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# Hate Crime Policy in Western Europe

## Responding to Racist Violence in Britain, Germany, and France

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In recent years, the British, German, and French states have increasingly turned their attention to the problem of racist violence. Yet in spite of their common participation in the European Union, each country has pursued a distinctive path in response to such hate crimes. Britain has focused primarily on policing and on the judicial process for prosecuting racially aggravated offenses, Germany has devoted substantial resources to civil society groups dedicated to countering right-wing extremism, and France has taken high-profile symbolic actions and has begun adapting its educational policies to address racist violence. This article argues that developing effective policies depends on learning best practices from other states but that it also requires being responsive to the concerns of domestic actors who face specific problems and who suggest possible solutions.

**Keywords:** *hate crime; policy making; racism; violence; Europe*

Violence against ethnic minorities is nothing new in Europe. Countries across the continent have long been sites of racist vandalism, assaults, and even murders. For much of the postwar era, these acts were deemed abhorrent but not especially meaningful. In spite of occasional public protests and media attention, they generated no more concern than other serious crimes. When the criminal justice system processed these incidents, it invoked only the laws and policies established to handle "normal" crime. Legally and politically speaking, racist violence was considered absolutely ordinary.

All this has changed in the past two decades. Spurred by mounting public and political attention to racist violence, and partly inspired by policy lessons from the United States, Western European countries are increasingly treating racist attacks as a moral outrage that must be reckoned with through targeted laws and policies. Racist violence is viewed as a threat to social cohesion, because it affects not only an individual victim but also members of the victim's group and society as a whole. It is viewed as a force that can divide a nation. Racist violence has become, in short, extraordinary.

The British, German, and French states have recently stepped up their actions against racist violence, defined as violence against persons or property motivated by racism, ethnocentrism, religious intolerance, or xenophobia. Yet in spite of making policies in the context of an ever closer European Union, the three countries have not coordinated their actions in this area. There are significant policy similarities across the countries but equally meaningful differences. In relative terms, Britain has focused more of its energies on reforming the police and the judicial process for prosecuting racially aggravated offenses, Germany has delegated power and resources to civil society groups for developing programs against right-wing activities, and France has taken high-profile symbolic actions and has begun adapting its educational policies to address racist violence.

This article assesses how these three important European countries have responded to racist violence in recent years by tracing the fundamental axes of policy in Britain, Germany, and France, respectively. Beyond describing the developments in each country, it is also vital to understand how useful different policy approaches have been. The concluding section therefore discusses policy effectiveness. It demonstrates that statistics on racist violence are insufficient means of measuring success. This article argues that policies must be judged on the basis of how societal groups perceive them and therefore on the extent to which they foster national cohesion.

### **Great Britain: Cops and Courts**

By the early 1960s, more than a million ethnic minority immigrants had arrived and settled in Britain. According to the latest census figures, 9.9% of the population of England and Wales self-identifies as an ethnic minority.<sup>1</sup> During the course of the last half of the 20th century, minorities have often borne the brunt of private discrimination and public hostility. Researchers have chronicled the most egregious cases of racist violence in the country, some of which date back to the interwar period (Bowling, 1998; Witte, 1996). In spite of periodic beatings, murders, and interethnic riots, it was not until the 1980s that the British state turned its attention to the specific issue of racist violence (Virdee, 1995). In 1981, a group called the Joint Committee Against Racism (JCAR)<sup>2</sup> presented a report to the Home Office citing more than 1,000 examples of racist violence in the country (Bowling, 1998, p. 51). In response, the Home Office launched its own investigation, which resulted in the Conservative Home Secretary's concluding that racially motivated attacks were "wicked crimes" that were "more common than we had supposed" (as cited in Bowling, 1998, p. 58).

As racist violence arrived on the government agenda, the police became a focal point for discussions. This was quite natural in the context of the era, as the spring and summer of 1981 saw serious rioting in several British cities, including London, Liverpool, and Birmingham. Most of the riots involved conflicts between residents

of down-and-out areas with high percentages of ethnic minorities (such as Brixton, Toxteth, and Handsworth) and the police, seen by many to be heavy-handed and even racist. The police were also roundly criticized for their perceived inaction in tracking down perpetrators of racist acts. One particularly pointed incident revolved around a fire in the New Cross section of South London in which 13 Black youths died. Neighborhood residents were convinced the fire was the result of a racist attack. The police denied this was the case. In March 1981, 15,000 people marched in protest against the police failure to track down those responsible for the fire (Witte, 1996, pp. 58-59).

