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## THE EMERGENCE OF MOB LYNCHING AND HATE CRIME DISCOURSE: A CASE STUDY OF INDIA

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#### ABSTRACT

Mob lynching is a specific type of hate crime that can be categorised under accused bodily harm created due to physically assaulting a victim by three or more than three individuals. Since the last few centuries, mob lynching has been prevalent in various developed and developing nations where interracial communication scop is present, including India, USA, UK, and South Africa. In most cases, hate crime and mob lynching can both be categorised as deep embedment of superstitious beliefs inside individuals regarding a specific community, depending on the subcultural environment. Hate crime is the type of crime that a group of people commits out of hatred towards a specific group of people or a specific individual. The reason behind the hatred can be different, like prejudice, intolerance, or biases towards a specific gender or racial identity.

The major factor affecting the mentality of an individual in possessing hatred or prejudice toward a specific community is an environment where they are bright up. Subcultural theory is the conceptual approach that interconnects the environment of the habitat of an individual and hatred-based crime commitment in a cause-effect manner. Mob lynching is a specific type of hate crime that a group of individuals commits by killing an individual or more than one individual from a specific type of negative thinking. Both developed and developing types of countries face significant levels of hate crimes committed every year. The most prevalent countries showing an increasing rate of hate crime are India, South Africa, the UK, and the USA. Among them, India shows more religious mob lynching, and the other three countries show racial hate crimes and mob lynching.

*Keywords:* Mob Lynching, Hate Crime, Physical assault, Afrobia, Dehumanization

#### Introduction

Mob lynching is the public killing of an individual in which an individual has to be the victim of the justice administered by the public without any trial. The term "lynch" denotes the court that is self-constituted and exploits a person without the proper regulations of law. Horde believes in

punishing an accused by executing their remarks over time without maintaining laws. Hate crime is the outburst of intramural strife in the societal stratum, violated regulations related to human rights, and racial killing all over the world. Recent criminal attacks in Kapurthala and Amritsar have drawn the attention of society concerning the fact that mob lynching and hate speech imply India. Hate speech and crime instigate discriminated ideas among different racial systems, pigmentation of human beings, and different political systems in society. "International Criminal Tribunal" provides little concern for this type of crime by people; thus, these incidents are gradually increasing around the globe. This study deals with a comparative analysis of mob lynching and the crime caused by hate speech in the USA, UK, South Africa, and India.

#### **Problem statement**

Social media platforms have instigated the news associated with internal disturbances among countries, racial issues with people, gang murder and rape cases. The low rate of education qualification, the wide spreading of forgery news, and unrest among the population, even with trivial conflict, have influenced the crime of people worldwide. Besides those, the low unemployment rate enhances the association of youngsters in the political uprising of various societal problems.

Studies show that mob lynching and crime related to hate speech and aggression have increased gradually due to the different political, social, and economic problems in India. In 2011-12, the number of people affected by the racial killing and religious problems was about 35,000 and in 2017-18, the rate was increased to more than 65,000 in the UL<sup>1</sup>. Due to the increasing rate of crimes, people become more restless, causing more influence in exaggerating criminal activities worldwide.

In South Africa, the rate of mob lynching and hate crimes increased in the last few years due to the enhancing rate of unrest among people. In 2014, the rate of hate crimes was between 4 and 5,

<sup>&</sup>lt;sup>1</sup> Brexit 'major influence' in racism and hate crime rise (2019) BBC News. Available at: https://www.bbc.com/news/uk-wales-48692863 (Accessed: 12 April 2024).

but the rate increased in 2018 to 10-11<sup>2</sup>. India has become a threat for foreigners for becoming the victim of mob lynching and hate crimes as there are brutal experiences of these types of crimes in India. Studies show that most migrant people have to be the victims of these types of crimes, as has been experienced in the "**Kerala Lynching case**." western India has experienced massive brutality even with the religious conflict. Thus, Ansari, the birthday boy, was dead on his birthday for using beef. Religious conflict among the nationality of human beings remains the largest issue of mob lynching and hate crime scenes in India. Mob lynching is the infringement of human rights and the infraction of human dignity that is particulates by Article 21 in the Constitution of India. Mob lynching in India has established another perspective of challenges and problems for the citizens and also for tourists from foreign countries.

