and Policy and a third one in Tourism and Environmental Law. He also holds a post-graduate diploma in IPR from the National Law School, Bengaluru and a professional diploma in Public Procurement from the World Bank.

Dr. R. K. Upadhyay

Dr. R. K. Upadhyay is Registrar, University of Kota (Raj.), Dr Upadhyay obtained LLB , LLM degrees from Banaras Hindu University & Phd from university of Kota.He has succesfully completed UGC sponsored M.R.P for the work in the ares of the various prisoners reforms in the state of the Rajasthan.

Senior Editor

Dr. Neha Mishra

Dr. Neha Mishra is Associate Professor & Associate Dean (Scholarships) in Jindal Global Law School, OP Jindal Global University. She was awarded both her PhD degree and Associate Professor & Associate Dean M.A.; LL.B. (University of Delhi); LL.M.; Ph.D. (NLSIU, Bangalore) LLM from National Law School of India University, Bengaluru; she did her LL.B. from Faculty of Law, Delhi University as well as M.A. and B.A. from Hindu College and DCAC from DU respectively. Neha has been a Visiting Fellow, School of Social Work, Michigan State University, 2016 and invited speaker Panelist at Global Conference, Whitney R. Harris World Law Institute, Washington University in St.Louis, 2015.

Ms. Sumiti Ahuja

Ms. Sumiti Ahuja, Assistant Professor, Faculty of Law, University of Delhi,

Ms. Sumiti Ahuja completed her LL.M. from the Indian Law Institute with specialization in Criminal Law and Corporate Law, and has over nine years of teaching experience. She has done her LL.B. from the Faculty of Law, University of Delhi. She is currently pursuing Ph.D. in the area of Forensics and Law. Prior to joining the teaching profession, she has worked as Research Assistant for projects funded by different agencies of Govt. of India. She has developed various audio-video teaching modules under UGC e-PG Pathshala programme in the area of Criminology, under the aegis of an MHRD Project. Her areas of interest are Criminal Law, Law of Evidence, Interpretation of Statutes, and Clinical Legal Education.

Dr. Navtika Singh Nautiyal

Dr. Navtika Singh Nautiyal presently working as an Assistant Professor in School of law, Forensic Justice and Policy studies at National Forensic Sciences University, Gandhinagar, Gujarat. She has 9 years of Teaching and Research Experience. She has completed her Philosophy of Doctorate in 'Intercountry adoption laws from Uttranchal University, Dehradun' and LLM from Indian Law Institute, New Delhi.

Dr. Rinu Saraswat

Associate Professor at School of Law, Apex University, Jaipur, M.A, LL.M, Ph.D,

Dr. Rinu have 5 yrs of teaching experience in renowned institutions like Jagannath University and Apex University. Participated in more than 20 national and international seminars and conferences and 5 workshops and training programmes.

Dr. Nitesh Saraswat

E.MBA, LL.M, Ph.D, PGDSAPM
Currently working as Assistant Professor at Law Centre II, Faculty of Law, University of Delhi. Dr. Nitesh have 14 years of Teaching, Administrative and research experience in Renowned Institutions like Amity University, Tata Institute of Social Sciences, Jai Narain Vyas University Jodhpur, Jagannath University and Nirma University.
More than 25 Publications in renowned National and International Journals and has authored a Text book on Cr.P.C and Juvenile Delinquency law.
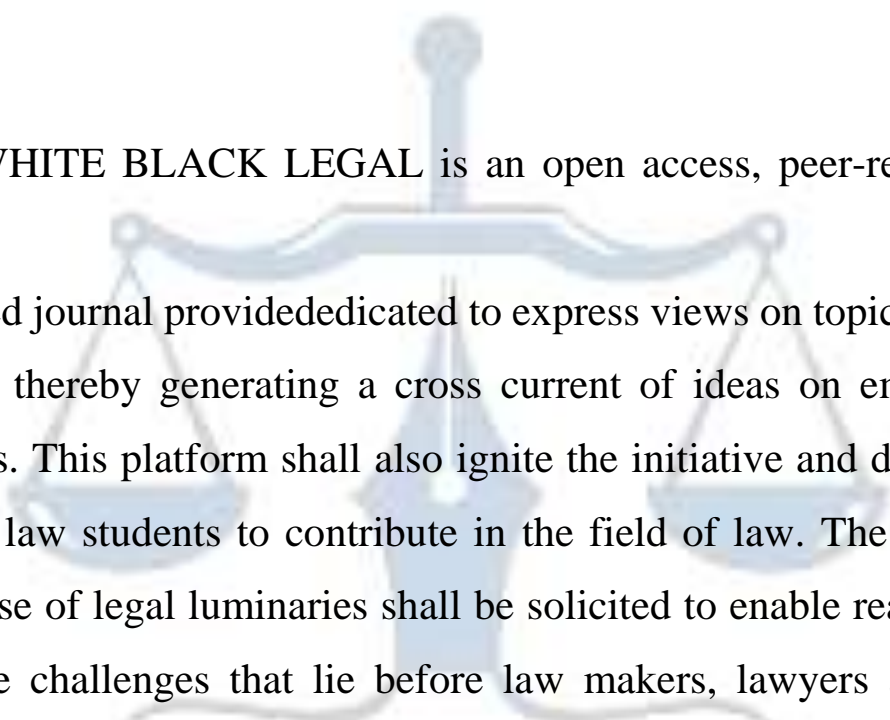
Subhrajit Chanda

BBA. LL.B. (Hons.) (Amity University, Rajasthan); LL. M. (UPES, Dehradun) (Nottingham Trent University, UK); Ph.D. Candidate (G.D. Goenka University)

Subhrajit did his LL.M. in Sports Law, from Nottingham Trent University of United Kingdoms, with international scholarship provided by university; he has also completed another LL.M. in Energy Law from University of Petroleum and Energy Studies, India. He did his B.B.A.LL.B. (Hons.) focussing on International Trade Law.

