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Abstract

This paper takes a critical look at the way perceptions of antisocial behaviour may have contributed to hostility bias against young people by vulnerable people. Observations of victim-offender interaction are used to support the common criticism that the media and authorities emphasis on perceptions of low level anti-social behaviour together with focus on extreme cases antisocial behaviour have reduced young people to stigmatised stereotypes. The departure from previous research is to suggest that this process has not only created an interpretative framework that turns innocent activity into a social problem it also influences how some individuals may respond to a social encounter. The key part to this argument is that some citizens are more vulnerable to negative images so are more likely to misinterpret innocent action or to respond to an encounter in a way that creates a counter-response that leads to a conflict. The counter-response is conceptualised as a historically normal part of adolescent relationships with adults to challenge the assumption that the intentions of antisocial behaviour can be assumed from the consequences. Understanding the effects of the anti-social behaviour agenda on the interaction between vulnerable victims and young people is essential to the delivery of protection of victims and justice to young people.

Introduction

This article has been shaped by calls to reduce the burden of proof required to prosecute acts of antisocial behaviour (ASB) as hate crime. Mark Walters sums it up well stating that evidence that offenders have demonstrated hostility should be taken from 'any conduct carried out during an offence where the offender is aware his behaviour is likely to be perceived by right-minded individuals as indicating hostility towards the victim's identity' (Walters 2014: 47). The common sense allure of 'right thinking' has an intuitive attraction that is hard to dismiss without appearing at best insensitive at worst callous or condoning of 'unreasonable' actions. The latter assessment is more likely where the behaviour offends positively embraced identities based on racial or sexual attributes but is more problematic for the vaguer conceptions of vulnerability and disability. The Equality Act (2010) provides a wide ranging definition of disability that includes both physical and mental attributes but this is only one aspect of the problem. The fact that many disabled people do not embrace a 'disabled' identity and would, unlike other categories protected under hate laws, embrace interventions that would change their status by removing the impairment (Finkelstein 1993). In cases where the impairment stems from poor mental health it raises a legitimate question about how this may have affected the judgement of the victim and, given the high level of mental health issues within the offender population, the judgement of the offender. The attribution of 'reasonable' judgement in cases of ASB involving vulnerable individuals has

tended to follow a process that regards perpetrators as acting with a degree of direct or oblique intent (*mens rea*) that is facilitated by a lack of concern for the individual affected and/or the community. The actions of the victim by the fact of their vulnerability are removed from scrutiny. This crude dichotomy may appear to offer a reasonable starting point but, as the paper will argue, it serves to obscure some important distinctions that need to be recognised to ensure that both the terminology and response is appropriate to the needs of the victim and the actions of the offender.

The argument presented here is that the negative portrayal of working class young people together with an escalation of the derogatory language used to describe them has an uneven impact on perceptions. There has been much discussion on the differences between national and local perceptions of crime, the so-called “perceptions gap” (Duffy, et al. 2008) that captures citizens awareness of local crime falls alongside the false perception that crime has risen nationally and the impact this has on fear of crime. The insights from this observation have not translated to a good understanding of the way these misconceptions play out at neighbourhood level, specifically how it may impact on those with less opportunity to balance perceptions formed from the national crime picture with positive experiences and knowledge of local crime. This is important because the social construction of victim and offender tends to draw a clear line between the two ignoring the overlap and interaction between the two. Understanding victimisation as a process is the first step to exposing notions like ‘intent’ ‘reasonableness’ and ‘right thinking’ as part of the fabric of net widening and mesh thinning. The paper argues that it is necessary to unpick the fabric by looking deeper than the victim narratives that have been tainted by responses to the perceptions agenda to gain a clear understanding of the victim offender interaction. This is important because it is the key to producing an effective response that offers more protection to victims and helps to stop them becoming more isolated from the community while at the same time helping to reduce stigmatisation of young people.

