

Gypsy and Traveller Experiences of Crime and Justice: A Neglected Minority in Criminology

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Criminological interrogations of race have tended to operate within the binary of a black/white paradigm, albeit with an increasing focus on South Asian ethnic groups. A particular myopia has been the material positioning of Gypsies and Travellers, despite their long-standing socio-economic and political exclusion and experiences of criminalization. Historical accounts show that since the arrival in England and Scotland of Romani Gypsies in the fifteenth century, and of Irish Travellers in the nineteenth century, they have been associated with criminal offending. Accusations of palmistry, 'trickery' and sorcery, and prosecution under vagrancy and beggary laws ensured that Gypsies and Travellers faced discriminatory, and sometimes violent, state action well into the modern period (Ripton-Turner, 1887; but see Beier 1974, 1985; Mayall 1988; Taylor 2014). The emerging discipline of criminology was quick to integrate such assumptions: Lombroso believed that for Gypsies, as a biologically inferior savage and atavistic race, crime was 'not the exception but almost a general rule' (1884/2006: 175). Eugenicist understandings later designated Roma and Sinti as asocial criminals leading to their deportation to Auschwitz-Birkenau by the Nazis (Rafter 2008). Gypsies and Travellers have remained entrenched in popular, media and political imaginations as criminal predators, bringing property crime, violence, fraud, tax evasion and anti-social behaviour to settled communities. The stigmatisation and vilification of Gypsies and Travellers has been affirmed and augmented as they have become the subject of increased media scrutiny (Richardson, 2006). Yet despite five centuries of negative and stigmatising categorisation, there is surprisingly no rigorous evidence assessing the validity of claims of elevated rates of Gypsy and Traveller offending. Indeed, the recent Lammy Review (2017) into minority ethnic outcomes and treatment in the criminal justice system noted on its first page both the absence of robust data, and

explanations of why Gypsies and Travellers are significantly over-represented in the prison population.

There are no quantitative data on Gypsy and Traveller patterns of offending (Phillips 2017). Neither cross-sectional nor longitudinal self-report offending surveys have incorporated valid Gypsy and Traveller sub-samples so vulnerability to offending - regardless of whether or not it has been detected by the police - cannot be assessed (McAra & McVie 2010; Sharp & Budd 2005; Wikström & Svensson 2008; James 2014a; Jansson 2006). The risk factor paradigm would predict Gypsies and Travellers to be at greater risk of offending given their youthful age structure, low levels of literacy and educational attainment, higher levels of truancy, school exclusions, unemployment, and ill-health (McAra and McVie 2017; ONS 2014). However, these outcomes are often themselves linked to racism (Deuchar & Bhopal 2013; Powell, 2016). Archival accounts, oral histories of Gypsies and Travellers (e.g. Taylor 2008; Saunders 2000; but see Walsh, 2009), and ethnographic research (e.g. Okely 1983; Cemlyn et al. 2009; Greenfields et al. 2015; cf. Foley 2010) have consistently painted a picture of the oppressive policing of Gypsies and Travellers (see also James 2006, 2007), but less is known about their experiences of courts, probation and prisons (but see Donnelly-Drummond 2015, 2016; HMIP 2014).

Just as significantly, there are no reliable estimates of Gypsies 'and Travellers ' criminal victimisation from property crime, fraud, violence, and hate crimes. The annual household Crime Survey for England and Wales (CSEW) includes tiny numbers of Gypsies and Travellers, as evident in the Cabinet Office's 2017 Race Audit, and the CSEW excludes the at least 24% of Gypsies and Travellers estimated to live on sites or to be mobile (ONS 2014). This fundamental omission is particularly concerning given that Abrams et al.'s (2018) national barometer of prejudice and discrimination found 44% of respondents held openly negative views of Gypsies and Travellers, considerably higher than the 22% with unfavourable attitudes towards Muslims, whose vilification has seen them disproportionately the victims of hate crimes (Home Office 2013; see also James 2011, 2014a; 2014b; 2015).

