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‘Race’, Political Economy and the Coercive State

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This chapter explores the intersection between ‘race’, political economy and the coercive power of the state. Reflecting on Robert Reiner’s (2007) analysis of law and order in late-modern societies, we examine the reconfiguration of the global economy and transnational-state-system by neo-liberal authoritarian politics arguing that socio-economic inequality is patterned by ethnic and racial discourses. Black and brown people are cast as the ‘usual suspects’ along with other members of the ‘dangerous classes’ leading to their more frequently becoming the ‘property’ of the police and the prison. Policing the streets and border zones and the functioning of the world’s prison systems invokes racial characteristics in ways that can be described as global apartheid (Richmond, 1995). The nexus between immigration and criminal law enforcement entrenches people in the ‘global south’ and among the over-policed and imprisoned in the ‘global north’. Using a theoretical lens comprising elements of transnational criminology and political economy, this chapter seeks to make visible new variations on racial and ethnic discourse and their effect on the everyday experience of the coercive powers of border protection, policing and imprisonment.

I. Context

There can be little doubt that nineteenth century thinkers would be perplexed by the complexion of the twenty-first century ‘transnational capitalist class’ (Robinson and Harris, 2000; Sklair, 2009). First, consider how racial discourses coloured the mindset of modern political and social thought. According to Stephen Jay Gould (1996) ‘when the grandfather of modern academic racism, Joseph-Athur, Comte, de Gobineau (1816–1882), asked . . . about the nature of supposedly inborn and unchangeable differences among racial groups, he laid it right on the line’ (p 379). Gobineau argued that ‘the various branches of the human family are distinguished by permanent and ineradicable differences, both mentally and physically’ (p 381), further, they ‘are unequal in intellectual capacity, in personal beauty, and in

physical strength' (ibid) and warned that intellectual and moral decline that would surely follow the 'mixing of the races', a process for which a new word – *miscegenation* – was coined in 1863.¹ Gobineau's ideas were unexceptional for his time. North American Enlightenment thinkers such as Benjamin Franklin and Thomas Jefferson thought much the same (ibid: 65–66), as did many prominent Europeans – from Linnaeus to Kant and Hegel (Eze, 1997). As is well known, the scientific discourse of 'race' carried over into criminology. Cesare Lombroso made a direct link between 'race' and crime, concluding that 'many of the characteristics found in savages, and in the coloured races, are also to be found in habitual delinquents' (quoted in Phillips and Bowling [2002: 580]). Modern thinking concerning race was quite essentialist. There was a hierarchy of 'racial types' – a pigmentocracy – with the lighter skinned people at the head while the darker the skin the further back and behind in the human race. These expectations fused with common sense and scientific notions about criminality, so it is not surprising that criminology provides fertile ground for understanding discourses about 'race'.

Now consider this. In 2011 the occupant of one of the most powerful positions in the global power structure, the Office of the President of the United States, was Barack Obama, whose father was Kenyan and mother was an American of English, Welsh, German and Irish ancestry. In that year Obama was, according to *Forbes Magazine*, the second most powerful man in the world, after Hu Jintao, President of the People's Republic of China, and before Abdullah bin Abdul Aziz al Saud, King of Saudi Arabia. Readers will no doubt be aware that two of the most highly placed individuals in the previous US presidential administration of George W Bush (2001–09) were Condoleezza Rice and Colin Powell, both people of African American heritage. But they might not know that in 2011 Lakshmi Mittal, a steel magnate of Indian origin with dual nationality in both India and the UK, was counted as the richest man in India *and* in the United Kingdom. *Forbes* reckons him to be the sixth richest man in the world with a personal wealth estimated at more than US\$31 billion. The richest man in the world in 2011 was a Mexican, Carlos Slim Helu, who has an estimated wealth of US\$74 billion, and three of the world's 10 richest men were not white. As the first decade of the twenty-first century drew to a close *Forbes* observed shifts in global economic power with a steep increase in the number of billionaires from the emerging 'BRIC economies' (Brazil, Russia, India and China); in 2011 the number of billionaires from China had almost doubled to 115 from the previous year, while with 101 and 30 representations respectively, Russia and Brazil saw a two-thirds jump. India had 55, six more than the previous year while only three of Africa's 14 billionaires were of European origin, the remainder being Egyptian, Nigerian or black South African.

¹ The word 'miscegenation' was coined in a hoax propaganda pamphlet produced in New York City in December 1863 *Miscegenation: The Theory of the Blending of the Races, Applied to the American White Man and Negro* written by two Democrat journalists to discredit the Republican Party and strengthen opposition to the War effort. The word has subsequently acquired wide usage. See Pascoe (2009).

These facts suggest an important shift in global power. It is not that racist discourse has disappeared or that ethnic advantage and disadvantage have dissolved. On the contrary, most of the poorest in the world are dark-skinned, whether you look at the global South or the inner-city neighbourhood or prisons of the global North. In late-modern societies, major economic readjustment has resulted in the privatisation of basic necessities such as water, sanitation, education and health. Spending on welfare has been slashed at the same time that the nature of work, mass migration and global inequality have shifted radically. The results of this are countries that have entrenched poverty with people surviving on one US dollar a day living cheek-by-jowl with the unimaginably rich. However, the emergence of a more ethnically cosmopolitan transnational capitalist class has somehow disrupted modernist assumptions about the primacy of race in the hierarchical ordering of humanity. These changes are not easy to articulate and our brief introductory remarks make the point in only a perfunctory way. In this chapter we reflect on the relationship between 'race', political economy and the coercive powers and practices of the state through a transnational lens.² We argue that, although the essentialist discourses of modern racism now no longer have the sheen of scientificity they once had – rendering, for example, books such as Herrnstein's and Murray's *The Bell Curve* (1994) tendentious as well as turgid – a residuum of raciological discourse remains evident in the global structuring of social exclusion. Sociological study of the police and prisons is uniquely placed to render this visible.

II. Theoretical Considerations

In this section we offer brief theoretical considerations about race and ethnicity, globalisation and the shifting nature of the coercive arms of the state.³ Our aim is to use a transnational viewpoint to explore the theoretical and empirical research on border protection, big city policing and the prisons to investigate how discourses concerning race and ethnicity play out in a global context. We contend that borders, police and prisons – often considered as separate domains of state activity and scholarly research – can best be understood as a complex unity. Transnational criminology offers valuable insights into contemporary discourses of race and ethnicity and that scholarship concerning social exclusion and the sociology of the global system have a lot to gain from the study of transnational policing and crime. In the spirit of the other chapters in this collection, we think that Robert Reiner's

² We refer to transnational rather than 'international relations'; the former has been used to indicate relationships principally between sovereign states while the latter gestures at more fully globalised relationships where actions, activities, institutions and organisational structures transcend and transgress the formal boundaries of the nation-state system. The 'transnational-state-system' can be taken as a shorthand term for this bundle of processes that include, inter alia, economic, cultural, political and social relations.

