

THE AUTHORITARIAN WITHIN: REFLECTIONS ON POWER, KNOWLEDGE AND RESISTANCE ¹

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Thirty years ago I visited Walsall in the West Midlands where three Irish Traveller children had been burnt to death during an unlawful local authority eviction. As a young, naïve university researcher nothing in my undergraduate training prepared me for that experience ... either to handle it or to understand it.

As I travelled back to Liverpool my research into the experiences of Irish Travellers in England was put into perspective. Confronted with the agonised grief of a bereaved family and the apparent ambivalence of state institutions and settled communities intent on driving Travellers from their midst, six questions presented me with a clear direction:

- how could a local authority, using private bailiffs supported by the police, recklessly evict Traveller families in the dead of night, killing their children in the process?
- what kind of supposedly democratic, pluralist state – national and local – would sanction it?
- what kind of investigative system would deny that a grave crime had taken place?
- why was there no expression of public outrage, no media concern, no political condemnation?
- what kind of inquisitorial system would return verdicts of accidental death?
- why was academic research uninterested in researching and recording the experiences of gypsies and travellers?

Back in Liverpool on the derelict site that was Everton Brow, the undesignated home to over 50 Irish traveller families, the local community demanded evictions, threatening the use of direct force.

¹ Thank-you (to Professor Bill Rolston) for such a wonderful, warm and generous introduction, and to all of you for attending. It is overwhelming. Before I start I want to take a moment to acknowledge my friends, many of whom are here, my former colleagues at the Centre for Studies in Crime and Social Justice at Edge Hill and my current colleagues here at Queen's. I also want to remember three very special women. My mum, Hannah, without whose support and encouragement I would not have had the self-belief to go to university. Our close friend, Hilary Arnott, whose work at the Institute of Race Relations – particularly on *Race and Class* – made an outstanding contribution to that very special institution. And to Sita Picton whose friendship, warmth and argument are so deeply missed by Deena and I. All three died young and are in my thoughts tonight.

TINKERS OUT

THE RESIDENTS OF EVERTON ARE SICK OF THE FILTH AND SQUALOR BROUGHT TO THEIR COMMUNITY BY IRISH TINKERS. LOCAL COUNCILLORS PROMISES HAVE COME TO NOTHING. IF THESE DIRTY PARASITES ARE NOT REMOVED WE WILL DO THE JOB OURSELVES. THEY ARE A DANGER TO THE HEALTH OF GOOD AND DECENT FAMILIES. THIS IS AN ULTIMATUM: GET THE TINKERS OUT, OR ELSE.

A few weeks later a Warrington Councillor called for a 'final solution' to the 'Gypsy problem'. Given the genocide directed against Roma in the Holocaust, the comment was calculated to *instil fear* in the local travelling population. Gypsies, classified as '*genetic asocials*' by the Nazis, have remained the collective illustration of '*otherness*'.

As Inga Clendinnen writes, Gypsies have been 'largely absent from the discussions of the Holocaust, as they are absent from the monuments that memorialise it'. They remain the '*quintessential outsiders* of the European imagination'. In this *climate of hate* Howard Becker's portrayal of 'outsider' is literal.

At the time I lived in Toxteth and had witnessed institutionalised racism as routine: on the street; in the schools; throughout public institutions and private enterprise. The Merseyside Police made night and day forays into the heart of the community, stopping and searching; randomly raiding houses.

But what was directed towards Travellers had an added dimension. It was not about *oppression* through *containment*; it was about *enforced assimilation* through *expulsion*. It amounted to ethnic cleansing.

How could my studies help me to understand, to contextualise, to analyse and to resist?

While academic reputations of some note had been built on pathologising the City and its diverse population, not least its non-compliant working class, the Social Sciences and their relevance were under scrutiny.

At the height of McCarthyism C Wright Mills had taken a stand that was as courageous as it was enlightening. In *The Sociological Imagination* he presented a blistering attack on the '*inhibitions, obscurities and trivialities*' of mainstream social science research.

He demolished academia's decontextualisation of the everyday lives of ordinary people, their servile and servicing association with state institutions and giant corporations.

He argued for a radical framework dedicated to understanding and explaining day-to-day realities: the struggles and conflicts of family, friendship, community and work. These he named *personal troubles*.

He also emphasised the defining and determining significance of 'the larger structure of social and historical life' and its consequences. A world contained, shaped, regulated and reproduced through the structures of power, legitimacy and authority. These he named *public issues*.

Personal troubles and public issues; the forerunners of Anthony Giddens' *agency and structure*.

Following the success of his book, *Outsiders*, Howard Becker addressed the American Sociological Association. His attack on the relationship between academic sociology and the US State and cradle-to-the grave giant corporations was unrelenting. He argued that contemporary sociologists studying 'problems that have relevance to the world we live in' were 'caught in the crossfire: to *have values or not to have values*'. It was neither possible, nor appropriate, 'to do research uncontaminated by personal and political sympathies'.

This challenged a core *assumption* within social science research, that of *value freedom*. For Becker, the key question was not '*whether we take sides*'. This was unavoidable. Rather, it was '*whose side are we on?*' Social Science should 'get into the situation enough to have a perspective on it'. It should challenge dominant institutional, academic and professional discourses; for these constituted the '*view from above*'.

At this time I happened on Simone de Beauvoir's *The Second Sex*, first published in 1949. In her extensive and incisive analysis of gender relations she foregrounded the social, cultural, political, and economic construction of the '*Other*'.

THE 'OTHER'

...humanity is male and man defines woman not in herself but as relative to him; she is not regarded as an autonomous being ... she is defined and differentiated with reference to man and not he with reference to her; she is the incidental, the inessential as opposed to the essential. He is the Subject, he is the Absolute – she is the Other.