ABOUT US

WHITE BLACK LEGAL is an open access, peer-reviewed and

refereed journal providededicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

INTRICACY BETWEEN HATE CRIME AND TERRRORISM

AUTHORED BY - PRIYANKA. C

LLM- I Year (Criminal law and criminal justice administration)

Tamil Nadu Dr. Ambedkar Law University- School of Excellence in Law

Abstract

In recent times, the interplay between hate crimes and terrorism has increased as they both involve significant violent activities affecting social stability, and public safety. Hate crimes are generally motivated by various factors favouring bias towards group of individuals such as based on race, religion, sexual orientation or even gender by majority group. It is exhibited against marginalised victims and communities. But when terrorism is being considered, they are ideally, ideologically motivated crimes and violent acts whose intention is to coerce or intimidate people who are vulnerable as well as the mighty state and its players itself. The common thread between the two phenomena is that they stem from extremism but their definition and law framework to address them are inevitably diverse leading to inconsistency. Observing the recent trends, it is indicated that increase in hate crime particularly against marginalised communities ultimately result in terror acts and vice-verse can also be observed. After every terror act there is an increase in hate crimes against group of people who share any common factors with that of the terrorist groups responsible for such acts. It can be said that one feed off the other. This article deals with the interconnection between hate crime and terrorism along with their distinction for developing effective strategies to control and prevent them.

Keywords: Hate Crime, Terrorism, Bias Motivation, Extremism and Violence

INTRODUCTION

In the contemporary social discourse, hate crime and terrorism has become an increasingly relevant topic especially when there is a rise in both phenomena across the globe. Hate crimes are often driven by firmly established discrimination based on race, religion, sexual orientation, or other factor executed as targeted violence against specific groups of victims. Terrorism

correspondingly instils fear and intimidation and seek to impose their ideologies through violent means which are mostly fuelled by the hate driven motives against marginalised individuals. It becomes essential to understand the underlying principles common to them and the distinguishing factors to develop adequate policies and laws to prevent such violent acts. The motivation behind these acts may coincide as to promote hate propaganda and their ideologies. Similarly, acts of hate can escalate to borderline terrorism when the perpetrators are incited by extreme radicalisation. This paper aims to explore the nuances of the dynamics connecting hate crime and terrorism as well as the differentiations and highlighting the necessity of interdisciplinary approaches to address the urgent issues effectively.

UNDERSTANDING HATE CRIME AND TERRORISM

Defining hate crime and its characteristic elements universally is not simple as one might think[1]. There are multiple factors which contribute to this difficulty such as cultural disparity, societal norms, and politically inspired interests[2]. Many countries across the world have differences while enacting anti-hate crime legislations. For example, many countries include race, religion, and ethnicity as protected group but countries such as New Mexico, South Carolina does not do so. Hate crimes are sometimes not perceived as serious as it should. They are overlooked as mischievous juvenile act committed by youngsters for the sake of thrill and peer group pressure and approval. The most serious of these acts are considered serious when they threaten the stability of the government[3].

Hate crime can be defined as criminal conduct motivated in whole or in part by a "preformed negative opinion or attitude toward a group of persons based on their race, religion, ethnicity/national origin, or sexual orientation"[4]. Gregory Herek, Jeanine C. Cogan and J. Roy Gillis and many authors emphases that discrimination against a victim of hate crimes stems from a perpetrator's sense of uniqueness or "otherness," which has great significance for them. This difference might show up as a variety of status traits that the offender views with intense animosity. Then, this hatred is aimed indiscriminately at anybody who has those distinguishing

---

[1]Hamm, M. S. (1998). Terrorism, hate crime, and anti-government violence: A review of the research. In H. W. Kushner (Ed.), The future of terrorism: Violence in the new millennium (pp. 59–96). Thousand Oaks, CA: Sage Publications.

[2] Lawrence, F. M. (1999). Punishing hate: Bias crimes under American law. Cambridge, MA: Harvard University Press.

[3] Dees, M., & Corcoran, J. (1996). Gathering storm: America's militia threat. New York: HarperCollins Publishers.

[4] Supra 2.

qualities. Hate crimes should not be seen as crime against a particular individual but because the victim belonged to a specific group as possessing a reviled set of characteristics. Another important element of hate crime is that the goal of the perpetrator in crime commission. The intention behind commission of hate crime is to send a clear message to the victim as well as his or her community. The message may be simple as a message of rejection or more specialized. The study explores hate crime objectives, including the intention to subjugate victims and their communities to an inferior social and political standing. Contributors provide contextual features to hate crime and hate speech, enhancing understanding of what distinguishes hate crimes from other reprehensible criminal acts.

Empirical study shows that hate crime victimization exceeds that of conventional crime victimization[5]. People start to lose the sense of safety and security due to their community's vulnerability to be targeted in hate crime[6]. Hate crimes are distinct from other crimes due to their historical victimization of racial minorities, Jews, and homosexuals, as well as the complicity of mainstream institutions and culture in their victimization. The harm factor in hate crimes is distinctive and far-reaching, making it a crucial part of the definition of hate crime[7]. Whereas, terrorism can be defined in the following aspect; Despite decades of efforts by the researchers to provide a conclusive definition of terrorism has proven to be elusive.

Terrorism can be understood in layman's definition as destructive violence at a large scale destroying the peace of the society. but it is more than a mere violence. Thus, many researchers tried to provide their own understanding of what terrorism means and how it is different from a violent act. Many definition limits themselves to necessary use of violence and force. For example, Narveson defined terrorism as "A political action or sequence of actions… to inspire the "target" population with terror, by means of random acts of violence"[8] . Because now with the development of science and technology, new sub-fields of terrorism have developed like 'ecoterrorism' and 'cyberterrorism' wherein violence is not inevitable. Some definitions

---

[5] Garcia, L., & McDevitt, J. (1999). The psychological and behavioural effects of bias and non-bias motivated assault. Washington, DC: U.S. Department of Justice, National Institute of Justice.

