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A critical geography of disability hate crime

Abstract

Many disabled people experience fear, harassment and occasionally violence in an array of public and private spaces, yet the issue remains unexamined by geographers of disability. To address this research gap, the paper develops a critical geography of disability 'hate crime'. Extreme, yet rare, violent acts against disabled people constitute the popular and policy imagination of disability hate crime. Whilst clearly important, these cases characterise disability hate crime as individually targeted placeless acts of extreme abjection against disabled people; at the same time drawing attention away from the everyday 'low-level' harassment, name-calling, fear and neglect, experienced by many in mainstream spaces, and the impact on senses of social inclusion and belonging. Citing race-related hate crime studies, which have recognised the role of social and physical environments in shaping incidence, the paper seeks to shift research and, in turn, policy, on disability hate crime towards the local and micro-scale spaces and moments within which incidents occur, and the social relations that constitute these acts, in the context of an exclusionary disablist society. The paper is in two parts: first, evidence of harassment and violence experienced by disabled people (UK-focused) is examined, and the emergence of disability 'hate crime' critiqued; second, a critical geography of disability hate crime is developed, applying insights from hate crime studies and relational geographies of disability. The paper concludes by setting out an agenda for geography's potential contribution to disability, and wider, hate crime research.

Keywords: Disability, Hate crime, Harassment, Fear of crime, Relational geography

Introduction

Given the evidence of fear and harassment permeating the everyday lives of many disabled people in an array of private and public spaces (EHRC 2016), the absence of research by geographers of disability on what has become known as disability 'hate crime'¹ is notable (except Pain 1997). This paper seeks to address this absence, by establishing an agenda for a critical geography of disability hate crime and, by extension, 'race', religious belief and sexuality related crimes, where geographical attention has been similarly limited (except Browne et al 2011; Listerborn 2014; Clayton et al 2016). A call for research is timely; there has been a recent sharp rise in reported incidents of harassment and violence against disabled people², in the context of a political and popular discourse of disabled people as welfare benefit 'scroungers' (Guardian 2012). In addition, there is evidence that the 2016 UK EU referendum led to a rise in 'race' hate crimes, and hostile attitudes towards other marginalised groups (NPCC 2016).

In this paper, it is argued that geography, to quote a leading hate crime scholar, has 'as a discipline much to contribute to our understanding of hate crime' (Hall 2013, 103). Hall (2013) cites criminological research that focuses on the socio-spatial dynamics of 'race'-related hate crime (e.g. Stacey et al 2011); for disability hate crime, no attention

¹ 'Hate crime' is a contested term. Sherry (2011) claims that disabled people do experience actions driven by hate; Hall (2013, 96) argues that these actions are instead rooted in prejudice, and suggests alternatives: 'motivated', 'bias' or 'targeted' crimes.

² England and Wales 2016/17: police recorded 5,558 criminal offences 'motivated by hostility or prejudice' against someone with a disability, seven percent of the total (in comparison, 'race' related offences 62,685, 78 percent); an increase of 53 percent compared to 2015-16 (Home Office 2017). Scotland 2016-17: 188 reported cases of 'an aggravation of prejudice relating to disability', six percent less than 2015-16 (Crown Office and Procurator Fiscal Service 2017).

has been paid to the significance of context (except Sin et al 2009). Extreme, yet rare, violent acts against disabled people (DRC/Capability Scotland 2004; Quarmby 2011) constitute the popular and policy imagination of disability hate crime. Whilst clearly important, these cases characterise disability hate crime as individually targeted placeless acts of extreme abjection against disabled people; at the same time drawing attention away from the everyday 'low-level' harassment, name-calling, fear and neglect, experienced by many in mainstream spaces, and the impact on senses of social inclusion and belonging (Hollomotz 2013). This paper seeks to broaden the disability hate crime discourse from its focus on singular acts of violence, to the local and micro-scale spaces and moments within which incidents occur, and the social relations that constitute these acts, in the context of an exclusionary disablist society. Such a perspective can constitute a distinctive critical geography, with the potential to inform hate crime research more broadly, and what are at present limited criminal justice and social policy responses, focused on increased reporting and prosecutions (Sin 2013).

