"You’re a victim, don’t become a perpetrator"

A study of the ‘moral career’ of racist hate crime victims

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This chapter presents findings from an ethnographic study funded by the Economic and Social Research Council which took place across two phases, first in the spring of 2009 and, second, between May 2010 and June 2011. 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. Accepted on the recommendation of the Macpherson report (1999), which investigated the racist murder of Stephen Lawrence in 1993, the Association of Chief Police Officers (ACPO) defined (at that time) a hate incident as:

Any incident, which may or may not constitute a criminal offence, which is perceived by the victim or any other person, as being motivated by prejudice or hate.

(ACPO, 2005: paragraph 2.2.1)

Whereas ‘hate incidents may not constitute a criminal offence’ ‘all hate crimes are hate incidents’ (ACPO, 2005: paragraph 2.2.2). Indeed:

The perception of the victim or any other person is the defining factor in determining a hate incident. The apparent lack of motivation as the cause of an incident is not relevant as it is the perception of the victim or any other person that counts. The prejudice or hate perceived can be based on any identifying factor including disability, age, faith, sexual orientation, gender identity and race.

(ACPO, 2005: paragraph 2.2.6)

The wider research project sought to provide a detailed account of the processes of racist hate crime victimization and to provide empirical research that critically assesses the idea that it is indeed a process (Bowling, 1999). This is important because whilst Chakraborti (2009: 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. Moreover,

There has, 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: 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: 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 from a police service characterised by ongoing poor relations for some minority communities.

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, 2009: 126) that 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: 17).

The research took place at an agency located in England that was run by victims of racist incidents for such victims and which provided a casework-based service. The organization had institutionalized the subjective (ACPO) “Stephen Lawrence definition”; that is to say, unless the victim misled the caseworker, they were guided in their work by it 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. Besides participant observational fieldwork, which involved accompanying the caseworkers in the course of their duties, nine ethnographic interviews were conducted with caseworkers and 16 unstructured interviews took place with victims.

The experience of victimization is analysed here with reference to a principal aspect of the caseworkers’ role, which was to “empower” clients. The focus is victims’ perceptions of acts of provocation by the perpetrator and ‘under-protection’ by the police service and the potential for “retaliation” by the victim. Running through the analysis is a consideration of the operation in practice of the victim-centred Stephen Lawrence definition of hate crime in terms of how those who perceived that they were victims maintained or lost victims status vis-à-vis recording agencies such as the police service, but also how victims could be constituted as perpetrators. The chapter thus highlights ‘the interpretive definitional processes implicated in assignment of victim status’ (Holstein and Miller, 1990: 104).

“Empowerment”

The “empowerment” of victims was the defining feature of the caseworkers’ role. Chahal (2008: 26) explains that Reese (1991: 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: 473) discussion of the rationale behind empowering victims. Caseworkers thus focused on strategies both to enable victims to regain control of their lives, such as by encouraging them to report incidents or by doing so on their behalf, and by responding to the harms caused by victimization, and also through seeking to ensure that they were procedure- and rights-aware in respect of a range of services and systems. The process of “empowerment” was thus multi-faceted and, importantly, was predicated on the understanding that supporting victims entailed enabling them to respond to actual and potential victimization.

The “empowerment” function also had a pastoral element and this had two principal organizing foci. The first was to ensure equality of service provision by police officers. Whilst this concern 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” and “monitoring the police investigation”, both with regard to recording crimes and incidents and in respect of the ongoing management of cases. 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, to result in some clients not only losing their claim to victim status, but acquiring the status of perpetrator.

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 were 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 by, for example, petrol bombing the family’s cars and constantly sending racially abusive and threatening messages by text, Facebook and post. Michelle said:

I can understand why people take the law into their own hands sometimes. I really can. I really can understand.

(Field note 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 . . . do you know, just give her the satisfaction of what she wanted, of basically seeing your family destroyed.

(Field note 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 racism to contribute to the experience of victimization. Often committed without leaving any evidence, the only sign that stealthy committed acts of provocation had occurred was the response of the victim in the form of a retaliatory act. Indeed, hate crimes presented as complex competing narratives and when cases involved acts of “provocation” and “retaliation”, the caseworker’s focus was on maintaining their 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, caseworkers as well as the police arguably saw clients as not constituting ‘ideal victims’ (Christie, 1986). As such, there was little in the way of repair work that could be done to restore victim status, hence the major focus on advising and supporting victims not to ‘retaliate’.

‘Retaliation’ was discernible in three distinct contexts, which often interrelated. First, in response to direct acts of ‘provocation’ by the perpetrator and which, like other modes of victimization, were considered to be part of the tactics employed by perpetrators to target victims. Second, retaliatory acts arose as a 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. Third, 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 shows how such acts are embedded in 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”. 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...
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Space precludes the opportunity to discuss all three different contexts for retaliatory action and so the main focus will be on ‘provocation’ and ‘under protection’. Whilst these are presented here as analytically distinct, in practice, not least because of the ongoing nature of victimization, the contexts overlapped and interlocked.

**Provocation**

Jason’s experience illustrates how and why “provocation” by perpetrators and “retaliation” by victims frequently permeated and shaped the experience of victimization and jeopardized clients’ claims to victim status. In response to receiving racially imbued death threats and his experience of 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 [give] his statement.

