

Racism by stealth: the construction of racist hate crimes

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DECLARATION

This work has not previously been accepted in substance for any degree and is not concurrently submitted in candidature for any degree.

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Summary

This thesis presents the findings of an ethnographic study of the social worlds of racist hate crime victims and their caseworkers. The fieldwork involved participant observation and 25 interviews with victims and caseworkers at a charity that supports victims of racist hate crime, based in an ethnically diverse UK city. The aim of the research was to explore victims' perceptions and experiences of racist hate crime in light of the victim-centred definition of 'hate crime' adopted by the criminal justice system in England and Wales. This research contributes to a gap in our understanding of who is victimized and how, with what impact, and why they believe they have been victims of racist hate crime.

The literature review sets the foundations for the thesis, arguing that empirical research is required to understand victims' perceptions of racist hate crimes at the micro-level and the process of victimization as it extends to claiming and negotiating hate crime victim status with, for example, police officers. The analysis and findings build on the idea of racist hate crime as a process and shows how people become victims and how hate crimes are interactional accomplishments.

Whilst making the case for the use of embodied ethnography for research into hate crime, the thesis addresses a range of complex ethical and epistemological issues – from cross-cultural research to researcher safety. The research also addresses gaps in knowledge, including the significance and operation of the Stephen Lawrence definition of hate crime. It adds granularity to our understanding of who is victimized and how, including less blatant forms of victimization – racism by stealth. The thesis thereby contributes to our understanding of the ways in which racism is encoded in victims' lives and how they perceive risk and suffer harm.

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Chapter 1

‘Who is the victim?’

Introduction

Racism was officially recognised as a social problem by the British government in 1981 following publication by the Home Office of *Racial Attacks* (Bowling 1999, p.151; Bowling and Phillips 2002, p.120). With a few exceptions it was not until then that members of Black and Minority Ethnic (BME) communities were seen as victims by criminologists (Bowling 1999, p.150), even by critical criminologists (Perry 2006). In the decades that followed a range of legal, multi-agency and specific policing responses developed. Indeed it was envisaged that the Stephen Lawrence report (1999), also known as the Macpherson report, would further strengthen the service and protection afforded by police services to people from BME communities. According to McLaughlin (2002, p.493) it was in 1999, when both the London based neo-Nazi nail bombings committed by Copeland and the Stephen Lawrence report were published, that the term ‘hate crime’ emerged in Britain. The term is also of fairly recent origin in the United States, having first been coined there in 1985 (Perry 2003b, p.2), although its utility is the subject of ongoing debate amongst scholars (Levin 2009). Perry (2005), for example, wrestles with the ‘semantics’ of the term and describes it as a ‘phrase fraught with dilemmas and difficulties’ (2003b, p.2). She explains:

Laypeople as well as professionals and scholars tend to take it far too literally often insistent that all (violent) crimes are “about hate,” or alternatively, that perpetrators don’t necessarily hate their victims ... this is to oversimplify the concept through very prosaic interpretations of the concept (*ibid*).

By contrast she suggests ‘serious scholars’ ‘understand ‘hate’ as a kind of shorthand for the sorts of bigoted, bias-motivated violence to which it refers’ (2005, p.122, cited by Funnell 2009, p.10). Stanko (2001, p.329) is also cautious about the term because it misleads us into conceptualizing this as a ‘stranger crime’.

It is claimed that ‘traditional criminological theories lack sufficient explanatory power in the context of hate crime’ (Perry 2001, p.33; and see Hall 2005, p.74). It is Perry’s advancement of structured action theory as developed by Messerschmidt

(1997), influenced by Bowling's conceptualization of victimization as a process (2001, p.3; 2009, p.7) which has been most influential to date (see for example Chakraborti, 2010; Garland, 2012; Hall, 2005; Iganski, 2008). More recent theoretical accounts of hate crime have included 'Reconceptualizing hate crime victimization through the lens of vulnerability and 'difference'' (Chakraborti and Garland 2012) and a model predicated on Gottfredson and Hirschi's theory of self-control has also been advanced (Walters 2011). Yet, 'Criminological research on the causes of hate crime remains scant' (Walters 2011, p.313). Moreover, the definition and concept are also contested amongst scholars (Chakraborti and Garland 2009a, p.16). The matter is further complicated for those researching racist hate crime victimization because 'race', 'ethnicity' 'crime' and 'discrimination' are also 'contested concepts' (Bowling and Phillips 2002, p.xvi).

There is, it is suggested, a navigable path through this disputed terrain, the seeds of which were sown by Macpherson (1999) in the Stephen Lawrence report and this lies with the introduction in England and Wales of a 'victim-centred' (Goodey 2007, p.427) definition of a 'racist incident'. In 2007 a shared definition of hate crime based on the definition set out in the Stephen Lawrence report was adopted by the Association of Chief Police Officers (ACPO), the Crown Prosecution Service (CPS) and other criminal justice bodies including the National Offender Management Service (HM Government 2011, paragraph 1.9): 'A hate crime is a criminal offence which is perceived, by the victim or any other person, to be motivated by a hostility or prejudice based on a person's race or perceived race' (Home Office 2009, unpaginated). As Chakraborti and Garland (2009a, p.150) say:

[W]e could conceivably produce as many academic definitions [of hate crime] as we like, but ultimately official classifications of hate crime are shaped by the interpretation of the victim and the criminal justice system, and not academia.

Interestingly, however, the operation and consequence of the victim's decision making power endowed by Macpherson (1999) and subsequently adopted by the criminal justice system has received little attention from academics.

This thesis presents the findings of an ethnographic study of the social worlds of racist hate crime victims and their caseworkers. It describes and explains how participants constructed and responded to racist incidents. I spent 14 months conducting fieldwork at a charity that supports victims of racist hate crime, based in

an ethnically diverse UK city. I accompanied caseworkers visiting police stations, victims' homes and drop-in sessions, conducting 25 interviews with caseworkers and victims. The thesis therefore presents empirical evidence upon which to understand how and why people perceive acts to constitute hate crimes as well as the process of victimization, including the experience of claiming victim status.

'Foreshadowed problems'

The 'foreshadowed problems' (Delamont 2004, p.224) emerged during my employment as a civil servant when, with a remit to contribute to the development of policy and practice in respect of violent crime generally and hate crime specifically, I discovered that there was no evidence base from which to do so. Indeed, Perry (2009a, p.x-xi) confirms that the recent acknowledgment of hate crime as a social problem, lack of agreement around the definition and conceptualization of 'hate crime', related problems of 'measurement' and lack of empirical evidence all contribute to the paucity of theoretical accounts. The preliminary work for the doctoral research was conducted as part of a full-time Social Science Research Methods Master's degree after leaving the civil service when I undertook a 'micro-ethnography' (Wolcott 1990 cited by Bryman 2008, p.403) in 2009 at the research site ('the agency') where the doctoral fieldwork was also based. The findings from the first phase of fieldwork set the parameters for the early stages of the doctoral thesis including, for example that: victims come from a complex range of self-ascribed ethnic backgrounds, and this includes white victims; victims and perpetrators are not necessarily strangers; children are often present during racist incidents as primary or secondary victims or witnesses; the impact of victimization can curtail the movement of families to such an extent that they are "locked in" their own homes (Funnell 2009).

Purpose of the research

The literature is predicated on the assumption that there is a universal experience of hate crime victimization and, as such: 'we do not have a very clear picture of the specific dynamics and consequences that may be associated with victimization on the basis of different identity positions' (Perry 2009b, p.xviii). Indeed, as Chakraborti and Garland (2009a, p.14) observe, the academic consensus indicates that 'the

identity of the individual victim is largely irrelevant as the victim is chosen on the basis of their membership of a particular minority group' and this has a number of implications, including the idea that hate crimes are stranger crimes. Yet, as will be demonstrated, such claims are not empirically supported. Indeed, the research presented herein augments the earlier ethnography, which stands in sharp contrast to the 'very broad and nonspecific' character of the hate crime literature (Perry 2009b, p.xviii). It generates stronger insights into who is victimized and, from their perspective, describes and explains what acts constitute racist incidents and the impact that victimization has on their lives. The premise for the research design for both projects is that a criminological investigation of victims' perceptions of racist incidents in terms of their understandings and experiences of hate crime is necessary in light of the subjective definition which operates in the criminal justice system in England and Wales. The research compels us, as Walklate (2012b) has recently done, to revisit Quinney's (1972) question: 'Who is the victim?'

As a research methods degree, the Master's level research also investigated and made the case for an ethnographic study of racist hate crime. Ethnography was chosen for a number of reasons but primarily as a means of understanding the meaning and experience of hate crime from the perspective of victims and their caseworkers. Secondly, the ethnographic method is particularly valuable for studying hate crimes which, as Bowling observes are not events (*cf.* Vera and Feagin 2004) but 'a dynamic process, occurring over time' (Bowling 1999, p.285) and thus beyond the purview of surveys (also see Hall 2005, p.65). Thirdly, ethnography is ideally suited to researching the lives of those who might be described as hidden or difficult to locate.

The research focus

The last decade has seen a growth in scholarly publications focusing on 'hate crime', including from British scholars. Yet, within a field that has yet to advance a range of theoretical accounts for the phenomenon under investigation, there are numerous potential avenues of empirical enquiry. The aim of this doctoral research was to explore victims' perceptions and experiences of racist hate crime in light of the adoption of the Macpherson (1999) recommended definition of 'hate crime'. The ethnographic study was initially shaped by two broad questions: How do hate crime

victims and caseworkers perceive racist hate crimes and incidents? What meanings do they give these experiences? Additionally, I sought to capture, explore and describe the process of victimization and I was interested to discover whether the term ‘hate crime’ had meaning for participants. As such this research contributes to a gap in the knowledge in terms of understanding specifically who is victimized and how, with what impact and, crucially, how and why they perceive this to be the case.

The research contribution

The next chapter (2) presents a review of the literature and establishes the architecture for the thesis as a victimological account of racist hate crime. The analysis critically considers the international scholarship on who is victimized and how they are victimized before considering the literature on the impacts of hate crime. Finally, consideration is given to what is known about who responds to victims and how, with a particular focus on the policing of racist incidents. Amplifying the argument set out earlier, the review concludes that empirical research is required to understand victims’ perceptions of racist hate crimes at the micro-level and the process of victimization as it extends to claiming and negotiating hate crime victim status with, for example, police officers.

Chapter 3 sets out the research design, methods and methodology and theory for the project. This establishes the case for a qualitative approach generally and ethnography specifically to capture not only the process of victimization but the complex lives afflicted by hate crimes. A description and analysis of the research based at ‘the agency’, which offered a casework-based support service to victims of racist incidents, is provided. This is followed by an explanation of how Spradley-informed (1979) techniques for interviewing were used to facilitate ethnographic interviews with caseworkers and informal and unstructured interviews with victims. The remainder of the chapter considers the ethically and epistemologically challenging issues which arose during the research including: cross-cultural research; roles adopted in the field; researcher safety; being touched during research; maintaining objectivity; and data analysis. The focus is on the people encountered in the field who were simultaneously powerful, powerless and complex, as well as researcher-risks and how embodied ethnography illuminates the process of victimization.

The first of four empirical chapters *Making a case: a study of interpretive practices in determining hate crime victim status* (Chapter 4) presents a study of the caseworkers' practice, which centred on the institutionalization of "the Stephen Lawrence definition" of hate crime. The analysis demonstrates how and in what ways – through the work of the caseworkers – hate crime should be understood (legally and in practice) as a subjective phenomenon by the criminal justice system in England and Wales. The chapter opens by describing the local organizational context of the agency before explaining the interpretive and assignment practices of caseworkers including the conduct of "allocation meetings" and the process by which victims became incarnate, a process which was dependent on idealized attributes of victims and offenders (Christie 1986). Further to considering matters relevant to the "case opening" process such as the ethnic origin, language ability and location of victims, the relationship between victim and caseworker is analysed which provides further insights into the idealized attributes of victims. The analytical importance of the empathetic character of casework practice is demonstrated and it is argued that this explains the ability of caseworkers to understand the victim's perspective – and thus advocate on their behalf – and which contrasts sharply with the police and housing officers' perspectives presented in Chapter 6. The chapter closes by focussing on the caseworkers' chronicling practices and, as such, it raises analytically significant issues generated by the casework process such as: the caseworkers' interpretive function (both lingual and perceptual); the dynamics and process of victimization; the importance of "credible threat of harm" and "risk assessments"; and evidence-gathering practices. The analysis demonstrates that victims, like crime, do not exist, they come into being (Christie 2004; Holstein and Miller 1990; Quinney 1972; Rock 2002) and that this process involved victims taking action; they interpreted their experience and formally claimed victim identity.

The key concepts raised in Chapter 4 set the framework for the remaining empirical chapters. Chapter 5 - *Racism by stealth* - analyses modes of victimization including "the look" and verbal challenges and also explains and describes victims' perceptions of perpetrators as "clever racists" because of the covert ways in which some incidents were perpetrated. It shows how, through racism by stealth, some perpetrators were able not only to frustrate victims' claims but also amplify the impact of victimization by, for example, framing victims as perpetrators. Goffman's

(1971) concept of *'Umwelt'* is used as a heuristic device to understand the relationships between experiences of victimization and perceptions of risk and this includes a discussion of the proximity between the parties. The chapter closes by presenting findings about the neglected question of children as primary and secondary victims and witnesses.

Chapter 6 on *The policing of hate crime (victims)* opens with a discussion of the different facets of the caseworkers' interpretive function including the challenges inherent in translating such experiences into claims of victimization to reporting authorities. In considering the reasons for the underreporting and under-recording of hate crimes the "empowerment" function of the caseworkers' role is analysed. Focusing on the situational dynamics of maintaining and relinquishing or losing hate crime victim status, it is shown how some victims' perceptions were (wrongly) rejected by police officers on the basis of evidential requirements or the need for serious event-based offences. The analysis also demonstrates how the process of victimization could result in the criminalization of the victim because of their retaliatory conduct. In some cases this arose through events set in motion by the actions of the perpetrator (provocation), or because of a perception that the police had failed to protect them ('under protection'), or because of the aggregate impact of victimization ('slow burn'). On balance, it is argued that 'ideal victims' had the strongest chance of claiming and maintaining victim status. Finally, the process of "empowerment" also sought to ensure "justice" was achieved for the victim through "monitoring" cases in the hands of statutory agency personnel and by providing an empathetic listening role. It is argued that both aspects of "empowerment" highlight shortcomings in official responses to victims' needs because they throw into sharp relief the institutionalization of the Stephen Lawrence definition of hate crime in casework practice and its absence in, for example, policing practice.

Chapter 7, on the 'mortification' of self (Goffman 1961, p.25), provides an examination of the social situation of victims of racist hate crime, specifically focusing on the consequences of victimization. Ethnographic research revealed how proximate relationships were perceived to generate risk for victims of racist hate crimes and how, in response, they developed a range of behavioural modification strategies, including isolating themselves and significant others to avoid further hate crime encounters. A comparison is made with Goffman's (1961) 'inmate' and that of

the racist hate crime victim in his or her home and neighbourhood; inmates in total institutions are closed to the outside world just as are some victims of racist incidents. The focus is not on Goffman's theory of mental illness, however. Rather, the concepts he utilises provides a mechanism by which to illustrate that whilst victimization may occur daily and form part of the 'ordinary' (Iganski 2008, p.31) experiences of victims, the impacts are not experienced as such. Indeed, everyday identities and routine tasks can no longer be performed in some cases. The aim of this chapter, therefore, is to provide a description of some of the processes of 'loss and mortification' experienced by victims of racist hate crime within the home and neighbourhood context (Goffman 1961, p.25).

Chapter 8 *Who can be a victim?* draws the thesis to a conclusion by synthesising the arguments presented in the empirical chapters and answering the research questions that shaped the ethnographic inquiry. Firstly, despite the abolition of police discretion and the prioritisation of victim perception embodied in the Stephen Lawrence definition of hate crime, there is a disjuncture between victims' and police officers' perceptions regarding the acts that constitute hate crimes, hence the *raison d'être* of the agency and the nature of the casework service. Secondly, victims perceive hate crimes to include a range of incidents, including non-verbal acts such as "the look" and acts committed by stealth, for example "malicious allegations" to social services about child neglect or abuse, and they are alert to the risk of such incidents arising, scanning people and places for signs of its potential. Linked to this, the act of claiming victim status can be challenging, not least because of differences in victim and police perceptions, but also because of the "language barrier" and because some modes of victimization, including those committed by stealth, are challenging to frame as hate crimes, at least in ways which are meaningful to those from official reporting agencies such as the police. Thirdly, a range of different people from different backgrounds, including those who self-ascribed as white, perceived themselves to be victims of racist hate crimes and those who were victimized included children as either primary or secondary victims. Furthermore, interactants were often proximate either socially or geographically – they were not strangers. Fourthly, the process of victimization extended to claiming, maintaining, relinquishing or losing hate crime victim status and this often overlapped ongoing victimization by the perpetrator. Victimization by the perpetrator was, in some cases,

exacerbated by secondary victimization by criminal justice agencies. Those with the strongest claim to hate crime victim status, both at 'the agency' and in respect of formal third party reporting agencies such as the police, were those with idealized victim attributes. Fifthly, the ethnography brings to light the complex ways in which complex lives responded to racist incidents and how they were simultaneously powerful and powerless. Like the 'inmate' of a total institution the victim can undergo a 'deep initial break with past roles and an appreciation of role dispossession' (Goffman 1961, p.14); the direct and indirect experience of victimization in the home and neighbourhood context thus contributes to the mortification of the self. Finally, on the basis that the term 'hate crime' was found to be an 'empty signifier', it is suggested that consideration be given to interpreting it as a 'floating signifier' (Laclau 1996), thereby enabling it to have the capacity to carry the "powerful" term "racism" used by victims and caseworkers but also recognising the academic construction of the phenomenon as 'dynamic and in a state of constant movement and change, rather than static and fixed' (Bowling 1993, p.238).

This research represents a significant contribution to hate crime scholarship because the ethnographic method makes visible 'the processes by which a person becomes a victim of this form of crime' (Bowling 1999, p.230) and shows it to be an interactional accomplishment. It adds to the growing British empirical evidence base so that our understanding of a phenomenon which is socio-culturally contingent can be understood in this context and not simply with reference to North American jurisprudence and research. The research also addresses gaps in knowledge including consideration of the significance and operation of the Stephen Lawrence definition of hate crime in England and Wales. Moreover, it adds granularity to our understanding not just of who is victimized and how, but also who *can* be a victim of hate crime. The thesis thereby contributes to our understanding of the social world of victims' perceptions and experiences of hate crimes and shows the ways in which racism is encoded in their lives and how they perceive risk and suffer harm. Most importantly of all, therefore, this research provides strong evidence to address the wrongs experienced by victims so that they may live free from harm.

Chapter 2

The victimology of hate crime

The aim of this chapter is to answer three specific questions pertaining to the victimology of hate crime to highlight key relationships between victims and offenders and victims and agents of the criminal justice system. Firstly, who is victimized and what is understood in terms of the modes of hate crime victimization? Secondly what are the impacts of such victimization? Finally, who responds to victims and how? It is concluded that there is a knowledge gap in terms of understanding victim perceptions of racist hate crimes at the micro-level, and that empirical attention is needed in respect of the process of victimization as it extends to claiming and negotiating hate crime victim status with, for example, police officers.

Who is victimized and how?

Victims of racist incidents: surveying ethnicity & ‘race’

In 2011-12 the police recorded 43,748 hate crimes in England and Wales of which 82% were ‘race’ related (Home Office 2012a) and 47,678 racist incidents, which represented an 8% decrease on the previous year’s figures (Home Office 2012b). Findings from the 2010/11 *British Crime Survey* (BCS, now *The Crime Survey for England and Wales*) indicate that the lowest proportion of victimization involving personal crime was reported by ‘Asian’ (7%) and ‘Black’ (7%) groups, followed by those from the ‘Chinese or Other group’ (9%), and the highest proportion was reported by those from the ‘Mixed ethnic group’ (11%) (Ministry of Justice 2011, p24). All represented a higher risk of personal victimization than the ‘White group’ (*ibid*, pp.24-25). Indeed, the literature notes a rise in racist incidents against Asian communities in the form of Anti-Muslim racism (Frost 2008; Poynting and Mason 2007).

Racist victimization is the most frequent type of hate crime in the United States (Levin 2009, p.3) and African Americans experience the most victimization (Levin 2009, p.4 and p.17). Despite the victim-centred definition of hate crime in England and Wales - and as discussed in the dissertation (2009, p.57) - the possibility of white

victims of racist hate crime is largely contested by the literature (Iganski 2008, p.9), with such claims perceived as a 'backlash' against hate crime-related legislation and policy (see for example Bowling and Phillips 2002; Dixon and Gadd 2006; McLaughlin 2002). Yet, as Iganski (2008, p.9) observes in respect of McLaughlin's (2002) article, his claim is not supported by evidence. White people associated with ethnic minorities either as partners or parents of dual heritage children have been identified as particularly vulnerable to victimization (Bowling 1999, p.181; Chakraborti and Garland 2009b, p.151; Tiby 2009, pp.41-42; Noelle 2009, pp.84-85). Furthermore, Chakraborti and Garland (2009b, p.151) found white victims of Irish or American descent or asylum seekers or Gypsies to be among victims of 'othering' processes in the rural context; the latter are 'ethnic' groups (see for example the Commission on the Future of Multi-Racial Britain 2000). Foster *et al* (2005, p.86) also encountered reports of white victims by police officers in their national, local and case study research with police officers, as did Docking and Tuffin (2005, p.19) in their focus groups with police officers, although officers were unclear of their victim status.

Bowling (1999, p.18) reports widespread victimization among ethnic minorities in his east of London study between 1988 and 1991 (p.19) but found that for some groups, particularly Asian women with children, victimization was more likely and its impact was particularly acute (p.181). Turpin-Petrosino's (2009, pp.28-30) more recent US-based review of academic and media sources found not only that black people were likely to be victimized in or around their homes but that children were targets of victimization too:

Since black families are sometimes targeted in their homes, there is greater likelihood that children will witness and experience the racially motivated attack (p.30).

Turpin-Petrosino's approach addresses the limitations she associates with other data sources (2009, pp.27-29) and the lack of scholarly attention on the specificity of black people's experiences (p.39), but the review is largely descriptive and these findings are based on 88 incidents reported in the media and reviewed by a third party over the period 1992-2002 (p.28). Whilst there are limitations to Mason's (2005a and 2005b) research (see p.14), her research supports that of Turpin-Petrosino (2009) and Bowling (1999) in respect of finding that females feature more often in police reports as victims of harassment whereas males are more likely (according to

other Metropolitan Police data) to feature as victims of physical violence (2005b, p.594). Mason (2005b, p.594) suggests that this disproportionality could be explained by the fact that ‘older Afro-Caribbean and Indian/Pakistani women represent an easy target for expressions of verbal racism by young white males’.

Recent US-based scholarship confirms previous findings which suggest that the offender is typically male and white and that the ‘attack’ is usually perpetrated upon a lone victim and does not involve a weapon (McDevitt *et al* 2010, pp.126-127). Furthermore, when compared with standard assaults, hate crime assaults tend to be perpetrated by juveniles and are more likely to result in injury (*ibid*, p.128). Findings cannot, however, simply be transposed from one jurisdiction to another without caution. Indeed, British scholars such as Chakraborti and Garland (2009a, p.6) and Hall (2012) accept the argument by Bowling (1993, 1999 and 2003) and Perry (2001; 2003a; 2003b; 2005) that hate crime is historically, politically and culturally contingent as well as the fact that it is socially constructed. Little consideration is given, however, to the fact that Perry and other North American scholars write with reference to hate crimes located not only in historically and culturally different contexts but different legal jurisdictions. Consider, for example, that Bowling (1999, p.205) found that whilst two thirds of those from the Asian community in the East End of London were targeted by white perpetrators, in one fifth of cases they were African or Afro-Caribbean and a ‘mixed’ group in one tenth of cases. More recently, data based on 2008/9 figures of ‘accused hate crime offenders by ethnic group’ provided by three forces to Iganksi *et al*’s research (2011, p.16) challenges ‘the model of the white offender’ that has dominated emerging conceptualisations of hate crime.

Relationship between perpetrator and victim

At least since Brown’s *Black and white Britain* (1984, p.255), racist crimes have been constructed as stranger crimes. This research, however, alerts us once again to the importance of critically considering the limitations of studies and of paying attention to the socio-political context. Due to methodological constraints (1984, pp.247-248), Brown was writing principally about a small number of cases of ‘physical assault’ where the attack was ‘motiveless’ (p.255) and concerned the street level activity by ‘gangs of youths’ including ‘skinheads’ (*ibid*). Indeed, the

archetypal hate crime posited in the literature is that of a stranger crime (Lawrence 1999; Levin and McDevitt 1992; Perry 2001). The idea that the victim is targeted *because of* their membership or presumed membership of a particular minority group leads scholars to assume that there is no relationship between the victim and perpetrator (McDevitt *et al* 2001, p.698; Mason 2005a, p.839) and thus that the victim's identity is 'irrelevant' (Chakraborti and Garland 2009a, p.14). McDevitt *et al*'s idea of 'victim interchangeability' (2001, p.698) thus continues to resonate throughout the literature and is key to understanding evolving conceptualizations of hate crime. McDevitt *et al* (2001, p.698) argue that this 'unique dimension' is one characteristic of this form of victimization that makes it 'inherently more harmful to the social fabric of society'. Furthermore the individual targeted is unable to reduce their risk of victimization and, relatedly, anybody who shares the same status and who learns of another's victimization is aware that they could have been the victim (*ibid*). McDevitt *et al* (2001, p.698) refer to this 'second unique dimension' of hate crime as 'secondary victimization'. The third aspect of hate crime victimization is the capacity of both 'victim interchangeability' and 'secondary victimization' to interact and generate (often violent) community unrest (McDevitt *et al* 2001, p.699). The latter has been discussed in the British context in respect of rioting in Bradford, Burnley and Oldham in 2001 (Ray and Smith 2004; Ray *et al* 2004; Stanko 2001).

Arguably the conceptualization of hate crime as a stranger crime has slowly been eroded in light of a growing body of empirical evidence. Bowling (1999, p.182) reports that victims and perpetrators were often from the same estate or lived in areas close to one another. With regard to the attacks reported against Asian men and women, although the perpetrators were largely 'unknown' to victims, they were known in just over one in ten incidents, but usually only by sight (Bowling 1999, p.205). This contrasts, however, with those men and women from the 'African and Afro-Caribbean' communities who were more likely to know the perpetrator; Bowling (1999, p.209) suggests that this is because some incidents involved colleagues. Virdee (1995, p.51) reports that the respondents in his study who were victimized near the home knew the perpetrator whereas those who were abused or threatened in the public domain such as the street or on public transport did not. More recently, Kielinger and Stanko (2002) conclude that hate crimes are not necessarily stranger crimes rather, the victim is likely to recognise and know the perpetrator.

Taylor (1996, p.598 cited by Mason-Bish 2010, p.70) suggests that there is a relationship between many victims of hate crimes and perpetrators, namely neighbour or colleague and McDevitt *et al* (2010, p.126) conclude that ‘offenders maintain tenuous relationships with their victims’, that is to say even if the parties were ‘strangers’ they might recognise one another by sight because, for example, they live or work in the same area (*ibid*). The authors report that violent incidents were committed by the following: 38% acquaintances; 26% strangers; 7% friend or relative (*ibid*). This mirrors research by Docking, Kielinger and Paterson (2003) with regard to less serious offences. The situation is thus complex and highlights the importance of understanding social context. Furthermore, it is important not to generalize hate crimes. For example, Noelle’s (2009, p.76) findings with regard to homophobic hate crimes show that men and women may experience victimization differently, with the former more likely to be attacked by a stranger in the public domain, and to experience different modes of victimization.

Stanko (2001), Mason (2005a, 2005b, 2005c) and Iganski (2008) have called into question the long-standing idea that hate crimes are stranger crimes. Mason’s (2005a) research was based on 40 (p.849) racist and homophobic incidents classified under the Protection from Harassment Act 1997 (p.838) reported to the Metropolitan Police and, as such, the small sample size and specific nature of the incidents means that the generalizability of the findings are limited. The research is important however for alerting us to the methodological inconsistencies in previous research (2005a, p.840-841), which have resulted in the orthodox portrayal of hate crime as a ‘stranger crime’ both in the literature but also in policing practice; a process which becomes ‘self-reinforcing’ as only those crimes committed by strangers come to be framed as hate crimes (2005a, p.839). Importantly, Mason’s research amplifies Stanko’s (2001) findings and arguments, also based on working with the Metropolitan Police Service and which identifies perpetrators as ‘neighbours, clients, and co-workers’ and who ‘live in close quarters’ to the victims (p.323). Importantly she argues that:

... it is the logic of the *stranger*, especially the violent stranger, that obscures our ability to understand the ordinariness of hate crime (*ibid*, emphasis in original).

Smith (2009b, p.41) suggests that this is why the conviction rate for racially motivated offending is lower than might otherwise be indicated by official statistics;

citing Burney and Rose (2002) he postulates that the predicate offence is charged instead. Stanko (2001) addresses the conceptual limitations of 'hate crime' by suggesting that such victimization should instead be thought about as 'targeted violence'.

Mason's (2005c, p.81) research also highlights the importance of not glossing across different forms of hate crime as well as the importance of 'context'. For example, she identifies that the ongoing nature of harassment means that there is likely to be some degree of 'proximity' and thus familiarity between victim and perpetrator as 'locals or neighbours' (2005a, p.856):

This makes sense in the context of harassment, especially harassment that is committed by youthful perpetrators. Verbal abuse, graffiti, minor forms of property damage, threats and the like are 'easy' ways to express racist and homophobic sentiment. It takes little effort to throw an egg at a neighbour's front door or abuse him or her when walking to the local shops or to work (*ibid*).

As Mason argues (2005a, p.838), a greater focus on 'context', including the location of victimization, could helpfully supplement criminological research rather than continue with approaches used for the study of other crimes which focus solely on 'degree of intimacy' between victim and perpetrator; that is to say 'according to the depth of knowledge or extent of contact' (Mason 2005c, p.81) the parties have of and with one another. Thus, according to Mason (2005a, p.851) the nature of the relationship should be considered from the victim's perspective in terms of the 'capacity' in which they know the perpetrator and, like Hesse *et al* (1992), it is the 'spatial' aspects of victimization that are key (also see Iganski 2008; Rai and Hesse 1992). In this way a more methodologically robust approach can be brought to the study of hate crime which can account for the fact that there are a range of relationships between victims and perpetrators and that not all are stranger crimes (Mason 2005a, p.856). Mason's argument is supported by the findings of Ray and Smith (2004) and Ray *et al* (2004).

In considering the concept of the 'spatial dynamic of estrangement' (Mason 2005b, p.596) to understand what it means for a neighbour to 'know' their neighbour Mason suggests that, whilst the parties are 'physically proximate', the victim is 'emotionally distant from the perpetrator' (Mason 2005b, p.599). Ray *et al* (2004) also found that the classic hate crime case did not hold because the majority of parties to encounters

knew one another usually due to ‘commercial’ interactions (Ray *et al* 2004, p.351) but, consistent with the literature, including the seminal work of Stanko (2001), the violence was ‘targeted’ and thus ‘racist violence’ (2004, p.355); the nature of the relationship did not detract from the nature of the victimization. Walters and Hoyle (2011) identified two distinct types of case in their exploration of cases at a community mediation service which would seem to support Ray *et al*’s (2004) findings. The first type involved those where a vulnerable individual was persistently targeted and the second involved ‘messy’ often intractable disputes between ‘warring neighbours’ (2011, p.16) – not necessarily wholly motivated by prejudice or hostility – and which have been neglected by scholarship (p.2). These findings have to be treated with caution, however because Ray *et al* (2004) were reliant on their ability to determine the veracity of offenders’ accounts and Walters and Hoyle (2011) premised their conclusions on a small sample size and one which was arguably skewed because it reflected the views of those who participated in a community mediation scheme, and not those who declined. In conclusion, there is strong evidence to suggest that hate crimes are not necessarily stranger crimes but more research is clearly needed to clarify and verify this point, not least because the ‘message crimes’ thesis turns on such a conceptualization.

‘Message crimes’

Bowling (1999, p.159) suggests that the process of victimization ‘may extend to [victims’] immediate extended families, friends, and ‘community’ but, besides mention of children in the data, this observation is developed no further other than to suggest that the impact of a serious crime ‘may be felt among people in locations far away from where the incident itself occurred’ (*ibid*). The idea that hate crimes have a ‘ripple effect’ (Noelle 2002) and ‘terroristic effect’ (Iganski 2001) and are ‘message crimes’ (Chakraborti and Garland 2009a, p.14) is widely accepted in the literature in that: ‘It is implicated not merely in the relationship between the direct ‘participants’, but also in the relationship between the different to communities to which they belong.’ (Perry 2001, p.10). These ideas, however, are to be found in the earlier work of Feagin and Sikes (1994, p.16) who identify the ‘cumulative impact’ of racism to extend beyond the individual to ‘their families’ and ‘communities’, the ‘domino effect’ ‘rippling across an extended group’. Mason (2009, p.56), citing Cuneen *et al* (1997) and Whillock and Slayden (1995) explains that hate crime acts are ‘symbolic’

and a sign of potential for all others in the same social group as the victim. Whilst Chakraborti and Garland (2009a, p.14) acknowledge that there is consensus on the 'message crimes' thesis, Perry (2006, p.165) cedes that it is based on 'assumption' and requires validation through empirical inquiry which she and Alvi have recently sought to address (Perry and Alvi 2012). Moran (2000, p.12) suggests that even though the original target may have been selected for 'impersonal' reasons, hate crimes are experienced personally, hence the harm experienced; which is reflected in the provisions for enhanced penalties (Hall 2010, p.150). Whilst the impact on the wider community is accounted for in the literature and policy (see for example ACPO 2005, p.6), little is written about how and in what ways victimization extends to and impacts on family members and friends, certainly to any detailed extent. Indeed, Apena (2007, p.212) observes (citing Hutnik 1991, p.70):

The assumption that if one's 'group' is an important part of one's 'self', then dislike for one's group by another dominant group will inevitably result in lower self-esteem remains questionable, especially since 'ethnic minority children are no longer showing such a strong preference for the majority group'.

In the context of the 'message crimes' thesis, therefore, the capacity for hate incidents against one individual to have an impact on their wider community seems tenuous. However Craig-Henderson (2009a, pp.23-24) notes the psychological impact on those from the same group as the victim in terms of 'fear, anger and despair' and McDevitt *et al* (2001, p.707) state that half their sample spoke with a friend or family member prior to formally reporting, which could account for the diffusion of impact amongst a community.

Location

McDevitt *et al's* (2001) US-based findings provide insights into the situated nature of victimization and further illuminate tensions in the construction of hate crimes as stranger crimes. Firstly, their analysis of law enforcement and advocacy agency records indicates slightly more hate crime assaults occurred in the vicinity of the victim's home than non-bias assaults (p.703), perhaps amplifying the impact of victimization because the victim had perceived the place to be safe and so could not mitigate the impact of the crime by reasoning that they would have changed their behaviour on this or future occasions to prevent victimization (p.704). This contrasts with Herek *et al's* (2002) findings generated from face-to-face interviews with

victims of homophobic crimes which were largely committed in the public domain by strangers (Herek *et al*, p.323); consistent with McDevitt *et al*, however, they also found that crimes were committed in other environments by neighbours, colleagues and relatives (Herek *et al*, pp.326-328). Secondly, McDevitt *et al* (2001) report that more bias victims were familiar with the area where they were assaulted than non-bias victims and were less likely to frequent the area after victimization (McDevitt *et al* 2001, p.705). Interestingly, Mason (2005a, p.849) (cautiously) suggests that victimization characterised by a 'course of conduct' is 'more likely' to arise in areas where victims and perpetrators frequent, 'such as home and work':

It is less likely that someone will be harassed more than once by the same perpetrator in locations that he or she only occasionally visits (*ibid*).

Bias victims were also more likely to be attacked by multiple perpetrators according to McDevitt *et al* (2001, p.705) and less likely to have 'a prior relationship' (that is as friends or acquaintances) (p.707) with the perpetrator/s (p.705). Furthermore 84% of incidents were described as perpetrated by 'stranger' and 76% as the result of 'an unprovoked attack', prompting McDevitt *et al* (2001, p.706) to suggest that this is evidence in support of the 'interchangeability' thesis.

Bowling reports that acts of violent racism were more likely to be targeted at the victim's home or their person when in their local area (1999, p.182; see also Virdee 1995, p.31 and p.57). 'Move in' violence is recognised in the US (see for example Perry and Olsson 2009, p.186) and British context (see for example CRE 1987, p.7). US academic Turpin-Petrosino (2009, p.28) confirms that much victimization of black people occurs in or around their homes and she observes that victimization by peripatetic perpetrators of those living within predominantly black neighbourhoods is not written about. This situation contrasts with British empirical studies which suggest that racial harassment is more likely to occur where Asian and Black residents are in the minority of a population (Sibbitt, 1997; Bowling, 1999) by neighbours (Sibbit 1997; Mason 2005a, 2005b; Ray *et al* 2004). McGhee (2005, p.126) conceptualizes hate crimes as a means for 'policing the closet' or the boundaries of 'privacy' which is a perspective mirrored by Mason (2005b, p.595) with respect to racist and homophobic harassment. On balance, therefore, there is evidence to suggest a relationship between geographical and social proximity and

that an understanding of the ‘micro-cultures of place’ (Amin 2002, unpaginated) is crucial to developing hate crime scholarship.

The nature of victimization

Hate crime is a process

Bowling’s (1993, 1994, 1999 and 2003) conceptualization of racist victimization as a ‘process’ rather than an event has shaped the development of hate crime scholarship in both North America (for example Perry 2001; 2003a; 2003b) and the UK (Chakraborti and Garland 2009a; Hall 2005; Iganski 2008). A review of the literature on this point suggests a consensus around the temporal ordering of victimization - it is ‘a dynamic process, occurring over time’ Bowling (1999, p.285) and which unfolds ‘within a specific historical and social context’ (p.151) and thus often manifests as repeat victimization (p.160; Bridgeman and Hobbs 1997). In consequence, there is a fundamental misalignment between the incident focused approach not only of legislation, surveys and police recorded crime statistics in capturing the experience of victimization (Bowling, 1999, p.18 and p.165; also see Walklate 2012b, pp.174-175), but the operation and focus of the criminal justice system, including the police service:

The ‘events-orientation’ fails to capture the experience of repeated or systematic victimization; the continuity between violence, threat, and intimidation, or the complex relationships between all the social actors involved. (Bowling 1999, p.18)

For Bowling, the process only *begins* when the incidents occur and, it would seem, concludes when the matter is resolved with a court case (see for example 1999, pp.226-229). Yet, if the impact is ‘cumulative’ (Bowling 1999, p.230; Feagin and Sikes 1994, p.16; Hall 2005, p.65) surely not only the actual but also potential victimization could either keep the process alive for a victim, or re-instigate it in an *experiential* sense. It is insufficient to state it as ‘ever-present’ (Bowling and Phillips 2002, p.114). As will be argued, experience and agency should be factored into the ‘process’. Indeed, this appears to be in line with Feagin and Sikes’s work (1994, pp.15-17).

Dennis *et al* (2000, p.xix), writing on the Macpherson inquiry (1999) suggest that whilst it ‘had the appearance of a judicial proceeding’ the investigation ‘bore some

resemblance to the Stalinist show trials of the 1930s.’ Yet, perhaps this merely reflects the self-avowedly ‘adversarial’ rather than traditional ‘inquisitorial’ nature of this public inquiry (Macpherson 1999, pp.8-9); although Green (2000, p.41) describes it as a ‘kangaroo court’. Specific criticism was levelled by Dennis *et al* (2000, pp.99-101) at Bowling’s contributions to the inquiry, particularly his conceptualization of ‘institutional victimization’ as ‘the *process* by which’ BME peoples are ‘systematically discriminated’ (cited by Dennis *et al* 2000, p.99). One of the ‘puzzling ambiguities and obscurities’ (2000, p.100) arises here for the authors because:

In its usual dictionary and in the more elaborate sociological meaning of ‘institutional’ the idea of structure rather than *process* is prominent. The significance of ‘process’ being used and underlined by Dr Bowling is therefore obscure. (*ibid*, emphasis added)

On balance a review of the literature leads one to question what it means to say that racist victimization is a *process* – beyond the fact that it is not event based – especially now that the focus has moved from a criminal justice definition of racist incident to a ‘victim-centred one’ (Goodey 2007, p.427). Indeed, writing in 1932 Bain observed that:

Etymologically, "process" merely means "the fact of going on or being carried on: progress, course." Murray mentions thirteen main substantive usages. Some sociologists adhere to the etymological implication of progressive action or advance, but the more common usage emphasizes the dynamic, changing characteristics of social phenomena without any commitment on the normative nature of the activities or occurrences. There is also the implication that the goings-on are regular, continuous, and repetitive (p.13).

Bain would have no issue with Bowling’s (1999, p.285) assertion that racism is ‘a dynamic process, occurring over time’ if the concept - racism - is ‘clear’ and the reference to ‘process’ therefore indicates its ‘mere occurrence’ (Bain 1932, p.18). Indeed, mirroring Pearson *et al* (1989, p.135), Bowling and Phillips (2002, p.113) expand upon this and explain that the ongoing nature of victimization means that it cannot be ‘measured’, and that, by analogy with research on sexual assault against women, acts of racism are ‘better understood as continuum, connecting ‘everyday’ abuse with extreme acts of violence’ and as repeat victimization. Interestingly, writing in respect of homophobic hate crimes, McManus and Rivers (2001, p.3) distinguish between ‘subtle or overt’ forms before listing the same types of acts as those widely cited for hate crime generally, including verbal abuse and harassment,

physical assault and violence, including sexual violence, psychological and emotional violence and property damage. Yet, there are three points to be made here. Firstly, the emerging hate crime scholarship has applied Bowling's idea of racism as a process but applied it to 'hate crime' which, as noted, has not yet been satisfactorily defined or conceptualized. As such, Bain (1932, p.18) would take exception because the concept is not 'clear'. Secondly, to say that hate crime is a process signifies that it is not a static concept but, by analogy with Bain's (1932, p.13) analysis of the concept of 'social process' it does not add to the concept of hate crime: 'It does not differentiate types of social interaction, or add to, or extend, or clarify the common-sense observation that human beings can and do react to each other.' Rather, as will be discussed, the literature remains focused on the temporal ordering of victimization (Bowling 1999, p.189) as manifested in the ideas of repeat victimization and the process/incident 'contradiction' (Bowling 1999, p.285). Thirdly, Bowling (1999, p.158) does mark out the elements to be considered by scholars of 'racial violence':

Conceiving of violent racism ... as processes implies an analysis which is dynamic, includes the social relationships between all the actors involved in the process; can capture the continuity between physical violence, threat, and intimidation; can capture the dynamic of repeated or systematic victimization; incorporates historical context; and takes account of the social relationships which inform definitions of appropriate and inappropriate behaviour.

Whilst this definition helpfully adds more conceptual flesh to the bones of hate crime in terms of the temporal and contextual dynamics, it lacks specificity in terms of the content of the interactions that constitute hate crimes; what acts constitute hate crime as a process? Indeed, whilst theoretical development in this field is at an early stage, an approach which focuses on meaning, experience and agency for those involved in hate incidents would not be given primacy in light of the dominance of Perry's (2001) 'doing difference' theorisation of hate crime and the methodological bias of researchers for survey-based approaches. Arguably, however, the adoption of a victim-centred definition in England and Wales compels such consideration; how do victims perceive acts as hate crimes and how do they formally claim victim identity? As Holstein and Miller (1990, p.104) suggest, attention needs to be given to 'the interpretive definitional processes implicated in assignment of victim status'. In making a case for victimization as a process, Bowling (1999, p.159 and 238) reminds us of the importance of the media as well as the role of official actors such as police officers, with whom the victim 'may have to interact, for a significant period of time

(Bowling, 1999, p.167) in developing a dynamic account. Bowling (*ibid*), like Bell (2009, p.32), states that police officers play an instrumental role in defining what becomes defined as a crime, although of course formally their role has changed in England and Wales due to the Macpherson (1999) initiated reforms. Indeed, citing MacLean (1986, pp.4-5), Bowling (1999, p.158) explains that ‘crime is not an event or “social fact”, but a social *process* which includes a number of social events each of which is inextricably bound up with the other’. On balance what is needed is an updated and context-specific analysis of hate crime which investigates the dynamics of victimization and gives consideration to the role of victim perception and the practice of claiming victim status to gain a better understanding of *how* ‘an individual becomes a victim of hate crime through an ongoing process’ (Hall 2005, p.195). In short, what is needed is consideration of human agency and ‘experiential victimization’, that is: ‘the processes of interaction in becoming a victim, embracing a victim identity and embarking upon a victim career’ (Walklate 2011, p.183). As Walklate (2012b, p.176) reminds:

... the victim is a human agent who can adopt an active as well as a passive role in response to their experiences of criminal victimization.

Of course the process of victimization does not necessary result in visible victims and who is – or can be – a victim is equally determined by ‘power relations’ (*ibid*). This suggests the need for research that investigates the social worlds of victims.

The range of violence

Bowling (1999) writes of ‘racist *violence*’ (emphasis added) and continues to do so when collaborating with Phillips in *Racism, Crime and Justice* (2002). They (2002, p.114) state that ‘racist violence’ represents a ubiquitous threat to those from BME communities which can manifest in both ‘serious and mundane incidents’ for the individual and which generates ‘a threatening environment’ and ‘undermines their personal safety and freedom of movement’. Bowling (1999, pp.23-54) documents the history of violent racism in Britain through the twentieth century and, whilst there are similarities in modes of victimization, the impact of variables such as time, location, politics and culture has clearly shaped the nature and target of racist victimization. Throughout his analysis Bowling emphasises that: ‘Racial victimization is, like other social processes, dynamic and in a state of continuous movement and change, rather than static and fixed’ (1999, p.158). Perhaps then we

should be alert to the potential for the nature, definition of, and (victim) response to victimization to change. Moreover, in light of the fact that racism was not formally recognised as a major social problem until the 1980s it is entirely possible for such changes to have occurred and to have done so below the official radar, but to have registered in lived experience. Yet, not only does the emerging British hate crime scholarship use terms and findings embedded in the North American context, as will be discussed, the theories and findings in Bowling's 1999 work, and the concept of 'racism' are implicitly assumed to have remained stable across time.

Turpin-Petrosino (2009, p.23) cites crimes against the person as the most common experience of black victims. In contrast to non-hate crimes, Levin finds that hate crimes are seven times more likely to be offences against the person and three times more likely to cause injury and to result in hospital treatment (2009, p.15) (thus clarifying the inconclusive findings of McDevitt *et al* 2001, p.707); and incidents are likely to involve multiple perpetrators (*ibid*). Yet, these findings pertain to the American experience which represents racist victimization as typically extremely physically violent (see for example Levin and McDevitt 1993 and Levin and McDevitt 2002). As Iganski (2008, p.15) observes British academic and policy discourses have characterised racist hate crime in the same way and have also portrayed it as being the result of organised violence and yet there is no evidence that this is the case apart from for a minority of incidents. Consider, for example, the modes of victimization cited by Bowling which include 'criminal damage, graffiti, spreading rubbish, abusive behaviour, egg throwing, stone throwing, threatening behaviour, and 'knock-down- ginger', often forming patterns of harassing behaviour'; much of the abuse was verbal but physical assaults and arsons were reported to have occurred too (1999, p.182; p.189; p.198). Whereas Bell (2009, p.31) observes that, in the US context, vandalism and cross burning 'fit the typical patterns for hate crime that occur in the neighbourhood context'. This highlights the importance of studying the socio-cultural context within which victimization occurs. Bell's findings mirror earlier results by Herek *et al* 2002 (p.322) who report that whilst bias property crimes were more likely to be characterised by acts of vandalism, non-bias crimes tended to involve theft. In the British context Virdee (1995), writing on 'low level' harassment among African Caribbean and South Asian participants, includes 'malicious complaints' (p.49) and emphasises that acts which might not constitute crimes can

constitute part of a ‘campaign of harassment’ (p.51) and thus highlights the importance of seeing victimization as a process. Chakraborti and Garland (2009b, p.150) also identify the same forms of ‘low level’ victimization as acknowledged by Bowling (1999) as occurring in the rural context and cite ‘unnecessary or persistent staring’ (2009b, p.150). Virdee (1995, p.52) concludes that when ‘low level’ hate crime incidents are ‘linked together as a series, they create a continued climate of insecurity amongst the victims’.

The CRE’s (1987, p.11) survey of British local authorities and other organizations concerned with ‘racial harassment’ identify ‘typical cases’ as involving: ‘verbal abuse and graffiti’, ‘threatening notes and burning material posted through letter boxes, physical attacks, damage to property and the use of petrol bombs’. Interestingly, commentary by the Ministry of Justice on the most recent statistics released under s.95 Criminal Justice Act (CJA) 1991 states that:

Research from across England and Wales indicates that the majority of racist incidents recorded involve either damage to property or verbal harassment. (Ministry of Justice 2011, p.30)

This recent statement of the nature of racist victimization is significant because in presenting victimization as events, the report presents ‘a static and decontextualized snapshot’ (Bowling 1993, p.232) of incidents and omits the process of victimization as well as victim identity. Problematically, however, the source for this claim is Maynard and Read’s (1997) *Policing Racially Motivated Incidents* which is now somewhat dated and, of course, whilst at an early stage of development in North America (Perry 2003b, p.2), the UK (Iganski 2008, p.116) and the European Union (Garland and Chakraborti 2012), hate crime scholarship has since contributed more to our understanding of the nature of victimization since its publication. This official construction of racist incidents raises an important point in respect of the current debate in the criminological literature in respect of how criminologists should seek to achieve a ‘public criminology’ in terms of engaging with, being relevant to and influencing government policy (Loader 2006; Loader and Sparks 2007; 2008; 2010a; 2010b).

It is widely accepted that hate crimes are perpetrated by ‘ordinary’ people in the context of their ordinary ‘everyday’ lives’ (Iganski 2008, p.42; also see for example Chahal and Julienne 1999 and Garland and Chakraborti 2006). Mason (2005a, p.838)

observes how the mundane and everyday nature of racist incidents enables ‘low level’ victimization to shape peoples’ lives. On balance, and mirroring, Feagin and Sikes’s claim (1994, p.17) that repeated victimization ‘significantly affects a black person’s behaviour and understanding of life’, Bowling suggests: ‘violent racism has a significant impact on how the minority community in east London thinks, feels, and acts’ (1999, p.18). More specifically, he advances three arguments for taking ‘low level’ incidents seriously in respect of the impact on victims (1999, pp.201-202). Firstly, repeated incidents ‘undermine the security of the victim and induce fear and anxiety’ (p.201). Secondly, because of the ‘apparent exclusionary intent and impact’ of victimization which, for example, manifests in verbal abuse such as “go home” and which:

... challenge the human rights of the people who are victimized (made into a victim) with the obvious effect of undermining their sense of security and sense of belonging (Hesse *et al* 1992). The eventual impact is to create fear about living in a particular locality and to inspire a wish to move away (*ibid*).

Thirdly, Bowling (1999, p.202) reminds us that racist incidents targeted at homes are more than an attack on property but also an attack on those within the building. Whether or not present at the time, such incidents ‘violate the security of the place where an individual is often considered safest’, as do such incidents near the home (*ibid*). Context is thus critical to understanding the nature of hate crime victimization, as is the experience of victimization. Indeed, as will be seen, racist victimization can be constituted by an intersection of major and minor incidents.

What is the impact of victimization?

It is widely claimed that more is known about the nature and impact of hate crime victimization than the characteristics and motivations of hate crime offenders (see for example McDevitt *et al* 2010). Yet Perry (2001, p.25) rightly observes that more empirical work is needed to investigate whether there are ‘distinct or even comparative experiences’ between different communities. Echoing the words of Moran in respect of racist and homophobic hate crimes (2000, p.12) Hall (2005, p.71), reflecting on the literature, concludes that ‘hate crime is indeed a unique form of offending that results in unique forms of victimization.’ Indeed, the consequences of hate crime victimization characteristically focus on the physical, behavioural and psychological impacts (see for example Tiby 2009) and these have been identified as

more detrimental for hate crime victims than for victims of other crimes (Herek, Cogan and Gillis 2002; McDevitt *et al* 2001). British and North American hate crime scholarship on this matter essentially pivots on five pieces of US based scholarship: Barnes and Ephross (1994); Ehrlich *et al* (1994); Herek *et al* (1999); Herek, Cogan and Gillis (2002); and McDevitt *et al* (2001). The latter, commenting on previous scholarship, including that by Barnes and Ephross (1994) and Herek *et al* (1999) notes the methodological limitations of some of these research projects: the small sample size involved and consequent generalizability of the findings and definitions employed in the study by Barnes and Ephross (McDevitt *et al* 2001, p.700); the sample in Herek *et al's* (1999) study consisted of gay and lesbian people who were public about their sexuality (McDevitt *et al* 2001, p.700); and the victim-defined coding of events as bias or not (p.701). Furthermore, despite trying to boost the numbers of non-hate crime and hate crime respondents, McDevitt *et al's* research suffered from low response rates (23% and 11% respectively), thus compromising the representativeness of the sample and generalizability of the findings (2001, pp.702-703).

Bowling and Phillips (2002, p.113) cite the greater 'fear of crime' experienced by those from BME communities, especially 'fear of racist victimization' as both an outcome of the process of victimization and an experience that creates the 'lived experience' of BME peoples (Bowling 1999, p.152). This was reflected in the first Home Office research into racist victimization:

Assaults, jostling in the street, abusive remarks, broken windows, slogans daubed on walls – these were among the less serious kinds of racial harassment which many members of ethnic minorities (particularly Asians) experience, sometimes on repeated occasions. The fact that they are interleaved with far more serious racially-motivated offences (murders, serious assaults, systematic attacks by gangs on people's homes at night) increases the feeling of fear experienced by the ethnic minorities. ... the Asian community widely believes that it is the object of a campaign of unremitting racial harassment which it fears will grow worse in future. (Home Office 1981, p.12 cited by Bowling 1999, p.57)

Iganski and Lagou (2009, p.9) report that victims of racially motivated crime reported being 'worried' or 'very worried' about future victimization and that this was more pronounced than for victims of other crimes (apart from rape) in an analysis of BCS sweeps from 2002-2005. This corresponds with McDevitt *et al's* (2001, p.710) US-based survey findings of victims of bias assault who, compared

with victims of non-bias assault, were more likely to experience fear and to have concerns about safety post-victimization. They suggest that this fear may be predicated on previous experiences of victimization and anticipation of future victimization; the current incident being but one incident of many which stretch from the past to the future (*ibid*). Bowling (1999, p.195) also identified gender differences in response to fear of racial harassment and differences between different ethnic groups with 58% of Asian women being ‘worried either a great deal or a fair amount’ compared with, for example 13% of white men or 37% of African and Afro-Caribbean women. Interestingly, however, worry about the victimization of family members resulted in an increase in levels of fear of racial harassment across all ethnic-gender groups (*ibid*). Writing on homophobic violence and citing Kilpatrick *et al* (1989), Meyer (1995), and Rose and Mechanic (2002), Noelle (2009, p.83) concludes that the posttraumatic stress and related symptoms that some victims experience can be as high following threats of violence and similar acts, as for actual violence. This, she explains, is due to ‘the power of perception of threat, especially in the context of widespread, sexual orientation bias and prior victimization’ (*ibid*). This argument echoes that of Herek *et al* (2002 p.324 and p.336) whose interview data suggest that fear and other psychological consequences of victimization may be inversely related to the crime experienced because the victim does not know how the interaction will unfold.

Tiby’s (1999 cited by Tiby 2009, p.37) Sweden-based survey also concludes that victims of homophobic violence experienced different levels of fear depending on prior experience of victimization; previous victimization correlated with higher levels of fear about future victimization and this affected behaviour in terms of, for example, developing ‘avoidance strategies’. Tiby’s narrative research also showed victims being in a ‘constant state of alert’ and, in consequence, some concealed their LGBT identity (2009, p.40; also see Moran 2000). Like Tiby (2009, p.31), responses to victimization documented by Bowling include situational crime prevention measures (1999, p.222), relocation to a different area and avoidance of particular places which were associated with victimization such as pubs. Summing up the findings of the inquiry into murder of Stephen Lawrence - to which Bowling gave evidence - Bowling and Phillips (2002, p.124) identify the following impacts of ‘racist violence’ on people from BME communities:

The inquiry demonstrated that racist violence undermines their *sense* of security as well as their actual safety; it curtails their freedom of movement, including their ability to visit certain localities; it affects fundamental choices, such as where to live and work.

As noted, fear of racist victimization is thought to extend to the victim's community and has been dubbed 'message crimes' (see for example Dunn 2009, p.125). Lim (2009), writing on the experience of Asian American victims, utilised narratives to demonstrate how hate crimes impact at the individual level but also beyond to the targeted community resulting in victims making significant adjustments to their lives, ever conscious of the prospect of victimization. This echoes Virdee's (1995, pp.44-47) findings on British victims of racial violence and harassment whose quality of life was shaped by the fear of repeat victimization such as deciding where to live, work, study, travel or socialise. Furthermore, some of Virdee's respondents' childhood experiences included being prevented from going outside of their homes by their families to protect them from potential victimization (1995, p.46) and highlights how victims are 'not just passive' (p.47).

Fear, anger and guilt were also responses to victimization reported by Dunn (2009) and anger and distrust were experienced by Perry's Native American participants with respect to white people (2009c, p.13); it is of note, however, that there is a gap in the literature in respect of the impact of victimization on the victim's 'perceptions of the offender and his/her group' (Perry 2006, p.165; Perry and Olsson 2009, p.179). Perry (2009c, p.14) sums up many Native Americans' reactions to daily racist violence as 'characterized by withdrawal, anger, or even retaliation' but many demonstrated 'strength and resilience' and some even used hate crime encounters to 'educate' (*ibid*). Yet, retaliatory acts can generate 'greater individual and societal harm' (as recognised by American case law and cited by Craig and Waldo 1996, p.114) but Craig (1999) suggests that the response would depend upon the victim's social group.

Bowling (1999, p.216), however, reports that only 27% of the victims in his East London survey felt fear whereas 70% felt anger and 44% shock. Indeed, anger consequent upon victimization has also been noted by Barnes and Ephross (1994) and Chahal (2003). According to Dunn's findings (2009, p.125 and p.128), some victims' feelings of anger were compounded by their experience of engaging with personnel from the criminal justice system. The literature on fear and the variance in

findings regarding other emotional and psychological responses can perhaps be reconciled by Craig-Henderson's work which posits a three-stage response to victimization (2009a, p.18). She explains that the victim's initial sense of disbelief will be followed – between 24 hours and six months later – by feelings of 'fear, anger, shame, guilt, and frustration, at different times' (*ibid* p.18). The final stage can occur anywhere between one week and a year later and involves 'reintegration' where the victim 'resumes' their 'normal life' (*ibid*).

This body of research suggests that victims primarily feel anger towards the perpetrator and that fear is the second most common response (also see Victim Support 2006). Comparing the results of responses of hate and non-hate crime victims, the studies suggest that hate crime victims are more likely to experience: loss of self-esteem (Barnes and Ephross 1984, p.250; also see Walters and Hoyle, 2010, p.238); more intensive impacts (Ehrlich *et al* 1994; Herek *et al* 1999; McDevitt *et al* 2001) and for longer (Herek *et al* 1999; McDevitt *et al* 2001). The potential for victimization to seep into all aspects of daily functioning for victims of hate crimes compared to victims of standard crimes is clear from the findings of Ehrlich *et al* (1994) and Herek *et al* (1999). McDevitt *et al's* (2001, p.697) survey data confirmed previous findings and highlighted specific psychological impacts in terms of 'the level of intrusive thoughts, feelings of unsafety, nervousness, and depression'. As such, the psychological consequences of victimization were more pronounced for victims of hate crime and they suffered greater impacts and for longer (McDevitt *et al* 2001, p.709). Specifically McDevitt (2001, p.709) found that compared with non-bias crime victims, victims of bias assault are:

... more nervous, more depressed, have more trouble concentrating, think about the incident when they do not mean to, and feel like not wanting to live any longer ...

Furthermore they have:

... more difficulty coping with victimization and appear to have additional problems (*ibid*).

Additional impacts associated with but not necessarily directly a consequence of such victimization includes loss of health, employment and relationships (2001, pp.710-711; also see McManus and Rivers 2001 and Chahal and Julienne 1999, p.25 in respect of relationships).

Iganski (2001, p.636), noting the lack of empirical evidence in support of the argument that hate crimes inflict greater harms than crimes without bias or hate motivation, both on the individual and beyond, highlights the need for research on this matter, not only because the justification for hate crime laws hinges on this point but also to develop victim-centred responses. On the basis of US-based interviews with “elite” respondents (2001, p.627) he identifies five consequences of hate crime victimization. Arguably one limitation of his approach was the potential to create a feedback effect because one can detect key perspectives in the literature in some of Iganski’s participants’ data; indeed, the sample included ‘academic commentators’ (p.627). Iganski (2001, p.628) encourages us to think of the ‘harms’ of hate crime as ‘waves’ that extend not only to the ‘initial victim’ (pp.628-629), but secondly to those of their group within the neighbourhood (pp.629-630) and beyond (pp.630-631), and also to other ‘targeted communities’ within and beyond the vicinity of the victim (p.631), before impacting on society’s ‘norms and values’ (pp.631-632). His argument is that ‘hate crimes hurt more’ due to the ‘psychic injury’ they cause and, relatedly, the ‘*in terrorem* effect’, although as noted he concedes that the evidence base for both is limited (p.635). Iganski’s position is supported, however, by Herek *et al’s* (1999, p.338) tentative findings (because they are based on a convenience sample) that the ‘physical and psychological’ brutality that characterised their informants’ homophobic victimization not only serves to amplify and protract the psychological harms but acts ‘as a form of terrorism’, communicating to all potential targets ‘that they are not safe if they are visible’ (1999, p.336).

Contrary to the view of Jacobs and Potter (1998, p.147) therefore, Iganski (2001, 2008) advances the argument that hate crimes ‘hurt more’ than ordinary crimes due to the cumulative impact of repeat victimization and not necessarily the seriousness of a single incident (Iganski 2008, p.11; Docking and Tuffin 2005); although he once again recently accepted that the nature and extent of this hurt has thus far not been fully researched or proven (2009, p.xiv) and that current research is ‘equivocal’ (2009, p.2; also see Perry and Olsson 2009, p.179). However recent research, such as that on homophobic victimization in Sweden (Tiby 2009), has started to bring greater understanding at the individual and structural level and in terms of a range of physical, psychological and behavioural consequences. Tiby (1999 cited by Tiby 2009, p.37) suggests that the increased harm is due to the feelings of lack of self-

worth and heightened sense of vulnerability that victims experience. Dunn (2009, p.126), echoing elements of Herek *et al's* (1999) findings, writes about the impact of victimization in terms of the loss of home, livelihood, income, health and security and a sense of normality. Bowling (1999, p.216) reports, however, that for some victims the experience had 'little impact' whereas for others it 'had a considerable effect' and for some the impact continued for some time after the incident had occurred and that this was more likely to be so for Asian women than people from other groups (p.217).

Bowling, like Garnets *et al* (1992) and Karlsen (2007) thus alerts us to the importance of context in understanding victimization and its impact; not all targeted groups will necessarily experience victimization in the same way. Arguably, however, not all people within those groups will experience it in the same way either; 'People respond to racist experiences in different ways' (Karlsen 2007, p.58 emphasis added). Noelle (2009, p.93), writing on homophobic crimes in the US, suggests that the impact of such victimization depends on facts such as 'context, individual history, personality, and interpretation of events' (also see Chakraborti and Garland 2009b, p.153 and Craig and Waldo 1996). As Perry (2006, p.167) observes scholars have written across identity groups, discussing victimization in 'generic terms' so that differences within and between groups are obscured; a matter which she has sought to address in her recent work (2008; 2009). Collateral issues arising from this broad brush treatment include neglect of the nature and experience of white victimization (Perry 2006, p.167), 'minority-on-minority violence' (2006, p.171), as well as the question of 'intersectionality', including how, for example, 'race, gender and sexuality' and 'class' shape victimization (2006, p.171).

