Immigration, Anti-Terrorism and Islam: Capitalist State Control of Muslim Populations in Contemporary Britain

William Jackson BA (Hons)

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Abstract

This thesis provides a Marxist analysis of New Labour's immigration and anti-terrorism policy. The analysis focuses on the Anti-Terrorism, Crime and Security Act 2001 and the Nationality and Immigration Act 2002. The introduction of these two pieces of legislation came as part of New Labour's response to the inner city disturbances in the summer of 2001 and the attacks on the World Trade Centre in New York on September 11th of the same year. The project challenges the official construction of these policies as the necessary state response to a threat to the nation. The analysis outlines that the threat facing the nation is portrayed as a coordinated threat from immigration and terrorism. Moreover, the core concern of the thesis is New Labour's role in constructing a synonymous relationship between this threat and Muslim populations, both immigrants and established communities in the UK.

The analysis of the legislation is preceded by a historical analysis of UK immigration and anti-terrorism policy from 1945-2001. The history outlined takes the form of a history of the present. Each legislative development in the post-war period is analysed in it specific context. The historical analysis leads into the analysis of ATCSA 2001 and NIA 2002, but challenges the idea that present legislation is the result of a period of logical development in state strategy. The final section contains a Marxist analysis of New Labour's political project. The analysis is informed by the work of Nicos Poulantzas and Stuart Hall and illustrates that New Labour's demonisation of Muslim communities stands as a core crisis management strategy. Moreover, I will illustrate the role these policies play in fragmenting the economically subordinate class. The class fragmentation these policies create reveals New Labour's strategy to control opposition to state policy and their attempts to maintain the unequal power relations necessary for the advancement of Western capitalism.

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Introduction

The aim of this project is to provide a Neo-Marxist analysis of New Labour's approach to immigration and terrorism. New Labour have been criticised for implementing repressive immigration and anti-terrorism legislation. Scathing critiques have been offered by the Institute for Race Relations, Liberty and The Campaign Against Racism and Fascism to name but a few. Recently these critiques have been emanating from within those very institutions that are to police such measures. Metropolitan Police Assistant Commissioner Tarique Ghaffur has warned that:

> There is a very real danger that the counter-terrorism label is being used by other law-enforcement agencies to the effect that there is a real risk of criminalising minority communities (Ghaffur 2006: 5).

Ghaffur's warning illustrates the need to analyse both immigration and anti-terrorism policy in unison. In the epoch of the War on Terror, wholeheartedly supported by New Labour, there is reasonable cause for concern that immigration could be one of the 'other law enforcement agencies' using the counter-terrorism label as warned by Ghaffur. The identification of 'suspect populations' echoing from both immigration and anti-terrorism policy requires critical analysis of both areas of state policy at the same time. Moreover, the hegemonic status that New Labour immigration and anti-terrorism policy have achieved requires effective critical analysis. The construction of New Labour's policy initiatives as the only necessary response to a new threat to the nation requires interrogation. In light of Ghaffur's critique and those offered from pressure groups, the construction of the 'threat' posed by uncontrolled immigration and 'international terrorism' appears to be coordinated toward controlling the same individuals.

Methodological Imperatives

While my analysis will be informed primarily by Neo-Marxist theory, the initial impetus for the structure of my project is born out of an understanding of Michel Foucault's historical methodology. The apparent incompatibility between Marxist and Foucauldian theory has been a point of contention during the construction of this

project. I contest the idea that Marxist and Foucauldian ideas are wholly incompatible, inasmuch as many analysts have explained the utility of such a theoretical union (Holub 1992, Smart 1983, Olssen 2004, MacDonald 2002). While I am primarily going to use a Marxist analysis it will be informed by Foucault's method of challenging the intolerable by writing histories of the present. Gary Gutting has explained Foucault's insistence on the necessity of a historical analysis, as part of tackling an intolerable situation such as the one presented by New Labour's immigration and anti-terrorism policy.

> 'The motive for embarking on a history is his judgement that certain current social circumstances - idea that an institution, a discipline, a social practice - are "intolerable"' (Gutting 2005: 10).

It is this Foucauldian reaction to the intolerable that will inform my analysis and give direction to the project. The understanding of the intolerable New Labour immigration and anti-terrorist policies necessitates a historical analysis of UK immigration and counter-terrorism policy. Therefore, the first part of this project will be an analysis of immigration and anti-terrorism policy in the UK from 1945-2001.

This historical analysis does not seek to reveal current policy as the inevitable conclusion of the development in these areas since WW2. This sort of presentist analysis is avoided by orchestrating a Foucauldian history of the present. A history of the present seeks to 'use an understanding of the past to understand something that is intolerable in the present' (Gutting 2005: P10). Foucault made clear that a history of the present resists a 'writing of history of the past in the terms of the present' (Foucault 1977:31). There must be a break with the tradition of interpreting past events through one's own experience of the present. Dreyfus and Rabinow state that a history of the present is not 'reading present interests, institutions and politics back into history, into other epochs, and claiming to discover that these institutions had anything like their current significance' (Dreyfus and Rabinow 1982: 118).

Therefore, a historical analysis of the development of immigration control and counter terrorism measures must avoid subsuming the present politics and their significance into the history. The project must focus upon the specific contexts in which each piece of legislation was drawn up, and avoid interpreting the present interests, politics and institutions as the logical conclusion of a period of so called 'progressive' development. Gutting explains that 'intolerable practices and

institutions present themselves as having no alternative' (2005: 10). New Labour justifies its present policy as the necessary response to the threat posed by uncontrolled immigration and international terrorism.

A Foucauldian history of the present challenges this inevitability by disturbing the dominant interpretation of present institutions as the logical conclusion of historical development. Constructing a history of the present will allow me to challenge the supposed necessity and inevitability of New Labour immigration and anti-terrorism policy. Therefore, the historical analysis will outline the dominant interpretation of such policy and then challenge the necessity of such measures. It is this Foucauldian understanding of history and the role historical analysis can play in responding to intolerable situations that will inform my project. A historical analysis of immigration and anti-terrorism policy must precede my analysis of the present legislation. Composing the project in this way will enable an effective interrogation of the intolerable situation that New Labour's immigration and anti-terrorism policy leave many people in.

It is this Foucauldian understanding of historical analysis which has illuminated the utility of Foucault's work to what is primarily a Marxist analysis. Foucault has illustrated that a history of the present is a both necessary and most effective part of an analysis of present situation. An appreciation of Foucault's methodology does not interrupt the theoretical construction of my project. The analysis remains theoretically informed by a range of Neo-Marxist theorists, but the structure and clarity of my analysis has benefited from an appreciation of Foucault. The methodology chosen enables my analysis of present policy to be informed by, but not predetermined, by the findings from my historical analysis.

The first four chapters will contain my historical analysis of immigration and anti-terrorism legislation in the post war period. The history is divided into four sections 1945-1971, 1971-1979, 1979-1997 and 1997-2001. Each period is identified as a period of significant and specific development in the state's response to immigration and anti-terrorism. While each legislative development will be considered in its particular historical context, the structure of my historical analysis in this way is explained as such:

Chapter 1 1945–1971. This chapter outlines the British state's approach to rebuilding the economy in the post-war period. The British state's concern's with the racial makeup of foreign labour force required to rebuild the British economy is exposed. The state's concerns with racial miscegenation are set in contrast to the ideal of a laissez faire period in British immigration control from 1945 – 1962. The dominant interpretation of the Commonwealth Immigration Act 1962 as necessary to protect Britain from being overwhelmed by a foreign presence is challenged. This chapter provides a critical history of the establishment of exclusionary immigration controls in the post war period. This period is of crucial importance to illustrate how the state justified the introduction of racist and repressive immigration policy.

Chapter 2 1971–1979. This chapter outlines the state responses to immigration and anti-terrorism during the 1970s. Developments in both immigration and anti-terrorism will be analysed in the context of a state in crisis. The construction of continued repressive immigration policy as necessary strategies to maintain social security will be challenged. The British state's response to the troubles in Northern Ireland are analysed to determine how the state's response to political opposition was condensed into a coherent strategy of crisis management. The dominant construction of 'terrorism' and the resulting necessity of anti-terrorism policy are challenged. This period is of importance to illustrate those repressive responses to dissenting voices were justified using the same discourse of crisis management.

Chapter 3 1979–1997. This chapter outlines the New Right strategy of crisis management. The immigration policy and anti-terror policy introduced during this period are analysed as components of the New Right strategy to manage the state in crisis. The construction of 'suspect' populations as threats to national security is challenged alongside an interrogation of the New Right's response to political opposition. This period in the history of immigration and anti-terrorism policy is important to outline impact the New Right had upon shifting the debate on such policy further to the right. The convergence of immigration policy and counter-terrorism measures remains a concern throughout the chapter. The role these policies played in demonising specific target populations is scrutinised and the New Right's concern to maintain national security is challenged.

Chapter 4 1997–2001. This chapter outlines New Labour's approach to immigration and anti-terrorism in period from 1997 to 2001. The dominant interpretation of New Labour making a departure from New Right policy is challenged and illustrated most convincingly through an interrogation of the development of immigration and anti-terrorism policy. I analyse the role these policies play in identifying a specific 'suspect' population and ascertain whether New Labour continued to employ New Right tactics of crisis management. The initial state responses to the inner-city disturbances in April 2001, and the attacks on the World Trade Centre in New York on September 11th of the same year, are critically analysed. I illustrate the role these initial reactions played in legitimating a coordinated approach between immigration and anti-terrorism policy toward a suspect population.

The fourth chapter contain a Marxist analysis of the Anti-Terrorism, Crime and Security Act 2001 and the Nationality and Immigration Act 2002 introduced by New Labour. The analysis of this legislation forms part of my history of the present. The analysis interrogates the way in which power relations are maintained by the construction of specific measures within immigration and anti-terrorism legislation. The final chapter contains my analysis of New Labour politics and entails a consideration of the role immigration and anti-terrorism policy play in maintaining New Labour's hegemony.

Chapter 5 - This chapter contains a Marxist discourse analysis of the Anti-Terrorism Crime and Security Act 2001 (ATCSA) and Nationality and Immigration Act 2002 (NIA). This Acts are New Labour's legislative response to the riots of 2001 and the events of 9/11. 2001 was a watershed moment in international political collaboration under the banner of the 'War on Terror'. The ATCSA 2001 and the NIA 2002 stand as New Labour's first domestic response to the two policy areas of immigration and terrorism at the centre of the War on Terror. Therefore the history of the present will be continued by the analysis of these two pieces of legislation. I interrogate the development in the approach to immigration and anti-terrorism to identify any evidence of a continued convergence of these two areas of state policy. The justifications given for the Acts are scrutinised and I analyse a range of responses provided by official and unofficial sources. My key concern will be New Labour's previous use of immigration and counter-terrorism measures to control a suspect

population. My analysis considers how the power relations necessary to maintain New Labour's political project are maintained through the application of immigration and anti-terrorism policy.

Chapter 6 – Analysis of the state under New Labour. In this chapter I provide a Marxist analysis of New Labour's political project. My critique of the ATCSA 2001 and NIA 2002 will inform this analysis to ascertain the role that these policies play in New Labour's crisis management strategy. As part of a strategy to manage the crisis I identify how this legislation is being used to control political opposition. The idea of New Labour's break with New Right policy will be challenged further. The project within this chapter will be an analysis of the state under New Labour. I utilise Nicos Poulantzas's theory of authoritarian statism. Poulantzas's work on the capitalist state in crisis will be considered to ascertain whether New Labour policy is indicative of an authoritarian state. I also draw upon the work of Stuart Hall. Hall's refinement of the work of Poulantzas and his appreciation of the work of Antonio Gramsci will be utilised to consider how New Labour has secured popular consent for the introduction of repressive immigration and anti-terrorism policy. In conclusion this final chapter considers what role immigration and anti-terrorism policy play in maintaining New Labour's hegemony.

Chapter 1   1945–1971:   From Covert to Overt Immigration Control

This chapter outlines the development in post war immigration policy from 1945 to 1971. The dominant history of this period depicts mass immigration from the commonwealth during a period of laissez faire state responses to immigration between 1945 and 1962. These histories define the Commonwealth Immigration Act 1962 as a necessary step by the Macmillan government to prevent Britain being overwhelmed by a foreign presence that it could not accommodate or assimilate. This chapter will challenge and interrogate this dominant version of the history of the state response to immigration in this period up to 1971. I will challenge the conception of a 'laissez faire' period of immigration control and the construction of the 1962 Act as the required response to 'manage' immigration. This chapter will provide a critical history of the establishment of exclusionary immigration controls in post war period. The justifications for the establishment of this legislation, and the construction of non-white populations in post-colonial Britain, are interrogated.

1.1   The demise of the 'Liaises-Faire' period in British Immigration control

The Second World War had confirmed a sense of international superiority which the collapse of the empire had undermined. However, the British state had to rebuild the economy in the post war period not as an imperial giant but as a recoiling emperor. Whilst the physical manifestation of British imperialism was deconstructed as independence was granted to former colonies (India in 1947, Burma 1948, Ceylon 1948), it was the legacy of empire and the ideology of international prowess that structured the post war / post colonial period in British politics. Colonial dominance was threatened by resistance from within the colonies. The growing success of anti-colonial resistance began to bring into question the very roots of British nationalism.

The British economy could not recover from the crippling effects of the war by relying solely upon the indigenous workforce alone. The state needed to draw upon a foreign workforce to supplement the labour power required to rebuild the economy. Initially the pool of labour created by Europeans displaced by war provided the solution. Britain seized upon this labour force through the creation of the European

Voluntary Workers system (EVWs) in 1947. In addition the EVWs, the greatest number of immigrants came from Ireland. However, the vast labour force in the newly formed Commonwealth was not directly recruited by the British government.

The justification for empire was that colonial peoples were British citizens. The creation of the empire had been a 'civilising' mission to bring Britishness to the third world. However, when in need of labour, this great number of 'British' citizens around the globe had been rejected. The pool of European labour was minuscule in comparison to the numbers in the colonies and the European labour force was 'foreign'. However, it was this European labour force that was recruited instead of recruiting from the colonies. The racial makeup of the pools of labour appeared to determine their selection.

The government was concerned from the outset with the racial makeup of the required labour. John Solomos who has written at great length on race and migration, has highlighted the different responses to the European immigrants and to the possibility of colonial migration to Britain:

> The relatively liberal attitude towards the arrival of European workers contrasted sharply with the fears expressed about the perceived social and racial problems that would arise with the arrival of 'coloured' colonial workers, even though they were British subjects (Solomos 2003: 52).

The idea that those citizens under colonial rule were given British citizenship and welcomed home to the 'mother country' as though it was their own is discredited. The dominant view of this period has viewed the immediate post war period as a laissez faire stage in British immigration control. The notion of a non-restrictive approach by the British government is often cited in response to the 1948 British Nationality Act (e.g. Hansen 2000). This act was drawn up in response to Indian independence and specifically secured a formal distinction between British subjects who were citizens of the UK and its colonies, and those who were citizens of the Commonwealth. The act stands as the first legislative intervention to recruit the required work force into Britain. However, whilst colonial people did enter Britain at this time, the government's energy was still focused on recruiting Europeans. A. Sivanandan, the head of the Institute of Race Relations, has noted that the British government 'left it to

the free market to determine the size of the immigration (of colonial peoples)' (Sivanandan 1976: 348).

Colonial people did move to the UK in search of work and the 1948 Act made this a formal possibility, but the reasons for this migration must be located within an understanding of the colonial legacy of exploitation. The post war period saw a shift in the location of capital from colony to the 'mother country' and this is why people began to migrate to the UK. To see colonial migration as a response to a legislative 'call home' in the form of the 1948 Act would be naïve to say the least.

The racial 'makeup' of the immigrant workforce was a concern of the Britsih government and this lead to the preference of white European immigrants. This selection of preferred races reveals the continuation of what MacMaster has termed 'colonial phobias about racial miscegenation' (MacMaster 2001: 177). It was these fears of racial miscegenation which structured the government's response to the recruitment of labour in the immediate post war period.

Tackling the apparent open door policy created by the 1948 Act was the major domestic political problem of 1948-1962. This problem put simply was; how to control the perceived 'influx' of colonial migrants without the legislative measures to do so. It has been suggested that the lack of legislative tools to institute a colour bar at the ports of the UK forced the government to utilise a 'number of covert and sometimes illegal, administrative measures to discourage black immigration' (Carter et al in Solomos 1988: 32). The use of 'extracurricular' measures offered a partial solution to the problem but more usefully it 'publicised' a synonymous relationship between black immigrants and social problems. Carter has explained that these covert measured included 'changing the definitions of 'illegal immigrant'--for example, delaying the issue of passports and even in one case getting colonial governors to alter travel documents so that they could not be used to obtain entry' (Carter 1993: 1).

Solomos identified the short transition from political controls (overt or otherwise) to discourage black immigration, to the 'attribution of ideologies which see black as a problem' (Solomos 1988: 32). The construction of black people as problematic could be linked back to the experience of colonial resistance and assimilated with the image of 'troublesome' colonial subjects. The 'civilising' mission which justified the empire and ignored colonial oppression discredited colonial resistance. Without an appreciation and open acceptance of the oppressive

nature of colonialism, resistance could be depicted solely as representative of the 'troublesome' and thus undesirable nature of colonial subjects.

The legacy of colonial racism among the elite was translated via government opposition to colonial migration, into popular anti-black sentiment. According to Sivanandan,

> The message was generally percolating through to the children of the mother country that it was their labour that was wanted and not their presence. Racialism, it would appear, could reconcile that contradiction on its own – without state interference, laissez faire, drawing on the traditions of Britain's slave and colonial centuries (Sivanandan 1986: 112).

The location of labour within the colonies had kept the exploitation of colonial people 'out of sight'. However, as the labour was 'drawn to the mother country', the separation of labour and humanity crucial to capitalism, was being unsettled by the physical proximity of the labour force. Ascribing negative stereotypes to colonial migrants enabled the dehumanisation of these people as a workforce. This dehumanisation enabled a reestablishment of the separation of labour and humanity.

This separation enabled the super-exploitation of those colonial people settled within the UK. Their presence could then be justified to those in receipt of the fruits of their labour. This partial acceptance of colonial people is arguably what is being mistaken for the laissez-faire period in British immigration control. The migrants were as, Sivanandan notes, 'economically acceptable' to those who benefited from the 'profits' of immigrant labour (1976: 350). Therefore as in colonial times there were sections of society who reaped the 'profits' from the exploitation of colonial people.

It was however, a very different section of society who felt the 'costs' of immigrant labour. The perceived costs of the settlement of colonial people were felt by the poorest and previously most marginalized sections of society. The 'mishandling' of post war immigration, or more accurately the immediate subordination of coloured migrants, lead to their competition with the white working class for housing and jobs. This apparent 'lack of care' prevented the origins of any class consciousness, between working class immigrants and the white working class. This enabled the mobilisation of the all important grass-roots (working class) racism. The breakdown of inter-class consciousness prevented the possibility of collective action which left the whole working class, immigrant and indigenous, open to further

exploitation. Therefore the mobilisation of a popular racism created an ever more profitable workforce.

The acceptance of 'coloured' immigration in this period was economic. However, when the need for labour began to subside in the early 1950s, the calls for immigration control motivated by racist sentiment could be justified in economic terms. Anti-immigrant campaigning in and out of parliament was promoted as a rational response to the negative effects immigrants were having on the social stability of the indigenous population. These economic arguments for immigration control could be combined with the fears around racial miscegenation. Both arguments were used not least by far right organisations (who had an insidious influence on mainstream politics).

Anti-immigrant campaigns legitimated popular racist sentiment and fuelled the onslaught of racist attacks (Witte 1996). Racist attacks had been a part of immigrant life throughout the post war period but the riots of August 1958 in Nottingham and Notting Hill were the 'breaking point' for several communities. The riots of 1958 were the result of the reaction of the black community to a period of intensive racist violence perpetrated by fascist directed white youth.

It was these riots that 'constituted the event which brought racist violence to public attention and to the formal agenda' (Witte 1996: 25). The existence of white racism and the violent expression of such racism which had lead to the riots were ignored in the official response to the riots. Instead the riots were interpreted (and formally responded to) as the inevitable result of a 'laissez-faire' immigration policy, as predicted by the right. The riots were constructed as evidence of the incompatibility of black communities in the UK. Simply, inter-racial violence was portrayed as the logical result of black settlement. Immigration control became as the dominant solution to the problem.

The riots and their 'interpretation' allowed the government to begin to openly promote the imposition of a colour-bar at British ports. Certainly, immigration control had been on the agenda throughout the arrival of colonial people in the UK, but the governments had been faced with the post-colonial problem of how to restrict coloured immigration whilst appearing universal. The dominant white view of the riots as instigated by black migrants, enabled a raced approach to immigration control to be rendered the only solution to the 'problem' of the inability of black immigrants to integrate into British society.