[6]   Hamm,M.S.(1994).Conceptualizinghatecrimeinaglobalcontext.InM.S.Hamm(Ed.),Hatecrime: International perspectives of causes and control (pp. 173–194). Cincinnati, OH: Anderson Publishing and Academy of Criminal Justice Sciences.

[7]   Petrosino,C.(1999).Connectingthepasttothefuture:HatecrimeinAmerica.JournalofContemporary   Criminal Justice, 15(1), 22–47.

[8] Schmid, Alex. *Defining Terrorism*. International Centre for Counter-Terrorism, Mar. 2023.

include randomness in their requirement. For example, Walzer[9] defined terrorism as "Terrorism is the deliberate killing of innocent people, at random, in order to spread fear through a whole population and force the hand of its political leaders". but no act of terrorism can be a random attack and thus the randomness used in the definition can refer to the fact that no individual shall be strike out due to their unique personal traits[10]. Some scholars insisted that every terrorism essentially involves growth of actual terror or fear or intimidation[11]. Goodin says "any sensible definition of terrorism simply must include as a central feature that it involves the strategic use of terror."[12] Many developments were made in this regard as to include psychological coercion as one of the demands for defining the term terrorism. Another feature is that all terrorist attacks are motivated by the political purposes in one way or another, says Richardson[13].

Many definitions indicate terrorism as an attack upon civilians, non- combatants, or innocents. Thus, these definitions provide us an overall perspectives and essential ingredients of the term 'terrorism.'

THEORITICAL CONTEXT

When the walls of Union Square in New York coloured with the phrase "Hate breeds hate/ Love breeds love"[14] after 9/11 Twin Tower Attack, social scientist ponder over the question do expressions of hatred eventually lead to violent activities and ultimately result in terrorism? Both activities are expressions of grievence and addressed towards political authorities. People who are facing any kind of discrimination or when one section of people or community enjoys unfair advantages conferring upon them, those who are affected may become violent.[15] Though the foresaid content is subjected to various contention, empirical study shows significant

---

[9] Michael Walzer, Terrorism: A Critique of Excuses,' in Steven Luper-Foy (ed.), *Problems of International Justice: Philosophical Essays* (Boulder, Col.: Westview Press, 1988), p. 238. His position is effectively criticized by Robert K. Fullinwider in 'Understanding Terrorism,' in the same volume.

[10] *Factsheet32EN.pdf*. (2021). ohchr.org. https://www.ohchr.org/sites/default/files/Documents/Publications/Factsheet32EN.pdf

[11] *19_0920_plcy_strategic-framework-countering-terrorism-targeted-violence.pdf*. (2019). dhs.gov. https://www.dhs.gov/sites/default/files/publications/19_0920_plcy_strategic-framework-countering-terrorism-targeted-violence.pdf

[12] *Terrorism (Stanford Encyclopedia of Philosophy)*. (2024). stanford.edu. https://plato.stanford.edu/entries/terrorism/

[13] *What Terrorists Want: Understanding the Enemy, Containing the Threat*. (2010). mit.edu. https://web.mit.edu/SSP/seminars/wed_archives08spring/richardson.htm

[14] Gerstenfeld, P. B., Grant, D. R., & Chiang, C. P. (2003). Hate online: A content anal ysis of extremist Internet sites. Analyses of Social Issues and Public Policy, 3, 29-44.

[15] Gurr, T. R. (2000). People vs. States. Washington, DC: United States Institute of Peace.

increase in violent activities as a result of grievence faced in ethnic conflict[16]. This link of oppression and violence to more violence suggests that the key motivation linking hate crimes to terrorism may be as biblical as an "eye for an eye." There is a strong relationship between government violence and insurgent violence.[17]

HATE CRIME AS A PRECURSOR TO TERRORISM

Our research suggests that hate crimes, especially those driven by right-wing ideologies, can signal radicalization within right-wing groups, potentially leading to more violent acts of terrorism. This hypothesis, still at an exploratory stage, is supported by limited existing theoretical and empirical evidence due to the recent focus on studying radicalization among social scientists. By analyzing victimology within right-wing groups, we aim to gain insight into the process of radicalization and the various forms it can manifest in. The frequency of hate crimes could serve as an early warning sign for more extreme and violent terrorist activities among these groups. the notion that a spike in hate crimes may foreshadow future terrorist acts is premised on the idea of "radicalization." Most research on the topic has focused on case studies or theorizing about the link between extremist attitudes and behaviors. However, a recent report highlighted the lack of academic efforts to use data to predict terrorist or radical activities, indicating a gap in the literature on indicators of radicalization.[18]

Turk highlights the escalation of terrorism and political violence once initiated[19]. He references Hamm[20] to explain how Timothy McVeigh's radicalization process led to the Oklahoma City bombing in 1995. McVeigh was influenced by White separatist leader Pierce's ideology, promoting resistance against perceived threats from minorities. Visiting gun shows and sanctified radical right places, McVeigh culminated his radicalization with the bombing. This case study emphasizes the progression from minor acts to extreme terrorism. The Oklahoma City bombing serves as a potential warning sign for increased violence by right-wing groups

---

[16] Regan, P. M., & Norton, D. (2005). Greed, grievance, and mobilization in civil wars. Journal of Conflict Resolution, 49, 319-336.

[17] Fielding, D., & Shortland, A. (2010). "An eye for an eye, a tooth for a tooth": Politi cal violence and counter-insurgency in Egypt. Journal of Peace Research, 47, 433-447.

[18] National Consortium for the Study of Terrorism and Responses to Terrorism. (2010). Community-level indicators of radicalization: A data and methods task force. Retrieved from http://www.start.umd.edu/start/publications/START_HFD_ CommRadReport.pdf

[19] Turk, A. T. (2004). Sociology of terrorism. Annual Review of Sociology, 30, 271-286.