Rather than looking at harms consequent to victimization, Perry and Olsson (2009, p.176) have argued that hate crime acts *per se* are harmful and conceptualize this as a human rights violation: 'Hate crime is itself the distinct harm, to the extent that it constitutes a violation of human rights and a threat to human dignity' (p.180). Empirical research is now required which can strengthen the developing evidence base by contributing more nuanced insights to our understanding of the impact of hate crime victimization, particularly following the introduction of the subjective definition of hate crime in England and Wales. This would address the knowledge

gap in respect of how those victimized construct hate crimes and give meaning to their experiences, and, for that, qualitative approaches are required.

Responses to victimization

It is widely recognised that the effectiveness of locally based service provision for hate crime victims is under researched (Iganski 2010, p.362; Perry 2009a p.xii), as are the questions of how victims survive or resist victimization (Bowling 1999, p.165) and how best to respond to or stop such victimization (Perry 2006, p.172). It is widely acknowledged that there is a lack of service provision for, and research into, the needs of victims of hate crimes (Ardley 2005, p.55). More recently Boeckmann and Turpin-Petrosino (2002, p.222) suggest, however, that ‘the voice and experiences’ of hate crime victims have been marginalized, against a backdrop of ‘a general indifference to the study of difference’ by criminologists (also see Bosworth *et al* 2008, p.263); although this has been remedied to some degree by the recent publication of an edited collection by Perry (2009). Interestingly Ardley (2005, p.55) believes that ‘Similarly, to the offence of rape in the early 1970s, there are perceptions and victim issues that need to be analysed and overcome.’

Voluntary and public sector responses

The Crime and Disorder Act 1998 instigated collaborative working between statutory and third sector organizations to address a range of community needs including those of minority groups. Indeed, their role in delivering improved service delivery is recognised by ACPO (see, for example 2005, p.26). This has achieved some gains (see for example Chakraborti and Garland 2009a, p.120) but there are problems with such multi-agency arrangements (see for example Garland and Chakraborti 2006). Dunn (2009, p.140) observes that whilst it is key for agencies to work closely with the police, independence is important. According to Docking and Tuffin (2005, p.29) Victim Support and locally based Racial Equality Councils were the most frequent source of support for victims and those who engaged with these organization found it to be a positive experience. This of course dovetails with the findings that victims underreport hate crimes to formal state agencies (see pp.37-38), for a range of reasons including fear of secondary victimization by police officers (Herek and Berrill 1992; Herek *et al* 2002, pp.334-335. Also see Chahal 2008 pp.23-24 and also Noelle 2009, pp.79-81 in respect of homophobic crimes in the US context). According to Craig-

Henderson, a lack of sympathy or concern for the victim's situation is also conducive to secondary victimization at the court level (2009b, p.207).

Chahal (2008) provides an overview of the requirements of casework practice in support of victims of racist incidents and highlights the importance of empowering victims and understanding and responding to the victim's perspective (pp.24-25). Chahal's citation of Chahal (2003) and Payne (1997) conveys a clear message that casework practice should be directed toward aiding victims to regain control over their lives by, for example, enabling them to understand their rights (2008, pp.25-26). Craig-Henderson (2009b, pp.199-200) distinguishes between the immediate and longer term needs of victims and suggests that the former include 'concerns for safety, physical security, and, an understanding of what has happened'. Addressing the lack of scholarly attention on the matter of restorative justice practices as a means of addressing the harms of hate crime, Walters and Hoyle (2010; 2011) present findings from emerging empirical and theoretical research which suggest that, rather than a strict retributive response, such community based responses offer the possibility of healing victims and communities and also of challenging perpetrators' prejudices, if facilitated effectively. Yet there are gaps in service provision. Specifically, Dunn's (2009, p.131) participants reported concern about the lack of service provision for children, as did Chakraborti and Garland (2009b, p.154) in respect of those suffering racist victimization in the rural context; and, with regard to the latter, how this can amplify feelings of 'isolation and vulnerability' (p.153). Craig-Henderson (2009b, p.196) suggests that as the nature of victimization differs according to the type of hate crime, so the response needs to be tailored accordingly.

Policing racist hate crime

Writing on *The life and times of institutional racism*, Bourne (2001a, p.20) links the 'fight against institutional racism' to the 'larger fight against state racism' that is:

... against asylum laws, against deportations, against stop and search, against deaths in custody, against school exclusions, against miscarriages of justice. You cannot combat popular racism without combating the state racism which gives popular racism its fillip.

State racism thus permeates its practices and structure (Sivanandan 1976) including policing and education, and, according to Levin (2009, p.2), law. An embodiment of these issues, Doreen Lawrence recently used the opening of the first centre dedicated

to addressing the effects of institutional racism to accuse the government of losing its focus on 'race' (Townsend 2013). She made this claim two decades after the racist murder of her teenage son Stephen, and in January 2013 her younger son filed a complaint to the Independent Police Complaints Commission against the Metropolitan Police alleging the disproportionate use against him of the power to stop and search on the grounds of suspicion that he intended to commit an offence (Laville and Malik 2013). Lawrence's lawyer stated that the complaint was 'the culmination of a course of conduct over many years which amounted to harassment and discrimination based upon his skin colour, his ethnic origin' (*ibid*). The reported experiences of the Lawrence family, which continue to garner extensive media coverage, call into question the degree to which the police-related reforms emanating from the judicial inquiry which they petitioned former Home Secretary Jack Straw to instigate, have had in addressing BME communities' experiences of securing protection from racist victimization by police forces and tackling racism within the rank of file of officers.

The first part of the Stephen Lawrence inquiry, headed by Sir William Macpherson, found that the Metropolitan Police investigation into the murder was 'palpably flawed and deserves severe criticism' (1999, p.4). The second part of the inquiry (Chapter 45) sought evidence from which to make recommendations in respect of the 'investigation and prosecution of racially motivated crimes' (p.311) from 'a broad cross-section of people'. The result was 'inescapable evidence' of an absence of trust between people from BME communities and police officers which contrasted sharply with the position presented to the inquiry by senior officers (*ibid*). The 'atmosphere' in which the policing of racist incidents was found to take place was summed up by the inquiry in the words of one witness as follows:

... the experience of black people over the last 30 years has been that we have been over policed and to a large extent under protected (p.312).

A related finding was the 'heartfelt plea' from witnesses to the police: 'Please treat us with respect' (*ibid*). Space precludes an extensive analysis of all aspects of the inquiry and subsequent academic literature concerning the policing of racist violence. Thus, whilst the focus will be on drawing conclusions from the literature to understand the extent to which the policing of racist hate crime has changed post-

Macpherson, and while this needs to be understood in the context of BME peoples' experience of being policed generally, the latter will not be the focus of the review.

'Racist incident'

Central to the focus of this research is the change to the definition of 'racist incident' instigated by Recommendation 12 of the inquiry. The terms 'racial' and 'racially motivated' were judged to be 'inaccurate and confusing' and 'unhelpful' in giving 'priority' to the 'views' of police officers (Macpherson 1999p.313) and was thought to be 'poorly understood' by many police officers (*ibid*, p.314). As such a 'crisper' and 'more victim oriented' (p.313) definition was advanced:

A racist incident is any incident which is perceived to be racist by the victim or any other person (p.328).

According to Recommendation 13 (p.329), 'racist incident' includes both 'crimes and non-crimes' and 'both' are to be responded to in terms of reporting, recording and investigation 'with equal commitment'. According to Recommendation 14, the definition is universal, applying to all 'relevant agencies' (p.329). The definition was subsequently adopted by ACPO (2000, p.13) and later amended (2005, p.10) and as noted (p.2) adopted throughout the criminal justice system in 2007. The prevailing definition states that a hate crime is:

Any hate incident, which constitutes a criminal offence, perceived by the victim or any other person, as being motivated by prejudice or hate. (ACPO 2005, paragraph 2.2.2).

Confusingly, 'prejudice' is not defined but it is arguably wider than 'hate' (Chakraborti 2009, p.122). The victim-centred element remains operative and victim perception thus trumps police discretion, at least at the reporting stage, but not with respect to the question of racial motivation (Joyce 2006, p.495). The perception-based definition, however, remains relevant to criminal justice agencies in the management of cases 'right from the point of reporting, through investigation, up to and including any prosecution' (CPS 2013). According to the Home Office (2013, paragraph 1):

'Hate crime' is any notifiable offence committed against a person or property that is motivated by hostility towards someone based on their disability, race, religion, gender-identity or sexual orientation, whether perceived to be so by the victim or any other person.

A 'racist incident' refers to those incidents which may or may not meet the threshold of a crime but which must still be recorded if reported by a victim; indeed, 'all hate

crimes are hate incidents' (ACPO 2005, paragraph 2.2.3). As McGhee (2010, p.173) notes, 'the centrality of victimization' is clear in the criminal justice definition. Indeed, there is 'no evidential test' in determining whether or not an incident is a hate incident (ACPO 2005, paragraph 5.4.2). The concept has drawn criticism from the likes of Skidelsky (2000, p.3):

The notion that the perception of a fact makes it a fact is a legal and philosophical monstrosity.

Allied to these provisions are specific offences pertaining to racially aggravated offences in the Crime and Disorder Act 1998. As Jacobs and Potter (1998, p.27) rightly observe: 'how much hate crime there is and what the appropriate response should be depends upon how hate crime is conceptualized and defined.' In England and Wales, how hate crime is conceptualized and defined, at least in the first instance, is dependent upon the perception of the victim or indeed a third party, a point which has influenced Hall's (2012) research but which has not been investigated from a victim perspective.

The Macpherson inquiry heard of the reticence of victims to report racist incidents to the police service and other agencies because of 'distrust and dissatisfaction' in their 'investigation' of victimization (1999, p.312); 'the allegation' is that police officers and those employed within other agencies 'regularly ignore and belittle racist incidents' (*ibid*). This mirrors earlier findings by the CRE (1987, p.11) in respect of housing officers who did not accept victims' claims of racial harassment and sometimes interpreted their complaint as an attempt to acquire new accommodation: 'This attitude is also a reflection of white officials' inability at times to understand racism and to recognise its manifestations' (*ibid*). Indeed, the Macpherson inquiry reported that:

Over and over again we were told that black victims reporting such incidents were "turned into" perpetrators, and that the "white" version of such incidents was all too readily accepted by police officers and others (1999, pp.312-313).

The inquiry also reported that such personnel 'did not or would not realise' the 'impact of less serious, non-crime incidents' on victims before going on to contrast the 'fine policies' and 'fine words' of senior police officers with that of the 'indifference' of more junior officers whose responses 'were clearly a most potent factor in damaging public confidence in the Police Service' (1999, p.313). In

consequence, besides promulgating a new definition of ‘racist incident’, the inquiry generated recommendations for the ‘reporting and recording of racist incidents and crimes’ with the aim of creating a ‘comprehensive system of reporting and recording of all racist incidents and crimes’ (Recommendations 15-17, p.329). This included the establishment of a Code of Practice to formalise the process (Recommendation 15), and the revision of ACPO guidance on responding to racist incidents (Recommendation 18) in respect of ‘police practice and the investigation of racist crime’ (Recommendations 18-22, pp.329-330).

Literature preceding and following the implementation of procedures to facilitate the reporting and recording of racist incidents documents blockages in respect of both aspects of the process (Chakraborti and Garland 2009a; Fitzgerald and Hale 1996; Bowling 1999; Hall 2005, p.63; Home Office 2009, Webster 2007). Specific reasons identified by the literature include: a lack of trust in the police and criminal justice system (Bowling and Phillips 2002; Clancy et al. 2001; Fitzgerald and Hale 1996; Garland and Chakraborti 2006 and 2007; McLaughlin 2007; Sharp and Atherton 2007; Virdee 1995, p. 39); or that the police would not respond positively to the complaint (Bowling 1999; Bowling and Phillips 2002; Chahal and Julienne 1999; Fitzgerald and Hale 1996; Williams and Robinson 2004; Wong and Christmann 2008). US-based research by Herek *et al* (2002, p.319) suggests that reporting behaviour was influenced by perceptions of ‘police bias’ and concerns about victims revealing their sexual orientation; and also highlights the potential for secondary victimization by officers (pp.333-335). Other reasons cited for not reporting hate crimes include: a fear of retaliatory action by the perpetrators (Chahal and Julienne 1999); or a concern that the police might take action against the victim, for example for immigration infringements (Wong and Christmann 2008); a belief that the incident is too minor to report (Chahal and Julienne 1999; Levin 1999; Gadd 2010, p.212); and the operation of cultural imperatives which discourage engagement with organizations beyond the victims’ own community (Garland and Chakraborti 2006 and 2007; Spalek 2006, p.110). Gadd (2010, p.212) suggests that victims are ‘too afraid’ to report crimes and incidents and reluctant to testify in court, or perhaps see victimization as ‘too depressingly common for anyone to do anything about.’ He also reports that not uncommonly the perpetrator cannot be identified or that the police conclude that there is insufficient evidence to proceed (Gadd 2010, p.212); although

the latter should of course be recorded as a hate crime incident (ACPO 2005, paragraph 5.4.1). Also, if victims do not know how to report hate crimes or language difficulties make the process difficult, then crimes and incidents will not be reported (Dunn 2009, p.131; Hall 2012, p.82). Although somewhat dated now, Chahal and Julienne (1999, pp.33-36) document the different 'strategies' adopted by victims to 'prevent' or 'limit' victimization, including ignoring and avoiding the perpetrator or challenging them. But, reporting to official agencies was not their first port of call (Chahal and Julienne 1999, p.34), and almost a quarter waited more than 18 months before making an official complaint and some for more than four years (*ibid*, p.21).

Foster *et al* (2005, p.86) report that the vast majority of officers understood the Macpherson-generated definition of a 'racist incident'. They also identify positive progress following the inquiry in terms of better reporting and recording of racist incidents, although under-reporting was reported to remain high and the reasons echoed the earlier literature on the subject including:

... a lack of confidence in police response, a lack of confidence in approaching the police, language problems, lack of support for victims, and fear of retribution ... (2005, p.88)

These findings are mirrored by Docking and Tuffin's (2005, p.16) research. Sharing Hall's (2005, p.209) perspective, Chakraborti and Garland (2009a, p.122) acknowledge 'the significant progress' that has occurred in the policing of racist incidents following the policy and practice initiatives adopted following the Macpherson recommendations; this was mirrored in HMIC research (see for example HMIC 2008). Reviewing progress a decade on from the Stephen Lawrence report (1999), a Home Affairs Committee (2009, unpaginated) reports that a 'cultural shift' within policing triggered by the finding of 'institutional racism', at least within the Metropolitan Police Service (MPS), 'has undoubtedly led to improvements in' police interactions with people from BME communities. The Committee found that consequent to the adoption of the victim-centred definition of racist incidents, reporting and detection rates had increased, comparing the 60,000 incidents per year reported to the 6,000 across the USA (2009, unpaginated); although caution is required in making such assertions (Hall 2012).

Yet the picture is complex. According to Docking and Tuffin (2005), Macpherson's recommendation to improve relations between the police and minority peoples was

met most successfully not by mainstream officers but specialist policing and units; but, in common with Bell's (2002a; 2003) findings, such posts could be marginalized. Docking and Tuffin's (2005) report concludes that most progress was made in London. This can perhaps be explained by Foster *et al's* (2005) survey which suggests that for some forces the inquiry was perceived to have more 'relevance' (*ibid*, p.85) to their force area. On balance Foster *et al* (2005, p.92) feel that 'there appears to be an entrenched cultural resistance in some parts of the service to some of the changes that have resulted, directly or indirectly, from the Lawrence Inquiry'. Furthermore, Chakraborti and Garland (2009a, p.107) suggest that 'caution' is needed when assessing overall progress because intractable problems remain and these principally involve increasing trust and confidence in policing among BME communities and the ongoing problem of the underreporting of hate crimes. The ACPO guidance (2005, paragraph 5.2.1) reminds officers that 'recording of all such incidents is mandatory' and that 'All police personnel should receive appropriate training in the identification of hate crime'. Yet Sibbit and Fitzgerald (2000 cited by Docking and Tuffin 2005, p. 21) and later Docking and Tuffin (2005, p.21) found the practice of under-reporting principally to turn on police officers' perceptions that recording would generate more work for those involved and also that 'minor' incidents did not warrant such a response. Docking and Tuffin (2005, pp.22-23) identified the operation of individual level officer discretion as another major reason for under-recording which was linked to officers' failure to understand racism from the victim's perspective or 'insensitivity' (*ibid*, p.23). On this point it should be noted that there is more than a symbolic significance to the 'under-recording' of hate crimes reported in the literature; when a victim loses his or her claim to hate crime status at the reporting stage in this way this can signal the exercise of discretion and thus power by the officials concerned and a subversion of the Stephen Lawrence definition.

As Hall (2010, p.152; also see 2012) observes, any law is dependent upon the 'ability' and the 'desire' of officers to enforce it but, equally, victims must have confidence in the law and enforcement agencies in order to report incidents; yet the literature suggests a reluctance by police officers to enforce hate crime laws (Hall 2010 p.158.; Hall 2005; 2009; 2012). As such, if an officer does not believe that a crime is motivated by prejudice, it will not be officially recognised as a hate crime,

‘despite definitional changes that allow anyone to apply the hate label for reporting and recording purposes’; they will determine whether to charge the perpetrator with a standard offence or a hate-motivated or aggravated offence and as such the operation of police discretion and decision-making are determinative of the victim’s claim (Hall 2010, p. 155). As Bell (2003, p.428) observes of US-based police officers’ role in the identification, classification and investigation of such reports: ‘bias crimes do not legally exist until the police say they do’ (also see Bell 2009, pp.31-32). Of course, unlike the US situation, the definition in England and Wales is victim-centred. In neither jurisdiction is the policing of hate crime a simple task (see for example Bell 2003 and Chakraborti 2009) and yet the challenges and questions raised are different because, in England and Wales, following the failings in the MPS investigation of Stephen Lawrence’s murder (Hall 2009, pp.188-189), the balance of power shifted from police officers to victims in determining whether or not an incident is a hate incident.

Importantly, Foster *et al* (2005, p.89) detected variability in the ‘quality’ of the response provided to victims of hate crime and, in ‘poor cases’ officers did not respond to victims’ calls or did so but responded ‘inappropriately’ or failed to keep victims apprised of developments in their case; the ability to address such matters effectively was identified as important by Docking and Tuffin’s (2005, p.37) research; they also noted that victim satisfaction with police responses is increased if perpetrators are dealt with ‘effectively’ (*ibid*). Poor police responses to victims in such cases was explained by Foster *et al* (2005, p.89) as a failure to understand ‘the nature and effects of hate crime and repeat victimization’, which the authors reflected is ‘complex and difficult to articulate’, and they cite a participant who works with asylum seekers to illustrate what officers fail to understand:

It’s often the nasty little things. Name calling, pushing, teasing or being nasty to the children, saying nasty little things, just when someone passes, and that’s so difficult to really get across (*ibid*).

Hall (2010, p.158; 2012) suggests that police occupational culture may result in the exercise of police discretion in a way which compromises ‘the amount and quality of service afforded to hate crime victims by the police.’ Indeed, this point echoes the conclusion by Bell (2009, p.39) in the US in respect of police practice where discretion is exercised, and the finding by Docking and Tuffin (2005, p.22) that, whilst the victim’s perception (or that of a third party) trumps an officer’s discretion,

at least in determining whether or not an incident is racist (ACPO 2005, paragraphs 2.2.6-2.2.7), they can:

... still exercise discretion in terms of recording and this can include how they interpret the definition. The Lawrence Inquiry definition of a racist incident limits officers' discretion, as it is no longer their decision as to whether the incident is racist. However, in practice, police officers still have discretion as to whether they record it as such – an officer might not ask the relevant question or in some cases might refuse to believe the person reporting the incident.

Interestingly, given the importance of individual level officer discretion in routine policing activities, there appears to be no empirical research into how the removal of discretion was also met by officers in practice. Indeed, the situational dynamics of encounters involving victims telling officers that an incident or crime is a hate crime have not been investigated and, given the removal of discretion and the history of poor relations between the police and the communities likely to be involved in such interactions, it is surely an area worthy of investigation. Neither has the issue been investigated from a victim perspective. Rather, the attention of scholars is drawn like a magnet to Bowling's (1999) work which preceded the implementation of the reforms and thus the removal of discretion.

Whilst there has been recent research on, for example, victim satisfaction with police responses and the related issues of trust and confidence in policing and racism in policing, which has informed the development of this research, space precludes the opportunity to present an analysis of the contributions here (see for example Apena 2007; Bowling 1999; Crane and Hall 2009; Docking and Tuffin 2005; Home Affairs Committee 2009; Foster *et al* 2005). Crane and Hall (2009, p.229) identified evidence of a 'blame culture' among officers in their small-scale study of police officers' and victims' perceptions of service satisfaction. The thrust of this literature suggests that those from BME communities perceive their 'race' to be an explanation for ongoing negative experiences with personnel from the criminal justice system. On balance, the tenor of recent publications indicates that while there have been some improvements in policing practice, 'there is still cause for concern' (Hall 2009, p.202; Home Affairs Committee 2009; Chakraborti 2009; DCLG 2009; Rowe 2009). Chakraborti and Garland (2009, p.122) conclude that:

The strained police-minority relationship has left a legacy of mistrust among minority groups which has yet to be fully overturned despite post-Macpherson improvements.

The question of police culture has received significant attention generally and will not be analysed further aside from noting that police culture or cultures (Reiner 2000) are widely recognised as being racist (see for example Holdaway and Barron 1997; Reiner 2000, pp.87-101). Chan (2008, p.221), citing Brogden and Shearing (1993) and Van Maanen (1978) also suggests that police culture is an obstacle to reform, especially in this area; although she also questions the utility of the concept. As Hall observes (2010, p.161):

The extent to which such ineffective policing is the result of individual or institutional prejudice and discrimination, inadequate resources, occupational culture, poor policing at lower levels or bad management at upper levels, or a product of the nature of hate crime itself is difficult to determine and has been the subject of much debate (Human Rights 1997; Reiner 1997).

Perhaps highlighting the lack of qualitative and victim-informed empirical research on racist hate crime, whilst the literature recognises this, the tendency in the emergent hate crime scholarship is to cite Bowling's (1999) two main arguments to explain victims' experiences of policing which preceded the implementation of the Macpherson-initiated reforms. The first argument suggests that underreporting 'may' arise from the 'process-incident contradiction', a view shared by Hall (2005, p.195), Chakraborti (2009) and Chakraborti and Garland (2009a, p.116). The argument here is that whilst victims experience hate crimes as a process, the police and other criminal justice actors respond to *incidents* and so do not see the aspects of victimization which characterise hate crime and give it its pernicious quality; this includes the recurring nature of victimization and the aggregate impact of otherwise *prima facie* minor incidents (see for example Hall 2005, p.196). According to Bowling (1999, p.285-286):

When context is drained from lived experience, it becomes impossible to understand the significance of the event to the individual or community targeted, or how and why the event occurred. As the incident is transformed from the world of the victims' experience into an object for policing it is placed in the new context of the police organizational and cultural milieu.

Citing Bowling and the subsequent idea that has developed in the literature in respect of the 'process-incident contradiction', Chakraborti (2009, p.123) suggests that by

treating acts of victimization as ‘‘one off’ events’ serves to undermine ‘experiences of hate crime victimization as they are felt by the victim’ (2009, p.124); a point also made by Hall (2010, p.163). Citing Chakraborti and Garland (2006) and Goodey (2005), Chakraborti (2009) also suggests that the adoption of ‘informal methods’ by police officers in response to what they perceive to be less serious incidents ‘may simply maintain the ongoing process of victimization and leave the victim feeling more vulnerable than what they did prior to the intervention’ (2009, p.124; also see Hall 2005, p.194).

The idea that the police exercise discretion according to the ‘hierarchy of police relevance’, especially as developed by Bowling (1999, pp.246-278) is posited as an issue in the policing of racist hate crimes alongside the ‘incident-process contradiction’ in the literature (see for example Chakraborti and Garland 2009a, p.117; Chakraborti 2009, p.124; Hall 2005, pp. 196-198; Hall 2010, p.156; Hall 2012). This further militates against the development of trust in the police by minority communities and consequently deters them from reporting incidents (Hall 2005, p.198). Writing before the implementation of the Macpherson-instigated police reforms, Bowling’s concern was with the willingness and ability of ‘the police’ to protect victims of violent racism (1999, p.233). Bowling (1999, p.276) concludes that despite the prioritisation of racial incidents in 1986 by ACPO and the Metropolitan Police Commissioner, operational practice remained unchanged: ‘For deep-rooted legal organizational, structural and cultural reasons, the police do not prevent violent racism; they offer little or no protection for victims and tend not to enforce the law against perpetrators’ (*ibid*, p.284). Space does not permit the opportunity to discuss this and the associated literature on the policing of racist incidents or that regarding explanations for the long-documented under-protection of ethnic minority peoples in England and Wales and the poor response to racist victimization. Furthermore, to do so would be to lose sight of the focus of this empirical project which was not concerned with an evaluation of police work but rather with understanding the process of victimization, including the practice of claiming hate crime victim status.

Chakraborti (2009, p.124), noting Bowling’s development of the ‘hierarchy of police relevance’, suggests that in the time that has lapsed since the publication of his work, racist (and other) hate crime would have secured a stronger status in the ‘hierarchy of police relevance’ because of changes in, and the prioritisation of, policing policy. His

(2009, p.124) suggestion that Bowling's finding that the 'top down' prioritization of racist incidents as a policing priority may clash with the street level view of officers is instructive: 'some of the more negative aspects of police occupational culture can retain a stubborn influence on police practice irrespective of changes to police policy'; although it is of note that the policy 'implementation gap' is documented in respect of a range of criminal justice initiatives for victims, not just those flowing from Lawrence Inquiry (Walklate 2012a, pp.113-114). Yet Chakraborti (2009, p.125) remains optimistic because, whilst he notes that the history of poor relations between the BME community and the police will have a bearing on the policing of hate crimes, gains have been made in terms of:

... the establishment of a more victim-focused police service and the delivery of an improved response to victims of hate crime.

Chakraborti (2009, p.125) also sees some recent initiatives as propitious in the development of effective police responses to victims of hate crimes including: the production of specific guidance to police officers in the form of the 2005 ACPO guidance and victim information packs; the creation of family liaison officers; the development of Victim Personal Statements; the Code of Practice for Victims of Crime; and multi-agency partnerships. Equally Hall (2005, p.198) believes that there has been 'considerable success' in increasing trust and confidence in the police as was intended by the introduction of the victim-centred definition of hate crime and suggests that the rise in racist incidents and offences recorded by police force areas in England and Wales is evidence of this. Yet, Hall later notes that 'there is still cause for concern' about the policing of racist hate crimes (2009, p.202), a sentiment shared by Chakraborti (2009, pp.125-126), not least because it remains unclear whether responses have improved 'at ground level' (p.126). Moreover, if there remains a belief by officers that racist incidents are minor and do not require police attention then:

The result of this clash of perceptions is that victims may feel that their victimization is not taken seriously by the police (Hall 2005, p.198).

Ignatieff (2000, p.22) suggests that the Stephen Lawrence definition would 'racialise' every encounter between the police and the non-white public. Indeed, Chakraborti

and Garland argue (2009a, p.122) that the ‘legacy of mistrust’ is reciprocated by police officers and, despite the national policy and practice imperatives driving hate crime initiatives in England and Wales, the policing response to hate crime victims at street level *may not* have changed either in responding to victimization as a process or exercising discretion in terms of the ‘hierarchy of police relevance’ (Chakraborti and Garland 2009a, p.117; Christmann and Wong 2010, p.204). Clearly further research is required to understand the situational dynamics of interactions between officers and the BME public consequent to the removal of officers’ discretion in determining the nature of an incident.

What solutions have been generated by scholars on the question of the operation of a victim-centred definition of hate crime? Rather than a blanket requirement for all victims to report, Christmann and Wong (2010, p. 201 and p.204) advocate that a more effective approach would involve encouraging those who experience ‘serious’ or low-level and persistent victimization to report. Equally, Hall suggests (2005, p.199) that the case should be considered for ‘revising the definition’ because the current approach creates ‘unintended consequences’ in areas dealing with a large number of reports. Firstly, and of principal concern for Hall (2005, p.199) ‘the volume of incidents’ reported to the police could ‘impact on investigations’, particularly in areas recording high levels of incidents because all reports must be responded to according ‘to minimum standards without exception’ (*ibid*). Hall’s own research revealed high caseloads for some London Community Safety Unit officers which, he suggests, risks the quality of service delivery as well as presents wellbeing issues for officers (2005, p.199). Secondly, drawing on his own research and also the work of McLaughlin (2002), Hall (2005, p.200) suggests that the perception-based definition ‘is being abused in order to further personal or group interests, and to secure the services available to victims of hate crime’. For Hall the removal of police discretion has also impacted deleteriously on the volume of caseloads and the quality of investigations because officers are more inclined than before the Macpherson-reforms to report incidents as hate crimes (2005, p.201). Yet, he suggests this causes another unintended consequence and that is the practice by officers of prioritising and exercising discretion in responding to cases in order to manage caseloads (2005, p.201). Hall opines that the number of cases and limited resources may, in ‘high volume areas’, prompt a reintroduction of police discretion into the policing of hate

crimes in terms of recording and investigation and offers the New York model of policing as a means of avoiding reverting to ‘the pre-Macpherson era’ (2005, pp.201-202). Interestingly, however, Hall says ‘genuine’ victims are thereby receiving the requisite police response (2005, p.201).

Iganski’s (2007, p.242) response to Hall’s proposition is as follows:

In short, the problem of racist crime might possibly be made more manageable for the police by defining part of it out of existence. If, in many cases, incidents can often be more appropriately conceptualized as part of a process of victimization rather than as discrete unconnected events, then ignoring elements of that process because the victim’s perceived experience is not seen to be valid enough to warrant being taken seriously by the police will actually impede the understanding of victimization and effective policing.

Furthermore, Hall’s argument raises the question of whether or not the workload is unmanageable. Arguably highlighting the lack of research on the situational dynamics of hate crime victimization, Gadd (2010, p.211) suggests in respect of the Crime and Disorder Act 1998 that it is difficult to determine whether the legislation has had an impact because it is difficult to show that the public are ‘minimally aware’ or ‘influenced’ by it. More recently, Rowe (2009, p.61) suggests that Macpherson-initiated reforms, including the need to improve relations between minority groups and the police, may be displaced by ‘a crime control security-oriented model of policing’ against the backdrop of the so-called war on terror (also see Patel and Tyrer 2011, p.63). The question remains, therefore, of what the policing of hate crime looks like in practice.

‘Trust and confidence’

The Macpherson inquiry recognised the good work done by officers in routine policing but the need to establish ‘trust and confidence’ (1999, p.327) as a ‘priority’ was seen as ‘paramount’ for all police services and its first recommendation was that the system of Ministerial Priority be invoked to ensure that this was achieved (p.323); not least because its absence undermines policing by consent (p.325). The aim of the priority was:

To increase trust and confidence in policing amongst minority ethnic communities (Recommendation 1, p.327).

This recommendation was accepted by the government and made a police national objective at the turn of the century (Joyce 2006, p.501) as reflected in the White Paper *Building Communities, Beating Crime* (2004). The initiatives included the publication of a *Code of Practice* (Home Office 2000) which, by introducing measures to ensure uniform procedures for the reporting and recording of racist incidents, sought to increase trust and confidence in the police and other agencies, but also to improve victim satisfaction with police responses as well as to prevent future victimization (Docking and Tuffin 2005, p.iv).

The Stephen Lawrence inquiry concluded that the police ‘must’ treat everybody with respect and that “‘Colour-blind’ policing must be outlawed” (1999, p.316). The inquiry in this respect suggested that there was ‘no justification for exemption of the Police Service from the full provisions of the Race Relations Act’ and Recommendation 11 referred to the need for the ‘full force’ of the legislation to apply to officers (p.328). In total, 70 recommendations were advanced by the inquiry: ‘The overall aim being the elimination of racist prejudice and disadvantage and the demonstration of fairness in all aspects of policing’ (Recommendation 2, p.327) and triggered:

... the most extensive programme of reform in the history of the relationship between the police and ethnic minority communities (Bowling and Phillips 2002, p.16).

Importantly, however, Bourne (2001a, p.19) notes that Macpherson overlooked the ‘symbiosis between institutional racism and state racism’ and only looked at the former. Yet, the inquiry constantly referred to its terms of reference including when it stated: ‘We are most conscious that the Inquiry is not a commission into race relations generally’ (p.312). Thus, whilst such relationships are important, and worthy of further consideration, it would have been *ultra vires* to have considered such issues (*cf.* Crane and Hall 2009, p.216). Ten years later, 67 of those recommendations had been partially or fully implemented (Home Affairs Committee 2009, unpaginated).

Conclusion

Whilst Chakraborti (2009, p.123) states that Bowling’s conceptualization of racism as a process captures the ‘low-level or everyday experiences’ of hate crime and the ways in which they cumulatively cause harm to the victim, their family and

community, there is nothing, certainly within the last decade, which elucidates the situated meanings and experiences of the process of victimization. Yet, according to Bowling and Phillips (2002, p.114) who restate Bowling (1999, p.305):

What is now required is a shift away from the victimological perspective to an analysis of the characteristics of offenders, the social milieu in which violence is fostered, and the process by which it becomes directed against people from ethnic minorities.

As demonstrated, however, the Stephen Lawrence definition of ‘racist incident’ fundamentally changed not only the policing of racist incidents but also, surely, the nature of the phenomenon. It has been suggested that the formal adoption of a perception-based definition of racist incidents requires an investigation of how victims construct hate crimes and incidents and of the consequence for victims of being bestowed with the decision making ability to determine the nature of their experience. This is not to suggest that research of the sort described by Bowling and Phillips is not required but that the case for foreclosing research in respect of victims has not been made, *especially* in light of the adoption of the subjective definition. Bowling (1993, 1994, 1999 and 2003) advocates the need to supplement survey based approaches with more qualitative methods such as ethnography and it is interesting to note that *Violent racism: victimization, policing and social context* (1999) - the foundation for hate crime scholarship - is based on ‘case studies of two victims of violent racism’, one of whom was interviewed twice, and the other five times (1999, p.172). This data addressed the tendency of survey based approaches to reduce the ‘process’ of victimization to a static and decontextualized snapshot’ (1993, p.232), such as the data he also gathered mainly from interviews with staff from local agencies, survey data and on ‘informal data’ (1999, p.172). The empirical project cannot, however give ‘voice to experiences of violence’ (1999, p.181); surely more is required.

There has since, in fact, been little in the way on how victims come into being (Rock 2002) generally or victimological research specifically into the nature and impact of racist hate crime victimization, especially that which accesses and gives voice to victims’ experiences (Boeckmann and Turpin-Petrosino 2002, p.222) or which demonstrates the potential of social scientific enquiry through, for example, use of the ethnographic method (Vera and Feagin 2004). Consider, for example, that Herek *et al’s* (2002, p.337) findings suggest that labelling ‘an incident a hate crime may

have a disempowering effect on the victim' and yet, implicit in the current definition is a requirement for the victim not only to identify themselves as such but also to claim victim status including from a police service with whom there is a history of ongoing poor relations. On balance what is absent from the research literature is an investigation of racist hate crime from a victim-informed perspective at 'ground level' (Chakraborti and Garland 2009a, p.126) which explores how victims perceive hate crimes and what meanings they give to those experiences. What is required is an analysis of victimization as 'an emergent process of signification like many others, possibly involving the intervention and collaboration of others whose impact and meaning change from stage to stage, punctuated by benchmarks and transitions, and lacking any fixed end state' (Rock 2002, p.17).

Chapter 3

Writing wrongs: research methods, methodology and theory

Introduction

The presence, nature and impact of racist hate crime raises theoretical and methodological issues crucial to the development of hate crime scholarship as well as policy and practice responses. This thesis presents findings based on extensive observational fieldwork at an agency based in England run by victims of racist hate crime for victims of hate crime, plus ethnographic interviews with caseworkers and unstructured interviews with their clients. The approach adopted aims to understand the ways in which victims and their caseworkers interpret and define racist hate crimes and incidents. Written within an interactionist framework and influenced by the works of Goffman (1961, 1971), Christie (2004, 2006), Quinney (1972) and Holstein and Miller (1990), this constructionist approach is concerned with understanding racist hate crime victimization from the everyday perspective of victims. Whilst the research was located in an advocacy-based organization for victims of racist hate crimes, it was not the culture of the organization but the process of victimization that was the focus of inquiry.

I had encountered but not worked with the organization where the research was conducted when I was a civil servant and knew that their work was well regarded including at a national level. I embarked upon the research because, as a civil servant, I found that I was unable to develop policy and practice direction on racist hate crime due to the absence of a developed evidence base. Now that I am aware of the ways in which control can be lost of one's research, I am more ambivalent than I was prior to commencing the research about contributing to policy. As discussed in the dissertation (2009, p.69) research, as Mills (1959, pp.177-194) observes, is political and vulnerable to the political process; a point reiterated by Hammersley and Atkinson (2009, pp.13-14) and amplified by Hudson (2000) and Hughes (2000) in respect of criminological research and Garland *et al.* (2006, p.434) regarding minority groups. I am acutely aware of the public criminology debate which has recently been invigorated by Loader (2006) and Loader and Sparks (2007, 2008,

2010a, 2010b), but like Wacquant (2011) I feel that the jury is still out on the nature and need for such a move. So I echo Hammersley and Atkinson's (2009, p.15) perspective in stating that the overall aim of the research is 'the production of knowledge' to contribute to the nascent field of hate crime scholarship.

Suggesting 'Ways forward' for researching racism and capturing the 'process' of victimization, Bowling (1993, p.244) advises:

What is important is that the research should allow for the relationships between victim, offender, and statutory agents (police, courts, housing authority, etc.) to be charted; and that these relationships should be set in the context of family, 'community' and neighbourhood, race, class, and age divisions.

Ethnography, in terms of participation and observation over a period of time and use of interviews, was chosen as a means therefore of capturing, to varying degrees, the relevant aspects of the process (Bowling 1999, p.159) and thereby investigating victims' and caseworkers' conceptualizations of 'hate crime'. This included identifying who is victimized and by whom and the nature of their relationship; the impact of victimization; and the role and impact of other relevant actors including the police and caseworkers. The justification and feasibility for this approach was established by Master's level research which, in turn, was influenced by Bowling's (1999, p.164) observation that official statistics and surveys cannot generate 'dynamic descriptions' and also that such approaches:

... have missed many moments in the crime process. Missing are accounts of the relationship between victim and perpetrator and of their relationships to the communities to which they belong. Also missing are the moments other than the short time-slice that comes to be defined as the criminal event. Notably missing is information about the events subsequent to reporting to the police, such as how criminal and civil justice processes affect both victim and offender. Surveys have told us little about alternative responses to victimization such as self-defence, retaliation, forgiveness, restitution, or conciliation.

Crucial for laying the foundations for the doctoral research, the Master's level ethnography generated findings which informed the doctoral research.

Bowling (1999, p.158) cites MacLean (1986, p.8) when he explains:

Much can be learned from studying criminal events, but, just as it is impossible to understand the content of a film by looking at only one still-frame, 'it is impossible for us to understand crime or any other process by looking at an individual event or moment'.

Of course the analogy to understanding film chimes with Denzin and Lincoln's (2003, pp.6-7) discussion of the interpretive approaches taken by qualitative researchers and, specifically, their reference to 'montage' and Sergei Eisenstein's film *The Battleship Potemkin*. Yet, even if one does not specifically use montage, arguably all qualitative researchers are like 'a quilt maker or a jazz improviser' for we all stitch, edit and assemble 'slices of reality together' (*ibid*, p.7). Indeed, there were multiple sites and voices in the research including caseworkers, victims, their families, friends and associates as well as police officers and other state actors and strangers who ventured into 'the field' as I followed the caseworkers in the course of their duties. There were also different contexts including political, historical, cultural, religious, local, national and global, personal and public, and urban and rural. The ethnographic study enabled me to immerse myself in this complex and dynamic field and to get as close to the research issues as possible and, through immersive understanding, obviate the fundamental limitations of survey based approaches documented extensively in the dissertation. In consequence I was able to develop an 'empirical, holistic, and processual account' of victimization (Bowling 1999, p.167) through observation of and, indeed, participation in, 'moments' that are critical to developing an understanding of a racist victimization (*ibid* p.166). I am white and female and, as Adamson and Donovan (2002, p.816) identify, the question of ethnicity when 'researching the other' raises extra 'methodological, interpretative, and practical issues'. These considerations form the focus of this reflexive account of the ethnographic inquiry, as does the question of ethical research practice, including the issue of researcher safety.

The fieldwork – an overview

The aim of the research was to explore victims' perceptions and experiences of racist hate crime and the focus was therefore on the operation in practice of the so-called Stephen Lawrence definition of 'hate crime'. I entered the field with two broad questions: How do hate crime victims and caseworkers perceive racist hate crimes and incidents? What meanings do they give these experiences? I was also interested in Bowling's idea of the process of victimization and, as such, the research was also concerned with the relationship between victims and caseworkers and also interactions with the police, particularly with regard to the processes set in motion when an individual formally claimed that they were a victim of a racist incident. The

methodological aim of the project was to describe and explain the experiences of victims who presented to caseworkers, how they and their caseworkers constructed racist hate crime victimization, the strategies adopted in response to victimization and the contexts within which it occurred. Furthermore, and in common with Bowling's (1999, p.19) work, it 'does not look specifically at the police as perpetrators of violent racism except to the extent that their failure to act may be construed as such' and neither does it focus in detail on the perpetrators of racist hate crimes and incidents. This is a study 'conceptualized from the victim's, rather than the offender's, perspective' (Bowling 1999, p.20).

The fieldwork was primarily based at a charity staffed by 21 paid employees (although this number fluctuated) plus volunteers and those on student placement. The majority of staff were concerned with the running of a casework service, but there were also dedicated administrative and management personnel. All caseworkers and volunteers were from BME backgrounds and between them they spoke at least 14 languages. The majority had direct and personal experience of racist incidents. The geographic remit of the agency covered both urban and rural areas where there were small and dispersed populations of BME peoples as well as more concentrated areas. The agency received 500-600 referrals per year and opened just under 400 cases. The year the Master's fieldwork was conducted (2008-2009), the agency opened 383 cases involving 1,357 people, 695 of whom were female and 662 male. Of those cases, 372 occurred 'at/around' the family home and the most prevalent 'incident type' was 'verbal abuse' followed by equal numbers of 'Assault (ABH or less)' and 'threats'. The ethnicity of those concerned were: 'Asian' (81); 'Black' (139); 'Dual Heritage' (95); 'Middle Eastern' (6); 'Other' (14); 'South East Asian' (10); and 'White' (38). Referrals were received from victims or their friends and family and organizations such as the Police Service and local authorities' departments and schools.

More specific detail on the nature of the ethnographic method is given throughout the rest of this chapter and a detailed account of the access negotiations that preceded the fieldwork is provided in the dissertation that documents the initial empirical work. It is a moot point whether the geographic location let alone the setting and population was representative of the issues studied. Whilst the need to preserve anonymity precludes public discussion of the research location and people involved - and

pseudonyms are therefore used - what can be said is that whilst the agency was located in an inner suburb of 'Elban', the casework service extended to three other unitary authority areas. In consequence the client-base was drawn from a diverse mix of populations and communities and whilst the greatest number of cases were from 'Elban', this partly reflected funding upon which the agency was dependent. Furthermore, whilst the number of cases varied across the areas, the understanding and experience of victimization remained consistent. I once recounted to Fatima (a caseworker) the question I am asked, usually in response to conference papers, and which follows on from "Haven't we done racism?" and which queries the need for research on racism and the representativeness of the findings: "Surely it can't be as bad as you describe?". Fatima replied: "Why would it not?". I would suggest that the cases presented to the agency covered both a broad range of people and types of racist incidents apart from those suffering anti-Semitic incidents. A question remains as to how to evaluate the reliability of the research, however.

As Plummer (2008, p.395) notes, life stories are one of the key aspects of the ethnographic inquiry. Such stories and testimonies arose in the fieldwork in different interactions and contexts from the quasi-therapeutic casework sessions between client and caseworker to informal and unsolicited conversations between me and caseworkers or victims and those 'naturally occurring' (Hammersley and Atkinson 2009, p.99) accounts that arose during interviews. For example, the "case opening" and subsequent sessions involved the victim constructing their experience of victimization 'through acts of memory' (Hammersley and Atkinson 2009, p.179) and the caseworker chronicled these accounts and so reconstructed that biography and retold the victim's story in their capacity of advocate; like *spiegel im spiegel*, the past was 'evoked through narrative performances' (Hammersley and Atkinson 2009, p.180). As Plummer (1995 chapter 11) argues, and as the findings illustrate, the stories 'connect to a world beyond stories' (*ibid* p.168) and 'provide a history, a unity and difference, and a motive for the future' (*ibid* p.173). The narratives captured the transformation of identity from a "normal life" to that of victim and, in so doing, revealed what acts victims perceived to constitute hate crimes, why and how these impacted upon them, and also their responses to victimization. Mooting the question of the 'truth' of such accounts, Plummer (1995, p.171; 2008, p.401) suggests that stories can be taken 'seriously in their own right - not as historical truth

but as narrative truth' (see also Atkinson and Delamont 2006 and Hammersley and Atkinson 2009, p.171). For Plummer (1995 p.172), the focus is not on 'truth' as such but more on the function of stories in people's lives – 'we tell stories about ourselves in order to constitute our selves'– and, the way in which stories operate as a vehicle for the researcher to 'enter the subjective world of the teller to see the world from their point of view' (Plummer 2008, p.401). As Plummer (1995) and Atkinson and Delamont (2006, p.169) make clear, such accounts are both forms of 'social action' and are 'enacted in accordance with culturally prescribed genres and formats of expression'.

The ethnography

The doctoral research involved observational fieldwork plus interviews from early May 2010 until the end of June 2011, resulting in 80 days of participant observation in addition to the days spent interviewing and the time spent in the field during the first ethnography. On average the working week was split between fieldwork and periods out of the field writing and performing other duties. The major activity of the observational fieldwork involved being situated with the caseworkers in their office but also accompanying them in the course of their work including to, for example, a safe house, gurdwara, mosque, coma ward and court. I also visited police stations, victims' homes and local neighbourhoods and drop-in sessions run by caseworkers. I analysed case files and collected copies of all relevant documentary materials such as referral sheets and on occasion took photographs. A total of 9 ethnographic interviews with caseworkers were conducted, three of whom were from 'Black', four 'Asian' and two 'South East Asian' communities and who hailed from different countries. 16 unstructured interviews with clients (their self-ascribed identities are described at Appendix A) were conducted between 13 April 2011 and 27 June 2011; although one pilot interview occurred in October 2010. All of the caseworkers' interviews and four of the victims' interviews were conducted at the agency, two at another agency location, two at the victim's place of work, which was also their home and the remainder took place at victims' homes. Space precludes a discussion of the ways in which the interview location was significant to the fieldwork but analytical discussions throughout the thesis highlight the immersive understanding gained from being situationally located in environments where victimization occurred. As noted, less structured spontaneous interviews were also conducted with

participants throughout the tenure of the fieldwork. I decided that interviews were needed to slow the participant observation process down, and almost in the style of time lapse photography, learn from participants about their experiences on their own terms and in their own words. I interviewed all the caseworkers that I had worked alongside and victims were selected on the basis of ‘judgmental sampling’, that is I selected those whom I felt ‘most appropriate’ according to the research questions (Fetterman 2010, p.35). To ensure that consent was free and informed, I asked the caseworker to make the initial approach to the client by inviting them to participate in a letter which set out the nature of the research (see Appendix B). My choice was often shaped however by issues pertaining to the mental health needs of clients (as identified by the caseworkers) and related ethical obligations and also the fact that on a number of occasions the victims were arrested and not available for interview. The interviews with caseworkers were ethnographic in that they were an extension of the relationship developed during fieldwork relations and through which rapport and respect developed to enable ‘there to be a genuine exchange of views’ and ‘openness’ (Heyl 2008, p.369), thus facilitating an investigation of racist hate crime constructions from their personal and professional perspective.

The unstructured nature of these interviews remained a source of anxiety and left me with a vertiginous sense of uncertainty as I discovered that the rapport necessary to conduct such interviews was in fact a double-edged sword. Caseworkers would often find the situation amusing and, ironically, unnatural, given our usual relations. Furthermore, they would frequently try to pre-empt the issues I was investigating and perhaps the answers. Spradley’s (1979) seminal work *The ethnographic interview* influenced my field relations and I took the role of one wishing to learn rather than setting the terms of engagement. Caseworkers responded to this approach positively, seeing me as not unlike a new caseworker. As such, when caseworkers became pseudo-ethnographers I could invoke the role of apprentice, ever conscious of Spadley’s (1979, p.24) words:

I want to know what you know in the way that you know it ... Will you become my teacher and help me understand?

My role was thus like that of Rhodes (1994). Given the tenure of our relationship and that rapport and trust had been established, I followed Spradley’s (1979, p.87-88) advice and asked caseworkers to perform a task during the ethnographic interview;

this was important both in terms of clarifying the data but also to ‘accept’ the nature of the interview situation and to ‘know what to expect’ (*ibid*, p.60). Caseworkers’ employed different classifications for cases, that is to say ‘situated vocabularies and folk taxonomies [which] incorporate the typifications and recipes for action that constitute the stock-of-knowledge and practical reasoning of the members’ (Hammersley and Atkinson 2009, p.145). It was very important to understand the use of these case types without contaminating the caseworkers’ language and situated practice by imposing my terms of reference. I drew inspiration from Spradley’s use of cards to understand case types:

Today I'd like to ask you some different kinds of questions. I've written some terms on cards and I'd like to have you tell me which ones are alike or different. After that we can do the same for other terms (Spradley 1979, p.60).

Thus I wrote the different types of cases on a series of otherwise blank cards and the caseworkers automatically grouped them together and in so doing added greater depth to my understanding of the concepts of risk and the related issue of the relationship between perpetrator and victim, both of which permeate the analysis.

I negotiated and agreed with the caseworkers and their management team that the caseworker be present for the interview with their client. The purpose was threefold. Firstly, I wanted the conversation to be and feel as natural and relaxed as possible for the victim and I felt that the presence of the caseworker would facilitate this, not least because it would vouch for my credibility to some degree. Secondly, I had assured the University’s ethics committee that arrangements would be in place should the victim become upset during or after the interview. The best source of support was their caseworker and the most effective way to ensure that it was actually offered was to ensure this occurred in my presence. Thirdly, should any communication issues arise, whether language-based or cultural, I felt that the caseworker would be best placed to assist me and the victim in facilitating communication. Only on one occasion did a Cantonese-speaking caseworker act as an interpreter, all interviews were otherwise conducted in English. On balance the decision to include the caseworkers was right; not only were they emotionally supportive to clients but their pre-existing relationship with the client and knowledge of the case stimulated discussion and arguably eased any unnaturalness that might otherwise prevail. As such, and like Adamson’s (Adamson and Donovan 2002, p.820) interpreters, a non-

hierarchical relationship emerged where the caseworkers facilitated the flow of the conversation as they prompted and aided the discussion of key issues.

The interviews with victims were strongly influenced by Spradley (1979). Although his well-known systematic method was not adopted, the interview stages that he recommends provided a framework that enabled participants to set the direction of travel for the conversation and gave them the freedom to discuss their experiences in their own words. This was particularly helpful for answering the research questions. The style of questioning encouraged by Spradley and the techniques to facilitate communication, for example, enabled me to focus on the constructions and meanings that victims gave to their experiences. I used a briefing note before interviews with caseworkers and victims to remind myself of the principles I wanted to follow prior to each interview, including the ethical matters I needed to address (see Appendix C), but the interviews were unscripted. I used Spradley's (1979, p.60) three types of broad question during the interviews with caseworkers and victims - 'descriptive', 'structural' and 'contrast' (see Appendix C) - to aid but not structure the conversations, always aware that '*both questions and answers must be discovered from informants*' (Spradley 1979, p.84 emphasis in original). Thus, when victims discussed their experience of racist incidents, and in order to understand whether the term 'hate crime' had meaning for them, I would ask: "If you were talking about the experience to family members, what would you say?" This would prompt opportunities to explore (Spradley 1979, pp. 80-82) the concept of racist hate crime, through 'listening, observing, and testing' (p.80), but always aware of the caveat not to '*ask for meaning*', but to '*ask for use*' (p.81, emphasis in original) and to enable 'cultural meaning' to emerge 'from understanding how [victims] *use* their ordinary language' (p.82, emphasis in original), not least through frequently 'restating' (p.81) what they had said and using this to maintain the momentum of the conversation (p.83). The previous question would thus be followed up within the flow of a conversation with: "Would you/others generally talk about 'hate crime'? What kinds of things would I hear them saying?" In these ways I am confident that the differences in our ethnic, cultural and experiential backgrounds did not distort communication and mutual comprehension (Spradley 1979, p.82), rather it was the basis from which to develop interpretive understanding as victims used their ordinary language to describe their perceptions and experiences. Victims frequently referred to

evidence gathering practices and, drawing on Spradley's techniques, I would encourage them to "show me" (Spradley 1979, p.87). This would result in, for example, the presentation of a mobile telephone to show me either an audio or video recording or photograph or text message. The question and response was thus a form of virtual 'tour' (Spradley 1979, p.87) of '*space, time, events, people, activities, or objects*' (*ibid*, emphasis in original), technology thus strengthening Spradley's techniques beyond what he could have envisaged.

Therefore, whilst the nature of these interviews contrasted with the ethnographic interviews with caseworkers – because I did not always know the victim – just like the caseworkers' interviews, victims were empowered to set the tone, pace and content of the interview. As will be seen, not infrequently, this resulted in my role becoming that of messenger for the majority white population and I was also drawn into conversations about my experiences and perceptions. I took this as an indication of participants' trust or confidence in me (see Krieger 1979 cited by Hammersley and Atkinson 2009, p.178). Indeed, I was aware that the same scanning of people and environments that I recognised occurred during the daily lives of victims occurred during the interview interactions too (see Chapter 5). It was *I*, however, who was scanned. This in itself was a morally and emotionally complex experience and I was constantly aware of the need to factor 'reactivity' (Hammersley and Atkinson 2009, pp.177-179) into the process of data analysis. Putting the participant at ease and establishing 'rapport' and 'trust' were therefore essential (Spradley 1979, pp.78-83) and, as noted, this was assisted by the presence of their caseworker. If there was a silence after completing a discussion about the research project, ethics-related matters and the nature of the interview, I would open by inviting the participant to tell me something about themselves including the journey that had brought them to 'Elban' to facilitate the process of building rapport (Hammersley and Atkinson 2009, p.180). The dialogue was infused with Spradley's advice and so, I would invite the participant to talk about their family background on the understanding that descriptive questions help to address 'apprehension' (Spradley 1979, p.80):

"Could you tell me about your family?"

I also asked the following question, which would invariably lead to detailed stories about daily and specific experiences of victimization:

“I don't know this area very well, could you take me on a walkabout, what's it like to live here for you?”

Probably out of habit, caseworkers would prompt the victim to describe their ethnic origin. Importantly, they rarely did so and, if they did, this self-identification was given alongside other information about their social and familial roles, genealogy, faith, language ability and geographical location as the following illustrates:

Sara I'm actually born in Brussels, my parents is from Morocco and I've been in the UK since 1993. I couldn't speak English at that time ... Don't ask me how I picked it up, but I did. My husband is Algerian, the same, from Brussels, but from Algeria and the kids are born in here, so that's it really. So I don't know what you want to put me as.

Corinne How would you describe yourself?

Sara Just as a normal human being.

With each interview Gilroy's observations gathered weight and momentum (2010, p.xiv), the people I met were:

... understandably ambivalent about locating themselves inside the discourse of raciality if they have a chance to escape it. The racial idea 'Asian' has for example been broken down and enumerated into a multiplicity of regional, religious and other cultural fractions. It is true that many – though by no means all – voices raised from within these diverse groups do not recognise themselves in the powerfully empty and possibly anachronistic master-signifier: 'black'.

Indeed, those occasions where agitated caseworkers corrected the “ethnic origin” and “English speaking” sections of the referral forms completed by police officers revealed the limitations embedded in researching racist hate crime solely on such categories or from a policing perspective or by using such forms for quantitative based analysis.

I remained conscious of observing the ESRC's *Framework for research ethics* (2010, updated 2012), British Society of Criminology' *Code of ethics* (2006) and web-based faculty guidance (Cardiff University, [no date]), and sought to maintain 'the highest ethical standards' (British Society of Criminology 2006) throughout the research. Whilst university-based training on governance and risk had proved instructive, there were many risks – physical and emotional – that unfolded during the course of fieldwork that I did not or could not have anticipated however. These issues will be revisited later but, at this juncture, consider the question of self-disclosure. The following excerpt from a conversation between Sara, Jyoti and me illuminates the

nature of the interview interactions but also illustrates again how, for many, their perspective was not racialized; it also highlights, however, how researchers self-disclose (Rapley 2004) and what the discomfort of doing so tells us about ourselves and the research:

S You're not racist.

C No.

S How come you're not racist? I'm going to turn the story round.

J She's interviewing you.

S I know, sorry. Sorry. No because you know, I want to know as well, I want to know.

J It could turn very quickly.

S Yeah, I'm faced with friendly faces and I feel comfy with you.

C Exactly.

S I feel I can talk to you, I can tell you anything you know. Do you see any difference talking to me or to anybody else?

C No, and that's the... I remember when I was young, a long time ago, and there was a lot of publicity around famines in Ethiopia and *John Craven's Newsround* was on and I was really... I don't know, I was kind of my son's age, I don't know, just very young and I was looking at it and I said "Oh, that's horrible, they haven't got any food". My mum said "Look again", and I said, "They still haven't got any food" and she went "No, that's a mummy and that's a baby and there's no difference". Immediately, it looked like something completely different, and I just... then I thought, this is not just about the [famine]... and then I saw it completely differently. I suppose, when you have a mother that teaches you, not to be colour blind...

S Yeah, I know what you mean.

C ... but to see people.

S Thank you.

In short, the fieldwork involved complex people with complex lives who were simultaneously powerful and powerless and who understood and experienced racist hate incidents *personally* through highly differentiated identities, that is as ethnically, culturally and religiously located mothers and fathers, wives and husbands, lovers, women and men. In line with Stanko (1990, p.6), the focus became about how 'different types of people' define and respond to victimization and how this is shaped by 'where' and 'how' they live but also, and moving on from Stanko, life stories (Plummer 2008, p.397).

In many of the conversations I heard, those concerned did not define or perceive themselves as a people, but as people. Painfully, reflexively and rhetorically they would ask “Why?” they were experiencing *racism*. Subjectively understood, ‘race’ and ‘hate’ were empty signifiers. The data is also testament to the fact that whereas the caseworkers responded to me as an apprentice/researcher, the victims I met during the fieldwork perceived, received and responded to me as a (married) woman and parent; this was important to them because for many their pain and resistance pivoted around their need to protect their family and they implied or stated that I would understand their perspective. Perhaps, as Bloor *et al* (2007, p.59) note:

... traditional gender role expectations lead research participants to expect female researchers to act as confidantes and to be sympathetic.

Indeed, on more than one occasion the fact that I am female was more important than my ethnicity. For example, some children of clients were “frightened of white males” and, on this basis, I was permitted entry to the family home.

Indeed gender is identified as a key consideration when factoring risk into research projects by Bloor *et al* (2007). I was aware that my multiple identities were important in the field, and of how they facilitated the development of rapport and trust. It took time to realise the analytic significance of this, however. That is not to say that I was not attuned to the potential for power imbalance in the field (Tang 2002, p.705) but the ‘inevitability of such a power hierarchy between researcher and researched’ has been ‘rejected’ by feminists (Maynard 1994, p.15, cited by Tang *ibid*). Indeed as the experiences documented in the chapter illustrate, participants – both caseworkers and clients – showed themselves to be anything but ‘passive’ (*ibid*). My experience supports Tang’s (2002, p.719) conclusion that our ‘perceptions of social, cultural and personal differences have an important impact on the power dynamics in the interview’ which was a consequence of ‘the dynamics’ between us.

Victims gave their accounts with courage and dignity and, often, exercised a high degree of assertiveness. Like Bowes (1996, paragraph 8.3) and her colleagues I discovered that the participants were not ‘structurally oppressed into silence’ or passive, they were resilient and challenging. Their accounts were forceful not just because of their content but because of their delivery. Upon transcribing the interviews it became apparent that, after discharging the ethical and practical protocols incumbent upon all researchers, victims often engaged in lengthy

monologues. Not infrequently I felt that I was seen as the representative white person who was to hear - to listen to - their otherwise silenced voices (see Chapter 6). This also occurred, however, because victims wanted to set the ground before giving their account. That is, speaking to my whiteness, some wanted to ensure that I laboured under no misconceptions. For example, Bilbar spoke extensively about media misrepresentations of Islam, his routine experiences of discrimination and tested my knowledge of Islam before saying:

So before I share my personal experience [0:31:29.8], this is my conclusion of my whole life experience.

As can be seen from the time marker, Bilbar took the opportunity to speak at length prior to engaging with me; at the very least my experience challenges Bonnett's (1996, p.105 cited by Sin 2007, p.490) assertion that an 'attribute of being white is 'silencing; not being silenced'. I would suggest, however, that the practice of engaging in monologues, along with the process of scanning (see Chapter 5), was also about victims assessing me and determining what they were prepared to say.

Most interviews were approximately one hour long although a few ran close to two hours. All interviews were digitally audio-recorded and transcribed verbatim and fieldnotes were made to record, for example, non-verbal interactions (Hammersley and Atkinson 2009, p.148), reflections and research decisions. Arrangements for the confidential storage of data in compliance with the Data Protection Act (1998) and ethics practice on confidentiality and anonymity took immediate effect. As such, electronic data, including audio and transcribed interviews were stored on a computer and encrypted, also pseudonyms were used immediately. Furthermore, all documents in paper format were stored in a locked cupboard. Participants were also informed at the commencement of the interview that data would be archived for at least seven years. At the close of the interview, and after thanking participants for their time, they often thanked me, agreeing with their caseworkers that the opportunity to talk had been cathartic; which of course highlighted their experiences of being routinely silenced (see Chapter 6). Some participants, such as Cora, also hugged me. To this end it was beneficial to have caseworkers present because it avoided the possibility of 'role conflict' – the confusion that can arise as a result of establishing rapport and trust and which results in the ethnographer adopting the role of a 'health care practitioner' or behaving 'like a friend' (Bloor *et al* 2007, p.26).

Role

The identification and minimisation of risk was a dominant feature of casework practice and frequently generated the need for caseworkers to be accompanied during visits, thereby creating an initial role for me in the field. I declined the opportunity to 'open cases' and therefore the 'master role' of 'complete participant' (Gold 1958, p.219) with regard to this aspect of their work. I did, however, support caseworkers by answering telephone calls on occasion and performing other small administrative tasks and I participated in casework discussions in order to share my case knowledge. This was often because the pseudo-apprentice demeanour I adopted prompted caseworkers to test my knowledge as they would a novice caseworker. I did not offer opinions, however. The nature of the role I took was somewhat chameleon like and thus perhaps mirrored Atkinson's (1997, p.52) approach where I was both an 'open' and 'disguised observer'. This is because the role needed to reflect the ever-changing environments and people that I met on any given day when shadowing caseworkers. Settings in which I was most likely to adopt a 'complete participant' (Gold 1958, p.219) role were public, such as police stations, hospitals, courts and places of worship. In the company of a caseworker in such social settings there was no reason for my identity to be known to many of those with whom we interacted. My identity was often interpreted with reference to that of the caseworker; we were always referred to as being 'from [the agency]' and as such I was assumed to be the caseworker's colleague. With regard to police officers, I was often a 'complete participant' initially and then, when we met on subsequent occasions, I would become a 'participant-as-observer' (Gold 1958, p.220) such as when, after an introduction, I regularly encountered and observed the caseworker and officer during meetings. The 'observer-as-participant' (Gold 1958, p.221) role was the most frequently inhabited and enacted. When in the caseworkers' office, therefore, and sat at a dedicated desk, whilst my activities looked no different to that of the caseworkers, I observed and noted what they were doing and, like Norris (1993, p.126 cited by Bryman 2008, p.410), also wrote down 'naturally occurring inter-office talk' as well as 'detailed descriptions of how [caseworkers] handled "live" incidents'. Finally, as Gold (1958, p.221) observes, the 'complete observer' role was never the 'dominant' role but was 'sometimes used as one of the subordinate roles employed to implement the dominant ones' such as, for example, when caseworkers

first engaged with clients and I would observe initially - with consent - and interact more fully on subsequent occasions.

