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Panel Paper

Hate Crimes as Crimes against Dignity[1]

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Abstract

When hate crime laws are criticised for being ineffective, it is often because they do not result in many convictions. However, the main consequences of a conviction for a hate crime is an increased financial or carceral penalty. This paper explores whether it is possible to reconcile hate crime law with abolitionist perspectives that contest the efficacy of such responses. In particular, I examine the potential for a dignity-centred approach to reframe how hate crime law is understood, in terms of the purpose of such legislation, its corresponding scope and its relationship with other areas of law. Ultimately, I suggest that framing hate crimes as crimes against dignity could prompt 'non-reformist reforms' that move us towards greater alignment with abolitionist ideals.
Key words: hate crime, dignity, abolitionism

Introduction

This paper began as an attempt to think through how centring concepts of dignity might affect how we understand hate crime and, consequently, how we rationalise and determine the boundaries of hate crime law. However, there was a dissonance I could not initially grasp around the ethos of protection and equality that is embedded within articulations of hate crime law and the inherent violence of the criminal justice system. How could a concept of dignity

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be used to reform an area of law that increases exposure to the indignity of imprisonment? The British Society of Criminology Conference 2023, in terms of both formal presentations and informal conversations, prompted me to embrace this dissonance and to think about what a dignitarian *and* abolitionist perspective on hate crime law might look like.

In doing so, I came to think of dignity as a means of forging a pragmatic pathway from the current societal conditions and structures within which hate crime law operates and towards a utopian ideal where hate crime law is obsolete. However, I recognise that concepts of dignity are employed more prominently in other criminal contexts, such as in relation to torture, sexual offences and medical settings (EU Charter of Fundamental Freedoms, 2000; Fikfak and Izorova, 2022). I therefore propose a category of crimes against dignity that encompasses such applications to foster a cohesive approach to dignity within criminal law.

Sections one and two of this paper set out critiques of hate crime law from perspectives that take seriously both the problem of hatred and the uneven violence of law. Sections three and four then introduce the concept of dignity and explore the possible scope of a category of crimes against dignity. Finally, I consider the implications for hate crime law of placing dignity at the centre of its rationale.

Critique of hate crime law

For some, hate crime law is inherently problematic because it exacerbates social divisions (Jacobs and Potter, 1998), punishes thoughts, feelings or character traits (Gellman, 1991; Larner, 2010; Hurd, 2001) and/or breaches principles of equal treatment (Heinze, 2009; Morgan, 2002). Such positions tend to treat hate crime law as exceptional, as though all other areas of criminal law operate without any regard to emotion, identity or character. Yet, not only is such regard often overt, as in language of malice or remorse, but for decades entire fields of critical theory have been documenting ways in which law is embroiled in social difference and division.

Additionally, as Swiffen (2018) argues, ‘mainstream’ objections *and advocacy* of hate crime law present law and violence as opposed, rather than taking seriously the (unevenly distributed) violence inherent in law (Benjamin, 1986; Cover, 1986; Moran and Skeggs, 2004). Criminal law incarcerates, expels, monitors and penalises, and this violence is justified by the characterisation of its targets as criminal, foreign, dangerous, suspicious, incapable or undeserving. In such characterisations we are taught who and how to hate, and how to

maintain our innocence by delegating violence against the objects of our hatred to the state. More pointedly, in the enactment of hate crime law, we are told not to act on our hatreds but to celebrate the additional punishment of those who do. Hate crime law therefore positions the state as protecting against hatred, while simultaneously stoking fear and hatred of others to justify its systems of violence against them (Raj, 2020, p. 65; Moran and Skeggs, 2004, p. 29). Moreover, the narrative of a good, progressive state legislating for justice against a few 'bad apples' works to occlude state complicities as well as wider structural conditions that facilitate and promote certain hatreds (Ashley, 2018; Fitzpatrick, 1987; Lamble 2008; Swiffen, 2018). Thus, in addition to the state monopoly on violence (Weber, 2004, p. 33; Benjamin, 1986, p. 281), we might also think of a state monopoly of hatred, provoking the question of whether hate crime law reduces hate or merely redirects it along channels that are more palatable to the state.

