Introduction

This report is based on original research undertaken on behalf of The Children’s Society about the experiences of young black men in custody. It is the first piece of a broader research programme, Just Justice, which looks at the experiences of young black people, male and female, and the youth justice system (YJS). The Just Justice programme is being conducted by The University of Central England in Birmingham on behalf of The Children’s Society and is supported by The Community Fund. This broader research programme is ongoing and involves work related to policing and community penalties, and includes a ‘tracking study’ which follows the fortunes of young black people who are seen to be at risk of involvement with the YJS.

At this point we should acknowledge that, as Bowling & Phillips (2002: xvii) have recently described, there exists a ‘tension’ when writing about race and crime, in that ‘race is not “real” outside the racist ideologies and discriminatory practices which bring it into being’. In short it is a social construct. This sits somewhat uncomfortably with an empirical analysis of race and ethnic differences in relation to its impact upon people’s real lives, in this instance young prisoners. This programme has been specifically devised so as to

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give young black people a ‘voice’ about their experiences, and as a consequence interviews with and participant observation of the young black people at the heart of the research have been the means by which the research has been conducted. In giving these young black people a ‘voice’, the aim of the research programme is to hear how young black people deal with, resist, accommodate or respond to the agents of the youth and criminal justice systems and how their lives are in turn shaped accordingly.

‘Young’ is defined as those under 18 years of age and the interviewees themselves were allowed to decide if they accepted the description ‘black’. In the context of this research, and building upon the work of Beaumont (2000), ‘black’ is defined as having an ‘inclusive use (intended to be unifying) embracing any person likely to experience racism in British society because of their “non-white” skin colour’. As such, the research includes all the main ‘non-white’ minority ethnic groupings in Britain, especially Afro-Caribbean and Asian.

This report has been specifically written to disseminate this research more widely than within the academic or policy communities and thus academic references have been kept to a minimum, although these can be found in the published articles. Finally, the report uses the research to make a series of recommendations to HM Prison Service and the Youth Justice Board about the management of race in Young Offenders Institutions.

Methodology
Protracted negotiations with HM Prison Service eventually facilitated access to three young offender institutions – which cannot be identified, but which are described in this report as ‘South’, ‘Midlands’ and ‘North’. In total 45 young, male, black prisoners were interviewed about their experiences of being ‘young’ and ‘black’ and in custody. These young people were pre-selected for interview by the Prison Service. No definition of ‘black’ was given to the Prison Service as criteria for selection of interviewees, and the Prison Service did not ask for any such definition. In explaining these areas of discussion the interviewees themselves were encouraged to question whether or not they accepted the label ‘black’ and whilst it was clear that several of them were of ‘mixed race’, none objected to this description. The intention was to allow the interviewees to self-define on the basis of their race (or religion). As with the broader research programme, the intention was to gain a deeper understanding of what it means to be ‘young’ and ‘black’ and in custody and in turn to see how these interviewees resist, overcome or accommodate and shape the environment in which they find themselves. Thus no attempt is made in the research to compare what these interviewees say about their time inside with a comparable group of white prisoners. All of the research findings were compared with official documents related to each of the Young Offenders Institutions, most obviously the most recent reports by the Chief Inspector of Prisons about that Young Offenders Institution, but also with internal documentation (when this was made available) and of note none of the prisons were seen as having any difficulties or problems with race. Each of the three establishments produced specific issues related to the internal dynamics of that institution – which were often associated with the number of young black people who were accommodated – but no matter what specific issues arose the interviewees voiced common concerns and outlined a common strategy about how they dealt with them.

Race, Rights and Justice
Black people, whether young or old, male or female, are over represented in custody. Goldson (2002) in his research on children remanded in secure and penal settings states that ‘racism is endemic throughout the youth justice system’ and notes that as a result, black children are more likely to be remanded to custody and face the prospect of less favourable treatment and conditions. The Children’s Society (Moore & Peters, 2003) found that one quarter of children on remand were black and refer to Home Office figures to show that vastly disproportionate numbers of young black people are sentenced to custody when compared with the wider population.

Sir William Macpherson’s report of the Stephen Lawrence Inquiry (1999) gave the following definition of institutional racism.

