Difficulties and Dilemmas in Defining Hate Crime Victimisation

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Abstract
This article analyses the issues involved with deciding which identity groups are categorised as specific hate crime victim groups and which are not. It assesses whether theories of hate crime based around hierarchical notions of group dominance and subordination are helpful in determining which groups should be included under this hate crime ‘umbrella’. Through a discussion of the victimisation of disabled people, the elderly and the homeless, the article outlines key concepts – relating to community, risk, harm and vulnerability – that are central to comprehending the nature of the abuse that they suffer. It also notes the common misreading of ‘low-level’ targeted harassment as anti-social behaviour, and assesses the impact this has upon the development of a more in-depth understanding of the circumstances of victims. The article also highlights the problems with using collective terms such as ‘communities’ or ‘groups’ in this context, as such entities can be very diverse and indeed often intersect with each other. As an alternative, it is suggested that moving the debate away from collective terminology towards an understanding of the risk of targeted victimisation that individuals face would be helpful when trying to assess the circumstances of disabled people, the elderly and the homeless, who currently are still at the margins of the hate debate.

Keywords: targeted harassment, victimisation, vulnerability, risk, anti-social behaviour
Introduction

The concept of hate crime, while being well-established in the United States for several decades, has only really gained currency amongst academics and criminal justice practitioners in the United Kingdom in the last ten years or so. During this time there have been a number of hate crime legislative initiatives, mainly relating to crimes of inciting hatred against certain communities or those that are ‘aggravated’ by hostility towards the victim’s identity group. This legislation therefore has a strong symbolic value and, although its development has been seen as progressive by some, it has been criticised by others for being unfair and divisive in the way that it appears to ‘favour’ certain minority groups (such as those based around race, religion, disability, sexuality or transgendered status\(^1\)) while leaving others, such as the homeless or subcultural groups, marginalised (Jacobs and Potter, 1998; Garland, 2010).

Interestingly, though, in the United Kingdom there have been several high-profile recent cases that have challenged commonly accepted ideas of which groups are deemed ‘hate crime victim groups’ while reopening the debate regarding the types of criminal behaviour that are recognised as acts of ‘hate’. For example, the tragic deaths of Fiona Pilkington and Francecca Hardwick in Leicestershire in October 2007, following years of disablist harassment from locals, or the killing of a homeless man, George Akers, in Darlington in June 2010, have highlighted the confusion around the recognition of so-called ‘low-level’ targeted harassment and how this relates to anti-social behaviour and bullying. In both of these cases (discussed in further depth below), the victims were singled out because they belonged to groups that are marginalised from mainstream society. They were in vulnerable situations and were at risk of harassment and harm, and this article will discuss how vulnerability, risk and harm interrelate with each other, and how a better understanding of the concept of ‘vulnerable victims’ can provide a clearer idea of the nature and context of hate crime
victimisation, especially when it relates to disabled, elderly or homeless people, whose experience is commonly misunderstood.

Further, this article will assess dilemmas associated with deciding which victim groups should be included under the hate crime victimisation ‘umbrella’ and which should not. It will examine several forms of this harassment, beginning with disablist assaults, which are forms of violence which some commentators still perceive to be at the margins of the broader hate crime debate (Lane et al., 2009). It will trace the similarities between this form of hate crime and elder abuse, a significant issue which still remains separate from many hate crime discussions, before examining violence directed at homeless people, whose life circumstances mean that they are at high risk of harassment. It will be argued that decisions regarding which groups are defined as hate crime victim groups are partly predicated on perceptions of the numerical strength and cohesiveness of these victim communities when they should more properly be based on issues of risk and the vulnerable situation that groups, however lacking in cohesion as communities, find themselves in.

Discussions surrounding these groups may also be influenced by broader, structural ideas regarding the perceived lower social status of hate crime victims and their domination by those who occupy more powerful positions. These notions, while useful in some contexts, can ‘muddy the waters’ somewhat when analysing the circumstances of groups that are not easily pigeonholed into social strata but are nevertheless involved, somewhere, in the hate crime debate. For these groups, more micro-level, personal issues such as perceptions of individual vulnerability, ‘weakness’ and how they relate to notions of the ‘ideal victim’, may be more significant.

