

2 Racist Hate Crime

Chapter summary

Offences motivated by hate or prejudice towards the victim's ethnic identity are the most common type of hate crime in terms of sheer numbers, and also the most familiar in terms of political, public and academic recognition. As such there is an extensive body of literature devoted to issues of race and ethnicity, to the relationship between race and the criminal justice system, and to the needs and experiences of victims of racist crime.

This chapter seeks to address some of the key points from this body of literature which have implications for our understanding of racist hate crime. It begins by examining race within the context of its emergence as an issue of significance in the UK, before moving on to explore the problem of racist hate crime in greater depth. The chapter then examines the scope and dimensions of this problem, together with the legal framework in place to address racist victimisation and the ways in which research in this field has shaped constructions of racist hate crime.

Introduction

Racist hate crime remains the strand of hate crime with which commentators are most familiar; indeed, politicians, journalists, practitioners and academics sometimes fall into the trap of describing hate crime exclusively in terms of racist crime. The sheer weight of literature devoted to issues of race, ethnicity and racist prejudice in comparison to the relatively small (but growing) number of texts on alternative strands of hate crime is illustrative of how academic studies have prioritised racist victimisation over other forms of targeted hostility, at least until recently.

The breadth, depth and scale of race-related research conducted over the past thirty years or so are far too extensive to summarise within the confines of this particular chapter. There are a number of excellent sources that offer a comprehensive overview of the salient points from this research, and these are acknowledged in the guide to further reading that follows this chapter. However, in terms of developing our understanding of hate crime, we need to consider the links between racism and crime and the way in which ethnicity is used as a tool to victimise people on the basis of their 'difference'.

The term 'racism' is used fairly expansively within this chapter as a way of describing the beliefs and practices that can result in people being discriminated against on the basis of their perceived ethnic origin. Problems of racism and perceptions of ethnic difference are complex, constantly evolving and contingent on global, national and local contexts. As Mason (2012) acknowledges, terms such as 'racism' and 'racist' are subjective and can sometimes shut down debate rather than open up solutions, but nonetheless it is through these 'crude linguistic instruments', to use her words, that we can 'challenge and resist the very real forms of inequality, injustice and violence that are embedded in hierarchies of difference' (2012: 41). Although the label of racism should be used cautiously and responsibly, its application should not be limited to extreme thought and behaviour; rather, it should be conceived of in a way that helps us to identify and denounce those subtle and indirect practices that give rise to racist hate offences.

Racism in the UK

Whilst differentiation on the grounds of skin colour, bodily features or cultural practices has a long history, it is only relatively recently that the idea of 'race' has emerged as an explanatory device to justify such differentiation. As Bowling and Phillips (2002) observe, the concept can be traced back to the philosophies of the European Enlightenment and to the ascendancy of science and reason within the work of writers such as Hume, Kant and Hegel. For many of these philosophers race was seen as a way of distinguishing the cultural superiority of white Europeans from the savagery associated with non-whites from outside Europe, a view that became entrenched during the expansion of the transatlantic slave trade over the course of the seventeenth and eighteenth centuries (Bhavani et al., 2006). Similar lines of thinking developed during the nineteenth and twentieth centuries, most notably through the form of the eugenics movements, which forcibly sought to control the perceived purity of the races, and through the widespread promotion of laws across many countries designed to enforce racial segregation.

However, it is the post-Second World War context that has the most significant implications for the way in which the UK's contemporary 'race agenda' has developed. Although migration to and from the country had occurred quite extensively prior to this point, the post-war influx of migrants into the UK quickly resulted in a noticeably different demographic profile. Approximately 11,000 West Indians arrived in Britain in 1954, with the figure more than doubling the following year, while the rate of migration from India and Pakistan rose dramatically from the comparatively low figure of 7,350 in 1955 to equal that from the West Indies after 1960 (Hiro, 1992).

