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Alexander John Fitch

**TO WHAT EXTENT HAS THE DISCOURSE OF “TERRORISM” SERVED
TO CRIMINALISE MARGINALISED COMMUNITIES?
THE CASE OF TURKISH-KURDS IN BRITAIN**

“Caesar dominus et supra grammaticam”

Schmitt, quoted in Mouffe (2005: 87).

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Signed Declarations

The word length of this dissertation is 14989.

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I hereby declare that this thesis has not already been accepted in substance for any degree and is not being currently submitted in candidature for any other degree. It is the result of my own independent investigation and all authorities and sources which have been consulted are acknowledged in the bibliography.

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Abstract

This study looks at the impact of the discourse of terrorism as it affects “Marginalised Communities”, MCs, in Britain focusing on the Turkish-Kurdish community. MCs are characterised by their exclusion from an otherwise broadly homogenous society on the basis of some fundamental difference, either self-imposed or repressively, but either way functioning to Other the MC. Inferred by Foucault, Fairclough and Jackson it is argued that “terrorism” is best understood as a discourse with an ideological purpose which is reflected in hegemonic political structures approached from a Gramscian perspective. Drawing on Mouffe and Schmitt in turn, Liberal Democracy can be seen as one such exclusionary and hegemonic regime where executive appeal to emergency and exception, especially in the context of the anti-terrorism discourse, demonstrates the limits of pluralism. The case of the Turkish-Kurds, a distinct refugee group, is used to illustrate the theory in practise with an examination of the dominant discourse on various levels, such as, political, media and legal. The effect of the hegemonic discourse is further illustrated by looking at policing of the Turkish-Kurdish community. Finally the response of the community is examined focusing on the development of the Othered counter-hegemonic discourse. In conclusion it is argued that there is a dominant terrorism discourse which serves hegemonic interests through an ability to set “truths” and exploit the ideological nature of language excluding “undesirable” Others. This has seen an increasingly homogenous and consensual form of politics based on a clearly defined rejection of an enemy Other against which exceptional measures have been declared essential. However, exclusion has helped to galvanise MC resistance and develop a counter-hegemonic discourse, even to the extent of drawing support from sections of society traditionally allied to the hegemonic leadership.

Abbreviations

C-H	-	Counter-hegemon[ic]
CJA	-	Criminal Justice Act
MC['s]	-	Marginalised Community[s]
NF	-	National Front
PIRA	-	Provisional Irish Republican Army
PKK	-	Kurdistan Workers' Party
PR	-	Passive revolution
TA2000	-	The Terrorism Act 2000
WoP	-	War of Position
WoT	-	War on Terrorism

1.0 Introduction: “Terrorism” as Discourse

In popular discourse “terrorism” is generally associated with acts of political violence, carried out by non-state actors, often against non-military targets. In responding to such events states tend to emphasise certain characteristics of the target - such as the innocence of the civilians killed or injured, the illegitimacy of attacking a non-military installation - and of those responsible - condemning them as “terrorists”, cowardly, criminal, evil, fanatical and a threat to the existing order, thus something which must be vigorously countered. The focus tends towards the spectacle, moral indignation and the experts who rationalise, contextualise and explain the event.¹ However, as Ted Koppel has noted without media coverage “terrorism” resembles the ‘philosophers hypothetical tree falling in the forest: no one hears it fall therefore it has no reason for being’ (quoted in Zulaka & Douglass, 1996: 7). From this it can be argued that “terrorism” ‘is first and foremost discourse. There is a sense in which the terrorist event must be reported by the media for it to have happened at all’ (Ibid: 14). Zulaka and Douglass argue therefore that “terrorism” as a concept is devoid of ‘fixity and moral consensus’ with the ‘entire discourse turn[ing] on *ad hoc* definitions framed as mere appendages to whatever international and national policy is at hand’ (Ibid: 94). To better understand such a situation it is necessary to determine ‘who has the power to *label* as to *level* their adversaries’ (Ibid: 81). The term “terrorism” itself is, as suggested above, at best a floating signifier with no universally accepted or agreed definition.² However, for the purpose of this study “terrorism” is understood as a discourse with two fronts. One is the coercive concerning the application of physical violence and force. The second is the ‘manufacture of consent’ through persuasion. This study is concerned

¹ See media coverage of 11 September 2001, Madrid and the 2005 London bombings.

² Schmid (1983) cites more than 100 separate definitions of “terrorism”, for a recent analysis of the difficulties in arriving at a universal definition see Tilly (2004).

with “terrorism” as a discourse³ with political, media and legal dimensions, which, impacts significantly on peoples lives. It is primarily the consensual form which is of interest here, both in terms of the creation of a new discourse and the use of consensual discourses in legitimising coercive measures as part of an antiterrorism discourse. In the following I look at how language as discourse functions to achieve specific ends and how control of the process and conditions in which accounts of events are retold works to create specific truths which serve a particular set of ideological concerns. This can be understood crudely in terms of a dominant discourse which is taken for granted and directly related to hegemonic interests in society while an excluded Other exists as a counter-hegemonic, C-H, force.

Specifically this paper examines to what extent the discourse of terrorism has led to the marginalisation of communities, their defining as “suspect” and their subsequent criminalisation.⁴ A triangulated theoretical framework is used encompassing critical discourse theory, hegemonic and C-H entities and the place of exceptionalism in the form of emergency powers in Liberal Democracies. This is followed by an examination of the processes which create marginalised communities, MCs. Of specific interest in this study's' context are those communities in Britain consisting of recent refugees, particularly those seeking political asylum, and a historical examination of the link between MCs, their designation as “suspect” and their criminalisation and marginalisation using the discourse of terrorism. The theoretical framework and historical precedent is utilised to examine the experience of the Turkish-Kurdish community in Britain focusing on how political, media and legislative discourses of

³ Understood here according to Fairclough's definition as text plus the socially determined processes' of production and interpretation (2001: 20).

⁴ The terms marginalisation and criminalisation are explained in detail below.

terrorism have impacted upon them.⁵ From a distillation of this analysis tentative answers to the posed question are postulated.

The following study looks at these processes of marginalisation and criminalisation in respect of how the discourse of “terrorism” has helped to create and has impacted on MCs in Britain. Briefly, the latter are understood here as those groups drawing their identity from particular political, ethnic or religious affiliations which lie outside, or are in conflict with, accepted norms of the wider society in which they exist.⁶ This may lead to them being considered “suspect” especially in the climate of the “War on Terror”, WoT. Many of the groups fitting this MC status have come to Britain as refugees from conflict or have sought political asylum from oppressive regimes in their home countries.⁷

2.0 Hegemonic Discourses and MCs: a Theoretical Framework

In order to conceptualise discursive processes of marginalisation, three analytical strands are triangulated into a theoretical framework focusing on issues of discourses, hegemony and the role of exceptionalism in the creation and development of MCs. The following section triangulates three theoretical strands to be used in the analysis of the question presented above (Fig.1). Language as discourse and the social conditions which shape it are the central theme since, through communication or an inability to communicate, specific ideas and interpretations of the world and how people behave in it are formulated. The work of Foucault (2002) in establishing an understanding of

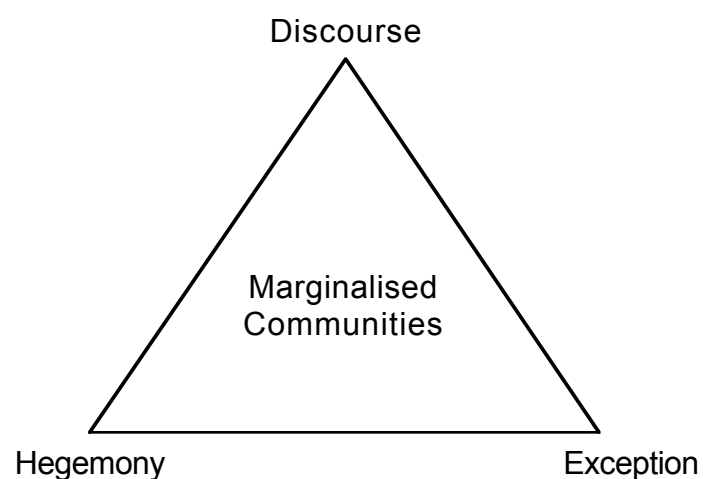
⁵ The Turkish-Kurds provide a good case study being a long-standing and politically active refugee community in Britain spanning a period in the development of the discourse of terrorism from the end of the Cold War to the beginning of the WoT.

⁶ The formation of MCs is considered in detail below.

⁷ Although marginalisation may also affect “indigenous” groups in political conflict with the government or political system in Britain.

language as power and Fairclough's (2001) operationalisation of this theory provide a foundation for examining the terrorism discourse as it affects MCs. The ability to authoritatively define concepts and what constitutes unacceptable forms of behaviour has implications for the effectiveness of any claim to legitimate political leadership. Successful dominance of a discourse manifests itself in clear hegemonic leadership in which a successfully Othered group, here MCs, constitute a C-H possibility. The mechanisms driving the unequal political struggle between competing groups can be understood largely as being influenced through the successful acceptance of a particular discourse. Gramsci's description of hegemonic and C-H conflict is useful here in explaining how discourse manifests as visible political struggle. Finally the context of Liberal Democracy in which these events take place is examined. A critique of Liberal Democracy is that it is unable to live up to its own rhetoric in a crisis and when dealing with C-H challenges, a charge made specifically in the response to "terrorism". How Liberal Democracy deals with unexpected emergencies has been theorised by Carl Schmitt, among others, whose critique is valuable in analysing the British response to "terrorism, the "anti-terrorist" discourse and treatment of MCs.

Fig.1 - Theoretical Triangulation



2.1 The Creation of Marginalised Communities

It is first necessary to clearly establish what is implied by “Marginalised Communities”, MCs. These are here understood as existing as a result of exclusion from a wider community, on the basis of some form of real or imagined difference by which they are differentiated as an Other (a concept explored in more detail below). By looking at factors considered necessary for communities to develop, it is possible to see how inclusion or exclusion from such a community may occur.