While hate crime law is supposed to bring recognition, validation and protection for targeted communities, these benefits are limited in practice in several ways. Firstly, harsher penalties for crimes involving bias or hostility against the victim's identity characteristic(s) supposedly respond to the additional harms of hate crime, but they do not prevent them. The deterrent argument for enhanced penalties under hate crime law absurdly suggests that perpetrators perform pre-emptive cost-benefit calculations with full awareness of the law (Spade, 2011). Moreover, where hate crime law results in longer sentences, these do nothing to address the prejudice that leads to violence and exclusion in the first place (Ashley 2018; Hall 2013). Indeed, prisons are precisely the kind of insecure and socially stratified environments within which hatreds thrive (Gerstenfeld, 2004; Lamble 2021; Levin and McDevitt, 2002).

Hate speech law can be seen as a more prevention-oriented subset of hate crime law, but this leads us to a further criticism: those subject to hate crime penalties, as with criminal law more generally, tend to be the most marginalised in society (Lamble, 2021; Meyer, 2014; Spade, 2011). Politicians can express prejudice while carefully avoiding criminal charges, and the wealthy can mount expensive defences or motivate high profile cases should they be victimised. Meanwhile, those who are less affluent and less valorised are those most likely to be convicted and the least likely to receive 'justice' when they are victimised (Ashley 2018; Swiffen, 2018). Thus, any level of recognition and protection that hate crime law provides to marginalised communities should be understood in the context of criminal justice systems that disproportionately direct their violence against members of those communities (Malik, 2009, p. 105).

Abolitionism and hate crime law

If “law without violence is impossible” (Swiffen, 2018, p. 139), we must turn our focus beyond law, and indeed beyond dominant social structures, to find alternative means of ameliorating violence and prejudice (Akbar, 2023, p. 2511). For this, we can draw on the work of prison abolitionists. Abolitionism can be viewed as providing a dual response to the problems of mass incarceration. On the one hand, there is the idealism of abolishing prisons, punitive forms of redress and cultures of stigma and shame, and replacing it with restoration, reparation, compassion and care. On the other hand, there is acute awareness of current limitations.
If we take as our end goal the utopian ambition of abolishing hatred, and we accept that criminalisation is a form of violence, then reforming hate crime law to produce more convictions is surely counterproductive. However, just as we can anticipate there would be problems if we released all prisoners tomorrow, we can anticipate the immediate abolition of hate crime law would be problematic. If hate crimes send a message that certain people are not valued, and hate crime law counters that they *are* valued (Perry, 2001), what message would be sent by the act of repealing hate crime law? Advocating such action in current circumstances seems decidedly unlikely to move us towards hate-free societies.

While the goals of a prison-free or hate-free society are utopian in the sense that they may be unattainable, reforms oriented towards these ends will be more emancipating than those valorising imprisonment. In abolitionist discourse, these are described as ‘non-reformist reforms’: “changes that … unravel rather than widen the net of social control through criminalization” (Gilmore, 2007, p.242). In the remainder of this paper, I explore how dignity could shape an abolitionist horizon towards which reforms to hate crime law can be oriented.

A concept of dignity

The term dignity encompasses and elicits a variety of different approaches and perspectives. For this reason, it is sometimes criticised as too nebulous to be useful (see Engel and Lyle, 2021, p. 10), especially in legal contexts where human rights can be seen as a more precise legal manifestation of the concept and ethos of dignity. Indeed, if the protection of human dignity is seen as the purpose and end goal of human rights law, then the concept of dignity must precede the law which is premised upon it. It is precisely this extra-legal quality that I propose makes dignity a useful concept for an abolitionist approach to hate crime law. To make this argument, it is necessary to first establish my approach to dignity, which, in brief, figures it as inherent and inviolable (rather than variable), as requiring respect (rather than as

a measure of respectability), as more expansive than human rights, more prescriptive than 'equality', and as relational.

Different understandings of dignity are perhaps most apparent in the conflict between dignity as something that is unwavering and inviolable and dignity as something that is fragile and prone to being violated (Killmister, 2020, p. 1-2). One approach to reconciling this tension is to determine that these are two different types of dignity, or different uses of the term, rather than contradictory characteristics of a singular concept: on the one hand there is the status-dignity that is inherent to all human beings, and on the other hand there is the condition-dignity that may be conferred or depleted (Gilabert, 2015). Therefore, it is because humans possess status-dignity that they deserve human rights to secure a minimum standard of condition-dignity (Killmister, 2020, p. 8).

