Hateful subjectivities: Using intersectionality to inform a Critical Hate Studies perspective.

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Introduction

This chapter explores the role of neo-liberal capitalism, as the prevailing socio-economic and political grammar of our contemporary society, in the construction and proliferation of hate throughout society today. Hate is not a modern-day phenomenon (Petrosino, 1999). Imperialist colonialism and the bludgeoning ‘success’ of Empire has indelibly shaped social relations (see for example, Bowling and Phillips, 2012), enabling and sustaining increasing disparities between the ‘haves’ and the ‘have nots’. The critical hate studies perspective (James and McBride, 2018) acknowledges how historic inequalities according to structures including class, gender and race continue to inform who gains access to power and privilege today. Critical hate studies builds upon this existing knowledge base to consider how and why hate happens in contemporary society. In doing so critical hate studies stresses the significance of processes of identity formation as acknowledged within ultra-realist criminology (Winlow and Hall, 2015) to provide a full appreciation of both the extent of hate harms experienced by victims, as well as what informs the motivations of those who are responsible for inflicting harm against others.

Hate crime agendas, as signified through legal statutes, government policies and practices, have to date relied heavily upon popular notions of social identity characteristics of victims and the underlying prejudices of identifiable offenders to explain the hate crime phenomena. The discussion that follows asserts the significance of conceiving of the process of identity formation as embedded within the contemporary neo-liberal capitalist context. The nature of this context and its role as a formative force produces multiple, messy, and overlapping personal and social identities, which operate in tension with one another resulting in harmful subjectivities. Informed by the experiences of Gypsies, Travellers and transgender people illuminate a wider set of harmful experiences associated with the tensions between our personal and social identities. Utilising a critical hate studies perspective in combination with the concept of intersectionality this chapter extends the discussion of hate and harm beyond the confines of traditionally narrow conceptualisations of prejudice and hate based on a singular identity, which produce limited analytical insight into the problem of hate in society (Crenshaw, 1991; Marchetti, 2008; Meyer, 2004).
This chapter presents a theoretical discussion informed by empirical research, undertaken within the UK over the past 20 years, that captures the lived experiences of Gypsies, Travellers and transgender people to extend our understanding of hate in society. The authors approach to research is participatory in its efforts to develop knowledge, power and capacity within the communities within which we conduct our research. Our methods are immersive, generating thick ethnographic data to raise new questions and find ‘more fruitful ways of speaking about’ everyday life (Rorty, 1980: 360) that are representative of, often alternative, lived experiences and ways of being in the world (Dilley, 1999). In doing so, the chapter identifies key tensions in existing theoretical positions on hate harms in late modernity and provides evidence of their impact on praxis and people. The focus of the discussion here emanates from the delivery of a hate crime agenda in the UK, but its theoretical points may be applied more widely to other western democratic states as well as burgeoning democracies that embrace neo-liberal capitalist norms.