Background

The paper is based on observations made during the course of carrying residential surveys and ethnographic work in six high crime and disorder neighbourhoods (Bottoms and Wilson 2004; Bottoms and Wilson 2006; Holdaway and Wilson 2005). It also draws on research carried in 2010 to identify the proportion of repeat calls for police that involved ASB; whether the incidents had left a communal memory; and whether that memory was reflected in police recorded accounts of the incidents. It was based on South Yorkshire Police Incident Data for Sheffield for a 35 Month period (Dec 02-Oct 05) that provided 586k rows of data that included descriptions of the incident, the required response and rating of ‘seriousness’. After cleaning the data we identified 400 residential addresses that made over 32 calls – around the same number of calls made in the Pilkington case, the mother who committed suicide after killing her disabled teenage daughter in desperation being unable stop the ASB. The list was reduced to the 166 residential addresses where the police were called over 50 times (range 50-475). Calls were made at a random selection of 100 addresses asking the current occupier (the caller had usually moved on) and neighbours about the cause of the problem(s). Despite being based on historic data communal recollection of the nature of incidents was strong but it countered our assumptions that most would be generated by antisocial young

people. Where ASB featured it was more likely to involve a complex relationship between alcohol and mental health problems that were present in both parties making it difficult to establish a blameless victim (Wilson and Costello 2011). It is an oddity that established knowledge about the close relationship between the victim and the offender (the victim offender overlap) in relationship to property crime (Bottoms and Costello 2012) there appears to have been little attention paid to the way this overlap may play out in incidents of ASB and other community conflicts.

As Geoff Pearson (1983) pointed out there is nothing new to young people being portrayed in a fearful way, though the means of transmitting the image have grown more effective as communities have become more insular. A key question is whether this fearful presentation has a negative effect by promoting a hostile response that is disproportionate to the behaviour of the young person. This is not an easy question to ask or answer. There is little doubt that the graphic images and fearful narrative that accompanied the introduction of ASBOs (Anti Social Behaviour Orders) created a 'kind of people' (Hacking 2007). The lack of a precise term is less important than the identification of those who inhabit the description. A crude newspaper search on Lexis-Nexus shows that from 2000 the ASBO became shorthand for loutish behaviour controlled by the 'anti-yob' order. Hayward and Yar's (2006) research showed that in a similar period term underclass had been displaced by Chav to categorise the white working class as objects of abuse and ridicule. Noting that yob was the term most likely to be used in conjunction with ASBO is almost a pointless detail against the consistency of negative representation of the white working class. The wide range of images of ASBO youth from the comic yob (eg) to the misfit 'badge of honour' serve to illustrate the looping effects (Hacking 1995) of categorisation. This has intuitive appeal for thinking about young people but the direct effect on the actions of victims has been left out of the loop.

The argument here is that this process has not just fostered the type intolerance of youthful activities described by many commentators (Bannister and Kearns 2013; Kearns and Bannister 2009) and contributed to higher recordings of fear of crime that serves to further fuel an anxiety (Lee 2007) it has also increased the likelihood that adults will interpret innocent actions as hostile. There has been a great deal of research on the link between adolescent aggression and hostile interpretation of action but little on the responses of adults to ambiguous activity (Combs, et al. 2009; Dodge and Somberg 1987; Epps and Kendall 1995). The miscalculation of threat increases the likelihood that adults will over-respond to adolescents. In a previous paper I illustrated the way response affects the interaction with six cases of ineffectual and effective responses to nuisance behaviour. The latter included the examples of three residents who responded to noisy young people hanging around outside their home by explaining how it affected them and asking if they would could keep the noise down a little. They were not people who presented a forceful physical presence; they made a reasonable request with an expectation of compliance. This provided a significant contrast to the emotive, angry reactions to young people that did more to provoke further incivility than it did to pacify. The paper attempted to separate out this form of repeat victimisation from other types of conflict on the estates studied by using a typology of conflict based on the notions of control, dispute and bullying. The first one of the three (control) included retribution by active criminals to prevent informing as well as 'vigilante' action against law breakers; the second captured routine disputes about issues like parking; with the final one

used to describe the repeat victimisation of 'vulnerable' people. The three were conceptualised as dynamic entities in that conflicts in the control or dispute category could evolve into cases of bullying.

