

**After Optimism?
Ireland, Racism and Globalisation**

Ronit Lentin and Robbie McVeigh

Contents

<i>Acknowledgments</i>	
<i>Foreword by Fintan O'Toole</i>	i
1. After Optimism? The Specificities of State Racism in 21st Century Ireland	1
2. The Coalition of the Willing: Racism, Globalisation and the Irish State	21
3. Global mobilities I: Citizenship, Immigration and Asylum in 21st Century Ireland	36
4. Global mobilities II: Migrant labour, the 'Celtic Tiger' and the Politics of Immigration Control	58
5. Policing 'Constitutional Racism'	77
6. 'Black Bodies' and 'Headless Hookers': Women and Alternative Narratives of Globalisation	97
7. 'Ever and always alien!': From Jewish refugees to Swastikas on the Museum Wall	112
8. Anti-Travellerism: Towards a 'final solution' to the Traveller 'problem'	127
9. Racial Statelet? Northern Ireland becomes the 'Race Hate Capital of Europe'	145
10. Racism without Racism: Irish anti-racism and its Discontents	164
<i>References</i>	188
<i>Index</i>	205

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Dedication

We would like to dedicate the book to all those Irish children who find themselves in a new limbo, remaining 'part of the nation' while being denied Irish citizenship. The Proclamation of 1916 promised to 'cherish all of the children of the nation equally'. The 'birthright' of all Irish-born children is still protected without shame or irony by *Bunreacht na hÉireann* and the *Good Friday Agreement* yet this has been rendered effectively valueless by the Citizenship Referendum and subsequent legislation. The Irish state was able to strip some of its most vulnerable children of citizenship with the support of 80 per cent of the population. This reality is at the very core of the racism that we confront in 21st century Ireland.

Foreword

Fintan O'Toole

In the last months of 2005 and the early months of 2006, the Irish State as a whole responded magnificently to the plight of illegal migrants. While other governments were taking a hard line, insisting that immigration laws had to be applied with unbending rigour, the Irish Government reacted with passion and compassion. The unity of purpose was impressive. In October 2005, both houses of the Oireachtas passed unanimously a resolution expressing deep concern for illegal migrants, acknowledging their great contribution to society, the pointless cruelty of laws that cut them off from their families back home, and the urgent need to give them a proper status. The issue, according to the responsible minister constituted 'the highest priority for the Government'. He empathised with 'the stress and strain of the daily lives of all of those caught in this difficult situation'. He promised that the Government, in all its dealings with those in power, would do all it could 'to emphasise the absolute importance of addressing the vulnerable situation of the undocumented, in a sensitive and sympathetic way.'

The undocumented migrants in question are, of course, Irish-born people living in the United States. Their plight, which is real and difficult, is instinctively understood at all levels of the Irish political system. The debates in the Dáil and Seanad on the joint resolution supporting the Kennedy/McCain bill in the US Senate, which aims to give the undocumented Irish a mechanism through which they could regularise their status, were unusual for the numbers of backbenchers who made impassioned speeches. Most of them could cite personal experiences of families in their own constituencies who had suffered because of the inability of their loved ones to come home for funerals or weddings. Senior ministers, including the Taoiseach and the Minister for Foreign Affairs, directly lobbied George W. Bush and his cabinet on the issue. The issue was covered comprehensively and sympathetically in the Irish print and broadcast media.

Three things are worth noting about this Government campaign. One, of course, is its startling hypocrisy. Throughout all of this period, the Government continued to deport 'failed' asylum seekers from Ireland. It continued to use its discretion to grant Leave to Remain as narrowly and grudgingly as possible. It continued to make family re-unification for those who have the right to remain in Ireland as difficult as possible. What Noel Treacy, the Minister of State with responsibility for emigrants, calls 'the stress and strain of the daily lives of all of those caught in this difficult situation' is felt, apparently, by Irish migrants in the US but not by, say, Nigerian migrants in Ireland. The underlying assumption -- that 'we' feel pain but that 'they' do not -- is implicitly racist. It suggests a hierarchy of human feeling, in which 'we' are at the top and 'they' are at the bottom.

The second noteworthy aspect of the campaign is that it is implicitly, and sometimes explicitly, exclusive. The appeal is not for undocumented migrants in the United States to be given a proper status. It is for *Irish* undocumented migrants in the US to be given a proper status. Many of the Irish groups in the US itself who have campaigned on the issue have understood the logic of their own arguments

and supported similar campaigns by Hispanic migrants. Billy Lawless, chairman of Chicago Celts for Immigration Reform, was quoted in *The Chicago Sun-Times* of March 9 2006 as saying 'It's not just a Mexican or Hispanic thing. We're all in the same boat.' But the Government's campaign has scrupulously avoided making such a universal case. The core of its appeal is that Irishness confers a special status. That appeal, with the implicit understanding that the people we're talking about are, after all, a relatively small elite of white Europeans, and not the brown-skinned horde from the south, strikes a chord. As the Minister for Foreign Affairs Dermot Ahern told the Dáil in October 2005, he and the Taoiseach had found in discussions that 'President Bush and the American Administration... portrayed a complete understanding of the issues and a very sympathetic attitude towards the Irish involved, given the relatively small numbers.' The relative prominence in the US of the issue of Irish illegals compared to that of the vastly greater number of Mexican illegals (and the hugely different tone of most of the media coverage) is itself determined by racist assumptions. The Government's campaign exploits those assumptions.

The third point worth making is that the rhetoric around the issue in Irish politics takes for granted the notion that Ireland has a special place in the arena of American-led globalisation. The imagined relationship between the US and Ireland is that of partners in a mutually profitable deal. We built America, we love America, so why can't America do us a favour? There is an implied contrast in which the other (bad) migrants may be parasites, battenning onto America's riches, but our (good) migrants are hard-working net contributors to the wealth of the US. The Fine Gael TD, addressing the issue in the Dáil on February 15 2006, expressed outrage at the fact that the US was letting Australians (those sun-worshipping, beer-guzzling hedonists) into the country: 'We are supposed to have a special relationship with the US Government. How could the same Government allocate 10,500 visas to Australian citizens in recent months? What did the Australian people ever do for America?' The Government itself does not go quite this far, but it, too, plays up the suggestion that the Irish are good migrants (with the silent aside 'Not like some people we could name'). As Noel Treacy put it: 'Our interest in this matter is set against the background of the deep affection of Irish People for the United States of America, and our great pride in the contribution, which Irish People have made, and continue to make, to developments in that country, down through the generations.'

This whole episode thus embodies some of the issues that Ronit Lentin and Robbie McVeigh illuminate in this important book: the structural nature of racial discourse, the rapid evolution of Ireland into a globalised state, the reality of racism as a 'world phenomenon', the connection between immigration policy and Ireland's tacit support for the invasion of Iraq. The apparently radical discontinuity between the rhetoric of the Irish State around the issue of Irish illegal migrants in the US on the one hand and the actions of the Irish State in relation to illegal migrants in Ireland largely vanishes when racial assumptions are taken into the equation. Those assumptions are all the more powerful for being tacit and, indeed, largely invisible to those who use them. They are embedded in the kind of dual

self-image that emerges in the overlap between the Ireland that supports the 'undocumented community' (a phrase used by the Government in its campaign) in the United States and the Ireland that deports 'failed' asylum seekers and imprisons people for having the wrong documents. This double vision is a function precisely of the kind of mentality in which, to quote Lentin and McVeigh, 'people become "illegal" not for what they do but for who they are.'

What makes this book so bracing is the way it challenges, not just the State, but the general drift of anti-racism. Anti-racism tends to reproduce the dualities it opposes. Just as the structural racism of the State divides migrants into good people and bad people, depending on their origin and/or usefulness to the economy at any particular moment, so anti-racism has its own 'us' and 'them' -- we are good, compassionate people; they are evil, narrow-minded bigots. There are evil, narrow-minded bigots, and they have the capacity to do immense harm, but they are not really the fundamental issue. The people who run the State, are to an overwhelming extent not racist in this sense. Michael McDowell, for example, the Minister for Justice whose Citizenship Referendum made Irishness for the first time into an effectively racial concept, wrote powerfully about his anger at the abuse of asylum-seekers by the Department of Justice -- when he was out of office. Here he is in *The Sunday Independent* in 1998:

I had, when a member of Dáil Éireann, pointed out that the Department's policy on immigration and aliens was racially prejudiced. I was immediately subjected to a bullying and offensive public attack by a civil service union demanding that I should withdraw the remarks. The Ceann Comhairle was written to. But I stood my ground -- because I knew the truth. Black and coloured people are treated differently by our immigration service. As a TD, I became aware of many, many instances of... discrimination. But these, of course, would be denied by those responsible. In recent months, we witnessed the appalling spectacle of a Belfast-Dublin bus being escorted by squad cars because there was a black man on it who turned out to be a long-term Belfast Resident. In recent months, immigration officials shocked railway workers by routinely inquiring in Dundalk whether any blacks or any coloured people had been seen on the trains. If an Irish woman marries a black man, he will be treated very differently from a white spouse. He will be routinely halted at airports. He will probably experience great difficulty in securing the right to reside here. At every level, from the treatment of black and coloured doctors by the powers that be in medicine, to queues of rain-sodden children outside the Department of Justice, the Irish State has a tradition of hard-nosed, red-necked discrimination.

The transformation of his tone and attitude in office was not about an anti-racist becoming a racist. It was about the roles he was playing, and the way those roles are embedded in the structures of power, both within Ireland and in a global context. Lentin and McVeigh challenge us to move beyond a perception of racism as an essentially personal matter of being nice or nasty and towards an understanding of racism as a function of systematic global inequalities. This process may, as they suggest, be one that involves waking up on the morning after optimism. But interpreting what is happening around is the first step towards changing it, and Lentin and McVeigh have brought a new depth to that task of interpretation.

After optimism? The specificities of state racism in 21st century Ireland

*The citizenship referendum has been passed with a resounding four to one majority.
(RTÉ 12 June 2004)*

Without re-opening the referendum campaign, I could be forgiven for noting the virulent and offensive tone adopted by many of the more vocal opponents of the proposal, a tone which looks so empty, shallow and strident in the cold light of day. Intellectual honesty and fair play were thrown away as the first victims in a rather frenzied attempt to persuade the people that to have a law in line with European norms was racist, that those who were supported eventually by 80% of the voters in a large turnout were racists and that Ireland was being ungenerous in changing its law of citizenship and untrue to its emigrant past.

Gross untruths were peddled to the public, ironically by those who claimed that the Government was manufacturing reasons and facts to support their case. No one on the Government side ever exaggerated or made false claims in the course of the debate nor did anyone level personal or offensive accusations against their opponents. I am glad to say that the public saw through the shabby and disreputable abuse of facts and reason in the strong verdict they delivered at the end of the referendum debate.¹

(Minister for Justice, Michael McDowell)

When we began our work on Irish racism in the early 1990s, most people were not conscious that Irish racism existed. This included social scientists, political activists, policy makers, NGOs and state actors. Ireland was after all a ‘mono-culture’, having just come out of being an ‘emigrant nursery’; people of colour were few and far between, and anti-Traveller racism or antisemitism were so routine that most people did not give them second thought. We had both been teaching racism and anti-racism for several years, often encountering resistance from students and colleagues. Post-colonial Ireland could not possibly be racist, the students argued, as the Irish, having experienced anti-Irish racism, lack power to be racist; in addition, there were virtually no people of colour around, so who could possibly be experiencing racism? It took a while before our argument began to take hold that there are specific processes in the Irish context which serve to explain the development and role of racism (McVeigh and Lentin, 2002: 17).

Then came the 1997 European Year against Racism (EYAR) and it appeared that everything was about to change. Driven by EU policy, the Irish state was suddenly compelled to start engaging with racism. This initiative coincided with major changes in the demography and economy of Ireland. As in-migration began to increase in the mid-1990s with the advent of the so-called ‘Celtic Tiger’

economy, racism was being officially named for the first time.² Simplistically put, the argument was that ‘there was no problem of racism in Ireland *until these people came*’, and that migration, and therefore racism, were ‘new’ and ‘a problem’. However, now that ‘these people’ were suddenly here, seeking asylum and performing much needed jobs that Irish people were increasingly reluctant to undertake, racism and anti-racism became accepted discourses. Anti-racists, particularly people who had formerly been working with Travellers or who had returned from development aid work abroad, were beginning to feel validated and found jobs and positions in this new field around the EYAR (see e.g., McVeigh, 2002a, and Tannam, 2002 for accounts of the short history of anti-racism in Ireland, and Alana Lentin, 2004a for a critique). In the north, 1997 saw the passing of the Race Relations (Northern Ireland) Order. After years of resisting the demand for legislation, the state finally recognized that racism was a problem in the north of Ireland.³ Moreover, Travellers were specifically named as a ‘racial group’ within this legislation – another landmark in the struggle for recognition of Traveller ethnicity.

So, in many ways 1997 represented the high-water mark of anti-racist optimism in Ireland. Paradoxically, antiracists – and this included theorists like us who were also anti-racism activists – were becoming suddenly optimistic as racism was being publicly named and legitimated in Ireland for the first time.⁴ This optimism also spilled into ‘state speak’ – albeit in ways that ultimately occlude racism as a political state ideology. Gradually, anti-racism moved from the streets, and from activism, into state and NGO speak, relatively quickly transmuting into legislation and policy making. Some of the legislation was vital in terms of providing much needed equality and anti-discrimination mechanisms; however, most of it (primarily immigration, citizenship, nationality and residency laws) was constructing a disciplinary regulatory regime, intended to *control* rather than liberate those people who are the subjects of Irish racism. Legislation, often piecemeal and EU-led, was accompanied by policies, regulations, and discourses such as ‘planning for diversity’, ‘knowing racism’, and ‘cultivating pluralism’. All of these claim that once members of Irish society – theorised as homogeneous, read white, Christian and settled – get to ‘know the other’ – theorised as ‘different’, read immigrant, black, nomadic, non-Christian – things will be okay. Thus ‘common sense’ state policy-making regarding immigration, asylum, residency, citizenship, integration, and equality, will contribute to *managing* ‘the problem’ of racial and ethnic difference. On the other side of the equation, as Paul Gilroy suggests, ‘diversity, equality and integration’ encourage racial and religious minorities to conform, compromise and comply in order to gain a level of acceptance in a racist society’ (Gilroy and Ouseley, 2005: 22).

Writing in 2006, we argue that the moment of optimism born around the EYAR has been and gone. This does not mean, however, that racism or ‘interculturalism’ has disappeared from the Irish landscape. Certainly a burgeoning Irish ‘race relations industry’ is now in place. There are several categories of organisations in this sector. First, state agencies such as the Office of Refugee Applications Commissioner (ORAC), the Reception and Integration Agency (RIA), the KNOW

Racism National Anti-racism Awareness Programme, the Social Inclusion Unit at the Department of Family, Community and Social Affairs. Second, state-funded equality and anti-racism bodies such as the National Consultative Committee on Racism and Interculturalism (NCCRI), the Equality Authority, and the Human Rights Commission. Third, broadly based migrant-support NGOs, funded by state, EU and private sources such as the Irish Refugee Council, the Immigration Council of Ireland (ICI) and the Migrants Rights Centre of Ireland (MRCI). Fourth, church-funded refugee support organisations such as SPIRASI – Asylum Services Initiative, the Vincentian Refugee Centre, the Refugee Service of the Irish Commission for Justice and Peace and the Jesuit Refugee Service. Fifth, migrant- and minority-led groups, privately or EU-funded, such as the Irish Traveller Movement, Pavee Point, Integrating Ireland, ARASI, the Africa Centre, the African Women’s Network (AkiDWA). And sixth, community development projects and refugee and Traveller support groups throughout Ireland.

For all of these organisations, the moment of optimism goes on in the shape of funds, jobs, roundtables, meetings, seminars, reports. Indeed, the Irish ‘race relations (interculturalism) industry’ has integration rather than anti-racism as its main objective and all the organisations tend to walk the ‘interculturalism’ walk and talk the ‘diversity’ talk (see Lentin, 2002). For us, however, the moment of optimism has passed, forcing us towards a new analysis that can make sense of racism in the context of a new matrix of questions and issues – the central role of the state, Ireland’s prime position in an increasingly globalised world, the importation of migrant labour to maintain Ireland’s increasing economic prosperity and the generation of new racialised categories that need to be controlled and regulated. This end to optimism was symbolised through the enacting of an increasingly draconian immigration regime – culminating in the Citizenship Referendum and the Immigration Act 2004.

In our *Racism and Anti-racism in Ireland*, we argued that something ominous was happening in Irish society at the turn of the millennium, as racism was moving from the margins to the centre of Irish political life. In our introduction to that book, we analysed the specificities of racism in Ireland, laying out our conceptualisation of race and racism. Moreover, stressing racism as a lived experience through contributions from the racialised, we asked how it was possible ‘that racism was becoming normalised in Ireland’ and noted that racism in Ireland was organised not by extreme right groups, but by ‘ordinary’ journalists, politicians and writers’ (Lentin and McVeigh, 2002: 2). The present post-optimism book shifts to putting the racial state as well as globalisation at the centre of our analysis.

This chapter presents our theoretical argument. We begin by sketching what appears to be the contradiction of Irish state racism between its anti-immigration and ‘managing diversity’ policies. In fact this turns out not to be a contradiction at all, once we put forward our dual theoretical proposition, that Ireland is turning from what Goldberg (2002) calls a ‘racial state’, to a biopolitical racist state. The concepts ‘racial state’, ‘racist state’ and ‘biopower’ inform our analysis and run through the book, as do the links we make between state, racism and globalisation.

After presenting some theoretical approaches to race and racism, we critically theorise Ireland as evolving from being a ‘racial state’ (Goldberg, 2002) to a ‘racist state’, where governmental ‘biopolitics’ and technologies of regulating immigration and asylum dictate the discursive and practical construction of Irishness and of Ireland’s ‘new’, but also ‘old’, migrant and minority populations. State asylum, immigration and integration policies can be examined with reference to Foucault’s theorisation of the modern nation-state as a ‘state of population’, in which the monitoring, defence and control of the nation’s biological life becomes the problem of sovereign power (Foucault, 2003; Agamben, 1995: 10).

We also situate our analysis of racism in Ireland firmly within a global context. Yet, while globalisation is crucial to understanding the new articulations of race and racism in 21st century Ireland, the state remains the *gated community* of the globalised world. The state defines and enforces inclusion and exclusion within national territories, constructing and enforcing the conditions in which the Majority World enters the privileged space of the First World. Making the link between globalisation and the racial state says something of wider international importance whilst maintaining the commitment to and importance of attention to empirical detail in Ireland. Here we begin to look at the synergy between these apparently contradictory tendencies – the one towards a strong, repressive racial state, the other towards a globalised transnational world which transcends state boundaries and undermines the power of states to intervene in and control both external and internal processes.

This analysis continues where our 2002 edited collection ended, making the theorisation of racism in Ireland not only globally pertinent in the post September 11th 2001 era, but also putting paid to the contradiction between state racism and state anti-racism, which, we argue, have to be read in unison. The book charts some significant turning points intersecting racism and globalisation in 21st century Ireland. Firstly, the state was changed utterly by the June 2004 Citizenship Referendum, in which almost 80 per cent of the Republic’s electorate voted to link citizenship and blood by constitutionally differentiating, for the first time in Ireland’s history, between citizen and non-citizen. Secondly, we argue that increasing in-migration, particularly labour migration, has changed the human climate in Ireland. In the context of the ‘Celtic Tiger’ (see e.g., Ó Riain, 1997; Kirby, 2002a, 2002b; Allen, 2000, 2003; Coulter and Coleman, 2003) Ireland is turning from a state defined by emigration to a state defined by immigration (see chapters 3 and 4 for a full discussion). Thirdly, the Housing (Miscellaneous Provisions) Act (No 2), 2002, also known as the ‘Trespass Law’, re-confirms the role of sedentarism in constructing Travellers, even those subject to successive governments’ ‘settlement policies’, as both forever nomads and prevented from continuing their nomadic lifestyles, as we argue in chapter 8. Fourthly and significantly, in the wake of the attacks on New York’s Twin Towers and the Pentagon and the bombings of London and Madrid, Ireland’s tacit, yet tangible participation in the ‘coalition of the willing’ and in global policing technologies in the war on/of terror, must inform any theorising of racism, as we argue in chapters 2 and 5. In combination these key events have served to move us well ‘beyond

optimism'. We conclude this chapter by theorising the racism of the Irish state in this new context as 'racism without racism': at no point in Ireland's history of racism have so many denied so much.

Racism in Ireland, the contradictions

In June 2002 Fianna Fáil and the Progressive Democrat parties agreed on a Programme for Government. Under the heading 'Building a caring society', two sub headings – 'Supporting diversity and tolerance', and 'Asylum and immigration' – epitomise what may seem as the contradictions of racism in Ireland. On the one hand, under the heading 'Supporting diversity and tolerance', the Programme for Government promises to *promote greater respect for... diversity, equality and cultural difference*, to uphold the *entitlement of all people to equal treatment* before the law, to undertake an annual review of anti-racism in order to identify new avenues to combat racism, and to review the laws on incitement to hatred and ensure that people who incite racial hatred have no place in Irish society. On the other hand, under 'Asylum and immigration', the government partners make a commitment to *increase the rate of repatriation* of failed asylum applicants... in order to *maintain the integrity of the asylum policy*, to ensure that new asylum applications *are dealt with within six months*, to deal quickly with outstanding applications, and to keep under review the number of applications from non-nationals to remain in the State on the basis of parentage of an Irish-born child; finally the programme commits to 'initiate all-party discussions on the issue of any constitutional or other measures which might be required' (in relation to residency rights of non-nationals) (Department of the Taoiseach, 2002, emphases added).

The June 2003 statement by the Minister for Justice, Equality and Law Reform, quoted above, that Ireland is not a racist *society*, juxtaposed with the commitment in the Programme for Government to promote 'diversity, equality and cultural difference' and at the same time 'increase the rate of repatriation', provides a blueprint and illustrate what may look like a contradiction inherent in the debate on racism in Ireland, which, to date, has discussed racism as a *societal* rather than a state phenomenon (but see Loyal, 2003; Lentin, 2004b). While racism in Ireland is vehemently denied, 1990s in-migration is theorised as both 'new' and 'a problem'. Indeed, the Minister's insistence – echoed by a chorus of political, media and NGO commentators – that only in the 1990s has Ireland been transformed into a destination of in-migration – has been refuted by several commentators (e.g., O'Toole, 2000; Tracy, 2000; McVeigh and Lentin, 2002). Multi-ethnicity, in-migration and racism are not new phenomena: Ireland has always been multi-ethnic. However, together with other socio-economic and political transformations since the mid-1990s, in the wake of the Good Friday Agreement and the war on/of terror, recent population transformations have given rise to new articulations of Irishness, and new experiences of racism by 'old' racialised minorities and 'new' migrant populations.

By denying racism, state actors have consistently minimised the effect of state policies on the lives of racialised populations in Ireland; on the one hand

emphasising the need for more migrants to sustain Ireland's economic growth, and on the other making explicit its commitment to restricting immigration and increasing deportations of those not deemed 'useful' to global Ireland. Put simply, what seemed like a contradiction between the state's anti-racism and immigration politics is actually one and the same thing. If the Republic of Ireland was facing substantial in-migration for the first time in its history, it goes without saying that racism was perceived as being imported by migrants rather than as the product of state policies enacted by white, Christian, settled Ireland. The state had to do something, and the result is state racism, a racism the state uses to defend 'its own' population, a racism that society exercises against itself (Foucault, 2003).

In its efforts to 'manage' diversity, the state sees difference in cultural, rather than 'racial' terms – after all speaking about 'ethnicity' sounds much better than speaking about race. As Paul Gilroy argues,

An even blend of those deceptively bland terms 'ethnicity' and 'culture' has emerged as the main element in the discourse of differentiation that is struggling to supersede the crude appeals to 'race' by asserting the power of tribal affiliations... The culturalist approach still runs the risk of naturalising and normalising hatred and brutality by presenting them as inevitable consequences of illegitimate attempts to mix and amalgamate primordially incompatible groups that wiser, worldlier, more authentically colonial governments would have kept apart or left to meet only in the marketplace (Gilroy, 2000: 27).

Indeed, 'the culturalist turn' prevalent in social policy and sociological theories in the past twenty years means that denying racism forms part of state control over incoming and existing populations, seen as 'culturally' rather than 'racially' different. At the same time, migration is racialised in the spirit of what Étienne Balibar (1991) terms 'crisis racism', which focuses on blaming incoming others for the problems of the system, implying that getting rid of migrants will solve all the system's health, education, employment, housing and citizenship problems.

Approaches to race and racism

Before we go any further we would like to elaborate on our view on racism and anti-racism as outlined in our 2002 book. Theories about race originate from multiple sites but resonate beyond the sites in which they were created. In *Race Critical Theories*, Philomena Essed and David Theo Goldberg (2002) argue that one can no longer, if one ever could, think about race and racism simply within a local national frame – the manifestations of race and racism are globally linked through processes of colonisation, decolonisation, globalisation; but overall, race and racism are related through other systems of exclusion, marginalisation, abuse and repression.

Race and racism are deeply embedded in, and intertwined with, seemingly neutral or innocent social phenomena. Even contemporary calls for colour blindness or 'racelessness', or tolerance towards difference often cover hidden, invisible forms and well established patterns of racist expression and exclusion, which remain unaddressed. These help disguise inequalities in opportunities and access, patterns

of income and wealth, privilege and relative power. In other words, even the call for ‘tolerance’ or ‘racelessness’ covers the invisible power of a hegemony which is mostly ‘white’, Christian, western, settled. We insist that racial conditions and racist expressions can be neither taken for granted nor willed away. Race and its articulations serve as *codes* and manifestations of power and they often factor into a complex of causes for political, economic, and social conditions.

There are many approaches to theorising race and here we outline just a few, bearing in mind that our approach is *critical*. Race, critique and theory are mutually defining: taking race critically and theory race-critically is therefore absolutely crucial (c.f., Essed and Goldberg, 2002). Because of the discrepancy between academic and common sense notions of ‘race’, ‘ethnicity’ and ‘culture’, these terms are often unclear and under-theorised. But it is important to think of these terms, because what academics think often translates to governmental policies (see, for instance, terms such as ‘interculturalism’, ‘diversity’, ‘pluralism’, ‘institutional racism’ to name but a few terms which have migrated from academic writing to state speak).

The first approach, spearheaded by cultural studies, of thinking about race as a ‘floating signifier’, a ‘discourse’, or a way of reading bodily signs and giving them hierarchical social meanings (Hall, 1997b), may seem preposterous in the face of real lived experiences of racism. However, considering the most obvious contemporary example, that of the multiple racialised meanings of ‘Muslims’ and ‘Islam’, and the contradictions between castigating ‘fundamentalism’, ‘suicide bombers’, ‘evil empires’ on the one hand and defending ‘good Muslims’ by European politicians, most notably Tony Blair, on the other, the notion of race as a ‘floating signifier’ begins to make sense.

Secondly, race must be understood as a *symbolic body ‘idea’*. Eric Voegelin (1940) defines ‘body ideas’ as ‘any symbol which integrates a group into a substantial whole through the assertion that its members are of common origin’. Defining race as a ‘body idea’ means understanding people as discreet groups in a symbolic fashion, based on a notion of common heritage or ‘blood’ (the family is another example of a symbolic rather than a purely biological group) – as opposed to the ‘race concept’ which is based on a ‘scientific’ immutable differentiation between groups of people (Voegelin, 1940). Think here of generations of anthropologists who invented ‘theories’ such as physiognomy and phrenology to ‘measure’ physical differences between people (see Hannaford, 1996; Mosse, 1978).

Thirdly, and most importantly, race must be understood as a *political idea*. In other words, ‘races’ were invented, or constructed, in order to classify people into populations, and thus regulate them. Race was not a term which existed in antiquity; it is rather – like the nation-state – a child of modernity and the Enlightenment. Modernity’s need to order societies was linked with rationality, science, but also bourgeois values, which graded people according to their appearance, their beauty, and/or their middle class behaviour, as argued by George Mosse (1978). However, ‘races’ were fabricated not only in order to differentiate between members of the nation and their enemies from without, but rather between

the ‘us’ and the ‘others’ within, who may or may not be different in their appearance. However, since the history of humanity is the history of migration, and therefore ‘miscegenation’, it was not always easy to differentiate between ‘us’ and ‘them’ by appearance, therefore rules and regulations had to be made in order to classify, categorise and divide, so as to cope with difference; yet the logic of these rules and categories ultimately led to the extermination of large populations, not of the ‘enemies of the state’ but rather of citizens who were constructed as different *within* the borders of the state.

Defining racism is not easy. The easiest tendency, at the heart of much anti-racism and ‘diversity’ training, is to see racism in terms of individual prejudice, rather than in political terms. Most official, NGO and academic definitions rely largely on the UNESCO (1968) definition which, abhorring biologically-defined ‘racial’ differences, stressed instead a culturally relativist stance, thus shifting ‘racial’ boundaries from the somatic to the cultural or the symbolic. Alana Lentin critiques UNESCO for implicitly retaining ‘the race concept’ – seen as ‘the genetic composition of certain populations’ – while introducing ‘ethnicity’ and ‘culture’ as alternative markers of human difference, which, while supposedly eschewing notions of superiority and inferiority, ‘circumvent a discussion of the role of the state in the rise of the idea of “race”’ (Lentin, 2004a: 76-7). She argues that the notion of ‘culture’ is used both in opposition to race and as an explanation of persistent racism (Lentin, 2004a: 72). The notion of ‘culture’, Lentin further argues, occludes the direct relationship between racism and the nation-state, preferring behavioural and psychological analyses of racism that individualise it as a set of isolated practices... [glossing] over the utility of the political ideology of ‘race’ for the accomplishment of the imperial project, the consolidation of national state borders, the suppression of the internationalist working class, the building of strong armies, and the ultimate annihilation of the Jews in Europe (Lentin, 2004a: 10).⁵

Howard Winant (2004) reminds us that making sense of the huge conundrum of racial politics is not easy. Speaking of the US, Winant writes that the understanding of racism forged in the 1960s is severely deficient. Notwithstanding the theorisation of ‘institutional racism’ by Carmichael and Hamilton (1967) as deriving not from individual prejudice, but rather from structural US policies, an inflation of the term ‘racism’ soon resulted in its co-option by the neoconservative project. Winant captures this transformation powerfully in his observation that Martin Luther King’s demand that his children be judged on the content of their character rather than the colour of their skin has become a demand of the right. Mechanisms designed to work towards race equality – quotas, bussing between schools, positive discrimination – are now repudiated on the basis that they are racially discriminatory (Winant, 2005). This process shifted the focus away from political and structural analysis and ‘deliberately restricted its attention to injury done to the individual as opposed to the group, and to advocacy of a “colour blind” racial policy. Such an approach reduced race to ethnicity and... tended to rationalise racial injustice as a supposedly natural outcome of group attributes in competition’ (Winant, 2004: 43).

Following this tendency to individualise racism, most recent definitions of racism – particularly those adopted by the justice system – tend to be instrumental, individual, and thus apolitical. In the wake of the Stephen Lawrence Inquiry Report, racism has been defined in the UK – again in individual injury terms – as:

Conduct or words or practices which advantage or disadvantage people because of their colour, culture or ethnic origin. In its more subtle form it is as damaging as in its overt form (MacPherson, 1999: section 6.4).

This ‘weak’ definition neither enters into the history of the idea of race, nor theorises the role of the state in producing racism. Precisely because of this, it becomes particularly appealing to state institutions. Thus, for example, in Ireland An Garda Síochána defines ‘racially motivated incidents’ in these terms (as outlined in chapter 5). A more comprehensive understanding of racism must, however, begin by recognising its structural and dialectical attributes.

We therefore take racism to mean a *system of subordination*. Racism is thus characterised by both its systemic nature and by its reproduction of profound inequalities – it makes and keeps peoples both different and unequal. Racism is essentially dialectical – it names a coherent set of relationships which situate different people in terms of notions of race and which result in very different life experiences for those people. Our understanding of racism is identified therefore less in terms of ideas than in terms of real lived experience. The empirical reality of racism can thus be ‘measured’ broadly in social scientific terms as profound inequalities manifested between different racialised groups – without racism, skin colour or ethnic background would have the same statistical insignificance as a causal agency as blood group or eye colour. In other words, if racism did not exist we would expect 13 per cent of US Presidents to have been African American; only 1 per cent of deaths in custody in Australia to be Aboriginal people; 10 per cent of the members of the British Parliament to be from minority ethnic backgrounds; New Orleans after Hurricane Katrina to be relieved in the same way as New York was after September 11th 2001; over one per cent of students in Irish universities to be Travellers; and so on and on across the myriad of *significant* differences we find across racialised interfaces around the world. Racism becomes ‘real’ in these measurable outcomes. Equally importantly, however, these outcomes also have political resonance for the actors involved – they are both understood and resisted in the specific context of racism – as demands for equal representation, as anti-deportation struggles, as campaigns against deaths in custody, as well as in the everyday commonsense way in which race continues to make sense of the world. But while the unequal outcomes of this system of subordination remain as marked as ever, ideologies justifying racism are harder to find these days. Increasingly racism is associated with forms of subordination and inequality that are not associated with overt ideologies of racial hierarchies, segregation and genocide – the ‘classic’ racisms of colonialism, apartheid and Nazism. We characterise this paradigm shift as *racism without racism* (see chapter 10).

We also accept Winant’s emphasis that ‘the state is a central player in racial matters; the modern state carries out racial classification, surveillance and

punishment of the population; it distributes resources along racial lines; it simultaneously facilitates and obstructs racial discrimination' (Winant, 2004: 3). We cannot understand racism in any given context without understanding its relationship to the state.

Our premise in this book is that Ireland, which is, like other nation-states, a *racial state*, is also a *racist state*. In a *racial state* (Goldberg, 2002) 'race' and 'nation' are defined in terms of each other – evidenced in the ethnically narrow framing of Bunreacht na hÉireann (see Lentin, 1998) and in the June 2004 Citizenship Referendum, which used the Irish Constitution to differentiate between citizens and non-citizens in racial terms. In a *racist state*, the totalising control over the individual is enforced by the state in its efforts to render the population under its jurisdiction racially coherent, through, among other mechanisms, constitutions, welfare nationalism, demography and statistics, border and immigration control, all leading to a marked rupture between those who belong and those who do not, or between those who may live and those who must die. What Foucault terms governmental 'biopolitics' regulates the space of immigration and race. The shift from 'racial' to 'racist' state is not a historical process; rather racial states always operate as racist states as this book argues. This brings us to shift our definitional framework from 'institutional racism' to 'constitutional racism'.

Racist terminology, ultimately about categorisation and control, informs the Irish state's response to diversity and the ensuing racism in the wake of the arrival of significant numbers of immigrants since the 1990s (see chapters 3 and 4 for a detailed discussion). This becomes manifest in the shape of 'intercultural' politics, which construct cultural difference and ethnic minority 'communities' as static and already there, ignoring intra-ethnic heterogeneities and contestations such as class, gender, age, dis/ability and sexuality. Racial state thinking in Ireland has spawned various state-generated euphemisms such as 'non-nationals' to describe non-EU migrants (replacing the no-longer-acceptable 'aliens' coined by the British-inspired 1935 Aliens Act, which has not been taken off the statute books and which, until the 2004 Immigration Act, was the legal basis for deportation from the state), and 'Irish born children' to describe the children citizens of non-EU migrants. Travellers, for years attempting to define themselves as an 'ethnic group', have also met with official re-definition and rejection, with the Minister for Justice, Equality and Law Reform Michael McDowell declaring that 'Travellers do not constitute a distinct group from the population as a whole in terms of race, colour, descent or national or ethnic origin' (Dáil Debates, 15 October 2003; see chapter 8).

At the same time, the Irish state anti-racism and diversity initiatives are inspired by the Canadian model of multiculturalism and the 'politics of recognition' formulated by Charles Taylor with Canada in mind, according to which 'our identity is partly shaped by recognition or its absence, often by the *mis*recognition of others' (Taylor, 1994: 75).⁶ This approach, which highlights racism as arising from 'lack of knowledge, fear or insecurity, in its more extreme forms (emerging) as racially motivated abuse, direct discrimination and violence' (Know Racism, 2005), exonerates the state, erases the link between immigration and racism, and

unproblematically conflates ‘Irishness’ and ‘whiteness’, translating ‘cultural diversity’ to ‘Forty Shades of Green’.⁷

The concept of the ‘racial state’

We re-theorise racism in 21st century Ireland in several ways. After David Theo Goldberg (2002), we argue that Ireland, like other modern nation-states, must be theorised as a ‘racial state’ where race and state are defined in terms of each other. This makes it clear that race can not be theorised in terms of skin colour or other ‘visible differences’, stressing the dialectic centrality of the racialisation of Irishness (McVeigh, 1992a), the specificities of which change with developing circumstances as we argue throughout the book.

Goldberg’s central argument is that modern racial states, each in its own way, exclude in order to construct homogeneity – which he sees as ‘heterogeneity in denial’ – while appropriating difference through celebrations of the multicultural. The racial state is *a state of power*, asserting its control over those within the state and excluding others from outside the state. Through constitutions, border controls, the law, policy making, bureaucracy and governmental technologies such as census categorisations, invented histories and traditions, ceremonies and cultural imaginings, modern states, each in its own way, are defined by their power to exclude (and include) in racially ordered terms, to categorise hierarchically, and to set aside. In the modern state, race and nation are defined in terms of each other to produce a coherent picture of the population in the face of a divisive heterogeneity. The modern state is about keeping racialised others out but also about legislating against the so-called ‘degeneracy’ of indigenous minorities (which explains the persistence of antisemitism and anti-nomadism in the European nation-state regime, as we argue in chapters 7 and 8 in relation to Jewish people and Travellers in Ireland; for a historical discussion, see Mosse, 1978).

Goldberg posits two traditions of thinking about racial states. The first, naturalism, fixes racially conceived ‘natives’ as pre-modern, naturally incapable of progress. The second tradition, historicism, elevates Europeans over primitive or underdeveloped others as a victory of progress (Goldberg, 2002: 43). Naturalism Irish-style is exemplified in English colonialism, which, from the seventeenth-century onwards, racialised the Irish and cast them as bestial and incapable of progress. Sinéad Ní Shuinéar (2002) gives several examples of the naturalistic construction of the Irish. An early example is that of Giraldus Cambrensis, who, justifying the conquest of the Irish by the English, said: ‘They live on beasts only, and live like beasts. They have not progressed from the habits of pastoral living’ (cited in Curtis, 1984: 10). Backwardness, beggary and nomadism were portrayed as general Irish traits, compounded by superstition, anarchy and a penchant for violence. Imagining the Irish as homogeneously ‘wild’ and ‘classless’, English racialisation erased linguistic, religious, class and urban/rural heterogeneities; and Irish history was written in the English language in the service of English policy, by the English Ascendancy, in the belief that ‘the natives are a lesser breed and that anything that is theirs is of little value’ (Ní Shuinéar, 2002: 182; see also Corkery, 1924 [1997]; Lloyd, 1999). Ní Shuinéar further argues that just as the Irish were

naturalised by the English, they are naturalising their own indigenous others: ‘popular images of Irish Travellers are merely the most extreme manifestation of an ancient Anglo-Saxon tradition of othering the Irish’ (Ni Shuinéar, 2002: 177).

If for the racial naturalist the racially subjugated are surplus labour, exploited at best, detritus at worst, for the racial historicist, the racially immature are inserted into historical development, though progress is only possible through mimicry of the Eurocentre (Goldberg, 2002: 94-6). While the two traditions of the racial state overlap, historicism has become dominant since the twentieth century (Nazi and South African Apartheid racial naturalism notwithstanding). Understood as the space of white men of property, the modern state’s historicist progressivism aims, through amalgamation and assimilation, to assist its racial others – always conceived as not white – to ‘undo their uncivilised conditions’.⁸ But beneath its liberalism, historicism camouflages *racism*, and is ultimately about the ordering zeal of modernity (Goldberg, 2002: 80, 92-3).

Goldberg (2002: 141-7) posits the law as central to modern state formation and a technology of racial rule, promoting racial categorisation and identification, and shaping national identities through legislating on immigration controls and citizenship rights. With historicism, the law shapes race in legal terms, threading it into the fabric of the social. As Paul Gilroy argues in the British context, ‘the subject of the law is also the subject of the nation. Law is primarily a national institution and adherence to its rules symbolises the imagined community of the nation and expresses the fundamental unity and equality of its citizens... the changing patterns of their portrayal as law-breakers and criminals, as a dangerous class or underclass, offers an opportunity to trace the development of new racism for which the link between crime and blackness has now become absolutely integral’ (Gilroy, 1987: 74). Since the neutrality of the law is no guarantee of equal treatment, constitutions might be suspended (or not extended) in relation to racially defined populations – as the Citizenship Referendum exemplifies.

While ‘the narrowing of social heterogeneities in the name of racial conception is not something simply or merely ordered by state instrumentalities’ (Goldberg, 2002: 149), we see how Irish historicism regards non-Irish others as inadequate candidates for citizenship, employing patently racist legislation to criminalise, regulate and control both in-migrants and indigenous populations, as this book illustrates.

Zygmunt Bauman (1991) argues that modernity’s classifying schemas are about imposing order in the face of the unknown, and of control in the face of the anarchic, and are central to the experience of racism. However, modernity’s struggle to order the world gave rise to chaos and ambivalence. Modernity responds to this ambivalence by, on the one hand, repressive state insistence on the *naturalist* order it imposes through law, policy, classificatory modes and immigration controls; and on the other, by revising the categories through which the racial order claims to be known, through, for example, changing citizenship laws, but also through racial equality management technologies such as education, equal opportunities and access – as we argue in relation to the biopolitics regime regulating migrants and other racialised minorities in the Irish case.

Biopolitics: From racial state to racist state

Michel Foucault (1990) argues that when natural life becomes included in mechanisms of state power, politics turn into biopolitics, the territorial state becomes a 'state of population', and the nation's biological life becomes a problem of sovereign power, which he calls 'biopower'. Through a series of governmental technologies, biopower creates 'docile bodies' and the population – its welfare, wealth, longevity and health – becomes the ultimate goal of government. Foucault devoted his 1975-6 lecture series at the Collège de France to the birth of state racism (published in English as *Society Must be Defended*, 2003). Foucault introduces the concept of 'biopower' to argue that whereas the pre-modern sovereign addressed his power to killing unwanted people, the modern state's biopower is addressed to living beings and, more specifically, to their mass – as population. The technology of biopower is directed at all the processes that refer to this mass of humans: birth, death, sickness, health, education, welfare, but also the gathering of information about the lifestyle of the population through demography and statistics. Put simply, according to Foucault, there is a difference between the sovereign power of the old territorial state ('to make die and let live') and modern biopower ('to make live and let die'). If the old order exerted the right to kill, the new biopower aims to make the care of *life* the concern of state power, exercised by governmental technologies such as the hospital, the psychiatric clinic, the prison, and, we would add, the refugee detention centre, the refugee hostel and the 'direct provision' accommodation centre.

The duty to defend society from itself, or, put differently, having to defend the state from its immigrant (and indigenous) others, means that the modern state can scarcely function without becoming involved with racism, which he sees as 'the break between what must live and what must die' (Foucault, 2003: 254). Rather than serving one group against another, race becomes a tool of social conservatism and of state racism: a racism that society practices against itself, an internal racism – that of constant purification and social normalisation.

In constructing homogeneities, the state not only denies its internal heterogeneities, it is also a normalising, regulating biopower state. As opposed to scapegoat theories of racism, which argue that under economic and social duress, sub-populations are cordoned off as intruders, blamed, and used to deflect anxieties, Foucault's theory of racism is an expression of an *ongoing social war* nurtured by biopolitical technologies of purification. Thus, racism is intrinsic to the nature of all modern, normalising states and their biological technologies, occurring in varying intensities, ranging from social exclusion to mass murder.⁹

For Foucault, the arrival of biopower marks the passage from *discipline* to *control* - from the discipline of individual behaviour to the control of populations. Biopower is utilised by a radically new emphasis on managing and controlling *population*. This transformation is accompanied by the reconception of the nation state as biological metaphor. The state becomes a 'body' and the use of state power becomes essential to the 'life' of the nation. In this context, genocide becomes the ideal typical example of biopower – the removal of 'lives unworthy of living' in order to save the life of the *volk*. Here the connection with racism becomes obvious

- groups constructed as threatening of the life of the nation (or, increasingly, the life of the ‘civilized world’) can not only be eradicated with impunity but in the public good: ‘If genocide is indeed the dream of modern power, this is not because of the recent return to the ancient right to kill; it is because power is situated and exercised at the level of life, the species, the race, and the large-scale phenomena of the population’ (Foucault, 1990).

We recognise therefore that Foucault’s analysis of power and biopower makes an important contribution to understanding the relationship between racism and the state. While Foucault historicises the development of state racism, we want to use his approach structurally and suggest that in terms of our own analysis this distinction still holds regarding the location of the racial state in a globalised world. The racial state gives citizenship to some – including its own co-opted ‘ethnic minorities’ – inside what we argue is a ‘gated community’, and these – labour migrants, indigenous and other racialised people – are ‘made live and let die’ while the rest of the globalised world – through a series of imperialist and neo-imperialist moves – is ‘made die’, and if they are lucky, ‘let live’. The occupation of Iraq is a classic example of the latter, where the occupying powers do not count the bodies of the Iraqi dead. Thus, Foucault’s historical stages approach notwithstanding, the ‘globalised world’ shifts from sovereign power to biopower, in structural rather than merely historical terms, separating those within the gated community of the racial state and those without.

The Foucauldian notions of biopower and biopolitics have been developed and revised in the work of contemporary theorists. Giorgio Agamben in *Homo Sacer* (1998) and Michael Hardt and Antonio Negri in *Empire* (2000) and *Multitude: War and Democracy in the Age of Empire* (2005) have made particularly important contributions in terms of racism. Hardt and Negri’s notion of ‘empire’ becomes a ‘paradigmatic form of biopower’. But their notion of empire is distinguished absolutely from 19th century and other ‘empires’:

We should emphasise that we use ‘Empire’ here not as a *metaphor*, which would require demonstration of the resemblances between today’s world order and the Empires of Rome, China, the Americas, and so forth, but rather as a *concept*, which calls primarily for a theoretical approach. The concept of Empire is characterised fundamentally by a lack of boundaries: Empire’s rule has no limits. First and foremost, then, the concept of Empire posits a regime that effectively encompasses the spatial totality, or really that rules over the entire ‘civilized’ world. No territorial boundaries limit its reign. Second, the concept of Empire presents itself not as a historical regime originating in conquest, but rather as an order that effectively suspends history and thereby fixes the existing state of affairs for eternity. From the perspective of Empire, this is the way things will always be and the way they were always meant to be. In other words, Empire presents its rule not as a transitory moment in the movement of history, but as a regime with no temporal boundaries and in this sense outside of history or at the end of history. Third, the rule of Empire operates on all registers of the social order extending down to the depths of the social world. Empire not only manages a territory and a population but also creates the very world it inhabits. It not only regulates human interactions but also seeks directly to rule over human

nature. *The object of its rule is social life in its entirety, and thus Empire presents the paradigmatic form of biopower.* Finally, although the practice of Empire is continually bathed in blood, the concept of Empire is always dedicated to peace – a perpetual and universal peace outside of history (Hardt and Negri, 2000: xiv-v, emphasis added).

It is clear, therefore, from their perspective that this new globalised empire is a radical intensification of biopower: ‘Empire is the ultimate form of biopower insofar as it is the absolute inversion of the power of life’ (2000: 346). They also begin to reformulate the Foucauldian notion of biopower in the new global economic context: ‘Biopower is another name for the real subsumption of society under capital, and both are synonymous with the globalised productive order’ (2000: 365). Thus the Hardt and Negri thesis connects powerfully to the reality of globalisation in its new forms. This is particularly helpful in terms of developing Foucault’s ideas about racism and biopower in the context of contemporary racism and globalisation:

The passage from modern sovereignty to imperial sovereignty shows one of its faces in the shifting configurations of racism in our societies. We should note first of all that it has become increasingly difficult to identify the general lines of racism. In fact, politicians, the media, and even historians continually tell us that racism has steadily receded in modern societies – from the end of slavery to decolonisation struggles and civil rights movements. Certain specific traditional practices of racism have undoubtedly declined, and one might be tempted to view the end of the apartheid laws in South Africa as the symbolic close of an entire era of racial segregation. From our perspective, however, it is clear that racism has not receded but actually progressed in the contemporary world, both in extent and in intensity... we must now ask what is the *postmodern* form of racism and what are its strategies in today’s imperial society (Hardt and Negri, 2000: 190-191).

The trouble with this is that, as we insist, states continue to matter and continue to play a definitive role in terms of racism. However we characterise the ‘postmodern form of racism’, it is not ‘stateless’. When Hardt and Negri insist of empire that ‘no territorial boundaries limit its reign’, they miss the reinforcement of borders experienced by most citizens of the world. Moreover, the absence of boundaries for some under empire entails bigger and stronger and more draconian boundaries for others. This tension is absolutely crucial to understanding contemporary racism – theoretically as well as in terms of lived experience. Thus we cannot locate contemporary racism simply in a world that is assumed to have transcended the state – we have to understand the operation of globalisation and racism, and state racism dialectically.

At this point the ideas of Giorgio Agamben begin to offer a way forward. His interrogation of modern state power ends with a focus on the notion of the ‘state of exception’:

Faced with the unstoppable progression of what has been called a ‘global civil war’, the state of exception tends increasingly to appear as the dominant paradigm of government in contemporary politics. This

transformation of a provisional and exceptional measure into a technique of government threatens radically to alter – in fact, has already palpably altered – the structure and meaning of the traditional distinction between constitutional forms. Indeed, from this perspective, the state of exception appears as a threshold of indeterminacy between democracy and absolutism (Agamben, 2005: 2-3).

Agamben draws on the Foucauldian concepts of biopower and biopolitics to develop this argument about the tendency of modern states to withdraw legal rights and protection from citizens and non-citizens alike. Contrary to Foucault, Agamben insists that, while biopower may be more marked in the modern state, it has always existed as part of sovereignty. Like Foucault, he sees it reach its apogee in the concentration and extermination camps of Nazism. But he further updates the concept to the 21st century in relation to refugees in detainment camps and ‘unlawful’ combatants in Guantanamo Bay. In each of these spaces, ‘zones of exception’ are formed. Increasingly in states of exception the application of the law itself is suspended and different categories of people are reduced to ‘bare life’, as they were under Nazism. The key point for us here in terms of our analysis is that these categories remain inescapably racialised. Again, the operation of biopower is inseparable from racism.

Briefly therefore, we recognise that the concepts of ‘biopower’ and ‘biopolitics’, ‘empire’ and ‘states of exception’ are still evolving and remain essentially contested. Nevertheless, we argue that they begin to meet some of the core theoretical challenges of understanding contemporary racism and its relationship to globalisation and the state that characterise this book. First, they posit a fundamental connection between the biopolitics of the nation state and racism. Second, they indicate a key shift in this paradigm associated with the rise of globalisation and empire. Third, they insist on a continued importance for the state that is far more than residual. In the age of empire, the state has been transformed rather than transcended.

Thus, while we theorise the Republic of Ireland as a racial state (and the north as a racial ‘statelet’, see chapter 8) in the process of becoming a biopower racist state, we also bear in mind the limitations of such theorisation in the era of globalisation (or ‘empire’ as Hardt and Negri would have it). The proposition that contemporary Irish racism must be understood in the context of the globalisation process says something of crucial wider international importance, while maintaining our commitment to the empirical detail of racism in Ireland. We must remember that racism was never anything but a global phenomenon. Colonisation, slavery and indentured labour are key both to processes of racialisation and to the world ‘becoming’ global. Most ‘ethnic encounters’ happened precisely because of forced and voluntary migrations of labour, and are only possible because they are ‘global’. The European encounter with Jews and Arabs and Gypsies on European soil, and with people of colour in the colonies, remains the bedrock of contemporary racism. So, while the synergy between racism and globalisation is not a new phenomenon, contemporary globalisation has assumed novel forms. We observe new formations of transnational capital, new patterns of migrant labour, a

whole new variant of European racism focused on asylum seekers and migrants, as well as the new 'benign' imperialism of the war on/of terror.

Each of these profound changes has immediate implications for how we make sense of racism in Ireland. In chapter 2 we detail the two main consequences of this globalisation in the Irish context: on the one hand, the Republic of Ireland's exponential economic growth since the 1990s, and its concomitant restructuring as an exclusive racist state; on the other, Ireland's involvement in the US/UK-led 'coalition of the willing' and the war on/of terror, which is changing the meaning of racism in an increasingly globalised world.

After optimism, racism without racism

In July 2005, speaking to the McGill Summer School, the Minister for Justice, Equality and Law Reform, Michael McDowell, arguing against what he terms the 'self loathing' of Ireland's 'moral inquisition', laid out his neo-liberal, anti-equality ideology. The ideology epitomised by McDowell and his party colleague, the Tánaiste Mary Harney, has been shaping much of the discursive and material racialisation of Irishness in the 21st century. Praising Ireland's economic prosperity, incentive, enterprise, the profit motive, innovation, planning for obsolescence, competition, risk-taking and growth, McDowell's alternative political vision for the Irish Republic for the 21st century entails a 'successful, self-confident' Ireland 'as an island with seven or eight million inhabitants'. This and the desired 'happy balance between social diversity and social cohesion' implicitly mean the continuation of labour migration, desperately needed to maintain Ireland's economic growth, the restriction of other forms of migration and the implementation of 'colour blind' integration policies, aiming for migrants to enhance 'our way of life'. According to the Minister, recognising the tension between society and the individual means that '*the state serves everyone*, and that *the rule of law is the true master*', but also that Ireland's and the west's prosperity does not spell the exploitation of the majority world (McDowell, 2005, emphasis added). The very fact that the speech did not mention race, racism, or immigration was illuminating; clearly the construction of 'social cohesion', the password used by western governments, spells the racial state's ongoing attempts to maintain white hegemony in an increasingly fragmenting world.

Theorising Ireland and Irishness has tended to fall into the trap of exceptionalism, even though social commentators have pointed out that in terms of the history of immigration, Ireland is more alike than unlike other European states. While all European states are former 'emigrant nurseries' turning immigration destinations, states such as Ireland, Italy, Spain, Portugal and Greece share very similar migration histories.

The Citizenship Referendum provides us with a starting point for analysing Ireland as a 'racial state', moving the analysis from institutional racism to constitutional racism, and to ill-focused racism without major racist organisations, or 'racism without racism'. Rather than being generated by individual or institutional prejudice, racism in 21st century post 'Celtic Tiger' Ireland is absorbed into the liberal state structure itself. Acknowledging the problem of simplistically

theorising Taoiseach Bertie Ahern, Justice Minister Michael McDowell, and 80 per cent of the Irish population who voted ‘yes’ in the referendum as racist, this book documents and inter-relates processes of globalisation and state-formation, neo-liberalism, and ‘crisis racism’.

Combining theoretical generalities and empirical specificities, we want to argue that Ireland is an ideal case study not only of the intersection of globalisation and racism, but also of ‘racelessness’, the state version of ‘I am not a racist, but...’. Asking whether a modern nation state can be raceless, Goldberg (2002) argues that in the rush from explicitly racial formation in politics and political theorising, notions of colourblindness or racelessness have become the public commitment of choice. But how and why did racelessness take hold of the political imagination? There are various forms of racelessness: ‘raced racelessness’ in Brazil’s racial democracy, ethnic pluralism in Europe, state multiculturalism in Australia and Canada, or non-racialism in South Africa. Goldberg argues that the formal commitment to racelessness grows out of the modern state’s self-promotion in the name of rationality and the recognition of ethnoracially heterogeneous states.

The modern state makes claims to modernisation through racelessness, and in modern states, the law is committed to the formal equality of treating the like alike (and by extension, treating the unlike differently). But this commitment to formal equality entails ‘the colour-blinding constitutionalism of racelessness as the narrative of modernisation and racial progress’. In other words, racelessness is the logical implication of racial historicism. However, naturalism did not disappear altogether – it still circulates in the margins as extreme right parties – the Front National in France, the Freedom Party in Austria, the Lega Nord in Italy, the Vlaams Blok in Belgium, the Pim Fortuyn List in the Netherlands, the People’s Party in Denmark, the BNP in Britain, and in Ireland, small groups such as Stormfront Ireland. (Even though, as we argue in chapters 3 and 4, the anti-immigration discourse of groups such as the Immigration Control Platform is superseded by government ‘social cohesion’ discourse and immigration policies).

Through race, states sought to maintain white privilege and power: naturalist states modernised through *expulsion and denial* and in the extreme the *production of death* of those defined as inferior and ‘naturally’ not qualified for citizenship; historicist states modernised by *claiming to educate and integrate* those deemed racially less endowed with the rationalities of civilizations, and by *managing surplus populations*, inter- or intra-nationally.

The Irish racial state’s commitment to encouraging ‘diversity’ and at the same time restricting in-migration to include only those migrants ‘we’ need to maintain ‘our way of life’ speaks the language of ‘racelessness’, denying racism and reproducing what we argue is ‘racism without racism’. While this changed situation takes us ‘beyond optimism’, it also moves us closer to a new reading of contemporary racism – in Ireland and elsewhere in the world. The problematic that we identify in the paradox between the forces of the ‘racist state’ and globalisation – between Agamben’s ‘state of exception’ and Hardt and Negri’s ‘empire’ – is the starting point for anyone wishing to understand – let alone *resist* – racism in the 21st century.

Notes to Chapter One

¹ Dáil Éireann - Volume 591 - 27 October, 2004. Irish Nationality and Citizenship Bill 2004: Second Stage.

² The term 'Celtic Tiger' was coined by the US investment bankers Morgan Stanley in 1994. It took several years before it passed into popular use (Kirby, 2002a; Kirby et al, 2002).

³ The British Government logic on this resistance to legislation was summarised by the Central Community Relations Unit publication *Race Relations in Northern Ireland*: 'Although there has been legislation on race in Great Britain since 1965, a similar body of law has not been introduced in Northern Ireland. The main reason for this was that successive Governments believed that there was insufficient evidence of problems arising to warrant legislation equivalent to that in Great Britain'. (1992: 1)

⁴ Some major recent studies of racism in Ireland include Steve Garner's *Racism in the Irish Experience* (2004) which examines the legacy of key phases in the historical development of an Irish 'racial' consciousness in terms of 'new migration' to Ireland and relations with indigenous minorities; and Bryan Fanning's *Racism and Social Change in the Republic of Ireland* (2002) which looks at social change in Ireland and 'new immigrant communities of black and ethnic minorities', and links past and present racism. Steven Loyal and Kieran Allen (2005) argue, on the other hand, that 'Irish studies on racism have been dominated by forms of social psychology which see the roots of racism in fears of the Other. This approach suits the political elite because it de-centres racist attitudes onto the population at large and frames the problem in terms of strategies for tolerance and understanding'. Their approach, by contrast, is that 'racist practices are deeply embedded in the Irish state's practices. These practices have served to create a super-flexible migrant workforce which has less bargaining power'.

⁵ Of course the Nazis also mass murdered Europe's Roma population.

⁶ Although it has to be said that legislatively, Britain and the EU have served as a model.

⁷ The Minister of Justice announced an anti-racism programme of that name at the launch of the Equality Authority of its 2002 Annual Report. At the time of writing, this programme has not been put into operation. The KNOW RACISM campaign was a three year programme which, after its budget was cut in the 2003 budget, was to be replaced by the National Action Plan Against Racism.

⁸ As was argued by Chief Justice Taney in relation to the intentional exclusion of black people from being considered citizens under the US Constitution, as suggested by Goldberg, 2002p. 76. See also Mann (1997) on the US Constitution, and Lentin (1998) for a discussion of the racial, sedentary and gendered nature of the Constitution of Ireland.

⁹ While this theorisation seems not to fit New Orleans in the wake of Hurricane Katrina, Foucault's argument that from the seventeenth century onward, 'war is the uninterrupted frame of history... the war that undermines our society and divides it in a binary mode, is, basically, a race war' helps us to make sense of the differential treatment meted out to New Orleans's black and poor population. The racial enemy, according to Foucault, is no longer a 'race that came from elsewhere', but 'a race that is permanently, ceaselessly infiltrating the social body'. As it is the state's duty to defend society against those who deviate from the norm and who pose a threat to the nation's biological heritage (Foucault, 2003: 60-2), it becomes clear that defending New Orleans's poor blacks moves down the list of priorities, as observed, for instance, by Cornel West: 'New Orleans was Third World long before the hurricane. It's not just Katrina, its povertina. People were quick to call them refugees because they looked as if they were from another country. They are. Exiles in America.'

Their humanity had been rendered invisible so they were never given high priority; when the well-to-do got out the helicopters came for the few' (West, 2005).

The Coalition of the Willing: Racism, Globalisation and the Irish State

Greetings, fellow members of the Coalition of the Willing! Actually, that's only if you're a Brit or an Aussie. If you are Irish or Kiwi or Indian – or a citizen in pretty much any other country on earth who didn't join our little invasion party – well, what the hell's the matter with you? Didn't you know what you're supposed to do what you're told when the world's only superpower barks? We bark, you jump - that's the rule.

(Michael Moore, 2003)

The Irish state is in truth much closer to the 'coalition of the willing' than filmmaker Michael Moore gives it credit for (Moore, 2003: ix). Moreover, the Irish state does a great deal of 'jumping' in the contemporary globalised world. In this chapter we make sense of the nexus of state formation, globalisation and racism. We argue that the Irish state is a textbook example of the emerging 'racial state' in a globalising world. For example, the CSGR Globalisation Index ranks Ireland as the second highest country in terms of overall globalisation and the highest in terms of economic globalisation (Centre for the Study of Globalisation and Regionalisation, 2005). So Ireland is a particularly apposite test case. This book argues that our understanding of contemporary racism – and the contemporary 'racial state' - has to be theorised in the context of the globalisation process. It also makes it clear that the 'racial state' remains a key institution for understanding the dynamics of racism in any given location. Here we begin to look at the synergy between these apparently contradictory tendencies – the one towards a strong, repressive racial state, the other towards a globalised transnational world which transcends state boundaries and undermines the power of the state to intervene in and control both external and internal processes.

