

Losing the Race

THINKING PSYCHOSOCIALY ABOUT
RACIALLY MOTIVATED CRIME



DAVID GADD
AND
BILL DIXON

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KARNAC

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David Gadd has been conducting research on violent perpetrators since 1997. He is Professor of Criminology and Director of the Centre for Criminology and Criminal Justice at Manchester University Law School. **Bill Dixon** worked in local government and the third sector before moving into higher education in the early 1990s. He is Senior Lecturer in Criminology and Head of the School of Sociology and Criminology at Keele University. Between 2003 and 2005, they led a major research project on the perpetrators of racially motivated violence and harassment, funded by the Economic and Social Research Council (ESRC). In 2006, Bill and David received an ESRC Impact Grant to disseminate the findings from their research, and the methodology they had used in the course of their study, to a group of researchers and activists working on similar issues in South Africa's North West Province. This book arises out of these two research awards.

Introduction: Race, racism, and racially motivated offenders

"The contrast between the vicious racism that drives predominantly young men to terrorize and kill and the supposedly unconscious variant that allows prejudice, ignorance and subtle bigotry to undermine democratic procedures is certainly not a new distinction. While the latter does not inevitably lead to or promote the former, it is a fundamental error to imagine, first that these are the only two options and, second, that they are not connected in significant ways"

(Ware & Back, 2002, p. 5)

Racially motivated crime is a particularly, perhaps uniquely, difficult phenomenon to come to terms with. Its significance and immediacy cannot be ignored; the urge to do something, anything, is almost too hard to resist. Yet, the problem also remains strangely elusive; the complex, overlapping, often mutually contradictory set of conceptual, legal, cultural, and personal meaning frames with which we use to define it seem to keep the problem tantalizingly beyond our analytic reach. What do we mean by "racially motivated crime"? Are all those "racist incidents" recorded by the police

motivated by hatred? How does racially motivated offending relate to "ordinary" prejudice and bigotry, to ignorance and fear of the unknown or unknowable? What do those who "terrorize and kill" have in common with those of us who do not? Do "we" share nothing but a common "whiteness"? Or are "we", at least potentially, liable to become just as prejudiced, bigoted, and ignorant as "them"? Do "we", at least to some extent, have similar unconscious thoughts and fantasies to "them"? If so, why do "we" behave differently? Under what circumstances would "we" behave as "they" do? When we fail to do something about racially motivated crime, as individuals and as a society, are "we" in some way complicit in "their" crimes?

As the sociologist Les Back (2004, p. 209) astutely observes, when our starting point is the kind of social science that merely points out "why racism is bad or wrong", we come little closer to answering any of these questions. Instead, we need analytic approaches which not only attend to what all of us feel as human beings, but also help us to deepen our understanding of the many ways in which notions of "race" slip through our minds, words, and deeds unnoticed, at least until they crystallize as indicators of difference, of what distinguishes "us" from "them". The problem for "us" as students of racially motivated crime has been that criminology, the sociological sub-discipline that has come to monopolize the study of unlawful behaviour, has largely abandoned its aetiological project (Young, 1994). As a consequence it has remarkably little to say about how certain attitudes, feelings, and ideas relate to particular kinds of behaviour. Despite a recent resurgence of interest in biographical and ethnographic methods (Ferrell, Hayward, & Young, 2008; Gadd & Jefferson, 2007; Maruna & Matravers, 2007), the perspectives of the marginalized, the excluded, and the criminalized, so central to the sociology of deviance, have largely disappeared from view in the face of criminology's growing commitment to the governmental project of controlling crime (Garland, 2002).

Moreover, and with a few honourable exceptions, criminology's engagements with the issue of racism have tended to be both casual and state-centred. The increasing attention being paid to the logics of social control in recent work on warfare, migration, the criminalization of foreign nationals, and the cross-border trafficking of people and goods is beginning to shake criminology out of its