In my view, it is neither necessary nor helpful to fracture the concept of dignity. If dignity is understood as an inviolable essence of human life, then violations of dignity can be seen as failures to recognise and respect it, rather than as acts that diminish it (Warner, 2000, p. 36). In Kantian terms, if a person is treated as a means rather than as an end, this is disrespectful of their dignity, but their inherent dignity remains the reason why such treatment is immoral. The language of undignified conditions or behaviour, or of violations of dignity, is therefore metaphorical. We might say that someone's dignity has been violated or breached just as we might say that they were treated like animals; this does not mean they came to have 'less dignity' any more than it means they became animals. From this perspective, dignity itself cannot be diminished, but it can be disregarded and disrespected in more or less abhorrent ways and with more or less devastating consequences.

The benefit of viewing dignity as inherent and inviolable is that this places its existence beyond law and politics; it is not something that is subject to conferral or refusal by the state or other powers. Such a concept of dignity is more widely and uniformly applicable than human rights: rights are variable and can be conferred, enforced, refused, breached or diminished, but dignity is inviolable and can only be (dis)regarded, (dis)respected or denied. Furthermore, competing rights may be pitted against each other and subject to majoritarian 'balancing' exercises (Neller, 2022a, 264-5), whereas inherent dignity can never be treated as zero sum (Carozza, 2008, p. 938). Ideally, a question before a court or a legislature would never be whether a particular group should be conferred dignity, but whether and how the law recognises and respects their dignity. Thus, it is helpful to think of dignity in Carozza's (2008, 934-5) terms as involving an ontological claim that precedes law (all human beings possess

an inherent and inviolable dignity) and a normative principle that may be subject to legal determination (what the implications of the ontological claim are for the state). Human rights laws respond to the normative principle, albeit incompletely due to all the limitations intrinsic to law's form and politics.

Yet, the notion that a person's dignity is a matter of degree is widespread. This likely reflects the extent to which dignity is only a concern in law when there has been a failure of recognition or respect (Kaufmann *et al.*, 2011). Additionally, while the notion that dignity is inherent and deserving of respect is perhaps more useful for activists and human rights defenders, conceptions of dignity as something that can be lost or gained, taken or conferred, is more useful as a disciplining tool of governmentality. Thus, hierarchies of culture, class and race have been embellished by a spectrum of dignity – or dignified-ness – that ranges from revered superiority to abject depravity. As Engel and Lyle (2021, p. 4) point out, "to name something or someone as having dignity or as being dignified serves to exclude or to mark a boundary." Dignity can be used rhetorically to describe or justify what is perceived as normal and desirable, and thereby to discipline and to exclude behaviours and people who are deemed to fall beyond its boundaries.

Moreover, dignity is not immune from appropriation as a tool of *neoliberal* governmentality. In the context of LGBTQ+ rights, Engel and Lyle (2021, p. 9) describe how "multiple governing authorities have undermined notions of community, public responsibility, and long-standing historical and structural forms of inequality and replaced them with a neoliberal discourse of individual rights and individual responsibilities." In its unsubstantiated promise of meritocracy, neoliberalism erases pasts and presents of difference and pushes responsibility for living a 'dignified' life onto the individual. Thus, dignity in neoliberal discourse equates to respectability, and thereby becomes a means of determining who is a 'good' citizen, worthy of rights, and who is not.

In resisting notions of dignity as variable, dignity is decoupled from respectability and loses its power as a disciplining and excluding tool of governmentality. What is variable is the extent to which dignity is respected, not dignity itself. Thus, while we may debate what respect of an individual's dignity looks like, the subject of this debate is the normative implications of dignity rather than the ontological claim that all individual's possess it equally and inherently. In Carozza's (2003, p. 1082) terms, this is the 'working out of the practical implications of human dignity in varying concrete contexts,' rather than an assessment of respectability or other such personal attributes. Thus, understanding dignity as inherent and inviolable deploys the

rhetorical power of the concept to advocate universal *minimum standards* of treatment, material conditions and autonomy. In this way, it is more prescriptive than 'equality', which can be used in ways that amount to equal disregard, the negation of difference or as a means of shaming those who 'fail' despite being granted 'equal opportunities'.

A final point to note about dignity is the extent to which it is relational and collective. Questions of respect for dignity are about the extent to which we treat each other as humans that are fundamentally of equal worth. But the universality of that fundamental equal worth also provides us with a collective stake in its inviolability. Just as "injustice anywhere is a threat to justice everywhere" (King 1963a), the disregard of any individual's dignity sullies the society which has enabled it. Correspondingly, because dignity is never zero-sum, no one can ever lose out from the recognition of another's dignity.