³ Our analysis is restricted to the work of border protection agencies, police and prisons and therefore other components of the coercive state such as the military are not considered here.

contributions to understanding the politics of policing and of 'race' that inspired an earlier generation of thinkers can be re-drawn on a global canvass yielding important insights concerning democracy, liberty and security in the global social order.

'Race', as we have already suggested, is a modern term which is essentialist in its insistence that biologically inherited indicators such as skin colour and hair texture signal fundamental qualitative differences within the human species (Kleg, 1993). Ethnicity is a somewhat different concept in that it also encompasses sociological and cultural attributes such as language, religious affiliation and other aspects of the mythological fundament of group affiliation (*ibid.*). Anthony Smith argued that that all nations have dominant 'ethnic cores' and that the construction of any specific ethnic identity draws on the pre-existing history of the 'group' using ethnosymbolism to fashion a sense of shared history, common identity and social solidarity (1987; 2003). Paul Gilroy offers a critical appraisal of 'lazily imagined' ethnonationalism which fuses the language of ethnicity with assumptions about racial inferiority and superiority (2003, 2006). His is an assault on both racism and the concept of 'race' and he is very critical of solidarities defined through ethnic absolutism, be it 'white supremacy' or 'black nationalism'. He argues that, particularly in a world that has gone global, contemporary valorisations of ethnic affiliation that actually originate from the same conceptual apparatus that produced European fascism 'retain the power to destroy a possibility of human mutuality and cosmopolitan democracy' (2003: 7). The concept of 'race' does not express a natural distinction among human beings, but was invented to legitimise racism. We concur with Gilroy and echo his sentiments. Theoretically, ethnicity and the ethnonationalist legends and myths that sustain ethnic identity – the 'chosen tribe', 'the select', 'God's people', bearers of the 'one true faith', etc – have an almost 'alchemical power' (*ibid.*: 32). Speaking normatively, such historic lore needs to be deconstructed so that the virtual realities of 'race' can be prevented from fomenting the dismal and destructive life that they do.

Gilroy's (2003) antidote to the alchemical power of racial and ethnic discourse is what he calls 'multicultural conviviality', an idea that relies on the universalist leanings of WEB Du Bois and Franz Fanon, a 'planetary humanism' that is tolerant, humane, pluralistic and cosmopolitan in outlook. Under transnational conditions, however, ethnic resentments and racist ideologies linger to create a major social division globally and within local contexts. Marginalisation, criminalisation and prisonisation remain redolent with ethnic and racialised discourses.

The relationship between the police and public is central to social order. Among the insights that can be gleaned from the work of Robert Reiner is that the category of 'police property' is, in effect, a master category within the subculture of the police occupation. He defines the category thus:

They are low-status, powerless groups whom the dominant majority see as problematic or distasteful. The majority are prepared to let the police deal with their 'property' and turn a blind eye to the manner in which this is done. Examples would be vagrants, skid-row alcoholics, the unemployed or casually employed residuum, youth adopting a deviant cultural style, ethnic minorities, gays, prostitutes and radical political organizations.

The prime function of the police has always been to control and segregate such groups . . . The concern with 'police property' is not so much to enforce the law as to maintain order using the law as one resource among others. (2000: 93).

One nineteenth century term roughly synonymous with this concept is 'the dangerous classes' and since that time perceptions of the propertied classes have been such that those groups classifiable as 'police property' have been understood as a deep threat to the social order generally (ibid: 24). The idea of 'police property' – which implies 'rounding up the usual suspects', the physical detention of a human being, and physically holding in police stations – can be extended to the prison system, where inmates become even more literally the property of the state. However, 'not all that is policing lies in the police' (ibid xi) and one of the most important reasons for the increasing legitimacy of police in the United Kingdom since their inception in the modern period was the gradual inclusion of the majority of the lower classes into the body politic, a trend that was reversed in the latter part of the twentieth century, markedly so in the early years of the twenty-first. Whereas the incorporation of the greater portion of the labouring classes and the corresponding diminution of the dangerous classes increased the legitimacy of liberal democratic policing in common law jurisdictions the world over, this trend has been reversed primarily because of the increasing social exclusion resulting from free market policies (Reiner, 78–79).

To this may be added other insights from the sociology of crime and policing. Firstly, the practices inspired by 'law and order' rhetoric have a tendency to reinforce the targeting of those identified as 'police property' for heavy-handed policing. In turn, this reinforces the social exclusion of these 'folk-devils' – including the transnationally mobile 'global vagabonds' (Bowling and Weber, 2008). An appreciable 'amplification' of social order problems follows which further exacerbates feelings of insecurity having the paradoxical effect of further undermining police legitimacy giving rise to yet more heavy-handed policing in a perpetual 'amplification spiral' (Cohen, 1972; Hall et al, 1978).

Within this negative dialectic, the discourses of race and ethnicity become more fraught. On the one hand, policing aimed at controlling the 'dangerous classes' may lead to perceptions of racial bias since ethnic minorities tend to make up a disproportionate segment of this class and these feelings only increase as the overall proportion of society excluded from the benefits of full membership increase. On the other, increasing inter-communal tensions arising within a multicultural society wracked by economic hardship grow in proportion to the influence of discourses that stoke the fires of ethnic rivalry. The inability of the police, court system and prisons to prevent the victimisation of weaker minority groups further challenges the legitimacy of the institution (Reiner, 2010). The overwhelming experience among the marginal is of being 'over-policed and under-protected' (ibid).

This all too short discussion from the sociology of crime and policing portends difficult times ahead. From the dawn of modernity, police conflict with the residuum at the base of the social hierarchy has been ever-present. In the recent past neo-liberal policies have tended to 'hollow out' the governance capacities of states,

widening social inequality and increasing the size of the pool that comprises the ‘dangerous classes’ and thereby ‘police property’. This class stratum is by no means exclusively made up of ethnic minorities, indeed it is still the case in most countries of the global north that the majority of the socially excluded are white. Cultural conflict is exacerbated within this lower class strata and policing affects this in a variety of ways, as we will show in subsequent sections. The perverse effect is that the legitimacy of policing in liberal democracies is undermined, heightening the sense of insecurity as ever harder styles of police control are pursued. The long-term effect is the gradual undermining of fundamental human rights and freedoms.

III. Policing Borders

The world is on the move. People are travelling to live permanently in the cities, to travel to the metropolis daily, and to travel long distances to places where there is an economic need. On one hand, neo-liberal ideology demands ever greater flexibility in global markets, free movement of capital, goods and services. This requires free movement of labour to work in factories manufacturing goods in places where they are cheapest and to places where tourist services are provided.⁴ Of course, consumers of services must also be mobile enough to travel to enjoy them. On the other hand, the increased movement of peoples, especially in the context of increasing of socio-economic inequalities, brings new security risks and new security demands. Strong border protection is portrayed as essential for domestic security. In this context, border zones – especially between rich and poor countries – become increasingly contested territory. The outcome is the simultaneous demand for greater movement of people and greater protection against the insecurities – in both senses – which is associated with this.