Simone de Beauvoir, 1949:16

No group conceives itself as the One, the *essential*, the *absolute*, without conceiving and defining the *Other*. The Other is the *stranger*, the *outsider*, the *alien*, the *suspect community*: Otherness *begets* fear, *begets* hostility, *begets* denial.

De Beauvoir listed the 'others' of her time: blacks in the USA; aboriginals in the colonies; proletarians within capitalist economies; women and girls

throughout patriarchies. Acknowledging Hegel she concluded: 'we find in consciousness itself a fundamental hostility towards every other consciousness; the subject can be posed only in being opposed ... the essential as opposed to the other, the inessential, the object'.

On 10 June 1970, 35 years ago tomorrow, I bought Frantz Fanon's *The Wretched of the Earth*. In discussing physical subjugation by the military occupation and police rule Frantz Fanon identified the colonizer's dehumanisation of native populations.

THE 'OTHER' AS THE QUINTESSENCE OF 'EVIL'

As if to show the totalitarian character of colonial exploitation the settler paints the native as a sort of quintessence of evil. Native society is not simply described as a society lacking in values, but also the negation of values ... the enemy of values ... the absolute evil ... corrosive ... destroying ... disfiguring ...

Frantz Fanon, 1967:31-32

This brief excursion into a few key moments of personal discovery – and I haven't even mentioned reading Marx's *Wage Labour and Capital* by head-torch 6,000 feet up in the Spanish Pyrenees – is illustrative. In addressing my questions I needed to understand the structural relations, what Kathryn Chadwick and I later referred to as the primary *determining contexts* that impelled our daily lives: advanced capitalism; patriarchy; neo-colonialism; adulthood. Herein lay the *material inequalities* of class, gender, sexuality, race, sectarianism and age.

Authoritarianism and the State

In 1980, reflecting on the consolidation of the New Right under Thatcherism, Stuart Hall wrote: 'We are in the middle of a deep and decisive movement towards a more disciplinary, authoritarian kind of society'.

The shift was the product of 'deepening economic recession' accompanied by 'political polarization, social tensions and accumulating class antagonisms'. It constituted '*regression to a stone-age morality*' demanding, at the popular level, a '*blind spasm of control*'. Its syntax was *Good v. Evil*; its platform was Law and Order.

Previously, Nicos Poulantzas had focused on the development of *authoritarian statism* within Europe which had 'intensified state control over every sphere of economic life combined with a radical decline in the institutions of political democracy and with draconian and multi-form containment of civil liberties'.

Repressive measures depended on the exercise of state-sanctioned violence and its internalisation through *ideological acceptance* or, for those who resisted, through *mechanisms of fear*.

Throughout the 1970s popular consent for state authoritarianism had been orchestrated through the management of information and the manufacture of news. Stuart Hall et al referred to this as *authoritarian populism*. In delivering the New Right's commitment to free-market economics, welfarism and trade unionism had to be challenged through a *strong state*.

THE 'ENEMY WITHIN'

'At one end of the spectrum are the terrorist gangs within our borders and the terrorist states which arm them. At the other are the hard left, operating inside our system, conspiring to use union power and the apparatus of local government to break, defy and subvert the laws. Now the mantle has fallen on us to conserve the very principle of parliamentary democracy and the rule of law itself.'

Prime Minister Margaret Thatcher, 25 November 1984

The populist appeal was to *inherent* social and cultural values invoking a *moral imperative* ... the Law and Order rhetoric appealed to *common sense*. Far from identifying a coherent *enemy within*, however, the most disturbing revelation was the dynamic prevalence of the *authoritarian within*.

The terrain soon became familiar:

- PUBLIC ORDER
- INDUSTRIAL CONFLICT
- SOCIAL DISCIPLINE
- MORAL RENEWAL

Central to what later became referred to as the 'Thatcher Project' was the process of criminalisation.

MEANING AND CONTEXT

Acts are not, they become. So also with crime. Crime does not exist. Crime is created. First there are acts. Then follows a long process of giving meaning to those acts.

Nils Christie, 1998:21

In 1981 in an article written with Stuart Hall we made the self-evident point that as the 'application of the criminal label to a particular social category'

criminalisation is a process dependent on 'how acts are labelled and who is doing the labelling'.

We were keen to show from research with those most marginalised that criminalisation often applied to 'activities which the authorities oppose, not because they are 'criminal' but because they are threatening'. We considered it particularly powerful 'because it mobilizes considerable popular approval and legitimacy behind the State ...'

More recently, in the *Sage Dictionary of Criminology*, Kathryn Chadwick and I reiterated the obvious: criminalisation as a *process* 'does not occur in a vacuum' but is derived and sustained in a climate of 'contemporary politics, economic conditions and dominant ideologies ... evolving within the determining contexts of social class, gender, sexuality, race and age'.

As a process criminalisation is consistent with a politics of *otherness*, of economic marginalisation and social exclusion. To gain legitimacy it requires ideological sustenance. As Stan Cohen has demonstrated, it centres on identifiable individuals and groups – *folk devils* – and the *moral panics* that surround them. They are not simply *ideological* or *cultural* constructions ... they are real and tangible with concrete manifestations in *response* and *reaction*. They provoke social, political and material consequences.

Goode and Ben-Yehuda identify the climate of reaction thus: 'heightened emotion, fear, dread, anxiety, hostility and a strong sense of righteousness'. Institutional power is sensitive to this climate. Following public moral outrage comes the *rush to judgement* feeding highly publicised calls for harsh measures and regulatory intervention. It is a pattern that results in 'strengthening the social control apparatus of society – tougher or renewed rules, more intense public hostility and condemnation, more laws, longer sentences, more police, more arrests, and more prison cells ... a crackdown on offenders ...' It is a *society in crisis*.