Whilst immigration during this post-war period was not confined solely to incomers from the Caribbean and Asia, it is the migration of former inhabitants of New Commonwealth countries that appears to have shaped subsequent debates and policy-making on race relations.¹ Specifically, it was the racial disturbances of 1958, first in Nottingham and then in Notting Hill, that were the trigger for the now-familiar politicisation of race and its association with crime, the economy and nationhood (Bowling and Phillips, 2002). The sustained violence directed towards black people during these disturbances, together with the sizeable increase during the late 1950s and early 1960s of New Commonwealth immigrants, resulted in a much tougher political stance on issues of immigration, and in effect a set of provisions within successive pieces of legislation that differentiated unashamedly between the rights of white and non-white settlers (for further details see Hiro, 1992).

These developments are important in the context of our understanding of racist hate crime. Despite the extensive levels of violent racism directed towards minority ethnic communities from the Second World War to the late 1970s – a phase described by Bowling and Phillips (2002: 13) as being 'among the most viciously racist periods in British domestic history' – depictions of these communities tended to be framed mainly in terms of their disorderly characteristics, with little attention given to their experiences as victims of racist hate (see also Hall et al., 1978). Even when the fractious relationship between the police and black communities collapsed with the outbreaks of public disorder and rioting during 1981 in St Paul's, Brixton, Toxteth and other inner-city neighbourhoods across the country,² explanations for this disorder gave relatively little consideration to black experiences of oppressive policing and social and economic exclusion.

Although the public inquiry into the disturbances chaired by Lord Scarman acknowledged problems of minority ethnic deprivation and disadvantage, it stopped short of explicitly locating black communities' grievances within their experiences of racist stereotyping and oppression. It also failed to stave off the potential for future rioting, which duly occurred in the areas of Handsworth in Birmingham and the Broadwater Farm estate in London during 1985.³ Crucially, the Scarman Report did not accuse the police service of being institutionally racist, favouring instead the 'bad apples' explanation that located the problem of racism within the domain of a small number of low-ranking prejudiced officers. Consequently,

some of the key policing concerns of minority ethnic communities persisted, including the feeling that the service did not take racist victimisation seriously; that minority ethnic communities were disproportionately targeted by officers for stop and search procedures; and that the organisation itself was racist and was populated by racially prejudiced officers.

However, if 1981 was a landmark year in the context of British race relations because of the inner-city rioting, in other ways it was also an equally significant year for the recognition of ethnic minorities as victims. In this year the Home Office published *Racial Attacks*, its inaugural report highlighting evidence of the racist harassment directed at minority ethnic communities. This laid the foundations for the systematic collection of evidence on various facets of racist victimisation that has taken place since; indeed, it is only from 1981 that local and central government agencies have kept records of racist violence and have begun to develop policies in response to the problem (Bowling, 2003: 64). Equally, the murder of Stephen Lawrence in 1993, or more specifically the lessons learned from the flawed Metropolitan Police investigation into his murder, has had a profound impact upon the way in which racism is perceived and policed. The tragic circumstances of Lawrence's murder – an unprovoked, racially motivated attack on a defenceless teenager – attracted widespread (and unprecedented in the context of victims of murderous racism) media coverage, even from papers such as the *Daily Mail* whose concerted campaign to name and shame the killers ran in stark contrast to their traditionally antipathetic stance towards issues of antiracism.

Described by many commentators as a 'watershed moment', Sir William Macpherson's report into the issues arising from the murder of Stephen Lawrence gave rise to an extensive package of reforms whose implications have been discussed extensively within the wider literature (see, *inter alia*, Bourne, 2001; Hall et al., 2009; Rowe, 2007; Rowe, 2012).⁴ Unlike the riots of 1981, the Lawrence case acted as a catalyst for change in the context of police–minority relations, public attitudes towards issues of race and in relation to the definition, reporting and recording of racist incidents. However, this progress – and the sense of justice, albeit belated, that followed the conviction of two of Lawrence's killers some nineteen years after his murder – should not be allowed to overshadow the damaging problems that continue to be posed by racist discrimination and violence. Recent figures, for instance, illustrate that black people are six times more likely, and Asians twice as likely, to be stopped and searched by the police than white people.⁵ while the Metropolitan Black Police Association used the 20th anniversary of the Lawrence murder to declare its belief that the Metropolitan Police Service was still institutionally racist (Muir, 2013). Burnett (2013) has also challenged the fallacy of assuming that violent racism is a throwback to a previous, pre-Macpherson age, referring to the way in which racist attacks have widened in scope to incorporate new targets and intensifying levels of violence.⁶ These points will be considered at greater length in the following section.