**Neo-liberal capitalism and hate**

Neo-liberal capitalism has been broadly acknowledged as the prevailing political ideology of our contemporary times (Harvey, 2005). It is defined as a set of financial market-based principles that have been absorbed within the social governance of western societies. The underpinning principles of neo-liberal capitalism simultaneously favour the privatisation of public services alongside principles of deregulation that effectively dismantle the processes and opportunities through which service providers can be held accountable for any failures or inequalities in their provision. This shift has been justified by unsubstantiated claims of a ‘trickle-down’ economy/social support system whereby those who have accumulated power and wealth will use their position to ensure the sustenance and success of others less fortunate (Duggan, 2012). Embedded within this contemporary discourse of neo-liberal capitalist society is the underlying notion of human agency. Within a meritocratic (Bell, 1973) society, economic inequality is justified and normalised on the premise that everyone has equal opportunity to succeed and individuals are responsible for personal risks and rewards. Those that assimilate through the adoption of neo-liberal capitalist terms and reasoning are perceived as those who ‘work the hardest’ and thus will reap the greatest rewards. Those who fail to succeed under these terms are held equally accountable and responsible for their plight. Through this lens public issues such as poverty, exclusion and discrimination are constructed as personal troubles (Wright Mills, 1959) detached from the social structures and systems that present real barriers to individuals’ achieving success (Duggan, 2003, Waquant, 2009). An output of the punitive ‘tough on crime’ rhetoric produced under the above outlined conditions was the push to construct hate crime agendas through which errant behaviours were defined, some *successful*
victims could be rewarded with recognition and offenders punished. Therefore, that agenda was itself indelibly marked by its emergence through the economic and political modifications representative of contemporary neo-liberal capitalism (Duggan, 2012; Meyer, 2014). We challenge the capacity of hate crime agendas to address the wider concern as they have been constructed through neo-liberal capitalist terms which facilitate a primary concern with the identification and punishment of offenders. Their capacity to adequately define the scope and scale of hate in contemporary society, and indeed the apparent progress made via expanded hate legislation, further entrenches existing systems of oppression where, in reality, present an obstacle to human flourishing for those impacted by the harms of hate. This approach to hate in society could be described as invoking a ‘cruel optimism’ (Berlant, 2011: p24) which misdirects our concern and desire for a safe and equal society towards punishment and in doing so weakens our capacity to forge effective solidarity within and between our communities to effectively challenge the true generative forces of hate today. Of primary concern for this chapter is how the socio-economic political discourse of neo-liberal capitalism has instructed the mode and terms under which hate is defined, who can make legitimate claims to experiencing hate, and who or what is considered the driving force behind hate.

**Legal hate protections and identity**

Interpretations of experiences of hate are most regularly approached through the lens of identity and hate laws seek the recognition and protection of ‘group-specific’ cultural identity (Fraser, 2003: p166) from hateful speech, behaviours and targeted crimes. Groups who experience hate must organise and construct an argument which engenders their recognition by state bodies as worthy of protection. Groups seek inclusion based on aspects of a collective social identity that is ascribed to them or to which they ascribe themselves. However, if the concept of identity in late modern usage can be bisected into the personal and the social (Moran, 2015), the tensions between ascribed and aligned identity can be extrapolated. Appiah (2006) has defined ascription as a criteria used to categorize individuals. For example, infants are ‘ascribed’ a sex (and therefore gender) at birth. Ascription of an individual to a category is not as simple as the attributes associated with that category, as these will not always hold true for all individuals capable of making that judgement. This difficulty may be seen in the well-documented and divisive debate over who should be ascribed as a ‘woman’. As such, this form of identity generates an identity politics which gives rise to a process of negotiation regarding where the boundaries of a given social category begin and end. Here social identities are realised via processes of negotiation whereby unworthy or unappealing aspects of personal identities are denied or ‘traded’ (to apply the economic language of neo-liberal capitalism) for reductive and commodified aspects of social identity in the pursuit of acceptance and inclusion.
This process gives rise to competition within social groups to have their narrative authenticated via external recognition such as that afforded through inclusion within the recognised characteristics protected through equality legislation and reinforced through hate crime statutes.

Others argue (and we would agree) that there is an important place and role for legal protections and the associated policy frameworks which prohibit both direct forms of hate crime and the broader discrimination that some groups experience in accessing and receiving services and support. For example, hate crime legislation holds symbolic value (Mason, 2013; 2014), and as Chakraborti (2012: 3) points out, the ‘process of criminalizing actions or expressions which violate the core values of a diverse society can convey an equally powerful message of solidarity to victims of hate’. However, hate crime legislation and its associated political discourse has also been criticised for its divisiveness by favouring certain minority groups over others (Garland, 2011) which has had the effect of creating a hierarchy of victims (Mason-Bish, 2010) where some are recognised as more deserving of legal protections than others (Richardson and May, 1999; Tomsen, 2006). This approach to hate crime distorts perceptions of lived experiences of hate and of those who experience it and creates a system whereby ‘the interests of more privileged individuals’ (Meyer, 2012: 850) and specifically those who lack the social capital required to garner political support have their personal and social identities disregarded and their experiences of hate erased from view. Meyer (2014) argues that whilst there may be some deterrent impact on the reduction of public displays of targeted abuse, this impact does not permeate into private spaces and leaves those vulnerable to harms within the private sphere amongst family members.

