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International Review of Victimology 2012 18: 7 originally published online 9 November 2011

DOI: 10.1177/0269758011422472

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International Review of Victimology
18(1) 7–24
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DOI: 10.1177/0269758011422472
irv.sagepub.com


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Abstract

For some time, hate crimes were conceptualized as acts of hatred committed by strangers – typically as violent attacks against people perceived to be different from the attacker. Considering hate as an aggravating feature resulted in increasingly punitive and exclusionary criminal justice and sentencing legislation. Left out of this picture were the messier, sometimes intractable disputes between people known to one another – neighbours, colleagues or other acquaintances – conflicts sometimes only partly motivated by prejudice. This article brings these under-researched conflicts to centre stage. Drawing on a study of community mediation in cases of ‘hate conflicts’, we explore the effects of prolonged processes of hate-motivated abuse on those involved – the main parties and often the wider community. We provide evidence of two distinct ‘types’ of hate crime cases. The first looks at the persistent targeted abuse of vulnerable victims, while the second is characterized by multi-layered conflicts involving numerous disputants. In these latter cases, we argue, it is not always helpful, and sometimes not even possible, to label one party the ‘perpetrator’ and one the ‘victim’. Indeed, we show that at times during long-term disputes, these roles are reversed and at other times they become meaningless. In both ‘types’ of hate conflict we explore the potential of community mediation to repair broken relationships and the harms caused by acts of hatred.

Keywords

community mediation, hate crime, neighbour disputes, restorative justice, victimization

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Introduction

The last two decades have seen a proliferation of empirical and theoretical research into hate crime that has put the subject firmly onto the criminological and victimological agenda. Hate crimes and non-criminal incidents¹ motivated (wholly or partly) by prejudice have been identified as a pervasive form of abuse throughout British society (Bowling, 1998; Iganski, 2008). Much of the early literature, primarily from the United States, focused on particular types of hate crimes, at the expense of incidents that did not fit into this picture. It prioritized the kind of hate crimes that attract media attention (typically vicious racist or homophobic assaults by strangers) and so set the scene for our understanding of hate crime as callous – sometimes premeditated, sometimes impulsive – acts of violence against strangers who are seen only for their ‘other’ identity (Green et al., 2001; Levin and McDevitt, 2002). In her seminal book *In the Name of Hate: Understanding Hate Crimes*, Perry (2001: 29) stated that, ‘These brutal acts of violence are commonly perpetrated on strangers – people with whom the perpetrator has had little or no personal contact’. Of course, high profile cases such as the racist murder of Stephen Lawrence in 1993 and the homophobic killing of Jody Dobrowski in 2005 provide evidence to support this image. There is certainly no shortage of ‘stranger danger’ cases of serious hate violence (Chakraborti and Garland, 2009). With increased media coverage of such incidents the ‘social problem’ of hate crime penetrated the public consciousness during the 1980s and 1990s (Bowling, 1998), creating the conditions for criminal justice and sentencing legislation to respond punitively (Dixon and Gadd, 2006).

Left out of this picture, though, are the messier and sometimes intractable disputes between neighbours, colleagues or other acquaintances – conflicts that are often only partly motivated by prejudice. As hate crime research has broadened its scope to include a greater array of ‘low level’ crimes and non-criminal incidents, a more nuanced picture of the relationships between victims and offenders has emerged (Chakraborti and Garland 2009: 129ff; Sibbitt, 1997). For example, Mason’s (2005) research with the Metropolitan Police Service estimated that over 80 per cent of homophobic hate crime cases were committed by people known to the victim, most commonly neighbours. ‘Low level’ incidents, rather than isolated incidents of hatred, are often ongoing and frequent occurrences of abuse which make up part of a process of prejudice evinced against those deemed as ‘different’ (Bowling, 1998). The constant targeting of already marginalized members of the community can have devastating effects (Iganski, 2008). Many of those targeted will suffer severe emotional trauma, including heightened levels of fear, depression and anxiety (Herek et al., 1997; McDevitt et al., 2001), which have in some cases resulted in the suicide of victims (see, for example, ‘Police errors in “bullying” deaths revealed at inquest’, *The Guardian*, 18 September 2009).

This article further illuminates the frequency of targeted hate abuse committed against certain minority individuals. However, we also add to this more nuanced picture of hate crime by highlighting how other incidents of hate abuse occur, not simply through the prejudiced motives of offenders, but as a result of acrimonious and protracted disputes between neighbours. Using case studies, we explore how both cases of targeted hate abuse and messy neighbour disputes often escalate over periods of time, with devastating effect. In such cases the involvement of police and traditional retributive penalties may exacerbate conflicts and ultimately fail to resolve the harm caused to both parties. By bringing these under-researched conflicts to centre stage, we begin to analyse not only how hate-motivated conflict causes long-term damage to communities, but how community mediation might bring such conflicts to a peaceful conclusion.

Who are the actors?

Let us imagine a scene with a group of white men chanting racist abuse before savagely attacking a young man of Middle Eastern appearance not previously known to them. In such a case it is not difficult to identify our dramatis personae: we have a group of (apparently culpable) offenders and one (apparently innocent) victim. The police, were they to witness the attack, or more likely view it on CCTV, would consider they had a strong case to present to the Crown Prosecution Service. Hate crime scholars (and other criminologists and criminal justice practitioners) have tended to validate this image of hate crime. Incidents are portrayed as involving 'he who has wronged' (the *hateful* offender) and 'he who has been wronged' (the *innocent* victim). The clear distinction between 'victim' and 'offender' allows the criminal justice system to provide separate and distinct treatment for each of the parties. We do not doubt the veracity of this depiction for many cases of hate crime. However, in other cases we fear that this dichotomy has resulted in a de-contextualized approach to analysing hate crime – one which fails properly to explore the complex relationships that often exist between those involved in hate incidents. As will be seen from the case studies below, in *some* cases the actions of *all* parties involved are intrinsic to our understanding and resolution of hate crimes. Both *sides* can be culpable for anti-social and otherwise harmful behaviours preceding or following acts that may be considered to be 'hate crime'.