Case Study 2.1

Early signs of the politicisation of race

In spite of tighter controls introduced through the Commonwealth Immigrants Act 1962, anti-immigrant sentiment remained strong amongst many sections of the public, as the Labour party learned to its cost during the general election campaign of 1964. In the West Midlands constituency of Smethwick, Patrick Gordon Walker, a Labour Shadow Cabinet Minister, lost what had been assumed to be a safe seat for his party to the Conservative candidate and local headmaster Peter Griffiths, whose campaign had been largely based around the threats posed by immigration to the local white population. Griffiths' campaign is perhaps most infamous for its use of the slogan 'If you want a nigger neighbour, vote Liberal or Labour', a rhyme that was described by the victorious MP as a 'manifestation of popular feeling' (Hiro, 1992; Solomos, 1993).

Not long after this episode, the notorious 'rivers of blood' speech of Conservative MP Enoch Powell in 1968 helped to

shape the future direction of immigration policy in the UK. Within this speech Powell used highly emotive language to plead for an end to immigration and to criticise the government's perceived betrayal of the 'British' electorate through its open-door policies. He cited the supposed case of one of his own Wolverhampton constituents, an elderly white woman who was too scared to leave her own home, and when she did, was followed by 'charming, wide-grinning piccaninnies' (Sandbrook, 2007: 679). Utilising provocative language that echoed images of slavery, Powell predicted that: 'In this country in fifteen or twenty years' time the black man will have the whip hand over the white man'. If existing levels of 'coloured' immigration were maintained, he continued, then: 'Like the Roman, I seem to see the River Tiber foaming with much blood' (2007: 679).

Though the speech resulted in his removal from the Conservative Shadow Cabinet, Powell's continued influence as an active back bench, allied with the extensive media coverage of issues he raised, laid the platform for further restrictions on the rights of migrants in the Commonwealth Immigrants Act 1968 and the Immigration Act 1971. Similar lines of rhetoric came a decade later from the Conservative administration led by Margaret Thatcher, whose publicly declared fears of Britain being 'swamped' by an 'alien culture' were reflected in a series of legislative moves that signified the continuing racialisation of immigration policy on the lines of skin colour (Sales, 2007).

The scale and scope of racist hate crime

Official interpretations of racist victimisation are invariably informed by the broad definition of a racist incident provided through Recommendation 12 of the Macpherson Report which was subsequently adopted by the police and other criminal justice agencies. The recommendation sees a racist incident as 'any incident which is perceived to be racist by the victim or any other person' (Macpherson, 1999: 328). This definition acts as a refinement to the one previously used by the police by giving primacy to the interpretation of the victim, as opposed to the judgement of the recording or investigating officer, which was the case with the earlier definition.⁷ Racism itself is also defined in fairly broad terms in the Macpherson Report as consisting of 'conduct or words or practices which disadvantage people because of their colour, culture or ethnic origin' (1999: 20)

The relatively wide-ranging scope of such definitions is illustrated by the substantial number of racist incidents recorded each year by the police, which rose from 4,383 in 1985 (when such figures were first collected) to a pre-Macpherson high of 23,049 in 1999 (Phillips and Bowling, 2002: 583). The latest figures for 2013/14 show that 47,571 racist incidents were recorded by the 43 police forces in England and Wales, a figure that has remained relatively stable for the past three years (Creese and Lader, 2014). It is well documented that police-recorded racist incidents tell only some of the story when it comes to measuring levels of racist crime on account of the twin problems of under-reporting among ethnic minorities and under-recording by the police (Webster, 2007).

In addition to recording racist incidents, the police are also obliged to record racially and religiously aggravated offences under the penalty enhancement provisions introduced by the Crime and Disorder Act 1998.⁸ According to recent published statistics, the police recorded 30,234 racially or religiously aggravated offences in 2012/13, a 21% fall from 2008/09 (Home Office et al., 2013). While this source of data provides us with useful supplementary information about the extent of police-recorded racism, it rather crudely conflates racist and religious aggravation despite the important distinctions between the two (as discussed more fully in [Chapter 3](#)) and again tells us little about those offences which are not reported to the police. Successive sweeps of the British Crime Survey (BCS), or more recently the Crime Survey for England and Wales (CSEW),⁹ have facilitated a more detailed examination of the different dimensions of racist victimisation. Recent estimates suggest that 124,000 racially motivated incidents took place in 2012/13 (Home Office et al., 2013), a significant drop from the previous year's figure of 185,000 but a considerably larger figure than the equivalent police-recorded figures for that year, as noted above.