Contemporary research with trans individuals (McBride, 2019) and Gypsies and Travellers (James, 2020) has demonstrated lived experiences of harm at the hands of family members who regulate the personal identities of their family members against the accepted norms they have associated with permitted social identities. Hence parents of trans individuals may repress their child’s expression of gender as a protective mechanism for themselves and their child, neither of whom the parents’ wish to live outside accepted norms. Ultimately, that child has been harmed by that protective behaviour as their personal identity formation is negatively impacted by their incapacity to express themselves truly. Further, harm occurs as a direct response to the digression personal identities represent from the socially ascribed identities deemed as worthy and unworthy in public space. Gypsies and Travellers commonly hide their identity for fear of discrimination on school application forms or in health care settings. Again, this act of protection serves to augment the cognitive dissonance that young Gypsies and Travellers then experience as their personal identity and social identity do not cohere (Heaslip et al, 2016).
Despite their limitations, legal sanctions have been proposed and deployed as an appropriate response to particular groups’ negative experiences in our society but the necessary operationalisation of these complex social issues for legal processing necessitates the drawing of fixed boundaries related to individuals’ identity characteristics. The ongoing failures of this framework to address the complex and nuanced experiences of all those who experience hate are evident in contemporary society. For example, despite the inclusion of transgender people within legal protections in England and Wales, the legal framework (Whittle, 2002) and associated social policy approaches inadequately account for the diversity and particularities of trans individuals’ lived realities and associated support needs (Hines, 2006, 2007). As noted by James (2020) elsewhere, in the case of Gypsies and Travellers, it is only those communities that have achieved legal recognition on the basis of their ethnicity, specifically Irish Travellers and Romany Gypsies, who are afforded protection from hate. Whereas New Travellers and Showpeople have no recourse to legal protection against such experiences despite their lived experiences and acknowledgement of their Traveller identities within planning legislation and policy.

Hate crime is often explained as a tool in the maintenance of social ‘hierarchies of difference’ (Perry, 2001:49) between victim and offender groups. In the above examples though it is possible to see how the hate crime agenda and legal framework itself also contributes to and serves to perpetuate ‘hierarchies of acceptability’ (Warner, 2000:67), and creates points of tension within and between socially defined identity groups. Here we can see ‘legal declarations of ‘equality’ are often tools for maintaining and stratifying [historically founded] social and economic arrangements’ (Spade, 2011:14). For example, Ward (2008) argues that LGBT activist organisations often fail to acknowledge the experiences and associated needs of low-income LGBT people and in doing so administer a form of inclusion fit for only the ‘worthy’ middle classes with disregard for the consequences of such intersectionality in peoples’ lived experiences of harm. Intersectionality theory was established a means to intervene in these ways in which normative discourses emerging from historic archetypes reinforce historic power relations and indeed how contemporary discourses of resistance also serve to reproduce and legitimise exclusion and marginalisation (Crenshaw, 1991).

Within the ethnographic empirical research, which informed this chapter, this issue was exemplified by the lived experiences of Bird, a trans woman in her late 50s who lived a precarious existence reliant on social support and without independent means to support herself and isolated from family or social support networks. Bird’s experiences were characterised by physical violence and aggression that differed from those of other research participants who occupied privileged social positions because of their occupational status, secure housing tenure and financial independence. These factors provided a buffer from some of the day-to-day interactions that brought Bird into
more interaction with others in public spaces (McBride, 2019). Similarly, Irish Travellers also experience increased hate harms due to the precarious nature of their lives as they are more likely to suffer the detriments of extremely poor accommodation and associated social, economic and political marginalisation than other Gypsies and Travellers (notwithstanding the overarching exclusion of Gypsies and Travellers generally) (James, 2020).

**Intersectionality and the hate crime agenda**

Acknowledging the propensity for oversimplified conceptualisation of hate victimisation to advance the interests of some identity characteristics over others, intersectionality theory seeks to redress this harm through its emphasis on the interplay between multiple identity characteristics that allows for representation of both personal and social identities. Arising out of black feminist scholarship, intersectionality theory has a long history of challenging essentialist paradigms (Han, 2006; Hong, 2008). Intersectionality theory introduces and embraces a level of complexity that more readily speaks to the lived realities of experiences of hate for many.