Indeed, our research has shown that not only are the ongoing, messy processes of hate conflicts less likely to be witnessed by person or camera, but in many cases they are also less likely to provide the criminal process with a clear victim and a clear offender.² We have frequently observed how acts of aggression that could be recorded as criminal offences occur in some long-term 'hate disputes' between people known to each other, often neighbours whose behaviours are not witnessed. Such disputes may provide opportunities for state agencies to label one party as the 'victim' and the other as 'offender'. However, these labels do not always adequately represent the harm caused and the suffering experienced by both sides throughout ongoing conflicts (see Case Studies 3 and 4 below).

How do we get the actors off the stage?

Our hypothetical case of a group of white men viciously attacking their victim, having already drawn attention to their racist sentiments, produces unambiguous actors for the criminal process. Yet prosecution, conviction and retributive sentencing for hate crime might not deter the offenders, or others inclined towards racist abuse (Dixon and Gadd, 2006). Further, it is unlikely to provide the victim with much beyond financial compensation, or change the offenders' racist mindsets; indeed it *might* make them more hateful (Moran et al., 2004a). Still, retributive justice is reasonably straightforward to achieve: the case provides the system with 'ideal' victims and offenders (Christie, 1986) and sufficient evidence of a crime. But what of the messier, seemingly intractable disputes between people who co-exist and can make each other's lives intolerable? Or what of the case where the ongoing abuse of one person by another never quite becomes 'serious' enough to justify police action? While we believe that restorative processes can be appropriate for the one-off attacks by strangers, albeit in some cases alongside retributive sentencing (Cunneen and Hoyle, 2010), we are strongly minded to recommend community mediation to resolve ongoing conflicts characterized by, or at least involving, hate. Mediation invites consideration of prior relationships between the parties through a facilitated dialogic process and, as such, can help to resolve hate disputes, allowing the parties to terminate the conflict and return to a more healthy emotional and

physical state (Walters and Hoyle, 2010). It can also resolve cases where there is a clear victim and offender but where criminal prosecution is neither possible nor desirable.

What is community mediation?

Community mediation is a restorative process aimed at bringing together those in conflict in order to find a resolution. At its heart are the notions of revelation, empowerment and resolution (Zehr, 1990). In conflicts and crimes characterized by hate the aim will be: to explore what has happened and why; to consider how the dispute has affected participants' lives; to enquire into issues around prejudice which may be at the heart of the conflict; and to find a resolution that is acceptable to all or most. The mediation process typically ends with a written agreement outlining the undertakings that both parties have agreed to. This may include an apology, a promise to cease certain activities (including hate speech), and sometimes an agreement to avoid combative communication if similarly provoked in the future. It should also be noted that physical gestures, such as shaking hands, and facial expressions, such as smiling, during meetings can also indicate apologetic gesturing.

The mediator's facilitation of the process begins with separate meetings with the parties before any direct mediation takes place in order to ascertain the participants' experiences and aspirations. It is also the responsibility of the mediator to make clear the ground rules for engagement, emphasizing the goal of resolution, rather than adversarial debate. Mediators may also need to communicate with, and refer clients to, other organizations such as housing associations, anti-social behaviour units, schools, colleges and the police if a conflict cannot be resolved by mediation alone. Finally, mediators should contact participants periodically after direct mediation to check that no further incidents have occurred and to adjudge improvements in their quality of life (it was made clear by all of our interviewees that the mediator made contact with them several times after the mediation process). While mediation is used as a response to crimes as well as disputes, and non-criminal incidents, community mediation centres do not refer to the parties as 'offenders' or 'victims' but as 'party one' and 'party two'.

Methodology: Observation and interviews at Southwark Mediation Centre

To date, there has been little empirical research on mediation as a response to hate crime (see Walters and Hoyle, 2010). In part, this is a reflection of the paucity of mediation or other restorative interventions focusing on hate crime. Over the past two years we have spent considerable time contacting criminal justice agencies and third sector organizations across the country to find out what restorative processes are available for hate crime. Time and again agencies told us they rarely receive hate crime referrals, with a few, rather surprisingly, asserting 'we don't get hate crime around here'. The few academic studies to consider restorative justice for hate crimes have presented persuasive case studies pointing to its potential efficacy. For example, Umbreit et al. (2002) reported positive results in all five hate crime cases within their Community Peacemaking Project in Minnesota, US. Similarly, Theo Gavrielides has documented several case studies with beneficial outcomes (Gavrielides, 2007: 203). Elsewhere, we have also drawn on our own case studies to illustrate the potential benefits, as well as the pitfalls, of using a restorative approach to resolve hate crime (Walters and Hoyle, 2010). We found that if participants are adequately prepared, and clear ground rules established, restorative justice can provide substantial benefits to victims and offenders alike, engendering a more tolerant attitude among perpetrators while providing

emotional reparations to victims. However, while these studies have begun to explore the utility of restorative practices in responding to hate crime, they say little about the nature and characteristics of hate incidents, and how this relates to the efficacy of restorative processes. Furthermore, they have not typically drawn on interviews with participants to explore their experiences of hate and their thoughts and feelings about the restorative process and outcome of their case.

This article seeks to add to our knowledge of the potential of mediation for hate conflicts by drawing on research carried out at the Hate Crimes Project (HCP) at Southwark Mediation, South London. The HCP was set up over 10 years ago to deal with conflict in local communities where an incident of hate or prejudice has been reported. The HCP's caseload includes all types of hate crime/incidents as defined by the Association of Chief Police Officers (ACPO): 'Any incident, which may or may not constitute a criminal offence, which is perceived by the victim or any other person, as being motivated by prejudice or hate'. ACPO provides examples of incidents that can be harmful even if they cannot be prosecuted as criminal offences: 'making [for example] inappropriate reference to the colour of someone's skin, in a non-confrontational social setting, may well be perceived as a racist incident. However there may be insufficient evidence that it would constitute a racist crime' (Association of Chief Police Officers, 2005).