complacency (Bhui, 2008a; Bosworth & Guild, 2008; Hudson, 2006; Weber & Bowling, 2008; Whyte, 2007). But once it is accepted that racism is institutionalized within the state and its agencies (especially the police), it becomes all too easy to dismiss the relationship between the prejudices of "ordinary" individuals and their participation in racially motivated offending as irrelevant, since both appear to be determined by more macro-level processes. As one of the best sociological analyses of violent racism has demonstrated (Bowling, 1998), one of the ways in which the connections between racism and racially motivated offending is obscured is through the artificial separation of debates about prejudice and violence from those concerned with immigration, nationality, and citizenship. It is often forgotten that, while the first Thatcher administration was busy "getting tough" on immigration, the Home Office was also commissioning its first research on racial harassment. As Paul Gordon (1983, p. 22) remarked at the time, this was symptomatic of "a basic contradiction in state policy": "[Y]ou cannot consistently and openly discriminate in immigration control, and at the same time argue that discrimination is wrong". The paradoxical attitude towards racially motivated crime evident in these moves to tackle the problem of racist violence head on while simultaneously feeding popular fears of being "swamped" (in Margaret Thatcher's infamous phrase) by mass immigration, persists to this day and reflects a wider disjuncture not just in British political culture, but in public attitudes towards "race" more generally.

This curious mixture of xenophobic and authoritarian, anti-racist and liberal-reformist impulses is one of the things which cements the subtle but anti-democratic bigotry, referred to by Ware and Back (2002, p. 5) in our epigraph, to the more obviously racist attitudes of the "young men who terrorize and kill". It has also proved a significant obstacle to legislative reform and changes in institutional attitudes and behaviour in the area of racially motivated offending, fears about the links between crime and uncontrolled immigration often trumping proposals to take racism more seriously. So, in 1987, the Commission for Racial Equality's (CRE) report, *Racial Attacks*, repeated many of the recommendations made in the Home Office (1981) document of the same name six years earlier. Thereafter, in the late 1980s and early 1990s, a number of local initiatives took root in places such as North Plaistow, the site of

Bowling's (1998) influential study of the policing of racist victimization in east London. It was not until the late 1990s, however, that most of the recommendations made in the 1981 Home Office report, *Racist Attacks*, were implemented, following a change of government in 1997, the introduction of legislation on racially aggravated offending in the *Crime and Disorder Act 1998*, and finally, and most importantly, the publication of the report of the Macpherson Inquiry into the failed investigation of the murder of the black teenager Stephen Lawrence on the streets of South London in 1993. Thus, it is only in the past decade or so that "hate crime" has risen close to the top of the political agenda and the importance of tackling it become so widely acknowledged by the public sector bodies required by the *Race Relations Amendment Act 2000* to monitor racial discrimination and harassment both within their own organizations and among the populations they serve.

As anyone who has studied hate crime in Britain since the implementation of the 1998 *Crime and Disorder Act* will know, however, racially motivated crime is not caused by failures to legislate. Despite some relatively radical reforms to the agencies of the criminal justice system, the problem of racially motivated crime has not gone away. This much is evident from data published by the Ministry of Justice under section 95 of the *Criminal Justice Act 1991* (Ministry of Justice, 2009). The best estimates of the current extent of racially motivated crime are obtained from the British Crime Survey (BCS), which indicates that there were around 207,000 racially motivated incidents in 2007–2008, up from 184,000 the previous year (*ibid.*, p. xi). Most of these incidents—in common with other forms of victimization—were not reported to the police, who recorded only 57,055 racist incidents in 2007–2008, 7% fewer than in 2006–2007 (*ibid.*). The process of attrition does not stop there either, for, as Ministry of Justice figures show, the police went on to record only 38,327 racially or religiously aggravated crimes in 2007–2008, a fall of 10% on the previous year (*ibid.*, p. 13). Meanwhile, a total of 11,465 persons were cautioned or prosecuted for these offences in 2007, of whom 5,403 (47%) were convicted in the magistrates' courts and 546 (5%) before the Crown Court (*ibid.*, p. 33, Table 3.3). A further 2,499 (21%) were cautioned. On this basis, it seems likely that the ratio of racist incidents to individual offenders either cautioned by the police or convicted of racially aggravated charges by the courts is around 18:1.

Of course, there are many reasons for this attrition. Many victims do not want to report being abused, attacked, harassed, or having their property damaged. Some see their victimization as too trivial to bring to the attention of the police, or believe that their complaint will not be taken seriously. Others may be too afraid to come forward, or see racist victimization as too commonplace for the police or anyone else to do much about. Sometimes, it is impossible to prove who the perpetrator was. But none of the difficulties associated with measuring the true extent of racially motivated criminal victimization or the pitfalls encountered in processing those responsible for it through the criminal justice system makes it any less important that we attempt to understand why offenders do what they do. On the contrary, that offenders so rarely provide full and verifiable accounts of what they think of their victims and the courts so rarely ask defendants to explain what motivated their behaviour make it all the more important that we attempt to explore perpetrators' motivations by other means.