John Muncie interprets *moral panics* as 'a sensitizing and legitimizing process for solidifying moral boundaries, identifying 'enemies within', strengthening the powers of state control and enabling law and order to be promoted ...'. A process that neglects the structural inequalities and social divisions which contextualise and generate conflict and dissent.

Critical social research, then, begins with the premise that 'knowledge', including that developed within academic disciplines and professions, is *neither* value-free *nor* value-neutral. Rather, it is derived and reproduced in the structural relations of inequality and oppression that characterise established social orders.

Applying a Critical Analysis

In the immediate aftermath of the street protests by the black community in St Paul's, Bristol I made an Open University programme for the Social Sciences Foundation Course. The city's long history of racism was immediately evident.

Bristol, like Liverpool, had grown wealthy on the back of the slave trade. Its black communities were well established, as was the racism they endured.

Back home in Toxteth the barricades were on the streets and the initial confrontation soon escalated into a full-on community uprising. On Upper Parliament Street the symbols of Empire were burnt to the ground. That summer police from throughout Britain were deployed on Liverpool's streets.

Drawing on the work of Stokely Carmichael I argued that the inner-city uprisings were a consequence of institutionalised racism within the custom and practice of local government and state agencies, a charge dismissed by the Scarman Report into the disturbances. In the post-Scarman period the rhetoric of race awareness training and community policing cast a liberal veneer over the harsh reality on the streets.

In October 1985, following a minor confrontation in Toxteth, the Merseyside Police sealed off the community and deployed the Operational Support Division. The OSD literally took no prisoners, dealing out summary justice on the streets. Chanting monkey noises, drumming their riot shields and shouting sexist abuse they made it clear that their revenge was long overdue. It came to a head when the OSD pinned the Archbishop of Liverpool to a wall. He was on the streets at the invitation of Lady Margaret Simey, the Chair of the Merseyside Police Authority.

Yet chief constables, government ministers and mainstream criminologists, continued to deny the existence of institutionalised racism in policing Britain's black, Asian and Irish communities. It took the death of Stephen Lawrence in 1993, the appalling treatment of his family by the Metropolitan Police and the Macpherson Report to confirm *from above* what communities for generations had known *from below*.

White and working-class, Jimmy Kelly died on the charge-room floor of Huyton Police Station. He was 54, drunk and had a serious heart condition. On arrest he was punched, sat on, his testicles squeezed, thrown on the floor of a police minibus, transported semi-conscious, dropped on his head from the back of the bus, lain on his back where he soiled himself and died. And this was the police evidence. In the glare of international publicity the inquest verdict was misadventure. This case, together with the killing of Blair Peach by the Metropolitan Police, led to the founding of INQUEST.

Throughout the 1980s Kathryn Chadwick and I developed and applied a critical analysis to deaths in controversial circumstances.² Our research showed empirically how authoritarianism underpinned the rule of law and how, politically and ideologically, it was manifested and experienced at the personal, social and institutional levels. This was achieved through the development of a systematic examination of case histories and their broader

² I want to take this opportunity to acknowledge the outstanding contribution that Dr Kathryn Chadwick made to co-founding and consolidating the work of the Centre for Studies in Crime and Social Justice at Edge Hill. As a teacher, supervisor and researcher she has few equals. She has been my 'partner-in-criminology' for twenty years and is one of my closest friends.

contexts, responding to our close friend, A Sivanandan's call, to 'turn cases into issues'.

SPEAKING ILL OF THE DEAD

... a process of categorisation which suggests that to some extent the 'violent', the 'dangerous', the 'political extremist', the 'terrorist', the 'alien', the 'inadequate', the 'mentally ill', the 'hysterical woman', contribute to their own deaths either by their pathological condition or personal choice.

Phil Scraton and Kathryn Chadwick, 1987:233

In the mid 1980s we researched the deaths of 8 boys and young men in the Glenochil Detention Complex. In one year there had been 25 serious suicide attempts and 180 boys placed on strict suicide observation. The Detention Centre was the site of the military-based '*short, sharp, shock*' initiative introduced by William Whitelaw. Bullying was rife in the Young Offenders' Centre. On the landings we found the disabled, the mentally ill, the unassertive, the weak, the sex offenders and the loners subjected to a '*relentless barrage* of physical and mental torment'. They were extorted, verbally harassed and physically beaten. The Complex exemplified the *institutionalisation of male violence*. The so-called 'inmate culture' and its hierarchy of violence was actively utilised by staff to control, contain and manage the jail.

'SHORT, SHARP, SHOCK'

... brief contacts with relatives and friends are in stark contrast to the daily routine which begins at 5-45am with slopping-out the contents of the plastic chamber pot ... prisoners are under a rule of silence with commands shouted at them, army style, by prison officers ... prisoners are marched to breakfast, marched back to their cells, change their clothes, inspected for work, marched to work, marched to tea-break, marched to their cells, change their clothes, inspected on parade and marched back to work. The time is now only 1pm, the prisoners have changed their clothes three times, been inspected twice, marched everywhere and remained in total silence.

Phil Scraton and Kathryn Chadwick, 1986:148-9

'Failure to cope' was seen as a problem *within* the individual rather than *symptomatic* of a harsh regime. Individuals expressing rationality and sensitivity learnt to cry alone. Those who disclosed their pain were placed on strict suicide observation: solitary confinement in strip cells; extreme cold;

constant electric light; coarse canvas blankets; coarse canvas pinafore dress; no underwear.