Rebuke also came from more official quarters. A 1983 report commissioned by London's Metropolitan Police and published by the esteemed Policy Studies Institute characterized many in the force as "bigoted, racist, sexist, bored, dishonest and often drunk" (as cited in Sked & Cook, 1990, p. 353). The government commission looking into the causes of the 1981 riots focused substantial attention on the police, making a host of recommendations for reform (Scarman, 1982). From the earliest days, therefore, debates about racist violence have centered around the police, embroiling them in what Benjamin Bowling (1998, chap. 4) has called a "crisis of legitimacy." As a result, the police developed policy responses on three levels: They significantly changed the way they count and categorize racist incidents, they developed schemes for sharing the burden of racist attacks with other public authorities, and they expanded the resources they devote to violent racism.

In response to the disturbances of the early 1980s, the police instituted a more formal method of counting racist incidents. Although identifying racist incidents may appear to be a dry exercise in bureaucratic categorization, in fact it is heavily politicized. What is counted and how the statistics have been gathered are regarded as signals of whether the state takes the problem of racism seriously. Of the three countries surveyed here, Britain's "racist incident" is the most expansive category, definitively defined in the late 1990s as "any incident which is perceived to be racist by the victim or any other person" (Macpherson of Cluny, 1999, p. 328). Its broad character means that any event that appears to be racist to any person—whether the victim, a police officer, or just one witness—is counted, whether it is a crime or not. The result is a very high tally of incidents, which in the year 1999-2000 for England and Wales reached 47,814 (Great Britain Home Office, 2000, p. 49). The Home Office also takes note of surveys that estimate that the true number of racist incidents (i.e., both reported and not reported to the police) was approximately 280,000 in 1999 (Great Britain Home Office, 2000, p. 49). These are truly ambitious and maximal definitions that reflect the pressure put on the police to recognize violent racism.

These pressures quickly encouraged the police to share the burden of combating violent racism with other British agencies. Although Bowling (1998) describes this as a conscious strategy of blame avoidance, national oversight groups such as the Home Affairs Committee and the Inter-Departmental Racial Attacks Group argue that such a multiagency approach is far more effective than one that focuses solely

on the police. Many localities have thus established forums in which members of the police meet regularly with municipal politicians, officials from housing agencies, voluntary organization members, and others to discuss strategies for dealing with concrete problems of racist violence in the community (Bowling, 1998; Witte, 1996). The multiagency approach is not a silver bullet, but by involving a number of actors, it can serve to keep racist violence on the local agenda and can facilitate creative solutions such as moving victims from one public housing unit to another or instituting new criminal penalties for activities outside the current scope of law enforcement.

The third main axis of police initiatives involved building the force's capacity for responding to racism. In the wake of the events of the early 1980s, the police took on a number of new tasks and consciously elevated antiracism on their agenda. Alongside the more vigorous collection of statistics, they assigned officers the duty of following up with victims of violent racism. Police forces issued public policy statements on themes of racism, and London's Metropolitan Police Service (aka the Met or MPS) claimed that racial attacks were one of its top priority areas (Bowling, 1998, pp. 111-112). These steps were soon revealed to be window dressing, however, when the police hopelessly bungled the investigation into the 1993 murder of a Black teenager. In spite of widespread public knowledge of the identities of the White youths accused of killing Stephen Lawrence, the police were unable to bring the perpetrators to justice. In 1997, the full spotlight of a parliamentary inquiry was turned on the case, and the conclusion of the Macpherson inquiry was that "there is no doubt whatsoever but that the first MPS investigation was palpably flawed and deserves severe criticism"; the authors of the inquiry also wrote that "the impact of incompetence and racism, and the aura of corruption or collusion have been the subject of much evidence and debate" (Macpherson of Cluny, 1999, p. 4).

As part of its coming to grips with these issues, the MPS greatly expanded its race relations unit. When the Stephen Lawrence inquiry was under way, the Met made racial crime a police priority and established the Racial and Violent Crime Task Force. In the wake of three nail bombings in 1999—one of which targeted a gay pub in Soho—the task force was renamed the Diversity Directorate and was dedicated to overseeing 32 borough-based community safety units that deal with hate crime and domestic violence on the local level (MPS, 2003). The Diversity Directorate employs approximately 200 police officers specialized in hate crimes issues. The police force looks for evidence relevant to "cold cases," it undertakes statistical research on where hate crimes are most likely, it has developed its family liaison program to keep victims abreast of police investigations, and it maintains strategic contacts with leaders from different minority communities to discuss potential problems.<sup>3</sup> Most police forces outside of London have also developed guidelines and significant programs to deal with racism. The Association of Chief of Police Officers (of England, Wales, and Northern Ireland) has taken the lead on this front by developing a 127-page hate crime manual.<sup>4</sup>

Although some frontline British police officers may still be racists or foot draggers, national and local forces have come a long way from their first tentative steps in the early 1980s.