Measures such as these have gone some way towards assessing the scale of racist offending. However,

they – and other attempts to quantify levels of racist hate and prejudice – have tended to bracket together ethnic minorities as one seemingly homogeneous group, thereby dismissing, or at best underplaying, the differences in experience and perception of racism between the persons grouped together within such a framework, or for that matter persons typically excluded from such a framework. This can be the case even where attempts have been made to analyse victimisation by ethnicity, for the influence of various other factors, be they socio-demographic, religious or geographic, may not be sufficiently appreciated.

Consequently, attempts to measure racist hate crime must be wary of assuming that the patterns and trends identified by a particular study are collectively applicable to all who fall under the umbrella of minority ethnic group ‘membership’, without acknowledging the differences in individual experiences. Gunaratnam (2003), for instance, has noted how the research process itself can sometimes merely reproduce dominant constructions of race and ethnicity as a result of the common tendency to ‘essentialise’ the experiences and practices of individuals and groups into neat categories. An appreciation of the broader dimensions of racist hate crime is also necessary to recognise the experiences of groups who can often be overlooked by researchers and policy-makers. The experiences of mixed-race families and relationships are a case in point, with what little research evidence there is suggesting that those from a mixed heritage background face a higher risk of victimisation (Home Office et al., 2013) and that white partners in mixed-race relationships face a real, but seldom recognised, risk of being the target of racist abuse (Garland et al., 2006).

The experiences of Gypsies, Travellers and Roma have also remained peripheral to most studies of racism. The stigmatisation of these communities through restrictive policy and public resentment has been evident throughout Europe for centuries, and is rooted in cultural stereotypes that depict them as dangerous ‘others’ to be feared rather than as normal people living an alternative lifestyle to much of the population. This has resulted in their continuing marginalisation in many spheres of public life, including access to public services, health care, education and employment, and their experiences of oppressive and discriminatory policing in states across Europe (ODIHR, 2010b; Stewart, 2012). Although Gypsies, Travellers and Roma are the largest minority in Europe, research has shown that they are subjected to disproportionately high levels of hate crime, prejudice and hostility which are rarely acknowledged or challenged in the way that similar acts towards other ‘recognised’ minority ethnic groups would be (James, 2014).

Certainly, it is important to be aware that there is a diverse range of less familiar, less visible targets who can fall victim to racist hate. Racism experienced within white working-class communities has received relatively little academic attention and is likely to have a quite different qualitative dimension from that experienced by visible minority ethnic groups. The failure to recognise prejudice directed towards ‘undesirable forms of whiteness’ (Neal, 2002) is also evident in the case of asylum seekers and Eastern European migrant workers (see [Case Study 2.2](#)). Equally, violence experienced by overseas students can often have a racist element to it. In this context – and as with many of these examples – the racist sentiment may not be based exclusively on a sense of racial superiority but rather on a sense that the victims ‘don’t fit in’ or ‘don’t belong’ within communities characterised by discomfort with and/or resentment towards visible outsiders (Mason, 2012).

It would appear that the cloak of ‘common-sense’, ‘legitimate’ prejudice enables the hegemonic state of affairs that perpetuates the demonisation, and in some instances criminalisation, of particular ‘undesirables’. Not surprisingly, the hostility directed towards these groups – be they asylum seekers, economic migrants or Roma, Gypsy or Traveller communities – has tended to receive little mainstream public or political sympathy, and yet it seems perverse not to recognise this process of demonisation alongside other forms of racist hate within academic and criminal justice policy frameworks.

