Racist violence and British nationalism in Northern Ireland

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Living the peace process in reverse: racist violence and British nationalism in Northern Ireland

ROBBIE McVEIGH

Abstract: In 1971 British Home Secretary Reginald Maudling suggested that the situation in Northern Ireland amounted to 'an acceptable level of violence'. During 'the Troubles' this became the *de facto* security policy of successive British governments prepared to countenance a 'manageable' level of paramilitary activity. This reality supposedly changed irrevocably with the peace process and the 1997 Good Friday Agreement. Over the last fifteen years, however, Northern Ireland has been dubbed 'the race hate capital of Europe' with the 'targeting of ethnic minorities' by loyalist paramilitaries characterised as 'ethnic cleansing' by the police. The demography of Northern Ireland is changing, with eastern EU and non-white migrant workers arriving, which accentuates the reversing Protestant/Catholic differential and further undermines the 'Protestant majoritarianism' on which the state was founded. Alongside 'flags protests', racist violence has become one of the principal manifestations of unionist unease. The riposte by the state to racism has been to reach for empty models of 'hate crime' and 'good relations' alongside a criminal justice policy that appears to find acceptable a certain level of racist violence. Broadly, therefore, the author characterises the experience of people of colour and migrant workers in Northern Ireland as 'living the peace process in reverse'. He concludes that

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this reality has profound implications – both for the future of Northern Ireland and for the ways in which we understand the relationship between the state and new forms of British nationalism across the UK.

As a recent upsurge in racist violence began to attract wider media attention, there was a depressing familiarity in the return to a question: *is Northern Ireland the race hate capital of Europe*?[1] This by now routine media characterisation represents a remarkable *volte face* since the 'Troubles'. At the height of violent conflict in Northern Ireland it was commonplace to assert that there was no racism because people were 'too busy being sectarian'.[2] This was, of course, wrong on two counts: first, there was plenty of racism if anyone had bothered to ask 'communities of colour' about their experience; second, the increasing recognition of sectarianism as a form of racism made the contrast meaningless.[3] There was also an elective affinity between loyalism/unionism and racism/fascism – the overlaps with British racism and fascism had been there for anyone who looked. Enoch Powell was provided a political home by the Ulster Unionist Party (UUP), John Taylor of the UUP sat as MEP in the group of the European Right with Jean-Marie le Pen and members of the Movimento Sociale Italiano and Greek EPEN, and there were strong 'fraternal ties' between loyalism and British fascist and racist groups. Nevertheless, the notion that there was a surprising lack of anti-immigrant racism had some truth – the conflict primarily impacted on the 'two sides' of the white majority population. Other ideological and everyday racism manifested in a contradictory way; throughout the war, some people of colour could live in communities that were otherwise exclusive to loyalists or republicans.

The rise in racism in Northern Ireland is, therefore, not just about changed perceptions or better reporting, it is real. As a formal ceasefire and demilitarisation became entrenched through the outworking of the Good Friday Agreement (GFA) of 1997, black people and migrant workers have been living the peace process in reverse. They have seen more routine racism, more racist violence, more targeting by paramilitary groups, more harassment and surveillance from the state. This is not to subscribe to the idea that there was no racism before 1997 but, rather, to insist that racism has assumed novel, more virulent forms. Journalists who started signposting the 'race hate capital of Europe' did not just 'discover' something that had been there all along but hidden by the war – this wave of racism was a new phenomenon. In other words, racist violence has emerged from the peace process. Contemporary racism, particularly racist violence, is not a relic of the 'Troubles' but rather a function of the politics and the institutions of Northern Ireland 'at peace'.[4]

Here we need to address the hyperbole head on. What might make Belfast, as *Der Spiegel* claimed, 'the most racist city in the world'? The number of deaths of immigrants? Or black deaths in custody? Or deportations of Roma? Or the frequency of pogroms? Or the scale of racially-driven population movements? It isn't difficult to find other parts of Europe that look at least as racist as Northern Ireland on any of these indices. And many of the policy failures don't look too dissimilar to developments in Britain. In both jurisdictions, we've seen how meaningless and empty the 'hate crime agenda' has become, and how it sets different identity groups in competition with each other. Worse still, it has created a professional industry that makes a business out of getting more and more state funding for Samaritan-style hate crime projects, leaving the racism of the state untouched.[5] Moreover, the increasing hegemony of the good relations paradigm means that vacuous appeals to 'uniting against hate' and condemnations of 'evil' replace any attempt to confront racism. This approach does, however, conveniently remove the police from the post-Macpherson[6] spotlight and place them among the good people who 'unite against hate'. But in Northern Ireland these general trends are compounded by the existence of loyalist paramilitarism and the fact that the criminal justice system remains in a 'pre-Macpherson situation'.

Thus framed in another way, the 'hate capital' labelling of Northern Ireland isn't so ridiculous. A state that responds to such accusations by doing nothing – arresting no one, prosecuting no one, convicting no one; that responds to pogroms by facilitating deportation; that responds to ethnic cleansing without self-examination or comment – might well qualify for such a label. Throw the manifestations of sectarianism as a form of racism into the mix – 'peace walls', 'Orangefest' and 'flags protests' – and the labelling doesn't look so inappropriate.[7] In other words, it isn't just the volume of racism but the mobilisation of paramilitarism behind racist violence and the abject failure of the state to respond to racism in a range of different forms that might qualify Northern Ireland 'at peace' as the 'race hate capital of Europe'.[8]

Moreover, while the specific crisis in racist violence has a particular context in loyalist working-class communities, there is also a relentless, demoralising, everyday racism across republican and middle-class areas.[9] In republican working-class areas some of the politics and solidarity has weakened over the years; moreover, the reality changed from abstract solidarity to living together. Thus, while Sinn Féin still says the right things on racism and offers political leadership on the issue most of the time, it also governs. Its endorsement of the lowest denominator 'good relations' approach is part of the problem in the failure to properly frame a politics of opposition to racism. However, there is less racist violence in republican working-class areas, owing to the fact that it doesn't have any paramilitary connection and tends to be countered by grassroots activists. More generally, different grassroots campaigns have valiantly tried to name and address racism across Northern Ireland, but they are more isolated than a decade ago. The co-option of every political strand into government has squeezed the space for any radical politics. There remains a disturbing tendency to mobilise

the 'one side is as bad as the other' approach and preclude any critical analysis of power and the state beyond the journalistic hyperbole.[10]

Nevertheless, the 'race hate capital' tag remains significant and emphasises what the media has pointed out for nearly fifteen years. A *Guardian* headline in 2004 said it all, 'Racist war of the loyalist street gangs: orchestrated attacks on minorities raise fears of ethnic cleansing'.[11] Such media coverage should have foregrounded the idea that there has been a profound problem with racist violence in Northern Ireland. The state has been alerted to it by the BBC, *The New York Times, Der Spiegel, The China Daily* and a host of other world commentators. It should have provoked a crisis in government and the criminal justice system from the early 2000s, yet nothing was done. And the combination of indifference and inaction allowed the crisis to deepen in 2014.

2014 – 'Enoch was right'

In 2014, a series of events suggested that racism in Northern Ireland had been ratcheted up once more.[12] At one level, the new 'spike' in racism in 2014 only marked a culmination of something that had been ongoing since the early 2000s – routine racism, widespread racist violence, the failure of a criminal justice response and much political posturing 'against hate' without much tangible anti-racist practice. But something had also changed. Racism had become politically implicated in a broader crisis in the government and the peace process and a specific struggle within unionism.

Why did this happen? First of all, the peace process and relative prosperity brought a host of new migrants, mostly, but not exclusively, from new EU eastern countries, which later included a more specific Roma migration. This made for a significant demographic shift – 10 per cent of children born in Northern Ireland in 2013 had a mother from neither the UK nor Ireland – and this population is overwhelmingly made up of people of colour and migrant workers.[13] The most obvious available cheap housing stock for this population is in loyalist working-class areas as a consequence of demographic declines and the continuing effects of housing discrimination and sectarian ghettoisation. In some ways, this process was similar to what happened in Britain a generation or two ago – in Stuart Hall's characterisation, the 'labouring classes of the satellite countries and the labouring classes of the metropolis [confronting] one another directly "on native ground" in large numbers'.[14] In Northern Ireland, all of the 'confronting' has been done by the 'indigenous' population. The relentless assault on people of colour and migrant workers has been ongoing in this context since the early 2000s. The 'race hate capital of Europe' characterisation reappeared in the latest widespread surge in racist violence beyond the focus of loyalist South Belfast to North and East Belfast, and to other towns like Derry, Larne and Portadown.[15]

Indeed, Portadown in 2014 offers a microcosm of how this phenomenon works. First there is the generation of a new 'mood music'. After one Unionist councillor had praised the contribution of migrants to the town, the Democratic Unionist

Party (DUP) responded with an attack that framed the situation in terms of 'swamping'.[16] This was ratcheted up again by the Progressive Unionist Party (PUP), whose thinking is close to that of the illegal, paramilitary Ulster Volunteer Force (UVF), which demonised migrants in a press release. Almost immediately there were attacks against Roma in the town, after which some Roma families left. On 15 September, new graffiti on Corcrain shops (a usual signboard) announced 'Roma Out – last night was only the start' accompanied by a cross-hair symbol and a gravestone inscribed RIP. The message has been ethnicised in different ways across Northern Ireland: 'Romanians Out'; 'Locals Only'; 'No Blacks'; 'Attention landlords, leasing property to foreign nationals will not be tolerated'. But the underlying message was the same: people of colour and migrant workers are now 'targets' in Protestant working-class areas.

As loyalism and unionism began to confront this new black and migrant-worker population, they have not found themselves pitted against the imagined horrors of Republicanism or the anti-imperialist Left but, rather, the determinedly reformist, centrist and 'cross community' Alliance Party. This struggle was given a specific local dynamic in East Belfast when the Alliance Party won the parliamentary seat from the DUP in 2010 (unseating Northern Ireland's First Minister and DUP leader Peter Robinson). This hugely symbolic defeat was at least in part consequent upon working-class Loyalists deserting the DUP. The DUP's keenness to regain the seat has lent specific support to the need for a 'rapprochement' with working-class loyalism, including its paramilitary manifestations. Much of the racist vitriol has been poured on Anna Lo, an Alliance Party Member of the Legislative Assembly (MLA) and EU candidate, and the only person of colour in the Assembly.[17] Thus, when loyalists' bonfires are erected (and left in place, mind you) with her face on the side and bearing the inscription 'Anna Lo ate my Dog', the targets have become about as 'soft' and 'cross community' as it is possible to be in Northern Ireland. Moreover, the minority ethnic population has traditionally been preternaturally quiet and has done very little to 'take sides' or make a challenge. If loyalists perceive the state to be under threat because of the presence of people of colour and migrant workers, it is their existence, rather than their politics or their behaviour, that is the problem.

In May 2014, this growing racism assumed new forms with a sermon from Pastor McConnell in one of Belfast's largest Protestant evangelical churches. McConnell told worshippers: 'Islam is heathen, Islam is satanic, Islam is a doctrine spawned in hell'. Lest this appear simply a theological engagement from the more militant wing of Christian fundamentalism, he made explicit reference to Enoch Powell and his infamous 1968 'Rivers of Blood' speech:

Today we see powerful evidence that more and more Moslems are putting the Quran's hatred of Christians and Jews alike into practice. Now, people say that there are good Moslems in Britain, that may be so but I don't trust them. Enoch Powell was right. And he lost his career because of it. Enoch Powell was a prophet when he told us that blood would flow on the streets and it has

happened. Fifteen years ago Britain was concerned with IRA cells right throughout the nation. They done a deal with the IRA because they were frightened of being bombed. Today a new evil has arisen. There are cells of Moslems right throughout Britain – can I hear an Amen? – right throughout Britain. And this nation is going to enter into a great tribulation and a great trial …

It bears emphasis that this kind of intervention has immediate consequences in Northern Ireland. As the Belfast Islamic Centre made clear, Pastor McConnell would be 'responsible for any racial attacks on any Muslim in Northern Ireland'. And there were immediate attacks on Muslims. Despite these warnings and consequences, the First Minister of Northern Ireland, Peter Robinson of the DUP, moved quickly to defend the pastor.[18] Robinson said that McConnell had been demonised because of his remarks, that there 'isn't an ounce of hatred in his bones' and that it was a duty of any preacher to denounce 'false prophecy'. He then went on to say that he would not trust Muslims either, particularly with regard to those who had been involved in violence, or those who are 'fully devoted to Sharia law, I wouldn't trust them for spiritual guidance'. However, Robinson said he would trust Muslims to 'go down to the shops' for him.[19]

There was widespread condemnation of Robinson's intervention.[20] Anna Lo said she was 'very angry' at the support given to McConnell. She said, 'I do not feel safe here and I know many people who feel the same'. She said she was considering leaving the country 'because of what might happen' after what Mr Robinson had said, as the comments could 'escalate even more of the racist tension'. 'I love this country and I chose to live here. I am just appalled our political leaders are coming out and making such comments.' The nadir in twenty-first century discourse on racism may well have been reached when Anna Lo was then accused of being 'racist against the people of Northern Ireland' by a DUP councillor (although this position was later repudiated by the party).[21]

Thus, swiftly and without much strategic planning, we saw the political mainstreaming of racism in Northern Ireland's politics. There were two key elements in this process: first, the long-term elective affinity between Ulster unionism and British nationalism; second, the realpolitik of a crisis within unionism, already in demographic retreat as the disproportionate growth of migrant worker and Catholic populations removed its majority status across the state. Within this intra-unionist dynamic, relationships with loyalist paramilitarism are key – despite their unambiguous unlawfulness, routine criminality and increasing identification with racist violence. This dynamic was brought into sharp focus by the 'flags issue' in East Belfast during the loyalist marching season.

There was much opprobrium around the flying of Ku Klux Klan (KKK) flags as part of the wider unionist/loyalist marching season.[22] Most observers know how to 'read' a KKK flag and they know that it does little to win sympathy for unionism. No doubt the popularity of the flags represents something disturbing.[23] But the outrage around the KKK flags also missed the point. While the flags no doubt represented a threat to people of colour and migrant worker families, the KKK

isn't active in East Belfast. Flying a KKK flag is a crude symbolic identification with racism that is disturbing enough. Fortunately, however, the KKK doesn't have the capacity to engage in racist violence in Northern Ireland. At the same time, there were hundreds of UVF flags in the same area – representing an organisation that was behind much of the racist violence and characterised by the Police Service of Northern Ireland (PSNI) as involved in 'ethnic cleansing'. This provoked no media frenzy, no outrage from unionist politicians, and no action from the PSNI. It is this toleration of 'actually existing racism' that is so dangerous for people of colour and migrant workers. This reality requires a much more immediate politics of resistance than focusing on the symbolic identification with racism elsewhere.

Finally, it is important to note that this new racist violence in Northern Ireland is asymmetric in that it is visited by white people on people of colour and migrants. Thus, the figures for 'race hate' both reveal and disguise. They suggest spikes but miss the point that this isn't directly comparable with sectarian violence, traditionally characterised by perpetrators and victims on 'both sides'.[24] However disingenuous this may have been in practice, loyalist violence against Catholics and nationalists was always presented as 'returning the serve', i.e., a response to republican political violence. This fiction is impossible with new black and minority ethnic communities, who are migrant workers with no political project other than to try to build better lives for themselves and their families in an Ireland experiencing a welcome, if unusual, combination of peace and economic growth. Mostly, these new populations were filling a gap in the most marginal, minimum-wage sectors of the Northern Ireland economy, such as keeping the meat factories open and the NHS from collapsing.

The state response

Despite the level of media interest and the sporadic journalistic hyperbole, there hasn't been a meaningful response to racist violence from the state in Northern Ireland. Neither the UK government, which retains responsibility for many aspects of security as 'reserved powers', nor the devolved Stormont regime, which has had responsibility for criminal justice since 2010, has acted effectively. While the idea that there has been a profound problem with racist violence in Northern Ireland is hard to avoid, the issue has hardly been acknowledged by government. If proof were needed of the symbolic unimportance of racism to the state, it was there in the failure to implement any race equality strategy for five years following the lapse of the 2005–10 strategy. This was the polity with a capital characterised as, 'the most racist city in the world' but with no race equality strategy at all!

There have been two key moments, however, when the mask of denial has slipped. First, in 2006, the Independent Monitoring Commission (IMC) recognised that loyalist paramilitaries were targeting 'BME communities'; more recently, in 2014, the PSNI characterised UVF racist violence as 'ethnic cleansing'.

These episodes provide a disturbing indication of the priority given to racist vio-
lence, and the protection of BME communities, in the wider dynamics of 'post
conflict' government. The IMC was set up by the British and Irish governments in
2004 with the avowed purpose 'to help promote the establishment of stable and
inclusive devolved government in a peaceful Northern Ireland'. It was to achieve
this 'by reporting to the Governments on activity by paramilitary groups, on the
normalisation of security measures in the province, and on claims by Assembly
parties that other parties, or Ministers in a devolved Executive, are not living up
to the standards required of them'.[25] Despite this specific responsibility to report
on 'activity by paramilitary groups' and the widespread media coverage of loyal-
ist involvement in racist violence,[26] the only mention of racist attacks in the IMC's
initial work was a reference in the Third Report: 'Members of the organisation
[the UVF] were responsible for a series of violent racial attacks in Belfast, though
we believe these were not sanctioned by the leadership.'[27]

Later, in the Eighth Report of the IMC, however, came the remarkable acknowl-
edgement that loyalist paramilitaries had opened another front and were 'target-
ing ethnic minorities'. This bears emphasis, for loyalists were now identified by
the IMC as being involved in a new dynamic of racist violence – despite the loyal-
ist ceasefires, the peace process and the GFA. The initial silence of the IMC on
racist violence was itself striking since the body was charged with overseeing
normalisation, and the upsurge in racist violence could hardly be described as a
move towards any kind of 'normality'. But it was no less striking when the IMC
finally decided to comment on the issue:

> One important step would be for loyalist paramilitaries, including the UVF
> and RHC, to stop targeting nationalists and ethnic minorities. We hope the
> PUP will give a clear and robust lead on this. Another important step would be
> for loyalist paramilitaries, including the UDA, to stop targeting nationalists
> and members of ethnic minorities.[28]

It was odd that the IMC launched into this instruction to stop targeting members
of ethnic minorities, given that it had never previously recognised that they had
started this targeting. Nevertheless, the analysis was confirmed in the Tenth
Report three months later:

> We welcome [any move away from criminality] wherever it occurs but at this
> stage we do not see any significant impact on the behaviour of the [UVF] as a
> whole. Nor has there as yet been the positive move to stop targeting nationalists
> and ethnic minorities for which we called in our Eighth Report. We do not
> therefore change our overall assessment that the organisation is active, violent
> and ruthless ...[29]

It might have been expected that this revelation would merit media coverage
of racism in the Six Counties around the world. Yet it received almost no

distance themselves from ACC Kerr's unambiguous analysis.[36] Instead of a rush to address the enormity of this challenge, we find people desperately trying to put the genie back in the bottle, eager to kill this story before some of the international journalists get hold of it again. Little wonder – here is the proof that transforms the 'race hate capital of Europe' claim from hyperbole to measured assessment.

This makes it all the more important to emphasise just what the state was acknowledging, albeit fleetingly, in both these instances. There was statutory confirmation of what everyone else, including most significantly the victims and survivors of racist violence, knew already: that an illegal paramilitary organisation supposedly 'on ceasefire' was involved in an organised campaign of racist violence. This abruptly ends the comparison with contemporary England or France or Germany. Moreover, this wasn't some symmetrical violence that could be grafted onto the community cohesion concept in vogue in Britain; it was a paramilitary group visiting violence on a tiny black and migrant-worker population. In other words, parallels with brownshirtism are not overly forced. On both occasions, this should have forced a crisis response in government and the criminal justice system. Instead, nothing was done. Here, the non-response of the state becomes a new form of 'collusion': the routinisation of the state's refusal to name, let alone address, a frightening new form of institutionalised racist violence.

As the spate of racist violence first emerged in the early 2000s, we might have expected the new post-GFA state to turn to the blueprint provided by Macpherson, particularly since the whole criminal justice system in Northern Ireland was supposedly in radical reform mode. In this context, Macpherson offered a template from another part of the British state for improving criminal justice responses to racist violence – hardly revolutionary but practical for a state in reformist mode. Macpherson was, however, ignored almost completely by the state apparatus.[37] The one intervention that supposedly looked at the implications of Macpherson for Northern Ireland managed to avoid the criminal justice system almost entirely.[38] Instead, Northern Ireland was offered a new paradigm of 'hate crime' as a solution. The widespread portrayal of everybody 'uniting against hate' gave the impression of something being done. But its main consequence was to allow the police to rebrand themselves as being on the right side of the struggle for racial justice without changing their practice much.

The reality was that the policing and criminal justice response to 'hate' was pitifully inadequate. In 2013, the Institute for Conflict Research identified 13,655 'hate motivated incidents' reported to the police over five years. Its report found that out of almost 14,000 complaints only twelve cases were successfully prosecuted using the 2004 'aggravated by hostility' legislation.[39] None of these was a 'race hate' crime. Even when other 'non-hate crime specific' law is employed, 'each hate incident recorded by the PSNI has a one in 200 chance of being successfully prosecuted'.[40] The state hasn't gone out of its way to put this record before public scrutiny – it required an investigative report from the BBC to update the data in 2014.[41] The most recent figures provided by the Public Prosecution Service and the Director of Public Prosecutions suggest that there has been one successful

conviction for racial aggravation. In other words, in the decade since racial aggravation was made illegal and in which the state itself had identified loyalist paramilitaries targeting BME communities in ethnic cleansing, it had managed one conviction.

The recent statistics do not look any more favourable. In 2013/14 the PSNI recorded '1,284 sectarian incidents, 982 racist incidents, 280 homophobic incidents, 107 disability incidents, 24 faith/religion incidents and 23 transphobic incidents'. Compared with the previous year, there were increases in all but one of the six hate incident types. Racist incidents increased by 232 (30.9 per cent). While there is general acceptance that there is widespread underreporting of racist violence anyway, the spike is indicative of something worrying. The way that the PSNI constructs its figures for 'Incidents and Crimes with a Hate Motivation' at least has the virtue of allowing no confusion between racist violence against people of colour and migrants and sectarian/religious violence. In other words the 'racist' incident category expressly excludes sectarian violence, which embraces essentially the whole of the population of Northern Ireland as potential victims. (For example, Polish migrant workers have been attacked for being 'Catholic' as well as being Polish.) In contrast, racist violence is focused on a tiny proportion of the population. These figures involve acts of racist violence visited on perhaps 5 per cent of the adult population. The state response to this upsurge was a telephone line to report attacks, which was subsequently withdrawn.[42] This new initiative on race was, however, somewhat compromised by the use of ORION as a code name.[43] Whether this was intentional ('Our Race is Our Nation' is a KKK slogan) or a 'computer glitch', it suggested remarkable insensitivity on race.[44]

In reality, the criminal justice system in Northern Ireland has responded to the 'race hate capital' accusation by doing almost nothing. It put in place an infrastructure based on foregrounding a phenomenon, 'race hate crime', which isn't a crime in law.[45] Even when racist violence isn't lost in the wider sweep of more general 'hate crime', this does nothing to address the specificity of racist violence. This is the Northern Ireland variant of a wider fiction – the notion that somehow states have begun to take racist violence seriously simply by undertaking public relations work around 'hate'. This imagined vigorous state response sees the bundling of three elements that pretend to represent 'racial hate crime'. As stated, the most important of these isn't a crime at all in any legal sense; it is simply a methodology by which police record incidents. This is supplemented by the concept of 'racial aggravation' – which is a crime but which rarely secures convictions; and incitement to hatred, which is more likely to be used against communities of colour than racists.[46]

In Northern Ireland the state never addressed the lessons of Macpherson (which, of course, were far from perfect). We can speculate that the reasons for this abject failure on race across the criminal justice system in Northern Ireland were similar to issues identified by Macpherson: a combination of indifference, incompetence and corruption (accepting that each of these elements may have been informed, directly or indirectly, by racism). The indifference is based on what Macpherson

attention. Just as bizarrely, racist violence then disappeared from the radar of the IMC once again. It apparently found this targeting of minority ethnic communities of so little account that it never returned to the subject. Even if it believed this to be the case – and this would have been hard to sustain given the evidence – it never thought it necessary to tell us that these organisations had stopped targeting minority ethnic communities. It ended its mission without ever addressing the issue of racist violence again. Without any apparent irony, its final report was subtitled '2004-2011 – changes, impact and lessons' and mentions neither racism nor racist violence nor the 'targeting of ethnic minorities' by paramilitary organisations.[30] When seen against the background of IMC stridency on other issues, the implication was that racist violence is of little concern to the state or to its stewardship of the peace process. This began to expose the remarkable reality that racist violence has nothing to do with the 'peace process', despite the inherently contradictory implications of this reality. For this state, there is nothing problematic about a 'peace process' that is intimately associated with an upsurge in racist violence.

Journalist Mark Davenport provided context at the time of the IMC winding up:

The British and Irish governments acknowledge that there is 'a continuing public interest in ensuring that the public are informed about the threat in Northern Ireland from terrorism. Once we have received and considered the IMC's final report, the British and Irish Governments will do what is necessary to ensure that that need is met'. So it's not clear what if anything will replace the IMC, and as the period before its inception suggested, the NIO may in the future be very reluctant to bluntly proclaim that a group's ceasefire is over if such a statement is not deemed politically expedient.[31]

For all these limitations, at least the IMC had acknowledged the issue in the public domain. But the point about what was to be 'deemed politically expedient' was prescient. In a context in which most key actors want the GFA institutions to survive, repugnance at racist violence tends to be routinely trumped by political expediency. Nor was the PSNI proactive in addressing responsibility for racist violence. It wasn't until 2014 that it finally named the issue in terms of loyalist paramilitarism. But at least this PSNI intervention seemed unequivocal in a way that would force a new political response. In April 2014, the BBC reported this new analysis under the banner headline: 'UVF "behind racist attacks in Belfast"':

Police have said the loyalist paramilitary group the UVF has been orchestrating racist attacks in south and east Belfast … The Policing Board also discussed the violence in Larne, County Antrim, on Sunday by another loyalist paramilitary group, the UDA. Asked about the status of the UVF and UDA ceasefires, Chief Constable Matt Baggott said it was a matter for the government, not him.

In other words, in responding to questioning about the rise in racist violence, the analysis from the PSNI was unequivocal.[32] Given subsequent events, however, the process is worthy of exact record. When asked whether there was an organisation behind the attacks, Will Kerr, Assistant Chief Constable (ACC) Urban Region, responded:

> There is a very simple answer to that … the answer is yes. We think that the UVF in east and south Belfast are undoubtedly behind orchestrating some of these racist attacks. Some of the motivation behind that is social housing based which worries us because it has a deeply unpleasant taste of a bit of ethnic cleansing in parts of Belfast and that should cause us all some concern. But there are undoubtedly links between the UVF in both parts of the city and some of these attacks.[33]

But the minutes of the Policing Board meeting significantly recast this evidence:

> In response to a question from a Member, the PSNI provided the Board with an analysis of the motivation behind the recent spate of race hate crimes and the work being carried out to combat this issue. PSNI expressed significant concern at the increase this year in the number of recorded racist offences, up 43% with Belfast accounting for approximately 70% of the total increase. PSNI also advised the Board that work was being carried out to reassure victims, pursue investigative opportunities and ensure that positive outcomes in relation to hate crime were highlighted in the media and social media in order to send a strong message of reassurance to victims. PSNI also informed the Board that meetings have been taking place with other stakeholders to address the issue that certain areas of Belfast are not welcoming to visitors. Members expressed concern at the escalating nature of these crimes and asked the PSNI if local gangs or local paramilitaries were involved in the orchestration of these crimes. PSNI advised the Board that there are varying motivations for race hate crime including displaced sectarianism and criminal competition.[34]

Thus, a formal minute from a key peace process institution reformulated an explicit reference to an unlawful paramilitary organisation and a campaign of racist violence as 'displaced sectarianism and criminal competition' that rendered 'certain areas of Belfast not welcoming to visitors'. This was only the most recent example of the failure of the state to engage with organised paramilitary racist violence. As long ago as 2004, the Equality Commission showed a similar reluctance to name the problem before the House of Commons.[35] The trouble is that it is always someone else's job – the Equality Commission wanted the police to do it; the police want the government to do it; and the government left it to the IMC, which was subsequently disbanded. Meanwhile, the 'targeting' and 'ethnic cleansing' continued. This makes subsequent interventions in 2014–15 even more remarkable. Here we find key actors – from the Chief Constable to the DUP – apparently keen to

might have recognised as covert racism. There is a notion that this 'just isn't our problem'. The incompetence is related to any ability to respond adequately to racist violence. The PSNI has learned to speak more sensitively on racism, but policing racist violence involves arresting, charging and convicting people. Here the obvious point is that the police should not be a removal service. Sometimes people have to relocate in the face of racist violence but it isn't the job of the police to do this work as an alternative to protecting people in the first place.