>The collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture, or ethnic origin. It can be seen or detected in processes, attitudes, and behaviour which can amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racist stereotyping which disadvantage minority ethnic people.<br>

(Macpherson 1999: 28)

The overrepresentation of young black men in custody has been seen as the result of this ‘institutional racism’, compounded and multiplied at each stage of the youth justice system through:

• operational policing
• the process of Caution, Prosecution, Remand and Bail decisions
• sentencing options.
In short, many black people end up in prison, often for offences that, if they had been committed by a white person, would have resulted in a non-custodial sentence or a shorter custodial sentence (Home Office 1992; Hood 1992; Graham & Bowling 1995; Penal Affairs Consortium 1996; Home Office 1997; Bowling & Phillips 2002.) This report does not so much attempt to explain why this is so, but rather goes beneath the surface of the reality of this institutional racism to see how those on the receiving end of it live their lives in custody. With one or two exceptions very little has been written about what imprisonment actually means for young people who are on the receiving end of this ‘multiplier effect’, despite what we are beginning to know about the experience of race in prison from research conducted by NACRO (2000) and more recently by The Commission for Racial Equality (CRE) (2003) into the circumstances of the murder of Zahid Mubarek at HMYOI Feltham.

Her Majesty’s Chief Inspector of Prisons (2001) has commented upon the culture of the Prison Service:

'It is a culture that adopts an attitude to prisoners that is not only judgemental, but too often includes physical and mental brutality … One of its most obvious manifestations is in attitudes to minorities, of whatever kind, who are treated not as equal but as unequal because of their minority status. There are … minority groups whose inequality of treatment concerns me – ethnic or cultural minorities.'

(Her Majesty’s Chief Inspector of Prisons 2001: 16)

Speaking at the time of the Macpherson Inquiry, Martin Narey, then Director General of the Prison Service, admitted that the Service was ‘institutionally racist’ and that ‘pockets of blatant racism still existed’ (CRE 2003).

The Commission for Racial Equality has noted that the Race Relations (Amendment) Act 2000 placed a duty on the Prison Service to have due regard to the need to:

• eliminate unlawful racial discrimination
• promote equality of opportunity
• promote good race relations between people of different racial groups.

The CRE refers to the HM Prison Service statement ‘Achievements in Race Relations from 2000 to date’ and acknowledges the efforts that the Prison Service has made to date to address racism. This includes ‘a comprehensive range of policies and an unprecedented mood of determination at the most senior level to eradicate racism’.

The CRE report also noted a number of concerns leading up to the murder of Zahid Mubarek, including the level of awareness of racism and the role of the Race Relations Liaison Officer, as well as the failure to give appropriate priority to race relations. The report reminds us that Governor’s Order 68/1999 clearly states that all racial incidents, however minor, must be reported to the Race Relations Liaison Officer as soon as possible.

There is also the matter of children’s and human rights. Multiple breaches of the rights of children in custody have been catalogued in a number of official documents which together form a significant body of evidence for reform of the present system. The Joint Committee on Human Rights (2003) noted that article 37(c) of the United Nations Convention on the Rights of the Child requires that:

Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes account of the needs of persons of his or her age.

(p. 17)

Despite this the Committee found that:

The level of physical assault and the degree of physical restraint experienced by children in detention in our view still represent unacceptable contraventions of UNCRC Articles 3, 6, 19 and 37. These statistics do not provide reassurance that the Prison Service is implementing fully its responsibilities with respect to the rights of children in custody.

(p. 25)

Safeguarding Children, the report of the Joint Chief Inspectors (2002), on arrangements to safeguard children, raises the following concern:

Young people in YOIs still face the gravest risks to their welfare, and this includes those children and young people who experience the greatest harm from bullying, intimidation and self harming behaviour.

(Department of Health et al 2002: 72)

In addition, the High Court recently found that the Children Act 1989 applied to children in prisons, although not to the Prison Service itself. In his judgement, Mr Justice Munby said, in relation to the evidence he had heard:

[there] are things being done to children by the State – by all of us – in circumstances where the State appears to be failing, and in some instances failing very badly, in its duties to vulnerable and damaged children.
In order to increase the levels of protection of children in custody, the Joint Committee on Human Rights has proposed a set of principles for a rights-based approach to children in custody which would ensure that children in custody knew about their rights and received help in enforcing their access to them. The need for such an approach becomes immediately apparent upon studying the research findings.