1.2   Legislating Against Migration

The 1962 Commonwealth Immigrants Act gave the British government the power to control immigration from the commonwealth to Britain. The dominant view of the 1962 Act portrays it as the rational response to unrestricted immigration to Britain from the Commonwealth. The Macmillan government justified the restriction of black immigration because of 'the limited ability of the country to assimilate 'coloured immigrants'' (Solomos 2003: 58). However, the leader of the Labour party, Hugh Gaitskell, fought the Bill as he saw that it 'represented a crude attempt to amalgamate the question of 'immigration' with 'race'' (cited in Solomos 1988: 35). Arguably, the Bill and subsequent Act did this by instigating the racialisation of immigration policy. In addition the Act institutionalised the idea that social stability could only be ensured by controlling colonial immigration.

The title of the Commonwealth Immigration Act suggested a withdrawal of the right to settle in the UK for all commonwealth citizens not born in the UK or possessing a British passport. However, the reality was that the Act served to limit the immigration of black people from the commonwealth. Solomos has pointed out that it would be problematic to see the 1962 act solely as a state response to economic pressure or popular racism in isolation (Solomos 1988: 39). However, the act enabled the selection of a workforce on merits (or lack of) determined by the state. These 'merits' couched in the voucher system introduced in the Commonwealth Immigrants Act ensured the legislation continued the veil of universality, while enabling the immigration officer on the local level, and the state in general to formalise a racist policy of immigration. The state became 'directly responsible for enforcing racial oppression' (Thompson 1988: 66) and the racism of state policy had the effect of 'making racism respectable' (Thompson 1988, Sivanandan 1986).

The Act illustrated an official approval of racism which had also been identifiable in the responses (or lack of) to the 1958 riots. The police were given a green light to continue racist targeting and violence and complaints of police brutality rose among migrant communities in the aftermath of the 62 Act (Sivanandan 1986). While the repressive measures in the legislation were operated by the police and immigration officers, the state continued to illustrate a lack of concern for the social security of migrant communities.

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An unforeseen result of the increase in border controls was that for a time they had the inverse affect of increasing immigration. The young men who had left families in their country of origin to work in the UK saw the 1962 Act as a cut off point in their ability to move freely. Therefore many brought their dependants to settle in the UK instead of running the risk of being 'shut out' after a trip home. Numbers of immigrants rose, establishing the Commonwealth Immigrants Act as the next step in, as opposed to the end of, the debate around strengthening immigration control.

Despite Gaitskell's and others critique of the Commonwealth Immigrants Act the Labour government elected in 1964 soon began to advocate intensified immigration control. This deviation in the stance of the Labour party was a result of the death of Gaitskell, his replacement by Harold Wilson, and as a result of the Smethwick 'if you want a nigger for a neighbour, vote labour' affair, during the elections of 1964' (Witte 1996). The Wilson government apparently could not escape the proximity of the race and migration issues. They responded by strengthening the policies set out in the 1962 Act in their White Paper 'Immigration for the Commonwealth' published in 1965. The paper reduced the number of entry vouchers from 30,000 to just 7500 (Thompson 1988: 67) and crucially removed the category C vouchers which served as the only available option for the 'unskilled'. This move substantially reduced the availability of migration to Britain for a large percentage of black Commonwealth citizens, as the measure of 'skill' was set against a western model. The Smethwick affair and hegemonic status of racist approaches to the question of immigration illustrated to Wilson's government that being strict on border control was a vote winner and that it would be political suicide to appear liberal.

The introduction of the first Race Relations Act in 1965 appeared to contradict the idea expressed in the White Paper, that stringent immigration control was all that was needed to counter inter-racial conflict. The Act proposed to challenge race discrimination including the imposition of 'colour bars in public places' (Witte 1996: 37). However, the conviction with which border control was approached by the state was not matched in the enforcement of race relations legislation. While the existence of colour bars in public places was supposedly tackled, the housing and labour markets were left unchallenged. The failure to tackle the areas in which immigrant communities were most subordinated and the perceived strain on the social stability of the white working class exposed the lack of any real commitment to improving race relations. The cross party support for immigration control illustrated that political

opinion had converged on the idea that race relations were best improved by strengthening immigration control. Both the White Paper and the Race Relations Act 1965 illustrated state support for the idea that inter-racial conflict was not a problem created by white racism but by black presence. This conclusion was supported by the focus upon tackling immigration as opposed to any official response to racist violence (Witte 1996).

As the British government relieved itself of the responsibilities of being emperor, the situation in East Africa presented it with a post-colonial conundrum. The gathering independence of remaining colonies usually removed dependency of the population of these countries on Britain. However, as Uganda and Kenya attained independence in 1962 and 1963 respectively, they presented their European and Asian minority communities with a choice – 'they could only become citizens of those countries if they applied to do so within two years and at the same time renounced their citizenship of the UK and its colonies' (Lester 2003: 3). The alternative to applying for Ugandan or Kenyan citizenship was to retain UK citizenship and utilise the right to a passport issued by the British government. This enabled the European and Asian minorities to avoid the control imposed by the 1962 Commonwealth Immigrants Act. Again, this situation exposed the incompatibility of the Government's desire to open its arms to 'expats' (and white people in general) without appearing overtly racist.

Rightfully, many of these people (annual figures rose between 1965 and 1967 from 6,150 to 13,600 (Lester 2003: 4)) sought to flee the policy of Africanisation in Uganda and Kenya and utilise what was left of the colonial right to return to the mother country. However, the Asian minorities found themselves stuck between the policies of Africanisation in Uganda and Kenya and 'Anglicisation' in the UK. The 'influx' of the African Asians served to refuel the debate in the UK around the need for increased control.

The questioning of Labour's commitment to protect Britain from the influx of immigrants was expressed publicly by the Conservative minister Enoch Powell. Powell's position as a member of parliament gave further legitimacy to the demands for a complete colour bar at the British ports. Powell spotted the loophole in the 1962 Act which enabled the arrival of the Kenyan Asians, and constructed the affair as evidence of the negative effects of immigration. Central to Powell's stance was to expose Wilson's inability to 'protect the country'. This had the effect of putting the

Labour government on the defensive and crucially, shifting the whole debate on immigration further to the right.

Throughout the 'African Asians crisis' Powell acted as the respectable voice of the far right and moved the debate to within their grasp. Kenan Malik outlines further the effect Powell had upon the whole terrain on which the debate took place:

> The understanding of the relationship between national identity and national decline, the fashioning of national identity in response to an alien threat, the conception of Britishness as a cultural property, the very language through which debates about immigration and national culture take place, derive to a great extent from the arguments of Powell (Malik 1996: 193).

Malik highlights the influence Powell had on shifting the parameters of the debate and importantly, the ways in which these issues were put into discourse. Powell's ability to shift the realms of reasonable speech on immigration and race further reinforced the 'need' for racist legislation. The Labour government then approached the African Asians crisis from within the parameters defined by Powell.

The Labour government's response was to introduce the second Commonwealth Immigrants Act in 1968. This Act rushed through parliament in three days, served as the legislative response to the African Asians crisis. The Act introduced the condition of partiality. This meant that even those people in possession of a British passport would be subject to immigration control unless they could prove 'British blood' (Thompson 1988:69). Sivanandan has noted that 'the 1968 Act had in effect brought 'coloured' UK passport-holders within the provisions of the immigration Acts' (Sivanandan 1976: 356), thereby strengthening the 'colour-bar' already in place at British ports.

What the African Asians crisis and the government response to it illustrated was the blanket effect these racist attitudes had upon the whole debate on immigration. The fact that the Kenyan Asians had nowhere else to go was not considered, and neither was their situation in Africa as a result of the colonial manipulation of populations. It is here that the importance of the very discursive construction of the immigrant is revealed. The blurring of the differences between those seeking asylum (ignoring the possession of British passports.) and those migrating for economic reasons is highlighted. The binary opposition between asylum seeker and economic migrant is not one I wish to set up, but the lack of consideration

for any specific motivations of immigrants, even at state level, illustrate the pervasiveness of the construction of the synonymous relationship between race and immigration.

Powell's calls for increased immigration control were not assumed by the passing of the 1968 Act. Black immigrants could still enter the UK and still had the right to settle if they could infiltrate the border controls. The 'Rivers of Blood' speech in April of 1968 again reaffirmed the dangers posed by black immigration. Powell believed that assimilation was impossible, and due to the high numbers of immigrants already within the UK white people would eventually be 'made strangers in their own country' (MacMaster 2001: 182). His answer was enforced repatriation. Powell's influence on 'reasonable' speech on the issue of immigration can be seen at all levels. Whilst it would be naïve to see Powell as the sole catalyst for the developments in the late 1960s and early 1970s, his ability to shift the debate to the right enabled the accommodation of ideas previously deemed too extreme.

The 1969 Immigration Appeals Act could be interpreted as a positive measure as it introduced the right to appeal against failed entry. However, as Solomos points out, the Act 'institutionalised deportation for those breaking conditions of entry' (Solomos 2003: 62). In addition the 1969 Act further limited the numbers entitled to enter the UK by requiring dependants to have entry certificates. The fact that the state was able to institutionalise deportation, as well as continue to enhance the powers of racist immigration legislation, is indicative of the change in the political debate. Again it would be problematic to see Powell as the only factor behind this development and the rest of the body politic as passive receptacles for his ideas, but his influence over the shifts in the very terrain on which the debate took place must be considered.

Attention must be given to the discursive construction of the problem which enabled his rousing support and more specifically a legacy of racism in a 'Powellian' guise which lasted far longer than the man himself:

> The deliberate inversion of the historic association of blackness with the inferior position of the plantation slave, with the powerful white majority presented as the persecuted 'minority' or victim, was later to become a key device of European 'New Racism' (MacMaster 2001: 182).

The experiences of racist violence increased dramatically after Powell's speeches (Smith in Witte 1996: 43), arguably due as much to the state's apparent acceptance of

racist violence, as to Powell's 'call to arms'. Racist violence however, continued to be portrayed as the result of black presence as opposed to the result of white racism.

Despite Powell's expulsion from the Conservative party for trying to push the boundaries of reasonable speech too far, he did no harm to Conservative support and they won the 1970 election. The bipartisan agreement that continuing to strengthen immigration policy was the key to electoral success showed that the previous alignment with Powell was enough to sway the voters to support the Conservative approach to keeping Britain white.

Chapter 2   1971–1979: The Convergence of Crisis Management Strategies

This chapter outlines the development in both immigration and anti-terrorism legislation in the 1970s. I will outline the convergence of state approaches to opposition to its authority. The development of immigration policy is analysed, and the dominant portrayal of such policy as the required responses to maintain the social security of Britain will be constantly challenged. Both areas of state policy are scrutinised within the context of the British state in crisis throughout the 1970s. This crisis is understood as a crisis in capitalism but I will illustrate that the strategies of crisis control expand beyond economic reparations. The British government's responses to the 'troubles' in Northern Ireland are analysed to identify to what extent the state response to dissent became immersed within a coherent strategy of crisis management. It is within the context of a state in crisis that immigration and anti-terror policy are interrogated.

2.1   From managing immigration to managing the crisis.

The 1971 Immigration Bill stands as an attempt to complete the project to keep Britain white. The Bill finally provided the solution to the conflict between the need for immigrant labour and the desire to keep Britain white. Put simply the Act 'finally established a system of importing workers when they were needed and sending them back when they were not' (Sivanandan 1982: 135). Sivanandan outlines how the Act tidied up the immigration problem:

> The immigrant was finally a migrant, the citizen an alien. There is no such thing as a 'Commonwealth immigrant' anymore. There are those who came from the Commonwealth before the 1971 Act came into force (January 1973) but these are not immigrants; they are settlers, black settlers. There are those who have come after the Act; they are neither settlers nor immigrants, they are simply migrant workers, black migrant workers (Sivanandan 1976: 356).

The racism of the Immigration Act 1971 is manifest in the fact that it came into force on the same day Britain joined the European Economic Community (EEC). This highlighted the inconsistency in a supposedly universal immigration policy; 'While

Britain was actively closing the door on non-white people from the Commonwealth, it opened its borders to nationals of European countries' (Hope 2000: 6).

The 1971 Act also ended the rights of dependants to join their families in the UK. Ending the right to a family can be interpreted as the beginning of a policy to induce repatriation. Powell's call for enforced repatriation in the 1960s has been castigated as too extreme and impractical for that time. However, after the passing of the 1971 Act, state policy sent the message to immigrant communities; 'if you want to live in peace, go home' (Sivanandan 1982:134-5). This inability to live in peace affected different minority communities in different ways. The Asian community was affected by the removal of family unification rights

The Afro-Caribbean community had to defend themselves against police harassment. The criminalisation of black youth and the construction of a specific crime problem emanating from black communities have been discussed at length, least not in Hall et al's 1978 *Policing the Crisis*. The reaction to the growing black resistance movement in this period is characterised to some degree by the state's separation of society into authority and its enemies (Hall 1978). The state's concern with quashing black resistance was entwined with the construction of a synonymous relationship between the black community and crime. The Afro-Caribbean community was forced focus their concerns on dealing with police harassment and the criminalisation of black youth through the use of 'Sus' laws (the police power to arrest on 'suspicion' which was overwhelmingly directed at the 'policing' and harassment of black youth).

The 1971 Act had the effect of attacking any kind of cross community resistance movement among non-white people. By forcing a separation of priorities the Act prevented a class consciousness or intra-class action, in the ways that the mobilisation of white working class racism had done in the previous decades. This separation and diversion of the focus of minority communities broke 'black' resistance down into its component parts and prevented the cohesion needed to fight discrimination and harassment.

However, the continuation of black resistance appeared to outline to the Wilson government that the black population were here to stay and the state response must be to ensure better race relations. The 1970 Labour manifesto had pledged the continuation of Race Relations legislation. The British voters however were not convinced that immigration was being kept under sufficient control and the

Conservative party and their 1971 Immigration Act took control through the early 70s.

The Conservative party's emphasis on immigration control is indicative of the crisis management strategy outlined by Hall et al. The 1971 election result must be seen not simply as a victory brought about by a strategy to limit immigration, but by a strategy to control the threat to the nation. This threat was not limited to that posed by immigration, but state policy positioned immigrants (and the black community) on the other side of the binary opposition between society and its enemies. As Malik has hinted, immigration simply serves as the most visible form of this 'threat' (Malik 1996). Specifically, understanding 'Britishness as a racial concept' (Malik 1996: 20), illustrates that non-white immigration could be identified as the as the most visible articulation of this threat to the nation. Portraying immigrants as a threat to the nation positioned immigration control as one of the fundamental strategies of crisis management.

In *The Empire Strikes Back* (1982) Solomos, Findlay, Jones and Gilroy analyse this crisis and the ways in which political discourse developed to tackle the onslaught of new 'enemies'. The state found itself presented by 'revolutionists' which began to expose a crisis in hegemony. It is the state response to this 'threat' that set the political tone of the 1970s:

> During this period, transformations in the form of state power were secured through a political discourse which emphasised the drift of British society into 'violence' and 'disorder' as a way of securing and reordering the relative balance between ideological and repressive roles of the state (Solomos et al 1982: 25).

This drift illustrates the manipulation of political discourse to justify the strengthening of repressive state apparatus. This strengthening of state apparatus took the form of developments in the role of the police as well as the roles of industrial relations, social welfare and race relations (Solomos et al 1982: 25). These developments had transcended the 1960s through both the Conservative and Labour governments. Both administrations mobilised the popular fears around violence and disorder to gain popular support for an increase in repressive state policy.

The state's complicity in inciting a 'moral panic' around mugging during 1972-73 is indicative of this process. The criminalisation of black youth fuelled the

already volatile public response to black communities and enabled the state to justify the shift into what Hall has termed a 'Law and Order society' (Hall et al 1978, Hall 1980). It is the development of the states defining position to that of crisis manager that legitimated repressive responses to 'threats' to national stability. The ability to define who is or is not a threat (or to not have to ever give a concrete definition of the exact threat) opens up space for the government to legitimise their approach to various situations under the same banner of the 'protection of society'. Put simply, this process as seen throughout the 70s, involved the targeting of a specific group to legitimise the introduction of repressive legislation. This legislation could however, be extended and applied to any 'suspect' population.

2.2   Northern Ireland – Managing the crisis

The early 1970s can be seen as a watershed period in crisis control in the UK. Within the context of the economic crisis, the analysis must turn to the policing of the conflict in Northern Ireland, to ascertain whether the approach to an already well established 'threat', was appropriated into the crisis management strategy being orchestrated on the mainland.

As Hillyard (1987) points out, analysis of contemporary state responses, (at least those in the latter third of the 20th century) to Northern Ireland must be preceded by an understanding of the origins of the province. As a British province Northern Ireland was controlled by legislation unfamiliar to the mainland. The state claimed the conflict in Northern Ireland between Republicans and Loyalists required 'special powers'. The need for these exceptional powers legitimated the state's response to Northern Ireland outside the rule of law.

O'Dowd explains that these special powers have had a political motivation to maintain the Unionist state:

> Since it inception, the Unionist state has used repressive legislation
> specifically designed to suppress and contain the Nationalist aspirations of
> Catholics and, more specifically, Republicanism (O'Dowd et el 1980: 178).

The concern here must be with how British government's strategy in Northern Ireland developed as the crisis management strategies developed on the mainland. The increase in repressive policing in the six counties after 1969 suggests the convergence

between domestic policy and the British state's responses to the troubles in Northern Ireland. The increased repression of the Republican community must be analysed to ascertain to what extent this development can be seen within the larger shift in the early 1970s to a policy of crisis management.

Paddy Hillyard explains that the British government's strategy in Northern Ireland during the 1969-71 period involved a multi level approach which lead to the appearance of contradictory aims of 'reform and repression' (1987). The state professed a desire to tackle the discrimination experienced by the Catholic community which would involve the reform of the CJS and wider institutions. This goal sat very uncomfortably with the Catholic community's experiences of being policed by the British troops who had been deployed in 1969. The Army's desire to remain a neutral force in patrolling the troubles was very quickly undermined in policing the 1970 marching season (Waddington 1992). The experience of Army collusion with Unionist forces in the discriminatory policing of Catholic communities rapidly exposed the lack of commitment to tackle discrimination.

The role played by the British Army lead to an increase in IRA violence which culminated in the bombing campaign orchestrated from April to June 1971. It is at this point that the strategy articulated by the British state began to assume a coherent form. In August of 1971 there was a blanket ban on all marching and the imposition of a policy of internment. The policy of internment marked a shift away from the supposed desire to reform the institutional discrimination in the six counties. Paddy Hillyard explains why the policy of internment must be interpreted in this way:

> The main point to emphasise is that its (internment) use provided an example of the unfettered ministerial discretion and highlighted the political nature of the struggle. The state's involvement in suppressing political opposition was clear and unequivocal (Hillyard 1987: 284).

The treatment of those questioned under the internment policy as dangerous terrorists' regardless of their innocence (Boyle et al 1975: 57), is illustrative of the strategy of crisis management that justified the suppression of all political opponents. The dominant construction of terrorism mobilised constructions of irrationality regarding Irish Catholic resistance and this enabled the state to dismiss political opposition in encountered in the six counties. The construction of political opposition as terrorism reinforces the location of these people in opposition to authority. Political

opposition is undermined further and the rigid authority of the British government is given further legitimation.

However, internment became the antithesis of what it claimed to do in combating insurgency. In fact Farrell explains that 'internment had turned a campaign of pinpricks into an all-out war' (Farrell in Waddington 1992: 151). The continued repression of Catholic communities, of which internment was the most glaring expression, culminated in the violent reaction to a NICRA march in Derry on 30th January 1972. The reprehensible actions of the British forces on Bloody Sunday finally discredited the supposed neutrality of the British Army in Northern Ireland. Bloody Sunday stands as a watershed moment, signalling the failure of militarisation and the move toward legalistic means of control. O'Dowd explains this development:

> The need to reconstitute the very foundations of the state in terms of the 'British rule of law', and to justify every policy and action in terms of that law, began to gel in the consciousness of the Tory cabinet, as it had done some years earlier in the minds of some Labour ministers (O'Dowd et al 1980: 192).