Additionally, respecting an individual's equal worth entails appreciation of different positionalities, needs, abilities, desires and choices, insofar as these do not disregard the dignity of others. This can also be described as respect for individual autonomy, but a corollary is that respect for an individual may require respect for their membership of various groups. Therefore, while the language of dignity can be co-opted into atomising neoliberal discourses, it can also be used to bolster more anti-neoliberal notions of collectivity and solidarity.

Crimes against Dignity

Having established an approach whereby dignity is viewed as inherent and inviolable, and whereby respect for dignity entails respect for the equal worth and autonomy of individuals, in this section I explore what a category of crimes against dignity might encompass by surveying prominent uses of the term in international criminal law and European human rights contexts. Article 5 of the Rome Statute of the International Criminal Court identifies the four "most serious crimes of concern to the international community": genocide, crimes against humanity, war crimes and the crime of aggression. The collective ethos of dignity is apparent in the category of crimes against humanity, which Robertson (2008, p. xxv) describes as "a crime with a particular horror deriving from the fact that fellow human beings are capable of conceiving and committing it, thereby diminishing us all." Here there is a notion that the very status of our humanity is undermined by egregious failures to respect human life and dignity. A notion of dignity is also explicitly engaged in the category of 'war crimes' through the prohibition in Article 8(2)(b) of "outrages upon personal dignity, in particular humiliating and degrading treatment" (see also Common Article 3(1) of the Geneva Conventions). This is

expanded upon in Protocol II of the Geneva Conventions, which applies to non-international armed conflicts. Article 4(2)(e) thereof prohibits “outrages upon personal dignity, in particular humiliating and degrading treatment, rape, enforced prostitution and any form of indecent assault.” A clear understanding is established here, and in the international case law concerning these provisions, of sexual offences and other forms of torture as crimes against dignity. However, the crimes addressed by the Rome Statute and the Geneva Conventions are ‘mass atrocities’, involving widespread, systematic and/or officially sanctioned violence. In a category of crimes against dignity, I am proposing a codification of the next tier, encompassing crimes that are deeply harmful beyond the instance of their commission but that fall short of the scale and systematic nature that would bring them within the jurisdiction of the International Criminal Court. Uses of the term in EU and ECHR contexts provide some useful groundwork for this.

‘Dignity’ is the title of the first chapter of the EU Charter of Fundamental Rights. Article 1 provides a simple statement of both the ontological claim and the normative principle: “Human dignity is inviolable. It must be respected and protected.” The following articles then set out the right to life (Art 2) the right to the integrity of the person, specifically in medical settings (Art 3), a prohibition on torture and inhuman or degrading treatment or punishment (Art 4) and a prohibition on slavery and forced labour, including human trafficking (Art 5). While the Court of Justice of the European Union has applied Article 1 of the Charter beyond the subset of civil and political rights identified in Arts 2-5, such applications mostly concern the rights of asylum seekers and persons under international protection (Neffe, 2019), and are therefore beyond the remit of criminal law.

While the European Convention on Human Rights does not explicitly mention dignity, it is present in a significant portion of the jurisprudence of the European Court of Human Rights (Fikfak and Izvorova, 2022). This is especially so in cases concerning the ‘core’ rights contained in Articles 2 (the right to life), 3 (the prohibition of torture, inhuman and degrading treatment) and 4 (the prohibition of slavery and servitude) of the ECHR (Buyse 2016). Additionally, ‘Crimes against Human Dignity’ was used for the title of a conference organised by the Council of Europe in co-operation with the Russian Federal Bar Association and the International Commission of Jurists in 2019. In the conference agenda, crimes against human dignity were defined as:

egregious violations of human rights which require robust remedies in both national and international law. Such violations may primarily affect physical and moral integrity of a person,

notably through ill-treatment, domestic violence, trafficking in human beings and other forms of modern slavery.

From this brief overview, we can observe considerable alignment in how dignity is understood in international criminal law and European human rights discourses. A category of crimes against dignity could therefore encompass torture, sexual offences, enslavement and other forms of humiliating and degrading treatment, whenever these fall short of the scale and systematicity that would render them mass atrocities. With reference to the common aspects of these crimes and to definitions of dignity explored above, crimes against dignity could be defined as:

crimes that are premised on the disregard or denial of a victim's equal value and personal autonomy, often on the basis of their perceived vulnerability and/or identity characteristic(s).
Hate crimes match this description in two ways. Firstly, at the individual level, hate crimes violate the dignity of the individual by treating them as a fungible member of a group: the deindividuation of the victim is a refusal to recognise their personal autonomy. Secondly, at the collective level, hate crimes violate the dignity of a group by treating all those possessing a particular identity characteristic as intrinsically of less value. Hate crimes would therefore fit neatly within a category of crimes against dignity, but what would be the benefit of this?