In discussing what constitutes the ideal democratic polis, Carl Schmitt considers homogeneity of the group to be essential, that is, shared identity, beliefs et cetera of the group that enable it to function as such (1985: 9). He further advocates the expulsion, or crushing, of any non-heterogeneous part threatening the stability of the group identity (ibid). However, many unitary states are comprised of a variety of identities, which has been described positively in terms of multiculturalism. Favoured by Liberal Democracies, multiculturalism has been seen as a solution to the problem of identity, whereby under a homogeneous umbrella of national identity, there exists space for coexistence of other identities within the overarching polis. However, the degree to which this has been successful has been questioned. Others have challenged the supposed homogeneity of a polis, arguing that this is essentially the success of a particular discourse rather than “god-given”. Thus, Benedict Anderson (1991), in considering the formation of states, looks at the construction of common identities as a central part in lending legitimacy to the formation of states, where ideas of a single

shared language and ethnic background are reinforced with appeals to the myth of common history.⁸ At issue is what happens when a group embracing one identity come to live in a society bearing another. Marcuse offers two possible answers for this scenario distinguishing between “enclaves”, or ‘areas of spatial concentration [...] which are walled in socially if not physically, but which have positive consequences for their residents’, and “ghettos” which are ‘entirely negative’, providing the possibility of a self-defensive and chosen form of marginalisation as well as a negatively produced and repressed Other (1996: 38). As Marcuse notes, immigrants in a society may find “walls”, or self imposed marginalisation, a positive way to ‘protect the[ir] cultural integrity’ (Ibid). Adapting Marcuse’s distinction this analysis is informed by “self-defensive” and “repressive” concepts of marginalisation.

Certain factors, such as those which are biologically determined, may create a visible difference which sets the group apart from the dominant group, this may manifest itself in racist attitudes based on appearance. The dominant language, political affiliations or religious identity and practices may also serve to marginalise a group from the homogeneous mass. In any of these areas there are multiple opportunities for conflict in reconciling the life proscribed by one in a society governed by another. In Britain officially tolerated racism⁹ has, while paradoxically simultaneously pursuing a multicultural agenda, encouraged a situation whereby it has often engendered the

⁸ It is worth noting a general trend in the discipline of International Politics to constructivist theorising conceptualising political communities as social constructs. See Reus-Smit (2005).

⁹ Covered in more detail below

emergence of frightened, disillusioned and marginalised communities. This is especially the case where an alternate identity is seen as posing, or presented as posing, some kind of threat. The marginalisation of communities becomes all the more pernicious when they are deemed “suspect” and are subject to a process of criminalisation¹⁰ in which a whole community becomes the focus of a form of collective punishment, often for the real or imagined behaviour of a section of that community, or due to an underlying racist or bigoted attitude towards an entire community. Lawyer Louise Christian argues that criminalisation may be seen as most effective when ‘a final determination of guilt or innocence can be avoided’ noting that the criminal courts have been more useful as agents for outlawing certain activities en masse and legitimising police actions, rather than judging an individuals guilt or innocence (Christian, 1985: 135). Any judicial support for a move to criminalise provides a powerful tool in legitimising and strengthening a discourse which presents a community as “criminal” and therefore a legitimate target for surveillance, control and prosecution.¹¹

The dominant terrorism discourse has added an additional burden of criminalisation to many of those communities already marginalised by racist intolerance. Both political and religious affiliations of MCs have come under increased scrutiny and are frequently seen to be suspect. The *Terrorism Act 2000*, TA2000, specifically proscribed a number

¹⁰ Hillyard describes criminalisation as the ‘process by which, through statute or case law, certain types of behaviour are designated as prohibited acts and carry specified penalties. Anyone engaging in any of these types of behaviour may be defined as a criminal’ (1993: 260).

¹¹ Hillyard illustrates this acceptance with a quote from the *Mail on Sunday* which reported the police Deputy Assistant Commissioner as appealing to the public to ‘tell us about all Irish people who have arrived within the past year or so. They may be living with you or near you, or working with you. Just tell us and we’ll check it out’ (1993: 259).

of political organisations identifiable with MCs.¹² MCs formed self-defensively, or repressively, may be deemed “suspect”, be criminalised and, in the process, experience further marginalisation from the rest of society unless they are able to find successful means of resistance.

An integral part of the marginalisation process of communities is the often catalytic effect of the discourse of racism. The exploitation of a xenophobic discourse by right-wing parties has been credited with their improved electoral showing and the institutionalisation and legitimisation of discourses of marginalisation and racism (Thranhardt, 1997:178). Margaret Thatcher spoke of the ‘swamping’ of Britain by ‘too many immigrants’ making a tough stance on immigration a key plank in the Conservative’s 1979 election campaign which undermined electoral support for the overtly racist National Front (NF) support which was absorbed by the Conservatives and was ‘unquestionably important for their electoral victory’ (Ibid: 178). Thus implicit racism was absorbed into the dominant political discourse, as a form of explicit Othering, albeit in a more sophisticated form than the cruder violent discourse represented by the NF, but sufficient to defuse a C-H threat. For the Conservative Government immigration and asylum remained issues for both action and rhetoric, with the introduction of legislation aimed at restricting, or preventing, the entry of certain “undesirable” migrant groups. Often the immigration discourse had a crude racist overtone.¹³ The discursive concept of the “bogus” asylum seeker reinforced this, introduced by the Conservative administration and adopted by influential sections of the media, where it has since become widely accepted (Ibid: 183).

¹² See Schmidt & Morgan (2003).

¹³ See for example the “Bolton Speech” by Winston Churchill MP (Hymas, Lloyd & Wavell, 1993)

In a sense this particular discourse can be seen as having lent a new legitimacy to intolerance dressed as “reasonable” political concern,¹⁴ which could then be legitimately adopted by some sections of the media.¹⁵ Such is also reflected in the range of legislation introduced to place controls on immigration, both under Conservative and Labour administrations, made possible through a gradual process of socialisation. Tazreiter recalls Foucault’s writings on how the body and soul have been controlled and corrected through daily “training”, leading to acceptance of the problematic, and the failure to recognise a need to challenge what has been normalised (2004: 215). She notes that this disciplining is also imposed on the ‘body and soul of the asylum seeker’, visible in a status as a second class citizen and treated as suspect, with the constant threat of revocation of leave to remain (Ibid).

The critical additional element to that discourse of racism has been the association of “asylum seekers” with the idea of their constituting a threat, a particular discourse of security. Schuster recognises three areas in which people seeking refuge in Britain have been identified as a threat (2003: 147). Firstly as a drain on the Welfare State, secondly as a threat to ‘British identity’ and lastly as a threat to the liberal state (Ibid). The final category brands the refugee or asylum seeker as a potential “terrorist”. Schuster critically highlights the criminalisation and profiling of individuals who have sought sanctuary in Britain due to their political beliefs, - an issue liberal doctrine is supposed to define in its tolerance for dissenting and opposing opinions -, particularly the Race Relations Amendment Act (2001) which has allowed immigration officers to discriminate ‘on grounds of ethnic origin’ whilst the TA2000 proscribed 21 organisations primarily affecting ‘asylum seekers, those without rights in the liberal

¹⁴ See Hildyard (1999).

¹⁵ Examples include ‘Britain gives asylum to Turkish terrorists’ (Leppard 1994) and the article ‘Far to Soft on Asylum’ which begins ‘Another busload of grinning asylum seekers arriving from the French refugee centre at Sangatte will have infuriated most of our nation’ (*Daily Star*, 6 December 2002).

polity' (Schuster, 2003: 154). These measures effectively constitute a form of profiling and when institutionalised - especially in policing - and reinforced through the media, almost inevitably result in discriminatory practices.¹⁶

As argued above in a conflictual situation, the differences to the enemy Other can be exploited to legitimise coercive action against them. Where a community that has already been subject to racist Othering becomes suspected of "terrorism", then it is likely that racist attitudes will be used and reinforced, whether officially encouraged and tolerated or not.¹⁷ It seems that the discourse of racism, combined with "terrorist" profiling, could encourage communities to embrace self-defensive marginalisation. The driving of a wedge between community and state is likely to be exactly what any group violently confronting the British state is aiming to achieve, so enhancing its own claim to be representing and defending the communities real interests. Existing as a repressive force of marginalisation in its own right, racism serves to inflame the terrorism discourse working both in and against the interests of the hegemon but always against the marginalised. This is therefore a vital thread running through this study informing the key conceptual components of the theoretical framework which is turned to in detail now.

¹⁶ In conclusion Schuster states that arguably 'the greatest danger to the liberal polity is from the state itself' (2003: 154).

¹⁷ See Schmid & Morgan (2003)

2.2 Processes of Othering

Michel Foucault's work provides a philosophical basis for approaching an understanding of the mechanics of power. The concept of power as something tangible, that can be owned and retained, is unsatisfactory. It limits our understanding of how this loosely defined concept is manifested and the possibilities it offers. Understanding power merely as something which is used against some people, by other people, is a partial and incomplete picture. Instead Foucault presents a concept of power as something fluid a 'productive network [running] through the whole social body' (2002a: 120). He proposes that power is made acceptable by being more than a 'force that says no', rather, it is something which 'traverses and produces things [and] produces discourse' (Ibid: 119).

Power from this approach is something which can be influenced and manipulated through discursive constructs which, simply by defining themselves in terms of what the particular construct rejects, exercise power. That is, a dominant discourse which creates a framework for understanding "how things should be" and how the world "out there" should be understood, draws its identity by separating itself from a perceived Other, the attributes of which are rejected.

Power in this form can be perceived as a "dough" which can be kneaded and reshaped, but from which it cannot escape and in which discernible discourses operate, and a distinct but permeable Other exists whose identification and "exclusion" forms the basis for the dominant discourse's existence as a distinct entity. Such a Foucaudian conception of power creates the conditions for political resistance which itself acts to reinforce identity where permeability means that each recognises and contains the

Other and seeks to influence ways of understanding, or constructs of, the truth. Truth in the context of power perceived in this way is 'a thing of this world' having no objective existence in its own right (Ibid: 131). Foucault speaks of societies creating their own 'regimes of truth' or forms of discourse which are accepted and made to 'function as true', that is, which provide the means for distinguishing "true" from "false" statements, the means of verification, methods and characteristics privileged in the 'acquisition of truth' and indicates who can make valid "truth" claims (Ibid: 131). Seen from this perspective the world, and the place of "truth" in it, takes on a different form, with "truth" operating in the service of power and as a product of a particular discursive practice. Critically Foucault argues that it is 'not a matter of emancipating truth from every system of power' but rather 'detaching the power of truth from the forms of hegemony, social, economic and cultural, within which it operates at the present time' (Ibid: 133).

MCs are one form of the Other, existing within the "dough" of society. As long as the dominant discourse and the Othered reject each others constituent beings, then they remain engaged in a power struggle built on opposing truths which take on an ideological character.