Before this, though, the article will offer a necessarily brief outline of the hate crime framework which will form the basis of much of the subsequent discussions.
The Hate Crime Framework

The contentious nature of the concept of ‘hate crime’ has meant that there is, as such, no real consensus regarding its key characteristics. For instance, for some authors, such as Gerstenfeld (2004), it is the targeting of someone due to their perceived ‘outgroup’ status that is the most important aspect of these crimes, rather than whether they are necessarily motivated by hate per se. For Perry (2001), such attacks are designed to send a threatening message not just to the individual victim but to their wider group or community that they too could be targeted unless they conform more to the norms or values that the perpetrator feels are acceptable. They are inherently intimidatory ‘message crimes’ in which the personal characteristics of the victim are unimportant compared to their membership of a social grouping that the perpetrator despises, meaning that victims, in the eyes of assailants, are interchangeable. It is not who they are individually, but what they represent, that is important. Hate crimes therefore damage the feelings of wellbeing and security of the victim and their wider community as it is their identity which is specifically targeted, meaning that, in the eyes of some, such crimes are more hurtful than ‘ordinary’ crimes that lack the bias element (Iganski, 2008).

For Perry (2009), structure, hierarchy and dominance are central to understanding the unique nature of hate crimes. These crimes are symptomatic of broader and deeper societal processes that create powerful groups that seek to maintain their dominant position, and subordinate members of ‘different’ and othered ‘outgroups’, through targeted violence against them. This violence is a reflection of hegemonic social attitudes and values that maintain and reproduce such inequalities. As Perry (ibid: 72) suggests, hate crime is therefore enacted in order to remind those targeted, and their broader social groups, of their ‘proper’ position:

Simultaneous and oppositional efforts to do difference set up tensions, in which the act of victimisation co-constructs the victim and perpetrator ... Perpetrators attempt
to reaffirm their dominant identity, their access to resources and privilege, while at the same time limiting the opportunities of the victims to express their own needs. The performance of hate violence, then, confirms the ‘natural’ relations of superiority/inferiority. It is a form of interpersonal and intercultural expression that signifies boundaries.

Hate crime victim groups are thus socially marginalised and stigmatised, and lack recourse to political power, a position which makes them vulnerable to targeted violence and harassment. They are ‘punished’ by perpetrators for their deviant identity performance and this punishment is designed to intimidate and frighten them and their wider community. These more extensive notions of hate crime are particularly instructive, and thus Perry’s ideas will be utilised and discussed within the context of the victimisation of a number of different targeted groups, and it is to a discussion of the marginality of disablist hate crime that the article now turns.

Risk, Harm and Vulnerability: Why Disablist Hate Crime Victimisation Is Still Misunderstood

Unlike other forms of hate crime, such as racist, which have a substantial history of recognition as significant criminal justice issues, disablist victimisation has often been at the periphery of the hate crime debate, being left out of policy discussions or seen as the ‘poor relation’ of the five officially recognised strands of hate crime in the UK (Chakraborti and Garland, 2009). While there is now a degree of legal protection from crimes motivated by hostility towards someone’s disability (in the form of section 146 of the Criminal Justice Act 2003, which allows for sentence enhancement in cases where the crime was motivated by hostility towards the victim’s actual or perceived disability), there is still the perception that, as far as responses to hate crime from the criminal justice system go, a hierarchy exists amongst hate crime victim groups, with victims of racism at the top receiving the most
attention, and victims of disablism at the bottom, receiving the least (Mason-Bish, 2010). Whether this is due to the existence of widespread disablist attitudes in society which work to exclude disablist hate crime from mainstream debates, or a feeling that such crime is too dissimilar to other recognised forms of hate crime to be taken fully seriously as one, disablist hate crime has only begun to receive significant levels of attention from criminal justice practitioners and academics in the last few years.