Dignity-centred non-reformist reforms

As concepts, both abolitionism and dignity share a utopian ethos. They represent desire for a better life for all, free from the pains of violence, degradation and abandonment. In what ways, then, might incorporating hate crimes into a category of crimes against dignity help us to work towards abolitionist ideals from within the constraints of contemporary justice systems? Two primary effects are intended. Firstly, a statement would be made about the gravity of hate crimes by placing them alongside other crimes universally recognised as egregious. Secondly, dignity would be placed at the centre of how we understand the purpose of hate crime law. In this section, I explore the implications of these effects in relation to some prominent concerns about hate crime law.

Backlash against hate crime laws as 'special treatment' for minorities
This is more of a populist critique of hate crime law than an academic one, but it is relevant to the question of whether hate crime laws reduce hatred. The premise of this critique is that hate crime laws provide something extra for minorities and thereby exacerbate feelings of

resentment between groups or lead to a legal 'hierarchy of victims' (Mason 2014; Jacobs and Potter, 1998). Although legislation tends to be framed in ways that apply to both majorities and minorities – e.g. they prohibit all forms of racial hatred rather than specifically anti-black hatred (see Pap, 2021) – it would be disingenuous to argue that such legislation is not enacted with the protection of certain minorities in mind. Dignity can help us to more clearly articulate how hate crime laws are compatible with equality by explaining that they do not provide something extra for particular groups, but rather aim to address common failures to recognise and respect dignity. Therefore, by centring dignity, hate crime law can be framed as remedying certain deficits and establishing a minimum level of protection, rather than providing any kind of advantage.

Which identity categories should be included

This is a particularly intractable debate. Various scholars (e.g. Mason, 2014; Bakalis, 2017; Walters, 2022), along with the UK Law Commission (2021, p. 63) and Lord Campbell for the Scottish Government (2018), have emphasised the importance of rationalising the selection of identity categories due to the risk that over-inclusion will dilute the 'special symbolic power' of hate crime law. Centring dignity in how we conceive of hate crime law does not produce universal answers regarding which identity categories should be included, but it may provide some helpful guidance that can be applied in specific jurisdictions.

In the UK, there is a particular concern with whether misogyny or gender-based hatred should be recognised as a ground for hate crime (see Zempi and Smith, 2021). There is a clear argument about the necessity of doing so where the lack of recognition of the equal value of women and girls results in widespread violence (Tudor, 2023). However, some commentators argue that sexual offences are better dealt with in separate legislation, rather than attempting to bring them within a rubric of hate crime law that does not attend to their specificities (see Law Commission, 2021, pp. 126-210). If there existed a category of crimes against dignity that included sexual offences, this might help to clarify the relationship between the two areas of law, with both recognised as egregious and hate crime law perhaps acting in a residual capacity. Thus, a rape would be charged as a sexual offence, and a misogynistic but non-sexual assault would be charged as a hate crime, with both being classified as crimes against dignity.

Other categories that have been raised for inclusion in UK hate crime law include age and homelessness. Here, debates become embroiled in questions of whether it is vulnerability rather than hatred that is at issue (Chakraborti and Garland, 2012), and then whether it is

problematic to attribute vulnerability to all persons possessing certain characteristics (Mason, 2014; Wilkin, 2023). A dignity-centred approach would consider the extent to which crimes are motivated by disregard for the equal value of elderly or homeless persons.

A further point to note on this issue is *how* identity categories are specified in law. My research into the distinction between 'stirring up' racial and religious hatred in the Public Order Act 1986 illustrates how law can become embroiled in defining who does and who does not belong to a 'racial' group (Neller, 2022b). Such policing of identities is entirely unnecessary in determining the nature of hatred, i.e. whether the *hatred* was racial or not (see also Pap, 2021). Furthermore, siloed 'either/or' approaches to identity in hate crime law fail to account for how identities intersect and evolve (Moran, 2014). Such overdetermination of identities by the state is contrary to individual autonomy, and thus contrary to a dignity-centred approach. While Walters (2022, p. 111) argues that hate crime law should focus more flexibly on whether "individuals are commonly targeted" due to a characteristic that "gives rise to a sense of collective identity", this still risks calling on the state to rule on matters of identity (is there a there a sense of collective identity around homelessness, old-age or sex, for example?). A dignity-centred approach would instead focus on the crime, i.e. whether it was premised on a disregard of the victim's equal value and personal autonomy on the basis of their (correctly or incorrectly) *perceived* vulnerability and/or identity characteristic.