As Butt et al argue 'the very use of language is ideological' not simply that language can be used ideologically (2004: 288). This is taken up by Fairclough who, in developing Foucault's rather broad approach, offers a practical model for exploring the mechanisms of power in society, as contained within discursive practices. Fairclough sees ideology as the key means to the exercising of power in modern society, especially the 'ideological workings of language' (2001: 2). Fairclough does not simply look at what is visibly happening in the world, rather he is interested in exploring the how and why, the driving forces, or the discursive practices, which result in particular

forms of action and how these forms of action themselves feed back into discourse. Central to this is the ideological nature of language and the rejection of the notion that language can be in any way neutral or, in itself, benign. This challenges the view that there can be some neutral “common sense” or “natural” approach to understanding the world, rather than there is a widely accepted and dominant discourse, the acceptance of which as “common sense”, gives the impression of it being beyond question. In reality it represents the hegemonic success of a particular set of ways of seeing and understanding.

Such an approach seems especially important in the context of the current terrorism discourse which has been as much about the transmission of ideas, the promotion of “truths” and the winning of a discourse based information battle, as it has been about physically coercive measures. Coercive measures have frequently been shown to be of limited value in and of themselves.¹⁸ Meanwhile, the battle for “hearts and minds” retains a centrality for both shoring up of new ground “taken” through coercion and defending “home” territory. In this respect Fairclough emphasises the importance of distinguishing between coercive power, based on physical violence, and the role of ideology as a non-coercive means of “manufacturing consent”¹⁹ (Ibid :3).

In his approach to discourse analysis Fairclough is concerned that he should engage with, rather than neglect, the ‘social theoretical issues’ with which he is working. This is a criticism justly made of some working in what is often termed the “post-structuralist” field, where any desire or attempt to engage with the social world seems to be denied,

¹⁸ As can be illustrated by coercive measures undertaken since 11 September 2001 under the auspices of WoT.

¹⁹ See Herman and Chomsky (1988) for a comprehensive analysis of the role of “elite consensus” and market forces in shaping the production of news resulting in what they term “manufacturing consent”.

contrary to the notion of the impossibility of disassociation. Language needs to be seen as an intrinsic and an active part of society whereby, as Fairclough states, 'linguistic phenomenon are social phenomena' and to an extent vice versa (Ibid: 19). Language use is subject to 'social convention' therefore language helps to maintain, as well as change, social relationships (Ibid). Similarly social phenomena become linguistic through conceptual and contextual disputes. For a full understanding of the emergence of MCs it seems essential to begin from an analyses of the underlying pre-existing frameworks, conditions and mechanisms at work in producing the themes and types of dominant discourse by which MCs can be characterised today. By examining the creation of the terrorism discourse it may be possible to begin to understand, and explain, the manifestation of specific political actions and the emergence of "common sense" responses to the creation of certain MCs.

While "terrorism" has produced a large body of theoretical analysis, including a substantial and growing body of critical analysis, the material focusing specifically on the construction of "terrorism", as a discourse, remains relatively small²⁰ and no substantial analysis of the role of the public discourse in creating and reinforcing marginalisation of communities seems to exist. However, Richard Jackson has completed a thorough and comprehensive analysis *Writing the War on Terror* (2005) which focuses on the factors underlying the construction of today's dominant WoT discourse. While concerned primarily with how the WoT emerged as an identifiable

²⁰ See for example Herman & O'Sullivan (1989) and Zulaika & Douglass (1996)

discourse in the USA and featuring a largely American cast, the study is arguably applicable to the creation of the wider terrorism discourse globally. The US understanding and execution of the WoT has been widely endorsed globally and where it has not there exist examples of Others who become casualties of George W. Bush's "friend/enemy"²¹ distinction, with the visible marginalisation of certain "suspect" - especially Muslim - communities. Jackson describes the WoT as a 'political and social construction, an edifice built on language and discursive practice', rejecting the idea that there is anything accidental or natural about the direction the discourse has taken (Ibid: 181). This means that language affects 'concrete political action' in cognitive, perceptual and emotional senses which influence social processes and structures (Ibid: 23).

As a bridge between the "real" but "invisible" workings of dominant discourses and "visible" political action, it is useful to introduce a number of additional concepts. This includes a need to understand the mechanisms facilitating marginalisation of communities, specifically hegemonic and C-H pressures.

2.3 Hegemonic and Counter-Hegemonic Discourses and Practices

The manifestation of dominant discourses in the world of the political can be seen in the existence of marginalised and excluded Others. A Gramscian understanding of

²¹ Speaking after 11 September 2001 George W. Bush stated 'Either you are with us, or you are with the terrorists' (2001).

hegemony helps to explain how a relationship of consent is achieved through ideological and political leadership, rather than domination by force (Simon, 1982: 21). That is, the system's strength is in the general acceptance of a 'conception of the world', or dominant discourse, belonging to the ruling class (Buci-Glucksmann, 1980: 68). Gramsci explains political struggle in terms of a struggle for legitimacy of a particular class position within a broader alliance which extends, for example, beyond the relatively narrow interests of production relations, to include social relations which do not necessarily have a conventional class basis. On this understanding the ruling class maintains its position by appealing and responding to a wider base than its immediate membership. It does this by trying to have its interests recognised as being of benefit to society at large by seeking to take seriously and respond positively to the interests of wider society. This enables it to win support and co-operation and retain legitimacy as the leading class. Gramsci uses this concept of hegemony, understood as a form of leadership, to explain how the capitalist class gains and is able to maintain state power (Simon, 1982: 22).

However, as seen above where there is a dominant discourse, here represented by the hegemonic class, so too there is an excluded Other - those socio-political forces which do not recognise their interests as being represented within the existing "historic bloc".²² These C-H forces constitute the possibility of resistance as postulated by Foucault, where MCs represent one such possibility. Resistance can be seen in the "War of

²² A "historic bloc" is Gramsci's term for a hegemonic classes successful leadership of 'social forces in civil society' and its 'leadership in the sphere of production' (Simon, 1982: 27).

Position” (WoP) fought at an ideological level, where the intention is to form a social bloc united in its conception of the world and eventually in a position to challenge the existing hegemon (Ibid: 24). In order to retain its hegemonic position, the leading class must constantly respond to C-H challenges to its authority. This is achieved through PR²³ that is defusing pressure for structural political change by responding to popular demands and co-opting advocates of radical change, without relinquishing the leading role.²⁴

The Liberal Democracy of Western Europe can be understood to represent such a successful hegemonic regime. This is usually seen as a means for maximising popular participation and influence over government, a system widely regarded as pluralistic and a forum encouraging debate, argument and disagreement. However, it will be argued here that this condition of democratic pluralism is illusory and increasingly difficult to maintain. Chantal Mouffe has written widely on the nature of Liberal Democracy and in *On the Political* (2005) offers a critique of it in practice which develops a critical approach to the functioning of Liberal Democracy. Rather than being inclusive of difference and encouraging of ‘agonistic’²⁵ politics - argued by Mouffe as central to democratic politics - she sees the liberal democratic system as based on an exclusionary consensualism, where a broad based political ideology operates to Other those who do not accept the ideology’s basic tenets.

²³ This is a ‘constant reorganisation of State power’ in relation to subordinate classes to ‘preserve dominant-class hegemony’ while ‘exclud[ing] the masses from exerting influence over political and economic institutions’ (Carnoy, 1984 : 76).

²⁴ While there is a WoP going on the forces of the opposition are hopelessly outnumbered and outmanoeuvred. PR has been honed to a fine degree and is not recognised as a serious threat by many of the forces of opposition. The WoP itself takes place in the shadow of coercive forces which while perhaps politically (in terms of retaining a hegemonic position) are unable to defeat any serious challenge entirely are able to neutralise it before it becomes an existential threat.

²⁵ Described by Mouffe as ‘a we/they relationship where the conflicting parties, although acknowledging there is no rational solution to their conflict, nevertheless recognise the legitimacy of their opponents’ (2005: 20)

Seen in this way Liberal Democracy looks more like a hegemonic project in which MCs are created on the basis that they do not fit into the consensual model. The self-proclaimed inclusiveness of Liberal Democracy becomes threatening when it rejects alternatives. In this sense 'hegemony protected by the armour of coercion' can be seen in practice in coercive measures involving the military, police, immigration and intelligence services deployed against MCs at home and abroad in the WoT (Gramsci, 1971: 263).²⁶

There is then, according to Mouffe, an existing and all pervasive hegemony based around today's liberal democratic values. This is constantly reinforced through the Othering of political systems which do not operate according to the same rules and standards. While Fukayama's vision of an 'end of history' may not stand up empirically, his core argument represents the contemporary liberal vision or goal (1992). In the West democratic liberalism, if not neoliberalism, has come to be the accepted global norm and forms the basis for the dominant discourse of how societies should be organised. This uncritical acceptance of Liberal Democracy is attacked by Johannes Agnoli who sees in it the effective containment of "the political" or "room for political manoeuvre" by the bourgeois state; effectively limiting "popular sovereignty" and opportunity for 'the autonomous articulation of the population's desires' (Muller, 2003: 171). In this, parliament and plurality of parties becomes essential in transforming democracy into a more effective means of domination, in reality offering only the illusion

²⁶ The discourse of the WoT clearly sets out what forms of political behaviour are acceptable and which are suspect. However, in doing so the coercive element has become increasingly legitimised as the distinction of "enemy threat" has become normalised and widely accepted at a basic level. Coercion has come to be seen as a necessary evil in defence of the "freedom" offered to "all" by Liberal Democracy.

of opportunity for change (Ibid: 172). Muller notes that for Agnoli then 'parliamentarianism constituted the most effective means for keeping the masses away from actual power' (Ibid). Britain's "first-past-the-post" electoral system serves to further guard against "minority" inclusion, by ensuring that votes of thousands of dissenting positions remain unrepresented.

In the light of discursive approaches discussed above, it is possible to understand the Liberal Democratic system as itself deeply ideological and as having developed a discourse which constitutes a powerful "truth regime". It is within this context that it is worth considering groups which organise and operate outside the agreed parameters of "democratic pluralism". For many of those who have fled political oppression, yet who remain in political opposition to the regimes from which they have fled, political organisation in the host country has been a common historical feature.²⁷ The terrorism discourse, however, has seen an extension of state control into the "private", so intervening in social relations and seeking to control what it is permissible to think and do.²⁸ With this crisis of legitimacy has come a decline in the belief that the system is anything more than a representative of an economic elite and the emergence of new forms of political representation and resistance, which can be understood in terms of Gramsci's WoP. It facilitates the imposition of exceptional coercive measures against those Othered representing an existential threat, on the grounds that they fall outside the boundaries of the acceptable in an "inclusive" and "responsive" system.

²⁷ From the safety of exile, revolutions have been organised and future political leaders have prepared the ground for regime change. This has often included support for armed insurrection against an existing regime. Exiled communities have traditionally enjoyed legitimacy under international law, protecting their activities whilst perhaps walking a fine line between the legal and illegal. For many years Noraid in the USA supported the Irish Republican movement against the British in Northern Ireland, while Tamil groups across Europe have maintained support for the insurrection in Sri Lanka.