Corruption is harder to identify for obvious reasons, and it would take something like a Macpherson inquiry to examine this fully. But it is significant that the most senior police officer on the ground in the investigation into the killing of Stephen Lawrence should be subsequently offered a role training the Royal Ulster Constabulary and PSNI (and move on to similar work in Palestine).[47] More broadly, the incapacity to deal with ongoing violence raises basic questions about intelligence gathering and the use of agents within unlawful paramilitary organisations. When, for example, is racism excused because they are monitoring 'more serious' activity, or indeed, when it provides cover for other activity? There is some suggestion that racist violence is tolerated with regard to secret policing, which then allows an outlet for paramilitary violence as well as protecting sources. For example, the 'no comment' response in relation to a question about informant involvement in racist attacks contrasts starkly with the unequivocal denial in response to allegations that informants would be allowed to get away with drug dealing. Likewise, we need to ask of the reported 'decisions issued for no prosecution' that did not 'pass the public interest test', in what context is it not in the public interest to prosecute racist crime?[48]

This all raises the question of where this covert policing apparatus stands, in the context of the racist violence of loyalist paramilitary groups. Where are the informers and the double agents when people of colour and migrant workers are attacked by paramilitary organisations? Do they ignore racist violence or try to prevent it, or direct it in different ways? (Of course, similar questions around the priorities of policing and race now surround the Macpherson process itself.[49]) We have the nightmare scenario of organisations, well experienced in the use of terror, well resourced with weapons, systematically engaging in racist violence and working with the tacit imprimatur of the state.[50] In this context we must insist that the emergence of 'an acceptable level of racist violence' policy would be intolerable – there is no political or right-based or anti-racist basis for such an approach to the policing of racist violence.

And corruption might involve omission as much as action. We need to forensically examine cases in which the prosecution of racist violence fails. The Northern Ireland Council for Ethnic Minorities' *Next Stephen Lawrence* report contained detailed testimony from different survivors of racist violence.[51] Two stood out in terms of the failure of criminal justice. One was the case of a black person who was called a 'nigger' by an off-duty police officer in front of a range of witnesses and he, not unreasonably, asked how it was possible to raise his daughter in a society that regarded this as acceptable behaviour by police officers. Another case

featured a perpetrator claiming membership of the UVF who threatened with death a black family in front of police officers. The man was arrested but then returned by police car to the street where the family lived; their house was subsequently firebombed. Whatever the context of these incidents, the failure to follow up cannot be justified.[52] These are only the most egregious examples of state failure. At present, the whole Northern Ireland criminal justice system is institutionally racist in terms of Macpherson's far from revolutionary definition: 'The collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture or ethnic origin.' It is at present palpably failing to offer a 'professional service' to people in Northern Ireland on the basis of their 'colour and ethnicity'.

British nationalism and the state in Northern Ireland

Shocking though the failure is of the criminal justice to respond effectively to racist violence, we need to look beyond it to explain the current dynamics around race in Northern Ireland. We might suggest two key elements here: state formation and the politics of racism. In other words, for the kind of open season on racist violence we find in contemporary Northern Ireland, there needs to be both a politics normalising racism and a state that underwrites this normalisation.[53]

In this sense, the crisis for people of colour and migrant workers is symptomatic of a wider crisis of the post-GFA Northern Ireland state. This is not just the take of 'dissidents' on the Left or Right. First Minister Peter Robinson recently suggested that the settlement was no longer 'fit for purpose'.[54] The question of why the promise of the peace process was so quickly dissipated is, of course, a complex one. But the emerging post-GFA state formation is a key part of the problem. The GFA settlement produced a system of government in which the two dominant political blocs in Northern Ireland – unionist and nationalist – govern in compulsory coalition. In consequence, decisions across government must be made with 'sufficient consensus'. But this creates a debilitating 'lowest common denominator' approach to conflict; sufficient consensus forms only on the most asinine and least radical of options. All this makes Northern Ireland, post-peace process, a place of profound contradictions. It isn't just that former enemies must work in government together. Nor simply that the system creates a context in which there is government without opposition, although this does tend to generate the blandest of policies in a polity that requires radical restructuring. Even more fundamentally, this state formation produces bizarre and paradoxical political discourse – newspeak for the twenty-first century.

These contradictions run through the response to racism: politicians condemn racist violence and then form alliances with representatives of the paramilitaries linked to that violence; the main NGO working with victims of racist violence is funded by the police; the main NGO addressing racist violence in loyalist areas is 'close to the thinking' of the paramilitary organisation identified by the PSNI as responsible for the attacks. This is a polity so self-deluding that it cannot see a

politics of racist violence, let alone formulate a response to it. There is a degree of collective psychosis to this; people want peace to work so they are prepared to deny any amount of evidence to the contrary. Thus, we recognise that armed groups are 'targeting ethnic minorities' in a way that suggests 'ethnic cleansing' but remain relieved their ceasefire is still in place. A government that can agree on almost nothing else can, at least, agree on the need for 'good relations' – but 'good relations' involves an active denial of racism in contexts in which naming racism might create 'bad relations'.

Northern Ireland then, is a perfect example of the profoundly reactionary consequences of the 'good relations' and 'hate crime' paradigms. First of all, the good relations paradigm hijacked anti-racism. The term was imposed on Northern Ireland by British civil servants through the Northern Ireland Act. It had not featured in the negotiations leading up to the GFA. In other words, the bundling of race equality with good relations was an import from the evolving British model.[55] Subsequently, however, the British good relations formulation has included a whole range of 'fairness' issues, including class, within its ambit. From this perspective, its potential constituencies become so broad that it offers little more than a vague commitment to 'community cohesion' – not much more than exhorting everybody to be nice to each other. At least, however, it doesn't pretend to be the principal strategy against racism.

What is so inappropriate and so dangerous about the contrasting Northern Ireland model is that it co-opted race, but excluded everything else. It integrated anti-racism into the Northern Ireland community relations industry, whilst exhibiting neither commitment nor competence to do anything about race inequality or racist violence. It seems that this co-option was accidental. What the state was really trying to do was undermine the radical human rights and equality aspects of the GFA by shoring-up the existing community relations infrastructure and giving it a key strategic role within the 'post-conflict' state. But the consequences in the north have been disastrous, for now all manifestations of racism are distorted through the prism of good relations.[56] Everything is relativised, all culture is welcomed, but, in the process, the most offensive practices become normalised. We immolate effigies of politicians on bonfires and present it as a tourist attraction; we tolerate the genocidal imperative 'Kill All Taigs/Kill All Irish' on every gable wall; and yet no one connects this with our refusal to live alongside migrant workers.

Thus, when the First Minister suggested that the GFA settlement was no longer 'fit for purpose', he was missing the point that it is the state itself that fails this test. A state that was based solely on ethnic privilege – a 'Protestant Parliament and a Protestant state' – has not managed to reinvent itself through the GFA. Arguably, Northern Ireland has finally reached a stage where its racial foundations have begun to collapse. Demographic shifts in both the Catholic and the black, minority ethnic and migrant worker communities spell more than a community relations challenge, they represent a profound crisis of legitimacy. This is at the core of the ongoing 'flags protests', because the issue of flying the Union

Jack accurately emblematises the struggle for the survival of a state based on sectarian majoritarianism, in which white Protestants are now in a minority. From this perspective, the contemporary Northern Ireland state looks unreformed and unreformable, and racism may well be the rock on which it finally fails.

Of course, the state is a problematic actor anywhere; in Northern Ireland this is true *a fortiori*. It decides what is policed and what is not; it decides what cultures are valued and what are not; it decides whose flag is flown and whose is not; and who marches and who doesn't. But the state formation sits in a particular relationship with politics. This crisis of state legitimacy both generates and reflects a politics. And here the racism/sectarianism, old enemies/new enemies lines begin to blur completely. If you normalise the ethnic cleansing of Catholics, it's not surprising if other, different, people are similarly excluded. If any 'Other' is seen as a threat to hegemony, it is a natural extension of ideology to throw out ethnic minorities from areas where Catholics have been and would continue to be thrown out; if the state institutionalises sectarian segregation through 'peace walls' and housing policy, it's not surprising that racial segregation for migrant workers appears as a new and attractive option to 'local residents'.

In the overall political context, it is important to remember that loyalism is a core component of British nationalism. This is an assessment of loyalism as a historical political formation, both as part of the politics of the British in Ireland and also of Britishness itself. It is anti-democratic, racist, authoritarian populism. Moreover, it isn't simply something belonging to the most reactionary elements of the Protestant working class in Northern Ireland, it is a British phenomenon. In other words, it isn't rooted in the most lumpen elements of loyalist paramilitarism – although these provide useful allies – but in the most developed forms of British nationalism. Its genealogy can be traced from Randolph Churchill, with his cynical strategy of 'playing the Orange Card', through Lord Claude Hamilton to Enoch Powell; from the Curragh mutiny to the Ulster Workers' Strike. When the British establishment rejects the consequences of formal democracy, this is what it looks like: a toxic cocktail of racism, sectarianism, anti-Catholicism, unionism, jingoism, militarism and paramilitarism.

It has been there for generations, hiding in plain sight. Yet, despite their *raison d'être* with regard to nationalists and black people, it is rarely, if ever, that loyalist groups are characterised as part of what would otherwise be described as the 'far Right'. For example, most analysis of far-right groups at the European level tends not to include loyalists. Yet it isn't just Enoch Powell or John Taylor who attest to the connections. The specific reference to the far-right interventions in the flag protest movements brings this right up to date. The most obvious manifestation is the Protestant Coalition, two of whose front people came from the British National Party splinter group, Britain First.[57] The elective affinity begins to look complete when we find that Britain First members, along with a roll call of others from the British far Right, are frequent attenders at Pastor McConnell's church.[58] And we need to put this in the broader context of a pan-unionist recognition of the appeal of the UK Independence Party (UKIP), which, though it also

threatens traditional unionism, is now unambiguously integrated into the pan-unionist family.[59]

This linking of loyalism and British nationalism matters not only in Ireland but across Britain and beyond. Loyalism in Northern Ireland is a British phenomenon. Britishness must bear some responsibility for what is done in its name in Northern Ireland. Equally, however, Britishness itself is constructed around this nexus – Margaret Thatcher famously said of Northern Ireland that it is 'as British as Finchley'. This connects with the broader point that what happens in Northern Ireland doesn't stay in Northern Ireland: from the Special Branch to the Prevention of Terrorism acts, repression that emerges from conflict in Ireland has direct consequences in Britain. It bears emphasis that *Race & Class* has been among the few voices to make this clear, to insist that what was happening in Ireland has some reference and relevance to Britain. It is not an accident that when others on the Left saw it as having no reference to their analysis, black intellectuals and activists were able to read this correctly – with a consistent engagement, from Sivanandan's historical analysis 'From resistance to rebellion'[60] to Steve McQueen's film *Hunger* – because so much of this reaction transposed directly onto black communities in resistance in Britain.

Thanks to this tradition, people across the UK should, by now, know how to make sense of people demanding to march with Union Jacks and associated paramilitary regalia through communities where they are not wanted. The key relationship here is with the state. Inevitably, in these situations, the marchers don't just want to march, they want the state to clear the streets of any resistance to their marching. And this, we might suggest, is the litmus test on racism for any state. Does the state facilitate the marching? Does it withdraw tactically? Or does it prevent the march? The dynamic isn't that different in Cable Street in 1936 or Skokie (Illinois) and Lewisham in 1977, or Tower Hamlets in 2014. The appropriate political response is 'they shall not pass' whatever the state decides to do or not do. The difference is that they did pass in Northern Ireland – again and again and over generations and generations.

Thus, there is a depressing circularity to the current stand-off around 'flags protests' across Northern Ireland and much the same dynamic was evident around Orange marches in Belfast nearly 200 years ago. But the lessons in terms of Britishness, loyalism and reaction are equally redolent. If people need any further help to get the point around the synergy of racism and sectarianism, it is there in the special 'panel' set up by the British government in 2014 with the sole purpose of forcing a march through the republican Ardoyne district.[61] The whole panoply of 'Unionist leaders' met with Northern Ireland Secretary of State Theresa Villiers to call for a parades inquiry looking at the issues surrounding Orange parading in North Belfast. The meeting included representatives of the DUP, the Ulster Unionist Party, the Traditional Unionist Voice, UKIP, the PUP, the Ulster Political Research Group and the Orange Order. In other words, the whole self-constructed PUL (Protestant, unionist, loyalist) community was there – including representatives of both major loyalist paramilitary traditions.[62] There,

in essence, is the nexus of the state and racism in contemporary Northern Ireland. In this context, neither the secretary of state nor the other unionist parties were perturbed by their association with groups identified as 'targeting ethnic minorities' by the IMC and 'ethnic cleansing' by the police.

Conclusions

Since the 1997 GFA, the situation of communities of colour and migrant workers in Northern Ireland has deteriorated markedly – the broad climate is more hostile, the possibilities for anti-racist work more restricted. The First Minister's public support for someone who insists that 'Enoch Powell was Right', alongside the PSNI admission that loyalist paramilitaries are involved in 'ethnic cleansing', present a bleak picture. At best, the criminal justice response has been to 'unite against hate', in practice this policy has been most evident in the PSNI policy of helping victims of racist violence to move out of their homes. Most of the positive lessons of Macpherson have been actively repudiated by the Northern Ireland criminal justice system. There has been an almost total usurpation of anti-racism by community relations – symbolised by the notion that racial justice can be reworked as an issue of 'equity' within the ambit of broader 'good relations'. In this sense communities of colour have 'lived the peace process in reverse' – as it stands, the toleration of racist violence is now a crucial part of the price of 'peace'.

What is so exceptional in Northern Ireland is not the depth of racism, frightening though it is, but the depth of its denial. Why are key participants, including the state, so keen to deny racism, to cover up racist violence, to defend the good name of loyalist paramilitarism? Put simply, most observers know how to read 'racism'. The term puts an end to Northern Ireland 'exceptionalism' – the assumed incomprehensible intractability of the Northern Ireland problem. This is why the KKK flag in East Belfast came down when thousands of other illegal, offensive flags stay resolutely in place across Northern Ireland. Because after centuries of struggle, people know what racism is. People know that attacking people of colour or migrant workers in their homes is wrong; they know that the involvement of paramilitaries in this process is even more wrong; and they know that the state disavowing such racism is as wrong as it gets. The response to racism helps people see what each aspect of the Northern Ireland dynamic is about – loyalist paramilitaries, unionist politicians, the state apparatus in Northern Ireland and the UK state, which remains ultimately responsible for addressing racist violence. Once we frame the situation in terms of racism, especially campaigns orchestrated by unlawful paramilitary organisations, the reality becomes truly shocking. We find different actors – politicians and criminal justice institutions and racist gangs – colluding in racism in ways that remain unthinkable in, say, London.

The most immediate challenge is, of course, the defence of the communities under attack. Naming the problem is at least a start. We have to insist that a state in which people of colour are not safe from paramilitary violence in their own

homes is not 'at peace'. But this is a struggle that needs to be won for reasons beyond the persecution of the communities of colour in Northern Ireland.

There are two broader political challenges, one for Northern Ireland and one for the UK. The first is for Northern Ireland to find for itself some other less racialised *raison d'être*. Ultimately it is the state and not an unhappy congruence of 'evil people' that generates the conditions for racism to escalate. The comparison with South Africa is not inappropriate in this context. Somehow Northern Ireland has to imagine itself beyond race – no easy task. This kind of radical reimagining seems far removed from the contemporary politics of Stormont, characterised by a uniquely toxic combination of budget cuts and mutual contempt. Nevertheless, the contemporary post-GFA state must prove itself capable of decoupling from its core rationale of defending the ethnic privilege of white Protestants. Either it does this or the conclusion that it is unreformable becomes inescapable.

More broadly, this crisis of 'devolved' state power in Northern Ireland cuts right to the heart of a gathering crisis of the broader UK state. The resurgence of paramilitarised racism and state collusion in Northern Ireland deserves attention for its wider implications across the rest of the UK. For all its instability, the Northern Ireland state has survived as part of the UK for nearly a hundred years, and here it does present a warning for the wider UK community. In the wake of the Scottish referendum, the UK state is itself entering a period of profound instability. It may well disintegrate. If it doesn't, however, it will mostly likely stabilise around new and dangerous political formations. A previous phase of imperialist reaction was constructed around the phrase 'Ulster will fight and Ulster will be right'. The National Front used to argue, 'The British Revolution Starts in Ulster'. There is no question that the Right will once again consider the part that 'Ulster' has to play. Many people are obviously worried by the project behind the rise of political racism in Britain: UKIP's 'repatriation' debates or the Tories' rediscovery of 'swamping' or Labour's appeal to 'British jobs for British workers'. When these agendas combine, we can be sure that the state is going to get even more repressive for people of colour and migrant workers across the UK. But we need to reintegrate Northern Ireland into this analysis. We find an immediate comparator for both the politics and the state formations that emerge from this kind of project. Northern Ireland is a polity in which the notion that 'Enoch was right' is met with a collusive silence rather than outrage and where the state rebrands the racist violence of paramilitaries as 'displaced sectarianism and criminal competition'. It is a polity where it remains possible to generate a reactionary populist mass movement – across class, gender and generation – with an appeal to the integrity of the Union Jack. It is an ominous portent of what mobilised British nationalism looks like in 2015.

Acknowledgements

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2   This 'thesis' was later substituted by the equally banal 'replacement theory' – the notion that racism replaced sectarianism. See for example Jake Wallis Simons, 'Sectarian hatred is being overtaken by xenophobic racism in Northern Ireland', *Telegraph* (20 September 2012).

3   For a more detailed discussion of sectarianism as a form of racism see Robbie McVeigh, 'Sectarianism in Northern Ireland: towards a definition in law', *Equality Coalition* (April 2014).

4   Robbie McVeigh and Bill Rolston, 'From Good Friday to good relations: sectarianism, racism and the Northern Ireland state', *Race & Class* (Vol. 48, no. 1, 2007).

5   Jon Burnett, 'Britain: racial violence and the politics of hate', *Race & Class* (Vol. 54, no. 4, 2013); Jon Burnett and Harmit Athwal, 'Race Related deaths after Macpherson', *Race & Class* (Vol. 56, no. 1, 2014).

6   This refers to the influential *Stephen Lawrence Inquiry Report*, chaired by Sir William Macpherson (London, Home Office, 1999, CM4262) that examined the flawed police investigation into the racist murder of black teenager Stephen Lawrence in 1993, and, amongst other things, established that the police in the UK were institutionally racist.

7   Orangefest is the rebranding of sectarian celebration around 12 July and the 'marching season'. It receives a deal of public money and publicity. Even those receiving public funding continue to attract negative publicity. See 'Belfast bonfires: fewer groups breach conditions such as flag burning', *BBC News* (28 October 2014). Besides these, the bonfire with 'Anna Lo Ate my Dog' was part of the wider 'celebrations'.

8   It is striking that where similar dynamics occur, as with Jobbik and Golden Dawn, the paramilitary-linked activities of these groups have been vigorously condemned by the European establishment yet the equivalent in Northern Ireland is ignored.

9   For example, 'Racism in Northern Ireland: "They called our children monkeys"', *Guardian* (12 June 2014).

10 For example, a recent *Radio 4* documentary on racist violence made great play of this idea. Using one anonymous source, it suggested that there was just as much racist violence in republican areas, but it wasn't being reported to the PSNI. 'Racism in Northern Ireland', in 'The Report', *BBC Radio 4* (11 September 2014). In reality the progressive political culture that was effectively hegemonic in areas like West Belfast or Derry has been replaced by war-weariness and a tolerance of routine racism alongside lots of other things that would have been unthinkable twenty years ago. But acknowledging a growing problem in republican areas is very different from colluding with this specious variant of the 'one side is as bad as the other argument' in which every criticism of unionism has to be 'balanced' with a similar criticism of republicanism.

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16 In response to a positive message by a UUP councillor on the contribution of migrants to the area, a DUP councillor insisted the area was being 'swamped by immigrants' suggesting this was, 'the hottest topic in Portadown'. See *Portadown Times* (7 September 2014).

17 Anna Lo had previously attracted unionist opprobrium for describing herself as 'anti-colonial' and indicating a personal preference for a united Ireland. See 'Anna Lo: "United Ireland" remarks "insulting", say unionists', *BBC News* (20 March 2014).

18 'Pastor James McConnell grateful for Peter Robinson backing', *BBC News* (29 May 2014).

19 *Irish News* (28 May 2014).

20 'Peter Robinson under fire for backing Pastor James McConnell's Islamic remarks', *BBC News* (28 May 2014).

21 'Anna Lo to quit NI politics over disillusionment', *BBC News* (29 May 2014).

22 'Ku Klux Klan flag taken down in east Belfast after discussions', *BBC News* (1 July 2014).

23 *Radio 4*'s investigation suggested that these flags were a 'best seller' in parts of East Belfast. See 'Racism in Northern Ireland', in 'The Report', *BBC Radio 4* (11 September 2014).

24 In terms of the 'both sides' discourse it is notable that the PSNI, when examining 'sectarian attacks', makes no effort to separate out victim and perpetrator data – which would give an indication of the extent to which power and agency dynamics have shifted and whether, in general terms, sectarian attacks are still relatively one sided. For example, in terms of post-GFA sectarian murders this appears to be the case. But the state has been resistant to any sectarian disaggregate of data along the lines of the UK Section 95 of the Criminal Justice Act. When data does challenge this reality, such as sectarian disparities in rates of imprisonment for example, it confirms that the state remains structurally sectarian in a range of ways. See Robbie McVeigh, 'Sectarianism in Northern Ireland: towards a definition in law', op. cit.

25 IMC, *First Report of the Independent Monitoring Commission* (2004).

26 'Loyalist removed over racism', *BBC News* (6 February 2004); 'Racist war of the loyalist street gangs: orchestrated attacks on minorities raise fears of ethnic cleansing', *Guardian* (10 January 2004).

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29 IMC, *Tenth Report of the Independent Monitoring Commission* (2006), pp. 16–18.

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34 Northern Ireland Policing Board, 'Minutes of a meeting of the Northern Ireland Policing Board held on Thursday 3rd April 2014 at 9.30am in Waterside Tower, Belfast', available at: http://www.nipolicingboard.org.uk/minutes_of_board_meeting-_3april_2014.pdf.

35 Witness the Chief Commissioner of the Equality Commission before the Northern Ireland Affairs Committee of the British House of Commons, refusing to link racist hate crimes to loyalist paramilitary activity: 'I do not think it is the role of the Commission to actually attribute the attacks. I think that is a matter for the police and for other agencies who work directly in this area.' House of Commons, Northern Ireland Affairs Committee (2005, Ev 9).

36 For example, after Deputy First Minister Martin McGuinness had named 'elements' in the UVF and Orange Order as being involved in racist violence, DUP MLA Robin Newtown was at pains to insist that the Chief Constable had assured him that 'no specific group' was

behind recent attacks on the 'Nolan Show'; *BBC Northern Ireland* (13 May 2014).

37   Robbie McVeigh, *The Next Stephen Lawrence? Racist violence and criminal justice in Northern Ireland* (Belfast, NICEM, 2006). Robbie McVeigh, *Race and Criminal Justice in Northern Ireland: towards a blueprint for the eradication of racism from the CJSNI* (Belfast, NICEM, 2013).

38   Paul McGill and Quintin Oliver, *A wake-up call on race: implications of the Macpherson Report for institutional racism in Northern Ireland* (Equality Commission for Northern Ireland, 2002).

39   Neil Jarman, *Criminal Justice Responses to Hate Crime in Northern Ireland* (Belfast, Challenge Hate Crime Project, 2012).

40   Ibid., p. 48.

41   'Spotlight on NI legal system's racist attack blind spot', *BBC News* (23 September 2014).

42   'Police get 14 calls in two weeks to new hate crime line', *BBC News* (5 June 2014).

43   'Operation Orion: Police name for major anti-racism operation is KKK slogan', *Belfast Telegraph* (14 May 2014).

44   And if, as was suggested, these codenames are generated at random, the earlier 'Operation Season's Greetings crime prevention messages for the Christmas period' appears particularly serendipitous.

45   The PPS explains: 'There is no statutory definition of "hate crime" … [In Northern Ireland] the law does provide for a "statutory aggravating feature". This is applied if, in the view of a prosecutor, this aspect of a case can be proved to the evidential standard; that is, beyond reasonable doubt. If a Judge accepts that this aspect of the case is proven beyond reasonable doubt, he/she must increase the sentence imposed.' In other words, all the journalistic and political hype around racist hate crime is built around something which does not exist in law and which is defined in two completely different and contradictory ways by the police and PPS in Northern Ireland. See 'Public Prosecution Service for Northern Ireland Statistical Bulletin: Cases Involving Hate Crime 2013/14 1 April 2013 to 31 March 2014', pp. 1–3.

46   Thus, even when the hatred and the incitement appear pretty palpable, there isn't much evidence of prosecution. 'Preacher who said "Islam is satanic" is facing police probe over "hate mongering"', *Mirror* (21 May 2014).

47   'Doubts over Palestinian aid schemes', *BBC News* (21 February 2006).

48   Public Prosecution Service for Northern Ireland 2014, op. cit. p. 15.

49   It has only emerged in 2014 that campaigns organised by the Lawrence family and others protesting about police racism were infiltrated by undercover police officers, and taps were placed on phones of lawyers and politicians.

50   Thus in terms of the state response, an allegation made by DUP Minister Edwin Poots in summer 2013 that PSNI was turning a blind eye to loyalist drug dealers led to a forceful rebuttal from the PSNI. By contrast, a question posed to the Chief Constable by the Policing Board seeking similar assurances that authorisations were not being given for paramilitary informant participation in racist violence received the standard issue 'neither confirm nor deny' response.

51   Robbie McVeigh, *Race and Criminal Justice in Northern Ireland 2013*, op. cit.

52   For example, it would be interesting to put these examples before a Hate Crime Scrutiny Panel modelled on British interventions to find out just how inaction in the most egregious cases might be justified.

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55   Northern Ireland has not, however, imported the British definition of good relations. Thus, the ineffectiveness of good relations in Northern Ireland is compounded by a lack of formal definition, which leads to different competing and problematic lay interpretations. By contrast the GB duty provides the 'tackling prejudice and promoting understanding' formulation, and its extension across grounds allows a greater intersectionality in application.

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The Guantánamo-isation of Belgium

LUK VERVAET

Abstract: Features of the American global war on terror, with its Guantánamo Bay and other secret prisons, where captured detainees are kept outside the national rule of law and international conventions, are being emulated by European democracies, which introduce similar illegal concepts and practices into their penal policies. Now an enthusiastic partner of the US in the war on terror, the Belgian state, fractured internally by the linguistic and regional divide and incapable of finding solutions to the economic crisis, has followed the US in its justice and penal policies. The author charts the erosion of liberal principles within justice policies, from the abandonment of Belgium's law on universal jurisdiction to the introduction of anti-terror laws and measures; a cooperation agreement with Morocco; and the cavalier attitude to evidence extracted under torture. He examines the significance of the extradition to the US of Tunisian national Nizar Trabelsi. Belgian penal policy has U-turned, especially since the moral panic over child molester and killer Marc Dutroux, and now prisons are massively overcrowded as punishments are ratcheted up. The author argues that the reason for Belgium's apparent subservience to the US and NATO, and its move to punitive prison policies, lies in its wish to retain its central role within European institutions as it struggles to maintain economic and political stability.

Just twelve years ago, Belgium was still part of what the then-US Secretary of Defense Donald Rumsfeld contemptuously called 'old Europe' – the term he used for European countries that did not support the war in Iraq. At the beginning of 2003, Belgium sided with Germany and France in opposing the invasion of Iraq. 'The reason given for starting this war is ridiculous', said the Belgian Minister of Foreign Affairs, Louis Michel, at the time. 'Iraq no longer has the capacity to attack anyone'.[1] Representatives of other parties – Socialists, Greens and the CDH (Humanist Democratic Centre) – nodded their heads in approval, supporting his stance.