In practical reality, the lines on the map that cross continents dividing one country from another are easily transgressed. Moreover, the massive shifts in travel and communications technology make globally integrated capitalist economies, transnational communities and human movement around the globe in the most general sense possible in unprecedented ways. As Richmond (1994) argues, state sovereignty can no longer be maintained in an absolute way: ‘all boundaries are permeable and borders can no longer be defended with walls, iron curtains, armed guards, or computer surveillance systems’ (Richmond, 1994: 205). Physical obstacles remain of course – seas, oceans, deserts and mountain ranges carry their own risks for those on the move – and all too frequently result in deaths and injury. Death in

⁴ While neo-liberal ideology on the surface seems to promote free movement of workers, the logic of global capital works in practice to drive wages down in a process facilitated by border controls. These immobilise workers in low-wage, rights-free economies, for example in the US-owned maquiladoras, south of the US-Mexican border, and any number of under-developed countries in the global South. These also help to maintain an illegalised, insecure and therefore exploitable workforce within countries of the global north (Bowling and Sheptycki, 2012: 102–04).

these places is far from natural because border control policies are known to force people into the most dangerous routes (Weber and Pickering, 2011). Tens of millions of people cross borders every day and telecommute by networked computer such that transnational communication takes place largely or entirely unaffected by national boundaries. Economic relations are globally integrated. Advanced telecommunications networks means that information and financial capital cannot be controlled by any one government or even many governments working in concert.

It seems that the capacity of the nation state to provide security for the people who live within its borders is now contestable in many places. Some places have become chronically unsafe with violent crime escalating to unbearable proportions. In others places, private providers of security including mafia-type organisations vie with state providers. For all of these reasons, the centrality of the nation state has become problematic in today's world: its legitimacy is both challenged and yet simultaneously reasserted, especially by the most powerful 'seigneurial states' (Bowling and Sheptycki, 2012). Despite the neo-liberal yearning for both free movement and small government, the coercive arms of the state – the security-industrial-complex (including private security, security and intelligence agencies, criminal justice agencies, courts, prisons) – have expanded in both power and resources in recent decades. This is no more evident than in relation to policing borders and people defined by their migratory status.

The securitisation of migration has occurred in a context within which the movement of people (and goods) is seen as a source of insecurity whilst being necessary to the functioning of the global order. The prevailing logic therefore is premised on the need to strengthen border controls and surveille the movement of people within domestic spaces especially at specific security nodes. Land borders are increasingly militarised and airports are in themselves highly securitised geographical nodes. The 'smart border' is designed to work like a semi-permeable membrane to speed the flow of the 'tourist' (meaning both people seeking leisure and the globally mobile business class) and to select, eject and immobilise the 'global vagabonds' (Bowling and Weber, 2008). For Leanne Weber, these border defences operate at multiple sites of enforcement creating 'functional borders' which are 'located wherever and whenever border protection functions are performed' including naval interdiction on the high seas to practices within sovereign territory including surveillance, detention and deportation (Weber, 2006: 2007).

Border security officers are a neglected cousin of the domestic bobby. Their job, to police land borders, airports and coastlines, involves a complex web of organisations working above and beyond the border, as well as at the physical frontier itself in ways not dissimilar to other forms of policing (Bowling, 2010). It involves immigration officers, police (including Special Branch and other intelligence officers), customs, coastguard, the military and a range of local and national government departments. A complex legal framework has grown up that creates the auspices for a range of activities including carriers' liability and penalties for facilitating unlawful migration, conventions harmonising asylum policy and Interpol sharing of travel document database (Weber and Bowling, 2004). These strategies seek to project

population control externally so as to prevent migrations even from approaching the border. For people travelling to the US from many countries, the practice of 'pre-entry' immigration clearance means that people are processed before departure. In Europe, the creation of a common visa regime means that once a person has been denied entry in any European country, they are denied to all. The so-called Dublin system also means that once people have arrived in one country, they can be removed back to that country. In Australia the 'Pacific Solution' involved the deployment of naval forces to interdict 'asylum seekers' attempting to arrive by boat and 'suspected unlawful non-citizens' in offshore detention centres (Weber, 2007). A key element of the emerging policing system is the posting overseas of liaison officers, including officers drawn from domestic immigration agencies who work in foreign airports. On key routes, these agents check passports of departing passengers, compare the details against domestic databases to prevent those on watch lists or judged undesirable even from leaving port or airport.

In many places of course walls have been built. The US southern border fence is under construction mainly in New Mexico, Arizona, California and Texas. In effect it is a grouping of physical fences secured in between with a 'virtual fence' including sensors and cameras monitored by Border Patrol. Similar walls are under construction on the Russia/Chechnya Border, India/Bangladesh, Pakistan/Afghanistan, India/Burma, China/North Korea and one is proposed between Mexico and Guatemala. Parts of the border between Greece and Turkey are still fortified with minefields. Spain and Italy are defended by security fences, electronic surveillance and armed guards. The most notorious ones are around the tiny Spanish enclaves of Ceuta and Melilla in North Africa, where many people have been shot trying to climb the fence (Weber and Pickering, 2011). At the European borders, the development of Frontex provides an operational force for the protection of land, air and sea borders with rapid response teams.

Markers of nationality, race and ethnicity are crucial to the process of social sorting which underpins border control. However, it is important to emphasise that these are not the only dimensions along which people are defined as 'the usual suspects' or the vagabonds. Our focus here is the experiences of black and brown people but we are mindful of the historical exclusion of Gypsies, Jews and the 'whites of a different colour' from Southern and Eastern Europe. As Pearson reminds us, racial arguments were taken as enthusiastically in discussions of the degeneracy of the English 'Imperial race' at home and the ways in which its logic was deployed in laws against vagrancy (Pearson, 1983; Beier, 1985). This sorting involves many different processes occurring in widely differing institutional sites involved in the control of physical borders and surveillance of populations defined as suspicious because of their being attributed migratory, criminal or terrorist risks. Narratives of race and ethnicity contribute to shaping all of these processes. In recent years, a process of convergence, referred to as 'crimmigration' has occurred in which immigration offences have shifted from being administrative infractions to criminal offences and in which immigration law has become infused into the criminal justice process (Stumpf, 2006).

Once at the border, immigration officers have wide discretion in deciding who to detain for further questioning and to deny entry and it is clear that race and ethnic markers are used as a ground for stopping and detaining passengers. A detailed qualitative and quantitative study carried out by the UK Immigration and Nationality Department in collaboration with Essex University found that immigration officers' decision-making drew on a wide range of objective and subjective factors as well as generalised assumptions and beliefs. The most important triggers for further questioning were nationality and perceived socio-economic circumstances of a passenger (Woodfield et al, 2006). The study also produced clear quantitative evidence of the role of racial or ethnic markers in the social sorting that is carried out at airports. It showed that black passengers were 17 times as likely to be stopped at UK airports by comparison with white passengers. This pattern of racial disproportionality was largely attributable to nationality. This was anticipated by the researchers since it has long been established that people from certain countries were more likely to be detained because of the varying visa regimes that applied to each country. The countries whose citizens were *least* subject to checking and detention for interview were those with populations with predominantly European ancestry.