²⁸ See Nasser-Eddine (2002) & Christian (2005).

The argument being put forward here is that the existing political and societal structures are based upon a hegemonic discourse which operates primarily in the interests of a dominant economic-political class, whose hegemonic leadership is endorsed, and hence, legitimised by a wider social base which accepts that their own interests are also best served. Over the last century, according to Mouffe and Agnoli, the liberal democratic system has transformed the political landscape neutralising dissent through the normalisation of consensual politics, in which debate about structures and systems has been supplanted by argument about management of the system. Liberal Democracy has come to be seen as “the” legitimate political form, to the extent that anything perceived as Other is defined as a threat. Mouffe warns of the consequent danger that the closure of agonistic politics in an increasingly globalised society risks its replacement by ‘confrontation between essentialist forms of identification or nonnegotiable moral values’ (2005: 30). Coupled with the dominant terrorism discourse, this tendency is likely to intensify and further polarise pressures to self-defensive and repressive marginalisation.

2.4 Discourse, Exceptionalism and Liberal Democracy

The contradictions inherent in Liberal Democracy were the subject of comprehensive study by Carl Schmitt, who wrote extensively on liberal constitutionalism. Schmitt notes the fundamental components of such a system as the recognition of basic rights - or individual freedoms - , the division of powers and some form of popular participation in the legislature through a ‘civil assembly’ (Slagstad, 1988: 104). Division of powers should act as a check against the abuse of state power where judicial, legislative and executive branches function as overseers and regulators of each other. From this,

Schmitt offers the liberal *Rechtstaat* in which 'all administrative authority [...] is subject to the conditions and procedure of law, and when intervention into the sphere of individual freedom is permissible solely on the basis of a law' (Schmitt, quoted in Slagstad: 106). In this sense the law rules, not 'persons, authorities or administrators', who are merely functionaries operating in accordance to predetermined legally defined guidelines (Ibid: 106). Liberal democratic legitimacy, then, is based upon the legality of the exercise of power and the normative character of its legislative practice (Ibid: 106). Schmitt summarises the liberal *Rechtstaat* as follows:

'It is pretended first, that the constitution is nothing but a system of legal norms and prescriptions; second that this system is a closed one; and third that it is "sovereign" - i.e. that it can never be interfered with, or indeed even influenced, for any reasons or necessities of political existence' (Schmitt, quoted in Slagstad: 107).

It is in responding to situations for which there are no predefined legal procedures that Schmitt identifies a problem: the question of "exception", where the "exception" is something 'not codified in the existing legal order [which] can be best characterised as a case of extreme peril, a danger to the existence of the state, or the like. But it cannot be circumscribed factually and made to conform to a pre formed law' (Schmitt, 1985: 6). The issue here is who takes decisions and instigates action in a situation for which there is no predetermined set of ground rules, that is, in a state of emergency, who gets to decide the "exception", to put aside or suspend the rule of law and issue orders with authority, which are not subject to the "rule of law". 'Sovereign is he who decides on the exception' states Schmitt (Ibid: 5).

Donohue shows how the appeal to exceptional conditions in Northern Ireland led to

emergency measures becoming a permanent feature of the legal system where emergency provisions 'aimed at countering Northern Irish violence' (2001: 304) were retained by Westminster for 57 years and were extended to include the mainland (Ibid: xxii). She illustrates how from 'emergency provisions' statutes came 'anti-terrorist legislation'; noting the use of language which argues that 'emergency measures' may be challenged, while 'anti-terrorist' legislation is harder to oppose without accusations of being "soft" on, or a sympathiser towards, "terrorism" (Ibid: 319). For Donohue the normalisation of the exception is visible in the rapid adoption of new powers resulting from an 'emotional response to [an] immediate event' which has 'secure[d] extraordinary State power', illustrated with reference to the 1998 Criminal Justice Act, TA2000 and *Anti-Terrorism Crime and Security Act 2001* (Ibid: 340). The dangers inherent in responses to exceptional situations, identified under the rubric of the terrorism discourse, not only threaten to marginalise sections of society but, more fundamentally, challenge the rule of law on which Liberal Democracy is based.

2.5 Conceptual Summary

The preceding forms the basis for the theoretical framework for the remainder of this study. While the discourse of terrorism provides the context, MCs and their criminalisation are the focus. As established, MCs result from both self-defensive and repressive Othering. This is reinforced by the ideological workings of language. A repressive hegemonic terrorism discourse further marginalises and Others MCs by terming them suspect and criminalising them through legislation. This can be interpreted through a Gramscian understanding of hegemony where a WoP and PR are fought between hegemonic and C-H forces. Liberal Democracy is seen here as a

hegemonic system, which, by promoting a self-defined idea of acceptable consensual politics Others' positions which do not fit the mould. As Mouffe illustrates, in its contemporary setting, this contradicts the traditionally inclusive and tolerant tenets of Liberal Democracy. Schmitt calls into question the extent to which Liberal Democracy can ever be said to have been truly representative or lacking in internal contradiction with the illustration of the exception. Certain threatening C-H political problems have been dealt with through executive appeal to exception and emergency, with the measures adopted gradually becoming normalised. In this process the terrorism discourse can be seen as driving a wedge between the acceptable and unacceptable as defined by the hegemon.

The following section introduces the historical precedent for marginalisation and criminalisation, drawing largely on the experiences of the Irish community in Britain. This sets the scene for understanding how subsequent suspect communities, such as the Turkish-Kurds, have become marginalised and criminalised, utilising an Othering discourse reinforced by legislative measures which were developed to tackle the political problem in Ireland. This is followed by a more detailed analysis of the case of the Turkish-Kurdish community in Britain.

3.0 Setting the Scene

3.1 The Historical Development of Marginalised Communities in Britain

Dehumanisation of the enemy Other has generally been a feature of conflict and war and is seen by many as a prerequisite in combat motivation and overcoming taboos generally associated with killing (Jackson, 2005: 60). Conflict tends to encourage the reinforcement of community identity, a necessity in gaining the support of a population for conflict, by reinforcing supposed commonalities and shared values which justify an aggressive stance against an enemy Other with different values (Ibid: 36). Marginalisation and Othering are central to this process.

As suggested above “terrorism” can be understood as a form of conflict in which clashing discourses are developed, encouraging the aggressive Othering of the enemy and in which the hegemonic discourse is itself a powerful ideological weapon in a psychological battle for hearts and minds. The following will briefly examine the effect of the terrorism discourse constructed around the Irish question, and how this contributed to the creation of politically marginalised communities in Britain. Historically the Irish have formed one of the longest standing MCs in Britain the construction, and experiences of which, have been widely documented.²⁹ Thus the political, legislative and media discourses of terrorism constructed around the Irish question can provide a valuable tool for beginning to understand the treatment of other MCs, such as the Turkish-Kurds.

In the Irish context the period following the founding of the Free Irish State is the most

²⁹ See Hickman & Walter (1997)

significant in the creation of a “suspect” and increasingly criminalised population, with a Catholic minority seen as a threat to the existence of Protestant Ulster. This perceived threat saw emergency powers introduced by Westminster, and aggressive policing and legislation directed against the Nationalist community as a whole. While initially applicable in the six counties many of these measures were extended to include the British mainland, in a clear example of Schmitt’s exception becoming the norm.³⁰ The quasi apartheid of the 1960s and persecution of the Catholic community by Loyalist groups served only to unite the marginalised; reinforcing, in the process, their identity as an excluded Other and opening the way for the creation of C-H resistance. The initial Civil Rights movement was largely displaced by the paramilitary Provisional Irish Republican Army (PIRA). This development became a “legitimate” excuse to “suspect” members of the Nationalist community leading to their criminalisation. The PIRA also actively encouraged a self-defensive marginalisation rejecting British legitimacy in the North. The introduction of internment in Northern Ireland served to criminalise an entire generation, reinforcing the sense of marginalisation. In this case the counterproductive effect of internment was eventually recognised³¹ resulting in a revised approach which has formed the basis for handling subsequent political unrest, namely the use of the criminal justice system for the resolution, control or removal of political protest. Hillyard argues that the introduction of the Prevention of Terrorism Acts (PTAs) was instrumental in criminalisation of the Irish community in Britain (1993: 260).

Significantly the Irish experience seems to have played a part in the subsequent approach to other MCs, their creation, their designation as “suspect” and their

³⁰ For a thorough analysis of emergency powers and anti-terrorism legislation in the context of Britain and Northern Ireland see Donohue (2001).

³¹ It is interesting that, despite the recognised failure of internment and its mere fuelling of the Nationalist cause, similar methods have been suggested and tried in the current WoT.

progressive criminalisation. Donohue notes that while the PTAs were initially aimed at violence in Northern Ireland, by 1996 50% of prosecutions related to 'international terrorism' (2001: xxiii). The similarities of different communities' experiences of marginalisation and criminalisation are explored in *Policing the Miner's Strike*, where the examples of Britain's mining communities and black communities are examined with reference to the experience of Nationalist Irish communities (Fine & Millar, 1985). It is highlighted how, in both cases, the legal system was enlisted for political purposes as a means of social control. In this context it seems crucial to understand policing in its broadest sense, covering not only the activities of the police, but other state organised or influenced sectors including social security departments and the media which contribute to the maintenance of hegemonic control of a restrictive dominant discourse (Ibid: 177).

With this brief consideration of the historical precedent it seems necessary to enquire to what extent the process of marginalisation, suspicion and criminalisation is ongoing, also taking account of the climate of the WoT, which arguably could be seen as targeting specific groups profiled as suspect.³² The focus of the following case study is directed towards these discursive processes - in detail, the case of the Turkish-Kurdish community in Britain is analysed, and the degree to which it has become suspect, criminalised and Othered by the terrorism discourse.

³² See Jackson (2005)

3.2 Methodology

For the purposes of this study three areas in which the terrorism discourse is played out and can act to encourage or enforce marginalisation have been chosen. While other categories may be useful those chosen - political, media and legal - cover the areas which seem the most important. Political here relates to politicians and those in public office. Media is taken to be all forms of print, visual and sound broadcasting, however, due to space is limited here to news print media. Legal refers to legislation and those involved in the legislative process. The importance of these is the impact they have on the public and private discourse as it affects the communities, the wider public and groups such as police, immigration officers, lawyers and politicians. After considering the three categories a short section looks at to what extent police attitudes towards Turkish-Kurds may be reflecting the dominant discourse's portrayal of the Kurdish Other.³³

³³ Owing to constraints of space the examples offered here are necessarily selective and intended as illustrative of the general argument.

