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## *Gendered Hate: Exploring Gender in Hate Crime Law.* Jessica P. Hodge. Reviewed by Twila L. Perry.

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Jessica P. Hodge. *Gendered Hate: Exploring Gender in Hate Crime Law* (2011). Northeastern University Press. \$29.95 (paperback).

There is a long history of violence being perpetrated against individuals because of their race, religion or sexual orientation. In recent decades, laws—often called hate crime or bias crime laws—have been passed to increase the penalty for crimes such as assault and battery if a bias motive can be proved. There is disagreement as to whether these laws are effective and which groups they should cover. The inclusion of gender as a protected category has been particularly controversial. *Gendered Hate: Exploring Gender in Hate Crime Law* examines issues that arise in the passage and enforcement of bias crime laws that include gender.

The first chapters of the book provide background on the history of bias crime laws and gender bias crime laws, in particular. Next, using empirical research conducted in New Jersey, including legislative histories, media reports and interviews with prosecutors, investigators, politicians and advocacy groups, the book examines some of the complex issues that occur when states seek to address the problem of violence against women through this kind of legislation. New Jersey was chosen as a case study because it was one of the first states to enact a bias crime statute, and it is one of twenty-six states where the statute includes gender as a protected category. The final chapter of the book discusses implications of the study beyond the New Jersey context and offers policy recommendations and suggestions for future research.

A major focus of the book concerns the particularly controversial question of whether gender bias statutes should cover the crimes of rape, sexual assault and domestic violence. Hodge argues that these crimes should be covered, not only because they are committed by men against women, but also because they are often motivated by the desire of the perpetrator to reinforce male supremacy and to intimidate women as a group. However, Hodge's study finds that many of those with significant involvement in the process of enacting and enforcing gender bias crime laws showed significant resistance to viewing rape, sexual assault and domestic violence as bias crimes. For example, some of the individuals interviewed

considered rape as motivated by a desire for power, control or sexual gratification and saw domestic violence as arising out of problems in an individual relationship. But the crimes were not seen as stemming from hatred of women as a group. Also, some prosecutors interviewed expressed the view that rape, sexual assault and domestic violence could be more easily prosecuted under other criminal statutes without the additional burden of having to prove a gender bias motive.

Hodge contends that because women do not constitute a stigmatized minority group, it can be more difficult for the society to identify gender bias than to identify biases based on race, religion or sexual orientation. As a result, it can be difficult to convince the public, as well as those who make and implement laws, that there is a connection between violence against women and broader issues of gender subordination.

*Gendered Hate* inspires the reader to think deeply about the complexity of distinguishing between a violent crime committed against a woman based on a bias motive and the same crime committed without that motive or with a different one. When should a violent crime committed by a man against a woman be deemed a bias crime? It would not ordinarily be considered to be a gender bias crime, for example, if a woman was assaulted by a man in the course of a robbery or if a verbal dispute between a man and a woman resulted in a physical assault. Otherwise, every assault committed by a man on a woman would have to be deemed a gender bias crime. Hodge's argument is that a gender bias crime occurs when the motive of the perpetrator is to subordinate the victim on the basis of gender and to send a message of intimidation to women as a group. But these kinds of motives may seem difficult to conceptualize and prove whether the crime is rape, domestic violence, a sexual assault or a non-sexual physical assault. Gender bias crime laws are controversial in many states because the lines of demarcation between a crime with a gender-bias motive and a crime without that motive are not easy to define. The book sheds a great deal of light on this very difficult problem, but not surprisingly, it does not completely resolve the issue.

Hodges's analysis of the nature of gender bias would have been enriched by a deeper exploration of some arguable differences between gender and race, religion or sexual orientation as motivations for bias crimes. This reader was not convinced,

for example, that a physical attack on a woman is analogous to a cross-burning or the painting of a swastika or sends the same message of hostility and exclusion to members of the larger group, as is the case when an individual in one of the other categories is victimized.

In a number of places, the book recounts several highly-publicized mass killings or serial murders of women that have occurred in recent years. While these stories were compelling examples of violence against women, they sometimes seemed to weaken rather than strengthen the argument that gender bias laws are needed because violence against women is an everyday occurrence.

Overall, *Gendered Hate* is a very interesting book. It makes a valuable contribution to the complex and controversial subject of gender bias crime law. The book would be useful to students in courses focusing on gender issues, to scholars doing research on bias crime laws and to anyone interested in gaining a better understanding of the response of the legal system to the problem of violence against women.

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Glenn Greenwald. *With Liberty and Justice for Some: How the Law is Used to Destroy Equality and Protect the Powerful* (2011). NY: Henry Holt & Co., Metropolitan Books. \$26.00 (hardcover).

Readers of this journal are doubtless familiar with the data that demonstrate growing income and wealth inequality in the United States. They are likely also familiar with the enormous increase in the numbers of Americans—the majority African-American and Latino—who have been incarcerated or placed under legal supervision since the 1980s. Less familiar, perhaps, is the chasm that divides the ways in which the wealthy and politically powerful and the rest of us are treated in the legal system.

Glenn Greenwald, described on the dustjacket as a “former” constitutional and civil rights lawyer, is a regular contributor to *Salon*, where he writes about foreign policy, militarism, and, especially, abuses of power, secrecy, and duplicity on the part