The paper is in two main sections. First, evidence of harassment and violence experienced by disabled people (UK-focused) is examined, and the emergence of disability 'hate crime' critiqued. Second, a critical geography of disability hate crime is developed, applying insights from hate crime studies and relational geographies of disability (Hall and Wilton, 2016). The paper concludes by setting out an agenda for geography's potential contribution to disability, and wider, hate crime research.

Harassment, violence, fear and disability hate crime

A significant minority of disabled people, in particular people with learning disabilities and mental health conditions, experience bullying, harassment and violence in institutions (e.g. care homes and schools), public spaces and the street, neighbourhoods and their homes; acts committed by professional carers, family members, 'friends' and those unknown to them (Mencap 2000; DRC/Capability Scotland 2004; Mind 2007; Scope 2008; Sin et al 2009; EHRC 2011; Quarmby 2011; Hughes et al 2012; Coleman et al 2013; Beadle-Brown et al 2014). The large-scale Crime Survey for England and Wales estimated 62,000 disability-related hate incidents (2012/13); however, in the same period the police recorded only 1,841 disability hate crimes (Home Office 2013, 26). Evidence shows that many disabled people are reluctant to report the regular harassment they experience as a hate crime, because they don't recognise it as such, do not believe it will be taken seriously by the police and others, or because it involves someone they know (Sin et al 2009; Clayton et al 2016).

Everyday 'low level' prejudice and harassment experienced by many disabled people contrasts with the dominant public and policy equating of disability hate crime with extreme acts of violence. Media reports, and many of the above cited studies, feature prominently detailed accounts of the abuse, torture and murder of disabled individuals. One story in particular became the 'defining moment' for disability hate crime (Guardian 2009): in 2007, following months of sustained harassment from a small number of people in their Leicestershire village, Fiona Pilkington and her daughter Francessa Hardwick died in a car fire; Francessa had a learning disability (BBC 2009). A subsequent investigation revealed that police had not responded properly to repeated

calls by the family reporting harassment (IPCC 2011). The case and the inquiry led to the inclusion of disability in the legislative response to hate crime, alongside 'race', religious belief, sexuality and transgender³. This paper argues that the association between disability hate crime and violence constrains the study of the breadth of negative acts perpetrated against disabled people. Sin et al (2009) emphasise that violence has a traumatic impact on the individual, and generates fear within the broader community of disabled people. However, they go on to argue, 'minor' acts of abjection – shouting at, name-calling, taunting, bullying, pushing past, and online harassment – are so common that for many disabled people in the UK they have become normal, even mundane, experiences, although with often significant impacts on people's confidence and participation in society (Chakraborti et al, 2014). Hence, EHRC (2016) conceives of disability hate crime as an ongoing 'process' rather than as a series of one-off events. Further, Hollomotz (2013) describes the above, from name-calling to physical assault, as 'violence on a continuum' (53); extreme violence should not be equated with hate crime, but rather is at one end of a broad range of negative actions.

At the other end of the continuum and consequently receiving less attention, is fear of crime. Studies indicate that disabled people have a higher fear of crime, compared to non-disabled people (Stiles et al 2003; Coleman et al 2013); the lives of people with mental health conditions are particularly affected (Lorenc et al 2012). Pain (1997) is one

³ The UK Crime and Disorder Act 1998 makes 'hateful behaviour towards a victim based on the victim's membership (or presumed membership) in a racial group or a religious group an aggravation in sentencing for specified crimes'; the Criminal Justice Act 2003 and Offences (Aggravation by Prejudice) (Scotland) Act 2009 extended coverage to disability and sexuality. It is notable that the term 'hate' is not used in UK or Scottish legislation.