Indeed, the profile of disablist hate crime grew exponentially during the latter part of 2009, which coincided with the inquest into the deaths in October 2007 of two women from Barwell, in the English midlands county of Leicestershire. The pair, 38 year-old Fiona Pilkington and her 18 year-old daughter, Francecca (or ‘Frankie’, who had learning disabilities), died after Fiona drove herself and her daughter to a quiet lay-by in a rural part of the county before setting their car alight, killing them both (Chakraborti, 2010).

Fiona had been driven to such tragic action through desperation, as her family, which also included her teenage son Anthony (who has learning difficulties), had been subjected to sustained and often violent hostility from those living in her locality. For years the family had been terrorised by youths who had thrown objects at their house, urinated in their garden, smashed windows, put lit fireworks through their letterbox, verbally tormented them, and attacked Anthony with an iron bar (Sherry, 2010). It is estimated that Fiona contacted the police at least 33 times over a seven-year period but did not receive an adequate response from the service, which felt that Fiona was ‘over-reacting’ to something they saw as anti-social behaviour rather than crime motivated by disabllist prejudice (Bird et al., 2009).

The jury at the subsequent inquest said that Leicestershire Constabulary’s failure to respond effectively to the family’s predicament had contributed to Fiona’s decision to take her and Frankie’s lives (ibid). The case hit the national headlines, and was described as being a ‘Lawrence moment’ for disablist hate crime in the same way that the murder of black teenager Stephen Lawrence was deemed a ‘watershed’ in the way that the police dealt with
minority ethnic communities (Williams, 2009). It was hoped that the shocking and high-
profile nature of the case would precipitate a sea-change in the way that disablist hate crime
was perceived by the police and other criminal justice agencies, pushing it higher up their list
of priorities and according it the same status and resources as other hate crimes.

Yet, frustratingly, this type of insight within the reporting of the case was rare, as it was
routinely discussed in the media as an example of a vulnerable family being ‘picked on’ by
‘out of control’ youths whose behaviour was deemed loutish, yobbish and yet motiveless
(Chakraborti, 2010). The then Home Secretary, Alan Johnson, discussed the criminal conduct
as ‘high-level anti-social behaviour’, echoing the words of the foreman of the inquest’s jury
(BBC, 2010a), while the media’s debate concentrated upon wider issues such as the
effectiveness of anti-social behaviour orders on curbing the activities of ‘feral youths’ on the
estates of ‘broken Britain’ (Bannerman, 2010). Indeed, it appeared as if there was
widespread ignorance of disablist hate crime and its facets, reflecting, perhaps, its marginal
status within broader hate crime discussions as well as a lack of understanding of its nature,
causes and harms. Therefore, despite the weight of supporting evidence, the disablist
element of the youths’ hostility towards the family was stripped out of their motivations;
they were simply ‘louts’ whose disorderly actions was seen as yet another example of the
lawless nature of some contemporary communities. Their disablist hostility towards a family
at risk was somehow overlooked.

A case with echoes of the Pilkington tragedy was that of Mary Fox, whose 17 year-old
son, Raum, had been relentlessly bullied by youths on his estate in Bodmin, Cornwall (in the
south west of England), due to his acne and his unconventional dress-sense. Mary and
Raum, who were both described as having learning disabilities in some reports, were
subjected to a firework attack in their home on Bonfire Night 2009 by some of those youths
that had been verbally and physically harassing Raum (BBC, 2010b; de Bruxelles, 2010: 24).
While Raum managed to flee the fire, Mary could not escape the resultant fumes and was
killed. Truro Crown Court heard how the three young males who were convicted of her manslaughter had been ‘laughing and joking about the fact it was the house of a woman whose son they had bullied’ (Fresco, 2010: 47).

These awful events, like those surrounding the Pilkington case, involved the bullying of those who were seen as ‘different’, which in this case often manifested itself in so-called ‘low-level’ harassment in the form of the taunting of Mary Fox and her son that typifies the abuse that many of those with mental health issues experience (Sherry, 2010). Yet, as in the Leicestershire example, the victims of this bullying were left unprotected by the police and other authorities, who failed to recognise that Raum and Mary, like Fiona and Frankie, were at constant risk of targeted hostility because of their perceived disabilities and ‘eccentricities’. Both families were left at high risk of further harassment, which had such tragic consequences.