4.0 The Discourse of Terrorism and Turkish-Kurds in Britain

To understand how the Turkish-Kurdish community can be seen as having become marginalised and arguably criminalised, it is necessary to understand why Kurds from the Turkish south east began to arrive in Britain and the impact of geopolitical relations and alliances on attitudes towards these Kurds.

Internationally unrecognised “Kurdistan” claims territory encompassing areas of Turkey, Iran, Iraq, Syria and Armenia. Each country has a significant Kurdish “minority” population, tolerated to varying degrees. Sharing a common language and claiming a homogeneous ethnic and cultural identity, Kurds can be understood as an archetype example of Anderson's “imagined community” (Wahlbeck, 1999: 143). However, despite promises, Kurds have never enjoyed an independent state within their claimed territory.³⁴ Within the borders of states which currently claim parts of Kurdistan as their own territory, Kurds have both collaborated with, and fought against, the states of these territories. Amongst Kurds themselves, while there has been a unity of desire for independence, the means to this have been disputed, which as Wahlbeck notes, has led to serious divisions within the Kurdish diaspora in line with ‘political events and conflicts “at home” ’ (1999: 11).

For this reason it has been argued by Levidow that the way the Turkish-Kurdish community is officially viewed and treated differs from how the Iraqi-Kurdish community is, based on the differing political alliances of the Kurds within those countries and those countries relations with the British government (House of Commons, 2005: Ev15/Q96).

³⁴ The Treaty of Sevres (1920), Articles 62-64, included provision for the establishment of an independent Kurdistan (Carneigie Endowment for International Peace, 1924).

Since its formation Turkey has suppressed Kurdish identity, and legislated against any expression of such with any activity advocating “separatism” leading to lengthy imprisonment (Wahlbeck, 1999: 44-5). In the mid 1980s the Kurdistan Workers’ Party (PKK) emerged in Turkey, with a political strategy rejecting traditional family and tribal values, promoting instead a secular revolutionary Marxist programme. This aimed to overthrow both the traditional feudal patterns of Kurdish society and liberate Kurdistan from foreign occupation.³⁵ The PKK, while successful in mobilising Kurds within Turkey was opposed by traditional clan politics in other countries, especially those in northern Iraq who at times sided with Turkey against the PKK. From 1984 until 1996 the PKK fought a war of “national liberation” against an aggressive counter-insurgency operation by the Turkish state. The Turkish response was targeted against Kurds as a people, drawing heavily on the American experience in Vietnam and adopting similar strategies. The counter-insurgency increased the severity of the existing Turkish policy of denying any separate Kurdish identity. The war led to the deaths of some 35000 people, 30000 being Kurds, with millions more displaced, many of whom sort refuge abroad.

Turkish-Kurds began to arrive in London in the late 1980s (Enneli et al 2005: 15). They brought with them their politics, usually defined in a commitment to the PKK, a desire for a free Kurdistan and their right to exist as a people as recognised under International Law. Wahlbeck notes that the Kurdish refugees he spoke to during his research gave him the impression that the clear majority of the Kurdish population supported the PKK national uprising, continuing to politically identify with the organisations once in exile (1999: 46). Griffiths agrees, suggesting that while significant ‘social exclusion and marginalisation’ may exist for Turkish-Kurds, this is ‘outweighed by the continuing struggle for national independence at home’ (2002: 88). While many

³⁵ For more background to the Kurdish national movement in Turkey see White (2000).

Turkish-Kurds arrived in Britain in dire circumstances, an existing Turkish exile community in North London, many themselves “leftist” political refugees from past military coups in Turkey, provided Kurds with a basis for resettlement. Griffiths notes the role of ‘highly organised and politicised’ Kurdish community associations in catering for the cultural and political welfare of refugees while simultaneously guarding the integrity of their national identity (Ibid: 179). In this respect Griffiths, drawing on Marcuse, suggests that the creation of a Kurdish ‘enclave’ (Ibid: 87) has been a necessary and deliberate part of the struggle to maintain a ‘distinctive national identity’ in an environment where there is an ever present threat of assimilation into the ‘Turkish speaking population’ or British culture (Ibid: 183).

In the case of Turkish-Kurds then it may be possible to identify a dual process of marginalisation. Firstly, a self imposed defensive marginalisation ‘created and maintained from within the enclave’ (the existence of which may give rise to “suspicion” and create grounds for investigation possibly resulting in criminalisation) (Ibid: 87). Secondly, a repressive marginalisation ‘determined from the outside, operating to exclude participation in the mainstream’ which can be seen resulting from the actions of various state institutions, sections of the media and security services (Ibid: 87).

The Kurds came to Britain from Turkey hoping to find refuge. Arriving in the circumstances they did the Kurds were popularly predefined as “asylum seekers”. This term already carried negative connotations making them suspect or potentially “bogus” rather than being seen as primarily victims of persecution in their home country seeking refuge.³⁶ In this respect Turkish-Kurds were widely interpreted in the same way as other

³⁶ Griffiths indicates the similarity between the response to Kurdish refugees with that to Tamils arriving a few years before noting the Home Office statement concerning the ‘need to deter “economic migrants” (2002: 83).

refugees. The theme concerned the “swamping” of Britain with “economic migrants” who were pushing the welfare state to “breaking point” and receiving unreasonable priority service ahead of more deserving deprived “British” citizens.³⁷ Following the first Gulf War Britain dealt with the problem of Iraqi Kurds through the imposition of the “no-fly-zone” over northern Iraq which was claimed to make Iraqi Kurdistan a safe territory from which therefore there could be no legitimate reason for Iraqi Kurds to seek sanctuary in Britain. By 1998, with Kurds fleeing Turkey reaching what were deemed to be unacceptable levels the European Union brought ‘pressure to bear’ on Turkey to prevent Kurds reaching the EU via Italy and Greece, rather than encouraging its NATO ally to ‘cease its persecution of the Kurds’ (Schuster, 2003: 118).

In both cases a hegemonic leadership can be seen to be responding to a perceived “threat” encouraged by certain political figures and sections of the media which fed into a popular imagination an idea of being “swamped” by an alien Other. In managing the situation certain issues were discursively neglected while others were prioritised. In the case of Iraq the effectiveness of the ‘no-fly-zone’ was driven home over the concerns of many on the ground that Iraqi Kurds were still far from a position where they could be said to be safe and free from fear for their lives or from persecution. In the case of Turkey, while making rhetorical gestures towards the general state of human rights in the country, the genuine plight of the Kurdish people was completely sidelined .

Where there exists a strong sense of identification, as is the case with the Kurds, the idea of assimilation into the host community conflicts with the very identity that those seeking refuge have been forced to flee their homeland to preserve (Wahlbeck, 1999:

³⁷ See for example ‘Anger as taxpayers make way for refugees; asylum seekers to jump homes’ *Daily Star* (29 December 2002).

116). The focus of many exiles remains the “liberation” of their homeland and their eventual return, with this aim being the daily focus of their lives and reflected in the political activism in the host country and the reproduction of the political structures leading that cause at home. This emphasis on the temporary nature of their residence and direction of political effort towards the political conflict at home in itself may be seen as reinforcing a self-defensive marginalised existence. In the following the impact on the Turkish-Kurdish community of political, media and legal discourses of terrorism (and related practices) is considered in detail.

4.1 Discourses of Marginalisation: Political

Unlike the Iraqi Kurds - who have avoided such labelling - the attempt to link Turkish-Kurds to "terrorism" has existed from the moment of their arrival in Britain. It has been reinforced by some politicians and influential public figures who have helped to establish a particular profile of the Turkish-Kurdish community. In her Dimpleby lecture, the then head of MI5 Stella Rimington identified Kurdish groups as a threat to Britain (1994). The following year she argued that “foreign communities” in Britain contained those responsible for ‘politically motivated terrorism’ (Rimington, 1995). She went on to highlight those chiefly responsible as Islamic extremists and Kurdish separatists (Ibid).

Parliamentary statements by members of Government can be linked directly to the Turkish-Kurds’ interpretation of the British position concerning the legitimacy of their political struggle and their impression of receiving sanctuary in a country which remained essentially hostile to their cause. An early example is that of Mr Atkinson MP

who, after praising the resilience of Iraqi Kurds fighting Saddam Hussein's regime, notes that some Kurds resort to "terrorism" (a term he does not clarify) 'most notably the PKK in Turkey' whose cause he denies having any legitimacy and being 'unacceptable given the unprecedented autonomy that the Kurds enjoy in Turkey' (Hansard, 28 March 1991, Column: 1096), a statement which contradicts the widely recognised reality.³⁸

A further example of discursively proscribed illegitimacy comes in an answer to a Parliamentary Question in April 1993 from Mrs Mahon MP about the government's assessment of Turkey's aerial bombing of Kurdish areas and forced evacuation of Kurdish villages³⁹ Mr Garel-Jones, for the government, replied:

'The Turkish authorities have made no secret of the aerial bombardment of suspected positions of PKK terrorists. We are aware of allegations, which the Turkish Government deny, of forced evacuation of villages in south-east Turkey. We frequently make clear to the Turkish Government the importance we attach to combating "terrorism" within a legal framework and with full respect for human rights.'

(Hansard, 28 April 1993, Column: 435 - 436)

This demonstrates a consistency in the Government position going back a number of years. In 1991 Jeremy Corbyn MP had asked a question about bombing of Kurdish villages in Northern Iraq by the Turkish airforce. Replying on behalf of the government Mr Hamilton MP stated:

'The point must be made that that was action against the Kurdish Workers' Party--the PKK--a Kurdish terrorist organisation which has no support from other Kurdish groups

³⁸ For a comprehensive analysis of the denial of basic rights to Kurds see Ahmed & Gunter (2000)

³⁹ See Human Rights Watch (1995) for details of the indiscriminate bombing and destruction of Kurdish villages in Turkey.

in northern Iraq. Exactly what tactics the Turks are deploying must be a matter for them. However, the fact is that they are reacting against a terrorist organisation.’
(Hansard, 15 October 1991, Column: 142)

The then Foreign and Commonwealth Minister, Douglas Hogg, stated that ‘the Marxist-Leninist Kurdistan Workers Party’ had ‘been fighting a terrorist campaign for an independent, autonomous Kurdistan’ arguing that:

‘It is, of course, for the Turkish Government to decide how to resolve their problems in the south-east. We unreservedly condemn terrorism. We understand and sympathise with the difficulties faced by the Turkish Government in the south-east. We support their efforts to remove the PKK terrorist threat.’ (Hansard, 17 March 1994, Column: 1171)

His statement avoids acknowledging any legitimacy in the Kurdish uprising, calling rhetorically on Turkey to respect ‘human rights’ in ‘dealing with ruthless terrorists’ and for Turkey to allow the expression of ‘moderate Kurdish views’ (Ibid: 1173). There is repeated concern expressed by government speakers for Turkey to respect human rights and encouragement for a policy of inclusion of the “non-threatening” moderate Kurdish voice as part of a strategy of containment.