The unique contribution of Woodfield et al's study, however is that it was able to distinguish between ethnicity and nationality by collecting data from countries with racially mixed populations including Canada, the USA and South Africa. The study found that in comparison with their white counterparts, black Canadians were eight times as likely to be stopped by comparison with their white counterparts, black South Africans 10 times as likely and black Americans more than twice as likely. As well as a relatively straightforward relationship between 'race' and nationality, there is a more complex entanglement between 'race' and class. Immigration officers made judgements, using racial cues, about income, respectability and the likelihood that the traveller will be 'tourist' or a 'vagabond'. As Reiner says in relation to 'police property', police sometimes mistake members of 'higher status groups' for 'police property' (2010: 124), especially in relation to ethnic minorities where police are 'not as attuned to the signals of respectability' (ibid). In practice, border guards actively exclude poor people, and those who carry the markers of poverty (such as dark skin), whose right to travel around the west with dignity and without suspicion is being denied to them. The reverse is true for the wealthy. Noting the report's finding that immigration officers 'no longer ... ask a well-travelled American businessman how much money he has brought with him or for details of his bank balance', Gary Younge dryly points out

the man most likely to steal your pension walks through without a word, while the one most likely to flip your burger or clean your house hugs the bottom of trains because legitimate means of entry are barred to them. So much for global citizenship.⁵

The racial disparities that are observed in border controls echo those that target the domestic interior. In the UK, systems for the registration of aliens,

⁵ Gary Younge, 'The west persists in using race to decide who can cross its borders' *Guardian*, 22 January 2007.

processes for checking identification at key contexts such as labour exchanges and in employment go back to at least the early part of the twentieth century. Cooperation between police and immigration officers dates back to the 1971 Immigration Act, which gave constabulary powers to immigration officers for the first time. Since then the extent and nature of Immigration Service powers have grown and it has, de facto, its own internal police service (Weber and Bowling, 2004; 2008). The United Kingdom Border Agency (UKBA) was created in 2008 as a deliberate effort to create a uniformed agency with a clear law enforcement agenda to replace the border bureaucrats in the old Immigration Service. There is no doubt that the UKBA has become more effective in removals. While about 10,000 people per year were removed in the 1990s, in 2010, more than 39,000 people⁶ were removed from the UK (Blinder, 2011).

The scale of deportation from Britain is dwarfed by the USA which deported 387,000 people in 2010 among whom 43 per cent – around 64,000 – were deported as ‘criminal aliens’. Many of those people were identified by the Homeland Security Department’s ‘Secure Communities’ system, which seeks to identify immigrants for deportation through fingerprints taken by local officers when booking people on criminal charges. Local law enforcement agencies send fingerprints to the FBI who shares the fingerprints with Homeland Security to look for ‘potentially deportable immigrants’. In New York, for example, federal immigration officers on Riker’s Island, New York review all cases to see if any new defendants are deportable, either because they were entirely undocumented or lacking a residency permit. In the Bronx, nearly one in three defendants is a non-citizen.

The police practice of asking for identification documents and evidence of immigration status from black and ‘foreign-looking’ people they encountered during routine traffic stops, or who were witnesses to an accident or crime goes back a long way in countries including the United Kingdom (Weber and Bowling, 2004). In recent years, this has gradually been institutionalised in US immigration law and policing practice, most controversially in Arizona and Alabama (Provine and Sanchez, 2011). It is also clearly evident elsewhere including Australia (Weber, 2011) and Japan (Namba, 2011). The convergence between immigration and criminal law that has been in process since the mid-1980s can be detected in relation to non-citizens convicted of deportable offences. Non-citizens convicted of minor offences, drug possession or shoplifting for example, are likely face pre-trial detention followed by immigration detention, followed by deportation.

In a speech given at El Paso, on the US-Mexico border on 10 May 2011,⁷ President Barack Obama invoked the definition of the USA, ‘as a nation of immigrants – a nation that welcomes those willing to embrace America’s ideals and America’s precepts’, following in the footsteps of ancestors ‘who braved hardship and great risk to [...] be free to work and worship and start a business and live their lives in peace

⁶ This excludes the 18,000 people refused entry at port and subsequently removed. This has fallen from a peak of around 45,000 refused entry at port in 2002.

⁷ Transcript of President Barack Obama’s speech at the Camizal National Memorial on 10 May 2011, El Paso, Texas, as delivered by the President.

and prosperity'. On the other hand, he said, the immigration system is 'broken', citing the 11 million undocumented aliens who've 'cut in front of the line', making mockery of legal migration, working for less than minimum pay with the result of burdening middle-class families, tax avoidance, declining national prosperity and competitiveness. Obama's solution: a commitment to strengthening of border security 'beyond what many believed was possible'. This included the completion of the US-Mexico border fence; a doubling of Border Patrol agents; and total cargo screening. His vision is 'an inter-operable risk management approach' that can accelerate legitimate flows of goods and people while enhancing physical security.⁸

At the same time many States – among them Arizona, Utah, Indiana and Georgia – have introduced far-reaching laws criminalising migration and preventing access of undocumented migrants to public facilities. A *New York Times* editorial on 28 August 2011 described the Alabama law as the country's 'cruellest, most unforgiving immigration law'. It described it as a 'sweeping attempt to terrorize undocumented immigrants in every aspect of their lives, and to make potential criminals of anyone who may work or live with them or show them kindness'. It has the effect of making it a crime to be an undocumented migrant by 'criminalizing working, renting a home and failing to comply with federal registration laws [and] requires the police to check the papers of people they suspect to be here illegally. Businesses that knowingly employ illegal immigrants will lose their licences. Public school officials will be required to determine students' immigration status and report back to the state. Anyone knowingly "concealing, harboring or shielding" an illegal immigrant could be charged with a crime, say for renting someone an apartment or driving her to church or the doctor.' *The Guardian* reported the effect of legitimating oppressive policing based on 'looking illegal' was that some Mexican immigrants in Birmingham, Alabama are going into hiding or fleeing to neighbouring states.

IV. Policing Cities

This is the urban millennium. Sometime between 2000 and 2010 the world passed the tipping point and now the majority of people world-wide live in large towns, cities or mega-cities. The contemporary global city is cross-cut by conflicting currents associated with globalisation. The demography of the city, the ethnic composition of its neighbourhood is shaped by patterns of migration and their interaction with patterns of housing, employment and policing. It is well-recognised that the typical metropolis is multicultural. Cities at the core of the global system, like New York, Paris, London and Hong Kong – but even ones less central such as Toronto, Rio de

⁸ Declaration by President Obama and Prime Minister Harper of Canada – Beyond the Border, White House, 4 February 2011.