By receiving inadequate protection from violence, the families were placed in a very vulnerable position. Tied in with this, there is evidence that disabled people themselves (and especially those with learning difficulties) are perceived as vulnerable by perpetrators of disablist harassment, and that this abuse can increase if, as in the two examples discussed here, perpetrators see that such harassment is left unpunished (Sin et al., 2009).

Interestingly, even though many of the victims of disablist hate crime in Sin et al.’s study felt that perpetrator perceptions of their own vulnerability made them targets for harassment, the notion of vulnerability, and of seeing disabled people as ‘vulnerable’, remains contentious and problematic. Perry (2008), for example, argues that groups that are viewed as vulnerable may find that authorities miscategorise their victimisation as welfare-related, thereby leaving them open to further abuse from those who thereby escape the attention of criminal justice agencies. There is also the added danger that stigma could be attached to those who are considered ‘weak’ or ‘soft’ and in need of care, compassion and pity. This may mean that their situation is not taken as seriously by criminal justice agencies
as that of the victims of other hate crimes that are not subject to the same patronising attitudes. Such a scenario may well have been evident in the Pilkington case, as their victimisation was, apparently, routinely misunderstood or even ignored by those that should have helped them. It also beggars the question as to whether, in the post-Lawrence climate with its (unquestionably correct) heightened sensitivities towards racist victimisation, a family from a minority ethnic background facing similar circumstances would have been treated in the same, neglectful fashion as the Pilkingtons were. It is only to be hoped that the Lawrence case was indeed a ‘watershed’ moment and that the ‘danger signs’ regarding racist victimisation would have been picked up upon quickly.

For Macrae (2009), though, the biggest danger of labelling disabled people as ‘vulnerable’ lies with its potential for blaming them for their own victimisation. As he said of the Pilkington case, by constantly referring to Frankie and Anthony as being ‘vulnerable’ and as having ‘special needs’:

… the focus has been taken away from the perpetrators and their motivation which was, plain and simple hatred of these kids for what they were, disabled people. Worse, the use of terms like ‘vulnerable’ almost puts the responsibility for what happened on the victims. Yes, they were vulnerable, but what they were vulnerable to was not the fact or nature of their impairments. They were vulnerable to the vindictiveness of fellow members of their community who despised and terrorised them for being what they were.

Novis (2010: 4) echoes these sentiments, arguing that everyone is vulnerable to assault, regardless of whether they are disabled or not, and that ‘it is difference that can attract people to target disabled people for various reasons’. It is therefore the perpetrators of such harassment, and their motivations for their actions, rather than the supposed ‘weakness’ of those targeted by them, that should be focused upon. Families like the Pilkingtons and Foxes
should be seen as being vulnerable to the risk of this type of targeted harassment, rather than being inherently vulnerable in themselves. As Green (2007) argues, vulnerability can be shaped by many factors and understood in a number of ways. It should be measured in terms of risk and the potential harm that someone may suffer when victimised. Risk, vulnerability and harm are therefore interlinked, and it is this complexity that needs to be further understood by those who instead simplistically link ‘disability’ with ‘vulnerability’ and whose compassionate but patronising and misguided responses to incidents of disablist victimisation may unintentionally exacerbate the problem, thus perpetuating disablist hate crime’s position at the margins of the broader hate debate.

**Elder Abuse and the ‘Ideal Victim’**

A common issue in a number of western societies is that of an ageing population, with the United Kingdom, for example, experiencing a predicted rise in its number of elderly people (those over 65) to the extent that, according to the Office for National Statistics, they will represent a quarter of the total population by 2033 (Office for National Statistics, 2009). As this number has risen there have been louder demands from relevant interest groups for the criminal justice system to acknowledge the harassment and discrimination that this age range routinely experiences and yet which, as in the case of disablist hate crime noted above, has often been miscategorised as a welfare, rather than criminal, issue (Hensher, 2008).

