

Hate crimes legislation ignores women's plight

By Tina Trent

I used to be a strong supporter of hate crimes legislation. The issue seemed like a no-brainer. Who could oppose laws that would make the police and public more responsive to crime victims who aren't receiving a fair shake?

But I've changed my mind. I'm disturbed by the willingness of those supporting hate crimes legislation to dismiss the problem of violence against women in their pursuit of a media message that highlights less prevalent, and generally less violent crimes.

As recently as 1998, President Clinton told an appreciative crowd of those supporting hate crimes legislation that crimes against

women should not be counted as hate crimes because there are simply too many of these crimes. This is an opinion long shared by the Anti-Defamation League and



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other advocacy organizations.

These groups are concerned that the tens of thousands of rapes committed against American women every year would overshadow the few thousand violent crimes that are found to have a racial, ethnic, religious or homophobic motivation.

Is it acceptable to write off gender violence on the grounds that there's too much of it? Certainly nobody would suggest that church burning or gay bashing or synagogue vandalism becomes less urgent as the incidents grow in number. The notion is bizarre, and the casual way these activists speak of rape "diluting" hate crimes statistics and "distracting" prosecutors is nothing less than contemptuous.



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Disturbing compromise

Even more disturbing is the compromise position on gender reached by these advocates. In an effort to win crucial support from women's organizations, advocates of hate crimes legislation added gender bias to the hate crimes laws in 19 states, but they did so in bad faith: They still do not consider a crime like rape to fit the definition of gender-based hatred unless the rapist displays some bias in addition to the rape itself.

In Michigan, for example, there were 3,206 rapes in 1998, but only two were counted as hate crimes. Minnesota also technically includes gender bias in its hate crimes code, but there is no mention of either gender or rape in the state's annual hate crimes report. New Jersey has an extensive hate crimes reporting system, but in

1997, none of the 1,730 rapes committed in the state were considered hate crimes.

The very practice of dividing rape into hate and nonhate categories should raise a red flag for feminists who have been fighting for decades to educate the police, public and prosecutors about the violent nature of the crime. And if rape doesn't count as a gender-based hate crime, what does? The answer is that, in practice, virtually nothing does. None of the 1,325 incidents prosecuted as hate crimes in New Jersey in 1997 involved charges of gender bias, and a mere handful of gender cases have been tried in the other states that include gender in their hate crimes laws. Inclusion, in this case, is not what it seems to be.

There is absolutely no reason to believe that rape and other gender bias will be treated any differently

under the Georgia Anti-Domestic Terrorism Act. But even if activists made a good-faith effort to include crimes like rape in the hate crimes code, I still doubt that I could support the legislation.

I no longer think that simply adding gender to a long list of protected victim categories will solve the deeper problems created by a movement dedicated to drawing distinctions between violent crimes that are private and violent crimes with public significance. This distinction has long been summoned to reinforce the notion that crimes like rape and domestic abuse aren't really important because they are private business between a woman and a man.

Double standard

Even supporters of hate crimes legislation who make a good faith effort to include gender, to think about which crimes against women they should recognize, inevitably fall back on this divide. They say that stranger rapes may be hate crimes, but acquaintance rapes are not. They wonder whether domestic violence is ever a hate crime, given that by definition the perpetrator knows his victim.

And in doing this, they are reinforcing the same double standards that obscure the real cost of all of this violence in women's lives. And

they are applying these standards to women alone: Nobody in the hate crimes legislation movement would ever suggest that burning a cross in a neighbor's yard or desecrating a co-worker's place of worship is any less a hate crime than the same acts committed by strangers.

We live in a culture where violence against women is written off, justified and ignored. Instead of articulating horror at such circumstances, we tell women to take self-defense classes and not to go out after dark. Bookstores stock countless self-help guides teaching women how to avoid attack. We are told to limit our lives and never stop looking over our shoulders. Do we need a hate crimes movement that marginalizes violence against women as well?

I have no problem with enhancing penalties for nonviolent crimes that are motivated by bias. But in the terrain of violent crime, distinctions between the personal and the political already hurt women. Making these distinctions a part of the law, as the hate crimes bill will do, will only make the violence done to women even more invisible than it is now.

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