



Michael Salter and Kim McGuire: *The Lived Experience of Hate Crime: Towards a Phenomenological Approach*

Springer, 2020, Pp. 286, ISBN: 978-3-030-33888-6 (eBook)

R. Krishnaswamy¹

Published online: 5 May 2020
© O.P. Jindal Global University (JGU) 2020

Michael Salter and Kim McGuire's joint work, *The Lived Experience of Hate Crime: Towards a Phenomenological Approach*, published by Springer, is a work that showcases a new avenue, in this case, the phenomenon of hate crime, in which phenomenological methods can be applied. The work is broadly an elaboration of Husserl's critique of naturalism. From within that critique, the authors discuss in detail how the legalistic approach to hate crime commits many of the faults that the 'natural attitude' is wont to commit, if unchecked in its ontological presuppositions.

The book's objective is to look at the experiential aspects of hate crime as a lived experience through a Husserlian phenomenological perspective. The authors believe that more than a 'scientific' approach to hate crime within forensic and legal studies, a Husserlian approach can provide a fresh and insightful account of hate crime's distinct experiential aspects — something that other approaches do not quite successfully accomplish. The book helpfully starts with some provisional legal definitions of hate crime. This is particularly useful because it is mainly in legal debates that hate crime comes to public attention. Using legal frameworks from within the United Kingdom, the authors start with a functional definition of hate crime that serves their larger theoretical needs in the book. But more importantly, the study of hate crime is supplemented with one author's experiential encounter as a witness to a hate crime. This makes for a good introduction to their subsequent study, because after all, the phenomenological method stresses the lived experience of any event.

They begin with a critique of the natural attitude. A ready-to-hand understanding of the natural attitude, taking into consideration all its common connotations, would lead us to think of the attitude as that which is somehow brute and direct in our intersubjective existence. It is as though the natural attitude in which we participate arises on its own, and that this attitude is the most 'natural'. But what the authors argue is that, following Husserl, it is important that we reflect upon our natural

✉ R. Krishnaswamy
rkrishnaswamy@jgu.edu.in

¹ Jindal School of Liberal Arts and Humanities, O.P. Jindal Global University, Sonipat, India

attitude and all its phenomenological and normative implications. Such an attitude, phenomenologically speaking, is shot through with pre-given conceptual determinations of intersubjective meaning which are historical and cultural projections of a lifeworld. There is always a horizon of pre-judgment within which any kind of natural attitude is made possible, as Husserl has shown clearly, especially in his later works. This only goes to show that if our own natural attitude is not probed, many of our prejudices are going to be reflected in our value — and epistemic judgments. Historically, the problem with the natural attitude has been that it tends to hide its own interpretive orientation in the guise of objectivism. On the other hand, what is distinctive of Husserl's approach is its analysis of the many constituting factors in our intentional interaction with the world. Husserl believes that our causal interaction with the natural world is subtended by our transcendental consciousness where any evidence in the natural world is presented to us as having meaning and significance already constituted as part of it. This explains why phenomenology stresses a lot on contextual factors that go beyond 'pure' evidence.

Naturalism goes hand in hand with objectivism. As the authors put it, 'naturalism can be summarised as a *reinterpretation* of the world solely in terms of material objects extended in both space and time, and subject to cause and effect (causality)' (p. 64). Epistemically, objectivism holds to a realist view of the world and thereby has certain ontological commitments as to how it theorises the existence of the external world. Some of those commitments are that reality is something that is directly accessible to a cogniser, that reality consists of things independent of the subject, and that those things are related to each other in the world through a complicated causal network mediated through the structure of space-time. This material interpretation that objectivism carries also has certain other epistemic commitments. Objectivism is committed to the premise that there are certain affairs of the world that are transcendental conditions enabling the possibility of cognitive fulfilment. That is, objectivism prescribes a verificatory model of epistemic fulfilment by specifying the conditions of correctness for cognitive episodes.

What is significant about the transcendental nature of cognitive fulfilment within the natural attitude is the belief that it is only such objectivism regarding nature and the external world which can eliminate the subjective accretions that might blind the cogniser's access to the 'real' world. Naturalism prides itself on being completely positivistic. The problem that naturalism sets itself to solve — which broadly and crudely put is the determination of truth-conditions for cognition — is the problem of how to access the objective world from a subjective perspective. Whatever solution it has historically come up with through many philosophical traditions, naturalism starts its project with at least two presuppositions. One, that phenomenal qualities that attach themselves to our cognitive episodes are ineliminably internal and subjective. Two, objectivity is made possible only through the elimination of the phenomenal qualities of cognitive episodes.