Our data include 'hate incidents' comprising: verbal threats, verbal abuse, spitting, acts of intimidation such as 'menacing looks', or purposely causing noise or disturbance. These acts are not normally classified as crimes and are perhaps more appropriately labelled 'anti-social' acts or behaviour. In most cases incidents are likely to be considered as outside the purview of the police. Our data also include other acts such as harassment, graffiti, property damage and assault. These incidents may well have infringed hate crime laws (or other criminal laws) but there was not always the evidence necessary for a criminal prosecution. Such cases can therefore be difficult to resolve within the criminal justice system and so come to the attention of the HCP.

This article draws on 15 observations of both direct and indirect mediation meetings³ relating to nine hate crimes/incidents referred to the HCP. During observations of mediation meetings we took notes of what was said by all participants, including details of mediation agreements. In addition to observations we conducted semi-structured interviews with complainant victims.⁴ Using the HCP case database we reviewed and collated *all* cases (26) that had been referred to the Project during the 18 months from Jan 2009 to June 2010 in which there had been a clear accusation of a hate crime/incident.⁵ Letters were then sent to complainant victims (typically labelled 'party one' by the mediation service) outlining the purpose of our research and inviting individuals to interview. Letters were followed up by telephone calls from the project manager, who reiterated the purpose of our study and asked participants for their informed consent for us to telephone them. Of the 26 cases, five people proved to be uncontactable, and two complainant victims did not cooperate with the research beyond an initial telephone conversation. In the other 19 cases a face-to-face interview was arranged (73% of the total sample; 86% of the contactable sample). Four of these interviews involved more than one complainant victim – typically other family members – so we interviewed 23 complainant victims, including four from mediation meetings that we directly observed. The other 19 interviewees had participated in the mediation process prior to our involvement with Southwark Mediation. We also interviewed the mediator who facilitated each of 'our' cases.

For the purpose of this article, we focus on five case studies, selected as typical of the majority we observed. Our first three cases illustrate the ongoing nature of much hate victimization, with characteristic escalation over long periods of time, gradually producing heightened levels of emotional harm and often culminating in serious forms of physical violence. Our fourth and fifth cases

exemplify the messy interpersonal disputes that can ultimately lead to hate crime, as defined by ACPO. In the final part of the article we draw on these cases and other qualitative themes and quantitative data drawn from the dataset to explore whether community mediation can address the consequences of hate crime and importantly whether it can help to prevent the prejudice-motivated behaviours of those involved from recurring.

The everyday world of hate victimization

Hate as a process

Consideration of the efficacy of mediation is dependent on a clear understanding of what is involved in hate offences and disputes: in particular, an appreciation of the social contexts within which disputes emerge and proliferate, and an understanding of hate as a process rather than a one-off incident. Criminology has begun to consider the socio-cultural and socio-economic underpinnings of hate crime (Gerstenfeld, 2004; Levin and McDevitt, 2002; Perry, 2001; 2009). Perry (2001: 10) conceives of hate crime as:

Acts of violence and intimidation, usually directed towards already stigmatised and marginalised groups. As such, it is a mechanism of power and oppression, intended to reaffirm the precarious hierarchies that characterise a given social order. It attempts to re-create simultaneously the threatened (real or imagined) hegemony of the perpetrator's group and the 'appropriate' subordinate identity of the victim's group.

Focusing on socio-cultural contexts provides the space for consideration of the 'lower level' day-to-day acts of prejudice and hatred that many face (Iganski, 2008) and that can produce the most pervasive harms to victims (Bowling, 1998). Garland and Chakraborti (2006) found in their studies of rural racism that 'low level' forms of racist harassment, such as verbal abuse, throwing stones and eggs, were commonplace to many of the minority ethnic populations they researched in Suffolk, Northamptonshire and Warwickshire. As Bowling (1998) explains, these apparently minor incidents are often repeated over an extended period of time to devastating effect, and can escalate into more severe acts of violence (see also Sibbitt, 1997). We need, therefore, to recognize 'the day-to-day reality of how bigotry is manifest in the lives of offenders and their victims' (Iganski, 2008: 20). As these studies and our own data show, such incidents are almost commonplace, the contexts in which they arise are routine, and the participants are usually from shared spaces.

Hate incidents, therefore, often arise from opportunity and (perceived) provocation. Prejudices that simmer under the surface can boil over when people feel provoked during their routine activities (Iganski, 2008). The irritation of a neighbour's loud music can trigger (partly) hate-motivated abuse. In this everyday world of hate crime, parties will typically be known to each other: neighbours, work colleagues or acquaintances, rather than strangers (Mason, 2005; Ray and Smith, 2002; Sibbitt, 1997; further, see Chakraborti and Garland, 2009: 129–132). Indeed, Mason's (2005) study of homophobic harassment complaints recorded by the Metropolitan Police Service found that 90 per cent of incidents occurred at or near the victim's home, with a vast majority committed by neighbours (82%) (see also Moran et al., 2004b: 42–44; Ray and Smith, 2002). Our first three case studies illustrate the ongoing and escalating nature of hate incidents committed by neighbours.

Case Study 1: Mr V: Ongoing homophobic violence. Mr V, a 42 year-old 'gay man'⁶ of 'mixed Afro-Caribbean-European' heritage, lives in a small block of flats in South London. He is HIV positive and registered disabled. In 2007 a new neighbour (Mr X) moved into the flat directly above his. At first their relationship was cordial but, after finding out that Mr V was gay, Mr X became hostile towards him and began to verbally abuse him, calling him, among other offensive names, a 'queer cunt' and an 'AIDS spreader'. On one occasion Mr V came home to find 'AIDS FUCKER' spray painted onto his front door. After waiting several days for the council to clean it off, Mr V purchased his own solvents and erased it.

The homophobic abuse continued and escalated. Over the next 18 months Mr V had his car scratched with a key, rubbish and fluids poured onto his head, and had his and his partner's face spat on by Mr X. The harassment came to a head when Mr V returned home from hospital on crutches (having broken his toe in an unrelated incident) only to be met by a group of Mr X's friends. After taunting him, one group member pushed Mr V to the ground, whereby his two front teeth cut through his top lip and later needed replacing, while his chin required several stitches.