We need to begin by acknowledging the continuity in all of this change. On the one hand, any understanding of the colonial roots of racism challenges the notion that globalisation is something new at all. Slavery, indenture, and settler and administrative colonialism were all *global* phenomena. All were made possible by a world that was globalising and engendered by the concomitant need to structure and hierarchicise. Froebel's concept of an *international division of labour* – both old and new – was defined by racial hierarchies (Froebel et al., 1979). National encounters, ethnic encounters and 'racial' encounters are an essential part of globalising imperialism and colonialisms. In this sense, globalisation is not really new at all. On the other hand, of course, something novel *has* happened. All the current theorising about globalisation emerges from *something* new and different in terms of economic and political and social relations around the world. The

economic base of the world economy has undoubtedly shifted in profound ways – industrial production has relocated to low wage ‘emerging economies’ – notably China, India and the tiger economies of Eastern Asia. The First World is left with high added value production. (For example in Ireland the Celtic Tiger has been driven by the production of pharmaceuticals and computers). The world has transformed in ways that impact directly on both the nature of the state and the nature of racism.

Therefore, whatever our position on the *merits* of globalisation, the key point for us is that the globalisation process is *real*. Something has happened over recent decades to transform international and transnational social relations in a most profound way. It is often assumed that the defining development of this globalisation process has been the relegation of the importance of the state. Even the most powerful capitalist states have had problems in managing and intervening in the globalisation process. The relatively autonomous redistributive states of post-war Europe are being radically reconstituted. This has forced reconsideration of classical notions of what the state is – notions of ‘relative autonomy’ and ‘state monopoly capitalism’ are being bypassed by globalisation. Alongside this, other transnational institutions have acquired state-like qualities – in different ways, NATO, the European Union and the UN (particularly its Security Council) have all taken on certain qualities of a state formation. While this may suggest the emergence of new ‘super states’ – particularly in the case of the EU, rather than the weakening of the state per se, it still suggests a downgrading of the importance of the constituent ‘nation’ states.

All of these characterisations are indicative of the *weakening* of the state through globalisation. At the same time, of course, the state appears to be *strengthening* in other ways. It is states that engage in imperial, racialised wars – sometimes with the sanction of the UN, sometimes without. The ‘coalition of the willing’ was a coalition of *states*, not transnational corporations or UN agencies or the world bourgeoisie. Moreover, it is states that continue to define *spatial rights*: rights of citizenship; the right or otherwise to be in a particular place; and freedom and unfreedom of movement. As we characterise it, states have become the *gated communities* of the globalised world. They define and enforce inclusion and exclusion within national territories. They construct and enforce the conditions in which the Majority World enters the privileged space of the First World. They remain the crucial mechanism for dealing with the conundrum of how you allow the labour power of the Majority World to enter your country without allowing the inhabitants themselves to enter.

So we situate contemporary racism – and contemporary ‘racial states’ – in terms of two apparently contradictory trajectories. On the one hand, the rise of globalisation and the concomitant undermining of the nation state; on the other, the rise of globalisation and the concomitant strengthening of the coercive, exclusive ‘racial state’. We argue that this paradox hides what is really a *symbiosis*. This relationship between globalisation and the nation state lies at the very heart of how we understand racism at the start of the 21st century – in Ireland and elsewhere in the world.

Globalisation and the State

There has been much attention to the globalising of the world in recent years. The impact of this process on racism and the forms it assumes has also begun to be understood. This is not, of course, to argue that racism was ever anything other than a global phenomenon. Indeed, as we suggested, we might identify processes central to the process of the racialisation of world consciousness – such as colonialism, slavery and indentured labour – as the key emblems of the world becoming ‘global’. Most ‘ethnic encounters’ have happened precisely because of forced and voluntary migrations of labour that are only possible because they are ‘global’. The European encounter with Jews and Arabs, and later with Native Americans and Africans and Asians, remains the bedrock of contemporary racism. So, the synergy between racism and globalisation is no new phenomenon. This said however, the ‘new’ globalisation process clearly has assumed novel forms and has been theorised in fresh ways over recent years. This has important resonance for contemporary racisms and needs to be understood in that context. We have new formations of transnational capital, new patterns of migrant labour, a whole new variant of European racism focused on refugees and asylum seekers, the new, ‘benign’ imperialism of the war against Afghanistan and Iraq. All of these effects of globalisation have immediate implications in terms of contemporary racisms.

For all the discussion, however, globalisation remains an ill-defined concept. It can refer generally to increased internationalisation and international links – in this sense all international and transnational processes are considered as aspects of globalisation. In its stronger sense, however, globalisation suggests that the importance of nation states is declining in the face of increasingly dominant transnational structures and processes. By implication, globalisation is moving us towards a situation in which most key social structures and social processes will be defined globally rather than by national borders. In this sense, globalisation is clearly antipathetic to the nation state – globalisation by definition involves a weakening or dissolving of the traditional state. At this point, the notion of globalisation begins to sit uneasily alongside the notion of the ‘racial state’ – clearly if states are disappearing, then racial states should be disappearing with them. However, it is not quite as simple as this, of course – state formation is a more complex, partial and contradictory process than this. But here we begin to see the core problematic – we have to understand how the racial state retains key functions in the context of a globalisation process that removes or undermines many of the functions of the traditional nation state. Before we engage with this question, however, we need to provide an overview of the globalisation process itself.

We may see globalisation in the grandiloquent theorised tones of Anthony Giddens who defines it as the ‘decoupling of space and time’ – emphasising the novel ways that knowledge and culture can be shared around the world simultaneously through the modern communications revolution (Giddens, 2000). Here the internet and the World Wide Web is obviously the key emblem of contemporary globalisation. Or we may see it in the more prosaic definitions of the World Bank:

What do we mean by globalisation? Globalisation is about an increasingly interconnected and interdependent world; it is about international trade, investment, and finance that have been growing far faster than national incomes. It is about technologies that have already transformed our abilities to communicate in ways that would have been unimaginable a few years ago. It is about our global environment, communicable diseases, crime, violence, and terrorism. It is about new opportunities for workers in all countries to develop their potential and to support their families through jobs created by greater economic integration (Wolfensohn, 2001).

Globalisation is certainly often apparent in a new world economic order convinced of its own self-evident virtue. Witness the World Trade Organisation, itself a key symbol of globalisation:

The World Trade Organisation (WTO) is the only international organisation dealing with the global rules of trade between nations. Its main function is to ensure that trade flows as smoothly, predictably and freely as possible. The result is assurance. Consumers and producers know that they can enjoy secure supplies and greater choice of the finished products, components, raw materials and services that they use. Producers and exporters know that foreign markets will remain open to them. The result is also a more prosperous, peaceful and accountable economic world (WTO, 2005).

Others, of course, contest this banal affirmation of the virtues of globalisation. Witness the position statement of the International Forum on Globalisation:

The International Forum on Globalisation (IFG) promotes equitable, democratic, and ecologically sustainable economies. We were formed in response to widespread concerns over economic globalisation, a process dominated by international institutions and agreements unaccountable to democratic processes or national governments. Speaking the language of "free-trade" and poverty alleviation, organisations like the WTO, the IMF, and the World Bank impose a development model which seems designed to benefit transnational corporations over workers; foreign investors over local businesses; and wealthy countries over developing nations (IFG, 2005).

It is clear therefore that it is essentially contested whether or not globalisation is a positive development – there are broadly benign and malign readings of the globalisation process. Even when analyses find globalisation ‘threatening’ or ‘challenging’, this can push them in diametrically opposed directions. Thus we get completely opposing perspectives and methodologies from the almost identically named Globalisation Forum and International Forum on Globalisation:

The tension between free competition and measures aimed at maintaining confidence has been at the root of all of the recent major market crises, and continues to govern much of the agenda of investors, issuers, regulators, markets, and the intermediaries that serve them.... The *Globalisation Forum* is the leading financial market forum, bringing together markets, regulators, intermediaries and clearers from all parts of the globe.... The influence of globalisation is increasingly pervasive, rendering old strategies redundant... The Globalisation series began in 1997, to address challenges presented by globalisation of the capital markets (Globalisation Forum, 2005, our emphasis).

In stark contrast:

The *International Forum on Globalisation* came together out of shared concern that the world's corporate and political leadership was rapidly restructuring global politics and economics on a level that was as historically significant as any period since the Industrial Revolution. Yet there was almost no discussion or even recognition of this new 'free market', or 'neoliberal' model, or of the institutions and agreements enforcing this system – the World Trade Organisation (WTO), the International Monetary Fund (IMF), the World Bank, the North American Free Trade Agreement (NAFTA) and other such bureaucracies. In response, the IFG began to stimulate new thinking, joint activity and public education about this rapidly rising economic paradigm (IFG, 2005, our emphasis).

So globalisation has been presented as both 'good' and 'bad' and both inevitable and resistible. The key point for us is that its influence on migration and associated racisms is incontrovertible.

Supporters of globalisation insist that it should help equalise international incomes and reduce the causes of international migration. As 'convergence' occurs between national incomes, market-led demand for labour in richer countries will fall and migration will reduce in consequence. The reality has been somewhat different, of course. Here divergence has been a marked consequence of globalisation – developed countries have increased their per capita incomes at the expense of underdeveloped ones, and global inequality has continued to increase. Globalisation is thus taking place in a distorted manner – very different from what is predicted by classic liberal economic theory. Both states and transnational bodies intervene in the 'free market' to secure their own competitive advantage as well as their own geopolitical interests. All of this means that the mutually beneficial movement of workers, goods and capital envisaged by supporters of free trade does not usually occur. Rather than the gentle diffusion of market differential around the world, we see in contrast a form of *osmosis* whereby wealth and power becomes more and more concentrated in the First World. At the risk of abusing this biological metaphor, we remember that osmosis occurs through a 'semi-permeable membrane' – in this case the 'membrane' is the state and its boundaries.

At this point we begin to see why the migration regime has become the *leitmotif* of globalisation. Migration under globalisation does not happen in a 'free market' in which global citizens can choose to move freely around the world in pursuit of work or pleasure. The state has become the key mechanism for defining and controlling changing patterns of transnational labour mobility in the globalised world. Just as globalisation has increased the supply of migrants through undermining traditional economies in the Majority World, so it has increased the demand. Millions of workers are needed to meet the appetite for low wage labour in First World economies. Yet these new migrant workers do not encounter a softer, dissolving state formation. Their experience is of a harder, more brutal social formation – a system of interlocking national and transnational mechanisms that create a draconian migration regime. This takes many new forms. It is both *tangible* – for example, 'Fortress Europe', using a raft of measures like Shengen, TREVI and the Dublin Convention to control 'non-nationals', and *ideological*, as

policy becomes ‘firm but fair’ or ‘tough on migrants, tough on the causes of migration’.¹ In this new situation, people are robbed of rights – new state legislation on asylum and immigration and citizenship and nationality takes away their spatial rights. People’s rights and dignity are constantly downgraded in this process – refugees become asylum seekers, migrant workers become ‘guest workers’, undocumented workers become ‘illegals’, and real people become ‘deportees’. And here we see the resonance with earlier racisms and earlier racial states – *people become ‘illegal’ not for what they do but for who they are*. In other words, what the state does with regard to migration continues to matter very much – however its other functions have been changed by globalisation.

The globalised state as a ‘gated community’

The thesis behind this book is that we need to understand how globalisation *changes our analysis of racism and the racial state*. Right at the heart of this transformation is the changed and changing nature of the state formation itself in the era of new globalisation.² This, of course, begs the questions of what the state *is* and *does*. In consequence, we have to make some reference to state theory in order to understand what the state is, how it is changed by globalisation, and how this connects with notions of the ‘racial state’.

It is clear that Marx and Engels captured something of the state in their classic formulation in the *Communist Manifesto* (1967):

The bourgeoisie has at last, since the establishment of Modern Industry and of the world market, conquered for itself, in the modern representative State, exclusive political sway. The executive of the modern state is but a committee for managing the common affairs of the whole bourgeoisie.

Following Marx, we accept that the state both mediates and reformulates social tensions within its boundaries – it plays a central role in managing conflict based on relations of class and gender and race. Weber famously developed his own notion of the state in the shadow of Marx. He argued that the state should be understood in terms of *means* rather than *ends*:

Ultimately one can define the modern state sociologically only in terms of the specific *means* peculiar to it, as to every political association, namely the use of political force.... Of course, force is certainly not the normal or the only means of the state - nobody says that - but force is a means specific to the state. Today the relation between the state and violence is an especially intimate one.... we have to say that a state is a human community that (successfully) claims the *monopoly of the legitimate use of force* within a given territory. Note that ‘territory’ is one of the characteristics of the state. Specifically, at the present time, the right to use physical force is ascribed to other institutions or to individuals only to the extent to which the state permits it (Gerth and Mills, 1948: 77, original emphasis).

Weber’s classic formulation is also crucial to understanding the emergent qualities of the state. If the state maintains the monopoly over the legitimate means of coercion, this continues to be a defining feature of state power. For example, even very powerful transnational corporations cannot easily establish private armies or

police forces to use coercion in their perceived interests. They have to negotiate with states to deliver on these interests. NATO and the United Nations may be key symbols of the globalisation of coercion – but they are still constructed out of the coercive apparatus of the nation states from which they are constituted. The EU may have designs on a common defence policy and a standing army – but its constituent states still police themselves and are markedly sensitive about creating a European standing army or harmonising policing structures. The ‘coalition of the willing’ is a *coalition of states* – albeit with one dominant lead partner. This monopoly over the means of coercion is central to understanding why the state remains an elemental social phenomenon – and why the state remains fundamental to understanding racism.

So the theorisation of the state has not changed much over the past hundred years – different states may have come and gone but how we understand what a state is has not changed that markedly. Certainly we accept the general tenets of state theory that emerge from Marx and Weber. First, the state exhibits *emergent* qualities – it is a social phenomenon that develops its own dynamic outside of other social phenomena. Secondly, different states exhibit *relative autonomy* – what they do is not simply reducible to other social phenomena. When we look at what the abstract concept of *the state* does from this perspective – as well as what existing states actually do – we get clear insights into the nature and function of racism within these states. We see them continue to claim the monopoly over the means of coercion; we see them continue to mediate tensions within their borders. All this means that they continue to play a core role in the dynamics of racism.

This is a good point to remind readers that when we speak about ‘the state’, we do not conceive of it as an autonomous political entity separate from civil society. Rather, the state must be theorised as inherently contradictory and internally fragmented, consisting not only of agencies and bureaucracies, legislature and courts, but also of norms and principles, individuals and institutions, as well as ideologies, such as religion, the family, the media, social movements. All these inform and are informed by the state in specific ways, since there is no singular modern state – modern states take many forms, depending on the specificities and histories of state formation.

We also argue that the transformation of the state through globalisation has profound implications in terms of state formation and racism. Crucially this approach suggests that Goldberg's ‘racial state’ model is insufficient for understanding the relationship between contemporary racism and the contemporary state. Moreover, while we argue that this is true in the US and other relatively strong states like Britain, France and Germany, this is *especially* the case with weaker state formations like the Republic of Ireland. All ‘racial states’ – including the US – are being transformed by the globalisation process; but some *are being transformed more than others*.³ The weaker and more dependent the state formation, the more profoundly it is transformed by globalisation, the more marked is the concomitant change in the nature of racism within that state. Moreover, as we have seen, the weakening of the state is neither linear nor even. As the relative autonomy of the state decreases, so its control over the movement of labour

actually increases. As its power to mediate transnational capitalism or kick start economic development declines, so its power to proscribe and exclude – to make people ‘illegal’ – extends. In this sense, the racial state is a function of globalisation – far from undermining the globalisation thesis, the new racial state confirms it. For goods and capital to flow freely in an era of globalised capitalism, it is essential to *prevent* the free movement of labour. Witness the racial state and witness the osmotic character of its boundaries.

Here we develop the notion of the state in places like Ireland as an evolving ‘gated community’ – the ‘racial state’ in the age of globalisation.⁴ The 21st century racial state – to paraphrase Weber – maintains a monopoly of the legitimate means of residency. The state increasingly develops the Fortress Europe mechanism for keeping people out (witness the Citizenship Referendum) whilst at the same time it is required to be permeable enough to allow majority world labour in to do all the ‘shit’ work in fast food restaurants, in the public health system and as domestic labour. The function of the state is to protect racial hierarchies by strictly controlling the conditions of access for non-citizens. Their labour power remains desirable, nay absolutely necessary, to the states in question. But they are to be regulated and policed in new ways; they are – definitively – *not to be citizens*. This is, in respects, not all that different from the old plantation system – the field workers are to be kept outside, the house workers allowed intimate access. Both remain powerful threats – actually and symbolically. And these processes then reconstitute racism within such states. Sivanandan powerfully captures this progression:

[T]wo trajectories then – the war on asylum and the war on terror – have converged to produce a racism which cannot tell a settler from an immigrant, an immigrant from an asylum seeker, an asylum seeker from a Muslim, a Muslim from a terrorist.... Today’s racism, as we have seen, is embedded and shaped by globalisation. Globalisation needs it – first, to rationalise and justify the treatment of refugees and asylum seekers that it has caused to be thrown up on western shores in its rampage through the world; and second to rationalise and justify the imperial project needed to remove unfriendly regimes that stand in the way of its expansion and penetration. That is why it still needs the nation state (2004).

According to Zygmunt Bauman (1998), if globalisation means ‘time/space compression’, it also means that we are all on the move in a variety of ways. Some of us become fully and truly ‘global’ while others are fixed in their ‘locality’, even though being local in a globalised world is seen as a sign of deprivation, since in a globalised world, localities are losing their meaning. Despite the much-heralded freedom of movement – of capital, not people – and the so-called ‘hybridisation’ of global culture at the top, globalisation is characterised by progressive spatial segregation, separation and exclusion. Despite ‘transnational’ erosion, and even though globalisation is seen by some as spelling the ‘withering away’ of the nation-state, Bauman argues that nation-states remain ‘the sole frame for book-balancing and the sole sources of effective political initiative’. What has been termed ‘the new world disorder’, facilitated by the demise of bloc politics, means that ‘no one seems now to be in control’, and worse still, that it is no longer clear

what being in control means. On one level, the state is no longer in full control of the balance between production and consumption, as borders, customs and markets are increasingly globalised; on the other, nation-states execute forces which they have no hope of controlling politically, as financial markets impose their laws on the planet. Globalisation's new world order needs 'weak states' – which nevertheless remain sovereign states – to sustain and reproduce it. And weak states can be relied upon to fulfil the useful role of local police precincts, securing the order required for the conduct of global business (Bauman, 1998: 55-68).

From this perspective we begin to address the meta-questions behind this analysis. What kind of racism do we find in elective affinity with contemporary globalisation? What kind of racial ideologies confirm and underpin ideologies of globalisation? What kind of racialised superstructure accompanies the new base of a globalised international division of labour? And what does globalisation mean for the contemporary 'racial state'?

Each of these questions can be asked in the context of Ireland – a particular and sometimes peculiar example of the contemporary, evolving racial state. Broadly, we sketch two paradoxical tendencies of the state in a globalising world. On the one hand, the state finds it increasingly difficult to exercise any autonomous control over economic policy, over monetary policy, even over fiscal policy. On the other, the state has increased its capacity to coerce and control those within its borders and those without. While it can do less and less to mediate the reality of globalised capitalism, it does more and more to decide who can live within its borders. Moreover, it can define their status ever more rigidly – it can make people 'illegal'. It is in this sense that the globalised state is increasingly becoming a 'gated community' – it does little to transform relations between people within the community but it does everything to define who belongs and who doesn't and enforces the exclusion of those who do not belong ever more rigidly. It is not too far fetched to regard it as a new variant of *lebensraum* – a project that colonises and expropriates space in the interests of a particular privileged group at the expense of everyone else. It is a 'living space' for the privileged within which the space to live is explicitly denied to the rest of the world. If we want a perfect example of this we need to look no further than the Italian 'holiday' island of Lampedusa. The island is the most southerly point of the EU – closer to Africa than Europe and a veritable paradise as a holiday destination (Lampedusa on the Web, 2005). Every citizen of the EU has an absolute right to vacation there. It is also the location of a detention centre for migrant workers trying to enter the EU. At times, thousands of migrants have been held in conditions designed for less than 200 people (BBC News, 2004a). Moreover, the UNHCR has repeatedly indicated concern at the way in which people held in the centre are routinely deported to Libya without any reference to any asylum process (UNHCR, 2005). What is a paradise for citizens is an extra-legal prison for non-citizens, and the two worlds can co-exist in exactly the same location with hardly a connection between them.

Thus increasingly the First World state becomes a gated community which is open to all citizens of that globalised First World, while at the same time it relentlessly enforces the full or partial exclusion of the Majority World. This is a

lebensraum free of the ‘tired’, the ‘poor’, the ‘huddled masses yearning to breathe free’, or the ‘homeless’ or the ‘wretched refuse’ of the ‘teeming shores’ of the Majority World. And many Majority World workers whose labour power is needed to maintain ‘our way of life’ are given access in the most restricted terms. They are ‘migrant workers’ or ‘guest workers’ or ‘undocumented workers’, ‘here’ but temporarily; they cannot move between countries, they cannot even move jobs. They are the indentured, the enslaved of the globalised world. They are *in* these gated communities but not *of* them. The *lebensraum* that has been constructed is consciously and explicitly denied them. We see, *pace* Giddens, a *recoupling* of space and time – while some people can now go *everywhere*, most people in the world are unable to go *anywhere*. This becomes more tangible when we look at what our notion of a gated community means in terms of a real existing state like Ireland.

The Irish state formation

We have suggested that to understand the Irish racial state we have to make sense of both the process of globalisation and Irish state formation, and then begin to explore the ways in which these social phenomena connect. As we might expect, the broad sweep of state evolution in Ireland, north and south, has been connected to a changing economic base. For decades, the southern state was seen as a post-colonial failure with emigration remaining the most successful economic strategy. The limited success of economic development in the 1930s was followed by the limited success of liberalisation and industrialisation in the 1960s. In the 1990s, however, Ireland experienced unprecedented capitalist growth and began to throw off some of the stereotypes of post-colonialism to become an ideal-typical modern, capitalist, social democratic European state. *The Economist* magazine had surveyed the Irish economy in 1988 and characterised the state as ‘the poorest of the rich’. Moreover, the analysis suggested that the country was heading for economic catastrophe. Less than two decades later, the same magazine was characterising the Irish economy as ‘Europe’s shining light’. The Irish economy was now a ‘miracle’ offering lessons to other EU member states (*The Economist*, 2004b). It had also become, as we have seen, the most globalised economy in the world.

So, while the Republic of Ireland’s spectacular economic growth – leading, among other things to it topping the globalisation index – may seem a text book case of free market globalisation, various commentators (e.g., Allen, 2000, 2003; Kirby, 2002a, 2002b; Kirby et al, 2002; O’Toole, 2003a) argue that Ireland’s new found economic success is anything but free market, being ‘driven in large measures by precisely the kind of institutions that the right despises: an interventionist government, public servants, the social democrats of the European Union and the trade union movement’ (O’Toole, 2003a: 15). Indeed, the apparent economic progress of the 1990s would have been impossible had it not been for the ‘institution of neo-corporatist social relations’, including ‘social partnership’, and voluntary wage restraints which enabled indigenous and foreign businesses to flourish (Coulter, 2003: 11; see also O’Donnell, 1999; Allen, 2003). So the Irish economic growth has the fingerprints of big government all over it, and has meant,

amongst other things, the reversal in migration trends with all the attendant political and social consequences which we discuss in this book.

However, while remaining a star performer of globalisation with record capital inflows, robust international trade volumes, increasing foreign trade in a climate of declining world trade, significant foreign investment growth – all of which happened very quickly, Ireland has also been ranked second lowest in the western world in terms of poverty and inequality (UN Human Development Report, cited by O’Toole, 2003a: 60). Furthermore, Ireland’s tax take and social spending remain the lowest in Europe, resulting in high levels of poverty, which got worse during the economic boom (O’Toole, 2003a: 61-3). The polarisation of wealth accelerated by the ‘Celtic Tiger’ economy means that *far less than ‘everybody’* is reaping the benefit of economic globalisation (Kirby, 2002a), making nonsense of the claim that Ireland ‘ranks first for quality of life in any country bar none’, as reported by *The Economist Pocket World in Figures 2006* (Humphries, 2005a).

What all this suggests is that for all this economic ‘success’ the Republic of Ireland remains a weak, dependent state, which actually has relinquished control over much economic policy. For example, the Irish state has conceded control over monetary policy to the European Central Bank, although it retains control over fiscal policy. Its weakness is however mostly characterised by ongoing dependency on other more dominant formations: its former colonial power, Britain; its new imperial partner, the USA; and the European Union. So keen was its political elite not to upset the European Union project that when the Irish population voted to reject the Nice Treaty, the Irish Government simply ignored the result and ordered another referendum. (Needless to say, the racist result in the Citizenship Referendum provoked no similar Government commitment to a second vote). After September 11th 2001 the Irish Government held a ‘national day of mourning’.⁵ In announcing the event in the Dáil, Bertie Ahern characterised these events in explicitly racial terms: ‘what we saw were attacks on *our own kith and kin*’, but he was also quick to talk up the economic angle:

‘We all know the extent of our economic links, how so many Irish people work in US firms established here in Ireland, which has been the investment location of choice for a large number of American corporations’ (Dáil Éireann, Volume 541, 18 September, 2001).

So, the Irish state has become almost comically subservient to these more powerful states. This is a new phenomenon. While there has been a ‘special relationship’ between Ireland and the US for some time, this supine devotion to state deference is comparatively new. Before the Second World War the autonomy of the new Irish state was characterised by its *neutrality*, but this commitment to neutrality has been gradually undermined. As with other nation states, formal autonomy has been greatly reduced by factors – including, crucially, globalisation – over the past 50 years.

Another no less significant globalising process is Ireland’s involvement in the US/UK-led ‘coalition of the willing’ and the war on/of terror, which is undoubtedly changing the meaning of racism in an increasingly globalised world. We need to put this duality between globalisation and the nation-state in the

context of what Giorgio Agamben calls the ‘global civil war’, where the ‘state of exception’ tends increasingly to appear as the ‘dominant paradigm of government in contemporary politics’. According to Agamben (2005: 2-3), the biopolitical significance of the state of exception has meant introducing emergency legislation, including the 2001 ‘military order’ and the US Patriot Act, authorising ‘indefinite detention’ and trial by ‘military commissions’ of non-citizens suspected of involvement in terrorist activities, and, let us add with the hindsight of the July 2005 London bombings, draconian policies of ‘stop and shoot’ and ‘shoot to kill’.⁶ So nation-states are undermined by the *weakening* of the state through globalisation, while also appearing to be *strengthening* in other ways. As we already said, it is states that engage in imperial, racialised wars – sometimes with the sanction of the UN, sometimes without. As we have already stated, the ‘coalition of the willing’ was a coalition of states, not transnational corporations or UN agencies or the world bourgeoisie. And the current war on/of terror not only racialises the distant (Iraqi, Afghan, Pakistani, Palestinian etc) enemy, it also contributes to the racialisation of those suspected of taking part in what has been unproblematically called ‘terrorist activities’. In the course of the global war on/of terror, western states – as if by global consent – belligerently revive empire and, denying their racism, separate ‘good’ from ‘bad’ Muslims, thus recycling the ‘clash of civilisations’ idea.

Not surprisingly, Samuel Huntington’s ‘clash of civilisations’ thesis (1997) is resurfacing in debates on the ‘west’ fighting the ‘terror’ of ‘fundamentalist Islam’. Rather than seeing the power of the nation-state as being decimated, Huntington makes an appeal for a ‘robust nationalism that would unite most conservatives, distinguish conservative foreign policy sharply from its liberal alternatives, and have great appeal to the bulk of the American people’. ‘Robust nationalism’ will also defend national identity against the threat from ‘multiculturalism’ from below and ‘cosmopolitanism’ from above, and the ‘serious external threat (to America)... from China, Russia, Islam’ (Huntington, 1999). As Philip Gollub (2005) comments, nation-state conservatives and neoconservatives have indeed rallied to the defence of (American) culture and power – and the characteristics of such defence are war, racialisation and new racial formations, occurring on a global scale.

In the Irish context, the increasing dependency of the contemporary Irish state was emblemised by its craven support for the US/British invasion of Iraq. If evidence were needed of this new dependency, this new clientalism, it was supplied by the response of the Irish state to the war on Iraq. The paucity of principle and logic personified in the Taoiseach who said he opposed the war and yet facilitated the movement of hundreds of thousands of US troops via Shannon Airport. At this stage the Irish state had clearly become part of the ‘coalition of the willing’, and Irish involvement continues as we write (see Boyd-Barrett, 2005). The identity and use of hostages has been emblematic of this new version of Irish ‘neutrality’ – a disproportionate number have had some connection with Irishness. Before he was executed, British hostage Ken Bigley was given Irish citizenship to try and protect him in Iraq as his new Government was simultaneously deporting

Irish citizen children. This marked a relentless pressure to drag Irish popular opinion into line with the Irish state in its de facto support for the new imperialism. But this new dependency was also marked by a swift conversion to traditional racial statelet.

This 'Fortress Ireland' engaged, as we argue in this book, in a new moral panic to embolden its progress. The spectacular economic growth of the Celtic Tiger attracted new migrants from all around the world – the numbers of immigrants, migrant workers, asylum seekers and undocumented workers from some 160 countries have all increased exponentially over recent years. The principled stand of the state on asylum was shelved and a raft of repressive, coercive legislation was implemented to construct a 'Fortress Ireland' within a 'Fortress Europe'.

Conclusion: Racism and globalisation – the Irish model

The Irish state formation which squares up to contemporary globalisation is increasingly subservient to three more powerful state formations – the British state, the European Union and the USA. Each of these dependencies impacts on Irish racism and, more particularly, on the Irish racial state in specific ways. For all its posturing about its economic miracle and the integrity of its borders, it is a weak and dependent state formation, increasingly vulnerable to the vagaries of new trends in globalisation. In this sense, the Irish state is a classic case of a state formation in a globalising world. The rise of racism in Ireland has been immediately linked to this process: it is a state which has embraced both globalisation and racism in the most promiscuous fashion.

As we have seen, the weakness of the Irish social formation has not prevented spectacular economic growth over recent years. We want to suggest that the very weakness of the state is what has made it a particularly attractive location for foreign – especially US – capital. The passivity and generosity of the Irish state in its encounter with transnational capital make it an ideal type example of 'success' in an era of economic globalisation. The success of the 'Celtic Tiger' economy has seen an unprecedented growth in capital accumulation within the Irish state which has moved it from the position of 'poorest of the rich' to the third richest economy in the world. So, precisely because of its weakness and dependency, Ireland has been a site of remarkable economic growth within globalised capitalism. This growth has had marked benefits for some sections of the Irish population. It has also seen Ireland become a key destination for (non-Irish) migrant labour for the first time in over three hundred years – a direct manifestation of new, globalised labour migration patterns. And it has become a site for a reconstituted Irish racism directed primarily at these new migrants. This process culminated in the passing of the racist Citizenship Referendum in 2004. For the first time, Irishness was to be formally defined in terms of ethnicity or 'connection' to the country. And for the first time, Irishness was to be formally denied to a whole series of categories of people whose exclusion was an indication of the new racial hierarchies within this newly appointed 'racial state' – asylum seekers, refugees, migrant workers, undocumented workers.

At this point the Irish state becomes a powerful prism through which to understand racism in the age of globalisation. The state still plays *the* crucial role in deciding who is in and who is not. Crucially, the state defines legality in terms of *who* people are rather than what people *do*. From this perspective, there is no question that the Irish state had joined the ‘coalition of the willing’. With the Citizenship Referendum and a raft of associated legislation and policy, it has become part of the *lebensraum* of globalised capitalism. It was no coincidence that the Irish state became a gated community and a racist state just as it became the most economically globalised country in the world. Irish racism has become reconstituted around the issue of citizenship in a whole series of novel, complex and dangerous ways.

Notes to Chapter Two

¹ The Schengen treaty (1985) harmonises immigration and asylum matters in relation to the following EU states: Austria, Belgium, Denmark, France, Finland, Germany, Greece, Iceland, Italy, Luxembourg, the Netherlands, Norway, Portugal, Spain and Sweden; The Terrorism, Radicalism, Extremism and Violence International (TREV) Treaty was created under the European Political Cooperation (EPC) in 1976; The Dublin Convention, signed in 1990, is a mechanism for determining which Member State of the European Union is responsible for examining an application for asylum lodged in one of the contracting States. Asylum seekers must lodge their application for asylum in the first EU country in which they arrive and may be returned to another EU Member State if it can be shown that they have either passed through the border of another State (by air, sea or land) or made an application for asylum in another Member State.

² We use the terms ‘state’ and ‘state formation’ to differentiate explicitly between abstract, theorised notions of the nature of the state and actually existing states. Thus the Irish state is an example of a capitalist state formation.

³ Anthony Monteiro (2002) characterises the changes in the US state thus: The events of September 11, 2001 did not begin, but accelerated, processes that have for some years been leading to the transformation of the US state and political system. These historic processes have culminated in the reconfiguration of the US state, establishing the hegemony of its military industrial/national security and police/domestic control sectors. As no less an authority than Richard Holbrooke puts it: “the American military has acquired an unprecedented role in the conduct of foreign policy”. At the same time, many of the state’s welfare or New Deal features are being downsized, privatised and eliminated. Vast and radical attacks upon bourgeois democracy, civil and human rights, and civil liberties are under way, justified by the need for homeland security.

⁴ ‘Gated communities’ are being developed around the world. However, we take new development of *Heritage Park* outside Cape Town to be paradigmatic (Carroll 2006). Developed in post-apartheid South Africa and, ‘thought to be first self-contained town entirely ringed by electric fencing’, it is specifically emblematic of the racialised dynamic of such projects: ‘The concept is medieval but the execution is very much 21st-century South Africa: a fortified town run as a miniature state.... Heritage Park, at 200 hectares slightly bigger than Monaco, is resolutely middle class. Of 1,500 residents, 1,495 are white. Beyond the fence are three townships, home to tens of thousands of poor black people and coloureds.... It is a brutal juxtaposition: inside the fence. pastel-coloured two-storey homes

in Cape Dutch, English Tudor or Tuscan styles, neatly divided into seven suburbs with names like Beaulieu, Cape Heritage and Tuscana Close. Walk outside the wire and within metres you are in a sea of tin shacks and low-cost government-built houses'. There is no hint of embarrassment or shame in the politics of such a new development in liberated, democratic South Africa. Rather it is presented as a 'model for other gated communities in South Africa': 'Mr Hazelden [the developer] cast the development as a form of personal redemption. In 1975 he stood for the National Front in the UK general election.... Defeated ... he moved three weeks later to the cauldron of oppression, unrest and white privilege that was apartheid South Africa. "I loved it. I thought I'd found Utopia. But I was naïve. I'm trying to make up for what I didn't see then."' (Carroll 2006).

⁵ To put this in perspective, there was no such event in respect of the victims of the Tsunami at the beginning of 2005 which may have cost the lives of up to 300,000 people.

⁶ All of these measures had, of course, been characteristic of the regime in Northern Ireland, where 'the government felt the way to resolve the conflict and prevent political violence was to institute draconian measures, rather than address the larger problems underpinning the violence' (Cavanagh, 2005).

Global mobilities I: Citizenship, immigration and asylum in 21st Century Ireland

*There is no two-tier system of Irish citizenship. It is not disputed that every person born on the island of Ireland is entitled to be an Irish citizen; however, while an Irish citizen child has certain rights to remain in Ireland, these are not absolute. In cases where the non-national parents of an Irish born child are found not to have an entitlement to remain in the State the law recognises their responsibility in certain cases to bring their child out of the State with them.*¹

(Minister for Justice, Michael McDowell).

In Lenny Abrahamson's 2004 film *Adam and Paul*, which takes us through 24 hours in the life of two Dublin drug addicts as they roam the streets looking for their next fix, the two men, having just managed to rob a baguette and a carton of milk, find themselves on a bench beside a Bulgarian who is freaked because everybody always calls him a 'Romanian sponger'. Adam and Paul think he must be happier living on the streets in Dublin because Bulgaria is such a kip compared to Dublin. He snorts at this. He would rather be at home with his family, but he had to leave Sofia. 'Was she pregnant?' ask Adam and Paul knowingly (Oxygen, 2005). This bitterly comic episode epitomises the distance between reality and myth in the relations between asylum seekers, refugees and other migrants and Ireland's own hapless dispossessed.

Contrary to attempts to portray in-migration into Ireland as an entirely 'new' phenomenon, Ireland has long been a country of both emigration and immigration. Colonial plantation in the seventeenth century fashioned many of the cultural and political dynamics that continue today – especially in the north. Alongside Scots and English migrants came substantial other in-migrations including Huguenots, Italians, Chinese, Germans and Jews. Colonial government – the British Empire – continued to create a context in which emigration was routine – the vast majority of Irish migrants went to British colonies or former colonies. As elsewhere, slavery, starvation and bonded servitude encouraged huge movement outwards throughout the nineteenth century. This continued under independence – in the 1950s there was serious political concern around the concept of the 'vanishing Irish'.² This process of out-migration created a huge Irish Diaspora, totalling some 75 million around the world – with around 45 million people in the United States claiming Irish ancestry. An estimated 3 million Irish citizens currently live abroad, of whom 1.2 million were born in Ireland – the majority of these live in the US and the UK (Department of Foreign Affairs, cited by Ruhs, 2005a: 7).

The advent of the ‘Celtic Tiger’ economic boom, however, transformed this situation. Many Irish migrants returned to Ireland in the 1990s, but Ireland also began to attract other migrants. By the middle of 1999 Ireland was receiving over 1,000 immigrants per week. Many of these were returning Irish citizens, but the rest marked a new racialisation of Irishness – they came from many different places in Eastern Europe, Africa and Asia. They were decidedly *other* in a range of different ways – most were people of colour, most did not speak English or spoke English with an ‘accent’, many were not Christians, many were not European. Whatever they were, they were definitively ‘not Irish’. In this moment, driven by the ‘success’ of capitalism in Ireland, Irishness became racialised in new ways (c.f. McVeigh, 1996; McVeigh and Lentin, 2002). To borrow from Noel Ignatiev’s thesis of ‘how the Irish became white’ in America (1995), in the 1990s the Irish became ‘white’ *in Ireland* for the first time. Contiguous to this was the development of a whole new constellation of Black Irish or minority ethnic Irish communities. Not accidentally, therefore, Irishness became consciously equated with whiteness precisely as it became manifestly inappropriate to make the equation.

In *Racism and Anti-racism in Ireland* (Lentin and McVeigh, 2002) we challenged the argument that either in-migration or racism are ‘new’ in Ireland. Bill Rolston and Michael Shannon (2002: 2) further argue that far from Ireland being a homogeneous society not used to foreigners, especially black people, the ‘Irish have been encountering people of colour from at least the time of the Vikings’ and had ‘more than enough time to “get used” to black migrants’. The fact that Irish people seem *not* to have got used to the presence of people of colour, according to Rolston and Shannon, is due mainly to uneven power relations and unacknowledged privilege. A historicist interpretation of the positionality of people of colour *vis-à-vis* Irish ‘whiteness’ is another possible explanation (see also Chan, 2005). Interpreting in-migration and the presence of people of colour as ‘new’ buys into the historicist elevation of Europeans and the respective racialisation of non-Europeans as working towards progress and equality with the Eurocentre.

Moreover, while the Irish were racially naturalised by the British, the Irish state, constitutionally conceived as the space of white, settled men of property, historicises its own racial inferiors. This is achieved firstly (though not exclusively: see for example the racialisation of Irish Travellers, conceived as ‘Irish national’ though not always as ‘white’, as argued by McVeigh, 1996) through governmental technologies of asylum and immigration control, aiming to restore modernity’s order just as all certainties – economic, civil, cultural, sexual – seem to be collapsing in post-‘Celtic Tiger’ global 21st century Ireland. Secondly, it is achieved through biopolitical governmental technologies including regulations governing the lives of migrants, but also equality mechanisms which reproduce racialised populations as ultimately unequal, since the promise of equality is always conditional.

As we argued in chapter 2, migration must be understood in the context of globalisation. The notion of ‘disorganised capitalism’ (Lash and Urry, 1987) describes shifts in economic relations characterised by the circulation of capital,

commodities and money over greater distances and at a greater velocity than before. These shifts include, *inter alia*, the collapse of ‘smokestack’ industries in the west, the rise of multinationals as stateless corporations, the shift of manufacturing industries from the west to newly industrialised economies, the feminisation and racialisation of work as part of the expansion of part-time, temporary, non-unionised labour, and the rise of service industries to support new ‘global cities’. According to Gargi Bhattacharyya et al, ‘global migration of labour on the basis of investment decisions of multinationals or government policies’ and the rise of international monetary agencies all play part in new migratory trends (Bhattacharyya et al, 2002: 30).

The question of why Ireland has become an in-migration destination in the 1990s has to be answered in this context, and not only in the context of its newly-found prosperity and projected image as a welcoming tourist destination. However, we must also contextualise our analysis of Ireland’s immigration and asylum policies, despite orchestrated moral panics about ‘floods’ of immigrants, in the acknowledgement that migration is a relatively insignificant human experience, with a mere 2-3 per cent of the world’s population living away from their birth place.

This chapter examines Ireland’s 21st century immigration and asylum politics. These are closely linked to issues of citizenship and Irishness. Together these form a nexus of governmental technologies aimed at controlling and managing incoming migrants, largely seen as exploiting Ireland’s ‘generosity’. After presenting a baseline demography of immigration, the chapter charts key recent developments in asylum and immigration policies; we then focus on two turning points, the 2003-4 controversy around Irish citizen children, and the 2004 Citizenship Referendum. Chapter 4 focuses on labour migration, seen by the state as an economic stop gap, returning us to our focus on globalisation and its implications in the Irish context. Both chapters combine to argue that the state, in doing all it can to maintain its homogeneity by ‘managing’, ‘regulating’ and ‘mainstreaming’ ethnic diversity, is not merely ‘racial’ in its formation and use of discourses and practices such as the law, but also ‘racist’ in using governmental technologies to control migrant and minority ethnic populations.

Immigration: Facts, figures, myths

It is not difficult to identify the contradictions of the immigration debates in Ireland. Witness the government-funded KNOW RACISM National Anti-Racism Awareness Programme which upheld diversity as a positive value:

Cultural diversity has always existed in Ireland. Of late, it has been highlighted due to a significant increase in inward migration in recent years...There are now more black Irish and other EU and non EU citizens living in Ireland, who experience racism on the basis of skin colour and ethnic origin...There are approximately 160 different nationalities living in Ireland. The number of people of non European Economic Area (EEA) nationality registered in the State in 2002 was 116,566.³

This contrasts with the views of *Irish Times* columnist, Kevin Myers who has a different view of diversity:

We have *uncountable* numbers of Nigerians in Ireland. Their native country has two main natural resources: oil and fraud. A *sizeable* number of its departing sons and daughters have taken the various skills acquired at home with them into exile; and an *increasingly* popular home of choice for Nigerians is Ireland (Myers, 2003, emphases added).

On the one hand, diversity is welcomed; on the other hand, immigration is restricted and devalued, even though the Irish economy needs migrant labour to maintain economic growth. The logic of global capitalism offers an important explanation for this apparent contradiction. Steven Loyal (2003: 74) argues that the current hegemonic construction of Ireland as an ‘open, cosmopolitan, multicultural, tourist friendly society’ obscures a ‘harsh reality of capitalist production, exclusionary nationalism and growing xenophobia in relation to both the state and the general populace’. Paradoxically, the economic boom, instead of allaying racist fears, has ‘consistently treated non-national immigration as a political problem’. However, the capitalist accumulation argument does not fully explain the relationship between racial states and immigration in an age when immigration is racialised in new global ways, and when, as argued by Balibar (1991: 222), ‘immigration’ has become the name of race.

One aspect of state racism is the massaging of immigration statistics by politicians and the media. According to Marshall Tracy (2000), official asylum and immigration statistics are often misleading and incomplete. The racial state not only makes access to population figures difficult, it also often publishes statistics in contradictory ways that ultimately do not assist in dispelling public perceptions. Martin Ruhs, who has produced exhaustive statistics on the immigration and employment of non-EU nationals in Ireland, concurs with Tracy, claiming that only a small part of the data produced in his report for the Trinity College Policy Institute ‘was readily available on publicly accessed websites or reports’ (Ruhs, 2005a: 4).

While Goldberg (2002) argues that census categorisations are one strategy used by the modern state to create categories of inclusion and exclusion in racially ordered terms, and despite Benedict Anderson’s (1983) cautioning that a population census relies on the ‘logic of quantification’ and ‘identity categorisation’, this is a good place to provide some figures in order to make Ireland’s migratory reality visible, particularly considering the myths of ‘floods’ of migrants propagated by politicians, media and public discourse.

Ireland does not have a legal definition of the term ‘ethnic group’ and the term is not used as such in Irish equality law. The absence of an ‘ethnicity’ question in the Irish census of population (see MacConnell, 1999; King-O’Riain, 2005) makes it impossible to quantify the numbers of ‘ethnic minorities’ residing in Ireland.⁴ Of course, the very terms ‘ethnic minorities’, or ‘minority ethnic’, enthusiastically adopted during the 1997 European Year Against Racism, are in themselves problematic, not only because the appeal to ‘ethnic absolutism’ is but another appellation of ‘race’ (Gilroy, 2000), but also, as argued by Avtar Brah (1996: 187),

the term ‘ethnic minorities’ reduces the problem of power relations to one of numbers.

Though not recording ‘ethnicity’, the 2002 census of population did return both nationality and religion figures, according to which 5.8 per cent of the Republic’s population are ‘non-national’ – a euphemism used to mark people without Irish citizenship, in the past unproblematically called ‘aliens’. Unpacking census figures becomes quite complex, so below we list some of the implications of that 5.8 per cent figure. For example, it is worth noting that of the 10.4 per cent born outside the state, a substantial number are returning Irish emigrants; in 2002, of 47,500 in-migrants, 18,000 were returning Irish migrants (Mac Éinrí, 2003a: 7). According to the 2002 census, the largest foreign-born populations (who are not family members of returning Irish emigrants) came from English speaking countries, particularly England and Wales (182,624), Northern Ireland (49,928), the USA (21,541), and Scotland (15,963). The next largest population groups came from Germany and France. Nigerian-born accounted for 9,225, with South Africa, Romania, China and Australia numbering about 6,000 each.

According to the most recent Central Statistics Office (CSO) figures available to us, by April 2005 the number of people who do not describe themselves as ‘Irish’ living in the Republic of Ireland approached 400,000 (or 10 per cent of the population), up from 240,000 in the 2002 census – this represents an increase of 40 per cent. Assuming immigration continues to grow, the CSO predicts the proportion of foreign-born nationals could increase to 18 per cent, or one million, by 2030. 100,000 people immigrated to Ireland between December 2004 and December 2005 from the new EU accession countries – headed by Poland and Lithuania – they have helped fuel the five per cent increase in the number of people employed over the year – a figure almost unknown in the global economy (O’Brien, 2005).

Table One: Immigration to Ireland by Nationality/Country of Origin

<i>Nationality/Origin</i>	<i>Number</i>	<i>%</i>
Irish	19 000	27%
UK	6.900	10%
Polish	11 900	17%
Lithuania	6 300	9%
Other accession states	8 200	12%
Rest of EU	7 100	10%
USA	1 600	2%
Rest of the World	9 000	13%

Source: CSO, cited in *Irish Times*, 15 September 2005

As Table One illustrates, only 13 per cent of immigrants, or 9,000, came from the “rest of the world” – down from 14,900 the previous year and 17,700 in 2003. This puts paid to the notion that the Republic is “flooded” with illegal immigrants and asylum seekers, whose numbers have gone down from a peak of 11,634 in 2002 to 4,766 in 2004, and 4,323 in 2005, due, primarily, to increasing numbers (over

4,000 per annum in 2004 and 2005) being refused leave to land to present asylum applications (Humphries, 2005b; Mac Cormaic, 2005).

According to earlier CSO figures, between 1995 and 2004 there were some 489,000 immigrants (Ruhs, 2005a: Table A2, 109). Piaras Mac Éinrí's (2003a, 2003b) analysis shows that in-migration figures are mostly made up of returned Irish emigrants (whose number peaked at 27,000 in 2002, according to Ruhs), high-skill workers, 'counter culture' immigrants, and retirees. In 1996, Ireland reached its 'migration turning point' and has been a country of in-migration ever since: net migration went from minus 1,900 in 1995 to 31,600 in 2004, peaking in 2002 at 41,300 (Ruhs, 2005a: 109). Of these in-migrants, the proportion of non-Irish migrants from outside the EU-15 increased from 13 per cent in 1987-9 to 36 per cent in 2002-4. Non-EU-15 immigrants constituted 57 per cent of all non-Irish immigrants arriving in Ireland in 2002-4, up from 36 per cent in the late 1980s. According to the 2002 census, there were 88,500 non-EU-15 nationals usually resident in Ireland, about 2 per cent of the total population (Ruhs, 2005a: 9).

Assessing the impact of EU enlargement on immigration to Ireland, Ruhs (2005a) writes that during 2000-4, EEA nationals constituted almost half of non-Irish immigrants and almost two thirds of all non-Irish nationals living in Ireland. Since accession state nationals are not required to register in Ireland, precise figures are impossible to assess; however, data from the Department of Social and Family Affairs indicate that 130,000 PPS numbers have been issued to workers from the new EU member states since May 2004. But it is not clear how many of these workers are newcomers rather than migrants who were already working in Ireland illegally before May 1st, 2004, and who used EU enlargement to regularise their status (Ruhs, 2005b). We discuss specific labour migration figures later in the chapter.

The 2002 census also returned religion figures which indicate a fall in the percentage of Catholics from 91.6 per cent in 1991 to 88.4 per cent in 2002, and a substantial increase in the number of Muslims from 3,900 in 1991 to 19,100 in 2002. The Orthodox community grew from 400 in 1991 to 10,400 in 2002 and even the number of Jews, in decline since the 1961 census, has shown a small increase, from 1,581 in 1991 to 1,790 (Cullen, 2003a, 2003b). In addition, there has been an exponential growth in African-led churches: while in 2001, the multicultural monthly *Metro Eireann* reported 40 African-led churches, in 2003 a report by the Irish Council of Churches estimated the number of African immigrants in what it called 'Black Majority Churches' at 10,000 (Ugba, 2003: 10-1).

Asylum seekers constitute about 10 per cent of all immigrants.⁵ Irish asylum applications figures went up from 39 in 1992, peaked at 11,632 in 2002 and declined to 7,900 in 2003 and 4,700 in 2004 (see Table Two below). We write in detail about the asylum process below, but it is worth noting Steven Loyal's claim that asylum seekers 'have the least entitlement to social and material resources... they are the most disempowered group, since they lack the right to work and their access to education and training is severely limited... they are marginalised, excluded, poor, and, in many respects, they lack freedom' (Loyal, 2003: 79).

Despite this, many members of the Irish public are under the apprehension, not only not denied outright, but *encouraged* by officialdom, that asylum seekers are ‘90 per cent bogus’,⁶ and that they ‘take Irish jobs’. The fact is that most are not officially allowed to work, even though we have anecdotal information that increasing numbers work in the informal economy, paying no state taxes and receiving no benefits.⁷

As Martin Barker (1981) argued in relation to Thatcher’s Britain, where the government denied racism while speaking of the country being ‘swamped’ (a claim re-stated by British politicians during the 2005 British election campaign), facts and figures seem to make little difference when metaphors of ‘flood’, ‘crime’, ‘problem’ and ‘fraud’ in relation to asylum and immigration are used by politicians and the media (see Guerin, 2002: 93-6; see also chapter 6 for a discussion of urban legends in relation to asylum seeker women).

The law in the service of the racial state

The law is central to Goldberg’s theorisation of the modern racial state as a technology of racial rule, promoting racial categorisation and identification, and shaping national identities through legislating on citizenship rights and immigration controls (Goldberg, 2002: 141-7; see also chapter 5). Since the neutrality of the law is no guarantee of equal treatment, constitutions might be suspended (or not extended) in relation to racially defined populations. While ‘the narrowing of social heterogeneities in the name of racial conception is not something simply or merely ordered by state instrumentalities’ (Goldberg, 2002: 149), we want to suggest that Irish racial historicism regards non-Irish others as inadequate candidates for citizenship defined as ‘full membership of the community’ (Marshall, 1950), employing patently racist legislation to control immigrants and indigenous minorities, while all the time denying racism – thus creating ‘racism without racism’.

Since coming to power in 2002, the Fianna Fail/Progressive Democrats coalition government has openly contested accepted definitions of populations. Thus in 2003 the Minister for Justice could claim that Travellers are not an ethnic group (see chapter 8). Thus too the Minister’s claim that citizen children born to migrant parents have *certain, not absolute* rights to remain resident in Ireland, racially differentiating them from citizen children born in Ireland to non-migrant parents. This contestation became the basis for the 2004 Citizenship Referendum, supported by 80 per cent of the Irish electorate:

[The Citizenship Referendum] will ... ensure that Ireland is in a vital respect in a position to *manage* migration into the State in a sensible and proper fashion (Michael McDowell, 2004a, emphasis added).

It is important to contextualise our discussion of the politics of ‘managing migration’ in Ireland in the ‘global migration regime’, governed by neo-liberal ‘racial states’ and supported by organisations such as the International Organisation of Migration (IOM). This is a regime that ultimately aims to bring to an end the long-term settlement of non-nationals in Western societies. This casts a

long shadow on any serious prospects for globalised societies like Ireland becoming ‘multicultural’, perhaps not in reality, but certainly in state intent. While restrictive state immigration legislation and practice in Ireland which prevents asylum seekers and immigrants from gaining equal access to the state has historical antecedents (see chapter 7 for the history of restrictive immigration of Jewish people before, during and after World War II; see also Tracy, 2000), we now turn to discussing contemporary practices in relation to 21st century Ireland asylum and immigration politics in 21st century Ireland.

‘Telling cock and bull stories’? Seeking asylum in Ireland

There is a clear link between state sovereignty and the insistence by states on determining who is a refugee and who is entitled to enter their territory and become a citizen (Harvey 2003). States insist on making a distinction between ‘asylum seekers’ and ‘refugees’ even though this does not exist in the Geneva Convention. The notion of an ‘asylum seeker’ is invented by states in order to deny refugee status to many people who say they are refugees. Thus there are many people who may meet the UN definition of being a refugee and yet are denied recognition as such by states employing their own restricted and limited definitions of what constitutes a refugee.

Harvey concludes that refugee law, with its focus on the award of a status, leaves too much to the state to decide. The purpose is always to ‘secure national level protection’ (Harvey, 2003: 17), which of course makes nonsense of the Minister for Justice’s argument in the run up to the 2004 Citizenship Referendum regarding the need to harmonise Ireland’s so-called ‘generosity’ with citizenship standards of other EU member states. According to Lisa Schuster (2003: 244), states and media demonise asylum seekers to conjure up cheat, liar, criminal, sponger – someone deserving hostility not by virtue of any misdemeanour, but simply because she is an ‘asylum seeker – a figure that has become a caricature just as ‘Blacks’, ‘Jews’ and ‘Gypsies’ have been and still are’. This, Schuster argues, is part of a *racist asylum regime*.

The Irish 1996 Refugee Act, hailed as ‘progressive’ at the time of enactment, because it broadened the 1951 Geneva Convention definition of ‘refugee’ to include ‘membership of a particular social group’ extending to membership of a trade union, being either male or female, or having a particular sexual orientation, was superseded by the 1999 Immigration Bill and the 2000 Illegal Immigration (Trafficking) Act, and was itself amended on 15 September 2003. The amended 2003 Refugee Act focuses on issues of credibility of applicants, mandates finger printing of all applicants, makes provisions for detention, and disallows applications from countries designated as ‘safe countries’. The Department of Justice, Equality and Law Reform (DJELR) states that these amendments ‘are based on the experience of operating the Refugee Act... in particular in dealing with the high level of *unfounded and abusive applications for asylum* and the high number of “no shows” at interviews, which are tying up large amounts of resources which could be better used to provide support to *genuine refugees*’.⁸ The amended Illegal Immigration (Trafficking) Act, according to the Irish Refugee Council,

shifts the focus from identifying persons in need of protection, ‘towards techniques devised to *screen out as many applications as possible*’.⁹

In line with global and European asylum policies, asylum policies and practices in Ireland are restrictive, interpreting the 1951 Convention on the Status of Refugees in the narrowest possible way, despite the amended Refugee Act. This draws our attention to broader critiques of the refugee regime. The political theorist Hannah Arendt argued already in 1943 in a paper titled ‘We refugees’ published in a small Jewish periodical *The Menorah Journal*, that refugees are differentiated from citizens in that they have lost all rights to have rights by virtue of their expulsion from their communities and the refusal of other communities to let them in (cited in Agamben, 2000; see also Douzinas, 2000). In her discussion of the 18th century Declaration on the Rights of Man, Arendt (1975), says that human rights,

can always be justified by the pretext that right is equivalent to being *good or useful* for the whole in distinction to its parts. (Hitler’s motto that ‘Right is what is good for the German people’ is only the vulgarised form of a conception of law which can be found everywhere) (Arendt, 2000: 40, emphasis added).

Since states rarely consider refugees ‘good’ or ‘useful’, on the contrary they are seen to present ‘problems’ for state sovereignty and state boundary, it is unsurprising that despite a universal rhetoric of ‘human rights’, refugees are always considered temporary in the expectation that most – and this includes invited ‘programme refugees’ (see Ward, 1999) – will eventually return to ‘where they came from’. Bauman poignantly theorises refugees (particularly those refugees who never reach the west and are herded into refugee camps in the Majority World) as,

human waste, with no useful function to play in the land of their arrival and temporary stay and no intention or realistic prospect of being assimilated and incorporated into the new social body; from their new present place, the dumping site, there is no return and no road forward (Bauman, 2004a: 77).

Naturally, this does not mean that refugees or asylum seekers must be seen merely as passive victims of racial states; rather asylum seekers, who voyage across the world, often in hazardous conditions, are courageous active agents of their own fate. However, although in principle those who are granted refugee status are candidates for citizenship, state agencies in Ireland, such as the Reception and Integration Agency (RIA) continue to dub them ‘refugees’ in talking about their ‘integration’, long after granting them status (DJELR, 2001).¹⁰

That Ireland has become part of a ‘global migration regime’ explains the impetus to demonise people seeking asylum in Ireland as ‘bogus refugees’, ‘economic migrants’ or ‘illegal immigrants’ (see Guerin, 2002 for a discussion of media discourses on asylum seekers in Ireland), to stem their flow, to prevent them from landing to present their asylum applications, to accommodate them in dispersal centres, detain them, and finally deport them.¹¹

Table Two records the official asylum figures for Ireland – these show a marked decline over recent years from a high in 2000.¹²

Table Two: Asylum applications in Ireland 1992-2005

Year	Number	Year	Number
1992	39	1999	7724
1993	91	2000	10 938
1994	362	2001	10 325
1995	424	2002	11 634
1996	1 179	2003	7 900
1997	3 883	2004	4 766
1998	4 626	2005	4 323

Source: Office of the Refugee Applications Commission 2006

Table Three throws more light on the detail of the asylum process over recent years.

Table Three: Asylum process applications 2003 and 2004

<i>Of 7900 asylum applications in 2003:</i>		
Refugee status granted	345	4.2%
Refused	5 841	73.9%
Deemed withdrawn	1 123	21.8%
<i>In 2004 7412 applications were considered. Of these:</i>		
Refugee status granted	430	6.2%
Refused	5 149	71.2%
Deemed withdrawn	1 562	22.6%

Source: ORAC Annual Reports 2003 and 2004

As minister in charge of the asylum process, Michael McDowell has shown little regard for the rights of people to apply for asylum in Ireland. In May 2005 in response to a parliamentary question about the high cost of deportations, he claimed that asylum seekers tend to tell 'cock and bull stories', stating he 'would prefer to interview these people at the airport, but the UN insists that I go through due process' (Holland, 2005a: 10). Alongside this disdain for the principle of protection of refugees, the actual process of decision making is far from transparent. In 2003 only 4 per cent of asylum seekers were granted refugee status in the first instance, and 11 per cent were granted status on appeal. This is significant in view of the refusal by the Refugee Appeals Tribunal to issue statistics on decisions or make their decisions public. Considering the discrepancies between different tribunal members, in May 2005 a founding member of the tribunal called for the publication of its decisions to allow for a consensus about best practices (Coulter, 2005a: 5).

Deirdre Coghlan (2003) documents the trajectory from the paternalistic approach to programme refugees, conceived as ‘deserving and rights-bearing’, by the Department of Foreign Affairs (DFA), to the restrictive approach to asylum seekers, regarded as ‘undeserving, fraudulent and criminal’, by the DJELR. However, Coghlan stresses that criminalising asylum seekers as un-deserving is enabled by earlier DFA constructions of refugees as deserving and *entitled to help* under the Geneva Convention, but also by the dialectical self-glorification of the Irish as generous donors and helpers. While officially condemning racism, the everyday experience of racism is kept out of the debate, thus privileging the DJELR discourse. Furthermore, Coghlan argued in 2003 that her analysis demonstrates that the Minister of Justice intended to silence all alternative discourses until his plans were in place, as was evident from his standing down the Interim Board of the Refugee and Integration Agency, his failure to set up the Refugee Advisory Board provided for in the 1996 Refugee Act, and withdrawing the issue of asylum and refugee protection from the Partnership talks (Coghlan, 2003: 52-3), and, of course, the Citizenship Referendum.

The declared ‘success’ of policies of deterrence and prevention omits to mention the hardship the state heaps upon potential asylum seekers prior to embarkation, all in order to regain control and stem the flow of asylum application. In order to exert control over their boundaries, racial states, including Ireland, have developed regimes and sets of practices – including dispersal, detention and deportation, once only possible at war time and today considered ‘normal’ and ‘common sense’, as we now demonstrate.