We concluded: 'On the other side of the cell door the isolated, cold, bored individual sits in a rough canvas gown, one paperback book and a Bible. Seventy-two times a day an eye appears at the spy-hole reminding the child that there is life outside. This is the treatment afforded to those children and young people considered to have such a serious mental condition that their lives are at risk. A medical model defines the risk, a punishment model defines the treatment'.³

The mid 1980s was a period of considerable disruption in Scottish prisons. In November 1986, following a rooftop protest at Peterhead Prison in North-East Scotland, Edinburgh's Gateway Exchange held a series of public meetings to consider prisoners' persistent allegations of brutality. Prison protests soon extended throughout the Scottish prison system, escalating to hostage-taking and a further rooftop protest at Peterhead. As Director of Gateway the former long-term prisoner Jimmy Boyle commissioned me and Joe Sim to conduct independent research into the protests.

The research revealed prison regimes in which violence, including assaults on prisoners by prison officers, was endemic, reflecting a long history of confrontation and abuse. Conditions, particularly in the Victorian jails, were inhuman and degrading. Regimes amounted to little more than warehousing, with prisoners often locked in their cells for most of the day.

Prison managers and officers used threats and intimidation in their attempts to prevent prisoners participating in the research and the researchers were prohibited from entering prisons. Despite these inhibitions many prisoners wrote detailed and verifiable accounts of their experiences.

As Jimmy Boyle stated, the research was 'unequivocally about the unheard voice of the underdog' providing a 'powerful indictment of our so-called democracy ... vividly reminding us that there is another story which, until now, has remained untold – that of the prisoner'. The report was published in 1987 followed by the book, *Prisons Under Protest*, four years later.

The research into custody deaths and prison protests heard and projected the voices of those silenced and vilified within total institutions. It challenged the pathologisation of prisoners, so much the stock-in-trade of media sensationalism and politicians' sound-bites. And it contributed significantly to long-term, fundamental reform within the Scottish Prison Service.

³ I am fortunate to have recently read proofs of the book by Dr Barry Goldson and Deborah Coles on the deaths of young people in custody in England and Wales. Barry continues to make a defining contribution to critical work in youth justice. Deb's work, with Helen Shaw and colleagues at INQUEST, provides a vital support to bereaved families and has a significant impact on cases. As a founder member of INQUEST I am proud to be associated with their excellent case-work.

15 April 1989, Hillsborough Stadium, Sheffield. 96 men women and children died, 400 were injured, thousands were traumatised, many never worked again and an incalculable number had their lives cut short.

The Police Match Commander instructed the opening of exit gates to relieve congestion at the turnstiles. Over 2000 fans walked into the stadium unstewarded down a steep tunnel and into the back of already overcrowded pens. While fans were dying on the steps of the terraces the Police Commander reported that fans had forced entry into the stadium, causing an inrush. His lie was immediately broadcast live around the world.

This lie led directly to:

- the Coroner's decision to record the blood alcohol levels of all who died, including children
- the oppressive identification process in the stadium gymnasium, including the interrogation of bereaved families by the police
- the next day briefing of Prime Minister Thatcher by the South Yorkshire Chief Constable that a 'tanked up mob' had caused the disaster
- off-the-record press briefings by the South Yorkshire Police leading to *The Sun's* infamous headline THE TRUTH

It also led to an instruction to officers not to write entries in their pocket-books but to handwrite full and detailed recollections of their experiences.

These recollections were gathered by senior officers, submitted to a team of hand-picked officers and forwarded to the Force solicitors, Hammond Suddards. Nine years after setting up *The Hillsborough Project* I finally accessed these statements.

FAX

This slide is a headed fax from a senior partner in Hammond Suddards, the South Yorkshire Police solicitors, to David Denton, the Head of Management Services at SYP. It provides information on several officers and states: 'As before, the mention of a name without comment indicates that the statement has been read and we have no suggestions for review or alteration'.

STATEMENTS

Three slides. The first is a police officer's statement in handwritten form. The second is the same statement word-processed but heavily edited by hand in black ink. The third is the altered statement word-processed and signed by the officer.

I asked the officer why he signed a statement that had been so extensively altered. He replied that he had not signed. I pointed to his signature. 'Yes', he said, 'it's my signature but I never put it there'.

The research uncovered a process of review and alteration amounting to a cover-up initiated by the Chief Constable of South Yorkshire and, more significantly, endorsed by the West Midlands Police investigation team, the South Yorkshire Coroner, the Home Office and Lord Justice Taylor, later to become the Lord Chief Justice, who headed the Home Office Inquiry into the disaster.

Was this a purposeful and orchestrated conspiracy? Or was it, what Ralph Miliband had famously referred to in the late 1960s in *The State in Capitalist Society*, the manifestation of a 'coincidence of interests'? My judgement is that it was both. Along with the *persistence of the initial lie*, it led to bereaved families and survivors, *bereft of justice*, campaigning to clear the names of their loved ones or themselves.

Research with Dunblane families overlapped the Hillsborough Project. 16 children and their teacher, Gwen Mayor, were shot dead by Thomas Hamilton in the gymnasium of Dunblane Primary School in March 1996. A further 13 children and three teachers were wounded. The interviews revealed the appalling treatment of the bereaved by the Central Scotland Police throughout the day of the shootings. Parents were held in the school staff room, adjacent to the gymnasium. They were given no information regarding the incident or the extent of the deaths. Yet those asked by the police to sit with parents, health care workers, clergy, all knew but were instructed not to reveal.

Without doubt, senior officers were occupied establishing a position on how a man, assessed by an internal police investigation unsuitable to hold a gun licence, had been able to acquire and expand his arsenal to four semi-automatic weapons, two shotguns and 3000 rounds of ammunition; under licence from the Central Scotland Police.