[20] Hamm, M. S. (1997). Apocalypse in Oklahoma: Waco and Ruby Ridge revenged. Boston, MA: Northeastern University Press.

towards minorities. While this case study cannot be generalized, it helps in formulating hypotheses and advancing knowledge in understanding radicalization processes leading to terrorism. This scenario prompts further empirical investigation to comprehend the transition from hate crimes to deadly attacks by extremist groups expressing grievances against minorities.

TERRORISM AS AN ANTECEDENT TO HATE CRIME OFFENDING

Previous research on hate crime offenders has focused on ecological factors linked to higher offense rates, mostly in cross-sectional studies. Examining hate crime correlations at a macro-level reveals a pattern of reactionary and retaliatory behaviors. Previous cross-sectional studies have been valuable in this regard, but have not systematically analyzed the timing of hate crimes in relation to triggering events. This gap in the literature limits our understanding of the factors influencing hate crime offending.

Research on behavior similar to hate crimes, like violence against Jews in pre-WWII Germany, shows that violence towards minority groups may stem from political changes.[21] An abrupt societal change perceived as harmful can trigger anger and a desire for revenge within a group. The theory of hate crime offending suggests that many hate crimes are retaliatory responses to previous events. This underscores the connection between perceived injustice and emotional reactions leading to criminal acts.[22] Black's theory of crime as social control suggests that many crimes are acts of "self help," involving unilateral aggression to address grievances, like personal violence or property damage. The theory highlights how some individuals seek justice through crime when traditional legal channels are inaccessible, such as bookies seeking payment or drug dealers reclaiming stolen supplies. This concept of taking justice into one's own hands is seen as a way to achieve retribution or a feeling of catharsis. In cases like domestic terrorist attacks, victims may desire retaliation, even if legal consequences are unattainable, as seen in suicide attacks. While Black's theory addresses these motivations, more psychological perspectives introduce the concept of vicarious retribution as a means to understand responses to terrorist attacks.

---

[21] King, R. D., & Brustein, W. I. (2006). A political threat model of intergroup violence: Jews in pre-World War II Germany. Criminology, 44, 867-891.

[22] McDevitt, J., Levin, J., & Bennett, S. (2002). Hate crime offenders: An expanded typology. Journal of Social Issues, 58, 303-317.

According to Lickel et al model, how an initial event, such as a terrorist attack like 9/11, can lead to in-group identification and out-group targeting based on entitativity. The conditions are highlighted where majority group members may attack innocent individuals from the out-group responsible for the initial action. The increase in anti-Muslim hate crimes post-9/11 is cited as an example of vicarious retribution, with cases like the wrongful killing of Balbir Singh Sodhi by someone mistaking him for a Muslim. This act of violence stemmed from a larger phenomenon of hate crimes fueled by previous violent acts. The distribution of these hate crimes across states remained consistent, indicating a widespread backlash against a perceived responsible group. The aftermath of 9/11 is depicted as a scenario where hate crimes serve as vengeance and vicarious retribution, exemplifying how initial events can spark a chain of violence and discrimination.

IDEOLOGICAL FOUNDATIONS OF HATE CRIMES AND TERRORISM

Hate crime and terrorism are different yet interrelated concepts, and thus understanding them helps in efficient legal frameworks to combat these kinds of violent criminal activities. Crimes motivated by prejudice against an individual's perceived identity, such as gender, sexual orientation, race, or religion, are referred to as hate crimes.[23]. The use of violence for political ends, frequently motivated by divisive ideas, is known as violent extremism[24].Domestic terrorism refers to illegal actions carried out by people or organisations without outside assistance against the civilian population or the government of a nation with the intention of accomplishing political, social, or ideological aims[25].

- Radicalization and Extremist Ideologies

  Extreme nationalism and ethnocentrism, political beliefs, religious extremism, and internet radicalisation are some of the intellectual bases of hate crimes and terrorism. Believing in the superiority of one's own ethnic or national group is frequently the root cause of extreme nationalism and ethnocentrism, which can result in violence against immigrants or minority

---

[23] Justice.gov. (2022). *Learn About Hate Crimes*. [online] Available at: https://www.justice.gov/hatecrimes/learn-about-hate-crimes#:~:text=A%20hate%20crime%20is%20a%20crime%20motivated%20by%20bias%20against%20race%2C [Accessed 10 Sep. 2024].

[24] *Domestic Violent Extremism*. (2024). U.S. Department of the Treasury. https://home.treasury.gov/policy-issues/terrorism-and-illicit-finance/domestic-violent-extremism

[25] *Dictionary.com | Meanings & Definitions of English Words*. (2024). Dictionary.com. https://www.dictionary.com/browse/domestic-terrorism

populations[26]. Terrorist activities are frequently motivated by religious fanaticism, which creates a "them" and "us" division in society. Far-right political organisations have been known to incite hate crimes and acts of terrorism against members of the LGBTQ+ community and other racial minorities. People can get radicalised online by being exposed to extremist information, and this can result in real-world violence. This is especially true with hate speech on social media sites[27]. Hate crimes and terrorism have significant societal implications, impacting public safety and causing fear within communities. They can exacerbate tensions between different groups, leading to a cycle of violence and retaliainer. Governments face challenges in creating laws to address hate crimes without infringing on free speech rights, and debates surround their constitutionality and effectiveness in preventing violence[28]. Effective response strategies require collaboration between law enforcement agencies and community organizations to build trust and encourage reporting of hate crimes. The gap between actual hate crimes and those reported highlights the need for improved community engagement and awareness[29].