Case Study 2: Miss J: Long-term racial harassment. Mr V's case is comparable to a number of our other cases. In one disturbing case, a 'Black British' female (Miss J) had been subjected to regular racist abuse by her downstairs neighbour (Miss Y) over a ten year period. In addition to verbal abuse, Miss Y repeatedly barricaded Miss J into her home using her own furniture, stole her mail and made false allegations to the Inland Revenue about her tax status, resulting in a temporary suspension of Miss J's social benefits. Miss J contacted the police to complain about her neighbour, but when the police arrived at the building, Miss Y came out of her flat and told the officer that she was in fact Miss J and gave a false statement, after which the officer left. Miss J re-contacted the police a week later to find out why they had not arrived only to be told that she had already given them a statement. Miss J wrote a letter of complaint about what had happened, after which another police officer visited Miss J. The officer told her that Miss Y had made a complaint of harassment against her and served her with a harassment order. He also told her that she must stop making complaints. It later transpired that the officer was in a personal relationship with Miss Y. Not surprisingly, Miss J was confused and upset about the police response to her complaints, perceiving their actions to be racist.

Case Study 3: Persistent disablist abuse. Mr L, a young Black man with a 'speech impediment' and 'learning difficulties', experienced verbal abuse from a group of local school children. He explained that the youths would shout obscenities, calling him, among other things, a 'paedophile' and a 'devil', while also verbally abusing his girlfriend, a young White woman who suffers from autism, in particular, calling her a 'white bitch'. This went on for some time before Mr L called the police, resulting in the arrest of one of the perpetrators. However, the abuse continued and the boys began to throw stones at the couple. Mr L and his girlfriend's ordeal worsened when the group started a rumour among the local community that Mr L was a paedophile.

A similar pattern of long-term harassment emerged in four other cases. In each, racist language was used, including deeply offensive words such as 'nigger'. In two cases 'monkey sounds' were made to intimidate the complainant victims, while two people were also assaulted. In total, 7 of the 19 cases we researched could be characterized as long-term targeted hate abuse. In all cases offenders committed a variety of anti-social and criminal acts against the victims that were perceived to be motivated by racism, homophobia and/or disablism.⁷ These cases further demonstrate that often hate crimes are not isolated incidents, but part of a long continuum of escalating prejudice that can

become a 'routine', albeit distressing, part of their lives. Far from normal or routine, however, were the cumulative effects of such incidents, which typically involved enduring emotional trauma.

In fact, in each of these seven cases the complainant victim spoke of the serious emotional and physical impacts of their experience of victimization. For example, Mr V from our first case study explained:

I'd been a kick boxer up until my mid 30s . . . so to suddenly find yourself in a position where you are so ill that you have no strength and you can barely walk and somebody is attacking you and pushing you over and causing you injury . . . it's really hard to explain, it's almost soul destroying for me because it took away everything I had and am as a person . . . I used to sit in here in the dark because I didn't want anyone to know I was in because I was frightened . . . that they would do something. You know I was terrified because I literally couldn't, I couldn't . . . (*At this point Mr V became distressed*).

Mr V went on to say that as a result of this stress, his weight dropped from 13 to 8 stone, his childhood asthma returned and his CD4 level⁸ dropped from 500 to 12, resulting in various medical conditions including pleurisy and skin fungal infections.

Miss J, who experienced racial harassment, was asked to leave her employment after repeated absences from work – a direct result of being imprisoned in her home and the resultant stress. She also suffered from severe depression, and was prescribed anti-depressants, and later developed alopecia. She explained, 'I couldn't sleep. I could just sit down in darkness basically . . . 2004, 2005, 2006 were dark years for me, dark, dark years. I don't know how I got up in the morning.' In Mr L's case he told us that he was extremely hurt by the fact that other neighbours would no longer talk to him because of the rumours about him. Both Mr L and his girlfriend became very 'scared' and anxious about leaving their home. Other interviewees, whose experiences were characterized by long-term hate abuse, experienced symptoms of stress such as heart palpitations, high blood pressure, anxiety, nightmares, sleeplessness and headaches, all as a direct result of their victimization.

Hate as a multilayered and ongoing conflict

While our data concur with other empirical evidence of the ongoing, often persistent, and damaging effects of hate crime, other cases we researched prevent us from concluding that hate crime is *generally* of such a nature. Hate crime scholarship, like other areas of criminology, has proffered what might be termed a *silo approach* to hate crime, compartmentalizing 'offenders' and 'victims' and in doing so creating a de-contextualized picture of some hate crimes. The labels 'victim' and 'offender' suggest dichotomous roles in the offence and diametrically opposed responses by state agencies (Christie, 1986). However, this approach often fails to consider the complex and multifarious relationships involved in some hate incidents.

In many of the cases we researched, both parties shared culpability for the various anti-social acts within the broader conflict in which they had become embroiled. In most, the parties lived close by in social housing and conflicts began with, or were further provoked by, frustrations and anger over loud music,⁹ screaming children or inconsiderate disposal of refuse, and were often exacerbated by drug and alcohol misuse. Verbal conflict between children and adults from neighbouring families often escalated into protracted disputes and eventually to accusations of racist or homophobic abuse.

The mental health of the accused perpetrator was also highlighted as provoking the conflict in eight of our interviews. It was unclear whether the accused perpetrator did in fact suffer from any

recognized psychiatric illness, but for many complainant victims their behaviour was understood by reference to a mental disorder. In several other cases the mental health of victims exacerbated the effects of their victimization. These tentative observations highlight the need for future exploration of the role that mental illness plays in both hate crime causation and experiences of hate victimization.

Failure to explore these crucial precipitating social factors is likely to compromise traditional and even some restorative justice practices implemented as part of the criminal justice process. Responses that focus only on the cause and effect of an isolated crime or incident without exploring its context and the relationships that exist between the parties are likely to be of limited success. The following case study shows that dichotomous labels – and assumptions about victim and offender status – serve to deny the messy reality of some hate conflicts, and further explores the potential efficacy of mediation in such complex cases.