of the few geographers to have examined disability-related fear of crime. As part of a study of women's fear of sexual violence, she identified the particular concerns of those with physical impairments. Whilst none of the women had been physically assaulted, their frequent experience of 'low-level' harassment meant they felt 'more prone to attack and less able to respond' (240) and avoided 'certain places, people and situations' (241). Similarly, a study by McClimens et al (2014) found that fears of personal safety shaped people with learning disabilities' use of Sheffield city centre: certain places, e.g. near a homeless shelter; certain people, e.g. those begging for money; and certain times, e.g. after dark; made people fearful. As with Pain's (1997) respondents, no one reported being a victim of crime. Their fears, however, were 'real enough' and 'they tend to avoid certain places and situations' (McClimens et al 2014, 17). Pain (1997) concludes that fear of crime is 'an extension of the discrimination and, in some cases, harassment which disabled people may face using urban spaces in everyday life' (241); as such, fear of crime has an arguably greater impact on many more people's lives than exceptional incidents of violence.

Goodley and Runswick-Cole (2011) argues that prejudice and discrimination against disabled people, which draws on deep-seated socio-cultural abjection of impairment (Shakespeare 1994), is the explanatory thread that runs through the 'continuum' of violence. That disability hate crimes are more likely to involve violence and threatening behaviour, compared to other hate crime types, is cited as evidence (Sherry 2011; Macdonald et al 2017). Other disability studies authors have questioned the adoption of the term 'hate'. Shakespeare (2014) argues, 'I remain very sceptical about the widespread use of hate crime as a blanket term, because I think it mislabels certain

actions which ... are better conceptualised as bullying; ... distracts attention from the commonest forms of violence against disabled people; and ... promotes fear among disabled people' (230). More importantly, he adds, 'hate' is not a term most disabled people use to describe their experiences (ibid.). Much hate crime literature adopts a socio-psychological interpretation (Hall 2013), i.e. discriminatory attitudes emerge when there is perceived threat or 'social strain' – related to economic opportunities, access to resources, social stability, or values and norms – from a minority group of people (89). Some of the majority respond with 'aggressive prejudice' (Valentine and McDonald 2004), but in most instances (yet no less powerfully) with 'banal' or mundane prejudicial actions (EHRC 2016). It therefore becomes important to examine why some non-disabled people harass and hurt disabled people, and why others do not.

The relative lack of study of those who perpetrate prejudicial acts is in part due to the dominance of 'victimology' in hate crime discourse (Gerstenfield 2013). Whilst victims are of primary importance, *not* studying those who offend strengthens the dominant image of the 'hateful' 'stranger' who commits hate crime, and prevents examination of the relationships between offenders and victims, and the socio-spatial contexts within which these occur. In the Pilkington/Hardwick case, for example, the focus was on the victims and the failings of the police, with those who harassed the family in the months leading up to their deaths described only as 'yobs' and 'a gang of youths' (Daily Mail 2009). When considered more carefully, the offenders in this case appear to fit with the findings of McDevitt et al (2002): in one of the few studies of ('race') hate crime offenders, they identified groups of teenagers/young adults with a 'desire for excitement' as making up two-thirds of cases (drawing on Boston, USA, police data); the

remaining third were adults who commit offences to 'protect' their area from 'incomers' (25 percent), and 'retaliatory acts' (ten percent). Importantly, only the remaining one percent were classified as 'fully committed haters', often with far-right political views (307-8). This finding is significant, as it suggests that for 'race' hate crimes, hate plays a very small role. A comparable study of perpetrators of disability hate crimes has not been undertaken. However, a small survey (of 100 people who had experienced a disability hate incident; Quarmby 2015) revealed the following perceived offender motivations: disabled people as 'benefits or scroungers', 'jealousy of the perceived 'perks' of disability' (such as an adapted car), being 'in the way' (for example, on buses), and 'because they can' (a sense of perceived vulnerability) (np).