- How extremist beliefs evolve into acts of terrorism

Radicalization is a complex process that involves several stages and influences that can lead individuals from holding radical ideas to committing violent acts. These stages include exposure to extremist ideologies, identification with a group, grievance and justification, and action pathways. Exposure to extremist ideologies can occur through social networks, online platforms, and community interactions, with the internet playing a significant role in the process[30][31]. Individuals seeking belonging may find solace in extremist groups, which provide social support and validation for their grievances, further entrenching their

---

[26] ONLINE EXTREMISM More Complete Information Needed about Hate Crimes that Occur on the Internet Report to Congressional Requesters United States Government Accountability Office. (2024). Available at: https://www.gao.gov/assets/d24105553.pdf.

[27] Snap.com. (2024). *Hateful Content, Terrorism, and Violent Extremism | Community Guidelines Explainer*. [online] Available at: https://values.snap.com/privacy/transparency/community-guidelines/hateful-content [Accessed 10 Sep. 2024].

[28] A Policymaker's Guide to Hate Crimes Bureau of Justice Assistance. (n.d.). Available at: https://www.ojp.gov/pdffiles1/bja/162304.pdf.

[29] Supra 14

[30] Australian Government (2022). *Safeguarding Our Community Together Australia's Counter-Terrorism Strategy 2022*. [online] Available at: https://www.nationalsecurity.gov.au/what-australia-is-doing-subsite/Files/safeguarding-community-together-ct-strategy-22.pdf.

[31] Binder, J.F. and Kenyon, J. (2022). Terrorism and the internet: How Dangerous Is Online Radicalization? *Frontiers in Psychology*, [online] 13(1). doi:https://doi.org/10.3389/fpsyg.2022.997390.

extremist beliefs[32]. Group dynamics may also play a crucial role, as individuals may feel pressured to conform to the group's ideology and actions. Grievance and justification can serve as catalysts for radicalization, as individuals may interpret their experiences through an extremist lens, justifying violence as a means to address their grievances[33]. Action pathways, or "action scripts," guide individuals toward committing acts of violence. Not all individuals with extremist beliefs will engage in terrorism, but those who do often have a clear justification for their actions and possess the necessary skills or resources to carry them out.

- Intersection of Hate and Terror Ideologies

The following factors influence the transition to violence;

Radicalization is a social process where individuals are encouraged or coerced by their peers to take action. Personal vulnerabilities, such as feelings of alienation or identity crises, can make individuals more susceptible to radicalization. These factors can amplify the appeal of extremist ideologies, providing a sense of purpose or belonging. While some terrorists are deeply committed to their ideologies, others may not have a thorough understanding of their beliefs. This lack of ideological depth does not prevent them from committing violence, as they may be motivated by social factors or group recognition.

- Examples where hate crimes cross into terrorism

Hate crimes and terrorism often intersect, especially in cases driven by extremist ideologies like white supremacy and Islamist extremism. Examples include the Charlottesville Attack in Virginia, the Pittsburgh Synagogue Shooting in Pittsburgh, and the Orlando Nightclub Shooting in Orlando, Florida. The latter was motivated by hate against Jews and terrorism, with the gunman expressing anti-Semitic views online.

The Charleston church shooting, a hate crime and domestic terrorism, was motivated by a white supremacist agenda. The perpetrator's intent to incite fear among African Americans led to its classification as both a hate crime and an act of domestic terrorism. Legal and

---

[32] Smith, A. (2018). *Risk Factors and Indicators Associated With Radicalization to Terrorism in the United States: What Research Sponsored by the National Institute of Justice Tells Us*. [online] Available at: https://www.ojp.gov/pdffiles1/nij/251789.pdf.

[33] Borum, R. (2011). Radicalization into Violent Extremism I: A Review of Social Science Theories. *Journal of Strategic Security*, 4(4), pp.7–36. doi:https://doi.org/10.5038/1944-0472.4.4.1.

societal responses focused on the ideological motivations behind the attack.

The Orlando Nightclub Shooting in Orlando, Florida, was driven by anti-LGBTQ+ sentiments and extremist Islamist beliefs, with Omar Mateen pledging allegiance to ISIS. The Christchurch Mosque Shootings in New Zealand, where a gunman attacked two mosques, killed 51 people, exemplified how hate against a religious group can culminate in a terrorist act, aiming to instill fear in the Muslim community.

The overlap between hate crimes and terrorism is significant, as both forms of violence often target marginalized communities and seek to instill fear. Hate crimes may serve as precursors or responses to terrorist acts, reflecting broader societal tensions and grievances. For instance, hate crimes against minority groups can spike following high-profile terrorist incidents, indicating a retaliatory dynamic in some cases.

Understanding these intersections is crucial for law enforcement and policymakers in developing comprehensive strategies to combat both hate crimes and terrorism, ensuring that responses address the root causes of extremism and promote social cohesion.

- Case studies illustrating the fusion of both motivations

The intersection of hate crimes and terrorism is a complex issue that has been extensively studied. Both phenomena are driven by deep-seated biases and aim to instill fear within specific communities, reflecting a desire to terrorize broader social groups. This synthesis explores case studies that illustrate the fusion of hate crime and terrorism motivations, drawing on various academic sources. One prominent case is the rise of far-right terrorism, which has been closely associated with hate crimes. There is a notable correlation between fatal far-right hate crimes and far-right terrorism[34], suggesting that these acts are part of a continuum of extremist violence. Both hate crimes and terrorism share similar motivations and objectives, particularly in their capacity to instill fear among targeted groups[35]. The aftermath of significant terrorist events often triggers a surge in hate crimes, illustrating the reactive nature of these offenses. For example, hate crimes against specific ethnic groups,

---

[34]Mills, C., Freilich, J., & Chermak, S. (2015). Extreme hatred: revisiting the hate crime and terrorism relationship to determine whether they are "close cousins" or "distant relatives". Crime & Delinquency, 63(10), 1191-1223. https://doi.org/10.1177/0011128715620626

[35] Köehler, D. (2019). Violence and terrorism from the far-right: policy options to counter an elusive threat. Terrorism and Counter-Terrorism Studies. https://doi.org/10.19165/2019.2.02

such as Asians and Arabs[36], increased significantly following terrorist attacks. Similar patterns have been observed in the UK, where the Brexit referendum led to a notable rise in hate crimes[37]. The media plays a crucial role in shaping public perceptions of both hate crimes and terrorism[38]. The Woolwich attack in London demonstrates how media coverage can influence the escalation of hate crimes in the aftermath of terrorist incidents. The COVID-19 pandemic also serves as a contemporary case study in the fusion of hate crime and terrorism motivations, documenting a significant increase in Sinophobic hate crimes in the UK during the pandemic[39].