Butler (1990:42) contends that to deny the influence of the external environment on our understanding of identities erases from view the processes by which social identities are subjective positions that are actually being actively (re)produced within the broader regulatory social context, thus our personal and social identities may conflict in this context (James, 2020). This is a fundamental sticking point that, for critical hate studies, needed to be overcome in order for it to offer a fruitful addition to our understanding of hate in society. As such critical hate studies emphasises and seeks to extend what Hong (2008) suggests as intersectionality theory’s capacity to also acknowledge how intersections and their consequences occur ‘... within the context of global colonial capitalism’ [emphasis added] (Hong, 2008:100).

The alternative domain assumptions utilised by critical hate studies assert that human subjectivity actually arises through an interplay between the individual and the external social world. Social politics of the late 20th century has been dependent upon fixed categories of identity. Duggan (2012: xvi) argues that the neo-liberal capitalist economic agenda cannot be detached in real terms from human relations and in fact ‘neoliberalism has assembled its projects and interests from the field of issues saturated with race, with gender, with sex, with religion, with ethnicity and nationality.’ In this way, we can see how neo-liberal capitalism’s economic and political regime is not distinct and separate from the historic inequalities that continue to run through western societies but instead, contemporary manifestations rely upon and actively elicit these issues and social tensions to justify and further its pursuit of financial reward for the few. Neo-liberal capitalism should therefore be considered in relation to these existing structures of power to critique the ways in which these have
been shaped into modes of activism that have actively contributed to the distribution of resources upwards (Duggan, 2012). A social harm approach offers the potential to expose the harms generated by social, political and economic values and systems integral to neo-liberal capitalist ideology that privileges individualism and promotes meritocracy and competition (McCarthy and Prudham, 2004). For critical hate studies, intersectionality serves as a useful companion in deconstructing essentialist categorisations that oversimplify and erase the complexities of lived experiences of hate and in exposing the social, political and economic modes through which identities are constructed and associated harms produced in the pursuit of unattainable inclusion and acceptance via individualistic means.

In the same way that gender or race focussed social movements can negate the intersectional experiences of black women, so too do mainstream movements for the inclusion of trans people erase the lived experiences of some trans people. Specifically, of those trans women that do not wish to (or cannot) conform to the medicalised conceptualisation of acceptable and recognised (in law at least) trans identities, non-binary people and trans men. Similarly, Gypsy and Traveller social movements have negated the experiences of New Travellers and Showpeople. This is enacted based on their not achieving the required ethnic status and as such weakens or damages an argument for recognition and protection based upon a minority ethnic status (a well-trodden and successful route to this form of inclusion for other Black and ethnic minority groups). There are numerous examples of how these externally generated hierarchies of acceptability and recognition are actively regulated and perpetuated within minority groups. For example, the derogation of ‘transvestites’ by other trans women who have ascribed to the medical model of trans identity in their performance of their compliance with this externally imposed narrative of trans identities as a matter of medically facilitated alignment of the body to the mind in order to achieve authentic alignment (Garrison, 2018). Their approach upholds the Cartesian relationship that underpins the western binary gender order and provides justification for medical intervention as the accepted route to achieving a ‘natural’ state (Salamon, 2010). Another example would be the perpetuation of the myth of the authentic Romany Gypsy by Romany scholars and activists who have, according to Gheorge (1997:158), ‘found promise in the ethnic discourse and in a national minority politics’ and thus created an intellectual Romany elite that has consequently fed in to the process of ordering Gypsies and Travellers within a hierarchy. That hierarchy has placed Irish Travellers in a denigrated position relative to Romany Gypsies, despite their legislatively acknowledged ethnic identity, and as such, as previously noted, they are far more likely to lack a political voice, be socially included or have access to fiscal wealth. What these examples explicate are hidden hate harms that are not acknowledged within the mainstream hate crime agenda or by recourse to strand based explanations of
experiences of prejudice. In light of these sentiments, the joint endeavours of intersectionality theory in combination with the underpinning theoretical domain assumptions of critical hate studies affords us a more nuanced appreciation of these lived realities as occurring within the context of contemporary neo-liberal capitalism.