Lord Cullen, who conducted the Public Inquiry, placed a 100 year restriction on access to the internal investigation report and over 100 other documents. That access has recently been reviewed by the Scottish Parliament.⁴

Within media and political discourse Dunblane provided a counter-point to another tragedy involving children. Three years earlier two young children led a toddler by the hand, caught on camera, a frozen CCTV image transmitted throughout the world. A reassuring hand soon transformed into one of betrayal and violence. James Bulger, aged two, killed by ten-year olds. While Dunblane was ascribed the *imagery of lost innocence*, Jon Venables and Robert Thompson became the *personification of pathological evil*.

⁴ Research with the Hillsborough and Dunblane families, including the work of the ESRC funded seminars on disasters and their aftermath, has been a moving and humbling experience. I have gained so much from witnessing their experiences, their integrity and their resilience.

- mobs charged the prison vans outside the magistrates' court
- the boys were charged with murder and tried as adults
- they endured nine months on remand in virtual isolation without counselling or psychological support
- on conviction the Judge took the unusual decision to disclose their identities and photographs
- throughout their time in secure custody false stories about their incarceration were continually published
- on release their identities and location were protected because of the threat to their lives

THE TRANSFORMATION

... reflecting political opportunism, an *atypical* event was reconstructed as *typifying* a generation deficient in basic morality, discipline and responsibility. Hatred, more usually reserved for cases marked by *exceptional cruelty* and *brutality*, was extended to include a *spectrum* of behaviours construed as *antisocial* or *offensive*. Thus the *atypical* was transformed into the *stereotypical*.

Phil Scraton, 1997:167

As a direct consequence of the case we founded the Young People, Power and Justice Research Group, culminating in the text '*Childhood*' in '*Crisis*'? Deena Haydon and I continued to research the case and its broader impact on policy and law reform regarding children. We argue that the regulation and criminalisation of children and young people over the last decade, generating a backlash against children's rights, are derived in a moral panic regarding feral children, persistent young offenders and antisocial behaviour. As New Labour assumed the mantle of authoritarianism from its predecessors, the consequences were profound:

- introduction and expansion of antisocial behaviour orders
- exclusion of children from their home communities
- imposition of child curfews
- naming and shaming of injunctioned children in local and national media
- removal of criminal justice protection to a fair trial

- increase in custody of children and young people
- systematic breach of international standards

And within the North of Ireland the primary research carried out for NICCY demonstrates clearly the potential serious consequences for children and young people of parachuting in legislation where much is being done, particularly by community-based programmes, to challenge existing naming and shaming, beatings and exiling.⁵

In the North there are notable successes regarding children in trouble with the law: custody as a last resort; the Criminal Justice Review and the Justice Act; the focus on inter-agency work and community intervention; youth conferencing and restorative justice; reforms within child custody. But serious issues remain:

- in defiance of the UN Committee on the Rights of the Child, the persistent refusal to withdraw plastic bullets
- differential policing and the targeting of children and young people, including rough justice by police on the streets
- the lack of recognition afforded to community restorative justice projects
- the inexplicable failure to respond effectively to the continuing impact of conflict and trauma on the lives of children and young parents
- the institutional failure to provide basic child and adolescent mental health services
- the over-representation of looked after children in custody
- the use of solitary confinement and restraint as responses to managing the most vulnerable and damaged children in custody

Perhaps the greatest challenge, resisted by a vibrant and informed children's sector, is to change a collective mind-set - fuelled by irresponsible media coverage – portraying children in conflict with the law as products of individual pathology blended with social dysfunction.⁶

In a society where over 150,000 children live in poverty, where disadvantage is structurally located and where self harm and suicide are the sharp end of a continuum of marginalisation and rejection, the rhetoric of exiling and punishment is reprehensible whether scrawled on the gable end wall or written in the Statute Book.

The 'War on Terror' and the 'Axis of Evil'

Like many of you I remember exactly where I was when the planes went into the Twin Towers. I was on my back at the bottom of a disability ramp in the

⁵ Many thanks to my colleagues on the research team: Dr Ciara Davey, Clare Dwyer, Dr Ursula Kilkelly, Laura Lundy, Dr Rosemary Kilpatrick, Siobhán McAlister and Dr Linda Moore. A great research project delivered to an incredible deadline.

⁶ I want to acknowledge the work of the rights-oriented children's sector in the North. Not only is the work vital to the welfare of our children but these organizations and their staff, many of whom are here tonight, are committed to reminding powerful institutions of their duties and responsibilities towards children's rights.

great amphitheatre in Verona. Messing about I had slipped, my leg buckling underneath my body. I tore the muscle from my knee and severed the quadriceps tendon. Two weeks later, following a successful operation to mend the tendon, I was in intensive care, close to death, pulmonary emboli – blood clots – to both lungs.⁷

Witnessing from a hospital bed the build up to the military offensive in Afghanistan, while hearing the vitriolic racism surrounding me, I wrote to 50 colleagues across the world and together we wrote *Beyond September 11: An Anthology of Dissent*. The book closes with Afghanistan in ruins and a statement of profound concern that the US Administration was hell-bent on mounting an illegal war in Iraq.

'WHY I VOTED AGAINST THE WAR'

I could not ignore that it provided explicit authority, under the War Powers Resolution and the Constitution, to go to war. It was a blank cheque to the President to attack anyone involved in the September 11 events – anywhere, in any country, without regard to nations' long term foreign policy, economic and national security interests and without time limit.