The National Centre for Social Research (NCSR, 2007: 2) cites the World Health Organisation’s definition of elder abuse as: ‘A single or repeated act or lack of appropriate action occurring within any relationship where there is an expectation of trust, which causes harm or distress to an older person’. This can involve neglect or financial, psychological, physical and sexual abuse, and the NCSR estimates that this results in 342,400 older people in the UK being victimised annually (ibid: 1); McVeigh (2007: 17) suggests this total could be
as high as 500,000 victims a year. It is of concern that there is evidence of an ‘rapid’ increase in the scale of elder victimisation (Wolhuter et al., 2009: 115) and that ‘age-based discriminatory practices can be found throughout society ... pervading the fields of culture; physical appearance; public image; language; media and advertising; work; and healthcare’ (Ray et al., 2006: 9). Therefore, just as forms of recognised hate crime, such as homophobic or transphobic (for instance), occur within a social context characterised by open or latent hostility towards those groups, arguably elder abuse also occurs in a social context in which older people are not valued. Instead, they are stigmatised by, and marginalised from, mainstream society in a fashion similar to that of the acknowledged hate crime victim groups (Perry, 2009).

Also, and in an echo of the ‘behind closed doors’ nature of disablist hate crime, there is evidence that two-thirds of acts of elder abuse are committed at home by someone in a position of trust (Help the Aged, 2008). O’Keeffe et al. (2007) suggest that the prevalence of abuse varies by socio-economic position, with those at the lower end of the scale being more at risk, while Wolhuter et al. (2009: 115) posit that older people’s risk of victimisation may increase with age as they develop disabilities, such as dementia. Sherry (2010: 103) goes further, arguing that there is a ‘strong correlation’ between age and disability and yet the commonalities and links between elder abuse and disablist hate crime often go uncommented upon.

Another similarity between elder abuse and more recognised forms of hate crime is that it is vastly under-reported, whether this is due to it often being ‘hidden’ within institutions, or the physical frailty, low self-confidence or vulnerable situation that an older person may find themselves in which may impact upon their ability or willingness to speak to someone in authority (Wolhuter et al., 2009). Worryingly, Green (2007) suggests that older people are increasingly becoming the objects of harassment on the streets of their own local communities, and the Crown Prosecution Service (2007) suggests that they may be being
singed out because perpetrators perceive them to be especially vulnerable. As in the two
cases of disablist hate crime discussed above, this abuse can be very damaging to victims
and yet can go unrecognised for what it is, being labelled as ‘regular’ anti-social behaviour
rather than the targeted harassment that it is.
In many ways, victims of such harassment may attract much public sympathy as they
conform to socially constructed notions of the passive and blameless ‘ideal victim’ who,
Spalek (2006: 22) suggests, is someone that is:

... ‘innocent’, having played no part in his/her victimisation ... Factors such as the race,
class and gender of victims will influence how closely they conform to the ‘ideal’ victim
type. For instance, elderly people, children and women often receive a more
sympathetic response to their victimisation than working-class men.

Thus attacks on elderly people commonly evoke sympathy from the public as these victims
are deemed to be weak, innocent and socially respectable, and would have played no part in
precipitating the offence against them. They are considered a vulnerable group, even though
their overall risk of crime victimisation may be comparatively low, for, as Green (2007)
argues, the elderly suffer a lower rate of criminal victimisation than young males, for
example.

However, although victimised older people are regarded sympathetically by the public, the
elderly are not routinely viewed as a hate crime victim group. This may be because of the
nature of elder abuse itself, which is often perpetrated by someone, such as a carer or family
member, who is ‘close’ to the victim (Help the Aged, 2008). It therefore does not conform to
the ‘stranger danger’ model of hate crime in which the victim and perpetrator do not know
each other at all, with the victim being targeted solely due to their membership (or
perceived membership) of a group that the perpetrator despises (Mason-Bish, 2010). It may
also be due to the fact that elderly people are seen as an ‘ideal victim’ group characterised
by weakness and vulnerability, which, as in the case of disabled people discussed above, leads to solutions that centre around care and welfare provision, rather than criminal justice intervention.