POLICING TERRORISM AND HATE CRIME

- Legal Definitions and Challenges
    - Differences and overlaps in how hate crimes and terrorism are prosecuted

Hate crimes and terrorism prosecutions have distinct legal frameworks, with notable overlaps. Understanding these differences is crucial for law enforcement and professionals to effectively address these forms of violence.

- Hate Crimes are serious crimes with enhanced penalties due to their bias-motivated nature, often prosecuted under specific hate crime statutes[40]. They violate civil rights and are considered violations of communities. Terrorism, a more severe threat, is prosecuted under anti-terrorism laws, which may involve military and surveillance measures, and is considered a crime involving warfare rather than criminal activity[41].

- Law enforcement typically investigates and prosecutes hate crimes after they occur, focusing on gathering evidence of bias motivation to enhance penalties. On the other

---

[36] Hanes, E. and Machin, S. (2014). Hate crime in the wake of terror attacks. Journal of Contemporary Criminal Justice, 30(3), 247-267. https://doi.org/10.1177/1043986214536665

[37] Piatkowska, S. and Stults, B. (2021). Brexit, terrorist attacks, and hate crime: a longitudinal analysis. Social Problems, 69(4), 968-996. https://doi.org/10.1093/socpro/spab005

[38] Williams, M. and Burnap, P. (2015). Cyberhate on social media in the aftermath of woolwich: a case study in computational criminology and big data. The British Journal of Criminology, 56(2), 211-238. https://doi.org/10.1093/bjc/azv059

[39] Ivandic, R., Kirchmaier, T., & Machin, S. (2019). Jihadi attacks, media and local hate crime. SSRN Electronic Journal. https://doi.org/10.2139/ssrn.3401120

[40] California Law Review. (n.d.). *Hate Crimes, Terrorism, and the Framing of White Supremacist Violence*. [online] Available at: https://www.californialawreview.org/print/hate-crimes-terrorism-and-the-framing-of-white-supremacist-violence.

[41] A Practical Guide Prosecuting Hate Crimes. (n.d.). Available at: https://www.osce.org/files/f/documents/0/0/124532.pdf.

hand, response to terrorism is often proactive, involving intelligence gathering and preventive measures to thwart potential attacks[42].

- Hate crimes involve perpetrators targeting minority communities based on race, religion, or sexual orientation, while terrorism is often portrayed as foreign or associated with extremist ideologies, leading to a perception of terrorists as perpetual threats.

- Courts provide stronger First Amendment protections for defendants in hate crime cases, focusing on individual rights and the context of the speech. Judges may consider bias motivation during sentencing but view hate crime perpetrators as redeemable individuals. In terrorism cases, less judicial deference is given to individual rights, with courts imposing harsher penalties and treating terrorism suspects as threats to the state, sometimes designating them as enemy combatants.

- Hate crimes and terrorism share common motivations, such as extremist ideologies promoting violence against specific groups. White supremacist groups may commit acts of terrorism classified as hate crimes due to bias motivations. Some jurisdictions allow for hate crime enhancements in terrorism cases, leading to more severe penalties for hate crime perpetrators. Both types have profound effects on targeted communities, instilling fear and perpetuating violence cycles. Comprehensive strategies for prevention and response are necessary to address these societal implications.

POLICY RESPONSES TO HATE CRIMES

Hate crimes are a significant issue that require a multifaceted approach to address. To combat these offenses, policymakers must prioritize law enforcement responses, engage with communities, support victims, and implement strong legislative frameworks. This includes prioritizing hate crimes, providing comprehensive training for police officers, forming multi-agency task forces, promoting community engagement, and addressing victim support[43].

Community engagement is crucial in reducing fear and encouraging reporting of hate crimes. Police should communicate effectively with minority communities and recommend practical measures to prevent victimization. Educational initiatives can raise awareness about hate

---

[42]Csis.org. (2017). *Terrorism and Hate Crimes: Dealing with All of the Threats from Extremism*. [online] Available at: https://www.csis.org/analysis/terrorism-and-hate-crimes-dealing-all-threats-extremism.

[43] ASU Center for Problem-Oriented Policing. (2016). *Hate Crimes | Summary*. [online] Available at: https://popcenter.asu.edu/content/hate-crimes-summary.

crimes and promote understanding, fostering a culture of tolerance and respect[44].
Victim support services can reduce psychological trauma and encourage reporting, while
anonymity and legal protections can lower barriers to reporting and accessing justice[45].
Legislative and policy frameworks should include comprehensive definitions of hate crimes,
including federal and state laws like the Shepard-Byrd Act. Implementing specific sentencing
guidelines can ensure the unique nature of hate crimes is recognized in the judicial process,
potentially leading to enhanced penalties[46].

Monitoring and reporting are essential for understanding the scope of the problem and
addressing under-reporting. Law enforcement agencies should be encouraged to collect and
report hate crime data accurately, which can inform policy and resource allocation. Addressing
under-reporting requires outreach efforts to educate communities about reporting and available
resources. In conclusion, a multifaceted approach is necessary to effectively combat hate
crimes, involving prioritizing law enforcement responses, engaging with communities,
supporting victims, and implementing strong legislative frameworks. Collaboration among law
enforcement, community organizations, and educational institutions is crucial to foster
understanding and prevent hate-motivated violence.