Alongside its focus on cops, Britain has also emphasized action in courts. Though not the first country in Europe to pass laws against racist violence, Britain has been among the most aggressive in doing so. In 1998, the Crime and Disorder Act established nine new “racially aggravated offences” and created a statutory duty to increase the penalty for any crime if there is evidence of racial aggravation. These changes have been characterized as “a major shift in the state response to violence and harassment of minorities in the United Kingdom” (Malik, 1999, p. 409), as they go well beyond what was previously on the books in the country and more closely mirror hate crime laws in U.S. states (Jenness & Grattet, 2001; Lawrence, 1999). According to this type of law, the racist motivation renders the underlying offense much more serious and thus requires the perpetrator to be punished at a higher level.

Hate crime laws serve both expressive and instrumental functions (Burney & Rose, 2002, p. 107). They signal to society that racist violence is an intolerable evil. At the same time, the stiffer penalties may discourage perpetrators from racial aggression or at least may punish more severely those that commit it. Although there has been a heated debate in the United States about the effectiveness of such laws (Jacobs & Potter, 1998; Jenness & Grattet, 2001), it appears that in Britain, the laws have proven enforceable. Notwithstanding significant criticisms about some aspects of the law, a Home Office study on racist offenses found that “legislation is acknowledged by practitioners in all agencies to ‘concentrate the mind’ on the issue” (Burney & Rose, 2002, p. 108). Moreover, Crown Prosecution Service data reveal the increasing frequency with which racially aggravated offense charges have been brought and convictions or guilty pleas obtained. In the 1st year the law was in force, there were 2,651 charges prosecuted, of which 2,078 resulted in findings of guilt. In each subsequent year, these numbers have increased, with the most recent data available revealing 6,200 charges prosecuted in 2004-2005,<sup>5</sup> with guilt found in 5,229 cases, or an astounding 84%.<sup>6</sup> These statistics demonstrate that the law can be a practical tool for police and prosecutors, even if an emphasis on cops and courts is not the only avenue open to states grappling with problems of racist violence.

### **Germany: Grants for the Grassroots**

Ethnic diversity in Germany today is largely a product of postwar immigration. Yet Germany’s particular history means that in the public imagination and in state policies, anti-Semitism remains extremely important to debates about racism. For the first few decades after the war, the bulk of national laws and policies against racism were designed to prevent a resurgence of anti-Semitic sentiment and actions.

As rigorous as these steps may have been, they did not specifically target violent racism. In fact, this topic did not emerge as a coherent field of action until the early 1990s.

Shortly after reunification, there were serious attacks against minorities in a number of German cities. One of the earliest incidents to capture headlines was the 1992 burning of an asylum seekers' hostel in Rostock, in part because the police stood by and waited for the anti-immigrant crowd to recede before moving in (Human Rights Watch/Helsinki, 1995, pp. 39-41). At first, many commentators assumed that the tensions were primarily about immigration and economic competition and not about racist violence. However, during the next 2 years, the number of attacks multiplied, and the targets became more diverse. In late 1992, two buildings housing long-term Turkish residents were firebombed in Mölln, a town outside Hamburg, leaving three dead. In May 1993, five Turkish residents were killed in another firebombing in the city of Solingen, near Cologne. And on the eve of Passover 1994, arsonists burned down the synagogue in Lübeck, newly rebuilt after being destroyed during Kristallnacht in 1938 (Human Rights Watch/Helsinki, 1995).

The early 1990s was not only a time of more brutal racist attacks, it was also a time of more numerous acts of violent racism. According to data gathered by Germany's Federal Office for the Protection of the Constitution, right-wing violence in Germany shot up from fewer than 200 acts per year in 1990 to more than 800 in 1991 and to more than 1,300 in both 1992 and 1993. Between 1994 and 1998, the numbers dropped to between 600 and 800 incidents per year (Watts, 2001, p. 601). Of these acts, the majority were classified as "antiforeigner" (Watts, 2001, p. 603), the German equivalent of "racist."<sup>7</sup> Naturally, such a resurgence of far-right activities focused worldwide scrutiny on Germany and ratcheted up the pressure on the government to "do something" about racist violence.

The initial reaction of the ruling Christian Democrats was to tighten Germany's laws on asylum, in the hopes that fewer ethnic minority immigrants would mean less ire directed at minorities already in the country (Ireland, 1997). The German state also undertook several initiatives designed specifically to tamp down racist violence. As in Britain, Germany adapted its policing, prosecutorial, and information-gathering strategies. In Saxony, the state set up a special police unit designed to counteract right-wing or xenophobic violence. The so-called Soko Rex<sup>8</sup> unit keeps tabs on rightist groups and takes over investigations of purported racist violence. It has received plaudits from independent observers for its effectiveness (Human Rights Watch/Helsinki, 1995, pp. 55-56; Ireland, 1997, p. 561). Local prosecutors, by contrast, came under fire for their handling of many cases in which they were seen to "undercharge" perpetrators given the crimes committed. This prompted federal prosecutors to step in and take over cases on the grounds that right-wing extremism implied a threat to the federal constitution (Human Rights Watch/Helsinki, 1995, pp. 58-60). Judges have also imposed increasingly heavy sentences, obviating the oft-heard criticism that they were "blind in the right eye"

(Erb, 1997, p. 219). In addition, in an effort to gather better information on hate crimes, in 2001, Germany standardized a new national definition of "politically motivated crime," which is any offense "directed against a person on account of their political opinion, nationality, ethnic origin, race, color, religion, ideology, origin, sexual orientation, disability, appearance or social status" (Bundesamt für Verfassungsschutz, 2003, p. 22).