Additionally, dignity may help us to rationalise the limits of hate crime law, similarly to Mason's (2014) 'politics of justice' criterion. If hate crimes are understood as crimes against dignity, this should act as a brake on uses of hate crime law to reinforce dynamics of oppression and marginalisation; the application of hate crime law comes to include analysis of whether the perpetrator was 'punching up' or 'punching down'. This facilitates attention to nuance and wider contexts, such that a white person calling someone a 'Muslim invader' and an indigenous person calling someone a 'white invader' would not be deemed equivalent where the former denies the equal value and autonomy of a group and the latter seeks to challenge disregard for their own equal value and autonomy. This is not to say that members of a majority/dominant group can never be victims of a hate crime under a dignity-centred approach, but rather that, by virtue of their dominance, crimes against them are *less likely* to be premised on the disregard or denial of their dignity on the basis of their perceived vulnerability and/or identity characteristics.

Investment in 'more punishment'

Low recording, prosecution and conviction rates are often noted as evidence that hate crime laws are not as effective as they should be. However, from an abolitionist perspective, more punishment is not a desirable outcome. If dignity in general is prioritised, it makes no sense for a 'crime against dignity' to be redressed by harmful and degrading penalties (Walters, 2022, pp. 209-210); the dignity of a victim cannot be upheld by disregarding the dignity of the perpetrator. There is therefore a tension between the desire for hate crime law to be effective and competing ideas about what an effective response to hate crime entails.

To be compatible with abolitionist goals, hate crime law must be decoupled from sentencing uplifts. This has implications at the level of both the individual perpetrator and the wider society. For the individual, if hatred is identified as a problem then ameliorating hatred should be the solution. Longer prison sentences are not intended to achieve this: the punishment does not fit the crime. Conversely, emerging work on applying restorative justice in hate crime contexts holds great promise as an alternative approach that is better aligned with abolitionist and dignitarian goals (see Walters, 2014). Moreover, centring dignity provides a clear articulation of the rationale of restorative approaches, whereby the aim is to 'restore' respect for the dignity of the victim in ways that do not disregard the dignity of the perpetrator.

At the societal level, recording hate crimes can be an important means of identifying patterns of hatred. Recognition of such patterns should then prompt measures designed to proactively promote wider respect for dignity rather than to reactively demonise and exact retribution on individual perpetrators. Indeed, addressing hatred at the societal level demands wider accountability from state actors, with enacting and enforcing punitive hate crime law no longer seen as the primary indicator of an adequate state response to hatred.

Conclusion

This paper asks whether centring dignity in approaches to hate crime could facilitate the development of 'non-reformist reforms' that reorientate hate crime laws away from carceral and retributive practices and towards abolitionist goals.

Currently, while dignity is present in justifications for hate crime law, it appears to be absent in how such law is formulated, executed and appraised. Instead, hate crime law is dominated by neoliberal concerns to impose evermore punishment on individuals marked as deviant. Thus, while their reactive nature, hollow symbolism and lack of deterrent capability mean that hate crime laws fail to protect minorities, their punitive responses contribute to the systems

that disproportionately imprison them (Meyer, 2014; Spade, 2011). Whether we demand that hate crime law improves respect for dignity and in no way contributes to its disregard, or whether we simply expect hate crime law to reduce hatred, current models of hate crime law fail.

Including hate crime within a category of crimes against dignity could help to simultaneously boost the symbolic power of hate crime law and encourage a stronger emphasis on dignity within such law. Through the definition of a crime against dignity that I propose, we can more clearly envisage what a utopian, hate-free society entails: respect for individual autonomy and recognition of the inherent equal value of all. Framing hate crimes as crimes against dignity therefore provides a clear articulation of the need for preventive strategies and for remedies that focus on healing, rehabilitation and reconciliation. Moreover, an understanding of dignity as inherent, relational and collective asserts that respect for the dignity of some cannot be secured through the denial of another's dignity. In the words of Martin Luther King (1963b), "Darkness cannot drive out darkness, only light can do that. Hate cannot drive out hate, only love can do that." Criminal law alone cannot create a hate-free society, but where hate crime law exists it must be decoupled from punitive ideologies and work alongside other strategies beyond law to reduce and ameliorate hatred and prejudice more effectively.

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