The Home Office researchers who worked on the first official study of racial attacks in Britain, published in 1981, were well aware of the limited understanding of motive to be gleaned from what investigators and the courts were able to establish:

Clearly a racial incident is one that is in some sense motivated by racial hatred or antipathy. Motives, however, are not open to direct inspection but have to be inferred from the circumstances of the incident or offence. Inferences of this kind may call for difficult and highly subjective judgments . . . Ideally, the only reliable source of information on racial motivation would be from the offender . . . [Home Office, 1981, p. 7]

Over the years since this report was published, neither policy-makers nor researchers have invested enough time and effort in tapping this "reliable source", that is, what offenders say about what they have done. Of course, there are a few studies that do attend to offenders' motives, but because most criminological research lacks an adequately theorized account of the relationship between the outward hostility articulated in racist attacks and the inner world insecurity, powerlessness, and disregard many perpetrators feel, most criminologists struggle to provide an analysis of motivation that is anything other than typological or "middle

range". The failure either to talk to offenders or to attempt to make sense of the subjective judgements made about them on the basis of more circumstantial evidence has made it possible for politicians, criminal justice agencies, and anti-racist groups alike to advocate, and in some cases to deliver, uncompromising responses to "hate crime perpetrators", "racially motivated offenders", "extremists", and the "bias motivated" without giving much thought to the counterproductive consequences which their demonization may have. The consequences of this lack of attention to the motives of offenders is clear from a government sponsored study of the operation of the new laws on racially aggravated offending introduced under the *Crime and Disorder Act 1998*. This suggested that the courts in England and Wales have had to process a large number of cases brought "where the racist element is ancillary to the substantive offence, rather than the cause" (Burney & Rose, 2002, p. x). The researchers found that this has led to widespread disagreement among legal practitioners as to what constitutes the "hostility" needed to prove "racial aggravation" under the terms of section 28 of the 1998 Act. One view, "most often expressed by stipendiary magistrates [now district judges] and defence solicitors" was that "the law came down rather hard on people who, in the course of 'normal working class mayhem' as one person put it, uttered words which were part of their natural vocabulary" (*ibid.*, p. 20).

Other sentencers, however, took a rather different view: "Almost any reference to the victim's ethnicity in connection with an offence is seen as supplying the necessary element of racial aggravation, and it is believed that anything less condones racism" (*ibid.*, p. 114).

Burney and Rose (2002, p. 89) found that this second approach was often strongly opposed by defence lawyers, who were anxious to ensure that charges of racially aggravated offending against their clients were dropped. Indeed, "everyone involved in the process mentioned the vehemence with which racial aggravation is denied". Thus, and in spite of the attendant risk of eventually receiving a more severe sentence, not guilty pleas were entered for 87% of racially aggravated offences tried in the Crown Court in 1999, compared with no more than 47% for the basic (not racially aggravated) offences. While many defendants were prepared to admit to the basic offences, few were willing to plead guilty to their racially

aggravated equivalents. Based on these findings, the researchers became convinced that defendants took the risk of pleading not guilty because they were

genuinely upset and indignant at the prospect of a “racist” tag. Whatever anyone’s overt or subconscious feelings on the subject, it is clearly socially unacceptable (except in a few circles) to be branded as a racist. A racially aggravated conviction is seen as a shaming event in a different class to a conviction for a basic offence ... [Burney & Rose, 2002, p. 91]

As a consequence, defendants were prepared to go to considerable lengths to resist allegations of racism:

Friends and relatives of different ethnicities are often brought to court as character witnesses for somebody denying racism. Solicitors routinely seek demonstrations of this kind, or produce photographs of the defendant with a black girlfriend or similar alibi—this was a tactic that was met in every court. [*ibid.*, p. 91]