Whilst I had secured ethical permission to proceed with the fieldwork (see Appendix D), the practice of ensuring ethical practice was challenging in my myriad roles and locations because it involved addressing many issues which could not be anticipated and for which there is little guidance or protection for participants or researcher alike. Indeed, issues arose which could be expected but for which there was no fit with ethics guidelines and protocols, which have been designed more for biomedical research governance (Hammersley and Atkinson 2009, p.226). For example, the practice of shadowing caseworkers in situations where it was not possible to obtain informed consent left me feeling vulnerable and uncomfortable. I found, as Bell (1977, p.59 cited in Hammersley and Atkinson 2009, p.210) cautioned, it would be disruptive to issue ‘some sociological equivalent of the familiar police caution, like “Anything you say or do may be taken down and used as data”’. It was agreed with the Chair of the school’s research ethics committee that a practical solution to my concerns would be adopted; I would keep him updated with regard to developments in the field and could raise concerns with him and seek guidance as the need arose.

Researcher safety

Celebrated works have brought our attention to the risks presented to those conducting research into illegal activities (such as Whyte 1945; Polsky 1971; Pryce 1979; Hobbs 1989; Ferrell and Hamm 1998). Yet the same important insights have arguably not been generated in terms of those researching victimization. Risk, however, arose early in the research process because the agency had been the subject of threats of petrol bombing and it continued to occur on a daily basis for me in the same way that it did for caseworkers when we conducted visits to a number of different locations, not least because my role was to accompany caseworkers and thereby minimise their risk. As will be explained (Chapter 4), the agency was concerned not only with risk presented by perpetrators who were understood to be proximate to the victims, such as neighbours, but also risk presented by victims. The caseworkers operated a list of “high risk” clients who were deemed to have the potential to “kick off” and who presented, primarily, a physical threat, to caseworkers. The caseworkers’ practice of identifying risk in terms of mental health

issues, criminal background, alcohol and substance abuse, history of threats/violence towards caseworkers, women and the like raised the analytically significant points that victims could present risk and that victims could also be offenders. Of course, those interviewed were advised that previously unreported child abuse or offending would be brought to the attention of the relevant authorities at the time when informed consent was sought (see Appendix E). As noted, the ethnographic method brought into view complex people living complex lives and a host of equally multifaceted analytical issues, but also questions of the risks presented to researchers, for which there was little guidance.

The caseworkers worked to various safety protocols. Thus, if the threat from victims or perpetrators was perceived to relate solely to female caseworkers then only male caseworkers would deal with the client. I was briefed on the safety procedure should an incident arise within the agency's office, and this included knowing the codename to give to a caseworker which would result in the police being called. The safety protocols for caseworkers outside of the office included: strict procedures regarding timely attendance at work, including after lunch breaks; noting their visits on a whiteboard with an estimated time of return; contacting reception desk staff by mobile telephone if on a long or longer than expected visit; carrying a personal attack alarm; and conducting visits accompanied. There were also various behavioural strategies adopted by some caseworkers which will be discussed with regard to '*Umwelt*'. Such findings were, of course, analytically important and illustrate how the process of conducting ethnographic research made visible and tangible important issues and discoveries from the outset. This included the finding that not infrequently the perpetrator and victims were not strangers; to some degree they knew one another and were proximate and that this generated risk. Furthermore, the practice of travelling with caseworkers also revealed that some areas were perceived to be racist and "no go areas" for people from BME communities.

The following discussion highlights the nature of the fieldwork and how the ethnographic method made three-dimensional these issues in a way that a survey-based approach would not; I was physically, mentally and emotionally engaged and present in the contexts where victimization occurred and where cases were constructed and managed. Yet it took time and experience to get to this stage and no

amount of teaching or reading could have prepared me for the demands or risks of ethnographic research.

Consider the day I visited Alma with her caseworker Fatima. Prior to the visit, and as was my practice, I read the case file and we discussed such matters as the facts of the case, risks relating to the visit and the proposed plan of support. The file contained a letter Fatima had written in support of an application to move Alma and her children to a new home in a different location due to their experiences of racist incidents, that is “to flee racism”:

[The family] do not feel safe walking on the local streets and do not have [a] sense of belonging to the local community. They do not feel they are welcome there at all.

I could gain a sense of the family’s experience of victimization from the content of the letter and from the fact that they wanted to move. Also, because Fatima supported this decision, I knew that there must be a “credible threat of harm”. Yet, the experience of walking through Alma’s neighbourhood developed my understanding of the lived experience of racist hate crime victimization. I could see and feel what I had read and heard and my companion caseworker - like her colleagues on other visits - provided an unsolicited professional and personal narrative on her racialized environment. For example, as Fatima and I disembarked from a bus in Alma’s neighbourhood she immediately pointed to graffiti which included a swastika and said she hoped that Alma would not see it. As we walked toward Alma’s local shopping area Fatima said “There’s something I want to show you”. Standing in front of the shops she described how the retailers were experiencing racist incidents and explained that one of the businesses, which had been a fast food establishment, had once been repeatedly targeted and that the family were clients. Fatima described how the agency had supported the clients in reporting incidents to the police but that they had been dismissed as “serial timewasters”. The family’s business was later subjected to an arson attack where a parent died and their child was hospitalised with burns. Fatima had clearly been surprised and concerned by the fact that one family member had said “perhaps it will stop now”, and, in so

doing, flagged a recurrent and dominant finding; the process of hate crime victimization includes the risk of its recurrence.

During the visit to Michelle's neighbourhood with Salma I also found myself drawn into processes of victimization that I had heard described by victims during the course of the fieldwork, including Alma. Making the return journey by foot from Michelle's house to the bus stop with Salma I noted that:

... three [white] men working on a car on a drive stopped ... and fell silent. Two of them moved and blocked our way. Salma later laughed about how I had grown visibly taller and made eye contact [with them] as I made a path for us through the men. I joked and said that they would either think that I was "hard or psychotic". At the time, however, she said that she was "scared" (Fieldnote 18/5/11).

When Fatima and I boarded a bus we had an encounter that echoed the accounts of many that I had heard, including Alma:

... two women momentarily stopped talking and stared at Salma. ... I guess I was feeling concerned, uncomfortable and could sense the potential for conflict as I immediately recollected many clients' accounts of attacks while on the bus in this area. The conversation clearly turned to her presence on the bus because the women talked more quietly and in hushed voices, turning back to look at us every so often before resuming an audible conversation about people that they both know (Fieldnote 11/5/11).

Embodied ethnography thus made visible 'the processes by which a person becomes a victim of this form of crime' which are 'cumulative, comprised of various encounters with racism, some of which may be physically violent, some lying only at the fringes of what most people would define as violent or aggressive' (Bowling 1999, p.230). Racist hate crime and its potential were encoded in victims' homes and their neighbourhoods and I developed an eye witness account of this. It both furthered my understanding of the challenge of framing and reporting experiences as racist incidents to the authorities (such as police and housing officers) as well as their impact. As Spradley (1979, p.v) says:

Ethnography offers all of us the chance to step outside our narrow cultural backgrounds, to set aside our socially inherited ethnocentrism, if only for a brief period, and to apprehend the world from the viewpoint of other human beings who live by different meaning systems.

I was constantly aware of 'situational' danger where 'ambient' risk was present (Lee 1995, p.3) and that it could come from any quarter – whilst I was with a caseworker, I was remote from all that was familiar and concerned that my ethnicity and/or

gender might exacerbate situations. On one occasion I visited a terminally ill client (Kelly) with a hate crime police officer (Barry) and a caseworker (Dillon). Once inside the premises I recognized that we were in a safe house. Whilst this alerted me to the nature of the risks that Kelly faced I realized *in situ* that it would have been difficult to leave. This thought crossed my mind because I became increasingly uneasy as the relations between my companions and Kelly deteriorated. I also began to notice jottings on pieces of paper around the apartment, one of which read “Silent but vilent” (*sic*). Indeed, Kelly became agitated and when she disappeared into the kitchen I heard her forcefully pull open a kitchen drawer:

Kelly first became extremely angry when Barry argued with her, telling her that she was mistaken in thinking that she had given him the names and addresses of alleged perpetrators and witnesses. Kelly stormed into the kitchen, swearing and yelling as she went and making threats to, for example, deal with the perpetrators herself because she has “nothing to lose”. She continued to swear and yell at the top of her voice for about 5-10 minutes (Fieldnote 21/7/10).

My anxiety was heightened by the non-verbal responses between Barry and Dillon which clearly indicated that they were not going to manage the situation. Indeed, the matter was finally resolved when they contacted a local housing officer and secured her agreement to join the meeting. Interestingly, once outside, Barry said that Kelly “Is not as innocent as she makes out” and that her daughter “has got a mouth on her too”, thus highlighting the concept of the ‘ideal victim’ used in the process of data analysis.

The ‘uncertainty’ and potential ‘volatility’ of situations also presented ‘physical risk’ (Bloor *et al* 2007, p.8) in different ways. For example, when visiting Mr Yeung in a gated tenement block with his caseworker Qiaohui, we were intercepted by two of the alleged perpetrators as we tried to find his flat. On this occasion I maintained eye contact with the men, politely said “Good morning” and endeavoured to look confident and as if I knew where I was going. It occurred to me however that the men might think that I was a police officer and that this might be a source of risk for Mr Yeung. This suggested the need to develop protocols not unlike those set out by Langford (2000) for working with victims of domestic violence. Indeed, as Langford (2000, p.136) recommends, future activities involved developing strategies so that nothing could associate the victim with the research, including thank you letters written in very broad terms (see Appendix F). Mr Yeung later described how both

men operate like “a pack of wolves or a committee or the local sheriff” using, for example, the physical security of the gated environment but also their membership of various local housing-related committees to police him and others. The encounter raised the analytically important point that proximity creates risk and that “clever racists” can perpetrate incidents by stealth. Once inside the flat I felt anxious, not only because of the encounter with the perpetrator-neighbours but because Mr Yeung’s living room was also his bedroom and Qiaohui and I were sat in chairs which abutted his unmade bed. Furthermore, Mr Yeung had adopted a routine to protect himself from further break-ins and attacks by these men and this involved fastening multiple locks on the front (and only) door to his flat and drawing all the curtains, leaving the accommodation in partial darkness. I felt disorientated because I wanted to see if the men were waiting outside but I could not. I also felt discomfort at effectively being locked inside Mr Yeung’s dimly lit bedroom. I could understand, however, as from visits to other clients’ homes, what the caseworkers meant when they referred to victims as being “locked in” or “prisoners in their own home”:

Mr Yeung had explained that one *modus operandi* of the alleged perpetrators was to intercept his visitors on their way to his flat. He had also gone on to describe a pattern of events which occurred when he opened his front door or when he and/or visitors leave the building. Reflecting on this, it dawned on me that the effect of sitting in a darkened room – because the heavy grey curtains were drawn across the large window at the front of the (first level) flat – was to heighten my sense of apprehension. As we left the flat, the sunlight blinded me and impeded my need to survey the area around me. All was quiet and my sense of relief was great. I was ready for any interception from that point onward; it was the possibility of contact upon immediately stepping out of the building that I realised worried me. (Fieldnote 10/6/10)

Upon leaving another client’s home (Helen), she suddenly stopped me from opening the front (and only) door to her flat. Looking nervously toward the wall that separated Helen from the perpetrator-neighbour she whispered that he would routinely release his dogs upon her and her young daughter whenever he heard her door open. As Helen depressed the door handle she urged me to “Run!”. As was the case during visits to other clients, Helen policed not only her movements but also my own in order to avoid interactions with perpetrator-neighbours. The main theoretical lessons that I drew from such experiences concerned the physical and social relationship that I observed between the parties and how this shaped modes of

victimization (harassment) and how this impacted upon victims and which, in turn, explained how and why caseworkers perceived and responded to *risk*.

An interview with Jason at his home highlighted the impact of victimization upon him and his family, and mirrored the experiences of many clients that I met, but also the potential risk to me and the caseworker:

... [anybody] that comes here ... [pauses] ... guaranteed, they leave the property ... [pauses] he will follow them. That's *why* he can *see* who comes into our property ... But he will then go out and then confront whoever has visited here.

I wrote in my fieldnotes:

When we went outside Jason said that he would come with us and I immediately became a little tense. I recollected that during the interview he had told us how he accompanies the police officers who visit the home to their car. I had not asked why but suspected it might be to give the perpetrator the impression that the officers are on Jason's side, or to capitalise on their status and office. This time we were the ones on show. ... Jason spoke loudly about the situation with his neighbours [when we were outside]. A small child simultaneously grunted and squealed and Jason asked "See! Did you hear that?" and, nodding towards the open kitchen window, told us it was the youngest child of the family who could not speak. I walked quickly away from the situation, worried that Jason may be an agent provocateur for anything that could potentially unfold. Mandeep and Jason followed but the latter continued to talk loudly about his neighbours once outside the garden. I politely cut the conversation short and thanked Jason again and he returned home (14/4/11).

In the field, therefore, I was constantly attuned to the presence of risk and it did generate anxiety. Risk also arose in public settings such as courtroom buildings. For example, on one occasion I waited with a victim safely ensconced in the victim care suite with attentive and supportive personnel for an entire morning until we were notified that the hearing would be suspended. When we left the court the morning's protective arrangements seemed somewhat farcical as we exited the court building's revolving doors alongside the perpetrator and her associates.

The Russian roulette nature of the fieldwork experience is highlighted by the events which unfolded on the day I accompanied Dillon to visit two Polish women. During the visit I regretted not accompanying Li or Salma as we negotiated our way up and down, and in and out, of a tenement block. As on previous occasions the lighting and the lifts were broken and, barely able to see, we struggled through malodorous litter and collections of prams and buggies, bins and other obstacles including drug dealers. When we returned to the office Li said that she was "so relieved" that I had

not accompanied her because her client had threatened her with a machete during a visit to his top floor flat and Salma added that her clients' cars had been petrol bombed. On another occasion Dillon and I visited Karina who was terrified that the perpetrator and her boyfriend – who had broken into her home previously and attacked her daughter and caused criminal damage in the garden whilst brandishing a knife and threatening to set the house alight – would carry out her repeated threats of throwing acid in her face. Indeed, we discovered during the visit that the perpetrator (Sharon) had thrown paint stripper over Karina's car in the last few days. My role was to comfort Karina whilst Dillon called out a doctor because we also learned that Karina had attempted suicide in the previous few days and remained suicidal. This excerpt from my fieldnotes highlights the constant recognition of risk in the field but also how it facilitated an understanding of the victim's social world:

As I sat with Karina today I thought about how the hate crime text books ... cite the effects of hate crime and inevitably do so with reference to Herek's research into "sexual prejudice". I could see and feel her terror; it was evident in her posture, her emotional state and her [vocalised] sense of helplessness – it was inscribed in her very being. As a visitor in Karina's home which is filled with crime prevention measures – including two CCTV cameras running 24-7 – I could see how she lived and breathed this experience. The experience of hate crime victimization and the overhanging threat of its continuance has become her life. Visiting the home one shares Karina's sense of unease that Sharon may emerge at any moment and carry out her threats. I found myself frequently checking the CCTV screens for movement in the back garden because, while the front door was secure, the French doors to the garden were open and there is direct access from the front to the back garden. When I made two telephone calls from the garden and stood next to Karina's paint stripper damaged car I felt apprehensive and wondered what I would do if confronted by an acid carrying perpetrator (Fieldnote 23/3/11).

Informed by the literature, especially Bloor *et al's* (2007) work, I developed precautions and did so in conjunction with my supervisors. Primarily this involved participating in the agency's protocols, but I also carried a personal alarm provided by one of my supervisors. Informed by the Social Research Association (2006 as recommended by Bloor *et al* 2007), we also established a "buddy system" where I contacted him prior to visits, texted at agreed times and confirmed when I had completed fieldwork for the day. We also had regular debriefing sessions. I always carried a headscarf to ensure that should the need arise I wore culturally-appropriate attire. On balance my approach to managing risk can be summed up in Belousov *et al's* (2007, p. 69) term 'situationally-specific pragmatism'. Importantly, however,

these experiences gave me greater experiential insight into victims' lives. As Peterson (2000, p.195 cited by Bloor *et al* 2007, 21) observes:

...the researcher's feelings of threat or vulnerability may indicate that they are closer to understanding an important aspect of the field than perhaps when things are going well.

The cases and situations in which I was involved were, on many occasions, challenging if not harrowing and there was scope for 'vicarious traumatisation' (Pennebaker 1990, p.118 cited by Bloor *et al* 2007, p.26). Yet, to some degree, I was prepared for the emotional risks, having participated in an ESRC funded one-day workshop on factoring risk into the research design which was instigated following an ESRC funded inquiry by Bloor *et al.* (2007). This highlights risks which can have negative consequences not only for the 'physical' but also 'emotional or social well-being' of qualitative researchers (*ibid*, p.6). Constantly reflexively aware of how my whiteness permeated the research design and fieldwork relations (see Garland *et al* 2006, p.432), I wrote for the Master's degree that 'I did not anticipate being confronted by my whiteness; an issue which of course was of 'analytic significance' (Coffey 1999; Hammersley and Atkinson 2009, p.151)' (Funnell 2009, p.33). As the fieldwork progressed, however, I realised that my sensitivity to the jokes and jibes about my ethnicity by the caseworkers could partly be explained by my position as a white minority (see Parkes p.77 below) but also because such interactions were actually an expression of inclusion; caseworkers routinely referred to ethnicity, joking about themselves, their own cultures and one another. Even so, on some days the content and frequency of the comments were difficult to bear and I was conscious that I always flinched and avoided eye contact when the inevitable question was asked: "Was the perp White British?" With immersion and engagement I, like the caseworkers, found my own ways of dealing with the jibes, comments and the occasional challenge. As Gold (1958, p.218) observes:

The case of using role to protect self from perceived threat is one of acute self-consciousness, a matter of diminishing over-sensitivity to self-demands by introspectively noting corresponding demands of role.

This would include challenging assumptions made about my ethnicity by pointing out that, as one victim claimed, I am also dual if not multi-heritage being of Scottish, English, Welsh and Irish descent. The discussions that followed would create opportunities to discuss my ethnicity directly and being predominately of Irish

descent prompted Mandeep on one occasion to say that he could recollect pubs, accommodation for rent and other venues displaying signs which read: “No Irish, No Blacks, No Dogs”. On other occasions I became acutely aware that I was being scrutinised by the white majority population in a way which I had hitherto not experienced and which left me in no doubt that I had been recast as ‘white trash’. Just as I was defined and responded to by reference to the caseworker’s job when we were in professional settings, the white gaze interpreted me with reference to them and their clients in less-bounded and public settings like the street, cafes and the like. I underwent the unfamiliar experience of being variously ignored, silenced and (physically and verbally) challenged. I experienced disrespect and intolerance and, of course, witnessed first-hand the same behaviours towards my companions. I was, by virtue of my ethnographic remit, uncharacteristically silenced and like Wesley (2006, p.73), I felt degraded (and angry) but gained experiential understanding through embodied ethnography.

During a meeting at ‘the agency’ a police officer recognised me as the daughter of a former colleague. The looks I received from the caseworkers made it clear that my status was doubted and I felt extreme discomfort. Upon the officer’s departure I found myself accounting for the fact that my father was a retired police officer and the concern that this raised for caseworkers threw into sharp relief the strained relationships between the police service and people from BME communities. The situation was not as dire as Schramm’s (2005), and I was not turned upon for my colour, although the issue of ethnicity and policing of course intersects and I could not help but fear that the close association with the police had brought my ‘race’ into sharp relief. Bloor *et al*’s (2007, p.22) observation is apposite here regarding the issue of research and researchers becoming the subject of ‘suspicion’ and ‘the mis-identification of an enquiring fieldworker as a ‘spy’ – for the police’:

It is a moot point whether skilful identity management will always be proof against such mis-identification.

Whilst I had sought hard to carve a role as an apprentice/researcher in the field this one, unpredicted and unpredictable situation not only created stress but potentially jeopardised my tenure in the field. But I gained a new understanding of participants’ perceptions of the police. The cut and thrust of daily casework practice, and possibly the trust and rapport that had already been established, enabled this intense situation

to dissolve with the passage of time, although it would not have been forgotten. On balance, the researcher's ethnicity is not solely determinative of the nature and conduct of the research. What is also required is 'a sensitivity to the ways in which particular social characteristics' can impact on these matters (Adamson and Donovan 2002, p.819).

“Do you know who Mahatma Gandhi was?”

The propensity of caseworkers and victims to take the opportunity to find out who their observer was served as a constant reminder of what being researched felt like. On one such occasion my ideas about who the caseworkers thought I was and how I was perceived were shattered when the discussion about my Celtic origins revealed that they thought I came from “aristocracy”. I was astonished and, but for the fact that it was said in such an earnest and matter of fact way, would have readily interpreted this as another incident of office banter, not least because I am in fact of working class origin. This perception was disorientating and uncomfortable but I concluded that it was not an indication that I was unaccepted, at least as a participant-observer. Discussions about my whiteness, however, presented opportunities to couch in broad terms the question of the so-called ‘race-of-interviewer’ effect, not least because, as I discuss in the dissertation (2009, p.39), Phillips and Bowling (2003, p.271) suggest the need for a ‘minority perspective’. When asked “How?” by participants I explained that they cite Russell’s call (1992, cited in Phillips and Bowling 2003, p.272) for a ‘black criminology’ which in the beginning should be ‘the preserve of black criminologists’ because, ‘unlike their ‘non-black’ counterparts’, they ‘have a familiarity and understanding of black community experience’. I explained that Russell (Phillips and Bowling 2003, p.272) does permit white criminologists a role post the establishment of a ‘black criminology’, which would involve ‘undertaking certain types of research with white people, such as perpetrators of racist harassment and violence.’ Caseworkers felt that this approach perpetuates the same essentializing and objectifying of identities they encountered in their work. One caseworker concluded “It’s fucking bollocks!”. Indeed, for Bhavnani (1993, p.42 cited by Bowes 1996, paragraph 2.3) ‘experience’ in arguments such as that advanced by Russell’s ‘is used as a truth which silences and ends the right to argue with it’ and Sin (2007, p.478) concludes that constructions of the white researcher as ‘powerful’ and the

BME respondent as 'meek' are based on 'assumption' (also see 'haptic knowledges' p.73).

This of course did not dispense with the need to remain reflexively aware of my ethnicity and Frankenberg's poem (1985, cited in Frankenberg 2004, p.104) on 'White Privilege' constantly stoked the discomfort that permeated my research, that it was *I* conducting the research; the ethnography is 'a written document structured primarily by a researcher's purposes, offering a researcher's interpretations, registered in a researcher's voice' (Stacey 1988, p.22 cited by Plummer 2008, p.403). The words of Duneier's principal interlocutor Hakim, who initially discounted engaging in the project that was to become *Sidewalk*, also shaped the ambiguous lens through which I perceived myself and the project:

How could I prevent him from appropriating me as mere data, from not giving me a voice in how the material in his book would be selected and depicted? (2001, p.321)

A poster in the agency read 'There is only one race, the human race' and these words would often be repeated by Mandeep as he went about his work. I was often struck by the power of these words but also by how my membership did not unconditionally permit me to write about others. The question of 'voice' and representation is of course a matter for all researchers but of particular concern for those engaged in researching identities other than our own, but also, as Hakim demonstrates, for participants. Consider the following interaction with Bilbar during our interview:

B So how are you going to sum it up in your thesis ... the uh recordings or the wording?

C What happens is that's transcribed verbatim. So, word for word. It's transcribed.

B But how could you put ... how are going to [pauses] ... express people feelings ...

C Mmm mmm

B ... in words. How would you do that?

How indeed? In presenting the works of Lal (1996), Motzafi-Haller (1997) and Panourgia (1995), Davies (2008, pp.216-228) reminds us that insider status is not unproblematic either. Indeed, this has been documented by writers on race and racism such as Alexander (2004) and Blee (2000). Participants often tested my knowledge of, for example, the history of colonialism (as my history) or Islam (to ensure correct

understanding), but not infrequently and like Rhodes (1994, p.552) and Adamson (Adamson and Donovan 2002, p.819), I was treated as coming from a place of complete unknowing. For example, I was asked “Do you know who Mahatma Gandhi was?” or “Have you heard of Bob Marley?” Learning from Frankenberg (2004), I adopted a recursive and reflexive strategy where I documented - in my fieldnotes - my own position to ‘recognize its situatedness and strive to work consciously from within the parameters of one’s location’ (2004, p.117). Moreover, the fieldwork put me in an unusual position and one identified by Parkes (1984, cited by Bowling 1999, p.232):

In contrast to his or her black counterpart who encounters white majorities daily, the white person rarely, if ever, finds himself in a wholly black situation. The experience is not a comfortable one, at least not at first. One feels isolated and self-conscious and acutely aware of looks or glances cast in one’s direction. One becomes extremely sensitive to half-heard comments or any suggestion that one is being mocked.

I share Adamson and Donovan’s (2002, p.817) perspective that the question of whether researchers can ‘legitimately conduct interpretive research with different-ethnicity informants’ can be answered positively and is dependent upon a methodologically robust research project.

Over time, interactions which flowed from the access negotiations and which tested my reliability and trustworthiness (Hammersley and Atkinson 2009, p.46) were replaced by different interactions where I found myself struggling with the boundaries of ‘going native’; a term I continue to find particularly odious in the context. I anchored myself in the literature to prepare for immersion in the field and this reflexively informed my daily relations and ensured that I did not lose objectivity while working alongside caseworkers and victims for many hours a day in sometimes risky and emotional situations. The line between *Stranger and Friend* (Powdermaker 1966) was a difficult one to tread, but I remained ‘detached’ (*ibid*, p.295); this is discussed further at pp.82-84. For example, as will be discussed empathy was a key aspect of casework practice and shaped the culture of the agency. In that context, my role was to develop close relationships with participants to establish rapport but without ‘over-empathising’ and thus jeopardising the research project (Hubbard, Backett-Milburn and Kemmer 2000, p.129 cited by Bloor *et al* 2007, p.28). There was a balance to be struck because:

Establishing and maintaining good fieldwork relationships requires emotional labour and such labour can be draining. Empathic relationships may generate distress (Bloor *et al* 2007, p.3).

Indeed, empathy can occur through the researcher being touched in the field (Blake 2011, unpaginated; see p.80 below) and, like Blake comforting participants, made me feel 'there was something I could actually do' (*ibid*).

One response to this situation was to take breaks from fieldwork to return to university life. Such breaks were insightful because they made apparent two things that were otherwise imperceptible and which illuminated aspects of the process of immersion and engagement. Firstly, they highlighted the cultural practices at the agency and the ways in which I had adjusted to the research environment through food. On the first occasion when I ate lunch at the agency with the caseworkers I was embarrassed when the individualistic nature of my eating practice was immediately thrown into sharp relief by those of the caseworkers. They would take plastic cartons filled with rice, noodles, breads, curries, dhal, stir fries and the like to warm in a microwave and share with colleagues. I, however, arrived with a packed lunch for one, complete with a sandwich filled with bright pink Quorn ham and pickle. There was little that I could share and probably that others would wish to partake of. Interestingly, however, my vegetarianism was recognised and formed the basis of many conversations including, on one occasion, an understanding that I would empathise with the plight of a Hindu caseworker who had inadvertently eaten beef when tasting a noodle dish. Rather than make an obvious change to my eating habits, I added components to my lunch that could be shared such as nuts, cakes and biscuits. Secondly, I was aware that in the field I was tuned into a range of accents and dialects; indeed caseworkers on occasion spoke in a range of languages to one another including Swahili, Urdu and Mandarin and I had little chance of comprehending what was said. At times this felt isolating but it was, once again, illuminating in terms of the experiences of those I was researching. What surprised me, however, was that upon my return to Cardiff University I found myself actively listening to the various Welsh accents because what was once natural to me was temporarily lost, in that I could not readily hear what was said; my usual aural landscape had become unfamiliar.

'Haptic knowledges' in criminology

I was unprepared, however, for three particular issues that arose during fieldwork. The first is the question of touch, the second is the impact of the emotions I felt and the third pertains to interpersonal relationships that arise from the daily interactions which constitute fieldwork. Touch arose in the field in many ways, from a man who hailed from the mountainous region of Pakistan showing me that our skin colours were similar by putting his hand on mine to those instances where people were in need of comfort. For example, I read Almos's case file early one morning in April. He had been so severely beaten by two white youths when heard speaking his native European language that he was and always will be in a "waking coma" and, for medical reasons, will never be able go back to his country of origin to be with his family. The legal paperwork in the file recounts a tragically flawed police investigation which resulted in one perpetrator not being prosecuted and the case collapsing against the other. As Mandeep and I left the office we discussed the case but I did not realise that visiting the coma ward was on our itinerary that day. When we arrived at the hospital I felt wrong-footed and reluctant about going to the ward; unsure whether I should follow the caseworker. I managed to conceal my distress at seeing the young man hooked up to monitors, strapped but still slumped in an oversized chair with a hissing, spitting tracheotomy device embedded in his throat. I had never been to a coma ward before and I was struck by how the patients' walls were decorated with pictures of their family, sports heroes and other memorabilia of life as it once was. I noticed a photograph of a happy and healthy Almos and was taken aback by how similar he once looked to my young son:

I turned around as Mandeep said "Ah! Mum". I felt a sense of dread. I was introduced to a diminutive figure, it was Almos's mother. I wanted to hold her or take her home or say sorry. I was surprised at my own sense of guilt or responsibility – I felt the need to do *something*. I shook her hand and reached out and placed my other hand on her arm (Fieldnote 13/5/10).

Neither of us was able to communicate in a shared language and touch was the only form of communication. As already noted, on another occasion I found myself in a three hour situation where a caseworker liaised with medical personnel to respond to a client who, unbeknownst to us prior to the visit, had attempted suicide. My role was to hold her and comfort her.

I was hugged by some victims at the end of interviews and caseworkers too such as when a caseworker celebrated a partner's doctoral success, when one left an abusive partner and another was evicted from her property and on many other occasions. Writing of 'haptic knowledges', Crang (2003, p.499) highlights the neglect of touch in the field by qualitative researchers and highlights how the body as 'an instrument of research' enables us to understand that which we investigate; a perspective shared by Blake (2011). This concept was further developed by Paterson (2009, p.776) who, writing about 'embodied experiences of touching and feeling' in the field, suggests that displacing the bias of visual approaches in Western social science can give way to empirical projects which can facilitate 'intersubjective understanding'. In Blake's (2011, unpaginated) thought-provoking analysis of *Ethnographies of Touch and Touching Ethnographies*, she acknowledges the issue of 'positionality' in terms of the power imbalance between social scientist and those researched, arguing:

... there is also a case to be made that anthropologists may often overestimate their influence over those they study and underestimate the influence that their research participants have over them.

In so doing, she amplifies Sin's (2007) observations regarding 'race-of-interviewer' effect. Just as this research demonstrates the importance of moving away from analyses based on categories of people (for example those ascribed through the state census), it highlights the importance of avoiding universal statements and assumptions and towards acknowledging that the:

... necessary subjectivity of ethnographic accounts can lead to an appreciation of the [social scientist] as a socially embedded and embodied being engaged in rich emotional and sensual experiences in the field (Blake 2011, unpaginated).

The consequences of embodied fieldwork resonate throughout the remainder of the thesis in, for example, analyses of the work of the agency and visits to victims' homes and neighbourhoods. The important question, however, of touch in the field remains to be explored further.

The second issue I was unprepared for was the emotional impact of the research. Like Vera and Feagin (2004, p.72), I was also deeply shocked and morally outraged by what I saw, heard and felt. I concur with them that (2004, p.76):

Making one's values and emotions open and public does not mean one should not conduct careful, honest, and objective research. It just

means much more candor about this process. It can also yield much greater insight into the phenomena being studied.

Such responses are, of course, 'of analytic significance' (Hammersley and Atkinson 2009, p.151).

The third issue concerns the interpersonal relations that developed with caseworkers, primarily arising from the aim of developing trust and rapport. Sitting in an office with caseworkers, one learnt about their complex lives and the decisions they faced about contraception and relationships and issues over ethnic or religious identity because for, example, a colleague criticised them for speaking "bloody Anglicized Gujarati" or they were concerned that they were transgressing the tenets of their faith by living a Westernised lifestyle. My relationships with caseworkers grew over time and developed because of the amount of time we spent together and because of the nature of the social world we shared. Indeed I outstayed members of staff and was referred to as "one of the family" or "part of the furniture". Yet I was careful to engage in a range of activities to distinguish my role at the agency. This would involve, for example, not observing the strict and enforced rules that bound the caseworkers. This included, for example, arriving later than 9.15am on occasions or departing before 5.30 or taking my lunch outside of the set time. I also used my own laptop and mobile telephone in the office when caseworkers had access to neither and I declined the opportunity to obtain the security code to enter the building. Such acts in the context of a rule-structured environment were sufficient to set me apart and, indeed, would draw comment. For example when I used my telephone Jyoti said "We aren't allowed to use mobile phones in here!". "I'm not employed here", I replied, gently reminding her of my outsider status. As a participant-observer my recording practices, especially the act of writing fieldnotes, were an obvious and constant feature of my difference, although I never felt at ease recording my observations. I think this is partly because of the sensitivity of the subject matter which, at times, meant that fieldnote writing stopped because, for example, it would have been insensitive to continue. Furthermore, caseworkers would often try to read my fieldnotes, even surreptitiously, and would make jokes and comments about what they thought I might be writing. I would therefore remind them that I was not writing about them personally or judging them. I was also aware that I did not want to lose their trust. Importantly, however, this practice served as a constant reminder of my outsider status.

Outsider

That is not to say, however, that being an outsider in such environments was unchallenging. I was relied upon (for safety, emotional support and case-based knowledge) and worked alongside caseworkers engaged in stressful, distressing and sometimes dangerous work for a period of time. My knowledge of cases and procedure were routinely brought into conversations and drawn upon and I noticed how pleased my teachers seemed to be when I was able to do so. Furthermore, just like many places of work, personal and professional boundaries frequently and imperceptibly blended to create a sustainable working environment. So, for example, gendered talk was a prominent feature of many interactions. Conversations with female caseworkers included health and fashion, where I learned that as well as “Brazilian wax” one might also acquire a “Bollywood Bikini”, whereas sport or cooking were the favoured topics of conversation with male caseworkers. This is not to stereotype the people or experiences concerned. It is just that, on the whole, the personal and intimate were not a feature of conversations with male caseworkers (aside from the issue of relationships). Relationships, music, case knowledge, faith, current affairs, academia, politics or law constituted common ground for conversations with caseworkers. Maintaining my researcher role, I understood and observed Simmel’s demarcation between ‘intimate’ ‘content’ and ‘form’ (Simmel 1950, p.127 cited by Gold 1958, p.221) during conversations.

Based on his learning from Becker, Duneier (2001, p.338; 2004, p.96) argues that neither full trust nor rapport are necessarily required for successful fieldwork because, despite differences in social position, the social scientist’s co-presence means that we will observe that which is important about a social world because: ‘most social processes have a structure that comes close to insuring that a certain set of situations will arise over time.’ Perhaps this explains why I was in the field for at least 18 months before “slavery”, “voodoo” or “tribal” and “race card” cases were discussed in my presence. The visibility of such issues from thereon in, and their absence before, must have been as the result of a decision not to discuss these issues with me or in my presence yet only the development of rapport and trust – to whatever degree this was achieved – could have brought about the change. Indeed, I never felt fully at ease during fieldwork, partly due to the nature of the work and partly due to the nature my role; despite the carefully constructed

researcher/apprentice role that I projected. Perpetually engaging in acts to maintain that role and thereby preserve my outsider status by its very nature meant that I could never be at ease. Indeed 'role-taking and roleplaying' (Gold 1958, p.218) was a conscious effort. In a constant state of observation and analysis, and comparing and contrasting what I was experiencing with the literature, as well as proactively maintaining an independent role meant that I was, as it were, always on duty. At first I struggled with my role, particularly during informal exchanges, rigidly clinging on to an ideal of what a researcher ought to do. As my confidence grew I realised that that it would be disruptive if not rude not to participate and merely to observe; I just had to ensure that neither I nor the caseworkers lost sight of the research project or my researcher identity.

This resulted in the need to disengage from some group conversations or to remind caseworkers in one-to-one situations of my *raison d'être* which, whilst uncomfortable, kept my outsider identity visible. Yet, given my status, some experiences were humbling and reflected the nature of the personal relationships that developed within the research project. For example as I walked up to Salma's desk she returned to earlier conversations we had shared about the challenge of maintaining the vibrancy of dyed red hair. Li and Harshini joined in the conversation and something in their faces approaching surprise if not shock made me turn once again to face Salma. She was removing her hijab. I realised that Salma's female colleagues had not seen her hair before. As her dark locks tumbled down she picked up the ends to explain how her hair had not taken the red dye in contrast to my own hair. I saw her eyes widen and with this expression she silently indicated to me that somebody had entered the room behind me. I turned to see a male caseworker; surprise and discomfort registered on his face and he stopped in his tracks. Instinctively, and in order to protect both, I stepped between the two caseworkers. I turned toward Salma and she smiled and nodded toward me as she rapidly swept up her hair and repositioned her hijab. When she finished I turned around and sat down and we all resumed 'normal appearances' (Goffman 1971).

I was attuned to the need to sensitively prepare participants for my exit from the field and began the process by reminding the caseworkers one afternoon that I would be leaving after the interviews were concluded, thus leaving one month in the field. The room went silent until Dillon said: "But you can't go ... you've got a desk [pause]

and everything”. He added with a sense of urgency: “You’ll forget what it’s like”. Knowing that I had not ‘gone native’ - for their sake and mine - did not stop this from being a terribly painful moment. Indeed, as the interviews occurred toward the end of the fieldwork, the interactions which arose between the caseworkers and I and the caseworkers and their clients alerted me to the fact that our prior relationships shaped the nature of the interview encounter and thus the data generated. Whilst the prior relationship between client and caseworker arguably helped the former to feel more relaxed and more trusting toward myself, the input from the caseworker sometimes steered the client towards topics that may not have otherwise arisen, or at least in the same ways, had they been absent. Space precludes extensive analysis of the prior relationship and shared experiences shaped the interviews, but the existence of such relationships requires acknowledgement and brief reflection (Garton and Campbell 2010). With regard to the content of our relationships, despite the conversational nature of the interviews, many caseworkers found our interview roles amusing. It was also not uncommon for caseworkers to take for granted that I knew what they were saying based on our extensive history of covering cases together. Indeed, when such instances arose and I sought to unpick what was being said, or took the opportunity to forensically investigate an issue, I felt from their (non-verbal) responses but mainly from the history of our relationships, that I risked my personal and intellectual credibility; appearing in their eyes like I had learnt nothing from, and shared nothing with, them. Yet, once into our stride, and even in the context of an ethnographic interview, the interactions were more formal, focussed and staged than our regular encounters. On balance, our relationships contributed to the nature of the data generated both in the field and interviews, and amplified the immersive understanding I had gained.

Theoretical lessons and data analysis

Mirroring the nature of the research method and the aim of the research, the data analysis sought to interpret the meanings and practices of what people did and said as recorded in the fieldnotes - which also functioned as a diary, recording my ‘physical and emotional presence in the field’ (Coffey 1999, p.100) - and interview transcriptions. This was an ‘iterative process’ (Hammersley and Atkinson 2009, p.158) that occurred throughout the fieldwork and which shaped the ongoing refinement of the research questions and the matter of who was interviewed.

Consequently the more structured interviews occurred towards the end of the research project, as is characteristic of such fieldwork (Hammersley and Atkinson 2009, p.4). Formal data analysis thus built on the foundational work started *in situ* and categories were developed to interpret what was said and done.

This ongoing process identified motifs that ran through the interviews and which sat with observational fieldwork. Those data items which constituted a pattern were collated by using the same referents as tags and noting their location in a word document. Although I focused on key issues, I did not exclude any themes, patterns or inconsistencies because my aim was to develop and refine those generated by the MSc level research and thereby identify relationships. The process was repeated many times and some data pieces were subjected to multiple recoding. Thus, whereas the presence of children had been documented in the MSc dissertation, only the data generated and analysed for the doctoral research made apparent the relationship between their presence and their parents' decision to report racist incidents and, also, their relevance to processes of mortification.

The interpretive aspect of the analysis and the arguments developed were therefore strongly influenced and informed by the MSc level research – I had themes in mind during data analysis. Yet the collation of additional and new data resulted in a holistic appraisal of the data set and new concepts generated more complex and perhaps controversial themes than those I had worked with previously. The major disadvantage of carrying over themes from the MSc project was that they were overburdened by the new and more complex codes. It meant having to retune and rewrite categories at this stage until the overall story to be told by the data became coherent. I had, for example, made a case for not writing about policing but to focus instead on 'ideal victims'. Policing, however, was such a powerful theme and permeated so many categories and generated sub-themes that it became the focus of Chapter 6, *The policing of hate crime (victims)*. As the analytic process progressed, therefore, more analytically important concepts developed such as 'racism by stealth', which I used to capture the myriad inchoate ways in which victims and caseworkers described some modes of victimization. Whilst I thought it was a term that I had coined, I later found that it has appeared *ad hoc*, particularly in the media, but not necessarily used in the same ways. At this stage I also continued to use phrases I encountered in the field and which were captured in the data such as "prisoners in

their own homes”, or used sayings such as "an Englishman's home is his castle", or drew on theory such as Christie’s (1986) *Ideal victim*. Coding was thus theoretically informed and the writings drawn upon were directed by what I heard and saw in the field. This process was experimental and thus, whilst Christie’s (1986) *Ideal victim* and Goffman’s work on *Asylums* (1961) and *Relations in public* (1971) were helpful in thinking through the data, the concept of ‘stigma’ (Goffman 1963) did not ‘fit’ and so was not further utilised (Hammersley and Atkinson 2009, p.159). I thus developed several versions of coding tables which were in fact grids to marshal the process with the following headings: analytic categories; instances of this (codes); themes; comment; relationships. In this way I maintained a record of decision making and of those codes and themes and, with the final set of categories in hand, I was able to ‘systematically’ code the data (Hammersley and Atkinson 2009, p.164). The process was akin to assembling a Matryoshka doll. The overall goal was to probe the meaning of categories as I organized the data and tested their relationships with other categories (Hammersley and Atkinson 2009, p.165). As I moved from ‘sensitizing’ to ‘definitive’ concepts, however, the development of ‘concept-indicator linkages’ (Hammersley and Atkinson (2009, pp.174-175) was facilitated by theoretical works such as Goffman’s *Asylums* (1961). The analogy, based initially on victims’ and caseworker’s references to the former being “prisoners in their own homes” was strengthened by the immersive understanding I gained from fieldwork where I observed that physical and social proximity often meant an absence of privacy which facilitated modes of victimization. This linked not only to the concept that “an Englishman’s home is his castle” (and highlighted how the law operates to deny claims of victimization) but also to the impact of victimization and indicators of mortification such as ‘Role dispossession’ (see Chapter 7).

The relationships between categories included, for example, that which was captured by the term ‘racism by stealth’. Not only does this speak to the nature of some modes of victimization, but also the consequences for victims and casework practice in terms of articulating (within the process of victimization) acts which were perceived to be racist incidents and doing so in a way which was *meaningful* to police or housing officers. The nature of the incidents therefore shaped and impacted upon reporting behaviour – that is whether to report victimization and, if so, how. The interactions that followed between victim and officer could amplify the impact of the

primary victimization in the form of secondary victimization and, if the claim was rejected, leave the victim open to further attacks by the perpetrator. As can be seen by this point, the need for the agency's casework service, and their institutionalization of the Stephen Lawrence definition, highlights the discrepancy between the practices of the caseworkers and the official policy and practice of the police.

Analysing caseworkers' 'routine activities', such as "opening a case", and their 'strategies', including "empowerment" and "community safety", facilitated an understanding of 'situated meanings' (Hammersley and Atkinson 2009, pp.168-169) such as "racist incident", "racial verbal abuse" and "victim". Through such practices, I argue, the victim became incarnate. Of course, there were referrals which were not deemed to be cases by caseworkers, despite the victim's perception, and these were the 'deviant and problematic events and situations' (Hammersley and Atkinson 2009, p.169). This included instances where the victim was thought to be "playing the race card" or because they were "voodoo", "slave" or "tribal cases", and they augmented my understanding of those cases that were constructed as racist incidents. As Hammersley and Atkinson (2009, pp.168-170) explain, analysing who does and says what in the field also involves consideration of any rules that are followed and associated decision making processes. Of course, the formal rules for reporting incidents to the police were important, but so too were the organizational and cultural rules which tightly governed the conduct of staff within the agency and the contractual rules which regulated the caseworker-client relationship. For example, the organizational rules regulating punctuality in respect of the working day, including lunch breaks, spoke to the issue of safety and risk. Also, the contract between client and caseworker required honesty from the client. A breakdown in trust, including failure to disclose live prosecutions or retaliatory conduct towards the perpetrator, could result in the termination of the casework service. This partly reflected the construction of victims as 'ideal victims' by caseworkers but also the fact that, as advocates vis-à-vis the police, they wanted to ensure that their case could not be undermined. This was because victims were not infrequently characterised by police officers as not being credible.

The analysis of 'forms and functions of talk' (Hammersley and Atkinson 2009, p.171) included the narratives and testimonies of "normal life" before victimization and experiences of policing, expressed as: "If you're white you're alright. If you're

brown keep down. If you're black go back". Of course, the contexts within which these terms were spoken and the audience to which they were spoken were crucial to understanding meaning (Hammersley and Atkinson 2009, p.171). Thus, such references to the police would be made between caseworkers in the office, and between victims and caseworkers in case meetings and, ultimately, repeated back to me to capture the strained relations between officers and members of BME communities, and to signify the impact it had on the latter. These things were not said to police officers (although they were verbally challenged on numerous occasions). Caseworkers also used different types of stories in staff meetings and meetings with clients, for example when "empowering" victims. As will be discussed, casework sessions involved caseworker and client co-creating the victim's biography 'through acts of memory' and the process of advocacy involved the reconstruction of the biographical account as the caseworker developed strategies to "empower" the victim and as they acted as advocate before different audiences (Hammersley and Atkinson 2009, p.180). My focus was therefore on *how* these accounts were created (*ibid*).

I took the opportunity to engage in a form of informal 'respondent validation' (Hammersley and Atkinson 2009, p.181) throughout and after the fieldwork, by repeatedly reflecting back my findings to caseworkers, and to a lesser extent victims, and received positive feedback. My understanding was also continually tested in my role as apprentice. Threats to validity were also addressed through the process of assessing inferences between concepts and indicators when using data generated by participant observation and interviews (Hammersley and Atkinson 2009, p.184). Thus, whilst the fieldnotes were not coded, the process of using the dataset alongside the interview data provided a form of method triangulation. 'Analytic notes' and 'memos' as advocated by Hammersley and Atkinson (2009, pp.150-151) were maintained throughout the fieldwork as I interrogatively and repeatedly read fieldnotes and transcriptions (Hammersley and Atkinson 2009, p.162). The memoranda were often written as draft and final versions of conference and faculty progress review papers, where the opportunity to present ideas was used to assess and test emerging ideas and theory, and thereby facilitate the refining and 'reflexive monitoring' of the empirical work (*ibid* p.151).

I found the 'constant comparative method' (Hammersley and Atkinson 2009, p.165 citing Glaser and Strauss 1967) complex and time-consuming but I elected to analyse

the data manually rather than use a qualitative data analysis (QDA) computer software package to assist the process. I did this partly because I did not code the fieldnotes, only the interviews, but continued to work between all sources, and also because I was keenly aware of how my immersive understanding was pivotal to the process. This included the role of both the ‘haptic knowledges’ (Crang 2003, p.499) I had gained and the action I had observed which, documented in the fieldnotes and diary entries, also needed to be ‘analysed systematically and coherently in the context of unfolding courses or patterns of action’ (Hammersley and Atkinson 2009, p.170). Furthermore ‘the temporal context’ was crucial to understanding, for example, the *process* by which people became victims and I did not want to disembodiment incidents and quotes from their social (Hammersley and Atkinson 2009, pp.176-179) or temporal contexts (*ibid* pp.179-180) and lose the benefits of *Verstehen*. I also believed that computer aided data retrieval would increase the risk of data ‘fragmentation’ (Coffey and Atkinson 1996, p.80). Moreover, I had manually coded the data generated from the MSc level research and wanted to gain further experience of this process, as I suspected that future time constraints would probably not afford me the opportunity to do so again.

Conclusion

I have raised some of the methodological, practical and ethical implications of conducting ethnographic research into racist hate crime victimization as a female white criminologist. This has included reflexive analyses of the effects of the researcher and research project on the research process and *vice versa*, and the question of *how* to ensure ethical research practice when conducting criminological research into the social life of victims. The research problem demanded a design that could capture the perspectives and experiences of hate crime victims, including the process of victimization. The foregoing analysis is testament to the value of the ethnographic method in accessing, making visible and representing complex processes and complex lives and ‘hearing lost voices’ (Garland *et al* 2006).

Chapter 4

Making a case: a study of interpretive practices in determining hate crime victim status

Introduction

If we are to understand racist hate crime, a number of important questions have yet to be satisfactorily addressed, including the theoretical matter of who can claim hate crime victim status. In the absence of extensive theoretical development in this area, evidence is offered in support of the argument that hate crime is an interactional and dynamic process which begins with the experience of crimes and incidents but extends to the processes by which hate crime status is claimed, substantiated or rejected. Focusing on the initial claims filed at the agency, I argue that hate crime victim status was contingent upon context and involved multiple, competing accounts and the moral assessment of the victim. It was also dependent on idealized attributes of victims and offenders (Christie 1986). This chapter is in four parts and sets out the findings in respect of caseworkers' interpretive and assignment practices with regard to whether or not to "open a file" and "allocate a caseworker" – in effect determining and documenting who in practice claimed and maintained hate crime victim status, at least with the agency. The first part of the chapter focuses on the local organizational context in order to comprehend the social processes and action involved. The second section presents an analysis of caseworkers' criteria in determining whether or not to "open a case", including consideration of the existence of a "racial element" and "credible threat of harm". The third section considers the nature of the relationship between the victim and caseworker. The three defining characteristics of this relationship are analysed because these were pivotal to establishing and maintaining hate crime victim status: formality; credibility; and empathy. The chapter closes by describing a key function of the casework process, the chronicling of victims' experiences in the case file. Chronicling served not only to enable caseworkers to discharge their responsibilities as victim-advocates, but also made victims incarnate. Case files thus became – symbolically and evidentially – tangible and public claims of victimization. Importantly the chronicling practice sheds light on the process of hate crime victimization and this is discussed with

regard to risk and harm. What follows therefore is an account of how racist hate crime cases were processed in the organizational context of a third sector agency.

The local organizational context

Like Atkinson's opera company (2006, p.26), the agency was a 'complex social setting' for which 'multiple analytic modes' are required to comprehend the social organization and action involved. Again, by analogy with Atkinson's vignettes from the opera, this includes the 'soundscapes' of the agency. For example, there were different voices to be heard from different parts of the world which spoke approximately fourteen languages. Staff would, on the whole, speak English but switch to Mandarin or whatever language was needed or preferred during an interaction:

Jyoti So I can speak yeah basic Punjabi or Urdu and Hindi.

Corinne So it kind of strikes me that one of the needs of clients is for people that speak languages ... a broad range of languages.

Jyoti Yeah, absolutely. There are you know ... we've got other caseworkers here you *know* that we ... that are Chinese but then ... one of them speaks Mandarin the other speaks Cantonese because there's a difference there too with different languages. We've got Somali caseworkers so we have a lot of languages in the office that are spoken. Some of us here like me even speak *Swahili*. So if there's a need I can ... you know there was that lady Cora for example that came in and I can tell by names sometimes when she came and had a bit of a conversation she was absolutely lovely but you know ... it kind of helps to build a rapport as well sometimes a bit more. And they are like "Oh really you are from there are you, from Kenya?" and it's like, you know, not straight away of course because you're dealing with serious incidents that they've suffered, but once you kind of start them a little bit it does help to kind of break that barrier ...

Corinne Yeah

Jyoti ... and that ice in a sense if that makes sense. You've got to make them feel comfortable as well but it's only when it's relevant I think we always assess the person as well as to what they're like. You know not always you can say it but it's up to them whether they choose to engage or not and then you go from there. But most times they will it will help you know?

As this illustrates, the ability to communicate in a client's mother tongue was seen as important in establishing the relationship (see Chapter 6 with regard to "trust"). It also provided a mechanism by which clients could communicate their experiences (see Chapter 6 in respect of "the language barrier"):

Jyoti I've got [cases] as well where as some people will speak Hindi or Punjabi or Urdu and I can speak ... my mother tongue is Gujarati [pauses] but I can actually speak Hindi. I can speak like ... Punjabi and Urdu have slight variations in them like.

Explaining how different dialects impact on languages Jyoti described how she could overcome language barriers:

Jyoti I had one the other day where a lady speaks a little English, she can speak English but she prefers someone to explain everything, to speak Punjabi or Hindi. So I was speaking to her and I said "You're fine to talk Punjabi". I may not speak all the words in Punjabi. I can understand certainly what's she's saying. I can speak it too but you know I might reply in Hindi for example so you know it's fine but I can speak a little Punjabi ...

Corinne So she can speak Punjabi and you can reply in Hindi ...

Jyoti Yeah

Caseworkers would, on occasions, also joke or ridicule one another in or about native tongues too as when Prahlad mispronounced the name of a client which prompted Mandeep to cuff him around the back of the head and exclaim: "Bloody Anglicised Gujarati!" They would sometimes affect English middle class or Irish accents, depending on the nature and purpose of the story being told. Mandeep, for example, would often say "We British stick together" with an affected English accent. On other occasions, when commenting on the lack of languages spoken by British people he would raise his voice and simultaneously raise two fingers saying "Two pints" to describe the practice of British holidaymakers. Sometimes caseworkers would mimic English people trying to speak like foreign nationals such as when Abhay made the comment quoted here:

Dillon discussed the phenomenon of people in the UK and Russia swimming in frozen lakes over the New Year period. When Dillon shuddered and cuddled himself Mandeep said to him: "You British can't take the cold". Dillon laughed and said: "Yeah, *we* British". Later in the morning, Mandeep teased Abhay for looking studious thanks to some newly acquired spectacles. In response Abhay said: "I don't understand, I'm Indian" (Fieldnote 5/1/11).

The emotive nature of casework often gave rise to tense and impassioned debates between caseworkers when nothing of what anybody said could be heard. This contrasted sharply with the hushed moments when caseworkers quietly reflected on cases, or momentarily sat in stunned silence in response to the facts of a case, or physically responded. The following observation taken from my fieldnotes is typical of such responses:

Referred by a police hate crime unit, the incident reported occurred at 3pm in Brentown and involved an Asian-Pakistani male: “Ten youths have attended the Economy Shop. Stood outside and started shouted abuse at victim saying “Paki, Paki, Paki” and “We fucked your mother”. Offenders were banging at windows and being generally nasty. Victim states he was so upset he felt like crying.”

When Walter read out the location, someone said “Pakistani shop case” to which somebody else said “Another one”. There was general agreement that there are a lot of these cases. When Walter read out that the youths had said “we fucked your mother”, many of the caseworkers gasped and shook their heads. When it was reported that the victim “was so upset he felt like crying” Qiaohui repeated the words quietly and slowly, clearly upset. The case was allocated to Qiaohui (Fieldnote 21/5/10).

Caseworkers also whispered or only partly repeated expletives and racially offensive epithets reportedly uttered by perpetrators when reading aloud the referral sheets. In so doing, they mirrored their clients who clearly found the language used by the perpetrators unpalatable as the following examples illustrate:

I’m not using the word but I have to because I can highlight the gravity of this thing “Fucking foreigners” (Lucian)

Because like uh there were comments like “Ooh, wow it’s ... it’s one of them um have you seen these um um “fucking” [pauses] sorry I don’t swear (Nathalie)

Well I felt offended because they are saying black, “fucking black” and those words, I don’t want to hear them (Christina)

Of course, the caseworkers’ interactions took place ‘backstage’, but some of the ‘soundscape’ was shared with the front stage and it was discernibly different. This included: telephones ringing; telephone conversations (in different languages); meetings and introductions; the noise made by an electronic mechanism sounding a warning every time the front and back doors opened and closed; the sirens of police cars from a nearby station; and the hubbub of the city when the windows were open on hot days. Conversations were, as they always are, more formal and polite with clients and external partners such as police officers. That is not to say, however, that respect was not shown between colleagues. Indeed, I was struck by how the interactions and relationships were framed by clearly defined and shared cultural values. For example, one female caseworker chose not to call male colleagues who were her age or older by their first names. In her (Hindu) community they would have been addressed as ‘uncle’ or ‘brother’ and she adapted this in the work place by calling all male colleagues by their initials; a practice routinely adopted by her colleagues. Due deference was clearly shown for age as well, for example, as well as

position within the organization. These culturally embedded practices determined respectful behaviour and the caseworker community was thus an important milieu for understanding how and why some incidents were perceived as racist in the public domain and how the caseworkers' perspective enabled them to work empathetically with victims.

Again, as with Atkinson's opera personnel (2006, p.27), time structured the order and action at the agency but in different ways and for different reasons. Importantly, it shed light on the relationship between risk and victimization. Firstly, all staff had to be in the office at 9am and punctuality was expected. Lateness was noted and dealt with formally but it also triggered concerns for staff welfare. Secondly, as noted, the time and expected duration of visits to clients and attendance at meetings had to be communicated by caseworkers to colleagues and recorded. Again, lateness or lack of communication was interpreted as a sign that the caseworker might be in danger. Thirdly, for the tenure of the fieldwork, "allocation meetings" began promptly at 9.15am and continued until lunch, sometimes reconvening afterwards. The detail and nature of discussions inevitably varied according to who was chairing the meeting and, over time, as personnel changed, the enthusiasm with which such meetings were met waned and the meetings shortened. There remained a strong commitment among many caseworkers however to committing time to the reading and discussion of new referrals. Fourthly, staff did not take breaks at the agency but lunch began at 1.15pm and finished at 2pm. Again, this was strictly policed by senior members of staff through the routine recording of lunch break times in a log book and tardiness was not tolerated. In consequence staff would discuss possible lunchtime activities in terms of how many minutes walking distance the proposed options were from 'the agency's' premises and many were constantly concerned about time during their break. Fifthly, the agency's services were available to clients 24 hours a day, 7 days a week, through the operation of a duty caseworker scheme and this often proved to be a lifeline to many clients who otherwise felt alienated by mainstream services (see Chapter 6). Time was a constant concern for caseworkers during the performance of their duties because, with increasing cuts to funding came more performance management targets to meet. Caseworkers were issued with sheets which suggested how long tasks should take and they recorded their activities and submitted them weekly for scrutiny. Finally, space does not permit the opportunity to discuss the

ecological factors associated with offending, but temporal issues from daylight hours to seasons were understood by caseworkers to shape the nature and impact of hate crimes and incidents.

The interpretive and assignment practices of caseworkers

Following the process – the journey of a case from the point of referral onwards – revealed that the majority of cases involve multiple and competing accounts from the alleged victim and perpetrator but also police officers and other agencies, witnesses and caseworkers. These accounts influenced whether or not a claimant’s account to being a victim of a hate crime was substantiated or not. As Bowling observes, hate crimes are not events but ‘a dynamic process, occurring over time’ (Bowling 1999, p.285). Thus, in keeping with traditional victimological thinking, hate crimes are constituted as dynamic social relations (Walklate 2012b). Indeed, as the following analysis shows, hate crime is an interactional phenomenon and one which is dependent on notions of an ‘ideal victim’ and ‘offender’ (Christie 1986). Yet, this process was complex. Caseworkers documented current and “historic” hate crimes which sometimes involved unconnected perpetrators for different incidents, some of whom were known and others who were anonymous. A hate crime was only formally established once the victim had successfully navigated the process that followed on from the point at which they declared that they perceived themselves to be a victim of a hate incident.

“Allocation meetings”

The focus here is on the relevant organizational properties of the agency including the “allocation meetings” held by caseworkers and the practice of chronicling victims’ experiences. During the course of the fieldwork I heard a rich and diverse array of storytelling and narratives from caseworkers, other agency staff, clients and visitors such as police officers. At no point, however, was the storytelling as poignant and performative as during the course of “allocation meetings”. Caseworkers met for half a day once a week to discuss referrals to the agency and to decide whether or not to “open a case”; that is whether or not to “allocate a caseworker”. Each case was interpreted and explored on its merits. Of course, the analytic significance of organising work in this way and the forms of representation are at once obvious but also complex. This was the point at which the victim’s claim

achieved a public hearing among the caseworkers and during the course of their interactions, and the cultural conventions which pertained, the character and form of the client's case began to take shape. The claimant was no longer anonymous, silent or silenced (see Chapter 6) but invoked their status as a victim. Furthermore, the act of opening a case and "allocating" a caseworker signified that the caseworkers accepted the victim's claim.

If a case was classed as "urgent" a senior caseworker would mark it "allocate for action immediately" and it would not, therefore, go to the "allocation" meeting for the appointment of a caseworker. All other referrals received during the week were collated and discussed during the first part of the meeting. These discussions would be followed by a consideration of cases that had recently been opened and classified as "high priority" cases and also other case management and administrative business. Caseworkers took the opportunity here to "troubleshoot", seeking colleagues' guidance (usually a more experienced or senior caseworker) on new or complex matters which had arisen during the management of a case and which would also be of benefit for colleagues to hear, because the learning could be applied to their cases. An oral culture operated at the agency and a premium was thus placed on the proactive transmission of such knowledge between staff during the conversations and debates at the "allocation meetings" or during "trouble shooting" discussions. Such knowledge would not necessarily include a working knowledge of relevant statutes and case law, not least because a qualified member of staff was appointed for this purpose; although all caseworkers routinely encountered and discussed "section 5 of the Public Order Act 1986" (see Chapters 5 and 6). Caseworkers valued and prized the accumulation and application of such knowledge, and it was seen as a sign of a competent caseworker.

One caseworker volunteered or was nominated to enter the information discussed into the agency's various databases during the meeting, the Excel screens for which were displayed for those present to see on a retractable projector screen. On average ten members of staff would be present including caseworkers, principal caseworkers, the office manager and sometimes management personnel. Frequently visitors were invited, usually to learn more about the work of the agency. Such visitors included staff from various local authority departments, charities working with victims and perpetrators, and staff from different criminal justice agencies including police

officers. These occasions could become tense and stories, experience and memories would be vehicles by which officers or policing more generally would be held to account (see for example Chapter 6). Guests were welcome to stay for the discussion of cases, and asked to sign confidentiality agreement forms, but requested to leave before matters pertaining to the agency's internal affairs, such as staffing and finance were discussed.

Caseworkers used a format for conducting "allocation meetings" which followed the layout of the referral template used by caseworkers and external referring agencies such as police and housing services. When a victim contacted the agency directly a caseworker would complete the form on their behalf. The format not only shaped the discussions but also the structure of cases and, in turn, the production of typical cases as well as the generation of types or categories of case. Equally, atypical cases were immediately thrown into sharp relief. In consequence, this organizational feature of the caseworkers' business highlighted the characteristics of racist incidents and these will be analysed here. The caseworkers were guided in their work by "the Stephen Lawrence definition" of hate crime and proactively applied the perception-based definition in determining whether or not to open a case and in the management of cases. Amongst themselves and in discussions with potential/clients and others, the caseworkers were concerned to find out if the claimant or a third party perceived themselves to be a victim of a hate crime. This was frequently referred to as meaning "We are client led", and caseworkers emphasized this in their dealings with clients and other parties such as police officers. It is of note that the work of the agency moved from being solely "victim focused" to include initiatives with young perpetrators, and at the conclusion of the fieldwork consideration was being given to diversifying the nature of the agency's work to focus on the "behaviour" of perpetrators. Focused specifically on racism, the caseworkers were concerned with what they routinely termed "racial incidents" or "racist incidents" or "crimes". Although "hate crimes" and "incidents" were referred to as well, and were recognised as including "racial" or "racist incidents", the term was more associated with police recording procedures and as a policing term.