Dispersal and direct provision

The Irish Government has made it clear that it will continue with its policy of ‘dispersal’ of asylum seekers: ‘It is *not* intended to discontinue the system of dispersal and direct provision in relation to asylum seekers which forms a key part of Government policy in relation to the asylum process’ (CERD, 2005: 17, emphasis added). While, unlike several other EU states, Ireland does not have a policy of systematically detaining asylum seekers, the 1996 Refugee Act as amended does provide for the detention of asylum seekers in certain circumstances (Fraser, 2003: 95), and asylum seekers are routinely detained in Irish prisons prior to deportation, as we document in chapter 5.¹³

Dispersal means that asylum seekers have no say where they live, making the formation of networks of family and friends near impossible. In Britain, the rationale behind dispersal is ‘sharing the burden imposed by asylum seekers’ (Schuster, 2003: 248). In Ireland, the rationale was the burden on accommodation in Dublin, where the majority of asylum seekers tended to congregate until the direct provision policy was introduced in 2000. According to a spokesperson of the Department of Justice (Fitzgerald, 2005a: 10), 8,000 asylum seekers are dispersed to 72 ‘accommodation centres’ outside Dublin two weeks after arrival, across 25 counties,¹⁴ on ‘direct provision’, a policy administered by the Reception and Integration Agency (RIA) since April 2000.¹⁵ In addition to basic accommodation and meals, each asylum seeker receives a paltry ‘comfort allowance’ of €19.10 per

adult and €9.60 per child per week, not raised since the allowances were first introduced in 2000. RIA openly admits that 19 per cent of those living in direct provision centres are Irish citizens (Reception and Integration Agency, 2005). 2004 figures show that one fifth of asylum seekers in direct provision have been resident in direct provision centres for between one and a half and two years, while a quarter have been in the system for more than two years (O'Brien, 2005a: 3). The majority of asylum seekers in Ireland are not allowed by the state to take up paid work and are denied access to third level education, regardless of their performance in the Leaving Certificate or their length of time in Ireland (Irish Refugee Council 2005).¹⁶ In fact, Ireland and Denmark, uniquely, have opted out of the EU-wide 'Reception Directive' which includes proposals granting (limited) access to employment to asylum seekers in the asylum process. All this makes asylum seekers, whose income is below 20 per cent of the national household average, 'the poorest of the poor', their presence marking 'the nadir of the putative values of the Celtic Tiger; they are marginalised, poor, and, in many respects, they lack freedom' (Loyal, 2003: 79).¹⁷

In some dispersal centres, dubbed Ireland's 'hidden villages' (Holland, 2005b: W4), asylum seekers are housed in rows of mobile homes on tarred surfaces. Food is basic and insufficient, and while some classes are provided, most residents have nothing to do all day. According to Salome Mgubua, development support worker in the Athlone direct provision centre, this results in asylum seekers feeling segregated and dehumanised – there is clearly no question of 'integrating' them. While asylum seeker mothers often suffer from depression and boredom, it is the men who experience greater difficulties, having been used to 'being providers and working' (Holland, 2005b: W4).

In April 2005 a group of five Nigerian women and their seven children were preparing to sleep on the street after the Office of the Refugee Application Commissioner (ORAC) refused to find them alternative accommodation to the hostel in Co. Limerick, which they argued was unsafe and unfit for children. RIA's response was to tell the women to go back 'home', and to insist that all hostels are regularly inspected, negating the women's claims as baseless (Fitzgerald, 2005a: 10).

Asylum seekers in Ireland are also excluded from social welfare provisions in relation to rent allowance.¹⁸ According to the Free Legal Advice Centres (FLAC, 2003), direct provision represents a departure from the normal Irish social welfare code, creating what Giorgio Agamben (1995, 2005) would call 'a state of exception', where asylum seekers are positioned outside the law, in a zone of indistinction between inside and outside. FLAC argues that direct provision contravenes the Equal Status Act, even though the Act does not permit a challenge to enactments by the government, further reinforcing the racial state. Peter O'Mahony of the Irish Refugee Council argues that the Irish state is enforcing and enabling 'policies of prevention and deterrence through the de facto exclusion of asylum seekers, while at the same time presenting the illusion of making earnest efforts at their integration' (O'Mahony, 2003: 135).

Despite the obviously desperate economic conditions individual asylum seekers are forced to live under, the state frequently complains that asylum seekers ‘cost too much’. Thus in December 2002, Minister McDowell reported the cost of the asylum process at €300 million, proposing to cut costs by ‘ensuring that newly-arrived asylum seekers in receipt of state benefits remain in officially provided accommodation under the “direct provision” system’ (Haughey, 2002). In 2003, according to the DJELR, the cost of the process had escalated to €353 million (Lally, 2004). However, this cost does not include governmental waste: between 1999 and 2003 the Office of Public Works acquired for RIA 11 properties to house asylum seekers, costing a total of €20 million (O’Brien, 2003; Cullen, 2003c), all of which remained unused by May 2005 (as reported by RTÉ’s *Prime Time* on 9 May 2005). However, in August 2005, responding to the decrease in the number of people seeking asylum, the government has closed nine direct provision centres which accommodated 500 asylum seekers (O’Brien, 2005b). Moreover, the main beneficiaries from the direct provision system are commercial management firms, catering companies, churches and hotel owners who in 2004 received €83 million for providing accommodation and ancillary services to 8,000 asylum seekers at 84 centres around the country.¹⁹ According to the Irish Refugee Council, ‘the direct provision system is a rich cash cow for a number of commercial operators... clearly some were quick to spot a commercial opportunity and the quality provided varies dramatically between centres’ (O’Brien, 2005a: 3).

These criticisms notwithstanding, in its response to CERD, the state justifies the dispersal and direct provision policies which it has no intention to discontinue, while declaring its commitment to improving ‘standards, efficiencies and linkage’ – as part of its regulatory approach to the management of its asylum seeker others (CERD, 2005: 19).

Deportations

In March 2005, 35 Nigerians, described by the state as ‘failed asylum seekers’, were deported from Ireland, including several ‘aged out’ unaccompanied minors and at least two mothers deported without their children. These deportations and the popular mobilisation on behalf of the deportees which ended with the returning to Ireland of one young Nigerian, Olunkunle Eluhanla (Healy, 2005a), have occasioned new public debates on asylum and deportations. If in the past deported asylum seekers drew only the attention of anti-racist organisations such as Residents Against Racism, this time, assuming a name, a history, and a specific ‘story’, and reported in the Irish media in sympathetic and emotional terms, these deportees were no longer just faceless items of ‘human waste’ (Bauman, 2004a).

However, far from being a humanitarian response to popular protest, we argue that returning Olunkunle Eluhanla was more about the Irish ‘us’ and about the integrity of ‘our’ immigration, asylum and deportation systems, than about the Nigerian ‘other’. The Minister for Justice seemed more concerned about Eluhanla’s classmates not being able to study for their Leaving Certificate than about the young man, deported to Lagos without family, friends or means of support. Moreover, Eluhanla was allowed back to Ireland only temporarily: having

sat his Leaving Certificate, Eluhanla said on RTÉ in August 2005 that he was still facing deportation. The Minister for Justice insisted that this was a never-to-be-repeated case and that if he was to act on the 'length of petitions', the fact that some deportees were academically gifted, or the fact that they had become involved in local community groups, he 'would have a *totally chaotic deportation system*' (Reid, 2005: 7).

In Ireland, before the enactment of the 1999 Immigration Act, the Minister for Justice's power to deport non-nationals was based on the 1935 Aliens Act and the 1946 Aliens Order, rendered 'beyond the scope' only in 1999 with the enactment of the Immigration Act. The amended Refugee Act and the Immigration Act enabled increasing numbers of deportations: from 146 in 2000, 278 in 2001, 521 in 2002, to 1,528 in 2003 until 16 October. In 2004 a total of 599 deportations were carried out from 2,866 deportation orders signed by the Minister of Justice. Top countries of origin (of recipients of orders/people deported): Romania: 647 orders issued and 250 people deported; Nigeria; 946 orders issued and 77 people deported; China: 166 orders issued and 18 people deported; Moldova; 134 orders issued and 57 deported. Since 1999, a total of 2,268 deportations have been carried out. Another 611 left the state voluntarily, bringing the total that have left the state (and informed the authorities) to 2,520 since 1999. In addition, 230 Dublin II transfer orders were signed and 65 were carried out (ECRE, 2001; Irish Refugee Council, 2005).²⁰

In *The Deportation Machine: Europe, Asylum and Human Rights* (Feckete, 2005), Liz Feckete, who documented 200 case studies, posits a deportation 'target culture', which results in brutal use of force in removals, often in violation of domestic law via powers granted to immigration officers, in the removal of protection from refugees fleeing conflict, in the contravention of the UN Convention on the Rights of the Child when deportation officials entered schools which become sites of deportations, and in overcrowded, poor and unsanitary conditions in pre-deportation detention centres.

The March 2005 deportations, in which immigration officers entered schools and allegedly behaved aggressively, upsetting pupils and teachers, demonstrate the Irish state's resolve to continue its policy of targeted deportations, as per the coalition partners' commitment in the 2002 Programme for Government, to *increase the rate of repatriation* of failed asylum applicants... in order to *maintain the integrity of the asylum policy*. The London-based Institute of Race Relations has published a National declaration against Deportations of School Students, stating that 'Deportation affects a child's educational progress, health and well-being.... We are also deeply concerned about the detrimental effect on the wider school or college community when personal relationships are disrupted and friends are separated' (IRR News, 2005). However, responding to Dáil questions, the Minister for Justice justified the use of schools, because of 'the failure of parents to comply with deportation orders', insisting that while carrying out deportation orders, the priority is not to break up family units (again, combining the biopolitics of care with the reassertion of state sovereignty). While the Garda Complaints Authority was investigating the allegation of Garda aggression in carrying out

these deportations, the Minister for Education criticised the manner in which ‘Gardai lifted children out of school classrooms’ (O’Brien, 2005c: 10).

The imbalance between ‘the integrity of the asylum system’ and of ‘the deportation system’ was demonstrated in a *Prime Time* programme (9 June 2005), which followed two of the March 2005 deportees, Iyabo Nwanze and Elizabeth Odinsi, deported to Lagos, having been forced by immigration officers to leave some of their children behind. The two women were filmed having to share a two-roomed house in Lagos with six others; meanwhile, Iyabo’s eight year old son Emmanuel, forcibly left behind in Ireland, told the programme about having to move from house to house to avoid being taken into state care (Healy, 2005b: 4). Deportations are not only unjust, they are also costly. In May 2005 the Minister for Justice, responding to a Dáil question, admitted spending €50,200 to deport one person in 2004. By then, €1,628,201 has been spent since January 2002 to charter 13 planes to deport 376 people. This cost did not include Garda overtime. The Minister justified the use of charter flights in that they involve fewer Gardaí. During 2004, of the 599 people deported, 277 were on chartered aircraft and 322 on scheduled flights; 65 were removed to other states where they made their first asylum applications and 611 were removed under voluntary repatriation arrangements (Holland, 2005a: 10).

The language used by the media to report deportations makes them sound normal and ordinary; thus in July 2005 Paul Cullen of *The Irish Times* can write about asylum seekers being ‘sent back’ to Nigeria, and report in neutral language that ‘the pace of deportation is expected to accelerate as new fast-track procedures are implemented which provide for the processing of cases in six weeks’ (Cullen, 2005: 3). Plans for this kind of ‘simplification’ of the asylum process were further advanced by the Department of Justice in October 2005 (O’Brien: 2005f). The ‘simplification’ has, of course, the effect of further concentrating all immigration and asylum issues in one arm of the racial state. Thus, in the spirit of the racial state’s biopower, the government established the Irish Naturalisation and Immigration Service (INIS), a ‘one-stop shop’ for immigration, asylum, visas and citizenship services and ‘key linkages to the work permit system’ providing, according to the Minister for Justice, ‘a strong foundation for *better service provision* and the *enhancement of enforcement strategies* in these areas’ (Mac Cormaic, 2005, emphases added).

Even though only a minority of those issued with deportation orders are actually deported, EU states monitor neither the dangers faced by deportees on arrival, nor the inhuman and degrading conditions under which people are deported, which have led to several deaths in recent years (Schuster, 2003: 252). Schuster argues that from the state’s point of view, the reason for continuing deportations, despite the fact that they are expensive in both financial and human terms, is that they are both ineffectual and essential, confirming the lie that states can control their boundaries and ‘remove from their territory those without any right to remain’, which is necessary to ‘assuage public opinion, which would not view the state’s incapacity in this area with equanimity’. However, she argues that

the assumption that the threat of deportation creates fear and may persuade some to return ‘voluntarily’ is speculative (Schuster, 2003: 253).

Eithne Luibhéid (2004), contextualising the arrival of asylum seekers to Ireland in global restructuring, global capital accumulation, and global wars, argues that racial states *need* asylum seekers in order to ‘redraw racial and national boundaries that have become destabilised in the contemporary era’. We agree with Schuster’s critique of EU asylum policies that *all* controls are unacceptable, despite costs to receiving countries, and that protecting one’s identity is *not* a valid reason for denying people the opportunity to save or improve their lives (Schuster, 2003: 255).

Quite apart from deporting what the state terms ‘failed asylum seekers’, the Irish state, by deporting migrant parents of Irish children citizens, has effectively also removed Irish citizens to destinations where their safety cannot be guaranteed, as we now discuss in relation to the ‘Irish born child’ affair, which is worth documenting in some detail.

The ‘Irish born child’ controversy

One governmental strategy of racial states is re-assigning populations. Just as Travellers were no longer recognised by the Minister for Justice as an ‘ethnic group’ (see chapter 8), so too children born in Ireland to non-citizen parents were assigned a new category, that of ‘Irish born children’, racially differentiating them from children born in Ireland to citizen parents. In fact, a special unit (the IBC Unit) was established in the immigration division of the Department of Justice, Equality and Law Reform to deal with their parents’ residency applications. The relationship between the Irish state and migrant parents of children born in Ireland serves as an illustration of the use of the law in controlling the citizenship rights of migrant populations.

Until the 2004 Citizenship Referendum, all persons born in Ireland were Irish citizens, with Irish citizenship constitutionally granted to anyone who was a citizen of Saorstát Éireann (the Irish Free State) before the 1937 constitution. The 1956 and 1986 Nationality and Citizenship Act grants citizenship to anyone born in the 32 counties of Ireland, except ‘children of aliens entitled to diplomatic immunity in the State at the time of birth’. This right was further consolidated by the amended Article 2 of the Irish Constitution, as part of the 1998 Good Friday Agreement:

It is the entitlement and birthright of every person born in the island of Ireland, which includes its islands and seas, to be part of the Irish nation. That is also the entitlement of all persons otherwise qualified in accordance with law to be citizens of Ireland. Furthermore, the Irish nation cherishes its special affinity with people of Irish ancestry living abroad who share its cultural identity and heritage.²¹

What *was* new about the amended Article 2 of the Constitution is the explicit entitlement of all people born on the island of Ireland to membership of ‘the nation’, a rather nebulous entity. Called a ‘constitutional quirk’ or a ‘constitutional loophole’, the amendment meant, as was ruled in the 1990 Fajujonu case, that migrant parents of children born in Ireland had a claim to remain in Ireland to

provide ‘care and company’ to their citizen child. This process of application for permission to remain was overturned in January 2003 when the Supreme Court ruled in the Lobe and Osayande appeal, that ‘non-national’ parents no longer had a strong case to be allowed to remain in Ireland to bring up their child (Maddock and Mallon, 2003: 8). The Lobe and Osayande case involved two families of Czech Roma and Nigerian origin respectively, against whom deportation orders were made. In both cases, the parents claimed that their decision to remain resident was in the children’s best interest. The Supreme Court, however, privileged the State’s right to deport and the ‘integrity of the asylum process’ over these citizen children’s rights, although it did not rescind the citizenship right of persons born in the island of Ireland, nor did it have any impact on the decision of whether to recognise an individual as a refugee (CADIC, 2003).

The media debates following the January 2003 Supreme Court ruling exposed a host of contradictions. One contradiction is between nationality and citizenship. The *ius sanguinis*-based rights (rights based on blood, or ethnicity/heredity) to Irish citizenship allows up to third generation Irish emigrants to claim Irish citizenship, while at the same time, the state was contesting the *ius solis* citizenship rights (rights based on soil, or birth) accorded to children of migrants born in Ireland. According to Siobhán Mullally (2003), reporting migrant numbers as ‘spiralling out of control’ fed into an irrational fear of the ‘other’, creating a climate of insecurity within which racism and xenophobia flourish. These fears were most evident in the Minister for Justice’s attempt to deny the right of residency to migrant parents of children who have *ius solis* citizenship rights (by placing a question mark on these citizens’ ‘absolute’ rights of residency). The Minister also suggested that migrant parents may be coerced to bring their citizen children with them if deported, implying that Irish law would have extra-territorial effect and bind non-nationals living outside of Ireland while ‘Irish law has no such effect’.²²

However, most media responses to the Supreme Court ruling dealt with another contradiction, between two constitutional entities, ‘the nation’ and ‘the family’, termed in Article 41.1.1 of the Constitution as ‘the natural primary and fundamental unit group of Society’ (Bunreacht na hÉireann, 1937). The ruling juxtaposed the ‘integrity of the asylum process’ – interpreted as the right of the state to deport, and thus impose order by controlling the residency rights of migrants living within its jurisdiction – and the constitutional integrity of ‘the family’, which was never intended to have an exclusive ‘birth connection with Ireland’ (Binchy, 2003: 15).

Reading extracts from the court’s ruling in the L & O case (Maddock and Mallon, 2003; Coulter, 2003) is instructive in terms of the centrality of the law as a governmental technology deployed by the racial state. Thus Chief Justice Ronan Keane’s judgment upholds the rights of the state by insisting on the ‘inherent power of Ireland as a sovereign state to expel or deport non-nationals’. Justice Keane gave a socio-political, rather than legal interpretation to his ruling by stressing that while the ruling in the 1990 Fajujonu case was given at a time of low levels of in-migration, ‘the state could not be expected to disregard the problems which an increased volume of immigration inevitably created’. Upholding ‘control

in the face of the anarchic, of order in the face of disorder' (Goldberg, 2002: 94), Justice Keane ruled that the State 'was entitled to take the view that the *orderly* system of dealing with immigration and asylum applications should not be undermined by persons seeking to take advantage' of the system. Justice Susan Denham further argued that 'it does not follow from the rights of citizenship and residency of a minor child that the child is entitled to the society, care and company of his parents in Ireland...' If the *common good* requires it, Denham added, 'the Minister has the right to terminate the residence in Ireland of non-national parents of Irish citizens, leading to either the break up of the family or the *constructive* deportation of the child citizens' (Maddock and Mallon, 2003, emphasis added). By creating a new category of 'constructive deportation', Justice Denham prioritised the racial state over the individual citizen and her family. According to Mullaly, this ruling proves that 'the protection of a child's claim to reside within a State (is) made dependent on the legal status and behaviour of her or his parents... in place of a concern with the child's best interests, the State substitutes its own interest in immigration control'.

In the wake of the ruling, on 19 February 2003, the Minister of Justice removed the process whereby an immigrant parent could apply to remain in Ireland solely on the grounds of having a citizen child. Non EU migrant parents would now only be entitled to apply for residency after a deportation order had been issued. In the summer of 2003 letters began being issued by the DJELR to parents whose residency applications remained pending on 19 February 2003.²³ To show its determination to execute the deportations, in September 2003 the DJELR hired 150 staff seconded from other government departments to its new 'IBC unit' to process pending residency claims from immigrant parents of citizen children (Breen, 2003: 4).

The abolition of the process resulted in 11,500 migrant parents of Irish citizen children becoming candidates for deportation as of July 2003. Resulting from an initiative by AkiDwA, the African Women's Network, The Coalition Against Deportation of Irish Children (CADIC) was assembled to campaign against the deportations.²⁴

For a period of almost two years, the Minister for Justice declared his unwillingness to reverse his decision or entertain any policy recognising en masse migrant parents of Irish children who had lawfully applied for residency. Not only did the government refuse to grant residency to migrant parents, but among the 341 people deported between 2002 and February 2005 there were at least 20 citizen children who, the Minister for Justice argued, were *voluntarily* taken out of the country by their deported parents (Dáil Question, 16 February 2005). These figures, the Minister said, were 'infinitesimal' compared to what was now 16,000 non-national parents of Irish citizen children and they 'give the lie to the suggestion that I am busily deporting these people on a wholesale basis' (O'Halloran, 2004). As late as November 2004 the Minister said in reply to a Dáil question that any amnesty for parents seeking residency on the basis of having an 'Irish-born child' would cause 'chaos' (O'Brien, 2004: 7).

However, rhetoric aside, on 15 January 2005, six months after the state won the Citizenship Referendum with a majority of four to one, the decision was reversed and the Department of Justice, Equality and Law Reform announced the details of new administrative arrangements for parents of Irish children, born before 1 January 2005 to apply for residency in Ireland.

By 15 June 2005 17, 877 applications were received, of which just over 7,000 people have been granted leave to remain and 40 were refused (the reasons given or refusal were mainly people who had applied but were not resident in Ireland, people who could not prove that they were a parent of an Irish child, serious criminality etc. See Onyejelem, 2005a). According to CADIC (email communication), the Minister's statement (14 June) that 95-97 per cent of the applications would receive a positive decision, could not be confirmed by the IBC Unit, who nevertheless stated that it was a 'reasonable estimate'.²⁵

What was the reason for this *volte face*? In the case of the reversal of the deportation of Olunkunle Eluhanla the Minister responded to the pleas of protesting school children, not wishing to risk government unpopularity; in the case of migrant parents of Irish citizen children, even though the Minister did not explain this reversal of fortunes, it seems more probably connected to the huge cost of potential court cases by migrant parents than to humanitarian reasons. This was symptomatic of a wider dynamic in the politics of migration. Irish immigration law leaves huge arbitrary powers in the hands of ministers, without sufficient intervention from the legislature, thus breaching the separation of powers, vital for democracy. Legislation on immigration matters is regularly passed hurriedly in response to individual cases and crisis situations (Bacik, 2004b: 192-4).

The Citizenship Referendum

In 2004, having (as it transpired, temporarily) closed the route of residency to migrant parents of citizen children, the Irish state next held a referendum aimed at reversing its *ius solis* citizenship access and, for the first time in 83 years, make blood and heredity the cornerstones of Irish citizenship. The Referendum's main rationale – couched by the state in persuasive discourses of 'common sense' and 'the integrity of Irish citizenship', under the heading 'citizenship matters' – was that because Ireland's citizenship laws were superior to those in all other 24 EU member states, they were being exploited. The Minister for Justice was keen to emphasise that the proposed change was *antiracist*, rather than racist: 'the greatest contribution to racism and xenophobia would be if it was perceived that the Government could not control immigration' (Coulter, 2004b: 13). Despite the 2003 Supreme Court ruling denying migrant parents of citizen children access to residency, the Minister said 'it became clear that citizenship was still acting as a pull'.

The government also employed the case brought by Mrs Chen, a Chinese national residing in the UK who chose to have her baby in Northern Ireland, who won a European Court recommendation to be allowed to reside in Britain having had an Irish citizen child, as further justification for the need to defend Irish citizenship from abuse (Bacik, 2004a; Coulter and Brennock, 2004). It bears

emphasis that in Mrs Chen's case there were no resource implications whatsoever for the Irish state. (There were arguably resource implications for the northern state, although since ultimately these were met by the British exchequer, it didn't make much difference in cost terms whether the baby was born legally in Belfast or London). This moves us to argue that the Irish racist state was born out of a perceived obligation by the clientalist Irish Republic towards the integrity of racist immigration and citizenship policies in Britain and the EU.

Although the state varied its arguments to justify the Referendum, throughout the campaign 'non-national' women, allegedly arriving at the late stages of pregnancy (although no satisfactory figures were produced before the referendum), were highlighted as *intentionally* mothering the next generation of Irish citizens, as we argue in chapter 6.

The Citizenship Referendum was a crucial point in turning Ireland from a racial state to a racist state in which citizens are differentiated from non-citizens. It was an act of political brutality presented as a 'commonsense' measure. Like the Nuremberg Laws in Nazi Germany and the 'Jim Crow' laws in the US and the Apartheid Laws in South Africa, it 'denationalised' people, it *stripped* people of rights and citizenship – the pathos of this act was only heightened by the fact that most of the people so disenfranchised were children. In doing this the Referendum created a bizarre new category of people who remain 'part of the Irish Nation' yet have had their right to citizenship removed.²⁶ These people – currently all children – remain 'part of the nation' as a 'birthright' since Article 2 of the Constitution was not amended, but are now deemed to have an 'insufficient connection' to the island to 'qualify' for citizenship. Ireland had thus created its own version of Agamben's *homo sacer* – people reduced to 'bare life' stripped of all legal and civil rights (1998). Both despite and because of its racist implications, the Referendum was carried by a majority of four to one. The Irish Republic had consciously and 'democratically' become a racist state.

Notes to Chapter Three

¹ Written answer to Dáil question no. 1235 by Minister of Justice, Equality and Law Reform, Michael McDowell to Sinn Féin Dáil deputy Aengus Ó Snodaigh, 30 September 2003. This right to citizenship was, of course, removed by the Citizenship Referendum.

² The phrase comes from the title of a book first published in 1953 (O'Brien, 1964).

³ KNOW RACISM Information pack, Dublin: Department of Justice, Equality and Law Reform.

⁴ However, as Rebecca Chiyoko King-O'Riain (forthcoming) documents, the 2006 census of population will have an 'ethnic' question, asking respondents to reply to a question of their 'ethnic or cultural background'.

⁵ For some studies about asylum seekers see e.g., Fanning et al, 2000; Faughnan and Woods, 2000; The Irish Refugee Council, 2001, 2002a, 2002b, 2002c, 2002d; Kelly, 2001; MacLaghlan and O'Connell, 2000; McVeigh and Binchy, 1997.

⁶ As proposed by Brian Lenihan T.D. in answer to a Dáil question, cited by Myers, 2003.

⁷ Personal communication.

⁸ Press release, 12 September 2003, (DJELR, Emphasis added).

⁹ Irish Refugee Council, 'Amendments to the Immigration Bill 2002', (Dublin, press release IRC, 17 June 2003, emphasis added).

¹⁰ See Halilovic-Pastuovic (2003), on the continuing sense of alienation felt by Bosnians, brought to Ireland as 'programme refugees' in the early 1990s.

¹¹ Schuster documents the decrease in the number of asylum applications throughout the EU from 675,460 in 1992, to its lowest in 1996 (233,460) and up again in 2001 (374,586) (UNHCR, cited in Schuster, 2003: 238). European states – and Ireland is no exception – claim this decrease in the number of applications is a measure of the success of restrictive asylum policies, and not of the fact that fewer and fewer people are allowed to present their asylum application all across Europe.

¹² 1992 was the year in which Ireland first began to record the numbers of asylum applications, even though asylum seekers, for instance from Iraq and Iran, had been granted refugee status in previous decades.

¹³ McGee documents media reports of several cases of asylum seekers being detained prior to deportation (2003: 189-90).

¹⁴ 3 Reception centres, 63 direct provision centres and 6 self-catering centres. After 1 May 2004 the RIA states it would also open 'departure centres' for former asylum seekers from the new EU member states who cannot support themselves, in preparation for their 'repatriation' to their countries of origin' (Irish Refugee Council, 'Information Note on Asylum Seekers and Accommodation Centres,')

¹⁵ Operating under the aegis of the Department of Justice, Equality and Law Reform and replacing the Directorate for Asylum Support Services since April 2001 (O'Mahony, 2003: 132).

¹⁶ However, on 26 July 1999 the Irish Government permitted asylum seekers who had made their applications for asylum in Ireland during the previous 12 months to work. Thus, an initial group of some 2,100 asylum seekers were given the right to work on 27 July 1999. That number had increased to 3,241 by 30 June 2000 (Fanning et al, 2000).

¹⁷ It is worth noting that paradoxically, while most asylum seekers are not entitled to work, they *are* entitled to vote in local elections – another contradiction.

¹⁸ Section 13 of the Social Welfare (Miscellaneous) Provisions Act, 2003, provides a statutory footing for the exclusion of asylum seekers from entitlement to rent supplement (O'Mahony, 2003: 134).

¹⁹ Beneficiaries include both commercial companies and church organisations; among them are Mosney Irish Holidays PLC, estimated to have received €7.8m in 2004; Campbell Catering and Eurest (€6m); and the Victory Christian Fellowship Church (€2.5m) (O'Brien, 2005a: 3)

²⁰ Under the Dublin II Regulation, Ireland may request another state to accept responsibility for an asylum application and have it processed in that state, if the applicant had previously applied for asylum in that member state or was granted a visa or work permit in the member state. Similarly, Ireland receives requests from other states for the transfer of asylum applicants here (Irish Refugee Council 2006)

²¹ Bunreacht na hÉireann, 1937, 9th amendment (Dublin, 1998). Spain is the only other EU member state which accords citizenship to 'People born in Spain of foreign parents if neither of them has Spanish nationality or if neither of the parents' legislation confers a nationality to their children (www-spain-visas-com/Spanish-Citizenship-and-Spanish-Nationality-pag7.htm).

²² Letter obtained from CADIC of which Ronit Lentin was chair until December 2004.

²³ According to the CADIC Information leaflet, recipients of these letters were issued with different letters, some informing them that the procedure of application for residency due to parentage of Irish citizens was no longer available, and some informing recipients of the Minister's intention to deport them. The latter were informed they had three options: leave Ireland voluntarily within 15 working days, make themselves available for deportation, or make representations in writing within 15 days, setting out the reasons why they should be allowed to remain in Ireland (CADIC, 2003).

²⁴ CADIC's further objectives were: ensuring the constitutional rights of Irish children of migrant parents, calling for the right of residency to families of Irish children who made applications for residency prior to 19 February 2003, establishing transparent and human rights compliant procedures whereby all families of Irish children can apply for residency and finally, free legal assistance for families of Irish children facing deportation orders (CADIC, 2004).

²⁵ The breakdown of applicants was given as: 3,651 asylum seekers; 315 students; 1,259 work permit holders and 1,225 other (designated as spouses of work permit holders, or undocumented, people on tourist visas who had overstayed) (CADIC email communication, July 2005).

²⁶ Following the amendments associated with the GFA, Article Two of the Irish Constitution states: 'It is the entitlement and birthright of every person born in the island of Ireland, which includes its islands and seas, to be part of the Irish Nation. That is also the entitlement of all persons otherwise qualified in accordance with law to be citizens of Ireland. Furthermore, the Irish nation cherishes its special affinity with people of Irish ancestry living abroad who share its cultural identity and heritage'.

Global mobilities II: Migrant labour, the ‘Celtic Tiger’ and the Politics of Immigration Control

The Immigration Control Platform wants Europe to remain Europe, rather than becoming Africa or Asia... This business of diversity is preached at only one group – the West... We accept that Africa belongs to Africans, Asia belongs to Asians and Europe belongs to everybody... States today collude in the invasion of their own countries. That is strong language but it is a fact. Self-preservation is not selfish.
(Immigration Control Platform, 2005)

In the 1990s a new phenomenon appeared in Irish politics with the establishment of the Immigration Control Platform. For the first time, Ireland witnessed an organised and resourced anti-immigration lobby. In reality, however, the arrival of the ICP was more important in terms of what it presaged than its agency. Although initially aimed at immigrants from other EU countries, within five years of its inception, the politics of anti-immigration – discussed in chapter 3 – became central to mainstream Irish political discourse and the Irish state had adopted as policy the main elements of the ICP agenda. Thus the advent of a tiny organisation from the ‘lunatic right’ with risible electoral support symbolised the arrival of the Irish state in a radically different location within contemporary globalisation and the politics of migration. This chapter documents the centrality of labour migration to the development and prospering of the economic boom in 21st century Ireland before returning to the rise of anti-immigrant racism in Ireland.

Globally, the demographic impact of migration is relatively small. The United Nations Population Division estimates that around 175 million people are currently residing in a country other than where they were born (United Nations, 2002). While the number of migrants in the world has more than doubled since 1975 – with most living in Europe (56 million), Asia (50 million), and North America (41 million) – this still represents only 2-3 per cent of the population of the world. However, migration clearly generates a huge amount of political discussion and activity. It has defined the politics of citizenship in most first world countries. It continues to dominate political discourse within these states. It often becomes the key to populist racist political movements – from the One Nation party in Australia to the *Front National* in France to the Freedom Party in Austria. In this sense the arrival of the Immigration Control Platform in Ireland mimicked responses to migrant labour in other parts of the majority world.

People who migrate obviously come from multifarious backgrounds and move for multifarious reasons. At one end of this spectrum of migrant labour we find a stratum of key transnational workers – relatively well-paid and secure. Transnational corporations employ some 40 million people in foreign affiliates all over the world – more than half of these are in developed countries – with twice or three times as many people employed indirectly through related supply and service companies. At the other end of this spectrum, there are large numbers of people – particularly women – being trafficked through coercion or deception. According to the UN Convention against Transnational Organised Crime (2000): ‘Trafficking in persons shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability’. Perhaps as many as four million people are bought, sold, transported and held against their will annually (Stalker, 2005). Significantly, Sigma Hudda, UN Special Rapporteur on Trafficking in Women and Children, has recently argued that discussions of trafficking have become confused with those of migration. Conflating migration and trafficking leads to more draconian migration policies which work particularly against the movement of women (Wyllie, 2005).

The International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (New York, 18 December 1990) which entered into force on 1 July 2003, defines the concept of ‘migrant workers’ fairly broadly. Article 2 of the Convention states:

1. The term ‘migrant worker’ refers to a person who is to be engaged, is engaged or has been engaged in a remunerated activity in a State of which he or she is not a national.

The issue of migrant workers has always been central to the key mechanisms of the United Nations, whose concerns are represented within broad human rights legislation as well as more specific work. The International Labour Organisation (ILO) has a specific focus on migrant workers. At present the signatories to the Convention are confined to countries of out-migration – that is countries who want to see their citizens protected as migrant workers in the countries in which they work. Ireland is not a signatory despite its long history of out-migration. It bears emphasis that the Irish Government could make a key international contribution on migrants’ rights by becoming the first western country to sign and ratify the convention.

Migrant workers can be ‘immigrants’ or ‘refugees’ or ‘asylum seekers’ or ‘undocumented workers’, but most migrate because there is a demand for their labour power in the First World and underdemand (or serious under-payment) in their country of origin. They exist because of transnational market forces. In this sense anyone who migrates is an ‘economic migrant’. Even when people move explicitly for non-economic reasons – because of persecution or in the pursuit of better health care or for education, for example – they find themselves in a situation where they very quickly have to work; they become migrant workers. It is clear therefore that while there are important legal and professional distinctions between different categories of ‘non-citizens’ who come to work within particular

states, they are defined primarily in terms of their non-citizenship. They do not have full rights within the ‘gated community’ that is the modern western state, existing in varying degrees of uncertainty and rightlessness. So immigrants and refugees who have achieved status have a full right to remain but may not be offered or want citizenship. Migrant workers enter on a less certain and more restricted basis – they are *gastarbeiter* – tolerated only for as long as their labour power is of use to the receiving state. Further down the chain there are undocumented workers – who have ‘chosen’ to come in so far as the economically desperate can make a choice – rather as the Famine Irish ‘chose’ to emigrate to Britain and America. These workers begin to be bonded by the legal context in which they live and work. Finally, there are those workers who survive in varying degrees of unfreedom – bonded workers and sex ‘slaves’.

Although these people are very often constructed as ‘human waste’ (Bauman, 2004a) – they are migrants precisely because their labour power is of use to somebody. While they may be treated as human detritus by the state and society in which they live, they continue to be subject to exploitation, despite being vital to the economic survival of the ‘host’ country. For example, in the United States, undocumented workers cannot obtain Social Security numbers, but they still file tax returns. The Internal Revenue Service provides them with Individual Taxpayer Identification Numbers for this purpose (Stalker, 2005). The tax and immigration authorities are not allowed to exchange information. We can be fairly confident that this information is freely available to security apparatuses, but the separation ensures that the racial state’s immigration control logic never interferes with the capital logic of the need for undocumented workers working on or close to subsistence.

Furthermore, contemporary migration is characterised by several global restructuring mechanisms, including the expansion of the service sector (with increased opportunities for female labour, as we argue in chapter 6) and the downgrading of manufacturing jobs, leading both to an increasing demand for low-wage assembly jobs and/or a shift to off-shore production. These developments, and the entry of Third World women into the western labour market, have resulted, among other things, in the informalisation of the economy. However, as argued by Sassen (1998), this informalisation results from global economic restructuring, and is not created, but rather taken advantage of by migrants, who provide one source of labour within the new global conditions. ‘Informal’ here means lacking access to health and safety regulations, holiday entitlements, overtime rates and other rights associated with unionised labour (Bhattacharyya et al, 2002: 33). National governments, whilst secondary to global agencies such as the WTO and agreements such as GATT, play their role in the racialisation of labour, as we now argue in relation to Ireland.

Irish national policy context

The 2002 Irish Census showed that the number of foreign-born usual residents from countries other than the EU or USA has grown from around 25,000 in 1996 to nearly 100,000 in 2002. This marked increase indicates a large and relatively swift

transition in the Irish labour market associated with the ‘Celtic Tiger’. In a short time, Ireland moved from having an economy characterised by high unemployment and high levels of emigration – much of this directly associated with migrant work – to having one of the highest growth economies in Europe: Table Four shows the rise of people at work from a little over a million in 1970 to nearly two million in 2005. This encouraged the new phenomenon of migrant workers coming to Ireland to meet labour shortages associated with rapid economic growth.

Table Four: Population and employment 1970-2005

Year	1970	1980	1990	2000	2005
Population	2 950 000	3 401 000	3 506 000	3 789 000	4 130 000
Total at work	1 050 000	1 156 000	1 160 000	1 671 000	1 929 000
Unemployed	71 000	91 000	172 000	75 000	86 000

Source: CSO, cited in *The Irish Times*, 15 September 2005

There is a growing literature on the situation of migrant workers in Ireland. The UCC-based (and now defunct) Irish Centre for Migration Studies pioneered the work on this topic. The Equality Authority’s *Migrant Workers and their Experiences* (Conroy and Brennan, 2003) provides an overview of migrant workers experiences. Other statutory, research and voluntary organisations have made important contributions in terms of issues and policy (e.g., NCCRI 2002; Irish Human Rights Commission and NCCRI 2004; Immigrant Council of Ireland 2003a, 2003b; Cunningham et al, 2003; Kelleher and Kelleher, 2004; Migrant Rights Centre Ireland 2004a, 2004b; Hughes and Quinn, 2004; Ruhs, 2005).

The great majority of non-EU migrants coming to Ireland since 2000 are workers (some 110,000 in 2000-4, excluding arrivals from the new EU member states since 1 May 2004), followed by asylum seekers (approximately 45,000 applications during 2000-4) and students and dependents (for whom statistics are not available) (Ruhs, 2005: xi).

The Irish state began to develop policies in relation to migrant workers within a wider immigration policy fairly quickly. Piaras Mac Éinrí characterised this policy thus:

In recent years Ireland, with a growing demand for labour immigration, has begun to modify its own immigration policies. These policies are still largely grounded in legislation dating back to 1935 but have increasingly reflected a pragmatic and market-led approach with the introduction of special work visa/authorisation programmes for certain high skills immigrants and the widespread use of short-term work permits (with strong echoes of the *Gastarbeiter* regime of the 1960s) for other immigrant workers. However, the modalities of Irish policy, with strongly privatised elements, are at variance with the more statist approach followed in continental EU Member States, which emphasise the official management of migratory flows including the use of quotas. This again raises questions about future harmonisation (2002: 47-8).

In a report to The Equality Authority, Pauline Conroy and Aoife Brennan (2003) document migrant workers in 2003 at less than 2 per cent of the Irish labour force, hardly an 'influx'. By 2006, as Ireland became one of the three EU states to allow accession state citizens to work without work permits, the 159,300 foreign nationals in Ireland make up 8 per cent of the labour force, barely above the 7.3 per cent in the 15 pre-enlargement EU states (Coleman, 2006). Conroy and Brennan remind us that migrant workers who pay taxes and social security contributions and purchase goods and services, contribute to sustaining Ireland's economic growth process. Cunningham et al (2005) caution that official figures of work permits do not represent the full picture since the number of irregulars or not-yet-regularised workers in the Irish economy is unknown.¹ Although asylum seekers are not allowed to work as long as their cases are being 'processed', we know that many dispersed asylum seekers have disappeared from the asylum system, many returning to Dublin and working in the informal economy.

The key role of migrant workers in Ireland is increasingly integrated across policy areas. For example, the *National Employment Action Plan 2003-5* (DETE, 2003a) recognises the specific role of migrant workers. Similarly, a report by the Economic and Social Research Institute (ESRI) in association with the European Migration Network (Hughes and Quinn, 2004), notes the exponential growth in the number of work permits issued to non-EU migrant workers from 152 countries, and stresses that Ireland will be needing 50,000 immigrant a year over the next five years to sustain its economic growth (although in September 2005, Minister for Social Affairs Séamus Brennan said 50,000 workers from outside the state will be required for the next *twelve* years to main the current levels of economic growth, McGarry, 2005). The ESRI report recognises that immigrants tend to be socially isolated, living and mixing almost solely among their own communities and recommends that Ireland should accept the fact that immigration is likely to continue by addressing issues such as family reunification, integration and membership of political parties (Holland, 2005c: 7). Furthermore, a magazine article published in Poland in September 2005 titled 'Different to Paradise', described Ireland as a 'living hell' for migrant workers and spoke about serious problems experienced by many of the 60,000 people of Polish origin living and working in Ireland, including a number of suicides, Polish people experiencing depression or sleeping rough in Dublin, and many working for below the minimum wage and finding it difficult to survive (Scally, 2005).

The situation of migrant workers has also been the focus of some broader political discussion. For example, in 2003 former president Mary Robinson attacked Ireland's temporary work permits system, claiming it creates a situation which resembles 'bonded servitude' (Reid, 2003). The Irish Times responded to this intervention with a strong editorial in support of migrant workers:

When former president, Mrs Mary Robinson, speaks out against Ireland's temporary work visas system and describes it as resembling 'bonded servitude', citizens should pay close attention. It is not the first time a permit system that allows unscrupulous employers to exploit workers has been brought to the attention of the Coalition Government. But there appears to be

a deep-rooted reluctance to improve the conditions for these temporary workers, lest they become permanent.... The State needs immigrants. Just as the efforts of Irish emigrants helped to build the economies of Britain and the US, so these workers have created wealth here. In the past, many Irish emigrants were rewarded with citizenship in a new country. In the same way, these workers deserve a stake in our society. By treating them as temporary rather than permanent workers we are creating long-term problems. Some will choose to return home. But the majority have come here to make a better life. They deserve fair treatment (Irish Times, 2003).

Although some commentators – including several media pundits – have been less supportive of the rights of migrant workers, by and large the positive contribution of migrant workers is recognised by the state, employers’ organisations, trade unions and the voluntary sector. But this positive contribution is largely constructed in terms of people as human capital – ‘we’ need ‘them’ for our hospitals, for our ‘shit work’, to feed the Celtic Tiger. The effect that migration has on ‘them’ as people, and on the families and countries that sent them is rarely addressed. Thus, for instance, lip service is paid to the huge contribution that Filipino nurses make to the Irish health service but little attention is given to the effect that this has. In 2001, some 14,000 Filipino nurses headed for 31 countries. The Philippines has around 7,000 nursing graduates a year with up to three times that many overseas departures. Nurses earn \$150 a month in the Philippines compared to \$2,000 or \$3,000 a month abroad. Even Filipino doctors have been enrolling in nursing schools so they can emigrate (Stalker, 2005). However, the price paid by society in the Philippines and by individual Filipino families is rarely part of the picture. Roughly two thirds of Filipino migrant workers are women and many Filipino children grow up in divided households, where geographic separation places children under serious emotional strain. Furthermore, it is impossible to overlook the significance of migrant labour to the Philippine economy: some 34-54 per cent of the Filipino population is sustained by remittances from migrant workers (Salazar Parreñas, 2003: 39).

Moreover, the exploitation of migrant labour which lies at the heart of the process rarely surfaces, as the following quote from a study of Lithuanian migrant workers in Ireland demonstrates:

I was a ground worker and used to get 65 euro a day. Then, I asked my boss to give me a rise. I asked him for 80 euro a day, but he didn’t agree. He offered me 67 euro. In the end, he agreed to pay me 75, but I had to work during all the weather conditions: snow, rain, or earthquake – it didn’t matter. The Irish used to get 600 euro on the cheque. My wage was 375, and they used to laze around while I had to work for the three of them (Petras, cited by Diana Boldesvaite, 2005: 38).

In 2005 the Turkish company Gama Construction became the quintessential example of the process of hiring and exploiting migrant workers in Ireland, through a welter of negative publicity. This company has built – literally – the infrastructure to power the Celtic Tiger, carrying out major Irish state projects besides building power stations and major roads, on the backs of migrant workers paid at below minimum wage (RTÉ News, 2005a, 2005b, 2005e, 2005g, 2005h).

Gama appears in Table Eight as one of the largest employer of migrant workers in the state. Yet, the company was investigated by the Department of Enterprise, Trade and Employment after it was revealed that it had paid migrant workers below the minimum wage while secreting millions of Euro in pay in bank accounts in Holland which workers were unaware of. A trawl through the media coverage of the case shows collusion by the state, when officials in the Department of Enterprise, Trade and Employment did not find anything wrong with the company and when the company received 1,000 work permits to which it was not eligible (see e.g. Dooley, 2005a, 2005b).

Also in 2005, the case of Mrs Orge attracted a similar level of media interest (see e.g., Dooley, 2005c; Siggins, 2005). Mrs Orge was a Filipino worker with Irish Ferries, employed to work 12-hour shifts seven days a week for just over €1 an hour with only three days off each month (RTÉ News, 2005c, 2005d). This level of pay was less than half the rate set by the International Labour Organisation, which regulates wages for seafarers.² These horror stories, however, tend to mask the routine, structural exploitation of migrant workers which is endemic to the Irish labour market.

Conroy and Brennan's study illustrates that while the state is in need of migrant workers in many sectors, and while many migrant workers they interviewed were satisfied with their circumstances, most experienced discrimination. Those at the lower end of the employment hierarchy (e.g., agricultural workers located in isolated areas or single nationality teams) were paid below the minimum standards of pay; their English was poor to non-existent and their working days very long. In addition to workers with work permits or visas, Conroy and Brennan found workers without permits/visas, workers who had tried to switch employment (permits/visas are granted to employers, not workers), and migrant workers experiencing loneliness wishing to have their spouses and families join them, but were not permitted to do so. In addition, they found that migrant workers rarely used public services or Irish voluntary organisations and did not experience a strong support infrastructure: none of those they interviewed received materials in their own language and thus had limited knowledge of their rights and obligations. While the Irish health system relies on migrant workers in nursing services, in many cases migrant nurses' contracts were breached, wages were not paid and workers were harassed, despite investment in induction, diversity training and mentoring (Conroy and Brennan, 2003).

Cunningham et al highlight the contradictions involved in the work visa/permit/authorisation regime, and the exclusionist, racist policies operating within the Irish state in relation to migrant workers. Their study of the experiences of some migrant workers in the retail trade in a small Irish town, mostly in mainstreet shops, found that policies are based on a collusion between state and business, the 'natural result of a neo-liberal and market driven environment', and that 'the psycho-babbling concept of multiculturalism being proposed in the Irish context fails to address existing problems and may even be creating problems for the future' as it creates serious moral burdens which would be difficult to justify in

the light of the abuse and discrimination migrant workers experience (Cunningham et al, 2003: 3).

The Migrant Rights Centre Ireland (2004a) has called for the Irish Government to protect migrant workers whose employers fail to renew their work permit without a valid reason. The MRCI stated that while the Department of Enterprise, Trade and Employment (DETE) deals with such situations on a case by case basis, there is a need for a standard procedure that is communicated to both migrant workers and their employers. The MRCI has stressed the need to protect migrant workers who are from outside the enlarged Europe region living and working in Ireland, as well as workers migrating from the new accession countries.

Who are migrant workers in Ireland?

On the one hand, the Irish state works with its own restrictive notion of who is a migrant worker in Ireland – essentially those on permits, visas or work authorisations provided by the state. On the other hand, the Migrant Rights Centre Ireland works with the UN definition in an Irish context. However, this definition is also problematic – particularly because of the specific working rights of EU and EEA nationals within Ireland (and other EU countries), broadly in accord with those of a ‘national’:

All European Economic Area (EEA) nationals are allowed to work in any European Union country without requiring Work Permits (DETE, 2003: 6).³

Moreover, although overseas students who work are excluded from this definition of migrant worker, in the Irish context, as elsewhere, these students are often a core part of the migrant worker population.

Certainly, it is clear that, with the exception of undocumented workers, the most vulnerable migrant workers are ‘non-EEA nationals’ whose status is characterised by the absence of full rights to work in Ireland, requiring differing types of permission depending on their circumstances. Broadly speaking, there are two main methods of acquiring specific permission to work in Ireland. The first is the Working Visa/Work Authorisation scheme. This scheme was introduced to facilitate the recruitment of qualified people from non-EEA countries for designated sectors of the employment market where *skill shortages* are acute. This makes it possible for prospective employees with job offers from employers in Ireland to obtain immigration and employment clearance from Irish embassies and consulates in advance of arrival. These arrangements cover ‘information and computing technologies, construction professionals, and a broad range of medical, health and social care professions’. The second method of employing non-EEA nationals in Ireland is to apply for a Work Permit. Work permits are issued by the Department of Enterprise, Trade and Employment to employers as permission to employ non-EEA nationals, and as such they are non-transferable. Employers are in theory obliged to have made ‘every effort’ to employ an EEA national before a work permit is issued (DETE, 2003: 6-7).

This situation was further complicated by EU enlargement. From 1 May 2004 new EU member state nationals no longer required work permits to work in

Ireland. A substantial though indefinite proportion of migrant workers in Ireland currently come from new EU member countries.⁴ There is some evidence to suggest, however, that while these workers have benefited from an enhanced and simplified right to work in Ireland, other migrant workers are being explicitly disadvantaged by this process:

The Department of Enterprise, Trade and Employment, in accordance with the EU Accession Treaty, will henceforth give preferential consideration to work permit applications received in respect of accession state nationals.... *All employers are strongly encouraged to source their potential work permit requirements from this expanded pool of labour.* The Department will return *new applications* received for Non-Accession State nationals where it is satisfied from experience that the position may be filled by Accession State nationals. This announcement does not apply to applications for the renewal of work permits, spouses of persons on work permits, or to workers who are now between employers (DETE, 2004, emphases added).

Indeed, Martin Ruhs argues that there was a reduction in the number of work permits following the EU enlargement: the number of new permits issued for the first three months after the EU enlargement is the lowest it has been since 1999. However, the opening up of the labour market to accession countries reduced, but did not eliminate employer demand for work permits for workers outside the enlarged EU (Ruhs, 2005: 44-5).⁵

The ‘habitual residency condition’ (HRC) which came into effect on 1 May 2004 further disadvantages most migrant workers in Ireland. The HRC was an Irish Government response to the decision of the UK government to restrict access to welfare after the accession of new EU member states on 1 May 2004, and was therefore a poignant example of the racialised consequences of the ‘Common Travel Area’ between Ireland and the UK. It placed conditions for access to social assistance payments in Ireland based on an individual’s ability to prove that there is a degree of ‘permanency in relation to their residence and intention to reside in the state’. Two years residency in Ireland up to the date of application for assistance is a minimum condition for qualification.⁶ The existence of the HRC clearly constitutes another layer of ‘bonding’ of migrant workers in Ireland – particularly those who are resident in Ireland for less than two years and find themselves out of employment for some reason, and those from EEA countries who came to Ireland to seek work prior to EU enlargement, as the following quote demonstrates:

I was working illegally for maybe half a year after arrival. It was scary! I worked a lot more than needed. I was running around like a lunatic all the time. I tried to work really hard so that they would not sack me. It was hard to find a job at the time and that’s why I tried to do everything to keep it. When I got a work permit, I felt a lot freer. I didn’t have to work so hard and nobody said anything to me anymore. Before receiving the work permit, I didn’t have a free minute. I constantly had to do something. I could feel the difference when I got it (Laimis, cited by Diana Boldesvaite, 2005: 47).

So the category ‘migrant workers’ is certainly not homogeneous in Ireland. Even those recognised as migrant workers by the Irish Government are divided into very

different categories – those on work permits, on work visas and on work authorisations. There are also students from outside the EU who can work part time (and who often work more than part time or work in more than one job). In terms of the broader notion of migrant workers, it is clear that some migrant workers have many more rights than others. The status of migrant workers can range from British citizens working in Ireland – with effectively the same rights as an Irish citizen, to ‘undocumented workers’ – with effectively no rights at all.

Migrant workers in Ireland: A demographic profile

We get a general impression of the broad characteristics of the migrant worker population in Ireland from Department of Enterprise, Trade and Employment statistics, notwithstanding the narrowness of the departmental definition. These statistics detail country of origin, county worked in, employment category and employers using workers on work permits.⁷ Table Five shows the numbers of permits issues and illustrates the marked decline in numbers of migrant workers *on permits* between 2003 and 2004. It is worth emphasising that this reflects the change in the status of migrant workers from new EU member states rather than an absolute decline in numbers of migrant workers. Since these workers no longer require work permits, they are no longer enumerated in these statistics.

Table Five: Permits Issued - Ireland: 2003, 2004, 2005

	<i>New</i>	<i>Renewals</i>	<i>Group</i>	<i>Refused</i>	<i>Issued</i>
2003	21 965	25 039	547	1 838	47 551
2004	10 020	23 246	801	1 486	34 067
2005	7 354	18 970	812	1 215	27 136

Source: Department of Enterprise, Trade and Employment

Table Six illustrates the primary countries of origin of migrant workers nationally.

Table Six: Permits issued by nationality 2005

<i>Nationality</i>	<i>New Permits</i>	<i>Renewals</i>	<i>Issued</i>
Philippines	974	3198	4172
Ukraine	408	1498	1906
Romania	255	1581	1836
South Africa	686	1147	1833
India	883	841	1724
China	282	1080	1362
Brazil	222	1110	1332
USA	574	474	1048

Source: Department of Enterprise, Trade and Employment, 2006

There were also some 10,000 other migrant workers from nearly 150 other countries in Ireland on 31st December 2005, an indication of just how globalised the Irish workforce has become. In addition, many people are working in Ireland on group permits – their nationality is unidentified. (It also bears repeating that the issuing of permits to migrant workers from the new EU member states has ended since enlargement, so they are not represented in these figures).

We can also identify broadly the areas in which these people work. Table Seven illustrates the permits issued by sector of the economy nationally between 1999 and 2005. It shows that most migrant workers are working in service industry, catering and agriculture even as the overall total rises and declines.

Table Seven - Analysis of work permits by sector: 1999-2005

	1999	2001	2005
Agriculture & Fisheries	449	5 714	2 139
Catering	694	9 129	6 976
Domestic	80	521	684
Education	304	480	726
Entertainment	452	1 021	755
Exchange Agreements	60	61	328
Industry	414	3 119	1 680
Medical & Nursing	721	2 252	2 683
Service Industry	3 010	14 018	10 952
Sport	60	121	213
Total	6 244	36 436	27 136

Source: Department of Enterprise, Trade and Employment

Table Eight shows the companies with the largest number of work permits on 31st December 2005. This does not tell the full story since we know that there are migrant workers working for companies which do not appear on the list (McVeigh, 2005a: 13). This index of employers also changes markedly from year to year. We also know that migrant workers from the new EU member states are no longer on this list. Nevertheless it provides a profile of the kind of companies that migrant workers are employed by in Ireland. The other striking thing about these DETE company figures is the sheer volume of employers employing migrant workers. On 31st December 2005 *there were nearly 9,000 companies in Ireland employing at least one migrant worker.*⁸ Some of these are large firms but most are not. The majority of these – nearly 5000 firms – are only employing one migrant worker on a permit.

Table Eight: Companies employing more than 100 Migrant Workers

Company Name	New	Renewal	Total
Kepak Group Ltd	67	277	344
Locumotion	274	2	276
Health Services Executive	204	14	218
MCD Management Services Ltd	208	0	208
Liffey Meats (Cavan) Ltd	10	137	147
ISS Contract Cleaners Limited	35	103	138
University of Dublin	50	84	134
Laing O'Rourke Waterland Ltd	37	90	127
Dawn Farm Foods Ltd.	0	121	121
Kildare ChillingCo. Ltd.	0	119	119
Gama Construction Ireland Ltd	77	38	115
Noonan Services Ltd	10	96	106
UCD	44	58	102
Macra Na Feirme	100	0	100

Source: Department of Enterprise, Trade and Employment, 2006
 Figures for 31st December 2005

Alongside these figures from the Department of Enterprise, Trade and Employment, the Garda National Immigration Bureau also collects statistics which offer a different perspective on numbers of migrant workers. These are based on place of residence rather than place of work and they are closer to the category of people who are 'non-citizens' rather than those who meet the narrower government definition of who is a migrant worker. This accords with our earlier recognition that there is a marked differential between the Convention definition of who is a 'migrant worker' and the much smaller number of people who are working on work permits in Ireland.

In addition, about 21,000 students from outside the EU were registered in Ireland in 2004, but there is no information about how many of these students have taken up employment, legally or in the informal economy. In many countries, such as Britain, students make a significant contribution to the labour market, especially in low-wage service jobs in hotels, restaurants, pubs and bars (Ruhs, 2005b). Ruhs further comments that 'the lack of official information about the number of migrants coming to Ireland as dependants is another important gap in the current evidence base. In many countries - the US and Sweden are examples - dependants constitute the largest category of legal permanent immigrants'.

NGOs and researchers working in the field of labour migration also make recommendations which bear the fingerprints of the racial state. Thus, the starting point of The Immigrant Council of Ireland's well meaning report (2003a) on

migration is the state's market needs - migrants are 'needed to meet employment shortages in virtually all sectors'. At the same time, the recommendations echo the state by strongly rejecting unrestricted immigration as 'impracticable' (due to EU harmonisation, but also to the need to provide health, transport, housing and education services to a putative 'flood' of future labour migrants). While demanding humane, rights-based immigration policies, the ICI calls for 'clear integration policies' and 'a managed policy' (which, admittedly, includes crucial issues such as family reunification, issuing employment permits directly to migrant workers not their employers, anti-racism measures, the regularisation of undocumented migrants, etc.). However, the ICI uses the racial state's language of control in recommending an 'integrated' approach, which includes terms such as 'regulating' (recruitment agencies), 'mandatory licensing' (of language schools), and 'mainstreaming'.

Likewise, the NCCRI's advocacy paper on migration in Ireland is subtitled 'Reform and Harmonisation' (NCCRI, 2002). This is despite the fact that Piaras Mac Éinri's contribution to the document cautions against increasing EU harmonisation. He argues that such harmonisation will effectively end the Common Travel Agreement between Ireland and the UK, spell the 'introduction of national identity cards and continental-style policing of a more intrusive character, including stop-and-search, increased surveillance of immigrants and other police powers, ever closer cooperation in data exchange and ... ultimately the development of common border immigration police service'. Unless accompanied by a (highly unlikely) guarantee of civil rights, Mac Éinri (2002: 51) warns, 'the net effect (of harmonisation) will be to reinforce the creeping marginalisation of immigrants'.

In the spirit of guarding the state's (not necessarily migrant workers') interests, Martin Ruhs's study for the Trinity College Policy Institute (2004) makes the following policy recommendations. Ruhs recommends re-adjusting Ireland's current work permit system by, firstly, improving mechanisms for checking the availability of local (including accession states) workers before giving permission to employ migrant workers from outside the enlarged EU, and offering wages and working conditions that correspond to – or exceed – existing average wages and conditions, so as to protect wages and employment conditions of competing local and EU workers. Secondly, Ruhs recommends that work permits be made available *within a defined job category and after a certain period of time* to protect migrant workers' rights by enabling them to escape unsatisfactory working conditions and change employers, while preventing employers from routinely replacing migrant workers. Ruhs further recommends that Ireland implements a 'point system', to complement rather than replace temporary employment permit programmes. While recommending stricter employment laws and employer sanctions, including a labour inspectorate, Ruhs also recommends tightening the regulations of employing non-EEA students (Ruhs, 2005: xv-xvii, emphasis in the original).

In a briefing paper on the proposals for an Immigration and Residence Bill, the Immigrant Council of Ireland (2005) proposes to balance the government's proposals on 'managing migration to serve the needs and security of the state' with

a focus on human rights and entitlements, active integration policies and a recognition of the economic, social and cultural benefits to immigrants. With specific reference to labour migrants, the ICI calls for a 'principle of permanence' to underpin the state's immigration policy, including a clarification of the entry, residence, work, welfare and social rights of immigrants and their families. However, rather than relax the work permit system, the ICI recommends 'greater regulation' of the work permit system while also expressing concern on the government's reliance on workers from the enlarged EU (ICI, 2005).

The need to seriously debate labour migration has never been more urgent. Writing for *The Irish Times* in September 2005, Ruhs recommends more research and debate on the impact of labour migration on Ireland, on migrants and on sending countries, and on the question of whether multiculturalism is meeting, or not meeting, employers' demand for migrant labour. Ultimately, he argues, research and debate are not enough and some decisions need to be made. Contrary to his earlier recommendations, Ruhs now points to the shortcomings of a points system. In Canada, for example, often cited as successfully installing a points system, migrants' skills are not only under-utilised, they also earn annually some \$2.4 billion less than native-born Canadians with comparable skills, because they work in occupations that are below their skill levels (Ruhs, 2005b).

The debate on labour migration is unlikely to go away and various solutions are being proposed towards regularising what is now a rather chaotic system. In October 2005 the Minister for Enterprise proposed a green card system issued to skilled staff in ten sectors where labour shortages exist: information and computer technology, healthcare, construction, biotechnology, engineering, financial services, transport, sales and marketing, research and skilled technical areas. However, only migrant workers earning more than €55,000 per year will qualify (Wall, 2005) – another solution devised by the state to benefit corporate Ireland.