Ultimately, however, this opposition was purely verbal and symbolic and lasted only a few months. Belgium did not oppose the US when it used the port of Antwerp to transport weapons and troops to the front in Iraq, and once the US started to apply political and economic pressure, old Europe quickly crumbled. By becoming willing allies in the so-called 'war on terror', western European democracies were caught in a race to the bottom. Little by little, concepts and practices, similar to those that guided the Americans at Guantánamo Bay (and their global network of secret prisons) were introduced into European justice and penal policies. No more so than in Belgium, a country that, already with its own internal problems, has come fully round to the 'American way', securitising in the process what were once liberal justice and penal policies.

Shock as American faces lawsuit in Belgium for war crimes

Events in Belgium in April–May 2003 that followed an attempt to lodge a complaint against US General Tommy Franks, under Belgium's universal jurisdiction law, shed light on how Belgium has, in an unprecedented way, come under US thraldom.

Belgium's law on universal jurisdiction (also known as Belgium's genocide law) came into force in 1993, allowing the courts to bring individuals alleged to have committed war crimes, crimes against humanity or genocide to trial, regardless of where these crimes were committed and the nationality of the alleged perpetrators or the victims. This law was passed unanimously by the Belgian parliament, amidst the euphoria of 'freedom' that accompanied the downfall of the Soviet system. This enthusiasm was short-lived, for the law was quickly found to be unacceptable, particularly to the US and Israel.

Lawsuits brought by the founder of the Arab European League, Dyab Abou Jahjah, in 2001 against Ariel Sharon for his role in the 1982 Sabra and Shatila Massacre and by Iraqi victims against US officials (George Bush Sr, Colin Powell,

Dick Cheney and Norman Schwarzkopf), for crimes committed during the 1991 Gulf War, provoked the wrath of the US and Israel, which moved quickly to reformulate the limits of western democracy and independence – limits that Belgium had clearly crossed in a fit of amnesia following the fall of the Berlin Wall. Things came to a head following a complaint lodged with the Federal Prosecutor in Brussels on 14 May 2003 by nineteen Iraqis citing crimes committed by US soldiers during the invasion of Baghdad. The substance and merit of the complaint was never officially disputed; the problem was whom the complaint targeted. General Tommy Franks, the commander of the Anglo-American coalition in Iraq, was cited as 'responsible for the manner in which his men acted' and marine commander Bryan McCoy was named as the official 'who identified ambulances as legitimate targets, as they can hide armed men'.[2]

The US's reaction was fast and furious. This complaint, against none other than a US general, unleashed a barrage of protests and threats. The BBC's Washington correspondent Justin Webb wrote, 'The Bush administration reacted angrily. There was a serious risk of a diplomatic spat, members of the Bush administration said. One of its main figures warned Belgium that it would face diplomatic reprisals if the complaint was brought to court.'[3] Richard Boucher, spokesman for the State Department, stated in a press release: 'We believe the Belgian government should ensure its laws are not subject to political abuse.'[4] On 7 May 2003, the deputy chair of the American Chamber of Commerce and the US Ambassador to Brussels held a meeting with Herman De Croo, the president of the Senate. Following this meeting, De Croo stated:

> A judicial investigation against General Franks would be highly damaging for our country ... The Americans would consider a prosecution based on this complaint a test of the judicial stability of our country. The Americans have threatened to withdraw their investments from Belgium, which could lead to 50,000 job losses in Belgium in two or three years.[5]

On 13 May 2003, Richard Meyers, Chairman of the Joint Chiefs of Staff of the United States army, attended a NATO meeting in Brussels, at which he stated, 'The complaint against General Tommy Franks could have an enormous impact on relations between Belgium and the United States. The situation is very, very serious.'[6] Philip Reeker, spokesman for the State Department added, 'The complaint is a disgrace. These accusations are worthy of nothing more than contempt. The Belgian government must be more careful in taking measures to prevent political abuses of its judicial system.'[7] The possibility of a US boycott of the port of Antwerp was put forward openly:

> The United States immediately threatened to move the headquarters of NATO (North Atlantic Treaty Organization) from a Brussels suburb to another country. The United States also pointed out more discreetly that part of the maritime traffic coming from the United States currently transits through the

Belgian Port of Antwerp and it could be diverted to installations in Rotterdam in the Netherlands.[8]

In a speech to NATO in Brussels in June 2003, Donald Rumsfeld stated that Belgium must take responsibility for the consequences of these actions: 'It is becoming impossible to send US military or civilian personnel to Brussels to take part in meetings.' He proclaimed that 'as long as Belgium cannot ensure that it will once again become a hospitable place for NATO, as it has always been, I would oppose any plan to build new NATO buildings in Brussels'.[9]

On 23 April 2003, the Belgian law on universal jurisdiction saw its scope restricted by an amendment that gave the government the power to refer cases brought against foreign suspects not to Belgian courts but to the courts in their own country, or to the International Criminal Court (ICC). Thus, on 20 May, Belgium finally freed itself from the complaint against General Franks. According to the Belgian Federal Prosecutor, he no longer had to decide on the admissibility of the complaint in Belgium, as it had already been referred to the US. In response, another appeal was lodged, with the Federal Prosecutor again invited to take a position on the admissibility of the complaint. The Brussels appeal court ruled that it did not have the power to reopen the war crimes complaint against General Tommy Franks. Unsuprisingly, the US courts dismissed the case against him.

But that was not the end of it. In a further dramatic turn of events in August 2003, the Belgian parliament voted to repeal the law on universal jurisdiction. The liberal-led coalition government of Guy Verhofstadt, who found himself at odds with his coalition partners, was forced to rely on the support of the opposition Christian Democrats (CD&V) and the extreme-right Vlaams Blok. In place of the old law, a new, considerably more restrictive law on extra-territorial jurisdiction was introduced.[10] This ensured that Belgium would only have jurisdiction over international crimes if the accused was Belgian or had primary residence in Belgium. In future, all complaints would be referred to the courts in the defendant's own country or to the International Criminal Court (ICC).

In Brussels, on 1 August 2003, six human rights NGOs prepared a eulogy for the death of the old law. According to Amnesty International Belgium, the Belgian Human Rights League (Ligue Belge des Droits de l'Homme and Liga voor de Mensenrechten), the Fédération Internationale des Ligues des Droits de l'Homme (FIDH), Human Rights Watch and Avocats sans Frontières, 'The Belgian parliament's adoption of a new law on the prosecution of serious violations of international humanitarian law repeals the law on universal jurisdiction' and was 'a step backwards in the international fight against impunity'.[11] The case was closed.

The US, on the other hand, still had one card to play: the Belgian lawyer who filed the lawsuit, Jan Fermon, was placed on a US blacklist. Nearly ten years after the complaint against General Franks, Fermon was not allowed to travel through the United States to attend a meeting in Costa Rica.[12]

Topping the anti-terrorism league

The demise of the law on universal jurisdiction was the beginning of a new era in which an increasingly dysfunctional federal state (facing repeated crises because of the linguistic and regional split between Dutch-speaking Flanders and French-speaking Wallonia) would respond uncritically to any requests from the US or NATO. Through its growing incorporation into the 'war on terror', and its willingness to use even its own citizens, accused by the US and its allies of terrorist offences, as bargaining chips, Belgium clawed its way back to safety in the international arena. All in all, not an unremarkable achievement given the repeated threats of government meltdown, the most serious of which occurred after the June 2010 general election. Fractured negotiations between the two winning parties ensured that government formation took a total of 541 days, breaking the record of 249 days, previously set by Iraq in 2010.

Not only did Belgium stand accused of being part of 'old Europe', but it had also been considered a weak link in the 'war on terror'. According to anti-terrorism specialists, this was the more serious given that Belgium was home to so many international bodies. As one expert put it:

> Belgium, headquarters of the European Union and the North Atlantic Treaty Organization, is considered a logistical base for terrorist networks operating in Europe. With a counterfeiting industry operating with unparalleled efficiency, and increasingly active secretive financing networks, Belgium currently has the reputation of being the weak link in Europe's fight against organised terror.[13]

In this area too, Belgium was quick to turn itself around and (re-)establish itself as a reliable partner on the world stage. By 2006, the EU counterterrorism co-ordinator Gilles de Kerchove was able to call Belgium 'one of the best pupils'.[14]

The main target of Belgium's anti-terrorism laws and measures was the Moroccan community, largely concentrated in the poorest districts of Brussels and outnumbering other communities of migrant origin. It is a dual-national community that is uniquely vulnerable to the long reach of the Moroccan state, as Moroccan laws do not allow those of Moroccan descent to renounce their citizenship. It is a community that also feels very close to the Palestinian question and other issues affecting Muslims elsewhere.

As part of its domestic anti-terrorism offensive, Belgium worked closely with Morocco. The US outsourced torture to Morocco, one of the first Arab countries to pledge its allegiance to the Bush administration in the 'war on terror'. By creating a joint enterprise against terrorism with Belgium, the Moroccan government was also able to secure its own wider interests since it wants to monitor and control the Moroccan Diaspora in Europe, considering its members as Moroccan subjects, for religious, financial and political reasons.

The mutual interest of Belgium and Morocco was illustrated by the organisation of a mass trial in Belgium in 2005 against supposed members of the Moroccan Islamic Combatant Group (GICM). As one critical Moroccan journalist put it:

> The myth of a fifth column crouching in the shadows, devious and with multiple allegiances is vigorously underway … Belgium is preparing to undertake large-scale legal action to set an example. It is introducing a new offence of 'participation in the activities of a terrorist group'. The principle, the application of which is new, arises from the new Belgian anti-terrorism law passed in 2003. Eighteen Moroccan nationals or individuals of Moroccan origin will be brought before the Brussels criminal court.[15]

The collaboration satisfied both parties. An article published in the Moroccan media in 2007, on the conclusion of a meeting between the Belgian-Moroccan High Commission for Joint Cooperation, stated:

> Morocco and Belgium have decided to work more closely to fight terrorism. The two kingdoms are committed to working together and using all resources to protect themselves against terrorism, which is an increasingly urgent threat to the peace and stability of Morocco and Belgium and the region in general. Several Moroccan Islamists from the Moroccan Islamic Combatant Group (GICM) have recently been sentenced in Belgium and two Belgians of Moroccan origin were involved in a terrorism lawsuit in Morocco.[16]

Working hand-in-glove with Morocco, Belgium became so enthusiastic about the merits of its new anti-terrorism crusade that it crossed the limits set by the rule of law. In 2012, the European Court of Human Rights ruled against Belgium in a lawsuit arising from the GICM case,[17] stating that it had relied on evidence obtained through the use of torture in Morocco. Belgium's appeal against the ruling was dismissed. This judgment by the Court, upheld on appeal, is but one example of the way in which Belgium's human rights record has been debased over the past decade. But there was more to come.

The Trabelsi case

Would Belgium agree to a request by a US federal judge, Alan Kaye, to extradite Tunisian national Nizar Trabelsi to the US? The request arrived in Belgium on 11 April 2008. And for the next four years, it preoccupied the Belgian courts, the ministry of justice, the government and the media.

In fact, Trabelsi's case fascinated the media, not least because of his unusual personal trajectory. Trabelsi had once been a successful professional footballer in Tunisia, Belgium and Germany with a glamorous western lifestyle. However, after suffering a personal crisis, he turned to Islam, travelling to Afghanistan, originally to dig wells but eventually becoming a combatant. In September 2001,

Trabelsi was arrested in Brussels and charged with conspiracy to attack a NATO air base in Belgium. Although it was never clear whether Trabelsi had the capacity to make good his plan, he received the maximum 10-year prison sentence for a terrorist offence, which he served in almost constant isolation, a regime similar to that of the US supermax. The US extradition request came after Trabelsi had refused to co-operate with FBI officers who went to Belgium to interrogate him. The request meant that he would face further charges based on the same incidents, in breach of the principle that no one should be tried twice for the same offence.

The first three years were taken up by court challenges to the extradition request brought by Trabelsi's lawyers Marc Nève, Chantal Moreau and Fernande Motte-de Raedt. In June 2010, the Belgian courts, unconvinced by the legal arguments, sent their final opinion to the Minister of Justice. As Trabelsi's lawyer Marc Nève (a former deputy chair of the European Committee Against Torture) understood it, the electoral promises of Obama to close down Guantánamo and uphold the international rule of law (made immediately after his election in November 2008) were the decisive factors leading the courts to raise no objection to the US extradition request.

As the Christian Democratic & Flemish (CD&V) Minister of Justice in an outgoing government, expected only to deal with day-to-day matters, and with Nizar Trabelsi still in prison serving his sentence, Stefaan De Clerck was under no obligation, legal or otherwise, to deal with Trabelsi's case before leaving his post. He could have handed it to the new Minister of Justice, Annemie Turtelboom. His thoughts were already elsewhere, in the pleasant countryside of Flanders, where he was anxious to resume his position as the Mayor of Courtrai as soon as he could,[18] and one week before quitting his post as minister, De Clerck decided to leave his mark. On 23 November 2011, he signed off on the extradition request for Nizar Trabelsi. It was a political gesture which showed that Belgium, after a decade of the 'war on terror' and crisis, had become little more than a stop-over for the US. It was as though the CD&V wanted to list this extradition among its achievements. It is also the story of how a once reformist-minded politician became a staunch and uncritical friend of the US.

The Guantánamo-isation of Belgium was brought about by two processes – the 'war on terror' and its Americanisation of laws and penal policy from without, and the internal weakening of society, in particular the impact of the Dutroux scandal (discussed later), which largely preceded the first process. It is in the career of Stefaan De Clerck that we see both processes exemplified.

From prison reform to US-style incarceration

Stefaan De Clerck had raised expectations considerably when he first held the post of Minister of Justice in 1995 in the Dehaene coalition government of CD&V and Social Democrats. By 12 June 1996, he had already written a guidance note on 'criminal policy and the enforcement of sentences' that, at the time, was

considered to herald a refreshing reformist approach to penal policy. He called for alternatives to prison, attacked the ineffectiveness of prison in preventing recidivism, asked for 'selective use of custodial sentences' including 'slower and shorter pre-trial detention': 'Release subject to conditions appears more appropriate; – priority must be given to independent preventive measures aimed at redress and reintegration; – an individualised release policy; – an assessment of the harmful effects of the long-term loss of liberty in relation to the interests of society.'[19]

De Clerck gave Professor Lieven Dupont the task of drafting a preliminary law on principles relevant to prison policy and published his own thoughts in a book on the need to reform the Belgian penal system.[20] In an account of his motivation for writing the book he stated:

> For decades, justice had been neglected. Until recently, the Belgian prison system was an unknown aspect of our society. Politicians and the public took hardly any interest in it. This is probably as it affects a group of people that we would rather ignore. This has contributed to making detention not only about physical isolation but also social isolation.[21]

De Clerck's work was followed in 2000 by another orientation note on prison policy principles, prepared by the new Minister of Justice Marc Verwilghen.[22] The Belgian Centre for Socio-Political Research and Information (CRISP) wrote approvingly, 'The positions developed by the two ministers on prison policy are linked, beyond their political affiliation, to an existing trend in criminology which distances itself from a purely preventive policy that destroys the fundamental rights of prisoners.'[23] This approach was diametrically opposed to that of the US policy of mass incarceration with increasingly longer and sometimes never-ending sentences.

The impact of the Dutroux scandal

A scandal involving disappeared and murdered children was to see the reform proposals and the search for alternatives to prisons cast aside, particularly as the failures of the criminal justice system to detect the depraved activities of a known dangerous sex offender were laid bare at the Dutroux trial of 2004. From 1995 to 1996, six girls, aged from 8 to 19, were kidnapped and sexually abused by Marc Dutroux, who had constructed a secret dungeon in his home for their torture and abuse, where he eventually murdered four of the girls. He was arrested in 1996 and subsequently brought to trial, alongside his wife and a suspected accomplice, in 2004. The scandal shed light on the class-based police and court systems that care far too little for disappeared children when they happen to come from poor families,[24] but also on the competition between police departments that led the police to cover up their failures; a pattern of institutional negligence that probably cost the lives of some of the murdered children. The scandal should have led to a widespread discussion about increasing social anomie, the need for a societal

push to challenge social deprivation, and for a reforging of community bonds to protect the vulnerable and those at risk. All too predictably, this did not happen. In the moral panic that followed, the focus was on the need to lock up more and more offenders; if we were to protect society from pervasive child sex abuse, the signs of danger and risk were everywhere. The Dutroux case had an overall negative impact on the prison system, and release on parole became more difficult for all prisoners and a more repressive climate set in at all levels. The words 'recidivist' and 'security' became the watchwords for guiding policy and media frameworks. The number of sex offenders amongst the prison population rose. Few people dared to say after the Dutroux case that it was not just a matter of punishment, or that prisons were not the effective remedy for social deprivation or sexual depravity.

Minister De Clerck paid a price for the Dutroux scandal. After the culprit's short but failed prison escape, he resigned his post as minister in 1998. When he returned to government as Minister of Justice ten years later in December 2008, everything had turned and he was no longer the reformist. Two things had changed: from 2001, there had been the international 'war on terror'; and a record-breaking explosion in prison populations, not just in the US, but in Europe, had taken place.

Prison populations soar

It was a global trend, to which Belgium was not immune; the numbers of people behind bars reached an unprecedented level. In 2008, Belgium, a country of just over 10 million inhabitants, held 9,871 prisoners with a prison capacity of 8,422. This capacity was extended to 8,949 in 2010. However, by November 2010, there were already 1,000 more prisoners compared to 2008: 10,846 people were in prison, another 1,106 people were electronically tagged and 1,914 people had suspended sentences. Although Moroccans and Turks make up 2 per cent of the population, they were found to make up 16 per cent of the prison population.[25] According to a government report, 40 per cent of the prison population in 2011 were non-Belgian nationals.

In February 2011, a historic high of 11,044 prisoners was reached, according to statements by the spokesperson for the prison board.[26] This has given rise to a situation in which, for example, there are 679 prisoners but only 400 cells in a prison such as Forest, which is located in a municipality of Brussels. The alarm bells were sounded:

Christian and Muslim chaplains and secular counsellors brought in to visit prisoners in their cells come across increasingly alarming situations. Many prisoners only have a mattress alongside other prisoners who have a bed, in cells that are far too small … They wish to express their serious concerns upon seeing the discontent of prisoners due to the inhumane treatment they are subject to, who face constant repression, which will inevitably lead to an

unparalleled explosion of violence with all the harmful consequences that could arise.[27]

'The problem of prison overcrowding is particularly severe in Belgium, which has an incredible 128.4 prisoners for every 100 places, compared to 98.4% on average in European prisons', warned the administrative Belgian Court of Audit, which looked at the measures taken over the past fifteen years:

> Between 1991 and 2009, it has been noted that the number of custodial sentences over five years has also increased from 39% to 65% … Another alarming observation: in 2010, convicts made up 53% of the prison population; 35% of the prison population are held on remand and 10% are psychiatric internees. The rises across these three categories since 1990 have been significant, stated the Court of Audit's preliminary report. There are 109% more psychiatric internees, 90% more convicts and 69% more prisoners who have been charged and are held on remand … Between 1991 and 2009, the number of custodial sentences over five years has also gone from 39% to 65%.[28]

One can add to that the fact there are 328 prisoners aged over 60 in prison. This is an increase of 180 per cent over twelve years (there are fifty-nine prisoners aged 70–80 years and nine who are 80 or older).

The government had the choice of either radically changing course or continuing its descent along the US path (of mass incarceration) and making up for lost time by increasing the number of prisons. It chose the latter option.

In April 2008, just before De Clerck returned to his desk, the outgoing Minister of Justice Johan Van Deurzen presented his 2008–12 Master Plan for dealing with the stark growth in the prison population and the inhumane conditions in the prisons. When De Clerck replaced him, the former simply adopted the plan as his own, saying, 'I have had the opportunity to be able to build seven bridges in Courtrai, and now at national level, I will be able to build seven new prisons.'[29] The plan involved the construction of new prisons and of 2,500 new cells at 100,000 euros for each cell at a total amount of 250,000,000 euros, to be financed by taxpayers effectively for the private sector, applying the DBFM formula (Design, Build, Finance, Maintain).[30] The Minister of Justice became a technocratic minister for prison buildings and real estate. The Master Plan, which aimed 'to extend prison capacity and create a more humane prison infrastructure', became the answer to all problems.

On 31 October 2009, in a European first for outsourcing beyond national boundaries, De Clerck signed an agreement with the Netherlands to transfer 500 prisoners from overcrowded Belgian prisons to the prison in Tilburg in the Dutch province of North Brabant, at a cost of 10 million Euros per year. The transfer started in February 2010. Less than a year later, it was already not enough. By the end of 2010, the government announced that it was renting 'an additional 150 prison places in the Tilburg prison'.

As part of the Master Plan, on 14 December 2010, the Council of Ministers approved the closure by 2016 of the 'highly dilapidated prisons in Forest, Saint-Gilles and Berkendael, which will be replaced by a new institution in Haren'. This Brussels super-prison will have a capacity of 1,190 places, an additional 200 cells over the current capacity of the three prisons put together.

Overturning liberal values

The death penalty had not been used in Belgium since the end of the Second World War. Its formal abolition, however, on 13 June 1996, had been De Clerck's work. It was his draft law that resulted in a vote in parliament (120 deputies for and thirteen against) formalising the abolition of the death penalty. Amnesty Belgium wrote,

> For the Minister of Justice at the time, Stefaan De Clerck, the death penalty is an act of vengeance and its abolition must be considered the first step in reforming prison policy in Belgium. However, as this punishment is no longer applied, it has become irrelevant. Indeed, it had become the cause of judicial difficulties with other countries when requests are made to extradite criminals.[31]

The last sentence is unequivocal: a country that still has the death penalty among its laws, even if it is no longer used, can only seek the extradition of criminals imprisoned in other countries with difficulty. Fifteen years later, this same De Clerck approved the extradition of prisoner Nizar Trabelsi to a country that not only has the death penalty on its statute book but enforces it with alarming regularity.

Less than two months earlier, on 20 September 2011, De Clerck had also signed another extradition agreement with the United States – the Preventing and Combating Serious Crime Agreement – to 'allow Belgian and US investigators to exchange, as part of judicial and police investigations, data such as fingerprints and genetic information (DNA) to accelerate and improve the identification of possible terrorists and people suspected of serious crimes'.[32] In this agreement, Belgium agreed to transfer to the US 'all DNA data, fingerprints, biometric and bio-data about potential criminals and terrorists in our country', making Belgium the twentieth country in the world to sign such an agreement with the US.

What explains the unprecedented servility to the US? First, there is the pressure of the 'war on terror' which has changed how we think altogether. It has made even the most cautious Europeans fall into the US camp and has led us to the battlefront. 'You are with us or against us', Bush said. Belgium's politicians chose his side. Second, there is Belgium's vulnerable position on the world stage. Like other countries, Belgium has found itself up against an unprecedented economic crisis. However, in Belgium it is accompanied by an unprecedented institutional and constitutional crisis. Without any practical responses to the economic crisis and, for considerable periods over the last decade, without even a sustainable

governmental structure for the longer term (note the aforementioned 2010–11 governmental crisis), Belgium's involvement in the 'war on terror' has emerged as a means of redeeming itself on the world stage, primarily with respect to the US, on which it is largely dependent.

This also means safeguarding Belgium's role internationally and earning international trust so as to maintain Brussels' position as a European centre and the headquarters of NATO. Whether it has been participation in wars in Afghanistan, Somalia, Libya or elsewhere, over the past few years, the trio of Vanackere, De Crem and De Clerck, who held the key ministerial posts of foreign affairs, defence and justice, have acquiesced to all the demands of the US and NATO. From the request to boost Belgian troop numbers in Afghanistan well above Belgium's actual military capacity, to acquiescence to the extradition request for Trabelsi (deemed by the European Court in September 2014 a violation of the Article of the Human Rights Convention),[33] this trio has eradicated all possible opposition by the Belgian government, as weak as it is, to the belligerent policies of the US and NATO.

The CD&V has been losing ground in elections for the past ten years, but now it is losing out to the far-right opposition – namely the NVA (a nationalist, pro-US party) and the extreme-right Vlaams Belang, which, together, make up an absolute majority in Flanders. So, the CD&V, a traditional rightwing party, is using the international stage (on which its extreme-right nationalist rivals are absent) as a platform from which to recreate its statesmanlike image. In November 2009, the CD&V provided the first permanent President of the European Council, Herman Van Rompuy, and Yves Leterme, former Prime Minister, and also from its ranks, was appointed on 8 December 2011 as Deputy Secretary-General of the Organisation for Economic Co-operation and Development. Pieter De Crem (deputy Prime Minister and Minister of Defence from 2007 until 2014) is also now in the running for NATO secretary general.

De Crem's rabid reaction to critics of the war on terror has not gone unnoticed. In parliament in 2008 he replied to the reasonable criticisms of the Green and Socialist Parties against increasing Belgium's involvement in the war in Afghanistan, stating 'You are on your own. You are on the side of Osama Bin Laden and his bomber and rapist friends. You are an objective partner to these bombers and those who cut off the ears of girls as they go to school. Your words are unreasonable and disrespectful to the Belgian soldiers who are there'.[34] The US would later call him 'one of the United States' strongest friends in the Belgian government'.[35] And as Anders Fogh Rasmussen's term as NATO Secretary General expired in July 2014, Pieter De Crem initially emerged as a candidate to replace him: 'NATO sources have told *EurActiv* that the competition for the position of NATO secretary general has started. Pieter De Crem has the best chance of success. A conservative Belgian politician from Herman Van Rompuy's CD&V Party, Mr De Crem could get the most votes.'[36]

Uncompromising, repressive and inhumane behaviour for over a decade and the unlawful extradition of Trabelsi have undoubtedly been part of the perfect score-sheet that a servile CD&V has handed over to its US master.

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The pages of whiteness: theory, evidence, and the American immigration debate

CIAN T. McMAHON

Abstract: The author traces the growth and decline of whiteness studies over the past two and a half decades, from the publication of David Roediger's *The Wages of Whiteness* in the early 1990s to the present day. Although it accurately identified race as a social construct in modern society, 'whiteness' also employed over-simplifications that ultimately undermined its critical relevance. Nonetheless, the author demonstrates how the colourful career of 'whiteness' as a scholarly concept can inform contemporary debates over immigration and identity.

Keywords: American immigration, Irish Americans, people of colour, race, *Wages of Whiteness*, whiteness studies

The debate over American immigration, currently reaching a fever pitch, hit a previous peak in 1854. Popular antagonism to the thousands of impoverished Irish arriving every month was running high, and many considered the newcomers unsuitable for American citizenship. It was in this context that exiled Irish '48er John Mitchel used the columns of his popular New York weekly

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Citizen to glorify slavery. 'We are not abolitionists', he brashly declared in January 1854, 'no more abolitionists than Moses, or Socrates, or Jesus Christ … we, for our part, wish we had a good plantation well-stocked with healthy negroes in Alabama.'[1]

For many historians, Mitchel's words confirm what they already know: he was representative of an Irish-American community struggling to 'become white' by keeping blacks down. Yet this well-worn truism confuses more than it clarifies. Just one week later, fellow 1848 exile Michael Doheny publicly distanced himself from Mitchel's remarks. 'I detest and abhor the slavery of an African negro, a Hill coolie or any coolie', wrote Doheny in a widely reprinted open letter to the *New York Tribune*, 'precisely as I detest and abhor the slavery of a white Irishman. The pretenses, called arguments, that are heard on the inferiority of race and distinctions of color, I utterly repudiate and stigmatize as fraudulent, barbaric, brutal, and contemptible.' Doheny did not stand alone. Soon after publishing his 'Alabama article', Mitchel admitted that he had received dozens of letters criticising it. When he quit the newspaper a year later, largely due to dwindling circulation numbers, he conceded that the article had 'swept off ten thousand readers at one blow'.[2]

The fracas between Doheny and Mitchel lays bare an important weakness in 'whiteness' as an interpretive framework for analysing the history of American immigration. If the Irish were, as numerous whiteness scholars have suggested, hell-bent on denigrating blacks to 'become white', then how could two of their most respected leaders disagree so vehemently over slavery? The truth is that while the whiteness scholars were correct in identifying race and class as two of the lowest common denominators in American society, they also badly underestimated other, more complicated, issues at work. While these intellectual blind spots undermine whiteness as an analytical framework for new research by academic historians, they do contain useful lessons for us all as concerned citizens of the twenty-first century.