The Research Findings

When asked about their life within prison the young men focused mainly upon two distinct groups: other young black men and Prison Officers. They observed that Prison Officers could say ‘racist things’ because of the power that they had in prison, but which they felt they would never say if they encountered the interviewees on the streets, a theme which is discussed more fully below. However, the following quotes give a flavour of the types of comments that young people felt could be made inside of prison, as opposed to on the streets.

I’ve been called a ‘chimp’ before. I was also called a ‘golliwog’ by one of these Officers. I ended up getting into trouble for that, and I was put on adjudication. (Midlands)

One of the Officers said to me – ‘you’re a piece of shit. When I wipe my arse it looks like you’. (North)

I was coming back from the library and I saw a poster that had graffiti on it – it said ‘I hate Niggers’. I waited for weeks for someone to take that poster down. No one seemed to be bothered. We kept walking back and forth pointing out what it said and we kept asking why it was still there a month later. It was there because they either don’t care, or because they hate niggers too. (South)

What if it was all black Govs, and all the black lads on the servery? What if it was all black lads that worked outside as orderlies and it was all the white lads that were banged up? What if all the black lads were on the highest regimes and all the white lads on the lowest and who kept getting stitched up and twisted up? Then they’d know how it felt, because that’s how it feels to me. (South)

Coping Strategies

In interview the young people described how they coped with racist attitudes and behaviour and this emerged into two broad themes, which using the descriptions provided by the interviewees themselves are called ‘Keeping Quiet’ and ‘Going Nuts’.

These two themes form a basis for understanding how these young black men attempt to deal with the reality of their incarceration and are related to a general strategy – ‘the Game’ – that they have formerly adopted in relation to their day-to-day dealings with the police on ‘the streets’, but which they then import into prison but adapt to suit prison conditions and especially their relations with Prison Officers. The term itself was something that the young people used to describe what was happening to them and they drew parallels with their experience of racism on the outside. Within these two themes virtually every aspect of their life in prison is accommodated – from their relations with the staff and white prisoners, to their perception of how to gain regime benefits or services within the prison, such as better jobs and more privileges.

These two themes represent for the interviewees a strategy for overcoming and resisting the circumstances of their custody and a way of establishing group solidarity in the face of ‘the Govs’ – a reference made by interviewees in South to the prison staff. In ‘Keeping Quiet’ or ‘Going Nuts’ the interviewees had found a way of coping with the problems that they might face in prison in view of their lack of knowledge about and confidence in official channels (see The Race Relations Liaison Officer and the Race Relations Management Team, below).

‘Keeping Quiet’

I just kick back man and relax. I don’t let anything get into my head and work me up. (South)

I just close up inside. (Midlands)

I don’t argue back with them. I just turn the other cheek and smile. I try and keep calm because I’ve got a bad temper and so I’m polite and calm. If I think I’m going to argue with them and they’re making a big commotion or a fuss I go back to my pad and just sit there and be mad about it. (Midlands)

You’ve got to be polite and relax around them. (North)

Just kick back and do your time. (North)

‘Keeping Quiet’ is the first part of the strategy used by young black men in Young Offender’s Institutions, although it should be noted that as one interviewee put
it, ‘we’re not actually quiet’. Rather, ‘Keeping Quiet’ meant ‘biting your tongue’, ‘holding fire’, ‘sucking it in’ and ‘kicking back’ rather than silence. It was not a passive response to authority but rather a prelude to seeking support from friends in the prison, often as a way of sharing information about staff and confirming views and opinions about what had been happening in the jail. Most of the interviewees would describe each other as ‘brothers’ or ‘cousins’, despite the fact that most had never met each other prior to coming into jail, and these jail friendships were vitally important in allowing these interviewees to manage their time inside. Some measure of this support can be gained from such comments as:

I have a friend next door who I speak to (South)
I just go and tell one of the boys that this one has done something to me (South)
I stick with my niggers – I do roll with my niggers and I don’t go with many white people (Midlands).

Indeed, although the research did not attempt to compare what these young black people said about their time inside with a comparable group of young, white prisoners, despite appearances it was clear that many of the interviewees thought that it was much harder to be young and white in prison. As one interview from South put it, ‘they [the white prisoners] don’t talk to each other – they’re not like us’ and so ‘the white lads always want to hang with a nigger ’cause they feel safe.’