In January 2006, in the wake of a trade union demonstration held on December 9 2005 protesting Irish Ferries' proposal to replace its Irish workers with lower cost labour from Eastern Europe, the debate on migrant labour became uglier, when the leader of the Labour Party Pat Rabbitte proposed that EU citizens from the 10 accession countries be made to apply for work visas prior to being allowed to work in Ireland. Despite official estimates that 600,000 more migrant workers will be required in Ireland over the next 12 years, Rabbitte warned that unless basic standards for workers were established across the EU, Irish jobs would be threatened by displacement. 'There are 40 million Poles, after all, so it is an issue we have to look at', he said (*Irish Times*, 2006),

Despite protesting that his intention was the prevention of exploitation and displacement of Irish workers, Rabbitte's intervention served to harden attitudes. In January an *Irish Times*/TNS poll showed that 78 per cent of respondents wanted the reintroduction of work permits for workers from the new EU states, even though a majority see the presence of foreign workers as good for the Irish economy and society (Brennock, 2006). More disturbingly, Rabbitte's intervention helped the government to re-cast itself as progressive in relation to labour migration, as Minister for Justice accused Rabbitte and the Labour Party as being

‘opportunistic, inconsistent, hypocritical, untrustworthy, incompetent, xenophobic and cynical’ on immigration (Collins, 2006). Interestingly, none of Rabbitte’s Labour Party Dáil colleagues distanced themselves from their leader’s proposal.

However, in February a European Commission report on the EU labour market supported Ireland’s decision to allow EU accession states to work without work permits, concluding firstly that this has a positive economic impact on Ireland, and secondly, that the level of migration since EU enlargement has not led to a disruption of the Irish labour market, having filled gaps in the labour market and created new jobs rather than displaced Irish workers (Smyth, 2006).

The ICP and the racialisation of immigration in Ireland

When it first emerged as a political phenomenon, the Immigration Control Platform (ICP) attracted derision. In a country where political discourse on migration had been dominated by the politics of *emigration*, a crudely anti-immigration group seemed strangely out of place. Nevertheless the group did begin to both construct and respond to an emerging ‘moral panic’ on ‘immigration’. The group did not appeal to simplistic racism. Indeed, the language of the ICP is careful; it is racially coded in different ways rather than explicitly racist. The organisation expressly disavows some forms of racism – ‘No one who holds views of racial superiority is welcome in the group’ (Immigration Control Platform, 2005). It therefore requires some work –by trawling through the ICP website – to actually get to the crux of the kind of immigration that bothers the ICP.

First, it supports the project of ‘minimising ethnic differences’. In relation to issues of nationality or language, the position of ICP is that labour market immigration should tend as far as possible to be such as would minimise rather than maximise ethnic and racial differences. This ‘position’ and its logic are turned on its head, however, when we come to groups of Irish people of colour:

Where there is already a preponderance of any ethnic grouping in the State (legally, illegally or semi-legally) as with e.g. Chinese and Nigerians, further immigration from such areas should be disallowed. Such an ethnic community when well-established is a focus for further immigration, including illegal (Immigration Control Platform, 2005).

However, it bears emphasis that the overwhelming ‘preponderant’ ethnic grouping in the State is *white, Irish*, but there is no suggestion that the ICP is in favour of ‘disallowing’ further immigration from ‘white’ countries or of ethnically Irish people.

The ICP fits neatly into what was termed the ‘new racism’ (Barker, 1981), which focused more on *cultural difference* than racial hierarchy:

The Immigration Control Platform wants Europe to remain Europe, rather than becoming Africa or Asia.... This business of *diversity* is preached at only one group – the West.... We accept that Africa belongs to Africans, Asia belongs to Asians and Europe belongs to everybody....States today collude in the *invasion* of their own countries. That is strong language but it is a fact. Self-preservation is not selfish (Immigration Control Platform, 2005).

There is a whole range of classically racist motifs being employed here. *Diversity* – rather than being a characteristic of Irishness or European-ness – is seen as part of the process of turning these into ‘Africa’ or ‘Asia’ (although the question must be asked how different this position is from state discourses, which name Ireland’s National Plan Against Racism *Planning for Diversity*, which we discuss in chapter 10). According to the ICP, ‘diversity’ can only be a quality of the ‘immigrant’ that would turn Europe into ‘Africa’ or ‘Asia’ – there is therefore a presumably deliberate and certainly highly inaccurate identification of ‘immigration’ as being from Africa or Asia. The ICP goes beyond this – it terms this process an ‘invasion’. This term appears repeatedly in public interventions, with the notion of the asylum process as a ‘modern form of invasion.’

Interestingly, the key points in the ICP campaigns also featured in state policies in relation to the rights of migrant parents of Irish children, and to the issue of Irish citizenship amended in the June 2004 Citizenship Referendum. Like state bodies dealing with immigration and asylum, the ICP publishes regular updates on asylum applications and deportations, arguing that the number of deportations is ‘utterly ridiculous’. Not unlike the Minister for Justice’s positing of asylum seekers and immigrants as ‘bogus’, the ICP argues that ‘50 per cent of immigrants in Europe currently are illegal’, and that ‘the *magic word* “Asylum” a) gets you into Ireland – you only to have utter the word and you can’t be turned away, and b) ...it almost totally guarantees that you will stay on whether your application succeeds or fails’ (Immigration Control Platform, 2005).

However, there were two specific aspects of ICP policy that made it explicitly racist in a more traditional sense. Firstly, it campaigned to end the right of citizenship based on birth:

The Immigration Control Platform today expressed its outrage at the plans reported from the Minister for Justice to deal with those who seek residency on the basis of an Irish born child. Nothing the Minister says can take from the fact that this is tantamount to an amnesty for illegals. It is especially outrageous that his plans include those who had children since the Supreme Court Judgement of January 2003. The government needs to acknowledge that it is the *entitlement* of Irish citizens to have illegals deported. It is an obligation deriving from one of the most basic duties of government, namely, to defend the borders of the State (ICP press release, 14 December 2004, emphasis in the original).

Without naming ‘race’, this demand appealed directly to a notion of national identity that is based upon race, calling for the replacement of the constitutional right to citizenship based on birth with one based on some notion of ‘race’ or ‘nationality’ or ‘culture’ or ‘connectedness to Ireland’. This system clearly disadvantages children from migrant backgrounds, as we have shown above.

Secondly, the ICP campaigns for Ireland to withdraw from the Geneva Convention, arguing that ‘Article 44 of that Convention gives every country which signed it the right to give 12 months notice and withdraw from it. It is now time to do this’ (ICP 2006 ‘Charter 44’). The logic of withdrawal – couched in terms of some negative quality migrants bring with them – is not that Ireland cannot sustain any more people, but rather that adhering to the Convention constitutes ‘invasion’.

This means that in both these contexts the ICP slips into an implicit opposition to people of colour, despite its stated caveat that ‘nobody who holds views of racial superiority is welcome in this group’. Aiming to work against ‘the phenomenon of immigration to Ireland and to lobby Government for a tight immigration policy’, despite the disclaimer, makes the ICP’s approach to immigrants explicitly racialised. The seamless transition from concern about numbers of ‘refugees’ through ‘immigration’ and ‘Asian and African’ to ‘invasion’ is the hallmark of policies that are inherently racist. They are not about limiting or preventing either asylum seekers or immigrants per se but rather preventing the ‘invasion’ of Ireland by categories of people defined by their ‘racial’, ‘ethnic’, ‘migratory’ and/or ‘minority’ status.

The really striking aspect of the ICP intervention, however, was neither the sophistication of its approach nor the level of support it attracted. In reality, neither was particularly impressive. What was striking was that it managed to play a central part in shifting the paradigm on racism and migration. For all its risible performance in elections, one of its core aims – the removal of citizenship rights from particular ethnic groups – was achieved within a relatively brief period. Moreover, state discourse shifted in this direction, when mainstream political parties – characterised by their liberal anti-racism – discovered and seemingly effectively used the language of ‘invasion,’ of threat to the ‘integrity of Irish citizenship’, and of cultural incompatibility.

Conclusion: Immigration and ‘crisis racism’

In 2000 the Tánaiste Mary Harney stated that a failure to address labour shortages could undermine the Irish Republic’s economic growth, since wage rates and the availability of skilled workers were a central concern of multinational companies in relation to investment decisions (*Irish Times*, 22 December 2000, cited in Loyal, 2003: 79-80). Labour migration to Ireland is enabled by an accelerated market expansion and labour migrants are regarded merely as the instruments of Ireland’s continuing economic success. However, not all migration into Ireland is racialised equally: while some returning Irish emigrants are experiencing a degree of racialisation (albeit usually due to acquired English, but not American accents), most of them are empowered by their whiteness and their ‘Irishness’. The racialisation of migration is mostly the consequence of state discourses about migration as, at best, a process that must be ‘managed’ and ‘regulated’, and at worst, a ‘problem’ or a deluge that has to be stemmed.

Etienne Balibar links racism with long standing social structures and problems, all ‘an integral part of what is called national identity’ (Balibar, 1991: 217). Viewing immigration as a ‘problem’ and linking every social problem – employment, accommodation, social security, schooling, health services, morals or criminality – to the presence of ‘immigrants’ serves to spread the idea that the reduction (or ending) of immigration (and the expulsion of as many immigrants as possible) would solve ‘our’ social problems. This explains, for instance, the blame the Irish state laid on migrant mothers for the problems of an antiquated and

overcrowded maternity service, unable to cope with a growing number of births, as we argue in chapter 6.

Balibar argued already in 1991 that 'immigration' has become the name of race, a new name, but one that is linked to historical appellations and that enables individuals to be classified in a racist typology (Balibar, 1991: 222). Should we therefore keep quiet about the link between immigration and racism, as suggested by the Minister of Justice, or should we suppress the cause of racism, lest we prove unable to control its effects? The latter course implies sending home the 'foreign bodies' whose presence gives rise to 'reactions of rejection', while at the same time being prepared to 'assimilate all those who are assimilable by their nature or their aspirations' (Balibar, 1991: 218).

Constituting migrants as a 'problem' – by calling asylum seekers 'bogus refugees', 'economic migrants' and 'illegal immigrants' successively, while repeating the state's continuing need for labour migration in order to maintain 'our' economic growth (albeit without establishing a fair work permit system, or permitting migrants to bring their families) – is leading to what Balibar called 'crisis racism' in 21st century Ireland. The state consistently refuses to admit that its punitive migration policies lead to racism. This, despite the fact that the Referendum campaign was accompanied by a substantial increase in racist incidents: according to the NCCRI Racist Incident System, a voluntary reporting mechanism which monitors trends and types of incidents, between May 2004 and December 2004 the numbers of 'racist incidents' has risen to 70 (from 42 between November 2003 and April 2004). The NCCRI also reports 'linkages between internal and external events and the levels of incidents'; thus the number of racist incidents increased in the wake of the September 11th 2001 attacks and 'at times of heightened political discourse around issues such as immigration and citizenship, particularly in the run up to elections and referenda' (Watt, 2005: 4).

We believe that the Citizenship Referendum was a major turning point in the racialisation of Irishness, leading to the state being able to argue that neither it, nor 80 per cent of the voting population can be dubbed 'racist'. Denying racism enables the state to continue to construct migrants as 'a problem' or as economic stopgaps, leading to 'crisis racism'. It also creates the context in which, freed from accusations of racism, it becomes 'sensible' to manage migration. The state begins to put forward biopolitical measures aimed at 'managing', 'regulating' and 'mainstreaming' migration, supported by almost all social policy analysts from the government-funded Equality Authority and NCCRI to NGOs such as the ICI, and research bodies such as the TCD Policy Institute and the ESRI. At this point, however, the politics of immigration control, which in Ireland appeared to be the preserve of the 'loony right' only a decade ago, had become a core principle of the developing racist state.

Notes to Chapter Four

¹ According to Cunningham et al (2005), the great majority of permits issued were to East Europeans and white South Africans, further illustrating the racial preferences of both state and employers.

² In line with the practice of employing non-EU workers for below the minimum wage, in September 2005, Irish Ferries announced it plans to make more than 500 workers redundant replacing them with staff on lower pay. The company's plans to re-flag its ships met with government opposition (Beesly, 2005).

³ The European Economic Area (EEA) consists of the EU, Norway, Iceland and Liechtenstein.

⁴ Interestingly, during the run up to the 2005 British elections, where the two main parties competed as to which would exert firmer control over asylum and immigration, Conservative leader Michael Howard claimed during a BBC interview that Ireland had responded to the enlargement of the EU by drastically reducing - from 50,000 to 2,500 - the number of work permits granted each year to non-EU nationals. A spokeswoman for the Department of Enterprise, Trade and Employment expressed surprise at Mr Howard's assertion, and said there were no limits on work permits, and that there had been no change of policy (Millar, 2005).

⁵ The six non-EU countries with most migrants employed on work permits in Ireland were the Philippines, Ukraine, Romania, South Africa, Brazil, China and India (Ruhs, 2005: 45).

⁶ See the Department of Social and Family Affairs web-site for details of the habitual residency condition <http://www.welfare.ie/publications/hrc.html>.

⁷ These are periodically updated at the DETE website.

⁸ This list is available and updated online at the DETE website under the heading 'companies issued with permits', where it is downloadable as an excel file. It is periodically updated through the year.

Policing ‘Constitutional Racism’

An innovative cross-border training programme aimed at helping police officers gain a better understanding of the communities they serve was launched in Armagh today by the Police Service of Northern Ireland and An Garda Síochána.... Sir Hugh Orde welcomed the roll-out of the training programme. “This initiative is another positive step in building further on the existing co-operation between the PSNI and An Garda Síochána and is designed to enable officers to deliver a more effective service to every community. ... The Chief Constable added: “Both Northern Ireland and the Republic of Ireland are becoming more diverse societies and we as police officers must be able to understand and appreciate the different cultures that make up the communities we serve.

(PSNI 14th February 2006)

Mystery surrounds the whereabouts of 15 foreign nationals detained by immigration officials as they attempted to enter Ireland last weekend. The British Home Office confirmed last night that 15 people were detained in the operation last weekend ... A spokesman for the Garda, who the Home Office claim “collaborated” in the operation, also declined to comment on the whereabouts of the foreign nationals. British Immigration Service bosses were last night accused of trying to bypass the legal system by holding immigration detainees at PSNI stations across the North before transferring them to holding centres in Scotland and England without legal representation.... The missing foreign nationals were detained under Operation Gull, a Home Office scheme which targets people with dark skin entering the North’s ports.

(Daily Ireland February 24th 2006)

In February 2001 the then Minister for Justice, Equality and Law Reform, John O’Donoghue, launched a contract to develop an intercultural communication and racial equality research and training programme in Irish prisons. The programme was aimed at examining the nature of ‘cultural awareness’ and ‘diversity’ among a cross-section of prisoners and prison staff, and the findings were to form the basis of a cultural awareness training programme for both staff and prisoners. Commenting on the programme, the Minister said: ‘Prisons are a reflection of the society they serve and Ireland is no exception to this. As the proportion of the population who are of non-Irish descent grows it may be anticipated that the proportion of the prison population who are of non-Irish descent will also grow’. A Prison Service spokesman emphasised at the time of the launch that ‘*there is no race problem in our prisons*’ and, in line with putting the existence of racism in Ireland in the future tense and conceptualising it as a problem of ‘cultural diversity’, said that the contract ‘is a reflection of a proactive approach on the part of the Prison Service to potential problems by dealing with them before they become problems’ (IPS Press Release, February 2001).

Accordingly, the research/training project title was changed from ‘intercultural communication and racial equality’ to ‘cultural awareness’, reflecting state actors’ tendency to ignore or deny the existence of racism.¹ It is of course true that if you define racism out of existence, there is ‘no race problem’.

The denial of the existence of racism in Irish prisons expressed in this press release is typical of the state’s persistent denial of racism in other state institutions. More particularly, it is typical of the routine insistence that all the key elements of the criminal justice system are immune to racism – despite much evidence to the contrary. There is clearly a *prima facie* case to expect racism to be a problem in the Irish criminal justice system. For instance, it would seem unlikely that prisons would constitute an oasis of ‘non-racism’ in the midst of an increasingly racialised Ireland, especially since these elements of the state apparatus are state-run ‘total institutions’ par excellence. Moreover, they have routinely been the definitive sites of racism in other contexts. We can think of a whole range of archetypal events to show how the criminal justice system is absolutely central to understanding racism – from the Dred Scott decision to the murder of Stephen Lawrence; and from the institutionalisation of Apartheid to the Nuremberg laws.² We can refer to a whole range of definitive research to show aspects of the criminal justice system are centrally involved in the reproduction of contemporary racism – whether we are addressing policing (e.g., Hall et al, 1978), the courts or prisons (e.g., Stern, 1998; Tomasevski, 1994). In an Ireland where racism is acknowledged to be a mounting problem and where the state has initiated a whole raft of legislation to exclude and control asylum seekers, migrant workers and non-citizens, it would therefore seem odd if the Irish prison service or any other part of the Irish criminal justice system were genuinely without a ‘race problem’.

This chapter makes sense of racism within the Irish justice system as the very essence of the racial state.³ We are interested in the repressive state apparatus – the key institutions of state control that in Althusser’s distinction function *predominantly* by violence or repression and only secondarily by ideology (Althusser, 1989).⁴ In Ireland, responsibility for most of these institutions sits with the Minister for Justice, Equality and Law Reform. These key institutions include the Army, An Garda Síochána, the Courts Service, the Prisons Service and the Immigration Service, as well as criminal law itself. The Army and the Immigration Service are not routinely identified as part of the ‘criminal justice system’ – they do however constitute key elements of the state’s exercise of control as related to ‘criminalisation’.⁵ Each of these institutions has several ‘units’ and ‘divisions’ which impact directly and specifically on different racialised categories of people living in Ireland: the Garda National Immigration Bureau; the Immigration and Citizenship (Operations) Division; the Immigration and Citizenship Policy Unit; the Repatriation Unit; the Asylum Policy Division; the Reception and Integration Agency (RIA). The fact that the state has an apparatus which is specifically set up for ‘dealing with’ or ‘controlling’ different categories of non-citizens is an indication of how important this interface with the criminal justice system is in understanding racism. The chapter moves the debate on these state structures

beyond ‘institutional racism’ as we begin to see the infrastructure of what we call *constitutional racism*.

The concept of ‘institutional racism’ has been much in vogue in both Britain and Ireland in the aftermath of the MacPherson Inquiry into the racist murder of Stephen Lawrence.⁶ Long before MacPherson, the term was coined by Carmichael and Hamilton as a way of naming structural racism (Carmichael and Hamilton, 1967, cited in Lentin and McVeigh, 2002: 7). However, the MacPherson definition, and more importantly the way it was interpreted by the London Metropolitan Police, completely enfeebled the concept. MacPherson co-opted the term for the state, using it to describe structural racism as ‘unconscious’ or ‘unwitting’, which let everyone very effectively off the hook and presented no challenge whatsoever to the practice of ‘institutional racism’ as it had been previously understood. It bears emphasis that institutions can be racialised or racist in a whole range of ways – in terms of their structure, in terms of the make up of their personnel, in terms of what their personnel think, in terms of their policies, in terms of what they do and in terms of what they don’t do, and in terms of the perceptions of those who come into contact with them in some way. Defining institutional racism as ‘unconscious racism’ does nothing to address these different dimensions to the institutions involved (see Anthias, 1999).

This process of diluting and distorting the understanding of ‘institutional racism’ has also had a direct effect on discourse in Ireland. The definition by the Irish criminal justice system of ‘racist incidents’ is based on the definition of ‘racist crimes’ offered by MacPherson in the Stephen Lawrence Inquiry Report (MacPherson, 1999). In August 2001 An Garda Síochána came up with a working definition of ‘racially motivated incident’ – note that the term ‘incident’ is used rather than the more explicit term ‘crime’ – based on a watered-down version of the MacPherson definition: ‘Any incident, which is perceived to be racially motivated by: the victim, a member of An Garda Síochána, a person who was present and who witnessed the incident, a person acting on behalf of the victim’ (An Garda Síochána, 2002). Thus, a concept which was developed in order to name and understand the process of structural inequality is reduced to the level of imputed ‘motivation’.

Constitutional racism, as we argued in the introduction, involves the Irish state using the constitution to re-define, racialise and exclude ‘non national’ (but also indigenous) populations through state mechanisms such as immigration control and citizenship legislation.⁷ For example, this distinction is made very explicit in the regime for policing of ‘non-nationals’ enabled by the 2004 Immigration Act:

Every non-national shall produce on demand, unless he or she gives a satisfactory explanation of the circumstances which prevent him or her from so doing- (a) a valid passport or other equivalent document, issued by or on behalf of an authority recognised by the Government, which establishes his or her identity and nationality, and (b) in case he or she is registered or deemed to be registered under this Act, his or her registration certificate.... In this section ‘on demand’ means on demand made at any time by any immigration officer or a member of the Garda Síochána (Section 12 (1) of the Immigration Act, 2004).

We argue that rather than policing *for* pluralism, the justice system polices *against* pluralism through enacting measures which ultimately aim to protect ‘our way of life’ which needs more rather than less of ‘them’ (albeit conceived in economic, not social terms, that is, doing ‘our’ dirty work, but not necessarily being allowed to have a life or a family in Ireland), but which is also enabled by the impoverishment of ‘their war of life’ through neo-colonialism, and the creation of ‘human waste’ (Bauman, 2004a).

Moreover, in the current ‘war on/of terror’, policing must be understood in a global context. After September 11th 2001 and the Madrid and London bombings, the ‘politics of fear’ and the bogeyman of ‘Islamic fundamentalism’ have come closer to home. As Ireland signs bilateral agreements on combating crime and terrorism (Coulter, 2005b: 8), tightens control over migrants and racialised people, considers introducing an identity card system, and implements international policing strategies, including the detention of suspects without trial, policing *against* pluralism – despite the rhetoric of diversity and pluralism – assumes global as well as local dimensions.

Policing pluralism?

Racism in the Irish criminal justice system emanates from the centrality of the law and the legal system as governmental technologies of the racial state, the main aim of which is to control and produce order, even though, as Goldberg argues, ‘racial states paradoxically divide and rule and so destabilize the very order they supposedly are designed to produce’. Furthermore, ‘in insisting on racial order, racial states impose racial violence upon the very violence they claim to be staving off, thus rattling the order they are seeking to reproduce’ (Goldberg, 2002: 122-3). This dynamic can be seen clearly in the way the Gardaí police Travellers as we show below. An Garda Síochána have developed a rhetoric about policing for pluralism on the basis of a ‘politics of recognition’ paradigm and on the ‘k(n)o racism’ model of the government’s National Anti-racism Awareness Programme (Know Racism, 2005). The reality, however, is that Irish policing, particularly in relation to migrants and Travellers, polices – and thus controls – ethnic diversity itself.

Barnor Hesse (2001), among others, politicises the link between the state, racism, policing and imprisonment and makes it tangible. Just as prison regulates prisoners’ bodies, so racism is the state’s mechanism of regulating racialised bodies throughout society.⁸ In the Irish context we see Travellers, black people, asylum seekers, refugees, immigrants and ‘minority ethnic people’ regulated in very specific ways throughout the entire justice system. The term ‘minority ethnic’ has been enthusiastically adopted by the NCCRI and other state bodies and NGOs working in this sphere (notwithstanding Brah’s caveat [1996: 187], see also chapter 3).⁹ So, state regulation begins with the subtle shifting of the issue from racism to ethnicity. It continues, for example, by the exclusion, under the Equal Status Act 2000 (as amended), which outlaws discrimination in the provision of goods and services on nine grounds, including ‘race’ and ‘ethnic origin’, of public and statutory bodies, except in cases when they carry a controlling action on behalf of

the state. This means that Gardaí, immigration officers and the prison service are excluded from the legislation and cannot be taken to the Equality Tribunal in relation to the Act's provisions for discrimination. This form of regulation also entails the duty of all 'non-nationals' to report regularly to the Garda National Immigration Bureau.¹⁰ Figures for 'non-nationals' registered with the GNIB over recent years are detailed in Table Nine. There are two significant points about this data: first, the numbers have held fairly constant over recent years; second, the changing status of migrants from EU accession state countries (who are no longer 'non-nationals' in this context) made little impact on the total.

Table Nine: 'Non-nationals' registered with the Garda Síochána

Year	2002	2003	2004	2005
Non-nationals registered	93 546	127 956	133 957	132 137
Persons refused entry	4 399	4 827		
Persons deported	547	584		

Source: An Garda Síochána Annual Report, 2003

It is worth reiterating here that most public efforts by the Irish state and its justice system to deal with racism are couched in terms of 'diversity' rather than racism. Thus, the Government's National Anti-racism Plan is titled 'Planning for Diversity' (DJELR, 2005, see also chapter 10). Thus too, former Garda sergeant David Walsh's 1998 study, about the need for anti-racism training within An Garda Síochána, was titled 'Policing pluralism' (Walsh, 2000). Likewise, an EU-funded training programme, undertaken jointly by An Garda Síochána and the Police Service of Northern Ireland (PSNI), again focuses on diversity; racism is not mentioned in the project description, and the training programme focuses on the psychological components of *perceiving diversity* rather on the social construction of racism and its political implications (PSNI, 2004).¹¹

The NGO Alliance Shadow Report on CERD (2004) listed several failings of the Irish justice system in relation to race and immigration issues.¹² Firstly, until recently no data on racist crimes was being collected. The problems involved in defining racist crimes, which we discuss below, were highlighted by Minister of Justice Michael McDowell's assurance in November 2004 when he launched the NCCRI 2002-4 Progress Report. McDowell claimed that Ireland had no serious racism problem and that his government was leading the antiracism struggle in Europe. 'Racist incidents' reported to the NCCRI were not really 'racial assaults' the Minister further said. He further boasted that Ireland was blessed in not having any extreme right political parties (Lentin, 2004a; see also chapter 8). This self-congratulation occludes not only the reality of racist attacks but the everyday experiences of racism in contemporary Ireland by many Travellers, people of colour, immigrants, Jewish people and Muslim people.

Secondly, the NGO Alliance argued that despite the insistence in Article 5 of the CERD recommendations that 'Many of the rights and freedoms mentioned in

article 5, such as the right to equal treatment before tribunals, are to be enjoyed by all persons living in a given State' (CERD General recommendation 20/3, cited by NGO Alliance, 2004: 35), persons termed by the state 'non-nationals' have limited access to judicial review procedures (under the Illegal Immigrants [Trafficking] Act, 2000 Section 5).¹³ While Irish citizens can apply for judicial review within six months, non-citizens must do so within 14 days. This differentiation highlights yet again the discrepancy between citizens and non-citizens when it comes to protection against racism: despite CERD's general recommendation number 30 regarding discrimination against non-citizens, the Convention also allowed distinctions on the basis of citizenship (particularly in relation to elections) if such distinctions have a 'legitimate aim' and are not 'disproportionate' (AI, 2005). Again we see the reality of constitutional racism – constitutionally differentiating between citizens and non-citizens, as Ireland has effectively done by enacting the results of the Citizenship Referendum into law, makes such distinctions legal and above board.

Finally, and most importantly, the core problem with the judicial and policing systems in Ireland is the conflation of immigration and policing/judicial duties. Once a state engages actively in policing immigration, while at the same time avows its commitment to anti-racism, there exists a conflict of interests between these roles. For example, in the Irish context this is particularly marked in the tension between Garda immigration tasks and policing tasks – particularly the specific task of protecting people from racism (Reilly, 2004: 1).

Racism and policing

As we have suggested already, policing is a key location for racism within most 'racial states'. In states like the US and the UK policing has been definitive of state racism. This is an issue in terms of both what the police *do* – for example, the brutal LAPD beating of Rodney King – and what they *don't do* – for example, the failure to properly investigate the racist murder of Stephen Lawrence in London (see Cathcart, 2000, for a full discussion of the case).¹⁴ In Ireland, with the exception of the Traveller population, this racialisation of policing is a relatively new dynamic.¹⁵ Historically, most concern was expressed in terms of what Gardaí were *not doing* – their failure to take racist violence by non-state actors seriously. More recently, however, concerns have also been growing in terms of racist policies and racist behaviour by officers.

Certainly, the high level of discretion as to whether to record a crime as 'racially motivated' (Gardaí), and whether to prosecute (DPP) or convict (the courts) is particularly problematic in an institutionally racist policing and judiciary system. No statistics on Garda racism are available – despite a recommendation by CERD that such statistics be made available. However, research on racism carried out in Ireland since the late 1990s indicates serious problems with the Gardaí – in terms of both complaints against Garda racism and the Gardaí's ineffectual handling of complaints connected to racism. Amnesty International (2001a, 2001b, 2001c) reported widespread experiences of racial harassment by members of ethnic minorities in Ireland - 78 per cent of the respondents said they were the victims of

racism, and some 25 per cent also specifically experienced racism at the hand of the Gardaí. The 622 respondents listed 155 incidents in which they had experienced racism at least once from a member of An Garda Síochána; 56 per cent said the Gardaí treat black and ethnic minorities unfairly; 61 per cent said the Gardaí did not take racist incidents seriously and 57 per cent thought they would not be welcome as members of An Garda Síochána (Amnesty International, 2001c). Furthermore, more than 80 per cent said the government was not doing enough to protect them or to educate the public. Only few reported the incidents to government agencies (Love, 2001: 14; see also African Refugee Network, 1999; Ugba and Lentin, 2003). Similarly, RAXEN's *Analytical Study on Racist Violence* (2002: 45) highlights perceptions that:

Gardaí are inconsistent in their response to reported complaints by Black and minority ethnic groups, including complaints of racial violence. The problems highlighted include: concern that complaints are not taken seriously when reporting racist incidents; cultural insensitivity; concern that complainants are not kept informed about progress in relation to their case; and the quizzing of complainants about issues entirely unrelated to the particular case (cited in the NGO Alliance, 2004: 37).

It bears emphasis that the state's constitutional racism actively encourages this latter concern. For example, Section 12(1) of the Immigration Act 2004 allows Gardaí to stop anyone they 'reasonably believe to be non-national' (NGO Alliance, 2004: 39). This not only means that anyone who is regarded as 'visibly different' regardless of her citizenship status can be stopped and searched in Ireland and in its airports, ferry ports and on cross-border trains and buses, but also that Gardaí often use 'racial profiling' to target the racialised.

Some of these issues are addressed in the Garda Human Rights Audit (Ionnán, 2004) and the Garda Action Plan (An Garda Síochána, 2005), both of which frame racism within a human rights paradigm (see Alana Lentin, 2005, and chapter 10, for a critique), while highlighting institutional racism as a new mantra. Indeed, while the audit admits that 'the procedure and operating practices of An Garda Síochána can lead to institutional racism, particularly in relation to the Nigerian community, the travelling (sic) community and to a slightly lesser degree at present, the Muslim community', the solution lies, in the spirit of the 'politics of recognition', in individual Gardaí being 'keen to learn more about Ireland's diverse communities and positively wish to promote good community relations'. Beyond 'community relations', which write state racism out of the larger picture, the audit recommends that An Garda Síochána 'should investigate the impact of these policies on different communities and ensure institutional racism is tackled'. It further recommends establishing systems for 'collecting information about the ethnic origins of those subject to police powers (suspects, witnesses and victims)' (Ionnán, 2004: 140).

Focusing on 'knowing the other', the Ionnan audit discusses An Garda Síochána's relationships with a variety of 'communities' (a paradigm particularly critical in the north of Ireland as we argue in chapter 9). The audit identifies the 'difficult relations' between Gardaí and 'certain communities, particularly

Travellers, the Nigerian community and the Muslim community' (Ionnán, 2004: 57). 80 per cent of the audit's respondents said the force had a 'good' or 'ok' relationship with 'Black and other minority ethnic groups', 61 per cent had 'good' or 'ok' relationship with Travellers (with 35 per cent saying the force had a 'poor' relationship with Travellers), and 72 per cent said the force had a 'good' or 'ok' relationship with 'refugees and asylum seekers' (Ionnán, 2004: 84).¹⁶

Many of the issues identified continue the history of profound distrust between the Gardaí and Ireland's oldest and largest racialised group – the Travellers. Seeking views from community representatives, the audit noted the poor relationship between police and the Traveller community, despite some good individual contacts: 'there were many incidents of heavy handed policing, and verbal and physical abuse. There was also lack of response when members of the Traveller community reported crimes, and no action when Travellers were attacked by people from the settled community, perhaps as part of a vigilante action' (Ionnán, 2004: 91). This is backed by *Policing and Social Marginalisation in Ireland* (Mulcahy and O'Mahony, 2005) which reported the 'disproportionate' Garda response to incidents involving Travellers. While Gardaí said Travellers 'were a difficult group to police due to their mobility and propensity to violence', Travellers said that 'until the issue of Traveller accommodation is resolved, considerable scope for conflict between the Gardaí and Travellers will remain' (Bracken, 2005).

According to Pavee Point, there is a dual problem in the relationship between Travellers and Gardaí.¹⁷ On the one hand, Gardaí tend to be obsessive in policing Travellers by, for instance, constructing checkpoints during Traveller weddings and funerals to check car registration and insurance. On the other hand, Travellers who need police protection are under-protected when Gardaí, applying cultural relativism, tend to stay out of intra-Traveller disputes. This includes non-interference in domestic violence cases, when Gardaí tend to speak to violent men rather than violated women, not taking into consideration the difficulties women who experience violence have in contacting them: 'Women Travellers are marginalised and it was assumed that domestic violence was "part of their culture"' (Ionnán, 2004: 91). Pavee Point stresses the importance of mediation between Travellers and settled people, including Gardaí. An example of the fraught relations between Travellers and Gardaí is the well-publicised dispute in October 2004 at Dublin's Dunsink Lane, where a barrier was placed by the local authority who said it was necessary to block off Dunsink Lane to deal with illegal dumping. The barrier invoked a strong reaction by local Travellers who said it forced them to take a much longer alternative route to get to shops and schools in Finglas. The protests interfered with traffic and led to clashes between Travellers and the Gardaí (O'Halloran, 2005; Pavee Point, 2005a).

Ethnic liaison?

In 2000, on foot of David Walsh's study of the need for anti-racism training within An Garda Síochána, the Garda Racial and Intercultural Office was set up (An Garda Síochána, 2004). Seriously under-staffed, the office services a police force

of some 12,000 Gardaí. As part of its nominal commitment to 'policing diversity', 146 Ethnic Liaison Officers were appointed in 2001. According to Sergeant David McInerney's study (2004), selection criteria for ethnic liaison officers have been arbitrary, many are required to perform tasks other than ethnic liaison work, and often, when being approached by members of the public looking for ethnic liaison officers, Gardaí on duty are not always aware of their existence or their role.

Crucially, although criticised by the NGO Alliance for appointing many former immigration officers as ethnic liaison officers (NGO Alliance, 2004: 40), the Minister for Justice clearly sees no contradiction between the functions of ethnic liaison and immigration, as transpires from his response to a Dáil question in February 2005:

(Ethnic liaison officers) liaise with the leaders of ethnic communities; inform and assure the ethnic communities of Garda services and protection. Some of the Gardaí appointed as ethnic liaison officers also act as immigration officers. This work is in conjunction with other roles and tasks assigned by district and divisional officers and the Garda authorities do not consider that a conflict of interest arises where Gardaí appointed as ethnic liaison officers also act as immigration officers (Dáil Debates, 16 Feb 2005).

Nor does his response show any understanding of the problems involved with the state negotiating with leaders of already constituted 'ethnic communities', who are often unelected, older, male, religious leaders, who do not always focus on the intra-community needs of women, young people, or gay people (see Lentin, 2002a).

The NGO Alliance points also to the absence of recruits from racialised groups. In August 2005 the government announced changes to the entry requirements for the Garda as part of an initiative to recruit more members from ethnic minorities, responding to the strategic goal of 'greater ethnic and cultural diversity within the force'. This means dropping the Irish language requirement, though applicants will have to speak two languages, English or Irish being one of them. There will be no citizenship requirement, but applicants will have to be legally resident in the State for five years (O'Brien, 2005d). Despite hopes that the inclusion of migrants and members of ethnic minorities would help these communities to gain greater confidence, the residency condition has been identified as an obstacle by the director of the Chinese Information Centre, who argued that more legal changes would be necessary since only a small number of Chinese people in Ireland have residency (Onyejelem and Katzer, 2005: 1). With only a small proportion of would-be recruits identified as 'white other' or 'black' passing the entry examinations, recruiting 'non-Irish' Gardaí may take some time. What is becoming clear, however, is that recruiting 'non-Irish' Gardaí is a response to the government's decision to accelerate recruitment in order to increase the Garda personnel to 14,000 and to a diminishing recruit pool in a time of full employment, and not to the demands of 'diversity' (Onyejelem, 2005b: 2).

The NGO Alliance further points to the inadequacy of the Garda Síochána Complaints Board which, according to the Irish Human Rights Commission 'fails to satisfy procedural protection requirements of the European Convention of

Human Rights' (Irish Human Rights Commission, 2002: 3, cited by the NGO Alliance, 2004: 40). Other points made by the NGO Alliance deal with the lack of consistent training in 'anti-racism and interculturalism' for all members of the force. The Garda/PSNI training programme aims to tackle this issue, as does the Garda Action Plan, which also commits to 'strengthen and enhance the mandate and capability of the Garda Racial and Intercultural Office by appointing additional full time professionally qualified staff by October 2005' (Garda Action Plan, 2005: 3). The Action Plan also makes a commitment to 'identify and tackle factors which facilitate institutional racism' by 'revising performance standards to prohibit racist or discriminatory language and behaviour as a serious disciplinary offence', devise IT capability to 'monitor the impact of Garda power in relation to people in different communities', and analyse data – all by July 2006. The Action Plan finally commits to deal robustly with racist crimes and protect 'vulnerable communities' through training, publicity campaigns to encourage people to report racially motivated crimes and devise consultation processes with 'indigenous and ethnic communities' by December 2006.

The law, courts and probation

At present the majority of racist crime is dealt with under a range of legislation: The Criminal Justice (Public Order) Act, 1994; The Non-Fatal Offences Against the Person Act, 1997; and the Criminal Damage Act, 1991 (NCCRI and the Equality Commission for Northern Ireland, 2005). It bears emphasis that the Prohibition of Incitement to Hatred Act, 1998 has been identified by many commentators as a particularly weak piece of legislation: only 18 cases have been taken under this act, of which only seven ended in convictions; the facts of the cases are unknown, nor is there any analysis of the cases (AI, 2005: 103).

Despite the Act's embarrassing record, according to the government's complacent evaluation, the 'growing body of case law under the Act suggests that application of the legislation is adapting to the growing problems of racism in Ireland' (cited in Watt, 2004: 6). In its first and second Report under CERD, the government has restated its commitment to the *ongoing* review of the Act (rather than more firmly committing to a *fixed term* review). However, despite CERD's recommendation that the Irish state provide stronger legislative protection against racism (CERD, 2005), there appears to be a marked reluctance to conduct any serious review of how the criminal justice system protects, and fails to protect, people from racism.

In terms of discrimination, the state does provide specific legislative protection through the Equal Status and Employment Equality Acts as well as the new Equality Act 2004.¹⁸ Discrimination on the 'race' and 'Traveller' grounds dominates the case files of the Equality Authority (EA, 2003). Unsurprisingly, however, the Equality Act *excludes* regulation on asylum and immigration, which is also excluded from the European Union 'race' Directive (Council Directive 2000/03/EC). In other words, the state insists on its right to discriminate in a racist manner in these areas.

Currently no research exists on racism within the judiciary, nor is there a court reporting system. The Irish Traveller Movement has established a legal unit which monitors cases in relation to Travellers as either victims or suspects of crime (Irish Traveller Movement, 2005). An illustration of the inadequacy of the Irish criminal justice system is the approach of some judges to asylum seekers and migrants. For example, in 2003 two district judges, Judge John Neilan of Longford, and Judge Harvey Kenny of Castlebar, were moved to apologise for racially inappropriate remarks about immigrants, Judge Kenny for suggesting that all Nigerians drive without insurance and Judge Neilan for implying that ‘coloured’ people were prone to shoplifting and should be banned from shopping centres (Brennock, 2003; Haughey, 2003). In 2005 Judge Neilan further questioned the use of taxpayers’ money to provide interpreters for defendants from what he called ‘the Eastern bloc’. Responding to this, the NCCRI commented that the remark touched on ‘basic issues of access to justice’ and that interpreters were vital in key areas such as health and policing (O’Brien and Horan, 2005).

Despite the rhetoric then, ‘policing pluralism’ clearly does not aim to create a plural society, but rather to police *against* it. Most crucially, the conflation of immigration control and policing functions often means that Gardaí put the immigration control function above their duty to protect persons on state territory. Thus asylum seekers, due to their isolation, may be accused incorrectly by Gardaí and be subsequently imprisoned for lengthy periods, often without being subsequently charged, due to their lack of knowledge of the system and their inability to access bail.¹⁹

The racialisation of Irish prisons

The 2001 Annual Report signalled a new ‘demand’ for the Irish Prison Service (IPS). According to its director:

One of the more significant statistics to emerge from these profiles is the growing ethnic diversity among the prisoner population. 18 per cent of the 9,539 persons who spent time in our custody in 2001 were foreign nationals from a total of more than ninety different states. This significant shift in demographics has given rise to new and challenging demands on our Service in areas such as translation, education and promotion of racial equality. These demands must be met if we are to meet our national and international obligations to people in custody. I am greatly impressed with the commitment of all staff in the prison system in responding to our new circumstances (IPS, 2002: 8).

As we have seen, the IPS does not directly acknowledge problems with racism, but rather stresses the recognition of the need for the ‘promotion of racial equality’. The denial of a ‘race problem’ in prisons may still be implicit, but the explicit recognition of the need to *manage* ethnic diversity and racial equality in prison begs the question of what is being managed, other than a ‘race problem’.

Firstly, let us stress that it seems likely that the number of racialised people in Irish prison is *disproportionate* to their number in the general population. However, statistics of the racialised in prisons in Ireland are not readily available;

like in the census, what is available are figures for ‘non-nationals’, 18 per cent in 2001 and 21 per cent in 2002, from 105 states (Irish Prison Service, 2005) – almost four times higher than the 5.8 per cent of ‘non-nationals’ recorded in the 2002 census. Despite the fact that the 2002 census did record Travellers in Ireland, the IPS does not record the number of Travellers in Irish prisons. According to an IPS spokesperson, ‘We do not seek this information from offenders and therefore there is no data available’ (email communication, 4 July 2002). Table Ten provides statistical information on the numbers of non-Irish prisoners in 2002.

Table Ten: Nationality in Irish Prisons 2002

Nationality	Number
E.U.	279 (209 British)
Asian	257
North American	21
Austral-Asian	9
Irish	7,551
Other European	983
African	446
Central/South American	58
Not Recorded	112
Total	9,716

Source: IPS Annual Report 2002 (Irish Prison Service, 2003)
Nationality as given by persons committed

We need to be very careful about how these figures are read. They certainly indicate the ethnicisation of the Irish prison population – a population comprising 105 nationalities and more than 2,100 ‘non-nationals’ is undoubtedly ‘multi-ethnic’. However, ‘non-national’ does not equate with ‘racialised’ or ‘ethnic minority’ – for example, Black Irish people or Irish Jewish people or Irish Traveller people are ‘nationals’ but they are also ‘ethnic minority’ and may also experience racism on this basis. A smaller proportion (828 – 669 male and 159 female) of prisoners were identified as ‘having an address outside the state’ (IPS, 2003: 13). However, we cannot tell what proportion of the ‘national’ or ‘Irish’ prisoners have such an address – Irish prisoners from Britain or the north of Ireland would certainly fall in this category. Therefore, some people who are identified as ‘non-nationals’ actually identify as being *from Ireland*. So we have every reason to believe that these figures are underestimated, and that the size of the racialised population of Ireland is nowhere close to the 21 per cent of the prison population in 2002 that was identified as ‘non-national’. This confirms our assessment of the disproportionately large numbers of racialised people or ‘non-nationals’ in Irish prisons.

It also bears emphasis that there is no definitive breakdown here between ordinary prisoners from racialised backgrounds (either convicted or remand prisoners) and 'detained asylum seekers'. People in the latter category are, of course, neither charged nor convicted of any offence (as argued by Schuster, 2003). However, the IPS does not seem to be able to disaggregate and does not publish these categories, even though this category was given to us for 2001 by the IPS press office:

When we made reference to the number of foreign nationals in custody it was intended simply to highlight the challenge facing the Prison Service in terms of providing for people from a *different background*. The proportion of non-nationals in the prisoner population on any given day is between 5 and 7 per cent. Unfortunately it is not possible to further analyse the figure by showing those who were *detained in custody under Immigration Warrants*. However, I can tell you that on any one day we would have about 20-25 people in custody on Immigration Warrants out of a total prisoner population of about 3,200. That figure does not necessarily mean that the 20-25 are committed each day as a number may have been detained overnight or for a couple of nights while arrangements for their deportation are being made (personal communication, Irish Prison Service 1 April 2003, emphasis added).

A visit to Cloverhill by three Irish MEPs in September 2005 found that 70 per cent of all 'non-nationals' held in the prison were individuals with 'immigration difficulties', held for an average of 30 to 50 days (Downes, 2005). 'Immigration difficulties' mean holding people whose asylum cases were being decided, or who could not provide identification and not, as the Minister for Justice said on radio after the visit, after a deportation order had been issued. We find slightly different data on this in Mark Kelly's recent report on *Immigration-related detention in Ireland* (2005). In 2003-4, 2,798 people who were 'refused permission to land', or 'detained pending deportation' were detained. In all, 4,827 (2003) and 4,844 (2004) people were refused permission to land according to GNIB. This data undoubtedly covers a complex range of experiences but it points to the dangers of collapsing different categories of people. The UNHCR recommends that people who have sought asylum should not be in prison at all and, if they are to be detained, that they be detained in facilities expressly for asylum seekers. It is therefore important to differentiate the category of asylum seekers from the general data about racialised groups in Irish prisons.

According to the Refugee Policy Protection Group (2002), while Ireland has not begun to systematically detain asylum seekers, there are clear provisions for detention of asylum seekers in the Refugee Act 1996 (as amended). Since the state often articulates its perception that many, if not most asylum seekers, are 'bogus', or 'economic queue-jumpers', it is not surprising that asylum seekers *are* detained in Irish prisons prior to deportation, particularly in view of the fact that other EU states, including the UK, are routinely imprisoning asylum seekers (see Schuster, 2003). According to a lawyer working in this field, Eastern European imprisoned asylum seekers receive much better treatment from prison officers than African asylum seekers.²⁰

Monitoring the inequitable treatment of asylum seekers by the Irish judicial system, the anti-racist organisation Residents Against Racism (RAR) argues that deportation practices racialise and criminalise African and East European persons who are often unjustly victimised by Gardaí and prison authorities. RAR has been campaigning against racist harassment by the Gardaí since 1998. Because of inhumane and unnecessary deportation policies which mean that people are often taken by Gardaí from their homes at dawn, or picked up during social situations without being given permission to contact lawyers, family or friends, or to take with them vital documents, African asylum seekers are criminalised. According to RAR, asylum seekers are regularly imprisoned prior to deportation, much to the displeasure of the Mountjoy prison officers, who report increasing racial tensions (Residents Against Racism, 2005; Flynn, 2002: 8).

Travellers, who are certainly not ‘non-nationals’, are over-represented in prison in relation to their percentage in the population, and often experience specific forms of racial harassment. Data about prisoners who are Travellers indicate that Travellers are at the ‘bottom of the heap’ in Irish prisons. Witness one Traveller man reflecting on his time in Mountjoy Prison:

I think it was racism – it was racist.... They had a cell – they called it the trailer cell – it was for Travellers. There could have been six or seven Travellers in there... Some Travellers preferred that, I preferred to be in with other Travellers.... They did give Travellers the worst jobs. We got all the worst jobs. Slopping out – all that kind of thing. I just got on with it. I didn’t want any trouble. I kept my head down and did my time. I just did the work – but they definitely did give us the worst work (quoted in McVeigh and Lentin, 2003).

Personal experiences like these are also reflected in the staggeringly unequal treatment of Travellers as a group by the criminal justice system in Ireland. A report on Women and Prison (Irish Penal Reform Trust, 2001b) quantifies Traveller women in prison at a rate 18 times more than their proportion in the population; it also gives an example of a nineteen year old Travelling woman whose fear, confusion, and isolation in Mountjoy prison, so foreign to her nomadic identity, led her to turn to illegal drugs for ‘relief’.

Despite the absence of research with full access to Irish prisons, when we aggregate the different experiences of prisoners, prisoners’ families and prison workers, we must reach the conclusion that there are serious issues relating to racism in Irish prisons (McVeigh and Lentin 2003; Quinlan, 2003; Ward, 2002). There is plenty of anecdotal evidence of how endemic this racism is, as expressed by an African woman about her time in Mountjoy prison:

It was very horrible anyway, to be in prison. But the way they treated me – not only me but me and some other non-nationals – we were treated differently because we were not Irish – by some of the guards and by some of the prisoners.... Like the very first day that I arrived there the guard on duty in the reception that attended to me, she was very, very hostile, she was not friendly at all. I was there with another Irish girl but she was treated differently.... I asked her, ‘Do you have a personal grudge against me?’ She said, ‘Don’t talk to me’ (quoted in McVeigh and Lentin, 2003).

Racism in Irish prisons manifests in the attitudes and actions of prisoners and staff and in the policies within prisons. In combination, the evidence suggests that there is an immediate challenge for the IPS in terms of addressing racism in Irish prisons, or, to paraphrase the IPS, 'there *is* a race problem in Irish prisons'.

Globalising policing

The racialisation of the Irish criminal justice system, outlined above, dovetails with global developments in criminal justice. As we write, debate is raging in Ireland about Ireland failing to play its part in the war on terror in the wake of the reappearance in Ireland of the IRA 'Colombia Three'. There has been little mention in this discussion of 'due process' or 'human rights' – the main concern is how to circumvent the criminal justice system in order to extra-legally extradite Irish citizens to Colombia at the behest of the US State Department (see for example, de Bréadún and Reid, 2005). This is, of course, a reflection of the integration of wider policing and criminal justice functions in the 'war against terror'.

It can indeed be argued that we find ourselves in what Agamben (2005) calls the 'global civil war', engendering, as Sivanandan suggests, a global 'politics of fear':

Globalisation has engendered a monolithic economic system. September 11 has engendered a populist anti-Muslim culture. The war on Iraq finds posthumous justification in the politics of fear. Together, they spell the erosion of civil liberties and the ushering-in of a new state racism that promises to safeguard the patriot nation from the shadow enemy within (cited in Waters, 2004: 1).

Many commentators (e.g., Landau, 2005) argue that the global war is rooted in the insistence that in order to 'fix' the world, the US needs to 'break' other states, particularly Condoleezza Rice's six 'outposts of tyranny'.²¹ The current state of affairs is 'the bloody result of two worlds at war' (Berger, 2005). John Berger writes in *The Observer* in the wake of the July 2005 London bombings, that 'those who argue that al-Qaeda was active before the invasion of Iraq and that therefore fighting in Baghdad or Fallujah is irrelevant to the London bombings are arguing in bad faith. The same bad faith encouraged them to lie about weapons of mass destruction which did not exist...'. The bombings, and the G8 meeting in Edinburgh they were timed to coincide with, are part of the same story, and, Berger argues, it is not the Koran which should be studied, 'but the behaviour of the rich countries and corporations' (Berger, 2005: 26). The 'politics of fear' constructed by security states means that whole communities – mostly Muslims throughout Europe and the US – are being targeted (Feckete, 2004). What is relevant to our argument here is that the global war on/of terror between 'the coalition of the willing' and its opponents is linked to the rise of racist crime but also to state racism and policing practices in Ireland as elsewhere. Despite its neutrality, Ireland is fast becoming part of a global policing network, with grave implications for the racialised, since, as Liz Feckete argues, the current debate on 'integration' and on

the 'limits of cultural diversity' cannot be divorced from the war on/of terror (Feckete, 2004: 5).

As in Britain, Irish Government rhetoric is keen to emphasise that the work of 'extremist fundamentalists' must not tar all Muslims with the same brush, while at the same time the 'security agenda' targets whole Muslim communities. Thus, in the 'shadow criminal justice system' new crimes are being invented, mostly 'crimes by association', and religious profiling becomes routine. Feckete reminds us that coercing Muslim communities to acquiesce with strong and often indiscriminate military-style policing so as to protect 'national security' has a history in the north of Ireland, where following the Emergency Provisions Act 1978 and the Prevention of Terrorism Act 1974, an estimated 60,000 people, the majority of them innocent, were brought into police stations for questioning (Feckete, 2004: 12; see also Cavanagh, 2005). Similarly, the infrastructure of 'emergency' that was constructed in the south of Ireland provides both intimation and a model of the state structures that police those who have been targeted and disenfranchised by the Citizenship Referendum.

This style of incriminating whole communities was apparent when, upon signing a bilateral agreement on mutual assistance in combating crime and terrorism with the USA in July 2005, the Minister for Justice hastened to name 'Muslims' as potential suspects and culprits. The US ambassador was equally direct, stating that 'just as globalisation has brought great benefits to societies around the world, so also does globalisation allow evil to operate more freely across borders' (Coulter, 2005b: 8).

The subtle moral panic invoked by the Minister is given accelerated meaning by the report in *The Observer* that 'Ireland has become an important logistical base for Al Qaeda operations in Europe'. According to 'authorities in the US', and contrary to critics of Ireland's tough immigration policies, Irish immigration laws are seen to make it a 'soft entry point into the EU', and, according to a senior Garda detective cited by *The Observer*, Islamists 'use Ireland to obtain false passports and raise funds for terrorist groups', although the Garda stressed he was not saying that Ireland itself was a target. The report further named several individuals who recently settled in Ireland – all Muslims, and all immigrants with alleged links with militants, and all under Garda surveillance, despite the fact that the (London) bombers were British citizens, not immigrants (McDonald, 2005: 5).

The implications of all this for Ireland are complex. For starters, if we agree that the 'global civil war' is at the very minimum influenced by the US/UK war on/of terror, then making Shannon available for US troops does not absolve it from being implicated in the war. Secondly, the moral panic about attacks on 'western civilization' leads directly to Islamophobia and anti-Muslim racism. In the UK, in the week following the first London bombings, 300 hate crime incidents were recorded, including the killing of a man in Nottingham after anti-Muslim abuse was shouted at him, and the Muslim Safety Society expressed fear of a huge backlash following the bombings (Dodd, 2005). In Ireland, the NCCRI data show clearly that racist assaults against Muslims or people who look 'Middle Eastern' have increased (Watt, 2004).²² *The Sunday Independent* went a step further in

sowing moral panic by predicting that 'Ireland will be Islamic by 2100', warning about 'extremist fundamentalists' living and operating in Ireland and about the Gardaí being powerless to stop them (Dooley, 2005).

Similarly, as the criminal justice system acts in this context, we can begin to see the establishment of a 'shadow justice system' which not only targets migrants and asylum seekers, but which creates an 'enemy within' of Muslim communities whose members are often EU citizens. For example, in the weeks following the second London bombings, 'people of Asian appearance' were five times more likely to be stopped and searched than white people, according to the latest figures compiled by British Transport police. None of the stops have resulted in a terrorism charge (*The Guardian*, 2005). Such aggressive policing profiles Muslim communities wholesale and ultimately regards Islam per se as a threat, failing to recognise the heterogeneity of Muslims and of the Islamic movement (Feckete, 2004: 9). Furthermore, this policy has its undesired consequences, which endanger innocent passers-by: on July 22 the London Metropolitan Police wrongfully shot dead the Brazilian electrician Jean Charles De Menezes. Although the police has repeatedly apologised for mistaking Mr De Menezes for a suicide bomber and shooting him eight times after he boarded a train, the shooting put the Met's so-called shoot-to-kill policy under the spotlight (*The Guardian*, 2005).

Giorgio Agamben speaks of the 'state of exception' created by the 'global civil war' initiated by the US and manifested in effects such as the USA Patriot Act, issued in October 2001, allowing the attorney general to 'take into custody' any alien suspected of activities that endangered 'the national security of the United States' (Agamben, 2005: 3). The 'state of exception', Agamben further argues, entails initiating legal measures by the executive bypassing the legislature; however, this is the signature tune of democracies, not of totalitarian regimes.

There is no doubt that the 'war on/of terror', initiated by the US and supported by the UK and other members of the 'coalition of the willing' is having seismic effects throughout the structures and institutions of civil society throughout the world and changing policing practices, particularly, but not exclusively, in relation to the migrant 'other' and to the 'enemy within'. However, although the rule of law has now been withdrawn from the Muslim 'enemy' (in places such as Guantanamo and Belmarsh), it will not be long before it is withdrawn from the rest of us. 'The path to the authoritarian state leads through the security gates' (Waters, 2004).

Conclusion: The racialisation of the Irish criminal justice system

The Irish criminal justice system is both increasingly 'ethnicised' and 'racialised' – it is ethnicised in the sense that an increasing range of people from different backgrounds is engaged in different ways by the system – mostly, of course, as clients (both 'victims' and 'perpetrators') but also in other parts of the system – as workers. In this sense 'pluralism' is arguably a genuinely new challenge for the criminal justice system – for instance, providing interpretation services and appropriate food which have not been as widespread an issue before. But the system is also becoming increasingly racialised in the sense that engagement with the system is progressively more coded in terms of racism – from judges who

interpret behaviour in an explicitly racist fashion to police officers, prison officers and immigration officers who treat people in a racially coded way. The ‘challenge’ that emerges from this reality is not a challenge of ‘diversity’ but rather the challenge of how to address racism.

This challenge can only be met if the racism already evident within the system is acknowledged and addressed rather than denied, or, alternatively, addressed by merely instituting ‘awareness training’. If institutions begin by denying that they have any ‘race problem’, they have no prospect of addressing their responsibility for racism. At one level at least, it is in the interests of all the key elements within the system – victims of crime, suspects of crime, Gardaí, prisoners, prison officers, as well as management – that racism is tackled directly and rigorously. This is, however, impossible to do in a situation of constitutional racism, because once the state legally defines a whole raft of people as ‘non-citizens’ or ‘non-nationals’ or ‘aliens’, and then deliberately constructs a criminal justice system to deal with them in specific and unequal ways, there is no way back. Within this constitutional racism, what the criminal justice system does – whether it is the police or the courts or the prisons – cannot but be both racialised and racist.

Notes to Chapter Five

¹ Letter from Jim Mitchell, Press and Information Officer of the Irish Prison Service, to Ronit Lentin, 5 July 2002.

² In 1846, Dred Scott and his wife Harriet filed suit for their freedom in the St. Louis Circuit Court. This suit began an eleven-year legal fight that ended in the U.S. Supreme Court, which issued a landmark decision declaring that Scott remain a slave. This decision contributed to rising tensions between the free and slave states just before the American Civil War.

³ This chapter derives, inter alia, from a study of racism in Irish prisons we conducted for Amnesty International and the Irish Penal Reform Trust (McVeigh and Lentin, 2003). The project was stymied by the consistent denial of access to Irish prisons (RTÉ News, 2002c). This is not unusual: according to personal communications from the Irish Refugee Council in May 2005, the Irish Prison Service tends to grant access to prisons only to bodies appointed by the service. We were able to elicit testimonies of racial discrimination through information from former prisoners and prisoners’ families. In addition, former welfare officers working in Mountjoy prison in 1999, showed us files of racist incidents they documented; these included verbal abuse by prison officers (e.g., ‘hello blackie, you fuckin’ nigger’; ‘you black cunt, fuck off into the cell, you black bastard’); discrediting (accusing prisoners of using drugs when in fact it was known to the welfare officers that the prisoner in question was ‘clean’; this included planting a syringe in a prisoner’s cell); deprivation of rights (like not giving prisoners clean clothes after a shower); humiliating behaviour; and victimisation due to complaints (the files are stored with us).

⁴ Put simply all this means is that, for example, when a person is deported by the state this happens not because the deportee believes that this is in their interests but rather because of the use or the threat of use of force by the state to secure the deportation.

⁵ Immigration is usually understood to be outside criminal law, although violations of entry requirements entail criminal responsibility. The Army is represented as ‘protecting us’ from ‘external threat’. However, in Ireland the Army is routinely used for other ‘internal’ duties

such as protecting bank deliveries and on border security which has both internal and external elements.

⁶ Goldberg reminds us that ‘the longstanding British denial of racism throughout its criminal justice system (Hall et al, 1978; Keith, 1992)... was underlined by the reticence regarding prosecution in the Stephen Lawrence murder and the subsequent furore over the state’s investigation of Britain’s long record of racist policing’ (Goldberg, 2002: 219).

⁷ Constitutions are usually drawn up to protect people residing within the state’s territory, thus the South African constitution’s provision of equality to all ethnicities has been successfully tested in court. Furthermore, the Irish constitution is easier to amend in that it provides for amendments in the constitution itself; the US constitution, on the other hand, is much harder to amend (we thank Tanya Ward of the ICCL for this comment).

⁸ See the Irish Penal Reform Trust’s report on mental illness and padded cells, 2001a.

⁹ There are two schools of thought in relation to ethnic census categorisation in this respect: the first is the Nazi use of the census to support genocide which accords with Foucault; the second is the demand from minority ethnic organisations for ethnic monitoring so that they can track the effectiveness or otherwise of equality policies – which insists on classification and monitoring (see King-Ó Riain, 2005).

¹⁰ According to the Garda website (2006), ‘The Garda National Immigration Bureau (GNIB) came into operation in May 2000 and is responsible for all Garda operations pertaining to immigration matters in the State. The GNIB is headed by a Detective Chief Superintendent with a Garda staff of 2 Superintendents, 3 Inspectors, 8 Sergeants and 55 Gardaí. These are assisted by 34 civilian support staff. The Bureau became a necessity due to the exceptional increases in persons registering with the former Immigration and Registration Office and associated workload’.

¹¹ A press release announcing the special EU grant (€331,445) for a joint PSNI and An Garda Síochána training programme titled, “Understanding relationships and community needs” issued on 24 November 2004, stated that the project will reflect the outward focus of the two police services and the increasing trend of “Europeanisation” in the country.