POLICY RESPONSES TO TERRORISM

Policy responses to terrorism involve legal, institutional, and operational frameworks, varying
across countries. They often involve preventive measures, military actions, and international
cooperation, with similarities and differences influenced by each nation's socio-political
context.

Governments use various strategies to combat terrorism, including diplomatic efforts,
economic sanctions, military interventions, and intelligence sharing. The legal framework for
counter-terrorism varies among nations, reflecting differences in political culture and societal
norms. Countries have enacted specific legislation to enhance the powers of law enforcement
agencies, such as the USA PATRIOT Act in the US, which expanded the government's

---

[44] Supra 19

[45] EQUALITY COMMISSION FOR NORTHERN IRELAND Hate Crime in Northern Ireland Policy
Recommendations and Supporting Rationales Full Report. (2020). Available at:
https://www.equalityni.org/ECNI/media/ECNI/Publications/Delivering%20Equality/HateCrime-
FullPolicyPosition.pdf.

[46]The United States Department of Justice (2018). *Laws and Policies*. [online] Justice.gov. Available at:
https://www.justice.gov/hatecrimes/laws-and-policies.

authority to surveillance suspects and gather intelligence[47].

International cooperation is crucial for effective counter-terrorism policy, with international bodies like the United Nations promoting collaboration among member states to share intelligence and best practices[48].

Military and operational strategies are significant aspects of counter-terrorism policy, particularly in foreign military engagements against groups like ISIS. However, military actions alone are often criticized for not addressing the root causes of extremism, highlighting the need for a balanced approach combining military, diplomatic, and development efforts. Preventive measures focus on addressing underlying issues that may lead individuals to engage in terrorist activities, such as community outreach programs, education initiatives, and promoting social cohesion. Countries are also emphasizing the importance of civil liberties while implementing security measures, attempting to strike a balance between national security interests and citizens' rights. Challenges and criticisms in policy responses to terrorism include balancing security and civil liberties, resource allocation, and the effectiveness of interventions. There is ongoing debate about the long-term efficacy of military responses versus community-focused strategies, prompting calls for more comprehensive approaches considering socioeconomic factors and individual grievances. Future directions for terrorism policy responses include developing more integrated approaches that encompass all stakeholders, including community organizations, international entities, and private sectors.

CASE STUDIES OF OVERLAPPING HATE CRIMES AND TERRORISM

Domestic Terrorism and Hate Crimes

White supremacist movements, particularly domestic hate groups, are increasingly recognized as significant contributors to hate crimes and acts of terrorism in the United States, with case studies illustrating their motivations and actions.

---

[47] Amos N. Guiora. (2024). *Legislative and Policy Responses to Terrorism, A Global Perspective*. Digital USD. https://digital.sandiego.edu/ilj/vol7/iss1/6

[48] Author(s) Raphael F. Perl. (2024). *Terrorism, the Future, and U.S. Foreign Policy | Office of Justice Programs*. ojp.gov. https://www.ojp.gov/ncjrs/virtual-library/abstracts/terrorism-future-and-us-foreign-policy

Domestic hate groups

1. The Ku Klux Klan (KKK), a notorious hate group in American history, has a history of using violence and intimidation to promote white supremacy and maintain racial segregation. Their ideology is rooted in white supremacy, anti-immigrant sentiments, and the superiority of the white race. They justify their actions through distorted interpretations of American values and perceived threats from racial and ethnic minorities. The KKK has committed numerous acts of violence, including lynchings, bombings, and assaults against African Americans and civil rights activists. The 1963 bombing of the 16th Street Baptist Church in Birmingham, Alabama, killed four African American girls, highlighting the group's violent extremism.

2. The Proud Boys are a far-right organization known for violent clashes and extremist views on race and gender. Motivated by white nationalism, misogyny, and anti-immigrant sentiments, they defend Western civilization against multiculturalism and leftist ideologies. They have been involved in numerous violent incidents, including clashes with anti-fascist groups during protests. Their involvement in the January 6, 2021, attack on the U.S. Capitol exemplifies how extremist beliefs can lead to organized violence.

Religious hate turning into terror

1. The Tree of Life Synagogue shooting in Pittsburgh, Pennsylvania, is a tragic example of how hate crimes can escalate into acts of terrorism. The shooter, motivated by anti-Semitic beliefs, expressed hatred towards Jews online and used white supremacist narratives to scapegoat them. On October 27, 2018, the gunman killed 11 worshippers, committing both a hate crime against the Jewish community and domestic terrorism aimed at instilling fear among all Jewish Americans.

2. The Christchurch Mosque Shootings in 2019 demonstrated the global reach of white supremacist ideologies. The shooter, motivated by a white nationalist ideology, framed Muslims as threats to Western civilization, causing fear and violence against Muslim communities. The attack on two mosques, resulting in 51 deaths, was both a hate crime against Muslims and a terrorist attack promoting a white supremacist agenda.

International Case Studies

1. Terrorist groups with hate crime elements

Terrorist groups often commit hate crimes to advance their ideologies, leading to targeted violence against specific religious or ethnic minorities. Examples include ISIS in Iraq and Syria and white supremacist groups in the U.S. Understanding these dynamics is crucial for

developing effective legal and societal responses.

- The Islamic State (ISIS) has been known for its brutal campaigns against religious minorities, particularly Yazidis and Christians, since its rise during the Syrian civil war. They have used genocidal tactics like mass killings, forced conversions, and sexual slavery to instill fear and dismantle these communities. International bodies like the European Parliament and the U.S. Congress have officially recognized these atrocities as genocide[49].

- ISIS has targeted the Yazidi community, committing acts they view as genocide. In August 2014, ISIS attacked the Sinjar region, resulting in widespread murder, sexual slavery, and abduction of hundreds of Yazidi women and girls. Reports indicate thousands were killed and many more were displaced due to ISIS's assault on their ancestral homeland[50].