These suppositions of naturalism have led to the belief that there are objective facts which are 'out there', and that when one eliminates the subjective elements in our cognitive interaction with the world, what will remain as the residue is the 'real' fact of the matter. Moreover, these perceivable objective facts 'become represented interpretively as wholly external and material realities, whose inherent

qualities as such may be soaked up by presumed the *passive receptivity* of our own every day and, possibly, (social) scientific observations of such realities’ (p. 70). The subject in its cognitive role within the paradigm of naturalism becomes merely the passive receptor of objective facts. A radical form of naturalism would ideally want the elimination of the subject’s viewpoint altogether. A form of this radical view can be found in the early analytical philosophers such as Rudolf Carnap, Moritz Schlick and even Bertrand Russell.

But what the authors argue is that this presuppositionless objectivity that naturalism aims for is not possible, because naturalism itself comes with certain prejudices regarding the nature of the subject and the object. In other words, the authors are stressing here the self-occluding tendencies of naturalism towards hiding its own larger hermeneutical, cultural and historical context. Because of this tendency of naturalism to approach any object of its study through bracketing out all the contextual elements that go up to constitute its relevance, intention or meaning, a social phenomenon like hate crime does not quite receive its due treatment within the objectivist approach. Naturalism tends, as a methodological first step, to remove all the subjective, intentional or cultural aspects of a hate crime episode so as to get to the ‘real’ truth. By doing so, it falsifies the phenomenological richness and the multiple constituting layers of any experience. Objectivism maintains a reductive experiential analysis of cultural phenomena such as hate crimes. Objectivism believes that, to understand any kind of epistemic episode, one needs to not take into consideration the perceived experiences of the victims or the perpetrators or the onlookers.

As a result of the objectivist orientation arising from such reductionism of the reality of all topics to a certain conception of physical nature, all that is categorised by cultural-linguistic categories becomes reinterpreted. It is reinterpreted as if, in themselves, the objects of our lived experience of, say, specific hate incidents, as well as official responses to them, exhibit inherent qualities. It is presumed these qualities simply *are* inherently “useful”/“useless,” *intrinsically* “agreeable”/“disagreeable,” *inherently* “relevant”/“irrelevant” etc (p. 71).

As opposed to the natural attitude that operates with its problematic self-occluding assumptions, the phenomenological method looks towards certain other paradigms that are at some points completely antithetical to the scientific or objectivist viewpoint. One, as Salter and McGuire rightly argue, is that within phenomenology intersubjective reality is not only constituted through real physical objects but also connected through an interpretive matrix whose nodal points are different subjective consciousnesses. As the authors put it very well, within Husserl’s approach, ‘human actions and interactions are forever mediated by how the parties define their own situation and that of others with who they are interacting’ (p. 75). Two, for phenomenology, an explanation for any kind of behaviour cannot merely start and end with the physical causal factors — a kind of stimulus/ response approach — that might have been in the background acting as initiators of action. Phenomenology takes the view that human actions

are not merely expressivist, as Hume would have us believe, but evince a logic of motivated responses. These motivations themselves cannot be understood by any perceiver or onlooker without taking into consideration all the background assumptions, prejudices and beliefs that meaningfully constitute a particular human action. Three, crucially, the phenomenological approach is able to evade the problem of what the authors call ‘closure’.

Closure, Slater and McGuire explain, is a characteristic feature of the natural attitude. The attitude’s objectivism ‘creates a tendency towards an *unreflective form of cognitive closure immunising subscribers from the possibilities and responsibilities of autonomous self-criticism*’ (p. 89). Closure is a form of cognitive blindness through which the subscribers to the natural attitude are not able to critically engage with their own worldview. The natural attitude, though it explicitly repudiates any form of interpretive orientation for a robust and successful mediation towards truth, actually has its own ideological and interpretive baggage. By negating its own contextual situatedness, what the natural attitude does is to put certain blinkers on our cognitive access to the external intersubjective world. This means that ‘[s]uch blinkers narrow the field of our everyday vision to ensure that, whenever we are entangled in the natural attitude’s interpretive matrix either in a research or a more general capacity, our perceptions are partial, limited and restricted’ (p. 91).

More importantly, naturalism’s cognitive blindspot leads not to an objective view of things but actually, the authors argue, to a confirmation of the subjects’ cognitive biases. As we saw, naturalism, despite its own faith in ‘factual evidence’, has its own presuppositions, three of which I have delineated earlier, following the authors. Given the pervasive contextual determinations in every cognitive episode, the sin of naturalism has been to suppress its own biases. Let us look at what naturalism claims and how it leads to cognitive closure by being blind to its own cognitive operation. When we look at something, the objectivist says that there is a real state of affairs — *Sachervalt* as Husserl would call it — that we can access. This ‘factual evidence’ is supposed to be essentially inherent to those states of affairs and we are supposed to be able to cognitively access that evidence, which in turn would be bereft of all subjective aspects. But this essentialist clause regarding evidence makes the cogniser believe that if the methods of the natural attitude are followed in all its rigour, we can get evidence that is real and absolute. But, given Husserl’s approach, the intentional significance of things is more important from a phenomenological perspective and it is therefore not possible to get to any real factual evidence that is not tied to certain constitutive elements within a horizon of pre-given cultural, historical and linguistic meaning. Thus, it is false to claim that one can ensure factual independence by following the naturalistic methods for gaining objective truth. Within the natural attitude, if one were to claim real evidential truth, what one is doing is merely confirming the bias that one began with before the inquiry into what ‘really happened’ started.