The present article tracks the career of what I will be calling 'immigrant whiteness' to analyse how both its strengths and shortcomings might inform the current debate over American immigration. I begin by exploring the decade of heady excitement that followed the 1991 publication of David R. Roediger's seminal work, *The Wages of Whiteness*. During that period, a series of books on immigrant whiteness attracted legions of followers. They were also met, however, by strong criticism. The next section examines the second decade of immigrant whiteness, from 2001 to 2011, to demonstrate how new works in the field responded to the deficiencies of the earlier scholarship. Ironically, as this second wave of books and articles addressed the problems inherent in whiteness, they undermined its usefulness as an analytical framework. Finally, I turn to the contemporary debate over American immigration to investigate in some detail what lessons we can learn from all of this. By tracking the rise and fall of whiteness in American immigration history over the past two decades, this article offers fresh perspectives on one of the most important problems in modern society.

Following Roediger...

Although its intellectual roots stretched back to W. E. B. DuBois in the early twentieth century, 'whiteness' really erupted in the early 1990s as an explicit reaction to the way in which the history of race in America had traditionally been approached. Since the founding of the historical profession in the late nineteenth century, scholars had assumed that race equalled 'blackness'. By the late 1980s, it was generally recognised that whiteness was missing from the narrative but its unmarked, normative status rendered it difficult to chart. Where could one find a conceptual tool capable of mapping something so ubiquitous? Beginning with David R. Roediger's *The Wages of Whiteness* (1991), scholars started investigating what it had meant to be white. To understand whiteness, the theory ran, is to understand how privilege and social status have worked throughout American history. Being white meant having access to benefits unavailable to blacks and other peoples of colour. In the ten years after the publication of Roediger's book, American academics produced a flurry of whiteness. Between 1991 and 1995, twenty-four books and twenty articles were published with the word 'whiteness' in the title. From 1996 to 2001, another 152 books and ninety-five articles were written. In total, between 1991 and 2001, a staggering 176 books and 115 articles were published in the humanities and social sciences with the word 'whiteness' in the title (see Figure 1).[3]

Roediger's book was a historical application of the abstract concept that race is a social construct. The idea that race is not a biological fact but, as Barbara Jeanne Fields put it in 1982, 'a notion that is profoundly and in its very essence ideological', had been easy for historians to accept but hard to implement in historical studies. Roediger combined this understanding of race with the new labour history's reconceptualisation of class as a relationship to show how race and class intersected in the lives of nineteenth-century American labourers. The 'status and privileges conferred by [whiteness]', he argued, 'could be used to make up for alienating and exploitative class relationships, North and South'. To distinguish themselves from black slave labourers, white workers constructed 'an image of the Black population as "other" – as embodying the preindustrial, erotic, careless style of life the white worker hated and longed for'. Whiteness thus functioned as a psychological coping mechanism for the nineteenth-century working class.[4]

Having long worked closely with scholars of American labour, many historians of immigration were quick to see potential in whiteness. Indeed, David Roediger had argued that the logic of white supremacy 'had particular attraction for Irish-American immigrant workers, even as the "whiteness" of these very workers was under dispute'. In an article he subsequently co-authored with James Barrett, Roediger characterised turn-of-the-century European immigrants as 'Inbetween Peoples' who were not quite white. Other historians began using whiteness as a framework for interpreting immigrant identity. Noel Ignatiev's *How the Irish Became White* (1995) is one of the most oft-cited examples. Filling out Roediger's sketch, Ignatiev sought to show 'how the Catholic Irish, an oppressed race in Ireland, became part of an oppressing race in America'. Rather than claim
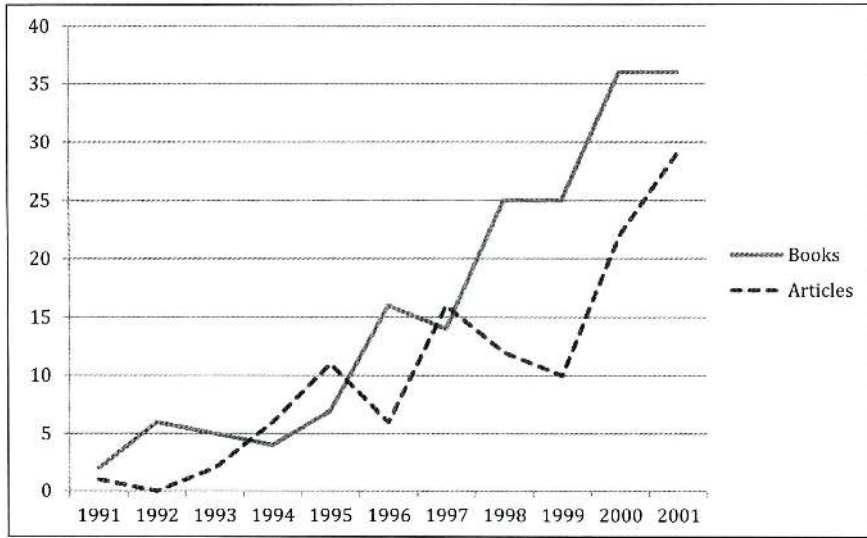
Figure 1. Books and articles with 'whiteness' in the title published in the humanities and social sciences (1991–2001), *n*: 176 (books), 115 (articles).

common cause with the blacks in their new home, the Irish did everything in their power to distance themselves from their African-American rivals and thereby scramble a rung or two up the economic ladder. Soon, other scholars began internalising Ignatiev's assumptions. 'With the penal laws in Ireland and oppression by Britain', wrote Adam Naylor in his review of the book, 'it should have been natural [for Irish immigrants] … to identify with the oppressed and not the oppressor.'[5]

Other whiteness scholars went beyond the nineteenth-century Irish. Matthew Frye Jacobson's *Whiteness of a Different Color* (1998) sought to problematise the chronology of immigrant whiteness by analysing the 'vicissitudes of race' over three chronological periods from the early Republic to the Civil Rights era. Seeking to understand how power was located in the cultural practices of different periods, Jacobson showed how the shifting boundaries of American racism variously enveloped and excluded European immigrants. In *How Jews Became White Folks* (1998), Karen Brodkin set out to understand 'how being assigned a particular place in the American racial structure has affected collective Jewish attempts to create a Jewish ethnoracial identity'. In her mind, shifts in Jews' racial status were tied to economic, political, institutional, scientific and cultural changes in American society at large. Michael Rogin's *Blackface, White Noise* (1996) explored the role Jewish movie actors and producers played in the perpetuation of blackface imagery in the second quarter of the twentieth century. By focusing on 'the acculturating Jewish male entertainers and producers who negotiated between' Uncle Sam and mammy, Rogin argued that motion picture blackface 'turned Europeans into Americans'.[6]

Though its practitioners employed differing definitions and approaches, three key premises supported the central thesis of immigrant whiteness. First, all assumed that European immigrants were not white when they arrived in the United States. While their 'white skin made the Irish eligible for membership in the white race', argued Noel Ignatiev, 'it did not guarantee their admission; they had to earn it'. Second, historians of immigrant whiteness equated 'becoming white' with virulently racist white supremacy and a concomitant assimilation into a white American core. In *Blackface, White Noise,* Rogin claimed that blackface minstrelsy 'moved settlers and ethnics into the melting pot by keeping racial groups out'. Third, these works depicted immigrant whiteness as an exceptionally American process. The unique combination of industrial capitalism, black slavery and mass immigration produced race relations unlike those found anywhere else in the world. Even those writing of the period after 1865 still employed this trinity as their conceptual keystone.[7]

By 2001, however, the thesis that European immigrants 'became white' was facing serious criticism. First, there were those who felt that whiteness studies inadequately defined its terms. Eric Arnesen argued, for example, that the concept had 'become a blank screen onto which those who claim to analyse it can project their own meanings'. Second, whiteness studies seemed to offer little evidence of what the immigrants themselves thought or felt. Noel Ignatiev had tried to parry this critique by pleading a lack of sources and comparing himself to 'a paleontologist who builds a dinosaur from a tooth'. But the defence was unconvincing, especially among specialists who were familiar with the depth of potential primary sources. Third, whiteness had over-emphasised race to the neglect of other factors. To discuss hostility towards the Irish in the antebellum period without seriously considering the role of anti-Catholicism, to cite just one example, struck many as a diabolical mistake. Fourth, Barbara Jeanne Fields argued that racism was a hostile act of labelling, which overrode its victims' own identity. The theory that immigrants could adopt a racial identity, Fields wrote, misrepresented the nature of race in America by cheerfully suggesting that 'a blight becomes a blessing if widely enough diffused'.[8]

In sum, ten years after *The Wages of Whiteness,* immigrant whiteness had passed its zenith and begun its decline. Scores of books and articles had argued that European immigrants facilitated their assimilation into American society by proving their whiteness. Yet epistemological issues had undermined key foundations on which that argument stood. Many broadly agreed that, as the whiteness scholars had insisted, race and class were critical to any understanding of American immigration. But this consensus failed to satisfy growing concern from both evidentiary and moral perspectives that European immigrants were something less than white in American society. There was also discontent with the notion that whiteness was a one-way street in which immigrants assimilated into a static, unchanging mainstream. Others were uneasy with the school's pervading tone of American exceptionalism, especially given broader scholarly trends towards comparative and transnational research. And there was concern that the voices of the

immigrants themselves had been largely left on the sidelines. 'The accelerating pace of publications on whiteness suggests that we will be seeing a great deal more work in this area over the coming years', wrote Peter Kolchin in 2002. 'Perhaps it is not too much to hope that ten years from now, we will be able to conclude that it was in their second decade that whiteness studies really came of age.'[9] In fact, as historical understandings of immigrant identity grew increasingly complicated, whiteness' popularity as an explanatory concept petered out.

Towards complexity

In the first decade of the twenty-first century, brave new titles problematised the issue of immigrant whiteness by focusing on the opinions of the newcomers themselves. Thomas Guglielmo's study of Italians in Chicago, *White on Arrival* (2003), distinguished between race and colour. While his subjects 'suffered greatly for their putative *racial* undesirability as Italians', he wrote, 'they still benefited in countless ways from their privileged *color* status as whites'. The dichotomy resolved itself in the early 1940s when race and colour overlapped and Italians became an ethnic group. Similarly, Eric Goldstein's *The Price of Whiteness* (2006) argued that the 'Jews' transition from "racial" minority to part of the white mainstream was slow and freighted with difficulty' born of ambiguities within both the native-born and Jewish communities. Convinced that the traditional black-white binary failed to adequately encapsulate the history of American race relations, Goldstein sought to show 'just how tenuous the notion of a stable, monolithic whiteness has been in American life'. Previous historians of immigrant whiteness had been accused of positing a headlong rush towards whiteness and downplaying the ways in which other identities had complicated immigrants' understandings of themselves. But scholars such as Guglielmo and Goldstein demonstrated how competing identities had constantly shaped the development of immigrant identity.[10]

Many of the early works on whiteness had also treated immigrant communities as undiversified monoliths. After 2001, however, historians began to acknowledge the divisions within given immigrant communities. Russell Kazal's *Becoming Old Stock* (2004) investigated the complexities of German-American identity in Philadelphia during the opening decades of the twentieth century. Kazal's major contribution was his elucidation of the religious, class and generational divisions within a given immigrant group. His central argument was that whiteness meant different things to different sub-groups within the German community. In the first third of the twentieth-century, German Philadelphians 'retreated from a "German-American" identity and instead crafted new multiple identities keyed to particular understandings of race, religion, mass culture, and the American nation'. Discontented with previous accounts that simply blamed the submergence of German-American ethnicity on the backlash surrounding the first world war, Kazal brought other events into play including the narrowing of American nationalism, the rise of racialised nativism, and the first Great Migration. He also

offered a nuanced definition of assimilation as 'processes that result in greater homogeneity within a society'. By contrasting the middle-class Germantown with the working-class Girard Avenue, Kazal showed how some Germans became 'old stock' whites while others identified as 'white ethnics'.[11]

Scholars employing 'Borderlands' theory wreaked further havoc on previously straightforward notions of whiteness. Building on Gloria Anzaldua's examination of *la frontera*, these studies of the American Southwest embraced the fluctuating environments in which 'Mexicans', 'Indians' and 'Anglos' operated. In *Manifest Destinies* (2007), Laura Gomez examined Mexican Americans living in New Mexico between 1846 and 1910. Considered white before the law but nonwhite in the social code, Mexicans moved up by pushing Indians down. In so doing, 'they became agents in the reproduction of racial subordination and … a new version of white supremacy in the Southwest'. Anthony Mora's *Border Dilemmas* (2011) demonstrated how Mexicans living in New Mexico defined themselves in terms of ritual and communality that ran counter to Anglo notions of immutable racial attributes. Whereas most books had focused on white/black relations, these authors brought Mexican and Native Americans into scholarly understandings of second-class citizenship. They also successfully insisted that the West and Southwest were as important as the North and Deep South in the development of American white supremacy. Finally, they provided evidence of the ways in which peoples of colour were sometimes active agents, rather than passive victims, in the formulation of American race relations.[12]

In many ways, these new books successfully addressed the main criticisms of earlier scholarship on immigrant whiteness. Previous works had been weakened by flimsy definitions but much of the best new work was more careful with its use of language. Thomas Guglielmo's bisection of race and colour and his block-by-block analysis of the ways discrimination played out in the courts, public policies and streets of early twentieth-century Chicago offered much needed precision. The earlier work had also lacked insight into how the immigrants themselves self-identified. Books such as *Becoming Old Stock* and *The Price of Whiteness*, however, explicitly focused on the divisions within the immigrant communities themselves. By fracturing whiteness along lines of religion, class and gender within the German community, Kazal showed how ethnic identity meant different things to different groups of Germans. Other critics of whiteness had held that the literature tended to over-emphasise the role of race in immigrant identity to the exclusion of other factors. Much of the new literature showed how issues such as religion, place of origin and political radicalism simultaneously played important roles.[13]

In undermining whiteness' three original premises, the new scholarship reduced its usefulness as an organising concept for future work. By the late 2000s, historians were loath to wholeheartedly accept the assumptions that had been truisms in the 1990s. First, whereas previous historians believed that immigrants were something less than white when they arrived in the United States, most now

acknowledged that their skin colour gave European immigrants a definite advantage in the markets, courts and neighbourhoods of American society. The discrimination they faced was fundamentally different from the one-drop-of-blood racism that curtailed African-American upward mobility. Second, while the old-fashioned whiteness scholars believed that becoming white meant assimilating *en masse* into an inflexible white core, it was now accepted that there were important divisions within immigrant groups and that their integration into the mainstream changed the face of the host society as much as it did the immigrants themselves. By defining assimilation as 'processes that result in greater homogeneity within a society', for example, Russell Kazal offered a way to understand the reciprocal changes to both immigrant and host. Third, while all agreed that the American political, social, economic and cultural environment had a powerful effect on the development of homegrown racism, few historians continued to contend that this was an exceptionally American process. Too many studies had acknowledged the role of international processes and networks.[14]

Whiteness steadily faded as fewer scholars continued to employ it as their conceptual framework. Figure 2 tracks the steady decline in the number of books with the word 'whiteness' in the title published in the humanities and social sciences since 2005. Historians particularly have found the concept less appealing. An analysis of the number of journal articles with the word 'whiteness' in the title reflects the concept's fall from grace over the past several years. Figure 3 demonstrates that between 1991 and 2001, historians were relatively enthusiastic (second only to literary studies) about whiteness as an explanatory framework. While their colleagues in other disciplines continued to write articles with whiteness in the title after 2002, however, historians found it less and less appealing (see Figure 4). This quantitative data supports the argument that, over the past decade, whiteness has steadily lost its appeal among historians.[15]

While whiteness's strength as an interpretive concept has petered out, the scholarly furore it stimulated over the past two decades has the potential to inform the current public debate over American immigration at large. The size of the foreign-born population in the United States ensures that this remains a perennial issue in the hearts and minds of many Americans. In 2011, there were 40.3 million foreign-born people living in the United States, comprising 13 per cent of the American population (up from 11 per cent in 2000). Of those 40.3 million, a little over half (22.2 million) were classified as 'non-citizen'. No wonder, then, that the contemporary debate over immigration is so heated. Regrettably, however, the discussion is all too often equally one-dimensional, regularly characterised by one-liners crafted for naked political purchase. Whiteness, in both its strengths and weaknesses, offers useful lessons for those wrestling with the immigration question today. Let us turn now to examine in detail how a rather esoteric scholarly dispute can inform this nuts-and-bolts debate.[16]
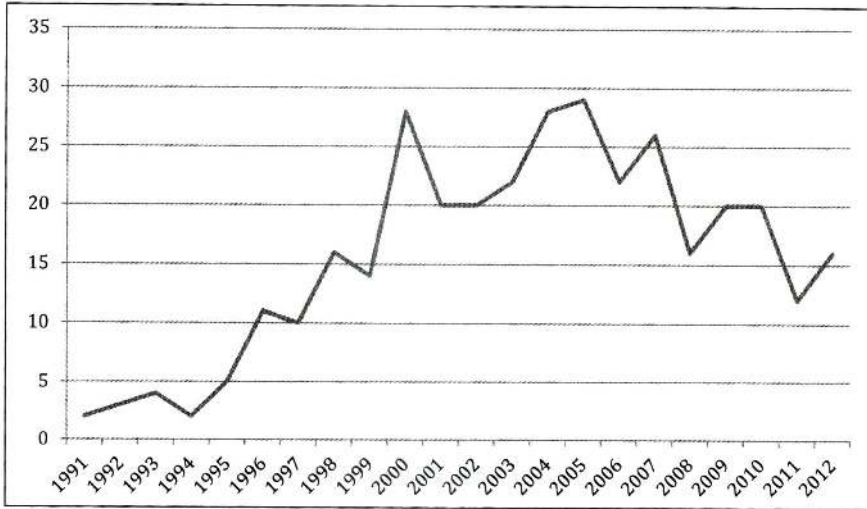
Figure 2. Books with 'whiteness' in the title published in the humanities and social sciences (1991–2012), *n*: 346.
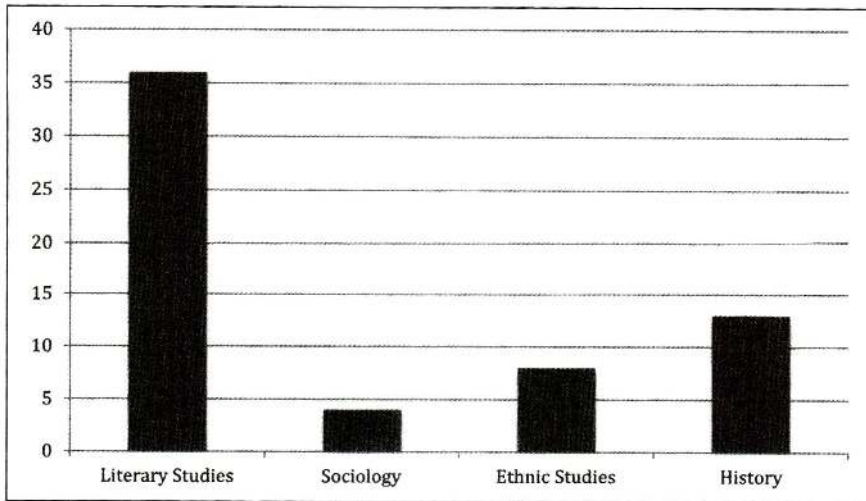
Figure 3. Articles with 'whiteness' in the title, arranged by discipline (1991-2001), *n*: 61.

The relevance of whiteness to today's debates

One clear contribution made by the whiteness literature is in its insistence that race lies at the heart of the immigration debate. Matthew Frye Jacobson explicitly justified this position in *Whiteness of a Different Color*. Retooling Oscar Handlin's famous dictum about immigration and American history, Jacobson wrote: 'Race and races are American history, it now seems to me; that is, to write about race in American culture is to exclude virtually nothing.' The history of the United States
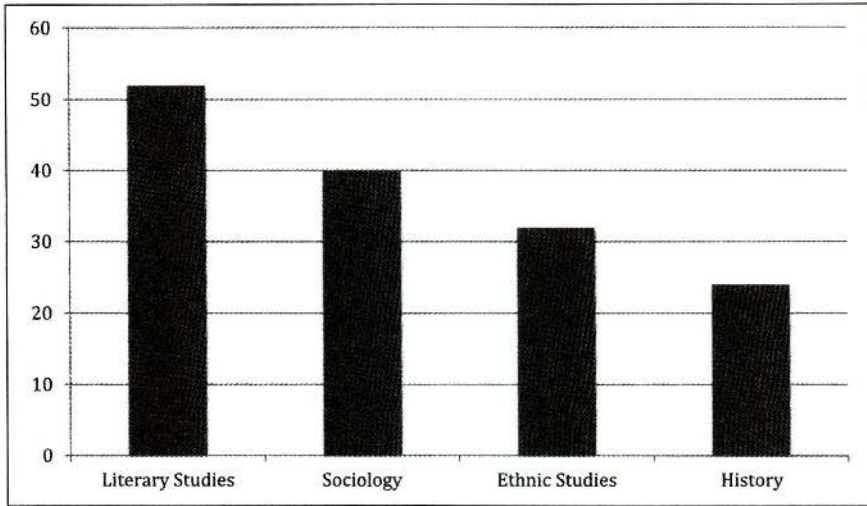
Figure 4. Articles with 'whiteness' in the title, arranged by discipline (2002–12), *n*: 148.

has, since its inception, been shaped by the exclusion and conquest of non-white 'others', including aboriginal peoples, African slaves, Asians and Latinos living in what became the American Southwest. These processes were, in turn, legitimised by a corpus of racist immigration laws and policies. From the Naturalization Act of 1790 (which limited naturalisation to 'free white persons') to the 1882 Chinese Exclusion Act (whose racist agenda was explicit in its title), white supremacy has historically informed American law. More recently, the 1992 'diversity visa' programme was designed, in part, to stem the tide of immigration from Asian countries, which had ballooned since 1965. In sum, the whiteness scholarship accurately identified that race lies at the core of the immigration debate.[17]

The perpetuation of slogans about 'Mexicans taking Americans' jobs' reminds us that class is central to the problem as well. The whiteness scholarship insisted on this point too. Building on the work of W. E. B. DuBois, David Roediger argued that whiteness was 'a way in which white workers responded to a fear of dependency on wage labor and to the necessities of capitalist work discipline'. To understand the role class plays in the current debate, we need only consider the sheer effect of immigration on the American economy as a whole. In 2011, according to the *Pew Hispanic Center*, foreign-born Hispanics constituted 25 per cent of the agricultural/fishing/hunting labour force and sizeable fractions of the construction (15.5 per cent) and arts/entertainment/hospitality (10.7 per cent) industries as well. With immigrants playing such important roles in the day-to-day running of large sectors of the American economy, it is small wonder that anti-immigration advocates often attribute native-born unemployment to increased immigration. Yet the collapse of American industry (and economic power more generally) was rooted in a much broader restructuring of global capitalism in the post-second world war

period, a trend which accelerated in the 1970s and 1980s when western governments wholeheartedly adopted deregulation and de-industrialisation. The complaint that immigrants (while allegedly mired in crime and poverty) are taking Americans' jobs is as much a reflection of native-born fears about their own precarious position in the twenty-first century global economy as it is about local unemployment statistics.[18]

If the rise of whiteness as an interpretive framework correctly situated race and class at the heart of the current immigration debate, the concept's subsequent fall from grace offers instructive lessons as well. One of whiteness' major shortcomings was its struggle to define its terms precisely. Peter Kolchin, for example, charged that whiteness authors often came close 'to portraying race as a ubiquitous and unchanging transhistorical force rather than a shifting and contingent "construction"'. His criticism reminds us of the need to carefully define our terms. This is especially important in the public discussion over immigration, which often features phrases and idioms rarely subjected to critical evaluation. Given the historically racist nature of American immigration law, for example, how useful are terms such as 'legal' and 'illegal immigrant'? The phrase 'undocumented immigrant' has become more popular in recent years largely because it lacks the explicitly pejorative implication of illegality, but what new problems does it bring in its wake? Is 'lawful prospective immigrant', the newest phrase being floated by the Obama administration, any better? There are no straightforward answers to these questions. But just posing them reminds us to think carefully about the shifting nature of both the debate itself and the rhetoric being used.[19]

The whiteness scholarship also employed an overly simplistic model of assimilation to describe how immigrants fit into American society. 'In becoming white', Noel Ignatiev asserted, 'the Irish ceased to be Green'. This notion of mainstream American society as a one-dimensional sea of white that washes away all vestiges of the immigrant's old world failed to encapsulate the complexity of the nineteenth century and is equally useless today. Instead, we need to acknowledge that today's immigrants are changing America as much as they are being changed by it. Hence the big buzz in the popular press about the 'browning of the electorate' during the 2012 American presidential election. Moreover, assimilation is a myth, which perpetuates the unspoken assumption that America is a nation of white people. When Latinos (or American Indians or Africans or Asians) are accused of 'not assimilating', by engaging, for example, in anti-social behaviour, what they are really being charged with is not accepting their 'rightful' place on the lower rungs of the American economy and social structure. Letting go of the notion of assimilation inches us closer to a fuller understanding of the complexities and challenges of immigrant life.[20]

Although scholars writing in the twenty-first century were more apt to acknowledge the transnational dimensions of immigrant identity, whiteness was generally characterised by an unhealthy dose of American exceptionalism. While it is certainly true that the combination of industrialism, slavery and mass

migration created a unique socio-economic environment in the United States, it is equally true that any understanding of today's immigration debate needs to bear in mind the global dimensions of the matter. At the hemispheric level, for example, the Latin American historical experience of colonisation and the continued migration of Latinos in and out of the United States mean that today's immigrants find it easier to maintain religious, linguistic and economic ties with their homelands than did newcomers of previous generations. Each immigrant's life constitutes a vibrant thread connecting the United States and Latin America. Yet the international aspects of the immigration debate transcend the western hemisphere. As suggested above, for example, the economic impact of immigration is transpiring in a global context of the ever-quickening circulation of labour, capital, raw materials and commodities. War and violence are also uprooting population groups. Zimbabweans fleeing Robert Mugabe's rule have been heading to South Africa for decades. Most recently, victims of the war in Syria are trying to find refuge in the European Union. Bearing the international dimension of immigration in mind allows us to acknowledge that the issues facing the United States are by no means exceptional. American policy-makers could learn much by studying the situations of other host communities around the world.[21]

Finally, the whiteness controversy reminds us that the voices of the immigrants themselves are critically important to the debate. One of the fundamental criticisms of whiteness scholarship was that many of its most important conclusions were based on the words and opinions of the settled, non-immigrant community. Writing about events that had occurred 150 years earlier, it was understandably sometimes difficult for these historians to find primary source material left behind by the immigrants themselves. Contemporary observers of twenty-first century migration have no such excuse. From the *National Immigration Law Center* to the *League of United Latin American Citizens* (LULAC), today's immigrants have developed enduring platforms for getting their messages across. Listening carefully to what they say can clarify important sticking points. What do they want? What do they bring? What are they willing to give up? It would be a mistake to assume that all immigrants speak with one voice. There are important religious, regional, linguistic, national and ethnic divisions within their various communities. Yet any enduring solution to this pressing question will require their participation. And that means their voices must be heard.

Conclusion

As an interpretive framework for historical research on immigrant identity, whiteness has largely run its course. Racism and class identity have certainly had important parts to play in the history of American immigration. White supremacy protected European newcomers from enslavement and endowed them with significant privileges such as the right to vote and to sell their labour on the free market. It is not hard to find historical examples of European immigrants denigrating people of colour to consolidate their limited power. Yet over the past decade,

scholars have grown increasingly uneasy about employing the whiteness paradigm as the foundation of their work. For immigrants, as for natives, identity has always been a shifting phenomenon. No single aspect – racial, religious, or otherwise – can trump all the others all the time. The notion of immigrants assimilating into a monolithic, white society also failed to grasp the great complexity and subtlety inherent in American life. Nor did whiteness aptly account for the international dimensions of a problem that was seemingly unique to the United States. In sum, as an analytical framework for academic history writing, whiteness has lost its shine.