- In June 2014, ISIS took over Mosul, offering Christians an ultimatum to convert to Islam, pay a tax, or be executed. This led to a mass exodus and destruction of their cultural heritage. ISIS marked Christian homes with inappropriate symbols, further reinforcing their status as targets. This systematic persecution has resulted in significant population decreases in Iraq and Syria.

- Christians in ISIS-controlled areas have faced severe persecution, including killings, kidnappings, and the destruction of churches and religious sites. In 2015, ISIS released a video showing the beheadings of 21 Coptic Christian migrant workers in Libya. The group has also targeted Christian communities in Syria, forcing them to pay a tax, convert to Islam, or face execution. As a Sunni extremist group, ISIS views Shia Muslims as apostates and has carried out numerous attacks against Shia mosques, shrines, and neighborhoods. In 2016, a suicide bomber killed over 70 people at a Shia shrine in Balochistan, Pakistan. ISIS has also targeted Shia pilgrims in Iraq and Syria.

2. Ethnic cleansing and terrorism (e.g., Rohingya crisis)

The Rohingya crisis in Myanmar is a complex issue involving ethnic cleansing and terrorism. The Myanmar military's systematic violence against the Rohingya people is characterized as ethnic cleansing, but its actions are framed as counter-terrorism, complicating international

---

[49] *Mass Violence and Genocide by the Islamic State/Daesh in Iraq and Syria*. (2024). College of Liberal Arts. https://cla.umn.edu/chgs/holocaust-genocide-education/resource-guides/mass-violence-and-genocide-islamic-statedaesh

[50] *Technical Difficulties*. (2023). state.gov. https://www.state.gov/reports/2022-report-on-international-religious-freedom/iraq/

responses and accountability for the atrocities committed.

Ethnic cleansing is the deliberate removal or extermination of an ethnic or religious group through violence, intimidation, and forced displacement, aiming to maintain a homogenous ethnic landscape. In the Rohingya crisis, Myanmar's military has caused thousands of deaths and over 700,000 displacements since 2017[51].

The Arakan Rohingya Salvation Army (ARSA) launched attacks on police posts in August 2017, leading to a brutal military crackdown. The attacks resulted in mass killings, systematic rapes, and village destruction, effectively driving the Rohingya out of their homes[52]. The United Nations and human rights organizations have condemned these acts as ethnic cleansing. The Myanmar government has justified its military actions by labelling the Rohingya as terrorists and linking them to ARSA. This narrative has facilitated the violent campaign against them, ignoring systemic discrimination and violence they face[53]. The conflation of ethnic identity with terrorism has led to further marginalization and justified violence against the Rohingya.

The Rohingya crisis, primarily characterized by ethnic cleansing, has also been linked to terrorism. In August 2017, the ARSA insurgent group attacked Myanmar police and army posts in Rakhine State, leading to a brutal crackdown. The majority of violence has been committed by Myanmar's military against the Rohingya civilian population. The crisis continues to pose significant challenges for the region, with Rohingya refugees living in overcrowded camps in Bangladesh facing dire living conditions, disease outbreaks, and natural disaster risks[54]. The breakdown of Myanmar's rule of law has allowed illicit economies to thrive, making the country a hub for methamphetamine and opium production. The international community has condemned Myanmar's actions and called for accountability and justice. Legal actions have

---

[51] © UNICEF/Patrick Brown. (2023). *Six years on, still no justice for Myanmar's Rohingya*. UN News. https://news.un.org/en/story/2023/08/1140032

[52] *Myanmar crisis 'textbook example of ethnic cleansing' – DW – 09/11/2017*. (2017). Deutsche Welle. https://www.dw.com/en/myanmar-rohingya-crackdown-a-textbook-example-of-ethnic-cleansing-says-un/a-40445121

[53] *Head of Human Rights Fact-Finding Mission on Myanmar Urges Security Council to Ensure Accountability for Serious Violations against Rohingya | Meetings Coverage and Press Releases*. (2024). un.org. https://press.un.org/en/2018/sc13552.doc.htm

[54] NDTV.com. (n.d.). *Explained: The Rohingya Crisis And India's Stance On Those Seeking Asylum*. [online] Available at: https://www.ndtv.com/india-news/explained-the-rohingya-crisis-and-indias-stance-on-those-seeking-asylum-5281657.

been pursued at international courts, and sanctions have been imposed on Myanmar's military leaders[55].

The Rohingya crisis highlights the intertwining of terrorism narratives with ethnic cleansing, with legal definitions often lagging behind societal perceptions. Calls for accountability focus on preventing military impunity and protecting the Rohingya people. A consistent response, free from counter-terrorism biases, is crucial for justice and stability in Myanmar and the Rohingya community. This situation calls for coherent international actions to protect vulnerable populations and hold perpetrators accountable for their crimes against humanity.

CONCLUSION

Examining the connection between terrorism and hate crimes reveals a complicated interaction between these two violent acts, each driven by different but occasionally related ideologies. This study highlights the distinction between terrorism and hate crimes, which are typically committed by members of the majority against members of marginalised communities with the intention of spreading fear and gaining control over broader societal structures. Importantly, the results imply that hate crimes frequently function as reactions to terrorist activities rather than serving as antecedents to them, with a discernible pattern of retribution against minority groups evident after such occurrences. This emphasises how careful, situation-specific measures are needed in both law enforcement and policy-making to properly handle the subtleties of these violent behaviours. This research attempts to aid in the creation of more potent preventative and therapeutic techniques by providing a basis for comprehending their relationships. In the end, maintaining social cohesiveness and guaranteeing the security and well-being of every community in a society that is becoming more and more varied requires a sophisticated understanding of the relationships between hate crimes and terrorism.

---

[55] UNICEF (2017). *Rohingya Crisis*. [online] Unicef.org. Available at: https://www.unicef.org/emergencies/rohingya-crisis.