Case Study 2.2

The targeting of asylum seekers and new migrant communities

Since the late 1990s, press hysteria has generated a succession of headlines warning against the supposed dangers of allowing asylum seekers to enter the country. This has triggered punitive political responses to the entry, freedom and public acceptance of the asylum seeker. Similarly, following the expansion of the European Union on 1 May 2004, the migration of workers from Eastern Europe reignited age-old debates about Britain's allegedly 'soft' immigration policies and the supposed erosion of national identity, which have since intensified following the lifting of transitional restrictions on the freedom of movement of Bulgarian and Romanian migrants at the start of 2014. In addition to – or perhaps partly because of – national and local vilification from politicians and the press, asylum seekers and new migrant communities are often the targets of racist attacks, many of which have seen 'children being hounded from schools, adults being hounded from their homes and families being hounded from the towns and cities where they have sought safety' (Burnett, 2013: 11). Very few of these acts of racism are reported to the police or other agencies, often because of an understandable wariness of authorities born from previous negative encounters (Iganski, 2011).

A more responsible political and media response – focusing, for instance, on the plight of new arrivals or the role of Western nations in contributing to the economic struggles and conflicts in developing countries – could arguably have helped to alleviate some of the underlying tensions surrounding asylum and immigration (Philo et al., 2013). Instead, a process of continued political and media scapegoating has given rise to what Burnett (2013) describes as a new 'common sense' racism – a pragmatic form of prejudice that is legitimised as economically and culturally necessary and that fosters an environment in which targeted hostility is allowed to prosper. And yet at the same time, the notion of Britain being a tolerant, 'anti-racist' society remains largely unchallenged within popular thought. Kundnani (2001: 50) uses the distinction between racism and xenophobia to suggest how such a situation has arisen:

... whereas racism denotes a social process of exclusion based on colour (or, latterly cultural) difference, xenophobia suggests a natural psychological reaction against 'strangers' ... Hence it appears that those who propound the view that 'too many are coming' are not racists to be cast out of the political mainstream – they are merely fearful of the impact that large numbers of new arrivals will have on the nation, and that is considered a legitimate political viewpoint. As such, xenophobia provides an alibi for racism, legitimating it by making it seem natural.

Recent figures released by the *Guardian* newspaper suggest that these processes have contributed to a worrying increase in hate crimes directed towards Polish people living in the UK. Using freedom of information requests to identify numbers of police arrests for hate crimes against Polish people, the *Guardian* figures revealed a tenfold increase from 2004, which they attribute to anti-Polish feeling that is fuelled by political stereotyping and negative media coverage, and given legitimacy with a climate of austerity and dwindling job opportunities (McDevitt, 2014). Similar concerns and explanations have been noted by the College of Policing (2014) and Chakraborti, Garland and Hardy (2014a) with reference to targeted hostility directed towards asylum, refugee and new migrant communities.

Legal protection from racist hate crime

In light of the points raised thus far, establishing robust legal protection is a pivotal way of demonstrating society's condemnation of racism and offering support to victims. As noted above, the main impetus for legislative change was the murder of Stephen Lawrence in 1993, itself the third killing in a sequence of racist attacks committed in the area of south-east London around that time¹⁰ and the subsequent inquiry and report into the circumstances that led to that murder. The Macpherson Report was hailed as a watershed in British race relations, not least for placing the issue of racist crime high upon the agenda for criminal justice, political and other organisations by officially recognising the problem of 'institutional racism', for broadening the definition of a 'racist incident', and for supposedly leading the way for a more victim-oriented approach to dealing with racist incidents (Bridges, 2001; Burney and Rose, 2002).

It is important to remember that legislation addressing the promotion of racial hatred existed long before the Stephen Lawrence case in the form of the Race Relations Acts of 1965 and 1976, and more recently the Public Order Act 1986. Section 18 of the Public Order Act prohibits the use of words or behaviour

which is ‘threatening, abusive or insulting’ and which is either intended ‘to stir up racial hatred’ or where ‘having regard to all the circumstances racial hatred is likely to be stirred up thereby’. More recent provisions governing the stirring up of religious hatred were introduced under the Racial and Religious Hatred Act 2006, and will be the subject of closer scrutiny in [Chapter 3](#). For present purposes, however, the most significant legal developments came through changes introduced by the Crime and Disorder Act 1998 which established a series of new racially aggravated offences. Under section 28 of that Act, offences are classed as racially aggravated if:

- (a) at the time of committing the offence, or immediately before or after doing so, the offender demonstrates towards the victim of the offence hostility based on the victim’s membership (or presumed membership) of a racial group; or
- (b) the offence is motivated (wholly or partly) by hostility towards members of a racial group based on their membership of that group.