Portraying the troubles in Northern Ireland as a law and order problem, illustrates the convergence of crisis management strategies in this period. The state's construction of the conflict aimed to discredit the political nature of the Republican movement. The British state portrayed the Republican struggle in Northern Ireland as an insurrectionary movement as apposed to a campaign for civil rights. Any critique of the state response was undermined by restricting the debate to 'the discussion of the most effective means of eradicating the [insurrectionary] behaviour' (Chibnall in O'Dowd 1980: 181). Again, the tactics of crisis management enabled counter-hegemonic discourse to be located outside 'reasonable' speech and resistance, peaceful or not, to be discredited as a dangerous threat. Portraying the 'troubles' as a law and order issue enabled the policing of Northern Ireland to be accommodated into the state's crisis management strategy

The Conservative government suspended Stormont in March 1972 promising to end internment and begin negotiations with the IRA. However, the truce with the IRA was short lived, as was the suspension of detention without trial. The strategy to end internment amounted to a move away from executive authority toward internment overseen by a judicial committee. The continuation of detention without trail set up a contradiction between the construction of the troubles in Northern Ireland as another

law and order problem, and the continuation of the 'extra-legal' provision of internment. This contradiction was explained by a different portrayal of detention without trial, as explained by Kevin Boyle:

> Under the new regime detention without trial was portrayed not as a weapon of government against readily identifiable enemies of the state, as it had been by the Unionists, but as a means of dealing with suspected terrorists who could not be dealt with adequately in the ordinary criminal courts (Boyle et al 1975: 59).

By constructing the Republican movement as 'extremist' terrorists, the reactionary political nature of the struggles could be discredited further. Moreover, the continuation of special powers need not sit in opposition to the law and order strategy, as it was simply a necessary extension of those powers. The 'irrationality' of extremist terrorism located them outside of the remit of ordinary law. Therefore the state continued to portray the conflict in Northern Ireland as one that must be dealt with by extra legal means.

Hall et al have summed up 1972 as being 'between these two terms: 'violence' and 'the law' (Hall et al 1978: 299). A coherent discourse of crisis management is constructed to tackle a violence that 'threatens, not this or that aspect of the social order, but the very foundations of social order itself' (Hall et al 1978: 300). It is this threat which unites the various threats from immigrants, black youth, Loyalist terrorism etc, into the larger single threat to the foundations of social order.

Hall adds that this violence is not constructed as strategic reactionary resistance, but portrayed as 'violence for which no rationale (even those we abhor) can be conceived; lunatic violence, irrational violence, violence for kicks – pointless and incomprehensible' (Hall et al 1978: 300). Portraying political opposition as irrational violence allows the state to dismiss dissent. This conversely gives legitimation to state violence in its responses to this opposition.

However, the tactics employed in 'managing' these crises have the adverse effect of leading to further and heightened crisis situations. Central to this movement from crisis to crisis is the construction of law, and not peace, as the binary opposite to violence. Whilst the use of law as the only response to violence moves the crisis forward, it has the effect of 'making it more legitimate for 'public opinion' to be actively recruited in an open and explicit fashion in favour of 'the strong state' (Hall et al 1978: 304). This strategy of crisis management and the legitimation for the

state's monopoly over violence contextualised the state response to the threat posed by various groups in 1972.

Aligning the state's response to various groups must been seen as part of the shift in focus from the 'enemy outside' to the 'enemy within'. In this way the approach to the mugging panic and the approach to Northern Ireland could be accommodated into a single strategy of managing the threat from within. The mobilisation of a coherent strategy gave further legitimation to state responses. Situating these policies within the law and order debate recruited the paradoxical popular support for an increasingly repressive state.

It is within the context of a state in crisis that the Heath government's approach to Northern Ireland must be analysed. The introduction of the Northern Ireland (Emergency Provisions) Act 1973 [EPA] to supersede the Special Powers legislation was part of the project of criminalising the struggles. This was done to enhance the capacity of law enforcement agencies, and undermine the political nature of the conflict. While special powers still existed to provide powers outside of the 'ordinary' law, the Act constructed the troubles as mere criminality and thus stressed the irrationality of the violence.

The Prevention of Terrorism Act 1974 [PTA] was introduced by the newly re-elected Wilson government as a response to the IRA bombing campaign on the mainland. The act served to extend further the powers granted in the EPA and more significantly to introduce these powers to mainland UK. The PTA was rushed through parliament in two days, with the obvious lack of parliamentary scrutiny justified due to the 'emergency situation'. The Act was passed with the assurance that the suspension of parliamentary scrutiny and judicial review, along with the act itself, were only temporary and would lapse as the emergency subsided.

The extension of police powers granted in the PTA was indicative of the development of repressive measures. Supporters of the Act argued that 'civil liberties must be sacrificed to deal with those suspected of terrorism' (Scorer et al 1985: 10). Noel Whitty explains the significance of the development in arrest powers:

> The PTA arrest power thus appeared to treat terrorism as criminal activity: however, the departure from permitting arrest only on reasonable suspicion of committing an offence represented a different approach in that the power was justified as necessary to permit the police to take *preventative* action (Whitty 2003: 133 his emphasis).

This extension of police powers could be seen as part of the criminalisation of the struggle. Whilst criminalisation should assume policing through a rigid adherence to the law, Hillyard has explained that 'Long established common law principles were reconstituted as 'technical rules' (Hillyard 1987: 285). The extension of police powers justified in terms of protecting society from terrorism, was in fact unnecessary as the police already had sufficient powers to combat the IRA. Tony Bunyan called upon the National Council for Civil Liberties' review of the act when explaining this apparently unnecessary extension:

> Police powers in practice are far wider than in theory....the new law (PTA 1974), therefore, legitimises and extends past abuses (NCCL in Bunyan 1976: 55).

The extension and specifically the legitimation of abuse was justified as part of the ongoing strategy to protect the community. The state line suggested that without the repressive measures the 'extremism' of terrorism could not be tackled effectively.

Constituting the Northern Ireland 'problem' as a law and order issue began to align state response in NI with the crisis management strategies employed on the mainland. Subsuming the response to the struggle in the six counties into the wider political discourse on crisis control was a distinct theme of this period:

> The thrust of Westminster policy between 1968 and 1974 was to install a local political arrangement which would reproduce in NI the ideological consensus which seemed to underpin British politics (O'Dowd et al 1980: 204).

The development of a coherent strategy of law and order management of the Northern Ireland conflict was secured by the Labour government of 1974.

The crisis situation was one widely accepted in popular discourse, but the manifestation of the crisis took several forms. Heath had fought his battle with the miners in 1972 and 1974, and the imposition of the three day week had brought the crisis into every home. The economic crisis which had brought the Heath government to its knees opened the way for Wilson's claims that Labour was the party which could effectively manage the workers and restore economic stability. However, the strategy for managing the crisis involved more than economic restoration schemes. Crucially, it entailed the control of all threats to the nation.

2.3   Controlling the 'threat' from within

The shift outlined above in the concern with the enemy outside the nation to the enemy within, provides the context for the policy initiatives introduced by the Labour government from 1974 to 1979. While concern with immigration did not disappear, there was a shift in focus away from new immigrants and onto the black community within Britain.

> The political language used still referred to 'immigrants', but by the mid-1970s the reference point was not only new arrivals but the black communities already settled in Britain (Solomos 1988: 43).

It is within this context that the Wilson government published the *Racial Discrimination* White Paper in September of 1975. This paper and the subsequent Race Relations Bill in 1976 supposedly aimed to tackle the discrimination experienced by the black community. It illustrated an apparent acceptance by central government that the black community were here to stay. However, despite the apparent move away from the polemical 'immigration = race' discourse of previous state strategy, the commitment to ending discrimination has been called into question:

> The lack of 'balance' between the strict immigration controls institutionalised between 1962 and 1971 and the Race Relations Acts of 1965, 1968 and 1976 highlights the dominance of the 'immigration-race' amalgam in official ideologies and policies. While successive governments have been able to impose controls on black immigration very effectively, they have shown little inclination to tackle the roots of racism in British society (Solomos 1988: 41).

The lack of commitment to tackling discrimination is symptomatic of the immigration – race amalgam. It is this synonymous relationship between immigration and race that continued to dominate state policy. For Sivanandan the Race Relations Bill 1976 did not attempt to tackle discrimination, instead it 'taught the white power structure to accept the blacks and it taught the blacks to accept the white power structure' (1976: 364).

The acceptance of racism instructed by the Race Relations Acts was born out of the understanding that the threat from immigration had not gone away. Instead the threat had morphed from the enemy outside to the enemy within. The black community settled in Britain continued to pose a threat to the nation. This

necessitated the continuation of racism which had been sanctioned by the state to enhance the control over black populations.

The Race Relations Bill fitted into the strategy of crisis management by continuing to control of black populations. Control was legitimated by constructing the policy as an attempt to tackle discrimination. The discrimination which enabled the exploitation of the black community was allowed to continue in the interest of capital. Or more appropriately the hierarchical structure of society which maintained the exploitation and control of black communities was not effectively tackled by the Race Relations Bill, because to do so would be to undermine the control of the enemy within.

The late seventies saw a rise of the far right and particularly a growth in the support for the National Front (NF). The role of the NF in the incitement and direct involvement in racist violence is well documented (Witte 1996, Phizacklea and Miles 1980, Solomos 2003). However, the involvement of the NF enabled official condemnation of racist violence to be restricted to 'far right' violence. Therefore the state did not tackle hegemonic racism in British society. The shift of reasonable speech was forced further to the right as Conservative and Labour MP's began to utilise racist discourse in an attempt to recover support lost to the NF (Thompson 1988). Solomos explains the strategic impetus behind a focus on far right violence as opposed to racism:

> In a political context the violence could be viewed as merely the work of a few, crazy political extremists ('the lunatic fringe'). Solutions would then be found in the legal system or in ordinary political debate and education (Solomos 1988: 48).

This construction of racist violence enabled the continued racism of British politics, whilst the solutions to the problem were entrenched in discourse of law and order management.

The complicity of the police in dealing with the NF extended as far as open support and protection offered to their marches and demonstrations. However, the police's collusion with, or at least lack of resistance to, NF violence is illustrative of more than police racism. It illustrates that state concerns with law and order were focussed on controlling those dissidents who threaten state hegemony. The NF was operating within the discursive space occupied by state racism and thus provided no

significant critique of the state responses to the black community. The only resistance to the NF came when their popularity began to grow to the point of co-opting support from mainstream politics. The NF was not subjected to the policing experienced by the black community or the Republican movement in Northern Ireland for example, because they did not pose a 'threat to the nation'. The focus on law and order is revealed as a state strategy to combat dissent.

The Labour government's (1974-79) focus on 'race relations' failed to move beyond the immigration – race amalgam. The 1978 local elections saw a new Conservative leader in Margaret Thatcher and a return to the notion that only strict immigration control could foster 'good race relations'. However, while Thatcher continued to operate within the discursive arena of immigration control, the message echoing from her campaign was that the control needed to be translated into a control of the black population already settled in the UK.

Chapter 3   1979–1997:   The Onslaught of The New Right

The eighteen years of Conservative government saw significant developments in British politics. The policy areas of immigration control and counter terrorism received significant emphasis and development under the New Right. The New Right emphasised its concern with rebuilding the nation and New Right policies were portrayed as the only viable strategy to rebuild Britain. This chapter contains a challenge to this interpretation of New Right politics during the Thatcher and Major era. The approach to immigration and counter-terrorism are analysed throughout the chapter but set against the backdrop of the wider state strategy of crisis management. The construction of the crisis will be scrutinised and state responses to political opposition will be interrogated. I will challenge the portrayal of dissent as a threat to the nation and scrutinise the New Right response to political opposition. The convergence of the focus of immigration and anti-terrorism policy in dealing with the 'threat' remains a concern throughout the chapter.

3.1   The first Thatcher term

Whilst the focus was undoubtedly on the enemy within, Thatcher to rallied popular support, and stole support back from the National Front, by mobilising fears around the 'hordes' of immigrants waiting at the gates. Thatcher mobilised the fears of an immigrant 'invasion' which had been so effectively deployed to justify the introduction of the 1971 Immigration Act. As Wilson had done, Thatcher realised that the 1971 Act had halted primary immigration, and hence the 'hordes' in her prophesy were dependants of those people already settled in the UK.

The 1971 Act had terminated the access to Britain for a labour force it no longer needed. The resistance to the arrival of dependants was part of a strategy to extinguish the threat posed by black communities. In a strategy that reeked of Powellism, Thatcher's approach to immigration was quickly outlined as a policy of inducing repatriation. Her policy sent the message to black communities that if they want a family life or wanted to live in peace away from police brutality and state racism, they should go home.

The policy of inducing repatriation was entwined with the continued harassment or control of the supposedly problematic black community. Thatcher's focus on immigration was inextricably linked to the further problematisation of black communities in the UK. Once the winter of discontent of 1978-79 had secured in the mind of voters that a change in government was needed, Thatcher quickly aligned herself with strategies of crisis management. These strategies focussed upon identifiable suspect populations who required control. Thatcher's policy initiatives continued to utilise, and develop the law and order discourse of crisis management that had been deployed by the Heath, Wilson and Callaghan governments before her.

The state response to the inner city riots of 1981 revealed the New Right approach to race relations and the understanding of, and official reaction to resistance. The effects Thatcher's economic policy could be felt by the beginning of 1981. Unemployment rose rapidly among working class youth (black and white), who found themselves among what Sivanandan has called the 'never-employed' (Sivanandan 1990). It was the common denominator of unemployment which brought groups together in a period of reactionary movements in April 1981.

The involvement of white youth is indicative of the seemingly hopeless plight the New Right offered to working class youth from all backgrounds. However, the specific reaction of the black community was born out of their experience of police brutality and harassment which had been indicative of the policing of the black community for some time. The further development of the discriminatory policing took impetus from the idea shared by the police that 'black people were disproportionately involved in street robbery' (Sim 1982: 58). The idea that there was an almost synonymous relationship between black communities and crime had been pushed by the police for over a decade before the confrontations which took place in April 1981

In response to this supposedly synonymous relationship the police launched Operation Swamp 81. Focused in Brixton, Operation Swamp 81 took the harassment of black youths to breaking point. The eventual clashes among youths and police saw the breakdown among black and white youths in their willingness to withstand state authored repression. However, it was the black youth's experience of both economic desperation and police harassment that lead them to provide the catalyst for an outburst in resistance to repression.

The New Right's response to the riots conformed to the well practiced line on dissent. Unemployment and racism were denied as factors and the events were perceived as pure criminality. However, race was continually portrayed as a causal factor of these criminal acts. The hegemonic interpretation of the events transcended police, media and government accounts. The riots were seen as 'racial', but the racism of the police or the state was not to blame. The racial element was admitted but only through an interpretation of the riots as being indicative of the link between black communities, black youth in particular, and criminality and violence.

> Through this process of identification of the riots with a specific section of society common sense images of 'black youth' as a danger to social stability and order, as 'enemy within', were given further credence and political legitimacy (Solomos 1988: 46).

The Scarman report was commissioned as the official response to the riots. Scarman, a white, seventy year old Lord and judge set about to identify why the riots had taken place. The report was welcomed by police, media and government alike. Scarman gave legitimacy to official responses to the riots by denying the existence of institutional racism. While offering enough depth to enable official claims of an enquiry, the report exonerated the police and put down the experience of harassment and brutal policing as a result of individual divergence in an otherwise non-discriminatory police force.

Scarman relieved the police and the state from any blame and went as far as to depict institutional racism as 'a matter of black perception' (Sivanandan 1990: 95). The reports gave legitimacy to the state's response and reinforced the construction of the clashes as yet another signifier of the demise of law and order. By constructing the riots as clashes between unruly black youths and police, the events were interpreted as illustrative of the need for strengthening the repressive law and order strategy. Indeed, the New Right responded by strengthening the police.

The debate around race remained central to the portrayal of the crisis situation and the necessity of the state's strategy. Despite the shift in focus from an enemy outside to an enemy within, the New Right continued to maintain the idea that good race relations were only secured through strict immigration control. Therefore, the extension of law was projected as vital to controlling the conflict. Immigration control

never left the agenda however, as controlling the size of the black population remained a key component in the management of the 'threat'.

The continued emphasis upon policing served to sanction the previous brutal attacks on black communities. The riots were constructed as indicative of the violence inherent among black youth. This construction of black youth could be quickly accommodated into the continuing obsession with the maintenance of law and order. The strengthening of law was projected as the only viable strategy to control the threat posed to the nation. As Solomos states:

> 'Law and order' and a central issue, the perceived threat of street violence to the English 'way of life' and the alleged links between with 'black youth' highlighted the symbolic evocation of the re-establishment of order as the main concern of official language during this period (Solomos in Witte 1996: 61).

The ever expanding authoritarianism of the New Right placed a growing emphasis upon repression which in turn became its legitimating feature. Sivanandan has noted that the police have moved within this Thatcherite project from 'accountability to legitimation' (1986: 151). The police stand as the 'the thick end of the authoritarian wedge' (Sivanandan 1986: 151), and hence in line with the state's development in its increased repressive role. The police are no longer accountable to the people and only in need of legitimation provided by the state.

3.2   The New Right, Nationalism and the threat to the nation

The New Right accommodated far right ideas into popular politics. Accommodation of these ideas relied upon their mobilisation and manipulation of a popular nationalism. This championing of a far right sense of British Nationalism underpinned much of the Thatcherite project and enabled the maintenance of the New Right's popular appeal. This nationalism underpinned the crisis management strategies by portraying opposition to the state as a threat to nation. Neil MacMaster explained how 'Thatcherism was extremely successful in translating an authoritarian and xenophobic nationalism into the form of a 'common sense' racism' (MacMaster 2001: 197). By portraying black resistance as a not only a threat to social order but as a threat to nation, the New Right gave added legitimation to popular racism.

The fusion of old conservative values and neo-liberal polices enabled the Thatcherite venture to mould the anti-immigrant sentiment on the ground level to further the crisis management project. Enhancement of popular racism could then be mobilised to justify the repressive approach to those groups who supposedly posed a threat to the 'British way of life'. This collective of 'anti-British' dissidents could include the black community and anti-racists as well as, the miners, socialists, Republicans and any other group who could be constructed as a threat not only to the law but to the British way of life.

It is through this discursive construction of the 'threat' that the importance of race to the New Right crisis management strategy becomes clear. However, while race remained central, the discursive construction of an alien threat could be applied to the New Right policy in Northern Ireland. As well as continuing the dismissal of the political nature of the struggle, the Republican movement were portrayed as a threat to the very fabric of British society. In her address to the Conservative party conference in 1979 Thatcher outlined her views on those involved in the struggle against British oppression in Northern Ireland.

> Such men are not fighters, not soldiers, not an army and not fighting for freedom, they are fighting for chaos. They are self appointed murderers and torturers. That is the law of England. That is the law of Northern Ireland, it is the law of the Republic of Ireland. It is the law of all civilised countries, it is the law of nations and nature, and it is the law of God (Thatcher in O'Dowd 1980: 195).

Dismissing the political roots of the struggle and the criminalisation of the Republican movement were made all the more effective by the New Right's discursive construction of the threat to the nation. Not only was law being transgressed but the British way of life was threatened by a movement that was unnatural, uncivilised, and unholy, traits which were seen as absolutely un-British. It is this lack of 'Britishness' which had been used to illustrate the incompatibility of immigrant communities and was mobilised effectively through the ultra-Nationalist discourse of the New Right crisis management strategy.

The Nationality Bill introduced on January 1st 1983 demonstrated the centrality of race to the state's representation of the crisis. The Act served to align Britain's immigration and Nationality laws. However, Thompson explains that the Nationality Act contained much more than a simple administrative alignment process and mounted another attack on the black community:

> The purpose of the Act was to surround blacks with a maze of nationality definitions complex enough both for them to feel insecure about their status and for their harassers to have carte blanch to act against them (Thompson 1988: 75).

The effects this blurring of the boundaries between immigration and nationality policies reinforced the 'othering' process of racist immigration control and developed this to disturb the settlement status of the black community in the UK. This process further reinforced the construction of the black community as a foreign presence and confirmed their existence as a threat to the vision of Britain constructed through Thatcherite nationalism.

The effects New Right economic policy had upon rising unemployment began to further erode popular support for the Thatcher government. However, the response to the Argentinean invasion of the Falkland Isles in 1982 enabled the New Right to reaffirm the links between national strength and the state. Popular support for the government peaked during the Falklands war in climate of popular nationalism only a war can induce.

3.3   Thatcherism and the continuing authoritarian response

The Conservative government of the last Thatcher term portrayed Britain as a country under attack and the New Right response as the necessary means to tackle the ever diversifying threat. The construction of immigration and anti-terrorism as threats to the nation are interrogated in this section. New Right criminalisation of political opposition will be scrutinised. I will challenge the idea of a government concerned with the state of the nation and interrogate the development of exclusionary policy identified in the analysis above.