Nonetheless, whiteness' career in American historiography does have important currency for those wrestling with today's immigration debate. First and foremost, whiteness' insistence that race and class lie at the heart of the issue remains as valid as ever. Whether considered in the context of centuries of racist legislation or in recent electioneering slogans about immigrants taking 'American jobs', race and class remain intractable parts of the problem. At the same time, whiteness' shortcomings are equally pregnant with lessons for us today. The fact that its proponents often employed blurry definitions reminds us of the importance of critically analysing contemporary terms. From 'illegal alien' to 'undocumented worker' and from 'Irish' to 'Latino', we must remember that such terms are social constructs in the service of power relations. The notion of straightforward 'assimilation' is equally fraught. When we critically analyse how the idea has been interpreted over the past two or three centuries, we realise that it often masks a rigid socio-economic hierarchy that immigrants struggle to transcend. The unspoken American exceptionalism, which lay at the heart of so many important whiteness studies, also reminds to us to bear the international dimensions of our current debate in mind. From South Africa to Greece to Russia to Australia, many host communities around the world are struggling with similar questions. Finally, the rise and fall of whiteness reminds us to listen out for that critically important, though all too often marginalised, element of the debate: the voices of the immigrants themselves.

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'Rights' in the grey area: undocumented border crossers on Lesvos

SEVASTI TRUBETA

Abstract: The Aegean island of Lesvos is one of the gateways that refugees and undocumented border crossers use for entering European territory. This study deals with two phenomena related to border crossings on Lesvos: first, the efforts of those arriving to be placed in the status of 'administrative detention' in order to receive an expulsion order and then be able to continue their journey; and, second, the activity of the local solidarity network, which initially established an open reception centre for refugees and undocumented immigrants under the umbrella of the civil society, until some activists agreed to put this project under the jurisdiction of the state authorities. In reflecting on these developments, the author addresses two major issues: first, immigration imprisonment as a facet of 'positive power' in the Foucauldian sense, and the possible relationship of the latter to grassroots humanitarian commitment; and, second, specific facets of the current paradigm of immigration imprisonment that can help explain why detention may be interpreted as a right by refugees and immigrants. The author argues that the humanitarianism that arises in the interface of surveillance and the provision of care demonstrates post-bureaucratic features; and further, that

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the strategy pursued by refugees and undocumented immigrants shows how limited their scope is for asserting any rights, given the intensified augmentation of border surveillance worldwide.

Keywords: activism, border crossers, human rights, immigration detention, Lesvos, PIKPA, post-bureaucracy, refugees

Passages from a border diary

It is a sunny Saturday noon in April in the port of Mytilene, the capital of the Aegean island of Lesvos.[1] A ferryboat has just arrived from Turkey and a group of tourists are walking across the dock heading to the nearby hotel. They pass by a group of people who lie on improvised beds in sheds inside the port area. These are people who have clandestinely arrived on Lesvos *through* Turkey; women and children are among them. They look exhausted and some of them are trying to relax and protect themselves from the intense sun by lying underneath a mini-bus. The locals call them collectively 'humans' (in Greek: *anthropoi*), implying an embarrassed perplexity in the face of individuals in need. The 'humans' are later divided into 'the imprisoned and/or those who are waiting to be imprisoned', 'new and/or old arrivals', 'with papers and/or without papers', 'Syrians or Afghanis, and others'. Formally, they remain under the surveillance of the coast-guard; however, their administrative status is unclear since the coastguard is not legally authorised to keep individuals under arrest for longer than three days. After that the police are in charge. But police inaction has blocked any further processing and keeps them confined to the island with no prospect of altering their situation. The border crossers persistently ask for the police. 'Just let me give my fingerprints and finally leave!', says one woman. The coastguard staff bring the bad news: 'Unfortunately, it's not today either.' They, too, feel the effect of the police's inaction, not least because they have to bear the brunt of the work, and have to do overtime.

Apart from the coastguard, also assembled in the port are the staff of FRONTEX, ordinary citizens, members of NGOs, activists, volunteers and priests. All mix freely and operate as though they were working to the same ends. Every day, local people and priests bring homemade meals. Over time, all those involved become unhappy about the police since, as the asylum seekers are technically under arrest, their care is the police's responsibility, as are 'the papers' that will allow them to leave the island, first for the harbour of Piraeus on the mainland and then for the next destination country. The 'paper' is nothing other than an administrative expulsion order that requires them to leave the country within thirty days. However, it is interpreted as a 'travel document' that allows them to leave the island and to stay legally in the country for thirty days; as such, it is claimed as a 'right' for which the border crossers have decided to fight. Indeed,

after being left in this bureaucratic limbo, some young men moved away from the port area and close to the main street, intending to provoke the police and thus achieve the status of administrative detention. When this failed, they started a hunger strike some days later, which the activists supported.

Demanding imprisonment as though it were a right is at odds with our conventional understanding and conceptualisation of surveillance technologies. But the scenes described above took place in a somewhat idiosyncratic situation, in which different forms of internment were to be found side by side with an active civic society network engaged in supporting and caring for undocumented border crossers. Because police stations across the whole island were crowded, many new arrivals had to remain in the port area; others were accommodated in the open reception centre, PIKPA, which had been in operation since autumn 2012 under the aegis of local activists and volunteers. The situation became even more complex once the administrative status of PIKPA as an open reception centre changed, when, with the consent of individual activists, it was handed over to the coastguard's jurisdiction. In effect, PIKPA became an ambiguity since, on the one hand, new arrivals found a safe and hospitable environment there, thanks to the engagement of the locals. On the other hand, it was officially an administrative detention centre, even though, in practice, an open one. The controversy that arose among activists deepened even more when the state's intention to build a screening centre in Lesvos was realised in September 2013.

The research questions

This study draws from current scholarly approaches that point to the dual quality of immigration imprisonment: on the one hand, as an authoritative and punitive mechanism; on the other hand, as positive surveillance technologies, whose positivity lies in the state's efforts to portray itself as the guardian of society's interests, ensuring consensus.[2]

My aim here is to examine a series of issues: the imprisonment of refugees and undocumented border crossers in Lesvos as seen against the background of the increasing criminalisation of border crossing; security discourses; the implementation of transnational border surveillance technologies and their manifestations at the national and local levels; and also humanitarian care and welfare systems. My central research question is how, in the case of Lesvos, administrative internment came to be claimed as a 'right' by refugees and undocumented immigrants, and its granting treated as a humanitarian act by some activists. This raises two major issues: first, immigration imprisonment as a rational, positive choice, an attempt to assert power in a grossly unequal and coercive situation, and the possible relationship of such a choice to grassroots humanitarian commitment; and, second, what specific facets of the current paradigm of immigration imprisonment account for the interpretation of detention as a 'right'. I further argue that activism, as it becomes professionalised, may acquire post-bureaucratic features, in which organisations and groups are characterised by consensus decision-making,

networking and an apparently more egalitarian structure, as opposed to the top-down, hierarchical and tight regulation of more traditional bureaucratic organisations. The question is, can coercive technologies of power be utilised by activists as a possible source of professional capital, while still maintaining the humanitarian character of their intervention? In addition, I will explore the endeavours of refugees and immigrants to achieve the status of administrative detention in respect of two developments that have affected the *content* of their rights and how they attempt to move on, i.e., the current worsening of conditions for refugees and the augmentation of border surveillance technologies. How specific to Lesvos is the phenomenon of 'administrative expulsion orders' enabling the transition through (administrative) detention, and how far does it correspond to the refugee condition and global border surveillance generally?

My research is based on ethnographic fieldwork, including the collection of documents from organisations and the solidarity network on Lesvos, reports in the local press, interviews with local civil agents, and participant-observer research. The research covers the period autumn 2012 (when Lesvos started once again being targeted by undocumented border crossers and civil society was playing the most important role in receiving them) to autumn 2013, when a screening centre was established.

Visibility of hardship, solidarity and administrative internment

Extreme, highly visible social deprivation can evoke different reactions in the immediate social environment. Deprived individuals become 'quite visible' when they appear concentrated in the centre of a provincial town, even more so when they are foreigners deemed 'illegals' who have crossed borders clandestinely seeking to reach Europe without legal authorisation. This was the case in Mytilene, when, on 27 November 2012, the local press reported on the arrival of a group of immigrants:

> Today, the picture in front of the Municipal Theatre of Mytilene gives reason for scepticism. More than 30 immigrants, children and elderly, are encamped there and … are waiting to get arrested! It is as if they were shadows. They came neither legally nor illegally. Whatever the case, they are visible in the public place; in the centre of our town … But, in the front of the theatre the refugees are not alone; there are also people of this town … The police declared they were unable to arrest them [the refugees] – they say there is no place available. But are the municipality and district unable to find a place to host them provisionally? Does the law come before human lives?[3]

In view of the authorities' inaction (either to arrest the migrants or to care for them), local citizens spontaneously took the initiative by providing aid but also warning about the imminent emergence of a 'social question', in the form of a 'humanitarian crisis' that needed to be contained, given the worsening weather.

Generally speaking, dealing with a 'social question' is anything but indepen-
dent of how such a question is formulated and who feels authorised to handle it.
History shows how the social exclusion of particular groups leads to their being
deprived of all means of subsistence, artificially creating a 'social question' that,
again, the authorities are anxious to solve not necessarily by changing the condi-
tions of deprivation but, all too often, by repression, isolation, detention or even,
as in the case of the Roma during the second world war, by extermination. They,
who had previously been banned from employment, were then accused of para-
sitism on society at large.[4] In the current neoliberal context, the situation of refu-
gees and undocumented immigrants unveils facets of global inequality at the
local level. The exhausted, uninvited foreigners, arriving clandestinely, embody
what Zygmunt Bauman has sarcastically termed the 'collateral casualty (or dam-
age)' of unco-ordinated and uncontrolled globalisation. 'Thinking in terms of col-
lateral damages tacitly assumes an *already existing inequality* of rights and chances,
while accepting a priori the unequal distribution of the costs of undertaking (or
for that matter of desisting from) action.'[5] The issue is then how to cope with
'modernity's outcasts'[6] when they become publicly visible as a wretched collec-
tive human subject, deprived of any means of survival; a miserable mass that
disturbs the public image of desired social harmony.

The presence of a needy group of border crossers in the town of Mytilene in the
autumn of 2012 mobilised civil society rather than the authorities. That first spon-
taneous reaction of solidarity took a more systematic form as migrants continued
to enter. All the while, local authorities failed to take responsibility for providing
those arriving with *ad hoc* aid. The solidarity exercised by the local society did not
come out of nowhere, though. Ordinary citizens were already sensitised to the
social deprivation and increasing impoverishment of the local population, arising
from the current economic crisis. So the first collective initiative to house the
immigrants and refugees came from a recently formed social network of activists
whose initial objective was to counteract that impoverishment. The network was
called 'The Village of "All-Together"' (from the title of a Greek anti-racist tale by
Sokratis Mantzouranis). Members of the 'Village' and independent activists
asked for permission to re-open a holiday camp for children called PIKPA that
had been closed for several years. The municipal authority agreed and PIKPA
started accommodating the border crossers. This was the genesis of a civic project
that was an alternative to, if not quite the opposite of, detention. The centre oper-
ated on the basis of the solidarity shown by local people and activists who cared
for the guests, along with NGOs such as Doctors without Borders and others.
Members of this solidarity network also liaised with the authorities responsible
for the formalities that would allow the refugees and immigrants to leave the
island for the mainland, as was their wish. The thinking behind the negotiations
was that they should be legally dealt with as delinquents, i.e., as having made an
unauthorised entry into the country, for which the penalty was an order to leave.
This was instead of classifying such entry as a crime, which would have led to
their being detained for an indeterminate period.

After a short break in winter, a new influx of immigrants reached Lesvos in February 2013. In view of the continuing failure of the authorities to act, activists and NGOs once again took action, opening PIKPA anew. The project operated in the same way, i.e., on the basis of solidarity. (However, in tandem with this, police stations across the island had become overcrowded and many individuals were living rough in the port area.)

The status of the open reception centre changed in March 2013 when PIKPA came under the authority of the coastguard, a shift made with the consent of individual activists. This was the beginning of a controversy within the grassroots movement concerning the most appropriate way to exercise solidarity and address the political consequences of accepting the status of detention. Despite the controversy and a generally rising scepticism, the majority of those involved in the grassroots network and the volunteers continued to provide support. Yet, clearly, the involvement of a state authority such as the coastguard introduced a new aspect to the project, subjecting it to state surveillance. In practical terms, this meant that those residing in PIKPA now became officially either 'detainees' or 'waiting to be detained' and were under surveillance by the state authority in collaboration with activists. This reclassification in their administrative status, however, changed neither the living conditions of the residents nor the practical commitment of the activists. Indeed, PIKPA was still accessible to the public (even when the coastguard staff kept guard). Every ordinary citizen could enter, speak with the migrants and the activists, play with the children. And the migrants were allowed to leave PIKPA to go into town. Civil society agents continued to give support, bringing and distributing meals every day and caring for the residents, in spite of the involvement of the coastguard. This mixing of heterogeneous agents contradicts the classic image of prison and surveillance. (One example illustrates this: a member of the coastguard entered the PIKPA kitchen, talking on his mobile, apparently to his superior. He looked in a stack of papers lying on the kitchen table, where activists and volunteers were preparing a meal. The conversation was about new arrivals; as he looked at the register, he said: 'I have XX detainees here'.)[7]

But surveillance was not just a task for the coastguard; it had also become a task for activists, mostly NGO members, who provided assistance to the authorities by filling out police and compulsory medical registrations for PIKPA residents.

In fact, after passing into the jurisdiction of the coastguard, PIKPA was transformed from a civil society-administered open reception centre into an open screening centre under quasi-civilian surveillance. This hybrid mode of surveillance appeared to have a humanitarian face because of several factors: not only was the presence of the state authority discreet, but the registration process was to some degree carried out by friendly activists. Moreover, there was no doubt that if activists and volunteers had withdrawn from the project, the immigrants would have lost any chance of having their basic needs met; nor would it have been possible to monitor any exercise of arbitrary treatment by the state authority. And,

after the grave adventure of their long and dangerous journeys, the immigrants obviously felt themselves to be (and were) in good hands. Yet, the physical presence of the coastguard conveyed the impression that the authorities were indeed concerned with the border crossers, giving rise to the hope that the formalities would soon be completed and they would be able to leave for the mainland. Hence, once the staff from the coastguard ceased to turn up and keep guard in PIKPA and there was a noticeable delay in issuing expulsion orders, the impression arose that the residents were being forgotten. Their invisibility increased because of PIKPA's distance from the town, running the risk of turning it into a typical camp for refugees and immigrants characterised by Zygmunt Bauman: 'Outside of that place, refugees are an obstacle and a trouble; inside that place, they are forgotten.'[8] Preferring to be an obstacle and visible, they moved again to the port area joining the new and old arrivals staying there. 'Disturbing the public' with their physical presence was seen by both immigrants and activists as the only way to pressure the state authorities into issuing them with 'papers'. (Besides which, the volunteers and activists were getting exhausted after several months of providing care, all the while supporting the project with their own financial means.)

At the same time, rising political scepticism and controversy over the official status of PIKPA as 'administrative detention' threatened the unity of the solidarity network. For most of the activists who were critical of this development, the provision of care, and the confidence the border crossers placed in the civilians involved, did not outweigh the fact that their treatment by the authorities was based on the principle of criminalisation. Nor that surveillance was now usually carried on also by civil agents according to rules enforced by the state authorities. Moreover, a state plan for establishing a screening centre on Lesvos was announced in spring 2013; as it drew nearer, the most critical activists envisaged this meant the establishment of a prison in the proper sense of that term. Thus, they insisted that PIKPA be returned to its initial status as an open reception centre, operating as such with the support of the municipality. Others, who took the official designation of the planned screening centre as a 'Centre for the First Reception of Undocumented Border Crossers' at face value, urgently demanded its immediate establishment and opening, expecting the state authorities to take responsibility for providing the border crossers with humanitarian aid and 'papers'.

In the section that follows, I argue that the consent of a section of the activists to the establishment of a detention centre, and their collaboration with the state authorities in the surveillance of undocumented immigrants and refugees, indicate the wider diffusion into society of a politics of power that moves in the interface of repression and humanitarianism and becomes internalised by non-state agents.

Power rationalities and post-bureaucratic humanitarianism

Currently, the establishment of a detention regime for undocumented immigrants and refugees, with its so-called screening centres as well as physical barriers

(fences, walls, etc.), is intended to inhibit unauthorised border crossings and ensure 'security'. Such measures can be classified as positive surveillance technologies through which the state seeks to ensure social consensus and cohesiveness.

By applying such surveillance technologies, the state demonstrates its willingness to support and advance the interests of its national population, both economically and socially. As has been pointed out by several researchers, the state's enforcement of migration control makes 'illegality' serve 'productive ends' such as 'protecting capital accumulation within industry and ensuring the state's own political legitimacy in the eyes of the public'.[9] Thus, the building of a screening centre on Lesvos was assumed by state representatives to have benefits for the local society; increasing public security and giving a boost to the local economy by using local skills and professional services.[10] Yet, despite all the measures for inhibiting border crossing by constructing more and more detention centres and walls, the ungovernability of the borders becomes ever more apparent, insofar as borders remain porous in the current globalised order.

However, it is inherent to surveillance technologies that their failure does not lead to re-examining the regimes of power, but rather to enacting new technologies of surveillance and techniques of control. As a consequence, Lesvos became once again a target for undocumented immigrants and refugees in the autumn of 2012. This happened as soon as the Greek state decided on the construction of a wall in the north-eastern Turkish-Greek frontier (in Evros). The crossing point shifted from the north-eastern Turkish-Greek borders (where it had been since 2010) once again to the Aegean Sea. These repeated shifts in crossing points gave an impetus to the building of new barriers and so to a screening centre on Lesvos in September 2013, funded, this time, mostly by EU funds. 'What will happen with all the investment in the new screening centre if the crossing point shifts again to other frontiers, or if the border crossing ceases all together?', we asked the Major General in charge of establishing the screening centre on Lesvos. 'The construction is modifiable and can be transported to other places', was his response.[11] What counts is the goal of applying surveillance technologies, even though their failure is always within sight.

The second factor that serves to give a positive gloss to surveillance technologies, especially immigration detention, is the conceptualisation of such measures as somehow incorporating the politics of human rights. The very designation 'screening centre' perhaps indicates an intention to dissociate state politics from the totalitarian institution of the prison and the repressive incarceration of refugees, shifting the focus to the detection of 'fake identities'.[12] In this view, the very conception of a 'screening' centre is that it is the 'proper place' in which undocumented immigrants may claim their rights, including the right to asylum. But, crucial to how those rights are defined is the system of humanitarian protection in operation, in which, first, security regimes predominate, and second, the permanent status of refugees is weakened in favour of temporary protection. Moreover, the refugee condition becomes more and more bureaucratised, increas-

ingly dependent on the juridical recognition of asylum seekers, ultimately according to the principle of who *deserves* to be granted asylum.[13]

In the current period in which the rhetoric and politics of human rights are more widespread than ever, humanitarian initiatives can effectively act as a conduit for disseminating the political arguments and rationalisations inherent to state power into the wider society, mobilising non-state agencies, and producing consensus. Such techniques of 'governing at a distance'[14] promote the semblance of autonomy among non-state actors in civil society – but the limits of such autonomy soon become clear when they come up against the parameters set by state power.

In the case of Lesvos, the activists embraced the administrative language so that the term 'refugees' was increasingly replaced by designations such as 'humans', 'immigrants', 'individuals'. Moreover, the terms 'new and old arrivals', 'with or without papers', 'detained or not yet detained' were becoming normalised among the activists who were concerned with doing all the administrative work, regardless of whether they were politically persuaded to accept the status of 'administrative detention' or not. But for all the common vocabulary, the dissent that arose among activists lay elsewhere: a major controversial point was whether refugees and immigrants should assert their rights to asylum and humanitarian protection while in a position of 'confinement'. The rising dissent brought to the surface the diversity of attitudes within the solidarity network. While the core and driving force of the network acted from a political conviction against social injustice, many seemed to be mobilised mostly by humanistic and philanthropic feelings. The diversity in motivation is typical for activism generally, as Sonja Pieck argues: 'What brings many activists into a coalition are emotions (anger at injustice or exclusion, feelings of solidarity, or hope for change).'[15] And, taking Pieck's assertion a step further, what can divide them are shifts in interests. Indeed, the controversy that broke out within the solidarity network on Lesvos, with respect to both the status of PIKPA as an administrative detention centre and the establishment of the screening centre, reveals shifts in action and interests that typically occur as soon as professional aspirations arise from within solidarity networks, or as soon as resources come into play.

The persistent influx of immigrants and refugees into a particular region renders border crossings a potential resource to be utilised or managed in the pursuit of professional ends. Once it becomes a profession, social activism operates at the interface of voluntary, grassroots commitment and professional engagement, characterised by a 'more "rationalized" way of doing politics, according to formal by-laws, standardized rules of conduct or explicit norms of behaviour'.[16] Activists act then as 'organizational professionals' who are 'subject to both bureaucratic and professional control'.[17] As 'organizational professionals', their relationship to outside stakeholders is crucial to pursuing professional ends.

What was certainly true was that the motivations of those activists who approved the establishment of a screening centre on Lesvos were not uniform. While some of them anticipated the creation of a place in which immigrants and

refugees would find care provided by state institutions instead of volunteers, another section of the activists had a comprehensive proposal for the operation of the screening centre. The latter suggested the establishment of an institution that did not have the police on-site, but that was monitored by NGOs. This suggestion is similar to a general expert proposal on the establishment of 'Centres for the First Reception for Those Entering Greece without Meeting Legal Requirements',[18] which was developed by Greek NGOs in 2010, when the creation of screening centres was still under debate. At that time, declaring their intention to monitor state policies in favour of immigrants, NGO experts suggested the founding of screening centres (so-called Centres for the First Reception) to work under the monitoring of NGOs. This model was thought to safeguard the provision of care and protection, especially of vulnerable groups (such as unaccompanied minors, victims of trafficking and torture, etc.) but would also serve to flag up possible racial discrimination by state authorities. In the screening centre, after 'all necessary activities of police interest' (such as the registration of fingerprints) had been completed, immigrants would be divided into different categories according to their status as asylum applicants, those to be removed, etc. Under this proposal, immigrants would not be 'prisoners under the administrative status of imminent expulsion', but would stay 'under confinement' not to exceed fifteen days, during which asylum applications were to be decided.

Destroying any illusions about the creation of a humanitarian institution, the screening centre, which opened in September 2013 in the village of Moria on Lesvos, was a genuine prison. In contrast to PIKPA, the building in Moria is well fenced off, not only on the outside but also on the inside as the containers – in which people are housed – are surrounded by wire and separated from both the rest of the building and the courtyard.[19] As well as the police (who have taken over asylum procedures) and FRONTEX, UNHCR and the NGO Doctors of the World also operate inside.

Given that the open reception centre PIKPA had operated for almost one year, the establishment of a closed institution for incarcerating undocumented border crossers appears paradoxical. Nonetheless, it fulfils what Zygmunt Bauman has described as 'a typically modern ambition of social design and engineering, mixed with the typically modern concentration of power, resources and managerial skills'.[20] Ironically, when the new screening centre on Lesvos was inaugurated, its first detainees were a large Palestinian family (including some elderly and children), and some young Afghanis, all of whom had previously stayed in PIKPA for several days, waiting for the authorities to provide them with expulsion orders. They were transported to Moria, then, after registration, the Palestinians were released. They returned to PIKPA, stayed there under the protective oversight of volunteers and then left the island for Piraeus one day later. This scenario reveals in miniature how artificial threats are created, to be coped with by using surveillance technologies. In effect, as Bauman has argued, it points to the 'culture of instrumental rationality' that epitomises modern bureaucracy

'which prompts us to view society as an object of administration, as a collection of so many "problems" to be solved, as "nature" to be "controlled", "mastered" and "improved" or "remade", as a legitimate target for "social engineering", and in general a garden to be designed and kept in the planned shape by force'.[21]

While the state has set the framework within which society is to be 'managed', its wider success depends on the incorporation and diffusion of such a mindset into the wider civil society. Given that 'humanitarianism has many faces', as Costas Douzinas argues,[22] the bureaucratic, rational techniques of power exercised by the state do not necessarily lack moral legitimacy – but the state's ability 'to coordinate the action of a great number of individuals' may also serve 'the pursuit of any, also immoral ends'.[23] The range of moral stances of those involved in the solidarity movement for immigrants and refugees may fall quite outside this framework – for example, that section of the anti-deportation and anti-detention movement whose philosophy is encapsulated in the demand to abolish immigration detention in general and to stop deportations.[24] But, a philanthropic morality might also motivate civil agents to provide vulnerable refugees and immigrants with *ad hoc* aid.

So, those professionally involved as activists may well still suggest that even a repressive institution, such as a screening centre, can form an institutional framework within which the rights of immigrants and refugees are asserted and protected. However, the decisive point is that humanitarian morals are dependent on bureaucratic rationalities, thus creating an alignment between the technologies of power and the methods of civil engagement. The professional dependence of non-state agents on power centres makes professional activism operate according to the rules of what has been termed 'post-bureaucracy'.[25] This is described by Hensby et al. as 'initiating a *decentring* of power structures through a commitment to networked relationships and consensus dialogue', which, in Sewell's words, 'obviates the need for the principles of hierarchy and explicitly rule-governed behaviour'.[26]

This kind of humanitarian commitment by professional activists could be termed *post-bureaucratic humanitarianism*, which, on the one hand, draws moral legitimacy from the genuine profile of NGOs as advocates for the weak and vulnerable. On the other hand, however, it challenges neither the cause of the vulnerability, nor the strategies of power whose implementation perpetuates and intensifies this very vulnerability.

The morality of post-bureaucratic humanitarianism is challenged though when surveillance technologies are confronted with human dignity. For, as Daniela DeBono argues, 'it is the concept of human dignity that gives a moral bearing to the human rights movement'.[27] So, when activists and NGOs provide assistance to state authorities conducting the *compulsory* health registration of border crossers, deeming it merely a formal procedure, necessary if such migrants are to attain the status of administrative detention, they disregard the racist discourse behind the measure and the violation of human dignity. Moreover, the experience of

immigration imprisonment worldwide testifies to the fact that the screening centre is not an institution in which protection is provided but a place in which – if nothing else – rights, including the right to asylum, are criminalised and human dignity is violated.

So what then of the demand by refugees and immigrants on Lesvos to receive an 'expulsion order' and administrative detention as a 'right'?

The precarious 'right' to move in the 'grey area'

For all the controversies among local activists on Lesvos about issues of political principle, the fact remains that the undocumented immigrants and refugees themselves tried to provoke their (administrative) internment by getting in the way of the public with their 'illegal presence'; they then protested against the authorities' inaction by going on a hunger strike.

The influx of undocumented immigrants and refugees did not cease after the establishment of the screening centre, which coincided with the intensifying of Greek asylum legislation, despite frequent maritime accidents and deaths in the Aegean Sea. Passing through detention indicates a strategy of escape that can only be understood within the current framework of humanitarian protection and border surveillance, wherein the former is moulded by the weakening refugee condition and the latter by the intensified augmentation of border surveillance technologies and the criminalisation of undocumented border crossing.

More concretely, given the weakening protection system for refugees, an expulsion order remains the only legal way (if not the only way at all) for undocumented immigrants and refugees arriving on Lesvos to leave the island and continue their journey. Applying for asylum in Greece would in all likelihood be futile in view of the extremely low percentage of applications approved and the high probability of refusal.[28] Recent legislation has added a further inhibiting factor since asylum applicants are faced with up to eighteen months' internment, even though they belong to those characterised as refugees by UNHCR. Indeed, the largest groups of undocumented arrivals on Lesvos are Afghanis and Syrians, followed by Somalis, and Palestinians,[29] including children and unaccompanied minors. Even the latter may be detained in Greece, as in several other countries, despite the protection foreseen by human rights agencies.[30] Moreover, due to the unfavourable conditions under which protection may be afforded, many unaccompanied minors relinquish the right to it.[31] This was the case on Lesvos, where in spring 2013 some unaccompanied minors in the port area (the majority from Afghanistan and Somalia) claimed to be adults in order to get an administrative expulsion order and so leave the island. Being declared a minor would confine them to a dysfunctional system of humanitarian protection that was unable to provide them with a solution for the present, let alone for the future.