“Victim”

Following the name and contact details for the “reporter”, which could be the victim or a third party such as a police or housing officer or family member or friend, the name and contact details of the “Victim” were read out. Respect was paid to the “victim”, who the caseworkers announced as such from the outset as they read the referral forms aloud and verbatim. This interpretation of the claimant’s status was more than a simple reading and acceptance of the label from the referral form; it sheds light on caseworkers’ interpretive practices. Indeed, as Holstein and Miller (1990, p.106) suggest:

Calling someone a victim organizes understandings of that person as a particular type to whom certain characteristics are attributed and orientations are taken.

Caseworkers took care to ensure that they pronounced the name of the “victim” correctly by consulting with those colleagues present who shared the victim’s ethnic or religious background. In so doing, and especially if the referral emanated from a police officer, attention was given to the spelling of the “victim’s” name and the recording of their “ethnicity”. If, for example, the two did not correlate, this would cause agitation and the form would be amended. Caseworkers not only drew on each other’s cultural and religious heritage, they also shared a history of racist victimization, and this informed their decision making process. Thus, consideration was also given to matters such as whether the victim lived alone. A typical example arose in the case of a “Black” “Caribbean” woman “who had abuse shouted at her from passing cars and people standing outside the pub and has been spat at from a car” in the area where she lived. The caseworkers were concerned that she lived alone and because according to the “referral form”: “She is only 21 feels very isolated and vulnerable in the area”. Equally, the victim’s state of health was also relevant to determining victim status (as well as the management of a case). Consider, for example, the following excerpt from a caseworker’s note:

Black Caribbean woman living alone. On crack cocain[e] but trying to give up. Kids taken into care a long time ago. Has mental health problems (schizophrenic) [and] epileptic. Illiterate. Perp is an alcohol[ic] living [in a flat above her]. [When victim] was walking her dog, perp was racially abusive calling her a “coon, wog and nigger”. She ignored it. Perp had a dog, took dog into neighbour’s house and asked them to look after it, because “I was going to knock that nigger out” he had a carving knife and a hammer in his hand.

Whilst the nature of the attack is consistent with those documented by Bowling (1999, p.203), the ethnographic method made visible the moments in constructing victim status and the moral work involved. Furthermore, the victim, it is suggested, came close to being conceptualized as an ‘ideal victim’ in Christie’s (1986) sense of the concept and this enabled her to claim victim status. Whilst in other cases drug addiction served to deny victim status, in this case the caseworker reported that she was “trying to give up” and this information was provided amongst other facts that served to mitigate the otherwise stigmatic status of drug user. Indeed, it is of note that the alleged perpetrator’s addiction, in contrast, militates against him. The victim’s status as an ‘ideal victim’ can be seen in that she was portrayed as ‘weak compared to the offender’ (Christie 1986, p.19) and this image is further strengthened by the rest of the caseworker’s note (see below). Furthermore, note that, despite the verbally abusive comments directed towards her, “She ignored it”. In Christie’s terms, she ‘put a reasonable energy into protecting herself against becoming a victim’ (Christie 1986, p.19) and was ‘carrying out a respectable project’ (Christie 1986, p.19).

The caseworker also noted that the alleged perpetrator “forced himself” into the victim’s property where he:

... racially abused her, hit her with [the] hammer on shoulder and head, [and] kicked her several times. Perp smashed [the victim’s hall] and dressing table up, and stole some properties. Neighbours called the police, they arrived.

According to the caseworker, the alleged perpetrator engaged in “taunting” the victim by showing her that he had possession of her father’s death certificate before setting light to it. It is suggested that even though the neighbour-perpetrator was *probably* known by the victim to some degree this, as in other cases observed, did not operate to deny ‘ideal victim’ status. Rather, it instructed those involved to understand why the victim ‘could not possibly be blamed for being’ (Christie 1986, p.19) at the location where the crime occurred. Furthermore, such proximity was seen by caseworkers to represent a “risk”, and thus strengthened claims to victim status (see Chapters 5 and 6). In short, the condition was satisfied. Indeed, looked at holistically, the severity of the attack, together with the acts of criminal damage and theft, arguably created a case with an ideal victim *and* offender (Christie 1986, p.26).

“Ethnic origin”

As noted, if the referral was submitted by a third party, such as a police officer, the section on “Ethnic origin” was frequently amended once the caseworker had carried out the required process of confirming the victim’s ethnic origin with the victim or checking the name with a colleague. For example:

Maryam, finished reading and said “There has been a whole history there. Is it a priority case?” She observed that the “police said he’s “Asian – Other” and he’s black. Sometimes police get it wrong or make it up” (Fieldnote 30/7/10).

The options for completion were extensive, with six major headings available: “White”; “Black”; “Asian”; “Dual Heritage”; “South East Asian”; and “Middle Eastern”. The forms also contained subheadings for each including, for example “Indian”, “Pakistani”, “Bangladeshi” and “Other” for “Asian” and “Kurdish”, “Turkish” and “Other” for “Middle Eastern”. For each major heading “Other” was also an option and the caseworker *had* to specify the victim’s declared ethnic origin; the omission of this information would be picked up by scrutiny procedures embedded in the management practices of the organization. For some caseworkers and victims, ethnic origin was more than a description, it was a clarion call for shedding colonially imposed identities and, through reconfigured and self-defined ethnic identities, a means by which to remember, promote and celebrate cultural identity and belonging. One caseworker (Mandeep) corrected clients who described their ethnic origin as “Black British” or described their children as “half cast”. Mandeep explained that through such acts he tried to “empower” clients, describing this as an educational role. For example, on one occasion he gently advised a client against describing her ethnic origin as “Anglo Indian” because this description was “to do with slavery”. He went on to tell her that when the “White master mated with an Indian woman” the “lighter skinned offspring” would work on plantations closer to the colonial home whereas the darker skinned slaves worked further away; the former were “almost masters” and described as “Anglo Indian”. In short, “race” and “ethnic origin” are not unproblematic categories. As Hall (1988, p.258, cited in Bowling and Phillips 2002, p.25) poignantly observes, ‘we all speak from a particular place, out of a particular history, out of a particular experience, a particular culture, without being contained by that position’. This finding suggests that hate

crime scholars must attend to the complexities attendant in assigning and denying victim status on the basis of such categories.

Indeed, the practice of referring to claimants as “victims” extended to those from white communities, but they represented a different group of victims; the referral form was usually scrutinized for additional evidence, or fellow caseworkers were quizzed for anecdotal proof. Such evidence was required because the presence of a “racial element” was harder for a white victim to articulate and demonstrate. Often, for example, caseworkers were satisfied that an ethnic minority victim was a victim “because they perceived it” or “because they were the only one”; that is to say, the only ethnic minority person present at the time of the incident or resident in a neighbourhood. Contextual factors also supported white victims’ claims to racist victimization but in a different way such as, for example, whether they had “dual heritage” children. Consider the following report, which was received in respect of a “White” “British” woman:

Victim was walking in the street when she passed the suspect who called her “a fat slag”. They then said to her “your baby is a black bastard”. Offenders have run off when they were challenged.

The following note from a meeting with a client is also illustrative:

Justine and her 4 year old son has been living at the [council] flat for 4 years, since she was 6 months pregnant with Harvey. She had no choice but to take the property at the time. Justine is white British and son is dual heritage Bangladeshi. Problems on and off ever since she’s moved in. She used to get harassed by the youths because she was new to the area, but now that the youths knows that her son is D/H [dual heritage] and that her ex partner Aadi is Bangladeshi and he comes round all the time to see them, they are getting racial harassment. Incidents over 4 years includes friends tyres being slashed, racist verbal abuse to her BME friends who visits her. People also spit near her when they see her. The most recent incidents that she remembered was in November when youths called her 4 year old son a “Paki bomber”.

Another “White other” victim whose “ethnic origin” was Polish reported an incident for which the suspect ultimately charged:

Victim lives below suspect within a small block of flats. Over the past 5 years there have been several incidents where suspect has been abusive and aggressive towards the occupants of No 10. On 12/10/10 suspect stood outside of window ... and looked through and then made a throat slitting gesture which caused the victim distress.

White people from the British Isles thus conceptualized themselves as hate crime victims, as did those originating from other countries including other European and

Eastern European countries, highlighting the failure of the literature to differentiate whiteness on the basis of ethnicity. Perhaps this reflects the position observed by Sin (2007, p.482):

Despite recent challenges (Bonnett, 1997; Frankenberg, 1993), the thought that white people can possess ethnicity is still not taken seriously.

Indeed, consistent with Bowling's findings (1999, p.209), the reported experiences of both white and ethnic minority victims were strikingly similar and there were strong analogies between their cumulative histories. Indeed, during the course of the fieldwork, an increasing number of referrals were made in respect of those from those from Eastern European countries and Gypsy and Traveller communities and, over time, they became more readily accepted by caseworkers as victims.

This finding is important because it contrasts with the hate crime literature which 'has almost entirely conceptualized the problem in terms of White offenders and Black and minority ethnic victims' (Iganski 2008, p.9; also see Iganski *et al* 2011, p.16; *cf.* Bowling 1999, p.209). Whilst there is some suggestion of police officers subverting the Macpherson definition by recording incidents between white and non-white people, with the former as victims, 'as part of a backlash' (Bourne 2001b; Bowling and Phillips 2002; CARF 1999; Dixon and Gadd 2006; McLaughlin 2002), it is now dated. Yet, such discussions are not empirically informed (Iganski 2008, p.9) and Mason (2008, p.182) suggests that they should be recognized as victims on the basis that it would be inequitable to decide otherwise. Indeed, the research findings suggest that the experience of white victims who define themselves as such is a particularly important issue to consider both in terms of future research but also policy and practice responses. As Quinney (1972, p.319) reminds us:

... what we do is crucial, even moral, in that we are creating one reality at the expense of other realities.

The reason for the conceptualization of victims in the literature as ethnic minorities is perhaps - by analogy with Quinney's (1972, p.317) more general observations about victimology - because of 'criminologists' 'own conceptions of the victim', which 'are necessarily qualified, restricted, and limited to certain possibilities rather than others'. Of course, such 'conceptions' are informed, to varying degrees, by a limited

evidence base which, on the whole, remains anchored to official datasets which deal with the broad identity categories of ‘black’, ‘white’, ‘Asian’ and ‘Chinese other’. The methodological issue here is the status of victims in terms of identity and being identifiable or, in other words, of making visible those who are currently unseen but experiencing racist incidents. ‘Ethnicity’, ‘race’ and ‘victim’ are social constructs. Bowling and Phillips’ comments on the categorization of ‘ethnicity’ in recent British Censuses apply with equal validity to *The Crime Survey for England and Wales* (formerly *British Crime Survey*) and police statistics (although the Census categories are more extensive) in that they employ:

... a curious combination of adjectives describing ‘colour’ (white and black) and geographical location (Caribbean, African, Asian Indian, Pakistani, Bangladeshi and Chinese) ... [and which] can only be understood in the specific historical, geographical and political context of post-colonial England and Wales (Bowling and Phillips 2002, p.35).

On balance, however, the hate crime literature would seem to suggest that there are categories of groups who are objectively ‘victims’ or at least ‘gloss the interpretive procedures through which the term is selected, applied and justified’ (Holstein and Miller 1990, p.105). The point is that it is limiting if not inaccurate to theorize the concept of hate crime on a black/white dichotomy which is objectively constituted. Indeed, the limits of these categories as an analytical framework for understanding racist hate crime become apparent from qualitative research. For example, describing the nature of his work, Mandeep explained:

There is racism *everywhere*. And [the agency] will support *anybody* who’s the victim of racist incidents. We don’t look at white and black, we look at right and wrong. If there’s a BME person who’s perpetrating a white British person I would go out of my way to support that white British man *exactly* the same so justice has been done ...

Those who self-conceptualized as victims of racist incidents came from different and diverse ethnic origins, including those excluded from consideration in the criminological literature. What is absent is a consideration of ‘the interpretive definitional processes implicated in assignment of victim status’ (Holstein and Miller 1990, p.104). On balance, the question of who could and could not be a victim of hate crime was ultimately determined through the interpretive and descriptive practices of caseworkers and, as will be seen (in Chapter 6) others such as police and

housing officers. In the first instance, however, the primary definition of who was or was not a victim lay with the claimant.

“English speaking”

Casework was an investigative activity dependent upon accessing and communicating with people from communities characterised as ‘hard to reach’ by the research literature. Indeed, caseworkers often acted as cultural experts and linguists for one another and – sometimes reluctantly – for police and housing officers and fire fighters. Caseworkers carried out an important interpretive function which had two aspects. As will be explained (in Chapter 6), the first was to translate and communicate the victim’s perspective with regard to the nature and experience of victimization and the second was the ability to speak multiple languages and thereby enable victims to overcome “the language barrier”. This “barrier” presented a major challenge to many victims in terms of being seen and being heard by agencies charged with recording and responding to incidents, that is being *able* to claim victim status, and so the capacity of the caseworker team to speak Urdu, Swahili, Hindi, Cantonese, Mandarin, Arabic, French, Patois and at least six other languages, was critically important to victims in communicating their perception of their experience. The degree to which a victim was able to communicate in English was a cross-cutting and case defining issue for caseworkers and is analysed extensively in Chapter 6. At this juncture, however, it is noteworthy that whether or not the victim was “English speaking” was recorded on the referral sheet and was a key issue in the construction of cases.

“Details and location of incidents”

Location was an important feature in caseworkers’ understanding and interpretation of cases. Place had meaning for caseworkers, especially in terms of “hotspots” and “no-go areas” and the geographical pinning of a case was therefore important. This was arguably a lay and practical manifestation of ‘dispersion’ and ‘entrenchment’, which Hesse *et al* (1992, p.129) utilise to capture the patterning of racist victimization (also see Bowling 1999, p.185). That is to say, the identification and response to “hotspots” was recognition of ‘entrenchment’ or concentration in an area. Place signified to caseworkers the level of “risk” presented to the victim, gave an

indication of the victim's needs and required responses, and also explained the nature of what was experienced. The ways in which location served as a context and facilitator for victimization is analysed further with regard to nature of victimization (see Chapter 5) and its impact (see Chapter 7). The following explanation of the issues facing Mr Seck and his family illustrates this:

... but the issue in North Graystoke has been people on the street, *not* your direct neighbour. So when you go out shopping for example, racial verbal abuse by the local youths or kids or adults just passing comment. (Jyoti)

In the course of regularly encountering victims of “racist incidents” and routinely constructing cases, the caseworker developed knowledge of the characteristics of racist incidents, victims and perpetrators. The “allocation meetings” were the place where such knowledge was to be most keenly observed as the caseworkers read through the “referral forms”, interpreted the information given and decided whether they were indeed dealing with “vics” and “perps”. Like Sudnow’s (1978) Public Defenders, the caseworkers worked with typical cases - “racial incidents” – constituted not only by the characteristics of those involved but also by location and time. These features generated categories of cases which were recorded as such in the agency’s database.

A typology thus operated which was used for administrative and casework management purposes but which also indicated particular victim types and suggested something about the likely relationship between offender and victim and also, importantly, the nature of “risk”. The cases were classed as: “generic” (referring to crimes and incidents which occurred around the home or on the street); “taxi”; “shop”; “education” and “discrimination”. Case types were thus an admixture of incident type and location. This was a more stratified approach to analysing and managing cases than the local police Hate Crime Unit (HCU), which distinguished between those associated with the “Night Time Economy” and those which the sergeant described as the “drip, drip corrosive type” on “white working class estates”, which could not initiate a quick response and boost detection rates. Caseworkers further classified cases as “urgent” and some were also labelled as “SPF cases”, which signalled that the caseworker service for the case was funded by the Supporting People Fund with the specific aim of “protecting the tenancy” of the

victim. As one caseworker explained, the classificatory system operated to signal the nature of the response required:

This is just to help us concentrate on what kind of strategy to develop to tackle those *type* of cases because they have common grounds (Qiaohui).

This finding is important for conceptualizing hate crime because it contrasts with the literature, where hate crimes are understood as either ‘low-level’ harassment or organized and/or extremist generated violence. This dichotomy has been challenged, however, at least in England and Wales, by Iganski (Iganski *et al* 2005; Iganski 2008). Indeed, no extremist or organized activity was encountered during the fieldwork. Rather, as Iganski (2010, p.358) suggests, ‘many hate crime offenders are’:

... ‘ordinary people’ who offend in the unfolding contexts of their everyday lives: people like ‘us’, our friends, relatives, neighbours and work colleagues, passers-by in the street, people out shopping, people using public transport, people driving their cars, people at work and children at school.

In reality, then, such offenders are perhaps not so ‘ideal’ and, if ‘ideal victims need ... ideal offenders’ (Christie 1986, p.25), this contributes to understanding the challenges faced by those claiming victim identity in these circumstances.

As discussed, the archetypal hate crime is constructed in the literature as a stranger crime, although this has slowly been challenged. Yet, for example, Chakraborti and Garland (2009, pp.83-7 and p.142) argue that ‘domestic violence’ cannot be conceptualized as a hate crime because it is ‘neither a ‘stranger danger’ form of crime’ and nor are ‘the victims from a ‘marginalised minority group’, as they could be either male or female’. Indeed, Chakraborti and Garland (2009, p.97 and p.142) distinguish disablist hate from other forms of hate crime on the basis that the perpetrator and victim, especially in crimes of murder, are ‘commonly a ‘friend’ or ‘carer’ of the victim’ (2009, p.142). This is clarified and qualified when they recognize that hate crime offenders may be ‘familiar with’ but ‘remote from’ the victim (2009, p.143). Before considering the findings it is worth noting at this point how the existence of relationship between the victim and offender not only undermines the ‘message crimes’ thesis but also denies victim status to some *in practice and in the literature* and can operate to challenge idealized victim status.

The research supports Iganski's suggestion that hate crimes occur as part of 'the routine incivilities of everyday life' (2010, p.358). Moving on to consider the impacts of such crimes, Iganski (2010, p.360) notes Tiby's (2009) work on hate crimes against lesbian, gay, bisexual or transgendered people, which suggests the development of 'avoidance strategies' and which includes 'even moving away from nearby perpetrators'. Indeed, one of the major activities of the caseworkers was to negotiate the banding level on which clients were registered with local authorities in order to relocate some victims and to take action to "protect the tenancy" of others. This is because the perpetrator was often a neighbour, frequently a next door neighbour, of the victim. As noted, proximity to the perpetrator in such cases was often discussed in terms of "risk" and the caseworkers' focus was, therefore, on rehousing the victim to a new location. Often referred to as "fleeing racism" by caseworker and client alike, the practice may be evidence of the operation of what Hesse *et al* (1992, p.172) refer to as 'white territorialism' and 'racial exclusion' (Bowling 1999; Hesse *et al* 1992; Mason 2005a, 2005b).

This brings into focus Mason's (2005b, p.599) discussion of how victims and perpetrators are often not 'strangers' because they are 'sufficiently familiar' due to the 'close proximity' they share:

This is a form of recognition, or sense of familiarity, between victim and perpetrator that is deeply indebted to their relative locations ('the stranger'/victim is recognized as such because he/she is physically close to the insider/perpetrator and thus out of place in that neighbourhood) and to the location of the harassment (it is the site of the incident, the neighbourhood, that allows the victim to distinguish between perpetrators who are locals and perpetrators who are strangers) (*ibid*).

Yet, Christie (1986, p.19) suggests 'ideal victim' status can be achieved if: 'The offender was unknown and in no personal relationship to' the victim. It was social or physical proximity that constituted "risk" for caseworkers, however. As argued earlier, if the offender and victim were neighbours – and these represented the majority of cases in 2008-2009 – this explains why the victim 'could not possibly be blamed for being' (Christie 1986, p.19) at the location where the crime or incident occurred; and in such cases, claims to victim status were strengthened. The fact that an alleged perpetrator was a neighbour instructed those involved in the process of constructing cases to characterize the injured party as a victim for whom protection was required. Such protection in practice involved the apprehension of the

perpetrator and usually the imposition of bail conditions restricting their movement, but also situational crime prevention measures and often the physical relocation of the victim. Occasionally, some clients were moved to a safe house or other temporary accommodation. Clearly this finding calls into question the conceptualization of hate crimes as stranger crimes.

The bulk of cases fell under the “generic” heading and, as one caseworker explained, this can be classified into “more detailed categories” (Qiaohui) such as “housing-related”, “street” or “neighbourly dispute”. This is similar to Bowling’s (1999, pp.207-208) findings with respect to incidents against ‘African and Afro-Caribbean’ men and women where around half of incidents occurred at or near their home and other incidents ‘arose out of a conflict with neighbours’ but more consistent with Mason’s (2005b, p.595) findings in respect of racist and homophobic harassment where the ‘capacity’ in which victim and perpetrator knew each other was: neighbour 82.5%; work relationship 7.5%; family 2.5%. It is of note that the ‘prototypical’ (Mason 2005b, p.590) hate crime case where victim and perpetrator were strangers occurred in only 5% of harassment cases (p.595), consistent with Metropolitan Police Service data for all types of hate crime (pp.595-596): ‘the vast majority were categorized as neighbours, locals, school children and colleagues/customers’ (p.596).

As such, the majority of victims and perpetrators documented in cases at the agency were proximate and to some degree knew one another. The issues pertaining to “shop”, “housing” and “taxi” cases respectively were explained by a caseworker (Qiaohui) as follows:

For example, the shops they’re always something like perpetrators, youths congregating outside, racial verbal abuse, and knocking on the shutter, damaging and steal[ing] something from the shop and shop owner cannot speak ... maybe cannot [speak] English well and has difficulty in reporting to the police. Then those kind of shop owner case ... shop cases then we can develop a kind of ... strategy to deal with them and then [we] know ... what are the agencies [that] should [be] involved for this type of the case. For the housing-related then that should be the Elban City Council housing association ... [as the] main provider. Then we need to tackle the issues surrounding housing. And the taxi, that’s also like say the cases mostly happened at night when the business ...when the taxi drivers have business at night uh they have dispute over the fare and have racial verbal abuse and have the assault by the passengers. And they do not know if they should take passengers to the police station, close their door or they should do something else. Then we can help them with those issues. Yeah. Anything else I think ... housing-related, shop, taxi [pauses] ... Yeah I think probably that is main categories.

The other working “categories” used by caseworkers were “discrimination” and “education”, which Qiaohui explained would be “separate” from the cases discussed above because those cases were “more about police matter, criminal proceeding involved ... reporting to the police, the police need to deal with maybe the criminal ... the court case” whereas “With discrimination that’s a civil matter and involves ... in end maybe civil court ...”. Indeed, “discrimination” matters - described as “racial discrimination in employment, in the goods and services” (Qiaohui) - were dealt with by a specialist legal advisor and were not the focus of this study and “education” matters fell within the remit of a specialist education team and also were beyond the remit of this research.

Equally, categories existed for referrals that were received but where cases were not opened: “tribal”; “voodoo” or “Black Magic”; and “slave”. “Slave” cases arose infrequently but the other categories were debated on several occasions. For example, in response to one referral a caseworker said:

This isn’t even Asian on Asian. It’s about Black Magic. (Fieldnote 11/6/10)

Cases where both parties were Somali were frequently discussed and usually triggered debates about whether or not a case should be “opened”, the question being whether the matter was “tribal”/“clan” rather than a “racist incident”. The interpretative practices guiding the caseworkers were described by one caseworker during an interview:

Salma Okay, so for example, if both the victim and the perpetrators are Somali ... we’ll look at their country of origin, okay, even though they’re still Somali. Um, if they’re say, for example, they’re either Ethiopian Somalian or Kenyan Somalian, or even, say, South Somalian, and, um, the perpetrators are from North Somali, Somaliland, then we would see that as a hate crime because we would look at the nationalities, okay.

Corinne So it’s more about ethnic origin then?

Salma Yeah. So you look a bit more at the background rather than thinking, okay, they’re Somalian, we can’t help them. Okay. And, sometimes we have them as well, if they, um, feel like they’re really from, like from the smaller tribes, okay. And normally we would take that on as well, if it has been logged by the [police] hate crime [unit], as a hate crime as well.

These cases contrasted with referrals which were described and deemed (quite strongly) to be “tribal” or “clan” and which would not be opened as a case as Salma explained:

Somalilanders are people from Somaliland. It could be they are from the initial same tribe, okay, but then the clan’s divided into eight sub-branches, okay. And if there is an issue between one of those eight, then yes, then we can’t open because that’s definitely a tribal issue. And although, um, um, I don’t know, sorry, so I’m just trying to think of the best way to explain it. But because with them, they’re exactly from the same country, they’re the same ethnic origin, they share the same ancestors, but they’re just slightly different branches, okay. So with those we can’t open a case. Um, but a lot of the time it’s not really straightforward, you have to kind of, um, speak to them and get a bit more information before you could make a decision as whether to, um, open a case or not. And even if you think you should open a case, then normally what I’ll do is take it back to [the management team] just to get their opinion as well on that.

A case would not be opened, for example, for a Somali woman experiencing victimization from “Somali people” because “her baby was born out of wedlock”, because this was “tribal”.

Whilst the complainants in “slave”, “voodoo”/“Black Magic” and “tribal”/“clan” cases perceived themselves to be victims of “racist incidents”, the caseworkers were generally in agreement that such cases were beyond their remit, as were those that would be classified under any of the other diversity strands such as homophobic crimes and incidents. On balance, caseworkers were able to readily determine when a case was a racist hate crime case and when it was not and surprisingly few referrals resulted in debate about intersectionality. On the few occasions observed when this did arise, the concern for the caseworker arguing for the opening of a case was that it would be unjust for the complainant if this course of action was not pursued. Indeed the caseworkers argued in a couple of cases that they as third parties perceived the incidents to be racist in nature and that a case should therefore be opened.

“Racial element”

Caseworkers were guided by “the Stephen Lawrence definition” and proactively applied the perception-based definition set out by Macpherson (1999), in determining whether or not to open a case and in the management of cases. That is, amongst themselves and in discussions with potential/clients and others, the caseworkers were concerned to find out whether the incidents and crimes reported were perceived to be

racist incidents by the victim or a third party. Focused specifically on acts of racism, the caseworkers were concerned with what they routinely termed “racial” or “racist incidents” or “crimes”. As noted, although “hate crimes” and “incidents” were referred to as well, and were recognised as including “racial” or “racist incidents”, the term was more associated with police recording procedures and as a policing term. Archetypal cases, or what Sudnow (1978, p.216) might call ‘normal crimes’ and incidents, were therefore discussed in the context of “racism” and related signifiers such as “racial incident”. Caseworkers were not distracted by the term ‘hate’, rather they moved from the context of racism to the perception of the victim (or third party), claiming victim status to locate “the racial element”, and the victim’s perception of a crime or incident was determinative.

Examples of the “racial element” included, for example, the victim being told “Fuck off back to your own country”. Also, those whose ethnic origin was described as “Asian” and who came from a range of backgrounds – “Indian”, “Pakistani”, “Bangladeshi” and “Other” – commonly reported being called “Fucking Paki”. Another common experience for those who described their ethnic origin as “Black”, whether this was “Caribbean”, “African”, “Somali” or “Other”, was being called “Black monkey” or “nigger”. In all these cases the “racial element” was found to be present. Consider, for example, the following case reported by a “Black” “African” “victim” and which occurred at a bookmaker’s premises where the “victim was working”:

One customer had been in all day [and so the victim] asked him to verify what he had written on the slip. He got very angry [and] said “You don’t understand it because of your origin, because you are African and you are a black monkey”.

The incident resulted in the “perp” being arrested but left the victim “very afraid”. Such incidents resonate with Turpin-Petrosino’s (2009, p.38) conclusion with regard to the victimization of black people:

What adds to the malicious nature of antiblack hate crime is the absolute need to racially debase the victim, in addition to committing the base crime (i.e., malicious damage, aggravated assault, etc.).

Like classic victimological conceptualizations, arguably the hate crime literature raises the idea of passive, and in some way vulnerable victims. Yet as Stanko (2001, p.318) suggests:

... vulnerability to violence does not refer to any individual weakness of the *victim* per se. It is defined *relationally* in terms of an individual victim's or assailant's social context and resources (emphasis in original).

Moreover, writing on the assignment of abused women as victims, Barry (1979, cited in Holstein and Miller 1990, p.119) reminds us that there is a danger in casting groups of people as victims if they come to be seen as less than the people that they are; as disempowered. As such, Garland's (2012, p.30) recent conceptualisation of hate crime is instructive. He highlights that the issue is not whether victims are 'inherently vulnerable in themselves', rather, it is their vulnerability 'to the risk' of victimization (*ibid*). Yet, it is suggested, that it was not just the victim's position vis-à-vis the offender as Stanko describes which was pivotal in claiming and sustaining hate crime victim status; the victim's position vis-à-vis official actors such as caseworkers which was determinative through their interpretive and assignment practices. In the first instance, however, victims took action and engaged with the casework service.

The relationship between victim and caseworker

The following analysis describes how the formal nature of the relationship between the victim and caseworker was, in practice, influential in maintaining victim status once a case had been opened, particularly in terms of credibility and empathy.

Formality

The relationship between client and caseworker was a professional one which was sealed by the signing of a contract setting out mutual expectations at the close of the "case opening" meeting. The formal nature of the relationship was also underpinned by the issue of both a client brochure and the agency's annual reports once a case had been opened which, as one caseworker would explain to clients, was to help them "understand our business". As such, on the whole, caseworkers referred to clients formally rather than on a first name basis:

Whereas some people *might* call them by the first name but I think that [calling a client by their “full name”] is the professional way of doing it. And then it’s down to the person. So I’ve got a taxi case for example ... I’ll call him by his full name but he’s never once said “Oh it’s OK just call me like my first name”. ... and [pauses] and it’s Nikhil and like Mr Panesar and it’s like I call him Mr Panesar and he’s happy with that. And he’s never said to me call me Nikhil because I think that culturally again he’s not used to someone calling him that. (Jyoti)

As the caseworker highlights here, cultural as well as professional imperatives shaped caseworker and client interactions. Sudnow’s (1978, pp.215-216) Public Defenders talked ‘knowledgably’ about those they defended and attributed ‘to them personal biographies, modes of usual criminal activity, criminal histories, psychological characteristics, and social backgrounds’. By analogy caseworkers talked equally expertly about their clients in terms of personal accounts, types and history of victimization, psychological profile, and socio-demographic characteristics. Furthermore, just as Sudnow’s (1978, p.217) Public Defenders routinely referred to “our defendants”, so caseworkers referred to “our victim” or “our client” reflecting, it is suggested, the empathetic perspective brought to bear on casework practice. This is not to suggest, however, an informal mentoring relationship such as that described by Duneier (2001, p.37) in respect of “old heads” in ‘African-American communities’. Rather, the relationship was formal, as indicated by a continued concern and emphasis on the professional nature of the relationship by caseworkers.

Credibility

The relationship between caseworker and client began with a requirement for honesty; and this was formalised in the contract signed between the parties. Credibility was thus important for victims with regard to claiming, but especially maintaining victim status. Indeed, if a victim was perceived to have “failed to engage” with a caseworker in any way, but usually with regard to honesty, then this could jeopardise their position as a client. Clients thus maintained and sustained hate crime victim status if they attained ‘ideal victim’ status and this included being found to be credible. Failure to be candid could, and on occasion did, result in the agency declining to work with a “victim”. The moral scrutiny and investigative work that went into determining honesty, and thus credibility, was extensive; and the process is

illustrated at Appendix G with an excerpt from my fieldnotes of a debate during an “allocation meeting”.

Credibility was often an explicit subject of many conversations between caseworkers or between caseworkers and police officers. For example, when Qiaohui met with Amanda, the head of the police HCU, she asked for an “update” on progress with regard to one of her clients who had made two “hate crime reports” to the police. Qiaohui client had informed her that a police officer had “refused to log the incident” or “to take a statement” and that the officer had suggested that what was reported was a “civil matter” rather than a racist hate crime. Qiaohui began by challenging Amanda about this refusal and asked for the incident to be logged. Amanda replied by saying: “I’ve got some concerns about this guy. Concerns about his credibility,” and went on to explain that he had “reported eight offences this year”. Qiaohui replied that the man had been a “client for many years ... he’s good at reporting incidents,” which prompted Amanda to say:

I know of a couple of incidents where we have concerns about his credibility Qiaohui.

Three main factors were influential in assessing - or at least being attuned to - victim credibility and, consequently, the construction of victim identity: racist and discriminatory attitudes; inconsistency in reporting of incidents; and criminal conduct. If a client exhibited racist or other discriminatory attitudes this could compromise their victim status. For example, when a “Jamaican client” refused to be allocated a Somali caseworker, the management team supported the caseworker’s decision not to continue with the client’s case. She explained: “it was actually me, I didn’t really want to be his caseworker after that because I felt like if it was so easy for him just to judge me on the basis of my nationality then I’d rather not work with him” (Salma). The question of the victim’s credibility could also arise if there were contradictions in the reporter’s account and if that which was reported was not borne out by subsequent facts and evidence. This occurred, for example, when one client was described by his caseworker Li as having “wasted” the time of the agency and the police “because his accounts” were “not consistent”. Another caseworker, Mandeep, suggested that “it could happen” because, for example, victims sometimes became confused about facts. Jyoti, a fellow caseworker, asked him: “Do you know what this case is?” indicating that the victim concerned was problematic in some

way. For Li, the client had further weakened his claim to victim status by claiming that the agency was “racist”. She added that he had “reported incidents to housing that weren’t on the file” and that he had “refused a house” when offered a transfer to a new property (in order to avoid experiencing further racist incidents from his neighbours). This prompted one caseworker to suggest that the property was rejected because the drive could not accommodate two cars, thereby calling into question his reason for claiming victim status. Caseworkers took seriously the risk posed to victims by neighbours when advocating for a higher category status in order to expedite their move to new social housing and so, when victim credibility arose in cases, it was a grave matter, especially if they thought the client was “playing the race card”. Li reported that the client had been “relegated” in terms of prioritization for a move and commented that he had “brought it on himself”. She went on to say that the victim was “talking rubbish and doesn’t give dates and times” of incidents, prompting Jyoti to conclude that the “incidents seem to be fabricated”. At this point it was agreed that the case should be referred to the management team because the client did not say “much” “that’s legit” and there were “contradictions” in his accounts of incidents; “he’s making things up”.

The third group of self-declared victims who risked not establishing themselves ‘as authorized victims’ (Christie 1986, p.22) were those involved in criminal conduct. Discussing ‘the ideal and the not-so-ideal offender’, Christie (1986, p.25) suggests that:

Offenders that merge with the victims make for bad offenders, just as
victims that merge with offenders make for bad victims.

Clients were expected to disclose previous convictions or to inform them if they were the subject of a live police investigation. Following a discussion of victim characteristics and other contextual information, some claimants were denied victim status by the caseworkers due to a lack of credibility because of their involvement with the criminal justice system. This was not a straightforward matter as the analysis with regard to the victim-offender dyad in relation to “retaliation” illustrates (see Chapter 6). Furthermore, the moral work of caseworkers in reaching a decision on credibility and thus status was clear in their discussions. For example, during the course of one meeting, Prahlad (a caseworker) asked his colleagues to help him “troubleshoot” a case because he was unclear how to proceed. A referral had been

received for a man who had been charged with rape because “local kids” had shouted “we know you raped [Ann] you black bastard”. Prahlad explained that the “man” - at no point was he referred to as “victim” - had “previous” for “robbery and theft”. An animated and, at times, angry debate, ensued. It was eventually suggested by Mandeep that he should be allocated a caseworker but that “support should be a really low wall because he is a victim of racial assault but he is a criminal in a big case”. Salma asked Mandeep: “Are you saying that we support all criminals because they are victims of racial harassment?” Mandeep replied that there are “good genuine citizens ... good people who are victims of racial harassment and discrimination” and asked “where do we draw the line?” He went on to ask his colleagues to think about all the cases where they had supported clients and suggested there were probably many clients that had committed crimes that the caseworkers did not know about. Craig-Henderson (2009a, pp.24-25) suggests that the degree of support that a victim receives in the social context corresponds *inter alia* with their perceived culpability (also see Craig and Waldo 1996), but the argument is apposite in this context too.

The presence of multiple and competing accounts and the issue of victim credibility prompted the agency to establish a pilot to deal with “conflict of interest” cases. The management team sought to address the increasingly recurrent problem of both parties to a case claiming victim status; a situation which hitherto would not have arisen because of the strict enforcement of a “first-come-first served” policy; because “like a solicitor you can only represent one side” (Maryam). The aim of this pilot was “to promote mediation/restorative justice unless” the offences were such that this would not be appropriate or if one party was exhibiting racist behaviour. The first “conflict of interest” case involved neighbours: a same sex couple with a child, and a dual heritage family. In brief, the facts involved the “same sex white couple, suffering from racial harassment and homophobic [abuse] from a mixed heritage couple”; which included their child being called “Milky Bar”. The other party also claimed to be victims of “racial harassment”. The same sex couple was described as “very sensible, very rational and very adult”. The “dual heritage family” was also described favourably: “very sensible, open and transparent”. The main problems centered on both families’ children; there is “ADHD on both sides”. It was agreed by those involved with the case that the first step would be to hold an interagency

meeting to “fact find”. In the meantime, the police had “arrested one side” and were “due to arrest the other”. The agencies involved were “looking at RJ [restorative justice] so that no-one gets criminalized because at the moment this is what the police are proposing”. Li said that “both sides just want to be left alone” by the other and that both recognized that there were problems with the children from both families. Interestingly, the pilot was quickly perceived to have failed because both families continued to victimize one another and one party would not consent to mediation. The principal reason, however, was because the agency could not work with both parties. In the absence of clear offender and victim roles it was unclear where blame lay and ‘responsibility’, therefore, could not be deflected (Holstein and Miller’s 1990, pp.108-109). There was no ‘ideal victim’ or ‘ideal offender’ (Christie 1986, p.25) and both parties therefore failed to claim victim status.

On balance, victim credibility was crucial to achieving ‘ideal victim’ status and thus sustaining a claim to victim identity. When credibility and other idealized attributes were not established, this could have serious consequences for the self-identified victim; not only could their hate crime claim be lost, but when there were malicious/counter allegations, it was not uncommon for the victim to be arrested and processed as a suspected perpetrator (see Chapter 6). In such cases the victim was less likely to have their definition of the incident or crime accepted as the valid one by the police, and they could not ‘make the political claim of being real victims’ (Christie 1986, pp.19-20). This was because they were not ‘As ideal as the old ladies. Or as the virgins walking home from caring for the sick’, regardless of their ‘self-conception’ (Christie 1986, pp.19-20) and notwithstanding the perception based definition operating in the criminal justice system.

Empathy

Caseworkers not only drew on each other’s cultural and religious heritage to pronounce names and to ensure that police officers had correctly cited the victim’s ethnic origin; to varying degrees they also shared a history of racist victimization and this informed their response to claims of hate crime victim status. Most obviously some caseworkers drew on their own personal experience(s) of victimization or policing as illustrated by, for example, their physical and verbal responses to the reading of “referral forms” and Mandeep’s conversation with Karina (see p.178).

Empathetic understanding enabled caseworkers to translate their clients' experiences into cases and, in turn, incidents to be recorded by the relevant authorities, but also to "empower" their clients (see Chapter 6). Thus, for example, during "a case opening meeting" with Mr Yeung, Qiaohui responded to her new client's reticence to discuss the impact of victimization by drawing on shared cultural understandings of "shame":

I noticed that Mr Yeung gave Qiaohui a quizzical smile earlier when she asked whether he felt stressed and I understood why when she said to him: "For us stress is not a disease or sickness ... only in UK now we think that it is another disease or sickness. It is sometimes worth talking to someone." (Fieldnote 10/6/10)

These practices highlighted the importance of empathy in responding to clients. This not only informed the way in which casework was conducted, it was also identified by officers from a local police HCU as a key feature in responding effectively to victims. Indeed, Feagin and Sikes's observation resonates with the way in which the head of the unit perceived empathy to characterise the work of her team:

Sympathetic whites may have an intellectual understanding of the consequences of racial discrimination. Profound understanding or empathy, however, involves feeling the pain and comprehending that discrimination is a series of unforgettable life crises (1994, p.16).

Interestingly, Vera and Feagin identify a 'chronic lack of empathy' (2004, p.75) as characteristic of perpetrators and suggest:

Empathy is required of those who wish to understand well any of the important matters relating to the world's great racial divisions (2004, p.76).

Whilst one might speculate that the experience of discrimination generally would enable caseworkers to identify with the perspectives and experiences of victims, arguably the specific experience of encounters with racist perpetrators imbued their casework with an empathetic character. In the context of casework, empathetic understanding was important for victims when recounting their experiences because it was associated with "trust" (see Chapter 6) and it was also a means by which caseworkers understood and responded to victims' experiences:

... they kind of feel it's easier for me to understand them, rather than if they had to, um, if they had, for example, um, a white case worker, they might not actually understand all of the other background information. Although it's not always relevant, but I think sometimes it does make it easier. (Salma)

The empathetic dimension was frequently highlighted by clients and was captured by Cora when she explained her reticence to engage with white police officers:

Cora And I feel bad saying this but I would feel better if it was a police person from any other ethnic background that came to see me other than a white policeman because I just think they probably don't wanna admit it, that it's going on at all. I think they're just as bad as the council personally. Well they say they're not but ...

Corinne What difference do you think a BME officer would bring to the situation?

Cora I think they can better know, maybe it's the faith you have in them. I think the thing is, like I told you, I just think that when something bad happens to somebody of any ethnic origin and I have ... say they were Asian, Chinese or Korean, I'm gonna feel something about it just because I feel we're part of this whole minority. And I'm gonna feel the same about racism going on about somebody who is English. I never hear of it, I'm sure it probably goes on and I wouldn't be happy. I'd feel angry about it because I'd feel that ... I'm more angry about it because I feel we, as an ethnic minority, know how hard it is and we should ... you cannot ask for change if you're doing the very thing that you're trying to ... to speak against. So definitely I would be very angry about it. And ... and why I want ... I feel that an ethnic person may be able to help more, I feel that they can relate with what you're going through. I don't really know whether they try and give you more reassurances, more than sort of the English police officers. I don't really know but you just ... I think when you're in that situation you need to have somebody that you feel can relate to you and can help you as opposed to someone that you think I'm accusing you about somebody of your culture, of your ethnic origin what's gonna make you really want to help me? I don't know whether it's just that sense of security and stuff I don't know but I don't really place too much confidence in them.

The agency provided cultural awareness training to organizations such as local authorities and police forces, which involved for example taking them to the local mosque and gurdwara and introducing them to communities remote from their daily (personal) lives. Understanding the situated lives of different people from diverse communities featured in the work and conversations of caseworkers and was linked with the agency's institutionalization of "the Stephen Lawrence definition" because, for the caseworkers, the individual's sense of self, of identity, was intimately bound with clients' perceptions of victimhood.

Chronicling

The victim incarnate

The case file was the central focus of all caseworker activity. This was where they chronicled all aspects of the victim's experience and the progress of the case, and all

talk about the case. For example, when I asked a caseworker (Abhay) if a witness had come forward following a client's use of an attack alarm he said: "Not to my knowledge. It hasn't gone on a file yet ...". It was through the process of chronicling that the victim's experiences invoked during the "allocation meeting" and new experiences of victimization were gathered. The chronicling function was preparatory but vital to the caseworker's advocacy and "empowerment" functions (see Chapter 6). Caseworkers were responsible for the completion and maintenance of paperwork and for the security of the file, but they expressly and implicitly worked on the basis that the file belonged to the client; it was their public and formal claim of private troubles and made them incarnate. Case files thus became – symbolically and evidentially – tangible and public claims of victimization.

Once "allocated", a caseworker took a skeletal file containing standard templates to a yellow A4 folder. From there they acquired the next file number from a sheet that logged all cases which had been opened and manually recorded the client's contact details alongside the file number. This administrative data was checked by clerical personnel for accuracy; failure to complete the log resulted in admonishment during "allocation" or other meetings. The file number was written on the cardboard file cover and the contents checked to ensure that all the relevant templates were inside ready for the first meeting with the client. The templates included the "front sheet", where the caseworker recorded the victim's socio-demographic data and contact details. This information was important to caseworkers because it ensured that they could contact the victim, but also indicated to them and others who read the file how to behave in a culturally appropriate manner when meeting with the client. The information was also important for administrative and management oversight of the agency's work.

The "front sheet" included space for information about the victim's family members because the agency treated the victim holistically. The following interview excerpts reflect the reasoning why:

... on the front sheet we take details of *all* the people living in that property because if it is harassment around home, *whole* of that family is going to be involved ... they would be all sort of getting targeted ... from the same thing ... because they are living within the same roof and [if] somebody keeps knocking on the door or keeps shouting abuse, they live there and they're going to hear that anyway so the whole of the family is going to get affected by that. (Abhay)

... if one person in the family is targeted we believe that the whole family unit is the victim because it affects everybody. ... Yeah so we take it the whole family is affected by that and hence we support the whole family rather than the individual. (Mandeep)

Most documents within the file were handwritten including a diary record of crimes and incidents and the red “incidents sheets” or “red sheets” which contained the “specifics” of crimes and incidents experienced during the tenure of the case (Jyoti). The attention was not just on an incident, or the collation of incidents, but rather on the context of victimization and the experience of victimization, including the process of reporting of incidents to relevant authorities such as the police and records of subsequent monitoring. The casework practice was thus analogous to the sort of ‘legal casework’ envisioned by Grimshaw and Jefferson (1987, pp.293-4 cited by Bowling 1999, p.313) in terms of ongoing contact with victims and ‘monitoring’ of their experiences, avoiding over policing and under-protection. Indeed, it was in this respect that the caseworkers’ practice differs from that of police officers. Bowling (1999, p.158) notes how police recording processes are geared towards a ‘racial *incident*’, that their focus is on ‘discrete events’. Caseworkers recorded incidents but their interpretive practices and empathetic perspective made them alert to, and concerned for, the *process* of victimization. Sharing a minority and victim perspective enabled caseworkers to comprehend and translate not only languages but the victim’s perspective; that is their understanding of the nature and experience of racist victimization. Thus, whereas Bowling (1999, p.188) was sensitive to the potential for ‘a closed information loop’ to be created among agencies because of their reliance on recorded incidents, caseworkers looked at the client “holistically” (Mandeep) and thus to the ‘process’ of victimization from the moment a referral was read, to the chronicling of incidents – including “historic” and new incidents – to negotiating victim status with police officers to the closing of a case. They took the long view and this was a view informed by history, politics and culture as well as the individual circumstances of a case.

Temporal dimension

As recognised by Bowling (1999, p.285) and understood by caseworkers, hate crimes were not one off events, but ‘a dynamic process, occurring over time’. Yet, as will be seen (Chapter 6), caseworkers asked victims to accurately report the features of hate crime encounters citing the “time, place, date” and other details such as who was

involved, because this mirrored their understanding and experience of the reporting requirements of other agencies such as the police. This information would be collated and, unless a “serious” incident occurred, the caseworker would accrue a body of experiences to present to a police or housing officer to record (see Chapters 5 and 6). This practice thus represented an attempt by caseworkers to negotiate the ‘contradiction’ (Bowling 1999, p.285) whereby victims experience victimization as a process but police officers respond to incidents. Importantly, caseworkers also worked with victims on the basis that racist hate crime victimization was potentially open-ended.

Indeed, the 24-7 hour availability of caseworkers reflected their understanding of victimization as a process and this contrasted sharply with the workings of, for example, the police service. Whilst a caseworker and victim usually liaised with a designated police officer in a case, the nature of police work such as emergencies, court appearances, shift patterns, annual leave or rest days meant that these officers were frequently unavailable. Even when on duty, however, there appeared to be no system by which a case could be managed and information communicated by and to police officers that did not break the holistic case presented by the caseworkers into disaggregated events, and this could impact detrimentally on clients. For example, Mr Seck was advised by his local beat officer not to attend an RJ meeting proposed by another officer; the second officer, according to the caseworker, did not have the “the full picture” of his case. Also, due to “miscommunication” and the fact that neither officer had a holistic view of the case or was aware of each other’s actions, an RJ procedure was implemented. Mr Seck said he felt “forced” by the second officer into participating in this process, yet he did not understand what was happening because of “the language barrier”. The process compounded his experiences of victimization and amounted to secondary victimization; the procedure was later rescinded. Although the police and caseworker services were both available 24 hours a day, seven days a week, the perspective of each service was therefore different. This was partly, as indicated, due to the fact that the caseworker had complete oversight of the case and a relationship with the victim. These issues were brought together by Mr Seck’s caseworker in her discussion of the consequences of the involvement of different officers from three different teams:

I know the *full* history so if he speaks to me I will understand straightaway what he means rather than a new officer attending a new incident not knowing anything and trying to deal with it like that one did for the RJ and ... decided RJ was the best way forward. I didn't even agree with that because perhaps they should look at the [laughs] history on the ... record. (Jyoti)

Here, Jyoti highlights how by listening to Mr Seck and chronicling his experiences she, like the other caseworkers, had a holistic understanding of her client's case.

“Risk”

As discussed, caseworkers followed the victim-centred definition of hate crime propounded by the Macpherson inquiry (1999) and the victim's perceptions were understood by caseworkers to be relevant to the question of “risk”. It was not, however, only the risk of repeat victimization that concerned victims and caseworkers, but the limitless potential for victimization to occur at some point in the future and by some as yet unidentified perpetrator. Indeed, the caseworkers' chronicling function also included conducting and recording the outcome of “risk assessments”. “Risk assessments” were conducted with a view to determining the safety of the victim but also the caseworker. The former would often result in the implementation of situational crime prevention measures in the victim's home if the perpetrator was socially or geographically proximate. Two members of staff carried out duties which existed specifically to “protect” the agency's clients. One carried the job title of “Community Safety Officer” and, explaining the purpose of his role Abhay said:

The post is there for the safety of the victims of hate crime and that's why they call it Community Safety Officer. It means the community safety will try [to] do as much as we can for the safety of the victim of hate crimes.

Perceived “risk” was therefore responded to in terms of “empowerment” but also “protection” and “safety”. Adopting a methodological approach based on the completion of various tick box documents, Abhay would ensure that a “community safety assessment” form was completed once the caseworker had “opened” a case, and after the “risk assessment” was completed. The completed forms in the files captured the physical inspection of victims' homes which Abhay described:

... we would go up and check ... all the different parts of the security in the home. Starting with the main front or providing what it is like ... is it overgrown? Is there enough security lights on there, are there any street lights around in the area cos that's really important really if

there's any anti-social or if we have to install a camera. We need to know if there's enough lighting for it to be captured. Then we go sort of look at the front door whether it's wooden or PVC. The reason for that is because of the installation of a letter safe or mailsafe which is a fireproof mailbox. We tend not to put it on a PVC door because when we remove it, it leaves holes in there. So a wooden [door] we can always sort of cover them up.

The other thing we look at is have they got door chains so that they use that when they are answering the door ... so that they get pushed indoor or get involved ... not to let the perpetrator into the property. Make sure all the locks are functioning properly, they've got bulbs in the light and also make sure they are safe, spyglass to see outside the door who it is before they open the door. So these are the basic things we look at and if they have got one and it's not right, it's damaged we would ... if it's a social housing we would refer it to them to say can you please have a look at these things and get it replaced or repaired.

With regard to the caseworker, "risk" was assessed vis-à-vis the victim's environs and thus the proximity of the perpetrator:

If we go out is the perpetrator there ... is it in the vicinity? Does he live in the neighbourhood? Is it wise to go on my own? Should I go with another guy? Carry the personal alarm ... have my mobile ready. Some of these things we have to take it into consideration because some of the attacks have been really, really vicious. So we don't want to end up being the victim as well when we are going out to support.
(Mandeep)

These considerations were assessed on a "lone working safety assessment" form and an "overall risk rating" of "low", "medium" or "high" would be the outcome. "Hazards" identified in the assessment included "Remoteness of location", "Access and exit routes" and "Alleged/Potential perp(s) Criminal activity in the area".

"Risk" was not only assessed in relation to proximity and place but also the victim and there were two elements to consider. Firstly, caseworkers assessed whether the victim presented a risk in terms of suicide or self-harm. If so, the victim would be placed on a "risk register". Secondly, as noted, caseworkers assessed whether the victim presented a risk to the caseworker and if it was felt that this was a possibility then the victim would be placed on a "high priority list"; and this would result in a range of security measures being put in place for the protection of the caseworker and other agency staff.

"Harm"

Linked to the issue of "risk" was the question of "harm". Perhaps captured by Bowling's (1999, p.285) idea of the process of victimization being 'dynamic', the

nature of harm varied both in terms of the type and severity of what was experienced. Applying their understanding of how crimes were committed and of how both perpetrators and victims typically behaved, caseworkers' risk assessments sought to identify whether there was a "credible threat of harm", if not actual harm. New hate crime encounters were recorded in the file on "incident sheets", and the type and severity of crimes and incidents were chronicled by caseworkers in the case file. Any sign of an "escalation" of activity toward the victim would be of utmost concern; a situation also recognised as potentially dangerous by government policy (HM Government 2011, paragraph 1.11). The caseworkers' overall focus, however, was on harm. The process of chronicling included, for example, documenting the outcome of caseworkers' assessment of victims "needs" in relation to a range of related issues such as security, health and ensuring they were in receipt of their benefits entitlement. This process highlighted not only the degrees of harm reported by victims and recognised by caseworkers consequent to victimization, it determined the caseworkers' responses in the form of a "support plan". Furthermore, chronicling "needs" and thus harms threw into sharp relief the question of so-called 'low level victimization' and how behaviours which could be classed under this rubric could have a "corrosive effect" (Head of Police HCU) over time, and also how they intersected with other minor and major harms to create the process of victimization. Finally, the assessment of victim "needs" once again made apparent the importance of understanding the experience and impact of victimization from the victim's perception, as the following illustrates:

... we also look at [victimization] on scales of low, high and you know medium. There are priorities there we look at and for the person, the client, they've suffered a hate crime. Now if it's a dirty look ... she can't cope basically. ... the level for her is like "Look, I've had enough" you know. But there are different levels for people who've been assaulted or beaten up really badly or you know, worse has happened and the priority's a lot higher and ... and they cope with it different. I'd say it also depends on the individual you see. (Jyoti)

Evidence

Caseworkers also took photographs which were held on the file for evidential purposes, including for claiming compensation from the Criminal Injuries Compensation Authority. One caseworker explained that the agency did this because the Authority requires "proof" but "the police miss out on taking photos like injuries and all that" (Abhay). Photographs of injuries and other evidence of hate crimes were

also gathered for the agency's "records". Chronicling hate crimes in this way served both to publicise the work of the agency but also to educate, as the following example illustrates:

With reference to the property damage we do that and we ask the client that we might use this photo for education purposes within [the agency] so that we can show uh different kinds [of things] happening within the area and how people can be affected (Abhay)

Indeed, as will be discussed in Chapter 6, evidence was a key issue for clients in claiming and/or maintaining victim identity.

Meticulous chronicling was an ongoing process throughout the lifetime of a case and included recording verbatim, and in speech marks, key words and phrases said by the client, police officers and others involved in the case. The following is typical of the references caseworkers would make to the chronicling process:

...*"but"* he said "it was a shame that it took [*the TV programme*] for the police to respond". And those were his words which I've got down in my file yesterday. So you know there you are that's ... that's coming from the client's mouth themselves. (Jyoti)

Summing up the importance and practice of chronicling in the case file, one caseworker said:

*I do them because it's important to log down what they're actually feeling. For me it's important for the file you know is looked at by anybody ... to show what the client actually felt [Jyoti taps the table once]. And like for Mr Seck [Jyoti taps the table several times] it'll go through ... if you read from how he was in the beginning [Jyoti taps the table once] to you know when [Jyoti taps the table once] things changed, it will give you the ... whole picture about how ... how he felt. And it's good to have that because it just tells you. Those things actually show what ... they actually just tell you by reading it what the client felt. You know, whoever picks up that file whether [pauses] ... another caseworker picks it up or it's re ... you know looked at by an outside agency, for whatever reason ... whether it goes to court ... it's *important* for it to be logged down. You know. It's just factual isn't it? I think it's very factual and it's *their* file and that's how they feel you know. (Jyoti)*

The file also included originals and copies of documents such as letters and emails. The lined sheets that caseworkers handwrote entries upon would contain details such as police officers' "collar numbers", all contact details and, importantly, a diarised account of the case. This included progress in respect of "monitoring of cases" including "challenges" to the police (see Chapter 6). Thus, when Jyoti telephoned a police officer to ensure that an "investigation" was underway into Mr Seck's flawed

RJ procedure, she asked him “if that had been done by email to ensure you know that it was all on paper as well.” A copy of the email was placed in the file and thus, in such cases, the chronicling function was a means by which to hold other services accountable on behalf of the client; it contained evidence. Case files were not only symbolically but evidentially supported formal and public claims of hate crime victimization.

Conclusion

The focus has been on the definitional problems concerning ‘hate crime victim’ because of the subjective definition operating in the criminal justice system in England and Wales. The research design was based on the generally accepted premise that hate crime is a social construct, which is acknowledged but not worked through in hate crime debates. Rather, common sense conceptions of the victim indicate that, at least within the academy, racist hate crime victims are members of minority groups who are marginalized (*c.f.* Garland 2012). This is important because the social reality presented in the literature posits objectively identifiable victims of hate crime even though ‘hate crime’ is acknowledged to be ‘a social construct’ with no agreed meaning. As previously stated (Chapter 2), what is paramount, especially when seeking to understand a subjectively constructed phenomenon is consideration of:

... the processes of interaction in becoming a victim, embracing a victim identity and embarking upon a victim career’ (Walklate 2011, p.183).

As noted in Chapter 1, ‘most definitions of hate crimes’ argue that ‘the identity of the individual victim is largely irrelevant as the victim is chosen on the basis of their membership of a particular minority group’ (Chakraborti and Garland 2009a, p.14). As this chapter illustrates, however, the identity of the victim is of utmost importance because as Christie (1986, p.18) observes:

... being a victim is not a thing, an objective phenomenon. It will not be the same to all people in situations externally described as being the “same”. *It has to do with the participants (sic) definition of the situation* (emphasis in original).

The analysis presented here demonstrates the importance of considering the processes by which a hate crime victim is created, especially in a jurisdiction which operates a victim-driven definition. There is no pre-existing population of racist hate

crime victims. Victim status is claimed and then substantiated or rejected. Victims, like crime, do not exist until they come into being (Christie 2004; Holstein and Miller 1990; Quinney 1972; Rock 2002). Victims do not passively experience victimization or its aftermath rather they take action (Walklate 2012b); they interpret the experience and claim victim status. Maintaining this status depends upon successful negotiation vis-à-vis other actors such as caseworkers and police officers. Racist hate crimes are subjectively driven and situation-specific. The ideas, themes and findings set out in this chapter suggest that consideration needs to be given not only to who the victims of hate crime are, but also to who can be a victim of hate crime. Questions are thus raised about what is meant by the term 'victim' and about the way in which it is claimed and applied in practice. This prompts consideration of the circumstances in which people can claim and sustain hate crime victim status and of the particular consequences of successfully making such a claim or having the label repudiated. Whilst the caseworkers followed the "Stephen Lawrence definition", the process of determining whether or not to open a case involved caseworkers engaging in a moral evaluation of each case. Moreover, whilst Garland (2012) focuses on the plight of those who are elderly, homeless and disabled, his conceptualisation of hate crime is relevant to victims of racist hate crime and was mirrored in the caseworkers' practice in three major ways. Firstly, caseworkers conceptualised victims not in terms of groups but as individuals recognising that: 'they were targeted because they were of an 'outgroup' background and in very vulnerable situations that left them at higher risk of harassment and violence' (Garland 2012, p.35). Secondly, like Garland (*ibid*), caseworkers also identified that clients could face 'double discrimination'. Consider, for example, discussions around risk and vulnerability to racist victimization in respect of women or those with mental health issues or disabilities. Finally, and crucially, as the foregoing analysis demonstrates caseworkers conceptualised hate crime in terms of the 'key concepts' of 'risk, harm and vulnerability' (Garland 2012, p.25). It was these interpretive and assignment practices which determined whether or not the client successfully sustained their claim to victim status from the outset and, studying this process, brought into focus the importance of understanding the interactional accomplishment of victim identity and of idealized attributes.

Chapter 5

“Clever racists” and racism by stealth: how victims define and perceive the experience of victimization

Introduction

Caseworkers and victims identified racist incidents by scanning minor incivilities for risk and thus symbols of threat. Goffman’s concept of ‘*Umwelt*’ from his essay on *Normal appearances* (1971) is utilized to explain how victims interpreted and defined ‘signs of alarm’ and ‘signs for alarm’ (1971, p.247). This prompted responses such as reporting the perceived threat to the authorities to secure protection. Victims constantly scanned people and environments with whom and which they interacted. They were attuned to the risk of immediate or future victimization based on the knowledge and experience they gained from previous experiences. To those acting in a recording capacity, however, and without this experientially shaped perspective, such incidents often appeared innocuous. Unless a major crime occurred, ‘appearances’ seemed ‘normal’. This chapter focuses on the act of identifying signs in people and environments which represent a risk of racist hate crime victimization and thus threat. The analysis will include a consideration of many participants’ perceptions of perpetrators as “clever racists” because of the covert ways in which some crimes and incidents were perpetrated. The unifying idea upon which the chapter is predicated is visibility. Hate crime victimization occurs on a continuum. Whether because of differences in perceptions of risk between reporter and those charged with recording hate crimes and incidents, or because acts can be perpetrated by stealth, or because risk may relate to a significant other, some incidents and crimes remain in practice perceptible only to the victim. The following is thus an analysis of the process of hate crime victimization.

Scanning environments and people

The scanning to which I was subject (mentioned in Chapter 3) was a dominant feature of the data. Acutely self-aware and situation aware, victims and caseworkers read people and environments for indicators of potential or actual risk of racist hate crime victimization. During encounters with others, interactants were therefore

engaged in acts of interpretation and definition; they were not passive and ‘merely reacting to each other's actions’ (Blumer 1969, p.79). As Chicago sociologist Thomas observed: ‘If men define situations as real, they are real in their consequences’ (cited in Cuff *et al* 1998, p.134). Thus, a basic tenet of sociology and the current definition of racist hate crime both lead us to the conclusion that individuals respond to situations as real if they *perceive* them to be so. Hate crimes are interactional accomplishments.

‘Umwelt’

Goffman’s conceptualization of *‘Umwelt’* is concerned with the ‘structure’ of ‘alarms’ (1971, p.329) and is of particular significance not only for this theme (scanning environments and people) but also for synthesising the other findings set out in this chapter, which explain how victims understand and give meaning to racist incidents. Discussing the life of animals and humans in one breath, Goffman (1971, p.238) locates their behaviour as ‘oscillating’ between two polar opposites, that is between ‘tranquillity and mobilization’, and explains that ‘the capacity to be quietly on the lookout for signs for alarm is the mediating mechanism, making it possible for these two states to approach each other closely’ in the same individual:

Individuals, whether in human or animal form, exhibit two basic modes of activity. They go about their business, grazing, gazing, mothering, digesting, building, resting, playing, placidly attending to easily managed matters at hand. Or, fully mobilized, a fury of intent, alarmed, they get ready to attack or to stalk or to flee. Physiology itself is patterned to coincide with this duality.

The individual mediates between these two tendencies with a very pretty capacity for dissociated vigilance. Smells, sounds, sights, touches, pressures – in various combinations, depending on species – *provide a running reading of the situation, a constant monitoring of what surrounds*. But by a wonder of adaptation these readings can be done out of the furthest corner of whatever is serving for an eye, leaving the individual himself free to focus his main attention on the non-emergencies around him. Matters that the actor has become accustomed to will receive a flick or a shadow of concern, one that decays as soon as he obtains a microsecond of confirmation that everything is in order; should something really prove to be “up”, prior activity can be dropped and full orientation mobilized, followed by coping behaviour ... (1971, pp.238-239, emphasis added).