Janeiro, Cape Town and Mumbai – are cauldrons of cultural complexity. Amidst the ethnic diversity in these global cities there remain unmistakable patterns of social and economic exclusion. Poverty is nothing new. Neither is it new that the burden of poverty has fallen most heavily on ethnic minorities lacking social and cultural capital, to echo Bourdieu's formulation. But is in the urban megalopolis that poverty exists amidst plenty. Privatisation, neo-liberalism and the opening up of global markets have created great wealth for the few. In certain places, the consequences are strikingly visible: the glaring contrasts between wealth and poverty, prosperity and insecurity, private affluence and public squalor, venality and desperation, and the voracious appetites of narcissistic consumers gluttonously feeding within the sight of the very poorest people in the world. And, thanks to the shrinking of social distance brought about by electronic media, knowledge about how people live is instantly and copiously available to all.

Social stratification of Dickensian proportions is evident and, if the class system is not altogether novel, it is also rather different from what was on offer in the nineteenth century. At the top are those who have it all. They are cosmopolitan, metropolitan, affluent and educated and often attached to banks and other financial institutions, the primary beneficiaries of the new global economy. Next is a relatively protected core of traditional employees and professionals in the productive industries, the service sector and the public sector whose jobs are reasonably secure, with benefits and economic guarantees still intact. The third tier are the small business owners and small-time entrepreneurs, to which should be added economic players in the 'grey economy', whose fiscal fortunes are tied to the market but who play with distinctly smaller stakes than the Masters of the Universe who stoke the bonfire of the vanities. The fourth tier is the fastest growing, the working poor, those whose wages, if they are employed at all, are frequently too low to support them and their families. Last of all are the growing underclass, a lumpen proletariat which, even in the prosperous countries of the so-called developed world, have been – for several generations now – cast out of the productive economy; instead living at the economic margins. This class hierarchy is cross-cut by competing cultural groupings defined in ethnic and racial terms at virtually every turn and, because the effects of social and economic exclusion are so intense, there is extensive conflict throughout the system (Judt, 2010).

Due to the fragmentation of enforcement and security provision typical of policing in the contemporary mega-city there is tremendous psycho-social stress. Mike Davis captured the ecology of fear in the City of Quartz thus: 'we live in fortress cities brutally divided between fortified cells of affluent society and places of terror where the police battle the criminalized poor' (Davis, 1992: 93). In Davis' part of the world, the Los Angeles Police Department and Sheriff's Department share their turf with private security contractors too numerous to name, some of whom announce their presence in certain neighbourhoods with 'Armed Response' signs. In California, citizens' perceptions of insecurity have clearly weakened the sense that 'the state' is arbiter of social order. Davis wrote about Los Angeles, but a host of comparative studies have shown that policing Globopolis looks pretty much the

same everywhere (Caldiera, 2000; Huey, 2007; Marks, 2005; Mitchell and Beckett, 2008; Policing and Society, 2000). In all places the emergence of criminalisation rhetoric ensured that concerns of general service policing provision by public policing bodies have given over to law enforcement concerns about 'fighting serious criminality'. The fear grew not only because of this rhetoric but also because of the increasing perceptions that 'government' could not ensure the modicum of social peace essential to the public life of a liberal democracy while policing in pursuit of suitable enemies and (often racially or ethnically defined) folk devils grew paramilitarised and hi-tech.

Policing post-apartheid South Africa has been subjected to intense scholarly scrutiny and the model revealed is instructive. In the decade after apartheid ended in 1994, the country was the recipient of a significant amount of international aid aimed at smoothing the transition to democracy, a significant proportion of which was targeted at policing. At the same time, transnational enterprises were interested in securing the country for future investment. Subsequent developments can be seen as falling into three stages. In the early years there was an attempt to integrate the public police service and reorient it around the philosophy of 'community policing'. Simultaneous with this was the unplanned and un-coordinated efflorescence of the private security industry. In the second phase foreign police development assistance and governmental programmers concentrated on developing a generalist policing capacity on the ground. Policing in South Africa during the years of apartheid had been bent to the task of policing racial segregation, so the practical task was to develop the capacity to deliver basic police services. Towards the end of 1990s, there arose an increasingly insistent discourse about controlling 'organised crime' which dominated the agenda and the emphasis in public policing gradually shifted to enforcement activities and away from community policing provision. According to Diana Gordon once the new government had become established the 'imperatives of regime performance' came to carry more weight than the perceived need to deepen democracy (Gordon, 2001).

By regime performance, she was referring to the ability to cope with a rising tide of crime and violence and consequent high levels of fear. This was the beginning of stage three. Monique Marks' observations of public order policing units in Durban showed the inability of training and policy programmes to achieve reform in the face of poor supervision and command of the rank-and-file (Marks, 1999). She observed the tendency to deploy hard-edged public order units on general policing duties, which only served to blur the distinction between police 'repressive' and 'service' roles, in the minds of the public and of the police rank-and-file themselves. Simultaneously with the failed effort to create a post-apartheid policing service oriented to community was the non-stop growth of private securitisation and the enclavisation of wealth and privilege alongside destitution (Singh, 2005; Spinks, 2001). In the context of these powerful forces, attempts at community capacity-building looked paltry (Loader and Walker, 2004; Johnston and Shearing, 2003). Even in post-apartheid South Africa, many of the main targets of police oppression were defined in terms of their foreignness and in terms of ethnic identity. For

example, the murder of white supremacist Terre' Blanche in April 2010 confirmed that the old-style racial hatreds remained alive in South Africa while widespread rioting and xenophobic violence against immigrants from Mozambique, Nigeria, Zimbabwe and elsewhere in southern Africa in 2008 showed that ethnic hatred and violence in the country still proliferated. Nor was the violence of 2008 just against foreign nationals – Asian shopkeepers in Durban (a long-established ethnic minority in the country) were also reported to have been victims in the rioting (Neocosmos, 2010; Duval Smith, 2008).

The politics of policing racial and ethnic conflict permeated the atmosphere of the 2010 FIFA World Cup, but policing that mega-event was really no different from anywhere else (Boyle and Haggerty, 2009). 'Spectacular security' is 'invigorated with cultural constructions and speculative popular imaginations about what could potentially transpire' (261). We would seek to emphasise that this cultural construction is infused with racial, ethnic and class dimensions and would argue on that basis that the observable patterns of policing in Beijing and Brussels, Detroit and Durban, Jakarta and Jalalabad, Nairobi and Newcastle, St. Petersburg and São Paulo are shaped by a 'common sense that intrusive security and surveillance measures represent an inevitable feature and future of urban life, [which forecloses] debate on the necessity, desirability and inherent dangers in our new spectacle of security' (ibid: 271). In considering the contemporary urban landscape there are strong local differences to be sure, but looked at from a global perspective, what we see are variations on a theme.