At the time of the conference presentation in July 2008 the issue of vulnerability was not on the agenda. Just over a year later the coroners inquiry into the deaths of Fiona Pilkington and her daughter revealed the extent of police and council failures (Walker 2009). Since the hearing a succession of reports and policy documents have steered the way towards comprehensive procedures to identify and respond to vulnerable victims (HMIC 2012a; HMIC 2012b; Home Office 2012; Innes and Innes 2013; IPCC 2011). This moved the debate away from the notion of bullying by giving a greater sense of purpose to the notion of vulnerability set out in section 16 of the Youth Justice and Criminal Evidence Act 1999 creating a clearer union with disability hate crime. Those developments questioned the appropriateness of bullying as a category for interaction between the repeat victims and offenders. At the same time it exposed the problem of categorising such incidents as 'hate crimes'. A comment by a Latvian single mother living at an address on the list of high calls to the police for assistance helped to shape the conflict typology. She was aware of the problems the previous occupant had with local youths who also annoyed her by throwing rubbish into her back garden and excessive noise. Once she nearly shouted at them when a snowball thrown through the open bedroom window landed in her child's cot. She didn't because of the advice 'not to respond' given by her elderly neighbours who said 'that's what they want, if you respond it will make it worse – they are looking for a reaction' (Wilson and Costello 2011).

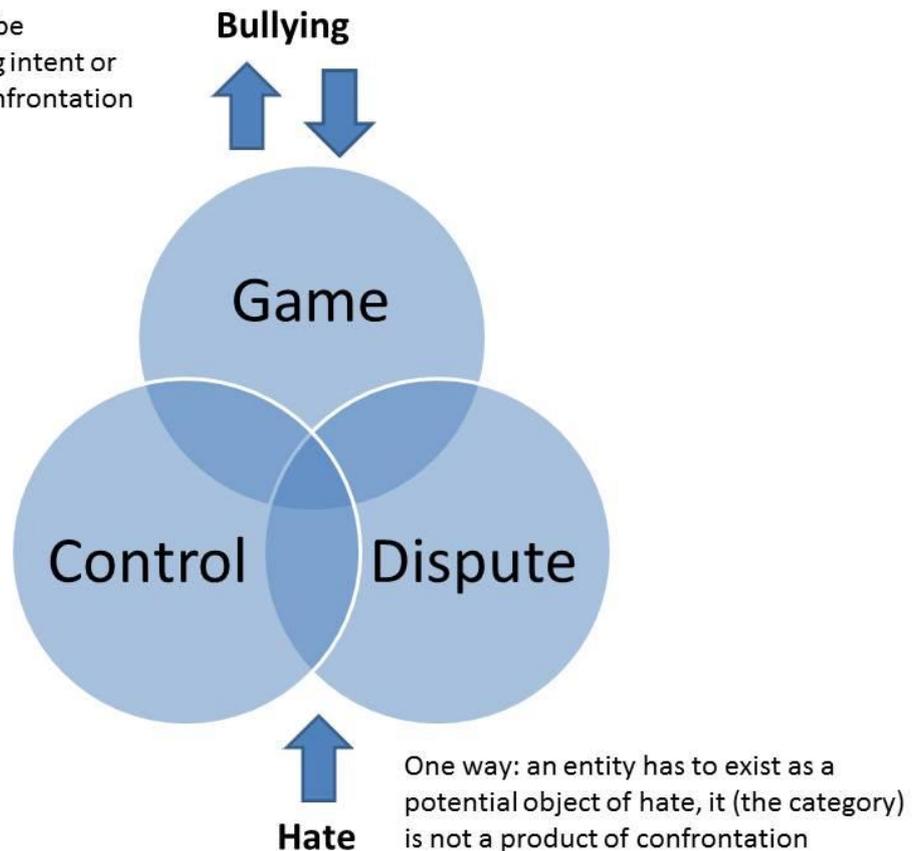
The advice tallied with the earlier research observations of responses to ASB. In most cases action I classified as bullying began as something more innocent. The residents who shouted and chased were making what many others would consider a mistake: giving a response that would invite a counter-reaction. There is nothing new in this observation. Humphries (1981: 121-2) set out the way a catalogue of practical jokes played by post-war adolescents was 'rooted in the aggressive, insulting and coarse traditions of working class humour' aimed to humble and humiliate adults. He argues that the 'larking about' increased significantly in the period 1889 to 1939 as a consequence of the 'clash between the independent traditions of and the attempts to control and discipline it'. Some forms of larking may fit that view but the example Humphries uses to open the chapter, door-knocking and running, captures a central attractions of larking: being chased. The chase has long been the sought after spike of excitement to puncture the mundane activity of hanging around. A number of studies of working class communities have picked up the relationship between 'larking around' and boredom (Corrigan 1979; Downes 1966; Elias and Scotson 1965; Parker 1974; Willmott 1966). They all make similar observations about the social function of hanging around which 'creates its own tension' (Downes 1966: 207) that results in 'making something happen' (Corrigan 1979: 128; Elias and Scotson 1965: 114). This 'manufacture of excitement' is captured well by Cohen's description of the mid 1960s bank holiday mods carrying out actions aimed to provoke a response. Actions that may have not been maliciously motivated though malice and damage may be the end result (Cohen 1972: 154). David Downes (1966: 204) arrived at a similar conclusion from his observations noting that the spite shown toward material goods (vandalism) was not emulated with 'gratuitous hostility towards non-gang peers as well as adults'. Almost fifty years on from these observations it is easy to arrive at the conclusion