Here, then, is another reason why so few racist incidents culminate in the conviction of a racially aggravated offender: what victims of crime may experience as racism may be perceived very differently by perpetrators, few of whom may be as unambiguously and incontrovertibly hostile to those from different ethnic groups as their behaviour might suggest, and many of whom may feel more ashamed of being seen as racists than of being known as offenders. For us, this tension between the way in which the perpetrators of what the law defines as racially aggravated offences see themselves, and how those on the receiving end of abuse, violence, and harassment experience their behaviour, is exactly why academic research needs to be directed at understanding perpetrators’ motivations, and informed by approaches which help us to grapple with the complexity of their individual subjectivities. As researchers investigating racism, we must, as Les Back (2004, p. 209) has argued,

allow the people we write about to be complex, frail, ethically ambiguous, contradictory and damaged. The tendency to write society as if it were populated by Manichean camps of people who are good or bad, angels or devils, is a strong temptation. When one is writing about stigmatised and excluded groups, this temptation

is particularly keen . . . The danger here in creating heroic portrayals is that we make the very people whose humanity one may want to defend less than human. We don't allow them to be as complicated as we are, i.e. compounds of pride and shame, weakness and strength. Equally, when we make white racists into monsters there is a danger of organising racism into some—often very predictable white bodies—and away from others.

When we turn racists into monsters we allow ourselves to be deceived into believing that the problem of violent racism has nothing to do with us. We also allow those conveniently labelled as racists to conceal their prejudices and make it harder to challenge them. In the criminal justice system, the result of this is that everyday racism is routinely overlooked as not “real”, as accidental or “unwitting”, while a small minority of offenders are identified as forming an untreatable hardcore, beyond the pale of redemption, their bigotry too all-consuming to challenge (Ray, Smith, & Wastell, 2003a). In academic criminology, this seems to cause little concern, with some commentators too easily satisfied that punishing hate crime offenders more harshly is a step in the right direction: “an important symbolic cue against transgression by potential offenders”; and evidence of “the provision of equal concern and respect for all people . . . a central plank of political liberalism” (Iganski, 2008, p. 86). As we argue throughout this book, it is only possible to make such assertions by oversimplifying both the ways in which the symbolism of race accumulates meaning in people's lives and the complex processes of identification that determine whether and how those invested in racism and violence can ever become receptive to the message that their values are at odds with well-established notions of “equality” and other core liberal democratic values.

Which way now?

What if legislating against “hate” has served, rather, to convince the law-abiding majority that they have nothing in common with the perpetrators of racist attacks, that they can be distinguished from a suitably criminalized minority solely by virtue of their superior values? If institutional racism really is endemic, how can we—to

borrow from our epigraph from Ware and Back (2002, p. 5)—help people make the connection between the actions of violent racists and the “prejudice, ignorance and subtle bigotry” that undermines “democratic procedures”? It is our contention that it is the job of academic social scientists to rehumanize the demonized, even if in doing so we cast doubt on our own virtuousness. Les Back’s (2004) call to transcend the kind of “moral absolutism” that denies racists their humanity provides some important clues about the kind of approach that is needed if we are to break down the barriers between a demonized, criminalized “them” and an ordinarily racist “us”. As Back (*ibid.*, pp. 209–210), reflecting on the ambivalence of his own feelings, writes, we need to recognize racists for the “complex, frail, ethically ambiguous, contradictory and damaged” people they usually are:

Perhaps, I am mindful of this precisely because people I have loved have also given popular racism a voice, including my own father . . . One of the paradoxes of this—and I am always compelled by the paradoxical effects of racism on our culture—is that towards the end of his life the only person who could reach through the cancer and morphine-haze was a black nurse. It was she who held his hand as he passed the brink of life. I want to believe that this was some kind of atonement or coming to terms.

In this book, we hope to be able to rise to the challenge of finding a way to capture both the paradoxical effects of racism and the biographical complexities that give rise to them. One of our central goals is, thus, to find a discourse that allows us to engage with the ways in which racism is connected to feelings of loss; how the loss of loved ones, of social status, and of physical and mental well-being may determine whether we feel seduced or repulsed by racism. Although much of this book attends to the question of why many people find it so difficult to identify with others with whom they have much in common, we recognize that racist attitudes are never absolute, and that there are many ways in which, despite their prejudices, people are able to identify with those who do not share their demographic characteristics or social status. Finally, we also hope to be able at least to begin to address the question of what atonement, forgiveness, and reconciliation might look like in the aftermath of racist aggression and violence.