Having said that, there are a number of arguments that suggest that it may not actually be helpful to think of older people as a hate crime victim group, even though members of that community may routinely suffer abuse. The victim group, the elderly, form a very diverse section of society, varying greatly in wealth and social status (Lister and Wall, 2006), with substantial portions of that population being below the poverty line while others are disproportionately wealthy (Wolhuter et al., 2009: 115). If hate crime victim groups are defined as stigmatised and marginalised, and from lower strands of the social hierarchy (Perry, 2009), then it appears that the more wealthy and comfortable section of the elderly population do not conform easily to this profile. Although they may nevertheless be subject to ageist attitudes and discrimination, it is a moot point whether those that are wealthy and of comparatively high social status should really be considered part of a potential hate crime victim group. This is not to deny that elder abuse is a serious issue that deserves co-ordinated criminal justice policy and action. What is being suggested here is that, more broadly, elderly people should not be conceived of as a hate crime victim group as that group is too diverse, with a substantial portion of its members too economically comfortable, to be thought of as a singular, unified group facing especially vulnerable circumstances. Other groups that are included under the hate crime ‘umbrella’ have broad commonalities, such as a history of marginalisation, deprivation and discrimination, as well as being at a higher risk of victimisation; it is inherently problematic to include those of comparative wealth and social stature with them.

Risk, Homelessness and Victimisation

Despite being a stigmatised and socially excluded population (Wright, 2005) with substantial historical evidence of being targeted with harassment and violence, the homeless remain an
overlooked group within the hate crime debate (Wachholz, 2009). The 2010 case in England of a homeless man, 59 year-old George Akers, however, served as a stark reminder of the brutal violence that those that sleep rough can be subjected to. Akers’ body was discovered in St Cuthbert’s Church in the north-eastern English town of Darlington in June of that year: he had been the victim, according to police, of a ‘sustained and brutal assault’ that resulted in his death (BBC, 2010c). Akers, who was well-known in the local area, was described by one of the incident’s investigating officers as not having ‘an aggressive bone in his body. He was vulnerable, and spent most of his time in the company of others who were also vulnerable’ and that he was ‘picked out and targeted because he was considered a soft touch, who would not have put up a fight’ (Howlett, 2010: 5). Two 15 year-old boys were subsequently charged with his murder (Morton, 2010).

The police’s use of language is crucial here as Akers was described as ‘non-aggressive’, ‘vulnerable’ and a ‘soft touch’, thereby conforming, in some ways, to the notion of the ‘ideal victim’ outlined earlier. That he was considered a ‘soft touch’ also resonates with the case of the stereotyping of disabled and elderly people discussed above, in which their supposed ‘vulnerability’ can be conflated with ‘weakness’, increasing their risk of harassment. The officer’s words also suggest that Akers was targeted because of his identity as a homeless man; part of a low-status marginalised ‘outgroup’, thus conforming to Perry’s (2009) idea that hate crimes are carried out by the dominant against the subordinate.

Akers’s murder, horrific though it was, should come as no surprise as research has suggested that homeless people represent one of society’s most at-risk groups, experiencing not only exclusion, economic hardship and frequent mental health problems, but also ‘exceptionally high levels of violence, crime and victimisation’ (Newburn and Rock, 2005: 6). The same research suggests that, while homeless people are routinely viewed as the perpetrators of crime, they are, in fact, 13 times more likely to be a victim of violent crime.
than the general public; something vividly illustrated by one of Newburn and Rock’s (ibid: 19) homeless interviewees:

Sleeping outside the church, someone’d come up and kick you in the back, could be a kid you know, you know, he thinks you’re an old tramp . . . or – an example in Peckham, in Burgess Park – fella was killed in his tent. They set his tent alight. He was in his tent, he got a tent . . . . Set it alight, boom, things like that. And that’s why you have to watch where you go because people come down.

This quotation is pertinent as it suggests that those minded to victimise homeless people will actively seek them out, and are impervious to the effects that their premeditated actions will have. This has chilling similarities with the homophobic killing of Jody Dobrowski in 2005, who was targeted by two men who were searching for a gay person to assault (Chakraborti and Garland, 2009), and indeed homophobic or transphobic hate crimes more broadly, which can be more brutal than other forms of hate crime (Perry, 2001). It also shows how perpetrators of this type of violence ‘other’ their victims, revealing a blatant disregard for them as human beings of a similar status.