Imprisonment that offers the prospect of release with an 'administrative expulsion order' is interpreted as a 'privilege' in view of the difficulties in acquiring

refugee status; the increasingly harsh technologies of border control; and the system of immigration imprisonment worldwide, with its proliferation of screening centres, regional camps, and so-called off-shore centres (indicating the externalisation of border control).[32] A novel paradigm of imprisonment is emerging that integrates humanitarian politics with diverse and mixed forms of incarceration in terms of confinement in national or regional camps, but also deportation or prolonged internment under inhuman conditions and without a fixed date of release.

As Wendy Brown and Federico Rahola suggest,[33] the current paradigm of immigration imprisonment is a type of custody that aims at managing flows of border crossers; but, in contrast to their assertion, the expulsion of foreigners is nowadays a widespread practice, that may also take the form of 'voluntary return' and the extradition of unsuccessful asylum applicants. Deportation and removal have acquired a remarkable dimension and are practised in a way that renders them an integral part of the current imprisonment model, in terms not only of managing flows but also as part of a punitive mechanism, that is about to reach the level of a full-scale business. As Shahram Khosravi has shown in the Swedish case, the budget for removals has dramatically increased: 'the removal operation is an enterprise involving transport companies, private security companies, five detention centres, deportation escorts, international networking (asylum attachés) and private expert companies'.[34] Furthermore, the prolonged detention of asylum seekers and immigrants renders them liable for exploitation by private companies that utilise captive work by detainees living in removal camps as a super-exploitable workforce, as Jon Burnett and Fidelis Chebe have shown in the case of the UK.[35] On Lesvos, deportation or removal is not yet the rule, at least not officially,[36] due to the lack of bilateral 'push-back' conventions with neighbouring Turkey. However, this might soon change, given that the establishment of a department for deportations in the screening centre is in progress.

Immigration detention, integral to current techniques of border control and surveillance, also serves to punish and intimidate border crossers. Because of its diverse characteristics, though, it cannot be seen simply as the modern equivalent of 'a pre-modern prison – nothing more than a site for punishment and the permanent removal of "wasted" bodies', as Khosravi asserts.[37] Still, the violent (indeed, inhuman) treatment of immigrants and refugees gives rise to the impression that bodily and psychic violence is an integral part of immigration imprisonment. Indeed, migrant detainees in and from different countries have testified how in prison they are 'treated like animals', forced to live in violence and uncertainty, never knowing when they may be released.[38]

Harsh conditions of internment have led to (attempts at) suicide and self-harm and also to collective reactions like riots,[39] discrediting the alleged provision of humanitarian protection. During an inspection visit to the newly established detention centre of Moria, in Lesvos, in September 2013, we asked the Major General in charge why the surrounding wire and the high security arrangements in the screening centre were necessary if the detainees found a

home and care there, as he claimed. It was 'for inhibiting riots'.[40] Some months later (in December 2013), in a leaked audio document released to the public, the chief of the Greek Police was heard giving instructions to police officers on how to treat immigrants in detention, allegedly saying: 'We must make their life unbearable'.[41] But, whatever the rational explanations one might seek for the implementation of violence as a means of punishment and intimidation in the new technologies of border surveillance, such violence tends to acquire extraordinary dimensions. How can one justify the installation of razor-sharp barbed wire in the Spanish enclave Melilla, which does not merely inhibit border crossings but causes torturous deaths? What is it, if not the normalisation of the dehumanisation of human beings? (Needless to say, no living being deserves such torture.) There is an intriguing similarity between the violence exercised in immigration detention, as recounted by detainees, and, in '"regular" detentions in asymmetric warfare', as recorded by Laleh Khalili. Using stories recorded from diverse sources, Khalili argues that 'the eruption of violence and torture [are illustrated] not simply as bad behaviour on the part of a few ignorant "bad apples," but through a systematic leakage of violence across boundaries of legality'.[42] The reshaping of the boundaries of legality in exercising violence may emerge as a feature of the novel paradigm of immigration imprisonment. And, the rising dynamics of violence evoke the impression that Bauman's term 'wasted lives' used to illustrate the valuelessness ascribed to immigrants and refugees in the current global order, is more than a powerful metaphor.

In the contemporary landscape, migration imprisonment also produces vulnerable individuals the flexibility of whose status works for the benefit of the domestic society. Viewing the overall landscape of border surveillance and imprisonment, 'flexible status' outside prison is preferable to long-lasting detention and/or expulsion from the country, and is sought as a chance for moving away. Such a flexible status is conferred by 'the administrative expulsion order' that is perceived by immigrants and refugees who arrive at Lesvos as licence for moving legally in/through the country for a short period, facilitating a transition into the 'grey' area. The fact, however, remains that even after leaving the screening centre or the open reception centre, such movement will be clandestine. Clandestinity is a precarious (though the most viable) option for movement in the grey zone, keeping up migrants' hope that they may achieve the regulation of their residence status when conditions allow.

Conclusion

The case examined here of the internment of refugees and undocumented immigrants on the Aegean island of Lesvos demonstrates that global developments are not simply reflected at the local level, but can also be negotiated to some degree, according to local rules. The establishment of an open reception centre

like PIKPA under the umbrella of civil society eventually became possible due to specific local features including the grassroots movement and the marginal position of the island in the Greek national-political geography. Indeed, as a maritime border area, Lesvos has a distinctly marginal position in terms of infrastructure, a result of the lopsided Greek state apparatus that has for several decades disadvantaged the border regions.

By and large, the 'short summer' of the civil-society administered open reception centre PIKPA indicates that there are other ways to deal with border crossers than detention. At the same time, however, it reveals the limits to alternative action that become evident as soon as activism encounters power rationalities either authoritative or bearing positive features as soon as they are incorporated into humanitarian – but not least hegemonic – regimes. In the case of immigrants and refugees, it is the weakening of the institutional condition for refugee recognition that determines the strategies available to them, imposing the framework and the limits within which they can act. It is the very weakening of the refugee condition that can make imprisonment appear as a right, when the object is not protection, but rather how to find a way to move in the 'grey zone'; how to gain even the insecurity of a flexible status after having escaped a deadly and dangerous journey, and avoid the humiliating conditions of lengthy detention, deportation and removal.

Acknowledgements

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Commentary

Freedom Rides in Palestine: racial segregation and grassroots politics on the bus

MARYAM S. GRIFFIN

Abstract: This article offers an examination of the role of buses in Palestinian protest actions directed at an international audience. These demonstrations occur as part of a post-Oslo strategic shift in which Palestinian resistance has de-prioritised leader-centred negotiations in favour of grassroots mobilisation that directly appeals to international civil society. Given this strategy, the bus is a useful vehicle, both literally and symbolically, for transmitting the message of Palestinian demands for freedom. First, the bus powerfully evokes the triumphs of an earlier generation of activists fighting racial segregation. Second, as a recognisable form of public transportation and mobility, the use of the bus allows Palestinian activists to focus international solidarity on one of the central hardships of occupied life: the denial of the right to freedom of movement, which entrenches the ongoing separation of Palestinians across Palestine.

Keywords: apartheid, Civil Rights, Freedom Bus, Freedom Rides, Palestine, public transportation, racial segregation, solidarity, South Africa

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Over the last two decades, the weakening mandate of negotiation-focused Palestinian leaders has given way to the rise of strong grassroots mobilisation on an international stage. In particular, following popular disillusionment with the dissatisfying results of the Oslo Accords and their implementation (or lack thereof), Palestinian politics has turned to the populist organising of grassroots collectives. In fact, this shift represents a return to the strategies of the first Palestinian intifada, which was guided by the priorities of Palestinians living under occupation or in exile, including economic independence and opportunity.[1]

In recent years, Palestinian grassroots organisations have issued direct calls to the international community, bypassing state negotiations, and highlighting the devastating effects of the Israeli occupation on everyday Palestinian life. The most recognised of these appeals is the Palestinian civil society call for Boycott, Divestment and Sanctions (BDS) against Israel. The BDS movement implores 'international civil society organizations and people of conscience all over the world' to engage in boycotts of Israeli-made products, divestment initiatives, and demands for state-imposed embargoes and sanctions in order to avenge Palestinian human rights and to pressure Israel to stop violating them.[2]

The selection of BDS as a tactic reflects an important element of the current grassroots strategy, which moves the target of political mobilisation to international civil society rather than governments. In order to make direct connections to 'people of conscience' around the world, the BDS movement and others like it present analogies to well-known cases of injustice in the past, especially those that now provoke near-unanimous indignation in the West. The use of analogy to cultivate international solidarity is also a return to an earlier strategy – that of racial justice organisers in the 1960s who integrated justice for Palestine into their agendas, notwithstanding great political risk.[3] The legacy of the Student Nonviolent Coordinating Committee and others has dwindled under decades of rewriting history, but it is precisely their vision of transnational solidarity that Palestinian organisers seek to revive.

Palestinian intellectuals and organisers frequently invoke an analogy to South African apartheid, whose defeat was partially enabled by an international BDS campaign itself.[4] Supporters of Palestine seek to tap into the popular disdain with which South African apartheid is now viewed by analogising the Palestinian struggle to the anti-apartheid movement, pointing out parallel practices of geographic segmentation, policies of segregation and political repression. Quotations from world-renowned human rights and anti-apartheid activist Archbishop Emeritus Desmond Tutu, who has himself drawn direct comparisons between South African apartheid and Israel's treatment of the Palestinians,[5] are particularly popular.

In addition to channelling the reproach of the South African experience, the use of the term 'apartheid' to describe Israel's treatment of the Palestinians reaches international civil society in a different way. The Palestinian strategy addresses 'people of conscience around the world', and the judgments of the

United Nations and international law carry important weight in directing the moral outrage of the international community. Indeed, some believe international law is the best arena in which to develop a global consensus in favour of justice for Palestinians. To frame Israeli policies and practices in terms like apartheid, annexation and colonialism is to characterise them as illegal and unacceptable under international law, provoking, in turn, the opprobrium of international civil society. In his final United Nations report, Richard Falk, former UN Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, methodically demonstrated the potential of more than twenty systematic Israeli practices in the West Bank to amount to violations of the prohibition against racial segregation and apartheid in Article 3 of the International Convention on the Elimination of All Forms of Racial Discrimination.[6] This assessment accompanied his argument that the main front for the Palestinian struggle is no longer armed resistance or international diplomacy but rather a 'legitimacy war' to cultivate global solidarity.[7] He notes, 'The United Nations has a crucial role to play in this process by lending support to Palestinian claims of rights and providing assessments of associated grievances resulting from the violation by Israel of international humanitarian law and international human rights principles and standards.'[8]

Due to the increasing visibility of the BDS movement and the widely publicised castigations from high profile figures like Richard Falk, the comparison between Israeli rule and South African apartheid is fairly well known. A parallel strategy has emerged in which activists analogise the conditions of life under the Israeli occupation to US experiences of racial segregation. In an attempt to make this connection for an international audience, a group of activists organised the Palestinian Freedom Rides in 2011. Because of the role public transportation played in drawing attention to racial segregation in the US during an earlier period, Palestinian activists adopted the bus as a medium for publicising their struggle.

Since the end of the second Palestinian uprising or intifada, grassroots Palestinian activism has organised a variety of actions around the use of buses in order to expose the racism reflected in Israeli military policies in the West Bank. The bus in particular enables them to evoke powerful analogies to other racial injustices with which international civil society is more familiar and to which it is already opposed for two reasons. First, as a vehicle used by an earlier generation of activists in the US, the bus carries with it powerful symbolism, wordlessly evoking the triumphs of grassroots outrage over the evil of racial segregation. Second, as a recognisable form of public transportation and mobility, the use of the bus allows Palestinian activists to focus international attention on one of the central hardships of occupied life: the heavy restrictions on movement which entrench the ongoing separation of Palestinians across Palestine. Through these bus-driven analogies, Palestinians make their suffering legible to an international community and cultivate an informed solidarity among international allies.

Mobility and the bus

Palestinian life under occupation has increasingly come to be defined by a crisis of contiguity, both territorial and social. As walls, fences, barriers, checkpoints and other impediments disrupt the flow of traffic in the Occupied Territories, desires for freedom of movement congeal in popular demands. In addition to the physical barriers, Israeli policies also restrict Palestinian ownership and usage of private cars. In 2013, there were only 106,913 private vehicles in the West Bank for a Palestinian population of over 2.7 million, amounting to less than 4 per cent of private vehicle ownership.[9] This tiny percentage of vehicle ownership is due in part to the high cost of motor vehicles that results from additional taxation by Israeli authorities who control all entry points to Palestinian territories. Furthermore, as recently as 2008, B'tselem reports that only 7 per cent of the few Palestinians who do own cars are permitted to drive them between cities in the West Bank.[10] And West Bank Palestinians who have permits to travel into Israeli areas for work are nonetheless forbidden from driving themselves across the Green Line or into settlements. Therefore, because part of Israel's restrictions on Palestinian mobility targets the operation of private cars, much of Palestinian society relies heavily on public transit.

There are many kinds of public transportation that operate in the West Bank. My research explores Palestinian transportation in depth, but there is also a busy system of Israeli buses that run in the territories, primarily operated by two companies, Egged and Veolia. These buses connect the Jewish-only settlements in the West Bank to Jerusalem neighbourhoods. Israeli settlements in the West Bank are fenced-off suburban communities, almost exclusively located on hilltops, open only to Jewish residents and the military brigades sent to protect them. These colonies are spread out across the Palestinian territories and are considered illegal under international law.[11] They are one of the most effective features of the Israeli occupation as they annex land through their own expansion and multiplication and also through the extra military presence and special, racially segregated roads they require to connect them to other settlements and to areas west of the Green Line. They also deepen the Israeli occupation of the West Bank in a different way: as they expand throughout Palestinian territory, they further fracture Palestinians into isolated enclaves. In fact, Israeli controlled 'Area C' on which the settlements are built constitutes the largest contiguous jurisdiction in the West Bank; far larger than any of the Palestinian Authority-controlled areas.

Against this backdrop, the Israeli buses represent one major technology of the Occupation which enables the entrenchment of settler life on Palestinian land by connecting them to one another and to Jerusalem. Up until recently, the buses were not 'Jewish-only' by law, but Palestinian ridership was nonetheless restricted because the buses pass through Israeli settlements and other areas that are legally forbidden to Palestinians without special work permits. In general, Palestinian ridership is also vehemently resented and protested by Israeli drivers and passengers. Indeed, in response to pressure from the Samaria Settlers' Committee and others, Israeli Defense Minister Moshe Ya'alon recently issued a directive to

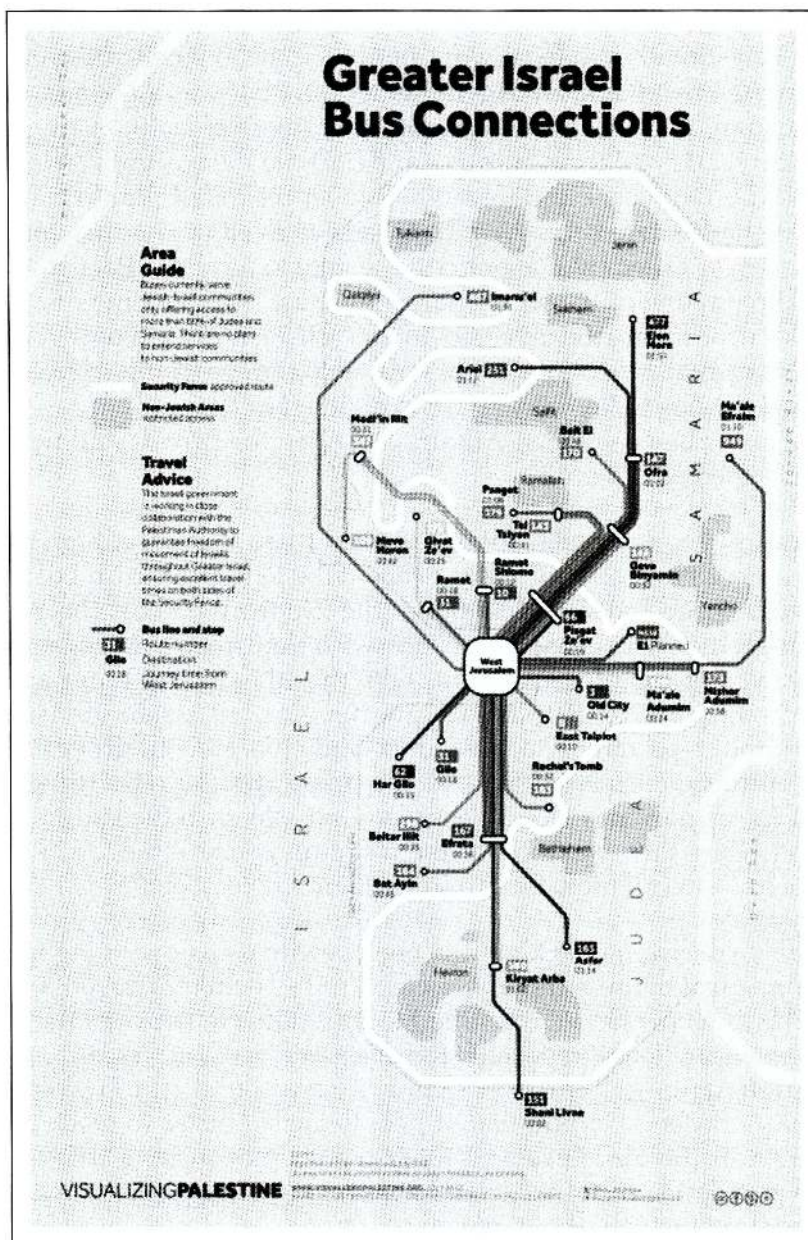**Figure 1.** Map of Israeli settler bus routes connecting West Bank settlements to Jerusalem (Image courtesy of Visualizing Palestine).

prohibit West Bank Palestinians from riding settler buses, in effect formalising the heretofore *de facto* segregation.[12]

In August 2012, two years before the new directive formalising bus segregation was issued, an incident made the news in which an Israeli bus driver leaving

from Tel Aviv on his route to the West Bank refused to allow Palestinian riders on board. The Palestinians had legal work permits to be in Israel and were trying to get home to the West Bank, an urgent matter on what was a hot and exhausting day of Ramadan, the Muslim holy month that involves daily fasting until sundown. The driver denied them entrance and delayed the bus until an Israeli police officer arrived on the scene and forced him to let the Palestinians ride. However, once the bus had entered the West Bank and arrived at the first settlement of Barkan, the driver called over a guard at the gate to force the Palestinians off the bus. According to one of the witnesses on the bus, 'All this time one of the passengers was encouraging the driver to do this "cleansing", and once the deed was done the driver told him: "That's the only way they're going to learn. Anyone who boarded the bus today won't dare to do it again."'[13]

The CEO of the bus company, Afikim, defended the driver, stating that he did exactly as is expected of him:

> The official policy is simple: anyone who can pay the fare can go on the bus. This means we have no choice but to also take Palestinians on board in Israel and drive them to Judea and Samaria [the Zionist name for the West Bank], even though it always causes problems with the Israeli passengers, and both sides start verbal and physical slights with the other. Inside Judea and Samaria the case is different, as Palestinians are not allowed inside the Israeli settlements without a permit by local security and an armed guard even if they do have an entrance permit to Israel, so the driver did the right thing in forcing them off. Every now and then Palestinians fall asleep on the bus and get unnoticed, and when they wake up at the last stop inside Ariel [an Israeli settlement] we have to call the police to show them the way out.[14]

But the driver's decision struck at least one eyewitness as involving more than a simple enforcement of the complex Israeli permit system that governs Palestinian mobility. The same person who testified to the collusion between the driver and another passenger later reported the incident to the Israeli Ministry of Transportation, writing, 'the driver's behavior was racist and in violation of the policewoman's orders. He humiliated people just in order to teach them a lesson.'[15] In light of the bus's use as a literal vehicle for visiting injustices on the Palestinian population of the West Bank, it is unsurprising that it has also become a site for resisting the very same injustices.

Palestinian Freedom Rides

The bus itself, as a vehicle for connecting people with one another and to places, also represents a critical site of social struggle for Palestinians whose experience of occupation manifests in geographic separation. On 15 November 2011, fifty years after the iconic Freedom Rides of the US civil rights movement began, a group of six Palestinian activists mounted their own anti-segregation protest using the

same name. They set out to board segregated 'Jewish-only' buses that connect Israeli settlements in the West Bank to occupied East Jerusalem. At 3.30pm, the activists boarded Jerusalem-bound bus 148 at a stop near the Psagot settlement, just east of Ramallah. The riders made it to the Hizmeh checkpoint, about 16km away – an opening in the Separation Wall that allows access between the Hizmeh area and the Beit Hanina and Shu'fat neighbourhoods of East Jerusalem.[16]

At the checkpoint, and like so many other anti-segregation protests, the riders were met by a swarm of Israeli military and border control agents, perhaps alerted in advance by the Israeli bus driver. Palestinians are not allowed to cross the checkpoints into Jerusalem unless they have a difficult-to-obtain travel permit, which can take months to process. The six Palestinian Freedom Riders plus a seventh passenger had not obtained permits but nonetheless refused to get off the bus. They were arrested on the spot by the Israeli authorities, for whom any political demonstration by Palestinians, even non-violent and relatively small, is an intolerable affront. Those that expose the racism structuring occupation practices in the West Bank to a large gathering of international reporters are particularly disturbing.

The action was directed at the segregated bus lines because they are part of a larger system of racially differentiated movement restrictions. These systems threaten the ability for Palestinians to connect with one another and thus undermine the survival of Palestinian social life under occupation.

According to their first press release, the 'Palestinian Freedom Riders [were] asserting their right for liberty and dignity by disrupting the military regime of the Occupation through peaceful civil disobedience'. The Palestinian Freedom Riders were very explicit in their use of analogies to the US Civil Rights movement, as is apparent from the first paragraph of the initial press release: 'On Tuesday, November 15th, 2011, Palestinian activists will reenact the US Civil Rights Movement's Freedom Rides to the American South by boarding segregated Israeli public transportation in the West Bank to travel to occupied East Jerusalem.'

Importantly, and unlike the original movement on which they modelled themselves, the Palestinian Freedom Riders were not seeking desegregation of or equal access to the settler buses. They were so concerned their action might be read this way that they issued a second press release, stating, 'Palestinians do not seek the desegregation of settler buses, as the presence of these colonizers and the infrastructure that serves them is illegal and must be dismantled. As part of their struggle for freedom, justice and dignity, Palestinians demand the ability to be able to travel freely on their own roads, on their own land, including the right to travel to Jerusalem.' They further clarified important differences in their international message from that of their political forebears:

> While parallels exist between occupied Palestine and the segregated U.S. South in terms of the underlying racism and the humiliating treatment suffered then by blacks and now by Palestinians, there are also significant differences. In the
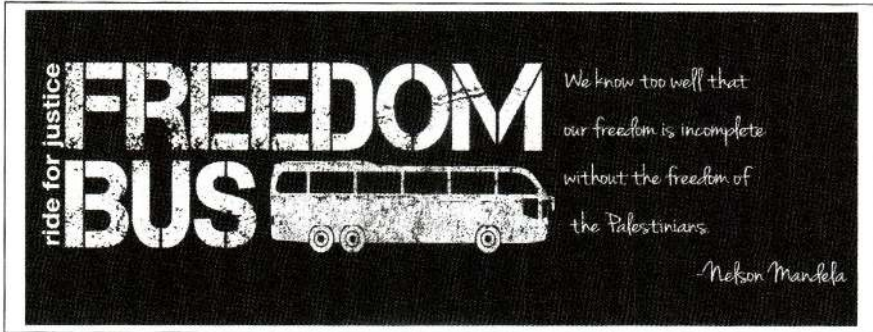
Figure 2. Image used on the Freedom Bus blog featuring a quotation by Nelson Mandela.

1960s U.S. South, black people had to sit in the back of the bus; in occupied Palestine, Palestinians are not even allowed ON the bus nor on the roads that the buses travel on, which are built on stolen Palestinian land.[17]

The strength of these analogies and their caveats is that they present the conditions of Palestinian life under Occupation through the racial injustice framings most legible to diverse communities of allies abroad. Moreover, through the use of the bus and its symbolism of the importance of mobility to everyday life, these organisers are also able to educate solidarity networks about the central features of the occupation.

Another bus for freedom

In addition to the 2011 rides aimed at drawing attention to the spatial segregation of the Israeli occupation, another group of activists have organised the Palestinian Freedom Bus. The organisers, members of the famed Freedom Theatre in Jenin, orient toward an international audience, like the Freedom Riders but on an entirely different scale. While the Freedom Riders were primarily protesting for an audience of journalists who would carry evocative sound bites to their foreign readers, the Freedom Bus organisers invite international solidarity activists to ride alongside Palestinian activists from city to city in the West Bank, listening to the local testimonies about specific horrors that the Occupation visits on residents' lives.

The 2014 ride aimed to expose its international and Palestinian riders to the particularities of life in smaller West Bank towns, particularly those rural villages located in Area C, territory under Israeli civil and security control. The Freedom Bus passengers visited each destination for a few days, contributing to local community improvement projects by day as well as observations of settler violence. At night, they participated in the Freedom Theatre's signature 'playback' performance art, in which Palestinian audience members are invited to share their experiences of occupation while trained actors improvise on-stage interpretations of the stories as they unfold.

In an interview in late March 2014, one of the organisers, Khalil,[18] explained that the goals of the Freedom Bus are, first, to build awareness among internationals by exposing them to the up-close realities of life under occupation; and, second, to 'rebuild the connections' among Palestinians from different parts of the West Bank in order to resist the social effects of cantonisation. These goals are interrelated, as the group's signature 'playback theatre' performances are the means by which an array of stories from across Palestine is shared with internationals and other Palestinians alike. The online publicising of the Freedom Bus most directly targeted internationals, written in English and featuring a quotation from Nelson Mandela, a hallmark of the strategy to analogise Palestine to apartheid South Africa. But on the ground, the organisers seemed most concerned with exposing and remedying the threat to Palestinian social and territorial unity. Khalil commented that the Freedom Bus ride 'keeps Palestinians from forgetting one another' by providing opportunities to share with each other their stories about 'the many tools used by the occupation'.

When asked what the 'freedom' in the Freedom Bus name represents, Khalil responded that it reflects 'many faces of freedom'. By transporting a mixed group of witnesses to hear testimonies about Palestinian life, the Freedom Bus provides 'an opportunity to test freedom: the freedom to tell the truth and the freedom of movement'. This mixture of mobility and testimony not only invites solidarity with the Palestinian struggle from outsiders but also purports to counter the social isolation that results from geographic fragmentation. Khalil noted,

> Palestinian people are bored from help like flour, aid, food, money … People don't want this. People need somebody to listen to them, to ask them, how you feel, to ask their story. Because usually everybody that represents Palestine is talking about all of Palestine … But through the arts, we want to hear the individual people, and this is important … And through this we support the community and tell them, 'You are not alone.'

He adds that even he, someone who has lived in the West Bank his entire life, has heard stories that are completely new to him, revealing the nuanced varieties of hardships under occupation. The Freedom Bus, then, transports West Bank residents and international allies together to places in which they can get a clearer understanding of occupied life and begin to practice the many faces of freedom.

A diversity of tactics

The non-violent use of buses to highlight the impositions of the Israeli occupation on Palestinian life is also accompanied by more pointed tactics. In early 2013, the Israeli government announced the opening of a new Palestinian-only bus line to run from the West Bank into Israel, across the Green Line that divides them, in order to transport Palestinians with Israeli work permits. The new line was

criticised by some who considered it *de facto* racial segregation, following Israeli media reports that it was created at the behest of Jewish West Bank settlers wishing to avoid the 'security risk' of riding buses with Palestinians. Just hours after the buses began to run, two were torched in the Palestinian town of Kafr Qassem, signalling a rejection of systematised transportation segregation. The bus, originally intended as a state-imposed separation of Jewish and Palestinian riders, became a locus for rebellion against the racial segregation it represented.

The Israeli Ministry of Transportation's original announcement of the separate Palestinian bus line came cloaked in a collection of euphemistic rationales. The more elaborately costumed version asserted that the new line would be more convenient and comfortable for Palestinian workers, while the more thinly veiled justification cited 'security', the go-to reason for so many of the oppressive policies Israel imposes on Palestinian life. It was these facades that the bus burning, as a violent and highly visible attack on a nascent transit line, disposed of, disrobing the powerful truth that the line actually represented another instance of *de facto* racial segregation.