A ‘racial group’ under the 1998 Act refers to persons defined by reference to their race, colour, nationality or ethnic or national origins and now, following the amendment introduced by section 39 of the Anti-Terrorism, Crime and Security Act 2001, section 28(3) covers membership of any religious group (the implications of which are considered in [Chapter 3](#)). Central to these Crime and Disorder Act provisions is evidence of hostility, which can be expressed in a variety of ways including words, gestures or the singing of particular songs. As the wording suggests, aggravated offences can be committed either through a demonstration of hostility towards a victim’s actual or presumed race or religion, or where the offence is fully or partially motivated by hostility towards their actual or presumed race or religion.

A number of concerns have been raised about these provisions, mainly in relation to the notion of ‘hostility’. As Walters (2013) observes, the term has been under-theorised and subjected to different interpretations in the absence of a legal definition or any standard direction on its parameters. This can result in ambiguity and accusations of unfairness from all sides. From one perspective, this ambiguity allows the Crime and Disorder provisions to cast their net too wide by capturing a different type of offender from that originally envisaged through the creation of aggravation laws. Dixon and Gadd (2006), for instance, suggest that convictions for racially aggravated offences are not necessarily reliable indicators of racist attitudes, noting that some of those who came across as the least racist interviewees amongst their sample of perpetrators had prior convictions for racially aggravated crimes whereas some of the most racist had none. Similarly, Gadd (2009), Burney (2002) and Jacobs and Potter (1998) all note that aggravation provisions, if interpreted literally, run the risk of capturing low-level, superficial expressions of racism which may accrue from hostility conveyed in the heat of the moment and not deep-seated ideological hatred.

But equally there are those who feel that the provisions have been interpreted too narrowly and in a way that often fails to recognise the presence of a racial motivation. For example, Athwal and Burnett (2014) use their analysis of post-Macpherson race-related deaths in the UK to suggest that the racially motivated element to cases is commonly filtered out by the police, the CPS and the courts because of a variety of factors.¹¹ These include a failure to recognise racial motivation and the broader context in which racist attacks are committed, and the reclassifying of racist attacks as disputes, robberies or other forms of hostility (2014: 10).

All of these concerns have merit and are illustrative of the ‘grey areas’ that envelop much hate crime policy and theory. However, Walters (2014a: 4) makes a compelling case for believing that expressions of

hostility in this context should be construed to include ‘not just conscious attempts to vanquish “difference” (i.e. hate motivation) but any physically expressed prejudice or bigotry which the offender is *aware* [italics in original] is likely to have a subjugating effect on the victim’s identity’. For Walters this broad interpretation is necessary, first to ensure that offenders who intentionally subjugate their victim’s identity during the course of an offence are held legally culpable, irrespective of whether their expression of hostility is born from genuine hatred or is more tangential; and second, to recognise the increased emotional and social damage that these offences cause to victims, their families and to more general levels of community cohesion. According to this stance, when interpreting the Crime and Disorder Act provisions it should be the perpetrator’s awareness that he or she is targeting the victim’s ‘difference’ which carries relevance, and not any sense of hatred or deeply felt animosity towards the victim’s group identity.

Also relevant in this context is McGhee’s (2005: 29) support for the declaratory value of the racially aggravated provisions, as noted below:

This legislation also performs a symbolic role in attempting to modify or correct undesirable behaviour in society not only in the name of greater protection for certain groups who are ‘injured’ by hate, but also in the name of protecting wider society from the negative impacts of a hate incident in the form of institutional mistrust, and the potential polarization between social groups. The legislation also emphasises the destructive and often marginalizing impact of hate crimes such as racist incidents on the victim, family, neighbourhood, community and ultimately the nation.