¹² Responding to the Irish Government’s First National Report to Convention on the Elimination of Racial Discrimination (CERD), the NGO Alliance, representing forty independent NGOs working in Ireland on issues relating to anti-racism, community development and human rights, produced an NGO Alliance Shadow Report which was presented to the CERD Committee in Geneva in March 2005 (NGO Alliance, 2004).

¹³ ‘Non-nationals’ are defined as persons from outside Ireland and other Member states of the EEA. The term is not only negative and dehumanising, but also racialising.

¹⁴ “Rodney” Glen King was an African American man who, while videotaped by a bystander, was beaten repeatedly by members of the LAPD during a police stop on March 3rd 1991. Many people, both within and outside the African-American community, believed that the beating was a racially motivated example of police brutality. The acquittal in a state court of four officers charged with using excessive force in subduing King led to the 1992 Los Angeles riots and mass protest around the USA.

¹⁵ Though note the murder of two Jewish men, Emanuel Khan and Bernard Goldberg, in Portobello during the 1920s, which remained unresolved (Goldstone, 2003, see chapter 7).

¹⁶ The percentage was slightly higher when respondents were asked about their *personal* relationship with such groups.

¹⁷ At a planning meeting held by Amnesty International and the Irish Council of Civil Liberties for a seminar on Policing and Racism, July 2005.

¹⁸ The Equality Act 2004 replaced the Employment Equality Act 1998 and the Equal Status Act 2000.

¹⁹ In our study of racism in Irish prisons (McVeigh and Lentin, 2003) we cite the example of Gerard (not his real name), a 30 year old Congolese man, which demonstrates the systematic maltreatment of African prisoners in the Irish criminal justice system. Apart from being held for one year for an offence he did not commit, Gerard was not provided with adequate interpretation services, and was systematically racialised by prison officers and fellow prisoners.

²⁰ Telephone communication, 31 October 2002.

²¹ These were Cuba, Burma, North Korea, Iran, Belarus and Zimbabwe (BBC News, 2005a).

²² In this regard it is worth noting the question on official naturalisation documents asking Muslim citizens of countries which do not permit more than one wife to provide affidavits stating their intention not to marry a second wife, a practice defended by the Department of Justice, which pointed to a case in which a Pakistani man sought Irish citizenship for his children by his second wife, who he married in Pakistan while he was also married to an Irish woman. Commenting, the Irish Council of Civil Liberties pointed out that its opposition to the requirement focused on singling out one group by requiring it to sign an affidavit promising not to break Irish marriage law, or, indeed, any other aspect of Irish law (Coulter, 2004).

‘Black Bodies’ and ‘Headless Hookers’: Women and Alternative Narratives of Globalisation

Late in the spring of 1992, America was glued to the television watching East Los Angeles go up in flames in response to a courtroom verdict that acquitted four white police officers of the savage beating of an African-American man. When the verdict was handed down, white America learned what Black Americans have always known: who counts, and who does not. Yet, [as this happened] eleven Black women were quietly being murdered in Detroit. Eleven Black women were strangled. Eleven Black women were sexually mutilated. The bodies of eleven Black women were dumped in abandoned buildings under piles of trash in a period of nine months... Clearly there was a pattern here. All of the women were poor. All of the women were Black. All of the women were used in prostitution. There was no reason to believe that the killer would not strike again. So, I had to ask myself, where was the outrage?... Eleven poor, Black women are murdered and mutilated, their bodies are thrown away like so much trash, and the only thing we hear, besides the deafening silence, is a local Baptist minister mourning that these women "were already among the walking dead." Where do racism and sexism meet? If you ask me, they meet in a trash pile, in an abandoned building, in Detroit.

(Vednita Nelson, 1993)

On 23 July 2004 a badly decomposed body, described by the media as that of ‘a black non-national woman’, was discovered in a black plastic bag on a river bank in Co Kilkenny. Because she arrived as an asylum seeker in 2000, she had, like all asylum seekers, been fingerprinted. Gardai identified the body by cross-checking her fingerprints through databases at the Garda National Immigration Bureau as that of 25 year old Paiche Onyemaechi, a married mother of two (Lally and Tenthani, 2004: 1; Sheridan, 2004: W2; Irish Times, 2004a: 3). She turned out to be the daughter of the Malawian chief justice, Leonard Unyolo, and a lap dancer and prostitute who had gone missing two weeks before her body was found without a head by a local woman walking her dog. Within days of her murder, media representations of Onyemaechi shifted from ‘black body’ to ‘headless hooker’ (Dillon, 2004: 1).¹

Paiche Onyemaechi’s is a typical story of 21st century global Ireland, standing at a crossroads between Ireland’s globalised economy and contemporary migratory movements. Her story intersects several elements of Ireland’s migratory reality, which we discuss in this book. Firstly, as the daughter of an elite Malawian family, she left a state whose president recently built a 300-room palace worth \$100 million, even though Malawi is one of the world’s poorest states, most of whose 11 million people live on less than \$1 a day (Irish Times, 2004b), seeking asylum in Ireland. Secondly, as the mother of two children born in Ireland, and therefore Irish

citizens, Onyemaechi probably exited the asylum process and applied for residency as the mother of Irish citizen children. Thirdly, finding herself working in Ireland's thriving sex industry, Onyemaechi almost certainly existed in a twilight zone of exploitation and danger. If we believe *The Sunday World* (Dillon, 2004), Onyemaechi was exploited by the pimp she was working for, and had seemingly decided to go it alone. The paper further reported that after her brutal murder, other African prostitutes working in Ireland became scared, and were leaving Ireland for the relative safety of the UK. Finally, after the first flurry of publicity, there have been no media reports of a Garda investigation of Onyemaechi's murder, unlike the frequent reports about the murder of one of 'Ireland's own' murder victims, Rachel O'Reilly, murdered on October 4 2004 (see e.g., Lally, 2005: 3). Writing critically of the media construction of her death, Conor Brady suggests, 'Paiche Onyemaechi and her life circumstances were far removed from the experiences that are typical of modern Irish life... She was an immigrant, an African... who was living in that darkened world that touches on illegality in various forms. Whatever happened to her... has nothing to do with us' (Brady, 2004: 46). As we have already suggested, in a globalised and racist Ireland, her death had everything to do with 'us'. Moreover, it says something very profound and very poignant about who 'we' are in post-Referendum, post-Celtic Tiger Ireland.

The debates around the June 2004 Citizenship Referendum blamed migrant m/others for subverting 'the integrity of Irish citizenship' (Lentin, 2004d). In this chapter we position the bodies of migrant women in the interstices of global Ireland as the newly articulated tropes of the nation, as emerging in the debates around the referendum which made gendered (black) bodies central to the re-articulations of Irishness as white supremacy. At the same time the high yes vote reinforced the 'global migration regime' which does all it can to control migration, the consequences of which increasingly create human waste, of which Paiche Onyemaechi's body was but one item.

The use of the term 'other' to describe the process whereby the powerful delimit their own boundaries has sexualised connotations. The self is marked by casting out all that is other, including the disorder of unsocialised sexual desire (Bhattacharyya et al, 2002: 104). We therefore posit the body of the 'non-national' woman as contemporary Ireland's 'other', stereotyped either as sexually active child-maker, deliberately subverting the integrity of Irish citizenship and nationality, as (invisible) migrant domestic worker, or – like Paiche Onyemaechi – as 'foreign' sex worker, destabilising the nation's morality. Since motherhood arguably carries a property of otherness, and in Ireland there is a long history of pitching 'good (read Catholic, married) mothers' versus 'bad (read unmarried) mothers' (Meaney, 2005), it is interesting to re-frame 'non national' women as m/others – not as a postmodern linguistic device, but rather as denoting their otherness (Lentin, 2004b). As we have already suggested, media and political discourses blame the stranger for the problems of the system, thus creating 'crisis racism' (Balibar, 1991: 217-8). In the context of the debates surrounding the Citizenship Referendum, 'crisis racism' assumes gendered meanings, putting the blame for over-burdened maternity hospitals on migrant m/others allegedly

arriving 'at the last moment' to have children-citizens in Ireland (even though the figures do not bear this accusation out as we show below), and shifting the blame to foreign sex workers for unsettling the self-perception of Ireland as the last European bastion of sexual morality.

The process of positioning the reproduction activities of migrant women at the centre of state discourses about citizenship and nationhood is an illustration of the workings of biopower in the shift from disciplinary society to the society of control. As Hardt and Negri argue, after Foucault, this means a shift from a society which regulates bodies through disciplinary institutions such as the prison, the factory, the hospital, the school as mechanisms of exclusion and inclusion, to a controlling society which uses more apparently democratic means to directly organise the brains (through communication systems) and the bodies (through welfare systems) of the population, regulating life from the interior, dealing with the production and reproduction of life itself (Hardt and Negri, 2000: 23-4).

Thanks to globalisation, women are on the move as never before in history. According to Barbara Ehrenreich and Arlie Hochschild (2003), while the images in commercials for credit cards, cell phones and airlines of female executives jetting all around the world are familiar to Western audiences, the increasing migration of millions of women from poor countries to rich ones, where they serve as nannies, maids and sex workers, remains invisible. Ehrenreich and Hochschild call this movement of women 'the underside of globalisation', denoting a world-wide gender revolution, where poor world migrant women achieve 'liberation', or the chance to become independent breadwinners, 'only by assuming the cast-off domestic roles of middle- and high-income women in the First World, roles that have been previously rejected by men' (Ehrenreich and Hochschild, 2003: 3).

Departing from the mainstream view of globalisation, Saskia Sassen (2003) notes that while the dominant narrative of globalisation deals with the upper circuits of global capital, globalisation forges new links between sending and receiving countries. In the first place, the dynamics of global cities produce a demand for low-wage workers, while the dynamics that mobilise women into survival circuits produce an expanding supply of migrants who can be pushed – or sold – into low wage jobs, and the demand for this new labour supply means that the majority of today's resident workers are women, many of them women of colour. Furthermore, both sending households and sending countries are increasingly dependent on women for their survival through the remittances they send back home. The relatively small (recorded) amounts of money that migrants transfer as remittances to their place of origin add up to at least \$93 billion world wide, but are realistically estimated at \$200-300 billion a year; they are second only to foreign direct investment and are significantly larger than official development assistance (Hussain, 2005).

In the Philippines, for instance, remittances are the third largest source of foreign currency (Filipino workers send home an average of almost \$1 billion a year); 'exporting workers is one means by which governments cope with unemployment and foreign debt' (Sassen, 2003: 270-1), and women are said to be better than men at sending remittances back home. One major Filipino human

export is nurses. According to Dr. Jaime Galvez Tan, of University of the Philippines in Manila in 2001, 14,000 Filipino nurses headed for 31 countries. This was 'no longer brain drain, but more appropriately, brain haemorrhage.' Some Filipino doctors who earn \$300 to \$800 a month are reportedly enrolling in nursing schools so that they too can emigrate (cited in Stalker 2005).

In this global context, this chapter argues that the stories of female migrants, be it migrant m/others, allegedly 'childbearing against the state' (Luibhéid, 2004), domestic labour migrants, who fill the 'care deficit' for Irish women accessing paid labour in increasing numbers (Conroy, 2003), or sex workers, who arguably fill a compassion/desire deficit, provide an alternative narrative about globalisation in 21st century Ireland.

Sexing the racial state

As the reproducers of future generations, and the symbolic tropes of nations (Yuval-Davis and Anthias, 1989), women are racially marked and controlled differently from men, despite universal claims to gender equality. The nation-state makes nativity the foundation of its sovereignty and the link between birth and nation means that when they step outside ethno-national or moral boundaries, women are often banned as impure and transgressive, and as the producers of future generations of 'racially undesirable' others. Woman's body creates and contains birth-nations and demarcates territories, and is therefore the basis of nation-states. Yet woman – the gendered other of modernity – is often deleted from state protection and right (though not from state regulation) (c.f. Yuval-Davis, 1997).

In Ireland 'non-national' women were made central to the public debates surrounding both the Irish citizen children crisis and the Citizenship Referendum, and thus to new racial configurations of 21st century global Ireland. These debates illustrate not only orchestrated moral panics about 'floods of refugees', but also the positioning of sexually active women as a danger to the state and 'the nation', a long standing claim in relation to sexually active Irish m/others having children out of wedlock. Bauman (2003) reminds us that birth is usually the only 'natural', no-questions-asked entry into the nation, and the lives of humans who fall outside the limits set by sovereignty are legislated as 'unworthy of being lived'. However, by securing a victory in a referendum aimed at outlawing birth right citizenship to the children of migrant 'others', the Irish state has broken this link between birth and nation.

In Ireland, representations of 'woman' and 'nation' have been historically intertwined, with Ireland represented as 'Dark Rosaleen', Cathleen Ni Houlihan and the maidenly Erin, and with 'Irish' women seen as securing the 'common good' through their maternal roles and their 'life within the home' as articulated in Article 41.1 of the Constitution (Lentin, 1998; see also Meaney, 1993; Robinson, 2003). By contrast, in the Citizenship Referendum debates, 'non-national' women were posited by the state as subverting the nation and the 'common good' by mothering the next generations of Irish citizens, as we now demonstrate.

The political and media debates about migrant parents of Irish children, and on the Citizenship Referendum have been profoundly gendered. Media accounts describing migrant m/others as ‘being pregnant on arrival’, and ‘flooding’ Dublin’s maternity hospitals (O’Doherty, 2003), position them as central to the racial configuration of the Irish state (Lentin, 2003a, 2004d, 2005). The Fianna Fáil Minister for Enterprise and Trade Micheál Martin, while appearing together with Ronit Lentin on RTÉ 1’s ‘Questions and Answers’ panel on 31 January 2005, told her during the commercial break that he ‘knows’ of a Nigerian woman who had quintuplets, and who ‘had the first one in Nigeria and hopped on a plane to have the other four in Ireland’. When Martin, a former Minister for Health and Children, was challenged about his utterly illogical assertion, he said that he firmly believed that ‘airlines should not let these women on the plane’.² This story – only one of many urban legends circulating in 21st Ireland in relation to asylum seekers receiving ‘money for drink’, ‘large cars’, ‘luxury apartments’ and ‘mobile phones’ – illustrates not only the extent of spin engaged in by state actors anxious to justify holding, and winning, the Citizenship Referendum, but also the profoundly gendered nature of many of these urban legends and debates.³

From ‘baby boom’ to ‘the integrity of Irish citizenship’

At the start of the Citizenship Referendum debates, it has been alleged that a ‘baby boom is already putting many of the nation’s (*sic*) maternity hospitals under strain’ and that ‘births in Ireland have grown by almost 6,000 from 54,789 in 2000’ (McSweeney, 2003). This was despite the fact that the Department of Health’s *Health Statistics* figures show that births per 1,000 of the Irish population grew from 15.0 in 1991 to only 15.1 in 2001 and the total fertility rate actually fell from 2.09 in 1991 to 1.98 in 2001 (cited in King, 2004: 10). In a briefing paper for the Children’s Rights Alliance, Dervla King (2004) makes several salient points in relation to the link between childbearing by non-Irish nationals and citizenship. Firstly, no statistics were provided to vindicate the state’s claim about large numbers of non-EU nationals coming to Ireland solely to give birth; secondly, despite the government’s claims, no comprehensive data were available from the three Dublin maternity hospitals relating to the residency status of women who presented themselves for delivery; thirdly, it was not possible to definitively identify the number of women who have arrived in the country shortly before giving birth. King cites 2003 Central Statistics Office (CSO, 2002) figures, according to which 31,100 women aged 25-34 and 21,200 women aged 35-44 migrated into Ireland between 1996 and 2002. However, she stresses the heterogeneity of immigrants into Ireland, who include returning Irish emigrants (many of them of child-bearing age), EU nationals, labour migrants, people seeking asylum, people with refugee status, students and spouses of non-EU nationals.

Despite this diversity, the alleged ‘baby boom’ was attributed by politicians and media citing the ‘masters’ of Dublin’s three maternity hospitals ‘to the significant number of refugees and asylum seekers delivering in the hospitals’ (Donnellan, 2003a). The rhetoric of ‘flooding’ and ‘pushing the system to the brink’ was used

by state actors such as the Minister for Justice and the Taoiseach on various occasions to justify the continuation of the state's intent (stated already in the 2002 Programme for Government) to deport all migrant parents of Irish children citizens.

A cursory examination of media articles relating to Dublin's maternity hospitals reveals that migrant m/others were only one of the system's concerns. An internet search of the *Irish Times* site found that of 134 articles featuring Dublin's maternity hospitals during 2003, only five mentioned migrant m/others – the rest dealt with overcrowding, under-funding, home births and misdemeanours by an Irish obstetrician. The statement, on 13 March 2003, by Dr Declan Keane of the National Maternity Hospital, is an example of articles *not* attributing the pressure on the service to migrant m/others; Dr Keane suggests that the hospital 'would have to consider refusing to accept expectant m/others from *counties adjoining Dublin* as a result of a shortfall in its funding' (Donnellan, 2003b, our emphasis).

However, some media reports have over-dramatised the 'assault' by migrant m/others on Dublin's maternity hospitals. For example, Gemma O'Doherty in *The Irish Independent* quotes maternity hospital 'masters' as saying that: 'typically, the women come late in their pregnancies. Details of medical histories are sketchy... but statistically they have far more complications than their Irish counterparts. Often the women need translators to help them communicate and social workers to look after their other children while they give birth. In some cases, fathers are not involved' (O'Doherty, 2003). Doctors are cited as believing that migrant m/others take advantage of Irish citizenship laws and blaming the government for its 'lenient' policies and migrant m/others for spreading disease, and – based on the prevalent view that racism is imported by incoming migrants rather than caused by dominant society – *causing* racism:

There are times when you can't get through the front hall because it is so jam-packed with people landing in from the airport... You don't have to be a genius to see that the system is being exploited... some of them test positive for tropical diseases... it has all put a strain on hospital resources that we weren't expecting (O'Doherty, 2003).

According to the Dublin maternity hospitals, the births to 'non-national' m/others accounted for 20 to 25 per cent of all births. But this figure too must be closely scrutinised: of the 22 per cent of deliveries to women from outside Ireland reported by the state's two largest maternity hospitals, African mothers accounted for only 5.3 per cent, followed by 5.2 per cent of British mothers, and 3 per cent from other non-EU European countries (Healy, 2004: 3).

One recurring argument by state actors related to migrant m/others allegedly arriving in Ireland without booking at the hospital or at the last stages of their pregnancies. However, Dervla King shows clearly that the total figure of births to non-EU nationals in the three Dublin maternity hospitals who did not book or were late arrivals in 2003 was 548 (or just under 2.4 per cent of the total number of births at the three Dublin maternity hospitals). She stresses that since residency status 'is not comprehensively recorded by the maternity hospitals, it is not possible to draw the conclusion that all of these women had recently arrived in

Ireland'. For example, of the 239 patients who arrived unbooked or within ten days of delivering in 2003 at the National Maternity Hospital, 52.7 per cent came from Africa, but a staggering 27.2 per cent were Irish; in 2003, a total of 174 Irish nationals also arrived late at the two other maternity hospitals (King, 2004: 14-16).

In April 2004 the Minister for Justice stated that he was 'anecdotally' aware of women from Eastern Europe and elsewhere in the world, 'who have come here on holiday visas, give birth, collect the birth certificate and the passport for the child and returned home' (McDowell, Dáil Debate, April 21, 2004, cited by King, 2004: 7).⁴ However, maternity hospital spokespersons said that migrant m/others continued to use Dublin maternity services even after the abolition in February 2003 of the procedure whereby non-EU parents of Irish children could apply for residency. Maternity hospitals said that in some cases 'traffickers have not informed women of the changes in the law'; in other cases 'women still want to have their babies here because they will be entitled to free education and they hope there may be a change in the residency laws' (Dundon, 2003). Such comments have been termed by the Irish Refugee Council's policy officer Itayi Viriri as 'the worst form of scapegoating': 'The health service has its own problem, without blaming its troubles on immigrants' (McSweeney, 2003).

In December 2003, *Irish Times* columnist Kevin Myers further dramatised the racialised representation of migrant m/others. Claiming there is an 'uncountable number of Nigerians in Ireland', whose native country 'has two main natural resources: oil and fraud', Myers puts the percentage of births to 'non-nationals' at 40 per cent, almost double the rate reported by the maternity hospitals. He further suggests that many migrant parents 'arrived here solely to avail of our ludicrously generous obstetric services', and warns that 'major demographic and social upheavals are staring us in the face'. Myers proposes that Ireland has 'no choice but to turn all illegal immigrants around at the point of entry (pregnant ones especially) and to deport those already resident'. He concludes with a cynical scaremongering note, linking the presence in Ireland of asylum seekers to Al Qaeda, 'shrieking with laughter at the security measures in Dublin airport: passport holders this way, please, non-passport holders straight on through' (Myers, 2003).

A briefing document published by the Department of Justice described migrant m/others arriving in Ireland to give birth solely to secure Irish citizenship for their children, and argued that 60 per cent of female asylum seekers aged over 16 were pregnant at the time of application. The racial state initially used the maternity discourse to tighten Irish citizenship laws, even though the directors of Dublin's main maternity hospitals firmly denied claims by the Minister for Justice that they had 'pleaded with him to change the law on the citizenship issue' (Reid, 2004). However, the argument later shifted. Announcing the date and wording of the referendum, the Minister for Justice admitted the maternity crisis was a 'side issue' and that the real issue was 'the integrity of the Irish citizenship law' (Brennock, 2004). Thus, migrant m/others were scapegoated by the racial state as subverting the integrity of Ireland's citizenship laws, even though the Minister admitted that increasing 'non-national' births were a symptom rather than the root cause.

Nira Yuval-Davis argues that the nation is invested in women as carrying the burden of its representation; women's bodies demarcate the symbolic and material boundaries of national, ethnic and religious collectivities and are also the sites for contesting these boundaries (Yuval-Davis, 1997: 45-6).

Positioning 'non-national' women as *intentionally* mothering the next generation of Irish citizens is linked to the insidious positioning of sexually active 'Irish' and 'non-national' women alike as a danger to themselves, to men, and to 'the nation', and as subverting traditional constructions of Irishness. As Fintan O'Toole (2003b: W1) argues, stigmatising 'non-national' mothers continues a 200-year old tradition of policing unwed 'Irish' mothers by incarcerating them in 'Magdalen Laundries' where they were silenced and enslaved by church and state, powers that 'had long been the focus of suppressed Irish national identity', and whose moral authority in relation to everything to do with morality, sex, and the family had been tacitly accepted by successive Irish governments' (O'Toole, 2003c: 6).

Indeed, focusing state attention on female acts of reproduction has long been part of the history of the Irish state, which Ailbhe Smyth (1992a), writing about the constitutional prohibition on abortion in relation to the 1992 'X case',⁵ named 'a police state', where women with unwanted pregnancies are forced to seek abortions in another jurisdiction. And, we would add, where women, whose bodies demarcate the nation's boundaries through giving birth to future Irish generations, are specifically targeted by the racial state when the boundaries of who is entitled to reside within its territory are at issue.

The debates relating to Irish citizen children and the Citizenship Referendum were both deeply gendered and disavowed racial harassment, assuming Irish 'whiteness' as unproblematic. Writing on the January 2003 Supreme Court ruling, O'Toole (2003b) seems to have been the only media commentator to insist that the ruling was underpinned by racism, arguing that while Irish citizenship can pass from one generation to another if the person is 'white', even if not residing in Ireland, it does not apply 'in those foreign countries that we see as somehow not part of "us"'.⁶

Re-gendering Ireland through globalisation

As argued in previous chapters, globalising processes involve the restructuring of the Irish labour market, which includes, among other transformations, the mass entry of women into the labour force and the growth of the services sector. Like in other globalised western economies, the entry of women into paid labour in Ireland has been enabled by the services, domestic and others, rendered by female migrant workers from the poor world. The alternative narrative of globalisation Irish-style must include the 'care deficit' created when Irish women no longer perform domestic, caring and emotional services, and the transfer of the 'domestic burden' from (Irish) woman to (poor world) woman across continental divides (Ehrenreich and Hochschild, 2003; Conroy, 2003).

The Migrants Rights Centre Ireland (MRCI, 2004a) puts this trend in a global context: while the UN estimates that of the 175 million migrants worldwide 50 per

cent are women, in 2000, women from the Philippines made up 70 per cent of all Filipino migrants. The export of Filipina nurses and maids to high demand areas, including Ireland, is supervised and organised by the Philippines Overseas Employment Administration (POEA) (Sassen, 2003: 271). Globalisation trends mean that at present there is a higher demand for migrant women workers for factory work, the service industries and care work, jobs often described as the three Ds: dirty, dangerous and difficult, which local women no longer want, or need to perform. In contrast, in western states, women continue to access the labour market, while also continuing to have primary responsibility for children and home duties, even when both partners work outside the home.

Ireland is part of this global trend. The percentage of Irish women aged 20-40 in paid employment has increased from 55 in 1990 to just under 70 in 2001 (Fitzgerald, 2002); by 2004, female participation rates between the ages 25-9 have reached 80 per cent, though there has been a decline in the participation of older women. The female labour force is projected to grow by 218,000 by 2011 and the number of children in childcare will increase by 40,000 or 27 per cent from its current level of 146,000 (Cronin, 2004). However, Irish working women are let down by the state in relation to childcare: the Irish childcare system 'remains seriously underdeveloped, unaffordable and fragmented both in terms of quality and service levels' (Cronin, 2004), and childcare costs in Ireland are the highest in Europe (Dooley, 2005a). MRCI cites the average cost of sending a child to a crèche in Dublin at anything between €550 and €900 a month. The cost of a personal care assistant is €12 per hour and a place in a private nursing home can cost between €600 and €1,000 a month (MRCI, 2004a: 14). By contrast, employing a migrant servant, according to MRCI, can be as (illegally) low as €112 per week. All this has generated a 'new servant class' of migrant women, cleaning, minding children and caring for elderly relatives, without whom many Irish women are no longer able to hold down their jobs.

The story of convicted brothel keeper Samantha Blandford Hutton who in 2000 established a cleaning company provides an illustration of the compromised position of migrant women engaged in domestic and industrial cleaning work. Paul Reynolds (2003) describes the company as 'just another money-making scam founded upon the exploitation of poor, vulnerable and isolated... women... foreigners trying to earn some money here – South Americans, in a strange country a long way from home' (Reynolds, 2003: 121). Like the domestic workers whose experiences were recorded by the MRCI, Neusa Da Silva and her family, lured by promises of €1,523 per month working for Blandford Hutton's At Hand Cleaning Services, were forced to work 105 hours per week for a basic €196, and found it impossible to escape or change employers since their work permits, like all work permits in Ireland, were employer specific. Although awarded compensation when they sued Blandford Hutton for wages not paid, the Da Silvas went home with less money than they came with.

The publicity surrounding the Da Silva case (due to Blandford Hutton's notoriety as a convicted brothel keeper) does not seem to stop the continued exploitation of domestic cleaning and childcare workers at the hands of working

Irish women. A study conducted by MRCI shows a high degree of exploitation of migrant domestic workers by their Irish employers. Most workers interviewed by MRCI were recruited by agencies, some of which misled the workers about their rights and entitlements as workers and residents of the state. As a result, many domestic workers were paid below the minimum wage and worked long hours: between €112 for 80 hours per week and €350 for 40 hours per week (MRCI, 2004a: 24). The workers were often not allowed to have a social life; employers often maintained a relationship designed to keep the workers ‘in a position of powerlessness’, treated workers as ‘childlike’, and, by holding the workers’ work permits and passports, promoted a sense of the workers being in a ‘bonded’ power relationship, always at the mercy of their employers. Fearing deportation, the women were often forced to work for less money than agreed, accept intolerable working conditions, including being ‘sub-contracted’ to friends or family without extra pay (MRCI, 2004a: 39).

Many of the workers interviewed by MRCI were highly educated women, forced by their own countries’ poor economies to perform menial work in Ireland, which often pays better than their jobs back home. Several respondents complained their employers dehumanised them in a racist manner (‘I was like a Hoover’; ‘I am like a dog’; ‘sometimes I feel humiliated when she called me stupid, she would say that I was slow’ [MRCI, 2004a: 38-9]).

However, we want to argue that the experiences of these workers – whose services are vital to the continued participation of many Irish women in the labour market – are due to state-generated racism. Their employers are facilitated by state regulations which grant work permits to employers, to treat them as they wish. Because under Irish regulations regarding the work permit system it is not possible to obtain a work permit for the category of ‘domestic worker’, considered ‘too vague and open to exploitation’, workers are recruited as ‘nannies’, yet required to do a wide range of household chores. In many cases, the employment relationship between employers and their migrant domestic workers is therefore based on a false job description. MRCI’s main recommendations are that domestic work becomes a category for the purpose of work permit application and that the work permit system be reformed so that work permits are detached from employers (MRCI, 2004b).⁶

Ireland’s new ‘servant class’, facilitated by the unregulated nature of care and domestic work, means not only increased vulnerability and hardship for this invisible group of workers, but also a new privatised employer class. However, as Ehrenreich and Hochschild argue, it would be a mistake to attribute the globalisation of women’s work to a simple synergy of needs among women:

For one thing, this formulation fails to account for the marked failure of First World governments to meet the needs created by women’s entry into the work force... Secondly, any view of the globalisation of domestic work as simply an arrangement among women completely omits the role of men... So, strictly speaking, the presence of immigrant nannies does not enable affluent women to enter the workforce; it enables affluent *men* to continue avoiding the second shift. The men in wealthier countries are also, of course, directly responsible for the demand for immigrant sex workers – as well as

for the sexual abuse of many migrant women who work as domestics (Ehrenreich and Hochschild, 2003: 8-9).

Indeed, Barbara Ehrenreich cites research showing that while women in two-income families do less housework than before – down from 30 hours a week in 1965 to 17.5 in 1995, they still do two thirds of whatever housework gets done; men, on the other hand, increased the time spent doing the most despised chore – cleaning – by 240 per cent, *all the way up to 1.7 hours per week* (Ehrenreich, 2003: 89, our emphasis).

On the one hand, the globalisation of domestic work brings ambitious and independent career-oriented western women and striving women from the Third World together, though not as sisters, rather as mistresses and maids. On the other, the shift to the labour market of functions that used to be part of household work may contain the potential, however limited, for autonomy and empowerment, as migrant women become involved in community building and activism, handling their families' legal vulnerabilities as they seek public and social services (Sassen, 2003: 260). In Ireland too, groups of domestic workers and other migrant women workers, supported by the MRCI, point in this direction. However, these transformations, as Sassen demonstrates, must be seen in the context of the shifting global relations between the west and the poor world, rather than simply as strategies for empowering women.

Gendering Ireland's white privilege

To date, theorising Irishness in terms of white privilege has been hampered by legacies of the racialisation of Irishness as structured by anti-Irish racism in Ireland and abroad. However, Ireland's new position as heading the Globalisation Index, its status symbol as the locus of 'cool' culture (Coulter, 2003), and its privileged position within an ever-expanding European Community calls for re-theorising Irishness as white supremacy. Whiteness works best when it remains a hidden part of the normative social order, but in the era of globalisation, old white imaginaries have been reworked more explicitly in response to a loss of national identity, economic security and norms surrounding sexuality and gender (Bhattacharyya et al, 2002: 7).

Race parasitically inhabits and distorts processes of gendering in order to make racialised divisions. While 'proper' gendering is a privilege of those considered human, racialisation is a process which splits humanity, rendering some less, or not quite human. This is demonstrated in part through the improper gendering of some groups of people. We want to suggest that Irish whiteness is characterised, among other things, in the spirit of western white supremacy, by the sexualisation of racial boundaries and the containment of the dangers of sexual transgression. If Ireland had historically been cast as female – virgin maiden or mother of warriors – today the Republic is part of the expansion of Europe, an expansion serving as the ultimate sex substitute, re-imagining a fantasy of heterosexual coercion for the purposes of white supremacy.

Eithne Luibhéid (2004) argues that discourses and practices which target childbearing asylum seeker women have provided the Irish Government with a way of reconstituting the Republic as a sovereign space with a legitimate national government, while also generating new modes of racialisation and racial hierarchies within Ireland. Luibhéid argues that asylum seeker women ‘re-nationalise the nation’. We want to further suggest that migrant m/others re-construct Irish *heterosexuality* at a time when it has been firmly deconstructed in the wake of the de-criminalisation of homosexuality and in relation to ongoing debates on partnership rights of non-heterosexual couples (ICCL, 2005). Historically, Ireland had been characterised by sexual repression and frustration. As Geraldine Meaney (1993, 2005) points out, there is a continuity between post-colonial Ireland’s re-introduction of rigid gender roles and post-Referendum racial paranoia in a post-modern Ireland which displaces its anxieties onto migrant m/others, constructed as active agents in strategically ‘childbearing against the state’ (Lentin, 2003a; Luibhéid, 2004).

Bauman (2004a: 56) reminds us that immigrants embody ‘the inarticulate yet hurtful and painful presentiment of (our) own disposability’. Bhattacharyya et al (2002) use psychoanalytic theory to suggest that the repressed will always return – what you cast out of yourself and project onto others will come back to haunt and consume you. ‘Multiculturalism’ Irish style spells the return of the national repressed, the national repressed being the pain of emigration ‘returning to haunt the Irish through the presence of the immigrant other’ (Lentin, 2002a: 233). By the same token, the insight that sexual frustration is bound to re-emerge is no more evident than in Ireland, where the repression of sexuality has constructed sexually transgressive Irish women as dangerous to themselves and to the ‘nation’. The sexuality of women that Irish state and church tried to suppress and incarcerate in industrial schools and ‘Magdalen laundries’ is coming back to haunt – this time in the racialised reincarnation of the sexual activity of migrant women. Having banished sexuality to the realm of the unclean, the Irish state joins a white supremacist west in embarking on a global programme of expropriation and moralising – on the backs of migrant women.

Thus, non-national m/others inevitably become central to the state’s argument for the ‘integrity’ of Irish nationality and citizenship. Thus too, ‘Irish’ sexuality – long out of the convent and the industrial school – is disavowed in favour of a ‘non-national’ sex industry, the consequence of neo-liberal globalisation policies which have upset the economies of poorer countries pushing their women into labour and sex migration, forced or otherwise. The UN estimates that in 1998, 4 million people were trafficked, producing a profit of \$7 billion for traffickers. Sassen (2003: 268-9) cites the International Organisation for Migration (IOM) that the majority of prostitutes in the European Union are migrant women, ‘whose confinement is often extreme – akin to slavery – and so is their abuse, including rape, other forms of sexual violence, and physical punishment’.

Sassen argues that as countries around the globe try to clamp down on undocumented immigration and trafficking, more women are likely to turn to traffickers to help them get out; these traffickers often turn out to belong to the sex

industry (Sassen, 2003: 269). Gillian Wylie (2005) suggests that discussions of trafficking have become confused with those of migration and argues against this clouding of the two on the grounds that while trafficking involves coercion, deceit and exploitation, migration does not. Writing about the trafficking of women from Eastern Europe to Ireland for sexual exploitation, she asks whether, since the migration of women is increasingly seen as denoting agency and enterprise, trafficked women can be agents of their own fates (Wyllie, 2003) However, the question of agency, central to new global narratives of the migration of women, seems irrelevant in the case of Paiche Onyemaechi, whose death was speculatively narrated in the media as the very consequence of her agency, in choosing to extricate herself from an exploitative pimp (Dillon, 2004: 1). Despite its tragic end, her story reminds us that the narratives of the migration of women are never just stories of exploitation, despite their obvious waste-creating properties.

Conclusion: Hidden Ireland as a global waste bin

Paiche Onyemaechi's headless body, dumped in a black plastic bag on a river bank in Piltown, County Kilkenny, is one item in human lives as global waste. Interestingly, when another headless and dismembered male black body was found dumped in Dublin's Royal Canal in April 2005, both Gardaí and press hastened to link it with Onyemaechi (Kelly, 2005). However, by August 2005, the body transpired to be that of Farah Swaleh Noor, a Somali national (*Irish Times*, 2005), not at all connected to Onyemaechi, the investigation of whose murder has yielded no results by the time of writing.

According to Bauman, immigrants are 'that human waste of distant parts of the globe unloaded "into our own backyard"', and 'the least bearable of our own, home-grown fears' (Bauman, 2004a: 56). Global Ireland – complete with economic boom and social inequalities – is fast becoming a global bin of wasted lives.

The first media reports regarding 'non-national' women to emerge after the Citizenship Referendum, dealt with back street abortions procured by a Moldovan woman who carried out abortions at €500 a go (*Irish Times*, 2004c). The reports exposed a 'hidden Ireland' – a term hitherto preserved for high class country hotels for discerning tourists – where desperate migrant women, afraid or unable to leave the jurisdiction to have abortions in Britain, seek a back street solution for their unwanted pregnancies. Of the 105,000 women with Irish addresses who had abortions in Britain since 1980, 60 are known to be immigrants or asylum seekers, issued with temporary travel documents by the Department of Justice, and financially assisted by the Health Boards, most probably because of the state's wish to have as few 'non-national' babies born in Ireland as possible (Humphreys, 2004).⁷

Abortion is of course a thorny issue in Ireland, which in the 1980s and 1990s fought three divisive referenda on the topic. Nor are back street abortions a new Irish phenomenon. Pauline Conroy (1992) cites eleven prosecutions or investigations into illegal back street abortions in 1935, around debates on two bills to control women's place in industrial production and biological reproduction.

Between 1942 and 1946, the number of investigations and prosecutions reached twenty five recorded cases (Rose, 1976). In 1956, after the body of five-month pregnant Helen O'Reilly from Co Kilkenny was found in Dublin, Nurse Mary Anne Cadden was sentenced to be hanged for murder, having provided abortions in a house in Hume Street in Dublin (*Irish Times*, 2004c). Like her Moldovan sister, she too responded to the despair of women who found themselves with unwanted pregnancies in Catholic Ireland.

The short-lived shock-horror reaction after the Moldovan abortion clinic was discovered left out other aspects of 'hidden Ireland', including anecdotal reports of Irish employers sacking pregnant migrant employees with impunity, or of the horrible conditions in some refugee hostels, where over-crowding, the wrong food, the lack of basic sanitation, as well as uncertainty about asylum applications and the ensuing depression and anxiety, put expectant migrant mothers under such strain that miscarriages occur regularly. The despair of 'Ireland's hidden villages' – direct provision centres for asylum seekers – focuses on asylum seekers who are lone mothers with young children, who speaks about the difficulty of bringing up children and of people having 'huge problems with depression and boredom' (Holland, 2005b: W4).

The story of Maria Alexi from Romania, smuggled at 15 into Ireland and forced to have sex with countless men, and beaten until she lost her baby (Holland, 2004), is another reminder of 'hidden Ireland', disavowed by most Irish people, conditioned by the state to think of 'non-national' women merely as taking advantage of 'our' generosity.

In this chapter we argued that telling the story of the migration of women into post-Celtic Tiger Ireland provides an alternative narrative of globalisation. It is the story of a whole army of invisible women migrants – cleaners, childcare workers, domestic servants, sex workers – who fill the 'care deficit' and get their hands dirty cleaning Irish toilets, wiping Irish bottoms, and satisfying Irish men's sexual desires. The fact that global Ireland probably needs more rather than less of 'them' to sustain 'our way of life' (Bauman, 2004a: 45) haunts us, as does the national-sexual repressed which returns to haunt in the shape of the Paiches and the Marias and their invisible sisters – hidden Ireland's wasted lives.

Notes to Chapter Six

¹ An earlier version of this chapter appeared in *The Irish Review*, no. 33 (Lentin, 2005).

² Dervla King shows that airlines have very specific policies relating to passengers travelling at a late stage of pregnancy. Most airlines restrict travel for pregnant passengers beyond 36 weeks, and in the case of twins, triplets etc, beyond the end of the 32nd week. Most airlines require a doctor's certificate for women who are between the 28th and the 34th weeks of their pregnancy. These regulations cast doubt on state actors' assertions that very large numbers of women arrived in Ireland for the first time very shortly before giving birth (King, 2004: 16).

³ See Moriarty, 2005, for a discussion of urban legends concerning asylum seekers as illustrating what she terms, 'the routinisation of the racialisation of Irishness'.

⁴ This was reiterated by the Taoiseach, saying in the Dáil on 21 April 2004 that ‘a different problem developed with non-nationals coming to Ireland for the purpose of the birth of the child and the acquisition of citizenship and then leaving the country’ (cited by King, 2004: 7).

⁵ ‘The x case’ was the name given to the case of a 14 year old Irish girl raped by her best friend’s father in February 1992. The rape victim was prevented by a High Court injunction from leaving the jurisdiction of Ireland to obtain an abortion in Britain. In March 1992, following an appeal to the Supreme Court by her family on her behalf, the girl was permitted to leave the jurisdiction and went to Britain to have her pregnancy terminated. The case derived from an anti-abortion amendment to the Constitution inserted through a referendum in 1983 (for further details see Smyth, 1992b).

⁶ The mobilisation of unions and media alike in the case of Salvacion Orge, a Filipina beautician employed through an agency by Irish Ferries for €1 an hour (discussed in chapter 4), was taken up by SIPTU and the national media, perhaps spelling a change of climate in relation to female migrant workers (Dooley, 2005b).

⁷ However, the case of an east European woman whose asylum application and application for leave to remain have been refused and who was not allowed to travel to Britain for an abortion, illustrates another twilight zone, that of women who have also lost any state protection and who often either choose back street abortions or risk their lives (Holland, 2005a: 7).

**‘Ever and always alien’:
From Jewish Refugees to Swastikas on the Museum
Wall**

*[The Irish ought to] cherish that feeling of hatred as their most valued possession, as the rock upon which the edifice of their nationality can only be built securely.*¹

(Arthur Griffith)

*[In] all countries in all Christian ages he has been a usurer and a grinder of the poor ... The Jew in Ireland is in every respect an economic evil. He produces no wealth himself – he draws it from others – he is the most successful seller of foreign goods, he is an unfair competitor with the ratepaying Irish shopkeeper, and he remains among us, ever and always alien.*²

(Arthur Griffith)

On 25 January 2003, Ireland held its first Holocaust Memorial Day, in Dublin’s City Hall. In his speech, the Minister for Justice, Equality and Law Reform, Michael McDowell noted that ‘although our constitution was remarkable in its time for its explicit recognition and guarantees for Ireland’s Jewish community’ and that ‘although our elected Government upheld in public the rights of those who faced persecution for their race and their religion... our State and society... failed that Constitutional recognition... by *failing to offer refuge to those who sought it*, or by failing to confront those who openly or covertly offered justification for the prejudice and race-hatred which led to the Shoah’. The Minister concluded: ‘The light of history has been shone on many such failings and I think it appropriate today, holding the office that I do, to formally acknowledge the wrongs that were covertly done by act and omission by some who exercised power in our society in breach of the spirit of the Constitution and contrary to the common values of humanity’ (McDowell, 2004b: 3, emphasis added).

The Minister made no reference to what had happened in Ireland two days earlier, on 23 January 2003, when the Irish Supreme Court ruled that ‘non-national’ parents no longer had a case to reside in Ireland to bring up their citizen child. In February 2003, following the Supreme Court ruling, the same Minister who deplored Ireland’s ‘failure to offer refuge to those who sought it’, retrospectively abolished the process whereby migrant parents could apply for residency on the ground of parenting citizen children. 2003 and 2004 saw the deportations of migrant parents and the removal of their citizen children from the state.

Seemingly not satisfied, in early 2004, around the date of the 2004 Holocaust Memorial Day ceremony, in which he recited a poem titled 'Go home from this place', McDowell announced the Citizenship Referendum. The Minister, and the Fianna Fáil-Progressive Democrats coalition government, in enacting new legislation on immigration and citizenship (Irish Nationality and Citizenship Act, 2004³), regard immigrants as economic units, but in making insufficient provisions for family reunification (Holland, 2005d), ensure that migrants do not build lives here, which is as good as telling them to 'go home from this place'. Furthermore, despite the Minister's concern at Ireland's historical 'failing to offer refuge to those who seek it', during 2003 96 per cent of all asylum applications were rejected by the Refugee Applications Commissioner (ORAC, 2005).

At no point did the Minister make a connection between his Holocaust Memorial Day speeches and the Irish state's restrictive immigration policies past or present. Such disconnection has global resonance. Donald Bloxham (2003: 57-9) cites Tony Blair, who said, in the spirit of the Stockholm International Forum on the Holocaust in 2000 (Holocaust Forum, 2005), that the British Holocaust Memorial Day 'provides an opportunity to re-assert the democratic and civil values which we share... promo(ting) a democratic and tolerant society'. Bloxham argues that presenting Nazism as 'the identificational other' in Holocaust Memorial Days allows European states to 'tie in a new multicultural intent with an old rallying cry', not addressing any meaningful, genuinely universal but potentially divisive questions about the role of the state or of individual perpetrators, or the transgressions of European states against refugees and immigrants past and present.

Even though Minister McDowell avoided linking past antisemitism and present-day racism, the organisers of the Holocaust Memorial Day in Ireland were aware of this link, and incorporated representatives of the Nazis' other victims: people with disabilities, gay people, black people, Roma, Christian victims and political dissenters in the commemoration service. Lynn Jackson, one of the service's organisers, makes the link explicitly (albeit un-politically, linking Nazism to prejudice, rather than to state racism) when she writes: 'The Nazi Holocaust reminds us where unchecked prejudice and bigotry can lead' (Jackson, 2005: 12).

The disconnection between Holocaust commemoration and contemporary state racism is particularly poignant in relation to Roma and Travellers. The Dublin event did include a Roma representative, commemorating the Porajmos, the genocide of European Roma and Sinti by the Nazis and their allies, which killed between 500,000 and 2 million, resulting in the Roma in Europe losing up to 70 per cent of their pre-war population (Roma Centrum, 2005). However, all the references to Nazism seem trite in the context of Irish state racism towards Travellers – there is no evidence at all of Holocaust memorialising leading to any self-criticism in relation to either Travellers or Roma migrants in Ireland.⁴

Antisemitism

Despite being an ancient, persistent form of racial hatred (Fein, 1987), antisemitism must be theorised in the context of modernity and the link between

'race' and state. Kushner and Bloxham (2005: 62) link modern political antisemitism to the development of European ethnic nationalism, with different forms of Christianity co-opted as integral parts of national identity.

Some theorists distinguish antisemitism from racism (e.g., Langmuir, 1987; Banton, 1992). Indeed, the EU Monitoring Centre on Racism and Xenophobia (EUMC) defines antisemitism broadly, as *hatred*, rather than racism.

[Antisemitism is] a certain *perception* of Jews, which may be expressed as *hatred* towards Jews. Rhetorical and physical manifestations of antisemitism are directed towards Jewish or *non-Jewish* individuals and/or their property, towards Jewish community institutions and religious facilities... in addition, such manifestations could also target the state of Israel, conceived as a Jewish collectivity (EUMC, 2005, emphases added).

Antisemitism has gone global. The 'new antisemitism', a term coined in the wake of the 2001 Durban World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance, is a global trend aimed at Jewish *collectivities*, rather than at individual Jewish people, and is specifically interpreted as any criticism of Israeli politics towards the Palestinians (Iganski and Kosmin, 2003). The articulation of this so-called 'new antisemitism' has indeed been accompanied by a real rise in recent years in the desecration of synagogues, Jewish schools and graveyards, and other public Jewish sites across Europe (Strauss, 2003). Iganski and Kosmin identify three strands of the 'new antisemitism'. Firstly, the 'new antisemitism' is voiced by professional, middle class white Europeans.⁵ Secondly, they rail against any comparison of Israeli state policies with Nazism as 'antisemitic': according to Britain's Chief Rabbi Jonathan Sachs, 'the worst crimes of antisemites in the past – racism, ethnic cleansing, attempted genocide, crimes against humanity – are now attributed to Jews and the state of Israel, so if you are against Nazism, you must ipso facto be utterly opposed to Jews'. However, 'it is the Chief Rabbi, not Israel's critics, who conflates Jewry and the state of Israel (Bourne, 2004: 129). Some contributors to Iganski and Kosmin's collection claim that anti-Zionist sentiment is tantamount to wishing to 'exterminate the Jews', although others argue that to overplay the current new antisemitism is to sully the memory of the Nazis' Jewish victims. Moshe Zuckermann, while acknowledging that antisemitism can be disguised as anti-Zionism, warns against the 'antisemitisation' involved in the ideological conditioning of the memory of the Holocaust in an unconditional support for Israel and Zionism (Zuckermann, 1993: 327, cited in Lentin, 2004c: 17). Thirdly, the 'new antisemitism' arguably emanates from global 'Islamic fundamentalism'. While it is of course distressing to see traditional fascist texts such as *The Protocols of the Elders of Zion*⁶ being used to foment hatred against Jews in mosques throughout the Muslim world, Bourne argues that this must be put in the political context of the anti-war movement, among whose demands is also 'Free Palestine'. Bourne argues that such claims 'make no distinction between the anti-Semitism of fascists, the rhetoric of Islamists and the alleged anti-Israel Judeophobia of the media', and ignore the real threat of the rise of the British National Party (Bourne, 2004: 132).

In another global turn, Mark Strauss (2003), editor of the US *Foreign Policy* current affairs magazine, lays the blame for the ‘new antisemitism’ on the anti-globalisation movement, which, among other symbols, regularly uses the star of David twisted into a swastika in its demonstrations. While not antisemitic itself, the anti-globalisation movement, he argues, enables antisemitism by peddling conspiracy theories, blaming Jews for the discontents of globalisation. While opposing Israel doesn’t make anti-globalisation activists antisemitic, singling it out does. ‘It is paradoxical that Jews should find themselves swept up in the backlash against globalisation, since Jews were the first truly globalised people’, Strauss writes, at the same time pointing to ‘globalised solutions’ to global antisemitism in the form of Israeli-Palestinian workshops within the anti-globalisation movement itself.

So we see that antisemitism has assumed particular global meanings at the present moment, where talking about the ‘new antisemitism’ becomes preferable to, and perhaps less dangerous than acknowledging the broader concept of ‘xenoracism’ which targets not only migrants and ‘aliens’, but also indigenous racialised people within, primarily Muslims (Feckete, 2004).

Alana Lentin (2004), linking antisemitism to modernity, goes further and argues that political antisemitism has been displaced to immigrants and black people:

In a particularly striking manner because of the Jews’ relative integration into bourgeois society, the case of the politicisation of antisemitism indicates the seeming contradiction between a modernising nation-state and its imposition of increasingly narrow definition of belonging. The legacy of antisemitism, although officially refuted in the aftermath of the Shoah, informs the racism that persists in the latter half of the twentieth century, displaced onto ‘immigrants’ or black people (Lentin, 2004: 58).

It is becoming clear, then, that in shifting away from identifying the global targets of what Sivanandan calls ‘new state racism, that promises to safeguard the patriot nation from the shadow enemy within’ (cited in Waters, 2004) – mostly immigrants, black people, nomads, and, increasingly, Muslims – discussions of the ‘new antisemitism’ allow even minor players on the global stage, such as the Irish Minister for Justice, to emote about antisemitism and the Holocaust, while at the same time tightening immigration policies in their respective states.

Until quite recently, the voice of the official Jewish community was absent from discussions of racism and immigration controls in Ireland. It is useful to contemplate whether this silence means that Jewish citizens of Ireland are in the process of ‘becoming white’. Jewishness as whiteness as a racial assignment has historical roots, as Karen Brodtkin (1998; see also Goldberg, 1997) demonstrates regarding the USA. From European non-whiteness (Gilman, 1999), Jewish immigrants to Western Europe and the USA chose to *become* white, by asserting their superiority over, or at least by not siding with African Americans or ‘non-white’ immigrants, reaping what David Roediger (1991) calls ‘the wages of whiteness’ (or in this case ‘the wages of Irishness’). Irish Jewish writer David Marcus (2001) writes of the *hybrid* position of Jewish people in Ireland, and the

chapter concludes by asking whether such diasporic hyphenation subverts, or actually avoids subverting the Irish narration of nation.

The birth of a nation?

Rather than as an aberration of liberal culture, we need to analyse antisemitism and intolerance ‘*within* the liberal tradition’ (Kushner, 1998: 226). Zygmunt Bauman argues that it is precisely when ‘ethnic-religious-cultural strangers’ seem close to embracing the liberal vision of group emancipation, that ‘a dagger of racism is flung from beneath the liberal cloak’ (Bauman, 1991: 71). This moves us to theorise Irish antisemitism not simply as the work of fascist groups (although these have, and do exist), but as woven into the fabric of Irish modernity.

Bryan Fanning (2002: 30) theorises Irish nation building and national identity as exclusionary from the 19th century onwards with particular reference to ‘the experiences of Protestants, Jewish and Traveller minority communities’. We want to go further and propose that the Irish state was born out of racism and antisemitism. Arthur Griffith was not only the founder of Sinn Féin, but arguably also the ‘father of the nation’ and the state. He became the symbolic head of the new state as ‘President of the Dáil’ shortly before his death. While contemporary Sinn Féin have gone furthest in ‘celebrating’ the centenary of Griffith’s foundation of Sinn Féin in 1905 – ‘Céad Bliain ar son na Saoirse’ – other parties have been keen to claim the heritage without repudiating any of Griffith’s proto-Fascist ideas (Sinn Féin, 2005). It is interesting that in his objections to Sinn Féin ‘highjacking’ the Griffith centenary, the Minister for Justice celebrates Griffith, utterly ignoring his racist political legacy:

‘If Arthur Griffith’s political departure of 1905 is to be celebrated, then all of its political descendants, of which there is a good number, have far better claim as true inheritors than the Provisionals who constantly disown the political stance later taken by him and the great majority of those who, however they may have differed on the Treaty, ultimately remained loyal to the principles of democracy’ (Statement issued by Michael McDowell TD, Minister for Justice, Equality and Law Reform, 13 January 2005).

Griffith was indeed ‘a repugnant figure’, the enemy of other races, the working classes, and no friend to the Rights of Man. He was also was a curious figure: as argued by Luke Gibbons (1996: 105-6), he was both the person who pushed the Treaty in 1922, and the person who shouted down Syngé’s *Playboy of the Western World* in 1907, stating that no excuse is ‘needed for an Irish nationalist *declining to hold the negro his peer*’ (cited in Gibbons, 1996: 105, emphasis added). During the Lock-Out of 1913, Griffith wrote in his introduction to Mitchell’s *Jail Journal*,

The right of the Irish to political independence never was, is not, and never can be dependent upon the admission of equal right in all other peoples. It is based on no theory of, and dependent in nowise for its existence or justification on, the ‘Rights of Man’ [...] He who holds Ireland a nation [...] thereby no more commits himself to the theory that black equals white, that kingship is immoral or that society has a duty to reform its enemies than he

commits himself to the belief that sunshine is extractable from cucumbers (Griffith, 1982, cited in Gibbons, 1996: 105-6).

Griffith's *United Irishman* articles make his antisemitism crystal clear. He used these articles, inter alia, to fulminate against newspapers supporting the discredited French-Jewish officer Alfred Dreyfus⁷ as 'the impotent ravings of a disreputable minority which is universally regarded as a community of thieves and traitors [...] rags which have nothing behind them but the forty or fifty thousand Jewish usurers and pickpockets in each country and which no decent Christian ever reads except holding his nose as a precaution against nausea.' More specifically, supporting the attacks on Jews in Limerick in 1904, Griffith wrote in his paper that 'the Jews of Ireland have united, as is their wont, to crush the Christian who dares to block their path or point them out for what they are [...] usurers and parasites of industries [...] the Jews of Ireland is in every respect an economic evil [...].' In *Paddy and Mr Punch*, Roy Foster (1993: 32) comments that the 'anti-semitic ravings of Arthur Griffith's *United Irishman* [...] ... make chilling reading; derived directly from the anti-Dreyfus campaign in France, to which Griffith was violently committed'. The possibility that had Griffith become the head of state for any length of time, he might have put his antisemitic politics into effect is, of course, even more chilling.

Ireland's archetypical others?

If antisemitism was clearly a prominent discourse of the nationalist pre-state movement, we want to further propose that despite their successful integration into the business, professional, political and cultural texture of Irish society, Irish Jews remain the archetypical 'Others' of Irish Catholic nationalism, in the spirit of the Irish Constitution, the preamble of which leaves no doubt as to its narrowly defined ethno-Catholic nationalism (Lentin, 1998). Jews have been seen by Irish people variably as the killers of Christ (one sixth of the respondents in Michéal Mac Gréil's 1978 survey on prejudice in Ireland believed Jews were to blame for the crucifixion), as displaying dual loyalty (to Ireland and to Israel, or to international Jewry), or simply as a people apart, and 'not really Irish'. Irish Jews are also often seen by Irish people as wielding disproportionate financial power, although there are no Irish Jews among Ireland's richest people.⁸

These perceptions are in stark contrast to the way most Jewish people in contemporary Ireland see themselves, as being fully integrated into Irish society. For example, David Marcus, whose *A Land Not Theirs* (1986) depicts the complex links between Irish nationalism and the close-knit 1920s Cork Jewish community, believes that 'by and large the Jewish experience in Ireland has been a happy one' and cannot recall ever encountering antisemitism apart from 'rowdy boys in the streets of Cork'; however, he does acknowledge that 'most of (my brothers) did medicine and were not really able to build up a practice in Ireland' because 'Catholics preferred to go to Catholics' (McGarry, 1998: 2).

In the north of Ireland, David Warm's interviews with Jewish people also indicated little complaint of antisemitism. However, while northern Jews manage to keep a distance from the sectarian divide, and despite emphasising the

'importance of loyalty to the host society,' some of Warm's interviewees did admit 'the Troubles' were a key factor in the numerical decline of the community (Warm, 1998: 234-7).

Even if they are no longer crudely viewed as Christ killers or an 'economic evil', Irish Jews remain 'ever and always alien', despite state denials of the existence of antisemitism. It is ironically striking that Michael McDowell's November 2004 firm denial of antisemitism as he was launching the NCCRI 2002-4 Progress Report, was followed by a spate of Nazi graffiti on the Jewish museum in Portobello, Dublin; the Dublin synagogue in Terenure; and the house of the former chief Rabbi Isaac Herzog (O'Brien, 2005e: 3). On the same occasion the Minister also referred proudly to the 'Jewish area' of Portobello and Clambrassil Street in Dublin, part of his constituency (currently no longer housing Jews, including many food stores, its Jewish inhabitants having long moved to the suburbs) which, he stressed, has been historically free of antisemitism. His facile boast did not acknowledge, for instance, the murders of two Jewish men, Emanuel Khan and Bernard Goldberg, in Portobello during the 1920s. In 1934, Minister for Finance Séan MacEntee said in the Dáil that the murderers were still at large (Goldstone, 2003).

Even though the 1997 European Year Against Racism and subsequent official accounts of racism in Ireland have largely occluded its existence, in 2004, the denial of Irish antisemitism by the state is no longer tenable. It took a spate of antisemitic graffiti on Jewish sites during 2004 and 2005 to change this discourse of denial.

The NCCRI's report to the EUMC, *Recent Anti Semitic Acts and Attitudes in Ireland*, stated 'there is no discernible increase in anti-Semitic violence or rhetoric... many incidents reported are considered to be once off and unusual occurrences, with no evidence of systematic targeting of the Jewish community in Ireland' (NCCRI, 2003: 1). However, in 2003, the NCCRI's report tells a different story. Quoting the Jewish Representative Council, the report lists several incidents of abusive antisemitic behaviour, including face to face, phone calls and targeted abusive antisemitic letters to individuals, to the Jewish community offices and to the Israeli embassy. The report concludes, somewhat minimally, that 'while there does not appear to be any concerted campaign of anti-Semitic activity against the Irish Jewish community, there are numerous events that demonstrate a certain degree of overt and/or latent anti-Semitism in Ireland' (NCCRI, 2003: 9). By 2005, the picture becomes more acute: desecration of Jewish graveyards, antisemitic phone calls, emails, and in particular graffiti attacks (primarily swastikas) become more frequent, with at least thirty reported incidents between November 2004 and March 2005 (O'Brien, 2005e: 3).

Although the official Jewish community tended to equate this increase in targeted antisemitism with anti-Zionist sentiments, probably perpetrated by 'Islamic fundamentalism' in the spirit of the 'new antisemitism' (Nachlath Dublin, 2004/5: 8-10), the perpetrator of the antisemitic graffiti turned out to be neither a Muslim nor a member of a fascist organisation, but one David Hughes, a lone operator from Dundalk (*Evening Herald*, 2005). However, for the first time, the

attacks prompted Jewish representatives to begin to contextualise the attacks in the rise of racism in general. According to Carl Nelkin, vice-chairman of the Jewish Representative Council of Ireland: 'I don't think it is a reflection of the wider Irish community, but there have been a few alarming developments of late with an awful lot of xenophobia and racism' (Fitzgerald, 2005b).

Ultimately, we want to argue, the ongoing attention to matters Jewish (also evident in the disproportionate level of coverage of Israeli and Palestinian affairs in the Irish media) must be explained by the 'normality' and acceptability of antisemitism in Irish society. Irish Jews, whose contribution to Irish society is unquestionable, have not only played a central role as 'others' in relation to Irish Catholicism, they have also been crucial as scapegoats towards whom intra-community tensions are projected, as was apparent in the 1904 Limerick pogrom, a boycott instigated by the Redemptorist priest Fr John Creagh, which pushed the majority of Limerick's Jewish people to leave the city, decimating a once thriving 400 strong community (see Keogh, 1998; Keogh and McCarthy, 2005).

Furthermore, in the Irish context, there is a tendency to homogenise 'Jews', obscuring country of origin, class, religiosity and gender heterogeneities. Perhaps such homogenisation originates in the stories Irish Jews tell themselves and tell about themselves. For instance, the accepted tradition that all Irish Jews originated in the Lithuanian *shtetl* (Jewish Eastern European village) Akhmean has nurtured Irish Jews' own sense of self as *Litvaks* par excellence (O'Grada, 2004). This despite the fact that most Irish Jews who migrated to Ireland in the late 19th century apparently came not from one single *shtetl*, but from a range of *shtetls* throughout this Lithuanian-Latvian borderland region. The apocryphal story, that Jewish migrants from Lithuania in the 1880s were sold half a ticket to America and were put ashore in southern Irish ports by unscrupulous sea captains, is apparently also inaccurate. According to the migration historian Hasia Diner, Jewish immigration from Lithuania was an organised affair, and Jewish migrants probably heard that Ireland was a fertile terrain for their peddling trade, purchasing their tickets accordingly.⁹ In later years Jews have come to Ireland from many other places, including the UK and Israel.