On the face of it, it sounds as if Germany has been as active as Britain in the realms of policing and judicial reforms. Yet this is not the case. In spite of evidence of police passivity and even brutality in Germany (Human Rights Watch/Helsinki, 1995; Ireland, 1997), the police have never come under the prolonged scrutiny of politicians or the public, and the reforms in the police have been piecemeal compared to those in Britain. The Soko Rex units are not federally mandated and operate only in some states. There has been no systematic attempt to root out racism within the police. On the legal front, although perpetrators of racist crimes are now likely to be prosecuted to the fullest extent of the law, there is no pressure from within Germany to pass a hate crimes law. The infrequent attempts to raise the issue of legal reform have been summarily rebuffed.<sup>9</sup> In short, it has not been in the realms of policing and courts that Germany has been most active in combating racist violence.

The federal government has, however, been innovative in another realm. It has gone much further than other countries to support local projects designed to deter potential perpetrators and to support victims of racist violence. During the spike in attacks of 1992, the Kohl government launched the Action Program Against Aggression and Violence (AgAG), which targeted young people susceptible to committing antiminority violence. The logic was that many youths, especially in the former East Germany, had little hope for productive futures and thus were potential recruits to the cause of violent xenophobia. The AgAG program ran through the end of 1996 and involved more than 100 long-term projects in approximately 30 cities supported by 20 million deutsche marks per year. The funds went to support youth centers, to organize sporting events or trips, and to facilitate discussions about potential future employment.<sup>10</sup>

Targeting potential perpetrators of racist violence met with debatable success. According to several sources, the programs made some positive impact.<sup>11</sup> Yet the AgAG tactics were also sharply criticized for being too sympathetic to the perpetrators and even for providing right-wing youths with locales for recruiting others to their cause.<sup>12</sup> By the late 1990s and early 2000s, the strategies of NGOs and political leaders had shifted away from an exclusive focus on potential perpetrators, but an emphasis on funding grassroots and local initiatives remained intact.

In the summer of 2000, two more acts of violent racism made national headlines and sparked another wave of state programs. In June, Alberto Adriano was beaten into a coma by three right-wing youths in the Dessau city park. He died 3 days later of his injuries. Just longer than a month after that, a bombing in a train station in Düsseldorf wounded 10 people, 6 of whom were Jewish immigrants, adding to the



national soul searching over racist violence. If racist violence had faded from public consciousness in the late 1990s, it was immediately back on the agenda in the slow news summer of 2000. Chancellor Schröder responded to the acts by making a whistle stop tour of the country decrying racism. There were calls for “civil courage” and for an “uprising of the decent,”<sup>13</sup> accompanied by a flurry of civil society-oriented initiatives.

By 2001, the German government had announced that it planned to dedicate more than 200 million Euros to four programs to be funded through 2006. These programs are designed to draw together diverse groups into networks against right-wing extremism, to foster political education and democratic culture, to provide advice to victims and others dealing with right-wing extremism and violence, and to promote acceptance of diversity in the workplace. By late 2002, more than 3,700 individual projects had been supported under the auspices of these programs, and projections indicated that by 2006, upwards of 10,000 initiatives would be funded (Roth, 2003, p. 18).

Funding civil society has become a staple of the German response to racist violence. There has been, however, a significant shift in the German paradigm for dealing with these issues. Activists and policy makers have turned away from a central focus on potential perpetrators. Instead, the emphasis has shifted toward building a general political culture of tolerance, coupled with providing advice to victims and others coping with acts of violent racism. This strategy has earned praise from researchers and activists (Roth, 2003; Wendel, 2003). Yet there has also been criticism of the government for not going far enough. Because the federal government provides only seed money for local civil society projects, it is progressively reducing its funding as 2006 approaches. States and cities must increasingly allocate their own funds to prolong support for these initiatives, something that these cash-strapped governing bodies are unlikely to do for long. Without government support, some grassroots projects may be able to limp along, but many will wither and die. Thus, although Germany has taken the lead in supporting civil society initiatives against violent racism, the longevity of such programs is uncertain.