Lee and Schreck (2005: 1067) also note that over a half of the homeless people surveyed for their research reported being the victim of crime, with one fifth being the victim of violence and around 11 per cent of homeless women reporting being raped. One tenth of those homeless people surveyed by Newburn and Rock (2005: 7) had been urinated upon or sexually abused. These figures in themselves are revealing, for previous surveys have shown similar rates of verbal harassment and violence suffered by groups, such as minority ethnic or gay communities, who are routinely considered hate crime victim groups. The high rates of sexual abuse and rape are also similar to some hate crime victim surveys with reference to transgendered and disabled groups (Chakraborti and Garland, 2009). Also, just as racist or homophobic crimes are judged to be message crimes, designed to intimidate the victim’s
wider community, so Wachholz (2009: 219) suggests attacks against homeless people also have a deeper significance:

The hate to which the homeless are subjected does much to reconfirm the dominant social-spatial hierarchical organisation of public and semi-public spaces, and simultaneously reinforces the message that the homeless should not be recognised as fellow citizens. It creates, essentially, geographies of fear for those who lack housing.

In other words, Wachholz is suggesting that attacks on homeless people are message crimes too, intended to remind the victim and their fellow rough-sleepers that public space is not neutral or uncontested, but is instead a hostile environment, ‘policed’ by those in more powerful social strata who reinforce this position by the harassment of those, such as the homeless, whom they feel are encroaching upon ‘their’ space.

Despite the similarities between the targeting of the homeless and Perry’s notion of hate crime, this group are largely absent from studies and discussions of hate crime victimisation. This may be because they lack access to resources and political representation, meaning that their targeted victimisation is simply overlooked by policy makers and academics. In a similar fashion to disablist hate crime, it may be that the motivation for assaults against them is misunderstood as another form of ‘mindless’ anti-social behaviour, rather than as a manifestation of bias against the homeless. Or it could be the fact that the homeless are commonly seen as ‘pests’; as a criminogenic group who have brought their own set of unfortunate circumstances upon themselves. This might mean that they do not after all fulfil the criteria of an ‘ideal victim’ as they are not seen as being either innocent or blameless for their own victimisation, and thus they are not treated with the sympathy that they should be.

As Mason-Bish (2010) argues, if the criteria used by the Association of Chief Police Officers (ACPO) for deciding which groups should be included in fresh hate crime-related
policies is examined in this context, then there is a case for the inclusion of homeless people as a hate crime victim group. ACPO’s criteria includes whether cases of victimisation are numerically significant; if the offence is motivated less by the perceived vulnerability of the victim and more by the prejudice against them held by the perpetrator, and if the offence impacts upon both the victim and notions of safety and cohesion within their wider community (ibid: 66). It would seem that the homeless fit in with much of this, and yet they remain excluded when others are not. However, perhaps in a similar fashion to communities such as minority ethnic groups in largely white areas like the English rural, homeless people disappear under the radar of authorities as, due to the very nature of their life circumstances, they are not considered to be a cohesive, geographically-concentrated ‘community’ with a shared history and culture. Yet, just like rural minority ethnic people, they are at heightened risk of targeted violence and harassment, and are thus ‘communities of shared risk’ (Garland and Chakraborti, 2006) whose inalienable right not to be the victims of such violence should surely be paramount.

**Conclusion: Away From a Group Focus?**

The discussions above have highlighted the complexities of hate crime victimisation, whether regarding the understanding and recognition of its many forms and impacts or the confusion surrounding the nature of anti-social behaviour and ‘low-level’ targeted abuse. The article began by considering the position of disablist victimisation within the broader hate crime framework and suggested that it was still, in some ways, marginalised from discussions of hate crime in which other forms of the phenomenon, such as racist abuse, seem to be better understood by agencies such as the police. The disturbing cases of the harassment of the Pilkington and Fox families were assessed, and it was suggested that viewing disabled people as being inherently vulnerable may cause them to be seen as ‘weak’ or ‘helpless’ and even to blame for their own victimisation. Instead, it was argued that it is
more helpful to see disabled people, where appropriate, as being vulnerable to the risk of harmful victimisation perpetrated by those that harbour disablist prejudice. This may help bring disabled people more to the fore within the broader discussion of hate crime and could help agencies develop a better understanding of their particular needs.