Through highlighting the symbolic importance of the laws on racial aggravation, McGhee makes reference here to one of the central justifications for hate crime laws in general: namely, that the higher sentences awarded to perpetrators are an important way of denoting society’s condemnation of such crimes, preventing future attacks upon the individual victim and their broader community, and protecting society at large from the destructive elements associated with the commission of hate offences. As alluded to previously, this line of argument has been contested by critics of hate crime laws. Dixon and Gadd (2006: 324), for example, have cast doubt over the capacity of the racial aggravation provisions to deliver a symbolic message to the criminal justice system and to the general public without unnecessarily criminalising significant numbers of already marginalised people whose ‘racism’ has surfaced not from a commitment to racist beliefs or ideology but through an inability to control their language in moments of stress and/or inebriation. Debates over the effectiveness of hate crime laws in terms of their declaratory and deterrent impact have been a recurring theme in academic discourse, and we shall return to these debates later in the book.

Conclusion

While there has been welcome progress in recognising and responding to problems of racist hate in the UK, there remain grounds for concern in a number of contexts. Following an initial examination of the emergence of race as an issue of political and criminological significance, this chapter went on to discuss the scope of racist hate and suggested that official accounts paint an incomplete picture of the true extent and nature of this problem. It was argued that some groups’ experiences can be overlooked as a result of oversimplified attempts to quantify racist hate crime, and through the narrow frameworks and terms of reference used by researchers and policy-makers. This chapter has also drawn attention to some of the problems inherent in legislative provisions covering racist hate which have affected the potential effectiveness of these laws.

The sheer scale of progress reports, internal reviews and policy developments issued in the years following the publication of the Macpherson Report is illustrative of the ongoing efforts being made by the police and other criminal justice agencies to respond to the challenges raised in this chapter. Nevertheless, and as we have seen, research continues to highlight worryingly high levels of racism and increasing fear and vulnerability on the part of many minority ethnic groups. In some respects, much of the difficulty surrounding official responses to racist hate stems from the continued reliance on ‘incidents’ as a means of distinguishing racist behaviour. For Bowling (1999), an incident-driven approach detaches the lived experience from its wider context of racist exclusion and fails to appreciate the impact of racism on victims’ lives beyond the actual incident itself. This goes some way towards explaining why victims can feel unprotected despite apparent improvements in policy, as he notes below in his analysis of violent racism (1999: 285):

Becoming a victim of any crime – particularly one as complex as violent racism – does not occur in an instant or in a physical or ideological vacuum. Victimisation – with the emphasis on the suffix ‘isation’ – denotes a dynamic process, occurring over time. It describes how an individual becomes a victim within a specific social, political, and historical context.

As we saw in [Chapter 1](#), understanding the process, as opposed to simply the singular event, of racist victimisation requires an examination of the lived experiences of those affected, including the nature, extent and impact of racist behaviour, the wider context that gives rise to different forms of racism and the effectiveness of support provision for victims. It also requires an understanding of the routine, everyday nature of many experiences of racism; experiences that in themselves may not appear especially serious but that cumulatively, and when considered in the context of repeat victimisation and broader patterns of ‘othering’, can impact upon the victim (and their community) in a variety of corrosive ways, be it as Spalek (2006: 68) describes ‘psychologically, emotionally, behaviourally, financially and physically’.

A succession of studies have shown that ‘low-level’ racist harassment – such as verbal abuse, intimidatory staring, the throwing of eggs or stones, the blocking of driveways with cars, being sprayed with air freshener or being the subject of racist ‘humour’ – is a regular feature of day-to-day life for many ethnic minorities; moreover, it has a ‘drip-drip’ effect that magnifies feelings of vulnerability and imposes severe constraints upon the victim’s quality of life, despite seldom being fully recognised as racist behaviour by other members of local communities or by agencies and policy-makers (see, *inter alia*, Burnett, 2013; Chahal and Julianne, 1999; Chakraborti, 2010; Garland and Chakraborti, 2006; Mason, 2012). Recognising the significance of these more everyday experiences is a key challenge for those responsible for supporting victims and responding to hate crime, as we shall see in later chapters.