US Congresswoman Barbara Lee, 2002:38

Demonstrating the illegality of the war in Afghanistan and underscoring Blair's moral agenda I was keen to demonstrate how the representation of 'evil' could be mobilised not only to establish the dubious case for a 'just war' but also to project the 'authoritarian within' onto a global stage. That projection, spelt out in classic binaries – innocence/evil; with us /against us; good guys/bad guys; ecumenical christianity/muslim fundamentalism; civilisation/barbarism - is evident in the textual analysis of the Blair-Bush speeches post 9/11.

We detailed the inventory of rights abuses:

- illegality of the war
- indiscriminate killing of civilians
- use of cluster bombs
- atrocities of the Northern Alliance and allied special forces
- denial of the Geneva Conventions, culminating in Guantanamo Bay
- use of torture, inhuman and degrading treatment
- expansion of rendition
- detention without trial in the UK and USA under new anti-terror laws
- attack on academic freedom

⁷ You don't recover from such an experience without those close to you giving strength and love. As always, the spirit and courage of Deena, Paul and Sean pulled me through, alongside the remarkable warmth and support of my friends.

And so to Iraq. Barbara Lee had identified a profound and permanent shift in US policy. In September 2002 Condoleeza Rice penned the US National Security Strategy.

US NATIONAL SECURITY STRATEGY

Slide showing the front cover of the US National Security Strategy, 2002.

In the Foreward the President proclaimed the end to the 'great struggles of the 20th Century between *liberty* and *totalitarianism*'. The passing of the Cold War had left 'a single, sustainable model for national success: *freedom, democracy* and *free enterprise*. But a new and grave danger had emerged, standing at the 'crossroads of *radicalism* and *technology*'.

Radicalism was a barely disguised code for *Islamic fundamentalism* – technology for *weapons of mass destruction*.

The Strategy proclaimed: '*Freedom and fear are at war*'; the peace had to be defended, preserved and extended. Rogue states that comprised the *axis of evil* 'brutalize their own people ... reject international law ... are determined to acquire weapons of mass destruction ... sponsor global terrorism ... reject basic human values ...' but most significantly they 'hate the United States and everything for which it stands'.

The Strategy was 'based on a distinctly American internationalism that reflects our values and our national interests'. For, the US was 'fighting for *our* democratic values and *our* way of life'.

Invading Iraq, however, required a new logic of pre-emption. A tenuous logic was provided: 'we must *adapt* the concept of imminent threat to the capabilities and objectives of today's adversaries'. Thus imminent threat was no longer a demonstrable, material reality but conceptual; no longer to be assessed in terms of mobilisation and intent but in terms of capabilities and capacity.

THREATS AND RISKS

The greater the threat, the greater the risk of inaction – and the more compelling the case for taking *anticipatory* action to defend ourselves, even if *uncertainty* remains as to the time and place of the enemy's attack ... the United States cannot remain idle while dangers gather.

US National Security Strategy, 2002:15

The language of *threat* and *risk* sounds so convincing, so measurable ... the *rational calculus* of risk assessment with which we have all become familiar in

new managerialist speak within the domestic context. Yet here they appear alongside the elasticity of 'anticipation' and 'uncertainty'.

Further, the Strategy affirmed the right to international intervention regardless of the sovereignty of other nation-states if the US-determined risk assessment of those states was negative

Bush heralded the '*moment of opportunity*' ... the objectives?

- to secure and win the 'battle for the future of the Muslim world'
- to meet global security commitments
- to protect Americans

Objectives not to be 'impaired by the potential for investigations, inquiry or prosecution by the International Criminal Court, whose jurisdiction does not extend to Americans and which we do not accept'.

There was a sting in the tail: a Loyalty test. Should dissident former allies neglect their political responsibilities and deny the US a mandate for military action, the consequences would be severe: 'we will respect the values, judgements and interests of our partners [but] will be prepared to act apart when our interests and unique responsibilities require'.

This statement of unilateralism could not have been a more unequivocal dismissal of the allies' independent political judgement and UN authority.

The stage was set for the Iraq invasion ... but what of the UK Government and the case for war?

45 MINUTES

... the assessed intelligence has established beyond doubt ... that Saddam has continued to produce chemical and biological weapons, and that he continues to develop nuclear programmes ... I am in no doubt that the threat is current and serious ... he has made progress on WMD ... his military planning allows for some WMD to be ready within 45 minutes of an order to use them.

Prime Minister Tony Blair, Foreward, WMD Dossier:3-4

In the aftermath of the David Kelly affair, in the knowledge that WMD did not exist and that his legal advice against the war was about to leak out, Tony Blair commented: 'The characterisation of the threat is where the difference lies ... The global threat to our security was clear. So was our duty: to act to eliminate it ... if it is a global threat it needs a global response, based on global rules'.

And so, military invasion and occupation of sovereign states became acceptable, regardless of the material reality of serious or imminent threat. This was the very licence that had troubled Barbara Lee: regime change without authorisation; invasion without legitimacy; force with impunity.

And impunity extended beyond direct military action. The forced and violent removal of men and boys from Afghanistan and other locations and their incarceration, torture, inhuman and degrading treatment some 8,000 miles away at Guantanamo Bay remains one of the most extraordinary human rights violations inflicted by an advanced democratic state in modern times.

Initially defined as unlawful combatants, then as enemy combatants, the US administration again played fast and loose with international law.

In open defiance of the Geneva Conventions, those held stateless and caged in Guantanamo Bay have been subjected to sleep deprivation, sexual humiliation, religious degradation, solitary confinement, beatings, mock executions and rape with objects. That there was even a debate over the illegality of the incarceration and interrogation indicates the level of insensitivity, ambivalence and punitivity that consolidated around the 'war on terror'.