that today's young are qualitatively worse than previous generations. The fear of moral decline has, as Pearson (1983) illustrated, a long history but no other generation has had to confront such an effective means of translating action into denigrated images of young people as jobs and transmitting the images of fear that make it harder to 'see kids as kids' (Millie, et al. 2005).

Game

When developing the community conflict typology the post-Pilkington response exposed the failure of 'bullying' to capture the process involved in the victim offender interaction illustrated above. More pointedly these developments also revealed the way use of the term hate may accentuate misunderstandings and work against a response that helps victims. Bullying at least captured the way victims became embroiled in a protracted conflict with local youths as unwitting accomplices to confrontations that appeared to have become more of a game than a battle for the young people concerned. But in becoming a 'game' it was also clear that the dynamic created opportunity for some individuals to gain from the situation. Collins (2007) comment that 'bully's pleasure derives from the drama of the situation, the suspense they control, rather than actual violence' captures something of the appeal of the process. A more striking observation by Collins, one that relates to the three cases, is that weakness is not simply a matter of physical presence, or being less muscular or smaller. He captures this well when pointing out that 'Victims are generally weak in a social sense: ongoingly, as low-status persons, social isolates, those who have swallowed their humiliation and adapted themselves to their tormentors, or who fight against them in *ineffective ways that provoke without deterring*' (p189) (emphasis added). The problem with conceptualising this type of conflict as bullying is that the action is defined more by its consequences than its intent. This is significant in cases where the adult response is a provocative factor to an encounter that lacks malice. The use of the term 'game' as a means of classifying this form of conflict was an attempt to de-stigmatise actions that may lack inconsideration but may also be subject to a wide range of influences that make resort to terms like 'hostility' and 'hate' an over-reaction that lacks proportionality. Figure 1 illustrates the community conflict model.