Like a portable perimeter detection system, Goffman’s *‘Umwelt’* is a dichotomous concept which contains a ‘region’ where one feels secure and one where apprehension is detected:

In general, then, we can define the individual's surround or *Umwelt* as that region around him within which signs for alarm as he is alive to can originate and within which the sources of this alarm are also located. And for the individual person, this is likely to be measured by means of a radius that is only yards long. ... As the individual moves, some potential signs for alarm move out of effective range (as their sources move out of relevance) while others, which a moment ago were out of range, now come into it. A bubble or capsule of events thus seems to follow the individual around but actually, of course, what is changing is not the position of events but their at-handedness; what looks like an envelope of events is really something like a moving wave front of relevance. (Goffman 1971, pp.254-255)

The suggestion that humans scan, identify, read and respond to signs of threat in their environment has been used by scholars such as Warr (1990) on fear of crime and by Innes (2004) to develop the 'signal crimes perspective'. Warr (1990, p.906) concludes his paper with two unanswered questions: 'are cues to danger offense-specific?' and, if so, are the cues interpreted in the same way by 'men and women, and older and younger individuals?' (1990, p.906). This question was later answered, in part by Innes (2004, p.352) with the addition of 'an important caveat' to the 'signal crimes perspective':

... not everyone will tune into the same set of signals, nor will they necessarily interpret a signal in the same way. Following the precepts of interactionist sociology, a signal is so defined on the basis that it performs this function for the person or collective concerned, and factors such as social class, age, gender, ethnicity, previous victimization, lifestyle and awareness of recent media stories may shape how any potential signal is interpreted, due to them making people more or less attentive to some issues in their locality.

I will suggest that the findings of this research support the idea that some signs in the form of minor incivilities - namely verbal challenges and "the look" - are offence specific and specific to different people with histories of racist hate crime victimization. Referring to his personal experiences of 'racist insult and neo-fascist propaganda', Bowling (1999, p.7) writes:

Forms of racism of this nature which lie on the border line of everyday understandings of 'violence' - call it incivility, aggression, or threat - appear to be part and parcel of everyday life for ethnic minorities even in relatively affluent parts of central London (*ibid*).

Goffman's imagery and concepts strongly resonated in the fieldwork, and a classic example of the process of interpretation and definition through scanning for risk and thus threat was given by Sara. Here she describes a non-verbal and non-physical interaction common in hate crime encounters and referred to as "the look", which will be discussed later:

The look is everything ... You could tell. You see if I were to see you outside, and just that little smile, I know you're not racist. I don't know. I can sense it. I can feel it. You could put 10,000 people yeah, and just tell me there's 10 racists in there, and I'll pick them out for you. You could tell. You can sense. You know, you know how people behave. I don't know, you could feel it. Just you could feel it. You just could feel it. It's common sense anyway. Because I've got Barbara on number one, the first time she seen me, "Oh hello my name's Barbara, nice to meet you", blah, blah, blah. That is a sign I'm welcoming you. Then there's another day I came in, number six came knocking at my door, I just come in. "Oh, hello I'm number six", blah, blah, blah, "welcome". So I went back and I got her a box of chocolates and then this friend... and then you've got the old lady down the road, da, da, da, da, I walks in the pub, if you need any help. You can tell. They're white people as well. So not everybody is "I want to just stand and look at you and you're some sort of dirt" you know, because why those looks? Why? What have I done? It may be my experience, but you could just feel, you could sense it.

Consider also Alma's description of her response to seeing the perpetrators on a daily basis and which, like other victims, suggests a simultaneous retraction of the area of security and increase in that of apprehension:

The fear! The fear is difficult yes. Yeah. ... Every time you think ... you are cautious. Every time you think you ... you think like you are living in ... like a zoo or ... in a bush or somewhere. You know ... yeah in Africa. See, when you see a snake or lion or something like that. Yeah.

Furthermore, and like their clients, it was clear in the field that caseworkers constantly scanned, defined, interpreted and responded to their social and physical environment for signs of risk or, in Goffman's (1971 p.250) words:

Most important of all is the individual's acquired understanding of the motives and intent of others around him, this allowing him in many circumstances to treat bystanders as safely disattendable.

This is illustrated by a situation recorded in my fieldnotes which shows that whilst the caseworkers and I were frequently alert to the same sources of potential risks in the field we interpreted them in different ways:

As we walked and talked we passed a young woman in her front garden on a drive with a child on her hip who was talking to a friend sitting in a car. We therefore walked between the two and through the middle of their conversation. I asked Salma whether she noticed that the woman on the drive was wearing a[n electronic] tag but she had not explaining that she wondered whether the woman's reference to family by saying "it's blood innit?" was some sort of slight to her (Fieldnote 11/5/11)

In the circumstances described, the caseworker and I both scanned and read the woman on the drive and neither of us found her to be 'disattendable' but for different

reasons. For the caseworker, her personal and professional experience of racist victimization tuned her into potential signals of ‘hostility or prejudice based on’ her ‘race or perceived race’ (Home Office 2009, unpaginated). Indeed, as Young (1999, p.72) observes, ‘*Umwelt*’ differs ‘by social category’ and it is thus instituted by class and gender and is ‘strongly racialized’, with the result that those from ‘ethnic groups are aware of areas of safety and danger and in racist discourse, minorities are represented as signals of fear and danger to the majority population.’ This is strongly supported by the findings, as is the idea that the myriad of personal and biographical factors identified by Innes (2004, p.352 and cited above) intersect to shape how a victim perceives risks of actual or potential racist victimization. Next I want to focus on how ‘awareness of recent media stories may shape how any potential signal is interpreted, due to them making people more or less attentive to some issues in their locality’ (Innes 2004, p.352), and how this intersects with other identity attributes.

Media

As the following will illustrate, the influence of the media on victims’ perceptions of “ignorant” perpetrators was a strong theme. Participants felt that the media were responsible, for example, for misunderstandings about Islam and this in turn resulted in the targeting of Muslims but also, and consistent with other research, those mistaken for Muslims. In Bilbar’s words:

Media even today poisoning youngsters and even educated people day and night against Islam, against Muslim. Anybody in the world look like Muslim and he did something wrong. The conclusion media just draw straight away ... is blame to Islam.

Jyoti describes the impact of “hyped” media coverage following 9/11 for all Muslims and for those who are mistaken for being Muslims because perpetrators “just want to be ignorant”:

I think there is just that ... that feeling there that when they are out for example that the whole community is aware that they are kind of treading somewhat on eggshells because they are aware that they are being looked at *differently*.

This was mirrored in other accounts, including that of Bilbar:

I think the media’s soul is very, very negative, biased and I’ve got no hesitation to say *racist*. The propaganda comes out in media day and night, day and night. Which keep splitting community and keeping and uh ... keeping them away from each other ... I found people are very ignorant. People ... people speak media. For example, people are

Asian people, I'm from Asia so I feel ... I see all those things through that eyes ... for local [white] people all Asians are Muslim. They cannot differentiate between the different religion in Asia for example. [Pauses] A lot of Sikhs were victimized after 9/11 because they looked like Osama although they follow or practice different religions ...

So, we can prosecute people calling us this and that but media still producing more criminals.

There were many cases concerning victims whose victimization also included behaviours targeted towards their religious identity. This included Alma who, on one occasion, was subjected to verbal abuse by local youths who referred to her as "Taliban" and who said "you're leader is dead. You'll die soon". Another representative case was Louisa who knew the perpetrator prior to her conversion to Islam:

... the first thing she said was "You're a disgrace" um "Look at you dressed like an Arab" and um she called [my son] a "Paki" ... "All you lot want to murder us".

Experience

As Sara (above) and others suggested, reading risk in people and places was an ability born of "experience". The point is also illustrated by the way in which I did not read risk in the same way as caseworkers in the field. Of course, this explanation resonates with Goffman's (1971, p.248) observation that 'an individual's acquired experience or skill [is] a factor in determining what he would sense as alarming'; a contention supported by Innes (see p.131). Indeed, I documented a clutch of cases where, lack of experience of victimization resulted in a failure to detect and identify risk. Christina's case is a classic example because, despite the fact that her cousin repeatedly alerted her to the behaviour of the two approaching perpetrators, she dismissed the comments and behaviours by reframing them. Christina's cousin, however, read and interpreted these as signs of risk of victimization and fled, leaving Christina who was subjected to a violent beating with an iron bar and "racial verbal abuse". Importantly, she stated that she had not been racially victimized previously. From thereon, however, she actively read for signs of risk in people and her environment. Indeed, repeat victimization is a hallmark of racist hate crime and it is this experience which tunes victims into signs of risk, including with regard to behaviours which are not otherwise self-evidently racist or necessarily portend serious harm such as verbal challenges.

Verbal challenges

I have documented some of the ingredients that constitute and shape ‘*Umwelt*’, including media influence and experience. I now want to consider a specific form of minor incivility which frequently occurred in cases: verbal challenges. Goffman observes that (1971, p.302):

When an individual is in the open presence of others (and they are openly in his presence), he necessarily becomes vulnerable to them in certain standard ways ... They can intend to rob him, assault him, sexually molest him, or block his free movement.

Implicit in Goffman’s observation is that the generic ‘others’ referred to, challenge the victim. In scanning for signs of risk, such challenges related to identity and belonging, but also character, and had meaning for victims. This challenge, is an example of Goffman’s (1971, p.241) idea of the ‘non-performance’ of ‘conventional courtesies’ which can ‘cause alarm’, that is to say a minor incivility ‘of everyday life’ which ‘can function as an early warning system’. Of course, the process of identifying and interpreting risk and thus threat was dependent upon the individual and context. Offending or offensive behaviour resulted for some victims in daily acts of defence of self. Bilbar’s experience is illustrative of this and his position alerts us to how victims of racist incidents identify challenges to identity and character as a sign of risk:

90% [of the] questions ... the conversations start in my [taxi] are ... “Nice weather” or “Where are you from?” and “Are you Muslim” next question. And then “What do you think about Bin Laden?” and then whatever is the current affairs going on. OK. And obviously they have got ... they have already got their opinion set in mind and they enforce their opinion or allegations are called upon me or ... they are actually making allegation against them but me the target. So I’m in a shell defending myself and explaining “No, no”.

Such challenges were meaningful to Bilbar because they indicated a potential risk of victimization. Having described how this situation arose in daily life, Bilbar – like other victims – explained how the situation preceded a violent assault on one occasion; that is to say he identified the risk and it manifested. In this excerpt from the interview we see how a verbal challenge served as a warning:

And then there was the response “*How much?* I’ve *never* paid more than four pound”. So that’s *straight* away [pauses] it’s attack on your honesty. Might have been a joke [pauses]. I mean it [pauses] *hurts*. [Pauses] It *really* hurts and I *raised* this issue in my union as well and ... spoke to the other drivers ... white drivers ... [pauses] and *most* of

them said it never happened to them. People look at the clock meter and pay ... it doesn't happen [to the white drivers] ... With *us*, and I spoke to Bengalis because their accent is [pauses] stronger, Somalians [pauses], Pakistanis and they do get ... *very* often. Sometime I still give them benefit of doubt ... It's due to their accent because very strong accent. My accent is strong as well. Sometimes people do not understand clearly. On the other hand sometimes they have few drinks as well. But in the daytime, in daylight, when people are not drunk [pauses] and I am paying attention ... and on purpose I'm being clear ... And people's response is "*How much?* I *never* paid more than ..." even if you said "two pound" they say "We've never paid more than one pound". And ... it's a fashion, it's a passion, it's a routine or [pauses] it's just they treat you as suspicious person ... dodgy person. ... We're in the same trade in same city, same place, does not happen to white drivers. It would be worth ... It's a little thing for you to *checking* with the white drivers as well. Does it happen? If it happens, on what level? In *our* case, ninety per cent. Eighty nine per cent, that's my estimate. And the Bengalis, Somalians more than that [laughs]. OK. And English friends [pauses] hardly ever assaulted.

In determining whether or not he was safe Bilbar, like other victims, had an 'acquired understanding of the motives and intent of others around him', which helped him to identify those who were 'safely disattendable' (Goffman (1971, p.250).

Verbal challenges to identity, character and belonging arose in the most direct form of "racial verbal abuse" when perpetrators asked, for example, "What are you doing here?" or said "Go back to your own country". The process of being probed and challenged left some victims feeling that they were looked at as "alien" and as a "novelty" or "show freak" by the antagonist. When these situations arose the individual gave it their full attention because the nature of the interaction or 'misconduct' (Goffman 1971, p.240) constituted 'for them signs that readiness is required, if not sudden effort, that is, that there is cause for alarm' (*ibid*). The '*Umwelt*' became 'hot' (Goffman 1971, p.328) for victims. In such ways 'The vulnerability of public life is what we are coming more and more to see' because, as the findings illustrate, for victims of racist hate crime, they are 'more aware of the areas of intricacies of mutual trust presupposed in public order'(Goffman 1971, p.331). For victims the 'ease' that they may have 'with their *Umwelt*' is 'undermined' (*ibid*), and when there is 'alarm' then 'the streets are redefined as naturally precarious places, and a high level of risk becomes routine' (p.332). The way in which such acts were meaningful to victims as signs of risk and reported as such but were dismissed by those charged with recording racist incidents will be discussed below in respect of "the look".

“The look”

“The look” has already been mentioned as a form of minor incivility which victims identified and interpreted as indicating a risk of victimization. “The look” will be described here because it neatly illustrates the scanning process in which victims (and caseworkers) engaged and because, as it could be performed without an evidential trail, it could be committed by stealth, and this sets up the analysis for the discussion that follows. Whilst cases would not usually be based solely on “the look”, victims described it as a common experience, and when it arose during casework discussions it was because it formed part of a pattern of victimization. Importantly, therefore, close analysis of this form of interaction facilitates further analysis of the process of victimization.

Caseworkers and clients, including new clients unfamiliar with the agency’s terminology, frequently referred to “the look”. It was therefore a widely used and understood shorthand term used (usually) without explanation and noted in the case file, often with a knowing nod or other form of verbal or physical acknowledgment by the caseworker when cited by a client, and also used by caseworkers in their discussions. In most discussions “the look” signified immediate or potential hostile intent, whilst in other encounters it was interpreted as “belittling”:

Jyoti Like I say dirty sort of intimidating looks ... I’ve recently had ... a case here with a Somali lady and she said “The lady looked” ... She goes the only way I can describe it she said “The way she looks at us is with” you know “like with hatred. It’s that look. She just looks at you like she just has *hatred*”. And that’s how she described it.

Lucian Even there [my wife] pushes the button [at a pedestrian crossing] or if she initiates any type of English conversation, as soon as they find out she’s not speaking proper English even the look change. [Pauses] But if it happens to myself they have no chance to change their look because ...

Cora ... he’s basically now resorted to having his friends over like at the car park outside the door and as soon as I pull in they sort of have this kind of like ... it’s not really a smile, I don’t know what you’d call it. But there’s, you know, there’s like sort of sniggering, is that what you call it? Yeah. And they all just ... all of them just stare at me and like laugh out loud... and his friends and he only sort of looks at me once in terms of ‘I’ve noticed her’ and then he carries on talking saying things to them and then they look at me... I think it’s just sort of like an intimidation kind of thing.

Dawn defined hate crime principally in terms of “the look”:

... hate crime is like just the name [calling] and the *look* on people's face and the staring. That's what a hate crime [is] ... that *look* on their face. "Them people" that's what you get, "I'm sick of *ye* people". All things like that, that's it. The look on their face alone is enough for me. That's it. It's just that look of hate. That's exactly what it is.

Strengthening the argument that '*Umwelt*' is 'racialized' whilst alerting us as to why "the look" might not be perceived as a hate crime incident by those who have not experienced racism, Jyoti said:

And it is difficult for people to understand who don't have it. But it is just the way people look at you ... in a derogatory manner as if like you know [Jyoti demonstrated "the look"].

Furthermore, emphasising the empathetic perspective characteristic of the casework service, but also caseworkers' sensitization to risk, Jyoti went on to say:

J ... but for me I think especially *being* from an ethnic background you're more *aware* of it as well. You know you are more aware if you've been subject to it before you know that it's happened. I guess if it happens over and over again, day in day out of your life, you'll know what it's like.

C So is it kind of sending a message to the person that's being looked at?

J Of course! [Pauses] Why else would you do it? [Pauses] If not just carry on with your business and if you don't like someone you know don't make a face them. Don't *look* at them. You don't need to give them a look do you? You just look and you just probably look away and carry on ... with your business as we *all* do.

Goffman (1971, p.241) provides important insights as to why such impropriety indicates risk:

When an individual finds persons in his presence acting improperly or appearing out of place, he can read this as evidence that although the peculiarity itself may not be a threat to him, still, those who are peculiar in one regard may well be peculiar in other ways, too, some of which may be threatening. For the individual, then, impropriety on the part of others may function as an alarming sign. Thus, the minor civilities of everyday life can function as an early warning system; conventional courtesies are seen as mere convention, but non-performance can cause alarm.

I sought to clarify with Jyoti what "the look" signified to victims:

C So what do you think that message is? When you've worked with your clients ... what is it communicating to them?

J I don't *like* you or I *hate* you. You know some people say when they don't like *us* so she doesn't like Somalis for example. That's what the lady said she goes "Other people have said to me she doesn't like Somalis".

The ways in which “the look” was identified, interpreted and experienced by victims was discussed extensively during the research because it was mentioned frequently. The dynamics and impact of “the look” were helpfully elucidated by one caseworker:

Even when you’re young you know you identify smiles ... and especially when you’re *new* to the country you *want* people to be *warm* to you. You want to be received you know and when [pauses] ... somebody just looks at you in *disgust* ... it’s kind of just like *really* ... it can *really* affect you. You know because [pauses] ... they don’t have to say anything ... it’s just that’s total like [pauses] ... it’s just the hatred ... in someone’s face it can really [pauses] ... knock somebody down you know, knock their confidence you know make them feel small. ... *anybody* you know even when you’re young you can have a *look* from your parents or you know that sort of dis ... it’s sort of like “I’m disappointed in you” and ... it does really ... affect you. (Dillon)

It was a challenge for participants to describe “the look” as an aspect of victimization but also to articulate its impact to me and to the reporting authorities. That is to say, perceiving a look to be ‘motivated by a hostility’ based on their ‘race’ (Home Office 2013) alongside other conduct including verbal challenges, victims had to find a way of communicating this to reporting authorities (this is discussed further in Chapter 6). Moreover, it was destabilizing in terms of belonging and identity. Yet, the scanning and interpreting in which victims engaged repeatedly came through. For example, when describing the impact that “the look” could have, a caseworker (Dillon) explained how a client read their neighbour’s “body language” as contradicting the neighbour’s claim not to have “any problems” with the client: “that’s something that *really* just you know can *really* hurt somebody ... it can really just sort of really damage somebody”. The nature of “the look”, the challenge in claiming it as part of the process of victimization, and its meaning to victims was captured in the following caseworker’s description:

It might be small to you but to the victim it’s like everything ... that *look* ... it could be a glance for five seconds but for them like “Wow” ... and especially if you get it from *other* people in the same area ... or a little tut you know. ... [B]ut for someone that’s new to the country ... already you know is quite you know fearful just someone brushing past you and muttering you know for them it’s just like “Oh my gosh”. It’s like I really don’t want to be here. You know so you have to *really* understand the effects it has on a particular person ... It’s very [pauses] ... subjective. You know you can’t just say well that glance, that’s nothing that’s not a crime. That can’t be a hate crime ... you know a glance ... a tut ... a brushing of the shoulder it’s a personal ... it’s a personal definition. (Dillon)

An example from a case illustrating the ways in which victims scanned people and environments and interpreted risk concerned a female Polish client with “language

issues” who reported that besides telling her “You cannot speak English, go back to Poland”, “a Somali perpetrator” and her friends, who all attended the same mother and baby group, gave her “the look”. The women in the group ostracized her, physically turning away from her when she entered the room and would “play and chat” with each other and “ignore her”. The perpetrator, however, would look her up and down as well; this was “the look” and it resulted in the victim leaving the group. The victim’s caseworker (Qiaohui) explained that the perpetrator “looks down” on the victim:

So that is the power of silence and that is the power of harassing you in this way, by looking and by expressing of the body language ... making you feel you not belong to this group, you go away. So that’s what she did in the end, she went away. She didn’t feel she was comfortable in that group. Yeah. That’s how it was built from some incident [of] racial verbal abuse.

As noted and as indicated in this case, “the look” was usually one of a range of activities targeted at the victim and cases based on this form of “intimidation” alone were rare but did occur if it involved more than one person, such as neighbours or colleagues. More typically “the look” was therefore accompanied by other behaviours, or would occur at the beginning of the process of victimization, that is before “an escalation” occurred. Here Louisa describes her repeated experience of “the look” prior to an assault:

Well, before that she ... if I ever saw her ... because [my son’s] nursery is not far from the train station so I used to walk up and get him and then as I was walking down I used to see her just constantly staring at me. And she was walking in the opposite direction and she used to [pauses] keep looking back and me and I used ... oh, it used to drive me mad. And every time it happened I used to say ... I used to say to [my husband] Akhom “What is going on here? She’s constantly staring at me ... well there was no other conclusion really apart from that I am wearing a headscarf. I couldn’t see any other conclusion because I hadn’t seen her so it’s not like I’ve done anything to upset her ... Yeah, it just made me feel really uncomfortable ... I didn’t want to get [my son] really and be walking down the road even though nothing had happened there ... I just felt ... It made me feel really uneasy yeah.

Victims interpreted “the look” and/or verbal challenges as ‘an early warning’ and understood such acts to be connected (actually or potentially) to a range of other minor and serious behaviours.

As noted, “the look” rarely occurred as a standalone mode of harassment, unless it was perpetrated as a form of collective action. Rather, caseworkers usually only

reported it and verbal challenges as part of a pattern of victimization. Understood as part of a course of conduct on the part of a perpetrator where major and minor modes of victimization could occur simultaneously or over time, “the look” and/or verbal challenges are readily comprehensible as part of the process of victimization. Moreover, understanding that such ‘minor incivilities’ can function as part of ‘an early warning system’ explains why “the look” and verbal challenges were reported by victims. Yet, obfuscated by the process of victimization, inchoate and imperceptible to police and housing officers who have a different ‘*Umwelt*’, “the look” and verbal challenges were often not officially recognised see (Chapter 6). It was off their radar and thus could be committed by stealth; the warning value not appreciated by those reported to.

Proximity and risk

Goffman’s concept of ‘*Umwelt*’ permeates the analysis of physical proximity and explains how the physical environment facilitates and impacts on victimization. In so doing, this analysis builds on Mason’s (2005a, b, c) proposition that the ‘context’ and ‘proximity’ within which victim and perpetrator know each other is pivotal to determining the victim-perpetrator relationship, rather than just focusing on the ‘degree of intimacy’ between them (2005c, p.80). Goffman cites four ‘loci’ with which the ‘*Umwelt*’ interacts as the social and physical environment is negotiated (1971, p.329), including ‘lurk areas’ or ‘lines’ (p.293-300) which refers to a ‘blind spot’ (*ibid*) and includes ‘three areas (and three lines that demark them)’ (p.294):

... behind one’s back, behind partitions, and behind darkness (*ibid*).

The risk created by ‘lurk areas’ is clearly illustrated by the responses documented in Chapter 4 such as the installation of CCTV, window alarms and other situational crime prevention measures which make blind spots visible because ‘lurk areas’ interacted with the ‘*Umwelt*’ to make the home and neighbourhood places of risk for victims. The three other areas promulgated by Goffman are: ‘the furnished frame’ (pp.284-293), ‘access points’ (pp.300-302) and ‘the social net’ (pp.302-309). Just as ‘lurk areas’ illuminates our understanding of how ‘sources of alarm in the individual’s *Umwelt* occur’ so do these three. Consideration has, for example, already been given to ‘the social net’, that is how when someone is ‘in the open presence of others (and they are openly in his presence), he necessarily becomes

vulnerable to them in certain standard ways' (p.302), importantly this includes the possibility of being secretly monitored (p.303), which is highly apposite to the idea later posited that those in social or geographic proximity to victims can use information gained from such proximity to make "malicious allegations".

As noted, caseworkers assessed and responded to risk and this is theoretically important in terms of understanding the nature of the relationship between the parties, modes of victimization and impact. A dominant theme in the findings concerned areas known by reputation. Victims and caseworkers frequently talked about "no-go areas". This is important because it reveals the processes by which risk judgments were made. Constructions of public areas and their relevance to the process of victimization and victims' perceptions of risk are important. Location was not the only source of risk recognised by caseworkers, however. If they identified a relationship between the offender and victim then social proximity (by virtue of an interpersonal relationship) was also a consideration when assessing risk; of course there could be an overlap between social and geographic proximity. Those cases which were classified as "neighbour disputes" or those which were "around the home" (both of which were subsets of the broad "generic" classification) were the most commonly occurring cases, as indicated by a caseworker's comment:

Yeah, most of them happens ... in the living environment, in the houses where the perpetrators are very close ... (Salma)

Another caseworker (Li) suggested that two thirds of cases involved "neighbours" or "issues around the home" and the remaining third were described as "isolated" incidents such as "on the bus". This is consistent with Bowling's (1999, p.198) finding that almost six out of ten incidents occurred in or around the victim's homes. The risk generated by social proximity – that is by the fact that people knew one another - was a feature of many cases classed as: "discrimination" cases in schools and the workplace; "taxi" or "shop" and "neighbourly disputes". Indeed, in some cases, the perpetrator and victim were family members, former friends or colleagues. Consequently victims and perpetrators - to some degree – often knew one other and this is in line with Mason's (2005a, b, c) and Moran's (2007) findings.

Elaborating on this further, physical and/or social proximity accounted for the nature and frequency of victimization because of the opportunities it created. Thus, even when the parties to hate crime encounter/s in this context did not know each other by

name, they were at the very least in a relationship of proximity. With or without a personal relationship the social arrangements generated a physically proximate relationship which was the context and facilitator for victimization. How did proximity shape the nature of victimization? Consider first the question of physical proximity in the neighbourhood context. In line with the literature, the fieldwork identified hate crimes and incidents involving: racist epithets; assault and violence; harassment and criminal damage. Yet, the data brought a new dimension to light with regard to events in the neighbourhood context. For example, “racial verbal abuse” might occur as soon as the victim left their home, the neighbour-perpetrator having heard or seen them leave the premises. Also, the abuse might not be shouted but muttered in passing. Commenting on this common *modus operandi* one participant said:

... the perpetrator is quite clever in [pauses] ... how they do it. They say it quietly enough that it's not being recorded or making sure that there's nobody about at that time, or making sure they get an alibi (Salma).

Harassment often involved the neighbour-perpetrator standing outside the victim's home and: staring in through the window; and/or shouting or miming threats; or holding intimidating/racist conversations outside the victim's open windows; or playing explicitly racist music. Victims frequently described how they could not use their back or front garden because the perpetrator-neighbour would immediately appear in their own garden and either silently watch them or verbally abuse and/or threaten them.

If the victim and perpetrator were socially proximate the perpetrator would have greater access to the victim because of the knowledge and structures generated by their former interpersonal relationships - whether it was friend, colleague, customer, student or relative - and this would facilitate victimization. This is illustrated by Michelle's case where, even though the family was relocated, the perpetrator was still able to access her and her daughter via Facebook, despite attempts to “block her”, and via her mobile telephone, and the family routinely encountered the perpetrator and other (hostile) family members in the local community:

It's distant family, like my mum's cousin and her children. ... it started because [my husband] had an affair with my mum's cousin's daughter and apparently he ended it, where she's saying she ended it, whichever way, and she started seeing somebody else and basically that's how it

all started. First of all it was phone calls, “You paki”, like to him, on the phone, you and “Your fucking paki kids”, and just all sorts of stuff like, whilst shouting down the phone. Then we had a letter put through the door, I can’t remember all of it now, but it was... I can’t remember what the letter said now ... Yeah, “Get out of Roseville. Better still, get out of our country, you fucking paki, and take your paki kids with you”. Yeah it was mostly that wasn’t it? We had our cars petrol bombed, both of them. The baby’s pram, car seats, everything, went up. It was just stuff on Facebook, stuff ... I just didn’t feel comfortable living around there anymore. Then I took ... [my son] was going to nursery and one day I took him and she was sat there with her little boy in the classroom.

The perpetrator relied on shared friend and family networks to keep her informed about Michelle’s life and, whether this was with regard to where she lived or personal and potentially humiliating and damaging information, the information manifested in acts of victimization. The same means of victimization were apparent in other cases including, for example, Karina where the perpetrator – a former friend and colleague - and her associates were able to harass her in town, follow her home and, on the day her daughter gave birth, contact her 77 times on her mobile telephone.

Due to the sporadic and covert nature of many incidents – which might be committed alongside more “blatant” acts – such experiences were difficult to report as hate crimes and incidents, and challenging to prove if reported both evidentially, but often because the relationship between the parties signalled to those asked to record incidents that this was not a hate crime. Indeed, failed attempts at reporting were often perceived to result in an amplification of incidents and crimes. Victims theorised that this was because the very act of reporting but failing to sustain a case sent a message to the perpetrator that they could continue to act and do so with impunity. In consequence, the victim arguably suffered secondary victimization as a result of the failure to ‘sanction’ the perpetrator (Holstein and Miller 1990, p.110) and further harm from the ongoing, and sometimes escalating, behaviour. As one caseworker said of young perpetrators:

There’re cases when the [perpetrators say] “What are you going to do about it? Police aren’t going to do anything to me”. So it’s the young people under the age of sixteen they *know* the laws in this country that the police even if they get arrested even if they get cautioned or you know “Don’t do it again”. They *know* it. So they will openly tell the victims that “Go on tell the police, what are they going to do?” (Abhay)

Highlighting the recurrent theme of “clever racists”, one caseworker (Li) described how the “kids” who harassed and intimidated Mrs Law at her take-away food establishment “know not to go too far in shouting racist verbal abuse”. Rather, she said: “Usually it’s just looks and actually being annoying and looking at them to let them know that “I did it to annoy you””.

There are therefore a number of challenges inherent in reporting such experiences to, for example, a police officer, at least in a way which is meaningful to them. Bowling (1999) recognised the incompatibility of reporting the process of racist victimization in a criminal justice system where the criminal law and police focus on single events committed by an individual perpetrator with *mens rea*. It is a challenge to marshal diffuse acts punctuated by time into an account readily recognisable as such by those charged with reporting crimes and incidents. Moreover, it is even more challenging and burdensome for victims post the adoption of the Stephen Lawrence definition by the criminal justice system in England and Wales which is a ‘victim-centred’ (Goodey 2007, p.427) and perception-based definition. Perceptions, as this analysis demonstrates, involve victims scanning people and environments and identifying and interpreting risk; a risk which is sometimes covert but which is identifiable due to the victim’s history of victimization. As will be shown in Chapter 6, such reports were often not readily accepted by police and housing officers, and a fundamental difference in perception of risk explains why.

Such cases do not fit the classic conceptualisation of hate crime as a stranger crime, but they do mirror the findings of Ray *et al* (2004) in that there were pre-existing relationships and that the crimes and incidents were targeted (Stanko 2001). The findings support Ray *et al’s* (2004) theorization of racist violence as grounded in ‘emotion’ where ‘racism certainly formed part of the motivation ... but it was very rarely the sole motive’ (2004, p.354), as depicted in the quintessential hate crime scenario. Racist incidents can therefore be understood as arising:

... from a complex set of motives and cultural resources – of resentment and grievance, routinized violence and taken-for-granted local racism – that were mobilized in particular situations and contexts when an existing relationship – generally one of hostility, exploitation and suspicion – broke down. (Ray *et al* 2004, p.355).

The findings presented here have a slightly different dimension to those generated by Walters and Hoyle (2011). They frequently refer to the ‘messy’ aspects of ‘neighbour

disputes' and speak of the culpability of both parties in some situations (p.8). Yet, even though the context ('neighbour disputes') and the dynamics ('counter allegations') and the trajectory ('escalation over long periods of time' p.5) mirror cases encountered at the agency, they are qualitatively different. This alerts us to the ways in which research design shapes findings; whilst Walters and Hoyle data is based on 15 observations and semi-structured interviews based on 19 cases at a mediation agency, the longer process of ethnographic inquiry at a victim-centred organization produced an analysis that suggests that some of the 'messy' aspects of interactions are, in practice, acts of victimization by stealth. Furthermore, whereas for Walters and Hoyle some acts could be classed as 'anti-social' (2011, p.5) and were not hate crimes or incidents, clearly this was an emotive issue for victims and caseworkers at the agency; for them such acts could and should be classed as hate incidents (see p.183).

Racism by stealth

Classifications of modes of victimization used by caseworkers included the following: "Arson & attempt"; "Bullying of children"; "Rubbish nuisance"; "Threats"; "Racial discrimination"; "Assault"; "Car damage"; "Ostracization"; "Verbal abuse"; "Written abuse"; "Attack on property"; "Graffiti"; "Police discrimination"; "Spitting"; "Intimidation"; "Offensive substance on property"; "Other". Owing to space limitations, detailed consideration cannot be given to each classification. Instead, these modes of victimization are woven throughout the analysis. As this chapter shows, the data generated a more complex picture regarding modes of victimization than is presented in the emerging hate crime literature. Specifically, it suggests that the nature of victimization has changed from something that was once committed in a "blatant" fashion to modes that are more covert. I term this 'racism by stealth' and it refers to three different aspects of victimization discernible in the data: "discreet" victimization; abuse of systems; and "counter allegations". Consideration is also given to how the term 'hate crime' can preclude formal claims to victim status and a final form of victimization is mooted with regard to the targeting of children. The unifying focus concerns who is and who can be a victim of hate crime.

“Discreet” victimization

Racism by stealth refers to the *modus operandi* of the perpetrator (and could therefore overlap with the mode of victimization) who, by consciously using covert means of victimization, was able to keep both themselves and their acts off the official radar. Mention has been made of “clever racists” in the foregoing analysis and this was a dominant theme. Both caseworkers and victims would refer to perpetrators as being “smart” or “clever racists” and this moniker served a different function dependent upon context. Racism by stealth can be understood in three contexts. Firstly, and as indicated, some modes of victimization were described as “discreet” or “indirect” yet perceptible to victims, classic examples of which would be “the look” or verbal challenges, both of which would result in “no further action” by the police. Another frequently reported example of people claiming but losing victim status due to racism by stealth arose in the neighbourhood context where the parties were proximate.

According to the agency’s copy of *Blackstone’s Criminal Justice Practice 2009*, s.4 of the Public Order Act 1986 created a new offence of ‘intentionally causing harassment, alarm or distress’ and s.31 of the CDA 1998 created the ‘racially or religiously aggravated’ equivalent offence (Hooper and Ormerod 2008, p.656). Whilst the passage of the 1986 Act was to be watched ‘with interest’ by the CRE (1987, p.24), the fieldwork documents how the statutory defences in practice limited the protection afforded to victims of racial incidents; and it is of note that it was s.5 that was the offence discussed in most cases and the operation of a statutory defence that generated many animated exchanges. This particular defence arguably gives statutory force to the historic English common law dictum that “an Englishman’s home is his castle”. According to ‘the agency’s’ legal advisor – who cited the statute verbatim – this operates by virtue of s.5(3) of the Public Order Act which, amongst other things, provides a defence if the alleged perpetrator can prove that he or she “was inside a dwelling” and also had “no reason to believe” that what was done or said “would be heard or seen” by the victim “outside that or any other dwelling”. The caseworkers repeatedly referred to this in discussions as “a section 5 defence”.

Jason's experience was typical of the cases encountered. Here he describes the nature of the victimization he experienced by his neighbour:

... he's caused criminal damage and got away with it. He's made a racial hatred remark ... and got away with it. He's made death threats to us in his garden and he's got away with it. Because ... whether he's using the system because he's on his own property he can do and say what he wants. It's not as we call it direct but indirect because, as the police stated, there's a wall in between or there's some kind of obstacle in between even though it's directed at you ... it's an indirect approach because it's not face-to-face.

In such cases the perpetrator appeared to have certain protections and immunities. Here Jason describes what happened when the police arrested his neighbour:

Jason Oh [the police] heard it ... because I said to the lady [call handler] "Can you hear this?" ... It's like I've got a few recordings of them ... So, it was *all* recorded ... by the police [as well as me] ... but yet again, he got away with it. Because ... alright the police you know went around and in the end ... they cuffed him ... because I just heard "You can come with us now or you can come with us nicely or not" ... *but* the inevitable [pauses] he got away with it.

Corinne How did he manage to "get away with it"?

Jason Because he had said it behind his property.

Corinne Oh, I see.

Jason Because he had said it through the wall ... the race hate crime through the wall ... he had got away with it ... that's why he's clever ...

Linked to this point, Jason said that he would explain what racist hate crime is to others such as housing officers and policy makers in terms of racism by stealth:

Jason I would say it's from an individual who [pauses] has a lot of issues against ethnic minorities ... who hide it ... who try and hide it and use the system to protect them.

Corinne And that's something that you perceive to be a change in your lifetime?

Jason Absolutely. You know ...

Corinne [Recapping on an earlier part of the conversation] So it's not "blatant" whereas once it might have been "blatant" you don't think that it's "blatant" anymore?

Jason Before it used to be blatant. If we are going back to the seventies and eighties where it was blatant and you are now in the twenty-first century, where it's *hidden* [taps table] and not blatant, you know? People can [pauses] say and do what they want within their closed doors can't they? You know, they can call whatever they want ... whoever they want whatever they want and no one knows except them ... But race-hate is when it's done *out* in the open but [pauses] *now* you've got an obstacle in the way ... to prevent any [pauses] punishment. And that obstacle is either a wall or a ... you know, anything that's done indirect ... to stop it ... whether it's another person like it's happened to me in the past. It [pauses] does not [pauses] make [pauses] sense how the jud ... the judicial system [pauses] let's that happen.

The impact of such victimization is discussed later in Chapter 7. What is important to note, however, is that whilst people such as Jason perceived themselves to be victims in such circumstances, and claimed this identity, their status was formally denied by operation of the statute.

Abuse of systems

Secondly, some perpetrators were thought to openly flout the law, and in consequence offend with impunity, because they used their knowledge and/or experience of the law and/or the criminal justice system in order to victimize; and this often powerfully contrasted with victims' lack of procedural awareness. An illustrative example has already been given with regard to young perpetrators (see p.144). Indeed the idea that youth provided some form of immunity from prosecution – offending often resulting in “words of advice” from police officers – was a widely reported phenomenon. “Clever racists” was a term also used to refer to those perpetrators who were thought to instrumentally use and abuse the criminal justice and other state systems to victimize. Whilst there is a degree of overlap between all three contexts where racism by stealth occurred, the difference is important; each, from the first to the third milieu, involved a greater degree of covert behaviour by the perpetrator. This second context concerns those perpetrators who made *anonymous* “malicious complaints” to, for example, the police, housing provider or social services. Victims perceived such acts to be ‘motivated by hostility’ ‘based on’ their ‘race’ (Home Office 2013) and described perpetrators as “clever racists” because of the covert ways in which these incidents were perpetrated. Such experiences

presented challenges for victims in translating the acts into claims of victimization to reporting authorities:

So with those smart racists they know the right channels to go through. They know ... which buttons to push and ... they're not leaving themselves open for prosecution either, they're hiding ... (Salma)

Thinking back to the neighbourhood context, besides the verbal and physical abuse exacted by neighbours and which was routinely difficult to prove in the absence of evidence, crimes and incidents sometimes took the form of, for example, anonymous “malicious complaints” to social services, noise abatement officers or the police. Perpetrators were able to do so partly due to the knowledge gained by physical and or social proximity. One needs to know, for example, the family composition and location and other basic information in order to trigger an investigation by social services and, as was frequently explained to me:

... whether it's the police or social services, the thing is they have to investigate every single allegation made to them OK. (Salma)

This highlights the importance of ‘context’ for understanding the relationship between victim and perpetrator (Mason 2005a). Indeed, Mason (2005a, p.850) notes that in developing a more nuanced understanding of hate crime it is important to consider different dimensions of the relationship including the fact that one party may know the other better:

... a suspect might possess a lot of information about a victim (name, address, appearance, behaviour, friends, workplace, etc.) without a victim's knowing anything about the suspect. This disparity is particularly marked in stalking-type cases.

Caseworkers explained that because authorities do not want to deter people from reporting, action was not taken against individuals who were found to have made “malicious allegations; “the Baby P” case was usually cited as an explanation for this approach.

Through racism by stealth, victims experienced what Mandeep would call “a double whammy”, whereby the impact of victimization was amplified by the nature of the “malicious allegation” - which could include being framed as a perpetrator - and the experience of the subsequent investigation. The impact of such investigations was enormous on the families concerned. Sara's neighbour, for example, committed a range of incidents against her, including a “malicious allegation” of child neglect to

social services. Describing the impact of the investigation on her and her children, Sara said:

I thought you know they're going ... because the kids were panicking ... [The children would say] "They're going to take us away from you". Oh God! My God they were ... excuse me, excuse my language, they were shitting hell, especially my girl, man. Every time there was a knock ... [The children would say] "Oh my God, the social services are coming, we don't want to go". Because I was panicking as well ... my reaction as well.

Sara perceived the anonymous "malicious allegation" to be part of the process of hate crime victimization and was supported accordingly by her caseworker. In another case it was anonymously reported to the police that Aalia was planning to take her daughters to Egypt to undergo FGM (female genital mutilation). Aalia perceived this act to be another racist incident by her neighbour and she was later proved to be right. The family home was "raided by 12 police officers" wearing "white overalls" and property was seized on the basis of the "malicious allegation". Aalia and her husband were arrested and detained and told by officers that they were "under surveillance" and their three daughters were detained by social services and made to undergo physical examination by a police doctor. At no point was evidence found to support the allegation. During the caseworkers' discussion of Aalia's case it materialised that the "malicious allegation" took place against a backdrop of "ongoing tensions" in the community. Within a fortnight the matter concluded with a letter of apology from the social services department and a formal complaint against the police service because the allegation was proved to be unfounded. According to the victim's caseworker the neighbour-perpetrator later said to her: "I didn't get what I wanted to do to you, I wanted for you to rot in jail." The caseworker added: "... [the perpetrator] was just making fun out of the fact that [the victim's] daughters had to have their private areas searched ...".

Another example of a "malicious allegation" arose in respect of a French national:

... she's got three kids. Picks up the three kids and ... sometimes she's got friends, they say can you look after my kids for an hour or so because they got other things to do and they take it in turns. And this particular lady spoke to the kids in *French* and the neighbour next door complained to social services that she is an *illegal* child minder plus she speaks *French* to the kids. And a malicious complaint made and they have to investigate it. And there was nothing founded ... Nothing whatsoever. She's a good mother, looks after ... helps other mums to go and do their things ... and let the kids play in the garden.

In all three cases children were at the centre of the allegation. This is important not only because it demonstrates how children were present in hate crime cases but also highlights how the need to protect children prompted victims to engage with agencies, including the police (see Chapter 6). Children also featured in the processes that flowed from victimization (see Chapter 7). Other cases involving “malicious allegations” included complaints about “noise” to the relevant department of a housing provider (and this could, of course, involve allegations about children). Importantly, the consequence of such an allegation was to jeopardize the victim’s tenancy but also, as will be discussed, to challenge claims to victim status.

At this juncture it is worth considering once again the connection between the victim and offender’s relationship in terms of social and/or physical proximity and the fact that victimization was found to be committed by stealth. Arguably, what victims and caseworkers perceived to be “clever racists” were in fact people *able* to victimize in covert ways due to their physical or social closeness to the victim. Secondly, it is a moot point, but perpetrators in such contexts perhaps utilised covert means not only because they could, but because they *needed* to in order to avoid the risk of detection and prosecution. I suggest this because, in stark contrast to cases where the parties could be said to be strangers, frequently police officers could take “no further action” because the perpetrator(s) could not be identified or located. Yet, where both parties were proximate, there was a greater chance of a victim identifying and locating a perpetrator. Indeed, there was more opportunity to gather evidence. Further research or at least data analysis on this question is required as to whether more “blatant” methods of victimization are utilised when there is no discernible relationship between the parties. Many victims, however, suggested a change in the nature of victimization to more subtle and indirect means because of changes in society’s views towards such behaviour.

Those who were parties to hate crime encounters were often in geographic if not social proximity, as was demonstrated through the cases classed as “neighbour disputes” by caseworkers, and yet these were often not accepted by police and housing officers as hate incidents. For many of the victims, the boundary between public issues and personal troubles was blurred by those in authority, *despite* the victim-empowering Stephen Lawrence definition of a racist incident. Arguably, in those cases where there was some form of pre-existing relationship between the

parties, the personal troubles were racialized, perhaps because the other party was aware that it would ‘hurt more’ (Iganski 2001, 2008), and it was but one motive of many in deteriorating relationships (Ray *et al* 2004, pp.354-355). The finding also brings to mind Hall *et al*’s (1978, p.147 cited by Bowling 1999, p.233) observation that:

... the assumption of superiority over all other peoples is often a quiet, unspoken one, but it is largely unquestioning; and it is especially strong with respect to former “natives” – colonised or enslaved peoples, especially if they are black.

The cut and thrust of daily interaction can, on occasion, result in the voicing of such superiority in the form of racist victimization. Also citing Hall (above), Bowling (1999, p. 233) suggests that this is a form of power available to white people and: ‘What is significant is that such ideas and practices are available to be used at any time. That is, at any moment, racism, expressed most perniciously in violence, can exclude the ‘other’’. As this research illustrates, victims can thereby not only be excluded from neighbourhoods, communities, places of education or work and society but also families and friendships. Yet, this context was read by those charged with recording and responding to incidents as denying the racist character of what was experienced.

“Counter allegations”

Besides anonymous “malicious complaints”, racism by stealth was also achieved by so-called “smart” or “clever racists” when they “provoked” victims (see Chapter 6), but also when they made “counter allegations”; that is when the victim was constructed as a perpetrator. This is the third context in which racism by stealth occurred. An example of a “counter allegation” arose in Ferdowsi’s case. He had experienced ongoing verbal and physical racist harassment by a couple who lived next door for 2 years. When one of the perpetrators began to shout racist abuse at him, Ferdowsi told her that he would report the incidents to the authorities. This would involve reporting her to the social housing provider, because the use of racist abuse was in breach of her tenancy agreement, but also reporting her to the police. According to Ferdowsi the perpetrator said that if he did then she would claim that he had “sexually abused” her. Ferdowsi reported the incidents and the perpetrator accused him of committing a sexual assault against her. Ferdowsi was an Iranian single man who, due to threats made by the perpetrators to other tenants, had no

witnesses. Furthermore, it was a challenge for him to communicate in English. When the police arrested him following the complaint he was able to play a voice recording of the threat; he had switched his mobile telephone to voice record mode during the interaction. If Ferdowsi had not collected evidence he might have found it very difficult to challenge the allegation. It would, as in so many cases, have been his word against hers. At the time of his arrest, neither the police nor the housing association had investigated his multiple reports of racist victimization. The perpetrators had thus continued to offend with impunity and his victimization, whilst real to him, was invisible to reporting authorities (until he played the recording).

There is another sense in which racist victimization could be argued to be committed by stealth and that concerns the term ‘hate crime’. A lack of procedural awareness and/or the “language barrier” (see Chapter 6) could result in victims not knowing about, or being able, to claim hate crime victim status. Some caseworkers spoke about the impact of the term ‘hate crime’ and how this compounds the situation for victims, because whilst they understand “racism”, the term “hate crime” has less meaning and is more associated with police recording practices. A recurring motif in the data is that “racism” and “racist” are such powerful words that, for example, when levelled against perpetrators in hate crime encounters, they sometimes withdraw. This was summed up by Salma thus:

... because before it was accepted by society, wasn't it, like, you know, you could do Paki bashing, or, you know, those kind of things. It felt it was, um, more acceptable. And nowadays people are trying to be a bit more PC.

This echoes O'Brien (2000, p.29) who observes: ‘Today, it is pejorative to be called a racist.’ For others, including Nathalie, it was arguably more the culture of British society that operated to keep “racism” out of view because:

... you can't perceive anything as racist ... it has to be OK. I mean [pauses] my experience is like err [pauses] the word ‘racism’ is ... is a big word. It's like it's a protected word you are not really allowed to use it.

Besides suggesting that the term ‘hate crime’ obfuscates the reality of the victimization experience, Nathalie concurred with others that the nature of racism has changed – not just over time, but also between countries:

Nathalie I know all about racism ... I mean I am a South African. There is racism in South Africa big time. I mean, in South Africa if

you are Black you are nobody. But, even in South Africa they pretend as if it was only during apartheid regime, it was only during when Mandela was in prison and all that stuff, but it is still happening.

Corinne And is it different from racism here?

Nathalie It is different because in South Africa it is open, it is out ... But here [pauses] I don't know ... it's like it's being hidden ... I don't know. Maybe I may be wrong but to me I perceive it that way.

The findings regarding racism by stealth indicate a change in the nature of racist victimization. It certainly contrasts with the organised attacks and marches described by Bowling (1999, Chapter 2) throughout the twentieth century. In light of this and the findings presented in Chapter 6 it will be advocated in the concluding chapter that 'hate crime' should be a 'floating signifier'. On balance, however, despite the fact that people perceived themselves to be victims of racist incidents, their self-conceptualisation was formally denied at the reporting stage when racism was perpetrated by stealth, despite the Stephen Lawrence definition. The next section considers another possible form of racism by stealth – where the victims were children.

Children – minor victims?

As noted, on the whole young people are discussed in the literature as perpetrators, but they are not generally conceptualized as primary and secondary victims and witnesses – although the possibility is suggested by Mason (2005a, p.845). They are invisible. Whilst not participants in the fieldwork, the caseworkers' practice of treating the victim "holistically" – that is as part of a family – resulted in the presence of children being extensively documented in the fieldwork. As discussed in the dissertation (2009, p.59), the direct impact of hate crimes on children first came to light with the start of the school summer holidays during the first phase of fieldwork when a project was initiated by the agency to encourage "locked in families" to let their children play outside. As will be demonstrated, some parents would restrict their children's movements to or within the home or perhaps its immediate environs to protect them from a perceived risk of victimization. Indeed, parents, usually mothers, emphasised the fact that young children tend to be with them and thus proximate when victimization occurred:

They're my kids they seen it. (Dawn)

You know, I'm a mother, so I'm with my kids 24/7. (Sara)

Of course, if the family home was targeted then children would also experience the victimization whether or not they were the direct targets. Children were also targeted instrumentally, that is as part of their parents' victimization. Such victimization might take the form of "malicious allegations" (as described above) or directly, but still with a view to targeting the parent not the child. This was reflected, for example, when Dawn said: "Do you know whatever she has against me like my kids and that have nuttin to do with it." Christina's fear for her children materialised when the perpetrators began loitering around her property and then one day they attacked her daughter:

So they were stoning her and she rushed inside, she said, "Mummy, they are stoning me".

Karina described how her teenage daughter was attacked by her former friend and her boyfriend:

Karina Alenka she made mistake because when ... when they knock on the door she thought that was me and she opened the door. But that was not me. [Pauses] ... [Karina begins to cry] ... [Corinne comforts Karina and gives her tissues]

[Pause]

Mandeep And did anybody report that to the police?

[Pause]

Karina [Crying] Yes but no one wanted to take from us a statement because policeman he said is not witness. It's just my daughter.

In another case where people from two BME families in a street otherwise occupied by white families were subjected to racist hate crime victimization, the caseworker noted the following:

In April 2008, daughter being called "wog" and a dead rabbit head being thrown at her and it hit her head while she was playing at the back garden. Daughter terrified by incident.

Several months ago, daughter being pushed into a front garden of an empty house across the road by a white male. The male racial verbally abused the daughter by saying "I don't like black". The son of the next door neighbour ... saw it and confronted the perpetrator and saved her.

[During the] World Cup Final, a neighbour was trying to strangle [the victim's] daughter with hands ... when [her mother] was at a neighbour's house across the road. When [her mother] was informed, she ran to the perpetrator and stopped her and asked her to leave her garden. The perpetrator replied with racial verbal abuse, "Nigger, you don't deserve to be here". Although the police arrested the perpetrator,

as she is a well-known drug user [the mother] decided to drop the case for fear of reprisal.

As this case illustrates, the child directly experienced physical and verbal abuse, but also lived in a home which was subjected to various property crimes. Indeed, the police service installed a mailsafe when a group of local youths resident in the street threatened to burn her home down. Furthermore, she was present on a number of occasions when her mother was victimized, including the incident cited above. Michelle's children were similarly drawn into their parents' victimization by family members, including the youngest:

You know, it's like I said all along, [my husband] is old enough and big enough to stand up for himself, but they don't say things about my kids. They're innocent. They're innocent you know, and even Jaden now, I mean, he's heard us on the phone arguing you know. He was there when I made the 999 call, the first one, and he was there when the fire brigade has come and everything and the police with the cars. Even now, he'll be... like he's heard me call her a "bitch" and things like that, on the phone, and even now he goes, "She's a bitch isn't she mummy? She blew up our cars".

I encountered hundreds of cases during the fieldwork where the case opening revealed that the primary victim had children and that victimization had impacted on them too. Referring to her children's experiences, Alma said:

My children ... Yes, they know! Because we've been there ... they've been through with me because they are always with me. They saw it into their eyes ... When we went to the police with my children they ... understand [laughs] ... they don't know much Somali but they know English. They can understand ... they were telling the policewoman themselves yeah.

In another case Sara described how a man approached her from behind and pulled off her hijab when she was with her children. Not only did she find this act "shocking and intimidating", she discussed the consequences of such incidents being witnessed by children, and not just her own; the man was accompanied by his. Further examples of secondary victimization and children witnessing their parents' victimization were reported in the context of the school run. A typical example concerned a referral made by a primary school head teacher and which involved two victims, a mother and daughter. The victims' ethnic origin was reported as "Asian" "Pakistani" and they were confirmed to be "English speaking" but "can't explain things in detail". The reporter stated that the victims had experienced a single incident of "verbal abuse":

There was an incident on the 18th July including two families. A British family and [the victim's] family. There was an argument over parking on zig zags at school. The British family said to the Pakistani family 'If you want to call the police it won't help you because of your colour'. The British family banged the car and dented the car. The police are involved but haven't got back to the family. The daughter was really upset about the incident and doesn't want to go to the school and has lost her appetite. The mother is on anti-depressants because of the incident. The head would like more assemblies at the school.

Such findings illustrate the capacity of ethnography to bring to the fore the identity of hate crime victims who are otherwise overlooked in hate crime debates, and the dynamics and context of hate crime victimization, including manifestations of perpetrator (adult and children) 'hostility' against children. The consequences for the children were pronounced. I encountered two separate cases during the fieldwork where the children wanted to "bleach" their skin. Alma explained the behaviour modification strategies adopted by her children in response to identifying and interpreting risk: "When they see group of people they're "Mummy! Cross to the other side!" This was not an uncommon response. Indeed, the potential for the ethnographer to experience at close range the impact of victimization was brought into sharp relief when on two occasions it was agreed that a white female researcher could visit the family home because the children were afraid of white *men*. Some parents talked about their concerns regarding their children's experiences and how this shaped their perspectives. It brought to mind Craig-Henderson's (2009a, p.23) discussion about 'errors in attribution', where harmful intent is perceived by the victim on the part of those of the same group as the perpetrator. As also discussed (Chapter 3), participants responded to me as a parent. For example:

Karina asked if I am a mother and when I confirmed that I am said that I would "understand" what it feels like as a mother when someone hurts "your babies" (Fieldnote 23/3/11).

Our talk and the focus of our conversations spoke to our mutual social roles as parents not only because it was a mutual identity through which we could both relate, but because the "ripple effect" of victimization described by caseworkers carried victims' children in its wake. The process of victimization presented risk not only to the victim but also to their children both in the present and in the future. The data analysis made a further connection between the presence of children at the time of incidents but also in terms of reporting. Whereas "fear of retaliation" routinely operated to prevent victims from reporting incidents to the police, perceived risk to children could change this and result in reporting to protect children from threat.

Furthermore, the social identity of the victim as parent shaped the impact of victimization in complex ways (as discussed in Chapter 6).

Conclusion

Understanding how victims perceive racist incidents, and the challenges involved in constructing a case, simultaneously explains why some victims do not report hate crimes and incidents and how others that do can lose or relinquish their claim to victim status. Light is also shed on why some acts are reported which are not self-evidently racist and which are not recorded by those charged with recording racist incidents. Claims of hate crime victimization often presented as complex and competing narratives which influenced both the construction of the victim and perpetrator by all of the agencies involved *and* the form and content of the crimes and incidents. Yet the person who sought to claim hate crime victim status often seemed to be on the back foot. Frequently victims claimed to have reported incidents or crimes to the police and/or housing provider but without consequence; and they would often produce documentary evidence of their endeavours. Not infrequently, some rightly claimed that the alleged perpetrator had also made allegations to the same authorities but that these *had been* followed up, thereby creating a situation where the alleged victim had to rebut the “counter” or “malicious” allegation/s *before* the issue of the hate crime was addressed; *if* it was addressed at all. Indeed, in a number of cases the victim was arrested on the basis of the “malicious” or “counter” allegation. Thus, once an allegation was made by an alleged perpetrator, victims engaged in a process whereby they had to challenge the perpetrator’s construction of them. In all these cases the dominant theme was that of “victim credibility”.

This chapter has set out a methodical understanding of the dynamics of racist encounters and how the victims perceived them, utilising Goffman’s (1971) conceptualization of ‘*Umwelt*’ to do so. The analysis demonstrates how victims scanned people and places to identify risk, and how social and physical proximity, “the look” and verbal challenges were meaningful as symbols of threat. Secondly, the data revealed how these ‘early warning’ mechanisms differ according to biography and are shaped by, for example, awareness of media stories, history of victimization and how it is offence-specific. To those acting in a recording capacity,

such incidents were not seen in context or as indicative of risk, instead ‘appearances’ seemed ‘normal’. Thirdly, victims often experienced multiple modes of victimization, including those committed by stealth. Added to which, and fourthly, a change in the nature of racist victimization has been presented in the analysis, summed up by Jason as: “It was blatant and now it’s hidden”. I have argued that this refers to the fact that some acts have become more covert and that some perpetrators are committing hate crimes in more furtive ways, including relying on the operation of defences set out in the Public Order Act or by making anonymous “malicious” or “counter” allegations. Fifthly, in the majority of cases victimization was experienced on a continuum, both in terms of time and range of behaviours, and risk could extend to ‘significant others’ (Goffman 1961, p.38), including children.

Seemingly imperceptible to those in authority, such acts were perpetrated by stealth. Even if reported, if no action was taken, some perpetrators would continue to offend and do so with impunity. Consistent with Bowling’s findings, this chapter provides evidence in support of a theory based on actual risk of attack but provides the dynamics and dimensions of experience that Bowling (1998, p.218) was aware his survey data lacked, and suggests that biography and social context is crucial to understanding who perceives that they are a victim of hate crime and why. Yet, the change in nature of victimization also presents a challenge in terms of reporting because it is difficult to translate and articulate the experience when it is perpetrated by stealth. Salma summed the issues up thus:

... a smart racist ... he knows what he can't say and what he can say. And what he probably would do is undermine that person ... Say if he was racist to someone it won't be in a blatant way of like "You f'ing N word" ... it would be really undermining. He would do it, but he would do it so good that the police or even anyone else won't be able to tell.

Doreen Lawrence, mother of Stephen Lawrence, also recently spoke of this change:

I don't know whether they believe that it's been accomplished, that racism has been eradicated, but the reality is that it hasn't. What's happened is that racism still exists but it is not so overt, that doesn't mean it is not still there and in some ways it is worse having it underground (Topping and Dodd 2012).

Indeed, this change in the nature of victimization and the difficulty it brings may partly explain why victims routinely engaged in evidence-gathering practices (see

Chapter 6). Describing how some perpetrators who are “more intelligent” will not commit hate crimes “as openly”, Salma went on to explain:

So it's more, um, it's a bit more hidden, okay, but it has [a] worse effect on the victim because it's harder to prove.

A further consideration with regard to reporting also concerns the nature of victimization, and that is its subjective nature which presents major challenges to victims in establishing claims to victim status, as does marshalling the process of victimization into a claim which is meaningful for those responsible for recording incidents (see Chapter 6). The experience of translating racism by stealth into a report which was meaningful or acceptable to those whose responsibility it was to record reports was challenging for victims and caseworkers. The net result of this could be that the victim's claim was not upheld and so the “racism” remained “hidden”:

To perceive ‘*hate crime*’ or ‘*racial hate crime*’ is a hatred of something you know that goes unpunished. You know, it's frustrating you know not just to Black people but to people of ethnic minorities because ... racism now ... this is the 21st century, racism now is still there but it's hidden and it's *protected* ... (Jason).

Jason's perspective mirrors that of other participants, including Nathalie (above) and highlights the limitations in practice of the Stephen Lawrence definition. The reasons for these limitations and how they impact on victim status are the focus of the next chapter, *The policing of hate crime (victims)*.

Chapter 6

The policing of hate crime (victims)

Introduction

This chapter analyses the “empowerment” aspect of the caseworkers’ advocacy role and does so with regard to two principal features. The first I have termed an interpretive function and this includes discussion of “the language barrier” and also interpreting and communicating victims’ perceptions where the focus is on the consequence in practice of a perception-based definition of hate crime. A contrast is presented between the processes by which the victim became incarnate through the listening, chronicling and empathetic practices of the caseworkers and the practices of the recording agencies, with the main focus being on the police. The process of victimization is then discussed with regard to the second principal aspect of the caseworkers’ “empowerment” role which was pedagogic in various ways, and is referred to as pastoral care. The major concern here is victims’ perceptions of ‘under-protection’ by the police service and the potential for “retaliation” by the victim. Overall this chapter demonstrates the pervasive and mundane role of racism and discrimination in victims’ lives and the range and complexity of processes involved in their understandings of, and responses to, racist incidents; including how perceptions of the police service shaped victims’ understandings and experiences of victimization and formed part of the process of victimization (i.e. above and beyond the incidents experienced). Running through the analysis is a consideration of the operation in practice of the Stephen Lawrence definition in terms of how those who perceived that they were victims claimed, maintained or relinquished victims status vis-à-vis recording agencies such as the police service.

“Empowerment”

Definition

The “empowerment” of victims was the defining feature of the caseworkers’ role and mirrored that advocated by Chahal (2003, pp.28-32; 2008, p.22) as the sort of casework service required by victims of ‘racist incidents’ in terms of ‘the values of empowerment, advocacy and a victim-centred service.’ Chahal (2008, p.26) explains

that Reese (1991, p.268) sees the aim of empowerment ‘as social justice’. Indeed, casework practice mirrored the (online) *Oxford Dictionaries* (2012) definition of ‘empower’ which is ‘to make (someone) stronger and more confident, especially in controlling their life and claiming their rights’ and echoes Cogan’s (2003, p.473) discussion of the rationale behind empowering victims. Caseworkers thus focused on strategies both to enable victims to regain control of their lives, which included encouraging them to report incidents or doing so on their behalf, and responding to the harms caused by victimization, and by seeking to address the imbalance between clients and “clever racists” by ensuring victims were procedure- and rights-aware. As Goffman (1961, p.155) observes:

In the usual cycle of adult socialization one expects to find alienation and mortification followed by a new set of beliefs about the world and a new way of conceiving of selves ...

New beliefs about the world and oneself - how to “move on” (Mandeep) from the present situation with life skills to survive current and future incidents - were imparted from caseworker to victim, and summed up by Mandeep as follows:

I try my best not to hold their hand and do everything for them [pauses]. Most of the times I will advise them and ask them to carry on with the relevant information that needs to be passed [to the reporting agencies] so the person is empowered not frightened so ... he or she ... can stand on their own feet and say “I want justice”. But we will lead them to the path to say right you’re there and if there are any problems any obstacles come in the way, we will try to rectify that and help them through that. But there’s no point doing *everything* for the victim and when it’s done, if the person moves on, and they suffer the same consequences and they’ll fall back to organizations. Whereas if we empower them they will *know* what was done for them, what encouragement they got from our organization to deal it appropriately and hopefully they will stand on their two feet and get on with life.