### **France: Symbolism and Socialization**

Like Britain and Germany, France has a long history of ethnic diversity. This pluralism is the result of European immigration during the 19th and early to mid-20th centuries and of postwar migrants from North Africa, sub-Saharan Africa, Turkey, South and Southeast Asia, and virtually all other points of the globe. Racial violence has flared up periodically during this entire era. There were anti-Belgian and anti-Italian mobilizations in the 19th and early 20th centuries (Noiriel, 1988, pp. 257-262), a police-led attack on Algerian demonstrators in 1961 (Jelen, 2002; Levine, 1985), and a grim series of violent acts against people and property in the 1970s and early 1980s that included murders, serious woundings, and destruction of property (Benoît, 1980, pp. 362-372; Witte, 1996, pp. 85-95).

France was one of the earliest countries in Europe to pass comprehensive antiracism legislation. Its 1972 law targeted incitement to racial hatred, outlawed racial discrimination, and permitted the state to ban racist groups (Bleich, 2003, chap. 5). It did not, however, specifically address issues of racist violence. Attacks such as the 1971 murder of Djellali Ben Ali prompted public outrage and inspired high-profile figures such as Sartre, Foucault, and Genet to march alongside thousands of protesters (Benoît, 1980, pp. 273-274). But they did not prompt any specific concrete actions such as police reforms or a hate crimes law. In the aftermath of the 1990 Carpentras cemetery desecration, politicians marched against racism and aired Alain Resnais's Holocaust film *Night and Fog* on national television but took no significant policy action.<sup>14</sup> In fact, the French state came to the issue of racist violence much later than its neighbors. If Britain began taking serious steps in the early 1980s and Germany in the early 1990s, France started to coordinate state measures only in the early 2000s.

Official statistics suggest an explanation for France's late entry into this policy sphere. The number of violent racist and anti-Semitic acts fell from an annual average of 76 between 1992 and 1994 to 35 between 1995 and 1999.<sup>15</sup> Then suddenly, in late 2000, there was a surge in violent racism, directed in particular at the Jewish community.<sup>16</sup> In October of that year alone, there were 102 acts of anti-Semitic violence in France (Commission Nationale Consultative des Droits de l'Homme, 2003, p. 516), including Molotov cocktails thrown at synagogues, stones hurled at Jewish schoolchildren, and vandalism of Jewish day care centers (Union des Etudiants Juifs de France and SOS Racisme, 2002, pp. 35-64). These actions shocked the Jewish community. They did not, however, spark a response from the French state. The government in power at the time viewed the violence as a reaction to the second intifada in the Middle East, which began on September 28, 2000.<sup>17</sup> It was thought that because the perpetrators were largely disaffected Muslim youths who were themselves from a disadvantaged (and numerous) community, it would be difficult to condemn them for both moral and political reasons (Taguieff, 2002, pp. 174, 196).

Jewish groups in France were upset at the casual treatment by the government and began to collect their own statistics on anti-Semitic acts. From late 2000 through early 2002, they catalogued far more incidents of anti-Semitism than the state counted and repeatedly made the case for government action (Union des Etudiants Juifs de France and SOS Racisme, 2002).<sup>18</sup> In April 2002, the government began to respond. Following increased Israeli military action in the Palestinian territories in late March, there was another round of anti-Semitic violence in France, with more attacks on synagogues and Jewish school buses and swastikas spray-painted on tombstones in Jewish cemeteries ("French Jews Call," 2002). That month there were 118 acts of anti-Semitic violence in France (Commission Nationale Consultative des Droits de l'Homme, 2003, p. 516). These prompted international media attention and strong condemnation by organizations such as the World Jewish Congress ("Jews Warn," 2002). The timing of the actions coincided with the run-up to presidential and parliamentary elections, adding pressure for politicians to act decisively.

Since 2002, France has taken a variety of steps to combat violent racism and anti-Semitism. A number of these actions have been concretely designed to limit racist attacks. Approximately 1,200 police officers and 15 million euros have been dedicated to security for “sensitive sites” in France, such as synagogues and other Jewish institutions, but also mosques.<sup>19</sup> The police also plan “shock operations” on public bus lines where there have been complaints of anti-Semitic harassment. One insider at the Ministry of Interior proclaimed, “It will quickly stop once we have busted two or three jerks [*connards*] for insulting young Jewish kids” (“Le Gouvernement Promet,” 2004). The Ministry of the Interior also altered the way it collects its official statistics (having adopted the Jewish community’s more expansive standard for categorizing incidents)<sup>20</sup> and argues that the police have been increasingly rigorous in investigating suspects connected with racist crimes, citing 111 interrogations in 2003.<sup>21</sup>