However, despite the great diversity of Jewish people in Ireland, comprising of middle class and working class people, orthodox and reform Jews, medical and legal professionals, politicians, business people, academics, artists and people employed in all sectors, the homogenisation persists. When Michéal Mac Gréil's respondents said that 'Jewish power and control in money matters are far out of proportion to the number of Jews' in the population (Mac Gréil, 1978: 333), they were drawing a direct line to Griffith's description of Jews as 'an economic evil', and assigning a unitary class position to all Jewish people in Ireland, despite their obvious heterogeneities. It is impossible to simply relate Irish antisemitism to economic factors and homogenisation is closely related to stereotyping and othering, a compelling object of representation and of making racial difference, always involving feelings and emotions and mobilising fears and anxieties at deeper levels than we can explain in a commonsense way (Hall, 1997a).

Racist state: ‘Because she never let them in’

But what about Joyce’s Citizen’s claim in *Ulysses*, that Ireland ‘has the honour of being the only country which never persecuted the Jews...Because she never let them in’ (Joyce, 1961: 44)? Irish Jewish population patterns have varied greatly from general migration trends in the Republic of Ireland. Until 1946 it continued to increase despite a fall in the general population, but since then, there has been a steady decline: between 1946 and 1996, the Jewish community in the Republic declined by more than 70 per cent (Sexton and O’Leary, 1997),¹⁰ though 2002 saw a rise in numbers from 1,580 (in 1991) to 1,790, due to new arrivals of Jewish people for business and professional purposes (see Lentin, 2002b).¹¹

That the Irish state has a poor record on the admission of Jewish refugees before, during and after World War II has been well documented (Goldstone, 1998; Keogh, 1998; Goldstone and Lentin, 1997; Goldstone; 2002): between 1933 and 1946, neutral Ireland allowed in only some 60 Jewish refugees while Jews were being annihilated in Nazi occupied Europe. One excuse, given by antisemitic civil servants, was that Jews have dual loyalty to international Jewry, and couldn’t be trusted to be one hundred percent Irish (Eunan O’Halpin, cited in Goldstone and Lentin, 1997). Charles Bewley, the Irish envoy in Berlin in the 1930s, a well known supporter of Nazism, actively obstructed Jewish immigration to Ireland (Keogh, 1998: 129-136). Bewley’s 1938 report to the Department of Foreign Affairs reflects the stereotypes of Jewish unassimilability, dual loyalty and financial dominance:

...governments... have been led by their experience to the conviction that Jews, even when settled in a particular country for centuries, do not become assimilated to the people of that country, but, when the interests of the country of their birth come into conflict with their own personal or racial interests, invariably sacrifice the interests of the country of their birth to Jewish interests ...The Jews had acquired so dominating a position in the financial world that they were in a position to control public policy... they monopolised the learned professions and held important positions in the universities out of all proportion to their numbers... (Bewley to Walsh, 9 December 1938, cited by Keogh, 1998: 132-3).

Decision making in refugee applications put before Ireland’s then immigration authorities often relied on racist stereotypes: archival searches reveal letters saying ‘sounds Jewish... refuse’ (Goldstone and Lentin, 1997). Discussing the Irish state’s restrictive immigration policies towards Jewish refugees before, during and after WWII, Fanning goes as far as arguing – some say not entirely preposterously – that these practices ‘indicate some similarities between the goals of Nazi Germany and the Irish state of attaining and maintaining societies which were *judenfrie* (sic) or “without Jews”’ (Fanning, 2002: 59).

Neutral Ireland’s pro-Allies stance notwithstanding, Taoiseach Eamon De Valera visited the German legation in Dublin on 2 May 1945 to express condolences on the death of Adolf Hitler. Despite its bad taste, it would clearly be wrong to simply attribute this act of De Valera to antisemitism. His visit to the legation is defended to this day, not only by Fianna Fáil supporters, but also by

Jewish leaders.¹² In a letter to *The Irish Times*, former Chief Rabbi Isaac Cohen exonerates Eamon De Valera, who, he writes, 'greatly admired the new-born state of Israel, and welcomed its liberation from British control'. De Valera was deeply moved when Rabbi Cohen brought him, in 1973, a sapling of a fir tree from the Eamon De Valera Forest which the Irish Jewish community planted in his honour near Nazareth (Cohen, 2005). Dermot Keogh paints a complex picture of de Valera's approach to Jewish refugees. On the one hand, he argues that De Valera was influenced by his friendship with the then Chief Rabbi Dr Isaac Herzog to insert the 'Jewish congregations' into Article 44 of the 1937 Constitution.¹³ On the other, not allowing significant numbers of Jewish refugees into Ireland and his decision to prevent 'an influx of persons who could subsequently not be removed from this country' had to do with policy, not with antisemitism. 'It was a matter of *expediency* and *policy* therefore to allow the anti-Semitic Charles Bewley, Ireland's envoy in Berlin, wide discretionary powers in granting or withholding of visas' (Keogh, 1998: 128-9, emphases added).

What is more puzzling, however, is that Irish restrictive immigration policies towards Jewish refugees continued after the war. Keogh reports De Valera's supposed readiness to admit 'at least 10,000 aliens' (Keogh, 1998: 6), yet the immigration of what Irish civil servants, borrowing Nazi terminology, called 'non-Aryans', remained extremely restrictive. In 1946, 700 German non-Jewish children were brought to Ireland by the Red Cross in 'Operation Shamrock'; many have remained in Ireland. On the other hand, permission for 100 Jewish Polish orphans to be settled in Clonyn Castle, County Westmeath, purchased by a London Jewish society, was given for two years only, on condition 'that they would be removed to some other country as soon as arrangements could be made, and that the Chief Rabbi's Religious Emergency Council would take full responsibility for the proper care and maintenance of the children while they remained in this country' (Department of Justice memorandum, April 1948, cited by Keogh, 1998: 211). Most of these children left the jurisdiction after the assigned two years.

And what about popular antisemitism? While antisemitic disturbances in Dublin in the 1930s were infrequent, radical anti-Jewish articles were published by Catholic publications such as *The Irish Catholic*, *The Catholic Bulletin*, *The Irish Mind*, *The Irish Rosary* and *The Cross* (Keogh, 1998: 92). As war approached, radical nationalist groups, such as the *1916 Veterans Association* and the *Irish-Ireland Research Society* called on the government to stop Jewish immigration into Ireland (Keogh, 1998: 147-8). They alleged that large numbers of Jewish refugees had arrived, even though only a trickle was admitted. In February 1939 the words BOYCOTT JEWS appeared on walls around Dublin (not unlike anti-immigrant and antisemitic graffiti in contemporary Dublin) and several Dublin Jews received warnings to 'clear out of the country or they would meet the same fate here as the Jews in Germany' (Keogh, 1998: 149).¹⁴

Keogh also records the existence of several prominent Fascists and Nazis in Dublin including Helmut Clissman, who although he spied for the Nazis, was allowed to return to Ireland in 1948 (Keogh, 1998: 151-2), and ironically, became the founder of the Irish section of Amnesty International. Until the late 1980s, the

National Socialist Irish Workers' Party distributed neo-Nazi literature printed in Sweden as well as its own publications with Shoah-denial, neo-Nazi, antisemitic and anti-Traveller slogans. The NSIWP may have been responsible for a series of attacks on a Jewish butcher's shop in Dublin in 1986 (*Antisemitism World Report*, 1997: 184). Today, groups such as Stormfront Ireland (2005) and The Aryan Nation, under the sub-section 'The Celtic Realm' (2005) regularly publish Holocaust denial and anti-immigrant materials – linking past and present in sinister ways.

If admitting Jewish refugees into Ireland was seen as causing antisemitism, contemporary Ireland's immigration and asylum policies operate from the premise that incoming aliens bring racism with them. This was exemplified in the response of the Minister for Justice Gerry Boland to the request to allow Jewish orphans into Ireland in 1946: 'It has always been the policy of the Minister for Justice to restrict the admission of Jewish aliens, for the reason that any substantial increase in our Jewish population might give rise to antisemitic problem' (cited in Goldstone and Lentin, 1997). This is amazingly similar to contemporary arguments, that allowing refugees into Ireland causes ghettoising and racism, as Kevin Myers writes in *The Irish Times* in July 1998: 'We can listen and we can learn from the experiences of others. We must have controls over immigration... And we should certainly not expect the least advantaged and least educated communities in Dublin and elsewhere to be the sole unassisted hosts of ghettos and newcomers. Down that road lies certain disaster' (Myers, 1998: 15). Such responses shift the blame for racism onto racialised minorities, rather than dominant majorities.

Etienne Balibar's (1991: 222) argument, that blaming immigrants for 'our' social problems spreads the idea that the reduction (or ending) of immigration (and the expulsion of as many immigrants as possible) would solve these problems, is as pertinent today as it was long before the Nazi genocide. Then as now a line is drawn between Irish emigration and incoming immigration, as articulated by Arthur Griffith already in 1904, at the time of the Limerick Pogrom in the *United Irishman*:

No thoughtful Irishman or woman can view without apprehension the continuous influx of Jews into Ireland and the continuous efflux of the native population. The stalwart men and bright-eyed women of our race pass from our land in a never-ending stream, and in their place we are getting strange people, alien to us in thought, alien to us in sympathy, from Russia, Poland, Germany and Austria - people who come to live amongst us, but who never become of us... (*United Irishman*, 23 April 1904, cited by Keogh, 1998: 42).¹⁵

There is good reason therefore to return to interrogate the contemporary significance of this legacy – the Griffith notion of Ireland as a nation state forged on the anvil of virulent antisemitism.

How Irish Jews became white

Until the recent spate of antisemitic graffiti only few Irish Jews have admitted publicly to the existence of antisemitism. This is understandable: better let sleeping

demons rest. However, privately some do admit to feeling ‘the odd person out,’ and having to act as ‘Jews at home and Irish people outside’. Those who choose to be publicly Jewish must often face the consequences. These may be ‘only’ jokes, anonymous letters and telephone calls or inappropriate comments. Or they can be more public verbal attacks such as the accusation by Muintir na hÉireann against TDs Mervyn Taylor and Alan Shatter during the 1995 divorce referendum campaign that the two Jewish TDs, despite their recognised legal and legislative expertise in Irish family law, did not have ‘a full understanding of Christian marriages’ and were therefore unfit to lead the pro-divorce campaign (*Antisemitism World Report*, 1996: 151). In fact, Mervyn Taylor’s central role in modernising the Irish equality agenda – he was the first Minister for Equality and Law Reform – tends to be largely obscured in today’s celebration of ‘diversity’ and of state anti-racism.

Some Irish Jews, like David Marcus, speak of the ghost of dual Jewish loyalty. Others are more vocal. Former Lord Mayor of Cork Gerald Goldberg spoke of his sadness about the demise of the Cork Jewish community which 60 years ago numbered 400 Jews: ‘In a heartfelt way I am sad to say that for the local community this seems to be the end.’ Goldberg blamed Irish Government policy during the war for the precipitous decline, and says that the scenario today would be different for Ireland’s Jews if European Jewish refugees had been allowed into this country (McGarry, 1998: 2).

However, while some other minority congregations, most notably the Irish Methodist Church, raised a dissenting voice in the debates on migrant parents of Irish citizen children and on the Citizenship Referendum, the voice of the official Jewish community remained silent until quite recently, leading us to speculate whether, despite their racialisation, Irish Jews have ‘become white’ (see Brodtkin, 1998; Goldberg, 1997).

When they first arrived, many Lithuanian Jewish immigrants worked in Ireland as peddlers, encountering a peasant population not dissimilar to the one they encountered back home. The story goes that when they first landed, they wondered what the name Ireland meant. ‘Ire’ (*Eier*) meaning in Yiddish ‘eggs’, they adopted the Yiddish/Hebrew word for eggs, ‘beitzim’, and began deriding the locals as ‘*beitzimers*’, sometime adding the insult ‘*ganef*’ (thief) to the ‘*beitzimer*’ injury. This superiority was not unknown to them back in Lithuania, where male gentile peasants were called ‘*sheigetz*’ and the more familiar ‘*shiksa*’ to denote non-Jewish women. By the 1990s, as most Irish Jews have moved away from their Cork, Limerick and Dublin city centre artisan neighbourhoods to the suburbs, and as immigration to Ireland from Africa and Asia has become more visible, you can hear the racist appellation ‘*schwartz*’ (Yiddish for black) towards black nurses or doctors mouthed by elderly Jewish people who had not experienced a black presence in Ireland before.

In recent years, the silence about other forms of racism (though not about exclusionary immigration controls) has been broken. Indeed, the Holocaust Memorial Day inclusion of the Nazis’ other victims is a significant first public recognition by an official Jewish event of historical and contemporary racism. At

the same time, the inclusion of the President, the Taoiseach and the Minister for Justice as prominent participants in the ceremonies avoids laying the blame for antisemitism and racism in the state's court, where it belongs.

Conclusion: 'Hyphenation once again'

A re-reading of David Marcus's novels *To Next Year in Jerusalem* (1954) and *A Land not Theirs* (1986), his short story 'Who has even heard of an Irish Jew?' (1990) and his *Oughtobiography* (2001) reveals an account of a complex hyphenated positionality. On the one hand, Marcus, who through his *Irish Press* 'New Irish Writing' page and through editing many volumes of Irish short stories, is a unique literary authority among Ireland's cultural hybrids. On the other hand, in his writing he self-presents as a Jewish-Irishman, who, unlike some of his protagonists who choose Palestine over their precarious existence in a 'land not theirs', stays in Ireland, forever caught in the twilight zone of the 'vanishing diaspora' (Wasserstein, 1996¹⁶), forging a niche in Irish culture, yet forever performing his 'hyphenation, once again' (Lentin, 2003b). In light of the contemporary unpacking of Irishness, Marcus's fiction, produced from the marginal position of an Irish-Jewish writer performing an act of in-between-ness, always evokes nation and nationalism, rather than subverts them – as exiles and migrants often do. His hybrid marginality is a constant referent: 'I can never forget, never completely lose the feeling of being something apart, something different' (Marcus, 1954: 139).

Jewish-Irish *cultural* migration patterns characterise the continuing centrality of *exile* to contemporary Jewish existence (Lentin, 2002b), a centrality exemplified by the Irish-Jewish website (Jewish Ireland, 2005), constructing a virtual 'home from home' where the blurring boundaries between 'diaspora' and 'homeland' are re-negotiated. For both Marcus and his protagonists, the boundaries between diaspora and homeland are not as blurred. For instance, he writes about having never visited Israel, afraid to either dislike it and be disappointed, or like it too much. Deconstructing Irishness in his own way, he knows that being born and bred in Ireland could not make of him a complete Irishman in the sense of that phrase which is now, thankfully, increasingly out of date (2001).

Like antisemitism, the concept of diaspora too has contemporary global connotations. Bobby Sayyid (2000: 41-2) argues that although diasporas were dependent on the discourse of nationalism (after all, without nationalism it would be difficult to construct a diaspora), they can also be considered as *anti-national* (though when thinking about the Irish diaspora, this is not a very persuasive argument). Likewise, for Marcus, and perhaps for many Irish Jews, diaspora is not 'anti-nation', but rather combining two national spaces, corresponding happily despite the tensions of identity. Ultimately, however, despite Ireland's contemporary multiculturalism, even a major literary figure such as David Marcus is not allowed to fully belong, as he has his protagonist Jonathan say as far back as 1954:

By law he might be Irish... (but) what counted in fact was something indescribable – something that might have had its origin in the blood, or the mind, or the soul... and it was that something which provided the basic, vital, and ineradicable difference between himself and his Christian friends... in the end perhaps only one thing, of all his numerous connections, would remain to cling to him – his Jewishness (Marcus, 1954: 40).

The centrality of migration and exile to the contemporary global Jewish experience makes the apparent Jewish clinging to Irish whiteness – while knowing full well that Irishness never quite absorbs or recognises Jewishness as intrinsic to what it means to be Irish – understandable, despite its complexity.

Notes to Chapter Seven

¹ *The United Irishman*, 5 March, 1904: 5.

² *The United Irishman*, 23 April 23rd 1899, cited in Foster, 1989: 16

³ See Shatter (2005)

⁴ A precise demographic profile of the number of Roma in Ireland is not possible because data is collected on the basis of nationality, not ethnic origin. However it is estimated that there are 1,700 Roma living in Ireland, from Romania, Poland, the Czech Republic and Bulgaria. The Roma in Ireland tend to be more marginalised than many other asylum seeker groups.

⁵ Some of these critics of Israel are Jewish, labeled by other Jews monitoring their words and actions as ‘self hating Jews’. See the ‘SHIT list’, for ‘Self Hating and/or Israel Threatening Jews’

⁶ Taken by the gullible to be the confidential minutes of a Jewish conclave convened in the last years of the 19th century, ‘The Protocols of the Learned Elders of Zion’ has been heralded by antisemites as proof that Jews are plotting to take over the world. It was contrived around the turn of the century by the Russian Okhrana, or Czarist secret police.

⁷ Alfred Dreyfus, an obscure captain in the French army, came from a Jewish family that had left its native Alsace for Paris when Germany annexed that province in 1871. In 1894 papers discovered in a wastebasket in the office of a German military attaché made it appear that a French military officer was providing secret information to the German government. Dreyfus came under suspicion, probably because he was a Jew and also because he had access to the type of information that had been supplied to the German agent. The army authorities declared that Dreyfus’ handwriting was similar to that on the papers. Despite his protestations of innocence he was found guilty of treason in a secret military court-martial, during which he was denied the right to examine the evidence against him. The army stripped him of his rank in a humiliating ceremony and shipped him off to [life imprisonment on] Devil’s Island, a penal colony located off the coast of South America. The political right, whose strength was steadily increasing, cited Dreyfus’ alleged espionage as further evidence of the failures of the Republic. Édouard Drumont’s right-wing newspaper *La Libre Parole* intensified its attacks on the Jews, portraying this incident as further evidence of Jewish treachery. Drumont inspired Fr John Creagh, the instigator of the Limerick pogrom.

⁸ In 1978 Mac Gréil found that 42 per cent of his respondents disagreed that ‘it would be good for the country to have many Jews in positions of responsibility in business;’ 25 per cent agreed that ‘Jewish power and control in money matters are far out of proportion to the number of Jews’ and 57 per cent thought that ‘Jews were behind the money lending rackets

in Dublin' (Mac Gréil, 1978: 333). A subsequent survey published in 1996 recorded a relatively high level of prejudice against Jews in rural areas. 20 per cent still regarded Jews responsible for the crucifixion, although prejudice related to money matters had declined since the earlier survey (Mac Gréil, 1996: 223).

⁹ Personal communication with Ronit Lentin.

¹⁰ Warm (1998: 227) reports a similar pattern in Northern Ireland. The Northern Irish Jewish community grew steadily in the first 100 years of its existence to reach a peak in the late 1960s with 1,500 people. From then on the numbers dwindled so that, by 1997, the NI Jewish community had been reduced to 230 individuals.

¹¹ This is probably a fluctuating, under-estimated figure, as Jewish people from Israel and elsewhere have tended to live and work in Ireland in recent years in increasing numbers.

¹² Eoin Neeson, writing in *The Irish Times* in defence of Irish neutrality in World War II in July 2004, says the visit was not aimed to pay De Valera's respects to Hitler, 'but to acknowledge the death of the German chancellor and head of state following international protocol' (Neeson, 2004).

¹³ Together with 'the Church of Ireland, the Presbyterian Church in Ireland, the Methodist Church in Ireland, the Religious Society of Friends in Ireland'. Article 44 was amended in January 1973 when the special position of the Catholic Church and the recognition of other named religious denominations were removed (Bunreacht Na hÉireann, Fifth Amendment).

¹⁴ This brings to mind the anonymous letter Ronit received recently, telling her 'If you don't like our treatment of refugees, why don't you fuck off to a more congenial place like Belsen?'

¹⁵ For full extracts from Griffith's antisemitic editorials arising from the Limerick pogrom, see Manganiello, 1980.

¹⁶ Wasserstein's main argument is that Jews are vanishing from Europe, not only due to the Shoah. Their numbers have declined from 10 million in 1939 to under 2 million in the late 1990s. Apart from small pockets of ultra-orthodox communities, Wasserstein predicts that 'within a few generations they will disappear as a significant element in the life of the continent' (1996: ix). However, according to Diana Pinto (1996), beyond assimilation and ghettoisation there exist new *communal, voluntary* Jewish spaces in a changing Europe: 'Jews, even in tiny homeopathic doses, can create a strong Jewish presence in any society... The "electronic fax Jew" need no longer feel isolated and lost' (see Lentin, 2002c).

Anti-Travellerism: Towards ‘a final solution’ to the Traveller ‘problem’

Dr. Maguire asked the Minister for Justice if he will indicate the steps he proposes to take to control effectively the itinerant population.

Mr. Boland: Replies to numerous questions on this subject have made it clear that the problem created by vagrants has been carefully considered in the Department of Justice, but that there does not appear to be any satisfactory solution to the problem.¹

(Dáil Éireann 1951)

There can be no final solution of the problem created by itinerants until they are absorbed into the general community.²

(Charles J. Haughey 1960)

On 10 April 2002, Mary McAleese, the President of Ireland, signed into law the Housing (Miscellaneous Provisions) Act (No 2), 2002. She convened a meeting of the Council of State to discuss the proposed legislation following representations from Traveller organisations but decided not to refer the matter to the Supreme Court to test its constitutionality.³ Section 24 of the Act made trespass on land a criminal offence for the first time. The Irish Government argued that the section was intended to deal with ‘large-scale unauthorised Traveller encampments by traders, Travellers from abroad and others not indigenous to an area and Travellers who have other homes’ (Logue, 2002). Traveller organisations, however, vociferously criticised the new law on the basis that it allows local authorities to evict Travellers indiscriminately without having to fulfil their responsibilities to provide alternative accommodation. This legislation marked the formal end of a period of ‘partnership’ between the state and Traveller organisations which promised to move state/Traveller relations beyond the traditional ones of confrontation and racism. The profound anti-Travellerism of the Irish state had reasserted itself once again.

This negative government intervention in the Republic was subsequently mirrored in the north of Ireland. In September 2003 the Department of Social Development published a consultation document *Proposed Control of Unauthorised Encampments* (DSD, 2003, 2003a). While the document addressed other issues in passing, the key focus of the document was Travellers and Traveller sites. In conducting its own equality impact assessment of the proposed legislation, the DSD concluded ‘that the proposal to introduce legislation to control unauthorised encampments as set out above is *likely to have an adverse impact on Irish Travellers*’ (DSD, 2004, our emphasis). Despite this straightforward

assessment of the negative impact of the proposed measures, the DSD proceeded to support the introduction of the legislation (DSD 2004, 2005).⁴ It became law as the *Unauthorised Encampments (Northern Ireland) Order 2005* in July 2005 (OPSI, 2005).⁵

This new proposal was only the latest intervention in the long tradition of governments in Ireland attempting to terminate Traveller nomadism. Travellers have routinely been identified as a 'problem' to be 'controlled' and 'protected against'. Since the 1940s the Irish Government has been searching for a 'satisfactory solution' to this 'problem'. Historically, of course, governments around the world have tried to 'control' Roma and other Travellers using a whole series of methods – from genocide to transportation and from enslavement to branding.⁶ In this sense, anti-Gypsyism is a centuries-old European, and as such, a global, tradition.⁷ But *anti-Travellerism* is a specific Irish phenomenon. With antisemitism, anti-migrant racism, and anti-asylum seeker racism in Ireland, we have seen old racisms from other places repackaged in new forms. In anti-Travellerism, however, the Irish state can make its own dubious claim to what Paul Gilroy (2000: 12) names 'raciology'. In this sense, anti-Travellerism is Ireland's unique contribution to the panoply of racisms. The phenomenon becomes manifest in the gross inequality experienced by Irish Travellers and is evidenced in the relentless and sustained Irish state project to assimilate Irish Travellers.

This reality of contemporary state/Traveller relations was brought into sharp focus in 2005 by events following the killing of John 'Frog' Ward. His killer - settled farmer Pdraig Nally - was acquitted of murder even though the judge in the case made it clear that, 'the second and fatal shot was fired after Mr Ward had left Nally's farmyard in October 2004 and was limping down the road, in manifest retreat' (RTE News, 2005n). The killer was sentenced to six years for manslaughter. The conviction and sentencing of Nally prompted a 'racist media campaign against Travellers' (Browne, 2005: 14-16). A whole series of spurious and unsubstantiated stories appeared in Irish tabloids with banner headlines focussing on the fact that John Ward was a Traveller. Rallies and marches were planned in support of the killer. The Fine Gael leader Enda Kenny joined the 'Justice for Pdraig' campaign and attempted to make political capital from the issue. This in itself marked a significant change in 'a tradition where, at least, major political figures remained aloof from Traveller issues' (Browne, 2005: 15). This connected, of course, with a much longer tradition of selective use of ethnicity in the reporting of high-profile cases in Ireland. For example, the vast majority of homicides in Ireland do not involve a Traveller as either accused or victim – but the media never informs us in these cases that both perpetrator and victim were 'settled people' or 'members of the settled community' nor indeed uses this fact to interpret the dynamics of the case. (The media, of course, *does* racialise identity in much the same way in cases involving 'asylum seekers' or 'non-nationals' or people of colour). In the middle of the feeding frenzy around the prosecution of the perpetrator, few journalists seemed to remember that at the centre of the story was a human being that had been very brutally killed. The fact that he was a Traveller

became enough to reverse the categories ‘perpetrator’ and ‘victim’ for the media, political parties and the criminal justice system alike.

So Irish Travellers have played a central role in the politics of the racial state in Ireland. Ever since the turn of the 20th century, Travellers have been a dominant ‘other’ in constructions of Irish identity. At the same time, Travellers have been central to the construction of anti-racism in Ireland. The Traveller Support Movement moulded Irish anti-racism for years – the legacy of this unique development still underpins Irish anti-racism. Since the co-option of much of this infrastructure in state anti-racism from the late 1990s onwards, Traveller issues continue to dominate discourse on racism. Likewise, Traveller discrimination cases have taken up a hugely disproportionate share of the work of the Equality Authority in the south and the Equality Commission in the north. Despite and because of all this activity, Travellers have remained right at the bottom of almost every index of inequality. The state’s anti-Travellerism remains both profound and indisputable at the level of inequality of outcome.

The Irish state is therefore an interesting case study because of both the profile of its anti-Travellerism and the centrality of Travellers to its adoption of an ‘anti-racist’ position. This gives it a wider significance within a wider intellectual project which uses the idea of nomads and nomadism as a key metaphor for social theory. The French theorists Deleuze and Guattari defined their approach as *nomadology*, arguing that:

History is always written from the sedentary point of view and in the name of a unitary State apparatus, at least a possible one, even when the topic is nomads. What is lacking is a Nomadology, the opposite of a history (1988: 23).

Deleuze and Guattari’s ‘Treatise on Nomadology’ is taken as a starting point for a whole new intellectual paradigm – there is a range of books and university courses based on the concept. It has to be said that this kind of philosophical theorising, however interesting, often appears very distant from the everyday challenges of contemporary Irish Traveller lives. In Ireland, Travellers also remain objects in the academic research agenda in a way that is often problematic (MacDonagh, 2000). Nevertheless, the notion of ‘nomadology’ does at least defy the hegemony of sedentarism in social research. Understanding nomadism is important in itself but it is also a key to understanding what it means to be sedentary. More particularly, understanding racism against nomads is a key to understanding the nature of the racist state.

Who are Irish Travellers?

Irish Travellers are the largest minority ethnic group in Ireland. The number of Travellers has increased over the last three decades but they remain a small proportion – about 0.5 per cent – of the total Irish population: approaching 1 per cent of the population in the south of Ireland; and around 0.1 per cent in the north of Ireland. An indigenous, nomadic group, Travellers have been variously identified as ‘gypsies’, ‘itinerants’, ‘tinkers’ and ‘traders’, but they identify

themselves as *Mínceír* in Gammon, the Travellers language, or 'Irish Travellers' in English. The words 'tinkler' and 'tynkerie' (from the Irish word 'ceard' for smith and 'tinceard' for tinsmith) appear in Irish records from the 12th Century onwards (see Ní Shuinéar, 2002).

The Traveller economy is rooted in *commercial nomadism* – Travellers have constantly interacted with the sedentary communities within which they travelled. This defined the experience of Travellers but it also left a marked legacy on the sedentary population. Since the Second World War the twin processes of *urbanisation* and *sedentarisation* have transformed relations between Travellers and the state in Ireland. Like much of the rural settled population, the Traveller population has urbanised over the past 50 years – as most Travellers have gradually moved from a rural to an urban environment and from a more nomadic to a more sedentary way of life. This has resulted in a marked increase in the numbers and visibility of Travellers in Cork, Galway and especially Dublin and Belfast. This process of urbanisation and sedentarisation is almost certainly permanent for a sizeable proportion of the whole Traveller population. This means, firstly, that Travellers and Traveller sites – whether legal or illegal, serviced or unserved – are now a permanent part of the make-up of towns and cities of Ireland. Secondly, it has profoundly changed both the possibility and the actuality of nomadism. Travelling from and within an urban environment is very different from travelling from and within a rural one. Urbanisation and sedentarisation have raised important questions about the future of nomadism. Thirdly, urbanisation generated new forms of conflict between settled people and Travellers. A specific anti-Traveller racism developed which was more widespread and more focused than any of the tensions involved in rural nomadism. This saw an explosion in anti-Traveller sentiment from the 1960s onward, alongside a more specific pathologisation of nomadism as the state first formulated its project for a 'satisfactory solution to the problem' through the Commission on Itinerancy (Department of Social Welfare, 1963). This analysis carried a whole series of fallacies about 'who' Irish Travellers were – they were really 'settled people' forced into itinerancy by colonial plantation and famine; they were trapped in a 'subculture of poverty'; their situation could only be improved by 'absorption' into sedentary society.

The question of 'who' Travellers are was reformulated again in the 1980s with the *Report of the Travelling People Review Body* (1983). New analyses saw a further sea-change in attitudes towards Travellers from both the state and civil society in Ireland, north and south. For the first time, it was argued (e.g., O'Connell, 2002) that Travellers were an ethnic group with a distinct culture, who experienced racism. Following prolonged struggles and campaigning by Travellers and the Traveller Support Movement, there was increasing acceptance of the reality that Travellers had *rights* – not just as citizens but also specifically as Travellers. In the 1990s in response to sustained activism, Travellers began to be protected from discrimination in law. This legislation is, however, far from clear on who Travellers are and how they should be defined. For example, there is a marked difference between the southern Irish 1988 Housing Act which regards

Travellers as a people who are nomadic (regardless of ethnicity) and the northern Irish 1997 Race Relations Order which defines Travellers as a 'racial group' (almost regardless of nomadism). Neither nomadism nor 'a nomadic way of life' is defined in any of this legislation. Nevertheless, the legislation collectively accepts that nomadism is in *some* way definitive of being a Traveller. In the north Traveller ethnicity was accepted by Government (albeit through the archaic notion of Travellers as a 'racial group') but in the south this did not happen. Traveller ethnicity remains ambiguous in legal terms and contested by elements within the state, as demonstrated by the refusal by the Minister of Justice Michael McDowell to recognise Travellers as an ethnic group, which we discuss below.

Anti-Travellerism – the logic of genocide

Anti-Travellerism in Ireland has constantly carried with it a genocidal logic. Bauman defines genocide as 'categorical murder' based on the victims 'having been assigned to a category of beings that was meant to be eliminated', regardless of any proof of their guilt, of their diversity or personal qualities or of 'the degree of danger that the individual members of the category could conceivably carry' (Bauman, 2004b: 26). Categorical murder is based not on what the victims *do*, rather on what they *are*.

As we have seen, the state has long suggested that getting rid of Travellers was in the interests of Travellers – as well as everyone else. The methodologies proposed for this project – including 'tagging', 'castration', 'internment in concentration camps', 'incineration' – betray this logic of genocide. Examples of incitement to hatred are perhaps the most obvious manifestations of anti-Travellerism. For example, in the 1980s a deputy Lord Mayor of Belfast called for the incineration of Travellers. This was only the worst example of a series of anti-Traveller outbursts in the north of Ireland (McVeigh, 1992b: 360-364). The most notorious of all of the attacks on Travellers, however, was an article by Mary Ellen Synon in *The Sunday Independent* describing Traveller 'lifestyle' under the banner headline, 'Time to get tough on tinker terror "culture"':

It is a life of appetite ungoverned by intellect. It is a life which marauds over private property and disregards public laws. It is a life of money without production, land without cost, damage without compensation, assault without arrest, theft without prosecution, and murder without remorse. It is a life worse than the life of beasts, for beasts at least are guided by wholesome instinct. Traveller life is without the ennobling intellect of man or the steadying instinct of animals. This tinker 'culture' is without achievement, discipline, reason or intellectual ambition (Synon, 1996).

Irish Times diarist Kevin Myers has defended Mary Ellen Synon's right to express her racist views on several occasions, and has used his 'Irishman's diary' columns over the past four years to express his own anti-Traveller racism.⁸ For example, in June 2003, he attacked both Travellers and what he calls the 'pro-Traveller bleating lobby':

Traveller miscreants have now learnt that there's a bleating lobby that will always take their side, no matter what; and, worst of all, they've learnt that

the State which provides them with the dole and their children's allowances is simply too infirm of purpose to compel them to obey the laws which the rest of us have to live by. So they simply ignore them: as indeed, in their circumstances, would I (Myers, 2003a).

Traveller culture is deemed so inferior by commentators like Synon or Myers, that there can be no question that it should be accorded the dignity of being recognised as an ethnicity. Attitudes like this are more likely to lead to the kind of practice supported by the advocates of genocide. It is not hyperbole to identify the short distance between this kind of analysis and the Nazi concept of 'lives unworthy of living' which was used to justify the genocide of Jews and Travellers.

However, much reformist rhetoric about Travellers carries exactly the same genocidal logic, albeit dressed in the language of concern for Travellers. Take for example the minority report of the 1995 Task Force Report on the Travelling Community:

Such a lifestyle will always place those who participate in it at a disadvantage in terms of accessibility to health and education services, jobs opportunities and general services like insurances, loans, mortgages etc. and these facts must be acknowledged by those who espouse it for themselves and for their children. A permanent base for young families would give the children opportunities in life very similar to those enjoyed by most settled children. The caravan has long been recognised as totally unsuitable for all year round habitation in the Irish climate and makes personal privacy in the home impossible particularly for large families.... The traditional economic reasons for constant travelling have largely disappeared and there is significant evidence of less mobility by the traveller community. It is clear that as education and health facilities are improved and better accommodation is provided, this trend will increase (Task Force, 1995: 289).

It bears emphasising, therefore, that anti-Travellerism in Ireland is not restricted to incitement to hatred. It pervades the logic of those who want to 'help' Travellers as much as of those who want to send them to the city incinerator. It is also institutionalised in a whole range of ways – anti-Travellerism is not just a project of racists but also of political parties and, crucially, of the state. Moreover, we want to suggest that state discourse on 'managing' the 'problem' of Travellers illustrates powerfully the operation of 'biopower' – managing the population through a series of governmental technologies.

Anti-Travellerism and the state in Ireland

Irish Travellers have been directly affected by the anti-nomadism and anti-Traveller racism of both states on the island (Noonan, 1998; Mayall, 1995; Hawes and Perez, 1995; MacLaughlin, 1995). This discourse has changed remarkably little over time.⁹ In the context of all this racism, the state continued to insist that the existence of Travellers – rather than anti-Traveller racism – was 'the problem'. The state has also been gradually implementing a 'satisfactory solution of the problem' – *settlement*. This assimilation policy amounted – first explicitly and later implicitly – to cultural genocide.

In 1922 the newly independent Irish state inherited a legacy of anti-nomadic legislation which it did nothing to repeal. For example, the 1824 Vagrancy Act remained a statute in force.¹⁰ Its definition of vagrants included a category which effectively precluded legal nomadism:

4. Every person ... wandering abroad and lodging in any barn or outhouse, or in any deserted or unoccupied building, or in the open air, or under a tent, or in any cart or wagon, not having any visible means of subsistence, and not giving a good account of himself... (This section was only removed from *Irish* legislation by the Housing Act of 1988).

Moreover, the new Irish state soon began to construct an anti-nomadic project of its own (McLaughlin, 1995). There were concerns around Travellers and nomadism in the south of Ireland from the foundation of the state onwards – these focused on education and public health issues. Witness Deputy Wolff:

There is a class of children very difficult to deal with, but under this Bill they might be looked after. I refer to the children of travelling gypsies. I alluded to this matter when the Local Government Bill was before the Dáil. Since then the number of caravans that are going through the country have very much increased. I have seen as many as 30 children with two such encampments. I took the trouble to count them and out of two vans came 30 children. I do not know how many grown up people were there. I am perfectly certain that these children do not attend school; they grow up wild, and if not looked after they become apaches. It seems to me that something should be done for children like these and that their position should be brought to the attention of the police. They are growing up without education and will be a danger if something is not done for them (Dáil Éireann, Volume 13, 3 December 1925).

Around the same time, this issue was also raised in the Seanad by Senator Costello:

I should like to ask the Minister does this Bill apply to the children of itinerants such as tinkers. Nobody seems to take any heed of these people. They are wandering all over the country and the children are running at large. No effort is made to turn them into good citizens. Other countries have had this problem of dealing with practically what are nomadic peoples. In America they have the gypsies and Indians. The Indians roam around. At the age of eleven or twelve they are bound to be sent to school for a certain number of years. I think it is time we should consider this class (Seanad Éireann, Volume 6, 24 March 1926).

This process gathered pace after World War II in a series of ‘moral panics’ in Ireland about nomadic people – variously described as ‘Tinkers’, ‘Gypsies’, ‘vagrants’ or ‘itinerants’. Specific attempts to sedentarise Travellers emerge in Dáil debates in the 1940s:

Mr. Palmer asked the Minister for Justice if he is aware of the doubt as to whether there are any laws, by-laws or regulations by which bands of travelling tinkers, gypsies and lino sellers, all equipped with cars and caravans of various types, may be prevented from camping for a period longer than one night in the vicinity of towns, villages, entrances to private houses and hotels, sea beaches, listed beauty spots and tourist resorts; and, if

so, whether he will introduce proposals for legislation by which such obstructions and nuisances may be prevented.-General)

Minister for Justice: The police have no power to interfere with persons camping out, so long as they do not obstruct the public highway. If such persons trespass on private property, the matter is one for the owners or occupiers of the property. I appreciate that these bands of vagrants are a great nuisance and if I could see any satisfactory way of dealing with them I should not hesitate to introduce proposals for legislation. At present, however, I do not see any satisfactory solution of the problem (Dáil Éireann, 21 July, 1949).

In the north too Travellers became a ‘problem’ for the modernising state. As Noonan argues:

Significantly, the first interest shown by the state of Northern Ireland in what was characterised as the ‘problem’ of Travellers occurred during the post-war period. To those committed to economic modernisation, the presence of a community committed to a nomadic lifestyle (and a lack of attachment to land as property) and to independence from wage labour (one of the central features of industrial capitalist economies), Travellers (in both rural and urban setting) symbolised anachronistic and deviant values (1998: 154).

Thus it was the Stormont statelet that first engaged with the question of controlling Travellers in Ireland. The northern state established commissions in the 1940s and 1950s which discussed *inter alia* the efficacy of concentration camps to eradicate nomadism (Ministry of Home Affairs, 1948, 1955). This process did not go unnoticed in the south. TD Dr Maguire asked the Minister for Justice if he was, ‘aware of the move by the Six-County local authorities to rid the area of the gipsy community and if he will indicate what steps he proposes to take in the inevitable event of these people seeking sanctuary here’ (Dáil Éireann, Volume 113, 17 November 1948). Northern discourse also carried the additional construction of Travellers as a southern Irish population – thus anti-Travellerism often took on an anti-immigrant logic even though there were clearly Travellers in the north of Ireland before the state came into being. In 2002, for example, in the Northern Ireland Assembly, Ulster Unionist MLA¹¹ Derek Hussey intervened in the wake of the southern trespass legislation:

The Office of the First Minister and the Deputy First Minister should be aware of the fear, especially among councils in Northern Ireland’s border areas, that there may be a resultant influx of non-indigenous travellers, especially traveller traders. Does the Office of the First Minister and the Deputy First Minister agree that it is unacceptable that the Republic should export its problem in such a way? (Northern Ireland Assembly, 29th April 2002).

Usually, however, anti-Travellerism has had a depressing integrity either side of the border and across unionist and nationalist politics.

The southern state began to intervene directly with the *Commission on Itinerancy* which was established on 21st June, 1960 and reported in 1963. This marked the beginning of an explicit *settlement* policy – in which the state

encouraged Travellers to abandon nomadism and ‘assimilate’ into sedentary Irish society:

All efforts directed at improving the lot of itinerants and at dealing with the problems created by them, and all schemes drawn up for these purposes must always have as their aim the eventual absorption of the itinerants into the general community.... (Department of Social Welfare, 1963: 106).

The conclusions of the Commission were explicitly sedentarist – it unapologetically regarded the end of Traveller nomadism as a positive goal. This state-led assimilation policy continued into the 1970s. Witness Minister for Local Government, Kevin Boland:

My views on the question of camping sites for itinerants are, by now, well known. However, I will take this opportunity of emphasising them again. It is the Government's policy that itinerants should be absorbed into the settled community. As this must, unavoidably, be a gradual process, the first logical step must be the provision by local authorities of serviced camping sites. In providing these sites, local authorities are concerned not merely with the construction of a certain amount of hard standing for caravans and the necessary sanitary facilities. Properly designed and located sites represent the answer to a much more fundamental need. They provide a base where voluntary workers and official agencies may guide itinerants in the ways of settled living and help them to get jobs (Dáil Éireann, Volume 244, 11 February 1970 Committee on Finance. - Vote 26—Local Government).

This project was mirrored in turn by the northern state. It created the euphemistic concept of *designation* – perhaps the most abhorrent of all state interventions. It is all the more disturbing that designation is presented as a ‘new’ policy by the current British Government.¹² Designation was a legal process under the Local Government (Miscellaneous Provisions) (NI) Order 1985. It means that the Minister with responsibility for the Department of the Environment for Northern Ireland could choose to ‘designate’ certain councils as qualified to operate additional powers of eviction to control the growth of long-term residence by Travellers on unapproved sites in their area. In practice it worked on a similar basis to apartheid – setting quotas on the numbers of Travellers with access to particular areas and excluding others. The notion of designation carries an even more sinister logic – if all local councils were to be given designation then any additional Travellers above this notional ‘acceptable’ figure would legally have nowhere to go. Traveller identity would be criminalised *whatever* Travellers might choose to do.

This is a neat summation of the nature of anti-Travellerism. At its core this combination of ideology and practice is about repressing Travellers *not for what they do or do not do* but rather *for what they are*. In other words, from this perspective the only possible way to escape anti-Travellerism is to stop being a Traveller. We have also seen how this leitmotif of racism has a wider reference under the notion of constitutional racism – the defining feature of the racist state is that it proactively makes people ‘illegal’.

Of course, both states have increasingly downplayed explicit assimilationism. By the time of the completion of the Task Force on the Travelling Community in

1995, the discourse had changed, at least superficially. The Task Force recognised that, ‘the distinct culture and identity of the Traveller community be recognised and taken into account’ (1995: 76). In launching the report, Minister for Equality and Law Reform, Mervyn Taylor, suggested it represented a new phase in state/Traveller relations:

The report and the follow up action which will be taken on foot of it will fundamentally change the lives of Irish travellers for the better, as well as benefiting the whole country. It is also my hope that it will usher in a new era of better relations between the settled community and travellers in this country. The decisive action taken by Government on foot of this report will lay the foundations for a solution to the social problems that have attended this issue, will enable the necessary services to be provided and will foster a new and more harmonious co-existence between travellers and the settled community. I have no illusions as to how difficult this might be but we must make a start (Dáil Éireann, Volume 464, 23 April 1996).

For all the changes in rhetoric, however, the state’s assimilation project has never been directly repudiated by Government. It has never been conceded that neither assimilationism nor forced sedentarisation is an appropriate policy towards Travellers.

The ‘Traveller Support Movement’ – From settlement to ‘partnership’

In Ireland, the community and voluntary sector began to directly intervene in a concerted fashion in the situation of Travellers at the behest of Government. The state made its chosen methodology for ‘assimilation’ very explicit:

It will be vitally necessary for the success of any scheme for the absorption and rehabilitation of itinerants to have in each area where it is proposed to settle a number of itinerant families, local voluntary committees... who are prepared to interest themselves directly in the settlement of the families concerned ... to obtain their confidence and then to encourage them to learn and adopt the ways of settled life (Department of Social Welfare, 1963: 106).

Thus, in a remarkable example of state-led ‘biopower’-type social engineering, the community and voluntary sector began to intervene for the first time through the development of the *Itinerant Settlement Movement* (ISM). This movement was, of course, also explicitly sedentarist – the key to ‘helping’ Travellers was to ‘settle’ them, to stop them travelling. Since the movement took its lead from the Commission on Itinerancy, it was clearly neither Traveller-led nor grassroots. The ISM developed earlier and with greater impact in the south of Ireland – the north adopted the same paradigm but the ISM remained fairly ghettoised within the northern Catholic community. The northern state generally ignored the ISM, perhaps precisely because it was a southern ‘Catholic’ phenomenon. Itinerant settlement was more than just another aspect of the dominant thinking on Travellers – *it was the paradigm within which Travellers were to be ‘helped’*. In other words, there was no justice or equality for Travellers separate from the process of ending their nomadism.

This changed in the 1980s as elements within the Traveller Support Movement began to critique the notion of settlement as a 'solution' to Traveller equality issues. Once again this process developed first in the south of Ireland and was echoed in the north. A new paradigm evolved which repudiated the notion of settlement and began to articulate Traveller inequality in the context of the concepts of anti-Traveller racism and Traveller ethnicity. This change was first symbolised by the Traveller-only organisation Mincéir Misli and later associated with organisations like Pavee Point in Dublin. Groups like these regarded nomadism as a crucially important and *positive* part of Traveller identity. Though the legacy of assimilationism has largely faded among activists, there are still individuals within the Traveller Support Movement who subscribe to the notion that 'settlement' is the best 'solution' to the 'problems' of Travellers.

The impact of the Itinerant Settlement Movement remains questionable given that it was a phenomenon of the community and voluntary sector. Sedentarisation informed state policy from the 1960s onwards and as a result there was at least some voluntary movement into housing by Travellers in this period, so nomadism might well have changed profoundly anyway without the ISM. Two facts are indisputable, however. First, the vast majority of Irish Travellers were nomadic people before the advent of the Itinerant Settlement Movement – in the sense that they carried their dwellings and their possessions with them as they travelled from camping site to camping site. Second, forty years later, the majority of Travellers are no longer nomadic in this sense, even though in 2005 in global Ireland, 1,200 families, about a third of Irish Travellers, still live on the side of the road without basic services (Pavee Point, 2005).

The ISM has left a contradictory legacy in terms of the continuing Traveller Support Movement, which emerged when the ISM split over the issue of Traveller ethnicity in the 1980s. The split was essentially between those who continued to hold the ISM's assimilationist and charity-based approaches and those who recognised Traveller ethnicity and argued that Traveller disadvantage should be understood in terms of racism rather than the notion of a 'subculture of poverty'. The work of the Traveller Support Movement – notably Pavee Point (formerly Dublin Travellers Education and Development Group) and The Irish Traveller Movement – was central to the process of forcing Traveller issues onto the political agenda. The most significant advance in this approach was the Task Force Report in 1995, and the key symbol of the success of the Traveller Support Movement was the emergence of legislation outlawing anti-Traveller discrimination. This process began with the Incitement to Hatred Act in 1989. Though the Act was largely ineffective (as we argue in chapter 5), it named Travellers for the first time in a positive way – as a group to be protected rather than controlled. The right of Travellers not to be discriminated against has been integrated into broader equality measures ever since.

In the north, the Race Relations Order (1997), Section 75 of the Northern Ireland Act (1998) and the Promoting Social Inclusion (PSI) Working Group on Travellers all marked a movement towards the acceptance of Traveller ethnicity – again all key victories for the Traveller Support Movement. The PSI Working

Group on Travellers was established in October 1999 by the Office of the First Minister and the Deputy First Minister (OFMDFM) as an initiative under the government's 'New Targeting Social Need'. The Working Group issued a Final Report in 2000. Travellers are also specifically named as a part of – and integrated into the structures of – the draft Northern Ireland Executive *Race Equality Strategy* (OFMDFM, 2003a). This is intended to become the 'cross-departmental strategy to tackle racial inequalities'. Within these structures there is a *Travellers Thematic Subgroup* which reports to the *Race Forum* and is tasked with overseeing the implementation of the Response to the Recommendations in the Promoting Social Inclusion (PSI) Working Group Report on Travellers (OFMDFM, 2003b). In this context, therefore, there can be no doubting the success of the Traveller Support Movement in mainstreaming Traveller equality issues – particularly with the burgeoning legislative equality infrastructure.

The Traveller Support Movement was also the first organised political lobby to use the term racism widely in the context of Irish society. However, Traveller advocacy remained dominated by non-Travellers, despite the emergence of the Traveller-only group Míncéir Mislí. This power imbalance was often theorised and excused using the notion of *partnership* between Travellers and settled people (DTEDG, 1992). It was argued that, as a consequence of Traveller inequality, Travellers needed the support or 'partnership' of settled people in their liberation struggle. At its worst this was no more than an excuse for the non-participation of Travellers in projects that were supposed to resource Travellers. This notion of 'partnership' certainly had a logic – it was more than a ruse to reproduce Traveller dependency. Nevertheless, the *outcomes* were limited and problematic: posts created in the burgeoning Traveller-relations industry were overwhelmingly filled by settled people. While some Travellers emerged to assume leadership roles, the proportion of non-Travellers remains disturbingly high.

However, the notion of 'partnership' becomes even more problematic as it extends to the relationship between Travellers and the state. On the one hand, in the optimistic phase of the years following the Task Force, the state did offer some prospect of positive engagement, by, for instance, appointing Traveller activists to bodies such as the Human Rights Commission and the Equality Authority in the south. On the other, as the state was becoming actively anti-Travellerist, the notion that Travellers – or indeed the Traveller Support Movement – should remain in such a partnership is increasingly problematic.

Contemporary anti-Travellerism – the return of assimilationism

In general, therefore, the history of the relationships between Travellers and both states in Ireland has evolved first through neglect, then through active assimilationism, towards a position which, formally at least, has recognised the distinctiveness of Traveller identity and the inclusion of Travellers in a state-led equality and anti-racist project. Until recently, legislative interventions, north and south, appeared to have almost ended the prevarication around Traveller ethnicity and the related debate on the question of whether or not Travellers experience racism. Moreover, Travellers are routinely acknowledged and accepted as an ethnic

group that can experience racism by most state institutions, north and south. Anti-Traveller discrimination generates the largest volume of work for the Equality Commission in the north and the Equality Authority in the south. Of course, all the equality legislation and practice should have entailed a new willingness right across the statutory sector, as well as the community and voluntary sector, to address and redress Traveller disadvantage. While it places both institutions and individuals under a legal obligation not to discriminate against Travellers, the legislation remains profoundly inadequate. Travellers continue to experience a level of disadvantage greater than any other ethnic group. Moreover, they continue to experience widespread and institutionalised anti-Traveller racism. The continuing presence of boulders preventing camping around the country is perhaps the most graphic symbol of the unrelenting opposition to nomadism at local and national level, but this physical barrier to nomadism has been accompanied by a range of other measures which might be termed *institutional sedentarism*. These behaviours have served to 'normalise and reproduce sedentary modes of existence and pathologise and repress nomadic modes of existence' (McVeigh, 1997: 9).

This process reached a new nadir in Section 24 of the Housing Act 2002, which effectively marked the end of any meaningful 'partnership' between Travellers and government as it was rushed through without any meaningful consultation with Traveller organisations. This legislation has already had a disturbing impact in terms of Traveller equality and was followed by a number of other significant reversals for Traveller equality. In 2002, the Citizen Traveller campaign, which had been promoting positive images of Travellers was 'wound up' by the Irish Government which provided its funding. RTÉ reported this decision:

The Government-appointed Travellers' support group, which aimed to contribute to a greater understanding between Traveller and settled communities, is to be wound up. A review of the workings of the Citizen Traveller Campaign had been ordered by the Minister for Justice, Michael McDowell. That followed what the Department of Justice described as concerns over its management and direction. The findings of that review have been published and it concluded that the Campaign didn't fully embrace the objectives it had been set. Instead of trying to contribute to greater understanding between the Traveller and the settled communities, the Campaign focused exclusively on the Traveller perspective. Tonight, the Minister for Justice said the best way forward is an orderly winding up of the project. However, Minister McDowell said he would be consulting with interested parties before deciding on a replacement for Citizen Traveller (RTÉ News, 2002b).

However, it was widely perceived that the catalyst for this abrupt change in government support for the Citizen Traveller campaign was a controversial advertisement against the racist effects of the Housing Act. This Citizen Traveller advertisement had argued: 'Suddenly, in caring Ireland, to be a Traveller is a terrible crime. The racist and unworkable law on trespass criminalises 1,200 unaccommodated Traveller families' (*The Traveller*, 2002: 11). Certainly the advertisement caused widespread and vocal concern among members of the Irish Government.

The criminalisation of Travellers was echoed in the north. On 25 September 2003, John Spellar MP, the British Minister with responsibility for Social Development in the north of Ireland launched a 'consultation paper on the control of unauthorised encampments' (DSD, 2003). Announcing details of the consultation exercise, Spellar said:

Unauthorised encampments have long been a cause of complaint from both members of a Working Party set up by the then Minister for Social Development, Maurice Morrow, to consider the whole issue of unauthorised encampments. The Working Party looked at the extent and causes of unauthorised encampments. They also considered the effectiveness of current legislation and the position in GB and the Republic of Ireland. They found that current legislation is inadequate and recommended that enforcement powers should be strengthened. The Department for Social Development has accepted the recommendations in the report and this is an opportunity for interested parties to let the Department know what they think about these proposals (DSD, 2003).

The consultation document was accompanied by an equality impact assessment as required by Section 75 of the Northern Ireland Act. This concludes, 'that the proposal to introduce legislation to control unauthorised encampments as set out above is *likely to have an adverse impact on Irish Travellers*' (our emphasis). Despite this explicit assessment of the negative impact of the proposed measures, the DSD proceeds to support the introduction of the legislation. In other words, the DSD already knows that this legislation will discriminate against Travellers but is proposing to push it through despite its racist and sedentarist implications. There can be few starker examples of government anti-Travellerism in practice.

There is little doubt that the proposed legislation will be indirectly discriminatory against Travellers within the meaning of the Race Relations legislation unless sufficient and adequate accommodation provisions are made available, but the consultation document provides no details of how transit sites will be located, designed or managed. This raises concerns that inadequate and inappropriate sites could be located without consultation with or consent from Travellers, with the effect that they will not be used. Travellers choosing to camp outside the officially sanctioned sites, suitable or not, will then presumably be prosecuted as criminals under the new measures. The use of criminal rather than civil law is disproportionate and mirrors some of the shocking and distressing consequences of the criminalisation of trespass in the south of Ireland.

The proposed lead role for Police Service Northern Ireland (PSNI) in enforcing the new measures is likely to preclude any improvement of the already strained relationship between Travellers and police and do nothing to support the promised move towards the stated 'new beginning to policing'. The final ignominy is that the consultation paper suggests that Traveller representative groups are expected to be involved in a partnership to enforce the legislation, though these organisations were not invited to be members of the secretive working party which examined the issue of illegal camping – there was no hint of 'partnership' at that stage of the process.

Repudiating Diversity – the denial of Traveller ethnicity

The active denial of Traveller ethnicity by the Irish state was another key element in the move away from ‘partnership’. The refusal to recognise Travellers as an ethnic group in the Irish Government’s preparation report on the UN Convention for the Elimination of all Forms of Racial Discrimination (CERD) also marked another step towards ‘the end of optimism’. A statement in 2003 in the Dáil by Minister for Justice Michael McDowell clarified this new position. This statement is worth quoting at length since it indicated a stark retreat from the general acceptance of Traveller ethnicity which had begun to permeate the Irish state since the 1995 Task Force Report. The Minister’s statement demonstrates, firstly, a crude differentiation of ‘race’ in biological terms as opposed to ‘ethnicity’ in national/ethnic origin terms, upholding the argument that the ‘new racism’ is but ‘old’ racism dressed up in a new discourse. Secondly, the statement denotes a biopolitical shift from racism to caring, and is in line with the Minister’s general denial of racism:

To suffer from racial discrimination Travellers would need to suffer distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin. The Government’s view over the years, and repeated in the draft report under the UN Convention on the Elimination of All Forms of Racial Discrimination, has been that Travellers *do not constitute a distinct group from the population as a whole in terms of race, colour, descent or national or ethnic origin*. In the preparation of equality legislation, it was considered that discrimination against Travellers would not be covered by the term ‘discrimination on the ground of race’. Therefore, a separate ground – membership of the Traveller Community – on which it is unlawful to discriminate, was put into equality legislation. This was not meant to provide a lesser level of protection to Travellers compared to that afforded to members of ethnic minorities. On the contrary, the separate identification of Travellers in equality legislation *guarantees that they are explicitly protected*. Some of the pressure to recognise Travellers as an ethnic minority in Ireland arises from a desire for Travellers to be protected by international human rights instruments such as the International Convention for the Elimination of All Forms of Racial Discrimination, CERD. The Government is committed to applying all the protections afforded to ethnic minorities by the CERD equally to Travellers. For this reason, the Government has included in detail the steps taken to tackle discrimination against Travellers in an appendix to Ireland’s draft report under the UN Convention on the Elimination of all Forms of Racial Discrimination. However, the Government is not prepared to include in the report a statement it does not believe to be true, namely that Travellers are ethnically different from the majority of Irish people (Dáil Debates, 15 October 2003, our emphasis).

The Minister’s statement made explicit the anomalous situation in which Travellers are recognised as an ethnic/racial group in law (and in British Government reports to the CERD) in the north of Ireland but not in the south. This position was confirmed by the submission of the Irish Government to CERD:

The Government's view is that Travellers do not constitute a distinct group from the population as a whole in terms of race, colour, descent or national and ethnic origin (Government of Ireland, 2005: 90).

The Traveller Support Movement immediately challenged this position:

The relegation of Irish Travellers to the Appendix at the end of the Ireland's CERD Report provides a telling metaphor of the marginalised position of Irish Travellers in public policy in particular and Irish society in general.... The Government's position, and the aggressive tone on the non-recognition of Travellers as a minority ethnic group in the report is considered demeaning and offensive by Pavee Point and other Traveller organisations.... In the face of sustained criticism on the issue of ethnicity from a range of human rights organisations and NGOs working with Travellers, the Government has recently adopted a more conciliatory position, stating instead that it is 'neutral' on Traveller ethnicity. While the language has softened, the position of non-recognition has not. The policy of 'being neutral' has the same effect of being 'anti'. Traveller organisations are fully aware that recognising Travellers as a minority ethnic group will not be a panacea for movement on Traveller policy, but it would be a significant beginning and could contribute in a significant way to less contradictory and more consistent policy responses and would send out an important signal about the status of Travellers in Irish society (Pavee Point, 2004: 11-13).

The CERD committee responded strongly to the Republic's government report in relation to Travellers, with particular reference to what it terms 'the principle of self-identification':

20. Recalling its General Recommendation VIII on the principle of self-identification, the Committee expresses concern at the State party's position with regard to the recognition of Travellers as an ethnic group. The Committee is of the view that the recognition of Travellers as an ethnic group has important implications under the Convention (Article 1 and 5).

Welcoming the open position of the State party in this respect, the Committee encourages the State party to work more concretely towards recognising the Traveller community as an ethnic group (CERD, 2005c).

In response to the CERD Rapporteur question in this regard, the Irish Government confirmed that 'the term 'ethnic group' is not defined in Irish Equality legislation and that most equality cases taken on the ground of 'race' 'prove that the complainant is of different race, colour of nationality' rather than of differing ethnic origin' (CERD, 2005b). This appeared clearly aimed at excluding Travellers from the definition of an 'ethnic group' and all the protection that goes with that status. This new and aggressive position of 'ethnicity denial' by the state symbolises a new phase of state/Traveller relations in which the gains of recent decades are being eroded. Anti-Travellerism is on the increase alongside a backlash against all the equality legislation and policy which promised to address and transform Traveller inequality.

Conclusion: Beyond Partnership, Beyond Optimism

In the case of Travellers, we have clearly moved ‘beyond optimism’. The heady days of the Task Force Report – when it seemed that the corner might have been turned in terms of the state and anti-Travellerism – have long gone. Pavee Point captured this chilling of the climate in their submission to CERD:

There is a concern among Traveller groups of a perceived hardening of attitudes towards Travellers by the Government, local government and the general public. This is reflected in public opinion surveys, the introduction of regressive legislation on trespass prior to a recent general election and the confrontational approach adopted towards Travellers by some local authorities, which in one recent case in Dublin, resulted in open conflict between Travellers and Dublin City Council for the first time in many years (Pavee Point, 2004: 37).

The southern state signalled its reversion to anti-Travellerism by the criminalisation of trespass and underlined it with the winding up of the Citizen Traveller campaign in the south and the refusal to recognise Traveller ethnicity in the CERD process. The northern state echoed this new climate with its new legislation on unauthorised encampments in the north. These developments make it clear that continued anti-Travellerism is more than an echo of old prejudices. Whatever the intent, assimilation and cultural genocide are the twin consequences of current state policy on both sides of the border. The ‘satisfactory solution’ to the ‘Traveller problem’ remains a core project of the racial state in Ireland.