**Taking a critical hate studies approach**

The reductive focus on experiences that are shaped by normative stereotypical categorisations of an individual’s social identity/ies falls short of fully acknowledging the depth and breadth of harms evident in individuals’ lived experiences of hate that occurs within and as a result of the space between their personal and social identities. The ascription or alignment of an individual to a social identity is mediated by its acceptability, visibility and viability within neo-liberal capitalist norms. In order to appreciate the space between the personal and social aspects of identity and the harms engendered therein a critical hate studies approach initially considers how human subjective experience develops by using a transcendental materialist approach (Zizek, 2006, developed by Johnston, 2008). This approach in turn utilises a Lacanian interpretation of the psychosocial development of human subjectivity which posits that human subjectivity develops from an internal lack or void that necessitates our active elicitation of the signs and symbols presented to us throughout the various facets of our social world in order to fill that void and make sense of our existence. Within neo-liberal capitalism there is an absence of any effective symbolic order for our subjectivity to find root within as the social world is oriented around notions of liberal freedom that are defined within the confines of capital accumulation. Thus the human subject can only satiate its sense of lack, or the void, through individual progression and consumption, rather than via a framework of communal experience and shared moral values. Within this environment individuals either search out a communal framework by aligning their identity to some form of dogma, be that a religion or political interest group, or they compete alongside everyone else to progress as an individual within consumerist society as defined by late modern neo-liberal capitalism.

Having established how subjectivity is developed within neo-liberal capitalism, it is then possible to appreciate why hate has become ubiquitous. Those individuals aligning themselves to a dogma such as far-right ideology, for example, commit hateful actions based on that belief system. Others commit hateful actions as they compete in society to reach their individual goals. Given that, as Young (1999) noted, the social world’s playing-field is not level due to the global destruction wrought by colonialism (Andrews, 2019), those people most likely to experience hate harms are those who have been placed in the poorest and most excluded spaces of society.
Our analysis of hate in these terms has been informed by empirical research with individuals from some of the most excluded and marginalised communities within our society: Gypsies and Travellers, and transgender people. The harms of hate experienced by participants in our research have included crimes such as criminal damage of Gypsy and Traveller homes and violent physical attacks of Gypsies, Travellers and trans people. Gypsies and Travellers, and trans people have reported to us their experiences of hate incidents, speech and discrimination in their everyday lives that has ranged from explicit prejudice to microaggressions (Sue, 2010). Further, as noted above, the harms of hate that occur systemically and symbolically through processes of categorisation, a lack of recognition of personal and social identity and the tension therein are also important to acknowledge as outcomes of our research. The breadth of hate harms suffered by Gypsies, Travellers and trans people can best be appreciated by shifting the lens of hate studies to more clearly see how each of these harms occur in late modernity. The myopic nature of hate crime agendas limits our attention and concern to a specific set of behaviours enacted against a defined identity characteristic of a given victim and asserts that the solution lies in identifying and punishing the individuals’ responsible. Such an approach particularly reinforces the dyadic focus of adversarial criminal justice systems upon victims and offenders (Freeman, 1978) and further reduces consideration of a complex interaction that is situated within a social context to a dualistic and detached interaction between individuals. Bound up within this approach to understanding the problem of hate in society is an unwillingness to explore the role of wider social conditions on the persistence and contemporary manifestations of hate in individuals’ lives. The political rhetoric underpinning these interpretations and responses reinforces a divisive society, creating “evil others” (see Baumeister and Campbell, 1999, for a review of the psychology of evil) as individually responsible for morally abhorrent actions and prejudices that informs hate crime agendas’ legal focus on offenders. The pursuit of the assumption that individual offenders are acting with autonomy and free-will in some form of rejection of otherwise positive social values influences our analysis of harm in our society.