Case Study 4: Mr J and Mr and Mrs A: – ‘he said, she said’

Mr J, a 24 year old British ‘gay man’ of ‘mixed European and African-Caribbean’ race, moved into his new home in 2007 and soon began to feel that his two elderly neighbours, Mr and Mrs A, were trying to intimidate him. Mrs A, a white British woman (who lived with Mr A, a man of African-Caribbean descent), would point at him as he left and returned to his home. Another neighbour of Mr J – Neighbour M, described by Mr J as ‘a big black guy’ – had also previously abused Mr J, calling him a ‘batty man’. Mr J suspected that Mr and Mrs A and Neighbour M had been gossiping about him in the street and he had shouted at Mrs A to stop staring at him. This ‘confrontation’, he believed, resulted in the neighbours intimidating Mr J’s gay friends when they visited him. For example, he described Neighbour M as ‘bouncing on the spot like he [was] gonna go up and hit them’. Mr J decided to knock at Mr and Mrs A’s house to confront them about their behaviour. On opening the door, Mr J explained, ‘[Mrs A] just went crazy and then soon as she came outside she started telling people that I was threatening them, that I was a drug dealer, that I’m a prostitute’. She then said: ‘People like you, we don’t like people like you’, which Mr J perceived to be homophobic. Mr J shouted back at his neighbours, calling Mrs A an ‘old witch’. Other neighbours became embroiled in the conflict and a larger-scale neighbourhood dispute ensued with several of the neighbours making complaints and counter complaints about both Mr J and Mr and Mrs A. As the conflict escalated, Mr A told his housing officer that he planned to hit Mr J with a baseball bat, a threat that triggered a referral to the HCP.

In interview, Mr J explained how many people had been involved in the conflict:

Well ... for and against, so the people that was arguing for them there was them two and a man and his wife ... after this happened they basically tried to force me out of here, getting my neighbours upstairs involved, the neighbours next door, the neighbours up the road, the neighbours next door to them ... I would say by the end of it ... like 15 people were involved.

Although he felt that homophobia had been the main motivation, he recognized that his relative youth had provided further provocation as during the direct mediation session Mr and Mrs A spoke disparagingly of ‘young people’ and the anti-social behaviour of youths. During indirect mediation Mrs A commented, ‘He is younger than us, young people have a chip on their shoulder’. At the same time, Mr J’s preconceptions about African-Caribbean people became apparent. He referred several times during both indirect and direct mediation meetings to the homophobic attitudes held by ‘most Caribbean people’ and to his own experiences of homophobia from ‘such people’. During direct mediation the mediator tried to challenge the prejudices held by both sides by pointing out

that not all African-Caribbean people were homophobic and that many young people were responsible citizens.

This case involved various incidents perceived by Mr J to be motivated by homophobia. However, while the apparent intimidation made him fearful and anxious when leaving and returning to his home, the conflict only escalated once Mr J confronted Mr and Mrs A. During this altercation both sides indulged in verbal abuse, marking a turning point in the dispute. After this, other neighbours became involved, leading to further arguments and to the establishment of antagonistic 'sides'. This escalation resulted in Mr A threatening to hit Mr J with a bat.

Although motivations were difficult to prove in this case, homophobia may well have been at the heart of the conflict. However, to a lesser extent, age and race also influenced the perceptions and attitudes of the respective parties. And ultimately the actions of both parties added to the harm experienced by those involved. The key to the resolution of this case, and to the reduction of harms caused to both sides, was not the involvement of the police but the meeting between the parties. Although Mr and Mrs A denied that their actions were homophobic, the issue of homophobia and the effect that it had on Mr J's life was discussed in detail. Mr J was able to explain why he felt their behaviour was homophobic and how this had made him feel. Mr and Mrs A had the opportunity to say that they had a gay nephew who they 'would never turn away'. This hinting at a shared understanding allowed the parties to find a way of resolving the conflict and arrive at an improved mutual understanding. A mediation agreement, signed by both parties, stated that they must respect each other and be polite and not to indulge in disparaging gossip with other neighbours. At the end of the direct mediation session Mr J said, 'we understand each other much better', to which Mrs A responded, 'Each and every person in this world is an individual ... He's found out how we feel and we've found out how he feels'. Both parties shook hands and smiled before leaving the room. Almost a year later Mr J assures us that there has been no further conflict with his neighbours.

Case Study 5: Mr N and Mr Z: homophobic assault or racial harassment?

The case of Mr N and Mr Z provides another example of the challenges presented by cases involving multiple allegations and counter-allegations, as well as the difficulties for those living in close proximity to others they feel some antipathy towards. Mr N, a 'Black African' man, and his family had recently moved into an apartment directly beneath Mr Z, who lived with his partner. Mr Z had made several complaints to the housing association about cooking odours coming from Mr N's apartment. Mr Z also habitually banged loudly on Mr N's ceiling whenever he played music. Mr N felt that the constant complaints were racially motivated.¹⁰ On Christmas day 2009, after Mr Z had banged loudly on Mr N's ceiling, Mr N confronted him. During the ensuing altercation Mr Z telephoned the police and claimed that Mr N had threatened to kill him while using homophobic language. Mr N was taken to the police station where he was detained and given a caution (he had no legal representation). The dispute was later recorded as a hate incident.

Several weeks later Mr Z made a further complaint to the police of threatening behaviour by Mr N. Mr N was arrested at work and taken to the police station, but was not charged. Both accusations of homophobic abuse were fervently denied by Mr N. After Mr Z's second accusation, Mr N was referred by the police to the HCP. Although Mr Z refused to take part in mediation, the mediator was able to talk to Mr N about his case and later contacted his housing officer in order to resolve the situation. In consequence, Mr Z was quickly moved out of the building into new accommodation. It remains unclear whether Mr N committed any hate crimes during this period of conflict and whether Mr Z's constant complaints and banging on the ceiling amounted to racially motivated

harassment. However, Mr N and his family are 'ecstatically happy' about the outcome of their case and are now living peacefully in their apartment.

Hate at the intersections of prejudice and socio-economic conditions

As our cases show, hate conflicts can make up just one dimension of a complex social relationship between the parties that is exacerbated by socio-economic conditions. This is not to say that disadvantaged people are more prejudiced than the privileged – there is certainly no evidence of this here. However, those who can afford large detached houses may be better placed to avoid perceived provocation. The distance from their neighbours and their ability to negotiate day-to-day tasks at a distance from others protects them – at least to some extent – from unwanted contact with those they consider to be outside of their 'circle', whether the lines are drawn according to race, sexual preference, age or other differences. Most of us, however, live cheek by jowl with those we may otherwise eschew and must tolerate daily reminders of difference. In some cases, irritations about the lifestyles of others spill into assumptions about their race or religious beliefs or sexual orientation, and sometimes prejudice flows along many lines. They are judged harshly not just for what they do, or are perceived to do, but for what they are.