Notes to Chapter Eight

¹ Dáil Éireann - Volume 127 - 31 October, 1951, Questions— Written Answers. - Control of Itinerants.

² Charles J. Haughey, as parliamentary secretary to the Minister of Justice, to the first meeting of the Commission on Itinerancy (cited in Helleiner 2003: 78).

³ The *Comhairle Stáit* or Council of State is an organ established by the Constitution of Ireland to advise the President of Ireland in the exercise of many of her discretionary, reserve powers. The Council of State also has authority to provide for the temporary exercise of the duties of the president in the event that these cannot be exercised by either the president or the Presidential Commission, but this has never been necessary.

⁴ In the DSD’s explanatory memorandum to the Order, it continued to acknowledge that the legislation would have a negative impact on what it recognises as a ‘racial group’: ‘The Equality Impact Assessment, conducted under Section 75 of the Northern Ireland Act 1998, concluded that the proposed measures are likely to have an adverse impact on Irish Travellers. To mitigate any adverse impact the legislation will proceed in parallel with the development of authorised transit sites specifically for the Irish Traveller community’ (DSD, 2005). But of course the legislation itself makes no reference to ‘mitigating’ this adverse impact – past experience suggests that the provision of a network of appropriately-resourced transit sites will not be high on the priorities of the DSD or, indeed, any other arm of government. So here we have the limitations of the equality mechanisms of the post-GFA state fully exposed. The state continues to target legislation at Travellers despite the fact that

it recognises them as a specific 'racial group' and even though it fully recognises that the legislation will have a negative impact on them.

⁵ Statutory Instrument 2005 No. 1961 (N.I. 11) The Unauthorised Encampments (Northern Ireland) Order 2005.

⁶ See Ian Hancock (1987) and Kenrick and Puxon (1995) for a detailed overview of this history of persecution and genocide.

⁷ See McVeigh (1997b) for this argument in the Irish context.

⁸ We estimate that Myers has written on the subject of Travellers some thirty times over that period.

⁹ See, for instance, British Conservative Party leader Michael Howard's hostile attitude to Travellers and Roma (Happock, 2005).

¹⁰ The 1824 Act defined itself as 'An Act for the Punishment of idle and disorderly Persons, and Rogues and Vagabonds.... Persons committing certain offences shall be deemed rogues and vagabonds and may be imprisoned for three months.

¹¹ MLA stands for 'Member of the Legislative Assembly'. The Northern Ireland Assembly is a devolved legislature established under the terms of the Good Friday Agreement but currently under suspension.

¹² This idea remains live in the north of Ireland. A new form of designation was dropped from the Local Government Order (1997) only after intensive lobbying from the Traveller Support Movement.

Racial Statelet? State Racism in the ‘Race hate capital of Europe’

Pelé? He wasn't bad for a nigger.

(George Best, 1993)

Whatever our politics, whatever our religion, George Best has helped us find our common humanity.

(Peter Hain, Secretary of State for Northern Ireland, 2005)

In February 2005 the influential German magazine *Der Spiegel* announced that Belfast was ‘the most racist city in the world’ (Douglas, 2005). This marked a further escalation in the media frenzy that has developed around discussions of racism in the Six Counties since the ceasefires of 1995. This media construction began fairly calmly with the notion that during ‘the Troubles’ both Protestants and Catholics had been ‘too busy’ to be racist. The implication was that once the war was over the bigots were able to turn their attention to people of colour. This developed into the notion that racism was ‘replacing’ sectarianism in the province’s post-Troubles society. By 2004 the BBC was citing the north as the ‘race hate capital of Europe’ (BBC News, 2004b). The *Der Spiegel* article provided the final crowning of local racism.

Of course, this definition of the situation was not unproblematic. While it is difficult for those who struggle against racism to downplay its prevalence, this process began to look like an exercise in media hyperbole. First, the media may not have given it much attention, but there *was* racism around in the north long before 1995 (McVeigh, 1992b, 1998; Hainsworth, 1998). Second, in a world where racist murders happen routinely in many places and where profound institutional racism is embedded deeply both formally and informally in the infrastructure of different societies, it seems slightly premature to crown the north of Ireland in this way. On whatever calculus we use, can Belfast really be ‘more racist’ than Johannesburg or Jerusalem or Washington?

The media construction of this process confirms two things: first, that racism has undoubtedly escalated in the north; second, that the reporting of racism in *any* situation should be regarded with a healthy scepticism. For all the new-found interest in racism in the Six Counties, there was little in the media reporting that helped us to understand where this racism had come from or, indeed, what could be done about it. In particular the relationship between the state and the rise in racism has hardly been addressed at all. This is unusual in itself given the growing interest in the ‘racial state’ paradigm that we discuss throughout the book.

If the British 'racial state' is central to understanding racism in Britain, why it is missing from our understanding of racism in the north – a constituent part of the UK State? This is even more unusual given the contested nature of the Northern Ireland statelet – it is a state formation which has been problematised in a whole range of ways.¹ The criminal justice system – the police, the courts and the prisons – are all key locations of the British 'racial state' and these have been equally central to the conflict in the north. Indeed, it could be argued that it was the crisis of legitimacy associated with this repressive state apparatus – and the political violence which emerged from that crisis – which brought about the Good Friday Agreement. So why so little attention to the role of the state in the 'race hate capital of Europe'?

The Northern Ireland Statelet after the Good Friday Agreement

To interrogate the relationship between the state and racism in the north we need to first address the nature of state formation in the Six Counties after the 1998 Good Friday Agreement (GFA), as it is clear that there is no analysis of the nexus between the state and racism without an adequate analysis of the state. But this question of the nature of the state – difficult enough in any context – is more difficult and complex in the Six Counties than it is in most other locations, for several reasons. *First*, the statelet retains aspects of the colonial British state in Ireland that are missing in the 'post-colonial' 26 counties – it was never formally decolonised in any sense. *Second*, the statelet created by partition in 1920 was an archetypal 'racial state' – the sole logic in the division of both Ireland and Ulster was the construction of a polity with a guaranteed permanent British/Protestant majority. *Third*, with the imposition of 'Direct Rule' in 1972, the relative autonomy of the statelet was severely curtailed.² *Fourth*, since the GFA there have been attempts to restore a level of relative autonomy – this time grounded in a new level of 'cross-community' legitimacy. *Finally*, this post-GFA settlement is currently suspended and looks difficult to reconstruct following the political victory of the anti-Agreement Democratic Unionist Party (DUP) in the 2005 British elections. Since the suspension of the Assembly in October 2002, there has been a return to colonial 'Direct Rule' administration from Westminster. The key point about all this is that each of these phases and forms of state formation has structured racism in the north in particular ways; each has, in its own way, engendered a different 'racial statelet'. Moreover, the complex nature of the contemporary statelet makes the state/racism nexus particularly challenging to theorise.

There has, of course, been some state theory on the north. There were two classic analyses – *The State in Northern Ireland* (Bew et al, 1979), and *Northern Ireland: Between Civil Rights and Civil War* (O'Dowd et al, 1980). Both of these were already outdated by the 1990s and have been overtaken by the GFA. The first focused on the Stormont statelet and it has been updated (1996, 2002), while the second theorises the direct rule state. No analysis has really come to terms with the present post-GFA state – not least because it has not stabilised, it is still emerging from the 'peace process'. This new statelet is a novel phenomenon – it may be a

robust, legitimate formation – but, equally, it may spin into a crisis of legitimacy like its Stormont predecessor. It is also a strikingly different state formation depending on whether the Northern Ireland Assembly is in operation or not. When the Assembly operates, every political tradition – from Republican to anti-Agreement unionist – is co-opted in Government and there is effectively no opposition. When it is suspended, we return to a form of Direct Rule from Westminster. If the GFA institutions, particularly the Assembly, cannot be made to work, a renewed legitimisation crisis seems particularly likely.

While it is important to signal some of the key characteristics of this new statelet, this is not an appropriate place to unpack the nature of the Northern Ireland state in any detail. Our interest is in how and why this state formation is racist, not in the broader question of the nature of state formation. We can however suggest that the present location of the contemporary northern Ireland statelet lies somewhere between ‘Direct Rule’ from Westminster and ‘Joint Authority’ between Dublin and London and Washington; and somewhere between the status of ‘devolved administration’ and a ‘Bantustan’. In other words, the present post-GFA statelet is not the same as the Direct Rule statelet – not least because the Irish and US governments have both been co-opted in the management of the state formation. In terms of relative autonomy, there is no question that the Assembly has significant powers when it is in operation but the very fact that it can be so easily suspended by Westminster is in itself evidence of the strict limitations to its autonomy.

The limited autonomy of the statelet is further illustrated by the continuing distinction between matters for which the Northern Ireland Assembly is now responsible and matters for which the British Government remains responsible. In terms of British Government responsibilities in Northern Ireland, there is a further distinction between ‘*reserved*’ matters and ‘*excepted*’ matters. The distinction is that ‘reserved matters’ are responsibilities that may eventually be devolved to the Northern Ireland Assembly – most importantly policing and criminal justice; and ‘excepted matters’ – like foreign policy and immigration – are responsibilities that the British Government insists on maintaining control over in perpetuity (Northern Ireland Office, 2005).

Under the Good Friday Agreement, therefore, there is a series of excluded powers – including asylum, migration and citizenship policy – which are central to understanding state racism and which, as it stands, will *never* devolve to the ‘racial statelet’. Moreover, at present two additional core elements of the racial state – policing and criminal justice – remain the preserve of the British Government. In this respect, it is *British* state racism – rather than Northern Ireland state racism – which is still the defining element in questions about racism and the state in the north.

It is useful to look at a couple of examples to illustrate how all this works in *practice* in the ‘race hate capital of Europe’. First, consider the situation of migrant workers in the north. Despite the relative sluggishness of the Six Counties economy, migrant workers have recently been arriving in large numbers to parts of the north. The issue was brought into sharp focus by the discussion and debate

around the experience of Oksana Sukhanova. In January 2005 this young Ukrainian migrant worker lost her legs because of frostbite she developed as she slept rough in Coleraine after losing her job with a local firm, 'McKeown Fine Foods'. Local people were shocked by the case and there was a huge humanitarian response to her experience plus a degree of soul-searching about how this could have happened (*Derry Journal*, 2005). Yet her predicament was a direct consequence of state policy – she belonged to a category of people defined as less valuable by the state. However, the policy of recruiting migrant workers and denying them basic employment and social welfare rights is *a policy of the British state*. Even if the Northern Ireland Assembly was in operation, it could not introduce a more humane regime for migrant workers if it wanted to.

In April 2005 migrant workers were again in the news – this time because they provided a novel slant on some very traditional sectarian practices. Polish migrant workers at Foyle Meats in Derry were the victims of racist and sectarian taunts by fellow workers following the Pope's death (Cullen, 2005). The Polish employees were verbally attacked by a group of co-workers – including catcalls of 'Polish bastards' and 'fuck the Pope' on the day of the Pontiff's funeral. Local MP Mark Durkan of the SDLP met with the workers:

to reiterate the view held by the vast majority of people in Derry that they have every right to be here, that they are very welcome and that they are entitled to the same workers' rights as anyone else....This incident has highlighted the poor conditions migrant workers have to endure and has set out a challenge to us all to right that wrong. We cannot allow the situation to continue where migrant workers have to endure racist abuse, either at work or in their homes (Cullen, 2005).

The crucial point, however, is that migrant workers *do not* have the same rights as everyone else despite Durkan's earnest endeavours, even if it is the view of the 'vast majority of the people of Derry' that they should have them. The 'poor conditions' and restricted rights of migrant workers in Derry and everywhere else in the north are defined and imposed by the British Government – not by the people of Derry or, indeed, their MP.

Next, consider the situation of refugees. Again, though numbers are both relatively and absolutely small, the asylum seeker and refugee population has been growing over recent years (McVeigh, 2002b: 11-13). The internment of asylum seekers in Maghaberry Prison has attracted particular opprobrium from welfare and human rights groups (Tennant, 2000; McVeigh, 2002b: 15-16). When it was in operation, the Northern Ireland Assembly offered consistent cross-party opposition to the internment of asylum seekers in Maghaberry Prison, which is in contravention of the UK's obligations towards refugees. But again, the Assembly could not do anything about this – the asylum regime for the north is developed and implemented by Westminster. The refugees were held in a block containing 'political prisoners' – including the notorious UDA leader Johnny Adair. Adair is particularly problematic in terms of racism because he had a personal history of fascist and racist activity including racist violence (McDonald and Cusack, 2004: 167-71; Lister and Jordan, 2004: 32-40). It is shocking that an individual convicted

of ‘directing terrorism’ should be placed alongside asylum seekers who are neither convicted nor accused of any crime whatsoever and are profoundly vulnerable to racist abuse.

Asylum seekers were being held in a high tech, high security prison – the prison itself and the prison regime are both legacies of the war in the north. They have since been transferred to Crumlin Road prison – an improvement of sorts – but they still find themselves within a prison regime which emerged from the conflict endemic in the Northern Ireland statelet.

While the imprisonment of asylum seekers is particularly outrageous, the routine treatment of asylum seekers is equally problematic. It is clear that there is a huge difference between asylum *policy* being a reserved matter, and asylum seekers and refugees themselves, and all their specific needs and concerns, being a reserved matter. Most departments in the north have read their responsibility vis-à-vis asylum seekers and refugees in a minimalist way that is simply wrong (McVeigh, 2002b: 16-17). Thus, racism can at the same time inform both their willingness and their reluctance to act. For example, when concern is raised about communicable diseases in the context of the ‘influx’ of asylum seekers, the statutory sector appears unconcerned about this being a reserved matter. In this context, protective screening for asylum seekers is introduced immediately without any dispute. Yet when the statutory sector might be doing something more positive and supportive for asylum seekers – such as addressing the legacy of torture that many bring with them – the ‘reserved and excepted matters’ of defence is immediately invoked.

As we have seen, the limited autonomy of the statelet is illustrated by the continuing distinction between matters for which the Northern Ireland Assembly (when it is in operation) is responsible, and matters for which the British Government remains responsible. At present, neither the Northern Ireland Executive nor the Northern Ireland Assembly has any formal powers in terms of *asylum policy* or *migrant worker policy*, since each of these remains an ‘excepted matter’. As we argue later, policing is also central to racism in the north, yet this remains a ‘reserved matter’ – under the control of London, pending further political agreement. So the reality of racism and state policy in the north is constantly structured by the particular state formation there, and more particularly by its peculiar repressive state apparatus. The Northern Ireland ‘racial statelet’ – subordinate to British state racism, but also exhibiting its own autonomous racial logic – is the key determinant of racism in the north.

State anti-racism and the Good Friday Agreement

We turn now to the state management of racism and anti-racism within the human rights and equality structures which emerged from the GFA. As far as the state was concerned there was, until fairly recently, ‘no problem’ with racism (in this respect, as we argue in this book, the northern statelet is not dissimilar from its southern counterpart). Despite the fact that the British state had protected its citizens from racism through legislation since 1965, the Direct Rule state resisted efforts to extend and improve this legislation within the Northern Ireland statelet.³

After years of campaigning by minority ethnic and human rights NGOs, however, the state finally enacted the *Race Relations (NI) Order 1997*. The Order closely followed the provisions of the British 1976 Race Relations Act. It outlawed discrimination on grounds of colour, race, nationality and ethnic or national origin and made it unlawful to discriminate directly, indirectly or through victimisation. Notably, however, the Irish Traveller community was specifically identified in the Order as a racial group against which racial discrimination is unlawful. The Order added a further ground by providing that segregation on racial grounds also constitutes discrimination. A Commission for Racial Equality (Northern Ireland) (CRENI) was also established as a consequence of the legislation.

This reluctant state intervention in terms of racism was, however, quickly overtaken by wider political changes in the north, when suddenly state anti-racism took off enthusiastically in the context of the Equality Agenda within the GFA. Minority ethnic groups were mentioned in the GFA, in the Rights, Safeguards and Equality of Opportunity section of the Agreement – although the two references are fairly cursory:

1. The parties affirm their commitment to the mutual respect, the civil rights and the religious liberties of everyone in the community. Against the background of the recent history of communal conflict, the parties affirm in particular.... the right to equal opportunity in all social and economic activity, regardless of class, creed, disability, gender or *ethnicity*....
3. All participants recognise the importance of respect, understanding and tolerance in relation to linguistic diversity, including in Northern Ireland, the Irish language, Ulster-Scots and *the languages of the various ethnic communities*, all of which are part of the cultural wealth of the island of Ireland (1998, our emphasis).

It is worth noting that the Agreement was crude in its construction of ethnicity – ethnicity appears as a quality of only the ‘ethnic communities’, a reading which contradicts the symmetrical reading of ethnicity embedded in British legislation and confirmed by the *Mandla vs Lee* ruling ([1983] 1 All ER pp. 1062-3). This inclusion of ethnicity continued apace as the infrastructure of the post-GFA state began to be built. Minority ethnic groups were also a core constituency in the statutory equality proofing duty on public authorities, in ‘Section 75’ of the Northern Ireland Act (1998) which gave legislative effect to the GFA:

75. - (1) A public authority shall in carrying out its functions relating to Northern Ireland have due regard to the need to promote equality of opportunity – (a) between persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation....
- (2) Without prejudice to its obligations under subsection (1), a public authority shall in carrying out its functions relating to Northern Ireland have regard to the desirability of promoting good relations between persons of different religious belief, political opinion, or racial group.

So addressing racism was now integrated into both the equality and the ‘good relations’ obligations of the Agreement. The incorporation into a state-driven ‘good relations’ agenda was to have a lasting impact in terms of anti-racism. It is

difficult to judge how much of this process of mainstreaming anti-racism was a cynical state-led attempt to blunt the equality agenda by broadening it, and how much was a genuine response to equality and human rights constituencies. Certainly the equality agenda has lost its edge, and certainly the appetite for resourcing anti-racism seems much less acute now than it did immediately after the GFA. Moreover, New Labour inherited an inclusive equality agenda in Northern Ireland from the Tories whose liberal agenda in the north was strikingly at odds with what it was doing across the water. In this sense, the commitment to equality for minority ethnic groups (and lesbians and gays) in the north seemed out of character as the state implemented racist (and homophobic) legislation across the water.

Nevertheless, it bears emphasis that some of this agenda was neither tokenistic nor cynical. For example, as outlined in chapter 8, legislation in the north named and protected Traveller ethnicity by legislation in the north in a way that now seems radical in comparison to both the current Irish Government position and the current situation for Irish Travellers in Britain. The resourcing of the Equality Commission – particularly in terms of legal intervention and test cases – is much better than that of the Equality Authority in the south. And, in principle at least, Section 75 provides a template for strong, proactive equality proofing by the state. While the impact of anti-racism by the state appears to have been poorly served by the amalgamation of the different agencies, in theory at least the work of the Equality Commission integrates across all the named equality constituencies.

So, the rapid development of a state anti-racist infrastructure has occurred in a situation where the north has moved from a ‘no racism because there’s no black people’ to the ‘most racist city in the world’ status. It bears emphasis that both of these stereotypes are precisely that – stereotypes; nevertheless they bear some correlation with the currency and incidence of racism. Moreover, the infrastructure did not emerge simply because there was a huge increase in racism – the infrastructure was in place before this increase occurred. There is at least a hypothetical case to answer that state anti-racism actually ‘caused’ the explosion in racism. Clearly the existence of the new ‘race relations industry’ had some effect in naming and publicising racism, spending substantial resources advertising the fact that there *was* a problem with racism. Undoubtedly this had some effect in terms of encouraging some people to support the thesis that racism had intensified. But the core reason for the recent upsurge in widespread and organised racist violence is more directly routed in changes in the relationship between the state and the Loyalist working class. In order to understand this phenomenon, particular attention has to be paid to the elective affinity between Loyalism and racism against minority ethnic groups.

Their only crime is loyalty?

For all the problems with the journalistic hyperbole about racism in the north, there is no doubt that racism has indeed escalated in recent years. It is wrong to suggest that racism has emerged or escalated simply because Protestants and Catholics have stopped fighting each other. It is undeniably true, however, that racism has

assumed new forms in the post-GFA statelet. And it is important to try and understand how and why this has happened. Bill Rolston began this process with his groundbreaking 'Legacy of intolerance: Racism and Unionism in South Belfast' (2004), which began to unpack the causes behind this new racism in Loyalist areas. Rolston ascribes these developments to two key factors:

'[First] a strong strain in unionism which encourages protectionism, conservatism, narrowness of vision and opposition to anything which may threaten its need to be in the majority. Traditionally, the threat to majority has been seen to come from the nationalist community. But it is a small step to extend one's attention to any new "threats", including those from the minority ethnic community'.... [Second] 'a more immediate factor involved in the rise of racism. Sections of loyalism in particular have had an on-again, off-again relationship with fascist groups in Britain over the last three decades' (Rolston, 2004).

Behind all this is the constant need to factor in the changing relationship of Loyalism to the state. Loyalism has always had connections with fascist and racist organisations, and has always appealed to aspects of crude racism – the popularity of the song, 'The Pope's a Darkie' was one traditional emblem of the synergy between racism and sectarianism. However, something else has happened to direct this ideological affinity towards routine and organised racist violence. At this point the role of the statelet is definitive. Here we do see a sharp distinction between the pre-Agreement state – particularly under Unionist government at Stormont – and the post-Agreement state.

The Stormont statelet was characterised by a pan-Protestant/Unionist/Loyalist class alliance that copper-fastened partition and ensured a reactionary unionist elite remained in power. But this alliance also had tangible benefits for the Protestant working class – covert and overt structural discrimination ensured a degree of Protestant privilege, particularly for the key skilled working class men in shipbuilding and engineering. If this class compact was weakened by Direct Rule, it was completely reworked by the Good Friday Agreement. Now the state was to be legitimised by a cross-sectarian compact that would secure the support of both political constituencies. This wasn't easy to do – indeed we could argue that one of the reasons that the agreement has been unable to work was that the contradictions of state formation were simply too great. However, it was clear that the one immediate victim of this new compact would be the Protestant working class. Their traditionally secure employments – shipbuilding, heavy engineering and security – were coming under threat by a combination of globalisation and peace, but they were effectively abandoned to market forces by the state. A combination of Thatcherism and formal equality measures sounded the death knell to Protestant working class privilege. And vicious racism was the political response.

At this point the role of the state becomes crucial. Loyalism is defined by its specific relationship – its 'loyalty' – to the British State and British Crown. As gable ends across Loyalist working class communities proclaim of Loyalist paramilitary organisations, 'Their only crime is loyalty'. This is the defining justification for Loyalist violence. From his segregated prison cell, racist harasser,

sectarian murderer, and ‘director of terrorism’ Johnny Adair was still insisting the same thing, ‘to be honest with you, my only crime is loyalty’ (Lister and Jordan, 2004: 339). In other words, what Loyalists do is done in the belief, however misguided, that it is defined by loyalty to the British state. As Loyalist violence is turned from Catholics to minority ethnic groups, the reaction of the British state is crucial – does it vigorously address this racism? Does it neutrally observe it? Or does it covertly support it?

It is useful to illustrate this process by looking at one example – the treatment of the Loyalist Commission. This is less to do with the importance of the Commission itself, than with the way in which anti-racism has been marginalised by political processes and, more particularly, by the Northern Ireland state. The Commission was set up in 2001 to facilitate dialogue with Loyalist paramilitary organisations in the wake of the effective collapse of their political wings. In this it has been remarkably successful, given that in other circumstances such close relationships with known ‘terrorists’ would appear out of kilter with prevailing global attitudes towards ‘talking to terrorists’. Witness the queues of people lining up to meet with the Loyalist Commission over recent years. In March 2002, Secretary of State John Reid said he had met with representatives of the Loyalist Commission, which includes members of paramilitary groups (BBC News, 2002a). Conservative Northern Ireland spokesman Quentin Davies also held talks with the Loyalist Commission in Belfast at this time. By March 2003 the Chief Constable had also joined in:

PSNI Chief Constable Hugh Orde has described as ‘very positive’ a meeting with representatives of the Loyalist Commission. Nine members of the Loyalist Commission met the Chief Constable at PSNI HQ, Belfast, this evening... ‘I am always happy to meet people who wish to bring the concerns of their community to my attention and we agreed to meet again in the future for further discussions’ (BBC News, 2003a).

By June 2003 Bertie Ahern was also speaking to them. Other figures have been even more proactive. In March 2003 it was revealed that Lord Laird of the Ulster Scots Agency, ‘gave advice to’ the Loyalist Commission: ‘A top Ulster Unionist has admitted advising the Loyalist Commission at the height of the Ulster Defence Association’s (UDA) campaign of violence against the Catholic community’ (*Irish News*, 29 March 2003).

All through this period, organisations represented on the Commission were involved in organised racist violence across the north of Ireland – this included the commitment by Loyalist paramilitaries to ‘defend their communities’. The key methodology for ‘defending’ communities appeared to be the expulsion and exclusion of Catholics and minority ethnic people from those communities. Yet there is no evidence of any of the representatives or institutions of the establishment – the Chief Constable, the Secretary of State, the Taoiseach – taking them to task for this violence, let alone refusing to engage with them until Loyalist racist violence had ended. The implications being that *racist violence did not matter*. To draw an analogy here – this is the equivalence of the Government and

the police sitting down with a commission involving the British National Party about the ‘concerns of their community’ and failing to address the issue of racism.

The racist violence escalated through 2004 and 2005 (BBC News, 2005d). As we have seen, 2004 began with Belfast being dubbed the ‘race hate capital of Europe’ (BBC News, 2004b). In March 2004 a racist leaflet was circulated in Belfast’s Donegall Pass by Loyalists, claiming that the number of Chinese people living and working in the area ‘undermines the community’s Britishness’. The Chinese Welfare Association has been unable to build its community centre there because of ‘objections of local residents’:

DUP councillor Ruth Patterson, who has been liaising between ethnic minorities and local residents, said the association should consider a different site. ‘The Protestant community living in Donegall Pass have grave concerns about their culture, their identity and way of life being slowly taken away from them,’ she said (BBC News, 2004c).

It is not incidental that the upsurge of racist violence has taken place in marginalised inner city Loyalist working class areas, characterised by poor community structures, an aging population and a pool of poor housing stock which provides potential accommodation for a whole range of other marginalised groups – asylum seekers and refugees, migrant workers, students and Catholics unable to find accommodation in the contrastingly congested ghettos of Republican west and north Belfast. At one level the arrival of Catholics and minority ethnic people *is* symbolic of the decline of these areas. These communities are imploding as they lose their industrial base, and they witness the collapse of the traditional cross-class alliances with the unionist parties and the Orange Order which held them together. But the racism and sectarianism which greets Catholics and minority ethnic groups in these communities is a case of attacking a symptom rather than the cause of Protestant working class disempowerment.

A truth that dare not speak its name?

This affinity between Loyalism and racism is rarely named however. Having conspired to pretend that Loyalist paramilitary organisations are not sectarian, the state now conspires to pretend that they are not racist. In November 2004, for example, the British government recognised the UDA ceasefire; in response SDLP leader Mark Durkan reacted with ‘scepticism and extreme caution’, saying that ‘the Secretary of State may recognise the UDA ceasefire but nationalists and ethnic minorities do not’ (BBC News, 2004d). The state, however, continues to hold to its refusal to name Loyalist racism in the face of overwhelming evidence. Take, for example, the evidence of Joan Harbison – Chief Commissioner of the Equality Commission – before the Northern Ireland Affairs Committee of the British House of Commons:

Q15 Mr Clarke: It is an emotive subject but I detected earlier on that what was said was that we did not have enough information in respect of a rise in racial hate crime in the Village, in South Belfast, in terms of who was perpetrating it or who were the victims.

Dame Joan Harbison: We know who the victims were. The problem is we really do not know who was perpetrating it.

Q16 Mr Clarke: There have been quite widely circulated reports from organisations such as Operation Black Vote and Searchlight and reports emanating from the University of Ulster which point to two issues, one is links between race hate crime and Loyalist paramilitaries, in particular the UVF, who stood down its commander in South Belfast allegedly in response to his failing to get a grip of race hate crimes, and also with groups such as the White National Party and the British National Party and Combat 18 attending events both in the Village itself in South Belfast and concerts which were organised and attended jointly by those groups and loyalist paramilitaries, so should we not be saying that whilst we cannot identify the individual perpetrators that there is clear evidence that the rise in race crime in the Village, which on my figures attributes 50 per cent of those additional race hate crimes to being perpetrated in the Village in South Belfast, can be linked to loyalist paramilitary activity?

Dame Joan Harbison: 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... I think at the end of the day one of the things that we have to do as a society is take responsibility for standing up against such behaviour and such attacks (House of Commons Northern Ireland Affairs Committee 2005: Ev 9).

This, of course, begs the question of how it is possible to ‘stand up’ against racist violence if the state’s own race equality mechanisms refuse to identify the perpetrators.

The final potential channel for state naming of this racist violence is the Independent Monitoring Commission (IMC). The IMC was set up by the British and Irish governments on 7 January 2004. Its purpose is to ‘help promote the establishment of stable and inclusive devolved government in a peaceful Northern Ireland ... 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’ (IMC, 2005). Since the IMC has a record of the speculative placing of responsibility for violence on paramilitary organisations outside of formal judicial process, we might expect them to address the issue of Loyalist paramilitary racist violence fairly and squarely. In all the IMC reports, however, the only mention of racist attacks is in the Third Report (2004) in the chapter on ‘Paramilitary Groups: Assessment of Current Activities’: ‘Members of the organisation were responsible for a series of violent racial attacks in Belfast, though we believe these were not sanctioned by the leadership’.

Thus the IMC wilfully ignores a series of indications of paramilitary racism that are clearly in the public domain: it says nothing about the ‘loyalist paramilitaries blamed for an upsurge of racist attacks in Belfast’ and a clear statement of the ‘long history of links between extreme right-wing groups based in England and loyalists in Northern Ireland, particularly the largest organisation, the Ulster Defence Association’ reported by the BBC on 13 January 2004; nothing about the fact that the Ulster Volunteer Force has been ‘blamed for the leaflets

which urge people to expel members of the Chinese community reported by the BBC on 12 March 2004; nothing about the testimony to the House of Commons by Patrick Yu, Director of the Northern Ireland Council for Ethnic Minorities (NICEM) and former Human Rights Commissioner, that paramilitary involvement in racist violence was ‘spreading like a cancer’ reported on the BBC on 5 May 2004.

Throughout the history of the IMC there has been a host of evidence in the public domain indicating certain or probable Loyalist paramilitary involvement in racist violence across the north. The silence of the IMC is astounding – the body charged by both governments with monitoring the delivery of ‘a peaceful Northern Ireland’ and reporting on ‘activity by paramilitary groups’ says nothing about widespread racist violence. If a state agency wanted to signal that racist violence did not matter, it could not do it more clearly.

This position begs the question of how you can possibly stand against racist attacks, if you refuse to name the perpetrators of the attacks. It is the equivalent of condemning racism in Mississippi without naming the Ku Klux Klan or condemning racism in Yorkshire without naming the British National Party. The notion that you can condemn inequality without addressing those responsible for that inequality is both bizarre and dangerous.

This reality is even more problematic when we interrogate the relationship between Loyalist organisations and the PSNI. It is palpably clear that the state played at least a part in ‘directing terrorism’ during the conflict. The murder of human rights lawyer Pat Finucane is the most high profile case and also the case in which the role of the security services in directing the targeting of victims of Loyalist violence is most obvious (PFC, 2005). But this was only the tip of an iceberg – it is generally accepted that Loyalist organisations were packed with informers and double agents – not simply preventing violence but also directing it in the interests of the British State – or its security apparatus at least (Rowan 2006).

This begs the question of where this state apparatus is now, in the context of the racist violence of Loyalist paramilitary groups. Where are the informers and the double agents when the houses of minority ethnic people are being pipe-bombed in racist attacks? Do they ignore racist violence or try to prevent it or direct it in different ways? Here we begin to see the specific logic of the Northern Ireland racial statelet laid bare. In this scenario, we have organisations well experienced in terror, well equipped with weapons, systematically engaging in racist violence and *working with the imprimatur of the state*. That is a frightening prospect for anyone who opposes racism in the north of Ireland.

The PSNI: A new beginning to policing racism in Northern Ireland?

Curiously, as the post-GFA race relations industry began to develop, the policing of racism didn’t feature much in discussions. One of the most significant consequences of the Agreement was the acceptance that policing would have to be profoundly transformed. This was most obviously symbolised by the replacement of the RUC (Royal Ulster Constabulary) with the PSNI (Police Service of Northern Ireland). For all the attention that was paid to racism and anti-racism in the wake of

the Agreement, however, the subject of racism figured very little in *A New Beginning* – the Patten discussions on policing, or the reforms implemented after Patten (Report of the Independent Commission on Policing for Northern Ireland, 1999, 2000). Patten had almost nothing to say about racism and policing:

Racism awareness ... and awareness of the concerns of the gay and lesbian community (including the phenomenon of homophobic crime) should *also* be part of community awareness training (1999: 95, our emphasis).

The Patten Report did acknowledge the importance of the MacPherson Report on the Murder of Stephen Lawrence (1999) throughout its analysis, but this was not referenced in terms of minority ethnic experience of policing in the north but rather in terms of its general implications for police reform. There was recognition that minority ethnic groups were under-represented in terms of composition but even that was not particularly problematised:

The RUC is widely seen as overwhelmingly Protestant and male. We also received submissions arguing that there should be more officers from ethnic minorities, more gay and lesbian officers, and more officers from 'working class' backgrounds... Ethnic minorities comprise less than 1% of the population. Half of these are Chinese. Although there have been one or two Chinese officers in the RUC, there is not at present a strong interest among the Chinese community in joining the police (the same applies in the United States). Nevertheless, we believe that every effort should be made to recruit from the ethnic minorities and we make proposals to this effect in the next chapter. But we do not set specific target figures, which we believe would be unrealistic given the small populations involved (1999: 84-85).

On the face of it, this absence of discussion of racism appears odd – especially since in 1999 the north was only five years away from becoming the 'race hate capital of Europe'. Policing is the kernel of state racism – the prism through which the dynamics of racism are understood (Hall et al, 1978). A combination of what the police does and does not do is central to understanding the dynamics of racist social formations. It is hardly surprising, therefore, that in a society in which policing is highly contested and highly politicised anyway, racism and policing emerges as a key issue. On this front the PSNI has attracted criticism from members of the minority ethnic and Muslim communities (BBC News, 2002b, 2004e).

At the same time, however, the RUC/PSNI often appeared and still appears the only possible protection for minority ethnic people on the receiving end of racist harassment and threat. Moreover, community leaders were often extremely cautious in their comments on policing – again not unusual in a society in which the police had been key combatants in a low-level war for nearly thirty years. In addition, it is hardly surprising that minority ethnic communities are cautious about 'alternative justice' systems in Loyalist or Republican communities. There wasn't much evidence of either willingness or ability of alternative policing structures in these communities to defend people from racism. The self-defence strategies of some Black communities in Britain and the US are unthinkable given the size of the communities involved in the north. In general, therefore, minority ethnic people

find themselves in a profoundly vulnerable position in terms of the politics of policing racism in the north. If policing a divided society raises profound questions about the nature of the state, policing racism in such a society raises questions that are just as difficult. So it would be odd if policing weren't an issue in a situation in which racism was escalating, and in a situation in which policing in general was already fundamentally contested.

The one issue that is not disputed about policing in the north is that it was and is contested. For some the RUC were heroes beyond reproach in the forefront of the war on terror, for others they were one of the most abusive, corrupt and incompetent police forces in Europe. Minority ethnic groups have always had to negotiate their own relationship with policing in the context of this profound polarisation. It was therefore symbolic of RUC sensitivity on racism that Jonathan McIvor, the highest ranking officer on the scene of the Stephen Lawrence murder, found employment as a training officer in the PSNI. This officer was heavily criticised in the MacPherson report:

[He] must be criticised for a) his failure to obtain full information of the incident; b) his failure to co-ordinate activities at the scene; c) his failure to command and direct resources; d) his failure to record activities personally and to ensure that there was some form of log of activities taking place for those who would subsequently take command; and e) his failure to consider the family (1999: 12.17).

In 1994 McIvor was transferred to the RUC and was put in charge of the RUC's training centre and then became an area commander. When MacPherson reported, RUC Chief Constable Sir Ronnie Flanagan defended McIvor saying he had 'every confidence in him' (Breen, 1999). By 2005, rehabilitated by his time in the north, McIvor was charged with 'modernising' policing in Palestine:

From Jabalya refugee camp to Jerusalem, London and Washington, Palestinian security reform means different things to different people. Somewhere in the centre is a 49-year-old Ulsterman, trying to find some consensus. But being stuck in the middle of a difficult situation is nothing new for Jonathan McIvor, a chief superintendent with 22 years' policing experience in London and Ulster. Last July he was working in Drumcree, the traditional flashpoint of Northern Ireland's marching season. It was a perfect training ground for someone now helping the Palestinians to rebuild and modernise their police infrastructure (Farrell and MacKinnon, 2005).

By now Stephen Lawrence was completely excised from McIvor's biography. At no point, however, is there any evidence of either McIvor or the RUC or the PSNI – let alone of the report informing institutional change in the RUC or PSNI – being chastened by the MacPherson report. There is no hint of self-criticism on the issue of institutional racism and policing which MacPherson, albeit too briefly, forced to the centre of discussions of policing and racism in Britain – despite the fact that one of the key actors moved to the RUC. This is not definitive evidence of anything, but it does suggest that we should not be too surprised when the PSNI appears less than able to address racist violence in the north.

Clearly the reforms associated with the GFA and Patten did have some effect. In November 2001 the RUC became the Police Service of Northern Ireland

(PSNI). As the PSNI replaced the RUC, there was a range of new activity on racism. The PSNI signalled a new commitment to addressing racism, insisting it is 'committed to identifying and prosecuting perpetrators of racially motivated crime. Reporting incidents to the police provides essential information which enables the police to prevent further incidents taking place and to identify those responsible'. In October 2002 the PSNI hosted a major conference in Belfast on racism and policing – *New Directions: A Human Rights and Racial Equality Focus on Policing with Ethnic Minority Communities* (PSNI, 2002). This conference and publication included a detailed discussion of current practice and recommendations for change. Most minority ethnic organisations were involved in this process – clearly some attention had been paid to the need for 'consultation'. Racist incidents were also recorded specifically for the first time.

The PSNI defines a racial incident as: 'any incident which is perceived to be racial by the victim or any other person'. The police service has access to interpreters 24 hours a day for those individuals who have difficulty understanding English. In 2005, the police also began conducting racism awareness training together with An Garda Síochána for the first time (see chapter 5). Racism has been integrated into a heavily publicised PSNI initiative on 'Hate Crime'. As part of this, 'Minority Liaison Officers' – specially trained to advise and support victims of hate crime – have been appointed in every Police District. There is an associated 'Racial Incident' leaflet. Most of this work involved minority ethnic community organisations in a consultation role. So, contrary to the silence of the RUC on racism, there is a definite increase in activity by the PSNI. All this activity, however, has been paralleled by the rise in racist violence.

As racist violence intensifies, minority ethnic leaders have been increasingly prepared to criticise policing (BBC News, 2002). Patrick Yu, Director of NICEM, put this issue in its wider context of the whole criminal justice system:

'We don't have confidence in the whole criminal justice system if no one is prosecuted. There are cases with strong evidence but the Director of Public Prosecution drops them without any reason. What we need to do is put more of these people in jail... We also need the police to secure good evidence,' he suggested. 'Not all police officers are sympathetic to the needs of ethnic minorities, so there needs to be more anti-racism training' (BBC News, 2004f).

As the reluctance or inability of the PSNI to police racism is increasingly challenged in the public domain, so the issue is politicised in new ways. The process of the developing state/community tension on policing racism entered a new phase with a conflict between the state and a grassroots anti-racist organisation in a Republican area. In April 2005 the BBC announced the 'Withdrawal of funding for Anti-Racism Work':

The government has withdrawn £10,000 of funding from a west Belfast community group because of comments about the police in an anti-racism booklet. Minister John Spellar had approved the grant to the Falls Community Council in February to help produce a welcome pack for migrant workers and asylum seekers. The leaflet described the PSNI as 'an extension of the British state' and said the service had 'no support'. The

government said public money for the project was ‘inappropriate’.... In a letter sent on Thursday, an official of the Good Relations and Reconciliation Division of the Office of the First and Deputy First Minister said it was ‘not in the public interest that potentially vulnerable members of society should be discouraged from seeking police assistance’ (BBC News, 2005b).

West Against Racism Network (WARN), however, had a very different take on the story:

The Welcome Pack is 72 pages long and contains information and advice covering a wide range of areas including: emergency numbers, personal safety, minority ethnic organisations, English language learning, social security, health and social services, education, transport and sports and leisure facilities. The issue of policing is dealt with in two paragraphs in the Welcome Pack. The text explains that policing is far from a neutral issue in West Belfast and that most of the residents in West Belfast today have no confidence in the PSNI. It explains that there is currently a policing vacuum in West Belfast. The Welcome Pack does not suggest that people from minority ethnic communities should ‘shun’ the police or have any contact with them. It is entirely a matter for members of minority ethnic communities as to their relationship with the PSNI. Instead the Welcome Pack aims to provide information about the realities of policing in West Belfast so that members of minority ethnic communities can make informed choices regarding their contact with the PSNI (WARN, 2005).

Whatever way the story is read, it illustrates that the issue of policing and racism in the north is neither separated nor separable from wider conflicts on policing and that the policing of racism does not occur in a vacuum. The issue of policing racism has become politicized in a new way in the north and it will increasingly define the experience of racism in the ‘racial statelet’.

‘Good relations’: a ruse by any other name

While the absence of any discussion on policing is particularly remarkable, there has been a more general silence in terms of the role of the state in the process of Belfast becoming identified as the ‘race hate capital of Europe’. This silence is a direct consequence of the dominance of the community relations paradigm for managing conflict which has defined the way sectarian division in the north of Ireland is understood. While this paradigm was completely missing from the Good Friday Agreement itself, it reasserted itself shortly afterwards. As we have seen, ‘good relations’ had already reappeared when the GFA’s equality agenda was given practical application in law through Section 75 of the Northern Ireland Act. In fact, the community relations paradigm completed a bizarre circle as the state began promoting ‘good relations’ between ‘racial groups’ through Section 75.

The community relations paradigm was first developed in the US and then Britain as a means of managing racial unrest. It was then imported into the north as a new, reformist way of engaging with sectarian conflict in the 1960s. It did not work in the north and was quietly mothballed. It did not work in terms of racism in Britain and was repudiated as it became generally accepted that racism – and not community relations – was the key problem. In other words, the reality of racism

and racial inequality had to be addressed rather than the existence of different communities (even though this remains the key to discourses of ‘diversity’ and ‘pluralism’ in the south). Most people accepted that the definition of the community relations paradigm was simply wrong and it stopped informing social policy.⁴

The paradigm was, however, resuscitated in the north in the late 1980s as a state technology of managing conflict. A ‘Community Relations Council’ was established – funded by government – and huge resources were poured into different community relations projects. Not surprisingly, none of these ever addressed the role of the state, let alone developed any critical analysis of how the Northern Ireland statelet might be part of the problem. The paradigm disappeared during the ‘peace process’ – no-one seemed to value its contribution – but it managed to claw its way back to the centre of the equation, absorbing much of the human rights and equality agendas along the way. Finally, as racism began to dominate discourses around conflict in the north, it re-emerged as the paradigm that could best explain this racism and speak against it. By March 2005, ‘events to tackle racism’ had been seamlessly integrated into ‘Community Relations Week’ (Community Relations Council, 2005).

Although it seems churlish to argue against the CRC, which recognises that ‘racism is as big a problem as sectarianism in Northern Ireland’, the intervention has to be problematised. If the community relations paradigm has been overtaken and repudiated in terms of addressing racism in Britain, why is it applicable in the north? Our argument is that this community relations paradigm is now threatening to undermine local anti-racism. The critique that led to its abandonment in Britain is equally apposite in the north. Most importantly, an approach which focuses on *communities* cannot address institutionalised state racism. This paradigm reduced racism – like sectarianism – to a problem of ‘relations’ between communities. Secondly, it can only address the racism within communities in community relations balance, with a sensitively ‘equal’ engagement of racism within nationalist and unionist communities. In being racist – as in being sectarian – ‘one side is as bad as the other’. As we have seen in terms of policing, this just doesn’t work with racism. There may be lots of racism about and undoubtedly, racism is an issue in all communities. But the specific juncture of racism in Loyalist communities is profoundly different from Republican communities, and it is both stupid and dangerous to suggest otherwise.

Despite the gravity of the situation, there has been a sustained grassroots community-based response to the rise in racism in the north. Minority ethnic organisations and the Anti-Racist Network have done admirable work at community level (BBC News, 2004g). Anti-racist marches in Derry and Belfast have been well-attended. The trade union movement and some political parties have provided leadership against racism. But the problem is not one of community relations – the so-called ‘relations’ between minority ethnic communities and unionists and nationalists – but relations between communities and the state. The core point is that with racism the problem is not with communities but rather *with the state*.

Conclusion: racism as ‘normality’

How then do we make sense of state racism in the peculiar context of the Northern Ireland ‘statelet’? First, we insist that the key responsibility for racism lies with the state – despite sustained attempts to devolve responsibility to communities via the ‘community relations’ paradigm. Second, it is clear that the issue of policing is at the heart of this dynamic – in terms of both what the PSNI does to prevent racism and what it does that is explicitly racist. Beyond the issue of policing, state racism manifests in other acts and omissions: the continued policy of imprisoning asylum seekers – *state racism*; the denial of basic employment rights to migrant workers – *state racism*; the maintenance of asylum seekers and refugees at less than subsistence levels – *state racism*; and, as we have illustrated in some depth, the sustained collusion between organisations involved in racist violence and political parties and government – *state racism*.

All of this was recently capped by John Spellar – then the government minister responsible for addressing racist violence in the north of Ireland – in an intervention that was emblematic of a racist state. His response to the shocking rise in racist violence was to suggest – without any meaningful evidence – that the rise in racist attacks is ‘slowing’ (BBC News, 2004h). This is the best the state can do – suggest that things are okay because the rise in racist attacks is ‘slowing’. It was not without irony that Spellar had been removed from his post by the time the next slew of statistics were produced, showing ‘a big increase in the number of race hate incidents reported to the police over the past year’ (BBC News, 2005d).

For all the importance of the elective affinity between Loyalism and racism, we need to resist the process of ‘blaming’ the Loyalist community for racism. Racism is dealt with in different ways in different communities; sometimes racist expulsion and exclusion will occur – as it has in the Village in South Belfast – but most of the time communities will negotiate relationships that allow people to live beside each other as they always have. Here, however, as elsewhere, the key problem is not what is to be done about racist communities, but rather what is to be done about a racist state? As we indicated at the beginning of this chapter, people are still shocked by the case of the migrant worker who lost her legs from frostbite while sleeping rough after being laid off. Few racist attacks in the north of Ireland have had consequences as brutal as this, for all the frightening rise in racist violence. The local community responded to this tragedy generously by collecting money for the young woman; the state, however, showed neither contrition nor generosity – it continues to deny migrant workers the right to seek alternative employment even if they lose their job through no fault of their own.

This dichotomy between state and community cuts right to the heart of contemporary racism and anti-racism in the north of Ireland. Yes, the Northern Ireland statelet maintains a degree of relative autonomy and, yes, there is a specificity to the racism that emerges within this state formation. It continues to be the *British* racial state, however, which defines certain categories of people in the north in ways that deny them equality and human rights – as ‘illegal immigrants’ or ‘asylum seekers’ or ‘refugees’ or ‘migrant workers’. It is the *British* State which defends ‘us’ from asylum seekers who are deemed so dangerous and undesirable

that they are imprisoned alongside convicted terrorists in Crumlin Road and Maghaberry jails.

Where states lead, others follow. It is hardly surprising that the most pro-state, pro-British communities in the north of Ireland begin to manifest their 'loyalty' to that state by mimicking British State racism and 'defending' communities in the same brutal, racist way. Since the state spends much time and resources dedicated to keeping 'them' out of the country, it's not all that surprising when others turn their energies to keeping 'them' out of the community. The specific relationship between Loyalism and the state is the defining feature of the Northern Ireland 'racial statelet'. Since the British State clearly gave its imprimatur to forms of illegal and paramilitary violence by Loyalist organisations in the past, there is a specific onus on it to take responsibility for the racist violence which has encouraged the north to become constructed as the 'most racist' place in the world. If the British state cannot or will not do this, then all the journalist hyperbole begins to ring true despite itself. A state in which the criminal justice system and paramilitary organisations collude to conceal the reality of racist violence should raise profound concern. This is, of course, a truly frightening prospect. For this reason alone, the identification of the north as the 'race hate capital of Europe' and Belfast as, 'the most racist city in the world' marks a new and dangerous juncture of the Northern Ireland 'racial statelet'.

Notes to Chapter Nine

¹ As with much else in the north, the notion of a 'statelet' is essentially contested. For some this term accurately describes its dependent relationship to the British State; for others the 'statelet' designation is a crude political attack on a democratically legitimate 'state'. We suggest that the Northern Ireland state formation is still usefully characterised as a 'statelet' since it was and remains defined by its subaltern relationship to the British State.

² In 1972 the Stormont Parliament was prorogued and the Northern Ireland statelet became governed by 'Direct Rule' from the British Parliament at Westminster. Tellingly in terms of our broader argument, it was the demand that the British Parliament assume responsibility for security that collapsed Stormont.

³ There was one exception to this – the 1970 Incitement to Hatred Act outlawed incitement on the basis of, *inter alia* 'race'. It was, however, rarely used at all and was never used to prosecute racist incitement.

⁴ For example, the website of the UK Commission for Racial Equality (2006) does not mention 'community relations' other than in archive work from the 1960s. It is worth noting, however, that the notion of 'good relations' was imported from the GFA to British state anti-racism through the race equality duty of the Race Relations Act 2001, and the CRE website does include 'Promoting good race relations: A Guide for public authorities'.

Racism Without Racism: Irish Anti-racism and its Discontents

A racially integrated community is a chronological term timed from the entrance of the first black family to the exit of the last white family.¹
(Saul Alinsky)

On the face of it the last ten years appear to have been remarkably successful for Irish anti-racism. Since the small and weak Irish anti-racist movement took its first formal steps in from the cold during the European Year Against Racism (EYAR) in 1997, there has been a remarkable surge of activity. The EYAR coalition emerged out of the process of the Task Force on the Travelling Community (1995). As we saw in chapter 8, the Task Force process was in its own way quite remarkable. The Irish state sat in partnership with representatives of what was at the time undoubtedly the most marginalised racialised community on the island and committed itself to the transformation of the situation of Travellers. On the back of this new alliance, a similar partnership was brought together to mark the Irish contribution to the European Year Against Racism. A model had emerged – here, it appeared, was Irish anti-racism in action. There was genuine cause for optimism: dismantling Irish racism was possible and the Irish state could be a key partner in this process.

From this departure, we have seen the development of state anti-racism in Ireland. Over the intervening period there has been exponential growth – anti-racist legislation, anti-racist campaigns, anti-racist organisations. Alongside this veritable cornucopia of state-led activity, we have seen the development of an ‘interculturalist’, anti-racist infrastructure in the voluntary sector – the beginnings of an Irish interculturalism industry. We have also seen the development of autonomous black and minority ethnic organisations, and of grass roots anti-racism organizations. Some are since defunct, such as the National Federation of Anti-racism Campaigns (NFARC), and the Anti-Racism Campaign (ARC), and some remain very active like Residents Against Racism (RAR) in the Republic, and the Anti-Racist Network (ARN) in the north.

When we look a little closer, however, the current state of Irish anti-racism is not quite so rosy. Just as the state took its first steps towards institutionalising anti-racism, we saw the explicit emergence of the Irish racial state. As the EYAR trumpeted the new role of the state ‘against racism’, people of colour were being targeted by immigration officials boarding buses and trains from the north of Ireland. As the state celebrated its new found commitment to the European Year Against Racism, its repressive state apparatus lurched directly towards crude

institutionalised racism. There was a terrible poignancy – as well as an intimation of future developments – when a northern representative on the European Year Against Racism committee was harassed by immigration officials in Connolly Station on his way to one of the EYAR committee meetings. This paradox was a sign of things to come.

And so there has been a nagging discord working away in the middle of all this anti-racist activity. Amid all our celebrations of diversity and integration and multiracialism and multiculturalism and interculturalism, *Irish racism has intensified exponentially*. Yes, some jobs have been created – mostly occupied by white Irish people – in the new Irish anti-racism and interculturalism industry. But there has been a massive rise in racism, however we measure it – in racist murders, in racist violence, in racist discrimination. Moreover, as we have charted in some detail throughout the book, over this period Ireland became a ‘racist state’ in which racism is *constitutionalised*.

Meanwhile, as we have seen, the momentum for equality and justice for Travellers – which presaged this whole new optimism with the Task Force – is all but exhausted. While the state has made genuinely useful interventions in terms of Traveller education and Traveller health, it has resolutely refused to deal with the core issue of Traveller accommodation. The conflict at Dunsink in 2004 was a sign that for all the talk of new beginnings, some things had changed very little (O’Halloran 2005; Pavee Point 2005). Broadly, therefore, whether we talk in terms of Travellers or new ‘communities of colour’ or migrant workers, Irish anti-racism has a series of questions to answer. Most depressingly, Irish racism, rather than Irish anti-racism, is currently in the ascendant. We have moved well beyond the optimism of 1997 and the EYAR.

The move ‘beyond optimism’ in Ireland was also shaped by broader changes in racism and anti-racism around the world. The global context changed profoundly over this period. The thesis behind this book is that we need to understand how globalisation changes our analysis of racism and the racial state, and that this changed analysis should be central to understanding and changing our anti-racist praxis. But this calls into question the very notion of ‘anti-racism’ itself. As Alana Lentin (2004) has suggested, the place of anti-racism in the politics of Europe remains undertheorised in the social science literature. Both analysis and practice is often confined to a simplistic understanding of anti-racism as merely the inverse of racism. This notion of anti-racism as the opposite of racism is highlighted by focusing attention on the ‘racial state’. For example, if a racist state is one that closes its borders to people of colour, then it seems that an anti-racist state would be one that opens its borders. But a state manifestly cannot open and close its borders simultaneously. It is either racist or it is not, and our opposition to racism has to be constructed out of that basic reality. Moreover, there isn’t a simple ‘anti-racism’ but rather a continuum of ‘anti-racisms’ which find some logic in being ‘against’ racism. Lentin situates these anti-racist discourses and the practices of anti-racist organisations along a continuum of proximity to and distance from the dominant public political culture – from ideologies of colour-blindness and meritocracy to ideologies of emancipation and resistance (Lentin, 2004). The

problem is that these different anti-racisms are now so promiscuous and multifarious that the concept itself has become almost meaningless.

On the one hand, therefore, almost everyone has become ‘anti-racist’. Hardt and Negri situate this shift in the context of globalised racism or what they call ‘imperial racist theory’:

With the passage to Empire, however, biological differences have been replaced by sociological and cultural signifiers as the key representation of racial hatred and fear. In this way imperial racist theory attacks modern anti-racism from the rear, and actually co-opts and enlists its arguments. Imperial racist theory agrees that races do not constitute isolable biological units and that nature cannot be divided into different human races. It also agrees that the behavior of individuals and their abilities or aptitudes are not the result of their blood or their genes, but are due to their belonging to different historically determined cultures. Differences are thus not fixed and immutable but contingent effects of social history. Imperial racist theory and modern anti-racist theory are really saying very much the same thing, and it is difficult in this regard to tell them apart. In fact, it is precisely because this relativist and culturalist argument is assumed to be necessarily anti-racist that the dominant ideology of our entire society can appear to be against racism, and that imperial racist theory can appear not to be racist at all (Hardt and Negri, 2000: 191-2).

Racism in its unreconstructed ‘naturalist’ form is something that belongs only to the dregs of European fascism, the splintered remnants of the Ku Klux Klan in the US and the last gasps of Afrikaner nationalism in South Africa. At the same time, anti-racism has become commodified. By donning your ‘Hate Racism’ wristband – manufactured in sweatshops in South East Asia (but anti-racists don’t mention things like that anymore) – you too have joined the struggle against racism. But this begs the question, if everyone is an anti-racist, what use is anti-racism?

On the other hand, there has been a concerted drive to force racism itself back off the political agenda. Anti-racism has been backed into the paradigm of interculturalism. Thus the problem is no longer racism but ‘managing diversity’ or championing ‘social cohesion’ or promoting ‘good relations’. Even the tired notion of ‘community relations’ has re-emerged from the ashes of its own hubris to manage the consequences of racism in a world increasingly at war with itself.

Globalisation has created the context in which we come to terms with racism – in Ireland and around the world. Increasingly, both multiculturalism and interculturalism are abandoned as ‘integration’ becomes the watchword for managing racism in the 21st century.² The problem of racism is both displaced and denied – now the real problem is located within the qualities of those minorities that need to be ‘integrated’. It is not the racism of the ‘host society’ but the cultural and political incompatibility of the new communities of colour – immigrants, migrant workers, refugees and asylum seekers – that is asserted as the cause of the problems. Anyway, who could argue against the principle of ‘integration’? Thus the notion of ‘integration’ seamlessly becomes a mechanism for co-option and subordination. Racial states can unproblematically privilege and prefer immigrants who have ‘successfully integrated’. As Rigouste puts it, ‘the “integrated

immigrant” is she who is wearing a white mask’ (2005: 23). Ultimately – as Saul Alinsky’s barbed comment about the idea of a ‘racially integrated community’ suggests – the notion of ‘integration’ denies and disguises racism much more profoundly than it addresses it (Sanders, 1970: 86).

Anti-racism and globalisation

Our understanding of globalisation is a reminder that racism is – more than ever – *a world phenomenon*. Equally, opposition to racism must be understood in these terms. There is no point trying to construct ‘anti-racism in one country’. As Sivanandan reminds us:

[I]t is that symbiosis between racism and globalisation and globalisation and imperialism that now defines the remit of resistance. You cannot combat the one without combating the others. Imperialism is the project, globalisation the process, culture the vehicle and the nation-state the political and military agent. To look at racism as an isolate without considering its relationship to globalisation and therefore imperialism, is not only to descend into culturalism and ethnicism, but to overlook the state racism that embeds institutional racism and gives a fillip to popular racism (2004).

The essence of opposition to racism is therefore the question of how we choose to situate ourselves in relation to the new world order – not the colour of our new wristband. It is about understanding how the labour power of the Majority World is expropriated and consumed by the First World. Stuart Hall summed this up beautifully in his distinction between the symbolism of the ‘mingling’ of blood and of labour power:

It’s only in the very last phase of British imperialism that the labouring classes of the satellite countries and the labouring classes of the metropolis have had to confront one another directly ‘on native ground’ in large numbers. But that is not the same thing as saying that their fates have not been indissolubly connected.... If the blood of the colonial workers has not mingled extensively with the English, then their labour power has long entered the economic blood-stream of British society. It is in the sugar you stir; it is in the sinews of the famous British ‘sweet tooth’; it is in the tea-leaves at the bottom of the next ‘British cuppa’ (1978: 25).³

This structural context has, of course, shifted again in recent years. In the new globalised world economy, production is often carried out by non-citizens who are not allowed into the gated communities of the First World to confront *anyone* ‘on native ground’. Hall’s labouring classes of satellite and metropole find themselves in situations where, if they confront each other at all, it is in much less equal and much more asymmetrical terms – as ‘citizen’/‘national’ and ‘non-citizen’/‘non-national’ in the metropole, or as ‘occupier’/‘coloniser’ and ‘occupied’/‘colonised’ in the satellite. But his point about *labour power* is as telling as it ever was – ‘their’ labour power is in the economic blood-stream of the West more centrally than it ever was. It is in the oil and other raw materials that drive ‘our’ high added value industries; it is in the products that line the shelves of ‘our’ malls and supermarkets. Most emblematically of all, it is there in the ‘anti-racist’ wristbands

manufactured by a person of colour through sweated labour in the Majority World.⁴

The construction of the racial state as a ‘gated community’ – with increasingly draconian migration and asylum regimes – is a specific attempt to minimise the physical ‘confrontation’ between citizens and non-citizens. In fact, only on the streets of Afghanistan and Iraq does Hall’s physical confrontation between ‘labouring classes’ take place – the children of East LA and Tower Hamlets viscerally connect with the children of Sadr City and Basra.

But this situation in turn throws up new challenges and new problematics in an era of globalisation. The US forces which went to fight were sent by Condoleezza Rice and Colin Powell as well as George W. Bush. Some of the senior US military officers are African Americans and Arab Americans and Hispanic Americans. The US army is ‘multicultural’ – not just its foot soldiers as in Vietnam, but also a command structure that involves many people of colour. In fact it has become a ‘multiracial’ venture in a way that few imperialisms have been since the Roman Empire. US power, as Noel Ignatiev reminds us, is no longer unproblematically ‘white’:

There are now thousands of black millionaires. Of course a million dollars is not what it used to be, and there have always existed Afro-Americans of exceptional wealth; what is new is that many of them now operate outside the segregated Afro-American community. Black Americans now hold or have recently held positions on the Supreme Court, in the Cabinet, in Congress, as mayors of large cities, at the head of influential private foundations, and at the highest levels of the military. In 1996 a black man was widely touted as a candidate for President, and polls reported that if he ran he would be elected, by more white votes than black. These people exercise authority not merely over black people but over institutions that have been traditionally regarded as white (Ignatiev, 2004).

We have to make sense of these global dynamics in our local Irish context. We have to ask how Irishness sits alongside this. As Ireland squats atop the Globalisation Index, the labour power of the Majority World (and this includes Eastern and Central Europe) rushes all around the economic blood-stream of the Celtic Tiger. The spectacular growth in the Irish economy is not unconnected to the ongoing impoverishment of the Majority World.⁵

Moreover, as we have seen, Ireland, though not a combatant, has played its part in the ‘war effort’. Shannon was used and is still being used to facilitate the US/UK-led illegal and racist war against Iraq: some 153,381 US troops went through Shannon – the main European hub for transporting US troops to Iraq – in the first six months of 2005 (Boyd-Barrett, 2005). In the north, ‘our’ peace process was used to cloak our involvement with the Bush-Blair ‘war summit’ at Hillsborough (BBC News, 2003b).