At Abu Ghraib the self-proclaimed 'most efficient' and 'best disciplined' soldiers in the world were exposed as brutal and sadistic. Before leaving for Iraq they had been recipients of relentless propaganda dehumanising the enemy. Captives beneath contempt, captors above consequence. Why were the media, the politicians, the public surprised? Remember British marines returning to England and a hero's welcome with Argentinian ears in their kit-bags? Remember My Lai?

When the enemy is *dehumanised*, *stripped* of human identity, it is but a small step to *strip* their clothes, to *force* participation in simulated sex acts, to *coerce* masturbation for the lens.

The *degradation* inflicted on the *body* reflected the *denigration* assumed in the *mind*. Photographs are the *visible manifestation* ... the *permanent record of subjugation* ... standing *for all time* as a *triumphalist memorial* to the institutionalised power of personal abuse. In the photographs, the *pleasure* enjoyed by the *captors* increases in proportion to the *pain* endured by their *captives*. Why the surprise?

This is what in another context Susan Kappeler refers to as the pornography of representation – the overt expression of *absolute power without responsibility*; of *absolute power with assumed impunity*. Subsequent prosecutions and court martials are *strategic*. For, the human rights violations at Abu Ghraib, at Guantanamo Bay, at Bagram Air Base, at Camp Cropper and at numerous sites hidden by rendition, cannot be dismissed as *shameful acts* of a *small clique* of *cowboy soldiers*.

'Special interrogation techniques' used by military intelligence officers and by private security companies received approval from the US Administration. They reflect the new language of 'torture-lite', endorsing the infliction of physical and mental pain providing it does not damage vital organs; providing it is predicated on the greater good of deflecting a direct and imminent threat to the US and its citizens.

THE 'AUTHORITARIAN WITHIN'

Burning in the collective US unconscious is a puritanical zeal decreeing the sternest possible attitude to anyone deemed to be an unregenerate sinner. This clearly guided US policy towards the native American Indians, who were first demonised, then portrayed as wasteful savages, then exterminated, their tiny remnant confined to reservations and concentration camps. This almost elemental anger fuels a judgemental attitude that has no place in international politics, but for the US is a central tenet ... Punishment is conceived in apocalyptic terms ... sinners are condemned terminally, with the utmost cruelty regardless of whether or not they suffer the cruellest agonies.

Edward Said, 2000:51

For over a decade the West's demonisation and destruction of Iraq's people and its infrastructure was relentless. It is 14 years since the appalling massacre of retreating Iraqi conscripts on the Basra Road, a vengeful bombardment of extermination. Since then over half a million civilians died from air raids, disease, malnutrition and inadequate medical care. Many were children. Sanctions on essential foods and medicine, alongside indiscriminate and persistent bombing.

Of course there was no defence for Saddam Hussein's regime, the brutalisation of his people and the attempted extermination of the Kurds. But until Kuwait, the regime had been implicitly condoned, bank-rolled and politically courted by Western states, as had the Taliban in Afghanistan. It should not be forgotten that the 2003 self-styled *coalition of liberation* previously operated as a *coalition of oppression*.

The preconditions on inspection; the language of pre-emption; the demand for immediate regime change; the deceit over weapons of mass destruction; the propaganda over nuclear capability; the commitment by the US to unilateral action; the vilification of dissenters; together amounted to a catastrophic endgame.

All credibility, any hope of reason and resolution, along with the lives of tens of thousands of civilians, were – and continue to be – sacrificed in the rubble of Afghanistan and Iraq. Much else has been lost also.

In advanced democratic states that proclaim pluralism and multi-culturalism, to be Muslim is to be suspect. The ideology of 'the other' underpinning and promoting punitive military offensives abroad, infects punitive policing and rights abuses at home, not least internment without trial.

The photographs of the degradation and humiliation of Iraqi prisoners at Abu Ghraib were dramatic illustrations of the dehumanising potential of incarceration. At the time of their publication, Linda Moore and I were immersed in research into the imprisonment of women and girls for the Northern Ireland Human Rights Commission. We had unprecedented research access to the Mourne House Women's Unit at Maghaberry Prison.⁸

The research found a regime that had all but collapsed. Women locked alone in their cells 17 hours a day, workshops closed and education classes rarely held. On admission, women received no support, no structured induction programme or adequate information provision. They were restricted to brief periods of unlock during they could make telephone calls to their children and there were no special arrangements for family visits.

POLICING SUICIDE

'She tried to hang herself and three of us saw her getting out of the ambulance. They walked her across the tarmac in February with a suicide blanket on. They had all the riot gear on. She was crying. They were bringing her back from hospital and she was put back in the punishment block. We just kept our heads down, just did our time.'

Woman Prisoner, Mourne House Unit, 2004.

The treatment endured by women with mental health problems, particularly those who self-harmed, reflected a regime that mixed complacency with cruelty. Staff bullying of vulnerable and distressed prisoners had become institutionalised. Two young women had died by hanging, one in a strip cell in the punishment block.

Health care was dire. Other than basic day support, women were taken to the male prison hospital for treatment including overnight accommodation.

The Mourne House research demonstrated that while the regimes and programmes were not gender specific in design or delivery, regulation, control and punishments were consistently gender specific. Fear, degradation and dehumanisation endured by women prisoners were institutionally gendered, best represented and analysed as a continuum of violence and violation. This ranged from lack of access to telephones or baths, through lock-ups, to

⁸ Many thanks to Dr Linda Moore and the always supportive and generous staff of the Northern Ireland Human Rights Commission. Linda and I worked together at the Centre for Studies in Crime and Social Justice and now on the NICCY and NIHRC research. She is a great co-worker and a fine friend.

personal abuse and punishment. The sharp end of the continuum, the woman's body as the site of self-harm and strip searches, related directly to the sexual comments, innuendo and insults embedded in the prison's daily routine. This was patriarchy at its institutionalized extreme.