Our cases illustrate how easily minor slights can escalate to more serious abuse when they are experienced in the context of prejudice and that one prejudice can intersect with another. They show that the ongoing and apparently intractable nature of hate victimization can cause significant deterioration in the physical and mental health of those involved. They further demonstrate that 'hate', however defined, can be just one part of multifarious and multifaceted conflicts that can involve a host of players. In many of our cases accusations and counter accusations of noise pollution were played out on centre stage, with sometimes racist overtones in complaints about 'foreign' music or loud talking in 'foreign' languages playing out in the wings. More frequently, noise from televisions, children playing and doors and gates slamming prompted disputes, especially for residents of old apartment blocks with poor insulation. In such cases hate abuse is thrown into a toxic mix of other non-hate-related grievances, sometimes alongside poor mental health or substance misuse.

In our first case study it was not only Mr V's sexual orientation that made him a target for hate; his HIV positive status and his ill health made him more vulnerable (perceived or actual) to abuse and to its damaging effects. Mr X's 'AIDS SPREADER' message was, at least in part, motivated by Mr V's HIV status and his sexual orientation, and pushing Mr V to the floor while he struggled on crutches may have been motivated by his vulnerability while temporarily disabled. Similarly, in our fourth case study Mr J's sexual orientation made him the target of homophobic abuse from Neighbour M, and perhaps also from his neighbours, Mr and Mrs A. However, it also became apparent that Mr and Mrs A's perceptions about Mr J were caught up in their notions of anti-social youths. On the other side, Mr J's ideas about African-Caribbean people and 'old people' seem to have influenced his attitudes towards Mr and Mrs A, and perhaps his reaction to what he perceived as their harassment of him. Clearly, in both cases hate victimization was exacerbated by intersecting prejudices on both sides.

Certainly in our fourth case study it may have been difficult for the police to decide what crimes had occurred and, more importantly, who to designate 'victim' and 'offender'. An adversarial contest, played out in court, would not be able to root out the many intersecting prejudices or do justice to the varied socio-economic factors that provided the crucial context for the conflict. Even if some of these aggravating factors were revealed to the court, the criminal process is not best placed to respond to them. Instead a community response, involving and set in the relevant community,

has a much better chance of resolving disputes characterized by such belligerence and irritability. In many of our cases the exploratory preparatory processes prior to face-to-face mediation uncovered a multitude of prejudices playing varying roles in each conflict. Structured dialogue that involves all parties to a dispute, that reveals myriad harms and exposes prejudice for community condemnation, we feel is more likely to reduce the likelihood of repeat victimization than a purely punitive anti-social behaviour order, or punishment imposed by a court. The last section of this article examines in more detail the healing qualities of community mediation, exploring both the reparative effects of the mediation process and its ability to prevent future incidents and/or victimization from occurring.

The emotional benefits of mediation

Surveys suggest that emotional reparation, rather than material reparation, is of greatest importance to victims and that emotional healing can be facilitated by active involvement in the justice process (Shapland et al., 2007; Strang, 2002). Provided stakeholders are not given false expectations about what they could gain from the process, participants can gain a sense of empowerment and emotional healing as they describe how the crime has impacted upon their life, enabling them to move away from isolation and despair (Zehr, 1990; Kay, 2008).

During mediation meetings we observed both parties to the conflict were given space to discuss the motives behind their behaviours and to explain how the other's actions had harmed them. In almost all cases the meeting was brought to a conclusion by the parties signing a mediation agreement that outlined the undertakings each party had agreed to, typically including promises of desistance from future anti-social behaviour. In some meetings one or both parties apologized and in others we witnessed apologetic gesturing, such as unprompted handshakes.

Each of our interviewees was asked whether they felt that the mediation process directly contributed to an improvement in their 'emotional wellbeing'. Of these, 17 agreed that it had, 2 stated they were unsure, leaving 4 who did not feel that it helped to improve their emotional wellbeing.¹¹ One interviewee explained to us:

I'm more out there . . . I feel like I have gotten my confidence back. I am out there looking for a job . . . you know there is peace in my block, well for me and my family. So I'm back to being myself.

Using a 10-point scale, 1 being very low and 10 very high, interviewees were also asked to indicate a level of anger and a level of anxiety (that they felt towards the other party/about the incident) directly *before* and directly *after* mediation. Of the 23 interviewees, 21 indicated a level of anxiety before mediation and 2 stated that the question was not applicable to them. The most common level of anxiety indicated by complainant victims was 10 (nine indicated this level); two recorded an anxiety level of 3 or below (indicating a mild level of anxiety), with the remainder stating that their level was between 5 and 9. For a majority of complainant victims (15 of the 21), levels of anxiety decreased, albeit not dramatically, directly after mediation.¹² No interviewee indicated a higher level of anxiety after mediation. Similar results were recorded for levels of anger.¹³

Levels of anxiety were clearly linked to feelings of fear. We have noted above the crippling effects that both anxiety and fear have on individuals' emotional well-being, often resulting in them avoiding certain locations and in some cases preventing them from leaving their own home. When measuring fear we used Likert-type questions that asked interviewees whether they were fearful of the accused offender (or what he or she might do) before and after mediation.¹⁴ Not

surprisingly, 18 interviewees stated that they either 'agreed' or 'strongly agreed' that they were fearful before mediation (5 were not fearful before or after mediation). Of the 18 interviewees who were fearful before mediation, half stated that they 'disagreed' or 'strongly disagreed' that they were fearful of the other party directly after mediation, indicating that the mediation process had reduced their fear of the other party.¹⁵ A further two interviewees had been fearful of the accused perpetrator before mediation but less so than before mediation. In only one case did the interviewee indicate that he felt more fearful *directly* after the mediation process, though one week later the incidents ceased and he told us that he now feels much safer in his neighbourhood.