Depending on where you go law enforcement standing orders are rather akin to the US military's *Urban Operations* manual: MOUT (Military Operations on Urban Terrain [Kraska, 2007]). The official British military acronym for this is FIBA: Fighting in Built Up Areas, but the unofficial terminology is 'FISH and CHIPS': Fighting in Someone Else's House and Causing Havoc in People's Streets. This accurately describes the policing of the *favelas* of Brazil, the *shantytowns* of Southern Africa, *Banlieue 13* in France and South Central Los Angeles. Increasingly the exercise of police power is unsystematic, sporadic, particularistic and often corrupt (Marenin, 1996: 323). Clearly at the 'edge of the knife', in the zones of the socially excluded and disadvantaged when the various labels for suitable enemy can easily be made to stick, things do look mean (Chevegney, 1995). This contrasts starkly with the not so Mickey Mouse social order of Disneyland (Shearing and Stenning, 1987) where the socially privileged are presumed to live and play, security governance is certainly less brutish and 'in-your-face'.

Policing in the contemporary city has worrisome features. For those who move easily between 'security bubbles' – home, beach-front property, country club and office – along 'secure corridors', it might not appear so (Sheptycki, 1997). The power of enforced topography obscures the topography of power being enforced. But these 'bubbles of security' are real abstractions which separate the 'risky' from the 'at risk', the 'normal citizen' from the 'folk devil'. It is a system of differentiation based on class and racial divisions, between which lies a chasm of social exclusion. Putting this in the context of the world system we see a multiplicity of law enforce-

ment and security agencies (both public and private) enforcing social inequality inscribed at a global scale (Bowling and Sheptycki, 2012).

Katharyne Mitchell and Katherine Beckett have explored how privatised 'crime risk consulting' shapes urban space (Mitchell and Beckett, 2008). They focus attention on two institutions that influence the management of land use: bond-rating agencies and global security firms. These institutions have the power to intensify gentrification or displace marginalised populations and Mitchell and Beckett specifically show how patterns of urban movement and urban usage are thus shaped in Mexico City and New York City. But these processes are more general and the emerging global metropolis is a 'city of walls' created by property developers, not city planners (Caldiera, 2000). Saturation law enforcement strategies, otherwise known as zero tolerance policing, displaces problem populations by confining the dangerous classes to particular bubbles of governance. When we look at policing in the global city we see strategies for trying to 'keep the lid on' what are, in effect, boiling cauldrons of insecurity.

There is no escaping the conclusion that socially exclusionary tactics for policing racial and class segregation are advantageous to the relative few at the top of the social structure of the emerging global capitalist system. It is equally evident that, in transnational conditions, the discourses of 'race' and ethnicity cross-cut the realities of class conflict and amplify the insecurity of all. The 'dark side' of globalisation – if we might be permitted to use the phrase – is the fear of globally mobile dangerous classes confusingly labelled with an admixture of epithets including illegal aliens, potential terrorists, unwarranted asylum seekers, economic migrants and so forth (Bosworth, Bowling and Lee, 2008). Our tentative aim here is to suggest that an important area for critical reflection is how discourses of race, ethnicity and class are affecting the policing of the new global city. But these patterns are no less evident than when we look at the plight of the human beings, the prisoners and other detainees, who have become the 'property' of the contemporary 'secure estate'. These criminalised populations are, of course, a product of a process initiated by the police and their roles as 'gatekeepers' to the courts, jails, prisons and detention centres around the world.

V. The Global Prison

The black face in the White House finds its unwelcome mirror image in America's carceral archipelago. There prison cells are disproportionately occupied by African Americans and Hispanic Americans. This would, of course, be of no surprise to de Gobineau, who regarded the black race as low in intellect, incapable of differentiating between right and wrong, unable to empathise with others' suffering, and also driven by great energy, desire, sensuality and will (Biddis, 1999). And despite the demise of these pseudo-scientific notions in the post-war period, books like *The Bell Curve* still make good copy. A ready audience seeks understanding of the

troubling reality that in Western nations across the globe,⁹ minority ethnic and cultural groups are more often subject to the coercive powers of the state, beginning with stop and search on the street and ending with their incarceration in what we can think of as a loosely connected global penal estate. According to the World Prison Population Briefing, more than 10.1 million people are held in penal institutions throughout the world, a 300,000 increase in the world's prison population over last two years (International Centre for Prison Studies, University of Essex)

For Reiner (1993) the attempt to understand the rapid growth of the black prison population in the 1980s and 1990s these patterns in England and Wales was like searching for a chimera. The debates had become stuck on the question of whether this was the result of discriminatory criminal justice practices by state agents or explained simply in terms of minority groups' involvement in crime. Such meso-level analyses continue, with fortunately more criminological data to draw on than was available at the time Reiner was writing, but attention has also shifted to macro-level theorising, which attempts to unpack the structural dynamics of what Loïc Wacquant (2009a) calls 'carceral affirmative action' or the hyperincarceration of African Americans.

Robert Reiner's (2007) work on the political economy of crime and its control offers further insights in that it underlines the significance of economic, political, cultural and social dimensions. The political economy of punishment *through* race in the US has its origins in the work of African American scholars such as Du Bois, whose contribution to criminology and to sociology more broadly has only been recently acknowledged (Gabbidon, 2007). Du Bois saw the state as a 'dealer in crime', often arbitrarily criminalising free Southern blacks to extract their labour in the convict leasing system. Building railway tracks, mining, logging and doing agricultural labour provided an estimated profitable income of \$48,000 in 1890 (Du Bois, 1901). Building on these historical themes, Angela Davis (2003) looks to the contemporary equivalent, the prison-industrial complex where the mass incarceration of African Americans depletes the social wealth of their communities; with so many absent men it is impossible to maintain the economic, religious and cultural infrastructure. This state-ritualised violence, Davis asserts, is legitimised by a normative racial contract which unquestioningly accepts domination of, and harm against, racial minorities, obscured by the mask of a colour-blind justice system. Vast economic profits accrue to the private security corporations who successfully bid for the provision of security and ancillary services, or who obtain capital infrastructure contracts to build prisons. A further hidden punishment of ongoing stigma and subordination is experienced as released prisoners are often denied the right to vote (making them politically expendable), excluded from juries and denied employment, housing and welfare assistance. These processes reproduce a permanently inferior and perpetually marginal 'undercaste', which represents a

⁹ In fact, some time ago, Tonry (1994) alerted us to this racial disproportionality in prison populations in England and Australia which then, as now (see C Phillips, *The Multicultural Prison: Ethnicity, Masculinity and Social Relations among Prisoners* (Oxford, Oxford University Press, Forthcoming), traps minorities, to an even greater extent than in the US.

form of citizenship not unlike the second-class citizenship of the Jim Crow period (Alexander, 2010).

While David Garland (2001) and Jonathon Simon (2007) have described the late-modern prison as a tool in the governance of social marginality, the racialised dynamics of these social sorting processes are more fully discussed by Loïc Wacquant (199, 2001, 2009). In a show of its might and authority, the state, according to Wacquant has engaged in the 'social and moral excommunication' of its racialised and forever inassimilable (foreign national) aliens. Losing out as a result of post-Fordist economics of de-industrialisation, labour informalisation, service industry suburbanisation, welfare state retrenchment and abandonment, 'hyper-ghetto' residents seem to be on a conveyor belt moving only in the direction of state control and debasement. For women this leads to coercive workfare or surveillance to determine welfare eligibility, while for men, the trajectory is towards penal supervision or custody.