#### **Literature Review**

#### Critical study of mob lynching

Mob lynching is the murder of an individual based on the common belief system of the surrounding people, and digital platforms have influenced those incidents to become more brutal for others. The term "lynch" appeared during the "American Revolution", and these incidents occur when the mob takes the law into their hands to punish an individual<sup>3</sup>. Mostly, these incidents happen abruptly and without law enforcement, causing an individual to be punished drastically. India has been listed on the front page of chronically as most of the lynching cases of India are associated with clashes related to religion, seizing of children, and illegitimate animal butchery. As per the viewpoint of<sup>4</sup>, among various factors that affected human civilization, "dehumanization" during lynching and hate killing has attracted the prime concern of the people. Various organisations like "The Crime Record Bureau." do not accept mob lynching as a separate criminal activity.

<sup>&</sup>lt;sup>2</sup> Team, R.C. (2019) *South Africa elections: Are crime rates rising?*, *BBC News*. Available at: https://www.bbc.com/news/world-africa-48093708 (Accessed: 12 April 2024).

<sup>&</sup>lt;sup>3</sup> 'Mob lynching: A rising threat to our society' (2020) Strad Research, 7(11). doi:10.37896/sr7.11/011.

<sup>&</sup>lt;sup>4</sup> Stevenson, S. (2021) 'Book review: Psychoanalysis, the NHS, and Mental Health Work today', *Group Analysis*, 54(1), pp. 162–162. doi:10.1177/0533316421990568.

White people are commonly accused of black people with the allegation of sexual harassment of white women in cases of robbery and the acquisition of murder In the USA. Many people died because of violating the contemporary costumes and not providing proper respect to the American people. History has the experiences of how people had to migrate from one country to another to defend themselves from mob lynching. "The Lynching of Mary Turner in 1918", "The Case of Mcllherron in 1918", and "murder case of Jesse in 1918" paved the path to describe the brutality of mob lynching in the USA<sup>5</sup>. As per the viewpoint of<sup>6</sup>, over time, many institutions and organisations started to criticise mob lynching with the attribution of "barbarous". Researchers show that during the time of eighteen hundred and nineties to nineteen hundred and twenty, the process of lynching was denoted as "uncivilized". The political, social, and well-wishers remarked about the lynching process as unethical and attracted the concern of the advisory bodies of the USA.

South Africa is known for its excessive violation worldwide due to community problems and economically deprived communities. Most cases in South Africa turned into murder that starred from violation and resistance among the people. According to<sup>7</sup>, among various influencing groups, the "*Gulabi Gang*" was the most famous for rebelling against the problems and violations against women with their courage and social security. The police of South Africa captured the police jail as they tortured the captivators in jail, and sometimes those accused persons were thrown away from the police van due to the ignorance of the police. As per the viewpoint of<sup>8</sup> digital platforms, especially Twitter, have been impacted mostly by content related to racism, Afrophobia, and political activities in South Africa. Various types of unfiltered news related to lynching have affected the people mostly to be associated with the violation.

<sup>&</sup>lt;sup>5</sup> History of lynching in America (2022) NAACP. Available at: https://naacp.org/find-resources/historyexplained/history-lynching-america (Accessed: 12 April 2024).

<sup>&</sup>lt;sup>6</sup> Seguin, C. and Nardin, S. (2022) 'The lynching of Italians and the rise of antilynching politics in the United States', *Social Science History*, 46(1), pp. 65–91. doi:10.1017/ssh.2021.43.

<sup>&</sup>lt;sup>7</sup> Bateson, R. (2020) 'The politics of vigilantism', *Comparative Political Studies*, 54(6), pp. 923–955. doi:10.1177/0010414020957692.

<sup>&</sup>lt;sup>8</sup> Mathe, L. and Motsaathebe, G. (2022) 'Discursive communities, protest, xenophobia, and looting in South Africa: A Social Network Analysis', *Communicatio*, 48(1), pp. 102–126. doi:10.1080/02500167.2022.2083204.

#### Definition of hate crime and its characteristics

Most crimes are committed to take possession of the victim's belongings. However, hate crimes are to some extent different to normal crimes because, in such crimes, the identity of the victim or their appearance before the criminal plays a more vital role. Hate crime includes criminal activities that occur due to the mentality of prejudice regarding the racial identity or disability of the victim<sup>9</sup>. Moreover, the gender identity of a victim plays a vital role in the commitment to various hate crimes. A hate incident occurs when a victim gets any unfamiliar or ill behaviour from anyone that the victim thinks to have taken place due to racial, categorised or gender identity. Hate crime does not even need the victim to consider that as a matter of hate, and enough reason to consider any crime as a hateful one is the interpretation of the crime by a witness.