Broadly, therefore, we need to situate contemporary racism – in Ireland and elsewhere – in its global context before we can begin to combat that racism. We have to understand the dynamics of contemporary imperialism, colonialism, inequality and injustice at a world level. It cannot be abstracted to the level of what happens within particular states. Opposition to racism begins with a grounded

understanding of the dynamics of global power and global inequality. On this, if nothing else, George Bush was correct – we are either with him or against him. In the struggle against global racism, we have to decide which side we are on.

Racism without racism

We have argued that ‘racism’ as we understand it has been radically transformed by the process of globalisation and the emergence of ‘racial states’. We characterise this as a new historical phase of *racism without racism*. Gone are the days when political leaders spoke openly in explicitly racist terms. But it bears remembering that there was a time when the most respected, the most liberal of political leaders endorsed racism openly and committedly. Witness Abraham Lincoln, whose Gettysburg address declared his commitment to the proposition that ‘all men are created equal’:

I will say then that I am not, nor ever have been in favor of bringing about in anyway the social and political equality of the white and black races – that I am not nor ever have been in favor of making voters or jurors of negroes, nor of qualifying them to hold office, nor to intermarry with white people; and I will say in addition to this that there is a physical difference between the white and black races which I believe will forever forbid the two races living together on terms of social and political equality (Lincoln, qualifying his commitment to ‘racial equality’ (National Park Service, 2005).

Or Winston Churchill, credited with liberating Europe from Nazism:

I do not admit for instance, that a great wrong has been done to the Red Indians of America, or the black people of Australia. I do not admit that a wrong has been done to these people by the fact that a stronger race, a higher grade race, a more worldly-wise race, to put it that way, has come in and taken their place (Evidence to the Peel Commission of Inquiry, Great Britain, 1937).⁶

While both of these men are still regarded as ‘great leaders’, it seems unlikely that the present incumbents as US President or British Prime Minister would endorse such views on race – at least publicly. Something has changed in terms of racialised discourse – traditional, unexpurgated racism has been banished to the political margins. It needs to be said, of course, that in a way this is a huge victory for anti-racism. Racism – particularly in the discourse of the Western power elite – has changed from a ‘good thing’ to a ‘bad thing’.

No doubt, for example, that Tony Blair would be profoundly hurt by the accusation that he is a racist. Even George Bush – hardly a shining example of the politically correct – has relaxed personal relations with African Americans. Colin Powell, as Secretary of State, was a key element in Bush selling the illegal invasion of Iraq. Condoleezza Rice, current Secretary of State, is clearly not just a token African American woman. In Britain, Valerie Amos, African Caribbean co-author of a definitive Black British critique of white feminism, ‘Challenging Imperial Feminism’ (Amos and Parmar, 1984), is now ‘Baroness Amos’, ‘Leader of the House of Lords’. Something has changed among the elites of the First World –

some of their best friends are black. They are not – in traditional terms – racist. But then Enoch Powell wasn't – in traditional terms – racist either.⁷

In Ireland, the Immigration Control Platform insists that 'No one who holds views of racial superiority is welcome in the group' (Immigration Control Platform, 2005). Likewise, even the parties of the far right who speak to traditional racist constituencies don't *say* that they are racist. By this token the BNP isn't racist; the *Vlamsblok* isn't racist; the *Front National* isn't racist. Very few people, organisations or parties admit to being racist in this traditional sense. Certainly, one victory of anti-racist struggle is to move the word 'racism' so totally beyond the boundaries of acceptability that *we are all anti-racists now*.

In this context, however, we argue that the notion of racism needs to be reclaimed for contemporary relevance, to describe those who promote policies and positions which result in the exclusion, discrimination and (in global terms) domination of black and racialised populations. It is senseless to restrict the use of the term racism to those who self-identify as 'racist'. Using this broader definition, many of the organisations and individuals mentioned are actively racist. Their interventions are more subtly coded than they used to be – they tend not to say 'we are racist', but they rail against multiculturalism, against immigration, against asylum seekers, against 'ethnics'. This is the basis on which they self-organise. More importantly, however, the term racism begins to incorporate many people who believe that they are and/or claim to be 'anti-racist'. The racial state is central to this broader racism since, increasingly, the discourse of active racists resembles the discourse of racial states. Thus the ICP's concern about 'Europe': 'Europe has suffered for decades from an influx of illegal immigrants and asylum-seekers, very many abusing the system' (Immigration Control Platform, 2005) does not differ greatly from the state's construction of the same 'problem'. While the state is more nuanced in its descriptions of the 'problem' – it talks in terms of the 'simplification' of the process of migration rather than 'ending all immigration and asylum' as covert racists might, or 'keeping Ireland white' as overt racists might – the consequences of its policies differ very little from those espoused by active racists.

This is the essence of racism without racism – old racial hierarchies are out, new globalised racialised codes are in. Racists tend not to openly declare their hatred of Jews or blacks or Gypsies; rather they have 'legitimate concerns' regarding immigrants or asylum seekers or Travellers, and they use 'common sense' arguments about the integrity of 'Irish citizenship' or 'the Irish asylum system' or 'social cohesion', as they oppose, 'sensibly' of course, any notion of an open door immigration policy.

Likewise, imperialism and colonialism are out but a war on terror is in – with the added value of privileged access to the world's oil supply. The irrational fear of the racialised other is replaced with the understandable, nay, sensible fear of the 'terrorist'. In this context it is worth quoting Naomi Klein who argues that racism, not multiculturalism, is the greatest recruitment tool for terror. For example, British multiculturalism maintains minority ethnic ghettos which prove a fertile ground for recruiting disaffected Asian youths. If, however, we had deeply multi-ethnic

societies, rather than shallow multicultural ones, it would be much more difficult for politicians to sign deportation orders sending Algerian asylum seekers to torture, or to wage wars in which only the invaders' dead are counted (Klein, 2005: 20).

'Traditional' notions of racism have become a straw person since so few people publicly endorse the idea that there are fixed racial hierarchies. This begs the question, how can you have anti-racism if racism is purportedly no longer there? The answer is that you cannot – at least not in any established form. In the age of racism without racism, anti-racism as we once knew it is dead; or at least, if it is not, it should be. 'Anti-racism' has been completely neutralized through its cooption by the constitutionally racist state. After optimism, we are left to construct a resistance to racism without the aid of a racist state.

An Incident at the Blue Lion

Black resistance to Irish racism was born on 30 April 2000 in an incident at the Blue Lion Pub in Dublin:

A street confrontation between immigrants and Irish people was sparked after a Nigerian was told 'leave here, nigger', a court heard yesterday. Four men had charges against them dismissed under the Probation Act after they admitted their part in an incident in which a group of Africans and Irish people squared up to one another outside the Blue Lion Pub in Dublin's Parnell Street on April 30 last year. Det-Sgt Walter O'Sullivan told the court Mr Azeez had parked his car in Parnell Street, near the Blue Lion, as the other three men were walking by. Mr Rynne, who had been drinking earlier, passed the remark 'charlie, ecstasy, cocaine' to Mr Azeez, sparking a harsh exchange of words between the two. When Mr. Rynne then said 'leave here, nigger', Mr. Azeez 'took exception' and armed himself with a snooker cue from a nearby establishment. He was joined by other Africans and at the same time, a number of people came out of the Blue Lion. A stand-off lasted for about five minutes with bottles 'thrown back and forth,' although none connected. Gardaí arrived and both groups dispersed. The following day, apologies were made and 'peace and harmony was restored', Sgt O'Sullivan said. Judge Anderson said because they had no criminal records and because Sgt O'Sullivan had indicated relations had been restored, he was willing to deal with it as a dismissal under the Probation Act (*Irish Times*, 2001).

At one level this seems a minor, prosaic racialised interaction. But we want to argue that like Stonewall in New York for the Gay community, or Notting Hill in London for the African Caribbean community, or the Battle of the Bogside in Derry for northern Catholics, it marked the point at which a community experiencing constant routine harassment – 'endless pressure' – elects to fight back. Moreover, the defining feature of this resistance was that it is done without the support or advice of the state or the liberal intelligentsia or the organised left or even 'minority ethnic community organisations'. The one thing that we may be sure of was that 'peace and harmony' was *not* restored – the genie of black resistance was out of the bottle. The response was hardly textbook anti-racism, especially of the state agency kind, but it was indicative of the way in which those

who experience racism resist. Symbolically the black Irish had begun to plot their own course towards confronting racism.

Since then there have been many other examples of grass roots organising against racism. Organisations and individuals have been involved in a multitude of actions against Irish racism from campaigns against the Citizenship Referendum to hunger strikes (RTÉ News, 2002a). However, the promise of black and migrant-led struggle in Ireland, as voiced, for instance, by Gabriel Okenla of the now-defunct Pan African Organisation in 2001 in relation to the pact with Nigeria about ‘repatriating’ ‘failed’ asylum seekers (Haughey, 2001) was never realised beyond reactive campaigns, some more successful than others, against state racism. By and large, the state has had the upper hand, and migrant and minority-led campaigns transmuted into migrant and minority organisations seeking funding for what can be broadly defined as integration work.

However, it bears emphasis that the story of the struggle against state racism in Ireland has been far from a succession of defeats. Some remarkable victories have been won. Perhaps the most high profile recent campaign was that of Olunkunle Eluhanla who returned to Ireland after a successful anti-deportation struggle, led by grassroots groups and young people – black and white – from his own college:

The Nigerian student, Olunkunle Eluhanla, who was deported two weeks ago, has returned to Ireland. The 20-year-old arrived at Dublin Airport this morning still wearing his school uniform, and was greeted by friends and supporters. Speaking on his arrival, Mr Eluhanla thanked the students at Palmerstown Community School in Dublin and other groups that campaigned on his behalf. He also thanked the Minister for Justice, Michael McDowell, for granting him a six-month visa to return to Ireland and take his Leaving Certificate examinations. He added that he has no intention of ever leaving Ireland. Waving a tricolour flag, he was carried on the shoulders of his friends through the airport. Mr Eluhanla is due to appear on RTÉ's *The Late Late Show* tonight. He is also expected to take part in an anti-deportation protest tomorrow before returning to school on Monday. This morning's scenes are not expected to be repeated as Mr McDowell has said that it was a once-off decision and a review of the Government's deportation policy has been ruled out (RTÉ, 2005f).

Despite the Minister's commitment to show no further flexibility – and despite the fact that several people deported together with Eluhanla, including two mothers forced to leave their children behind, were not allowed to return – several subsequent anti-deportation campaigns – mostly in relation to students preparing to take their Leaving certificate exams – have also been successful (RTÉ News, 2005m). However, although he sat his exams, Eluhanla was informed by the Minister for Justice in January 2006 that he would not be allowed to remain in the State, as it would be “contrary to the common good” to allow him to remain because – not having been compliant with the “laws of the land”, such a decision would have implications for the “integrity, coherence and efficiency” of the asylum system (Cullen, 2006). Even though some 250 young people who, like him, came to Ireland to seek asylum as ‘unaccompanied minors’ and have ‘aged out’ (reached 18), are now candidates for deportation (Dun Laoghaire Refugee Project, 2005),

campaigns like this have shown what can be achieved by ordinary people in struggle against state racism. They have also confirmed the inability of state anti-racism to play any positive part in this process: as these deportation campaigns were fought and won, state anti-racism organisations remained tellingly silent.

There have been many other autonomous interventions over the years, but while the campaign to return Eluhanla was definitively a movement from below, it was not migrant- or minority-led. Although it had the interest of a migrant at its centre, it bore the stamp of an Irish anti-racism characterised by white Irish people doing things 'for' black people and other minority ethnic groups. We have to question whether 'anti-racist agendas' are ever agendas against racism unless they are set by those people most affected by racism, and whether such actions are actually anti-racist.

Another central question, then, is the question of representation. The original sin of Irish anti-racism was its positive endorsement of Christian, white, settled leadership – this is largely a consequence of the dominance of the Traveller Support Movement in the genesis of Irish anti-racism, but also of the centrality of what Robbie McVeigh called 'the warmth of the community' in his analysis of the specificities of Irish racism (McVeigh, 1992a: 41) If we agree with Alana Lentin's argument about the heterogeneity of anti-racist campaigns, we should also take on board her analysis of anti-racism in Ireland as having been 'formative of a uniquely Irish conceptualisation of belongingness' that informs both racist and anti-racist groups (Lentin, 2004a: 150). In other words, Lentin follows McVeigh in arguing that anti-racism in Ireland also emanates from this same sense of community (Lentin, 2004a: 161). This explains the solidaristic approach to anti-racism in Ireland, an anti-racism which remains led by white, settled, Christian Irish people, and which involves the racialised only sporadically, and often tokenistically.

The problem with partnership

All this also creates a kind of hyper protection from criticism. The Irish anti-racism impetus displayed none of the embarrassment of the white leadership in Britain or the US where there was a general awareness that there was something not quite right about the white domination of anti-racism. In Ireland, the notion of partnership created the perfect excuse for continuing white privilege – Travellers needed settled people because they couldn't do it on their own. And when black people came along, there was a natural extension to this strategy – they needed white people because they couldn't do it – they were too new to the country, lacked the appropriate skills and so on; this is a classic case of what Goldberg terms 'historicism', as we argue in the introduction. Moreover, not only must migrant-led organisations work in partnership with existing white Irish-led groups. They must also compete with 'well meaning' Irish anti-racists for funding. According to Dier Tong of the Africa Centre, 'While Irish-led groups say they want to hear the voices of immigrants, they compete with the very organisations whose voices they say they want to hear for scarce funding...' (Lentin, 2003c).

While we might excuse the problems with notions of 'partnership' between Traveller and settled or white and black people working in alliance against racism,

this concept is much more problematic when it involves ‘partnership’ between the racialised and the racial state. Because at this point – if you are in partnership with the state – *you are in partnership with an explicitly, unapologetically racist project*, despite all the denial. However, the Irish anti-racist infrastructure remains securely in place – dominated by white Irish people, often informed by a sense of the colonial past and of anti-Irish racism, all convincing themselves that they are working in partnership with people of colour. There is a point at which this becomes inexcusable – if the proportion of black people and refugees and migrant workers and Travellers in leadership position or paid positions doesn’t change, there is something profoundly wrong with anti-racism. It becomes part of the problem, not the solution.

This is the paradox of partnership – it exposes the impossibility of an ‘anti-racist’ Irish state doing things ‘in partnership’ with the people it is aiming to deport. And it exposes the limitations of salaried white Irish anti-racists doing things ‘in partnership’ with asylum seekers who are trying to survive in direct provision centres on a ‘comfort’ allowance of €19.10 per adult per week. Sadly perhaps, we are not ‘all on the same side’: a simple appeal to Irish race memory does not turn all Irish people into good anti-racists. Most crucially of all, the state has to be problematised. In a climate where most NGOs working in this field are funded or part-funded by the state in its various guises. In the south this ranges across the departments of Justice, Equality and Law Reform; Social and Family Affairs; Community, Rural and Gaeltacht Affairs; Health and Children; and Education and Science. In the north, the Office of the First Minister and Deputy First Minister plays a central role in resourcing anti-racist and minority ethnic organizations. Local authorities and other public sector bodies are also key sources for funding as are various European bodies. In this context, it is necessary to ask and ask again, how is it possible for anyone who opposes racism to work for or with the racial state?

State anti-racism in Ireland

As the Irish state developed its anti-racism, it was keen to define the limits to this approach:

‘Racism is the exact opposite of the values of respect and welcome and fair play which Ireland is known for... The KNOW RACISM National Anti-racism Programme is setting the tone by saying clearly that Ireland wants to be a country free of racism and discrimination against minorities. By saying “no” to racism... we are saying “yes” to an honest discussion about where we are, where we want this country to go... *That does not mean adopting an open-door immigration and asylum policy.* No country operates such a system and we are not going to do so either’ (An Taoiseach Bertie Ahern, launching KNOW RACISM - the National Anti-Racism Awareness Programme, 25 October 2001, emphasis added).

More recently, there was a telling juxtaposition of events on 18 May 2005 which served to perfectly illustrate the contradictions of state anti-racism (RTÉ News, 2005j, k, l). Minister of State at the Department of Foreign Affairs, Conor Lenihan,

urged Joe Higgins TD, who has campaigned on behalf of rights of the Turkish Gama Construction workers (see chapter 4) to ‘stick with the kebabs’ (Reid and Fitzgerald, 2005: 7). The media mentioned that it ‘wasn’t the first time that the Minister had opened his mouth before he engaged his brain’. Somewhat down the news agenda, however, was an equally problematic intervention by another Minister. On the same day, the Minister for Justice, Michael McDowell, made an outspoken attack on ‘bogus asylum-seeking’ and ‘political correctness’ at the Oireachtas Justice Committee. The Minister said the patience of the Irish people would be ‘very tested’ if they knew the ‘cock and bull’ stories being given by people looking for asylum (RTÉ News, 2005k). Connecting with a long line of racist stereotyping of refugees as ‘bogus’, the minister showed no consciousness of his responsibility as Minister for Equality to be especially careful about how such remarks are read. This is particularly poignant in view of the interview Michael McDowell gave *The Irish Catholic* in May 2004, in which he attacked the equality agenda, saying that ‘driven to a complete extreme, the current rights culture and equality notion would create a feudal society. A society so ordered (becomes) static, and where the government tries to order everything by law, it would become as atrophied as a feudal society’. Inequality, the Minister further argued, is a crucial economic incentive (McGarry, 2004).

However, the Minister’s gross representation of asylum seekers provoked none of the same opprobrium as Lenihan’s vulgar racism. This says something about the state of anti-racism in Ireland – we have reached a stage where it is thankfully inappropriate to use crudely racist language *but not much further*. Again this seems very different from the ‘optimism’ of a decade ago.

The cruel contradictions of the current asylum regime were captured by the opposition of the Minister of Education Mary Hanafin to visits by Gardaí to schools to deport children, as we report in chapter 3. As they become sites of deportation, schools are becoming keys sites for struggles against racism and there is no doubting the added value to deportation under cover of night rather than in the public space of a school in the clear light of day. Again, we get some sense of the hypocrisy and inanity of state anti-racism – acknowledgment that visiting schools to deport children might be ‘disruptive’, yet no acknowledgment that deportation itself is ‘disruptive’ to those children who are being deported.

One of the more depressing aspects of the rise of state racism in Ireland is the way in which mistakes made elsewhere have been aped so religiously. Thus, despite thirty years of mistakes in Britain, the Irish state has learned much about state racism and little about anti-racism. The British approach was characterised by two archetypal formulations of intervention – first, Roy Jenkins’ classic liberal definition of ‘integration’ – ‘equal treatment in an atmosphere of mutual toleration and cultural diversity’ – a famously noble aspiration. This formulation was also, however, given its repressive logic by his deputy Roy Hattersley: ‘Integration without control is impossible, control without integration is indefensible’ (Hansard, 706: 378-85). In other words, the classic liberal racial state accepts the logic of racist exclusion; not excluding people of colour leads to racism – always seen as imported by migrants – while accepting that the state has some duty to protect

those who somehow avoid exclusion. Racist control and ‘racial integration’ are two sides of the same coin. The Irish state has raised this approach to racism to new levels.

Within this paradigm, there has been a huge growth in the infrastructure of state anti-racism. A raft of race equality legislation, the Equality Authority, the National Consultative Committee on Racism and Interculturalism (NCCRI), the Know Racism National Awareness Campaign, Citizen Traveller, the Irish Human Rights Commission are all part of this. Finally in 2005 the government’s own blueprint for anti-racism was published – *Planning For Diversity: The National Action Plan Against Racism 2005-2008*. We should not, of course, dismiss the symbolism of these interventions out of hand. A weighty and serious publication on combating racism in a country which effectively denied its existence ten years ago represents some kind of shift. The rationale for the plan is presented by An Taoiseach, Bertie Ahern (this time no longer explicitly insisting that an open door policy is *not* part of the plan – by 2005, after the Citizenship Referendum, this has become both redundant and self evident):

Racism has no place in the Ireland of today. We must actively welcome and manage our continuing development as a multi-cultural society. That is why combating racism and creating a more inclusive society are key priorities for this Government (DJELR, 2005: 3).

While the unambiguous rejection of racism by the Taoiseach says something, the policy begins to ring a little hollow, however, when we remember that this is the Taoiseach and the state and the government which initiated and promoted a racist Citizenship Referendum that connected Irish citizenship to ethnicity and blood for the first time. If ‘racism has no place in the Ireland of today’ why was this Government – which prioritises ‘combating racism’ – directly responsible for a racist referendum on citizenship?

Moreover, when we begin to unpack the detail of the plan, further questions are raised. The ethos is set by the notion of ‘planning for diversity’ which trumps ‘combating racism’ in the title, and the recurrent theme is ‘accommodating cultural diversity’:

The emphasis throughout the Plan is on developing *reasonable and common sense* measures to accommodate cultural diversity in Ireland. The NPAR seeks to take into account the significant economic, social and cultural changes which have taken place in Irish society in recent years and which are still taking place (2005: 27, emphasis added).

The trouble with this is that ‘accommodating cultural diversity’ is not at all the same as ‘combating racism’. Because racism itself is a part of ‘cultural diversity’ – a state which has lots of different forms of racism is more ‘culturally diverse’ than a state which doesn’t have them. While ‘accommodating cultural diversity’ might well be a positive social intervention, *it is not a methodology for opposing racism*. Since a national plan for accommodating cultural diversity cannot be a proxy for a national plan against racism, it is hardly surprising that the Know Racism Anti-racism National Awareness Programme has been replaced in 2005 by a programme called ‘Diversity Ireland’; or that the 2006 International Day Against Racism (21

March) will be part of a partnership-centred 'Intercultural week', aiming to 'provide an important opportunity for statutory, Non-Government, media, youth, local development and community bodies to organise events that focus on celebrating diversity' (NCCRI, 2006).

Indeed, the key anchor in all this particular construction of anti-racism is the NCCRI, which presents itself as having been 'established in 1998 as an *independent* expert body focusing on racism and interculturalism' (NCCRI, 2004: Introduction). The NCCRI is a *partnership* body which brings together government and non-government organisations, and its overall approach aims 'to identify and build *consensus*' (NCCRI, 2004: 2, our emphases). Despite its asserted 'independence', however, the NCCRI is core funded by the Department of Justice, Equality and Law Reform. Likewise, funding for the Community Development Support Unit comes from the Department of Community, Rural and Gaeltacht Affairs and the Department of Social and Family Affairs (which also has its own 'social exclusion unit').

At this point, of course, the very notion of 'independence' begins to beggar belief. The organisation in charge of advising the government on racism is core funded by the same Department that has immediate responsibility for state racism, headed up by the Minister who has been most vociferous in attacking 'bogus asylum seekers' and championing inequality. We might therefore expect this body of 'independent experts' to exhibit some reluctance to bite the hand that feeds it. Indeed, for all the NCCRI's activity on racism and interculturalism, for all its anti-racism training (which earns it a not inconsiderable income), we must question whether it can robustly respond to state actions such as the racist Citizenship Referendum, the collapse of the Citizen Traveller Campaign, racist statements about refugees, and so on. There has been a similar process of silence in the north. For all that the Race Relations Order 1997 and Section 75 and the establishment of the Commission for Racial Equality (NI) and the Equality Commission represented the state taking racism seriously in the north, there was a parallel trade-off. The state agencies most exercised by the rise in racism remained completely silent on state racism. Nothing on the detention of asylum seekers, nothing on the conditions of migrant workers, nothing on the continued segregation of Traveller children in education, nothing on the failure of the criminal justice system to either prosecute or convict the perpetrators of racist violence in what had become 'the race hate capital of Europe' – in other words, nothing critical of state racism whatsoever. As we saw in Chapter 9, the head of the Equality Commission couldn't even offer an opinion on who was responsible for the rise in racist violence in the 'most racist city in the world'. The price of partnership with the state is co-option; the outcome a deadening silence when it comes to facing up to state racism. In its place we find a shallow, and ultimately reactionary, commitment to 'interculturalism' and 'planning for diversity'.

We can draw broader lessons from this examination of state anti-racism with all its emphasis on interculturalism, multiculturalism, 'good relations' and 'integration'. First, it bears repeating that we need to get away from the tired and discredited community/good relations model if we are to properly address and

transcend ethnic conflict and, more particularly, state racism (see McVeigh, 2002a). Of course, it is important that we have different cultures on this island and that these are cherished; but, as an ideology of change, multiculturalism needs to be *repudiated*, not celebrated, nor quietly ignored (see Lentin, 2002a). Because of their refusal to name and address state racism, these ideologies actually become racist themselves – they function to disguise and protect the operation of state racism. From this perspective, ‘multiracialism’ is a racism; ‘interculturalism’ is a racism; ‘good relations’ is a racism.

The ‘community relations’ paradigm needs to be consigned to the dustbin of history – as it had been in both Britain and the US until recently. As we saw in Chapter 9, the ‘community relations’ project in the north has been a particularly bad example of multiculturalism – state led, part of a pacification strategy, hostile to communities in resistance, and completely incapable of beginning to problematise the role of the state. From this perspective, the multiculturalist/interculturalist paradigm should be repudiated as a method of progressive change in Ireland – it has nothing to offer in the project of dismantling racism and smacks of the biopolitical state, ‘caring’ as it is controlling.

Paradoxically, however, once we repudiate ‘multiculturalism’ we are actually able to mobilise ‘culture’ to challenge racism. Because ‘racism’ is not the only culture in Ireland – we have also seen an active anti-racist culture. For every proto-fascist or government minister railing against immigrants or against equality, there have been politicians supporting migrant parents and migrant workers and many Irish people organising refugee welcoming committees. This is an Irish culture that we can celebrate and be proud of – but it is also a dynamic, changing, dialectical culture; it is not something that could or should occupy a table at a multicultural food fair, or at one of the seminars or ‘roundtable discussions’ organised by the NCCRI on this topic or that. At this point, opposition to racism must properly enter the realm of *politics*. It is about political struggle, not about ethnic identity or cultural diversity. Moreover, this politics is not usefully characterised as an ‘anti-racist’ politics any longer – if it ever was.

The death of anti-racism?

According to Paul Gilroy in an article titled ‘The end of anti-racism’ (1992), anti-racism in Britain has become dictatorial, part of imposed government and local government ‘political correctness’, (which he terms ‘municipal anti-racism’), activated without consultation or support from black community groups whose actions go far beyond the narrow definitions of anti-racism. Gilroy points to three crises of anti-racism – a crisis in organisation, a crisis of political language and symbols, and a lack of clarity surrounding the term anti-racism itself.

We want to argue that the parallel death of anti-racism in Ireland is attributable to two key shifts. First, the co-option of anti-racism by the racial state and the reworking of combating racism as ‘accommodating diversity’. Second, as we argue below, the trivialisation and commodification of anti-racism emblemised by the wristband (and John Rocha-designed anti-racism pins) phenomenon. We have suggested that there is no ‘anti-racism in one country’; what does this actually

mean? Essentially, there is no such thing as a national anti-racist struggle – at best all this strategy offers is membership of the gated community for people of colour who have slipped through racist immigration controls, because they came early enough or are affluent enough, or their skills are marketable enough. Helping a small number of people to shift category from ‘non-national’ to ‘national’ is definitively not a strategy for dismantling globalised racism. Yet this is precisely what happens when a racial state defines the limits of anti-racism. Anti-racism as we knew it has been killed by co-option by the racial state.

At present there is effectively no anti-racism in Ireland, and this is precisely because of the success of the racial state in terms of the ‘common sense’ argument, which says let us cope with immigration – by limiting it because of the ‘integrity of Irishness’ and the need to protect the economic base of the Celtic Tiger – and you can then help us cope with integration, in terms of making ‘them’ more like ‘us’.⁸ The result is that even Traveller organisations are working on various strategies of survival and conflict mediation, and immigration support organisations, such as the Immigrant Council of Ireland, or the Migrants Rights Centre, are working on informing migrants of their ‘rights’ but not aiming to transform Ireland. Note that many of these organisations take great care not to use the terms ‘racism’ or ‘anti-racism’ in their work, so as not to ‘alienate the Irish majority’, which, they argue, cannot all be racist (even if they did vote yes in the Citizenship Referendum). Even groups such as CADIC, whose campaign to reverse the application process for residency by migrant parents of Irish citizen children was successful (see chapter 3), carefully refrained from using the term ‘racism’, or from calling their campaign ‘anti-racist’.⁹ Strikingly most organisations campaigning against the Citizenship Referendum (except Residents Against Racism who explicitly campaigned against the ‘racist Referendum’) eschewed employing the terms ‘racism’ or ‘anti-racism’.

As for migrant-led organisations, many are now sinking their energies into organisations such as churches, with the hope of integrating in their own way into Irish society. And many individuals are simply leaving because they find the current experience of Irish racism so intolerable. This logic means that the notion of anti-racism is only about protecting people ‘inside’ the gated community, following the state in separating citizens from ‘non-citizens’. Such anti-racism cannot speak to or explicitly repudiate the experiences of ‘non-citizens’, ‘non-nationals’ and everyone else who is not part of the racial state.

At this point there is an overlap with the limitations of the human rights paradigm. Like Hannah Arendt (1975), who said that the Rights of Man was compromised from the start due to its necessary realisation as the rights of the *citizen*, Costas Douzinas argues in *The End of Human Rights* (2000) that human rights were always compromised by being secondary to the rights of *national sovereignty*. We want to argue that in the context of anti-racism, as both state claims of humanitarianism and anti-racism, and human rights-based NGOs responses to the injustices of the system fail to historicise the Eurocentric origins of the human rights discourse, the very notion of ‘human rights’ is no longer theoretically or politically adequate.¹⁰

This becomes clearest in relation to the plight of asylum seekers, who are denied even the right to have rights by virtue of their expulsion from their communities and the refusal of other communities to let them in.¹¹ The human rights discourse is above all limited by the differentiation made between citizens and ‘non-citizens’ (sharpened in Ireland by the state’s victory in the Citizenship Referendum). Douzinas emphasises state sovereignty as the centrally important terrain for the battle over rights in a globalised world. His critique of human rights centres on exclusion at the heart of a polity based on the rights of citizenship, and on human rights as covering up the ambitions of powerful states, replacing humanitarian aid for justice.

Alana Lentin (2005) further critiques the human rights paradigm by positing a strong link between ‘historicist’ racism, based on civilising ‘racial inferiors’ by exposing them to the ‘superior’ culture of the dominant group – which is at the heart of the racial state’s integration ideology – and human rights which dehumanise the very people they seek to benefit because they are practiced on behalf of others and granted and violated by states in equal measures. When racial states seem committed to both anti-racism and human rights, and when human rights become professionalised and enter the global arena, she argues, ‘migrants themselves have become consistently absent from the discussions that take place in these privileged transnational spaces, due precisely to the fact that they are not free to travel across borders once they reach Europe.’

Ultimately, Agamben (2000) claims that differentiating between refugee and citizen harbours dangers not only for the refugee – forever positioned in the twilight zone of the ‘state of exception’ – but also for the citizen. According to Agamben, if the camp – concentration camp as well as refugee camp – is the paradigm for modernity, a state we are all still living in, then the apparently marginal figure of the refugee, in unhinging the old trinity of state-nation-territory, deserves to be considered the central figure of our political history, calling into question the very principles of the nation-state.

So, when the state is both racist and anti-racist, when it both bestows human rights and denies them, the space for dissent narrows and anti-racism is perforce limited. In such a climate, the recourse to human rights is not only paternalistic, speaking *for* rather than *with*; it also means that people who might have worked as anti-racists to transform the racial state, take up the human rights speak as a panacea instead.

More specifically, this critique implies the recognition that most ‘rights’ only belong to *some* people in *some* situations. As migrant workers in Ireland have pointed out when it is suggested that they seek advice in the Citizen Information Centre, ‘I am not a citizen, so I knew they couldn’t help me’ (McVeigh, 2005a). As citizenship becomes the defining feature of the right to exist in a particular place, non-citizenship makes explicit the absence of rights for anyone in this situation. The idea of the racial state as a ‘gated community’ further restricts these rights: one’s place in the community is defined both by the rights that one has but also by the rights that other people don’t have. This is a further concentration of a problem that the rights discourse has always carried with it – rights are usually established

consciously and specifically in relation to people who are denied those same rights; thus the rights of man excluded women (and lots of other groups), the US Bill of rights excluded African Americans and Native Americans, and so on. The new Irish citizenship regime expressly strips non-citizens of rights that they previously had. Through all of this, the rights discourse is either explicitly or implicitly exclusive of most of the people it is aimed to address. This is one of the key mechanisms by which the state reproduces privilege for some and under-privilege for everybody else.¹²

What does this end of anti-racism leave us? First, it bears emphasis that people are still organising against racism in a whole range of ways. There is growing self-organisation by black and minority ethnic communities – sometimes around ‘cultural’ issues, sometimes around political issues – but particularly around justice campaigns. There are also, of course, many other forms of political organisation which centre opposition to state racism in their praxis – these include the human rights community, the left and anarchists but also different new social movements and groupings. In Ireland, for example, the organisations that opposed the referendum and the 20 per cent of the population who voted against it represent a continued resistance to the normalisation of racism by the state. Second, the passing of anti-racism leaves us with a pressing need to make sense – both theoretically and practically – of how racism is to be resisted. We avoid the temptation to argue for an ‘anti-racism without anti-racism’. Nevertheless, the problematic is made clearer by the emergence of state anti-racism in Ireland and elsewhere. Once the state begins to both define and assume responsibility for anti-racism, the struggle against racism moves into a completely new phase. Most problematically of all, those who oppose racism have to situate themselves in relation to states which ‘celebrate diversity’ while practicing racist exclusion. They are confronted less by holocaust denial than by states that use the holocaust to justify other holocausts, less by apologists for apartheid than by states that normalise segregation on the grounds of race, less by invocations of the ‘white man’s burden’ than by states which engage in ‘post-modern imperialism’. The cooption of anti-racism is one of the defining features of what we have characterised as racism without racism. Understanding this new terrain is the key to resisting racism in the 21st century.

Live 8: The evil of banality

We locate a very specific point in the final emergence of racism without racism in the Live 8 ‘event’ in the summer of 2005.¹³ This was the symbolic moment at which racism without racism emerged as *the* key paradigm for understanding the dynamics of racism in the globalised 21st century world. Because, for the first time, racism was completely excised from the explanatory lexicon of a situation that was completely embedded in racism. This was a quite remarkable achievement – racism was expunged from the definition of this campaign to re-calibrate the global poverty imbalance. Characterised as the ‘long walk to justice’ there was no explanation of what justice might mean or why it might be needed in the first place. The solution to the most profound inequities in the world could be reduced

to the crassest of platitudes. The 'plight' of Africa was highlighted without any reference to racism or colonialism or imperialism or slavery. Poverty was condemned without any context or process or explanation. We saw a specific moment in the history of globalisation – product placement as political praxis. This was 'good relations' gone global. Moreover, this pseudo-radicalism was able to co-opt almost everyone – from Bill Gates to Tony Blair and from Snoop Dogg to Madonna. Everyone marching together on the 'long road to justice'.

In the absence of obvious strategies for social change, the vacuum has been filled by the rise of branded and commodified 'protest'. The end of anti-racism coincides with a wider anti-politics – the triumph of the banal. Since neither politicians nor ideology nor activism nor human rights can solve the problems of the world, rock stars and other celebrities will now do it for us. Live 8 presented a truly fascinating contemporary cultural phenomenon – a classic *global* example of 'racism without racism'. Lots of very privileged white people (and some very privileged black people) with the hubris to believe that they can 'save' a continent of 50 countries, 500 million people and 10,000 ethnicities. The project was so coded that it was difficult to tell at times whether it was a critique or a celebration of the G8 Summit, or even a critique or celebration of globalisation. When we heard Bill Gates addressing the crowd it became clear that the problematisation of the project was not just based on bad grace and good musical taste, but on racist exclusion. For example, the French daily *Libération* quoted major musicians from Cameroon and other parts of Africa criticising the organisers for having the concert for Africa without African artists. They put this in context by saying that Live 8 had done for them what globalisation does for Africa (Daoudi, 2005: 7).

Not accidentally, right at the heart of the Live 8 project we find two Irish figures – successful pop star Bono and less successful pop star turned entrepreneur, Bob Geldof. Here we begin to trace the interface between Irishness and globalisation, the new cultural formations of 'racism without racism':

In recent months, Geldof and Bono of U2 seem to have become the unofficial (and certainly unelected) spokesmen for Africa. In an article in London's *Evening Standard* ... headlined 'Why Africa needs U2', Bono declared: 'I represent a lot of people [in Africa] who have no voice at all... They haven't asked me to represent them. It's cheeky but I hope they're glad I do.' World leaders seek an audience with Bono in the way they might once have sought an audience with the Pope. He has been photographed rubbing shoulders with President George W. Bush and US Secretary of State Condoleezza Rice. He gave a rousing speech at the British Labour Party conference at the end of 2004, in which he referred to Tony Blair and Gordon Brown as the John Lennon and Paul McCartney of global development (O'Neill, 2005).

Bono has trail-blazed the role of the idiot savant rock singer, touring Africa with US Treasury Secretary Paul O'Neill and meeting with a whole range of world leaders from George Bush to the Pope. Bono's song 'Beautiful Day' which kicked off the Live 8 event was also the official anthem of the British Labour Party as it went into an election campaign after an illegal racist war (BBC News, 2005c). Bono had already addressed the British Labour Party with vacuous honesty: 'I am

Tony Blair's apologist. The rock star pulled out of the hat at the Labour party conference' (BBC News, 2004i). Geldof meanwhile sat on Blair's Africa Commission. He went on to prove his marketability by becoming a 'consultant to a new Conservative party policy group on global poverty' helping new British Tory leader David Cameron to rebrand the party (BBC News 2005e). Bono and Geldof are, for all their *faux-naïf* Irishness, members of the British political establishment. John Pilger traced their role in the 'long walk to justice' with characteristic acerbity:

The truth is that the debt relief the G8 is offering is lethal because its ruthless 'conditionalities' of captive economies far outweigh any tenuous benefit. This was taboo during the G8 week, whose theme was not so much making poverty history as the silencing and pacifying and co-opting dissent and truth.... There was Bob Geldof on the front pages resting his smiling face on smiling Blair's shoulder, the war criminal and his knighted jester. There was an heroically silhouetted Bono, who celebrates men like Jeffrey Sachs as saviours of the world's poor while lauding 'compassionate' George Bush's 'war on terror' as one of his generation's greatest achievements; and there was Paul Wolfowitz, beaming and promising to make poverty history: this is the man who, before he was handed control of the World Bank, was an apologist for Suharto's genocidal regime in Indonesia, who was one of the architects of Bush's 'neo-con' putsch and of the bloodfest in Iraq and the notion of 'endless war' (Pilger, 2005).

So what is it about the location of Irishness that throws them into positions of influence? The smug co-option of radical aspiration by globalisation is a startling development. Irishness has thrown them onto the international arena, but Irishness is also being enacted as an 'acceptable' face of imperialism in new ways. We note that since Bono's personal wealth makes him one of the richest people in Ireland, his appeals to end poverty ring a little hollow. We must also ask why Bono has been so silent in relation to racism at home. For both Bob Geldof and Bono, the free publicity gained has huge benefits for their business interests. Yet a commitment to the redistribution of wealth, both at home and globally, rarely features in their shallow analysis of the causes of poverty in Africa. The key point here is that this banality is not harmless. In an age where it becomes more and more difficult to understand, let alone transform racism, the role of super-rich entrepreneurs self-electing to represent the people of a whole continent is itself an example of racism without racism. Moreover, this repudiation of politics and history and heuristics becomes profoundly disabling. If racism is neither named nor explained, then how is it possible to do anything about it? This is a triumph of 'good relations' – the 'causes' of injustice are reconfigured in a context in which the only structural adjustment involved intensifies rather than addresses global inequality.

Towards Justice?

In naming and identifying racism without racism, we suggest a radically different starting point on the 'long walk to justice'. In contrast to the kind of banality we

have sketched above, racism must be named and located. It has to be situated in the profound structural economic inequalities of the contemporary globalised world; it has to be situated in the ongoing process of racist imperial war in the Middle East; it has to be situated in the racist exclusion increasingly definitive of states in the First World; and it has to be located in the ideological construction of racism without racism, the notion that the First World can eliminate the consequences of racism without addressing – let alone removing – its causes. It is also clear that neither the G8 nor the EU nor the states of the First World nor a group of ageing rock stars is going to do it for us. As always, racism will be successfully resisted by the oppressed and from the periphery. The Majority World will define the nature of justice and racism, not the World Bank or the WTO or the G8 or, indeed, Live 8. Just as Africans will liberate Africa, so those most oppressed by racism are those who will successfully struggle against racism. Whatever supportive role others can play, the struggle against racism is archetypally a resistance from below.

The difficulties in beginning this process are no different in Ireland than anywhere else. The trajectories of some of the grassroots migrant- and minority-led organisations in Ireland speak volumes about the complexities of resistance from below. For example, ARASI started in the mid-1990s out of the genuinely grassroots Association of Refugees and Asylum Seekers in Ireland and was taken over (but also financially supported) by the Holy Ghost Fathers who established SPIRASI, which provides a number of services for asylum seekers and which also includes the reborn ARASI, a semi-independent but drastically under-funded migrant-led group. The Africa Centre, once the Africa Solidarity Centre (Africa Centre, 2005), was re-launched in 2005 with a strategic plan stressing ‘partnership’ and ‘integration’. Among other things, the Centre has published *Positive Politics: Participation of Immigrants and Ethnic Minorities in the Electoral Process* (Fanning, 2004a) and the subsequent *Negative Politics, Positive Vision: Immigration and the 2004 Elections* (Fanning, 2004b). The African Women’s Network AkiDwA (Akina DADA wa Africa, Sisters from Africa) was spearheaded in 2001 by a group of African women wishing to speak for themselves rather than be spoken for by either white Irish people or African men. Though still seriously under-funded, its chairperson Salome Mgubua has become a key spokesperson for African women in Ireland. It offers training and works on issues such as violence against women and Female Genital Mutilation.¹⁴ The Roma Support Group works out of Pavee Point Traveller Centre and reflects both new solidarities between Travellers and new-found funding available for Roma issues on a European level. In 2005, the nascent Civil Rights Movement, a group led by African migrants, organising against deportations, is struggling to have its more radical voice heard in the plethora of partnership-type migrant- and minority-led groupings.

Not surprisingly, the umbrella organisation for these and similar organisations, Integrating Ireland (2005) is not just ‘a National Network of Refugee, Asylum Seeker and Immigrant Support Groups’, it also emphasises, as its name implies, ‘partnership’ and ‘integration’.¹⁵ Other migrant organisations – such as the Bosnian Community Development Project, the Lithuanian Association in Ireland, and the Romanian Community in Ireland, among others – in existence for longer or shorter

periods – offer a range of services to their members, from job finding to language courses. They cannot be classified as anti-racism action, but it is certainly changing Ireland's ethnic and political map, providing varying types and degrees of resistance to the racial state. In this respect, similar to Naomi Klein's (2005) argument in relation to the war on terror, only a truly multi-ethnic Ireland with a proliferation of actions against the racial state can ultimately break the state's racial hegemony.

Meanwhile, other grass roots organisations like Residents Against Racism in the south and the Anti-Racist Network in the north continue to deliberately eschew state funding in their efforts to name and address state racism. For them, avoiding state funding has been a prerequisite for finding the freedom to address key issues like policing and deportations. But this approach brings its own challenges in terms of resourcing and sustaining interventions.

Coda: Beyond Pessimism

Our analysis has moved us towards some profoundly negative conclusions. We argue that those of us who struggle against racism have moved 'beyond optimism' both globally and in an Irish context. New formations of imperialism and colonialism, new formations of racism, and a weak and divided opposition to racism all combine to make combating racism increasingly difficult. In Ireland we confront a new post-referendum racist state with a largely co-opted anti-racist movement; globally we confront a new 'anti-terrorist' hegemony that actively celebrates its own multiculturalism and presides over growing global inequality with apparent impunity.

At this point, however, we have a moral imperative to accept Gramsci's 'pessimism of the intellect, optimism of the will' (1971). Our critique notwithstanding, struggles against racism will continue simply because, so long as there is racism, the victims and survivors of that racism will resist and organise globally and locally. More positively, the possibilities of resistance are developing as quickly as the methodologies of subordination. Hardt and Negri's *Multitude* (2005) offers a vision of how the people of the world can use the power of democracy to challenge the power of 'empire'. They also make it clear that this *multitude* is not a given, it has to be *organised*:

Insofar as the multitude is neither an identity (like the people) nor uniform (like the masses), the internal differences of the multitude must discover *the common* that allows them to communicate and act together. The common we share, in fact, is not so much discovered as it is produced (2005: xv).

In other words, the key question is how the unequal of a globalised world *in itself* – the poor, the colonised, the occupied, the racialised – becomes a multitude *for itself*. This is the central question for anyone who struggles against racism. It is, of course, a global question but it is also answered at local levels around the world. Ireland is just as much a site of this struggle as anywhere else and our specific location between imperialism and anti-imperialism and between globalisation and anti-globalisation means that we bring an important perspective to this struggle.

So, to end, let us reiterate that if our current situation is objectively ‘beyond optimism’ – globally and nationally – we have a duty to move existentially *beyond pessimism*. We need to continue to remind ourselves and others that, while the *means* of dismantling state racism may seem more distant and more circumscribed than ever – in Ireland as elsewhere in the world – the *need* for such a struggle is also greater than ever. Moreover, if racism must be theorised in the context of globalisation, so must the praxis of our opposition to racism. Winant posits ‘globalism’ as opposed to ‘globalisation’ as ‘a popular realm of contestation, resistance and self-determination’, and maintains his optimism by arguing that exclusivist concepts of citizenship are over and that ‘interdependence can be a source of strength. Diasporic globality can replace ethnonationality’ (Winant, 2004: xviii). There is an obvious resonance here with Hardt and Negri’s notion of the ‘multitude’. The point is that while resistance to racism becomes increasingly difficult, it also remains entirely possible and absolutely necessary. We continue to insist on the resistibility of racism. Moreover, we see in the host of grassroots struggles around the world, the alliances and partnerships and coalitions that already constitute the forces of resistance, despite the rise of globalisation and racist states. These are the diverse and diffuse forces which must face up to George Bush’s ‘coalition of the willing’. The ‘coalition of the willing’ was the avatar of the new imperialism – an alliance of racist states, profoundly anti-democratic in conception and colonial in intent. We, however, see the promise of a radical, dissenting *coalition of the unwilling* which can, even in this new age of Empire, dismantle the racist state.

Notes to Chapter Ten

¹ Cited in Sanders (1970: 86).

² But note that the very term ‘integration’ becomes suspect if we remember that the Irish agency put in charge of dispersing asylum seekers in Ireland is called the Reception and Integration Agency – ‘integration’ here is certainly not meant to *integrate* people who are in fact *segregated* by the very agency charged with their integration (see chapter 3).

³ Not surprisingly, the British ‘sweet tooth’ has its roots in slavery, once the engine of global trade. For example, the Beckford family transformed themselves from an ordinary middle class family into the richest and most flamboyant dynasty in Europe with profits from 22 enormous Jamaican sugar plantations worked by thousands of slaves (BBC Two, 2005)

⁴ This is a striking phenomenon – an internet search on anti-racism leads immediately to the NIKE STAND UP/SPEAK UP: ANTI-RACISM armband offer (only £4 a pair). Other bands include: MAKE POVERTY HISTORY, TSUNAMI RELIEF, but also SUPPORT OUR TROOPS (in Black and White and Camouflage, Rainbow and Yellow) and US FLAG (God Bless America). In *No Logo* Naomi Klein documents Nike as one of the companies (together with Adidas, Reebok, and others) targeted by US Labour activists in 1995-6, termed ‘The Year of the Sweatshop’, as employing children in appalling sweatshop conditions in the Majority World (and moving their factories from Java to Vietnam when exposed by the media), producing, on a salary of \$2 a day, sneakers that in 1994 retailed in San Francisco for \$120 (Klein, 2000: 328-9; 350).

⁵ However, the Minister for Justice denies this global link, insisting, at the 2005 McGill Summer School and on other occasions, that 'our' prosperity is not at the expense of the poverty of other parts of the world (McDowell, 2005).

⁶ Churchill – the 'greatest Briton of the twentieth century' also proposed "Keep Britain White" as a Tory election slogan in the 1950s.

⁷ Powell famously said, 'If by that you mean a man who hates another man for the colour of his skin, then no, I'm not a racist'.

⁸ Probably with the exception of groups such as Residents Against Racism and the Anti-racist Network. Although in the earlier, more optimistic late 1990s, there were other anti-racism grassroots groups, such as the National Federation of Anti-Racist Campaigns, and the Anti-Racist Campaign (documented by Alana Lentin, 2004a), many of whose members have now been co-opted into NGOs and state funded organisations such as the Irish Refugee Council and others.

⁹ In fact CADIC was careful to describe itself as a 'narrowly focused' coalition, aimed merely to campaign against the deportation of 'Irish citizen children', taking care not to get involved in other anti-deportation issues (personal experience).

¹⁰ In this light it becomes clear that the conclusion of the Amnesty International's Ireland's Human Rights Obligations on Institutional and State Racism (2006) that 'all government departments and State bodies must undergo a human rights audit, in order to ensure the compatibility of the services they provide to people from black and minority ethnic groups with articles 2 and 5 of ICERD' misses the target – in post-Referendum Ireland, the point is no longer 'institutional racism' but rather, as we argue in this book, 'constitutional racism'.

¹¹ It is indeed becoming clear that the Irish state deems the asylum issue a problem solved: In February 2006 the government announced the closure of hundreds of accommodation places in direct provision centres in the wake of 3,500 asylum seekers having been granted leave to remain as parents of Irish citizens and the state expects asylum applications, down to 4,848 in 2005, to drop down further (O'Brien, 2006).

¹² We recognise that there is a danger here of throwing the baby out with the bathwater; some rights have been established as genuinely universal and this matters in a positive way. The protection afforded people by this rights framework is, of course, very far from perfect; nevertheless, there are not many other methodologies that insist that justice and equality is a 'right' that can and should be demanded.

¹³ Live 8 was a political intervention based around a series of rock concerts that took place in July 2005, in the G8 nations and South Africa. These were timed to precede the G8 Conference held in Scotland. Running parallel with, but distinguished from, the Make Poverty History campaign, Live 8 claimed it would pressure world leaders to drop the debt of the world's poorest nations, increase and improve aid, and negotiate fairer trade.

¹⁴ In October 2005 Mgubua was awarded a personal two-year fellowship by the One Foundation as part of its social entrepreneurship programme, which will hopefully enable the group to consolidate and raise more permanent funding.

¹⁵ In 2006 the migrant-support sector is undergoing a worrying development – as funders such as the One Foundation and Atlantic Philanthropies are becoming interested in supporting it financially, they are also beginning to dictate terms. Thus, Atlantic Philanthropies were conducting a survey of the migrant support sector with view to constructing new forums, totally overriding existing coalitions and forums such as Integrating Ireland. The increasing managerialism enforced by the funders is forcing migrant-led groups to professionalise and steer clear of anti-racism work in favour of 'integration' and 'diversity' work.

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Index

- abortion, 104, 110-1
 Adair, Johnny, 148, 153
 Africa Centre, 3, 173, 184
 Agamben, Giorgio, 4, 14- 18, 32, 44, 47, 55, 91-3
 Ahern, Bertie, ii, 18, 31, 153, 174, 176
 AkiDWA, 3, 53
 al-Qaeda, 91, 198
 Amnesty International, 82, 94-5, 121
 An Garda Síochána, 9, 77- 84, 95, 159
 anti-racism, iii, 1-10, 19, 70, 74, 81-86, 95, 123, 129, 149-186
 antisemitism, 1, 11, 113-128
 antisemitism, new, 1, 11, 113-128
 Anti-Travellerism, 2, 127, 131-2, 142
 Arendt, Hannah, 44, 179
 asylum seekers, i, iii, 17, 23, 26, 28, 33, 36, 40- 62, 73- 90, 93, 97, 101-3, 109, 110, 128, 148, 149, 154, 159, 162, 166, 170-7, 180, 184-6
 Balibar, Etienne, 6, 39, 74-5, 98, 122
 Bauman, Zygmunt, 12, 28, 44, 48, 60, 80, 100, 108-10, 116, 131
 Bhattacharyya, Gargi, 38, 60, 98, 107-8
 biopolitics, 4, 10- 16, 49
 biopower, 3, 13-16, 50, 99, 132, 136
 black resistance, 171
 Blair, Tony, 7, 113, 168-9, 182-3
 Bono, 182-3
 Browne, Vincent, 128
 Bunreacht na hÉireann, 3, 10, 52, 56
 Bush, George, i, ii, 168-9, 182-6
 CADIC
 Campaign Against the Deportation of Irish Children, 52-7, 179
 Celtic Tiger, 1, 4, 17-9, 22, 31-37, 47, 58, 61-3, 98, 110, 168, 179
 CERD
 United Nations Committee on the Elimination of Racial Discrimination, 46, 48, 81-2, 86, 95, 141-3
 Citizen Traveller, 139, 143, 176-7
 Citizenship Referendum, 3-4, 10-12, 17, 28-38, 42-46, 51-5, 73, 75, 82, 92, 98, 100-9, 113, 123, 172-180
 colonialism, 9, 11, 21-3, 30, 80, 168, 170, 182, 185
 Conroy, Pauline, 61-4, 100, 104, 109
 Coulter, Carol, 4, 30, 45, 52-4, 80, 92, 96, 107
 CRC
 Community Relations Council, 161
 CRE
 Commission for Racial Equality, 163
 CRENI
 Commission for Racial Equality (Northern Ireland), 150
 Crumlin Road prison, 149
 CSO
 Central Statistics Office, 40-1, 61, 101
 CWA
 Chinese Welfare Association, 154
 De Valera, Éamon, 120-1, 126
 Deleuze and Guattari, 129
Department of Justice, Equality and Law Reform, 43, 51-6, 177
 deportations, 6, 45-50, 53, 73, 112, 184-5
Der Spiegel, 145
 DETE
 Department of Enterprise, Trade and Employment, 64-69, 76
 dispersal, 44-48

- diversity, 2-10, 17, 18, 38-9, 58, 64, 72-3, 77, 80-94, 101, 119, 123, 131, 150, 161-6, 175-181
- domestic workers, 105-7
- Douzinias, Costas, 44, 179-180
- DTEDG, 138
- ECNI
Equality Commission Northern Ireland, 86, 129, 139, 151, 154, 177
- Ehrenreich, Barbara, 99, 104, 106-7
- Eluhanla, Olunkunle, 48, 54, 172-3
- Empire*, 14, 15, 36, 166-8, 186
- Equality Authority, 3, 19, 61-2, 75, 86, 129, 138-9, 151, 176
- ESRI
Economic and Social Research Institute, 62, 75
- Essed, Philomena, 6-7, 192
- ethnic liaison officers, 85
- EYAR
European Year Against Racism, 39, 118, 164
- Fajujonu, 51-2
- Fanning, Bryan, 19, 116
- Feckete, Liz, 49, 91-3, 115, 192
- Foucault, Michel, 4- 10, 13-16, 19, 95, 99
- Fraser, Ursula, 46
- Garner, Steve, 19, 193
- gated communities, 22, 30, 35, 167
- GFA
Good Friday Agreement/Belfast Agreement, 3-5, 51, 144-160
- Gilroy, Paul, 2, 6, 12, 39, 128, 178
- globalisation, ii, 3-6, 15- 18, 21-38, 58, 92, 99, 100-110, 115, 152, 165-9, 182-6
- GNIB
Garda National Immigration Bureau, 81, 89, 95
- Goldberg, David T, 3-12, 18-19, 27, 39, 42, 53, 80, 95, 115, 118, 123, 173
- Goldstone, Katrina, 95, 118, 120-2
- good relations, 150, 160, 163, 166, 177
- Griffith, Arthur, 112, 116-9, 122, 126
- Hainsworth, Paul, 145
- Hall, Stuart, 7, 78, 95, 112, 119, 157, 167-8
- Hardt, Michael and Antonio Negri, 14-18, 99, 166, 185
- Harney, Mary, 17, 74
- Hesse, Barnor, 80
- Holocaust Memorial Day, 112-3, 123
- Housing (Miscellaneous Provisions) Act, 4, 127
- Human Rights Commission, 3, 61, 85, 138, 156, 176
- ICCL
 Irish Council for Civil Liberties, 95, 108
- Ignatiev, Noel, 37, 168
- Illegal Immigration (Trafficking) Act, 43
- ILO
International Labour Organisation, 59
- IMC
Independent Monitoring Commission, 155
- Immigration Control Platform, 18, 58, 72-3, 170
- Immigration Council of Ireland, 3
- Imperialism, 167
- Integrating Ireland, 3, 184
- Interculturalism, 2-3, 7, 86, 164-6, 177
- Iraq, ii, 14, 23, 32, 56, 91, 168-9, 183
- Irish born children, 10, 51
- Irish Refugee Council, 3, 43-49, 55-56, 94, 103
- Itinerant Settlement Movement, 136-7
- ITM

- Irish Traveller Movement*, 3, 87, 137
- Jewish museum, 118
- Keogh, Dermot, 121
- King, Dervla, 101-2, 110
- King-O'Riain, Rebecca, 39, 55
- Klein, Naomi, 170, 185-6
- KNOW RACISM, 19, 38, 55, 174
- Ku Klux Klan, 156, 166
- Lawrence, Stephen, 9, 78-82, 95, 157-8
- Lentin, Alana, 2, 8, 83, 115, 165, 173, 180
- Limerick pogrom, 119, 125-6
- Live 8, 181, 182, 184, 187
- Loyal, Steven, 5, 19, 39, 41, 47, 74
- Loyalists, 153-4
- Luibhéid, Eithne, 51, 100, 108
- Mac Éinrí, Piaras, 40-1, 70
- Mac Gréil, Michéal, 117-9, 125
- MacPherson, Lord, 9, 79, 157-8
- Marcus, David, 115-7, 123-5, 196
- Martin, Michéal, 8, 39, 42, 66, 70, 101
- maternity hospitals, 98, 101-3
- McAleese, Mary, 127
- McDowell, Michael, iii, 1, 10, 17-18, 36, 42, 45, 48, 55, 81, 103, 112-118, 131, 139, 141, 172, 175
- Meaney, Geraldine, 98, 100, 108
- migrant m/others, 98, 100-3, 108
- migrant workers, 25, 29-33, 59, 61-71, 78, 104, 111, 147-8, 154, 159, 162-6, 174-80
- Migrants Rights Centre, 3, 104, 179
- Moriarty, Elaine, 3, 110
- Mosse, George, 7, 11
- Muslims, 7, 32, 41, 91-3, 115
- Myers, Kevin, 39, 56, 103, 122, 131, 132, 144
- National Action Plan Against Racism, 19, 176
- Nazi graffiti, 118
- Nazism, 9, 16, 113-4, 120, 169
- NCCRI
- National Consultative Committee on Racism and Interculturalism*, 3, 61, 70-75, 80, 81, 86-87, 92, 118, 176-8
- NGO Alliance, 81-5, 95
- Ní Shúinéar, Sinéad, 11, 130
- NICEM
- Northern Ireland Council for Ethnic Minorities*, 156, 159
- Northern Ireland Assembly, 134, 144-9
- OFMDFM
- Office of the First Minister and Deputy First Minister*, 138
- Onyemaechi, Paiche, 97, 109
- ORAC
- Office of the Refugee Applications Commissioner*, 2, 45, 47, 113
- partnership, 30, 108, 127, 136-41, 164, 173-7, 184
- Pavee Point, 3, 84, 137, 142-3, 165, 184
- Philippines, 63, 67, 76, 99, 105
- policing, 4, 27, 70, 78-87, 91-95, 104, 140, 147, 149, 156-62, 185
- prisons, 46, 77-8, 87-96, 146
- PSNI, 77, 81, 86, 95, 140, 153-162
- Rabbitte, Pat, 71
- Race Relations (NI) Order, 131, 137, 177
- Race Relations Act, 150, 163
- racial statelet, 33, 146-9, 156, 160, 163
- racially motivated crimes, 86
- racism without racism, 5, 9, 17-8, 42, 169-71, 181-3
- Refugee Act, 43-6, 49, 89
- Refugees, 2, 16, 19, 23-28, 33, 36, 43-9, 56-9, 74-5, 80, 84, 100-1, 113, 120-6, 148-9, 154, 162, 166, 174-7
- Report of the Task Force on the Travelling Community, 132, 137, 141-3

- Report of the Travelling People Review Body, 130
- Residents Against Racism, 48, 90, 164, 179, 185
- RIA
- Reception and Integration Agency*, 2, 44-8, 56, 78
- Rolston, Bill, 202
- RTÉ, 1, 48-9, 63-4, 94, 101, 139, 172-4, 193
- RUC, 156-9
- Ruhs, Martin, 36, 39, 41, 61-71, 76
- Schuster, Lisa, 43, 46, 50-1, 56, 89
- SDLP, 148, 154
- September 11, 4, 9, 31, 34, 75, 80, 91
- sex workers, 99, 100, 106, 110
- Sivanandan, 28, 91, 115, 167
- Sukhanova, Oksana, 148
- Synon, Mary Ellen, 131-2
- Tannam, Marian, 2
- Taylor, Mervyn, 10, 123, 136
- The Economist*, 30, 31
- The Irish Times*, 50, 61, 62, 71, 121, 122, 126
- Traveller Support Movement, 129-144, 173
- Travellers, 2, 4, 9, 10-2, 37, 42, 51, 80-88, 90, 113, 127-144, 151, 164-5, 170-4, 184
- Trespass Law, 4
- Ugba, Abel, 41, 83
- UNESCO, 8, 203
- Voegelin, Eric, 7
- Ward, Tanya, 3, 44, 90, 95, 128
- Warm, David, 117, 126
- WARN
- West Against Racism Network*, 160
- Winant, Howard, 8, 9, 186
- World War II, 43, 120, 126, 133
- Yu, Patrick, 156, 159
- Yuval-Davis, Nira, 100, 104