Guide to further reading

The body of literature on issues relating to racist hate and victimisation is very sizeable indeed, particularly when compared with the availability of texts on other forms of hate crime. Readers are therefore advised to use the references within the chapter as a guide to areas of specific interest. For an insightful overview of early perspectives and the history of race relations in the UK readers should refer to Hiro, *Black British, White British: A History of Race Relations in Britain* (1992) and Bowling and Phillips, *Racism, Crime and Justice* (2002). The latter text and Rowe, *Race and Crime* (2012) also provide comprehensive accounts of the relationship between race and crime and the criminal justice response to racist crime. Hall et al.’s classic text *Policing the Crisis: Mugging, the State and Law and Order* (1978) has shaped our understanding of racist stereotyping and criminalisation while Bowling,

Violent Racism: Victimisation, Policing and Social Context (1999) remains a seminal text on core aspects of racist victimisation.

Links to online material

Section 95 of the Criminal Justice Act 1991 requires the government to publish statistical data to assess whether any discrimination exists in how the criminal justice system treats individuals based on their ethnicity. The most recent set of statistics is available at www.gov.uk/government/uploads/system/uploads/attachment_data/file/269399/Race-and-cjs-2012.pdf

The Institute of Race Relations is a UK-based independent educational charity which carries out research and collects resources on race relations throughout the world. A wide range of material, including research reports and a free news service on race and refugee issues in the UK and Europe, is available through their website at www.irr.org.uk

Notes

1 In excess of 121,000 former Polish soldiers came to the UK with their families following the 1947 Polish Resettlement Act, and these numbers were augmented by the arrival of 24,000 German, Ukrainian and Italian former prisoners of war and over 25,000 other immigrants (Somerville, 2007).

2 The sheer scale of the 1981 disorders is highlighted by Hiro (1992: 88–89), who notes that as many as a third of the Metropolitan Police Force – approximately 7,000 officers – had been required to quell the Brixton disturbances which took place in an area comprising less than a square mile in total, with the damage costing around £6.5 million. Moreover, the four-day disturbances in Toxteth only a few months later resulted in 705 arrests, 781 police officers being injured and property damage amounting to nearly £15 million.

3 The riots of September 1985 in the Lozells Road area of Handsworth resulted in the deaths of two Asian men, injuries to 74 officers and 35 local people and just under 300 arrests. A month later the death of a black woman during a police raid on her home triggered the disturbances on the Broadwater Farm estate in north London during which more than 250 people were injured and a police officer, PC Keith Blakelock, was fatally stabbed.

4 The Macpherson Report was published in 1999 and produced 70 recommendations designed to reform relationships between the police and minority ethnic communities. This wide-ranging set of recommendations, which covered, for instance, issues relating to police diversity training, recruitment and retention policies and the handling of racist incidents, was endorsed by the government and the police, thereby bringing, as Webster (2007: 68) observes, ‘the issue of racist violence from the periphery to the centre of law and order policy in Britain’.

5 It is important to note that only a small proportion of police stops and searches result in an arrest. Ministry of Justice figures show that between 2008/09 and 2011/12 approximately 10% of stops and searches of black people resulted in arrests, which is similar to the proportion for white people and higher than that for Asian people (7%) (Home Office, Office for National Statistics and Ministry of Justice, 2013).

6 A number of prominent campaigners have continued to express doubts over the reliability of police recorded figures, attributing the decrease in official levels of racist hate to failings in police recording

practices and to victims' lack of faith in the criminal justice system (Wright, 2014).

7 Prior to the Macpherson Report, the police had relied on the following definition since 1985: 'A racial incident is any incident in which it appears to the reporting or investigating officer that the complaint involves an element of racial motivation, or any incident which includes an allegation of racial motivation made by any person'.

8 As amended by the Anti-Terrorism, Crime and Security Act 2001.

9 A number of prominent campaigners have continued to express doubts over the reliability of police recorded figures, attributing the decrease in official levels of racist hate to failings in police recording practices and to victims' lack of faith in the criminal justice system (Wright, 2014).

10 Two high-profile racist murders which occurred in south-east London prior to the death of Stephen Lawrence involved the killings of Rolan Adams in 1991 and Rohit Duggal in 1992.

11 Athwal and Burnett's (2014) research identified 93 deaths between February 1999 and December 2013 with a known or suspected racial element. Over half of those killed were Asian or Asian British, with the majority of those from Pakistani (22) or Indian (14) backgrounds. Sixteen victims were black or black British. In 69 cases (74%) the attacker or attackers were white British.