Many French initiatives, however, seem designed more for symbolic ends and for public relations than for practical effect. The most prominent example is the 2003 “Lellouche law,” a stand-alone hate crimes law that enhances penalties for violent crimes motivated by racism.<sup>22</sup> Although this law may prove an important tool in France’s policy repertoire, it is just as likely to gather dust in the penal code. The legislation was first proposed in August 2002 by the Deputy Pierre Lellouche, was resubmitted to parliament in November 2002, and was fast-tracked through the legislative process with very little debate or revision. The National Assembly unanimously approved the bill in December, as did the Senate in January 2003. The bill became law in early February 2003. President Chirac and Prime Minister Raffarin publicized these efforts in meetings with Jewish groups at home and abroad in an effort to deflect criticism of France (“Jacques Chirac Rassure,” 2003; also *Discours du Premier Ministre*, 2003). Yet as of the end of 2003, there was only a handful of cases in the system that invoked the law, and there had been no convictions.<sup>23</sup> These facts contrast sharply with those surrounding Britain’s 1998 Crime and Disorder Act, for which the civil service engaged in extensive preparatory work, the parliament actively debated the bill’s provisions, and enforcement officials generated more than 2,500 charges for racially aggravated offenses in the law’s 1st year on the books.

Another example of France’s emphasis on symbolism is its institutionalized inter-ministerial committee on racism and anti-Semitism formed after a fire at the Merkaz Hatorah Jewish school in the Paris suburb of Gagny in November 2003. President Chirac’s immediate response was that “an attack on a Jew is an attack against France,” which prompted Theo Klein, a former head of the Representative Council of Jewish Institutions of France (CRIF), to criticize the government for defining the firebombing as anti-Semitic without conclusive proof (“Attacks by Arabs,” 2003). A brief story in *Le Monde* summarized the situation:

The President of the Republic wants to show his firmness and the will of the government to react in response to the growth in France of a racist and anti-Semitic climate. . . . Statistics indicate, however, a drop in anti-Semitic acts. ("Jacques Chirac Mobilise," 2003)

Although critics view them as superficial, such symbolic acts can have tangible and positive implications. Passing the Lellouche law and forming the interministerial committee reaffirm the French state's commitment to equality and fraternity and reassure vulnerable groups in society.

In addition to the concrete and the symbolic acts, there is a category of policy initiatives in France that combines both elements by aiming to socialize actors to oppose racist violence. On one level, the government circulars and manuals distributed to police and prosecutors<sup>24</sup> not only explain the laws and policies to key players but also sensitize frontline officers, their bosses, and the legal establishment to themes of racism. Of course, the effect of these written words is likely to be uneven, and the impact will fade over time without periodic reminders.

On a more innovative front, France has sponsored several initiatives in schools to socialize children to oppose racism and racist violence. Whereas Germany has chosen to fund local governments and nongovernmental organizations to develop programs for school-age children, France has gone directly into schools with a mandate for national change. Part of the impetus for these measures came from the publication in September 2002 of the book *Les Territoires Perdus de la République: Antisémisme, Racisme et Sexisme en Milieu Scolaire* (The Lost Territories of the Republic: Anti-Semitism, Racism, and Sexism in Schools; Brenner, 2002) which was widely cited in National Assembly documents and in speeches by the Prime Minister.<sup>25</sup> The book opens with a scene of two Jewish girls facing 40 minutes of anti-Semitic "hell" from their classmates in a Paris high school, with one of the girls forced at the end of a series of insults and physical violence to get down on her knees and ask for "forgiveness for being Jewish" (Brenner, 2002, p. 13).

In October 2002, France sponsored a Council of Europe initiative to create a Holocaust memorial day.<sup>26</sup> French schools will participate in this program on the 27th of January, the anniversary of the liberation of Auschwitz.<sup>27</sup> In February 2003, the state announced an action plan of 10 measures, among them the creation of a group in each educational area (*rectorat*) responsible for tracking racist and anti-Semitic incidents and the development of a guidebook for teachers explaining how to respond to such acts. In the tough words of then Minister of Youth, Education, and Research Luc Ferry, "It is important to intervene over the smallest incident, even verbal, and to let nothing go without punishing or explaining."<sup>28</sup> State representatives are also meeting with textbook editors to remind them to be vigilant about their publications after two works were pulled from the shelves following criticism of their content ("Le Gouvernement Promet," 2004). Such symbolic acts and attempts at socialization have thus formed the core of France's policy strategy with regard to racist violence.

**Table 1**  
**Relative Policy Emphasis of Britain, Germany, and**  
**France With Respect to Racist Violence**

		Policy Goal	
		Repression	Instruction
Central Actor	State	Britain	France
	Society		Germany

### Conclusions: What Is Effective Policy?

Britain, Germany, and France have all turned their attention to racist violence during the past two decades, developing a host of policies in response to the issue. There are similarities across the three countries, yet there are also many important differences. Broadly speaking, states have choices to make about how much they use repressive policies aimed at preserving public order versus instructive policies aimed at promoting tolerance and liberal democratic values. They also must decide what role the state as compared to civil society will play in leading the charge against racist violence. Although each has instituted a wide variety of policies, the three countries differ in their relative approaches, as illustrated in Table 1. Britain has emphasized state-led repressive measures by focusing on cops and courts, Germany has gone furthest in the direction of civil society–led instructive measures through grants to the grass roots, and more than other countries, France’s policies of symbolism and socialization have accented state-led instructive measures.