However, the dominant message to come out of all statements is the “terrorist” nature and threat posed by an illegitimate PKK, a threat which Turkey is deemed as justified in combating by whatever means it sees fit and in which Turkey can enjoy the almost unqualified support of the British government. These examples illustrate Fairclough’s language operating as ideology and the dominant hegemonic discourses exploitation

of it. By linking the terrorism discourse to the Kurds any validity in Othered positions is effectively delegitimised.

It seems arguable that the hegemonic discourse in support of Turkey can be seen to inevitably shape the perception of the British state and its institutions towards Turkish-Kurds as well as the Kurdish perception of the British state and its institutions reinforcing pressures of self-defensive and repressive marginalisation. Having set such a discourse it seems natural that there would be a hegemonic desire to introduce legislation to help combat the constructed “threat”. These social conditions of production are also, as Fairclough argues, consequently likely to inform and influence media coverage and thus public perception of the Kurdish question in Turkey, the role of the PKK, and attitudes in general towards a constructed Turkish-Kurdish enemy Other. It is the media framing of the Turkish-Kurdish discourse which will now be considered.

4.2 Discourses of Marginalisation: Media

Arguably, the media play the most influential role in forming received opinion and as such is the main means by which the government, politicians and institutions communicate with the public (Jackson, 2005: 164). Therefore, while political statements and legislation may have an independent, direct effect on Kurds the dissemination of details of either to the wider public will encourage the formation of a dominant discourse. The idea that Turkish-Kurds are all PKK “terrorists” is an example in point.

Early examples of the “threat” posed by Kurds include items such as that in the *Sunday Telegraph* headlined “Gun-toting Kurds bring terror to streets of Britain” (Farrell, 1992:

6). The article begins 'Kurdish refugees armed with knives and guns are waging a campaign of terror in north London to extort money from the Turkish community [...] gangs tell their victims they are from the [...] PKK and are "collecting" for the cause'. The writer places the PKK in the context of violent conflict in Turkey and violent demonstrations within Europe. The article goes on to describe various acts of violence and intimidation only after which is it admitted that 'Some of the attacks may be the work of Kurdish criminals using the name PKK to frighten victims'. Throughout the article "police source(s)" are attributed with supplying much of the information with one such source envisaging a Hackney of the near future as 'quite lawless' stating 'they're all carrying firearms'. Only towards the end of the article is a London PKK representative quoted as dismissing claims of a PKK led extortion racket blaming a 'smear campaign by the Turkish Secret Service in collusion with the British Government'. Such articles seem to set the scene for the coverage of Turkish-Kurds in Britain in which a politicised, radical, homogenous mass of refugees tends to feature only in a discriminatory context.

In a *Sunday Times* article headed "Britain gives asylum to Turkish terrorists" David Leppard concentrates on a portrayal of Turkish-Kurds as "terrorists". He claims that they are using Britain as 'a base for their terrorist activities' (29 June 1994). Attributing unidentified detectives as his source he claims Kurds are raising funds for their cause by charging 'would-be asylum seekers £3500 to enter Britain' (Ibid). In the opening lines of his article he wrongly describes Dev Sol, a Turkish leftist group, as Kurdish, attributing their activities wrongly to Kurds (Ibid). The article goes on to quote unnamed 'senior police and immigration officials' as being angry with the government for continuing to grant asylum to Kurds. Leppard then claims that Special Branch and the National Criminal Intelligence Service believe that Turkish-Kurds are 'behind a rising tide of terrorism and other crime in Britain' an accusation which is left unsubstantiated

(Ibid). The use and effectiveness of confidential briefings to the media as a means of legitimising the targeting of Turkish-Kurds has been noted by Fernandes who highlights the criminalisation that occurs through language (Fernandes, 2001: 4).

One of the most controversial pieces reinforcing the dominant discourse towards Turkish-Kurds appeared as a front page *Observer* spread titled 'Poison bomber offers secrets for sanctuary' purporting to be an exclusive interview with a renegade member of the PKK 'reputed to be one of the deadliest terrorist organisations in the world' (Naxos & Doyle, 28 September 1997:14). The interviewee's 'identity and terrorist connections' are described as 'verified by a number of [unrecorded] security sources' (Ibid: 14). The article goes on to describe a PKK plot and capability to conduct widespread chemical and biological bombings and presents the PKK as part of a web of terrorist organisations including the Greek Marxist N17, German neo-Nazis, the Palestinian Hamas and the Tamil Tigers of Sri Lanka as well as stating the organisation's control of many of Europe's drugs cartels (Ibid: 1 & 14). The article provoked detailed responses from a range of parties including the Greek Embassy, barrister Mark Muller, Lord Avebury and Harold Pinter. Only Pinter's letter,⁴⁰ rather polemic by comparison with the detailed refutations of the other submissions, was published by the *Observer* (5 October 1997). The unpublished responses raised questions about the involvement of Turkish intelligence in priming the story, the Greek spokesman noting 'whole phrases' in the article being identical to those in a 1996 book published in Turkey linking Greece to "terrorism" (*Kurdistan Report*, 1998, 26: 56).

⁴⁰ Reproduced in *Kurdistan Report*, 1998, 26: pp. 55-58.

The 1999 abduction of PKK leader Abdullah Ocalan in Kenya by Turkish intelligence services triggered a wave of protest among the Kurdish diaspora. The British hegemonic discourse frequently interpreted through the established discourse of the PKK as a “terrorist” organisation. When a Kurdish teenager Nejla Kanteper set herself alight in protest at Ocalan's abduction, the *Daily Mail* reported ‘Fanatics fan the flames of terror’, describing how ‘600 Kurdish fanatics’ were demonstrating outside the Greek Embassy ‘several of whom admitted to being asylum seekers’ (Williams & Moulard, 17 February 1999). The following day the paper published an article about Nejla titled ‘Teletubbies and terrorists in a teenage fanatic's bedroom’ describing her ‘shrine to one of the most feared terrorists in the world - Abdullah Ocalan’ (Collcut & Ginn: 5). The article goes on to note how the ‘family were granted temporary asylum and given a four bedroomed house by Haringey Council [and ...] receive around £200 a week in state benefits plus housing aid, estimated to be around £80’ (Ibid: 5).

An accompanying article continues ‘Hospitality abused NOT for the first time, Britain's traditions of free speech and hospitality towards genuine refugees are being grossly abused’. It asks:

‘What have such protests to do with the British people? The answer is: not very much. We simply pay the costs, put up with the inconvenience and brace ourselves for the possibility of bloodshed [...] We rescued many of the Kurds from persecution. Now they repay us by using Britain [...] as a battleground’ (Ibid 14).

The Times headline ran ‘Terrorists and Teletubbies’ stating of Nejla ‘there is no boyfriend and the only party in her life is the PKK.’ (Farrell, 18 February 1999).

From these few examples it is possible to depict a discourse of latent racism in which Kurds exist as refugees, bogus asylum seekers and a distinct undesirable Other. Once established in Britain, they take advantage of privileges granted them and repay those to whom they should be grateful by bringing “violence” and “terror” to the streets. The terms refugee and asylum seeker can be seen to have taken on negative connotations illustrating Fairclough's language as ideology. In much of the coverage, Kurds are discussed and profiled by immigration officials and security sources whose profiling is then reinforced by journalists in a self reinforcing cycle. The addition of “terrorism” allegations against Turkish-Kurds functions to justify and encourage their criminalisation in the “common sense” interest of public security. It is to the legal discourse that this study now turns.

4.3 Discourses of Marginalisation: Legal

Arguably law, as a system of describing and proscribing the unacceptable powerfully Others' forms of behaviour and those engaged in them making them. However, the political nature of “terrorism” has, as noted, meant that “terrorism” remains vaguely defined in law with recent legislation leaving much to executive discretion. This has been especially visible in responses to organisations connected to MCs.

The PKK, with 20 other organisations, was criminalised under *The Terrorism Act 2000 (Proscribed Organisations) (Amendment) Order 2001* allowing the Secretary of State to proscribe an organisation ‘if he believes that it is concerned in terrorism’(HMSO, 2000, Part II, 11: 3.-[4]). This marked a very public criminalisation and Othering of the Turkish-Kurdish community through the banning of the key political organisations which were its

public face. It can be argued that "anti-terror" legislation has often been enacted at least in part as a visual way of showing that the problem is being taken seriously and counter measures are being instigated (Donohue, 2001: 317). The argument that greater powers to combat "terrorism" are needed privileges a particular discourse. This excludes alternative explanations for failure such as poor performance by the security services or different approaches such as seeking to address the grievances causing the asymmetric violence.

Especially significant is the way in which proscription of these organisations criminalised those who had up to that point been actively, openly and legally engaged in the activities of those organisations. As Statewatch noted, the "terrorist" lists make 'no allowance for groups and individuals engaged in acts of resistance to occupation or tyranny, with the result that liberation struggles, "freedom fighters" and their supporters are being criminalised' with the effect that 'Proscription is thus a way for oppressive governments to close down political activity by exiles and opponents in foreign countries' (Statewatch, 2005: 2). This is especially true of the Turkish-Kurdish community whom identified very publicly with the work and "struggle" of the PKK in Turkish-Kurdistan (where the organisation has long been banned and membership or association could result in death or harsh prison sentences).

Among the more general provisions of the TA2000 is the criminalisation of a person for wearing 'an item of clothing', or who 'wears, carries or displays an article, in such a way or in such circumstances as to arouse reasonable suspicion that he is a member or supporter of a proscribed organisation'(HMSO, 2000, Part II, 13.1). As Fernandes has argued, this may criminalise the wearing of particular colours or national dress (2001:

24).⁴¹ Effectively the Turkish-Kurdish community was criminalised and could be seen as as by legal definition probably “terrorist”.

Criminalisation of the PKK affected the status of refugees and asylum applicants. Prior to the passing of the TA2000, membership of the PKK could constitute grounds for seeking refugee status in Britain.⁴² However, following the proscription of the PKK as a "terrorist" organisation, a declaration of membership left those fleeing persecution open to criminal prosecution for membership of a proscribed organisation. Similar legislation banning the PKK existed in Germany for a number of years and resulted in individuals being deported to face imprisonment, torture and disappearance in Turkey. The former head of Scotland Yard's anti-terrorist squad, George Churchill-Coleman, - who was responsible for fighting the PIRA - has made public his 'ethical and practical concerns' about the executives appeal to “emergency” in justification of exceptional measures (Travis, Dyer & White, 2005). He has stated his opinion that Britain is as a result 'sinking into a police state' in an example of the dangers apparent in Liberal Democracy warned of by Schmitt (Ibid). Political bans, together with the other far reaching provisions contained in “anti-terror” legislation, have become the focus for the realisation of perhaps the most significant resistance - Foucault's possibility realised - to repressive marginalisation and criminalisation, an issue which will be examined more closely below. First, however, the impact of the hegemonic discourse on the behaviour of the state, as it is represented through one of its conditioning arms, policing will be considered in relation to the MC of Turkish-Kurds.