‘Going Nuts’

I flare up eventually and I stop being polite. I’d go for an Officer even though it would make my sentence longer. At the end of the day I’m not going to take shit from nobody. (Midlands)

I used to stay quiet, but then one day I’d had enough. I started to say things back and then I had a fight and then after that everyone was OK with me. (North)

That’s when you go nuts – when you’ve lost it. It just gets to the point when you can take no more; you’re pissed off and they’re laughing in your face. They think they’re high because they are the Govs – they bang you up; they’ve got keys; they think they’re big – something special. Then you lose it and you just try to beat up the guards. (South)

The second part of the strategy, which was clearly not the way that the interviewees lived day by day but was instead reserved for moments of crisis, is called ‘Going Nuts’. This was the strategy to employ when ‘Keeping Quiet’ failed to deliver the life inside that they wanted, or when a line was crossed by the staff that had to be responded to in more dramatic ways. This line could take many forms and in no particular order interviewees described issues in the prison related to their:

- regime status
- time out of cell
- relations with discipline and other staff
- jobs and orderly status
- canteen and access to electricity in cells
- religion.

However, it is clear that the most common issue to prompt a change in strategic approach related to the relationship that the interviewees had with the staff, and in particular with the power that the staff were able to exercise over the interviewees and whether or not this power was seen to be justified. Indeed, interviewees thought that by and large Prison Officers had more power than Police Officers, for as one interviewee in Midlands puts it:

I’d say that Prison Officers have more power because they can invade your space and your privacy all the time. They can come into your room and say ‘get off your bed’ and ‘do this, do that’. They do little things to irritate you for no reason. It really gets you mad because you can’t do anything about it, and they put you under pressure because you are in here and away from your family and things.

Here the interviewee is describing how the power of the Prison Officer becomes magnified in the ‘closed world’ of prison. The sense of being ‘away’ from the outside is also important, and many of the interviewees were at pains to explain that ‘Prison Officers can say racist things in here, behind bars, but they wouldn’t dare say those things on the streets’ (South). This sense of ‘the streets’ being a more equal space than jail in relation to dealing with the formal agents of authority cropped up several times, as demonstrated by the following quotes.

If I was out on the street they wouldn’t even dream of saying some of the things that they say to us in here. (South)

If this was [names a city] there would be no way that they would get away with some of the shit that happens in here. (North)

They know nothing – they’re all pussies. They have power, and give you stress but only in here. Out there they would do nothing. (Midlands)

There was also a sense here that ‘Going Nuts’ didn’t actually resolve the problems that they might face when
dealing with staff – ‘you can’t do anything about it’. Indeed the interviewees who did ‘Go Nuts’ would be physically outnumbered by the staff and ‘twisted up’ – a reference to the Control and Restraint techniques that prison staff are trained to use. As one interviewee explained:

There were 7 guards and they jumped me and pushed me to the floor and took hold of my arms and then they pulled them. I was lying down on my front chest and they pushed my elbows into the sides and then twisted me up (South).

The use of Control and Restraint techniques might also explain the observation of one interviewee:

I think that Prison Officers have less power than the police, but they just act as if they’ve got more power. I’ve been twisted up and punched and stuff like that in here but I’ve never been punched by a police officer before (North).

In short, ‘Going Nuts’ provided only a temporary respite from the reality of their powerlessness, and also explains why ‘Keeping Quiet’ was the most developed part of their strategy.

The Race Relations Liaison Officer and the Race Relations Management Team

Of course ‘Keeping Quiet’ and using each other as sources of support, or ‘Going Nuts’, meant that either the interviewees had never heard of the prison’s formal complaints procedures – in particular the Race Relations Liaison Officer (RRLO) and the Race Relations Management Team (RRMT), or other formal processes including the Prisons Ombudsman – or that they had heard of them and had chosen, for a variety of reasons not to use them. After all, HM Prison Service has had formal procedures for dealing with race since the 1970s (see, for example, Genders & Player, 1989), although interviewees were clearly unaware of their rights. Indeed only five of the 45 interviewees had heard of the RRLO or RRMT and they were generally scathing about their effectiveness – because when they had raised a complaint they did not feel that the matter had been dealt with satisfactorily. The most striking example of this is provided below from an interviewee in ‘South’:

I was on [explains that he was on a project working outside the jail] but in the end I just sat down and refused to go back. The Govs asked why and so I told them that there was a poster [displayed at the project] with the words ‘get off me you black cunt’ and ‘nigger, nigger, welcome to our country’. They said they’d investigate, but I don’t know if they sent anyone out to do that, and no one’s got back to me. I’m just keeping quiet because my parole is coming up and anything I do I have to keep quiet because I need that parole. If I get problems I just talk to my brothers.

However, the most common response when the interviewees were asked about the RRLO or RRMT was ‘what’s that?’ and several of the interviewees thought (incorrectly) that their prison did not have one. It should be noted that none of the specific incidents that have been mentioned in this report, with one exception, were reported to the RRLO and thus could not have been included in any formal monitoring statistics. The most common answers about either the RRLO or RRMT were: ‘no not heard of that,’ ‘do we have that here’ or ‘that’s not for us’. This latter observation that the RRLO or the RRMT were ‘not for us’ was amplified time and again after it had been explained who the RRLO was and what the RRMT actually did and how to make a complaint.

When you fill in a complaint form they don’t do shit anyway. They don’t do nothing. Even if you fill out a form the Govs go upstairs and they say ‘no, I didn’t do that’. There’s no point. (South)

I don’t make complaints because at a later date the screws get back at you. You start to lose your privileges, like they take away your association or they take away your gym and so its not worth it. (North)

An official complaint is not going to get you nowhere anyway, because all the screws stick together. (North)

I don’t know who the RRLO is but even if I did at the end of the day they’re still in uniform and they’ll help each other out. So either way, you don’t win. (Midlands)

Them lot all stick together at the end of the day. It’s not like if one of the screws was racist he’d get sacked. They all stick together and so we try to deal with the problem ourselves. (Midlands)

Recommendations

The direct experience of racism referred to by young people, and their lack of confidence in the Prison Service to address it, are a powerful combination. The authors make the following recommendations in order to improve the experience of young people in general, but particularly that of young black people.
• The model for racist incident monitoring currently in place should be reviewed and replaced with a system that allows young people’s real experiences to be captured and acted upon.

• The level of awareness amongst young people of the role of the Race Relations Liaison Officer and Race Relations Management Team needs to be improved through a proactive approach involving the RRLO and Personal Officer Schemes.

• Clear guidance should be produced for Race Relations Liaison Officers and time and resources should be committed to increasing the effectiveness of their role.

• The existence of the Request and Complaints Procedures needs to be promoted by the Prison Service and young people should be encouraged to report incidents.

• First night induction procedures must raise awareness amongst young people of the Request and Complaints Procedures and the role of the Race Relations Liaison Officer.

• The existing Request and Complaints Procedures should be reviewed and brought into line with the Children Act 1989. A vastly simplified system should be introduced for under-18 year olds.

• The continued use of Control and Restraint Procedures with the under-18-year-old population should be reviewed as a matter of urgency.

• The advocacy programme for under-18 year olds, currently being rolled out by the Youth Justice Board, should place particular emphasis upon the needs of minority groups, and provide advice and support to young people who wish to complain about their treatment.

• Recruitment and Selection Procedures should be reviewed in order to ensure that new recruits are personally committed to developing a positive culture which respects diversity.

• Additional training for prison staff and effective performance review on anti-racist practice should be embarked upon in order to educate staff and improve the culture of prisons.

Finally, black young people will only have confidence in a system if they see action taken as a result of their complaints. This means that the Prison Service has to be seen to treat seriously the matters that are raised if black young people’s confidence in the system is to be improved.

Conclusion – Research into Policy

This research has sought to provide a platform for the voices of young black men in custody to be heard. They have used that platform to voice a strategy that involves ‘playing the Game’. The first part of this strategy dominates their response to prison life and involves them supporting and sustaining each other through the realities and vicissitudes of incarceration. That racism is part of that reality should in one sense be surprising, given the Prison Service’s history of attempting to manage and promote good race relations. Yet time and again in these interviews gross and extreme forms of racism were described. That few of the interviewees reported these instances of racism is again at first glance surprising. However, given that hardly any of the interviewees had actually heard of the RRLO, RRMT or the Prison Service’s Requests and Complaints procedures, and those who had were scathing about their effectiveness, perhaps this failure is not so surprising after all.