The circumstances surrounding the elderly and the homeless were then assessed. It was suggested that both groups can be targeted because they are in vulnerable situations or because perpetrators may feel they are a ‘soft touch’, something that may be exacerbated by the ‘ideal victim’ status commonly conferred upon the elderly. Like disabled communities, they may be subject to routine, ‘low-level’ harassment or abuse that can be confused with forms of anti-social behaviour that do not have the bias element in them. For the elderly, however, it was argued that conceiving of them as a marginalised and singular hate crime victim group may be problematic as the group itself is very diverse, with some of its members occupying relatively privileged positions within society. This status is, though, more easily conferred upon the homeless as they conform more readily to Perry’s (2009) notion of an historically marginalised and disadvantaged victim group that occupies a low status within society.

Other key aspects highlighted earlier were the dilemmas not just in deciding which groups should be considered hate crime victim groups but the difficulties surrounding the parameters of the debate itself. As Jacobs and Potter (1998) and Mason-Bish (2010) have argued, discussions around the issue of victim groups based around identities, especially in the context of hate crime, can bring about perceptions of unfairness between the groups (with some seemingly better protected by law than others, for example) that, in some instances, leads to rivalries between them and competition for resources and support. Framing the debate around collective notions like ‘groups’ may also lead to a concentration upon ideas of societal structure, domination and subordination, which are helpful in some regards, in that they help to highlight the disadvantage and risk of victimisation that some
groups have suffered historically, the power of certain others (such as white heterosexual males) and that victimisation may occur against a pervasive social backdrop of discrimination and ‘everyday’ abuse. It is less useful in other contexts when group membership may be loose and difficult to define (as in the example of the homeless) or when those that are targeted may not be from disadvantaged backgrounds (as in the case of some members of the elderly population).

As we have also seen above, basing hate crime victim discussions around communities and groups can become especially complicated where we are discussing populations that have intersectionality with others: for example, the elderly with the disabled, or the homeless with those that have mental health issues. Such discussions can emphasise the plight of those that face ‘double discrimination’ or have multiple problems that leave them especially vulnerable to targeted harassment. They can also, though, underscore the difficulties and problems of discussing ‘the disabled’, ‘the elderly’ and ‘the homeless’ as if they were homogenous groups, with uniform characteristics and commonalities shared between all members. These groups, with all their diversity, need more detailed and complex analysis than is often accorded them within the broader hate crime debate.

Perhaps, then, it is time to focus less upon victim groups and more upon the status of individual victims themselves, regardless of their personal profiles or membership of certain disadvantaged communities. Acts of hate crime, after all, often involve the targeting of someone due to their perceived outsider status or difference, which the perpetrator despises. As the Pilkington case showed, hate crime can be less about dominant groups needing to ‘shore up’ their privileged position and more about the bullying and harassment of those that are ‘othered’ from mainstream society. As the same case also highlighted, commonly hate crimes may not even be ‘message crimes’: were the perpetrators in that case, or indeed those of Mary Fox or George Akers, really sending an intimidatory message to other disabled or homeless people? Instead, it is suggested here that they were targeted
because they were of an ‘outgroup’ background and in very vulnerable situations that left them at higher risk of harassment and violence from those minded to target ‘difference’. In the case of Akers, the victim was not a member of a recognised hate crime group, but was nevertheless, to all intents and purposes, the victim of what would usually be seen as a hate crime. Perhaps by moving the focus of discussion away from groups and more to an individual level, which concentrates on notions of risk and vulnerability to harassment, then a more nuanced understanding may be developed of the circumstances of those within groups that are at the moment marginalised from mainstream hate crime debates.

1 These constitute the five recognised hate crime victim categories around which the police collate hate incident statistics.
References


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