The above seems to confirm that there is an undoubtedly a thread of socio-cultural abjection of those who are bodily different running through many disability hate incidents (Goodley and Runswick-Cole 2011), with in some cases people taking advantage of those perceived to be unable to defend themselves. However, it is important not to conclude from this that disability hate crimes are always individual random acts by 'hateful strangers'. Rather, as the above findings suggest, they are in most cases incidents that emerge in specific locations and moments and as a product of the social relations between the victim and the perpetrator/s, all in a socio-political context that portrays disabled people as welfare recipients and favoured in access to resources. Further, Sin et al (2009) cite evidence that 'suggests that an accumulation of risk factors heightens significantly the likelihood of being a victim' (v): the type of impairment – a person with a learning disability or mental health condition; intersectional identities – being a woman, a member of an ethnic minority, and/or a gay, lesbian, bisexual or transgender person;

socio-economic status – being on a low income or benefits; and where someone lives and the spaces they frequent. In short, a disabled person’s risk of harassment and/or violence depends on *who they are* and *where they are*, and *who they spend time with*. However, as Sin et al (2009) comment, despite recognition of this complexity and contingency, there has been ‘little or no sustained exploration’ (v) in disability hate crime research.

Such a perspective does not diminish what disabled people experience and does not deny that abjection is real, but rather shifts the emphasis of such incidents, and explanations for them, from their extraordinariness driven by hate, to broader embedded contexts of discrimination and exclusion, and everyday local and micro-scale spaces, situations and relations, about which we – as geographers – arguably know far more.

Developing a critical geography of disability hate crime

Poirier (2010) emphasises the ‘ubeity’ of hate crimes, that is, they happen in definite, specific locations. In the reports and academic studies cited above, there is an evident geography: harassment, name-calling and sometimes violence on streets, in shopping areas and parks, and in local neighbourhoods; harassment near, and damage to, people’s homes, access ramps, gardens and adapted cars; being shouted at and victimised for use of disabled parking spaces at shopping centres, and for occupying wheelchair spaces on public transport; verbal abuse and being pushed past in shops, cafes and pubs; abuse in online spaces; being taunted outside care facilities; and abuse, violence and exploitation within institutional care, day centres and individuals’ homes (Scope 2008; Sin et al 2009; EHRC 2011; Beadle-Brown et al 2014). There is also evidence of more disability hate crimes being committed in areas of high deprivation (Macdonald et al 2017). One specific

example: in Medway, Kent (SE England), people with learning disabilities described the following as ‘where bad things happen’: school, college or day centre (43 percent); in the street as they were walking somewhere (35 percent); in and around their home (28 percent); in their neighbourhood (28 percent); and on public transport (25 percent) (Beadle-Brown et al 2014, 81).

Incidents of disability hate crime are seemingly *everywhere*, in all of the public and private spaces where disabled people are likely to be. Crucially, however, this does not mean that such incidents are likely to happen *anywhere* or that they will *always* happen in these spaces. This paper argues for an approach that examines in detail what *happens* – the spatial and relational dynamics – when a hate incident occurs: What were the micro-scale built environment, social and cultural contexts? Who was present? What was the relationship between the victim and the perpetrator/s? How did the incident develop? What broader attitudes were drawn upon in the incident? Such an approach builds on Sin et al’s (2009) call for ‘more nuanced understandings of shifting risks, triggers and vulnerabilit[ies]’ that lead to ‘hate incidents’ (vi). Sin et al (2009) adopt the term ‘situational vulnerability’ to highlight the role of immediate and broader contexts in the development of a hate incident and, at the same time, to challenge the dominant perception of a disabled person as ‘inherently vulnerable’ (Scully 2014). Evidence suggests that underreporting of disability hate crime is in part a product of assumptions made by police and others that perpetrators are motivated by an individual’s perceived vulnerability rather than their impairment (Roulstone and Mason-Bish 2013). Whilst Sin et al’s (2009) emphasis on the situation or immediate context rather than solely the individual disabled person is welcome, the term ‘vulnerability’ remains problematic, given

its contested status in disability studies (Roulstone et al 2011). Instead, this paper argues for a focus on the spaces and the relations that constitute a hate incident; the acts of abjection that disabled people experience emerge through the dynamics of the relations between themselves and those they encounter within particular micro-spaces. Although there are undoubtedly relations of power present, I wish to avoid labelling a space, person or situation as 'vulnerable', adopting instead a more open, dynamic interpretation of these moments.