According to the authors, what naturalism tends to forget is that every kind of intersubjective engagement that relates to the world outside comes with an interpretive orientation. This orientation contains all cultural, linguistic and other historical meanings as significant data of a homeworld. Every person is always born into a homeworld. A person learning to use a language is only learning it from within her

homeworld. The language and the cognitive signifiers that act as the meaningful currency within a homeworld is already pre-loaded with certain other cultural beliefs that members of that homeworld share. Because this orientation is always pre-given, it is not possible to enter any cognitive realm without a pre-judgment. The mistake that naturalism makes is that it does not epistemically allow any sceptical doubt regarding its ultimate foundations. Because it cannot question its own presuppositions, it is caught in a vicious loop where it only confirms the biases it started with.

This discussion helps us discuss the authors' choice of hate speech as an apt topic that can bring out to the argumentative frontline many of the debates between naturalism and the phenomenological method that we have outlined so far. Racial abuse against minorities and other hate crimes present us with the stark reality of cultural particularities in which those crimes have been committed. For someone to understand when something is considered racial abuse in one particular community, she will have to know the culture of that homeworld very well. This means not only knowing the history of a culture, but more importantly knowing the meaning of terms and their cultural connotations. A proper phenomenological understanding of hate crime requires that we do not over-extend a natural causal-explanatory model. It is important that to grasp phenomenologically the cultural and other linguistically immanent (i.e., internal to a language) factors within hate crime, we should keep in mind that quantitative methods of determining the causes of hate crime will fail since they do not go into the 'felt' aspects within a hate crime episode. Moreover, whenever there is something like hate crime, there are multiple factors that constitute the episode, which include the intersubjective meanings within that culture and the particular context such that a particular word in some contexts can be interpreted as a racial slur and in some not. There is another argument one can make against an objectivist approach to the study of hate speech. The argument is that within naturalism, because the intentional action is under-determined, and is causally explained through a physical reductionism, it is possible to subtract blame from the agent's actions. This can be done by saying that the actions of a hate crime perpetrator were causally determined by x, y and z factors and that the crime was merely a product of these determining factors. Thus, naturalism taken to its extreme would be legally counterproductive because blame would be scattered to the winds, so to speak.

Overall, the book is a valuable study regarding hate crime, which is a prevalent reality within our social lives. Hate crime ranges from slur-abuse to physical violence. Given the graded nature of hate crime, where it is not possible to say where mere insult ends and actual abuse begins, it is very important that we follow the authors' advice in using a phenomenological approach. Having said this much in praise of the authors' work, I still find it slightly inexplicable why the authors should take up hate crime in particular as a cultural phenomenon to be phenomenologically analysed. There are many different cultural aspects to our lives and the authors do not seem to give a clinching argument as to why hate crime deserves the most urgent study. I make this criticism because, given the constitutive analysis that Husserl follows in looking at the foundation of any kind of evidence, I thought before I began the study of this book that there would be a similar application of the Husserlian method to hate crime itself. I was hoping that the authors would have been able to explain how from the nature of phenomenology itself a phenomenon like hate crime

can be ‘constituted’. If it is not a constitutive study, then it looks like a ‘mere’ application of an aspect of intercultural life to Husserl’s method. From within Husserl’s immanent methods, the choice of hate crime seems like a mere random application. However, I am reluctant to believe that the choice of hate crime as a research topic is so random. The whole book mainly draws its methodological arsenal from its criticism of the natural attitude, as Husserl and Heidegger characterise it. But given that the authors have used so much of Husserl, I would have liked them to have discussed a bit more how Husserl’s use of the phenomenological reduction and the *epoché* enables him to talk about evidence from a purely phenomenological perspective. A discussion of the Husserlian notion of *Evidenz* — that which one gets after phenomenological reduction — could have been a very good counter-foil to the naturalistic understanding of factual evidence. Apart from that, I found the book to be a very valuable addition to phenomenological scholarship. I hope this work sparks more phenomenological interest in areas such as hate crime and violence.

Publisher’s Note Springer Nature remains neutral with regard to jurisdictional claims in published maps and institutional affiliations.