Indeed, the exposure of the racial segregation as *de facto*, meaning that it appears in fact as opposed to the *de jure* alternative which is enshrined in law, illuminates one of the features of Israeli military occupation as it functions in the West Bank. Israeli military rule relies on the unpredictable domination of *ad hoc* discretion and discriminatory policies that are not officially recorded. This is the case, for example, with the Israeli system of segregated roads in the West Bank. While it is popularly known which roads are designated for Israelis only, this information is not posted anywhere or documented publicly, based instead on 'verbal orders' issued to soldiers.[19] Racial segregation of a *de facto* nature is particularly well amortised from criticism since its source is obscured.

In the case of transit, the aforementioned Defense Minister Ya'alon has recently opted to formalise transit segregation by decree, attracting precisely the negative publicity that less explicit policies may avoid. Subtly evoking the same analogy as the Palestinian Freedom Riders, Israeli human rights group B'Tselem reported the development with the headline, 'Minister of Defense not content with moving Palestinians to the back of the bus, means to keep them off entirely.'[20] The Palestinian General Federation of Trade Unions, Workers and Labourers also intends to use the decision to shed light on 'the Israeli racism and the brutality of the occupation' by dispatching a letter about it to the International Labour Organisation.[21]

The January 2013 sabotage actions against the new segregated bus line were not obviously directed toward any particular audience, let alone international civil society. Yet a message characterising Israeli transportation segregation as racism reached foreign audiences through the media. Palestinian officials asked for comment by international press agencies did not mince their words in explaining the bus burning as a rejection of institutionalised racial segregation. The Palestinian Deputy Labour Minister, Assef Said, told reporters of the Agence

France-Presse that the opening of the bus line was 'a racist policy of segregation'. The Palestinian Workers' Union also called it 'a racist measure'.[22] In addition to Agence France-Presse, Reuters, Al-Jazeera and the Palestine Monitor all covered the incident as a thinly-veiled effort to racially segregate transportation.[23] Although they all presented the official Israeli Transportation Ministry's justification for the line as a service to Palestinian labourers going to work in Israel 'to replace the pirate operators who transport the workers at inflated rates', Al-Jazeera exposed this as mere costuming. Al-Jazeera quoted the Facebook page of the mayor of the Ariel settlement as announcing that the transport ministry was working on ways of 'stopping Palestinians from boarding buses that go to Ariel', further stating that, 'we hope they will soon find a solution to the reality that is bothering our people'.[24] Writing for the Palestine Monitor, Adam Whittock states directly: 'There is little doubt that the new bus service and the South African apartheid or civil rights movement in the United States bear several resemblances.'[25] The act of sabotage itself opened up these opportunities to expose transportation segregation to an international audience and cultivate solidarity by using the most widely legible and evocative discourse of racism.

The sabotage of the bus line connects the recent, non-violent protest actions involving buses with a longer history in which transportation has functioned as both a method of racial domination and an instrument of popular resistance at different moments throughout the Israeli-Palestinian conflict. Transit has not only been the focus of non-violent political actions aimed at invoking solidarity from international activists, but has also played a crucial role in the Palestinian armed resistance of the 1930s and '40s and the everyday struggles against the disruptions of the Israeli occupation during the first and second intifadas.

The racial and racist nature of social relations between Israelis and Palestinians isn't new. But the strategic invocation of analogous racial narratives, through political actions on the bus, is a highly compelling feature of the latest turn to international civil society politics. The tactical focus on transportation provides a literal and symbolic vehicle with which to analogise the conditions of everyday life under Israeli military occupation to the Jim Crow segregation of the US South in the first half of the twentieth century. This framework allows Palestinian activists to cultivate transnational solidarity networks while simultaneously educating them about the most virulent but mundane features of the Israeli occupation.

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The 'knockout game': moral panic and the politics of white victimhood

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Abstract: In the fall of 2013, the 'knockout game' – random black-on-white assaults – became the dominant storyline in the US media. Despite no measurable increase in these types of attacks, a moral panic emerged that drew from and amplified numerous previous panics around race and violent crime. While in many ways the 'knockout game' is the latest iteration of exaggerated and projected white fears of black violence in the US, the current racial formation is one that increasingly promotes the idea that *white* Americans are systematically subordinated. In spite of a lack of material evidence to support this claim, media outlets have played a key role in stoking racialised moral panics and normalising what had once been fringe theories of white racial victimhood – to the extent that more than half of white working-class Americans feel they are part of an oppressed racial group.

Keywords: black criminalisation, Fox News, knockout game, media, moral panic, political correctness, racial media representation, Tea Party, Trayvon Martin, white victimhood

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Within a span of about one week, in late November 2013, the 'knockout game' – young black men randomly attacking white strangers for fun – became the dominant storyline across the American news media. This previously unheard of phenomenon became an overnight epidemic. Reports of 'knockout game' attacks emerged daily – in Philadelphia, New York, Syracuse, Saint Louis, Washington DC, Chicago and elsewhere. The same collection of video clips could be seen on all the major cable news outlets and many local nightly news programmes. The videos, taken mostly from surveillance cameras and cellphone videos posted on the internet, showed groups of black men casually walking down the street and sucker-punching a white passerby, without a word and for no apparent reason.

What had started as a far-right trope in a self-published book by Colin Flaherty, discussed in more detail below, was picked up and persistently amplified by Fox News, becoming the latest in a long line of racialised moral panics.[1] Within days, CNN was answering its own question of whether the 'knockout game' was real or not, saying that it must be real because CNN was talking about it. Al Sharpton heeded a call from Bill O'Reilly, FOX TV host and political commentator, for an apology. Since then, 'knockout game' legislation has been introduced in a number of states.

New York City's chief of police, Raymond Kelly, issued a public statement solely addressing this issue, saying that there was no evidence of these types of random assaults increasing, while calling on the media to engage in responsible journalism, check their facts, and refrain from creating a crime wave where there was none. At no point was the existence of such a formal or informal game or growing trend shown to be real. The video clips, graphic and disturbing as they are, were an anecdotal amalgam of footage selected from all over the country over a span of years. In contrast to the alarm raised by the 'knockout game', the most recent available data from the Bureau of Justice shows a marked decrease in random assaults, including black assaults on white strangers, not to mention the far greater likelihood of white-on-white stranger attacks.

While the epidemic is a hoax, unsupported by empirical evidence, it is also part of a long lineage of projected white fear of black violence that dates back to slavery. The current sociopolitical foundation upon which this crisis was formulated needs to be examined more closely. This moral panic shines a concentrated spotlight onto the state of race relations in 'post-racial' America, particularly the perpetuation of the trope of white people as racialised victims, as well as the more general foundations of knowledge and power in an increasingly reactionary and postmodern American political landscape.

Manufacturing panic

Stanley Cohen's 1972 *Folk Devils and Moral Panics*,[2] and Stuart Hall et al.'s 1978 analysis of the racialised media constructions of crime panics,[3] provide a useful theoretical background to understanding the intersection of race, crime and moral panic in and through the media. The extent to which new panics – based on events real, exaggerated or imagined – can emerge, resonate and spread, in spite of little

substantiation in the case of the 'knockout game', is both disturbing and of long standing. Cohen shows how moral panics often draw upon, and also reproduce, longstanding racialised conceptions, fears and anxieties: 'The process of spurious attribution is not, of course, random. The audience has existing stereotypes of other folk devils to draw upon and, as with racial stereotyping, there is a readily available composite image which the new picture can be grafted on to.'[4] Moral panics like the 'knockout game' have historically been a core part of the reproduction of white supremacist ideas, practices and structures in the US. The course of development of the 'knockout game' moral panic evidences many elements of white racism, fear and violence against African Americans that stretch back to the days of slavery.

United States history is rife with examples of moral panics regarding real and imagined black deviance and criminality and, often, responses of vigilante, white mob violence or disproportionate state punishment. The relationship between perceptions of crime and white supremacist ideology 100 years ago, as analysed by Khalil Muhammad in *The Condemnation of Blackness*, have surely evolved, but one would be hard-pressed to find ways in which they have fundamentally changed:

> Beginning in the late nineteenth century, the statistical rhetoric of the 'Negro criminal' became a proxy for a national discourse on black inferiority. As an 'objective' measure, it also became a tool to shield white Americans from the charge of racism when they used black crime statistics to support discriminatory public policies and social welfare practices.[5]

What should have been a primary question among responsible journalists before the story was ever covered in November 2013 – 'Is the knockout game a real and increasing trend?' – was one that was eventually raised by the *New York Times* and CNN.[6] Neither resolved the question by drawing on crime statistics, or using sceptical police officials as the last word on the subject, as they would have done in relation to almost any other crime story. Far from there being any statistical basis, even in local contexts, for the claim that the 'knockout game' is a real and increasing trend, the official statistics on assault that account for race paint a very different picture from the isolated anecdotes that fuelled this panic.

The most recent data reported by the Bureau of Justice illustrate that violent crime overall is about 25 per cent of what it was twenty years ago.[7] More specific to the 'knockout game', in terms of assault (under which the knockout attacks would be classified), *white people are five times as likely to be assaulted by another white person as by a black person*.[8] The overall likelihood of a white person being a victim more generally of violent crime is down 22 per cent from what it was ten years ago.[9] No police department came forward with recent data suggesting there had been a spike in 'knockout' attacks, with NYPD chief Kelly stating very clearly that there was no increase in these types of attacks. How did the media come to give so much credence to a crime theory that was supported by neither data nor police officials? In tracing this moral panic, it is essential to interrogate its origins.

These lie in what had been an obscure self-published book called *White Girl Bleed A Lot: the return of racial violence to America* by Colin Flaherty. Flaherty contributes to the far-right *WorldNetDaily*. The book has since become an Amazon bestseller in the category of Civil Rights & Liberties. After the release of the book in 2012, the Southern Poverty Law Center, which monitors hate groups in the US, released a profile of Flaherty that concluded he was a 'White Nationalist propagandist':

In July [2012], Flaherty appeared as a guest on the Lowell, Mass.-based Malevolent Freedom Radio, a white nationalist show whose motto is 'embrace white culture' and whose logo is the Schwartze Sonne, or black sun, a Nazi occult symbol. Telling Malevolent Freedom host Dean Anderson that he's not part of 'the [White Nationalist] movement,' Flaherty declared, 'I'm just a guy that likes to write … I just have my eyes open. My attitude is, I'm going to tell you what's happening now, and if you want to freak out about it, I really don't care.'[10]

Flaherty's book is over 400 pages and is devoted to exposing 'racial violence', by which he means solely highlighting instances of black-on-white crime, as well as 'black mob behavior', including, for example, flashmobs. He devotes an entire chapter to the 'knockout game' (made available for free by *Brietbart News* in the middle of this November 2013 panic).[11] Using anectodal data, and premising his research as committed to uncovering the widespread white victimhood that the liberal media refuses to cover, it is easy to see how his theses might resonate with many Tea Party white Americans, with varying fears, hostility, anger and insecurity related to (or projected onto) racial minorities.

Of the many questions that arise regarding the way the 'knockout game' became a dominant news story (and one that is currently reshaping laws in many states), is, how did this 'White Nationalist writer', writing for a fringe, conspiracy theory-laden website, come to dominate the media, social and political landscape, positing a crime trend that had no statistical support whatsoever?

Fox News played an integral role in making the 'knockout game' a major news story in the wider mainstream media. Like a bully, browbeating other kids into fighting by calling them 'chicken', Fox News has on several occasions forced its competitors onto its terrain by covering similarly questionable 'news stories' while constantly and aggressively reiterating that it was bringing the 'truth to the people', and insisting that CNN and others, the so-called 'liberal media' establishment, were too afraid, duplicitous or biased to do so.

Race, knowledge, power and the emerging 'white victim'

The widespread combination of pervasive ahistoricism and concentration on individuals as victims or villains in modern race politics, a combination devoid of any analysis of social structure, has opened the door for white people to label

themselves a racialised group – a group that is systematically discriminated against because of their race. They point to (often imaginary) affirmative action or welfare programmes, political correctness, and successful individuals of colour (of whom Obama is a figurehead) to posit an economic, political and cultural system that gives unfair advantage to people of colour. A Public Religion Research Institute survey in 2012 found that 47 per cent of all Americans and 60 per cent of the white working class thought that discrimination against whites was just as great as discrimination against racial minorities.[12] These findings were confirmed by Michael Norton and Samuel Sommers, whose research found a majority of whites believed that anti-white racism was greater than anti-black racism.[13]

The degree to which this has anything to do with reality is dubious, unless looked at in terms of a longer historical view of lost privileges in relation to pre-Civil Rights era racial formations. Many white people don't see the wages of whiteness as their 'side-deal with Capital', they see it as their inherent birthright. Despite the fact that, since 2008, the current economic crisis has only increased the wealth gap between whites and blacks/latinos (on average white families have twenty times the level of wealth of black or latino families), in absolute economic terms white median family wealth fell almost $22,000.[14] The average white working family has lost economic ground more generally relative to the previous generation. Despite the fact that other racial groups have certainly fared worse, white anger and anxiety is easily mobilised against racial minorities – and has been, consistently, for the past three decades.

Cohen, in his discussion of the elements of a moral panic, outlines the need for a suitable enemy (with little cultural/political capital with which to fight back), a suitable victim (vulnerable yet generalised), and a call for social control (under a false pretence of social equality, with social control creating greater social cohesion generally).[15] While US history is full of moral panics around black men and crime, the long period of economic contraction we are now living through, combined with the current media/knowledge landscape, is producing racist panics that not only reinforce conceptualisations of black bodies as necessary sites of social control, but do so on a very particular politico-discursive terrain. This terrain conceives of itself as post-racial, but is increasingly shaped towards avenging the imagined structural subordination of white people in contemporary America. Both the underlying premise of the 'knockout game' panic and the ease with which it creates widespread social hysteria are the latest iteration of a centuries-old projected white fear of black violence. To make sense of the 'knockout game' panic, we need to look back at the long history of racialised moral panics, as well as examining the current contexts of race, politics and media in which it is embedded.

Over the last thirty years there have been numerous rearticulations of racialised stereotypes of criminality, which have had significant bearing on, and resonance in, dominant discourse and policy. The mid-1980s through mid-1990s saw a spate of racialised moral panics around crime. The exaggerated panic around crack cocaine in the late 1980s vastly aided the militarisation of urban policing in America, as well as racialised disproportionate drug sentencing.[16] George Bush

Sr's Willie Horton attack advert[17] during the 1988 presidential campaign played a crucial role in painting Democratic candidate Michael Dukakis as 'soft' on crime and, implicitly, African Americans, stoking white fears of the ensuing chaos and death that would surely follow from the adoption of less punitive norms of incarceration – like the furlough programme that had temporarily released Horton, enabling him to commit rape, assault and armed robbery.[18] By the early 1990s the 'superpredator' discourse emerged to promote the 'imminent threat' posed by every young black and brown kid from the city.[19] More specifically, and extremely similar to the 'knockout game', was the panic around 'wilding' in the late 1980s and early 1990s. A rape in New York City's Central Park led to the wrongful conviction of five black juveniles who, police argued, had been part of a wilding crime spree that included a violent rape.[20] The boys eventually had their sentences vacated, based on new evidence, but only after all of them had served their terms. While this ten-year period did see a marked rise in violent crime, what passed for analyses of crime, gangs and drugs were simplistic, racialised, panic-driven stereotypes, developed alongside a social control logic according to which the only conceivable political response was to get tougher on crime.

'Two, three, many George Zimmermans'

Aside from the effect of insinuating or reinforcing the idea that every black man walking by you on the street may be an imminent threat, made more pronounced by the violent and random nature of the 'knockout game' presentation, the news coverage quickly shifted to the glorification of self-defence or vigilante violence among the game's victims. Four cases gained a great deal of attention, three of them gaining more when it became clear that they had been fabricated. For decades, lynching was an extra-legal tool of terror and social control (primarily but not exclusively in the South) of white mob violence prompted simply by accusations ranging from major crimes to perceived minor personal slights or deviations from the expected behaviour of blacks under Jim Crow. The recent vigilante revenge fantasies are intrinsically imbued with the vestiges of lynching, but were also clearly articulated as an *ex post facto* defence for George Zimmerman, by Fox News and its commentator Bill O'Reilly. Zimmerman had shot dead an unarmed black teenager, Trayvon Martin, as he was walking in his neighbourhood.

Throughout this period, Fox News drew links to the purported failure of black leaders like Jesse Jackson and Al Sharpton to help the channel demand that something be done about the 'knockout game'. Another facet of the coverage drew explicit linkages to the shooting of Trayvon Martin by Zimmerman, who had been acquitted of murder months earlier. Bill O'Reilly made plain that the killing of Martin was (all the more) justified in the context of the asserted rampant, unchecked criminality of black youth. Guest Bernie Goldberg, a journalist and political pundit, agreed with O'Reilly's analysis of the Justice for Trayvon movement in light of the 'knockout game':

You had [Jesse] Jackson, you had [Al] Sharpton, you had sanctimonious Tavis Smiley all going on television ... painting a fairy-tale picture about how young black males are being hunted down by white people. It was absurd, but they went on doing that . . . And on this [black-on-white violence], they say nothing because – this is important – because it speaks to their failure as black leaders. They don't know what to do about this.[21]

As the 'knockout game' continued to garner mainstream media attention, stories emerged that fitted within the 'stand your ground' framework of the Zimmerman trial and acquittal, which featured those purported to have been targets of the 'knockout game' who shot and killed their assailants. The framework within which the 'knockout game' coverage sits goes beyond the criminalisation of black youth or the validation of anti-black vigilantism. It lays bare a more comprehensive effort not only to block efforts for racial justice, but also to attempt to render unintelligible the simple articulation of black pain.

Slipping down the Tea Party rabbit hole

Fox News' call for prominent long-time Civil Rights figures to 'answer for' or apologise for the 'knockout game' did not go unheeded. According to Oliver Willis of Media Matters,[22] Fox News called upon Al Sharpton at least seven times, between 19 and 24 November, to make a public statement condemning the 'knockout game'. As the issue was still boiling on the front burner of the national news media, Sharpton came forward to amplify the condemnation of this illusory epidemic. In a public statement on 23 November 2013, Sharpton said the 'knockout game' was:

> An alarming trend that is spurring outrageous incidents across the country. It is deplorable, reprehensible and inexcusable. It is insane thuggery, and it is unequivocally wrong. We would not be silent if it were the other way around, and we will not be silent now. This is racist, period. And we will not tolerate it.[23]

A central aspect of any moral panic is its ability to forge political polarisation – to manufacture a commonsense positing of a 'folk devil' that needs to be exorcised in the service of a 'good public', which condemns and demands action to mitigate the threat – leaving little coherent middle ground under the terms in which the panic is framed.[24] In an advanced capitalist society these values are most commonly formalised in the law. In the months that have passed since the peak of this moral panic, new legislation, specifically targeting the 'knockout game', has emerged in over a half-dozen states.

Within days of the panic peaking in the media, legislators in New York, New Jersey, Illinois, Oklahoma, Pennsylvania, Washington State and South Carolina began drafting and putting forward legislation specifically targeting the 'knockout game'. Of course, punching people in the face is already a crime, easily

charged as a felony in every state in the Union. The laws that are being drafted, and the one that passed the Washington State Senate (where there was not even a single report of this type of crime having taken place), mostly set a mandatory felony charge for random assaults on strangers. The Washington State legislation, which passed in the Senate, and is currently being debated in the Washington House of Representatives, makes random assaults on strangers a mandatory felony charge.[25] Other states, like New Jersey, are trying to establish minimum prison terms for assaults that meet the 'knockout game' profile.[26] Despite not having even a shred of empirical evidence, of any measurable significance, to indicate an upsurge in these types of assaults, laws are being recodified to either appease or take advantage of a socially and politically fabricated trend.

In late December 2013, as the 'knockout game' was fading from the prominent position it had secured a month earlier, hate crime charges were brought against a 27-year-old white Texan who had videotaped himself randomly assaulting a 79-year-old black man, and then saying 'knockout'. Other videos on the man's phone allegedly feature him making racist comments and asking whether he would get national news coverage if he attacked a black person. In spite of their feat in fabricating a crime trend and success in generating a racialised national panic around it, prompting a wave of more stringent crime legislation, Fox News and *WorldNetDaily* (home to Colin Flaherty who had conceived of the 'knockout game') were less than pleased with the Department of Justice, which was also now taking this seriously. Fox quickly asked 'why the federal government just now was getting involved and whether a double standard was at play, considering that in many prior cases, the race of the suspect and victim was reversed'.[27] *WorldNetDaily* was less coy: 'Attorney General Eric Holder's treatment of the "knockout game" phenomenon is revealing the White House's racial agenda is more concerned with retribution than reconciliation.'[28] The sentiment made it clear that the targets of social control were intended to be, specifically and exclusively, young black males.

The 'knockout game' was certainly not America's first or greatest racialised moral panic. However, what is fundamentally different about racial panics in the current moment is how they are articulated alongside and within a growing sentiment of white aggrievement – a political belief system that argues, against all existing evidence, that white people are subject to systematic racial oppression. The 'knockout game' is both a product of white aggrievement and a cause of its further entrenchment in the popular imaginary. Since Obama's election in 2008, Fox News has played the role of laundering far-right and overtly white supremacist initiatives, brow-beating them into the rest of the mainstream media, and quite often meeting their political objectives. As this postmodern dialectic of mythical scapegoats and the demand for racial justice for white America progresses, a new white supremacy is being constructed that not only opposes efforts at racial justice, but fundamentally erodes the political and discursive space upon which actual, materialist claims about racial inequality can even be coherently expressed.

References

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Reviews

Global Capitalism and the Crisis of Humanity
By WILLIAM I. ROBINSON (New York, Cambridge University Press,
2014), 246 pp. £19.99.

Like Rosa Luxemburg's famous statement, 'Socialism or Barbarism', William
Robinson's latest book is both warning and call to action. Robinson is one of the
most prominent thinkers about global capitalism and transnational capitalist
class theory, and his new work is challenging and vitally important.

For an understanding of contemporary capitalism there is no one better or
more bold than Robinson. Here he deepens his analysis of globalised labour, the
financial crisis, the transnational state and an array of political and cultural
questions. He pursues these points with sharp and insightful critiques of propo-
nents of the 'new imperialism' school, including Samir Amin, John Bellamy
Foster and David Harvey. Robinson argues that to comprehend global capital-
ism one must break with traditional views that confine politics and economics
to the geographic and historic limits of nation states. He is clear that national
governments still play a vital role in capitalism, but that this role has changed to
legitimatise and regulate a transnational economy, alongside such organisations
as the WTO and IMF. Together these institutions create a network of govern-
ability that should be viewed as a transnational state. Robinson insists that one
must look to social relationships rather than reified concepts of the state or geo-
graphic territories such as north and south. As he states: 'The class relations of
global capitalism are now so deeply internalized *within* every nation-state that
the classical image of imperialism as a relation of external domination is out-
dated … Imperialism is not about nations but about groups exercising their
social power – through *institutions* – to control value production, to appropriate
surpluses, and to reproduce these arrangements' (p. 127).

For Robinson the transnational capitalist class (TCC) consists of elites from both
north and south, just as class and racial oppression is internalised in the north and
south as well. This oppression has currently accelerated because of the financial
and ecological crisis. Now capitalism faces a historic juncture confronting

fundamental contradictions as a world system, just as it did in previous structural crises in the 1930s and 1970s. Here the author makes use of Antonio Gramsci's theory on hegemonic power blocs that are built by the ruling class but include a social base as well. However, because of neoliberalism and austerity the TCC is unable to incorporate the working class as it did using Keynesian economics during the Great Depression. Instead, global capitalism has produced a vast surplus population outside the formal economy, even as it destroys the social contract that previously protected millions of workers. Additionally, the TCC is unable to consolidate a transnational state because the globalised economy is held within a 'nation-state system of political authority, legal enforcement, and legitimation' (p. 94). Under popular pressure, national states struggle to maintain local political legitimacy. This creates a situation in which '*The national state's accumulation function is now transnational, while its legitimation function remains national*'. Consequently, there is no central body that can unify TCC fractions for their long-term interests, nor fully develop the institutional machinery necessary to express their class power. On top of these economic and political problems is the ecological crisis and fastly approaching limits to capitalist expansion.

This brings us to what may be Robinson's main concern and, in important ways, the focus of the book. Facing a structural crisis, the TCC must reorganise itself and its social system. For Robinson the main danger is the possibility of twenty-first century fascism, many features of which can already be seen. A powerful fraction inside the TCC power bloc is the 'military-security-industrial-construction-engineering-petroleum complex' which began to clearly emerge with the 'war on terror'. Robinson argues that after the financial crisis, military interventions and the global war economy became a major path for accumulation. This militarisation combines with domestic repression inside the US and the vast increase of the Black prison population. The rise in incarcerations was justified by the 'war on drugs' and the 'war on gangs' with its ideological and political ramifications in the construction of a reactionary power bloc. Additionally is the anti-immigration movement and further militarisation of the border. Nevertheless, control of the border is matched with the use and need of low-cost flexible labour, as Robinson explains: '*Immigrant workers become the archetype of these new global class relations - the quintessential workforce of global capitalism*' (p. 195). All this entails vast sums of money and corporations, which build the border fences and prisons, employs security personnel and adds to the hundreds of billions poured into the military and state security agencies such as the National Security Agency. The book goes into great detail here, not only covering the economic data, but also the human and social costs.

Robinson is also interested in the interconnections of how race and class converge to create a super-exploited and super-controlled working class. Because of the economic and social advances won by African-Americans in the 1960s and 1970s, Black workers were seen as too rebellious and militant. With deindustrialisation and offshoring in the 1980s, Blacks were marginalised from the workforce

into unemployment, state repression and incarceration. This coincided with mass Latino immigration into the bottom rungs of the workforce in the service industry, construction, meat packing and light industry. Such forms of domination and exploitation have been historically used in the US to build a white racial hegemonic bloc, which the 'moral panics' over drugs, gangs and immigration have helped to reinforce. However, constructing hegemony does more than exclude the Other; it must include material rewards for those inside the bloc. As Robinson shows, neoliberalism severely limits economic security for the mass of white workers, and therefore the historic bloc cannot be sustained based solely on ideology and culture.

This picture of growing poverty, repression and militarisation goes to the internalisation of imperialist social relations and the threat of fascism. Certainly the killing of Michael Brown with militarily equipped police occupying the streets of Ferguson starkly illustrates the point. Robinson is careful to say that twenty-first century fascism will not be a repeat of the forms taken in Germany or Italy. The author instead argues that the formal trappings of democracy, such as political parties and elections will continue alongside selective repression. The key is that the hegemonic rule of capital, which combines consent and coercion, will turn decisively to repression and the control of dissent.

Because history is contingent on many subjective factors and agencies, the author holds out the prospect of elite reformism and the formation of a neo-Keynesian bloc. However, he places little faith or hope in such a turn of events. Instead, Robinson calls for the building of a global democratic socialist movement that fights on multiple fronts, including the work place, community and inside state institutions. If not, he sees the possibility of a new 'Dark Age' as Luxemburg saw the possibility of barbarism. Such a future in not only linked to possible fascism, but also ecological collapse. Here Robinson is in agreement with John Bellamy Foster and other Left ecologists that the logic of growth and accumulation undercuts the ability of capitalism to solve the environmental crisis.

While the author presents a powerful and clearly articulated argument about the limited choices facing global capitalism we may need a word of caution here. Many on the Left for many decades, in fact for over a century, have predicted capitalism was at the end of its rope, that socialism or barbarism was the only choice. Yet capitalism has shown itself to be flexible and adaptable in the face of its many crises. We may indeed be facing a new form of fascism, but another path could be a Green New Deal. Such a reformist path won't fundamentally solve the relationship between nature and capitalism, and certainly won't overcome the contradiction between labour and capital. But it may be enough to create a new structure of accumulation, as when capitalism turned to Keynesianism and later to neoliberalism. One can see definite movement towards such a strategy among important members of the TCC. Among others, these include Hank Paulson, ex-CEO of Goldman Sachs and Secretary of the Treasury under George W. Bush, former billionaire mayor of New York and political independent Michael

Bloomberg, and San Francisco liberal billionaire Tom Steyer. Another interesting example is that the Rockefeller Brothers Fund, founded on profits from Standard oil, is now committed to abandoning all fossil fuel investments. Robert Rubin, Treasury Secretary under Clinton and Citicorp executive, joined the choir writing in the *Washington Post*, 'We do not face a choice between protecting our environment or protecting our economy. We face a choice between protecting our economy by protecting our environment — or allowing environmental havoc to create economic havoc.' Added to these developments is China's move to implement serious environmental policies, and that Germany has already reached 30 per cent use of alternative fuels.