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 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 on his mobile telephone 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: 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: 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 acts of provocation in both. 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.

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 . . . and like you know by speaking to [the perpetrators] on the phone and sending text messages that kind of made their case weaker.

(Salma)

“Physical” retaliation on the part of the victim in this context was explained by caseworkers as arising usually after the victim had initially ignored (racist) verbal provocation and was subsequently 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
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person so they think let’s have a fight you know . . . and I can show my power to you that way . . . which is strange.

(Jyoti)

Mr Seck’s case illustrates physical retaliation arising in this way with regard to his children, including his young 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 younger 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 and in consequence lost his victim status when he was constructed as perpetrator by police officers.

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 . . . [waiting] 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 neighbour-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 significant others. Indeed, expressly stated culturally imbued notions of male gender identity and role associated with family arose in this context (see for example Jyoti’s comments above). A typical example occurred in Sara’s case when, following a minor road incident involving her family’s car and that of another [white] 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
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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 faced by victims, it highlights many of the recurrent themes documented in the wider research project including: the mundane nature of interactions that can trigger racist incidents; the presence of children as witnesses if not primary and secondary victims (children were present in both cases); the requirement by police officers for evidence; reasons for not reporting; culturally-based understandings of and responses to victimization; the victim-offender dyad; and relations between people from black and minority ethnic 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: 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.

The provocation-retaliation aspect of Sara’s case also raises another important common experience of the majority of clients and this concerns the belief that not only did the police not listen to them, they did listen to the perpetrator. Sara’s caseworker reflected upon 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 people from black and minority ethnic (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, racism 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 been documented in the literature. Two victims summed up the views and experiences of many:
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)

Like to me every time the police come and just take one look at me they don’t think like . . . they don’t say who’s to blame. They just put the blame straight on me [pauses] without doing what they are supposed to do and do their job properly.

(Dawn)

The victims’ accounts sit, however, with aspects of ‘institutional racism’ identified by Grieve and French (2000: 14):

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.

Interestingly, this saying mirrors the lyrics of a 1956 song entitled Black, brown and white blues sung by Big Bill Broonzy that was rereleased in 2000. Explaining the meaning behind the expression Mandeep said:

... 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.

‘Under-protection’

Retaliatory acts on the part of some victims were strongly related to their experience of 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 discussion in its own right, space does not permit the matter significant attention. As noted above, evidence was of central concern to victims and case-workers because their reports of victimization were frequently rejected or relinquished on the basis that their perceptions could not be substantiated. Although of course, evidence is explicitly stated not to be required by the ACPO guidance in respect of reporting and recording hate crimes (2005: paragraph 5.4.2), because victim perception is the ‘defining factor’ (ibid.: paragraph 2.2.6). In response to such challenges, however, 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 issues in relation to data or child protection for photographing or filming minors whilst they committed racist acts. 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”.

Mirroring the psychological consequences of victimization to be found in the hate crime literature (see for example Craig-Henderson, 2009: 23–24 and Dunn, 2009), but generating new insights, 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 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’ 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 Mandeeep, 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].

Bilbar, discussing the impact of victimization, explains here 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 shopkeeper 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 that 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 and experiences of the police service thus impacted greatly on reporting behaviour but also shaped the ‘moral career’ (Goffman, 1963) of the victim. That is to say, the process of labelling could involve the reconstruction of victims’ histories and identities from that of victim to one that was stigmatized and deviant. The process of victimization thus included within the interactional dynamics that were the hate crime encounters, retaliatory acts that denied victims ‘ideal victim’ status because they were constituted as perpetrators by the services that they perceived had failed them. Dev’s experience is typical of those encountered. He feared that he might take action himself when he believed that the police had failed to respond effectively and reflected that if the agency had not “forced” the police to act then he would have had to:

Dev: . . . end up . . . 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 [to] 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”.

Dev went on to describe how the anguish of victimization and lack of police response caused him to risk putting himself “in danger as well” by physically retaliating should another incident arise. These feelings were of course experienced alongside those arising from acts 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”.

Conclusion

As the foregoing analysis demonstrates claims of hate crime victimization often presented as complex and competing narratives which influenced both the construction of the victim and perpetrator by the agencies involved and the form and content of the hate 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 evidence of their endeavours. Not infrequently, some rightly claimed that the alleged perpetrator had also made allegations to the same authorities, often after a victim had retaliated, but that these had been followed up, thereby creating a situation where the victim had to rebut the “counter allegation”. Thus, once an alleged perpetrator made an allegation, victims engaged in a process whereby they had to challenge the perpetrator’s construction of them. Moreover whilst hurdles such as a requirement for evidence operated in practice to deny victim status to those who self-identified themselves as victims, arguably those with idealized attributes
had the strongest claim to this label. In turn, those who engaged in retaliatory conduct – whether because they felt provoked by the perpetrator or compelled to take the law into their own hands or experienced ‘slow burn’ – lost their claim and, in consequence, faced the possibility of ongoing and sometimes escalating victimization and, in some instances, criminalization. In all these cases the dominant issue was the failure of the victim’s perception to trump police discretion in the reporting and recording of racist incidents. Such instances represent an exercise of power by officers – a reassertion of police officer discretion denied by the current definition. Therefore, whilst the victim-orientated definition defines who is a victim, it is everyday ‘interactional practice’ (Holstein and Miller, 1990) which determines who can be a victim.

References