Hate crime can be divided into three different categories, including physical assault, verbal hate speech, and persuasion to hatred. Assaulting anyone is considered a crime, and anyone can file a report against the least possible physical assaultation faced, even a slap. Based on the level of violence, nay physical assault can be divided into three different levels, including common assault, actual physical harm, and critical physical harm<sup>10</sup>. On the other hand, a typical hate crime faced by mostly minority groups, irrespective of racial, religious or gender perspective, is verbal abuse. Verbal hate speech, threats and name-calling can be considered under the periphery of verbal abuse. In most cases, the victims of such abuse feel helpless because the mentality of the abuse is deeply rooted inside their minds.

#### **Theoretical underpinnings**

Subcultural theory shows that criminal behaviour is associated with definite cultural groups, criminal mentality, and growing with similar problems. This theoretical perspective denotes that criminals do not have the consciousness to do the crime and hold particular requirements that are distinctively different from the people of the mainstream level of society. Subcultural theory remains deeply connected with mob lynching and hate crime because of the typical types of such

<sup>&</sup>lt;sup>9</sup> Díaz-Faes, D.A. and Pereda, N. (2020) 'Is there such a thing as a hate crime paradigm? an integrative review of bias-motivated violent victimization and offending, its effects and underlying mechanisms', *Trauma, Violence, & amp; Abuse,* 23(3), pp. 938–952. doi:10.1177/1524838020979694.

<sup>&</sup>lt;sup>10</sup> Dugan, L. and Chenoweth, E. (2020) 'Threat, emboldenment, or both? the effects of political power on violent hate crimes\*', *Criminology*, 58(4), pp. 714–746. doi:10.1111/1745-9125.12259.

crimes. The deep-rooted prejudice of the lynchers and the hate crime-committing offenders regarding a specific race, religion, or gender acts as the key factor behind the occurrence of hate crimes<sup>11</sup>. Mob lynching can be categorised as the critical physical harm created under the types of race crime. The collective subculture of the environment where an offender is being brought up acts as the main motivating factor behind the growth of a hateful mentality towards any specific community<sup>12</sup>. The embedment of the mentality is directly proportional to the hatred that thrives inside the individual.

#### Methodology

Every research study depends on the proper methodological techniques a researcher uses. Choosing proper methods for information gathering, evaluating that information extensively, and building up a discussion regarding the key outcomes are significant stages of proper methodological conduction of a research study. Necessary information sets are collected by a researcher significantly by either survey conduction, interview or detailed review study of existing literary pieces related to the study area. Existing literary pieces regarding a specific study area include articles and essays published by eminent authors on the relevant topic, newspaper reports related to the study, and annual reports published by various public and private organisations<sup>13</sup>. These types of data sources are secondary sources of information that a researcher uses at different times of requirement. The researcher has collected various newspaper articles related to the incident of mob lynching, the commitment of group crimes out of hate and articles regarding criminology and human psychology.

After collecting information, the necessary datasets are evaluated based on the relevant ideas and concepts. The main motto of this informative analysis is to develop a central outcome from the study topic that can create a pattern for future researchers to follow with the core area or the

<sup>&</sup>lt;sup>11</sup> Jones, S. (2021) '7. subcultural theories', *Criminology*, pp. 136–159. doi:10.1093/he/9780198860891.003.0007.

<sup>&</sup>lt;sup>12</sup> Hughes, L.A. *et al.* (2021) 'Schools, subcultural values, and the risk of youth violence: The influence of the code of the street among students in three U.S. cities', *Journal of Youth and Adolescence*, 51(2), pp. 244–260. doi:10.1007/s10964-021-01521-0.

<sup>&</sup>lt;sup>13</sup> (No date) The effect of coronavirus (COVID-19) in the tourism industry in China / Asian Journal of Multidisciplinary Studies. Available at: https://www.asianjournal.org/online/index.php/ajms/article/view/213 (Accessed: 12 April 2024).

relevant ideas. Data analysis can be divided into two types based on the information used. The informative analysis is considered quantitative in the case of various mathematical processes. On the other hand, qualitative data analysis refers to the empirical evaluation of theoretical and extensive information related to the central idea of a study<sup>14</sup>. With the gradual increase in the number of people living around the planet, the population of people coming from different cultures in various developing and developed countries is increasing. The rate of racial and gender-biased hate crimes and mob lynching are increasing as a result of these incidents. The study conducted a secondary qualitative data analysis of the secondary information collected regarding the growth of hate crime.