Two-way: an act can be motivated by bullying intent or can evolve from a confrontation



While there is some value in looking to wider societal attitudes towards vulnerable groups to understand the roots of the victimisation process (Perry 2001) using this evidence to frame perceptions runs the risk of constructing a motives that has little or no relationship to the actions taken. Yet comments claiming that ASB against vulnerable adults reflects a hidden 'depth of hatred' (Quarmby 2011) are reliant on blending wider societal attitudes with examples of serious abuse to create emotionally weighted statements. It becomes difficult to challenge such views even though imputing motive by leaping from observations of low level activity to support concepts that are then generalised to explain something that appears the same but is a different degree of magnitude is problematic (Berk, et al. 2003: 57; Cohen 2001: 144). As Popper pointed out 'once your eyes were opened you saw confirming instances everywhere... the world was full of *verifications*' (1974: 35). The problem for the notion of 'game' is that the appeal to 'just having a laugh' as motive can be dismissed as denial (Cohen 2001) or as a technique of neutralization (Sykes and Matza 1957): that is, it is simply a means of shedding responsibility. In cases of extreme violence and abuse it would be difficult to argue against that conclusion though as Mills (1940: 905) suggests, it would be wrong to deny the efficacy of justifications because they tell us something important about 'the situation and its normative pattern of expectations.'

An important question to ask is what factors affect the differential responses – the responses of both parties – in serial conflicts? This is a two way interaction though attention has focused on the actions of the offenders with an assumption that they have sought out weakness or been attracted by characteristics that can be loosely lumped together as a form of ‘othering’. Ironically, interpretations that reduce the consequences of this interaction to hate crime make assumptions about disability, vulnerability and identity that draw on stereotypical images that unintentionally objectify individuals – both victim and offender. Charting the range of influences that may shape the interaction is difficult task that is unlikely to arrive at a conclusion that identifies a clear causal explanation but that does equate to a reason to avoid the difficult questions. On the contrary, simple binary distinctions that cast perpetrators as individuals who are not ‘right-minded (Walters 2014) and victims as beyond reproach suggest a gap in thinking that needs filling before we can understand the problem and shape an effective solution.

Shaping responses

Recent research in Glasgow revealed how images of ASB have a variable impact on perceptions. Many residents expressed tolerant views but the findings also included comments that show ‘prejudice, intolerance and the potential to misconstrue non-malicious activities by young people as potentially threatening’(GoWell 2011: 13). Given this was based on findings from 12 focus groups that included two made up of parents and carers it is likely to underplay the effects on individuals who are more isolated. In this section I outline some of the factors that help to explain why some people are more likely to misconstrue innocent action.

Findings from studies into media impact on fear of crime illustrate its variability of its effects. Gerbner (2002: 180) stresses the importance of understanding television as part of dynamic process that ‘neither simply “creates” or “reflects” images, opinions, and beliefs’. The element of the research that relates to perceptions is the suggestion the images of violence cultivates ‘the image of a relatively mean and dangerous world’ (Gerbner, et al. 1994: 30). The authors go on to note that it may be more problematic for the housebound or isolated leaving them more likely to form misconceptions that are ‘partly cultivated through symbolic modelling of stereotypes’ (Bandura 2008: 107-108). It is not unreasonable to suggest that the categorisation and attention given to ASB has cultivated a ‘mean kids’ syndrome that makes some adults respond in a way that is not appropriate to the actions or threat posed by young people. This becomes more problematic when moving from right thinking adults to those who may be more receptive to the negative images.

Freeman’s (2007) research helps to explain why some individuals see hostile intent in innocent action. The findings from his study asking why individuals respond to the same stimuli in different ways found that ‘at least 10-15% of the general population regularly experience paranoid thoughts and persecutory delusions’ which are not spread uniformly across all social groups. He points out that suspicion is likely to be higher in poorer neighbourhoods because they ‘increase the accessibility of such negative views about others.’ There are two reasons for that one is that the conditions are more open to misinterpretation of ambiguous social information the second is that social isolation leaves less opportunity to