Some of the 'race' hate crime literature has addressed the social and ecological contexts that shape incidence (Green et al 1998; Perry 2001; Grattet 2009). Iganski (2008), a criminologist, in perhaps the most overtly geographical analysis of ('race') hate crime, highlights the 'situational dynamics' of incidents – how, where and why they occur, and the contexts and relations that shape them. Further, he notes the 'pervasive and ordinary' and low-level nature of most hate crime (23), and how the majority of offenders are 'ordinary people who offend in the unfolding contexts of their everyday lives' (ibid.). Hence, he argues that most (but not all) ('race') hate crimes, as with all crimes, are opportunistic, involving 'random encounters between offenders and subsequent victims, rather than being engineered by the perpetrators' (26). Iganski's (2008) study of 'race' hate crimes in London found that 'the geography of space and place clearly plays a role in generating encounters between offenders and victims. It mediates between the background structural context of hate crime and the foreground of offending and victimisation' (45). For example, incidents are more likely when large numbers of people are using a public space, such as a busy high street, and when there is a conflict over

resources in a local area, such as housing, with a minority group of people identified as the cause.

There has been no equivalent study of disability hate crime, but as noted above, disabled people regularly experience rudeness, harassment and abjection in everyday 'random chance encounters' with others (Iganski 2008, 45; Guardian 2017). Macdonald et al's (2017) study of hate crime incidence in NE England suggests that in some deprived areas characterised by rapidly changing diverse populations disablist attitudes and incidents can arise from 'close contact' (492); importantly, this is 'often underpinned by poverty, the withdrawal of jobs and services, and a climate of suspicion and marginalisation' (ibid.).

Citing previous work by myself and Robert Wilton (2016), a 'relational geography of disability' may be useful here. Applying developments in relational and in particular non-representational theory (NRT), Hall and Wilton (2016) argue that it is the 'shifting relations' between 'bodies (both impaired and non-impaired), objects and spaces ... that have the capacity to produce both exclusionary and/or enabling arrangements' (2). It is what happens in the encounter, what NRT would term 'practice', that matters; everyday 'mundane' emotional/affectual practices are how we make sense of, indeed how we *become*, what it is to be disabled and able-bodied (3). For a disability hate incident, what happens in the encounter, both 'random chance' with people unknown and more regular with those known, is of central concern: how does someone with a non-impaired body relate physically, socially and emotionally to an impaired body and vice versa? What practices are the able body and the disabled body undertaking in the space; why are they there, what is at stake (from a need to access facilities to a desire for social connection)?

Further, Hall and Wilton (2016) draw on the notion of 'fields of force' (Grosz 2005) to recognise that these relational practices and emotions occur in contexts of politics and power 'that structure, frame, scale and institutionalise particular spatial orders over time' (Hall and Wilton 2016, 5-6). The encounters through which disability hate incidents emerge are shaped by spatial and attitudinal contexts, from in/inaccessible urban environments to disablist/inclusive actions which, as noted above, 'have the capacity to produce both exclusionary and/or enabling arrangements' (ibid, 2). One example of a space and set of relations where disability hate incidents can emerge is designated parking spaces near shops and leisure sites:

'One [incident] involved a dispute over a supermarket parking bay. As all of the accessible bays were occupied, she [the disabled person] parked her adapted car in a standard bay. As the bay was not wide enough to fit her scooter and wheelchair, the cars tyres extended into the next bay. As she was disembarking, a man shouted at her, calling her 'a stupid fucking spastic' for taking up the extra space. "When I came out of the shop I was really worried he would still be there. Instead, I found a note written on what looked like the inside of a toilet roll. It was left under the windscreen wiper directly above my blue badge [disabled person's parking permit]. It said in capital letters: 'YOU STUPID BITCH'" (EHRC 2011, 65)