⁴¹ The wearing of a combination of green, yellow and red was criminalised in Turkey, these being the colours of the Kurdish flag.

⁴² Based on fear of persecution resulting from the home state derogating from its duties under Article 2 of the *Universal Declaration of Human Rights* entitling all to political 'rights and freedoms', with membership of the PKK being illegal in Turkey and likely to result in persecution or death.

4.4 Practices of Marginalisation: Policing

Policing exists as both coercive and non-coercive arm of the state charged with disciplining society according to guiding hegemonic rules. As such it is a part of the practices which uphold the dominant discourse and is legitimised, empowered and directed by the legal discourse, while those active in the service are also subject to the ideological discursive practices around them.

The policing of Turkish-Kurds appears to reflect the image which has been constructed of them. On 21 March 1992 Kurdish New Year celebrations were attacked by the Turkish military in the country's south-east leaving many dead. In response, 400 London based Kurds gathered to demonstrate outside the Turkish embassy in London. *Kurdistan Report* records that 'within 3 minutes' of commencement of protests, police arrived in vans armed with truncheons and dogs (1992, 8: 30). Witnesses reported police violence as 'unrestrained and ferocious' and that the demonstration had, until then, been peaceful. *Kurdistan Report* notes that more than 30 people were injured, 9 hospitalised and 17 arrested, the injured including children bitten by dogs and one demonstrator who had to be airlifted to hospital due to his injuries (Ibid).

In June 1996 police responded with a helicopter, rooftop marksmen and automatic weapons to a call from a member of the public who had seen 'armed uniformed men' outside a Kurdish community centre in Haringey (Campbell, 1996). Police smashed down the centre's doors and those inside were 'handcuffed and forbidden to communicate with one another in Kurdish or Turkish' (Ibid). Those arrested were held in police vans for up to 8 hours with their attempts to explain the situation ignored. No real weapons were found (Ibid). Police had in fact raided a rehearsal of "Mountain

Language”, a play by Harold Pinter inspired by the criminalisation of Turkish-Kurds in Turkey for speaking their own language. The theatre company had informed local police that they would be rehearsing with stage weapons and were assured that there would be ‘no problem’ (Ibid). This incident is a particularly clear example of a process of “common sense” assumptions based on a dominant discourse about those involved leading to a specific socially determined reaction.

The involvement of Turkish-Kurds in issues not solely or directly connected to the immediate community or political cause has also invited a response by police apparently based on a received profile. Between 1995 and 1996 an industrial dispute occurred in which 45 Kurdish and Turkish workers went on strike after their employer, a Turkish businessman and owner of the JJ Fast Food Distribution Company, dismissed their freshly elected shop steward. Despite the strikers’ deliberate refusal to allow any political group to take over their dispute, attempts were made to link the dispute to the PKK, especially by the Turkish daily paper *Hurriyet* (Red-Star-Research, 1997)

The authors of the strike’s history note MI5’s interest in the Kurds and suggest that this plus media coverage have served to ‘feed the police’s paranoia that every Kurd in London is a terrorist’. In the context of the strike this ‘paranoia’ is perhaps illustrated by the unusual steps the police took to protect JJ Foods owner, Mustafa Kamil, ‘ferrying him to and from negotiations, allowing negotiations to take place in Tottenham police station and loaning him a bullet-proof vest’ (Ibid). Further to this the authors note:

‘plain clothes police officers [...] questioned workers. Some were asked how long they had lived in the country and others had their cars searched. This, of course, fits the usual pattern of “petty” harassment by police of any strikers. But it also had the

added sinister threat to the workers of race checks and criminalisation of asylum seekers' (Ibid).

An article 'Crime in the Community' reinforces the idea that profiling of Kurds may be occurring among police (Campbell, 1994). It quotes a Kurdish businessman and spokesman for the Kurdistan Information Centre as saying 'The police now think that anything involving Turks or Kurds is political. A relative of mine in Portsmouth was involved in a fight outside a disco - it was over a woman - and the police asked if he was a member of the PKK' (Ibid).

A December 1997 article in *The Independent* reads 'Police raid Kurdish exiles in terrorism crackdown', describing a series of co-ordinated raids conducted under the Prevention of Terrorism Act, against Turkish-Kurds' community centres in north London (Crawshaw, 1997: 10). Despite the implication in the headline that suggests an active "terrorist" campaign by Kurds is the target of police attention, the article implies that there may have been other motives for the raid coming as they did just ahead of a visit to London by the Turkish Prime Minister. A previous visit was also noted - was preceded by similar raids. The article also quotes a Kurdistan Information Centre spokesperson as describing the raids as 'part of a criminalisation campaign against the PKK' (Ibid).

Policing is a function which is very much taken for granted and one of Foucault's disciplining forces. The dominant discourse on Turkish-Kurds presents an image of "threat" and deviance in need of correction which legitimises coercive measure to "protect" society and to correct transgressions. As such, the Othered Kurd is crudely perceived as suspect, and probably criminally inclined, unless proven otherwise.

4.5 Summary

While the above is a small and selective sample it gives a broad overview of the self-referential nature of the hegemonic discourse as it relates to the Turkish-Kurds. The terrorism discourse and an established racist discourse can be seen as constituting the social conditions in which Turkish-Kurds are produced as an enemy Other. Meanwhile language can be seen working ideologically, as described by Foucault and Fairclough, where the use of terms such as “terrorist” and “asylum seeker” serve to frame, and make clear, how those associated with the terms should be treated. The authoritative use of language by political figures, and in law, provides a foundation for “common sense” interpretations of Turkish-Kurds. This is then reformulated by sections of the media where a self-referential process acts to reinforce the Othering process and the ideological nature of the discourse which, as such, forms part of a Gramscian PR. The legal discourse further reinforces the “common sense” impression by specifically criminalising the PKK in a manner more effective and powerful than opinion, it allows the PKK to be described as illegal together with activities of people associated with it rather than simply as suspect. The effectiveness of this criminalisation of the Kurdish community appears to be well illustrated by the police response to incidents involving Turkish-Kurds.

As Fernandes argues, quoting lawyer Gareth Peirce, the British and Turkish governments have successfully marginalised the legitimacy of the Kurdish struggle for ‘national rights’ through ‘the rubric of “suppression of terrorism” ’ which has criminalised the Kurdish community of Great Britain’ while the police have ‘deliberately worked to cast doubt on every Kurd in the UK as terrorist suspects’ (2001: 12). It is against the background of this ideologically perceived discourse of criminalisation that

resistance on the part of MCs is organised and occurs and it is to this that attention is now turned.

5.0 Counter-Hegemonic Discourses Fighting Marginalisation: Dimensions of Resistance of Turkish-Kurds

As the previous section has shown, Turkish-Kurds have been actively Othered and marginalised in a variety of ways. This section will explore the defensive reactions of MCs as they exploit Foucaudian possibilities of resistance. “Emergencies” have been used to justify successive waves of "anti-terror" legislation which have served a dual purpose by both pacifying a potentially C-H desire for action to be taken against a perceived enemy Other and the lesser C-H threat of the Othered themselves. The same negative C-H pressures faced by the hegemon and its attempt to address this potential challenge to its authority also represent a threat to the Othered MCs. This has helped to unify responses by these MCs to challenges to their legitimacy and legality.

Two stages of resistance of the Turkish-Kurdish community towards the hegemonic discourse can be identified. Firstly a marginalising self-defensive discourse with an isolating function with little C-H significance. Secondly, following the capture of Ocalan there was a widening of the PKK’s ideological goals rejecting the isolationist approach and embracing a broader outward reaching discourse.⁴³ This saw alliances develop with other MCs, wider civil society, as well as some formerly aligned with hegemonic interests, especially in the aftermath of the declaration of WoT which arguably saw the broadening of the WoP to a point where the resistance had to be taken seriously.

This can be seen in the evolution of the Turkish-Kurds’ strategy in response to the

⁴³ Following his capture Ocalan called for a change of strategy including the rejection of armed struggle and its replacement by a broad based democratically grounded resolution of the Kurdish question (Ocalan, 1999). The abandonment of armed struggle and Marxist-Leninist dogma made the Kurdish question more palatable to a wider audience including those in parts of the Liberal Democratic establishment.

discursive conditions in which they have found themselves. While the issues confronting the Turkish-Kurds remained relatively insular, concerned with the problems faced by individuals seeking sanctuary, ideological positions or the ongoing war in Turkey, opportunities for resistance lacked points of connection to a wider audience. Appeals for support and the solidarity of others remained couched in often dogmatic language which failed to resonate with a British public not receptive to revolutionary Marxist-Leninist dogma. The Kurdish community thus contributed to its own repressive marginalisation with its revolutionary rhetoric and alliances with marginal political groups (Wahlbeck, 1999: 176).

Turkey's abduction of PKK leader Abdullah Ocalan in 1996 began a process of political reassessment for the PKK during which the movement underwent a radical change of political strategy. There were two significant outcomes of this process. Firstly, the dogmatic discourse of revolutionary Leninism was dropped for a strategy embracing the language of Liberal Democracy and calls for a peaceful negotiated solution to the Kurdish question. Secondly, possibilities of C-H alliances, not built solely around the Kurdish question, emerged which together introduced the Kurdish question to a wider audience while also making links to other important issues affecting both Kurdish and non-Kurdish communities. Such alliances have been created with other MCs and perhaps, most importantly, with those from non-MCs. Unifying issues include the treatment of refugees or asylum seekers and the introduction of legislation under the auspices of the WoT which severely impinges on the civil and human rights of society as a whole. While the active and influential agents on either side remain relatively small, both seek, and at times are able, to influence the direction and focus of the dominant discourses. In this process MCs and their supporters start from a position of weakness, lacking the resources available to the hegemon. A WoP can be seen to be

forming in which, besides trying to break away support from the hegemon, challenges its domination of the discourse and ideological consciousness. This can be seen in the emergence of C-H organisations providing alternative media (especially electronic), support for refugees and asylum seekers and opposing “anti-terror” legislation. In the case of the C-H discourse the intention is also to try to find openings for broadcasting alternatives to a relatively passive audience. In this process, the active support of those in the legal profession, MPs and MEPs, journalists, writers and celebrities has been critical.⁴⁴

The following identifies multiple dimensions of resistance by the Turkish-Kurdish community in the areas of; media, institutional, legal and academic all of which form part of an increasingly unified C-H discourse.