#### Findings

Hate crime and mob lynching are the effects of gradually increasing hostility among people all around the world. In the USA, most white people accuse others of their doubts and "sexual assault" was the most common allegation against black people all over the United States of America. The offence of sexual harassment was the most prominent allegation against the other immigrant people. From 1877 to 1950, the USA practised the lynching process to mitigate the struggle among the people after the end of the "post-civil war"<sup>15</sup>. Studies show that in America, nearly 25% of the arrested people are incriminated of sexual harassment, and nearly 30% of the people were arrested for the charge of murder<sup>16</sup>. On the other hand, in the UK, most of the people associated with the mob lynching people covered themselves with women's dresses and used a specific type of mask so that no one could recognise them.

Authorities associated with this system provided them rewards for giving the news of the arrest and victim of Mon lynching \$1000, but they did not bring any kind of cases. The most important

<sup>&</sup>lt;sup>14</sup> Bustani, B., Khaddafi, M. and Nur Ilham, R. (2022) 'Regional Financial Management System of regency/city regional original income in Aceh Province period year 2016-2020', *International Journal of Educational Review, Law And Social Sciences (IJERLAS)*, 2(3), pp. 459–468. doi:10.54443/ijerlas.v2i3.277.

<sup>&</sup>lt;sup>15</sup> Enns, P.K. *et al.* (2022) 'Public responsiveness to declining crime rates in the United States and England and Wales', *The British Journal of Criminology*, 62(5), pp. 1093–1115. doi:10.1093/bjc/azac036.

<sup>&</sup>lt;sup>16</sup> Hall, R.E. (2020) 'They lynched Mexican-americans too: A question of Anglo colorism', *Hispanic Journal of Behavioral Sciences*, 42(1), pp. 62–76. doi:10.1177/0739986319899737.

factor behind the USA mob lynching was that both shite and black people became the victim of mob lynching and hate crime in the USA <sup>17</sup> studies show that, from 1882 to 1951, a total of **4730** people were the victim of mob lynching and from them, **1293** were the people with the white pigmentation and **3437** people were from the black pigmented race<sup>18</sup>. Mob lynching got the attribution of "the Racial unrest of the US" in the year 1950. Besides this, the victims of "honour killing" were the victims of sexual assault, as protecting the virginity of women was the main task to be maintained by the male family members of the then time in the USA.

South Africa was the most violent country that faced various types of mob lynching cases, including homicides, rape cases, and racial miscommunication among people. Studies show that between the years 1996 and 2013, the forensic departments reported that more than *1000* persons were killed by mob lynching and around *424* cases were of deadly car accident cases for the outburst of hate crime in South Africa. The local hospitals reported that due to the mob lynching, more than *72%* of victims had died before getting admission to the hospital<sup>19</sup>. Studies show that in India, between 2000 and 2012, more than *2,097* murders occurred due to the increase in the crime of mob lynching, especially due to the religious turmoil and controversy among the people in 12 states<sup>20</sup>. In India, between 2010 and 2017, the most lynching cases were reported for illegal activities regarding the Cow Protection Act.

### Discussion

Mob lynching refers to the killing of an individual by a group of people, and this is an unofficial process of providing death as a punishment to an alleged individual by a group of people as per their prejudice. In almost every country under discussion, citizens can live without any

<sup>&</sup>lt;sup>17</sup> Erwin, K. (2020) 'Historicizing fear: Ignorance, vilification, and othering', *Ethnic and Racial Studies*, 44(3), pp. 476–478. doi:10.1080/01419870.2020.1807039.

<sup>&</sup>lt;sup>18</sup> Rachuene, P.A. *et al.* (2021) 'The impact of covid-19 National Lockdown on Orthopaedic Trauma Admissions in the northern part of South Africa: A multicentre review of tertiary- and secondary-level hospital admissions', *South African Medical Journal*, 111(7), p. 668. doi:10.7196/samj.2021.v111i7.15581.

<sup>&</sup>lt;sup>19</sup> Priyadarshini, M. (2020) 'Gender and material culture history', A Companion to Global Gender History, pp. 109– 128. doi:10.1002/9781119535812.ch7.