The 'practice' in this encounter between a disabled person and (it is assumed) a non-disabled person is undoubtedly emotional and affectual, evident in the shouting and the language used by the man and the fear experienced by the woman. What it means

to be disabled and non-disabled are being 'worked out' (in an unequal power relation) in the encounter, through words ('stupid', 'spastic') and actions (shouting and leaving the note on a toilet roll above the 'blue badge'). The 'fields of force' of disabled people as 'benefit scroungers' and receiving 'special treatment', here in the form of reserved parking spaces near to a shop entrance, shape the emergence of this incident. As Hall and Wilton (2016) argue, NRT's understanding of space as constituted by encounters 'offers an important challenge to static designations of spaces as either marginal or mainstream, inclusive or exclusionary' (7); instead it is relations 'that shape and reshape the character of specific settings' (ibid). Disabled parking bays, wheelchair spaces on public transport, and other such 'designated' disability spaces, are not *necessarily* spaces of inclusion, it is the interactions of those using them that make them what they are; if the nature of the encounters within are in commonly negative, as with the above example, such spaces can become exclusionary.

Conclusion

There is a distinctive geography of the incidence of disability hate crime. Although fear, harassment and violence experienced by disabled people seemingly happens everywhere, from public spaces to individuals' homes, in most cases these acts are not random, placeless acts perpetrated by 'mean spirited bigots' (Perry 2001, 1). Rather, they emerge through social relations between disabled and non-disabled people in particular micro-spaces and times, within broader contexts of socio-spatial exclusion and cultural abjection. The paper has argued that in many cases what are now termed as disability hate crimes are 'in the moment' hostile expressions of widely

held attitudes towards disabled people. In some cases, and uniquely so for disability, the victim and perpetrator are known to each other, as neighbours, carers or 'friends' (Thomas 2011). It is these relationships, some fleeting and others enduring, and the socio-spatial moments in which they are enacted, that a critical geography of disability hate crime could productively examine.

The paper has argued that a relational understanding of disability (Hall and Wilton, 2016) has much potential in the development of a critical geography of disability hate crime. The emphasis on the encounters between 'bodies, objects and spaces' forces our attention onto the able-bodied and disabled people involved, their desires and expectations as they enter these encounters, and the physical, attitudinal and symbolic nature of the spaces within which the incidents emerge. Further, it means that acts of harassment are *not inevitable* in particular sites; rather, it is the 'practice' of relations within spaces that leads to emergence (or not) of hate incidents. A relational perspective also acknowledges the 'fields of force', powerful broader (mostly negative) representations of disability, and the common (sub)conscious reference to these in acts of harassment. It is at the micro-scale of the encounter that geographies of disability could productively study how disabled people face hostility, in the often (but not always) immediate context of deprivation, and wider socio-spatial exclusion and discrimination (Macdonald et al 2017).

Methodologically, a critical relational geography of disability hate crime would therefore focus on the many encounters between disabled and non-disabled people in a range of settings. Working co-productively with disabled people and disability organisations, tools including audio-visual 'mobile observation' and 'walk along

interviews' (Hall and Wilton 2016, 14), together with innovative neighbourhood scale analysis of hate crime reporting data (Clayton et al 2016), could detail and map both incidents of harassment and violence, and broader spaces of fear/exclusion and safety/inclusion.

Mapping encounters and spaces could help to identify potential contextual and interpersonal 'triggers' of harassment and violence; in some way addressing the limitations of current hate crime data, recording individual incidents. In turn, this could reshape the ways in which the police and local authority agencies interpret and address hate crime, from the current focus on increasing reporting of incidents and prosecutions, to prevention strategies to identify and intervene in spaces and relations where hostility is likely to emerge. More positively, a relational perspective can demonstrate the potential of engendering positive connections and alliances, and spaces, between disabled and non-disabled people to reduce the likelihood of disability hate crime. To conclude, the approach proposed in the paper can offer potential for an expanded geographical study of all forms of hate crime.

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