This analysis informs what we decide to do about it in a way that fails to acknowledge that we are, first of all, each members of the same moral society (Coleman, Deutsch and Marcus, 2014) and therefore each capable of instigating hate as harm on one another in pursuit of individually framed success. Thus a politics focussed on inclusion in this sense not only poses challenges associated with who should be included and who is left excluded but also and, most importantly for the quest of critical hate studies, what are we seeking to be included within (Brandzel, 2016; Duggan, 2012). Inclusion within a system that normalises harms by its alignment to, and promotion of, competitive individualism has resulted in the commodification of the self and unattainable notions of the ideal citizen as a hard working individual who is project and risk manager of their own lives. Within this
context there is no reference to the impact that systemic barriers have for those who cannot achieve that ideal by their own means and the vilification of those people as irresponsible and accountable for their own plight. Systemic barriers to inclusion are ever-present in the lives of Gypsies, Travellers and trans communities whose lack of access to resources, support and welfare has placed them within the precariat (Standing, 2014) wherein they have also experienced over-policing as offenders and under-policing as victims, including as victims of hate crime (James 2007; 2020; Moran, 2001; Spade and Willse, 2000).

Ludwig (2016) contended that the political rationality of neo-liberalism is key to revealing the violent form of governance it represents. This mode of political power does not rely upon the coercion of its citizens, instead it has achieved its goals through a willing consensus (see Hall, 1988). A backdrop characterised by a political rhetoric of scarce resources provides justification for austerity measures that cut public spending and permits the retraction of the welfare state. This political and cultural discourse keys into the depths of human anxiety and thus resonates from a subjective level, manipulating that anxiety to construct others as ‘a potential real threat to anyone else’s livelihood, status and identity’ (Hall and Winlow, 2015:114; see also, Hall et al, 2008). This individualistically framed anxiety serves to foster competition and associated tensions within and amongst communities in a fight for recognition as a means of survival.

A socio-political economy that is shaped by neo-liberal capitalist values of competitive individuality fosters divisions within and between groups in society as noted above. This social context also legitimises hateful behaviours as fair pursuits of ‘special liberty’ where ‘one is entitled to do whatever it takes to participate in profitable market activity and achieve economic security and social status, even if it risks the infliction of harm on others and their social and physical environments’ (Hall and Winlow, 2015: 120). To construct hate victimisation and offending as the result of idiosyncratic misfortune and rogue behaviour serves processes of pacification inherent within neo-liberal capitalism’s success (Fisher, 2009) and in doing so belies an interpretation of the problem as one that is generated within and by that context. Further, this misdirection and diminishing of the problem to an individual risk or responsibility extinguishes the potential for collective action aimed at challenging this context and expanding normative configurations of how recognition can be achieved (Honneth, 1996) in contemporary and future society. Research has demonstrated how hate crime discourse which presents and shapes responses along the lines of social identities serves a limited number of people within a given identity category better than it does others (Spade and Wilce, 2000).

**Conclusion**
This chapter does not wish to detract from the impact of behaviours that are informed by prejudiced stereotyping of historically marginalised minority groups but it does question the capacity of such a limited lens to confront the reality of the breadth of contemporary manifestations of hate and the associated harms that permeate individuals’ lived realities. We propose that hate studies would benefit from a more thorough and critical analysis of the social context of contemporary neo-liberal capitalism in order to mount more effective responses to the perpetuation of hate within contemporary society. Through the application of intersectional theorising, our data illuminates a range of experiences of harm that exist outside of popular conceptualisations of the hate crime paradigm. These experiences are not necessarily the result of interpersonal attacks, derived from bigotry and prejudice, and are instead experienced more implicitly at a psychological level associated with individual’s experiences of themselves as viable and worthy human beings. The critical hate studies perspective then asserts that these harms manifest as a result of the failings of the contemporary neo-liberal capitalist regime to provide a framework within which individuals and communities are supported to flourish. Instead the contemporary imbuing of the social world, and our relations to one another within it, with the values and rationale of economic free markets has produced ‘harmful subjectivities’ (Raymen, 2016) primarily concerned with the individualistic pursuit of freedom and fiscal success. Our approach would extend the interpretation and use of intersectionality theory further as a tool to explore lived experiences of hate that occur at the nexus of the interplay between personal and social identities that are both constructed within and through neo-liberal capitalist late modern society.

Chapter references (1158 words):


See, for example, Flynn and Hodgson, 2017 for discussion of the impact of de-investment of legal aid on some of the most vulnerable in society.