The criminological notion of minority ethnic groups being 'over-policed and under-protected', so readily applied to black and Asian communities, needs to be considered with regard to Gypsies and Travellers (Bowling and Phillips 2002; Holloway, 2005; cf. James 2014a). Their experiences of offending and victimisation need to be understood within the historical context of economic instability, political exclusion, and social marginalisation. Archival research and oral histories have demonstrated how Gypsies and Travellers have faced poverty, harassment and the ongoing threat of eviction with both their nomadic and settled lifestyles having been criminalized in an often brutal fashion. State power has long been evident in the use of bye-laws, injunctions against landowners, special constables and various surveillance mechanisms operating to circumscribe the nomadic lifestyles of Gypsies and Travellers seen to corrupt essentialist notions of place and belonging (Kabachnik, 2010; Mayall, 2004; Taylor, 2008).

By the 1960s it had become clear that Gypsies and Travellers were facing a calamitous mix of tightening legislation and profound socio-economic change, which fundamentally destabilised their relationship with sedentarist society (Clark & Greenfields 2006; Kabachnik, 2010; Porter & Taylor, 2010; Taylor 2008, 2014). Economic shifts saw the precipitous disappearance of many mainstays of Gypsy and Traveller livelihoods, with both the rise of a consumer 'throw-away culture' and harvesting mechanisation which hit many particularly hard. At the same time, mass suburban housing encroached on traditional stopping places while new, often discriminatory, planning controls and the 1960 Caravan Sites Act led to the eviction of Gypsies and Travellers from land they owned. Yet by the 1980s, official sites only partly met the shortfall in stopping places. Located as they were away from residential areas, sites were often near other stigmatised spaces such as waste sites, motorways and often constructed as gated and fenced 'ghettoes', they sent a strong signal from majority society and the state that Gypsies and Travellers were a neither welcome nor a 'normal' part of the population (Sibley 1981; Halfacree, 1996). All these changes translated into a hardening of attitudes and a widening gap between Gypsy and Traveller communities and majority society (Taylor 2014). When combined with the removal of the requirement for local authorities to provide official pitches, and further restrictions for mobile Gypsies and Travellers from the Criminal Justice and Public

Order Act 1994, this proved disastrous for Gypsies and Travellers (James, 2006; Porter & Taylor, 2010).

Given the historical weight of endemic racism towards Gypsies and Travellers then, it is timely to consider whether Gypsies 'and Travellers 'contemporary lives are lived in light of this past, through what Burt et al. (2012, 2017) conceptualise as 'racialised world-views 'known to elicit offending in the case of African Americans (see also Unnever & Gabbidon 2011; cf. Belton 2004). This occurs as young people learn that deferred gratification does not lead to rewards for 'people like them', that the world is often hostile, and that social rules are applied unequally in society (Vanderbeck, 2005; Powell, 2016). This can promote impulsivity, immediate gratification, hostile views of society, and disengagement from conventional norms, all of which often precede criminal offending.

The recently ESRC-funded multi-disciplinary research project *Gypsy and Traveller Experiences of Crime and Justice Since the 1960s: A Mixed Methods Study* will provide the first systematic, quantitative, qualitative and historically grounded account of the crime and justice experiences of Gypsies and Travellers in England. The key objectives will be to understand, since the 1960s, Gypsies 'and Travellers 'direct and vicarious perceptions and experiences of criminal victimisation, hate crimes and offending over their lifetimes, including whether subjective perceptions of racism and discrimination play a part in offending. It will also examine the impact of the pains of criminalization, policing, punishment and imprisonment on Gypsy and Traveller individuals and communities. To do this, the study will utilise a non-experimental mixed methods research design comprising: a crime victimisation and self-report offending survey; community and prisoner oral histories; archival analysis of material in public records offices and specialist collections; and interviews with professionals working with these communities, in two urban and two rural areas of England (<http://www.lse.ac.uk/social-policy/research/projects/gypsy-and-traveller-experiences-of-crime-and-justice-since-the-1960s>)

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