Interviewees identified the following parts of the mediation process as improving their emotional well-being: 'having the opportunity to take part in the process'; 'explaining (directly or indirectly) to the other party how they felt'; 'explaining how the incident had affected their life'; 'meeting the other party face-to-face'; 'witnessing the other party's comprehension of how the incident/conflict had affected them'; 'receiving an apology from the other party'; and 'obtaining assurances that the incident(s)/dispute would stop'. The most common factors articulated by interviewees were being able to explain how they felt to the other party involved and having the opportunity to explain how the incidents had affected their life.¹⁶

Restorative justice scholars argue that victims who are given the opportunity to describe how a crime has impacted upon their life can gain a sense of empowerment (Braithwaite, 2002). As one interviewee put it, 'that's the main thing – being able to talk to someone about it, because initially you don't think anyone is interested'. Kay (2008) explains that this amounts to a process of 'story-telling' that enables victims to be rescued from the shadows of silence, isolation and despair, bringing them to a place of greater security. Victims who vocalize their experience of emotional pain will often gain therapeutic release and emotional support from those who listen. As Mr V commented:

Even after the mediation [the mediator] rang me three or four times at regular intervals of a couple of months to establish that everything was still OK, that I wasn't having any more problems, that I was still feeling fine and that things were improving ... so it didn't you know, OK we're done we've dealt with that let's move on to the next case ... It felt personal.

The mediation process clearly promoted emotional benefits for the majority of our complainant victims. However, it would be idealistic to assume that the process can provide complete emotional reparation for those who participate. There will inevitably be a variety of other factors that are important to emotional healing. For example, interviewees also spoke of the importance of support from family and friends and in some cases additional support from charitable organizations. In fact, in several cases the involvement of local organizations including housing associations and social services became central to resolving the conflict, allowing participants to move on with their lives peacefully. Unlike some other restorative processes, the HCP often engaged in multi-agency partnerships. This allowed the mediation process to capitalize on both a dialogic process between the parties, who frequently found resolution between themselves, but also inclusive communication between the parties and other organizations.

Engendering tolerance and desistance?

Confrontation between defendants and witnesses in the adversarial contest of a court, even when it is possible to assign those labels to disputants, is unlikely to change prejudiced attitudes and may even provoke further conflict (Moran et al., 2004a). But a meeting in the safe and empowering

forum of a community mediation centre, if facilitated by someone experienced in hate-motivated disputes, has a greater chance of breaking down the barriers of difference and revealing the humanity and dignity of those involved.

In a *successful* mediation meeting the accused perpetrator will have understood the hurt and suffering experienced by the victim and as a result should feel remorse for committing a 'moral wrong' (Harris et al., 2004: 201). In some cases this may be followed by forgiveness by the victim and victim's supporters (Strang, 2002; Harris et al., 2004). This paves the way for reintegration back into the community of appropriately shamed offenders (Braithwaite, 1989). In cases of hate crime the potency of mediation therefore resides in the offender's ability to empathize with his or her victim, bridging the empathetic divide that pre-existed (Haney, 2004). Empathy can act as a catalyst for attitudinal change, which can benefit both parties, as well as the wider communities to which they return (Dzur and Olson, 2004). If this is possible, the benefit to the community as a whole is that the victim and offender are involved in reconciliation and put on the road to repairing the harm (Dzur and Olson, 2004). It is important to the communication process in hate crime cases that attempts are made to humanize gay or minority ethnic individuals to the offender.

As complainant victims were the focus of our research, we chose not to interview 'offenders' involved in community mediation. However, we were able to ask complainant victims whether they felt the other party had a better understanding of their cultural and/or identity background and whether they desisted in their abusive behaviour. In Case Study 1, Mr V explained:

I had a perfectly good relationship with the family upstairs until the day they realized I was gay. If that is all that created such a problem there has to be a way for me . . . two adults can overcome that and OK we may not get on as well as prior to him getting that knowledge, but we may be able to live here in this community together, you know. And mediation was for me the only way that was going to happen.

It was important to Mr V that the mediation process caused Mr X to consider his prejudices:

[Mr X] automatically presumed that all gay men are also paedophiles . . . I think that was one of the issues and once all those issues were put to him in sensible conversation, whilst he's not going to change his opinion totally, I think it led to him realising that everything was not as black or white.

While Mr X did not apologize for his behaviour, he did promise to cease further harassment, which was a great relief to Mr V. Mr V explained that taking part in the mediation process was helpful to his recovery as it provided an opportunity for dialogue and in particular for Mr X to understand how the abuse had affected him.

We also observed several direct meetings that seemed to be degenerating into intractable disputes. In each case the facilitator regained control by drawing on common interests and as the meetings progressed calm and reasoned discussion ensued, resulting in agreement and at times apologetic gesturing, such as smiling and handshakes, and in some cases even verbal apologies (see, for example, Case Study 4).

While in some cases complainant victims felt that the process had provided the accused perpetrator with a better understanding of their cultural and/or identity background this was not the case for many complainant victims.¹⁷ One interviewee remarked:

The weirdest thing was that the lady never really knew where I came from. She knew I was black but she didn't know whether I was West Indian or whether I was African . . . I don't think it would have

Table 1. Levels of anger, anxiety and fear directly before and after mediation

Complainant victims	Anger	Anxiety	Fear
Total number who indicated a level of emotional harm before mediation	20	21	18
Total number whose level of emotional harm <i>decreased</i> after mediation	14	15	13
Total number whose level of emotional harm <i>increased</i> after mediation	0	0	1

NB: Measurement of fear was carried out on a 6-point ordinal scale. The measure of anger and anxiety was based on a 10-point interval scale.

made any difference whether I was West Indian, it was the mere fact that I was the colour I was that was it for her.

This apparent failure, in some cases, to rehabilitate hate crime offenders could be discouraging as the community mediation *ideal* would be to break down the empathic divide between participants (Walters and Hoyle, 2010). However, we must not confuse the ideal with realistic expectation. For though we are confident that mediation meetings do help to break down cultural and identity differences between the parties, such a process is unlikely to undo years of learnt prejudice. Neither could it realistically change any of the socio-economic, socio-structural and other cultural factors which give rise to individuals' prejudiced behaviours (Walters, 2011), let alone prevent the influences of the media, contemporary politics and broader ideologies (Kelly, 2002).