The process of “empowerment” was thus multi-faceted and, importantly, as Mandeep implies here, was predicated on the understanding that supporting victims entailed enabling them to respond to actual and potential victimization. Victims and caseworkers perceived the process of victimization to extend from “historic” incidents to those occurring in the present and those that could potentially occur in the future. Caseworkers also understood that victims could feel powerless to stop future victimization. Caseworkers therefore saw that racist incidents could involve repeat victimization by the same perpetrator or another assailant but also that the process of victimization was potentially open-ended; whether in the near or distant future and whether at the hands of the current or future perpetrators.

Talking, listening and being heard

Caseworkers did not provide counselling services and I did not observe referrals via an arrangement to “signpost” clients to another agency for such provision. Victims valued the opportunity, however, created by the casework process to talk about their experiences and to be heard and listened to in a non-judgemental and empathetic way. As noted, the caseworkers’ guiding principle was “the Stephen Lawrence definition” and so, based on a relationship of trust, caseworkers believed their clients to be victims of racist incidents if they perceived themselves to be so. This was a distinct feature of the caseworker/victim relationship and whilst one is struck by the simplicity of the need and the response, the process relates to a complex array of interrelated issues which bring to mind an aspect of Christie’s ‘ideal victims’ model:

[They] must be strong enough to be listened to, or dare to talk (Christie 1986, p.21).

What is particularly significant is the way in which Christie highlights how ‘A minimum of strength is a precondition to being listened to’ (*ibid*), because when those who perceived themselves to be hate crime victims were not heard or did not speak out, the silence tells us much about the nature of hate crime victimization and responses to it. As will be discussed, even when victims did speak out, the criminal justice system did not consistently provide a mechanism by which the victim’s voice could literally be heard, let alone understood. For many victims, the agency afforded the only opportunity – sometimes in many years – to be heard and listened to. Three victims felt so aggrieved by the experience that they wanted to make their claims public to the highest authority. Two are recounted here:

... I rather go find a MP, you know, that’s the way I see it I find the Queen or Prime Minister, you know, that’s the way I see myself just find one of those people to sit there and tell them what happened to me and all those things (James).

It seems that the conversation with the housing officer concluded with Helenka saying that she would “tell the police” and that she would “write to the Queen so that she will see what is happening in her country” ... (Fieldnote 13/5/2010).

The experience of being unheard of course reflects that documented by Chahal and Julienne (1999), and besides leaving victims unprotected a lack of response can, depending on context, amount to secondary victimization (Victim Support 2006, p.19; Craig-Henderson 2009a, p.26). According to Craig-Henderson (2009b, p.207):

Secondary victimization is evident in the apparent absence of sympathy or concern for the victim's plight. In its most benign form, secondary victimization occurs as a result of the inherent difficulties in a system that strives to balance the rights of the victim against the rights of the accused (Symonds, 1980). At its worst, secondary victimization involves prejudicial or hostile skepticism of the victim's claim, and the infliction of deliberate psychological harm upon the victim.

Caseworkers responded to this experience by enabling victims to talk, because they understood that the isolation that frequently occurred consequent to victimization was not only a response to the acts of the perpetrator (Chapter 7) but was also a situation brought about by the absence of officials to voice their experiences to. The role of the agency therefore reflected perceived failings by local housing and police services:

... a lot of people have said that nobody listens unless you're involved. But that's the feedback we get. Now if ... clients *feel* that then that is sad because it's just like if we're not involved then agencies aren't [laughs indicating discomfort or regret] doing what they are meant to do! Is that what it is? But not *every* single case of course but a majority of the time it seems that's what we're hearing, that's being said. (Jyoti)

By listening, chronicling and reporting, therefore, caseworkers responded to the processes of mortification (see Chapter 7). Their role in empowering clients, however, began by listening to them so that they could "offload" and, in so doing, the caseworkers were able to chronicle clients' experiences and thus advocate on their behalf and meet their needs. One caseworker summed up the process as follows:

... the number one priority is the client's well-being ... making them ... feel that they are being supported and that they are being listened to. ... So whatever the client tells us you know we're here to support them. ... we're not here to judge them ... We're just here to support them and listen to them ... I explain to them that you know "It's *not* your fault" ... "These people are in the *wrong*" you know. "It's not your fault" because a lot of them do feel that you know "What have I done?". You know it's kind of like "*Why?*" They just don't understand it and it's just that reassurance ...and really just empowering them. (Dillon)

Owing to the trust developed between clients and caseworkers, victims often imparted anecdotal information which was concretized through the documentation of previous and subsequent interactions between client and perpetrator into the process of victimization; that is, incidents which otherwise could not have been framed as

accounts which the police would recognize as hate crime *events*. The following are illustrative:

For example the victim might say to the police “No I do not know who did it”. But to us they would say “I suspect downstairs because the other day I heard ... a noise nuisance from them. I made a report to the council so they come upstairs knocking on our door [to] complain about this and afterwards I feel they are so hostile so I had great suspicion [about them]”. And that kind of information they might *not* give to police because of the trust. (Qiaohui)

I try to do all I can to listen to people which I think is paramount. What they say and sometimes there’ll be little things you think ... or the victim might think is not important, but that little piece might just *fit* the jigsaw and it’s my job to get as much detail as possible from the victims and if I think it’s relevant, I will speak to the police and try to ... make sure they got exactly the same information. And a lot of the times the police will say “Ah! They didn’t mention racial element of it”. And I’ll say “When it’s a BME person they don’t. They say “I been attacked””. And according to Stephen Lawrence’s inquiry the police should ... even if they are ... first ... third parties ... say hang on this person is ... BME ... and I perceive that it is a racial or a hate crime. The victim will presume that the police will do that but a lot of the time it doesn’t get done. And it’s just [pauses] ... another crime. (Mandeep)

Victims valued the process of talking, being heard and listened to as the following excerpts from interviews illustrate:

This is the only place where you feel people listen to you and take what you’re saying in consideration. (Sara)

... if I phone and maybe within like a few days, Salma will get back to me, or if I needed to speak to somebody that badly I could have spoke to somebody else if Salma weren’t available. Like when the cars got petrol bombed, Salma the next day come straight up ... They’ve just been there basically ... Salma said to me, you know, if you just even want to phone up just to talk, and just get things off your chest, you’re welcome to, and just ... things like that. (Michelle)

Just even speaking to them. If [the perpetrator] comed out there and she’s screaming and shouting or whatever if I’m angry instead of attacking her, which I would have done years ago ... but now I can just come in and I pick the phone up and ring Dillon or ring traveller education. Just calm down and just ... and I know what she’s doing and she’s trying ... to get me to ... to fight back really and I’m not doing that. (Dawn)

Yet, it was not just police and housing officers that some victims felt that they could not talk to or who would not listen. Some felt isolated because they would not or could not talk to their family and friends and often this related to cultural notions of “shame”. A marked feature of many cases was the ways in which caseworkers would manage victims’ sense of isolation resulting from the “*purdah*” consequent upon

victimization. A commonly encountered scenario involved female clients whose husbands or partners did not want to acknowledge their victimization or to pursue a formal course of action in response to it. The fact that this issue was not an uncommon experience is perhaps reflected in the fact that it was mentioned by Dillon as illustrative of the challenge of explaining the nature and effect of “the look”:

... people can just you know look at you in disdain ... or just talk to their friends, you know that they’re talking about you and glances ... You might be a woman that’s new to the country and your husband’s like “Oh just forget about it” you know “just leave it”. But they are not experiencing [it] ... Maybe you’re taking your kids to the school and they’re not experiencing what you’re experiencing and it’s hard to tell your partner “Oh this is what ... so and so they glanced at me. I felt really ... intimidated” and it’s just that the build-up of the ... experience ... that this individual is facing. You know ... it’s really personal to them and ... they feel like you know I can’t tell nobody. Nobody is really willing to listen ...

Rahul’s insight into cultural context is also illuminating:

... a young girl if she was subjected to racism out there, very rarely she would want to say ... as I was coming in the door those boys were shouting “Oy you fucking Paki cunt”. She won’t say it if her father is sitting there. She will not [Rahul bangs the table twice] use that terms. ... [Her] father ... he might think why are you using that language, this is a dirty language used by the white people *you* are our daughter. *You* our daughter, you were brought up differently ... Rather than understanding that she’s giving the true picture of what actually happened and it’s evidence and it’s important that they *get* that true picture. ... But that’s where the difficulties are with the younger people, with older people, with wives not to talk when the husband is there, husband talks. If the in-law is sitting there well hold on you’ve got no right to talk. ... It’s the husband or the mother-in-law, the brother-in-law who will report and say things. She’s in purdah. You’re not supposed to say anything ...

The mutually trusting relationship between caseworker and client was frequently compared and contrasted with that of the client and police officers. Trust was seen as arising from caseworkers’ self-avowedly non-judgmental approach to their clients where they listened to clients and, working to the “Stephen Lawrence definition” accepted their accounts. Trust was also secured through proactively responding to victims’ needs through tangible manifestations of support, including by, for example, implementing crime prevention measures and communicating in a client’s mother tongue. This is reflected in Dawn’s description of why the agency was helpful to her in light of her experience of “malicious allegations” by her neighbour:

Corinne So it’s about being listened to?

Dawn Listened to ... listened to that's exactly it.

Dillon And believed.

Dawn And believed ...

Dillon Yeah

Dawn ... believed. Cos that's all I ever wanted from [the police]
 ... If I do something, I'm the first to admit. I will stand up. But to do
 ... Knowing that you've not doing these things and no one will believe
 in you ... that is the worst part. So I know when I ring I know that
 Dillon knows I'm not telling him any lies because I don't have any
 reason to lie to him ...

Of course, by this stage the caseworker had established the victim's credibility but it remained a live issue in the management of cases because it was frequently explicitly or implicitly challenged by, for example police officers, as was the victim's perception. As will be discussed, police officers routinely reframed complaints and sought evidence. The question of perception thus became one of proof and credibility and credible victims were 'ideal victims' (Christie 1986). By reporting on behalf of victims, caseworkers addressed the array of reasons why their clients did not report to the police: fear of retaliation or an increase in incidents, especially if no formal action resulted; "the language barrier"; fear of the police; poor quality of service from police officers; and, linked to the last point, a belief that the police were disinterested in their plight; lack of procedural awareness, especially in terms of evidence-gathering and maintaining victim status. Importantly, however, the victims' experiences and the caseworkers' activity draw our attention to practices by police officers which involved the restoration of discretion and thus the subversion of the Stephen Lawrence definition of hate crime.

Interpretive function

"The language barrier"

Advocacy, like other aspects of the casework service, was a transformative process and it began with the case opening. Once the case file was "opened" a major activity for caseworkers was the "logging" of incidents on behalf of victims with the police and housing services. This role arose either because of "the language barrier" or because the victim had tried but was unable to ensure what they had reported was recorded. In responding to these needs, the caseworker's advocacy function had an interpretative function which was concerned with translating the client's experience

into a case for the purpose of reporting racist incidents, so that it would be recorded by police and housing officers. This translation function was literal, enabling victims to overcome “the language barrier” but, as will be demonstrated, the empathetic approach brought to casework also enabled caseworkers to comprehend, translate and communicate clients’ perceptions of victimization for the purposes of reporting and recording racist incidents.

In discharging this advocacy role by “logging” racist incidents, the caseworker was arguably performing the most crucial function, certainly with regard to making the victim incarnate. This was because, based on the extensive case file constructed through the ongoing chronicling process, it facilitated a public and formal claim to victim status. The interpretive function with regard to overcoming “the language barrier” was complex. The caseworker was required to draw on their language skills to translate the victim’s experience into English and communicate the account to police or housing officers. This involved overcoming communication and cultural hurdles to produce the account. For example, the structure of some languages did not facilitate a straightforward verbatim translation of the victim’s account. This is illustrated by the interaction sequence that occurred when Li (L) translated on behalf of Mrs Law (ML) during an interview with me (C):

L [Middle aged women and young people aged 17–19] ... are the worst in targeting her

ML[Cantonese]

C Did she use the word “targeting” ... Mrs Law?

L Um

C Is that ...

L She ... Well she ... she said ... in Chinese that um that those people are the most evil

C Right

L I’m just trying to translate it ...

C Yeah

L ... in a way that how we would talk

C Yeah

L Yeah [pauses] ... Because Chinese people ... they say it differently but I know what they mean

The same was also true of the word “harassment”:

C [To ML] Is “harassment” a word that you use? [To L] Are you translating the word?

L I’m translating the word yeah

C So what word ...

L Kind of ... yeah actually ...

C Yeah

L Probably more about being disturbed ...

C Yeah

L ... but actually it means harassment

Without the input of a caseworker both to translate her account into English but also to translate her account into one which was meaningful to recording officers, Mrs Law’s report would probably flounder (as her previous attempts had done). Secondly, as will be discussed further, the interpretive function always involved comprehending and conveying the victim’s perception of the experience, including capturing the process of victimization.

“The language barrier” operated in a number of ways. Firstly, it could be a cause of victimization, attracting the attention of those willing to victimize those they perceived did not speak English, such as Amos for example. It served not only as a trigger for some perpetrators but also as a means by which they could commit crimes and incidents, including by stealth, which in practice meant that their command of the English language enabled them to have greater procedural awareness than those they victimized by using this knowledge for their own ends. For example, when victims were framed as perpetrators they often felt that this was because the police were able and willing to listen to and understand the perpetrator’s account better than their own. A meeting of clients and caseworkers fed back to the police for example that when there are “two sides of the story”, officers “often believe the party who speaks better English” (Fieldnote 11/6/10). This clearly highlights that victims perceived their credibility to be at issue and, when it was, their victim status was jeopardized.

Secondly, as noted, “the language barrier” could contribute to the mortification of self; that is, it was interwoven with the impact of victimization by, for example,

amplifying isolation. Thirdly, “the language barrier” could operate to put the victim in danger because they could not access the emergency services. In consequence the caseworkers used a number of strategies to overcome this risk including the use of “treat as urgent (TAU) markers” and “flashcards”. Caseworkers increasingly expressed concern that police officers were failing to provide an immediate response to victims’ homes that carried a “(TAU)”. Yet, the purpose of placing a “TAU” flag on the police system was to advise any call handler, and thus officer, that urgent attention was required in respect of the property from where the call was made. Furthermore when a “TAU marker” was in place, caseworkers reported that the police officers in a case would also sometimes be reluctant to install a panic alarm. This was of concern to caseworkers because for them panic alarms and “TAU markers” served different functions when the client had a “language issue”. A “risk assessment” would have identified the need for both but the ability to speak English was not required to operate a panic alarm. But some ability was required to trigger the “TAU marker” because it was reliant upon the victim telephoning the police service. Indeed, some risk assessments identified “the language barrier” as a risk in a number of cases because it impeded the victim contacting the police, which was precisely why the “TAU marker” was deemed necessary; it operated to flag “the language barrier” to the police. The experience of Mr Seck’s and his family, whose language was Wolof, is illustrative:

So we had a treat as urgent marker put on the property you know in case of any calls from there with the language barrier as well. ... if a call came out from that family you know to make sure that the officers knew ... that the family doesn’t speak English. So if someone dials 999 for example if the wife [Binata] would be at home and the kids and ... there was an incident with youths outside ... cos Mr Seck as I said he works in the evening at the hospital so he’s *out* sort from three until nine o’clock and he comes back after that which takes him at least an hour or so depending on ... he gets overtime but has to work extra. So it’s quite worrying especially in winter when his wife who’s pregnant [pauses] and his kids who don’t speak *any* English. He was really, really worried all the time about his family which anyone would be quite rightly. ... what can we do because if Binata calls none of them will be able to *explain* what is going on. And so throughout the case there was a [TAU] ... if they were to call in it was put up that the family don’t speak English so any calls you receive from this family you know from this house ... This is the brief history so it was put up that they’re receiving racial harassment from the group of youths and this is what’s happened and you must *just go out*, just go.

Importantly, therefore, even in cases which were flagged as urgent, “the language barrier” required a specific strategy via the “TAU marker” to ensure that victims

were provided with the protection and service sought. Mrs Law (via a translator) summed up the consensus view of participants in respect of police officers' responses to hate crime victims:

... there's a bit of a difference between reporters who speak English and reporters who don't speak English but there shouldn't be a difference for what kind of treatment you get.

Fourthly, "the language barrier" also operated to impede the routine reporting of crimes and incidents "hugely" (Li); that is, aside from the emergency situations described. Tensions arose when police officers suggested that caseworkers "should" provide translation services. On one occasion this led to the agency filing a formal complaint against specific officers because "the point is that we're not an interpreting service", and this was subsequently upheld on the basis that "it is the police job to do it, under PACE [Police and Criminal Evidence Act]" (Li). Yet, when caseworkers were unable to communicate with clients, cost and the practicalities of finding an interpreter who spoke the relevant language plus the difficulties inherent in trying to elicit an account of victimization from a victim via a translator were often prohibitive. In consequence there were "still barriers" (Li) in some cases. As such, some caseworkers would rely on "a relative or trusted friend to translate for them" (Li). Indeed, some clients, such as Mrs Law, relied on their children to translate and report racist incidents to the police, but a strategy was developed by caseworkers to empower "the Chinese community" to report directly themselves. "Flashcards" were produced in conjunction with the local police service bearing phrases to describe the "type of incident" the victim wanted to report. Thus, "shop cases" were issued with "flashcards" with the following phrases as one caseworker explained:

... we have about five or six general types of the crimes. For example "Somebody in the shop [pauses] ... fighting"; "Somebody in the shop setting alight"; "Somebody breaking the window"; "Somebody stealing things"; "Somebody making noise nuisance". Yeah, those kind of things ... general, that's most common um ... cases ... incidents we met ... in the shop case. (Qiaohui)

In an emergency situation Mrs Law would repeat the words printed on A4 laminated "flashcards" which were affixed to a wall by the telephone in her take-away food establishment. The cards also summarized what the client could expect to happen once they reached the emergency call centre and what they should say when dialling 999 or the local police force, thus highlighting again the finding regarding victims'

lack of procedural awareness and which was addressed through the caseworkers' focus on "empowerment":

... the police in the control will ask them "Do you want police, ambulance or the fire brigade?". Then they know to say "Police". Then they will say "Why you need police?". Oh, they will ask your name and the location and the name and the location will be already tagged on that card and they can read it clearly. Then they will ask "What happened?" Then they will say very key words to say: "Fire in the shop"; "Perpetrator is still here" [pauses] ... "Please come". Why is this circumstance important? "Fire" is to say ... "urgent situation". "Perpetrator is still here" to say it's even more urgent because police will say "Have they gone?" ... may not be. Then police come quickly. So those kind of things are *all* the key points that the communication room is going to assess. As long as those sentence[s are said it] will send the police straightaway. (Qiaohui)

The caseworker explained that without such help the police would not understand that the situation was an "emergency" and that they should "just attend". Qiaohui suggested that, on the one hand the police wanted victims to report but, on the other, "the client said "I was on the phone with the police. I was trying my *best* to describe what happened to the police. The police said "I couldn't understand"". The "flashcards" were thus a strategy to overcome "the language barrier" and ensure that victims could secure the same protection and service as an "English speaking" person whether reporting crimes and incidents in an emergency or not. A drawback identified by a Cantonese-speaking caseworker (Li) was that "it only works if you can actually read the English yourself". It was widely recognised by participants that victims' negative experiences of reporting to the police in terms of a "lack of patience" with those who have "a language difficulty" and a perceived lack of interest and sympathy by police personnel was a deterrent to reporting. As such victims might relinquish their claim to hate crime victim status with regard to the racist incident they were attempting to report or their experience might deter them in the future. Yet, as Bourne (2001a, p.17) observes, Macpherson (1999) was concerned with '(racist) outcome rather than (racial) motivation', and so:

... recommended that the 'full force' of the 1976 Race Relations Act should be brought to bear on the police force – by full force he meant the special provisions referring to indirect as well as direct discrimination.

It was the intention of the inquiry through the recommendations to bring the 'full force' of the Race Relations Act via an amendment to the legislation to bear on public organizations such as the police, and the duty to actively promote racial equality includes addressing not only direct but indirect discrimination (Bourne

2001a, pp.17, 21). On balance, therefore, victims claims were lost in translation due in part to the lack of interpretation services provided by officers and this amounted to a form of indirect discrimination (Bowling and Phillips 2002, p.40). That is to say, irrespective of officers' intentions, the very gains intended by Macpherson in terms of removing police discretion, improving trust and confidence in relations between police and those from BME communities, and implementing the duty to promote racial equality were, in practice, undermined in some cases by indirect discriminatory acts.

Interpreting and communicating victims' perceptions - empathy

Caseworkers and clients thus placed a premium on talking and listening and this contrasted with, for example, mainstream police practice. This lack of communication was perceived to occur for three main reasons and it contributed to the 'under-protection' of victims by the police service because victims were unwilling to report or - many felt - received a poor response if they did. Firstly, the nature of police work did not facilitate the opportunity for victims to speak in their own words about their perceptions of their experiences either due to the "language barrier" or the structure of police work (see p.122). Secondly, some officers were perceived to be disinterested in the victim's plight and some were racist towards the victim resulting in formal complaints to the IPCC. Thirdly, and linked to this, a lack of empathy resulted in some officers discharging their duties in a perfunctory fashion. One caseworker (Dillon) summed up the effect of the resulting 'under-protection' by saying that it left some clients feeling "deflated". He went on to describe how "the police come and go and that sometimes can add *more* stress because" of the questions that were asked in the course of an investigation. But, in so doing "they can't really just spend time just listening you know they really want to get the details down and then sort of like carry on with the investigation". The experience was summed up thus by two victims:

... how many times are you going to make a complaint and who to? Those people are still say it [i.e. victimization will continue]. They listen to you complain because the system ... the procedure there ... there's no outcome. There's no reassurance. There is no sympathy. There's no changing their policies. *Nothing!* So then you feel as a community, you are deprived and *all* this system is racist. (Bilbar)

So many... Oh God, so many times I've reported it to the police and I've phoned the police... they don't really do nothing. They take...

they listen to you, they write it down, “Oh we’ll do this, oh we’ll do that”, but then at the end of the day it is... I had an incident once, it’s my word against her. Who is to prove it? (Sara)

During a meeting with clients and police officers the former stated that police officers fail to “spot a hate crime” when they attend incidents or incidents are reframed as “ASB/neighbour dispute”. This was later acknowledged by the officer leading the local HCU who wrote: “This is a lack of understanding by police officers of the ACPO – post Stephen Lawrence definition of Hate Crime”. Interestingly, when a constable saw this note from the more senior officer he became annoyed and his response gives an insight into the challenges of policing hate crime:

PC Clements said “The thing is that the HCU is there to do hate crime as far as I know” and went on to say how unhappy he is that the team chase police officers up once a case is closed: “It’s ridiculous,” PC Clements went on to say. “We are multi-tasked. We are experts at nothing and they are. They should give us advice at the beginning [of a case]”. He went on to explain that “It’s very difficult and complex hate crime ... Some officers do not know what to do. You can train people thousands of times and they are more concerned about time ... [They] don’t stand back and say “hang on, is this a hate crime?””. Clearly exasperated, PC Clements said “It’s a horrendous wheel ... one job to the next ... they need to be more involved in the process”. With some degree of derision detectable in his voice, PC Clements said: “They just read a log and say it’s a hate crime. They work 8-4 Monday to Friday. We should be working the same kind of things ... they need to be involved in the investigation. They just sit back and wait until a case is closed [before taking action].”

More-or-less uninterrupted, PC Clements went on: “If you are a Hate Crime Unit you do hate crime ... Detective Constables sit there thinking they have made it in life”. He finished by saying “Some little unit has been set up to gatekeep hate crime”. (Fieldnote 11/6/10)

These findings mirror those of Foster *et al* (2005, pp.90-91), which reveal how the policing of hate crime is not perceived to be of high status by officers and also the disjuncture, indeed disunity, between mainstream and dedicated hate crime police officers. The officer’s comments also indicate perhaps a failure to understand the skills required to respond to crimes of this nature. Like, Bell’s (2002a, p.115) US ‘district officers’, he also ‘characterized the unit’s activities as not real “police work”’ (also see Docking and Tuffin 2005, p.19). The officer’s views are indicative of the perspectives inherent in mainstream policing that caseworkers had to overcome and which would otherwise impede reporting.

Whether framed as a complaint or misgiving about the police service, victims and caseworkers on the whole felt that officers followed procedure and no more. Hall

(2009, cited in Hall 2010, p.159) suggests that police officers may fail to understand the impact of hate crimes on victims and one consequence of this may be to decide against constructing a crime as a hate crime. This was summed up by one victim as: “The police would just *do* what they have to do” (Dawn). There were a range of elements felt to be absent from policing generally, but a recurrent issue for victims, caseworkers and hate crime police officers was “empathy”. Yet an empathetic understanding of the process of victimization was characteristic of the casework approach. Indeed, the minimum formula for chronicling hate crime victims’ experiences in terms of “time, place, date” - and which appeared on the “flashcards” - echoed the event-based information that caseworkers had learnt was required from other agencies. Unlike the caseworkers, however, the agencies required no more than this:

... they don't really go by the feelings an' all that ... they actually go by facts and figures. What was said? Who said? Did he get hurt? Where was that? Who was witness? Bang! OK, we've got enough evidence. Do it. (Mandeep)

This brings to mind Bowling’s (1999, p.158) observation that ‘To become an object for policing or the courts, an aspect of human behaviour or interaction must be fixed in space and time and be definable as an offence (Young 1990)’ rather than ‘complex human experience and personal troubles’ (p.264) requiring empathetic understanding and response. As such, it was not just the process of victimization but also the perceptual aspects that were edited out of attempts to report by police and housing officers, including ‘experiential victimization’ (Walklate 2011, p.183). Moreover, the findings suggest that, despite the displacement of police discretion by victim perception, Bowling’s observations based on fieldwork preceding the Macpherson-triggered policing reforms applies with equal force today:

The view that the police tend to deny the existence of a racial motive in incidents perceived by the victim as racially motivated crops up through the history and research reviewed ... Ethnic minority community organizations and academic studies have consistently found the police are unwilling to admit the existence of racial motivation (1999, p.252).

Indeed, there is some synergy with Crane and Hall’s (2009, pp.229-230) small-scale study which found evidence to suggest that officers made the experience of racist victimization fit policing and wider criminal justice procedures, and sometimes with counterproductive results. In practice, therefore, it would seem that the absence of empathetic understanding could result in officers failing to accept the victim’s

perception that they were a victim of a racist incident because it did not match their perception or organizational needs. Indeed, an absence of empathy can perhaps be explained with reference to the discussion of ‘institutional racism’ in the Stephen Lawrence report (1999, Chapter 6). For example, a witness from the MPS Black Association said:

... the occupational culture within the police service, given the fact that the majority of police officers are white, tends to be the white experience, the white beliefs, the white values (paragraph 6.28).

As already noted, the Stephen Lawrence Inquiry stated that:

‘Colour-blind’ policing must be outlawed. The police must deliver a service which recognises the different experiences, perceptions and needs of a diverse society (paragraph 45.24).

Indeed, research by Craig and Waldo (1996, p.127) might support the disparity in perception in terms of a lack of empathetic reaction by the police: ‘victims may have different post-victimization experiences depending upon their demographic characteristics, the motives of their perpetrators, and the perceptions of immediate others’. Moreover, if the ‘immediate others’ – including employees of the criminal justice system – hold negative stereotypes of victims then secondary victimization can arise (*ibid*).

On balance victims reported a better quality of response from hate crime officers, and this finding supports both Docking and Tuffin’s (2005, p.19) and Foster *et al*’s (2005) research. In one research site, for example, Foster *et al* (2005 p.89) described officers in a dedicated unit as having a ‘nuanced and sympathetic approach to their work’, partly due to their experience in dealing with such matters, and they demonstrated ‘a more subtle understanding of their work’ than non-specialist officers ‘which enabled them to respond appropriately’ (Foster *et al* 2005, p.89). Arguably police and housing officers expected some quality to inhere in the racist encounter that made it self-evidently racist – an objective criterion – but, unlike the caseworkers, they did not understand the experiential and cultural imperatives that shaped a victim’s ‘*Umwelt*’. An insight into how and why this could be the case is provided by Holdaway and Barron’s (1997) analysis of the racialization of relationships between white and BME officers and how both routine and particular processes shape the occupational culture within which they work. Of course, the policing practice described explicitly goes against one of the ‘assumptions’ of the

Lawrence Inquiry which was that ‘understanding and identifying racism requires an appreciation of the viewpoint and perception of those subjected to it’ (Foster *et al* 2005, p.93).

Reports of victimization were thus routinely challenged by those charged with recording crimes and incidents and, in the space created by this practice, caseworkers acted as advocates. Importantly, both the institutionalization of the “the Stephen Lawrence definition” and caseworkers’ professional and/or personal experience of victimization informed the empathetic approach brought to casework practice which meant that, unlike many police and housing officers, they had a ‘profound understanding’ (Feagin and Sikes 1994, p.16) of the victims’ perspectives both with regard to risk and the trajectory of victimization. That is to say, their *shared perception* enabled them to understand how crimes and incidents could be perpetrated by stealth, how to read signs of risk, the threat presented, and the nature of harm experienced. The following interaction sequence between Mandeep and Karina illustrates the basis for the empathetic understanding and how it was utilized in practice:

M You’ll get there! It’ll get better for you, I’ll tell you that. Because you are a fighter and I believe one day you’ll come up to me and you’ll say “Hello Mandeep, I’m OK”. Yes, I believe it will

K Ah! I hope

M I can remember 40 years ago I was like you.

K Yeah?

M When I came *nobody* here. At least there’s a few Polish people. I was in the military. *Nobody* just *one* in five thousand people and sometimes I’d cry ...

K Oh!

M ... thinking if I go home ... I’m 17 years old. My mother, my father will say “I told you not to go and join that army or the air force. You did”. And I thought I must fight or [pauses] ... And there you are today!

Caseworkers’ empathetic understanding of ‘experiential victimization’ (Walklate 2011, p.183) in this context and their ability to translate that in a meaningful way meant that they were able to facilitate the reporting and recording process. As an Asian man emigrating from Kenya to England shortly after Enoch Powell’s renewed focus on challenging the immigration of British Asians from Kenya (Bowling 1999,

p.35), Mandeep could relate to Karina's experience at the turn of the century as an isolated Polish woman. Furthermore, and as noted with regard to "the look", caseworkers, alert to the dissonance between victims' and, for example, police officers' perceptions of risk, and the need to present events, learned to collate and present the victim experience in a way that would be acceptable and thus recorded. Furthermore, contrary to Wong and Christmann (2008), not all agencies operate on the basis that the conviction of the perpetrator is the primary objective. The agency was victim rather than offender or criminal justice focused and, as noted in the dissertation (2009, p.55), when explaining the limitations of retributive justice, Mandeep said: "An eye for an eye makes the whole world blind". In addition, voluntary sector organizations such as the agency can play an important and not 'interim measure' (cf. Christmann and Wong 2010, p.204) to the police service response, because they can work to alleviate the burden on officers which concerns Hall (2005, p.201, see pp.45-46) and also facilitate building the social and experiential context into the reporting process. Christmann and Wong (2010, p.204) suggest that such agencies can act as 'a diversion absolving police' from improving their responses to hate crimes and go on to conclude:

After all, victims realise that the only agency that has the capability to enforce laws and punish offenders *is* the police (2010, p.204).

Yet, as is already clear, the caseworkers provided more than is suggested by Christmann and Wong, through strategies to "empower" their clients.

Besides understanding what constituted racist hate crime victimization from the victim's perspective, the caseworkers' culturally embedded empathetic approach included understanding how a history of poor relations between their clients' (and their own) communities and police officers, here and abroad, militated against reporting crimes and incidents. An officer from the local HCU identified the "main problem" for his team as being about earning the trust and confidence of people from BME communities and he suggested that "if we could solve that then we could improve responses to hate crimes" (Steve). Space does not allow consideration of victims' experiences of policing in their home countries, but it is of note that abusive and discriminatory practices abroad shaped victims' expectations of policing (and other services) in England and Wales. Moreover, negative experiences in England and Wales compounded some victims' perceptions of policing. For example, when

the caseworkers sought clarification at an “allocation meeting” from two local officers responsible for resolving complaints against police officers, the question of the failure of the system to uphold complaints against racist officers by clients was discussed. Mirroring the issues and experiences of victims reporting racist incidents, one officer (Bob) explained that when there are two competing narratives and a victim’s complaint is not upheld, “the complainant feels we’ve called him a liar” and that “racist complaints” against officers do not tend to be upheld because it is “one word against another”. As the following illustrates, the similarities between reporting racist incidents generally and against police officers are identical:

Furthermore [Bob explained that] the evidence tends to be lacking because, for example, racist “verbal abuse” on CCTV cannot be heard. Such cases, Bob added, “Require other officers to come forward in my experience”. He said that he had “only upheld one racist case in 12 years”. I was surprised by much of what was to be said by Bob including the following: “We end up arresting the victim because they are more vocal and the other person is calm and quiet ... the victim becomes irate because they think the [perpetrator] is getting away with it”. At this point Rahul suggested that many people, including police officers, misunderstand “our” behaviour because “we are loud and we do move our hands a lot”. Bob nodded and said: “We quite often think ... that we get it wrong” (Fieldnote 10/9/10).

Like Hall (2005, p.202), and as Docking and Tuffin’s (2005, p.vi) findings illustrate, it is important to distinguish between the responses of *the* police service and individual officers. There were positive testimonials about individual officers encountered during fieldwork, but views mainly ranged from the service being an organization to be fearful of to one which was disinterested at best and racist at worst, captured in the mantra “keep down” and “go back”, which meant that those from BME communities should avoid the police (see p.197). As is illustrated by Bob’s experience, however, victims can be “turned into” perpetrators (Macpherson 1999, pp.312-313) and lose their victim status due to prejudiced practices embedded in policing practice. Indeed, it is of note and concern, not least given his position, that this officer was unaware of the implications of what he said. Indeed, the Judicial Studies Board’s (1994) *A Handbook on Ethnic Minorities* - a copy of which was held in the caseworkers’ office - brought the issue of ‘body language and cross-cultural communication’ to the attention of the judiciary as early as 1994.

One of the caseworkers’ major activities therefore involved advocating on behalf of clients to police officers or police service call handlers that the victim’s experience should be “logged” as hate crimes and incidents because the “*police* themselves fail

to identify hate crime” – either independently of the parties to a crime or incident, or at the behest of a victim, or because the victims did not want to engage with the police service. There was a particular complaint and concern in respect of the way in which reports were handled by the police service’s control room, a view supported by some police officers. One officer explained: “The problem we’ve got is our control room is staffed by civilians. They have no policing experience – it’s a problem we have in all areas”. He went on to say that the control room staff “Probably wouldn’t even ask if it’s a hate crime, they would decide themselves”. Besides overcoming language and perceptual difficulties, caseworkers encountered three major hurdles when reporting – all of which served to operate as an objective definition of a racist incident and which challenged the credibility of the victim: identifying a “racial element”; offence seriousness; and evidence.

“Racial element” Determining the “racial element” of a case was a principal element of case construction for caseworkers but, the institutionalization of “the Stephen Lawrence definition” and resulting “client led” ethos meant that they did not challenge but accepted their clients’ claims unless, on occasion, their credibility was called into question (see Chapter 4). The victim’s credibility was routinely challenged, as was their perception of incidents, however, by police (and housing) officers. As one caseworker (Dillon) said:

It’s not uncommon for an officer to say “Is that *really* a hate crime?”

Expressing her frustration in response to such challenges by police officers and call handlers, one caseworker (Qiaohui) said:

You have the questions thrown to you to ask you “Why, why, why?””.

More than 20 years have passed since Bowling’s (1999) research, but of interest here is his suggestion that racist stereotypes held by some police officers ‘encourages the practice of disbelieving the allegations [victims] make’ and that they are seen as ‘unreliable’ and ‘untruthful’ (Bowling 1999, p.298) or, as this fieldwork suggests, as lacking “credibility”. According to Bowling (*ibid*):

This patterning is clear evidence that a relationship exists between police attitudes and police behaviour and that these undermine an effective response to violent racism.

On other occasions caseworkers did not perceive such questioning to be about challenging the victim's perception or credibility but rather as seeking clarification. But this response was still found to be "disappointing" because, as a caseworker rightly observed, "they should just log it" (Dillon) under the ACPO (2005) guidance. Reports routinely challenged included claims that the client had been called "monkey" or told to "go back to your country"; in such cases the call handler or officer would agree to log it as verbal abuse but not "racial verbal abuse". Dillon's explanation of why such comments should be recorded as racist is typical of the caseworkers' empathetic perspective:

... but when you're *attacking* somebody's ... *race* you know it's their everything. You know it's who they are. It's their whole being ... [Pauses] And quite a lot of organizations I believe just don't really understand that ... they just think it's just a name ... it's more than that. It's the whole individual. ... you can't change who you are ... it's the essence of who you are.

The process of reporting such claims on behalf of clients thus highlighted differences in the implementation and perhaps understanding of the "Stephen Lawrence definition" by other organizations. Yet this definition was embedded in and shaped casework practice. One caseworker (Qiaohui) explained the subjective nature of hate by contrasting it with "crime generally" such as "burglary or assault": "people think that's a *crime*" and "generally it's more about the act" but with hate crime "It's a feeling", "It's very personalised". Referring to his common experience of being challenged by police personnel after stating "I want to log a hate crime", one case worker explained: "they will say like "Why is that?" and obviously you have to say "Well it's a perception"" (Dillon). Echoing his colleagues Dillon went on to say: "the officer on the line will often be like "Why is that a hate crime?"". Another caseworker (Li) said of her experience: "Ten out of ten [pauses] ... times the call handler will ask me "Why ... Why does she think it's racist?"". She explained:

... it's very hard for me to explain to her *why* other than just say that this is her perception ... I have had a police one time say to me you know you got a draw a line somewhere in terms of the perception as well. You have to sometimes justify why you think it's racist.

As has been argued, however, it was the institutionalization of the Lawrence definition *allied* with an empathetic understanding of the nature and impact of victimization that enabled caseworkers to understand and therefore translate and communicate their clients' perceptions. As Mandeep implied in his observation of those working for recording agencies, this was absent and accounted for failures to

record victims' reports and to do so by the common practice of reframing victim experiences:

... other organizations perceive hate crime as a totally different thing because they have put that incident or that crime into their head and say "If it was me, I don't think it's a hate crime ... it's just anti-social behaviour" ... I say *how* can you make that statement? Especially the housing, they say "I think that's just a bit of ASB".

Consistent with findings from other research (Bowling 1999, p.246; Garland 2012), reports by caseworkers and victims were thus often downplayed or denied by being reframed as non-racial "verbal abuse" or anti-social behaviour mirroring earlier, decades before the advent of ASB, when the racial element was denied and the behaviour recast as 'yobishness' (Bowling 1999, p.249). They were also sometimes trivialized, as Bilbar's account illustrates:

The police officers was called in because there were four of them ... passengers ... causing grief [in the taxi] on religion basis and a race basis. Police was called in [pauses] ... Do you know what police officer told me then? [Pauses] "It's well part of your job. If they call you "Paki bastard" so what? They call me "pig" all the time. That's your choice to drive." ... He was telling *me* that because I'm driving a taxi [starts tapping table 7 times] so it's part of the job I should take all this abuse. Who was telling me that? Police. Who's the police? *Law* enforcement authority.

Bilbar's experience was captured in clients' earlier feedback to the police when they stated that when taxi drivers report incidents, the "police tend to say it's a civil matter" (Fieldnote 11/6/10). Such responses to incidents are consistent with Virdee's (1995, p.56) findings. He suggests that one of the reasons why officers may react in this way to 'low level' harassment might be because the burden of investigating the reported incident is inversely related to the effort required to secure a conviction and, he advises that this situation could only change with action from parliament (*ibid*). Yet, of course, post-Macpherson reforms, including the invocation of Ministerial Priority, has signalled to officers the need to respond to such incidents as a priority and according to the victim's perception.

Different strategies were used to overcome such challenges and avoid reports not being "crimed". Besides collating incidents caseworkers directly challenged those charged with recording their reports to recognise the "racial element" and thus the victim's perception. In this regard, the "Stephen Lawrence definition" carried its own

power and so would be invoked in respect of agencies “when they’re being difficult” (Salma):

Housing were saying, “Well, you know, we can’t just help everyone that knocks on our door and says they’re experiencing problems.” So with them I had to tell them, “Do you actually know what the definition of racism is?” And sometimes like, you know, with housing officers, um, the police not always, but sometimes you need to nudge them as well to actually log it as a hate crime.

Thus, it was not only police but housing officers who reframed incidents and, consistent with Bowling’s (1999, p.251) and Pearson *et al*’s (1989, pp.124-125) findings in respect of the police, both agencies would reframe incidents as ‘a neighbourly dispute’, or a dispute about money or drunken violence. Thus, whilst caseworkers understood the social and experiential context within which racist incidents could emerge, this context served to deny racial motivation from the officer’s perception despite the victim’s perception. When police officers reconstructed acts as anti-social behaviour, disputes or disturbances incidents were decontextualized and victim perception denied, despite the displacement of police discretion in favour of a victim-centred definition. When there were differences in perceptions, it was the officer’s perception which was usually determinative in the social construction of racist incidents unless and until the agency interceded, and such intervention did not always maintain victim status for the client.

If police and housing officers remained resistant to logging racist incidents, refusals were “logged” on the case file and the matter was escalated to a more senior police or housing officer by the caseworker. One caseworker held regular “Case Review Panels”, on behalf of all the caseworkers, with the local Crime Reduction Partnerships where he would:

... challenge [the police] and say “Well you could have done this or you could have done this”. That’s where multi-agency meeting comes in ... So we tell the council you could have done this ... to do this (Abhay).

Such challenges did on occasion succeed in, for example, cases being reopened by the police even though an initial decision had been made to take “No further Action” on the basis that there were “no further lines of enquiry”; this was frequently referred to as a case being “NFAd”. At least one challenge resulted in a successful prosecution. Abhay surmised: “I mean most of them are genuinely NFAd because of lack of evidence but where we find it difficult is when there is clear evidence, when

they have *failed* to take statements from the witnesses”. The most common tactic to ensure that a report was “logged”, however, was to ensure that the “racial element” of the victim’s experience was translated and communicated to the police or housing officer; and this of course was determined by the caseworker during the “allocation meeting” and subsequent meetings with the client.

Offence seriousness A recurrent and major issue for victims, caseworkers and HCU police officers was the failure of police and housing officers to understand the process of hate crime victimization in terms of its ongoing nature which was frequently referred to as having a “drip” or “corrosive effect”. In describing victimization in this way, HCU police officers and caseworkers, referred not only to the temporal dynamics of the victim experience but also to those behaviours that constituted incidents but not crimes. They understood that not only did such acts carry the risk of future victimization but that they also caused harm. Examples of such incidents include verbal challenges and “the look”. Yet, ‘low level’ incidents were often discounted, reframed or trivialized by mainstream police and housing officers.

If the victim’s perception was based on the perpetrator’s “body language, ignorance, [and their] isolation [of the victim]” then it could be “even more difficult for the police to recognise this is hate crime” (Qiaohui). Rather it was widely reported by victims and caseworkers that besides challenging the racist nature of reports, police and housing officers would advise them to wait until something “serious” occurred. Such statements were often accompanied with an explanation that there “is nothing we can do” and this was frequently linked to the need for evidence (also, see Bowling 1999, pp.268-269); although evidence is explicitly stated not to be required for recording purposes (ACPO 2005, paragraph 5.4.1). In consequence, victims commonly engaged in evidence-gathering practices. Reflecting on this and highlighting the issue of victim credibility, Mandeep said:

I think [victims] do that because of statutory bodies or their own organizations not believing them that they are happening and some of it’s trickle, trickle, trickle til they’re waiting for something big to happen. Even though they report it and they still say there’s not enough evidence and I think the proof of the pudding came out in the Pilkington ... the case up in Leicestershire where it was all trickle, trickle, ASB even though that was not racially motivated but that was against a disabled person and the consequences which were horrendous where they couldn’t take it anymore and decided [pauses]

there's nobody who's going to help us and they ended it all. Tragedy.
Big tragedy.

Thus, unless a major incident occurred, caseworkers collated incidents and reported the process of victimization and therefore frequently reported "historic incidents" experienced by their clients "for information" alongside more recent experiences.

The following are illustrative:

I think they're thinking it's low level incidents ... OK, there's no actual physical assault, they're not coming to her house but they don't understand the drip effect ... And although ... it was her housing officer who initially referred her to us, so they were like already aware do you know that it was racially motivated incident. But because ... I don't know ... my thinking is because there hasn't been no actual assault ... because sometimes if a client had one serious assault and sometimes that's just enough to move them. And they're just thinking oh like you know it's just a bit of name calling ... and they don't really understand as well like you know ... what it actually means to be called a Taliban (Fatima).

I mean she didn't specifically use the word 'hate crime' but she *did* perceive it you know as her being Polish. You know she did say "Well it's because I *am* Polish" ... "These perpetrators wouldn't treat other people like this it's only *me*" you know. And they called her the racist names ... and they gave her the dirty looks ... and they belittled her in front of her colleagues. You know so she could definitely *feel* that. ... she could definitely feel ... that the *hate* ...you know even though she didn't say it was 'hate crime' but everything she was saying sort of like pointed to hate crime you know kind of alluded to hate crime. (Dillon)

The police response can be explained in terms of Bowling's findings and analysis; such 'everyday' crimes and incidents were likely to be perceived as 'rubbish' crimes by some officers and only the atypical violent crimes, at the top of the police 'hierarchy of relevance', would trigger a full response (1999, p.292). Yet, written prior to the abolition of discretion at the reporting stage, this does not account for officers' actions. Also written prior to the Macpherson-initiated reforms the CRE (1987) documented the tendency of police officers to advise victims to initiate private prosecutions (p.24) and to cite lack of evidence for a reason for doing so. The CRE concluded that 'unfortunately, the police are often seen [by agencies] as the main barrier to action against perpetrators of racial harassment' (p.31). Importantly, these findings mirror those of Docking and Tuffin (2005, p.22) in respect of why hate crimes and incidents are under-recorded and their observations remain valid:

The fact that officers seemed reluctant to record incidents that they did not see as likely to lead to an arrest or to some further action is in direct conflict with the Code which emphasises that both crime and non-crime incidents should be recorded. It is also out of kilter with the

National Recording Standard which officers must follow and was developed to take a *prima facie* approach to recording rather than assessing the likelihood of the result and recording only if there was a possibility of detection.

Crane and Hall's (2009, p.232) exploratory investigation is instructive here because their findings suggest that the police performance management system, including targets for detections, shape police responses and can militate against victim-centred approaches. Indeed, this was suggested by the local HCU officer (see p.105).

Evidence gathering practices In the absence of evidence, many officers were unwilling to record reports of victimization and for victims and caseworkers alike, challenges to claims of victimization, if not direct, then implicit, triggered evidence-gathering practices. Yet, ACPO makes clear, with regard to the recording of hate incidents and crimes: 'It must be clearly understood that evidence of an offence is not a requirement for a hate incident to be recorded' (paragraph 5.4.1). In short 'There is no evidential test as to what is or is not a hate incident' (paragraph 5.4.2) because 'Perception by anyone that a hate incident has occurred is all that is required' (paragraph 5.4.3). Arguably if a lack of empathy did not result in a difference of perception and if victim credibility was not an issue then officers would not have circumvented this direction by invoking their discretion. The nature of the evidence-gathering practices and the counterproductive consequences that could result are described below.

Pastoral care

The nature of the casework service in terms of listening, talking and chronicling was a response to repeated problems encountered by victims when attempting to engage with the police service and other services. On a wider level it addressed shared histories and understandings between clients and caseworkers of the relationship between BME communities and the police service; the consensus view of which mirrored the criminological literature, namely 'over-policing' and 'under-protection'. Against this backdrop, it is suggested that the caseworkers' empowerment role in respect of pastoral care had two principal organizing foci. The first was to ensure equality of service provision by police officers. Whilst this issue permeates the analysis that follows, it will not feature as an analytically distinct issue apart from to observe that the caseworkers' tasks included "pushing the police", both with regard

to recording crimes and incidents and in respect of the ongoing management of cases. Through “monitoring the police investigation”, caseworkers thus ensured that officers were “doing their job” and in this sense were shoring up police work in individual cases. Indeed, during one “allocation meeting” a police officer concerned with the caseworkers’ safety said:

You’ve got to know what you are going into ... We are partners ... We are doing the same job basically ... (Fieldnote 11/6/10)

The second aspect of the “empowerment” function in relation to the pastoral care of victims was directed toward ensuring that perceived failures of the criminal justice and other systems did not combine with wider processes of racism and discrimination, including the acts of “clever racists”, and the construction of victims as ‘ideal victims’, to result in some clients not only losing their claim to victim status, but acquiring the status of perpetrator. This is the focus for the remainder of this chapter.

As noted, during “a case opening” it was usual practice for caseworkers to advise their clients not to “retaliate” or not to “take things into your own hands” or to remind them “you’re a victim, don’t become a perpetrator”. Rather, clients were encouraged to call the caseworker to “offload” and reminded to do so throughout the life of a case. Michelle, for example, wanted to retaliate because the police had not brought the offenders to justice and, in consequence, they continued to victimize her and her family. Michelle said:

I swear I really want to beat her hard.

I can understand why people take the law into their own hands sometimes. I really can. I really can understand. (Fieldnote 18/5/11)

Salma, her caseworker, advised:

Don’t let her provoke you into anything, because look you know, you’ve just moved to your new house and hopefully things will sort between you and [your husband]. So just don’t let her have the last laugh and say, oh see... do you know, just give her the satisfaction of what she wanted, of basically seeing your family destroyed. (Fieldnote 18/5/11)

This advice was typical of that routinely given to clients but, another important motif is apparent, and that is the way in which acts of provocation interacted with other minor and major acts of victimization to contribute to the experience of racist hate crime. Often committed without leaving any evidence, the only sign that such

stealthy acts had occurred was the response of the victim in the form of a retaliatory act. As was argued in Chapter 5, and is clear from the foregoing analysis, hate crimes presented as complex competing narratives and when cases involved acts of provocation and retaliation, the caseworker's focus was on maintaining the client's victim status, hence the advice not to "retaliate" from the outset. Whilst caseworkers understood how retaliatory acts were embedded in the processes of perpetrator victimization and police responses, when clients ignored the advice not to retaliate and lost their claim to victim status, caseworkers as well as the police arguably saw clients as not constituting 'ideal victims'. The reasons for this are mirrored in Mandeep's explanation:

Retaliation will not do you any justice at all whatsoever. People will come out and say it was in self-defence and all that. I don't believe in it because [pauses] it will go against you. If you are the victim we can support you in *many* ways.

As such, there was little in the way of repair work that could be done to restore credibility once the client had retaliated, hence the major focus on advising and supporting victims not to retaliate.

"Retaliation" was discernible in three distinct contexts which often interrelated. Firstly, in response to direct acts of "provocation" by the perpetrator and which, like "malicious" and "counter allegations" were considered to be part of the tactics employed by perpetrators to victimize. Secondly, retaliatory acts arose as a direct consequence of victims' loss of confidence and trust in the police to protect them (and their family) and bring the offender to justice; they took the law into their own hands. Thirdly, akin to the 'slow burn' defence identified in cases of domestic violence, the process of victimization - in terms of repeat victimization - exacted a toll on some victims and they engaged in retaliatory conduct. These three different contexts are apparent in the following excerpt from an interview with a caseworker, which also demonstrates the empathetic nature of the casework service as well as the process of victimization:

Jyoti I mean what we say is "I know it's a very difficult" you've got to put yourself in those shoes. If you're subject to constant racial harassment or taunts or an assault you know day in day out from neighbours or on the street or whatever it may be and you're just trying to get on with your daily life and you're like "Please leave me alone and let me *live* my life. I'm not bothering you so don't bother me". That's the general feeling we get from most clients. It's like "I just

want to live my life, leave me alone. I'm not bothering you". ... Live a normal life is what you know we call it without you know that, that's all they want. ... But ... they're subject to constant harassment, racial harassment. What happens is, if you can imagine like, ... you know *anger* builds up inside and you just think *why* are you doing this to me, *why* are you doing it? And a lot of clients *do* say "I've *had* enough" you know. "I've had ... I've put up with this *long* enough, I *don't* need to". You know I think ... some of them will say you know "Sometimes I think I'm just gonna turn around and shout abuse back at them at them". That's one of the things they want to do. It may not be racist but just tell them what they think. Or sometimes people say "If they do come to my house again or if they come onto my property and shout at my kids or shout at my family [pauses], if they are on my property then I'll just defend and do whatever it needs to get them off". You know or "If they hit me I'll hit them back". Because if there're threats made ... to say "I'm going to hit you" or "I'm going to beat your son up" or "We're going to *kill* him" for example, then ... I mean parents or ... dads for example as well *won't* take that very lightly because they're there to protect their families and they'll be like "Don't say that because I'll actually ... Don't make threats" and then some of them you know *want* to retaliate and say "I'm going to hit back and lash out".

Corinne So why don't they get the police involved then instead of ...

Jyoti Um ... this is the thing now. Some cases there aren't [pauses] police involved yet and it depends what stage we get. But most times if there are police involved and things haven't sort of worked out ... Say for example when you've got a case it also is very dependent when you've reported things to the police, upon evidence. [Pauses and then laughs] Which is one of the things which is ... I *know* it's needed but sometimes it's very difficult because when you've got neighbourly disputes going on for example ...

The three different contexts for retaliatory action are presented here as analytically distinct for the purpose of exposition. In practice, not least because of the ongoing nature of victimization, more often than not they overlapped and interlocked.

Provocation

Jason's experience illustrates how and why provocation, "counter allegations" and retaliation frequently permeated and shaped the hate crime experience and jeopardized clients' claims to victim status. In response to receiving racially imbued death threats and experiencing frequent acts of provocation such as name calling by his neighbour, Jason retaliated verbally:

Jason I said to him "If there is one thing I'm sticking up for you bastard and it's the colour of my skin" and then he *used* that against me as a counterclaim when he went to his statement. So you see, because I went ... and said that and ... the policeman had turned around afterwards later on when they arrested him or cautioned him

and said “He tried to counter ... he said they counteracted the claim by saying you allegedly said to him you had a go at him”.

Corinne So did he take it to be that you were threatening him?

Jason Absolutely. He tried to turn it to say that I was threatening him but even though he had done all the threatening ...

Jason articulated the nature of the dilemma faced by victims:

... where’s the fine line between you going out there and counterattacking [retaliating] and sticking up for yourself or *taking* all the verbal abuse and walking back in your door?

Jason was able to maintain his victim status by playing an audio-recording of the exchange to police officers and so proved that the incident unfolded in the way that he claimed and that he was thus not the aggressor. As Jason’s case illustrates, hate crimes are competing narratives which can include acts of provocation, (potential) retaliatory acts and “counter allegations”. It is the retaliatory act, however, that can set the context for the “counter allegation” and put the victim at risk of being cast as the perpetrator because those perceived to be involved in criminal activities do not make ‘ideal victims’ (Christie 1986, p.25). As noted, there was little in the way of repair work that victim and caseworker could do once this occurred, rather the criminal justice process had to be allowed to take its course. In Jason’s case, however, there was an ‘ideal victim’ and an ‘ideal perpetrator’ (Christie 1986, p.25) not only because of the evidence that Jason was able to produce but because the perpetrator was known to the police and had a history of similar offending.

One caseworker (Salma) encountered a perpetrator and her boyfriend in two unrelated cases and recognised common patterns of behaviour between the two, including acts of provocation by the perpetrator. In the first case:

They provoked someone so much ... they called my other client’s son the n word [pauses] ... because he’s white and his son’s dual heritage ... Oh God! And then they ... they grabbed the little boy OK and the dad must have just gone crazy. He grabbed a Samurai sword and he [pauses] ... hit one of the guys there.

The nature of the provocation was different in the second case, however, where the victims (Michelle and her family) were related to the perpetrators and the incendiary acts were the “constant name calling” because: “they want a reaction ... Why would they otherwise do it? If they know that people won’t give them a reaction they wouldn’t do it ...” (Salma). Indeed, the issue of social and physical proximity in

terms of how it facilitated ongoing victimization and the likelihood of a retaliatory response was evident in many cases, and was reflected in Michelle's account:

Michelle ... I've just had enough. I feel like going and knocking on her door and just beating the hell out of her. I really do. Because, that's my worry now, because they know where we live. So, I don't know how they know, because it's the other side of town, I don't know how they know. ... When she like was seeing [my husband] behind my back and things like that, just things like that and now she's winding me up now. Because I've told him... it don't bother [me] ... that bit, I don't care about that anymore, it was the fact like, I had my suspicions for a year, I was pregnant at the time and I was made to feel like a piece of pooh on the bottom of someone's shoe by him and her. You're losing it, you're mad, you need to go and see somebody and things like that. Obviously my suspicions was right. She's just basically being like that, just rubbing it in. ...

Corinne So you don't feel like it's threatening or intimidating? It's more...

Michelle No, not at the moment. She's just trying to get a reaction from me, and she knows if she keeps pushing she will get...

Corinne She's trying to provoke you?

Michelle ... she will get one and I know straightaway, as soon as I knock on... she's only got to see me in her street and she'll just call the police on me anyway, I know she will. She's just pushing me now.

Corinne So you think that she's trying to provoke you?

Michelle Because she's got away with it all. Yeah. She's got away with it. She has got away with everything. Because look at that other case, when she lived in her previous property, that was because she was calling her old neighbour's stepson, I don't like the word, n-i-g-g-e-r, because he ended up retaliating, he ended up in Elban Crown Court. He got banned from Roseville and everything.

When victims did react to perpetrators' acts of provocation, caseworkers described this as the client "letting them get to them". Referring to Michelle's case, the caseworker said:

And that's one of the reasons why the police hasn't been able to press any charges [pauses] ... and like you know by speaking to [the perpetrators] on the phone and sending text messages that kind of made their case weaker. (Salma)

Michelle thus lost her claim because she was not an 'ideal victim' because, as noted:

Offenders that merge with the victims make for bad offenders, just as victims that merge with offenders make for bad victims (Christie, 1986, p.25).

“Physical” retaliation on the part of the victim in this context was explained by the caseworker as arising usually after the victim had initially ignored verbal abuse and was physically provoked by the perpetrator. A caseworker explained the situational dynamics in this way:

... [the victim doesn't] respond to what's being said to them so then [the perpetrator tries] to make it physical because obviously the verbal doesn't seem to be having an effect. Despite it having an effect we always say do not respond. So then they think I'm not going to respond ... don't respond, report it. Report it, report it, report it. We always encourage reporting. ... because they're not getting anything out of the person so they think let's have a fight you know ... and I can show my power to you that way ... which is strange . [Pauses] I don't know why they do it really. I really *don't* know. I wish I did [laughs] Corinne! (Jyoti)

Mr Seck's case illustrates physical retaliation arising in this way with regard to his young children, including his teenage son Jawara. According to his caseworker, youths would congregate outside the family home and chant abuse and death threats and would also follow Jawara and his sister when they left the home. Besides using “racial verbal abuse” they would jostle him and say:

“Do you want to fight? I want a fight. Come on let's fight” and trying to provoke him into fighting. He said “I don't want to ... I don't want to fight” (Jyoti).

On one occasion, however, Jawara punched one of the perpetrators in the face. Provocation was a prominent feature of many cases and the following descriptions by victims explain how the act is enmeshed in the process of victimization:

... we are only dirty gypsies and spitting at us every time she's passing. She *do* not care who is out there. She don't care who you are or what you are, she'll pass and she'll grin and smile ... for somebody to attack her. She want to be attacked. She *really* want you to attack her so she can go to the police ... *All* the time. But she's not getting that from me. Cos the more she's doing that to me the more I'm walking away cos I know well what she's playing at. ... She's doing that *every single* day. (Dawn)

Yeah he tries and gets [my boyfriend] to fight in the past, and I'm really lucky my boyfriend's actually more calm than me. He is super calm, he takes from him and then [the perpetrator] realised the only way to get to him is to be really rude to me and say these things to myself 'cos obviously well [if] you can't get to him you can get to him via me 'cos if I'm upset he's gonna want to say something. (Cora)

Retaliatory acts in response to provocation by the perpetrator were often framed as a form of defence of self or others. Illustrative of verbal “retaliation” and of the process by which victim status could be lost through defence of self was Li's case

which was “a neighbourly dispute turned into race hate crime”. According to Li the victim perceived the perpetrator’s “inappropriate comments” to be “purely racist” although the perpetrator was not “as stupid as actually saying it outright and that the whole neighbourhood would hear it”. Such stealthily committed acts would result in the client becoming “very angry” and defending herself through retaliatory acts:

... if you stand up to someone who’s being aggressive you also have to have some kind of you know volume in how you talk or your mannerism. You can’t be all soft about it. So she’s quite firm in telling her that like you know “What you’re doing is really bad, why are you doing this to me?”.

The perpetrator subsequently made a “counter allegation” that the client was “being aggressive”. Li believed that the perpetrator found the client’s mannerisms disconcerting and said the client could be “quite scary as well”. Indeed, Li concluded from speaking to the police that:

... they were slightly biased against my client ... because she was kind of all over the place whereas the perpetrator, she seemed quite calm and ... she was more articulate with how she communicate with the police.

Whilst the victim had reported a “string of offences” the police did not believe her account according to Li because of her demeanour; she did not present as an ‘ideal victim’ and so did not maintain her claim to victim status. Subsequent to the “counter allegation” the client audio-recorded racist comments made by the perpetrator yet the police did not look at the victimization holistically; rather, they looked at the one incident supported by evidence and dealt with it “as an isolated incident”. Reflecting on the importance of the recorded evidence Li said:

... before, it was funny that the police [pauses] ... didn’t quite believe my client because my client is also quite emotional as well ...

The evidence thus worked to restore the client’s credibility and her status to that of ‘ideal victim’.

As noted, retaliatory acts could also arise as a form of “defence” to acts of provocation in respect of a significant other. Indeed, expressly stated culturally imbued notions of ‘maleness’ associated with ‘family’ and ‘honour’ arose in this

context. A typical example occurred in Sara's case when, following a minor road incident involving her family's car and that of another family in their car, Sara was punched and her husband pushed the assailant back. Sara's husband was charged with assault whereas no charges were brought against the man who assaulted her; she was told that there were no witnesses to the incident which of course does not explain either outcome. Here Sara explains her husband's acts to defend her in response to acts of provocation:

It is like this, he thumped me, he bruised my eyes he did. He have no right to touch me and for us you know, I was going to say Muslim people, don't touch their wife. Don't go near their wife and their kids. My husband doesn't even like when people say... he's used to it now, because sometimes you go, "Why don't you f off". We don't have this f off and this b word, it's unrespectable. [The police] didn't do nothing [in response to the assault] and they got my husband in the police station, they arrested him, they had DNA, ... they treated him like a criminal. I said, I'm not going to report nothing. But I can control myself. You know, I shout and I scream. It's my husband I'm aware of, because the minute he will break that... but he's holding himself, you know, he's straining himself, but that's because I'm there. So many times he pick me up and say, get out of my way. But I did save his life so many times. But I don't want to live my life saving my husband's life.

Sara's experience not only captures the dilemmas presented to victims, it highlights many of the recurrent themes documented in this thesis including: the mundane nature of incidents that can trigger racist incidents; the presence of children as witnesses if not primary and secondary victims, as children were present in both cars; the requirement for evidence; reasons for not reporting; culturally-based responses to victimization; the victim-offender dyad; and relations between people from BME communities and the police service. Furthermore, Sara's account reflects victims' everyday experience of a differential response from police officers towards them and the perpetrator where, when faced with competing accounts, the officer believed – or at least acted upon – the alleged perpetrator's account. The issue brings to mind a case reported by Bowling (1999, p.49) in 1978 against Sikh brothers:

For the black community it seemed that the victims of an attack were the ones arrested and the 'offence' of self defence was the one punished.

It is of note that Sara states (as she did at other points) that she would no longer report crimes and incidents to the police because of this experience (which had wider

negative ramifications for the family). She also makes reference to a common experience and concern of a number of people encountered in the field and this concerned the taking and storage of DNA samples by the police. These findings provide more recent evidence in support of the idea that some officers over-police and under-protect people from BME communities, perceiving them to be suspects rather than victims (see, for example Victim Support 2006, p.66).