Which of these strategies is most effective? One way to answer this question is to examine national statistics on racist violence in each country. In theory, comparative data from the three countries would reveal which has the fewest racial attacks. In theory, it would also be possible to examine changes over time within each country to judge the impact of specific policies. In practice, however, existing statistics do not allow these kinds of comparisons. The three countries’ measures of racist violence differ substantially, rendering any cross-national comparison meaningless. That Britain tallied 47,814 “racist incidents” in the same year that France counted 30 “racist and xenophobic actions”<sup>29</sup> does not mean that racist violence is 1,594 times worse in Britain than in France.

Several factors make it difficult to compare statistics even within one country. In Britain, for example, the year before the state recorded 47,814 racist incidents, it catalogued a mere 23,049 (Burney & Rose, 2002, pp. 132-133). What explains this discrepancy? It was not because of a sudden outbreak of racism. Its likely causes were a new, broader definition of racist incidents and increased reporting and recording of incidents by victims and state authorities. In recent years, Germany and France have

also altered their official definitions of racism to capture more types of complaints, and their publics and civil servants are likely to become increasingly sensitized to racist violence. These types of changes will undoubtedly affect their annual statistics. A jump in the recorded number of acts may therefore actually indicate positive changes instead of mounting racist violence.

Naturally, definitions of racist violence will stabilize, and—with some ebbs and flows—so will public and official readiness to report and record incidents. At that time, the statistics will become much more useful reference points within each country. But they will never be excellent gauges of racist violence. As many activists themselves agree, it is impossible to stamp out all acts of racism, so focusing on statistics and trying to bring the numbers down to zero is a red herring. Moreover, the numbers of acts in any given time period can fluctuate for unpredictable reasons. During the 1st month of the second intifada, France learned that international events can spark a rash of domestic violence that is not easily controllable. In addition, once one incident captures national headlines, copycat crimes may follow. These vagaries mean that although the statistics are not meaningless, they are a partial measure at best when trying to understand policy effectiveness.

Even if these statistical problems did not exist, a focus on the numbers would still be too narrow. Of course, every concerned citizen hopes that racial attacks will decline rather than increase. But policies against racist violence are not like policies against generic crime, where the most important measures of success are figures such as homicide rates or the percentage of cases successfully cleared. Racist violence is a problem of public order, like normal crime, but it is also a problem of social cohesion. This means that the sentiments of victim groups and society as a whole are extremely important measures of policy effectiveness. Do targeted groups feel like they are included and respected by the state, or do they feel isolated and vulnerable? Do citizens of the country feel united, or do they feel divided by race, ethnicity, religion, or national origin?

“Doing something” about racist violence is as much about promoting social cohesion as it is about preserving public order. Not just any action will accomplish these goals. Restricting immigration flows is a “blame the victim” strategy that states have often used in response to racist violence (Witte, 1996). Politicians’ words without corresponding deeds may also disillusion victims. But once the state begins to develop policies to deal with serious problems such as racism in the police force, right-wing extremism, or attacks on synagogues, the precise actions it takes may be less important than the fact that the state has responded to targeted communities’ concerns. The laws, policies, and money that back up political rhetoric may or may not stem further acts of racial violence. But they do serve as symbols of the state’s willingness to put its money (or time, or monopoly of legitimate use of force) where its mouth is. In this sense, all policies are symbolic as well as pragmatic. As symbols, the policies are effective if they reassure societal groups. This prevents recriminations and intergroup tensions and thus promotes social cohesion.

Ultimately, policy effectiveness depends on many factors. There are some common strategies for reducing racist violence, such as stepping up patrols of sensitive sites and encouraging police, prosecutors, judges, and juries to be tough on crime. Policies to promote social cohesion, however, come in many shapes and sizes, as the variety of options pursued by Britain, Germany, and France demonstrate. Each country's policies has thus far met with mixed reviews. Most commentators agree that much has changed during the past few years, yet most also agree that each state's commitment to eradicating racist violence is not as strong as it could be. Developing nationally effective policies thus depends on learning from other states about the pragmatic steps a country can take. It also depends on responding to domestic actors who articulate concerns about specific problems and suggest possible solutions. Obeying this rule of thumb will go a long way toward limiting the impact of racist violence and toward promoting national cohesion.

## Notes

1. This figure includes 1.2% of the population that self-identify as Irish, because ethnic Irish have been found to suffer significant racial discrimination and disadvantage. See the Commission for Racial Equality at [http://www.cre.gov.uk/media/nr\\_arch/2003/nr030213.html](http://www.cre.gov.uk/media/nr_arch/2003/nr030213.html).