The 1983 general election demonstrated that the New Right crisis management strategies had proved more electable than Labour's alternatives. The Brighton bomb at the Conservative conference in 1984 brought the government in direct contact with IRA terrorism. The New Right resolutely declined any offers of strategic approaches to Northern Ireland suggested by the New Ireland Forum. The suggestions of a joint approach to the province between Britain and the Irish government were dismissed by the New Right as they continued to promote state support for the Unionist side of the conflict. The militarization of the response had ended in stalemate but any concessions to Nationalist, let alone Republican demands, remained unthinkable to the Thatcher government.

The 'emergency' Prevention of Terrorism legislation introduced in 1974 had been developed in 1976 and then renewed every year until 1982. Despite its original introduction as an emergency response, subsequent governments felt it necessary to maintain the counter-terrorist measures in non-emergency situations. Whilst the legislation had to be reviewed annually, the continual construction of the threats posed to the nation appeared to justify continuing the powers within the PTA.

In 1982 within the annual review of the PTA the Conservative government set up an investigation into the counter terrorism law to be chaired by Lord Jellicoe, a former Conservative minister. Jellico conducted his inquiry within the discursive arena operated by the New Right. Scorer criticised Jellicoe's inability to administer any real effective scrutiny as he set about his task without questioning 'the continuing need for legislation against terrorism' (Scorer 1985: 4). Unsurprisingly, Jellicoe recommended the continuation of the PTA. Also, the powers of arrest and detention were extended to deal with those suspected of involvement in international terrorism (Scorer 1985: 4). The government ignored the limited criticism made by Jellicoe and the response to his report involved a strengthening of the repressive powers of the PTA.

Speaking on behalf of the National Council of Civil Liberties, Scorer voiced her fears around the development of the PTA's approach to 'international terrorism':

> NCCL fears that new power could be used indiscriminately, or more systematically on the basis of colour or other prejudice (for example against Libyans or Middle Eastern Arabs), to detain people from overseas in order to obtain information. Refugees, foreign students, black tourists or supporters of liberation or solidarity groups could now face detention and harassment (Scorer 1985: 53).

The development of the PTA expanded its focus and swelled the supposedly 'suspect' populations that it sought to control. The expansion of the target group developed the PTA's focus and arguably shifted its initiatives to direct an extension of the racist policing of sections of the UK population already being sanctioned by the immigration legislation.

The expanded focus of the PTA needs to be seen within the development of anti-terrorism initiatives across Europe at this time. As early as 1971 there had been talks on the coordination of European policing to control terrorism. With Britain very much at the forefront, the Trevi group was formed by European Union member states in 1976. The Trevi group (Trevi as an acronym for terrorism, radicalism, extremism and violence), set about establishing a network of communication between police and security forces across Europe to control the 'threat' posed to the continent by international terrorism. With Britain as a key member of Trevi, the internal policy of the PTA was expanded to focus on international terrorism.

3.4   The miners as 'threat to the nation'

The failure of the military response to the troubles and the development of support for the Republican movement, lead the British government to rethink their dismissal of alternative strategies.

> The British government began to understand, after seeing Sinn Fein's electoral success in the early 1980s, that a thorough policy reversal was required if they were to avoid turning the nationalist populations, North and South, over to the republican movement (Farren and Mulvihill, 2000: 132).

It was this fear of the rise in the Republican support across Ireland which drew Thatcher to Hillsborough Castle to sign the Anglo-Irish Agreement in 1985. The Agreement included the British government's acceptance that a united Ireland was a possibility if the idea received majority support in the province.

The sense of betrayal felt among much of the Unionist community arose from the announced possibility of a united Ireland, and the acceptance of involvement of the Irish government in the affairs of the six counties. The supposed goal of restoring

peace and reconciliation was exposed quickly as a failure. Both republican and loyalist violence continued into the later half of the decade. The British government's motivation for signing the agreement was to increase security. Whilst there appears to have been a shift in the method chosen to achieve that security, 'peace' remained part of the drive to preserve security on the mainland. Hillyard has noted that the changes to the repression of Catholic communities were minimal if at all noticeable (1987: 303). What Hillyard did notice in the period after the signing of the agreement was the development of repressive practices from the province to the mainland

> The methods and strategies for dealing with the high level of political violence in Northern Ireland are increasingly being introduced into policing and the administration of justice on the mainland (Hillyard 1987: 304).

It is crucial here to disassociate the position formulated here from that of Waddington (1992) who perceives Northern Ireland as a 'laboratory' for the testing of repressive powers before introducing them onto the mainland. As Hillyard (1987) notes, this position infers some premeditated use of special powers with the forethought to try those successful in the UK. Instead, the connection and development is explained by Hillyard in terms of a shift from the policing of crime to the policing of people. It is this strategy which had been developed in the six counties in the repressive policing of the Catholic community and Hillyard makes the connection with this style of policing and the policing of the black community (1987: 306).

The inner city disturbances of 1985 ensured concerns for security remained at the forefront of political debate. The New Right's criminalisation of the social struggle of the black community was done most effectively in the constructions of the riots of 1985. The portrayal of those members of the black community who were 'responsible' for the riots as criminal, built upon and secured the idea of black youth as an enemy within.

> This led to the notion of the riots being not social phenomena to be dealt with by social and socioeconomic policies, but 'pure crimes' which had to be confronted only by (tougher and more advanced) policing measures (Solomos 2003: 69).

The New Right's criminalisation of the black community continued apace. The rebellion of black youth against the socioeconomic deprivation was portrayed as simple criminality, (as had been done in 1981). There was no Scarman type inquiry in 1985 as the state's response to such 'anti-social disorder' was increased and strengthened policing of these 'problematic' communities. The police harassment and brutality that once again ignited the disturbances was again left unquestioned.

An increased focus on law and order was projected as the only viable crisis management strategy. The development of repressive policing in mainland UK was given a significant boost with the passing of The Police and Criminal Evidence Act 1984 (PACE). PACE developed a range of police powers including new rules for the treatment of suspects and an extension of stop and search powers. While PACE did not extend police powers as far as the Special powers in Northern Ireland, its introduction can be seen as part of the process of the policing on the mainland moving toward a model developed in the six counties. The policing of the miners in 1984-85 had illustrated the effective application of policing techniques developed in Northern Ireland.

The 'management' of the coal dispute involved the continued dual attack of repressive policing and a discursive construction of the opposition to state policy (in this case the miners and the unions) as irrational, anti-social and a threat to national stability. The miners were seen as yet another example of the enemy within and the strike was 'moulded together with acts of terrorism' (Scraton 1985: 162). The miners were portrayed by Thatcher in the same way that the Republican movement and the rioting working class youth in the inner cities had been. Scraton explained that:

> Her (Thatcher) generalisation of picket-line violence was symptomatic of something far more sinister: the subversion of democracy and the destruction of the rule of law (Scraton 1985:162).

The justification for the enhanced repression of policing and the law itself came from the construction of any threat to the legitimacy of the state effectively constructed as the enemy within. The miners were 'the threat' in the same way that black youth and Irish republicans were groups in need of control. This control had to extend beyond regular policing practices to effectively protect the nation. Therefore the crisis was used to justify extra powers in ways that had been developed in the response to Northern Ireland.

3.5 The Last Thatcher term.

The continued focus upon the threat to the nation appeared to convince the electorate that the New Right would provide the best protection from this threat. The 1987 Conservative General Election manifesto outlined the crisis management strategy which reaffirmed the need to control those deviant populations. The rise in crime was explained in terms of the root causes:

> The origins of crime lie deep in society: in families where parents do not support or control their children; in schools where discipline is poor; and in the wider world where violence is glamorised and traditional values are under attack (The Conservative Party 1987).

The solution to this problem was cited as a continuation and enhanced strengthening of the police force. The continuation of the coordinated approach between immigration and race relations is outlined under the heading of 'Fighting Crime'. This illustrates that the Thatcher government continued to portray the idea of a synonymous relationship between immigration and race relations. Moreover, this approach inferred a direct relationship between immigrant communities and crime.

The focus upon immigration must be seen within the developments in Europe and most poignantly through Britain's membership of the Trevi group. The role of the group and its focus on 'security' developed throughout the 1980s. By 1987 the focus of the group had 'expanded to include all the 'policing and security aspects of free movement', including immigration, visas, asylum-seekers and border controls' (Bunyan 1991: 20). This development and apparent dual purpose of the group (focussing upon counter-terrorism and border control) was indicative of the link suggested between immigration and terrorism. The Trevi group affirmed the need for border control within counter-terrorism initiatives. Not only were immigrants perceived to be dangerous criminals, they were now also seen as synonymous with the threat from international terrorism. The increase in immigration controls was thus given further justification as part of the strategy to combat the ever present 'threat' from international terrorism.

Tony Bunyan, the editor of the civil liberties network Statewatch, has noted that this development in Trevi's remit had the effect of demonising not only

immigrants 'at the gates' but also those 'immigrant communities' already settled in the UK.

> As a result what started off in 1976 as a means of constructing a hard 'outer shell' – to stop terrorists and other 'undesirables' from entering the EC from outside – has now become one for imposing internal controls as well, not least over the settled 'immigrant' communities of the different European countries (Bunyan 1993: 21).

The Thatcher government in the UK adopted the stance of the Trevi group legitimating the ongoing demonisation of black communities. The 1987 Conservative manifesto continued the idea that strengthening immigration controls would help control settled communities:

> Firm but fair immigration controls are essential for harmonious and improving community relations. We will tighten the existing law to ensure that the control over settlement becomes even more effective (The Conservative Party 1987).

The government fulfilled this promise by the passing of the Immigration Act 1988. This act served to reinforce the 1971 act enhancing the powers of immigration officials to deal with 'on entry applications'. The act also served to illustrate the state's willingness to deal with the 'problems' facing Britain. The New Right made sure that race remained the key signifier of these problems, and control over the black community remained a visible example that the government was pro-active in tackling the crisis.

The raced identity of the 'enemy at the gates' was made explicit in the specific restrictions imposed by the 1988 Act. The act removed the right to the entry of dependants of those who settled before 1973 that was guaranteed in 1971 act. The distinction made between 'ancestral links' to the UK and family links through settlement expressed the racist intentions of the act:

> While we (the UK) opened our doors to welcome white immigrants and their families we were busy putting every possible restriction on the entry of non-white people and their families (Hope 2000: 2).

Race remained the key signifier of the crisis. The Thatcher government continued to justify repressive approaches to minority communities using the race-immigration

amalgam at the same time as continually presenting black communities as the enemy within.

Repressive counter terrorist measures were strengthened further through the introduction of the Prevention of Terrorism Act (Temporary Provisions) 1989. The Act criminalised the financial support of terrorism and gave the police the power to search bank accounts to detect support for paramilitary activity. The 1989 act marked a 15 year period in which the 'temporary' provisions of the PTA had been constantly renewed. The 'emergency situation' which had justified the introduction of the repressive PTA in 1974 had been maintained through the Thatcher era. This practice of portraying an emergency situation, in which repressive temporary powers are the only solution in such special circumstances, must be seen as a central tool of crisis management secured by the New Right.

3.6   Major and the Ever Present Threat

This section provides an analysis of the Major government's development and continuation of the New Right rhetoric throughout British politics. Dominant histories of the state under John Major portray a government responding to a changing international scene at the end of the Cold War. The dominant interpretation of Major's immigration polices portray them as responsive to a new influx of 'asylum-seekers' set free from Eastern Europe by the fall of the Berlin wall. I will challenge this view of the Major government's immigration policy and question the state's role in the demonisation of asylum-seekers. I will interrogate anti-terrorism measures and immigration policy introduced during a climate of polemical public reaction to refugee communities in the West. I will challenge the supposedly changing face of international terrorism in the post Cold War era and specifically after the establishment of the Northern Ireland peace process. I will determine to what extent the supposed changes in international terrorism lead to a convergence of immigration and anti-terrorism policy.

The collapse of the eastern bloc and eventual end of the Cold War brought massive changes in international politics. Thatcher lost the support of her party. She left a divided party and a country in recession to John Major. The end of the Cold War and

had an impact on the conflict in Northern Ireland. Sinn Fein claimed that Britain remained in the Northern Ireland as the province held strategic importance for Britain during the Cold War. But as Cox et al point out, the implosion of the USSR began to further dismantle Sinn Fein's explanation of the British presence. This therefore began to challenge Sinn Fein's justifications for the continued armed struggle:

> After all, with no Soviet Union, there could be no Soviet threat; and this inevitably left Sinn Fein in desperate need of a new argument to explain both the British presence and why force was needed to remove it (Cox 2000: 253).

The aggressive British presence which justified the Republican struggle was being deconstructed through the apparent neutrality of the British government. The British government began to deny any strategic interest in Northern Ireland and build upon the declared support for whatever democratic decision the people of the province made. This apparent concession to neutrality by the British government enabled a move away from the military strategy that had ended in stalemate. The desire to portray itself as the neutral 'peacemaker' enabled the British government to further discredit the Republican armed struggle, and give added incentive for Sinn Fein to become more open to talks with other factions of the nationalist movement, notably the SDLP.

Despite Britain's apparent withdrawal into neutrality, the armed conflict continued into the early 1990s. This continued threat of violence and the ongoing dialogue between John Hume of the SDLP and Gerry Adams of Sinn Fein 'galvanised' the Irish and British governments in action (Morrow 1996: 27). The result of this action was the signing of the Downing Street Declaration in 1993 and the subsequent ceasefire in 1994.

3.7   From reds and blacks to a non-colour specific threat waiting at the gates.

The end of the Cold War dismantled the old enemy in the USSR but as the threat posed by Communism faded, in its place a new enemy, the asylum-seeker was created. The break-up of the Eastern bloc gave rise to a widespread panic around asylum-seekers in Western Europe, and the breakdown of the former Yugoslavia fuelled the panic that rapidly consumed immigration debates. This was underwritten

by the dominant image, supported by the state, of hordes of immigrants waiting at the gates.

The collapse of the iron curtain was portrayed as an opening of floodgates, and the demonisation of people fleeing persecution was accommodated into already well established anti-immigration discourse. Liz Fekete explained that in the post-Cold War era the enemy 'is not so much ideology as poverty' (Fekete 2001: 1). Fekete and Webber further reinforce this point as they note the 'shifting in the post Cold War period, of Western Europe's security concerns from the external Soviet 'threat' to the 'terrorist' threat within (Fekete and Webber 1994: 1). The groundwork had already been laid by the Trevi group in connecting the threat of terrorism within the 'threat' of immigration.

This new enemy, whilst united in their poverty were also united in their foreignness, and this enabled them to be aligned with the well established enemy which had been 'threatening' the west for decades. However Fekete argues that it is not sufficient to suggest the panic around asylum-seekers which began in the early 1990s entailed a simple continuation of the anti-immigrant and racist sentiment of the previous decades:

> It is a racism, that is, that cannot be colour-coded, directed as it is at poor whites as well, and is therefore passed off as xenophobia, a "natural" fear of strangers. But in the way that it denigrates and reifies people before segregating and/or expelling them, it is a xenophobia that bears all the marks of the old racism. It is racism in substance, but "xeno" in form. It is a racism that is meted out to impoverished strangers even if they are white. It is xeno-racism (Fekete 2001: 24).

It was from within a culture of state supported xeno-racism that the Asylum and Immigration Appeals Act 1993 was drafted. The Major government responded to the new threat by limiting the number of refugees able to claim sanctuary in the UK. Central to the demonisation of asylum seekers was the questioning of the validity of appeals for refugee status. The construction of a binary opposition between Asylum seekers and economic migrants dominated the debate around the provision of asylum. However, asylum-seekers were intentionally confused with the negative view of 'economic migrants' whose sole reason for entry was supposedly to place a strain on the already fragile British economy. It is this 'confusion' between those migrants who

seek economic gain and those who are fleeing persecution which lead to the portrayal of all asylum-seekers as bogus.

As the persecution those displaced people experienced was continually ignored or dismissed, the dominant image of asylum-seekers became one of bogus claimants. It was within this climate of suspicion around asylum seekers that the 1993 Act was introduced. The act therefore served to limit the threat to the nation posed by the hordes at the gates in a similar way as the 1971 Immigration Act had done. The dehumanisation of asylum-seekers as 'hordes' and 'swarms' waiting at the gates 'resonated with the past' (Fekete 2001: 28). It categorised another 'suspect' population who posed a threat to the nation using the same racist discourse that had constructed black migrants as the enemy (outside and within).

MacMaster noted that 'official rhetoric presents immigrants, refugees and asylum-seekers as 'illegal', 'bogus' and potentially 'criminal' (2001: 201). The criminalisation of asylum-seekers emanated from official discourse in this period and rapidly secured the hegemonic construction of refugees as a criminal threat. The threat from outside was quickly associated with the threat from within and the suspicion focused on asylum-seekers, enhanced the demonisation of the black and ethnic minority communities in the UK.

Gareth Peirce, a civil rights layer who has defended refugees, noted that during this period 'that the perpetual fear in the Irish community is beginning to be replicated in refugee communities' (Peirce in Fekete 2001: 96). What Peirce notes is a shift or development in focus onto refugee communities. This development entailed the demonisation and criminalisation of a whole community, in the same way that Irish communities had been constructed as 'suspect'. Again, the construction of refugees as suspect harks back to the links between asylum-seekers and terrorism established across Europe by the initiatives of the Trevi group.

Asylum and Immigration Act 1996 demonstrated the state's goal to further limit the access of asylum seekers to the UK. The act withdrew the right to benefits for any persons claiming asylum after entry. It is only through the construction of asylum-seekers as bogus, that such an inhumane state response could be justified. The purposeful confusion created around the false binary between 'economic migrants' and asylum-seekers was reinforced by the 'white list' of countries defined by the act to pose no risk of persecution to its population. A country's placement on the white

list therefore meant that its population could not claim asylum in the UK and were only able to apply through an accelerated appeals procedure.

The concept of a white list of 'safe countries' fitted in with the racist construction of asylum-seekers, and enabled the continual suspicion aimed at 'legitimate' refugees. Fekete has explained this approach to asylum-seekers as indicative of 'the shape of welfare to come' in that it 'shifts the balance in the state apparatus from welfare to authoritarianism' (1997: 16). This shift was visible across Europe as a 'fortress' was constructed to keep out these hordes of criminals waiting to sap the resources of the west and threaten the very basis of social order. It is the shift from welfare to authoritarianism which is most important in this period as it is illustrative of the development in the New Right's racist immigration policy.

> This shift is justified in terms of the ideas of social Darwinism (survival of the fittest), of the New Right (cultures of dependency) and of protectionism (national preference). And from these three strands a new racism is being forged, a racism built on exclusion and economic expediency (Fekete 1997: 16).

It is also through this xeno-racism that anti-terror policies were given continued legitimation despite the developing peace process in Northern Ireland. The IRA ceasefire of 1994 did not bring an end to the 'emergency' powers of the PTA. Instead this repressive legislation was expanded due to the continuation of the construction of the synonymous relationship between asylum-seekers and terrorism. These suspect communities were constructed (not least by the continued Europe wide initiatives established by Trevi), as requiring the same repressive policing as had been inflicted upon the Irish, and specifically Republican community. Therefore the continued panic around asylum-seekers gave impetus to the continuation and extension of repressive immigration and anti-terror policies.

Chapter 4   1997 – 2001:   New Labour, New Policies, 'New' Threat?

In this chapter I will analyse the approach to immigration and anti-terrorism of New Labour from 1997-2001. Blair and his New Labour politicians present themselves as a brand new party with brand new policies However, I will challenge the idea that the Blair government did anything more than refine and develop the repressive immigration and anti-terrorism polices introduced by the New Right. I will outline the initial response of the New Labour government to the events of 2001. I will interrogate the state response to the inner-city disturbances in April of 2001 to determine whether New Labour have made a departure from the New Right's strategy to manage inter-racial conflict. I will also analyse the initial state reaction to the attacks on the World Trade Centre in New York on 11th September 2001. The reaction to these events is crucial in illustrating the New Labour's crisis management strategy. I will challenge the view that New Labour have provided a fundamentally different construction of both the threats posed by immigration and terrorism and the necessary responses.

4.1   New Labour and old immigration policy

Immigration policy was given only limited attention in New Labour's 1997 manifesto. The concern appeared to lie with a speeding up the outdated and slow system to process asylum claims. There was no real critique made of the system's discriminatory practice or promises to change the practices developed by the New Right. It was only the speed of process and individual corruption that raised concern:

> We will ensure swift and fair decisions on whether someone can stay or go, control unscrupulous immigration advisors and crack down on the fraudulent use of birth certificates (The Labour Party 1997).

The concerns were restricted to bureaucracy and the human impact of these policies was ignored. Restricting the debate on immigration policy to bureaucratic concerns separates such policy and its human impact. It is this separation that allows racist immigration policy to be justified. New Labour continued to construct immigration policy as a purely bureaucratic task. There is no critique of the inhumane impact of New Right immigration policy as said policy is depersonalised by constructing it in

bureaucratic terms. This process of depersonalising policy as a 'bureaucratic-technical' task is outlined by Zygmunt Bauman in his analysis of the Holocaust (Bauman 1989: 189). Bauman explains how the inhumanity of state policy can be hidden behind bureaucracy. New Labour's initial approach to immigration policy hid the inhumanity of New Right policy.