The provocation-retaliation aspect of Sara's case also raised another important common experience of the majority of clients and this concerns the belief that not only did the police not listen to them (see above), they did listen to the perpetrator. Sara's caseworker reflected this in a discussion about her case:

And there is fear there of you becoming a perpetrator and that's where [her husband] was left where they were actually victims and had been victims for a long time ... And ... that really is very, very sad. Because ... even the fact that the police will listen ... to the other party more than this party. (Jyoti)

The experience of being treated as a criminal and the sense of injustice that arose from the disparity in the police response towards victim and perpetrator, all speak to inequality in service provision. Indeed, many participants suggested that the police operated on racist assumptions about BME groups and a few felt that perpetrators relied on the fact that this occurred in order to carry out acts of victimization. At this juncture, and before considering 'under-protection' which was the second context in which retaliatory acts arose, it is important to consider victims' perceptions of the police.

For many victims and caseworkers, racist officers aside, the failure of police officers to discharge their responsibilities or to do so other than in a perfunctory fashion arose from a range of reasons, many of which have historically been documented in the literature (see Chapter 2). The views of many were summed up by one victim:

They're crap they are. Sorry. I'm being honest. They don't... maybe they're not funded enough, maybe they haven't got time, maybe they want concrete proof, but they've got to listen to us people, because we go through it every single day. They've got to listen and take action, proper action, even if it's just... I don't know, caution those other people who was saying that. (Sara)

The victims' accounts sit with aspects of 'institutional racism' identified Grieve and French (2000, p.14), both formally employed by the MPS and involved in the implementation of Macpherson-initiated reforms:

Institutional racism is about stereotyping; it is about being unwitting; it is about ignorance; it is about failing to recognise a racist/hate crime; it is about not listening or understanding and not being interested in listening or understanding; it is about white pretence and black people being seen as a problem.

I often heard caseworkers, sometimes with clients, saying in respect of the police:

If you're white you're alright. If you're brown keep down. If you're black go back.

This is probably based on the lyrics of a 1956 song entitled *Black, brown and white blues* sung by Big Bill Broonzy which was rereleased in 2000. Explaining the meaning behind the expression Mandeep said:

M ... the thing that has [pauses] ... been said by the mostly Caribbean people and they know how they been victimized [pauses] ... how they're picked on ... stop and searches *even* though the policy came up we shouldn't be stopping more BME people for stop and search. *But* even *recent* statistics show that there are more BME people stopped and searched for no *reason* whatsoever and hence, when they come to [the agency] then we challenge on what grounds have this person been stopped *so* many times in a certain period and at times there is no answer and then the appropriate inspector said "Yes I will speak to the ... team". And it's just not fair ... And I think that's why history has been repeated ... started off with the [pauses] [local riots] ... [and in another region] as well. ... when people see justice not [pauses] there and they're not being treated in the way they *should* be treated ... Hence they confront.

This of course, chimes with commentators such as Bridges (2012) and Benyon (2012) writing on the 'urban disorder' of August 2011:

a significant factor in sparking the disturbances was the humiliation, unjust suspicion, lack of respect and targeting that characterises the way rioters felt the police carry out stop and search ... The complaint of harassment by those interviewed on the receiving end of stop and search was made in every city the research took place in and by interviewees from different racial groups and ages. (London, Guardian/LSE, 2011 cited by Bridges 2012, pp.4-5)

Thus, despite the aims of the Macpherson reforms, more clearly needs to be done to improve relations between the Police Service and those from BME communities.

‘Under-protection’

Retaliatory acts on the part of some victims were strongly related to their experience of the policing, in terms of ‘under-protection’ as well as ‘over-policing’. Before considering retaliatory responses in this context, however, it is important to consider the related question of evidence. A subject worthy of analytic discussion in its own right, space precludes affording the matter significant attention. As noted above, however, evidence was of central concern to victims and caseworkers because their reports of victimization were frequently rejected or relinquished on the basis that they could not be substantiated. In consequence victims engaged in a range of evidence-gathering practices which not infrequently generated physical if not legal dangers. The latter would include, for example, charges of false imprisonment for taxi drivers and shop keepers as a result of attempting to detain perpetrators whilst waiting for the police to arrive or charges in relation to data or child protection for photographing or filming minors whilst they committed hate crimes.

At the very least, an absence of probative evidence could result in a decision by police officers that they would take “no further action” and, in these circumstances, not only would the victim remain exposed to further victimization, they might feel compelled to retaliate. The following excerpt from an ethnographic interview with a caseworker usefully illuminates the issues:

It was another case in North Graystoke and a brick was thrown through the window and missed a ten year old child. And it was caught on camera as well when they smashed in a windscreen ... Just happened to walk past, get a breeze block and literally just chuck it at the car windscreen for no reason at all and walk off. *But* the kid was wearing a hoodie you know, right up covered like that [Jyoti mimes the wearing of a hoodie] picked it up, chucked it. It was dark, it was wintertime. Despite the police trying and knowing it could have been you and identifying others that walked past [pauses] there was nothing that could be done. So when things like that happen [pauses] that *is* when clients kind of start feeling you know I want to retaliate because there is no one that can *help* me. And it is difficult and we have to say to clients “Please don’t retaliate” you know because what will happen is as soon as *they* do something if they go and lash out and hit somebody, they will end up being arrested because that is an assault. And ... and despite whatever else has happened to cause them to do it it’s still ... you know ... you’re still not allowed to do that. But it’s very difficult for that person you know that *anger* that’s built up. And that’s why we always say on the phone you know “Make sure you don’t retaliate because we don’t want you as a victim to turn into a perpetrator because you *are* the victim”. We really have to like drum that in [pauses] quite a lot and ... ensure they understand that and it takes a lot of doing to provide that emotional support to them. (Jyoti)

Mirroring the psychological consequences of victimization identified in the literature review but bringing greater insight from the victims' perspectives, participants described how "frustration", "anger" and "hurt" could variously coincide to result in acts of retaliation in the absence of the protection and support of the police and housing services. This situation was explained by caseworkers in the following ways:

It is frustration ... most of the people just want to move away from it and when they can't ... it's been taking longer and longer and longer because they cannot move away from there, the harassment is ongoing, there is problem with gathering evidence, the police are being called over and over again and in the end they say what's what the point in calling the police because they're not going to do anything, the council are not doing anything. Well I might as well take it on and I'll do it ... I'll do it myself and there are a few cases where they *want* to do it but then we try to talk them out of it, to say "Look why do you want to be criminalised? You are not a criminal. Don't put yourself in that position because that guy - whoever is doing that to you - has probably already got records on him anyway so he doesn't care if he gets one more. But why do you want to have this stain ... on your life" and we try to talk them out of it. (Mandeep)

And so [if] there is racial verbal abuse being shouted over the garden fence or at someone as they come in and out of their house or day in day out for example. But, if no one's seen it [pauses] ... [or] you know you don't know who it is ... there is no action the police can take. (Jyoti)

Capturing both the process of 'slow burn' (see below) and the impact of lack of service provision Jason explained the impact of constant harassment by his neighbour:

Jason ... what I fear is what *I* would do to *him*, not what he would do to me and that's it. I've said this to the police, I've said to Mandeep, I've said this to [the housing provider] [pauses] I said I would fear what *I* would do to *him* because *all* that history before [pauses] will mount up and mount up ...

Corinne Do you feel angry?

Jason I feel *very* angry. I feel angry at [the housing provider].

Jason later returned to this issue and said:

Jason ... how many cases have gone by and something has happened and then you ask questions after? Where you have somebody like myself who ... [pauses] ... gives all the information up front [pauses] ... then won't tolerate any incidents ... is being chastised for it and being denied and then it leads to what?

Mandeep Retaliation.

Jason Exactly! It leads to ...

Corinne And so you are saying that the potential for retaliation is there because nobody is doing anything about this situation?

Jason They're delaying doing something about it ... they're not owning up to what they can and can't do.

For Jason the housing authority had allowed "red tape" to stop him from erecting a fence on the boundary between his property and his neighbour's home yet, as will be demonstrated in the next chapter, not seeing or being seen by perpetrators was important to victims, especially in the neighbourhood context:

... and especially if you've got someone [taps table] like us who wants to build a new home and in the end is ... is *forced* [pauses] ...to then put your fence up for your own privacy and your own *sanity* ... then becomes an issue because somebody behind the desk saying no you're not allowed it ...Why am I not allowed it? It's not hurting anybody. It's giving me my own privacy, giving my family that security and that safety. That little safety net so we're not so *intimidated* by people who you protect through their fabricated vulnerability and because we're the ones that are felt [pauses] paranoid if you want to use that [word], unsafe, intimidated, provoked ... that will lead to what?

When discussing the impact of victimization, Bilbar explained how under-protection could lead to acts of retaliation and also highlights the 'slow burn' effect of hate crime victimization:

Bilbar Overall you lose confidence in system. And [pauses] *frustration* is there. This is *very* dangerous. One thing is depression. One thing is the frustration. Frustration builds up. You are keyed up for that. You *know* your hands are tied. He insults you and then you *can't* ... So what happen when it come to situation where you had an opportunity? You very likely seize the opportunity.

Corinne To retaliate?

Bilbar [Makes gesture confirming that he is referring to retaliation]

That's dangerous. [Pauses] Does it make sense?

Corinne Mmm. Yes.

Bilbar So, it's not only one kind of emotional phase you go through this builds up different level, different stages. And somewhere, one level [taps table once], one stage [taps table once] ... [pauses] trigger takes over you. So ... it's answer to your question some days I'll get depressed. Had enough. One ... that moment of time you do ... next moment you get opportunity ... to retaliate ... and you do it ... you seize it so ... it wasn't only ... I get depressed. There is something else. *Anger* and ... the frustration was building up as well which kicks you [snaps fingers] ... tip over.

The caseworkers' advice not to retaliate was not heeded in several cases including a "Chinese take-away case" where constant harassment made the clients "so fed up with the teenagers, you cannot imagine". Whilst securing the premises one evening

the shop keeper went back inside momentarily and “the perpetrator” locked the shop owner inside his shop and, much to his annoyance he could only be released with the help of the police:

So next time when they saw this group of teenagers they decided to take them into their own hands and lock them into ... the shop. They were trying to sort them out but how you could do that? ... These teenagers straightway reported to the police to say “Oh they assaulted me”. (Qiaohui)

The caseworker immediately followed this with an important point and one which was a feature of all these cases:

So in that case ... you think you fed up with the police, police hasn't done anything but in this way you turn yourself into perpetrator.

Thus a lack of confidence or belief that the police would take action carried the risk of verbal and/or physical acts of “retaliation” where the victim took “the law into their own hands”. Poor perceptions of the police service thus impacted greatly on reporting behaviour but shaped victims' understandings of the hate crime experience. The process of victimization thus included within the interactional dynamics that were the hate crime encounters, retaliatory acts that denied them ‘ideal victim’ status as they were framed as perpetrators by the service which they perceived had failed them. When discussing the “Chinese take-away case” the caseworker raised another case which had occurred in Manchester and which had received national media coverage and which brings the issues together:

The Chinese take-away owner was beaten to death by teenagers. That's also because of this situation. They reported and reported and no police action in the end they decided to take action themselves ... so that's why the perpetrator was chased out of the shop by the shop owner and his partner. But actually they only want to chase them out, chase them away. Unfortunately the teenagers came back with all the gardening tools, hit the shop owner's head ... many times that's why he died at the scene. And this woman was injured ... at the beginning ... the victim was dealt with as perpetrators ... But at the beginning you can see it's *really*, really difficult if ... the victims take all the things into their own hands. The situation can be out of control even involving the *death*. So we *wouldn't* want this kind of situation ... So that's why we always said we are here to help and it needs to be dealt with by the police, they should do their job although they ... didn't do their job and you decide ... that's *why* that's the reason why you want to take things into your hands. But with us we ... we want to *push* the police to *do* their job, that's what we are here *for*. So that's why we suggest to the clients ... just to keep calm, not to retaliate. (Qiaohui)

One client explained that he also feared that he might take action himself when he believed that the police had failed to take appropriate action and reflected that if the agency had not “forced” the police to act then he would have had to:

Dev ... end up myself, risking myself.

Corinne What, to take action yourself you mean?

Dev Yes, exactly. I mean my wife and kids ... I mean I'm working for them not my enjoy myself. So if something happened to my wife and kids, I'm not going to wait for the police.

Corinne Wait for the police?

Dev Simple as that. ... I don't want to put myself in a risk, this is why I ask the police “Please, please”.

Corinne So did it sort of occur to you that if they weren't going to do anything you would have to take action yourself?

Dev I mean that's what is going to happen if it's left. Luckily it was one or two incidents which is not worse one. But, if it's something ... say my wife hit by them, or my daughter beaten up or throwing by stone. I was myself a bit more panicking ... I don't want to get to that stage, see that? So there are some points you can upset, there is, you can't take too much it will explode and then you're risking yourself.

... it can put me in danger as well. If [the police] ignore another incident, another incident, believe me my shoulder's going up to here. That strong. But I don't know, if I hit him he won't get up. It's built up, the strength is going up, up to that level.

Thus “frustration” was associated with a perceived lack of police response to requests to log and respond to crimes and incidents but “anger” and “hurt” could also result from being challenged about what occurred or having their credibility questioned, as routinely occurred and which resulted in the intervention of the caseworkers as advocates. These feelings were of course experienced alongside those arising from the process of victimization. Whilst caseworkers could “understand” their clients’ feelings in such situations, the strong and consistent message was that they were not to risk becoming perpetrators and not to “go down to their level”.

‘Slow burn’ provocation

Bowling (1999, pp.159-160) suggests that the ‘prolonged and habitual’ nature of some violent racism makes it comparable with ‘wife battery’. Indeed, as already noted retaliatory acts occurred in response to repeated victimization and, in this way, appeared to be analogous to the ‘slow burn’ phenomenon experienced by victims of

domestic violence (Nadel 1994); although only to the extent that ongoing victimization can trigger a range of retaliatory acts, not just murder/manslaughter. Indeed, the physical proximity of perpetrators to victims in the neighbourhood context made the issue of retaliation an important risk to manage for caseworkers. With reference to the proximity between the parties one caseworker explained:

And then it is very hard initially to work out who is the victim and who is the perpetrator because the victim might suffer, suffer, suffer and the one time he or she has had enough they retaliate and they become a perpetrator. (Mandeep)

The following interview excerpt shows the impact of ongoing victimization and the struggle that victims such as Michelle had in maintaining 'ideal victim' status. Here she describes the effect of having received threats and disparaging comments by mail, text and Facebook, being followed by the perpetrators (who were family members) in the local vicinity and being at home when both of the family cars were petrol bombed:

C How did this leave you feeling?

M Hatred. More hate. All I... every time something's happened, I have just felt... I didn't realise you could hate people as much. My words to [my husband] was, if I was to know they were dead, I would go and spit on the graves, because I hate them so much. The lot of them. I hate them.

C It's obviously...

M It's made me angry. Now I'm angry. I'm not upset anymore, I'm angry now. With her mailing me, [my husband] was like well you're making it worse by mailing her back. I said no. Why should I keep being the one to keep being quiet all the time? Why should I? I've took enough rubbish now from her, or from any of them. I'm not doing it no more. I'm just not doing it no more.

Isaac's case also demonstrates how victims experience a form of 'slow burn' provocation (Nadel 1994). Isaac's caseworker said:

Like I got Isaac in [name of region]. He has been a victim ... I've got a file *full* of the incidents that happen ... because he's a travelling person ... from the travelling background ... *he's* been targeted little, little, little and it got to the point where he lost it. And before he lost it he actually put his hands up and he says I can't take it anymore it's happening too much, my livelihood has been affected. And that *moment* he retaliates he becomes a perpetrator and the action taken against him. (Mandeep)

Mandeep also had two separate and unrelated cases during the tenure of the fieldwork where the owners of fast food shops “retaliated” in response to ongoing victimization:

Mandeep A Turkish guy, fast food, kebab and pizza place, victim abused all the time, targeted, assaulted and the same in uh ... in Hurford. And then when they retaliate [pauses]

Corinne [Pauses] They are no longer the victim.

Mandeep They are no longer the victim ...

Corinne Because in Hurford didn't someone die?

Mandeep One person died in Hurford. But prior to that we had *numerous* hate referrals from the police. The guy had called the police so many times. It was over Christmas period and we came back after the Christmas holidays, there were three referrals there. And in that time the victim had retaliated and became the perpetrator. And he was imprisoned for that.

With strong links to the responsiveness of services such as the police to racist incidents, this brief analysis brings into sharper focus both the nature and impact of the lived experience of racist victimization. Furthermore, and like the other aspects of retaliation, the ‘slow burn’ experience demonstrates how, whilst an individual such as Dev might perceive himself to be a victim of racist incidents, in practice whether he can be is the result of other processes including whether or not he is constructed as an ‘ideal victim’, and that hinges on his credibility. The contexts within which retaliatory acts arose often overlapped and so acts of provocation by the perpetrator, under-protection by the police and the ‘slow burn’ effect of victimization could operate at various stages in a case to trigger a retaliatory response or act in mutually reinforcing ways. Retaliatory responses ranged from verbal rejoinders to physical encounters but frequently resulted in the loss of ‘ideal victim’ status and thus hate crime victim status. One caseworker summed the issues up thus:

I think sometimes they intimidate the victims and make them *say* things back to them because then they're covered because they know if they get caught they're going to get done anyway but then if they harass them and they get them to retaliate by saying something ... And plus what they *do* nowadays is they get the police *before* the victim gets to the police. So whoever's call goes first to the control room will get attended by the police first ... So the victims always ends up to be the perpetrator. Always gets arrested for something they were supposed to be getting support from the police for. But just because the way the system is whoever calls first [pauses] ... gets the best service. (Abhay)

Abhay's observation is useful because he reflects caseworkers' and participants' views, discussed in Chapter 5, of the changing nature way in which perpetrators

operate (through his reference to “nowadays”) but also because he highlights the caseworkers’ focus on achieving equality of service for clients from the police. Moreover, the recurrent theme of “clever racists” is evident because perpetrators were routinely perceived to manipulate the criminal justice process by either reporting first or achieving the benefit of police racist assumptions, even if the victim had made the initial contact.

Conclusion

This chapter elucidates how the “empowerment” function of casework was principally advocacy and that it evolved in response to victims’ needs (in discharging the interpretive function). This is instructive in understanding not only victims’ experiences of engaging with reporting authorities such as the police but also the consequences that flowed from a perceived inequality of service provision. These needs were principally bound up with the processes of mortification of self which resulted from the physical and psychological isolation consequent upon victimization and which were a result of not being heard or listened to by those charged with responding to and recording hate incidents but also, as will be discussed in Chapter 7, occurred as a result of the acts of the perpetrator. Thus, the process of being heard and listened to by caseworkers, and of having experiences chronicled and formally reported and recorded, was transformative in that the victim was no longer isolated. Moreover, they formally became victims of hate crime. The practice of translating, framing and communicating victims’ experiences into accounts that would be meaningful and accepted by those charged with recording and responding to incidents, led caseworkers to develop a number of strategies to ensure that what was reported was recorded and, if necessary, acted upon. This included responding to objective-based criteria of racist incidents operating in the criminal justice system which contrasted sharply with the perspective and practice emanating from the institutionalization of “the Stephen Lawrence definition” by the agency. Furthermore, once the victim’s claim became formal and public the caseworker sought to maintain the victim’s status. Their personal and professional understanding of ‘experiential victimization’ (Walklate 2011, p.183) and appreciation of how historic and ongoing poor relations between those from BME

communities and the police could operate to risk the client's victim status, shaped their empathetic practice.

An argument has been put forward that the process of victimization included victims' understandings of, and responses to, crimes and incidents but also the response of agencies charged with responding to their plight, such as the police service. Not only was racial motivation often denied but the process of victimization was deemed irrelevant and the victim's credibility challenged. The reason for this failure to respond has been framed in terms of a lack of empathy, which contrasts with the experiential understanding of caseworkers. As Bell (2002a, p.128) observes in respect of her US-based research:

Seeing victims' pain in great detail allowed detectives to empathize with victims. Detectives insisted that this was required to do the job well.

Thus, what was pivotal for Bell's (*ibid*) detectives, and absent in the mainstream policing response to the victims' experiences documented in this research, *despite* the abolition of discretion at the recording stage and *despite* the absence of an evidential requirement, was *also* an understanding and acceptance of the victim's perspective. By analogy with the requirements for effective mediation, just as an offender is required to empathize with the victim and just as it can achieve 'attitudinal change' (Walters and Hoyle 2011, p.14), so empathy is required in policing. Indeed, the findings suggest that this was more than the operation of the 'hierarchy of police relevance', and the hurdle posed by the 'incident-process contradiction'. Rather, it was the subversion of the Stephen Lawrence definition and thus an exercise of power; in consequence, whilst the former defines who *is* a victim, the latter determines who *can* be a victim. On balance, an absence of empathy in policing resulted in the operation of a 'hierarchy of victimization' (Carrabine *et al* 2008, p.161) where the deserving could secure victim status and, in this way, the victims of hate crime were policed.

Chapter 7

Racist victimization and the ‘mortified’ self

Introduction

This chapter presents an examination of the social situation of victims of racist hate crime, specifically focusing on the consequences of victimization, and so addresses a gap in the literature, because there is clearly a need for a greater and more nuanced understanding of the harms involved in hate crime victimization (Iganski 2009, p.xiv). The first part of the analysis further develops the argument that proximate relationships generated risk for victims of racist hate crimes but the focus here is on the bearing proximity had on the impact of victimization. The second part of the analysis shows how victims developed a range of behavioural modification strategies, including isolating themselves and ‘significant others’ to avoid further hate crime encounters. A comparison is made between Goffman’s (1961) ‘inmate’ and that of the racist hate crime victim in his or her home and neighbourhood. This chapter will show how inmates in total institutions are closed to the outside world, just as are some victims through a description of three processes of ‘loss and mortification’ (*ibid*, p.25) experienced within the home and neighbourhood context: ‘role dispossession’; ‘contaminative exposure’; and ‘disruption of usual relations of individual actor and his acts’. The central argument is that the direct and indirect experience of victimization when both parties were proximate contributed to the mortification of the self as described by Goffman in *Asylums* (1961).

With reference to total institutions such as prisons and psychiatric institutions, Goffman (1961, p.24) suggests that analysing the processes of the mortification of self ‘can help us to see the arrangements that ordinary establishments must guarantee if members are to preserve their civilian selves’. Goffman’s work thus provides an ideal lens to give expression to, and understand the nature and experience of, racist hate crime victimization arising from social arrangements where, as one victim said, perpetrators are “playing with your life” (Dev). In particular, locating the analysis in Goffman’s work to analyse the impact of victimization potentially facilitates consideration of the debates for the justification of hate crime laws; including Iganski’s (2001, 2008) argument that ‘hate crimes hurt more’ than non-hate crimes.

Furthermore, studying the mortification of self in this context throws into sharp relief the complex and interactional nature of hate crime victimization. It makes tangible the lived experience of victimization and the *process* by which individuals were – in many participants’ words – divested of their “normal lives” and became hate crime victims. Goffman’s work also brings authenticity to the writing process because the concept of mortification and the processes of loss he describes reflect that which was heard and seen in the field; it gives expression to the participants’ voices.

Overview of the impact of victimization

Victims identified, and caseworkers responded to, a litany of psycho-social and physical consequences of victimization, many of which interacted and amplified with one another. The range of responses included, for example, depression and “suicidal tendencies” and associated issues such as problems with sleeping, eating and functioning at work and at home. The effect of victimization took a toll on family life and personal relationships besides generating fear for adults and children. The caseworkers repeatedly referred to the impact of victimization as having a “ripple effect” which extended to the “whole character” of the victim and beyond to their family, work and “daily activities”. These findings resonate with Feagin and Sikes’s (1994, p.16) observation of ‘racism as everyday experience’ and that ‘A black person’s life is regularly disrupted by the mistreatment suffered personally or by family members’ and of how it ‘can be viewed as a series of “life crises” ... [like] the death of a loved one, that disturb an individual’s life trajectory’. The following are illustrative:

It’s her whole well-being, her life basically. (Dillon)

But I think it has a big impact on their family life OK. (Salma)

Say for example if they’re getting people knocking on the door or ... like you know constantly or people leaving stuff at the door ... You see a lot of them specially where they’re single people [pauses] ... that they won’t be at their property during the day OK. They stay away during the day and they just come at night or in the evening, go to bed and then just leave in the morning again. But families like with children sometimes it can make them feel like a prisoner because they feel like they’re so restricted they have to stay in the house because they aren’t safe in the local area. (Salma)

And d’you know it ... it affects that person cos they are going through it themselves but it also affects their partner, it affects their children. It has that ripple effect. (Salma)

... but also it's the ripple effect because they could be having problems at home and that could like spill into their education. (Jyoti)

Because I'm telling you, since that, the first of December, my life is not like before. My life is just mixed up, it's not like before at all. (Christina)

The situated dynamics of the experience of victimization brought to light by the ethnographic inquiry clearly adds to our understanding of *victims'* understanding of the nature and meaning of racist hate crime victimization.

Proximity and the impact of victimization

One morning during the fieldwork for the dissertation I prepared to leave the agency's office with Mandeep and he referred to the so-called "locked in families" that the agency worked with. He did so to warn me not to comment on clients' homes and explained that "the first and only time" that he told a client that they had "a lovely home" they replied: "It's not a home. It's a fucking prison". From that point on I heard and saw how those victims whose cases were classed as "generic cases" by caseworkers curtailed their movements and that of their families in response to hate crime encounters and the perceived risk of future victimization by others, some of whom they knew by name, some only by sight, but all of whom were proximate because they were neighbours or local residents or in a personal relationship with them. As demonstrated in Chapter 5, ethnographic research revealed how geographic and/or socially proximate relationships in "generic cases" were perceived to generate risk for victims of racist incidents both within their neighbourhoods and homes. For the caseworkers, proximity to the perpetrator generated "a credible threat of harm", and they responded to such cases on the basis that such situated victims in various ways and to various degrees isolate themselves from wider society. As was demonstrated (Chapter 6), this isolation was made complete by the processes that operated to prevent victims making their claim to victimization formal and public through the designated reporting agencies, namely housing and police services.

As noted in Chapter 3, victims policed my movements in the same ways as they did their own and that of their family members. Furthermore, Chapters 3 and 5 described how racist hate crime victimization was encoded in the neighbourhoods where victims lived. Visiting victims in their homes as well as the places where they carried out their daily lives I witnessed how racist hate crimes had a daily impact, but also

how the frequency of, and exposure to, such victimization was amplified by proximity to the perpetrator. Whether the victim resided in a house or flat, the properties described in the case files and visited during the fieldwork, were usually social housing stock, contiguous with other properties, and based upon shared communal facilities such as laundry rooms, corridors and foyers, gardens and walkways. As will be discussed, such proximity resulted in an absence of privacy for the victim which was the context and a facilitator for victimization. The following descriptions of racist incidents in relation to the physical surroundings of a neighbourhood are typical of the experiences encountered:

The problem with these [name of social housing provider] is soundproofing you can't do anything without the whole neighbourhood hearing but you know you pester the authorities ... to say look you know we've got one life to live here and we've got to try to live it as peacefully as we can. So soundproofing which has always been a problem with budget with housing authorities ... you can hear everything ... You know, if you look out there we're living in a goldfish bowl. We've not only got them, we've got people looking *down* on us, we've got the public footpath [pauses] so, in a way, there's no privacy. (Jason)

Because their window is just by where you park, every time I comes in and out they're there. You sweat all the time, you go for "God's sake". You don't mind if they smile, good morning, good afternoon, how are you. They just stand there staring at you, like a sort of alien. I came to the stage where I would sit in the car, 15 minutes, playing with my phone... I just sit in my car hoping for them to go, and they just stand there staring at you. (Sara)

The parties in "generic cases" often knew one another to varying degrees; geographic proximity often leading to social proximity. As one caseworker observed:

[R]acist perpetrators ... it's such a wide range you know. It could be [someone] from your family to your neighbours to random strangers that you never saw. (Salma)

Moreover, it was not uncommon for perpetrators to galvanise support, particularly on traditional white, working class estates where they and their families lived, sometimes as neighbours or at least in close proximity, and had done so for generations:

A *lot* of the time ... within the neighbourhood they know who the perpetrator is. If it's just one against one it can be dealt [with] quite easily. We've just moved one family from [name of region] to [name of region] because the *wider* family of the perpetrator is around the area. [Pauses] Housing Association will take action against *the* perpetrator but the wider family ... they can't. And this is what the *fear* of reprisals [is about]. Hence they want to be *out* of the area altogether. They say OK the statutory bodies the police, the housing

will deal with ... *the* perpetrator but when it starts the wider family attacking them as well, that becomes a big, big cliché and this is what they *fear*. It's not just fear of individuals, it's fear on their property, fear on their vehicles and all sorts. So that is the time they say no we've had enough, we actually want to move *away* from this altogether. (Mandeep)

Indeed, in terms of interaction theory the perpetrators were able to effect self-mortification because, for the victim, they were 'significant others' from whom they derived feelings about themselves. The idea that those with whom victims came into contact were 'significant' in this sense arose from the repeated references by participants to their aspirations and also the activities in which they engaged which would enable them to feel rooted and a sense of belonging (see Amin 2002; Morgan, Rocha, and Poynting 2005; Skrbiš, Baldassar and Poynting (2007). Once again we revisit the idea that the archetypal hate crime case is challenged because the 'significant others' were not necessarily white people expressing prejudice and exercising power (see Smith 2009a, p.25). Instead, as our understanding develops and we conceive of 'racisms' (Smith 2009a) emerging in emotional contexts (Ray *et al* 2004) between people who know one another, then we have a new framework to analyse and understand the nature and impact of hate crime; that is perhaps how hate crimes can 'hurt more' (Iganksi 2001, 2008) than those not motivated by hostility or prejudice.

As noted in Chapter 5, participants proactively read the body language and facial expressions of those in their locality, including the perpetrator, and interpreted indicators of hostility and prejudice which were ultimately translated as racist incidents. The activities of perpetrators denied victims - physically, emotionally and socially - opportunities to establish a sense of having a place in the community and a home and in consequence isolated the victim. The attempt by the mother cited in Chapter 5 to join a mother and baby group was typical of such experiences, as were those where victims tried to join committees and groups related to the management and governance of the neighbourhood or the local church community. It was for some the same experience as that reported for an east London Bangladeshi community in the 1970s:

The barrage of harassment, insult and intimidation, week in week out, fundamentally determines how the immigrant community here lives and works, and how the host community and the authorities are viewed, and how the Bangalee people in particular think and act.

(Bethnal Green and Stepney Trades Council 1978, pp.3-4, cited by Bowling 1999, p.52)

Perpetrators could also be ‘significant’ because, in some cases, there was a pre-existing relationship between the parties which, as discussed could include friends, family or neighbours. With regard to the latter, “generic cases” were also sometimes referred to by caseworkers as “neighbourly disputes”. Proximity could have a number of consequences for those involved, not least because the parties were likely to also have relationships with neighbours other than the perpetrator. Explaining the nature of the social dynamics in cases involving Somali clients one caseworker explained:

Salma Okay, most of them, they appear to know each other, so there is definitely some kind of personal issue there already.

Corinne And do they tend to be neighbours, or is it mixed?

Salma It could be a bit of both, they could be neighbours but they could also be from the same local area. For example, again I’m referring back to the woman that has been stabbed ... She had an argument with her next door neighbour, and because her next door neighbour is from the majority tribe, she felt the other ladies were kind of... they took sides with her and that’s how some of the problems actually started. When she felt like she lived there longer than the other woman ... and they shouldn’t have taken side[s] but she felt like they should have supported her as well rather than just taking side with the woman that was from [the majority tribe].

Victims frequently encountered the perpetrator in their local area, including Dawn:

Dawn ... wherever I seem to turn they’re there ... No matter *where* I am ... I was going down to the zebra crossing. I stopped and let somebody pass and she was there. Just come out of nowhere ...

No matter where I seem to be she seems to just be there.

Corinne So do you think she’s following you?

Dawn I think ... uh yeah. Not following me I think ... maybe I don’t know cos they seem to be wherever ... she seem to know *everything* I know about me.

Indeed, some victims saw little point in “fleeing racism” to another home within the area because they would be “found” by the perpetrator/s.

Alienated, humiliated, intimidated and isolated by ‘significant others’ in the neighbourhood context, victims had by (Goffman’s) definition been an important source for victims in terms of deriving feelings about themselves with regard to their rootedness and belonging. In turn the attitudes of ‘significant others’ affected

participants' self-esteem and sense of social identity in terms of belonging. The persistent, pervasive and pronounced process *and* experience of isolation as a direct and indirect consequence of perpetrators' actions was one important characteristic of racist hate crime victimization. Demeaned and degraded, victims described living in a state of constant anticipation and were reflexively aware of a loss of social identity and self-esteem. As one caseworker observed racist incidents "can destroy people's lives and families" (Dillon). This was reflected in Lucian's account of his wife's experience:

She lost her confidence to drive. She drove once and because she ... just pushed the brake ... the driver got off her side ... she opened the window ... didn't know what went on. The driver noticed she speaks very bad English ... "Huh fucking foreigner. You go back to your country. Get English lessons to drive" and *this* killed her confidence. That's another big problem for our family.

Capturing the impact described by others Bilbar explained:

First you lose confidence in *yourself*. You feel [takes sharp intake of breath] ... Oh my God ... me Paki man. She's better than me. She's more beautiful. She ... or he is X, Y, Z. You lose confidence in yourself. So it's impact on day to day life. It doesn't matter if you're driving, you're cooking, cleaning ... you are treating yourself as a second, third class citizen. So ... your body language is *apologetic* throughout the world.

Thus, besides explaining the nature and frequency of victimization, proximity explains the impact of victimization. This included, as will be discussed, the restrictions victims placed upon themselves and that of their family members in terms of their home and its immediate vicinity as well as their use of local resources and therefore how they became isolated. Victimization influenced all aspects of victims' lives including perception of self, familial and wider relationships, use of space and place and the mundane including sleeping, eating, and playing. For the purposes of analysis therefore, racist hate crime victimization shared aspects of total institutions in that the social arrangements which ordered individual lives operated in the private sphere *because of* the nature of the social and/or geographic relationships between perpetrator and victim. In the neighbourhood context, victimization produced the same 'moral career' (Goffman 1961, p.135) for a victim as for an inmate of a total institution such as a prison; that is they experienced similar threats to self and learned to mortify the self. The argument here is not that victims of racist hate crimes live in total institution-like conditions. Rather, focusing on the experience of victimization, the social arrangements whereby victim and perpetrator

were socially and/or geographically proximate both facilitated victimization *and* had a particular bearing on the experience and impact of victimization. This impact caused people to undergo transformative processes which can best be understood as involving mortifications of the self.

Here, mortification of self is interpreted to include a loss of self-esteem and a loss of social identity (Karmel 1969, p.136) but also includes the constant anticipatory state victims experienced consequent to victimization. The latter point will be considered in respect of ‘disruption of usual relations of individual actor and his acts’. At this juncture, however, the losses of self-esteem and social identity need to be understood from the perspective of participants:

And there’s a saying in English: “sticks and stones will break your bones but names will never hurt you”. I tell you what, if *you’ve* been a victim of *racial* abuse and *racial* assault *every time* somebody opens their mouth and a racial word is said, they will question their *own identity* and ... that stays with them for the *rest* of their *lives*. Looking over their shoulder ... Why, why me? Is it my colour? Is it my ethnicity? Is it what I wear? Is it my culture? Is it my tradition? Is it the language you speak? Is it the accent I got? They question themselves *so much* ... it just demoralises them. ... Because you think what’s going to be next? ... It is demoralising. *No* self-esteem left at all. You’re worthless, you think what is it worth? (Mandeep)

You just think what’s wrong with you, are you having a bad day or is it ... and you get that in your head and in your mind you start thinking *is* it because I’m different? *Is* it because I look Asian? *Is* it because I’m Asian? You know that thought always crops up in your mind. I think it’s something you’ve lived with since being a child. So, it’s not great but I think it’s something we just grow up with. And I think it depends on what kind of [pauses] you know ... incidents or harassment you may have been subject to as you’ve grown up. So, you know ... makes you the person you are to deal with it but I guess yeah it’s always there. (Jyoti)

Nobody can accept this behaviour ... There’s human rights and there’s self-esteem as well. (Mrs Law, via interpreter)

You ... become like a ... I don’t know like a show freak because they are calling you names and then they laugh ... [pauses] I can’t believe just someone strange passing here calling me [names and laughing or hitting me] ... I’ve become like a show. Yes. Then they will laugh. (Alma)

Devastating. It hurts. You feel very vulnerable. Not only lose confidence in yourself but you lose confidence in people which is *very* important. Over all you lose confidence in system. (Bilbar)

Christina described the impact of victimization by saying that she did not expect that people “would come and disgrace me, embarrass me, humiliates me in such ways”. These consequences were vividly captured in a film made by the agency and the

backing track they chose, *Mad world* (originally sung by British band Tears for Fears), captured the victimization experience:

Hide my head I want to drown my sorrow
No tomorrow, no tomorrow
And I find it kind of funny
I find it kind of sad
The dreams in which I'm dying
Are the best I've ever had ... (Orzabal 1982)

The accounts are instructive not only because they are typical of victims' understandings of the impact of victimization, but also because they demonstrate how victims were reflexively aware of the losses caused by hate crimes and incidents. Indeed, they are consistent with Craig-Henderson's (2009a, p.18) explanation of the psychological response to victimization which also involves the 'shattering' of assumptions about one's 'invulnerability' and of 'a just world' (2009a, p.22). Furthermore, a number of participants, including Mrs Law, expressed harms as a loss of human rights and dignity and their perspective thus chimes with that of Perry and Olsson (2009, p.180) who conceptualize hate crime as the harm and as a 'human rights violation'. Indeed, current government policy is predicated 'on a human rights approach' (HM Government 2011, paragraph 1.6). Victims frequently questioned their plight, usually asking "Why me?", a response explained by Craig-Henderson (2009a, p.23) as the 'fundamental attribution error'. Linked to this point is the idea that it was the process of mortification that often prompted help-seeking on the part of the individual. That is to say, the victim, recognizing the changes in their identity, loss of self-esteem and living in a constant anticipatory state acknowledged that they were a victim of racist hate crime and, perceiving this to be so, claimed the identity of victim. Reflecting on the changes he had undergone, James's exacerbation was clear: "And I can't kill myself to please them. And I can't harm myself to please them, you understand?" Will reflected many victims' experiences of lengthy victimization and the changes he underwent prior to reporting to the agency: "I literally had a breakdown". Originally from Jamaica, Will explained the significance of this and, in so doing, articulated the painful recognition of the transformation:

Will I've never cried before a female in my life - in my life, because my mum used to batter me [laughs]. I remember that part.

Jyoti The cultural side of things, eh, Will?

Will That's the cultural side of things. [Laughter]

Jyoti Oh dear!

Will Yeah. But I literally came here and broke down in front of Jyoti, and Mandeep. Literally crying, couldn't even get two words together and after a couple of months of coming here, as Jyoti says I'm a different person. Because you start... I've started to sort of accept it now, which you shouldn't have to be accepting.

The mortification of self and the recognition of victimhood are key to understanding who claims victim status and why as well as the impact of victimization.

'Role dispossession'

Mortification of self begins with the erection of a 'barrier' that the total institution puts between the 'inmate' and the outside social world and which results in the individual being divested of past roles in place of an institutional one (Goffman 1961, p.24). Goffman's (*ibid*) description of how the 'barrier' created by total institutions between the inmate and the public world results in 'role dispossession' mirrored the experience of victims consequent to victimization. The barriers erected by victims and others and which resulted in their social isolation were pronounced and apparent from the outset of fieldwork. Victims adopted strategies to ensure that they, and other family members, did not come into contact with the perpetrator or their associates. Besides extensive target hardening measures of the home, victims and other family members restricted their use of their immediate environs. For example, victims often opted to shop and use the resources and amenities of neighbouring towns and cities. Here, having associated a reduction in victimization with being at home more, Sara describes how she managed her life outside of the home:

... let's say I had to go out, then I wouldn't go Hamsworth anymore, I don't go Hamsworth. You see ASDA, I'll go ASDA, that is the daytime. I wouldn't go after a certain time. You see, I have a few restrictions, I wouldn't go to Roseville, Hestletinoore or North Graystoke, there's no way. If I get to drive there my windows are locked. Maybe nothing is going to happen but it's all in the back of my mind. Maybe it could.

... let's say if I want to go, just Hamsworth, that West Street, it's alright in the daytime, but I wouldn't go myself, I'd go with a friend, because that's where I had my headscarf [hijab] pulled down. It might not ever happen again, but in the back of your mind there is always a bell, you can think, oh. Do you understand? It's like ASDA as well, I've had a few incidents in ASDA store, pushing the trolley, you know, people is not happy so they swear at you.

Alma explained that she ordinarily takes “two buses” to shop in another area:

... when I run out of milk or sugar, I have to wait until tomorrow ... And then especially, I don't want to scare the children. I don't want them to see me all the time upset whenever we go out in the area or um or in front of my children someone saying eh silly eh eh ... horr ... horrible word and the children hear everything. I don't want that, that's not right ... It's just cautious when I just leave the door [pauses] yeah.

As can be seen from Sara's account, strategies that developed in response to victimization included driving to locations which victims would have previously reached on foot, or only leaving the home accompanied by a partner or friend or arranging for somebody to give them a lift. In Louisa's case the impact of victimization included a family decision that only her father-in-law and not her mother-in-law should visit them from Egypt because they feared that she would be victimized too, but it also prompted Louisa to learn to drive:

... because [her mother-in-law] wears a burqa all the time and [Louisa's husband] said it'll be nothing but stress for her. And he says my wife has gone through enough. And she's the same person before she started wearing the headscarf. There's no change in her and this perpetrator ... *now* the perpetrator was introduced to her by a friend and she thought it was an acquaintance she knew ... how she turned into a perpetrator and the abuse she got there. And you're right, she stopped taking ... walking the kids to school and ... It *made* her learn to drive and take the kids there (Mandeep).

Louisa explained:

... and then after it happened I didn't walk anywhere, so ... I just got taxis until I learnt to drive.

Christina's description of the same strategy highlights other impacts of victimization that will be discussed:

That has even pushed me to learn how to drive. I have my last saving money. I bought a car just to start learning how to drive, so that I will get rid of that area totally. It's really disturbing me and I have pain, I've been... err I've been off work since then, I'm not working. And my kids didn't want to do anything with these people. My son really had a remark two days ago in the church to a white person, and it was really affecting him.

Whilst it was the impact of victimization by one perpetrator that was the primary catalyst for victims' behaviour modification strategies, there was often a wider context too which included discrimination and hate crimes and incidents by others; and victims thus highlighted the complex process of victimization. This can be detected in Sara's account of her experience and Louisa's explanation of why she learnt to drive:

Louisa To avoid her but I often find that if I ... although nothing else has ever happened, if I go into Hurford town centre, I don't get very good looks or in shops I don't get very good um [pauses] what's the word?

Corinne Service?

Louisa Service, yeah. I don't ... Now that I drive I *never* go into Hurford for anything.

By not using her local resources at all, Louisa undertook a journey which involved at least a 50 mile roundtrip: "Even for my food shopping, I'll do it in Elban". This was mirrored in many other accounts, including Nathalie's:

Nathalie The thing here really [pauses] it's sort of intimidating. It's like when you go out you know when someone is looking at you with questioning eyes with this attitude. Although some of them, they don't say nothing but you can tell that in their expression [pauses] he or she is saying a lot inside. Like I don't like use the local shop. I only go there if there's no milk. I always buy things like when I'm coming from work from Tescos and all that stuff but [pauses] it's [pauses] it's [pauses] I don't feel comfortable to be walking about the streets of Roseville basically ...

Qiaohui Even the shop next door you do not use it at all?

Nathalie No, I don't even go to Morrisons much [other shops] just around the corner could easily walk but I don't, much of the time I just I just drive. It's easier because I just park, get into Morrisons, get back into the car and come back ...

Through these behaviour modification strategies people were dispossessed of social roles and stripped of their normal identities such as neighbour, local and resident. Alma's case shows how this occurred and, like Louisa, her experience demonstrates that the experience and impact of victimization includes wider instances of discrimination. Alma was a Muslim woman of Somali origin, and a single parent who lived with her four young children. The family suffered "racial verbal abuse" from local white youths on a daily basis and assaults. The children also experienced "racial verbal abuse" in their local primary school where they were "bullied" and called "Dirty Blacks". Alma initially chose to shop in a neighbouring city but also, when she

was unable to resolve the racist bullying with the head teacher, she moved her children to another school. Eventually she moved the family to another area. Withdrawal from the local community in these ways resulted in the family members' role dispossession as neighbours, locals, residents, pupils and so forth.

As noted, families such as Alma's were referred to as "prisoners in their own homes" and as "locked in families" by caseworkers. The following excerpt from an interview with a caseworker (Qiaohui) illustrates that such cases were not unusual and how the act of keeping one's family within the home was understood as an act of protection because, in this context, the perpetrators were normally neighbours:

They couldn't enjoy their family life freely that's why I have a *lot* of cases ... the family's coping strategy is just is keep the children inside of the house. Keep the family life inside of the house and trying to *avoid* issues. But unfortunately with this kind of racist attitude just next door a lot of things you cannot avoid and troubles just follow you. ... that's why a lot of clients still saying ... "I give up playing in the back garden, I give up letting the children out in the front garden, still the neighbours come to my house, knock on my door saying this, this and that. I do not know what I should do, I have to move."... I think that's a kind of coping strategy ... for avoiding those kind of issues ... just withdraw themself ... from ... the street, the community.

Whether or not children were the primary victims, the impact of victimization took a toll on their lives too as a 'barrier' came between them and their social world. The consequences for Christina's children following the initial violent attack upon her by two perpetrators with an iron bar at a local bus stop were manifold, including their own victimization once the perpetrators began loitering around the family home. In consequence, and mirroring the experience of children in other cases, their movements became curtailed:

Sometimes I don't let them go outside. And sometimes, they will say "No, we are not going". They will refuse to go sometimes. (Christina)

Victimization therefore 'disrupts role scheduling', not least because 'separation from the wider world lasts around the clock and may continue for years' (Goffman 1961, p.24). In consequence victims were dispossessed of their normal roles and identities such as resident, local, neighbour, citizen, pupil but victimization also impacted on other social identities including parent, child, husband, wife and friend. Mrs Law (through an interpreter) summed up the impacts of victimization as follows:

I'm the victim and I'm diabetic ... I can't sleep ... Your feelings, your relationship with your children and your spouse ... You get angry ... You lose your temper with your family ... You affect your spouse ...

When your spouse know that you're upset he tries to leave you alone and then you get even more upset ... [I] can go on for a week without sleep and whenever [I] think about it [I] get really frustrated.

Having identified a loss of confidence in self and the “system” and the subsequent “anger” and “frustration” that builds up, and which can potentially lead to retaliatory acts, Bilbar articulated how victimization resonates through familial relationships:

Then you live with your family [pauses] ... On ... on ... on vulnerable member of family you are very aggressive to because you need to take this aggression out somewhere. It could be your children it could be your mother-in-law or could be ... uh ... wife. Whoever is vulnerable to you. And who is ... uh ... you are vulnerable to ... you go back in your shell. So your ... your personality is not balanced and it's causing problem on day to day, on daily basis. Come to the evening when you go to bed you can't sleep.

I'm a *man*. [Pauses as he flexes biceps and feels them and strokes an imaginary long moustache] Yes? *Pride*? [Pauses] But I am just mouse. I'm sorry. I'm just hiding. I'm just scared. And I *can't* tell my *grief* to ... to my partner, to my wife, with my fam ... I can't *share* because I would be ashamed I'm *man*. I'm a *man* ... Asian man ... there's pride and ... there's hurt [voice trembles] and ... man are human being as well. And the body reacts and the emotion reacts equally. But you are forced ... you put on position, the pride. You are the man. So you can't share grief. ... sometime you really, really man and you take *all* the stick [taps table once] ... for the sake of family [taps table once] because I ... you do not want to transfer grief, aggression all those depression to your wife and your children because they'll be *affected*. You never win ... So you are living with that.

And it grows ... when things happen to me ... The first ever time it happened to me when I was beaten up in a taxi trade, [pauses] purely what? Because of race? [Pauses]. I was out of everything. I don't know how long it took me to get back and I came back [taps table once] because of my family. Because my wife [taps table once], my children, my responsibility [taps table once], my commitments [taps table once] and I realised that ... you are not you only. I want to die. OK, go! Die! But remember you are not the ... only. There's so many connections ... so many dependents. Not [just] *financially*. ... But your presence, your existence, your presence is their ... means a lot ... and why are you being sad ... yes ... and I had to come back, I had to pull back and ... [pauses] [the agency], organizations like [the agency] and especially [the agency] have always been very, very supportive.

Christina's caseworker described how Christina's children were “affected” by their mother's “stress”:

... and they *know* what's going on, they did see mummy was crying, they did see mummy has injuries on the face and the nose was broken ... They said the mummy is not confident even [to] go *out*. So that destroyed the children's confidence as well. The children even had some [hate crime] incidents afterwards, even get the situation worse. They do not have confidence to play outside even going to the bus stop to go to the school.

Ethnographic research made visible not only the process by which cases were constructed, but also generated an understanding of the experience of living with victimization. Two examples will be given illustrating how the insights developed were both theoretically and methodologically important. Bilbar's perspective alerts us again to socio- and culturally embedded notions of maleness in understanding perceptions of, and responses to, victimization. Indeed, it sensitises us to the ways in which different people experience victimization differently and the potential for victimization to be experienced as emasculating for some men, perhaps physically, culturally and sexually (*cf.* Stanko 1987, p.126). Indeed, during access negotiations one of the gatekeepers (Rahul) warned me that I would see how hate crime affects fathers. A father, Rahul suggested, feels like he should be "Superman" to his family - head of the household and protector - but the nature and impact of racist hate crime victimization denies him this role because he realises he cannot "even" protect himself, "let alone" his family. Describing his experience of such victimization Rahul said:

I was ready to leave the house and leave [my wife and daughter] because I felt I'm not good as a man, I couldn't protect them, I wouldn't be able to protect them in future. What right have I got to call myself a husband or a father to these two people? And I was ready to move out. Go. Get out.

Secondly, I was at the office when the referral for the attack on Christina was received and privy to the discussions which constructed the case as both "urgent" and "generic". I was also present when the initial call was received from social services informing the caseworker that Christina was unable to leave the home and certainly unable to revisit the bus stop which, it materialised, was the bus stop where Christina's children caught the school bus. As such, I was able to observe the response to Christina's family including telephone calls and meetings where emergency arrangements were put in place for a service to take care of the school run. I also heard telephone conversations about how, confined to the home, Christina could not shop for food provisions either and, according to her caseworker:

Even without any milk in the house she refused to walk on the street to the local shop to buy because she was too terrified (Qiaohui).

In these and other ways, I witnessed how the 'curtailment of self' consequent upon victimization did 'block' Christina's 'performance and ties' (Goffman 1961, p.24) as a mother; an experience that she later described in her interview. In such cases the

impact of actual and the threat of further victimization ‘disrupts role scheduling’ and in consequence ‘role dispossession’ was experienced (*ibid*).

The separation from the social world in many cases became absolute when friends and family no longer visited the victim’s home. The consequence, as for the ‘inmate’ of a total institution of such isolation was to ensure ‘a deep initial break with past roles and an appreciation of role dispossession’ (Goffman 1961, p.24). Consider Susan’s case, which was typical of many encountered during the research and which embodies several of the recurring motifs of the research including how the victim undergoes a process of mortification:

I’ve just visited [Susan] following a transfer application. She’s been there almost 6 years, about the lifetime of her son, ... who is mixed race.

She says that throughout his life he’s been called ‘nigger’, ‘halfblood’ etc by neighbours, and as a result she has never let him go downstairs (they’re on the 3rd floor) to the communal garden to walk the dog or play, as other children in the block do.

[Her son’s] father no longer lives there, but she has lots of black friends who no longer visit her at all because they’ve so often experienced direct[,] or overheard[,] racist comments. [The] [t]enant at [No 6] round the corner often plays loud music (that I heard today) – sometimes with explicitly racist language.

[Susan’s son] has extremely bad eczema (always has to wear full body bandages, up many times a night covered in blood etc.) – the stress he experiences ... and from what he increasingly understands his mum’s going through, causes him to scratch more. [Susan] feels depressed, but as is due to give birth in Sept her doctor has not given any medication. (Housing Officer’s referral)

It is of note that the victim was white and her son dual heritage. This case is one example of those cases noted in Chapter 4, and consistent with Bowling’s (1999, p.214) point, that white people are targeted in such a way because of their ‘association’ with people from minority communities. Indeed, as noted in Chapter 3, as I accompanied victims and caseworkers in localities during the course of the fieldwork two decades on from Bowling’s research I too had the hitherto unknown experience of looks of indignation (if not curiosity or disgust) and disrespectful comments and treatment from other white people. As Bowling (1999, p.215) concludes:

That a large proportion of the experience of white women should be at the hands of other white people indicates the importance of recognizing the complexity of the problem of racial harassment ...

The impact of varying degrees of racist victimization prompted victims such as Susan to curtail her movements in order to protect herself and her son, and in consequence Susan *and* her son lost control over their lives and also their social roles identities. Thus, the barriers that hate crime caused to be erected between the victim and their social role also resulted in the dispossession of certain roles and identities *within* the private domain. For many victims, role dispossession due to social isolation consequent upon victimization was an entrenched feature of their lives and they were reflexively aware of such losses and articulated them as such. Such findings, by analogy with those of Noelle (2009, p.93) suggest that barriers to receiving family support may explain the increased impact of hate crime victimization.

‘Contaminative exposure’

According to Goffman (1961, pp.31-32) outside of a total institution:

... the individual can hold objects of self-feeling – such as body, his immediate actions, his thoughts, and some of his possessions – clear of contact with alien and contaminating things. But in total institutions these territories of the self are violated; the boundary that the individual places between his being and the environment is invaded and the embodiments of self profaned.

Goffman (1961, p.31) identifies ‘contaminative exposure’ as being possible in different ways: ‘informational’ (p.32); ‘physical’ (p.33); ‘interpersonal’ (p.35); and ‘relationship’ (p.38).

‘Informational’

Unsurprisingly, Goffman’s discussion of the loss of information in total institutions (1961, p.32) operates in a different but equally violating way for the victim of racist hate crime. The violation of personal information and of the personal realm of life was regularly an issue for victims in the form of so-called “malicious” or “false” allegations to their housing authority (for example about noise) or to social services (about child abuse or neglect) and to the police (for example about offending). Racist hate crime committed by stealth in these ways was, of course, possible because, even in the absence of a personal relationship, the physical proximity of a perpetrator in the neighbourhood context provided sufficient personal information to abuse and it

was this that was subsequently violated. Indeed, this point is supported by Stanko's (2001, p.323) observation that:

Most violence occurs among people who know each other, or know of each other. It is this knowledge that indeed gives an assailant additional resources about the vulnerability of his/her intended target. It is how assailants turn *those known* to them into *strangers* that we can learn more about targeted violence (emphases in original).

The consequence of such "malicious" or "false" allegations, however, was to expose the individual to immediate investigation that 'mortified' the 'self' (Goffman 1961, p.24) as demonstrated in Chapter 5.

'Informational' contamination also arguably occurred when the victim sought help, including when reporting hate crimes and incidents to the police. Personal details were recorded on police templates including gender, religion, ethnicity, date of birth and so on. Moreover, as already discussed (see Chapters 4 and 6), the victim's credibility fell under scrutiny and so, like the inmate, 'social statuses and past behaviour – especially discreditable facts – are collected and recorded' (Goffman 1961, p.32). In this regard any evidence of malfeasance, especially a criminal record, would be raised and, in this way, loss of personal information would result in mortification of self. Furthermore, the act of reporting crimes and incidents to the agency could provoke similar responses and this was particularly apparent when the question of the victim's mental well-being was discussed in relation to the facts of the case. This was a recurrent issue and one never fully disambiguated during the fieldwork. At times it was unclear to me whether a victim was experiencing a standalone mental health problem or whether what was discussed was a manifestation of the impact of (repeat) victimization. Whatever the context and issue, however, the 'exposure' of victims in these ways 'of facts and feelings about self' to these 'new kinds of audiences' (Goffman 1961, p.32) further eroded the victim's notion of self in a way that could have been avoided but for the victimization.

'Contaminative exposure' also operated, as in total institutions, through acts of victimization to deny the victim privacy (Goffman 1961, pp.32-33), facilitated by geographic or social proximity. Victimization was characterised by a pronounced absence of privacy and this public state was the facilitator for victimization, the context within which it occurred as well as a mechanism for perpetration. Visiting victims in their homes I became acutely aware of the effect of 'contaminative

exposure' through the invasion and denial of victims' privacy by neighbour-perpetrator/s. Frequently, as noted in Chapter 3, the curtains at the front of the family home would be permanently drawn, the victim/s not wanting to see - or be seen by - the perpetrator-neighbour/s:

Cora And you find yourself hating the place you live. And when you think about going home you just don't want to. You really don't want to, and I don't open my curtains, I close them. I don't want him to know when I'm in or when I'm not in. And ...

Corinne So you close them in the day time as well?

Cora Yeah. Yeah, yeah. 'Cos sometimes he has ... one of his friends, who usually comes all the time and he's the worst of the lot after him, he stands out like at the bottom of our window and then they start having conversations from his window to mine but it's pointless 'cos why can't he just go to his house? And he's come to visit him but they just do it to annoy. ... And even though I've got my net curtains you just feel a bit, I don't know, like somebody is looking into you, like into your house. But what can be done? Nothing apparently.

On other occasions I found that certain parts of the home had been abandoned in order to protect the family from further exposure, whether physical, aural or visual. One meeting with a participant for example took place in a dimly lit room at the very back of the house, the front living quarters no longer perceived to be safe to inhabit: "I mean [pauses] this house is vulnerable." (Nathalie). Other measures employed to shield victims and their families from neighbour-perpetrators included fencing:

... we've been wanting to put our fence up around to *protect* our property from him causing criminal damage. Even though out of sight is out of mind as they say, yes we can hear them but at least we don't have to look at them. (Jason)

Victims in the neighbourhood context frequently talked about surveillance in relation to the proximity of perpetrators whether this involved being watched inside the property by the perpetrator through a window, or outside of the property in a garden or upon leaving the property, or in the local vicinity. Jason typified this with his reference to 'living in a goldfish bowl' (see p.210), as did Dawn when she described her experience:

Dawn Then she's saying to me she's saying "Oh you're putting on weight I can see from my bedroom window". She's like this [laughs indicating disbelief]

Corinne How does that leave you feeling?

Dawn I don't know it feels like she's *watching* me. It feels just [pauses] I'm on edge all the time thinking like as am I being watched

or ... Cos I know every time I pull in out there they're just *watching* out the window her or the mam.

A conversation with Jason and his wife (H) documented how their neighbours' behaviour had impacted on Jason's job, their social and personal relationships and the use of their home and immediate environs and thus, like Cora, Dawn and other victims, the 'territories of the self are violated' (Goffman 1961, p.32). The couple's conversation, for example, always returned to the issue of surveillance:

J Well, internally as well it's soul destroying ...

H Mmm, it does ... it affects your day to day ...

J Of course you do ...

H ... thinking oh, the sun's out oh I'm just going to hang the washing out and then I'm coming straight back in

J Mmm ...

H You don't want to sit out sit out in case they're watching ... you know.

According to the couple, the neighbour-perpetrator appeared in his garden to watch them whenever they went into their garden both to "intimidate" and "to spark something else off", that is to provoke a reaction from the victims.

The impact of perceiving oneself to be constantly under surveillance had related consequences for the victim, the agency and external partners. As discussed (Chapter 6), the perceived consequences of engaging with the police for the victim could be negative, not least in terms of any interaction being observed by the perpetrator. This was because of the possibility that the crimes and incidents would escalate; that is, a "fear of reprisals" would make victims reluctant to report to police and housing officers. In consequence, a locally-based multi-agency project which deployed carpenters in police badged vans to target harden properties was later physically rebranded as a housing project initiative:

And the reason they done that is because there's a police logo on [the van] ... it used to frighten people uh the victims basically because every time the van pulled up they would think the perp would know that police involved now. The victims would think OK they are going to get attacked *more* now because the police are involved. (Abhay)

Moreover, the agency sought to "empower" clients so that they would allow the carpenter into their homes:

... the local project] started being a bit more careful on how they approached the victims. So we would empower our clients to say that look even if they come they will not have the van right outside their house, they'll park it round the corner and they'll walk into your house but they are not uniformed. They are uniformed but You can't tell obviously ... it's a police agency. (Abhay)

Thus, in terms of accepting practical help, but also with regard to reporting incidents and crimes, and certainly in respect of perceived risk, proximity to the perpetrator had pronounced consequences for the victim. Managing encounters with the outside world meant that if ties were not to be lost (for example with friends and family), or risk amplified or realized, then participants and those who associated with them needed to engage in 'impression management' (Goffman 1959, Chapter 6). This occurred with regard to the carpenter's van:

... they have changed the ways they work so they look like a normal carpenter and chippy ... just with the tool box or it doesn't look very obvious. (Abhay)

'Impression management' also occurred with regard to how the caseworkers conducted themselves, for example:

I go to all different places in Elban where there is crime uh hate crime ... racist crime and the reason I feel comfortable walking into that area or into that house is because I've got a [clip]board in my hand makes me look like one these [laughs] either city council worker or even a police officer in plain clothes. So nobody will know basically who I am working for and that actually makes me feel ... nothing to worry about (Prahlad).

Besides surveillance, lack of aural privacy meant that the victim, like the 'inmate', is effectively:

... never fully alone; he is always within sight and often earshot of someone, if only his fellow inmates (Goffman 1961, p.33).

Thus victims could be heard by perpetrators (see, for example, Jason's comment below) but 'exposure' (Goffman 1961, p.33) was achieved through, for example, neighbours playing music with explicitly racist lyrics (as in Susan's case). In such circumstances 'contaminative exposure' was achieved and mortification effected. Indeed, by analogy with Avni's (1991, p.146) writing about 'the home' as a total institution' for 'battered wives', 'exposure' is 'complete' which 'enables direct control and inspection of any movement at any time' and so it was for the minority

victim who similarly was unable to draw on the ‘possibility of collective action’. Participants referred to a lack of family and friendship networks (*cf.* Feagin and Sikes 1994, p.16), either because of recent immigration or because of the isolation following victimization, but also because, like Cora, they consciously perceived themselves to be a minority person:

... actually when I first moved there I think I was just about the only black person in that particular area.

The idea of isolated victims of course limits the potential of racist incidents as ‘message crimes’; beyond the victim, to whom and how is the ‘message’ communicated and received? The impact of denial of privacy was evident in different ways during fieldwork. Visiting participants in their homes I encountered perpetrators, and was subject to the same restrictions of movement as the victim and their families. I could also hear the day-to-day activities of the perpetrator-neighbour and their families: the clunk of a plug as it was pushed into a socket in a shared wall; a chair dragged from under a table; a child crying or playing; a dog barking; an altercation; music playing; a door shutting; a TV show; or the smell of cooking. The same acts by the victim and their family frequently served as trigger points for neighbour-perpetrator/s to engage with victims. In consequence victims silenced their children and restricted their movements, avoided using the television or music or turned the volume to a lower setting and policed all movement around the home and either refrained from or modified their cooking habits, especially if their cuisine reflected their culture. In a constant state of anticipation, behaviour modification strategies were deployed in order to minimise or prevent the possibility of interactions with perpetrator-neighbours:

Locked in families. They are prisoners in their *own* homes they don’t want to put the telly [on] ... They can hardly hear it so not to disturb the people next door because they’ll put malicious complaints in ... *all* sorts. And there are how many families, especially BME families just living in prisons which is their own *home*? And that’s not right. (Mandeep)

Even cooking. You know it’s like oh no what if they complain about the smell you know. I mean it’s just like oh God that’s what it is that sort of anticipation, that sort of like what’s going to happen next? (Dillon)

... but then you have to *cocoon* your [pauses] property ... so you know ... your children can [drums table] come in and out ‘cos it’s ... in the nice weather you open your back door, you open your

front door, you can go from your front to your back garden, and you can just feel *really* free. (Jason)

... and every time the kids go up the stairs, because at that point it didn't have carpet, and we still haven't got the carpet yet, no carpet, nothing, because the council doesn't do nothing. "Slowly on the stairs, don't talk, don't do this." Me and my husband was, all the time. They're kids man. The poor kids, even them, "Ssh, be quiet", even the little one. "We could lose our home. We're going to be homeless. Ssh." And you think... and you think, shit man, I haven't got millions to buy a house. If I had I would have gone, I'd give that house back. ... I hate any noise that the kids make, just normal noise. You know, nobody can hear them apart from me in my house, I swear to God. (Sara)

Complaints about a family's everyday activities were made to the victim (and/or their family) but also to agencies such as the housing provider or the police service and carried a potential threat to the victim's tenancy or wider ramifications, especially if grievances took the form of a "malicious" or "false allegation". Of course, in these ways, and by analogy with total institutions, 'social control' (Goffman 1961, p.43) was achieved by perpetrators and the 'silence system was enforced' (Goffman 1961, p.43 citing Gaddis 1958).