Since the dominant discourse concerning Turkish-Kurds is based on media representations, an important form of resistance, although arguably limited in its impact, has been the challenging of media coverage. Many of the newspaper articles mentioned above have been challenged point by point in letters to editors and through detailed representations to the Press Complaints Commission. Complaints highlight the use of emotive language, unsubstantiated statements and factual inaccuracies which operate to present a highly distorted picture of the Turkish-Kurdish community. A recurring theme in many articles is the association of Turkish-Kurds with “terrorism” and their labelling as “terrorist”. In responding to the *Sunday Times* article “Britain gives

⁴⁴ Appeals for public support in opposing legislation are usually accompanied by the names of prominent supporters which help to give resonance and legitimacy to an otherwise perhaps marginal or “suspect” appeal.

asylum to Turkish terrorists” (see above) Alan Brooke⁴⁵ notes the tenure of the article as implying that ‘the majority of asylum seekers are involved in terrorism’ while most of the “evidence” presented is accredited to anonymous police or immigration sources, which Brooke notes should have been identified if speaking officially or recorded as expressing personal opinion if not. Brooke highlights references to the activities of Turkish revolutionary group Dev Sol ‘used as evidence of ‘terrorist’ involvement by the Kurdish community’. This in itself undermines the article’s credibility in its entirety as anyone who had ‘seriously investigated the situation would be aware of the difference [between the organisations]’ (Ibid: 41).

In the organisation of resistance on an institutional level the Campaign Against Criminalising Communities, CAMPACC,⁴⁶ has come to occupy a central place as an umbrella organisation bringing together marginalised and criminalised communities and their supporters to challenge the dominant terrorism discourse. The Turkish-Kurdish community plays an active part in CAMPACC. The resistance uses a range of means to get its message across, successfully exploiting asymmetric methods not available to hegemonic institutions. A key example is collaboration with alternative comedian Mark Thomas whose blend of hard hitting political satire and direct action brought many of the issues affecting MCs in Britain to a large British audience through his popular Channel 4 television show and stand-up theatre performances.⁴⁷ Arguably,

⁴⁵ Letter to the Press Complaints Commission reproduced in *Kurdistan Report* (2002, 19: 41).

⁴⁶ See CAMPACC website <http://www.campacc.org.uk/>

⁴⁷ See the Mark Thomas Comedy Product website at <http://www.mtcp.co.uk/index.php> (accessed 26 June 2005).

the use of humour to undermine authority and Thomas's ability to embarrass authority figures whom go to great lengths to personally avoid meeting him, resonates much better with the target audience than a dry legalistic appeal or political polemic.

Mark Thomas joined CAMPACC and MC representatives affected by the proscription legislation in a high profile public campaign to highlight the scope of the legislation's attack on civil liberties. Thomas and the other campaigners directly challenged the state to implement its threat with regard to the criminalisation of the PKK. Prominent public personalities joined Kurds outside the Home Office on 8 May 2001 where they publicly declared their membership of the organisation an act deemed illegal and subject to prosecution as described above (Webber, 2001: 40). Significantly, the campaign was ignored by police and allowed to proceed without interference.⁴⁸ Considering the police response to demonstrations organised by Kurds (or those with Kurdish participants) in the past it may be argued that the broadening of the Kurds' support base to include many prominent figures has resulted in a change in the public response of some state institutions.

Resistance at a legal level has perhaps been the most significant both in terms of overturning legislation and testing the space for autonomous action based on an appeal to emergency or exception by the executive. A significant area of contention has been the executive challenge to civil rights justified on the basis of withdrawal of some rights to protect the greater (Donohue, 2001: 344). As discussed above the primacy of European Law over national law has led to the British Government claiming emergency conditions in order to circumvent European Law in favour of proscriptive legislation. An

⁴⁸ A similar demonstration in Dover saw the arrest of four Kurds for allegedly supporting the PKK (CAMPACC, 2003: 6).

important resistance strategy has been to challenge the perceived political nature of the legislation while simultaneously highlighting the wider impact of the proposals. Interestingly, a successful challenge to legislation interring foreign nationals without trial was based on its being discriminatory as it was not applicable to British citizens (House of Lords, 2004: Article 73).

As examined above, "anti-terror" legislation has played a significant role alongside immigration control legislation, in the discursive criminalisation of the Turkish-Kurds. However, an influential group of solicitors and lawyers have been vocal in their criticism and opposition to this legislation which they see as undermining inalienable aspects of a traditional liberal democratic system, especially the appeal to exception by an executive eager to increase its ability to act unilaterally. Many of those who have represented Turkish-Kurds in court, challenged the proscription of the PKK - and other organisations on the list - and who have been involved in mounting challenges to the legality of aspects of the new "anti-terror" legislation both through the British and European Courts, were also involved in representing previously MCs. Gareth Peirce, for example, became involved in challenging internment in Northern Ireland and successfully represented some of those wrongly accused and imprisoned for involvement in PIRA bombings. These lawyers and solicitors have illustrated their concerns through reference to the abuses and failures apparent in previous government attempts to use emergency powers, "anti-terror" legislation and practices derived from it to resolve essentially political problems. They have also written authoritative articles and published influential studies challenging the dominant terrorism discourse while supporting the rights of MCs which they see as unfairly targeted and discriminated against.⁴⁹

⁴⁹ See for example Blake QC & Husain (2003), Owen QC (2005) and Peirce (2005).

Turning briefly to the academic level of resistance, in May 2005 London Metropolitan University organised a public conference titled 'Suspect Communities: The Real "War on Terror" in Europe'. The publicity for the conference stated:

'The "War on Terror" promotes a culture of suspicion against migrant and Muslim communities. They are made insecure in the name of national security. New laws include: bans on organisations and on any 'association' with them; special detention powers; and everyday police activity such as stop-and-search' (Human Rights & Social Justice Research Institute, 2005).

Participants in the conference included legal experts from Britain and the rest of Europe involved in representing those criminalised by "anti-terror" legislation, academics, representatives of the affected communities themselves and groups working to support them. The broadening of resistance to include sections of the privileged intelligencia is a significant C-H development. Such events arguably illustrate a WoP in the spirit of a Foucaudian concept of resistance and the emergence of an embryonic C-H discourse.

As illustrated, resistance to the hegemonic discourse has grown as that discourse has placed under suspicion, and criminalised, a growing section of society. From a position of isolated resistance Turkish-Kurds have developed a range of C-H alliances and have been joined by those not from MCs yet who are concerned about the impact of the terrorism discourse on traditional liberal democratic values. The important question regarding resistance is the degree to which it can be considered successful in challenging the dominant terrorism discourse and in creating C-H possibilities. In both senses an impact can be seen, although any major C-H breakthrough is overshadowed by the appeal, and perceived legitimacy, of the hegemonic discourse,

broad acceptance of the ideology it espouses, and the success of techniques of PR in neutralising dissent.

6.0 Conclusion: Discursive Criminalisation of Marginalised Communities

Drawing on the work of discourse theorists including Foucault, Fairclough and Jackson, this study has argued that “terrorism” is primarily a discourse played out between hegemonic and C-H forces. It has been suggested that there is a dominant terrorism discourse at work which claims to set the “truth” in terms of defining what “terrorism” is, exploiting the ideological nature of language emphasised by Fairclough. In the process certain groups or individuals have been identified as outside what is acceptable, marginalised and actively Othered as “suspect” as a prelude to criminalisation. In this sense it is possible to speak of marginalised communities, MCs, which have been defined here as existing due to both self-defensive and repressive marginalisation dynamics based on a model proposed by Marcuse. On the one hand the dominant discourse paints as suspect, and criminalises MCs, in a process of repressive marginalisation. On the other MCs can draw power in their Otherness by reinforcing their self-defensive marginalisation and by challenging the “truths” of the dominant discourse. The Turkish-Kurdish community in Britain forms one such group which, as demonstrated, has been actively Othered both as suspect on account of their refugee status and their designation as “terrorist”. This Othering is reinforced by an existing, latent discourse of racism. The failure of the Turkish-Kurdish community to adhere to the hegemonic discursive model of what is acceptable behaviour has seen it both marginalised repressively and self-defensively. The role of political actors, the media and legislative system in this process has been illustrated together with its socialising effect this has had on state institutions, specifically policing. The effect of this repressive marginalisation has been to encourage the development of a C-H discourse in which MCs seek to resist this Othering through their own C-H battle for “hearts and minds”. As the dominant hegemonic terrorism discourse has appealed to emergency and

exceptional conditions and further defined the bounds of what is acceptable so those constituting an excluded Other have grown in number finding common cause and in the process developing an increasingly sophisticated WoP. The appeal to exceptional conditions has not been universally endorsed by all those traditionally associated with the hegemonic leadership some of whom have allied themselves with the C-H bloc. An important factor in this has been the creep of legislation initially justified on the grounds that it targeted a particular temporary threat to the point at which it has become permanent and corrosive of basic rights and liberties of civil society at large, a point highlighted by the entrenching of legislation designed initially to tackle the Irish question.

In conclusion it seems clear that the terrorism discourse has sought out and created MCs. Rather than prosecuting criminal acts, groups have been targeted for their political beliefs which have been deemed suspect and have provided sufficient grounds for the executive to demand special and vaguely defined powers to control and discipline those who it is decided represent a threat to the hegemonic polis. Refugees, especially those seeking political asylum, have become doubly suspect while simultaneously victims of an identity, or difference, based racism. Since the 2001 attack against the United States and the subsequent attacks in Madrid and London this discourse has arguably intensified whether officially encouraged or not. The statements of public officials arguing that it is for members of MCs to prove where their loyalties lie serves to reinforce the inclusion/exclusion discourse. It does not seem unreasonable to argue that, whether intended or not, the existing dominant terrorism discourse has and does, by its nature and through the ideological power of language, resulted in a significant criminalisation of MCs. Further, as Schmitt foresaw there has been a creeping tendency which has seen the executive emerging as increasingly sovereign through its demand

for exceptional powers to combat a threat which it has arguably actively created. While this may not mean that a repressive police state exists in Britain - in which free thought constitutes ground for suspicion - an increasing proportion of the population has become potentially suspect and liable to disciplining under legislation which can define them as "terrorist". That this situation is possible points to the success of the hegemonic leadership in gaining acceptance for its specific "regime of truth" which makes the dominant terrorism discourse work and makes the perceived "threat" believable.

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