A Green New Deal solves three major problems facing the system: stagnation, legitimacy and defence. In terms of economic stagnation new investments in green technologies can set off a renewed cycle of accumulation, creating an expansion of new industries, jobs and profits. The crisis of political legitimacy can be resolved by promoting ideological and cultural identification with an environmental narrative and a passive revolution to absorb movement leaders. And lastly, by solving some of the most immediate and present environmental dangers, capitalism can achieve greater systemic stability. This speaks to the concerns of the Pentagon and CIA who have been warning of possible social and political chaos as the result of global warming, a fight over resources and the movement of vast numbers of environmental refugees.

This scenario does nothing to contradict Robinson's thesis or warnings. He is careful to discuss the contingency of history, agency and structure. In fact, the work is essential reading for all those who want to understand contemporary capitalism and are concerned with the fate of our planet. In other words, everyone should read this book.

DeVry University, Chicago   JERRY HARRIS

Profits of Doom: how vulture capitalism is swallowing the world
By ANTONY LOEWENSTEIN (Melbourne, Melbourne University Press, 2013), 288 pp. $32.99.

The death in 2010 of Jimmy Mubenga at the hands of three G4S guards during deportation brought to wider public attention the role and the methods of outsourced security contractors in Britain. Since then, it seems that each month brings another outsourcing scandal: Serco and G4S charging for tagging dead prisoners; Atos medical assessments sending terminally ill claimants back to work and driving the vulnerable to suicide; Serco staff lying to cover up systemic failures in out-of-hours medical services; the G4S Olympics fiasco; and the Capita court interpreting shambles. Yet the drive to privatise goes on, in job creation, probation, the NHS ...

At the same time, legislation proposed as a result of public disquiet about the influence of corporate lobbyists on government policy does nothing to curb lobbying or to make it more transparent, but threatens to hobble unions and curtails charities' campaigning.

This book, by Australian journalist Antony Loewenstein, takes the story global, describing the corruption or sidelining of governments by multinational contractors. Companies like Serco, Kellogg Brown and Root (KBR) and Blackwater deliver 'security' worldwide, guarding diplomats, soldiers, prisoners; they tear up the earth for minerals and gas, polluting air and ground water; they mop up post-disaster reconstruction contracts to build factories for sweated labour. The author's term 'vulture capitalism' is inadequate to describe this; vultures are carrion birds, feeding on dead creatures, but the capitalism that is swallowing the world has live human beings for its prey – whether immigration prisoners in Australia, villagers in the way of polluting mines and gas plants in Papua New Guinea, earthquake victims in Haiti or civilians in Iraq and Afghanistan.

Australia's immigration detention estate has grown exponentially in five years – from seven centres and a few hundred detainees in 2009 to 10,000 detainees in over twenty centres in 2013. One academic cited by Loewenstein traces the outsourcing of the detention estate to the 'client state' relationship between Australia and the US, which encouraged companies such as the Corrections Corporation of America (CCA) to find contracts there. In opposition, Labor condemned immigration detention, the 'Pacific solution' (offshore detention of asylum seekers) and privatised provision, but once in power it enthusiastically adopted all three, privatising offshore detention (till then run by not-for-profits). Serco got the detention contract in 2009 by slashing its prices to match G4S – but by simply failing to recruit more staff in line with the growing numbers of detainees, it managed to make profits of up to 65 per cent (when agreed profit margins were between 7.5 and 10 per cent). This means detention centres run like prisons, with security and containment paramount. The 'gulag conditions' referred to in a 2001 inspection of Curtin, a remote area of Western Australia, are back, there (recently reopened) and at other centres, onshore and offshore. Reports of brutality and bullying, abuse of power to obtain sexual favours, and high levels of self-harm abound. On Christmas Island (where fines for contractual failures can top $A1 million a month), in one week of June 2011, forty-eight of 1,000 detainees attempted or threatened self-harm.

Vulture capitalism, says the author, rewards contractors' failure because the alternatives – such as investing in publicly run public service – is politically unpalatable. But when did it become so? When did outsourcing everything become the only game in town? The book doesn't analyse this – although the chapters on immigration detention, natural gas and mineral extraction, the 'war economies' of Iraq and Afghanistan and post-earthquake aid to Haiti, demonstrate how the blurring of the public/private line, with its diffusion of responsibility, suits governments down to the ground. A more personal convergence of

interests is revealed, too, in the form of the ever-faster 'revolving door' which sees company executives appointed as political advisers and government ministers and civil servants morph into company directors or board members.

When governments do the bidding of the huge contractors, accountability is lost. When someone dies, like the Aboriginal man who died from heatstroke in 2008 in an airless, unventilated truck constituting G4S' 'prison escort' services, the contract is simply transferred (just as it was in the UK after Mubenga's death).

It is not only the outsourcing of core government functions such as incarceration which causes alarm, but the way government agencies work to contractors' agendas. The chapter on the 'dirty gas' (liquefied natural gas, LNG) plant in Kimberley, Western Australia, reveals that KBR, which runs water, transport, infrastructure and mining developments, works with the army in providing security for the plant. Another company, calling itself 'Hostile Environment Services', provides a militia which works with the police 'protecting' the plant from activists protesting at the degradation of the land and the treatment of the indigenous inhabitants. While funding for indigenous people is conditional on their acceptance of the gas project, which is taxpayer-subsidised to the tune of $A250 million, opponents are branded 'racist' for wanting to deprive the indigenous of the 'fruits of development'. It is no surprise to hear that the state president's advisers are ex-employees of the extraction company. Furthermore, with the Australian media 70 per cent Murdoch-owned, corporate interests shape reporting. The destruction of land, of people's culture, of their lives, is portrayed as inevitable, 'the price of progress'.

Perhaps the most shocking of the six chapters is that on the aftermath of the Haiti earthquake of 2010. In the post-earthquake 'gold rush', US companies swallowed nearly all of the $1.8 billion aid granted to the stricken island. Even the US special co-ordinator for relief and reconstruction resigned after three months to jump on to the gravy train, setting up a company which went on to win $20 million-worth of construction contracts. Only one-fiftieth of 1 per cent of USAID contracts went to local Haitian contractors. As cholera killed 8,000, and with no health infrastructure available for the 650,000 sick, 'reconstruction' was not, in the main, of hospitals or homes but industrial parks, displacing 300 farmers, containing factories delivering cheap labour to multinationals such as Gap and Walmart.

As Loewenstein reflects, the companies, large NGOs such as the Clinton Foundation, the UN and the Haitian government, all sharing the same neoliberal values, colluded to keep Haiti dependent on privatisation and neo-colonial, top-down aid. It was ever thus, the author reminds us, going back to the 1915 occupation and the later US-supported dictators, Papa Doc and his son Baby Doc – ensuring US interests were served first and foremost, and undermining the small landowners who have been the lodestone of the island's culture, dignity and autonomy since Toussaint L'Ouverture wrested the island from the French.

In this world, nothing is what it seems: 'national sovereignty' applies only to rich countries; poor ones don't have that luxury. The rich countries use 'national sovereignty' to justify ever harsher and inhuman control of mass migration, but

they have surrendered sovereignty to the corporations whose interests they single-mindedly serve. 'National security' means keeping people in a state of fear, to benefit corporate security interests; 'the national interest' means corporate interests, which enrich a global elite.

There is resistance: within the detention centres and, since the book's publication and the beating to death of Reza Berati in Manus Island detention, a growing movement among the Australian public for the decent treatment of asylum seekers; protest camps at the site of proposed mines, fracking sites and 'dirty gas' plants; a small number of journalists seeking to make audible the voices of the dispossessed, pointing out the despoliation and the fatal erosion of democracy it entails.

Loewenstein is a journalist, and does not join the dots between the chapters to demonstrate how, through destruction of livelihood and habitat, resource wars, conflict and repression, the corporate takeover forces much of the migration it then polices. But as a journalist, he brings the corporate takeover to vivid and telling life. His book demonstrates both the urgency and the magnitude of the task at hand: nothing less than reclaiming the world for human values and human life.

Charlbury   FRANCES WEBBER

The Price of Experience: writings on living with cancer
By MIKE MARQUSEE (London, OR Books, 2014), 106 pp. £8.00.

Why, I wondered, before I began reading, had Marqusee titled his collection of essays the *price* of experience, and not the *cost*? But I realised a price is something that you pay, with thought; it denotes value. A cost is extracted, willy nilly. And that thoughtfulness, that attention to exactitude, is evident in every page of this small, immensely readable series of essays, whose value is in direct relation to the depth of the experience from which they are drawn. It was, indeed, only after plunging through the essays themselves, that I sensed the force of the Blake poem 'What is the price of experience' with which Marqusee prefaces his collection.

Without grandstanding or fanfare, Marqusee charts the process (and processes) he has lived through since that first, lurching, terrible period of diagnosis – not a single moment, but a shifting, off-kilter pattern that will be familiar to all who have suddenly found the stable certainty of their lives shattered by the irrevocable. The pain of the health and apparent good fortune of others, so hard to look upon; the heightened awareness of how cliché can dominate our interactions at times such as these. The 'good days', 'bad days' mantra that we serve up, to comfort ourselves and others, so as to mask the flux and uncertainty of what the next – day? hour? darkness? will bring. The tawdry language of 'bravery', 'self-help', 'fighting', 'living life to the full' that serves to personalise responsibility for a complex, not fully understood, phenomenon that has social as well as

physical roots – a mindset that simply adds yet another burden to the gravely ill. All this Marqusee dissects with forensic precision, even as he charts the ebb and flow of his situation. 'One phase has followed another and none has been what I expected ... The relationship between the illness, the treatment, and my responses to both is always shifting, posing new issues, problems, questions. I seem to be in a permanent process of adjustment ... '

But this is much more than a deeply personal account of what this adjustment has entailed and still does. It reaches beyond and through the individual experience to a profound awareness of how deeply enmeshed human beings need to be with one another; the imperative of 'commitment to an egalitarian and co-operative social order, not as a distant utopia, but as an urgent requirement of the hour'.

It is an urgency that is emphasised by the current and ongoing crisis of 'austerity', to be endured by the many in order to further enrich the few – whose appetite, not sated by the sacrifice of every hitherto publicly owned good on the altar of private equity, is now, Moloch-like, set to devour every last shred of publicly owned service. And what will that do to this intricate web of human dependence?

> Sitting with my IV drip, I like to think about all the human labour and ingenuity that come together in this medical moment ... The first circle of dependence is immediate and sometimes intimate: partners, friends, doctors, nurses, cleaners, porters. Beyond them is a vast network of people I never see: pathologists, pharmacists, IT engineers, appointments managers. Everyone who has anything to do with maintaining the supply of medications or the functioning of equipment or getting me to and from hospital. Everyone who makes sure the lights are on and the building safe. The whole intricate ballet that is a functioning hospital.

These essays span a period from 2009 to December 2013, ranging over a comparison with US healthcare and the attack on 'Obamacare'; the responses of friends and the wider community to the whole feared issue of cancer; the unparalleled care he has experienced at St Barts – and the attacks (financial and political) on that trust (Barts occupies prime real estate, after all); the question of research – who *really* funds it; and, at the heart, a profound recognition of the sheer bedrock importance of a health system that is free to all at the point of need. Throughout, Marqusee holds a balance that is as much personal as political, and as much political as personal. Fittingly, the last two essays reflect this dialectic: 'Surprisingly I'm still alive (an open letter to friends)' and 'Held hostage by Big Pharma'. The latter is a controlled blast of anger at the sheer profiteering of the drug industry, where profit margins range from an exorbitant 17 per cent to a completely exploitative 26 per cent. After all, it has a captive market. And today that market is not only captive, but our whole public health system is being captured to serve the interests of transnational capital. While the Health Secretary Jeremy Hunt poses in a plastic pinny pretending to help make a hospital bed, he

and his colleagues are busy fulfilling Oliver Letwin's 2004 promise that the NHS 'will not exist' within five years of a Tory victory.

Was I 9 or 10 years old when, over a *Daily Mirror* front-page picture of Nye Bevan in Trafalgar Square, I read that three-inch headline, 'Tory Vermin'?

Institute of Race Relations   HAZEL WATERS

Caribbean Political Thought: the colonial state to Caribbean internationalisms
Edited by AARON KAMUGISHA (Kingston and Miami, Ian Randle, 2013), 478 pp. $39.95.

Caribbean Political Thought: theories of the postcolonial state
Edited by AARON KAMUGISHA (Kingston and Miami, Ian Randle, 2013), 542 pp. $44.95.

Caribbean Cultural Thought: from plantation to diaspora
Edited by YANIQUE HUME and AARON KAMUGISHA (Kingston and Miami, Ian Randle, 2013), 656 pp. $49.95.

In a recent issue of *Small Axe* dedicated to the question 'What is Caribbean Studies?', David Scott suggests that 'to think something like "Caribbean studies" is already to be *inside*, to be in a conversation with, one dimension or another of the *archive* of thinking about what the Caribbean supposedly *is*, supposedly *was*'.[1] The two-volume collection *Caribbean Political Thought*, edited by Aaron Kamugisha, and the allied text, *Caribbean Cultural Thought*, edited by Kamugisha and Yanique Hume, assemble a richly representative sample from that archive. In so doing, they demonstrate not only how the question of what the Caribbean *is* has been answered in the past, but also how it might be answered in our contemporary moment. Gathering together a diverse range of writings stretching from the colonial encounter to recent reflections on the impact of neoliberalism, these collections brilliantly showcase the ways in which Caribbean writers, critics, politicians and activists have sought to conceptualise the region and to understand its specificity within the context of the historical development of capitalism over the *longue durée*. All three volumes place particular emphasis on the significance of struggles around cultural practice to the battles waged in the Caribbean over state and society.

The first volume of *Caribbean Political Thought*, subtitled *The Colonial State to Caribbean Internationalisms*, opens with the Haitian Constitution of 1805. The first independent constitution in the Caribbean, this document marks a key moment in what Édouard Glissant has called the region's 'irruption into modernity'.[2] That it is followed by the Platt Amendment – the legislation imposed on Cuba by the United States curtailing the island's sovereignty following its successful campaign against Spanish rule – nicely highlights how the Caribbean has long struggled in the pincer grip of competing imperialisms. The second section of the

collection reproduces seminal speeches by Jean-Jacques Dessalines, Fidel Castro, Walter Rodney and Maurice Bishop, as well as a selection of significant manifestos, including Marcus Garvey's 'Declaration of Rights of the Negro Peoples of the World'. The subsequent sections, 'The Colonial State', 'Anti-Colonial Thought', and 'Caribbean Internationalisms', bring together writings by those directly engaged in the anti-colonial struggle, including José Martí, Cheddi Jagan, Che Guevara, Frantz Fanon, Aimé Césaire and C. L. R. James. They also incorporate more recent critical appraisals of issues such as colonial governmentality (David Scott), pro- and anti-slavery discourses (Gordon Lewis and Hilary Beckles) and the invention of the category of man as a rational being (Sylvia Wynter).

In closing the 'Anti-Colonial Thought' section with Fanon's 'The Pitfalls of National Consciousness', Kamugisha gestures towards the second volume, *Theories of the Postcolonial State*. The material selected for this volume reflects the increasing disillusion felt by many at the independence settlements achieved by large numbers of Caribbean territories in the second half of the twentieth century. The backbone to the majority of these nationalist movements had been the strategic alliance between proletarian organisations and political parties led by the more radical fractions of the middle classes. Yet once independence had been secured, the leaders of these parties worked, in many instances, to demobilise the masses and generally acted in precisely the way Fanon had predicted and condemned in his famous essay. Lacking the economic power of a 'proper' national bourgeoisie, the new postcolonial elites became a comprador class, often serving as local agents for foreign capital. Even the titles of some of the articles included in this volume attest to the difficulties and disappointments provoked by these developments: 'State Against Nation' (Michel-Rolph Trouillot); 'Clientelism, Power and Democracy' (Carl Stone); 'The Rise of the Authoritarian State' (C. Y. Thomas); 'Politics, Corruption and the Police' (George Danns); and so on.

The companion volume on cultural thought is a similarly comprehensive gathering together of work by some of the Caribbean's most celebrated writers and thinkers alongside several lesser-known essays. As Hume and Kamugisha put it in their introduction, the collection engages in a

> dialogic exercise of excavating classic texts of the past and placing them in dialogue with more contemporary interrogations and explorations of regional cultural politics and debates concerning identity, history, coloniality, diaspora, aesthetics, religion and spirituality, gender and sexuality and nationalisms.

The selected material incorporates poetry by Martin Carter, Derek Walcott, Louise Bennett and Léon Damas, among others; essays on the specificity of Caribbean aesthetics by such writers as Alejo Carpentier, Kamau Brathwaite and Jacques Stephen Alexis; critical analyses of the development of Caribbean religions by thinkers like Barry Chevannes and Gloria Wekker; and explorations of social

and cultural change by intellectuals ranging from Fernando Ortiz, Jean Price-Mars and Antonio Benítez-Rojo to Sydney Mintz, Gordon Rohlehr and Patricia Mohammed. The collection's subtitle, *From Plantation to Diaspora*, might suggest that the organisation of the volume reiterates the (highly problematic) narrative popular within certain brands of postcolonial studies, in which the binary opposition between colonialism and anti-colonial nationalism is ultimately displaced by the fluid, hybrid vectors of a 'post-national' world. However, the editors are careful to distance themselves from this narrative, highlighting the constitutive imbrication of Caribbean nationalisms with the diaspora and pointing out, rightly, the way in which 'Caribbean cultural thought has been diasporic from its inception'.

Overall, these collections offer a well-chosen sample of political and cultural thought from the Caribbean. As the editors acknowledge, volumes of this kind and the principles of selection on which they are based are always likely to provoke arguments about what gets included and what gets left out. Indeed, such arguments are precisely one of the great merits of this sort of exercise, forcing recognition of the dynamics of canon formation at work in the consolidation of specific academic fields. Kamugisha admits that despite his anxiety to 'show a fidelity to the territorial, linguistic and cultural complexity of the region', the 'collections focus on the Anglophone Caribbean due to incredible costs and problems associated with gaining access to, and principally, translating many of the remarkable political documents existing in the Caribbean' (*The Colonial State*). This may account for some of the more striking omissions from the three volumes. Most obviously, the Dutch Caribbean is largely absent (Wekker's essay on *mati* work in Suriname is an exception). Thus, there is no place for the likes of Frank Martinus Arion or Astrid Roemer, both of whom have made important contributions to the theorisation of 'Caribbeanness'. With regards to the Francophone Caribbean, Glissant is included, but somewhat surprisingly – given the splash they made in Caribbean studies in the early 1990s – the Martinican Créolistes Patrick Chamoiseau and Raphaël Confiant do not feature. Nor do a cluster of significant Guadeloupean writers: Maryse Condé, Simone Schwarz-Bart and Daniel Maximin. Notable absentees from the Anglophone tradition include V. S. Naipaul and Roger Mais (whose blistering 1944 article, 'Now We Know', which landed him a six-month prison sentence for sedition, would have sat comfortably alongside the various other anti-colonial polemics included here). Despite these omissions, the three collections represent a comprehensive and judicious selection of material and together provide a fantastic resource for anyone seeking to, as Scott puts it, think something like 'Caribbean studies'.

University of Warwick   MICHAEL NIBLETT

References

1   David Scott, 'On the question of Caribbean Studies', *Small Axe* (Vol. 17, no. 2, 2013).
2   Édouard Glissant, *Caribbean Discourse: selected essays*, translated by J. Michael Dash (Charlottesville, University Press of Virginia, 1989).

The Setting Sun: a memoir of Empire and family secrets
By BART MOORE-GILBERT (London, Verso, 2014), 288 pp.
Hardback £14.99.

Research project, travelogue, trip down memory lane – Bart Moore-Gilbert's thoughtful and often moving memoir of Empire, *The Setting Sun*, is necessarily eclectic. Its subject (the nature of Empire's historic violence) verges on intangible, and its sources (ageing men with axes to grind) are often wildly contradictory. It is impressive, therefore, that its author manages to rein in this material (through interviews and archival research into 1940s' Indian policing) and shape it to the task at hand. Moore-Gilbert's memoir is an attempt to resolve a conflict: caught between familial and political loyalties, he asks whether it is possible to square the memory of his loving father with the revelation that he was implicated in the abuses of Empire.

The author's journey begins with an email, out of the blue, from a researcher in India telling him that his father, Bill, while serving in the British-run Indian Police during the 1940s, was involved in successfully suppressing an anti-British revolt. Bill died when Moore-Gilbert was still a child and the revelation strikes him as a chance to follow his father's tracks. Heading on a trip to India, first and foremost to discover the life of a lost loved one, the journey acquires the urgency of a trial as the gravity of the allegations hits home.

Moore-Gilbert's research implicates his father in an act of imperial police brutality; during his tenure as Deputy Superintendent of Police while stationed in Satara, Maharashtra, Bill was tasked with chasing down members of the Parallel Government (PG), an anti-imperialist movement emerging from India's growing independence struggle during the 1940s. In pursuit of the PG, Bill ordered the beating of men who lived in a village suspected of harbouring its members. Learning of the allegations devastates Moore-Gilbert: 'I feel sick … Something I can't yet name cracks inside me.' The author combs his memory – perhaps some long-forgotten encounter indicates that his father was capable of such violence? Quite the opposite – it was his father that instilled in him his earliest notions of justice and injustice. In almost-reverie, Moore-Gilbert transports us to his childhood to a scene in which, while employed as a gamekeeper in Tanganyika, Bill and his son chase down and capture a suspected ivory poacher. While his father questions the suspect, the young author demands blood – 'he knows the man's lying … The boy's finding it hard to control himself. He wants to beat the man, make him confess and apologise.' The father warns his son against such rough justice: '"You have to collect the evidence. Then it's for other people to decide."'

Here, at the junction between history and memory, our narrator is torn. Should he doubt the 'unimpeachably scholarly' anti-imperialist history that implicates Bill, or rather doubt the integrity of his father? 'I'm suddenly angry and disgusted with Bill', he confesses; 'Did he think such actions would pass unremarked at the

time, or escape the subsequent searchlight of History?' In 'revolt against the clashing image repertoires' of his father, Moore-Gilbert asks how the man who gave him a sense of natural justice can be the same man who went along with the gross injustices of Empire. 'I feel trapped between the emotional loyalties formed during childhood and the postcolonial political ethics I've acquired as an adult. How am I going to resolve these things?'

And so, in an unenviable task that sees him act as both prosecution and defence to adjudicate his own father's place in history, Moore-Gilbert collects the evidence and lets his readers judge it. A sense of the fragmentation and fragility of the history of resistance to Empire emerges from the attempt to do so: rare books on local resistance movements prove nigh on impossible to track down; documents shedding light on the priorities of the imperial police force lie lost and forgotten in the neglected back-room archives of police stations; key protagonists of the time prove clouded by their own agendas, or have died. 'Soon', laments one local historian, 'everything will be too far gone to save.' In the face of these challenges, Moore-Gilbert's pursuit of truth is dogged, and his attempts to follow its trail often leave him physically and emotionally drained. Confronted with one particularly dispiriting account, he has to remind himself that he 'made the decision to find out the truth, however painful or inconvenient it might be'. There are many ways, he proves, in which history must be fought for.

There is a blind-spot inherent in this reckoning, however. By reconstructing this history, Moore-Gilbert focuses on whether a particular man committed a particular act. This individualises historic abuse, and leaves unconsidered the role of the institutions that allowed such abuse to flourish and held imperialism aloft: the molding of the Indian Police force, for example, by an imperialist elite, into a tool for dictating whose action is politically legitimate and suppressing liberation movements struggling to oust British rule. While Moore-Gilbert is genuinely horrified by the methods of the Indian Police, *The Setting Sun* often takes its mandate as a given. The allegations against his father and his police colleagues, for example, are framed as abuse insofar as their actions were 'resorting to their opponents' [violent] tactics' and, by doing so, had 'undermined their cause'. But as Moore-Gilbert later observes, the conflict between oppressive states and 'terrorists' is '*not* a question of chicken and egg. In India and Ireland, Kashmir and Palestine, repression clearly came first.' If anything, in resorting to violence the outlawed Parallel Government was stooping to *police* tactics.

Despite this, Moore-Gilbert's tracing of his father's steps in the 1940s Indian Police remains an impressive feat of detective work. While the attempt to resolve the conflict between the personal and the political seems just out of reach, the pursuit of it is brave, and uncovers a rich history of Empire and resistance.

Institute of Race Relations   RYAN ERFANI-GHETTANI

Collected Poems
By JOHN BERGER (Middlesborough, Smokestack Books, 2014), 146 pp. £8.95.

If you squeeze John Berger's words in the hands of your imagination, the earth comes squelching out, moist with the sweat of human beings and redolent with revolutionary meaning. This is as true of his poetry as it is of his prose, in his powerful trilogy of novels of the peasantry of his home in the Alpine borderlands of France and Switzerland, *Into their Labours*, with which many of these poems share a deep kinship.

'Like a mole / the tongue / burrows through the earth of speech', he writes in his poem 'Words II', and this is how his poetic language works, as if the essence of our planet and its creatures, including its humans, are living in our words, in the soil of our tilling and ploughing and making and caring, for there,

> in the deepest clay
> stains
> the brown of blood
> repeatedly dried

Berger's poems are rooted in both the stark earth of the peasantry and the substances like concrete and tar which have been laid over it in our cities too, Europe's cities so full of strangers. These poems bleed empathy with those in our world and their children who have been dispossessed from their lands and homes for their children, those too who have made merciless steps to escape the brutal hardships of where they were born, those millions labelled refugees, asylum seekers, squatters – the homeless, the evicted, the expelled, the dispersed, the excluded; the millions of the twentieth century who have become the hundred millions of the twenty-first, those who, fleeing tyranny and poverty and despair, have walked into the European barricades of racism and hate. Those who are given no value, as Berger puts it in his summative novel-fable *King* published in the last year of the last century, 'whose heresy it is to have no money'.

These, too, are Berger's humans and living poetical subjects, those forced now to bury their mother languages in alien unwelcoming urban places in order to enter the wordless struggle of survival in a new and despising nation, primed and jingoised by the town criers of UKIP, Golden Dawn or the Front National. But Berger knows that in words, even in interred words, there is the food and radiance of hope. Someone will find them, will dig them up, will palaver and build friendships and alliances with them. Read his poem 'Migrant Words' and you will see, for it is like reading Blake's London songs and imbibing the essence of simplicity, beauty, love and wisdom:

> In a pocket of the earth
> I buried all the accents
> of my mother tongue

there they lie
like needles of pine
assembled by ants

one day the stumbling cry
of another wanderer
may set them alight

then warm and comforted
he will hear all night
the truth as lullaby

Raw and tender, naked yet clothed in the warmth of human company are these poems, ever lucid, always candid and honest, so many the transposed testimonies and entered thoughts and experiences of *The Seventh Man* and woman who filled the pages of that astonishing book by Berger and the photographer Jean Mohr forty years ago in 1975, which, when you read and look through it now, is a work of sheer prophetic insight and revelation.

Like a shred of meat
I'm lodged in this town

… and is it Doncaster or Sheffield or Manchester, or Calais, Marseille or Paris? Berger's humans are inside his words, are everywhere, and they call out to us in his poems from the brick and brownfields of our own urban places and the routes and means they take to become the new arrivants. For Berger's words come in from the dark, airless quarters of container trucks, from open-decked and over-loaded Mediterranean boats creaking with death, from the axles of Channel Tunnel locomotives, all carrying the grandchildren of the Seventh Man and the Seventh Woman.

In his poem 'Learning by Heart' Berger writes of his own poetical provenances, when for many years

Like a shirt
I carried on my back
the poetry I had read

You will do the same with these poems – in your bag, in your pockets, in your shoes, in all your clothes nestling over your skin. For they are the sustenance, warmth-providers and signposts of stamina, struggle and consciousness, and the messages and harbingers that span two centuries of a harshly changing world and its ever-moving peoples.

Sheffield   CHRIS SEARLE

Books received

This listing does not preclude subsequent publication of reviews

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