In its first year the Labour government issued a White Paper on immigration to outline the review of the immigration system. The paper *Faster, Fairer, Firmer* responded to the concerns around the speed at which the system operated. The only admission of discrimination within the immigration system inherited by New Labour was however, blamed on 'unscrupulous immigration advisers' and individual corruption (as raised in the 1997 manifesto). The White Paper did not acknowledge the institutionalised racism of New Right immigration policy.

Evidence suggests that New Labour had no desire to make a radical break from the approach to immigration orchestrated by the Conservative government. The preoccupation with abuse of the asylum system remained the focus for immigration policy. The fairer, faster, firmer approach was dominated by the desire to be firm and fast.

> There is no doubt that large numbers of economic migrants are abusing the system by claming asylum. Modernising our controls and simplifying our procedures will help to tackle that problem (Straw 1998: 1).

Jack Straw's introduction to the White Paper illustrated that New Labour made no attempt to withdraw from the racist construction of the immigration 'problem' as defined by the New Right. The discursive construction of the threat to the nation utilised the same 'assumptions, language and arguments' that had been used by the previous administration (Solomos 2003: 71). The concern with speed aimed to quickly ascertain those asylum claims that conformed to the increasingly strict criteria, and to then enable the government to 'target resources on those seeking to evade control' (Straw 1998: 3). The *Fairer, Faster, Firmer* strategy appeared to dissolve the focus of the state approach to immigration into a three pronged strategy. However the overwhelming desire to be 'firmer' than their predecessors was quickly revealed. New Labour remained as preoccupied with directing immigration provisions toward control and removal, as the previous Conservative government.

4.2   New Labour and the new terrorist threat

New Labour outlined its approach to terrorism in the 1998, consultation paper *Legislation Against Terrorism* (LAT). This consultation process was originated to explore the supposedly developing climate of terrorism. The consultation paper responded to the inquiry set up by the Conservative government in 1995 to investigate the requirement for anti-terrorism legislation in the event of a lasting peace in Northern Ireland. The inquiry headed by Lord Lloyd of Berwick concluded that there was a need for the continued provision of counter terrorism measures to tackle the global threat from terrorism. New Labour outlined their acceptance of Lord Lloyd conclusions in the *Legislating Against Terrorism* (LAT) consultation paper:

> The Government is committed to changing the climate in which terrorists operate. It recognises that the threat from international terrorist groups (and to a lesser extent other groups within this country) means that permanent UK-wide counter-terrorist legislation will be necessary even when there is a lasting peace in Northern Ireland (LAT 1998: 1).

Understanding of the development in the 'climate of terrorism' illustrates New Labour's acceptance of the constructed threat from international terrorism that had been developed since the mid 1980s. The Lloyd report legitimated the continuation of repressive counter-terrorism powers. The Northern Ireland conflict had provided the justification for the establishment and continued renewal of repressive counter terrorist powers. However, as the peace process was established government turned its attention to the threat from international terrorism. This change in focus maintained the climate of fear needed to justify repressive crisis management strategies applied in the fight against terrorism.

Suspect population changed as the terrorist threat shifted. The threat from international terrorism was no longer a threat from the Irish, but from foreigners. The LAT consultation paper illustrated that New Labour would continue to construct a connection between the threat from terrorism and the threat from 'bogus' immigrants. For New Labour, the terrorist threat was global, and terrorist attacks were reminders 'that terrorists are no respecters of borders' (LAT 1998: 1). The lack of respect for borders supposedly exhibited by terrorists made direct links with the lack of respect for borders exhibited by illegal immigrants. The terrorists' lack of appreciation for

national borders gave further legitimation to the strengthening of immigration controls as part of anti-terrorist policy. The inclusion of a section on 'Ports and border controls for counter-terrorist purposes' in the LAT paper emphasised the approach needed to tackle the coordinated threat from illegal immigration and terrorism.

The review of both legislative areas in 1998 illustrated that New Labour's construction of the threat posed by both immigration and terrorism, necessitated a coordinated approach to a target population. This approach demonised asylum seekers by constructing immigrant communities as suspect. New Labour continued to utilise an 'asylum – illegality – terrorism' amalgam to justify the convergent approach between immigration and anti-terrorism.

4.3   Legislating against the new threat

The 1999 Immigration and Asylum Act introduced a range of measures which had been outlined in the 1998 *Fairer Faster Firmer* consultation paper. The 1999 Act demonstrated New Labour's lack of regard for refugee status. The Act continued to dismantle welfare support for asylum-seekers and increased the practice of detention. Welfare support for asylum seekers was replaced by a new system of vouchers (and very limited 'token' amounts of cash) to be exchanged at designated supermarkets. This system further stigmatised and singled out asylum-seekers and illustrated the government's desire to prevent their effective integration. The apparent contradiction with the drive for integration resulted from the understanding of asylum-seekers as 'bogus'. If asylum seekers are all bogus they would not remain in the UK long enough for integration to be necessary. The new system ran the risk of leaving asylum seekers without support, and illustrated that the obsession with outing 'bogus' asylum seekers massively overwhelmed any humanitarian concerns.

The 1999 Act demonstrated that New Labour were to continue the New Rights' racist 'anti-asylum-seeker' approach to immigration. Bloch has concluded that:

> The Immigration and Asylum Act 1999 shows that the Labour government has continued with the dual strategy of their Conservative predecessors, of restricting entry to the UK and reducing social citizenship rights for asylum seekers (Bloch 2000: 41)

Reducing the social citizenship rights of asylum-seekers linked into suspicion levelled at refugee communities. The legitimacy of asylum claims was consistently questioned by government. Suspicion was heightened through the suggested links between asylum-seekers and terrorism contained within the consultation papers published in 1998.

Coordination between immigration policy and counter-terrorist measures resulted from the focus on the same 'suspect' population. Construction of the threat from international terrorism lurking at the borders gave added incentive to increased immigration control. The inclusion of significant focus upon border controls within consultation on counter-terrorism measures illustrate the physical connections made in state policy. The two areas of state policy converged to target the same 'immigrant' populations.

The Terrorism Act 2000 (TA 2000) introduced further measures to enhance the policing of asylum-seekers. The TA 2000 demonstrated the convergent focus of New Labour's immigration and anti-terrorism policy. The measures within the TA 2000 included:

> The proscription of twenty, predominantly Muslim, organisations and authorisation by the home secretary for immigration officials to discriminate against certain ethnic groups (including Albanians, Afghans, Chinese, Kurds, Roma, Somalis and Tamils) at the point of entry (Solomos 2003: 73).

The proscription of Muslim groups illustrated that the refugee and 'immigrant' communities were to be subjected to similar racist policing as the Republican community had been in Northern Ireland. Racist controls sanctioned by the home secretary are indicative of the coordination of immigration and anti-terrorism legislation both of which served to restrict the entry of asylum seekers.

The list of groups proscribed by the TA 2000 included several 'mainstream liberation organisations' (CARF 2001: 3). Defining liberation organisations as terrorist, or at least suspect, was part of the strategy to deny refugee status to whole swathes of people from 'undesirable' parts of the globe. CARF (the campaign against racism and fascism) noted that the proscription of such groups left many asylum seekers in an impossible situation:

'Its damned if you do; damned if you don't' – an asylum-seeker who claims support of membership of a listed group risks arrest, and one who disavows support for the groups will have the claims rejected on the grounds that he or shoe is not persecuted at home (CARF 2001: 3).

The TA 2000 added restrictive measures beyond the scope of immigration legislation by controlling asylum-seekers once within the UK. The Act stood as a break away from previous policy on terrorism by becoming the first permanent piece of anti-terrorism legislation. This illustrated New Labour's wholehearted acceptance of Lord Lloyd's report, and its insistence on the viability and necessity of such a strategy.

The repressive controls included in New Labour policy were justified through both the immigration/asylum control discourse and the supposed need for increased anti-terrorism control. For example:

> Kurds, Tamils and others are hit from both sides, treated as a threat both to immigration controls and to national security (with its peculiarly broad definition) (CARF 2001: 4).

Criminalisation of several liberation struggles had the effect of illustrating the support of the British state for several tyrannical regimes. The economic interests of the British state, regarding a host of countries with horrific human rights records, could be maintained by criminalising any opposition to these regimes (Peirce in Fekete 2001).

The government's supposed concern for controlling 'terrorist groups' has been further undermined by CARF. They have cited the example of the Kurds as indicative of the government's concern lying with asylum control as opposed to controlling the terrorist threat:

> But so far as the Kurds are concerned, the timing of the terrorist ban is strange, since the PKK has held a ceasefire for two years. This suggests that the government's motivation has more to do with showing the electorate that labour can be 'tough on asylum' than by any real terrorist threat (CARF 2001: 4).

CARF illustrates that several of the measures introduced in the TA 2000 served to enhance the racist immigration controls set out in the 1999 Immigration and Asylum Act. The alignment of the target populations for both immigration and anti-terror

policies served to further criminalise the refugee and 'immigrant' communities in the UK.

Whilst those targeted by the 2000 PTA all shared the common status as refugee groups, Peirce has noted that 'what all these people shared was that they were regarded by the British state as 'devout Muslims' and, by extension, as 'Islamic fundamentalists' (Peirce in Fekete 2001: 97). Peirce has explained that the idea of fundamentalists began to be used 'in an extremely racist and pejorative way and as though it were interchangeable with terrorism' (Peirce in Fekete 2001: 97). The criminalisation of various Muslim groups suggested a relationship between Islam and terrorism which had the effect of demonising the larger Muslim community in the UK. Immigration lawyer Frances Webber has explained that this specific focus of anti-terrorism policy 'has been justified by an anti-Muslim and (in Europe) anti-immigrant racism, which suggests all Muslims are extremists and immigrant communities are backward' (Webber 2004: 155).

By the end of 2000 New Labour had installed legislation on immigration and anti-terrorism that both increased suspicion aimed at the immigrant community. The negative portrayal of asylum-seekers had been reinforced and the government's coordinated strategy in these areas. The construction of the Muslim-fundamentalism terrorism amalgam created a climate of suspicion around the whole Muslim community in the UK. The construction of the asylum seeker as predominantly Muslim, extended the demonisation of asylum seekers onto the wider Muslim community.

4.4   The threat manifests itself on a national and international scale.

In the summer of 2001 riots broke out in the north of England breaking a 16 year period of relative calm in Britain's inner cities. The rioting was focused in but not limited to Oldham, Burnley and Bradford, all former mill towns with large Asian populations. The official interpretation of the riots constructed the black and Asian communities as perpetrators of the violence as had been done in 1981 and 1985. However, in further comparison with 1981 and 1985, the actual experiences of the Asian community exposed the riots as the boiling point of a population no longer able to passively accommodate discrimination and harassment.

This harassment and discrimination was not only metered out by white racists but officially sanctioned by the discriminatory policing of Asian communities. CARF has identified that 'twenty years on black communities are still facing the same failures by the police and youths are still turning to violence' (CARF 2001: 1). The popular representation of the conflicts portrayed Asian youths pitched against the police. These interpretations failed to explain the police racism or that in one case the police response to rampaging white racists was to arrest Asians attempting to defend their community (Kundnani 2001: 3). The police brutality and the physical attacks by far right gangs, served as the final straw for communities of young Asians (most notably Pakistani and Bangladeshi) facing a desperate situation. Arun Kundnani of the IRR explained the origin of the riots as boiling point for a community who refused to accept this situation:

> The fires that burned across Lancashire and Yorkshire through the summer of 2001 signalled the rage of young Pakistanis and Bangladeshis of the second and third generations, deprived of futures, hemmed in on all sides by racism, failed by their own leaders and representatives and unwilling to stand by as, first fascists, and then police officers, invaded their streets (Kundnani 2001: 1).

Police racism was compounded by a failure to respond effectively to fascist violence. The discriminatory policing of racially motivated crime in these communities had almost led to a collapse of relations between Asian communities and the police. The failure to protect Asian communities and the disproportionate response to Asian criminality, exhibited that the institutionalised racism admitted in the Macpherson report, continued throughout the policing in these areas.

The role played by such institutionalised racism, was denied in the official responses to the riots, as was the ghettoisation of the most deprived communities in precisely the areas in which the violence erupted. The Home Secretary David Blunkett illustrated the government's unwillingness to offer any more than a reiteration of police accounts:

> The message must be unequivocal and unwavering: whatever the debate about alienation and disaffection, attacking the police, destroying the well-being of the local community and playing into the hands of organised groups will simply not be tolerated (Blunkett 2001: 663).

Official responses enabled the state racism and police racism to remain unchallenged. The riots were portrayed as evidence of the violence indicative in these communities. This official portrayal of Asian communities legitimated the racism that provoked the riots in the first place.

The response to the riots illustrated that the Blair government was to utilise the crisis management strategies employed his predecessors. A continuation of strategy explained by Kundnani:

> Just as Thatcher had wanted to see the riots under her regime only as outbreaks of criminality, not as the fractures produced by her own political programme, so too Blair spoke of 'thuggery', refusing to see in the riots the reflection of his own failed ambitions to tackle 'social exclusion' (Kundnani 2001: 6).

New Labour's construction of the riots and a simple law and order issue illustrated the perseverance of elements of crisis management strategy employed by the New Right. Official responses further isolated those communities by locating them on the opposing side of the binary between authority and its enemies.

The communities portrayed as responsible for the riots were predominantly Muslim. While state responses to the riots talked about 'Asian' youth, there was an understanding amongst commentators, official and otherwise, that these riots were further reflection of the threat posed by Muslim communities. The breakdown in social order was linked to Muslim culture and portrayed as illustrative of the incompatibility of Muslims in Britain. New Labour's responses to the riots served to further demonise the Muslim population. The government's unwillingness to accept any other causes of the riots served to reinforce the idea of a synonymous relationship between the Muslim community and violence.

4.5   September 11th and the Global threat from Islam.

While an analysis of the events of September 11th 2001 themselves fall outside the scope of this thesis, an analysis of the official reaction to them in Britain and on an international scale is in order to show how they became assimilated with other 'examples' of the Islamic 'threat'. When Parliament reconvened on 14th September, Tony Blair offered his initial response to the attacks on the World Trade Centres. In

the first official response to 9/11 the events were described as an attack on the 'entire civilised world'. Blair named the perpetrators of this attack as 'so-called Islamic fundamentalists' (Blair 2001: 604-5). Some effort was made to distinguish these fundamentalists from the larger Muslim population but the response suggested connections between terrorism, a lack of civilization and the Muslim faith. Blair's response made connections made between the terrorist attacks and Islam. This served to demonise the whole Muslim community on an national and international scale. Blair signed Britain up to the international response to this 'new terrorism', explaining that 'we need to rethink dramatically the scale and nature of the action that the world takes to combat terrorism' (Blair 2001: 604-5)). In response to 'the need for immediate and 'dramatic' responses' the government introduced the Anti-terrorism, Crime and Security Act 2001.

The reactions to the events of 9/11 and the riots earlier in 2001, suggested the Muslim community posed a violent threat from within. This threat was aligned with the Islamic identity of those refugee communities who posed the threat to national security. Therefore, the changes in immigration policy drafted in the Nationality, Immigration and Asylum Act 2002, must be analysed in unison with the developments in anti-terrorism measures, to ascertain to what extent the coordinated approach between these policy areas was continued and developed following the events of 2001. Most poignantly, the state's role in the demonisation of the Muslim community in the immediate aftermath of both the riots and 9/11 illustrates the need for a critical analysis of both pieces of legislation introduced at this time.

Chapter 5   Legislating Against Terrorism, Immigration and Asylum

This chapter provides an analysis of the Anti Terrorism, Crime and Security Act 2001 (ATCSA 2001) and the Nationality, Immigration and Asylum Act 2002 (NIA 2002). These two pieces of legislation will be analysed alongside each other to ascertain to what extent they continue the development of a coherent approach between these two supposedly separate areas of state policy. These pieces of legislation required analysis as they stand as the first legislative initiatives after the watershed period of 2001.

By the end of 2001 Britain had experienced the worst 'riots' in twenty years and the government had aligned Britain with the USA as part of the international response to the attacks in New York on September 11th 2001. This collective response was termed the 'War on Terror'. The Anti-Terrorism, Crime and Security Act 2001 was drafted as a rushed response to the events of September 11th and stood as New Labour's first initiative in the War on Terror. The government commissioned a review of the Act in 2002, which will be analysed to ascertain the criticisms offered from within official circles (Privy Counsellor Review Committee Report – chaired by Lord Newton and referred to here at the Newton Report). The lack of parliamentary scrutiny the Act received has lead to additional responses published by Liberty, Amnesty International, and The Campaign Against Criminalising Communities (CAMPACC). These responses will be analysed to determine what critiques have been offered from non-government funded sources.

The Nationality, Immigration and Asylum Act was introduced in 2002 as the first New Labour immigration policy initiative after the events of 9/11 and the riots of 2001. The Act followed a consultation period, and included the realisation of a range of measures outlined in the 2002 White Paper *Secure Borders, Safe Havens*. I will draw upon this consultation paper and responses from outside government published by the Refugee Council and the Institute for Race Relations. The criminalisation of black, and specifically Muslim, communities and the generalisation of police powers, which have been identified as results of previous New Labour immigration and anti-terrorism policy, will remain a core concern within this analysis.

Immigration policy, and more recently anti-terror legislation, has mobilized and defined a racist construction of Englishness. This raises concerns about the role the ATCSA 2001 and the NIA 2002 play in constructing an exclusionary definition of

Englishness post 9/11. Both immigration and anti-terrorism policy have reinforced a hegemonic interpretation of Englishness against which foreign populations can be judged. The fundamental role of both of these pieces of legislation is to define and control a foreign presence. Immigration and anti-terrorism policy have both been used to portray certain foreign populations as a threat to Englishness. Therefore, the role these two pieces of legislation play in the construction of Englishness, must be carefully scrutinised to ascertain whether they serve to extend, and give further legitimation to, the xeno-racism identified in previous immigration and anti-terrorism legislation.

My primary concern here is to interrogate whether these pieces of legislation continue the coherent approach between immigration and anti-terror polices identified in previous policy. There is a need to identify the extent that these apparently separate areas of government policy are working toward the same goal; the national and international subjugation of Muslim populations.

5.1   Section 1 - The Anti-Terrorism, Crime and Security Act 2001

The Act was rushed through parliament in the immediate aftermath of 9/11 without any substantial parliamentary scrutiny. The Act sets out to 'make provisions about immigration and asylum' (ATCSA 2001 p.2) and thus indicates the significant overlap between anti-terrorism and immigration policy. Moreover, this illustrates that counter-terrorism measures involve refining control over foreign populations wishing to enter the country. From the outset there is a connection made between the threat from terrorism and the threat posed by immigration and asylum. Therefore the analysis will begin with scrutiny of Part 4 Immigration and Asylum.

Part 4 – Immigration and Asylum

The first subsection of Part 4 (21) details the 'certification of international terrorists'. Connections are made between the threat from terrorism and the threat posed by foreign populations. Focus upon the internationality of the threat directs concerns toward non-British populations. Within the first section the Special Immigration Appeals Commission is identified as the panel to make decisions on the status of

foreign terror suspects. The use of immigration legislation and immigration commissions illustrates that this section of the Act basically entails a development of immigration policy to combat the threat of international terrorism. Moreover, the convergence of immigration and anti-terrorism procedures indicates that the two areas of state policy are aimed at policing the same population. The immigrant and the terrorist are constructed as the same individuals.

The use of the same commission to consider both the status of a 'suspected international terrorist' within this Act, and an 'illegal immigrant' as part of immigration legislation (the Special Immigration Appeals Act 1997), suggests that both individuals pose a similar problem. Liberty has recognised that the use of the Special Immigration Appeals Commission is a 'totally inappropriate mechanism for those suspected of terrorism' (Liberty 2004: 42). The introduction of these measures illustrates that the government's approach to terrorism entails strengthening immigration controls.

The detention and/or deportation of suspected international terrorists, is made possible through the accommodation of the repressive policies of the Immigration Act 1971. However, in addition to the powers of the 1971 Act, the ATCSA 2001 enables the Home Secretary to detain a 'suspected international terrorist' for an indefinite period. Such a policy stands as a derogation of the right to liberty under article 5 of the European Convention of Human Rights (ECHR). The state's concern with policing terrorism and immigration transcends their commitment to the ECHR and subverts due process by withdrawing the right to liberty without the required legal procedures. The subversion of due process illustrates the continued 'special powers' of anti-terrorism legislation and invokes serious concerns around the possibility for repressive applications of these measures.