Europe's blacks, consisting of national minorities and recent migrants, also find themselves ensnared by punitive penal policies which have been exported from the US (Wacquant, 1999).¹⁰ National minority groups have experienced under-employment and unemployment as de-industrialisation has removed opportunities for low-skilled work and welfare support has been drastically reduced. Migrant containment and expulsion represents a ritualised method of reasserting state authority, as political sentiment reinforces a social resentment against the groups assumed to disrupt the national order, whilst also conveniently obscuring state responsibility for immigrant integration. Foreign nationals who find themselves incarcerated within Europe's borders are, of course, divorced from the labour elite who travel the globe easily, accessing corporate jobs. These prisoners include those spurred by ethnic and nationalist strife, socio-economic and demographic pressures, and ecological crises, typically moving from developing and transitional nations in the global South to the developed world of the global North. As Goldberg (2002) argues, the racial state of the twenty-first century acts as traffic cop, simultaneously upgrading the privileged global labour elite and regulating the disprivileged vagabonds through mechanisms of containment. These are each nation state's internal 'suitable enemies' or as Bosworth and Guil (2008) note, it is the darker skinned people who are subject to cultures of control. Any political fallout is prevented by what De Giorgi (2006) calls 'social legitimacy' as public opinion supports punitive or exclusionary immigration control to neutralise the threat of welfare dependency, crime and terrorism.

A related phenomenon is the increasing evidence of *imm-carceration*, that is the rapidly developing use of the prison as a means to contain certain categories of immigration offenders. This includes people who have committed serious crimes and been detected at the border – for example drug couriers who will eventually be deported and the so called 'non-returnables', people who for some reason cannot be returned to the countries from which they have travelled, either because they are at risk of torture or victimisation on return, or who have problems verifying

¹⁰ Wacquant (1999). But see Lacey (2010) and Newburn (2010), who challenge Wacquant's claims of cross-national penal transfer.

their identity. For these people, the official justification for imprisonment is merely exclusion. There is no pretence that the purpose of the imprisonment is rehabilitation, or reform, but merely incapacitation and a demonstration of the solidity of the borders. Immigration detention centres have a distinctly punitive and criminal-like character. They look and feel like prisons and border patrol agency look like criminal police. Immigration is a system of inclusion and exclusion that defines what is expectable within the borders of the state, but deals with a problem defined as belonging to another state. Databases of criminal records including fingerprints, DNA, travel documents and deported aliens have been created across law enforcement agencies, immigration and the prison. In this context, prisons have 'become a site of information gathering on what is otherwise a transient, fragmented population' (Bosworth, 2008: 210).

A clear result of the relationship between political and economic marginality and the cleavages of race, ethnicity, nationality and religion is the emergence of what we might call the cosmopolitan prison. In Europe, foreign nationals make up an average of 20 per cent of prisoners with some countries having exceptionally high rates including Belgium (43 per cent), Greece (44 per cent), Switzerland (70 per cent) and Luxembourg (73 per cent) (Franko Aas and Bosworth, 2012). Evidence from the US and France (Wacquant, 2001), suggests that prisons are marked by racial division in which horizontal cleavages between 'raced prisoners' shape life inside, unlike previous eras where vertical relations between prisoners and guards was the key structural arrangement (Sykes, 1958; Irwin, 1980; Jacobs, 1977). According to Wacquant, the 'code of the street' trumps the old convict code of inmate solidarity; respect must be shown at the individual level with ethnically based gangs the collective means for 'doing time', with brutality and violence the means of achieving this.

Qualitative research in two male prisons conducted by Phillips (2008, forthcoming) and Earle (2011) suggests a less dystopic picture in England and Wales. There the social world of the prison consists of a state of loose ethnic solidarities, cultural fusion in prisoners' self-identities, which has created both what Gilroy calls 'convivial multicultural' as well as more familiar racial tensions that were encountered in the first waves of prisons research (Genders and Player, 1989). Conviviality, the relaxed minimalisation of racial difference where multicultural can be creative, vibrant and, above all, negotiable, is underscored by wary, unstable, inconsistent and contradictory social relations. There is a marked instability in social hierarchies inside where white privilege is no longer assured but black prisoners' assertive presence is more certain, albeit contested. The racial dynamics of the late-modern British prison are such that race is essentialised and reified, but also somewhat contradictorily, racial difference is rendered unremarkable *by prisoners*. At the same time, there is ample evidence to indicate discriminatory treatment of minority ethnic prisoners by *prison officers*, with regard to the use of force against them, their greater likelihood to experience punitive segregation or to be denied privileges, particularly those of black origin, and those whose faith identities are Islamic.¹¹

¹¹ Phillips and Bowling (2002); Beckford et al (2005); HMIP (2010).

We end this section with a final note of caution in thinking about globalised incarceration. While some scholars have emphasised mobility and extensive communication networking as modes of reconfiguring and hybridising youth cultures in disparate nations, young English prisoners' identities clearly need to be represented, and social relations inside understood, through the lens of the *local*. The younger prisoners interviewed by Phillips and Earle identified most viscerally with their locality, often defined specifically by their 'postcode' (an alphanumeric address code introduced by the Royal Mail in 1959). This central geo-spatial referent which defined local identity – and which cut across colour lines – was the basis for hostile territorialism. These spatialised identities were of central significance in the young men's lives both inside and outside prison. These area-based solidarities often usurped or overlaid identities organised through race or ethnicity, providing for the performance of masculinity and structuring micro-interactions, allegiances and disputes inside. Mutual defensive support in minor prison 'beefs' (disputes) was part of the obligation to assist other prisoners who were from the same residential area. Such relationships were often formed in prison as the basis for sociality and companionship, marking common belonging external to the prison. They also provided a route for exchanging goods in the informal economy to mitigate the pains of imprisonment. Just like life outside, money, drugs and power are the name of the game in prison.¹²

VI. Conclusion

In 1903, WEB Du Bois declared that 'the problem of the Twentieth Century is the problem of the color-line,—the relation of the darker to the lighter races of men'. He was not wrong. Despite years of war, struggle and compromise, when the *Souls of Black Folk* was published, black Americans were still not free and would spend the next 60 years struggling for basic civil rights. Many people in the southern states still could not leave the plantations on which they were born and most were 'bound by law and custom to an economic slavery, from which the only escape is death or the penitentiary' (Du Bois, 1903: 29). Even in the most cultured cities of the South, blacks were a 'segregated servile caste, with restricted rights and privileges' (ibid). Things had to change, and change they did. By the end of the twentieth century, the formal structures of segregation had been dismantled. The 1954 *Brown v Board of Education* decision struck down segregation in schools as unconstitutional and overturned the 1896 'separate but equal' case of *Plessy v Ferguson* which had legalised Jim Crow segregation. A decade later, the 1964 Civil Rights Act ended formal segregation in public facilities and protected the right to vote. Anti-miscegenation laws were finally ruled unconstitutional in the 1967 Supreme Court Case, *Loving v*

¹² Crewe (2010).