The Mourne House testimonies are bleak reminders of the destructive force of imprisonment. While not reduced to total passivity, nor completely incapacitated, women's voices were effectively silenced, their self-esteem consistently undermined and their physical and mental health deeply traumatised.

Reflections on the Research

Throughout the research, from that unforgettable and humbling moment in Walsall, the mobilisation of fear, the appeal to the 'authoritarian within', has formed a consistent prelude to the deployment of exceptional force, restraint and incarceration. And State institutions have politically managed and contracted out that deployment.

'What has emerged', states Henry Giroux, 'is not an impotent state but a garrison state that increasingly protects corporate interests while stepping up the level of oppression and militarization on the home front'. In this context, 'repression replaces compassion' and 'social problems are now criminalized'.

For Mike Davis this represents the escalation of the 'fear economy, the exploitation of a 'national nervous breakdown' where security becomes a 'fully-fledged urban utility like water and power'. While on foreign terrains the self-fulfilling prophesy of the globalisation of fear unfolds: 'Terror', states Davis, 'has become the steroid of Empire'.

But our research also illustrates the complexity of state authoritarianism. State power is not unidimensional. However restricted, there has always been room to manoeuvre. State institutions are slightly and selectively open to negotiation, occasionally offering conduits for critical ideas. But State institutions, and the police, prisons, mercenaries they subcontract, can also be blunt instruments of force, punishment and collusion. When tested, as Stan Cohen notes, they deploy the 'classic discourse of official denial'.

Whatever the complexities and inter-weaving of power, however dispersed within the multi-layered State, government quangos and contracted private corporations, our work demonstrates the often cynical and always self-serving *degradation of truth and denial of justice*:

- abuse of institutional, discretionary powers with confidence and impunity
- use of official inquiries as mechanisms of neutralisation, incorporation and legitimacy
- the management and manipulation of information
- inadequate and partial investigation and lack of disclosure of privileged evidence

- marginalisation, condemnation and silencing of victims and campaigners

These related processes of *reconstruction* and *representation* are central to the State's denial of responsibility and diminution of accountability. Through public condemnation of their personal identity and reputation the punitive consequences of authoritarianism are presented as self-inflicted. 'They brought it on themselves ...'; 'It was their own fault...' and so on.

They are the 'quintessential others', openly demonised and dehumanised, their histories decontextualised, their present marginalised, their futures diminished.

Academic Responsibility

Christy Moore's lyrics in the song *On the Bridge*, about the strip searching of women in Armagh Jail, go to the heart of the personal as political.

There's thirty people on the Bridge, they're standing in the rain
They caught my eye as I passed by, they tried to explain
Why they were standing there I did not want to hear
When trouble gets to close to home my anger turns to fear

With my eyes turned to the ground I moved along
I covered up my ears and I held my tongue
The rain poured down relentlessly upon the picket line
And the empty words fell from my lips, you're troubles are not mine

In the aftermath of September 11 Edward Said castigated 'prominent intellectuals and commentators' who employed 'self-righteous sophistry ... uncritical self-flattery ... [and] specious argument' to tolerate and justify the 'Bush programme'.

As discussed earlier, academic inquiry does not proceed unfettered by sponsors and gate-keepers. It feeds off and into what John Berger refers to as prevailing '*ways of seeing*', *reflecting* and *reinforcing* centres of power.

Academic knowledge is incorporated into what Michel Foucault identified as the State's *general politics of truth*:

- the mechanisms and instances which secure self-serving *true* or *false* statements
- the techniques and procedures accorded *value* in the *acquisition of truth*
- the political management of *status*, thereby establishing what Howard Becker referred to as *hierarchies of credibility*

This is truth as *manufactured* and *produced*, through which acts are ascribed meaning and given the imprimatur of official recognition.

Power, particularly its use and formulation within medico-legal discourses, institutionalises, professionalises and rewards truth acquisition protecting and reproducing the *status quo*.

This includes, indeed relies on, self-defining '*scientific discourses*' within academic and state institutions alike. It is no less than a process of production of formally sanctioned knowledge.

As Henry Giroux notes: 'The *impoverishment* of many intellectuals, with their growing refusal to speak about addressing, if not ending, *human suffering* is now matched by the *poverty of a social order* that recognises *no alternative to itself*'.

Critical analysis, however, foregrounds *power*, its relations to *authority* and its processes of *legitimacy*. It contextualises the determination of and resistance to the containment of personal action and social interaction. It turns individual cases and personal troubles into public issues.

Edward Said considered the intellectual as a 'voice in opposition to and critical of great power' with the capacity to challenge and restrain 'so that the victim will not, as is often the case, be blamed and real power encouraged to do its will'.

In challenging the social and political constructions of crime, disorder, terror, evil, and the consequent differential administration of criminal justice and military power, critical analysis responds to Noam Chomsky's appeal for *intellectual responsibility*.

Henry Giroux argues that in the context of 'increasingly oppressive corporate globalism ... educators need to resurrect a language of resistance and possibility'. For: 'Hope is the precondition for an individual and social struggle ... the mark of courage on the part of intellectuals in and out of the academy who use the resources of theory to address pressing social problems'.

It is more than this. It is about bearing witness, gathering testimonies, sharing experiences, garnering the *view from below* and exposing the politics and discourses of authoritarianism. It moves beyond the resources of *theory* into *praxis*, recognising the self-as-academic as the *self-as-participant*. It takes political responsibility. As my good friend Stan Cohen concludes:

THE SOUND OF SILENCE

Intellectuals who keep silent about what they know, who ignore crimes that matter by moral standards, are even more culpable when society is free an open. They can speak freely, but choose not to.

Stan Cohen, 2000:286

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