Besides facilitating the discussion of everyday meanings for participants about the experience of victimization, ethnographic fieldwork thus brought into full view an important and pernicious aspect of racist hate crime victimization. It made visible how proximity to the perpetrator and the ongoing risk of future victimization was lived off the radar of authorities such as the police and housing providers, and made tangible how perpetration occurs in un-policed spaces. It also brought into focus the nature and impact of repeat victimization, facilitated by failed attempts to bring formal action against perpetrators:

So since [the agency] came on ... they've been arrested for false statements [pauses] it has kind of calmed down a bit. But since [the perpetrator's] asked and found out that she's not being charged she's passing up and down again, passing and giving her little grins ... (Dawn)

I think [the perpetrator] says it because at the end of the day when it comes down to it if he feels I'm doing something that I shouldn't be doing 'cos in his head he's got it, and he's thinking look you're in my country go away. Go away from my area, go back to your country. So I think he feels he has the right, I think, first of all because I'm in his country. And secondly because he can get away with it. He's got away with it so far. I think there are no harsh laws governing any of this. So I think anybody can get away with it and he certainly is. (Cora)

Then we go meet with my daughter because she gave her birth ... in the Hurford hospital and all Sunday they rang me about seventy times.

And I report to the police. They said I have [to] report everything what she said. And I report, and report, and report and no one wants to talk to me, you know. Then when we came home from the hospital she rang me and she said like she said before “Now you will see what will happen” ... “You are at home?” ... I said “Why?” ... “Just wait for me. Just wait for me and you see”. And five minutes later Sarah and Sharon’s boyfriend, they came here. And [I was here] with my ex-partner, with [my daughter] Alenka as well and you know we ... we ... we was very, very worried. Alenka she was like screaming and shouting because you know of the knife and he we see you know how he ... he take a lighter ... and said he ... he wants burn my house as well. And they ... they damage all my garden. Now I miss garden because I always had very, very nice flowers. (Karina)

Whether responding to the daily activities of the (victim) family next door or not, any “verbal racist abuse” said or shouted within the perpetrator’s dwelling could not be reported (successfully) as a racist incident (see Chapter 5). In such cases, the process of mortification was amplified by the fact that the proximate-neighbour perpetrator could plead “a section 5 defence” and thus offend with impunity. Consider, for example, Jason’s experience. After showing me images of racist graffiti in his neighbourhood that he had photographed with his mobile telephone, and offering to play recordings of perceived hate incidents perpetrated by his neighbour, Jason and his wife made repeated references to how forms of noise travelled between the homes: “You scrape a chair it runs straight through the house obviously and their anti-social behaviour”. For Jason this was because “these are like cardboard boxes these houses”. The couple also recounted incidents that had resulted in them avoiding entertaining visitors and using their gardens recreationally before returning to the issue of how the perpetrator-neighbour had also shouted threats, including death threats, audibly in his own home:

Yes, [the police officer] literally left our property here. He was stood at his fence, [the officer] went up he said “Listen Mr Williams don’t want nothing to do with you. You get on with your life he gets on ...” and *that’s* it as far as we were concerned. *Low and behold six weeks later* [pauses] I was sat there ... you [Jason says to his wife] were on your way home ... and all of a sudden he ... he ... he ... it was venom and it was an *attack* and that’s when he turned around and he *hammered* on that wall [pauses] “YOU BLACK [spells out the word] CUNT ... I’M GOING TO F’ING HAVE YOU ... GET OUTSIDE I’M GOING TO KILL YOU I’M GONNA KILL YOUR FAMILY ... I’M GONNA ...”. He t-o-t-a-l-l-y f-l-i-p-p-e-d o-u-t and I’m thinking *what for?*

Thus proximity and failed attempts to report racist incidents meant that Jason and his family continued to experience hate incidents. As noted, the neighbour-perpetrator also targeted the family whenever they used their gardens:

Jason If we go in our back garden or if we talk they'll know we're there.

Helen When we are out doing the grass 'cos obviously we're actually out spending time out there cutting the grass ... as soon as we are out there he ... he comes out

Jason He comes out

Helen Opens his shed, gets something out, closes it, goes back in ...

Jason He's not doing anything

Helen He's hovering ... hovering around

Jason It's the intimidating

Helen Mmm

Jason ... provocation ... it's the response ... it's waiting for a response.

By analogy with Goffman's (1961, p.138) analysis, we see not only 'the implications for self of social settings' but how hate crime encounters are not limited to interactions 'with significant others' but how they also arise out of 'the arrangements that are evolved', in this case by relationships of proximity. In these ways contaminative exposure occurred and mortification was effected.

'Physical'

Goffman (1961, p.33) talks of 'direct physical' contaminative exposure as 'the besmearing and defiling of the body or of other objects closely identified with the self', and does so in terms of, for example, 'degradations' and 'humiliations' (1961, p.24). In many cases this was equally true for victims of racist incidents. Only brief attention can be given to this matter but clear examples occurred besides acts of physical violence and included: pulling off women's hijabs; writing racially (and sexually explicit) graffiti on front doors; and leaving bags of dog or human faeces in front doorways or smearing them on or posting them through doors. A number of cases involved perpetrators policing spaces used by victims with dogs (see for example Chapter 3 and p.211) and, for some victims, such as those of the Muslim faith, dogs were perceived to be ritually unclean. Furthermore, various degrees of touching not only amounted to criminal assaults but were also offensive in different ways to different people from different cultures (see for example Sara in Chapter 6). Also, as illustrated, acts committed by stealth could result in such 'exposure' such as

when Aalia's daughters were examined. In these ways victims of racist incidents underwent mortification of the self by 'contaminative exposure'.

'Interpersonal'

Indeed, in the context of racist victimization the added element of menace and threat operated to amplify the experience of persecution. As Goffman (1961, p.35) observes:

... when the agency of contamination is another human being, the inmate is in addition contaminated by forced interpersonal contact, and in consequence, a forced social relationship.

Indeed, most – if not all – of the examples of hate incidents documented in the research fall within the definition of 'interpersonal contamination' (1961, p.35). By analogy with Goffman's (1961, p.36) observations, it was the perpetrator as well as the act of perpetration 'that penetrates the private reserve of the individual and violates the territories of his [or her] self'. The living arrangements arising from social housing and other such tenures created communal spaces and facilities where 'mutual contact and exposure' (Goffman 1961, p.36) were an inevitability and which were woven into the experience of victimization. In respect of this kind of mortification, the idea of contamination by 'the practice of mixing age, ethnic and racial groups' (1961, p.36) in total institutions is of particular interest because the issue of 'contaminative contact' (1961, p.37) was an issue for participants. Denied the formal civilities of everyday life, victims described the humiliating and degrading treatment at the hands of "ignorant" others who eroded their perception of their own status. The act of being victimized and addressed by "lower status" or "class" perpetrators was a recurrent theme and the mortification seemingly more pronounced for victims if they perceived the victim to be of equal or "higher" "class" or "status" to themselves. Here, for example, after describing an incident where an unemployed "drunk" man called him a "fucking black cunt", Will explained:

Things like that, yeah, it hurts, yeah, but when you've got people where they're coming from work, people like dressing properly coming up, and they're just going to stand up and racially abuse you. That's not on.

Contaminative exposure was thus achieved through such experiences.

'Relationship'

Hate crime encounters also triggered the involvement of others in the lives of the victims and their families including, for example, housing and police officers. Indeed, in the case of the latter, the bringing of 'an outsider into contact with the individual's close relationship to significant others' (Goffman 1961, p.38) was often most unwelcome. The role of the agency was often expressed not only in terms of acting on behalf of clients in respect of, for example, the police, but also acting as a conduit to shield the victim from a myriad of agencies involved in their life following a formal claim of victimization. For some victims, such involvement by others in their family life was clearly overwhelming. The exposure of the victim's relationships to external involvement was most apparent, however, when like the inmate, the victim:

... witnesses a physical assault upon someone to whom he has ties and suffers the permanent mortification of having and being known to have taken no action (Goffman 1961, p.39).

Indeed, this form of 'experiential mortification' (*ibid* p.40) occurred even when action was taken but was perceived to be ineffective. Two examples arose in Mr Seck's case; the first occurred when he found himself having to explain the nature of the attack to his son:

[Mr Seck's son] doesn't speak [pauses] a lot of English. I mean that is the thing he's newly arrived to the country and speaks *very* little English and couldn't even understand what they were saying. But he did come home and sort of ask dad I think a few times ... "They're calling me this word". Right, it was the N word and it was like trying ... he was trying to repeat it to say "Naygar what does mean?". And I remember Mr Seck saying to me he goes "He's come and said to me what does it mean?" and you know ... "I have to try and explain this to my son. What do I tell him?" you know. He goes "My son's coming home and asking me these kind of questions and my children we don't even like swear kind of thing you know and it's very difficult. What do I explain to him? I have tell him it's because of the colour of his skin". He was yeah, very upset about it. (Jyoti)

The second example occurred when Mr Seck tried to negotiate with the gang of youths that congregated outside of the family home "shouting death threats", the same day that his son had "retaliated" and that a carrier bag of faeces had been left on the family door step. Later that day he was compelled by a police officer to go with his son to the station to participate in a restorative justice process; a procedure that was later rescinded for lack of due process. I was present at the office to hear

subsequent telephone calls between the client and caseworker, and she later summed up the impact of those events on Mr Seck:

This incident happened on the Saturday night. I went out to the ... clients urgently on Monday because he called up in tears. He was sobbing because he'd just had enough. He said he couldn't cope anymore. And for a man who's got a twenty-one year old daughter and other kids as well you know for him sobbing complete ... you know just sobbing away [pauses]. And I'd seen him before you know just ... He was coping with things and ... and a strong person and he'd sort of been lowered to that ... (Jyoti)

'Experiential mortification' was not uncommon and usually arose in respect of men in relation to wives or children. This can be understood in terms of culturally embedded ideas of men as protectors (see for example Bilbar (p.220), Jyoti (p.190) and Jason (p.236)) and wanting to be "Superman" with regard to their families (p.221). Lucian's description of his role in respect of his wife is revealing:

She has lost her confidence and ... approaching any British native person speaker ... British speaker ... English speaker ... She's afraid of ... what's her or his reaction. Every time when she is about to ask something "Could you please ask for me because I feel like I am no good?". I said you need to ask, if they will say anything that would offend you I will interfere ... intervene and ... and let them know that they shouldn't do that and if it's the case I will take the matter further because it's too much. Every day is ... is not generalising or pushing now because I'm here giving a statement ... Every day she goes on her own because I'm sleeping ... shopping and everything she comes back home saying "Lucian I want to go back to Romania". "Why?" "Because look what happened. At Tesco's I ... got confused with scanning my items and the lady that was assisting me I couldn't get a word what she was saying. I ... I kept saying "Sorry my English is bad. Help me"". And then she says a lot of other words which I didn't get and then scanning, throwing the item in the bag.

[Pause]

It ... It makes me so angry

The process of mortification through the exposure of 'significant others' in these ways, particularly with regard to victims' children, was pronounced.

'Disruption of usual relations of individual actor and his acts'

Self-aware, place aware, reading environments, situations and people, the potential for victimization always forethought, victims described living in a constant state of anticipation. This is one aspect of '*Umwelt*' but, when the victim's '*Umwelt*' became 'hot' (Goffman 1971, p.328), victimization disrupted 'usual relations' (Goffman, 1961, p.41). As Goffman (1971, p.328) explains:

... what he (*sic*) becomes anxious for is not merely his safety but his situations: he ceases to be able to take for granted and discount and disattend the background features of the world around him.

Consider these typical descriptions of the impact of such ‘disruption’ on victims’ lives which add detail to Feagin and Sikes’s (1994, p.16) claim that life is ‘regularly disrupted’, and ‘that discrimination is a series of unforgettable life crises’, and which corroborate Craig-Henderson’s claim (2009a, p.17 citing Sales *et al* 1984) that this disruption of ‘normal life’ and ‘daily routine’ ‘constitutes a life crisis for’ victims:

I’m always conscious when I just leave the door. Maybe we will see something today ... on the bus, on the street yeah. (Alma)

... this is how paranoia sets in. Every time I come up [by the garden gate] I hope they’re gone. Every time I come up there and their windows is open and we open that gate, you are waiting for something ... (Jason)

I felt more safe in the home, rather than going out, but it was still that thing of, what if they knock on the door and I can’t see who it is and I just open the door. Or, you know, could a window go through or you know, I mean the police did come round and check and they said ... it’s double glazed, it won’t... but I’m just thinking, it still could. We had alarms put on the windows and the doors and we had like a security letterbox put on as well. (Michelle)

These findings are consistent with those of Tiby (2009, p.40) and Noelle (2009, p.82), the latter as an aspect of ‘retrospective trauma symptomology’; but the findings here are perhaps, more pronounced. Cora, for example, experienced different forms of victimization by her neighbour. On one occasion he kicked her front door down and entered the property when she was in the shower. Describing how she did not feel safe in her home Cora conveyed the impact of the ‘disruption’ on her daily living:

I’m always ready. I hate it when my boyfriend’s not around ... When he’s not around any knock I just get worried. Even if they [the perpetrator] are walking upstairs I get worried. ... [My boyfriend] ... went to visit his friends and he didn’t come back ‘til about say 3.00 in the morning ... And I said to him the whole time he was away I couldn’t sleep. I had to get up and keep going to the door and check to make sure everything’s fine, nobody’s cutting my cable, nobody’s doing anything, nobody’s scratching my car, nobody’s doing anything. And in the end I find that I’m so lethargic. Because I’m just not sleeping properly. I feel *fine* and sometimes I have panic attacks, something I’ve never really had before. I just can’t ... don’t wanna go out. I just ... just... I just have this anxiety because who am I gonna meet? Is it him and his friends? His dog? Who knows?

This ‘disruption’ was a pronounced feature of many lives including Karina who was fearful that the perpetrators would carry out their threats:

Karina I always think about this ... what they done to me. And I always got problem you know I ... I worry, I can't sleep. Always when I hear something outside I always worry and I scared. [Sighs] I have seen programme in TV about girl and someone you know ... I think that was her boyfriend put acid on her face ... and when I saw this I just start to think about Sharon, about myself and [sighs] ... I ... It's my ... my life now this is not normal life. It's very, very hard. Always when I go ... because outside is ... the gas meter. Some days ... gas is finish eleven, twelve or sometimes ten pm I worry ... I go outside but I *always* look you know someone is behind me or not. And always, always when I drive I always look at the mirror because I worry maybe she ... they want to follow me. And I always and think and think and *think*. ... It's not normal because really I always think when I go out I think oh maybe she be here or maybe she ... she wants to you know again do something. I always worry, worry and scared.

Always (sotto voce)

[Pause]

Some days you know cos I've got light outside [pauses] ... and sometimes when the light you know on I'm worried she is ...

Corinne The security light?

Karina Yeah

Mandeep Who's there yeah?

Karina Yeah

Karina But some days you know because of the wind some days I see some cat in my garden and I always you know ... I always stand up and look is she or not.

[Pause]

Yeah

[Pause]

I never was worried before.

[Pause]

This is not my life now. [Karina cries]

In these ways 'disruption' manifested in a constant anticipatory state. It was a dominant feature of victims' lives and is reflected here in a conversation with Jason, Helen and Mandeep. Importantly, the conversation also highlights the intersecting themes of fathers as protectors and the potential for provocation or retaliation to be embedded in the process of victimization:

Jason I'm here to *protect* my wife and my kids here and that's it ... you know so *they're safe* ...

Helen ... but he's going backward and forward, he's waiting ... It's like are they standing outside their front door ...

Jason ... you imagine yourself waiting ... you know, the click of the gate and everything and ... you know ... and you think ... you're waiting. You're coming in, you're waiting to put the key in the door, you think [pauses] I hope he don't come out. Just by coming in to put your key in the door to get in here ... I hope he don't come out because *I know* [pauses] ... *I know*, I won't back down. I know ... intimidating ... intimidate all you like ...

Corinne Do you feel threatened by him?

Jason Hell no! No. I f-e-e-l [pauses] more ...

Mandeep Intimidated?

Jason Intimidated ... a little bit of intimidation but I fear ... what I fear is what *I* would do to *him*, not what he would do to me and that's it.

Victimization thus served to disrupt 'the usual relationship between the individual actor and his [or her] acts' (Goffman 1961, p.41). Highlighting the process of mortification of self, several participants described how racist hate crime victimization "eats you".

Some victims also engaged in 'face-saving' reactions (Goffman 1961, p.41) during racist encounters which, in other situations, would have served to disrupt the perpetrators disrespectful and degrading behaviour. During the mortifying interaction that was the hate crime encounter, however, such tactics not only sometimes failed to protect the victim, they created a 'looping effect' (*ibid*) and were – as in the total institution – for the individual:

... an agency that creates a defensive response on the part of the inmate takes this very response as the target of its next attack. The individual finds that his protective response to an assault upon self is collapsed into the situation (1961, p.41).

Examples where victims tried to engage in 'face-saving reactive expression' (1961, p.41) often involved victims perhaps ironically explaining to perpetrators that British people emigrate too. Alma's retort is illustrative of this type of interaction:

Alma She said "We are Albanian, you came far away". ... I said "You don't watch TV". Eh, that's what I told her. Even some Albanians live in other places. When I say this they started swearing and I just keep quiet. Yeah. And you see some other people ... their eyes supporting her. I saw ... a man and a lady ... they stopped the bus stop ... at the bus stop and then ... came off from the bus and doing finger like this ...

Corinne Thumbs up?

Alma Yeah

Fatima Oh my God!

The hate crime victim who found themselves the subject of a claim of “provocation” or “retaliation” arguably also provides an example of the ‘looping effect’ because acts aimed to preserve face during hate crime encounters were turned back on them (see, for example Ferdowsi’s experience). This situation was at times compounded for victims when, for example, police officers read acts designed to protect self in the same way because of a cultural misreading of context.

These findings understood in connection with the mortification of self (‘disruption’) capture some of the recurrent modes of victimization described by victims of racist hate crime, and convey the perpetual grip that its impact had on the life of the victim. Moreover, the findings also highlight the “anxiety” – the constant state of anticipation – of actual or potential hate crime encounters. In respect of the disruptions outlined above, some individuals also experienced another type of ‘looping’ which occurred when the victim’s behaviour on previous occasions and in other domains of their life were brought into play when they claimed hate crime victim status. Again, like Goffman’s inpatient (1961, pp.41-42), when the victim’s credibility was called into question by a caseworker or a police officer, as the analyses in Chapters 4 and 6 demonstrates, with regard to, for example offending behaviour, including acts of “retaliation”, this could have deleterious consequences including the acquisition of perpetrator status. In these ways the victim’s usual way of conducting their lives was derailed, when acts carried out in one domain of their life were brought back in on them (Goffman 1961, pp.41-42).

There is another important way in which such disruption occurred between the victim and their acts and this was also recognised by Avni (1991) in respect of ‘battered wives’. Disruption of usual relations of individual actor and his or her acts occurs when he or she is not ‘allowed to go at his [or her] own pace’, and when the actor needs to ‘constantly look over his [or her] shoulder to see if criticism or other sanctions are coming’ (Goffman 1961, pp.42-43). With such disruption for victims (as was outlined in Chapter 5 in respect of modes of victimization) comes a loss of ‘personal economy of actions’ where they could not ‘schedule’ their activities ‘to fit into one another’ (Goffman 1961, p.43). In this regard, some victims’ experiences were analogous to that of the ‘inmate’ because the life of both ‘is penetrated by constant sanctioning interaction from above’ (*ibid*). For both: ‘The autonomy of the act is violated’ (*ibid*). Victims experienced difficulties with discharging standard

activities such as sleeping and eating and organising daily routines such as the school run. Attending a range of appointments with different support workers or the police became unattainable for some and Nasreen's experience captures how victims' lives were disrupted by such interventions:

Nasreen mentioned that she has been staying with an aunt "to stay away" from her neighbour. Qiaohui referred to the fact that Nasreen did not take her daughter to school. As she had at various points during the case opening Nasreen referred to the multitude of agencies that are involved in her life and stressed that she "can't deal with this any longer". It would seem that she has a raft of support workers, social workers and other agency staff in her life but she is not clear on their roles or why they are involved; especially the social worker. Qiaohui, who was clearly still piecing the case together in her mind, asked Nasreen: "Did she make you smoke". Continually touching her red scarf Nasreen confirmed that she had. At this point I realised that Qiaohui suspected that the knowledge and power held over Nasreen by the alleged perpetrator might extend to abuse, perhaps sexual abuse. Indeed, she later raised this in a conversation with [a colleague] (Fieldnote 15/2/11)

Reflecting on participants' experiences one sees how perpetrators directly and indirectly enacted 'social control' (Goffman 1961, p.43).

Restrictions on 'self-determination, autonomy, and freedom of action'

Clearly each of the processes outlined above, along with others identified by Goffman, were mutually reinforcing – although not necessarily interdependent – and operated to deny that afforded to individuals outside of the total institution, free from hate crime encounters, namely 'self-determination, autonomy, and freedom of action' (Goffman 1961, p.47). Indeed, in the hate crime context the 'mortified' (Goffman 1961, p.24) person was prevented from exercising their civil rights (Levin 1993, p.168) in the same way that fear of crime does for women (Stanko 2001, p.325). This was articulated by some participants as a human rights violation and lends support to Perry and Olsson's (2009, p.180) argument that hate crime is harmful *per se* and breaches the rights and violates the dignity of those victimized:

In short, hate crime has the intended effect – like most human rights violations – of segregating and marginalizing its victims (*ibid* p.186).

With 'territories of the self' (Goffman 1971, pp.29-40) eroded, the condition and plight of the racist hate crime victim was analogous to that of the asylum inpatient:

Like the neophyte in many of these total institutions, the new inpatient finds himself cleanly stripped of many of his accustomed affirmations, satisfactions, and defences, and is subjected to a rather full set of

mortifying experiences: restriction of free movement, communal living, diffuse authority of a whole echelon of people, and so on. Here one begins to learn about the limited extent to which a conception of oneself can be sustained when the usual setting of supports for it are suddenly removed (Goffman 1961, p.137).

Indeed there is an analogy between how an ‘inmate’ can spend ‘persistent conscious effort’ to ‘stay out of trouble’ and yet ‘live with chronic anxiety about breaking the rules and the consequence of breaking them’ (Goffman 1961, p.46). As the foregoing analysis shows, the victim of racist incidents who lived in a state of constant anticipation, policed movements and behaviours to avoid hate crime encounters and, like the ‘inmate’ forwent ‘certain levels of sociability with his [or her] fellows to avoid possible incidents’ (Goffman 1961, p.46). As many, including Alma explained:

Alma I’m just thinking maybe next time it will be physical.

Fatima That’s the worry.

Alma Yeah. Because it’s getting out of hand

The issue was not simply fear but risk of victimization. This risk could be amplified by an inadequate formal response by, for example, the police service, especially when the perpetrator was proximate.

Conclusion

The focus of this chapter has been those cases classed as “generic” by caseworkers and which were deemed to present “a credible risk of harm” for the client because of the proximity between perpetrator and client. The theme of risk and proximity therefore highlights how attention needs to be paid to the social, environmental and experiential context within which hate crime encounters occur. The analysis has also shown how the impact of victimization and threat of future victimization contributes to the mortification of self. This describes the ‘radical shifts in [the victim’s] *moral career*, a career composed of the progressive changes that occur in the beliefs that he [or she] has concerning himself and significant others’ (Goffman 1961, p.24). These transformations of self, including ‘role dispossession’; ‘contaminative exposure’; and ‘disruption of usual relations of individual actor and his acts’ were recognised by all those interviewed and expressed by many other victims encountered during the fieldwork. The impact of victimization was often captured in references to what had been lost such as “This is not my life now” and a plea for a “normal life”. Indeed, through strategies of empowerment caseworkers sought to enable victims to “live a

normal life” (see Jyoti, pp.189-190). As part of the ‘moral career’, those experiencing hate crimes slowly came to see themselves as victims and for some this brought great “shame”. Ethnographic research thus made visible ‘the processes by which a person *becomes* a victim of this form of crime’ which are ‘cumulative, comprised of various encounters with racism, some of which may be physically violent, some lying only at the fringes of what most people would define as violent or aggressive’ (Bowling 1999, p.230) and the impact of this on their lives.

Chapter 8

Who can be a victim?

Introduction

This chapter draws the thesis to a conclusion by synthesising the arguments presented in the preceding analyses and answering the research questions that formed and were shaped by the ethnographic inquiry. First, however, consider the following excerpt from Bowling's (1999, p.223) research:

We have to put a metal plate across our letter box every night. We can't leave the house empty, we are afraid to go out. We have been imprisoned in our own home ... When the police come they say they can't do anything. They ask 'have you been injured? Then we can take action'. We have had 15 years' experience, how can we tolerate this? ... No authority is prepared to help until someone is murdered ... The only time we tried to defend ourselves from boys throwing stones, both me and my wife were arrested [leaving their children alone in the house], locked up and charged with assault.

Conducted more than 20 years prior to this research, the similarity between the two empirical projects' findings illuminate not only the continuity of the plight of victims of racist incidents but also that the nature of those experiences has changed little – including the impact of victimization in terms of 'mortification' of self and the risk of criminalization. It is a poignant signal to all of us that some ethnic minority men, women and children have continued to suffer in the ways described *despite* gains in knowledge and changes in policy and practice. The recurrent issue, therefore, is the position of BME people as victims and the requirement for equal treatment before the law. The failure to tackle the victim's plight as discussed by the Stephen Lawrence Inquiry and addressed through the Macpherson-initiated reforms, and their ongoing struggle to claim victim status, together with the risk of criminalization, brings sharply into focus Quinney's (1972) question, recently revisited by Walklate 2012(b): 'Who is the victim?'

'Who is the victim?'

The orthodox victim posited in the 'hate crime' debates, whose identity is 'irrelevant' and whose agency and 'experiential victimization' (Walklate 2011, p.183) is absent, stands in stark contrast to the findings in this thesis. As Feagin and Sikes (1994,

p.15) propose, ‘modern racism must be understood as *lived experience*’ (emphasis in original). Men, women *and* children, from a range of complex self-ascribed ethnic origins, including white people, proactively scanned for risk and interpreted interactions, often with those with whom they were geographically and/or socially proximate, as racist incidents and, in consequence, perceived themselves to be victims. Recognising that the specificities of black victimization have been under researched, Turpin-Petrosino (2009, p.39) suggests, following a review of media reports that children ‘are not spared’ during attacks on the homes of people from black communities: ‘Their presence does not seem to provide an opportunity for second thoughts’ (2009, p.38) to perpetrators. Whether and when someone who perceived themselves to be a victim reported their experience, and who they reported to, shaped their trajectory as a (formally recognized) victim. Thus, a matrix of identities, perceptions and experiences coalesced in individualized processes of victimization. Differently located people perceived and experienced racist incidents in different ways and the social arrangements, particularly the proximate relationships between victim and perpetrator, effected the same ‘moral career’ for the victim as for an inmate of a total institute. In such (personal or geographic) relationships the actual or perceived threat of racist victimization caused victims to undergo transformative processes which can best be understood as involving mortifications of self (Goffman 1961). Importantly, formal and public recognition of victimhood required that the victim’s perception be reported and thus the process of victimization extended to interactions which resulted in the label ‘victim’ being claimed, substantiated, sustained or repudiated. This invoked different consequences depending upon on whether the victim was perceived to be credible and to have idealized attributes (Christie 1986). Simultaneously the ‘victim’ frequently experienced ongoing victimization – not necessarily by the original perpetrator – and sometimes also experienced secondary victimization as a result of the action or inaction of those charged with recording hate crimes and responding to their plight. This reveals that comprehension of such victimization entails documenting multiple interwoven processes. Clearly, however, ‘Victims who are not seen as victims ought often to be seen as such’ (Christie 1986, p.27), not least because under the Stephen Lawrence definition they perceived that they were victims of racist incidents.

Who can be a victim?

The findings suggest that consideration needs to be given not only to who the victims of hate crime are, but also to who *can* be a victim. This raises questions about what is meant by the term ‘victim’ and about the way in which it is claimed and applied in practice. As Holstein and Miller (1990, p.104) suggest, attention needs to be given to ‘the interpretive definitional processes implicated in assignment of victim status’ on the basis that an interactional approach is necessary for analysing and understanding victim identity and experience. This prompts consideration of labelling theory debates and the question of under what circumstances people (can) claim and sustain hate crime victim status and of the particular consequences that follow from successfully making such a claim or of having the label repudiated. It also brings squarely into question what it means to have a ‘victim-centred’ definition of hate crime operating in England and Wales and what its non-implementation tells us about state agencies and perhaps wider society.

The research investigated how and in what ways ‘hate crime’ is a process and highlights the absence of human agency and ‘experiential victimization’ (Walklate 2011, p.183) in such conceptualizations in the literature. It has been asserted that the implementation of a perception-based definition of hate crime in England and Wales since Bowling’s (1993, 1994, 1999 and 2003) framing of racist victimization as a process is pivotal to understanding who *in practice* claims and *maintains* hate crime victim status. In consequence the empirical fieldwork has added specificity to the process of victimization, showing how victims come into being (Christie 2006; Holstein and Miller 1990; Quinney 1972; Rock 2002). It has also demonstrated how the experience of victimization can be amplified through secondary victimization and how racist victimization is an open and recurrent, not temporally or geographically bounded phenomenon. These are the (potentially) visible aspects of the process *if* the victim elects to, and *successfully* works up, a public claim. As Walklate (2012b, p.176) reminds us in her ‘*homage to the work of Quinney*’, critical victimology makes visible:

... the processes that create the victims we ‘see’ *as well as the ones we do not ‘see’* (the power relations that can both create victims and protect perpetrators and thus embraces the concerns of radical victimology) while simultaneously recognising that the victim is a *human agent who can adopt an active as well as a passive role in*

response to their experiences of criminal victimization (emphases added).

Walklate (2012b) raises a number of unifying issues for this thesis and her paper mirrors the arguments raised in this thesis, the central concerns of which were first aired at the 2010 British Society of Criminology conference in a paper titled *Writing wrongs: an ethnographic approach to hate crime scholarship* and a progress review paper for Cardiff University, also in 2010, called *Hate crime victims and the challenge of 'condition number six': a study of interpretive practices in determining hate crime victim status*. Firstly, the man or woman who believes that they are a victim of a hate crime must make public their perception if they are to be formally recognised as such. Also, the subjective Stephen Lawrence definition *requires* 'an active' 'human agent' to interpret hate crime encounters and to communicate their perception. As described above, the process of victimization therefore extends to the making and shaping of a claim based on perception and, not infrequently, the interactions this sets in motion generate a series of competing narratives in which those with the strongest claim – those who are credible and with idealized attributes – succeed. Bowling's (1999, p.57) observation applies with equal force today as it did when penned almost 15 years ago:

For central and local government and the police, however, such violence was seen (at best) as a personal trouble, or (at worst) as a problem emanating from the presence of black people themselves.

In so doing he, like Walklate (2012b, p.180), reminds the hate crime scholar of Mills' edict which, in light of the findings, adds a particular poignancy to the struggle of hate crime victims to have their self-ascribed status of victim formally recognised:

Know that many personal troubles cannot be solved merely as troubles, but must be understood in terms of public issues—and in terms of the problems of history-making. Know that the human meaning of public issues must be revealed by relating them to personal troubles—and to the problems of the individual life (Mills 1959, p.13)

Secondly, the issue arises of making the spark jump the gap between the labelling processes and the wider social structure. Iganski (2010, p.358) suggests that 'individual agency' and 'social structure' can be analysed if the focus is turned to:

... the foreground and the situation contexts of offending as reported by victims and witnesses. By scrutinizing the foreground of 'hate' incidents it will not be possible to reach into the offender's soul, but it

is possible to grasp some of the impulses for offending and in some cases identify the triggers at work.

Yet, as demonstrated, the context for the process of victimization is complex. Perceptions of the perpetrator's acts as racist coexist with perceptions of the police as 'part of the problem' (Virdee 1995, p.39) that is as racist and enmeshed in the 'Endless Pressure' (Pryce 1991) that characterises the lives of people seeking (equal) justice and protection. Even if victims report to an agency other than the police, they ultimately become entangled with a service which is to be avoided ("keep down" or "go back") and which remains, according to former Chief Superintendent Dal Babu, when spokesperson for the Association of Muslim Police, "stubbornly white" (Laville 2013). The fact that discretion has been abolished but victim perception is ignored, reframed or trivialised causes us to 'reframe our understandings of the victim' and to 'question' what the label means and 'the circumstances in which it is applied' and thus look at the 'underlying structural processes' which operate to confirm or deny victimhood (Walklate, 2012b, p.176). The process of victimization thus intersects with, and is shaped by, wider power relations in the form of the exercise of power by police officers:

Indeed, one of the key lessons that practitioners can take from contemporary academic research is that the strategic prioritization of hate crime *may not* have fundamentally transformed the way in which officers on the ground conceive of the process of victimization or place hate crime within the hierarchy of police relevance. With this in mind, we must be wary of assuming that the various problems in policing hate crime outlined in the preceding discussion have simply disappeared. While elements of police discretion have in theory been removed through the ACPO hate crime guidance, and in particular through the instruction to record incidents in line with the Macpherson definition of a racist incident, the attitudes and decision-making processes of individual officers still have the capacity to influence responses to hate crime and relationships between the police and hate crime victims. (Chakraborti 2009, p.127, emphasis in original)

Such discretion *was* exercised in practice and, in deploying such power, state officials denied an identity which, for many was difficult to acknowledge and claim for a range of reasons, including culturally embedded notions of shame, namely *victim*. Of course, policing was but one experience and this research, like Feagin and Sikes's (1994, p.17) interviews with middle-class African Americans, documents 'daily experiences of racial hostility and racial discrimination'. Writing on 'institutionalized racism' they suggest these encounters 'add together to show the

web of intentional and unconscious discrimination across traditionally white spaces' (*ibid*).

The fact that a significant number of victims in different ways were unable to claim victim status on the basis that they perceived themselves to be victims, and turned to caseworker-advocates, highlights the importance of Quinney's (1972) observation that who is a victim and who can be a victim are different questions. Like Tiby's narratives about homosexual victimization, the ethnography tells us about the 'consequences at the micro, meso, and macro level' of hate crime for the individual and society and reveals people constantly on guard, afraid and 'prepared to move away and flee' (2009, p.45) and explains why this is so. The findings confirm to varying degrees that policing practice *has not* changed, not necessarily because of the operation of the 'hierarchy of police relevance' but because there exists a 'hierarchy of victimization' (Carrabine *et al* 2008, p.161) where the deserving victim is afforded protection and justice. Where Macpherson attempted to sever the Gordian Knot of racism in policing – whether manifest in their direct or deliberate acts of prejudice and 'discrimination through unwitting prejudice, ignorance, thoughtlessness, and racist stereotyping' or 'the collective failure' of the service (Macpherson 1999, paragraph 6.34) – within a racist society, it would seem that victims are left to unravel that knot. This suggests the need for further research but also policy guidance to direct the policing of racist incidents, something which is imminent in the form of the impending publication of new ACPO guidance (and which retains the victim-centred definition).

Finally, the research compels a re-evaluation of the traditional methods used to research this phenomenon and current conceptualizations of hate crime. As Bowling advocates (1993, p.244), and as these findings demonstrate, a balance is required in the use of research techniques. Indeed, Crawford *et al* (1990) also recognize that the level of generality generated by the victimization survey cannot produce the 'lived realities' of victims in the data it produces and 'positivist victimology is limited in its understanding of who the victim of crime can be' (Walklate 2012b, p.174). Ethnography generates 'an empirical, holistic, and processual account of [hate] crime' (Bowling 1994, p.26) and makes apparent the different identities of those who self-nominate or are nominated for the status of hate crime victim. The research shows how racist incidents are produced and enacted in social action, how racist

victimization is an interactional and dynamic process which is wider than the racist incident. Ethnography captures the process as one which is contingent on identity, agency and context, and involves multiple, competing accounts and the moral assessment of the victim. A ‘hate crime’ is established once the victim has successfully navigated this process and this is dependent upon them establishing an account which is found to be credible by, for example, caseworkers, housing officers, and police officers. This is because, despite the Macpherson-reforms, including the adoption of a ‘victim-centered’ (Goodey 2007, p.427) definition of hate crime, perception can be ignored, reframed or denied and thus overridden. This is due to the exercise of discretion by, for example, police officers when they reject victims’ accounts as, for example “words against words” or for lack of evidence or conclude that “there is nothing we can do”. These are the power relations which determine not ‘who is’, but who can be, a victim.

Conclusion – are we all victims now?

Writing on the ‘politicisation’ of the victim, Walklate (2012b, pp.173-174) explains that:

Such politicisation is evident not only in political rhetoric; it has also become embedded in justifications of policies. For some, this politicisation has had such an impact that commentators of both left- and right-wing persuasions suggest that we are all victims now.

The rationale behind hate crime laws is a subject which has been beyond the purview of this research, although much of what has been presented is relevant to debates about which groups are afforded protection and which are not and why. As noted, Jacobs and Potter (1998, p.27) argue ‘how much hate crime there is and what the appropriate response should be depends upon how hate crime is conceptualized and defined’, and a perception-based definition arguably opens the floodgates to more people claiming victim status and thus devaluing the currency of such legislative and policy protection. Before commencing fieldwork I believed that hate crime legislation and associated protections were unnecessary. Instead what was needed was an equitable enforcement of extant legislation. Yet, the research supports Levin’s (2009, p.7) assertion that:

The counterargument to this [viewpoint] is that hate crimes have distinct risks, motives, and harms that make them unique and worthy of separate designation.

The ethnographic method has generated insights into the social world of the victim of racist incidents from their perspective and in so doing it has transcended the limitations of positivist approaches. It enables the criminologist/victimologist to produce an eye witness account of lives of the men, women and families drawn into the process of victimization. Indeed, ‘Witnessing is a central academic activity for Quinney, since without it whatever we endeavour to engage in remains unfocused and without purpose’ (Walklate *et al* 2011, p.163). As this research demonstrates, an ethnographer’s eye witness account calls into question who can be a victim and compels reflection on whether the Macpherson-initiated reforms are no more than a pyrrhic victory for victims of racist incidents. Whilst ACPO asserts ‘effectively anyone can be the victim of a hate incident’ (2005, paragraph 2.2.6) this is clearly not the case. We are not ‘all victims now’ (Walklate 2012b, p.174).

‘Hate crime’ was found to be an ‘empty signifier’ for victims. Instead it was associated with police recording practices. As such it is suggested that, like Hall (1997) in respect of ‘race’ and Edwards and Hughes (2009) in respect of ‘community safety’, consideration be given to interpreting ‘hate crime’ as a ‘floating signifier’ (Laclau 1996). This enables it to have the capacity to carry the “powerful” term “racism” used by victims and caseworkers, thereby recognising the academic construction of the phenomenon as ‘dynamic and in a state of constant movement and change, rather than static and fixed’ (Bowling 1993, p.238). It also reconstitutes the concept in line with the spirit of the Stephen Lawrence definition – by locating the power in the hands of victims to describe people and acts which cause them harm as *racist*. While there are a host of potential recommendations that can be generated by research in this nascent field of inquiry, the most important from this research must concern the need for research and policy attention in respect of the policing of racist incidents; particularly in respect of the exercise of discretion at the reporting stage.

The ethnography reveals the complex ways in which complex lives responded to racist incidents and how they were simultaneously powerful and powerless. It captures the process of victimization, the ‘moral career’ of those who experienced racist incidents and the painful process of realization and acknowledgement of victimhood carried in refrains such as “Why me?” and pleas for “a normal life”. The harms are physical, psychological, emotional and social and they impact on each

man, woman and child differently and include the risk of secondary and future victimization. The case made by this research for a victim-centred definition of racist hate crime is unequivocal – because of the fight required by victims to obtain formal victim status, even when such a definition operates in the criminal justice system.

Appendix A Victims' self-ascribed identities

Unstructured interviews were also conducted with clients of the agency and their self-ascribed identities are as follows:

1. James - Black Caribbean
2. Jason - Dual Heritage White/Black Caribbean
3. Christina - Black African
4. Dev - Sri Lanka Tamil
5. Will - Black Caribbean
6. Cora - Black African
7. Louisa - White British
8. Dawn - White/Irish Traveller/gypsy
9. Michelle - White British
10. Sarah - Dual Heritage White/Black African
11. Nathalie- Black African
12. Bilbar - Asian Pakistani
13. Alma - Black Somali
14. Karina - White East European
15. Mrs Law - South East Asian Chinese
16. Lucian - White East European

Appendix B Letter of invitation to participate in research



[Date]

LETTER FOR POTENTIAL PARTICIPANTS

I am writing to find out whether you would like to take part in research conducted by Corinne Funnell from Cardiff University. The research aims to develop a better understanding of racist hate crimes.

Corinne would like to learn about these crimes from the point of view of those who have experienced them. If you agree to take part in the research this will involve Corinne interviewing you with your caseworker. The interview will take the form of a conversation, not a question and answer session, about your experiences and should take no longer than one hour at 'the agency's' office ('Elban') or at a location convenient to you.

Any information you give about yourself and others will be confidential and made anonymous. If necessary, what you say will be altered so that the identities of those involved cannot be recognised. However, if you disclose any criminal offences that you have committed, and which have not been previously reported, then the researcher would have to report the matter.

If you agree to participate in the research, Corinne would like to record the interview on a digital voice recorder and write up the recording after the interview. As soon as the information is written up, the audio recording will be destroyed. All information will be kept in a locked filing cabinet. The interview will be written up in a PhD thesis, and might form part of material published as an article or book.

Having experienced racist victimization you could make an important contribution to the research, helping to create a more informed understanding of hate crimes.

I have not given your name or contact details to Corinne. However, if you would like to participate in the research, or want to discuss the matter further with her before making a

decision, please sign the enclosed slip and send it back in the stamp addressed envelope. Corinne will then either arrange to meet with you at 'the agency's' office or will discuss the research by telephone.

If you do not want to be involved in the research then you do not have to take any further action.

On behalf of Corinne, I would like to thank you for your time.

Signed (caseworker): _____

**CARDIFF UNIVERSITY, SCHOOL OF SOCIAL SCIENCES RESEARCH REPLY
SLIP – UNDERSTANDING AND RESPONDING TO RACIST HATE CRIME**

I am willing to be involved in the research (please circle): YES/NO

I am interested in being involved in the research and would like to discuss the research project in more detail before agreeing to be interviewed (please circle):

YES/NO

If you are willing to be involved in the research or would like to discuss the research with Corinne, please provide your contact details;

My name is:

Telephone number:

Address:

Appendix C Interview briefing

Interview preparation – learning from victims: to discover how the caseworkers and victims perceive racist hate crimes and incidents.

What meanings do they give these experiences?

The aim is not to describe hate crime in terms of what academics describe as hate crime but to discover how caseworkers and victims perceive racist victimization.

Explain the aim of the ethnographic interview as it is as you meet each participant:

I want to understand what racist hate crime is from your perspective as someone who has experienced these crimes. I believe this will help academics, policy makers and practitioners better understand what hate crime is and how it impacts on people.

The ethnographic interview – Spradley

Ethnography ‘offers those in the criminal justice system a chance to view the world through the eyes of those who are helped and victimized by that system. Ethnography offers all of us the chance to step outside our narrow cultural backgrounds, to set aside our socially inherited ethnocentrism, if only for a brief period, and to apprehend the world from the viewpoint of other human beings who live by different meaning systems.’ (pp.iv-v).

‘Perhaps the most important force behind the quite ethnographic revolution is the widespread realization that cultural diversity is one of the great gifts bestowed on the human species.’ (p.v)

Rather than *studying people*, ethnography means *learning from people*’ (p.3).

‘Instead of collecting “data” about people, the ethnographer seeks to learn from people, to be taught by them.’ (p.4) The researcher must become a student and the participants teachers.

NB Ethical matters

1. **Explicit purpose (of the ethnographic interview):** Remind the informant where the interview is to go i.e. the purpose and direction of the interview.
2. **Ethnographic explanations:** Give the informant explanations in order to help them become a teacher. There are five types of explanations:

- a) Project explanations: “I am interested in understanding racist hate crime/incidents. I’d like to talk to you about your experience of racist hate crime/incidents”. Later in the interview the question can become more specific: “I want to know how you know that you were a victim of a racist hate crime/incident, how you perceived the perpetrator’s behaviour and what impact the crime/incident had on you. I want to understand racist hate crime and its impact from your point of view”.
 - b) Recording explanations: “I’d like to make notes and audio record our interview so I can go over it later. Are you happy for me to do this?”
 - c) Native language explanations: “If you were talking about the experience to family members, what would you say?”
 - d) Interview explanations: N/A unless interviewing CWs
 - e) Ethnographic explanations: give some context to the question as appropriate.
3. **Ethnographic questions:** Spradley devised 30 kinds of questions which he grouped into three main types:
- a) Descriptive questions: the aim is to get “an ongoing sample of an informant’s language” (p.60). “Could you tell me about your family history, I see from the referral sheet ...?”; “Could you describe the incidents/crime to me?”.
 - b) Structural questions: the aim is to find out information about “*domains*, the basic units in an informant’s cultural knowledge they allow us to find out *how* informants have organized their knowledge.” (p.60). “What was the sequence of events that led up to the incident/crime?”; “Can you tell me what kinds of things led you to perceive the incident/crime as being racist?”.
 - c) Contrast questions: the aim is to discover what an informant “*means* by the various terms used in his native language”; “Contrast questions enable the ethnographer to discover the dimensions of meaning which informants employ to distinguish the objects and events in their world”. “What’s the difference between racism and hate crime?”.

The rapport process (Spradley 1979, pp.78-83)

Apprehension pp.79-80

Exploration pp. 80-82(Spradley 1979, p.80) “Exploration is a time of listening, observing, and testing”. “Make repeated explanations” (p.81) and do so prior to, during and after interviews; “restate what informants say” (p.81); “don’t ask for meaning, ask for use” (p.81) i.e. no “why” and “what do you mean” questions (p.81). You want to avoid them using “translation competence” or thinking they have been unclear or you appearing judgemental. Therefore don’t ask for meaning but use: “Cultural meaning emerges from understanding

how people *use* their ordinary language” (p.82) – “Would you/others generally talk about hate crime? What kinds of things would I hear them saying?”. “Asking for use is a guiding principle that underlies all ethnographic interviewing.” (p.82).

Cooperation pp.82-83

Participation p.83

According to Spradley (1979, p.83):

‘Building rapport is a complex process, one that every ethnographer must monitor when doing fieldwork. In conducting ethnographic interviews, this process is facilitated by following certain principles: keep informants talking; make repeated explanations; restate what informants say; and don’t ask for meaning, ask for use. When combined with asking ethnographic questions, rapport will usually develop in a smooth way from apprehension through cooperation and even into the stage of participation’ **NB the latter has been achieved by C/Ws.**

Ethnographic questions – descriptive questions to hear “native language” – five major types and several subtypes

‘In most forms of interviewing, questions are distinct from answers. The interviewer asks the questions, someone else responds with answers. This separation often means that questions and answers come from two different cultural meaning systems. Investigators from one cultural scene draw on their frame of reference to formulate questions. The people who respond are from a different cultural scene and draw on another frame of reference to provide the answers this kind of interviewing assumes that questions and answers are separate elements in human thinking in the study of other cultures it frequently leads to distortions’ (Spradley 1979, p.83). ‘In ethnographic interviewing, *both questions and answers must be discovered from informants*’ (emphasis in original Spradley 1979, p.84).
HENCE LIMITATIONS OF SURVEYS.

NB Case openings – ‘query-rich settings’ Spradley (1979, p.84) citing Frake (1964, p.143)

NB ‘Grand tour’ (of a cultural scene) questions can relate to ‘space [location], time, events, people, activities, or objects’ (Spradley 1979, p.87).

- Family background – referral sheet including self-defined ethnic origin: Descriptive questions help address ‘apprehension’ (Spradley 1979, p.80): “**Could you describe**

your ethnic origin for me?” “Could you tell me how long you have lived in the area”
“Could you tell me about your family?”

- Description of location where crime/incident took place – “Could you describe the location? Could you help me understand what it is like to live/work in the area? I’ve never been to x before, so I don’t know what it is like. Could you take me for a sort of walk around to tell me what it’s like? Could you tell me what it is like?” “How would you refer to what happened, as a hate crime?” “How would you talk about the crime/incident?”
- Description of the crime and or preceding/associated incidents: “I’ve never been a victim of a hate crime before, so I don’t have much of an idea what it’s like. Could you tell me about it?” “Could you tell me all the things that happened during the incidents/crime, from the first moment you encountered the perpetrator, through to approaching the agency and speaking to the police”. “Can you tell me who has been involved in helping you to deal with this situation”. “Can you describe the perpetrator to me” “Would you call them a perpetrator? How would you refer to them?” “Could you describe what was said during the crime/incident” “Could you tell me what you did during/immediately after the crime incident”. “Could you give me an example of what was done or said to make you think that this was racist [a hate crime]?” “How would you refer to the incident/crime to family and friends?”. “What are some of the different kinds of behaviours that made the crime/incident a hate crime?” “Can you think of any other ways in which the crime/incident seemed like a hate crime/incident to you?” “Are racist hate crimes the same or different from other crimes”? (directed contrast question).
- Separate question on perpetrator. How are they referred to? Are they strangers? Why did they do what they did? Are hate crime perpetrators the same or different to other perpetrators?
- The process of establishing hate crime victim status [– being listened to and being believed – interaction; malicious allegations; counter allegations; evidence]: “Could you tell me about your experience of reporting hate crimes?”; “Can you tell me some of the different kinds of steps involved in establishing your case?”
- Impact on the individual and/or family: physical, emotional/health etc. “locked in”. “Could you describe a typical day following the crime/incident?” “Can you tell me about the last time you saw the perpetrator?”. “Could you describe to me how you felt during the crime/incident?” “Could you tell me what you how you felt the next day/a week later/now?” “Could you give me an example of how it impacted on you and/or your family?” “If a friend or a family member telephoned you to ask if you were OK, what would you say”. “We’ve. Been talking about your experience and

you've mentioned some of the ways in which it has affected you. Now I would like to ask you a slightly different kind of question. I'm interested in all the different kinds of ways in which the crime/incident affected you [and/or your family]?" "Is the impact of hate crimes the same or different to other crimes do you think?"

- Impact on others – message crimes? Do you know of other people – family or friends – who have experienced hate crimes? Do people ever talk about their experiences?
- How did the agency help? “Could you tell me what things the caseworker did to help you?”
- Role of housing: “I've learned from other clients that one thing clients do when they seek help from the agency is to move home?”
- Role of the police – retaliation “You've probably had some experience with the police; can you recall any of them”. “How would you refer to the police when talking about the incident to family or friends?”.

Red = grand tour questions

Green = mini-tour questions [The same as grand tour questions but they “deal with a much smaller unit of experience”.

Blue = example questions

Orange = experience questions – best uses after asking many grand and mini-tour questions

Yellow = native-language questions

Pink = structural ‘Ask structural questions *concurrently* with descriptive questions. They complement rather than replace descriptive questions’ (Spradley 1979, p.120-121). These questions may seem less friendly and so should be explained and repeatedly asked.

Purple = contrast questions – the third major type of ethnographic question (the others being descriptive and structural) and aims to discover the differences in folk terms and relationships between terms.

The aim is to understand their ordinary language.

Survey based questions are neither cultural nor personal as in the ethnographic interview (see Spradley 1979) [cultural framework principle].

Appendix D Ethical approval form

NB the appendices referred to in the form are not included here

<p style="text-align: center;">Cardiff School of Social Sciences</p> <p style="text-align: center;">Ethical Approval Form</p> <p style="text-align: center;">Staff, MPhil/PhD, Professional Doctorate & Integrated PhD Research Projects</p>
--

Must be submitted at least TWO WEEKS before a SREC meeting to:

Deborah Watkins, Research and Graduate Studies Administrator
(WatkinsD2@cardiff.ac.uk / Extension: 79051 / Room 0.10 Glamorgan Building)

PLEASE NOTE BEFORE COMPLETING YOUR APPLICATION:

- 1. Illegible handwritten applications will not be processed so please type if necessary**
- 2. Do not submit an application to the SREC if your research is with the NHS or NHS - linked – refer instead to NHS Local Research Ethics Committee**
- 3. You should not submit an application to the SREC if your research involves adults who do not have capacity to consent. Such projects have to be submitted to the NRES system.**
- 4. Staff undertaking minor projects as part of a course of study (e.g. PCUTL) do not need SREC approval unless the project involves sensitive issues. This exemption does not apply to Masters dissertations or Doctoral research.**
- 5. APPLICATION ATTACHMENTS: Please attach the following, without which your application decision will be delayed:**
 - Full project proposal**
 - Participant information form and Consent form (final approval will only be given when these have been provided.)**
 - Details concerning external funding**

6. The School Research Ethics web pages can be accessed via:
<http://www.cf.ac.uk/socsi/research/researchethics/index.html>
7. Information on data management, collecting personal data: data protection act requirements, can be accessed via: <http://www.cf.ac.uk/cocom/index.html>
8. Information on Research Ethics (including Ethical Issues in Research – informed consent etc.) can be accessed via the University’s Research and Commercial Division web pages via the “Research Ethics” link on:
<http://www.cf.ac.uk/racdv/index.html>

Title of Project: Understanding and responding to racist hate crime	
Name of researcher(s): Corinne Funnell	Application Date: 18.01.10
Signature of lead researcher:	
Student project	
Project Start Date: October 2009	Student No. 0831720
Project End Date: October 2012	Email Address: funnellcg@cardiff.ac.uk
Supervisor(s): Professor Paul Atkinson & Professor Gordon Hughes	

Recruitment Procedures

		Yes	No	N/A
1	Does your project include children under 16 years of age?		x ¹	
	If so, have you consulted the University’s guidance on child protection procedures ?			x
2	Does your project include people with learning or communication difficulties?		x	

¹ See attachment p.4.

3	Does your project include people in custody?		x	
4	Is your project likely to include people involved in illegal activities?		x	
5	Does your project involve people belonging to a vulnerable group, other than those listed above?	x²		
6	Do you have an up-to-date Criminal Records Bureau (CRB) check?	x		
7	Does your project include people who are, or are likely to become your clients or clients of the department in which you work?		x	
8	Does your project provide for people for whom English/Welsh is not their first language?	x³		

Consent Procedures

		Yes	No	N/A
8	Will you tell participants that their participation is voluntary?	x		
9	Will you obtain written consent for participation?	x		
10	If the research is observational, will you ask participants for their consent to being observed?	x		
11	Will you tell participants that they may withdraw from the research at any time and for any reasons?	x		
12	Will you give potential participants a significant period of time to consider participation?	x		

² See attachment p.4.

³ See attachment p.4.

Possible Harm to Participants

		Yes	No	N/A
13	Is there any realistic risk of any participants experiencing either physical or psychological distress or discomfort?		x ⁴	
14	Is there any realistic risk of any participants experiencing a detriment to their interests as a result of participation?		x	

If there are any risks to the participants you must explain in your proposal how you intend to minimise these risks

Data Protection

		Yes	No	N/A
15	Will any non-anonymised and/or personalised data be generated and/or stored?		x	
		Yes	No	N/A
16	Will you have access to documents containing sensitive ⁵ data about living individuals?	x		
	If "Yes" will you gain the consent of the individuals concerned?	x		

Researcher Safety

⁴ See attachment p.4

		Yes	No	N/A
17	If relevant to your research, have you taken into account the Cardiff University guidance on safety in fieldwork / for lone workers?	x		

If there are any other potential ethical issues that you think the Committee should consider please explain them on a separate sheet. It is your obligation to bring to the attention of the Committee any ethical issues not covered on this form.

Sensitive data are *inter alia* data that relates to racial or ethnic origin, political opinions, religious beliefs, trade union membership, physical or mental health, sexual life, actual and alleged offences

Appendix E Informed consent pro-forma



CONSENT PRO-FORMA

CONSENT FORM: RESEARCH CONDUCTED BY CORINNE FUNNELL, SCHOOL OF SOCIAL SCIENCES, CARDIFF UNIVERSITY

AGREEMENT TO PARTICIPATE IN RESEARCH ABOUT RACIST HATE CRIME

1. I have been told that I will remain anonymous, any individuals named will remain anonymous, and any details that would allow people to be recognised will be removed or altered.
2. I have been told that I have the right to refuse permission or withdraw from involvement in the research whenever and for whatever reason I wish during the course study.
3. I have been told that I have the right to refuse to answer any questions that I do not wish to answer.
4. I have been told that if I disclose any information about any previously unreported offences that I have committed, the researcher has a duty to report this to the authorities.
5. I have been told that if the research reveals suspected child abuse, this must be disclosed to the proper authorities for investigation.
6. I have been told that I will be asked about personal information about my experience of racist hate crime.
7. I have been told that the information I give will be used as part of a PhD project, and will appear as a PhD thesis in university libraries and generally published in the form of a book, articles or used as training material.
8. I have been told that the interview will be recorded onto a digital audio recorder.

9. I have been told that the interview is likely to be around one hour and that there is an opportunity to arrange a further interview meeting.
10. I have been told that the researcher will make arrangements to discuss the research findings with participants and, if wanted, provide a copy of the research findings.
11. I have been advised that my caseworker or their colleagues are available to me to discuss the study.

PARTICIPANT

NAME: _____

SIGNATURE: _____

DATE: _____

RESEARCHER

NAME: _____

SIGNATURE: _____

DATE: _____

Appendix F Thank you letter to participants

Cardiff School of Social Sciences

Director Professor Malcolm Williams

Ysgol Gwyddorau Cymdeithasol Caerdydd

Cyfarwyddwr Yr Athro Malcolm Williams



Cardiff University
Glamorgan Building
King Edward VII Avenue
Cardiff CF10 3WT
Wales UK

*Prifysgol Caerdydd
Adeilad Morgannwg
Rhodfa Brenin Edward VII
Caerdydd CF10 3WT
Cymru Y Deyrnas Gyfunol*

July 2011

Dear

I hope you are well.

I am writing to thank you for participating in the research project. Your generous contribution has been invaluable in helping me to better understand the issues we discussed. I am sincerely grateful for the time you have given to me and for sharing your story with me.

As we have previously agreed upon, no personal details will be disclosed in the final research report or any related publications. As also agreed, I will send you a summary of the research findings, hopefully in the autumn. If you have questions about my research or wish to add other details, please do not hesitate to contact me at funnellcg@cardiff.ac.uk or School of Social Sciences, Cardiff University, 1-3 Museum Place, Cardiff CF10 3BD.

Thank you once again.

Best wishes,

Corinne Funnell

Appendix G Excerpt from fieldnotes (2/7/10) - the moral work of assessing credibility

An interesting discussion took place about competing accounts in a case about a white couple and a Pakistani family with three children (whose credibility is doubted). The family have alleged that one of the neighbours called them racist names. It seems that the “Pakistani family” are perceived negatively in the neighbourhood (loud arguments and general disturbances) and that “social services are due to investigate them for possible neglect”; domestic violence is also possibly an issue. Somebody [in the “allocation meeting”] mentioned forced marriage but the subject of environmental health abruptly ended any discussion of the matter. According to the family they have heating but it does not work properly and, even though they have reported this to the local authority, it has remained problematic for some time. According to the Qiaohui (the caseworker) the family have completed a racial harassment report but it is not signed. The caseworkers remained focused, however, on the family. The caseworker said that the property “stank” and that there were “26 bags of rubbish inside the house” and added “There is something going on”. The mother of the family has told the caseworker that she wants to move house.

At this point Mandeep interrupted and asked “Why is this on the priority list?”. Qiaohui said “because it’s complex”. At this point there was a debate yet again as to whether complexity is part of the criteria for putting a case on the high priority list. Grace said that “There has only been one incident of RVA [racial verbal abuse]”. Abhay added (incorrectly) that mother has not filled out the racial harassment form: “If she’s not worried, why are we?”. Qiaohui calmly tried to halt the debate and asked: “Can I give you information about the case?”. She went on to explain that the case involves forced marriage and that a week ago the mother nearly collapsed and that she is not being supported. This generated a debate about the role of the agency in supporting a client because of such matters when their focus is on racist incidents. A colleague suggested that the client was trying to “increase the banding” (to expedite a move to another house) and that “overcrowding is the main issue”. Finally, someone added that there is “minimal RVA” in this case.

Qiaohui returned to the matter of forced marriage and said that “the other side is asking for access”. Mandeep suggested this action on the part of the husband was so

that “he can have his permit to indefinitely stay in the country”. Qiaohui said the wife alleges that the child is not her husband’s and that she will not consent to a DNA test. At one point it would seem that her husband was imprisoned in Pakistan which was when she may have met her new partner who is a taxi driver. Jyoti asked of the new partner: “Well, what’s he doing? Why couldn’t he take the rubbish out?”. Dillon contributed: “If it [the child] was his she would have the test”. Jyoti halted the conversation saying “We’re all making assumptions” and queried what facts were relevant to the discussion of the case. She added: “It’s a whole can of works, a Pandora’s Box”. Qiaohui stressed “*She is the victim*”.

The caseworkers then discussed the difference between an arranged and a forced marriage. Mandeep said that forced marriage “is illegal anywhere in the world” before asking “why did she bring him [her husband] here?”. Answering his own question Mandeep suggested: “His heart’s telling him that she brought him over but was sowing her oats elsewhere”. Salma said that the case “sounds dodgy” and, with reference to the custom in an arranged marriage said that the woman’s family should have introduced the couple and accompanied the woman (back to England). Qiaohui interjected and said “It doesn’t make sense to us but that is her experience”. Prahlad asked: “Is she under the impression that we can help her move because, if so, that is the wrong information”. It was agreed that Mandeep and Qiaohui would visit the woman together and ask her to sign the racial harassment form. Still unhappy with the situation Abhay said: “Something’s not right”. Qiaohui continued to emphasise, however, that she understood her client’s “stress” and therefore strongly felt that she should be prioritised for rehousing; she indicated that she would help her with this. She conceded: “We have a lot of contradictory information”. Qiaohui also agreed that she is “going to stay away from the case” because it has “a lot of issues” but let the other agencies deal with them.

Eventually the caseworkers returned to the racist element of the case. During the discussion it materialised that the one incident of “RVA” was “historical” i.e. it occurred at some point in the past prompting Mandeep to say: “So in reality there is no racism”. Qiaohui confirmed: “There are no new incidents but there is racism from the neighbour”. Mandeep and Abhay disagreed and concluded that the client “is not engaging” because she has not signed the racist harassment statement. Qiaohui retorted: “We shouldn’t pressure her”. Mandeep replied: “That’s my point! Take her

off priority then!". Qiaohui said that the woman's partner (the taxi driver) does not speak English and that she would like Mandeep involved in the case so that he can speak with him for her. She explained that the partner did not understand anything in a recent multi-agency meeting and that an interpreter had not been involved but that one would be attending the next meeting. I had begun to wonder whether the current partner was suspected of DV or whether it was the client's estranged husband. Coincidentally at that stage Qiaohui confirmed that the DV is thought to be "current". Abhay said that he was "surprised that there is a language problem because they [taxi drivers] have to pass an English test".

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