2. The Joint Committee Against Racism was launched in the late 1970s and included members from all major parties and from leading nongovernmental organizations.

3. Interview with the Metropolitan Police Service, December 18, 2003.

4. Available online at [http://www.acpo.police.uk/policies/website\\_copy\\_race\\_hate\\_crime\\_manual\\_v3.doc](http://www.acpo.police.uk/policies/website_copy_race_hate_crime_manual_v3.doc).

5. April 1, 2004, through March 31, 2005.

6. See the Crown Prosecution Service's Racist Incident Monitoring Annual Report, 2004-2005 (p. 11), available online at <http://www.cps.gov.uk/publications/docs/rims04-05.pdf>.

7. The four categories of acts according to the Federal Office for the Protection of the Constitution are antiforeigner, anti-Semitic, against political opponents, and other (Bundesamt für Verfassungsschutz, 2003, p. 28; Watts, 2001, p. 603).

8. Soko-Rex is short for Sonderkommission Rechtsextremismus, or Special Commission on Right-Wing Extremism. As one interviewee pointed out, Rex is a play on words, sounding like *rechts* (right) but spelled like the popular name for a police dog.

9. Interviews with activists and political advisors, Berlin, December 2003 and April 2004.

10. For more information about the Action Program Against Aggression and Violence program, see the summaries by the Christlich Demokratische Union ([www.cdu.de/politik-a-z/jugend/kap52.htm](http://www.cdu.de/politik-a-z/jugend/kap52.htm)), the Landesinstitut für Schule und Medien Brandenburg ([www.lisum.brandenburg.de/toleranz/handeln/22\\_kri\\_ra.html](http://www.lisum.brandenburg.de/toleranz/handeln/22_kri_ra.html)), and the Fachhochschule Potsdam ([http://www.fh-potsdam.de/~Sozwes/projekte/steffan/eustreetex\\_syn/synopse\\_agag.pdf](http://www.fh-potsdam.de/~Sozwes/projekte/steffan/eustreetex_syn/synopse_agag.pdf)).

11. See Note 10.

12. Interviews with German antiracist activists Julia Plessing and Kay Wendel, November through December 2003.

13. An "*Aufstand der Anständigen*."

14. The state did pass a penal code reform in 1994 that created a specific penalty for racist desecration of cemeteries or cadavers. This provision is little known and seldom used, however, and generated only seven convictions from the time of its inception through 2001 (Commission Nationale Consultative des Droits de l'Homme, 2000, 2003).

15. Statistics compiled from data available in Commission Nationale Consultative des Droits de l'Homme (2003, pp. 505, 515).
16. Throughout the 1990s, Jews had not been the primary targets of racism in France.
17. Interviews at Union of French Jewish Students and Ministry of Justice, December 2003. See also Commission Nationale Consultative des Droits de l'Homme (2003, p. 51).
18. Also, interviews with the Representative Council of Jewish Institutions of France (CRIF) and with Sammy Ghozlan, December 2003.
19. See the extensive information on anti-Semitism issues in France on the Consulate General of New York's Web site at <http://www.consulfrance-newyork.org.fr/actualite/laune/antisemiracism.htm>; also "Le Gouvernement Promet" (2004).
20. Interviews with CRIF and at the Ministry of Interior, December 2003.
21. See Note 20.
22. The technical phrasing enhances penalties for a specified list of serious infractions "because of the belonging or non-belonging, real or supposed, of victims in a determined religion, ethnic group, nation, or race" (Law No. 2003-88, February 3, 2003).
23. Interview at Ministry of Justice, December 2003.
24. "Le Gouvernement Promet" (2004); interview at the ministries of justice and interior, December 2003; CRIM-AP No. 00-1500.A 13 A4; Commission Nationale Consultative des Droits de l'Homme (2003, p. 62).
25. Assemblée Nationale, 12th Legislature, Document No. 452; "Discours du Premier Ministre" (2003).
26. See the Council of Europe press release available at [http://press.coe.int/cp/2002/508a\(2002\).htm](http://press.coe.int/cp/2002/508a(2002).htm).
27. See the Council of Europe Web site at [http://www.coe.int/T/E/Com/Files/Events/2002-10-Shoah/news\\_pointpresse.asp#TopOfPage](http://www.coe.int/T/E/Com/Files/Events/2002-10-Shoah/news_pointpresse.asp#TopOfPage).
28. As cited on the web page of the French Ministry of National Education, <http://www.education.gouv.fr/cid323/contre-les-derivees-communautaristes-reaffirmer-les-principes-de-la-laicite-republicaine.html>, accessed July 23, 2007.
29. Data in Britain were gathered between April 1999 and March 2000 inclusive; data for France are for the calendar year 2000 (Commission Nationale Consultative des Droits de l'Homme, 2003, p. 505).

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