The introduction of indefinite detention signifies a return to the policy of internment used by the British government in Northern Ireland in the 1970s. The failure of internment in Northern Ireland to provide an effective measure to tackle terrorism, raises suspicion toward the motivation for its reestablishment. The policy of indefinite detention will arguably have no real deterrent effect against terrorism, and as in Northern Ireland, will serve as an indication of the repressive policing of a target population. The evidence from Northern Ireland suggests that the implementation of the right to imprison suspects indefinitely reinforces the detention of undesirable foreign nationals as opposed to a focused counter terrorism measure. Indeed the use of

internment in Northern Ireland illustrated that such a system served to exacerbate antagonisms as opposed to diffusing the conflict.

Part 4, subsection 33, details the approach to the Refugee Convention of 1951. The Refugee Convention is outlined to illustrate that the provision of asylum is conditional on the individual not being suspected of 'international terrorism'. The discretionary powers of those who grant asylum are reinforced and the lack of an objective asylum consideration process is highlighted. Asylum will be refused if 'the removal of the appellant from the United Kingdom would be conducive to the public good (ATCSA 2001, part 4, ss33, point 1b) thereby reinforcing the idea that asylum-seekers are a negative addition to the UK. This clause further legitimates deportation powers and suggests that deportation of refugees is a process conducive to the public good.

This construction of the 'threat' is ambiguous to say the least. There is a lack of explanation as to the specific threat posed by asylum seekers or by other supposedly suspect populations. This failure to give a solid definition of the threat on which anti-terrorist law is justified, raises the doubt as to a point of law. Moreover, the hollow definitions of the 'threat' will enable the measures included in this Act to be applied at the discretion of the state, despite the lack of evidence of a specific point of law. The criteria to be classed as a threat appears open to manipulation and could be used to target any population the state defines as 'undesirable'.

Asylum seekers are equated once again with terrorists and the removal of these individuals is seen as a positive process for the public of the UK. The clause opens up law to discretionary application by securing no levels of accountability beyond the limited (see below) appeals procedures. The lack of any specific criteria enables the forced removal of asylum-seekers as long as it can be argued to be 'conducive to public good'. The demonisation of asylum seekers and the Act's equation of asylum seekers and terrorism, enables the government to argue that the deportation of asylum seekers would be conducive to public good.

Point 4 of subsection 33 continues to discredit refugee status as it explains that:

> If the commission agrees with those statements it must dismiss such part of the asylum appeal as amounts to a claim for asylum (before considering any other aspect of the case) (ATCSA 2001 Pt 4 ss33 point 4).

This clause does two things: firstly, it illustrates that provision of terrorism measures overrides any other duty of the government (as illustrated by the derogation of the ECHR); and secondly it suggests that an inquiry into the applicants involvement in terrorism should be part of the consideration of asylum applications. This clause again forges the idea of a synonymous relationship between asylum-seekers and terrorism.

Subsection 34 cites an exclusion from the Refugee Convention due to the consideration of 'war criminals and national security' (ATCSA 2001, Part 4, ss34, point 1). Including these terms within what is a highly sensitive consideration of refugee legislation goes further to equate asylum-seekers with a threat to national security and an involvement in war crimes. This compounds the already established images of asylum seekers as a threat to the public good.

The final subsection of Part 4 'Destruction of fingerprints' outlines that the 'requirement to destroy fingerprints on resolution of asylum and immigration cases, shall cease to have effect' (ATCSA 2001, Part 4, ss36, point 1). This removal enables the retention of fingerprint evidence for those asylum seekers who have been granted leave to remain. The necessity to withhold information on every asylum-seeker appears to be born out of the idea that asylum seekers remain a suspect population, even if their claim for asylum is genuine. This clause reinforces the idea that all asylum claims are bogus and all asylum-seekers are linked in some way to international terrorism or at least criminality. Therefore, information must be held on all asylum-seekers to monitor the threat they pose from within the UK. This final section of arguably the most contentious section of the Act confirms the idea that an asylum-seeker will always pose a threat regardless of the outcome of the claim for asylum. Focussing this section on the threat posed by foreign populations confirms the long held suspicion of immigrants, and especially asylum-seekers. Part 4 of the anti-terrorism legislation is basically a modification, and continuation, of many of the repressive elements of previous immigration legislation. It is this section which confirms the link between asylum seekers and terrorism and gives added incentive to the demonisation of asylum-seekers. The suspicion levied at 'genuine' asylum-seekers suggests that it is the individuals who pose a risk to the UK not simply their bogus claim. While the focus upon the validity of claims in this section suggests it is the very character of 'asylum-seekers' as a homogenous group which poses a risk to public safety. This illustrates New Labour's racist construction of asylum seekers as

one homogenous group. Homogenising asylum seekers suggest all members of the refugee community pose the same risk regardless of the massive diversity among those people who seek asylum in the UK. This reinforces New Labour's notion that insecure asylum status that is a precursor to terrorism.

Part 5 - Race and Religion

The inclusion of a section on Race and Religion within anti-terrorist legislation makes a connection between race, religion and terrorism. Concerns with race and religion as part of the changing nature of 'international terrorism' follow on from the previous section which exacerbated the demonisation of foreign populations. Part 5 goes as far as to focus this demonisation of foreign populations and develops the separation of 'them and us' along the lines of race and religion. Widening this separation further defines the 'suspect' population without having to actually identify this group.

The focus upon racial conflict within this section (and arguably the very inclusion of this section within the Act) suggests the racialised and religious nature of the terrorist threat. The legislation implies that the threat posed by international terrorism is a threat posed by 'foreign' races and religions. The Newton report on the ATCSA 2001 expressed concerns that the inclusion of measures supposedly focused on tackling racism, and particularly islamophobia, within anti terrorist legislation was 'inappropriate' (Newton 2003: 70).

The measures in this section supposedly aimed at supporting the Muslim community have the adverse affect of suggesting a link between terrorism and Islam. The measures were included as a response to the victimisation of the Muslim community in the aftermath of 9/11. However, the construction of the threat from foreign races and religions, combined with the attention paid to Muslim communities, serves only to reinforce the link between Muslim communities and terrorism.

This Act was written within a climate of public aggression toward Muslim communities in the aftermath of 9/11. The popular construction of the attacks on the World Trade centre as crimes supposedly perpetrated in the name of Islam left the Muslim community vulnerable to further demonisation. The inclusion of Part 5 of the ATCSA 2001 serves to reinforce the climate of suspicion and hostility toward foreign races and religions. The focus upon 9/11 in this section makes explicit links between Islam and terrorism. Part 4 suggested that the threat from terrorism is posed from

foreign populations and Part 5 suggests that these people are 'foreign' due to their race and religion.

This section reinforces the idea that the new international terrorism is a terrorism driven by religion. The connections made between Islam and terrorism construct a terrorist movement that takes their impetus from Islamic doctrine. Islamic terrorism is constructed in opposition to Western modernity and secularism (Jenkins 2006: 1). However, the interpretation of acts of 'Islamic terrorism' in the popular press, and by government in this policy (the reaction to 9/11), fail to appreciate the alternate motivations of these groups. By portraying international terrorism as an Islamic phenomenon, the anti-imperialist and anti-colonial concerns of the 'terrorist' organisations can be ignored. The focus upon religion in this Act enables the British government to avoid having to accept the effect British foreign policy, and involvement in the advancement of Western capitalism and imperialism has, on driving people to terrorism. Constructing a synonymous relationship between religion and terrorism, or more specifically between Islam and terrorism, suggests this terrorism is lead by an irrational religious fundamentalism (Jenkins 2006). The irrationality of this terrorism gives racist and repressive anti-terrorism policy further legitimation.

The underlying theme of this section is to further refine the portrayed image of the terrorist. The terrorist is given a physical identity without the Act having to name the suspect population from which the threat emanates. This enables the legislation to build hegemony around an assumed 'enemy'. However, the lack of an identified target population allows the law to have a general application.

Part 9 – Aviation Security

The concern with Aviation Security makes further links to the attacks on the World Trade Centre on September 11th 2001. The obvious reaction to 9/11 serves to reinforce the popular idea that those attacks symbolised the new 'international terrorism'. This international terrorism has been constructed as a new Islamic terrorism. Therefore the obvious correlation between 9/11 and this anti-terrorism policy give legitimation to the popular polemical reactions to 9/11. In turn this indicates official approval of the demonisation of the Muslim community. The sections on immigration and race and religion, the ATCSA 2001 give official sanction to the notion that new 'international terrorism' is a new Islamic terrorism.

Part 10 – Police Powers

Expansion and strengthening of police powers within Part 10 is largely directed at enabling the police to identify, and therefore survey, suspected terrorists. Measures implemented here have the effect of amassing information to enable the constant policing and surveillance of suspect groups. The concentration upon asylum seekers and wider Muslim community, illustrates the overlap between immigration and anti-terrorism policy. This convergent focus suggests these two areas of government policy are focusing on the same individuals

The power of the police to search suspects to gain knowledge of their identity, indicates the reapplication of stop and search powers that proved so controversial in the past. The powers include photographing suspects without the need for consent. This enables further powers to collect information on suspected terrorists, and the retention of fingerprint records, enables the collection of information regardless of any conviction. Suspicion of involvement in an act of terrorism is sufficient to allow police to keep a permanent record of an individual's data. Therefore, this section increases the level of surveillance over an individual deemed to be a 'suspected international terrorist'. The criteria to be categorised as a 'suspected international terrorist' is open to some interpretation and these new police powers enable increased surveillance over any supposedly suspect group.

The new powers enable 'the removal of disguises' (section 94). This gives power for a constable to:

> Require the removal of any item which the constable reasonably believes that person is wearing wholly or mainly for the purpose of concealing their identity (ATCSA 2001, Part 10, ss94, point 2).

The ability for the constable to decide which item is being worn simply to conceal their identity raises serious concerns when considered in relation to the targeting of the Muslim community. Such a measure gives police officers power to neglect the religious and cultural importance of a whole range of items which may be 'reasonably' seen to be worn to conceal identity.

There are further provisions to enhance the stop and search powers available to the police. Section 96 gives such powers justification in 'anticipation of violence' (section 96). These measures appear to give legitimation to a return to the 'sus' style of over-policing experienced by young Afro-Caribbean males in the early 1980s. The

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stop and search powers granted in this Act appear to give sanction to a style of policing seen in Operation Swamp 81. It would be reasonable to suggest that the Muslim community could become victim to similar repressive policing experienced by black communities in the early 1980s. In the context of the Macpherson report and the acknowledgement of institutionalised racism within the police, the measures within this section have the effect of giving justifications to a return to openly racist policing. The Act's focus on the Muslim community gives the police legitimation to mobilize powers against 'Asian' or 'Muslim' populations.

Part 13 Miscellaneous

Section 117 of Part 13 makes it an offence to fail to provide information on acts of terrorism. CAMPACC raise serious concerns about the vagueness of the definition of terrorist acts given and the ability of such a provision to be misused by the police. They conclude that such an offence could be used as a 'tool to create a permanent state of paranoia in minority communities' (CAMPACC 2002: 7). The ability for the wide application of these powers forces people to comply with the police despite the breadth of interpretation possible. These powers could be used to further demonise and control the Muslim community through effectively giving state sanction to a return to racist and targeted policing techniques.

Liberty has noted that the ATCSA 2001 serves as an extension of the UK's anti-terror policies which had previously stood as the 'most rigorous in Europe' (JHCR in Liberty 2004: 35). The legislation builds upon measures that had already been in place and that were arguably more than sufficient to deal with the terrorist threat. The motive for many of the measures included within the ATCSA is to develop the repressive policing of immigration. Asylum-seekers are constructed throughout the act as a suspect population with a synonymous relationship with terrorism. The Act serves to enhance the powers available to the police and immigration officials to control those people seeking asylum in the UK.

5.2   Section 2 - The Nationality, Immigration and Asylum Act 2002

The purpose of the Act is to:

> make provision about nationality, immigration and asylum; to create offences
> in connection with international traffic in prostitution; to make provision about
> international projects connected with migration; and for connected purposes
> (NIA 2002: 2).

The concern to stop the trafficking of persons for the purpose of prostitution appears to illustrate that the Act is focussed upon humanitarian concerns. However, in addition, the coordination with international projects connected to migration, suggests an alternative focus. This coordination with international projects concerned with immigration speaks to an allegiance with, and support for, the 'War on Terror'. The ATCSA 2001 stands as Britain's domestic response to the 'War on Terror'. The focus upon immigration within the ATCSA 2001 illustrates that the 'War on Terror' is 'an international project connected to migration'. Therefore, the correlation between anti-terror and immigration policies is outlined from the outset of the NIA 2002 and the collusion with the ATCSA 2001 is suggested from page one.

The analysis here will interrogate the legislation to ascertain whether the focus lies in humanitarian intervention and the provision of asylum, or whether the Act provides further immigration measures to enhance counter-terrorism policy.

Part 1 – Nationality

The *Secure Borders, Safe Havens* White Paper explains that riots in Oldham, Burnley and Bradford in 2001 'painted a vivid picture of fractured and divided communities lacking a sense of common values or shared civic identity to unite around' (SBSH 2002: 10). This lack of common values and shared identity which is the concern addressed in the first section of the NIA 2002. A focus upon citizenship and nationality is promoted as the required method to repair these divided communities.

Relating these 'problems' back to the riots of 2001 infers that immigrants were to blame for those conflicts. These fractured communities arise due to the immigrant's lack of appreciation of the common values supposedly held in high regard by British citizens. Therefore, this approach ensures immigrants are informed about what it is to be a British citizen, something which they are apparently unaware of.

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The first section of the NIA outlines the provisions for naturalisation of immigrants. The provisions set out the requirements for immigrants to acquaint themselves with British culture and language, which according to the SBSH paper, will resolve the conflicts among fractured communities. The first admission to the Act involves the requirement that an immigrant must be able to demonstrate that 'he has sufficient knowledge about life in the United Kingdom' (NIA 2002, Part 1, Section 1). This is developed by requirements for 'sufficient knowledge of a language for the purpose of an application for naturalisation' (NIA 2002, Part 1, Section, 1). Additionally, the Act continually refers to the immigrant as 'he'. This gives the suspect individuals a sexed identity and further refines the image of the 'threat' portrayed by the Act.

The immigrant's lack of appreciation for and knowledge of, the British language and culture is identified as the cause of the lack of common values. The riots of 2001 are explained in terms of a white community 'understandably' in conflict with a community who fails to integrate. This provision infers two crucial points. First, it exhibits the continued explanation of inner city disturbances Britain as caused by foreign presence and not because of white racism. Secondly, by relating these provisions back to the riots of 2001 in the White Paper and then addressing them in immigration law, it is clear that the lack of common values or appreciation of Britishness is not only exhibited by new immigrants but by the wider 'immigrant' community. Outlining the foreign culture of immigrants infers problems with all foreign, or un-British, populations.

These measures serve to reinforce an idea of what it is to be British, and links back to a vague notion of Britishness. The malleability of this understanding of Britishness enables it to be situated in opposition to any foreign culture. The exclusionary notion of Britishness is employed to illustrate the incompatibility of immigrants and give further legitimation to racist immigration controls.

Section 4 outlines the clause for the deprivation of citizenship. This explains that the immigrant may be able to acquire sufficient knowledge of the language and culture to meet the criteria for citizenship, but the state remains the power to remove such a 'gift'. The removal of citizenship will be enacted if the 'registration or naturalisation was obtained by means of fraud, false representation or the concealment of a material fact' (NIA 2002, Part 1, Section 4).

While this appears an obligatory provision, the White Paper had included a section on updating the deprivation procedures. This emphasis upon deprivation illustrates that the citizenship granted to immigrants is a fragile agreement in which the state prevents the complete independence and integration by withholding the right to instant dismissal. The need to retain the right of removal enhances the notion of 'bogus' asylum-seekers. These provisions reinforce the idea that deception is an intrinsic characteristic of asylum applications and that even a 'legitimate' asylum seeker provides a risk to the UK.

The White Paper explains that deprivation procedures must be available to the government in case 'someone has been granted citizenship while concealing a material fact such as their past involvement in terrorism or war crimes' (SBSH 2002: 35). This justification makes the explicit link between terrorism and immigration and further legitimises the suspect status imposed upon immigrants follows them way beyond the initial application for the right to remain. It is the individual and their foreignness which renders them suspicious. Therefore they need to be tracked with caution even if they can assimilate to some extent. Complete integration and learning to be British appear to be unachievable goals for asylum-seekers, but provide a mechanism of deportation regardless of the threat to life experienced by the claimant.

Part 1 also includes provision to be made by the Special Immigration Appeals Commission. This is the commission utilised to deal with appeals against terrorist certification and therefore illustrates a link between the policing of terrorism and the policing of immigration. Despite the apparent emphasis upon integration and naturalisation, this part of the NIA 2002 remains focused upon the control of a suspect population.

Part 2 – Accommodation Centres
This section outlines the provision of support for Asylum seekers. The use of accommodation centers was outlined in the 2002 White Paper as part of the system to support and assist asylum applications. These centers were also to be used to enable the claims to be processed quickly whilst the individual or family is resident in such a centre. However, despite the apparent concern with support, the alternate concern with control over asylum seekers is given predominant emphasis in the White Paper. Those who refuse the 'offer' of accommodation 'will not be offered any alternative forms of support' (SBSH 2002: 56). The lack of any alternative form of support

illustrates that accommodation centers form part of the government's strategy to maintain surveillance, and ultimately control over asylum seekers.

Accommodation centers are distinguished by name and emphasis in the SBSH paper from detention centers. However, contingent financial support, forces the asylum seekers to succumb to state control or face financial destitution. In addition to this, section 30 'Conditions of residence' states that a person must 'not to be absent from the centre during specified hours without permission of the Secretary of State or the manager' (NIA 2002, Part 2, Section 30). This illustrates that accommodation centres have the flexibility to provide detention.

Further provisions on the 'support' of asylum seekers are given within this section. Section 36 outlines the approach to education and the status given to residents of accommodation centres:

> For the purpose of section 13 of the Education Act 1996 (c.56) (general responsibility of local education authority) a resident of an accommodation centre shall not be treated as part of a local education authority's area (NIA 2002, Part 2, Section 36).

Whilst the provisions here focus upon education they reveal the willingness of the government to keep asylum seekers separate from society. The drive for integration does not extend to those with insecure immigration status. The measure prevents children who are resident in accommodation centres from attending regular schooling and withdraws a host of educational provisions from those children. These measures serve to further isolate asylum-seekers and prevent the supposedly desired integration and assimilation. The drive for integration is focused (albeit with numerous problems) on those with secure immigration status. Therefore, the withdrawal of all asylum-seekers from the local community illustrates the government's view that all asylum seekers are 'bogus' and therefore the drive for integration is unnecessary as they will be removed.

Part 3 – Other support and assistance

Part 3 illustrates the further marginalization of asylum seekers. It indicates that the concern to support is overwhelmed by the concern to control. Section 44 outlines the changes to the support offered to 'destitute asylum-seekers'. The exclusion of asylum-seekers from society is compounded by their destitution and this section outlines a

range of various welfare provisions which are altered to deal with those asylum-seekers facing destitution.

Section 54 outlines that support can be withheld and denied entirely if:

> The Secretary of State is not satisfied that the claim was made as soon as reasonably practicable after the person's arrival in the United Kingdom (NIA 2002 Part 3, Section 54).

This emphasises the restraints put upon asylum-seekers and undermines the state's supposed desire to provide support for those fleeing persecution. In addition this clause illustrates the executive nature of support procedures and ability of the executive to decide which individuals warrant support. It further illustrates the state's unwillingness to honour the agreements made in the Refugee Convention. Section 54 provides further evidence that the motivation for the NIA 2002 was the desire to control and remove asylum-seekers. This goal overwhelms the alleged desire to provide sanctuary and support for those fleeing persecution abroad.

There are further examples that the concern with 'support and assistance' outlined in Part 3 is limited to supporting and assisting those leaving the UK. Section 58 outlines the support for those wishing to leave the UK. The project of assisted repatriation is given support and financial assistance from the Secretary of state who has so far proved unwilling to offer any real support in the previous sections of the Act.

The chapter outlining support and assistance concludes with an outline of international projects in which the Secretary of State may participate. These projects are:

(a) reduce migration,
(b) assist or ensure the return of migrants,
(c) facilitate co-operation between States in matter relating to migration,
(d) conduct or consider research about migration, or
(e) arrange or assist the settlement of migrants (whether in the UK or elsewhere).
(NIA 2002, Part 3, Section 59)

The underlying theme of these projects is to limit migration to the UK or to remove immigrants already within its borders. The whole range of schemes that the Secretary of State may undertake, reaffirm the undesirability of migrants, and highlights the

dominant idea that removing these individuals would be beneficial to the UK. These projects outline that the official approach to migration is informed by a view of migrants as undesirable. Support is revealed as a secondary concern. The humanitarian goals of the legislation are overwhelmed by the drive to limit immigration and remove those 'undesirable' immigrants from within the UK.