Virginia. Racial inequality persists, but the economic, political and legal structures that keep it in place have changed radically.

Of course, the twentieth century problem of the 'colour line' was by no means drawn only across US society. The idea of immutability of racial difference, supported by racial science, was institutionalised in a variety of forms including the White Australia policy (1901–73), the German racial state (1933–45) and South African apartheid (1948–94). In these and many other countries, coercive measures were inaugurated to regulate the movement of populations defined by their supposed membership of specific racial groups. This includes laws defining people of colour as having limited rights, 'pass laws' restricting movement, formal segregation of residential spaces (including ghettos and townships) as well as restrictions on rights to vote, own property, share public facilities and marry or have sex across the colour line. By the end of the twentieth century formal legal divisions of the peoples of mankind were no longer tenable. The categories upon which they are based were acknowledged as arbitrary and the science and state structures that were built upon them were shown to be inhuman and unjustifiable (Kleg, 1993). The collapse of South African apartheid and establishing the universal franchise there in 1994 symbolises in some ways the final transgression of the colour line. And yet, more than a decade into the twenty-first century, racial and ethnic divisions persist in a number of forms. In this chapter we have shown that in the spheres of street policing in the 'global city', in the policing of movements of people across national boundaries and in the cosmopolitan prison, the colour line still persists, seemingly as deeply entrenched as ever.

In 1994, Anthony Richmond, the pioneering 'race relations' researcher, argued that the attempt to restrict the movement of people around the world has led to a form of 'global apartheid'. Nearly 20 years on, this pattern remains clearly visible: the poor and hungry of the global South are denied access to the resources of the global North and those that do manage to evade restriction and control, or who are the offspring of those that did, face marginalisation in the social and economic sphere, as well as criminalisation and prisonisation. Susan Smith's work on residential segregation in housing shows how racism becomes institutionalised. This is a pervasive process sustained across a range of institutions whose procedures combine to produce a 'mutually reinforcing pattern of racial inequality'. Organisations allocating power and resources,

develop conventions which distinguish the deserving from the undeserving and the reputable from the debased, in order to help prioritise applicants queuing for goods and services. Virtually all these conventions invoke 'racial' attributes, tacitly or explicitly, as a criterion for exclusion or inclusion in the dispensation of scarce resources (Smith, 1989: 102).

Similar patterns of inclusion and exclusion are evident in the operation of immigration and street policing and in the prisons. In recent history, invoking racial attributes has been very explicit – the 'whites only' signs were taken down in the US only in the 1960s and South Africa in the 1990s. Today's racial exclusion also has its explicit edges. The use of nationality, sometimes coded in racial terms, is used

as a ground for targeting people for stop, questioning and search both at borders and in domestic space is in many countries (Weber and Bowling 2011, Bowling and Weber 2011). Specific immigration policing practices target migrant workers, using 'foreign appearance' as the ground for identity checks following other kinds of contact with police. Ethnicity and migratory status are intertwined in many cases. Officials in the Netherlands, for example, refer to their entire ethnic minority population – largely comprised of people with origins in the Maghreb of the Antilles – as 'foreigners' whether or not they are born in Holland. Ironically, systems created to identify ethnic minorities in Europe, and to develop targeted policies were originally for the stated purposes of integration, the promotion of equality and anti-discrimination. These same structures are now used to identify, anticipate and control the supposed threats of undocumented migration. There is an increasing trend towards a re-statement of ethnic separation and the of the supposed 'inassimilability of migrants'. Witness, for example, Angela Merkel, the German Chancellor's statement that 'multiculturalism has utterly failed'.¹³

The focus of contemporary security practices is 'integrated management' with high levels of surveillance and control. Much of the research in this field has focused on the relationships between police, private security, intelligence and military agencies, but the prisons provide another window into the effects of the new penology emphasising the classifying and managing of dangerous groups who cannot be 'normalised'. Whether this relates to people detained while migrating, in breach of their conditions of entry or overstaying, or to people convicted of criminal offences, the process is driven by the precautionary logic of exclusion. The official justification for confinement is purely incapacitation for those defined as presenting a risk beyond the threshold of manageability. This process has had the effect of widening the experience of punishment. Although the official justification for detention in holding cells at airports, street level stop and search, detention in immigration centres pending removal is not to punish – these are in fact experienced as punitive as well as being obviously coercive and exclusionary. Linking the theory and practice of migration control with policing and imprisonment illustrates the ways in which penalties, quasi-penalties and other burdens can be inflicted without the need for trial or other 'due process' protections. Coercive powers have migrated from the criminal justice system to inhabit organisations, such as border protection, hitherto thought to be administrative but which now clearly have punitive, deterrent or incapacitative powers. The question of whether these can justifiably be seen as a criminal sanction is almost irrelevant since its effect is punitive. The incarceration, exclusion and deportation of 'crimmigrants' is experienced as a *penalty* and is also clearly used for the purposes of *penalty*.

The enforcement of global apartheid has some very damaging consequences. Even in its most benign form, it entrenches inequality and division along north/south lines coded explicitly or implicitly in racial and ethnic categories. Racially coded penalties cause harm to the lives upon whom they are inflicted: loss of work,

¹³ BBC News, 17 October 2010.

reputation and resources, combined in many instances with the horrific experience of forced immigration detention and deportation. This affects the lives of hundreds of thousands of people around the world each year with the resulting family separation, loss of home and so on. The most serious harms include death at the border resulting from the actions of border guards, migrants taking extreme risks leading to death by dehydration in the desert or drowning at sea, evading police raids, or the deaths caused by electric fences and landmines at the militarised border (Weber and Pickering, 2011). In its most extreme form, racialised exclusionary practices include rendition overseas of 'terrorist suspects' to face torture and extrajudicial execution. Taken as a whole, the effect is the immobilisation of entire communities.

For Stuart Hall (1992: 359), the key question for the twenty-first century is whether the people of the world can find the 'capacity to live with difference'. In Gilroy's terms, the choice is between post-colonial melancholia and multicultural conviviality. To achieve the latter means that we must fashion new networks of 'connectedness and solidarity' that can 'resonate across boundaries, reach across distances, and evade other cultural and economic obstacles' (Gilroy, 2001: 5). At present, however, neo-liberal and authoritarian winds seem to be blowing us further down the wrong road. Rather than pursuing economic equality and tearing down metaphorical walls and physical fences between people, we are erecting longer, stronger and taller ones. The result entrenches difference ever more deeply within and between societies, a world polarised between a 'gilded but insecure elite and a threatening temporarily subjugated mass' (Reiner, 2010: 258). If justice is to be achieved in the context of a new cosmopolitan reality, a radical shift in global political economy is required. At the same time, the mechanisms of exclusion, segregation and criminalisation that have persisted into the new century must be challenged. The analysis set out in this chapter suggests that resisting the power of the coercive state – border protection, police and prisons – is a good place to start.

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