<sup>&</sup>lt;sup>20</sup> Littlejohn, J.L. (2023) 'Lynching and leisure: Race and the transformation of mob violence in Texas by Terry Anne Scott', *Southwestern Historical Quarterly*, 126(4), pp. 588–589. doi:10.1353/swh.2023.0037.

conditions. However, due to the rise of social media-based fake news, any news shown on social media platforms can lead a group of people to beat an alleged person violently in public<sup>21</sup>. Moreover, killing a suspect out of doubt by a mob without the involvement of police or any legal executive is another type of mob lynching based on hate. Constitutional credibility is damaged due to the occurrence of such crimes<sup>22</sup>. The judicial system of most developing countries, including India, is a unified one, and the conduction of hate crimes and lynching create difficulty among the legislative, judiciary and executives in protecting credibility.

Most mob lynchings occur due to prejudice present within the mob or their perception regarding a specific incident. Sometimes, misinformation, fake news, local religious belief or political power act as the key driving force behind occurrences of a specific crime. Some important mob lynching cases found in the Indian subcontinent are the Dardi mob lynching case in 2015, the Chhatra District Mob lynching case in 2016, and the Alwar lynching in 2017<sup>23</sup>. Not only in developing countries mob lynching has also gradually become prevalent in developed countries like the UK and the United States of America. The most famous mob lynching case that has occurred in the United Kingdom that shook the nation was the 1993 killing of the black young man Stephen Lawrence<sup>24</sup>. On the other hand, the United States of America has witnessed different cases of hate crimes, mostly in the Mississippi region.

Over the last 24 years since 2000, almost all blackened have been due to lynching, and numerous teenagers have gone misjudged for similar reasons found later through investigation. The African continent has always remained ignored, and South Africa has been prevalent in witnessing state

<sup>&</sup>lt;sup>21</sup> Levinson, D.J. (2024) 'Personal morality and political justice', *Law for Leviathan*, pp. 165–193. doi:10.1093/9780190061593.003.0010.

<sup>&</sup>lt;sup>22</sup> Hayat, A. (2020) 'Exploring the effects of globalization on Social Development: A study of Punjab, Pakistan', *Pakistan Social Sciences Review*, 4(II), pp. 319–328. doi:10.35484/pssr.2020(4-ii)26.

<sup>&</sup>lt;sup>23</sup> Hylton, K. (2020) 'Black lives matter in sport...?', *Equality, Diversity and Inclusion: An International Journal*, 40(1), pp. 41–48. doi:10.1108/edi-07-2020-0185.

<sup>&</sup>lt;sup>24</sup> Mahlangu, P. *et al.* (2024) 'Reflections on the process, challenges, and lessons learned conducting remote qualitative research on violence against women during COVID-19 pandemic lockdown in South Africa', *BMC Public Health*, 24(1). doi:10.1186/s12889-023-17480-z.

violence and the hatred of the people toward white men out of the long history of slavery<sup>25</sup>. A similarity found within the reasons behind hate crimes conducted in the states of the UK and the USA is racism. On the other hand, racism is a cause of mob lynching in the South African region, but the direction is opposite in the country. The contradictory reason behind hate crimes and lynching in India is religious.

#### Conclusion

Enhancement in the number of lynching cases occurring in different regions around the world, irrespective of the socioeconomic position of the country, is a clear depiction of change in the mentality of people regarding specific incidents. A clear decrement is found in the people's morality, and various reasons can be considered as the key factors behind teh growth of hate crime. The most prevalent among these is the intolerance among people regarding legal acts and the tendency to punish the alleged on their own. Moreover, biased attitudes, both positive and negative, towards a specific religion, caste, or even class can act as a significant factor regarding the commitment to hate crimes. Sometimes, the inefficiency of the judiciary motivated people to commit hate crimes and the occurrence of mob lynching. This reason is prevalent in developing countries like India and South Africa. The countries' governments require a specific action plan to prevent and significantly resist such crimes, including implementing strict judicial laws.

<sup>&</sup>lt;sup>25</sup> Fakunmoju, S.B. *et al.* (2020) 'Rape myth acceptance: Gender and cross-national comparisons across the United States, South Africa, Ghana, and Nigeria', *Sexuality & Culture*, 25(1), pp. 18–38. doi:10.1007/s12119-020-09755-z.

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