Part 4 – Detention and Removal

The SBSH White Paper explained that 'detention remains an unfortunate but essential element in the effective enforcement of immigration control' (SBSH 2002: 66). Due to the strategic importance of detention as part of the project of 'managing' immigration, Part 4 outlines new provisions on detention and removal of migrants. This section reaffirms the undesirability of asylum-seekers and migrant populations.

A core part of the review of detention procedures has been to rename detention centres as 'removal centres' (NIA 2002, Part 4, section 66). Renaming these centres arguably stands as a reaction to the popular demonisation of asylum seekers. The change of name stands as a discursive maneuover to illustrate the government's willingness to remove both the physical presence of failed asylum-seekers and the alleged strain they place on the UK. The change of name confirms the dominant focus of the government's approach to immigration is to limit those trying to enter and repatriating those already here.

The SBSH White Paper outlined the development of various prison units (HMP Haslar, HMP Lindholme and HMYOI Dover) into officially designated 'removal centres'. While the development indicates the official end of the use of prisons to house asylum-seekers, the renaming process illustrates that this procedure will continue. However, the use of prisons will now be justified by renaming those places in which detention will operate. The continued use of prisons (albeit renamed as removal centres), indicates the criminalisation of asylum seekers and state's complicity in the association of asylum-seeking and criminality.

The construction of the synonymous relationship between migration, (specifically asylum-seekers) and crime is reinforced in section 72 of the NIA 2002. The section headed 'removal' begins with an outline of the procedure for dealing with a 'serious criminal' (NIA 2002, Part 4, Section 72). The immediate association between removal and serious criminality serves to give legitimation to the increasingly repressive removal procedures. The connection made in this section

between removal procedures and serious criminals suggests these measures will only be used to remove those who pose a serious criminal risk. However, the Refugee Council has noted that 'People may be removed if their asylum application is certified as 'clearly unfounded' before being able to pursue any appeal (Refugee Council 2002: 22). Therefore it is clear that the focus of these measures will not be on serious criminals but the removal of those asylum seekers deemed to be 'bogus' by the UK government.

Section 78 confirms this focus on 'bogus' asylum seekers. Despite the clause stating that no removals will be carried out whilst an appeal is pending, this section outlines that preparation for a removal can be made even if the outcome of an appeal is unknown. Such an arrangement illustrates the preconceived idea that appeals will be declined and removals will ensue. Such 'forethought' confirms that government believes that asylum claims are predominantly unfounded.

Part 4 concludes with a final measure that confirms government support for the idea that the majority of asylum claims are unfounded. Section 80 'removal of asylum-seeker to third country' effectively reinstalls a White List of countries similar to that introduced by the previous Conservative government and supposedly repealed by New Labour. The criterion for inclusion on the list of member states involves a country being regarded as:

> A place where a person's life and liberty is not threatened by reason of his race, religion, nationality, membership of a particular social group, or political opinion (NIA 2002, Part 4, Section 80).

Despite these assurances, the list includes accession states to the EU including Poland and the Czech Republic from which Roma flee to the UK (Fekete 2002, Refugee Council 2002). The example of the persecution of Roma illustrates the unreliability of the White List and the government's misunderstanding, or unwillingness to consider the motivations behind asylum claims. Conditions forcing people to flee their country of origin are not restricted to the third world and the alignment of countries based solely on their membership (or forthcoming accession to) the EU, illustrates the racist construction of asylum seekers held by the British government.

Part 5 – Immigration and Asylum Appeals

Part 5 includes section 97 on consideration of 'National security' and Section 98 on consideration of the 'public good'. Both sections set up immigration in conflict with national security and the public good, reaffirming both the demonisation and criminalisation of migrant populations. The provision of removal procedures in the 'interests of national security' (Section 97), sets up the asylum seeker as a national threat, and more specifically in the climate in which the Act was drafted and introduced, makes links to the threat from 'international terrorism'. These links are reinforced by mobilising the same discursive construction of the threat to 'public good' and 'national security' as are employed in the ATCSA 2001. Inferring the same threat posed by immigration and terrorism suggests the terrorist and the immigrant are the same individual.

Alternative grounds for removal include the maintenance of 'relationships between the United Kingdom and another country' (Section 97). The government's concern with such relationships illustrates that the provision of asylum is a lower priority than the maintenance of economic relations. In light of the international relations established as part of the War on Terror', this clause illustrates that the provision of asylum is further compromised by the concern to be seen to acting on the threat from terrorism. Asylum-seekers are further demonised and the supposed links between asylum-seeking and terrorism are reiterated.

Part 6 – Immigration Procedure

Part 6 outlines the requirements that prospective immigrants must meet to provide a successful application. This includes the required information that travelers must provide. Section 126 outlines the 'Physical data: compulsory provision'. This section states that the Secretary of State may by regulations-

> Require an immigration application to be accompanied by specified information about external physical characteristics of the applicant (NIA 2002, Part 6, Section 126).

This requirement for physical data of applicants is reiterated throughout the section and assumes that asylum seekers pose a physically identifiable threat. The emphasis upon physical characteristics suggests that asylum seekers share physically

identifiable traits and thus builds upon the racist construction of immigrants without actually naming specific groups.

Part 7 – Offences

This section tackles the offence of assisting 'Unlawful immigration to a member state'. As a sub-section of this there are provisions to criminalise the practice of assisting an asylum-seeker's entry into the UK. An asylum-seeker is defined as

> A person who intends to claim that to remove him from or require him to leave the United Kingdom would be Contrary to the United Kingdom's obligations under-
>
> (a) the Refugee Convention (within the meaning given by section 167(1) of the Immigration and Asylum Act 1999(c.33)(interpretation)), or
> (b) the Human Rights Convention (within meaning given by that section).
>
> (NIA 2002, Part 7, Section 143 - 25A).

There is no confusion as to what 'asylum-seeker' means, and the understanding of refugee status is apparent, yet this section further criminalises asylum seeking. The construction of this section contains provisions on asylum-seekers under the heading of unlawful immigration. Seeking asylum is equated directly with illegal immigration. The criminalisation of helping individuals facing persecution to find refuge in the UK, reinforces that the focus of this Act lies not in the provision of support, or any humanitarian concerns, but in controlling and limiting immigration into the UK.

The constructed criminal status of asylum-seekers is reinforced in subsection 25C 'Forfeiture of vehicle, ship or aircraft'. In relation to the subsection 25A discussed above, point (10) states that:

> (10) In the case of an offence under section 25A, the reference in subsection (5)(a) to an illegal entrant shall be taken to include reference to-
>
> (a) an asylum-seeker (within the meaning of that section)
> (NIA 2002, Part 7, Section 143 – 25C).

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Questioning the validity of claims for asylum and refugee status appears to be taken to its logical conclusion. Not only is the authenticity of such claims disputed throughout the Act, there are clear provisions for the apparently numerous occasions when such claims and status are criminal. The criminalisation of asylum-seekers within immigration legislation reinforces the demonisation of said individuals and gives official sanction to the popular insinuation that all claims are bogus with criminal intent. The UK government illustrates little concern for the reality of the persecution experienced by many people who seek refuge in the UK. Such a lack of concern is illustrated in this Act and the overwhelming concern for control and limitation of foreign, non-white populations is clear.

Part 8 – General

The final Part of the Act outlines the interpretation of the term 'Immigration Acts' as used throughout the NIA 2002:

> (1) A reference to "the Immigration Acts" is to-
>
> > (a) the Immigration Act 1971
> > (b) the Immigration Act 1988 (c. 14)
> > (c) the Asylum and immigration Appeals Act 1993 (c. 23)
> > (d) the Asylum and Immigration Act 1996 (c. 49)
> > (e) the Immigration and Asylum Act 1999 (c. 33)
> > (f) this Act
> > (NIA 2002, Part 8, Section 157). .

The inclusion and utilisation of provisions within the above legislation illustrates that the NIA 2002 stands to continued core components of policies made over the last 30 years. While I do not claim that there is a logical progression from one Act to the next, the inclusion in these Acts of a range of openly racist and repressive measures, illustrates that New Labour has not developed a fundamentally different approach to asylum and immigration.

The NIA 2002 continues the government focus on control and reduction of immigration which was outlined as the premier concern in the SBSH 2002 White Paper. Concern over asylum provision is limited to control over 'bogus' asylum seekers and a reduction of the accessibility of asylum procedures in the UK. Concern to make provision about international projects connected with migration is apparent in

making connections with the current UK anti-terrorism policy. The focus upon migration in the ATCSA 2001 highlights the UK's role in the War on Terror that stands as a clear example of 'an international project concerned with migration'.

Both new laws demonise migrant communities and a criminalisation of asylum seekers. The same connections are made in both pieces of legislation between the risk to the UK posed by asylum seekers and the risk posed by international terrorism. Moreover, the two pieces of legislation are aimed at the same individuals. These two acts suggest a synonymous relationship between asylum seekers and terrorism. Despite the supposed concern to maintain cultural diversity, foreign cultures are demonised. There is a clear focus upon Muslim communities as a threat cultural hegemony and national security. Asylum-seekers are constructed as synonymously Muslim and the dual attack faced by Muslim asylum-seekers feeds back into the demonisation of foreign, but most notably British Muslim, communities.

The shared goal of anti-terrorist and immigration control policies is the removal of non-white, non-western populations, with a specific focus on Muslims. The Muslim community is the suspect population targeted by the ATCSA 2001. The targeting and resulting demonisation of the Muslim community is rooted in the criminalisation of non-white migrants and most notably in the constant defamation of asylum-seekers. Demonisation of asylum-seekers feeds into the demonisation of the Muslim community. This process is given government support in both the ATCSA 2001 and the NIA 2002. The discursive construction of the threat posed by asylum-seekers and the links to international terrorism leads to the demonisation of the Muslim community as a foreign 'enemy within'. Specifically, this demonisation is rooted in the construction of the immigrant and the terrorist and the same individual. The threats posed by immigration and terrorism are the same as defined by the ATCSA 2001 and the NIA 2002. Moreover, both Acts construct an image of the same individuals without ever needing to give a definition to the threat. Both Acts suggest the terrorist is an immigrant and the immigrant a terrorist. The suspect population to be controlled by both Acts is 'Asian' and more specifically Muslim.

Chapter 6 - New Labour, New Threat and New Responses: A Continuation of the New Right?

This history of the present has exposed yet another level of the intolerable. The executive authority with which New Labour has introduced these repressive laws illustrates the need for a critical appraisal of the political terrain within which they operate. In this chapter, I will interrogate the effect ATCSA 2001 and the NIA 2002 will have on developing the marginalisation of the Muslim population in the UK. The links between criminalisation of immigrant communities and the demonisation of Muslim communities will be interrogated.

Within this history of the present, similarities between New Labour's approach to immigration and terrorism, and the approach employed by the New Right have not gone unnoticed. Therefore, I will analyse the extent to which New Labour are continuing to operate on political terrain defined by the New Right. The immigration and anti-terrorism policy introduced by New Labour are indicative of a state in crisis and therefore I will interrogate the wider crisis management strategies employed by the Blair government. In addition I will consider the influence of New Right strategies.

The analysis of the state will be informed by the work of Nicos Poulantzas, Antonio Gramsci and Stuart Hall. Specifically, I will consider the work of Nicos Poulantzas and its relevancy to the analysis of the present state in crisis. Stuart Hall's development of the works of Poulantzas and Gramsci will be considered with particular reference to Hall's analysis of Thatcherism. These seminal theorists will be utilised to assist my analysis of New Labour's political project. The core theme in this chapter will be an assessment of how relevant Hall's conclusions on New Right politics are to an analysis of the present state form. The role immigration and anti-terrorist legislation play in the wider New Labour political project will be illustrated in the context of a state in crisis. The chapter will focus on the use of immigration and anti-terrorism policy to control the Muslim population. Moreover, the extension of these powers and the utility of such measures to suppress political opposition will remain a key concern.

6.1   New Labour and the continued crisis response

It would be naive and unhelpful to suggest that New Labour have simply continued from where the Thatcher and Major governments left off. However, the crisis management strategies employed in immigration and anti-terrorism policy illustrate that New Labour have inherited a great deal from the New Right. Within this chapter I will illustrate that the coordinated approach to immigration and terrorism stands as a glaring example of the continuation of New Right policy initiatives under New Labour.

The ATCSA 2001 and the NIA 2002 position asylum seekers, and the wider Muslim community as the enemy within. The Blair government have not only been complicit in the popular demonisation of the Muslim community, but their introduction of several policy initiatives on both immigration and anti-terrorism have been coordinated to give official sanction to this demonisation. This process portrays the state as responsive to a threat to national security and therefore enables the manufacture of consent to authority.

The increase in coercive state responses to immigration policy and the criminalisation of immigrant communities has fuelled the punitive populism that the Thatcher government relied upon so heavily. Framing immigration and terrorism as purely 'law and order' issues has lead to the almost exclusive focus upon punitive responses to both issues. New Labour's neo-liberal regime stands among the regimes Laureen Snider has identified in which 'punishment has replaced amelioration as the key legitimising function of the government' (Snider 2003: 356). Snider's conclusions were born out of her research on feminist calls for law reform and the cooption of such calls into the neo-liberal project, but relevant here in as much as the key legitimating function of New Labour is punishment. The Blair government continue to evoke a 'punitive is effective' justification for policy reform. Moreover, Brownlee has noted that on home affairs the New Labour approach has meant 'a substantial retreat from traditional socialist thinking on crime [which] has been accompanied by a continuation of the populist punitive discourse of the previous Conservative governments' (Brownlee in Sim 2000: 328).

This focus on punitive responses has justified repressive policing and the reapplication of targeted racist policing techniques. The ability for the ATCSA 2001 and NIA 2001 to give sanction to racist and repressive policing was identified in my

analysis. The Acts (specifically the ATCSA 2001) gave official sanction to a reestablishment of 'sus' style policing aimed at controlling the Muslim community. The law's ability to control Muslim populations has been utilised by the police. Kundnani has revealed that:

> In the Metropolitan Police area, there was a 40 per cent increase in Asians stopped and searched in 2001/02 – the largest increase ever recorded in a single year for any group (Kundnani 2004: 2).

The substantial increase in the targeted policing of 'Asian' populations illustrates how the racist construction of the threat posed by immigration and 'international terrorism' has been translated into a risk posed by 'Asian' and specifically Muslim communities. The massive increase in the racist policing of these individuals illustrates how the ATCSA 2001 and the NIA 2002 have had an immediate effect on state's ability to control Muslim populations.

6.2   Promoting national 'unity' to combat national 'threat'

New Labour has promoted New Right nationalism to defend their immigration and anti-terrorism measures in the epoch of 'international terrorism'. The xeno-racism of New Labour policy is defended as a necessary feature of the response to a threat to national security. This necessity of these racist responses has been further emphasised in state discourse since 9/11 and the riots of 2001. The criminalisation of these communities is reinforced by the punitive measures which have been justified as the only effective response to this new threat.

New Labour's discursive construction of endemic links between immigration and terrorism draw upon notions of Englishness and links between national identity and security that had been so effectively used by the New Right. The Thatcherite notions of Englishness were so emphasised though the New Right nationalism to extend and reinforce the binaries between 'them and us' and by extension, 'authority and its enemies'. Hall has written at length on the construction and deconstruction of 'Englishness' in the postcolonial era in response to the decline of Britain from its imperial greatness. He has noted that as the nation state declines, it does not withdraw apologetically; in fact it 'goes into an even deeper trough of defensive exclusivism'

(Hall 1997: 177). It is within this context of national decline and against the backdrop of a defensively exclusivist national identity, that immigration and anti-terrorism policy have been, and continue to be constructed.

New Labour continue to link immigration and national identity. The coordination of immigration policy and anti-terrorist measures continues to infer links between national security and Englishness. The threats to national security are given a foreign identity reinforcing New Labour's drive for cultural homogeneity outlined in the NIA 2002. Thatcherism reinforced a firm and narrow definition of Englishness (Hall 1997), which is being refined by New Labour as part of the dismantling of the multicultural project.

The ATCSA 2001 and the NIA 2002 continue the identification of an enemy within, and the 'War on Terror' has given further legitimacy to the establishment of binary oppositions. The all encompassing binary of 'with us or with the terrorist' (McCulloch 2002) has overwhelmed any reasonable debate on terrorism. Moreover, this dominant binary opposition has engulfed immigration policy. The focus on immigration within the 'War on Terror' has reinforced that this threat is Muslim.

The construction of a narrow definition of Englishness is being offered in response to, and as part of, the attack on Muslim culture. The demonisation of Muslims and the inference of their involvement with terrorism give further incentive to New Labour's drive for cultural homogeneity:

> The stereotyping of all aspects of Muslim culture as backward creates a climate in which politicians and the media can attack multiculturalism as the cover behind which reactionary cultural practices flourish; according to them, it is liberalism that, by treating different cultures as of equal merit, endorses religious fundamentalism (Fekete 2004: 19).

Fekete outlines how the attack on multiculturalism is part of an authoritarian project. The demonisation of foreign cultures (with Muslims as the focal point), serves to give further legitimation for the onslaught of repressive measures orchestrated by New Labour. This attack on a liberal approach to multiculturalism justifies the extension of repressive responses to foreign communities. In turn the rejection of the multicultural project and the demonisation of foreign communities legitimates the extension of an authoritarian political project. It is no surprise then that immigration and anti-terrorism policy provide a coordinated approach, as the two are intrinsically linked strategy initiatives to legitimate the authoritarian state.

The identification of suspect populations on which immigration and anti-terrorism policy converge illustrates the state's project to continue class fragmentation. Specifically, as noted in my historical analysis, anti-immigration sentiment, serves to prevent any intra-class consciousness among the dominated economic class. In its present form, the demonisation of non-western communities, fuelled by a distorted representation of Muslim culture, serves to divide the working class along manufactured cultural lines. This process is being reinforced by state immigration and anti-terrorism. The inferred relationship between immigration and terrorism serves to further demonise Muslim communities and reaffirm the division of the dominated in the UK.

6.3 The New Right and the establishment and normalisation of the authoritarian state

I have explained that the links between New Labour and the New Right are most visible in their application of immigration and anti-terrorism policies as part of a wider crisis management strategy. New Labour's role as crisis manager illustrates the importance of the work of Nicos Poulantzas. Poulantzas's theory on the state in crisis enables an effective analysis of the developments in British politics under modern capitalism.

Poulantzas characterised the state in crisis as the state of 'authoritarian statism' (1978). Poulantzas had noticed the move toward this state form during the 1970s and whilst he was writing in 1978, the state form conceptualised in authoritarian statism is still evident in western capitalist states today. This development or change in state form was described by Poulantzas as:

> Intensified state control over every sphere of socio-economic life combined with the radical decline of the institutions of political democracy and with draconian and multiform curtailment of so called formal liberties, whose reality is being discovered now that they are going overboard (Poulantzas 1978: 203-204).

This development in state form is indicative of a state in crisis. The shift to the state of authoritarian statism involves increasingly repressive crisis management strategies.

Crucial, to these crisis management strategies is the suppression of resistance. This is secured in the first instances by the state's role in fragmenting the dominated economic class:

> The state apparatuses organise-unify the power bloc by permanently disorganising-dividing the dominated classes polarising them towards the power bloc, and short-circuiting their own political organisations (Poulantzas 1978: 140).

Poulantzas explains that the crisis management strategies seek to maintain the dominance of the power bloc by seeking to fragment the dominated class and prevent the intra class consciousness necessary for effective resistance.

This development was not immediate and the drift toward this state form is noticeable in British politics from the 1960s. However, it is only when 'they go overboard' that the change in state form is brought to attention. These changes were identifiable across developed capitalist states, as the crisis was not restricted by geography but a crisis in capitalism. The intensified state control and restriction of formal liberties stood as a crisis response strategy employed by these states and Stuart Hall's has illustrated that this shift outlined in 1978 by Poulantzas was developed by the New Right.

The New Right crisis management strategies illustrated the relevancy of authoritarian statism (hereafter AS) which was picked up on by Hall. The suggestion that New Right crisis management strategies are being employed by New Labour, illustrates the contemporary relevancy of Poulantzas's work. The development of the coercive strategies on immigration and anti-terrorism therefore demonstrates the shift in state form outlined by Poulantzas is continuing into the 21st century chaperoned by New Labour.