review paranoid thoughts. Conditions such as gatherings of young people may present a range of information that appear to confirm negative interpretations through gestures, expressions, laughter, pointing or information picked up through shouting, snatches of conversation. Coincidental events or irritating happenings all feature in the persecutory ideation. As Freeman observes 'typically, individuals vulnerable to paranoid thinking try to make sense of internal unusual experiences by drawing in negative, discrepant, or ambiguous external information'. So instead of rationalising feelings of anxiety as being related to sleeplessness the feelings are taken as evidence of the threat that is supported by the gathering or gestures. Freeman reasons that the origin of persecutory explanations is likely lie in psychological processes linked to 'previous experience, knowledge, emotional state, memories, personality, and decision-making processes' (Freeman 2007: 449). He goes on to argue that the evidence suggests that suspicious thoughts are related to emotional distress, sometimes following a stressful episode such as bullying, isolation or some other interpersonal problem. He points out that the stresses are likely to be related to a person's self-perception as vulnerable and of the world as a "bad place. While the basis of Gold and Gold's hypothesised brain system they called the Suspicion System (2014: 12) differs because they regard suspicion as an essential evolutionary tool for identifying threats (p165) their study focuses on the delusory distortions that occur within different cultural contexts. In contemporary society that relates to the expansion of media outlets and living in larger geographic areas with more strangers whose disposition is unknown (p206). Together they encourage 'heightened response to subtle, uncertain and ambiguous signs of social danger' (p165).

The focus on delusional suspicion and misreading should not be seen as trivialisation of the real problems faced by those who find that the world is more hostile for them than it is for their neighbours. Studies have shown that risk of victimisation is not spread evenly within neighbourhoods (Hope, et al. 2001; Hope and Norris 2012; Hope and Trickett 2008) but this criminological observation has not translated into studies that offer a good explaining why this occurs. Relevant to this article there are clues from research showing that individuals who are subjected to abuse in childhood are at increased risk of becoming both a victim and an offender (English, et al. 2002; Finkelhor and Dzuiba-Leatherman 1994; Schaaf and McCanne 1998). These relationships are not easy to untangle but a finding from Finkelhor et al's longitudinal research picks up a factor that offer insights for the argument made here. When discussing the analysis of causal factors associated with repeat poly-victimization they were surprised to find that 'the psychological measure of anger/aggression' predicted victimisation whereas 'depression or anxiety - the two other traumatic effects of victimization that have often been associated with a decreased capacity to protect oneself - did not' (Finkelhor, et al. 2007: 490). The finding that depression and anxiety did not predict victimisation pose a challenge to assumptions that low self-efficacy or power are markers for vulnerability. The multiple calls to the police for assistance that we followed up in Sheffield do not support a simple binary distinction between the offender(s) and victim. The cases involving a vulnerable person were accompanied with complaints about their behaviour while the lived realities of other vulnerable people tended to be accompanied with alcohol and drugs to exasperate mental health issues (Wilson and Costello 2011).

Conclusion

The paper has illustrated how the response a person makes to interaction with another person can have a marked effect on whether the encounter evolves into a serial conflict. There has not been enough research on the way negative images of young people affect adult responses to them. Attitudinal surveys and focus groups testing the opinions of adults need to be balanced with the experiences of young people. Much of the hostility directed at them is ignored, hidden and accommodated. Where it involves adults with mental health problems or other issues that affect their participation within the community the potential for a hostile response increases. This is not to ignore the real problems some people face by being singled out for victimisation but the motives for singling out should not simply be reduced to the victims "identity" and this used to justify use of hate crime legislation.

The concept of game was used to emphasise the potential for conflicts, or multiple episodes of ASB, to evolve from activity that lacks malicious intent. It is important to understand the targeting as being related to response – not simply 'weakness' or 'identity'. These elements may be factors but as the research has shown many other people with the same identity and weaknesses do not become victims. The broad brush hate crime approach adds to a misunderstanding that reduces our ability to create effective responses. In cases where the vulnerable person is isolated from the community stigmatisation of offenders as hateful is more likely to add to the alienation of the victim.

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