This research finding should give HM Prison Service and the Youth Justice Board pause for thought. If statistics about race and racial incidents are being kept, meetings about race being held, minutes being taken, monitoring forms filled in and Key Performance Targets being ‘achieved’, but none of these procedures actually captures the type of incident that has been described or has the confidence of this group of interviewees to encourage them to report them, then is not the effectiveness of these systems so compromised that it is time to adopt a new approach altogether? Indeed the ethnographic focus which characterises this research,8 whereby the interviewees were actively encouraged to speak out, suggests the basis for an alternative and more successful model. We believe that the recommendations would considerably improve the situation that we have described and would encourage HM Prison Service to adopt these recommendations.

However, these improvements, essential though they are, will only go so far, and here we should also remember that the Prison Service is merely the ‘recipient’ of young people sent into its custody by the courts. Perhaps it is time to reconsider the overall approach taken to children and young people in trouble with the law. A significant body of evidence is stacking up against our current approach, which focuses upon the offence rather than the child or young person and fails to have regard for their welfare and rights. A way forward, as recommended by the United Nations Committee on the Rights of the Child, would be to ‘establish a system of juvenile justice that fully
integrates into its legislation policies and practice the provisions and principles of the Convention’ (Joint Committee on Human Rights 2003: 95) and which puts the needs of the child or young person at the forefront of any response to their behaviour.

Those young black people who receive a custodial sentence have usually experienced multiple forms of disadvantage and exclusion – of which racism is all too often a feature – and prison is the inevitable symbol and consequence of the relative lack of power and status of young black men in the community. As John Pitts (2003: 128) has observed, ‘The sign on the wall of the probation waiting room says that the Service will not tolerate racist language; it is their policy. Yet where is the policy that addresses the factors which ensure that the waiting room is filling up with poor, unemployed, badly educated young people – black and white.’

None of the interviewees wanted to be in prison, no matter how successfully they could play ‘the Game’. As one interviewee in South put it, prison was a ‘pause’ in his life, a life that would only begin again after he had been released. Whilst inside he, like the others, had to get on the best he could and sometimes in circumstances that NACRO (2000: 48) has described as ‘truly terrifying’. In these circumstances they had discovered that the best way to cope was to look to each other. In doing so, albeit often with only limited success, they had found a way of resisting ‘the Govs’, prison and the more general controls and regulation of the youth justice system.

References


Endnotes

1 See also “‘Keeping Quiet” or “Going Nuts” – Some Emerging Strategies used by Young Black People in Custody at a Time of Childhood Being Re- Constructed’, The Howard Journal of Criminal Justice, December 2003. A second article based on the research has been accepted for publication.

2 In terms of conventional ethnic categories, the prisoners interviewed included 28 Afro-Caribbeans, 12 Asians and 5 mixed race young men. However, it must be stressed that at no time during the selection or interview process were these labels applied by the researchers, as the intent was to allow the young men to define their race for themselves.

3 R (on the Application of the Howard League for Penal Reform) v Secretary of State for the Home Department (2002) EWHC 2497 (Admin)

4 When asked about their relations with staff the young people primarily focused upon relations with Prison Officers, although occasionally this would include teachers, Probation Officers and other groups.

5 It is pertinent to note that the word ‘nigger’, while clearly offensive in some contexts and when used by whites, is used by the young black man in this and other instances as a positive term, on a par with ‘brother’ or ‘cousin’.

6 The research was conducted at the height of the debate as to whether or not Britain should join in a coalition with the United States and others and go to war with Iraq. Several of the interviewees were Muslim and they described issues related to how they were being treated as a consequence of their faith. This has recently been a subject of academic interest and is dealt with in the published academic research. For those who are interested in this specific issue, please see Spalek (2002) for a general introduction.

7 NACRO (2002: 26) states that only one in five young offenders knows about HM Prison Service’s race relations policies; the sample in this specific study shows an even lower level of awareness.

8 See Brewer (2000) for a detailed discussion of the approach.