Whether mediation changes offenders' prejudiced attitudes beyond a handful of cases is far from clear. What was more apparent from our study was that interviewees believed that the process had put a stop to their abuse. Thus while many complainant victims felt that the process did not lead to greater understanding of their identity background it may well have led to a change in the other party's behaviour. In 11 out of the 19 cases we researched, the incidents ceased after direct or indirect mediation meetings. In Case Study 3, for example, Mr L's disablist abuse came to an end directly after a mediation meeting was held between Mr L, his girlfriend, the headmaster of the local school and the group of boys who had been abusing him. Mr L stated, 'when they kept their word I was so relieved . . . I talk more, I'm more confident, I'm back to my old self.'

In six other cases the incidents only stopped when the mediation service brought in other agencies to help resolve the case. For example, in Case Study 2 (see above) it was clear that the direct meeting between Miss J and the accused perpetrator would not change the behaviour of her neighbour, though subsequent to mediation the incidents were markedly reduced. However, the mediator arranged meetings between Miss J and the police and later the housing association. Eventually Miss J was moved to new accommodation where she is free from abuse.

In only two cases did the mediation process fail to prevent incidents from recurring. In one negotiations stalled; in the other, after an apology and a temporary cessation of abuse, the offender resumed his abusive behaviour. Mediators subsequently intervened several times; each time the offender apologized and stopped harassing his neighbour before starting again some weeks later. This case was perhaps irresolvable.

Conclusion

Our study of hate crime and community mediation highlights both the nature of hate crime as well as whether the process of mediation is capable of resolving hate-motivated conflict. We have

shown through our various case studies how socially complex incidents of hate are. Rather than isolated acts of violence that occur randomly on the streets, many hate crimes are the result of acrimonious disputes between those who live side by side. In particular, this article highlights two distinct types of hate incident. In seven of our cases incidents were the result of ongoing forms of targeted harassment and abuse which escalated over long periods of time. The remaining cases were difficult to categorize but most involved highly complex conflicts between warring neighbours. Other cases involved complaints and counter-complaints of hate abuse. Consistent in the majority of these multifarious cases was that neighbours had fallen out over issues relating to noise and rubbish. As their grievances towards each other advanced, one or both parties committed anti-social acts against each other until the frustration of one party evoked a partly hate-motivated response.

In either type of case the conflict was frequently aggravated by mental health issues and/or drug and alcohol abuse. The relative socio-economic disadvantages and proximity in which the parties lived exacerbated already strained relationships. Furthermore, the demonstration of prejudice was rarely clear cut. While it was clear in most cases that the accused perpetrator had used some form of prejudiced language, the hate incidents often involved a myriad of prejudices pertaining to various identity characteristics.

In such messy scenarios traditional approaches to reported crime, such as arrest and/or prosecution, will fail to get to grips with the complex task of resolving hate-motivated conflict. Referral of cases to community mediation allowed the parties to resolve their disputes through facilitated dialogue, and in some cases reparation was obtained. Moreover, for many participants the process provided positive emotional benefits including reductions in levels of anger, anxiety and fear. Importantly, in most cases the mediation process helped to prevent further incidents from recurring or escalating.

The success of mediation in responding to hate crime is predicated on its dialogic approach to conflict resolution. Discussion of the causes and effects of prejudice is essential to repairing the harms of abuse motivated by hate, and to engendering more tolerant attitudes towards those perceived to be 'different'. If carefully facilitated, we believe that this inclusive process can provide an effective mechanism through which future incidents are prevented and those harmed by hate conflicts are able to move on with their lives free from the fear and harm of hate victimization.

Acknowledgments

The authors would like to thank the reviewers for their thoughtful comments on an earlier version of this article, and Mai Sato for her helpful suggestions on the use of statistical analysis. All mistakes remain the authors' own.

Notes

1. Such as verbal abuse. Under UK legislation hate offences are crimes where the perpetrator demonstrates hostility towards the victim based on the victim's race, religious belief, sexual orientation and/or disability (s 143 Criminal Justice Act, 2003).
2. Although some incidents of ongoing targeted abuse will produce these characters (see Case Studies 1–3 below).
3. In some cases we attended up to three meetings between those involved (typically, two separate indirect mediation meetings with the main parties and then a direct mediation meeting involving both parties and the mediator).
4. This term is used to denote the party who has accused the other party/ies of committing a hate incident/s.

5. Many more cases were referred to the project but did not include any specific allegation of hate crime/incident as defined by ACPO.
6. Interviewees were asked to self-identify their race, ethnicity, sexual orientation and any disability they had.
7. In three of the seven cases we carried out a joint interview with the victims involved (often partners or parent and child). We did not come across any anti-religious hate crime cases.
8. Sometimes referred to as T-count, it relates to the strength of a person's immune system.
9. Noise was a factor in the majority of our cases.
10. In interview with the mediator, we were told that Mr N's housing officer had received similar complaints by Mr Z about other Black families in the apartment block.
11. Though some of these five also indicated that the incident/s had only a limited impact on their emotional well-being to begin with.
12. A Wilcoxon signed-ranks test indicated that median levels of anxiety were higher directly before mediation (Mdn = 9) than they were directly after (Mdn = 5), $Z = -3.313$, $p = 0.001$.
13. Medn = 10 before, Mdn 7 after, $Z = -3.317$, $p = 0.001$.
14. Based on a scale of strongly agree, agree, neither agree nor disagree, disagree and strongly disagree.
15. A further two interviewees who had been fearful of the accused perpetrator before mediation stated that they 'neither agreed nor disagreed' that they were fearful after, again indicating a slight reduction in fear.
16. Of the 23 interviewees, 20 stated that they were either 'very satisfied' or 'satisfied' with the mediation process; 21 had found the mediation process to be either a positive or very positive experience; and unsurprisingly 22 of the 23 participants also stated that they would recommend mediation to other individuals who were involved in similar incidents.
17. Though in many cases the parties were involved in indirect mediation and they were unsure whether the process had a positive impact on the accused perpetrator's understanding of them.

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