However, Hall has explained that authoritarian statism could not fully explain how this state form was secured. He explains the insufficiency of Authoritarian Statism:

> My only reservation is that Poulantzas does not deal sufficiently with how this progress towards 'authoritarian statism' has been secured at the base by a complementary shift in popular consent-to-authority (Hall 1980: xvi).

Hall contends that authoritarian statism requires a complementary theory of 'authoritarian populism' to explain how the shift in state form has been secured by populist consent. Poulantzas did to some extent explain that this shift in state form and the necessary class fragmentation was secured by securing the support of one faction over another:

> They (the power bloc) seek to utilize the popular masses in their relationship of forces with other fractions of the power bloc – in order to either impose solutions more to their advantage, or to put up more effective resistance to solutions which favour other fractions over and above themselves (Poulantzas 1978: 144).

Hall refines the idea of the consent to domination. Authoritarian populism further explains how the shift to an authoritarian state receives support from those very people who stand to be further subjugated. Hall constructed this theory to provide an effective exposition of the consent the New Right's obtained for its onslaught on formal liberties.

Hall's development involves a more effective consideration of the work of Gramsci. Specifically, Gramsci's theory of hegemony and its explanation of the manufacture of consent must be considered to explain effectively this development in state form. For Hall, Poulantzas had neglected to consider how authoritarian statism was secured by winning the popular consent to authority. Specifically, the missing concepts in Poulantzas's work included a lack of consideration for:

> The ways in which popular consent can be so constructed, by a historical bloc seeking hegemony, as to harness to its support some popular discontents, neutralise the opposing forces, disaggregate the opposition and really incorporate some strategic elements of popular opinion into its own hegemonic project (Hall in Jessop et al 1988: 101).

It is consent to authority that Poulantzas neglected to consider. The manufacture of consent is most effectively analysed through an appreciation of Gramsci's theory of hegemony. Hall understanding of hegemony suggested the state form outlined by Poulantzas was not installed by force, but by securing the consent of the population. As Hall points out the state's selective adoption of popular discontents enables the contradictory appearance of a responsive state who appeals to those very people it seeks to control.

Adopting popular discontents to appear responsive was a strategy used effectively by the New Right. While the Thatcherite project dismantled welfare and mounted a tirade against the power of trade unions, it managed to maintain substantial support from those populations who stood to loose most through these 'reforms' of state policy. This was done effectively by tapping into certain popular discontents and portraying the vision of a state that sought to respond to the concerns of the working classes. The New Right's mobilisation around a popular nationalism created the guise of a responsive state. Popular discontents around immigration and national security were harnessed and the increasingly repressive state policies were legitimated in supposed response to national decline. New Labour's mobilisation of support for repressive and racist policies relies upon their ability to tap into popular discontents. The debt owed to the New Right by New Labour is most apparent in the adoption of this process to manufacture a popular consent to authority.

It is important to note that Hall explained that this populist appeal was only partial. Hall uses the term 'hegemonic project' and authoritarian populism characterises a state involved in this ongoing project. Jessop et al (1988) have lodged critiques at Hall's development of Poulantzas theory through their misunderstanding of Hall's use of the theory of hegemony. Jessop et al criticise authoritarian populism as it 'overstates the general strength and resilience' of Thatcherism (Jessop et al 1988: 69). However, Hall acknowledges that the drive for hegemony is never secured, and was well aware that the New Right never completed this hegemonic project. The attempt to secure hegemony is by definition of Gramsci's concept, a continual process, the conclusion of which was certainly not secured by the Thatcher administration.

However, while Thatcherism never fully secured hegemonic dominance, the mobilisation of fears around national decline enabled the continual onslaught of repressive polices justified as responses to the 'threats to the nation'. The New Right further divided society into 'authority and its enemies' and this narrowed the popular political choice down to being for or against the state. This separation recruited the crucial consent-to-authority that is identified in authoritarian populism. Homogenising all dissent into one identifiable 'threat to the nation' enabled the government to appear to be responding to popular discontents. Indeed, homogenising all political dissent into one 'threat' gave a very blurred definition to the identity of this threat. Therefore, the powers legitimated through the demonisation of one group could be applied any

individuals that the state could identify as a 'threat'. The focus upon the supposed threat from immigration and terrorism enabled the mobilisation of powers that could be given a universal application. It was this process which enabled the New Right to suppress political opposition.

The New Right's coercive response to the supposed threats to national security posed by immigration and terrorism, illustrate continued shift into authoritarian populism under the Thatcher government. The mobilisation of New Right nationalism enabled discontents around social deprivation to be coordinated with a popular racism. This gave official sanction to the association of working class concerns with a popular racism. This popular racism was fuelled by the anti-immigrant discourse of state policy and enabled the New Right to mobilise support for repressive state policy in a range of areas including counter-terrorism. The necessity of Hall's development and subsequent theory of authoritarian populism is illustrated effectively in these areas of state policy. Indeed as Sim explains, the use of immigration and anti-terrorism policy to divide society into 'them and us' illustrates the necessity of Hall's development of authoritarian statism:

> Hall's elaboration of Poulantzas's original thesis with respect to the construction of popular consent for the authoritarian project can be seen in the positioning of particular groups as the 'enemy within' (Sim 2000: 320).

The manufacture of consent to authority under Thatcherism received substantial assistance from their ability to portray repressive immigration and counter-terrorist polices as strategies to tackle national decline. New Labour's continued use of immigration and anti-terrorism measures to identify an enemy within illustrates the relevancy of authoritarian populism.

Hall commented in 1998 that New Labour had maybe not yet reached the populism of Mrs Thatcher but was a 'variant species of authoritarian populism' (Hall 1998: 13). The development of repressive state policy in the subsequent years of the New Labour government has involved a continuation of the separation of society into authority and its enemies. This construction of binary oppositions throughout the political field was a Thatcherite project that has been developed and refined by Blair. The immigration policy and anti-terrorism measures stand as the most effective New Labour tools to identify and control the 'enemy within'. Blair is undoubtedly

orchestrating his own brand of authoritarian populism and the ATCSA 2001 and NIA 2002 stand as the primary tools to continue repressive policing of 'suspect' communities. The Muslim community have been constructed as the epitome of these suspect populations. The ATCSA 2001 and NIA 2002 illustrate the targeting of the Muslim community has become the primary crisis management strategy for New Labour.

6.4   New Labour and policing the continuing crisis

Developments in New Labour's approach to immigration and counter terrorism are indicative of state in crisis. New Labour continues to operate within the discursive arena set out by the New Right. This continuation of New Right policy is illustrated by sustained emphasis upon the 'threat' posed by immigration and terrorism. It is important to point out that New Labour have not continued the entire New Right political project. However, the legislative developments in focus here indicate the contemporary relevance of links between New Labour and Thatcherism as outlined by Hall:

> The Blair project, in its overall analysis and key assumptions, is still essentially framed by and moving on the terrain defined by Thatcherism (Hall 1998: 14).

It is on this discursive terrain that the ATCSA 2001 and the NIA 2002 have been drafted and legitimated, and on which the 'threat' posed by uncontrolled immigration and international terrorism have been constructed. The emphasis on this threat, developed recently by the attention given to the 'War on Terror', has enabled the Blair government to justify the introduction of yet more repressive legislation and to continue a range of authoritarian measures.

The strategy of rallying popular fears to mobilise popular punitivism is a classic New Right strategy. New Labour's direct involvement in inciting a polemical reaction to immigration and terrorism has been illustrated in my analysis of the ATCSA 2001 and NIA 2002. It is this threat that is being constructed to suggest the unquestionable necessity of further authoritarian responses to 'suspect' populations. It is this identification of 'suspect' populations that illustrates New Labour's

perseverance in fragmenting the dominated economic class. Demonising Muslim communities serves to divide the class and prevent any intra-class resistance movement. These authoritarian measures are therefore constructed as the logical response to the 'threat' as opposed the political response of a state in crisis.

The authoritarian response is characterised by a construction of the problems of immigration and terrorism within a wider crisis of law and order. By framing the issues as indicative of a demise in law and order, New labour employed the New Right tactic of dividing Britain into authority and it enemies. The Muslim population have been located on the opposing side of this binary opposition by Islamophobia fuelled by both immigration and anti-terrorist legislation. It is the demonisation of Muslim communities on which the two supposedly separate areas of government policy converge.

There is an increasingly coercive approach to immigration has been legitimated by New Labour's continual defamation of asylum-seekers and questioning of refugee status. Critical criminologists, Scraton and Chadwick have drawn attention to the 'volunteerism' (Scraton and Chadwick 1991: 161) inherent in the New Right's interpretations of criminality. This volunteerism has been adopted by New Labour in their generalised approach to immigration. The confusion encouraged by New Labour policy between asylum-seekers and economic migrants relates to the assumed volunteerism inherent in New Labour's approach to immigration. Official responses to immigration ignore the plethora of forces that drive people to seek refuge in the UK. New Labour fuel anti-immigrant sentiment by suggesting all immigrants have made an 'objective' economic decision to migrate to the UK motivated by personal greed. This construction of immigration legitimates anti-immigrant rhetoric and is used to justify repressive and racist immigration policy. Moreover, the anti-immigrant rhetoric fragments the dominated economic class and further subverts the mobilisation of opposition to the wider New Labour political project.

The suspicion levied at asylum seekers is taken to its 'logical' conclusion in the ATCSA 2001 and NIA 2002 as these previously suspect communities are effectively criminalised. The criminalisation of refugee communities and the demonisation of the wider Muslim community in Britain correspond to the Blair government's development of New Right rhetoric. Scraton and Chadwick explain how criminalisation can be employed in such a manner to dismiss the struggle of the target population:

Even when no purposeful political intention is involved, the process of criminalisation can divert attention from the social or political dynamics of a movement and specify its 'criminal' potential (Scraton and Chadwick 1991: 173).

The inherent volunteerism of New Labours approach to immigration is continued and developed through criminalisation of refugee communities. The suggestion of asylum seeker's criminal intent further dismisses the local and global forces that force people to seek refuge in the UK.

In addition to this the ATCSA 2001 continues a well-established tactic of British governments by discursively constructing all 'terrorist' organisations as driven by irrational criminal intent. The attachment of the 'terrorist' label has been used to discredit popular liberation groups and is a powerful discursive manoeuvre utilised to discredit all political opposition. New Labour has constructed a response to international terrorism which refuses to acknowledge the motivations of liberation groups, and criminalises any political opposition through the attachment of a terrorist label. This strategy has framed the issue of terrorism within Blair's law and order 'crusade' and thus gives legitimation to the repressive counter terrorism and immigration policies.

6.5 New Labour's worldview: The subversion of the majority world and the advancement of Western capitalism

The defamation of refugee status, the criminalisation of liberation groups, and the unwillingness to interrogate the motivations of supposed terrorist organisations, all fit into the restrictive interpretation of globalisation offered by New Labour. This narrow and self-serving definition of globalisation refuses to offer official interrogation of the drives behind immigration and terrorism, and therefore gives what Hall has termed a 'dubious legitimacy to Mr Blair's whole political project' (Hall 1998: 11). The perseverance of this restrictive and simplistic official explanation of globalisation has enabled New Labour to operate and develop their approach to immigration and terrorism in a coherent fashion, within the discursive arena set up by the New Right.

This self-serving interpretation of globalisation is created by a worldview that legitimates the neo-colonialism of New Labour foreign policy. Britain's role in the

global capitalist economy reaffirms that New Labour are driven by self-interest. The self-serving vision of the globalised world is a result of the blinkered self-interest that underpins New Labour's neo-colonial project. Like the original British colonialists New Labour promotes a world vision that subdues the interests of the majority world at the expense of the advancement of Western capitalism. The drive to advance western capitalism on an international scale requires the basic needs of the global south to be overridden in the interest of neo-colonial advancement. Western economic interests transcend any concern for global equality. Therefore, the self-serving vision of globalisation offered by New Labour is a symptom of a worldview that prioritises the advancement of Western capitalism over the basic requirements of the majority world.

The continued adoption of a neo-liberal approach to domestic and international economics is symptomatic of the location of New Labour policy on the terrain mapped out by Thatcherism. Hall has explained that:

> New Labour appears to have seduced by the neo-liberal gospel that the global market is an automatic and self instituting principle, requiring no particular social, cultural, political or institutional framework' (Hall 1998: 11).

New Labour's interpretation of globalisation and its effect on the global south subverts the need for an official acceptance of the forces that drive people to seek asylum in the UK. The unwillingness to officially accept the role neo-liberal economics and western imperialism have played and continue to play, in driving populations to seek refuge in the UK, 'justifies' a repressive and racist approach to immigration.

6.6   Demonisation of foreign populations at the border and within the UK

Demonisation of all foreign communities is developed by the criminalisation of asylum-seekers and the construction of their undesirable presence in the UK. Specifically, the demonisation of the Muslim community has in turn reflected back on the undesirability of foreign (again Muslim) immigrants. The targeting of black communities has been a project orchestrated by consecutive British governments throughout the period of Commonwealth immigration outlined in the first four chapters of this paper.

The criminalisation of black youth through the 'mugging' panic of the 1970s confirmed a 'generally held assumption that 'undesirable immigrants' are infected by a culture of criminality and inbred inability to cope with that highest achievement of civilisation – the rule of law' (Gilroy 1987 in Scraton 1991: 174). The construction of black immigrants as 'incompatible' with British culture has been employed throughout the period of Commonwealth immigration. The distorted construction of 'foreign' culture is set against a vague and exclusionary notion of Englishness. This constructed contrast between English and foreign cultures not only identifies the incompatibility of non-western immigrants but can also be employed to illustrate the incompatibility of black populations in the UK. The ATCSA 2001 and the NIA 2002 illustrate that New Labour has continued to emphasise this contrast to illustrate the incompatibility of Muslim asylum-seekers and the wider Muslim communities in the UK. This contrast is employed to justify racist and repressive immigration policy and to legitimate state control over Muslim populations

The relationship between the threat from immigration and the identification of an 'enemy within' has been explained in the previous chapters. However, the example cited by Gilroy and best examined by Hall et al (1978), illustrates that the demonisation of black communities fuels fears around the threat from uncontrolled immigration. Specifically, this demonisation has focussed upon the 'foreign' culture of black communities. The racist construction of this foreign culture infers endemic criminality and uncivilised behaviour supposedly incompatible with fabricated notions of Englishness. The successful employment of this idea of a 'culture-clash' is identifiable throughout the history of post-war immigration. In the first four chapters of this paper I illustrated that the manufacture of notions of 'Englishness' have been utilised by consecutive government's to fragment the dominated economic class. Anti-immigrant rhetoric has been consistently reinforced by the idea of foreign and demonic cultures and this has prevented the intra-class consciousness necessary to mount an effective challenge to the state's dominance.

This war on the terrain of culture was enhanced by the New Right's refinement of 'Powellesque' discourse on immigration, and is being developed further by New Labour. The supposed links between race relations and immigration control, cited by politicians since the beginnings of post war immigration, are being reproduced in New Labour policy. These links are illustrated by the fact that the response to the 2001 inner city disturbances is given within immigration policy. More

startling however, are the links made in official discourse between Islamic culture and terrorism.

The demonisation of Afro Caribbean communities involved a questioning of their 'culture'. The state was directly involved in suggesting that criminality was an intrinsic trait of this 'foreign' culture. The suggested 'cultural alliance' between Muslim culture and 'international terrorism' is exacerbating the demonisation of the Muslim community. Both the ATCSA 2001 and the NIA 2002 suggest a link between Islam and terrorism and the racist and repressive response to this coordinated threat is given further 'dubious legitimation'.

The binary opposition between terrorism and civilisation set up as the cornerstone of the War on Terror and promoted by the New Labour government gives added incentive to the marginalisation of the Muslim community. The repressive policies introduced as part of the War on Terror are legitimated by locating the target population on the opposing side of the binary between terrorism and civilisation. As Muslim culture is set in opposition to Britishness, the rigid binary opposition constructs Islam as uncivilised. Constructing Islam as uncivilised reinforces the dominant view that there are innate links between Islam and terrorism.

New Labour is attempting to marginalise and demonise Muslim culture as illustrated by the drives for cultural homogeneity outlined in the NIA 2002. Gilroy identified how in the 1980s 'the black presence is thus constructed as a problem against which a homogenous, white, national 'we' could be unified' (Gilroy 1987: 49). New Labour's drive for cultural homogeneity relies upon the demonisation of foreign culture. This forced homogenous 'unity' constructed around a national 'we', rallies populist support for the Blairite political project. New Labour's crisis management strategies rely upon a vague and exclusionary concept of Britishness which can be set in opposition to foreign and specifically Muslim culture.

6.7   Conclusion - The authoritarian response of a state in crisis

New Labour has undoubtedly shifted popular politics to the right in their attempts to manage the crisis. The utilisation of New Right policy, as well as the continued discursive construction of the threat to the nation locates New Labour, as Hall noted in its first year of government, on the terrain defined by Thatcherism. The focus upon

race (albeit wrapped up in debates around culture) and the fact that responses to these problems are located within the law and order debate, illustrates the continuation of New Right strategies under New Labour.

Significantly, the responses to terrorism and immigration illustrate the creeping authoritarianism in New Labour's political project. The government's involvement in evoking fear around both issues is most notable in their emphasis upon the 'War on Terror'. The introduction of increasingly repressive measures is legitimated as a response to the threat to national security that transcends both policy areas. Gareth Peirce has described how these fears around national security can be used to justify New Labour's repressive responses:

> 'National security' has a seductive ring. It frightens off political disagreement. It frightens the population and makes it more subservient to authoritarian measures (Peirce in Fekete 2004: 7).

The increase in authoritarian responses is evident in the policing of immigration but also in the policing of the Muslim community. The targeted policing is justified as the necessary response to the threats to national security. Muslim populations both immigrants and communities in the UK have been discursively constructed as the epitome of this threat most fervently since 9/11.

Fekete has reiterated the two-strand approach to policing that has been outlined above. She explains that profiling this suspect community in the post 9/11 period has begun with the profiling of "suspected enemy aliens', primarily foreign students, asylum seekers and refugees, overwhelmingly (but not exclusively) from Muslim regions of the world' (Fekete 2004: 8). The first stage of the targeted policing involves constructing a synonymous relationship between asylum-seekers and terrorism. The second stage involves the move to 'profile Muslim communities wholesale, citizens and non-citizens alike' (Fekete 2004: 9). The target population is compiled through the governments misunderstanding of Islam as a homogenous group. This distorted view of Islamic culture constructed in official discourse has been identified as a threat to national security.

The extension of police powers as part of the racist policing of anti-terror legislation has enabled the extension of state control over the 'enemy within'. New Labour have employed similar tactics to marginalise and control the Muslim population as the New Right utilised to control black populations in the 1980s. The

marginalisation of Afro-Caribbean and Asian communities was not suddenly inflicted upon those settled populations. According to Sim this marginalisation was 'written into the statutory definitions of immigration law and reflected in the political management of identities throughout state practice' (Sim in Scraton and Chadwick 1991: 175). This marginalisation secured by the targeted policing of these communities is being sanctioned by New Labour to secure their control over the Muslim population.

New Labour's development of the repressive policing seen under New Right leadership is most obvious in the coordinated policing of immigration and anti-terrorism measures. The coordinated policy outlined in the ATCSA 2001 and the NIA 2002 illustrates New Labour's attempt to complete the marginalisation of Muslim communities. The extension of police powers in the ATCSA 2001 is part of this aim to control Muslim communities. This control is justified by suggesting link between Muslim communities and terrorism. The marginalisation and control of the Muslim community has been an ongoing project of the New Labour government and the ATCSA 2001 and the NIA 2002 stand as the latest and most effective government initiatives to continue this project.

New Labour's authoritarian project is legitimated by the constant emphasis on the threat posed by Muslim populations. The construction of this threat enables a range of repressive measures to be justified as non-negotiable crisis management strategies. While the demonisation of Muslim communities serves to legitimate repressive polices, the failure to specifically identify Muslim communities in legislation enables a universal application of these repressive powers to suppress all political opposition. New Labour are undoubtedly promoting their own brand of authoritarian populism and the ATCSA 2001 and the NIA 2002 stand as two key tools to control dissent by constructing all opposition to state policy as a threat to national security.

Poulantzas explained the paradoxical nature of crisis management strategies which must be considered in reference to analysis of New Labour's current policies.

> The paradox lies in the fact that authoritarian statism is not simply the means with which the State equips itself to tackle the crisis, but the response to the crisis which it itself helps to produce (Poulantzas 1978: 212).

The crisis management strategies employed by the authoritarian state actually serve to invoke further crisis situations. This move from crisis to crisis is evident under New Labour. The 'suspect' community continues to morph as the crisis situation develops. There will always be a particular population identified as 'suspect' to enable the state to justify its latest repressive crisis management strategy and to fragment the dominated class. The fragmentation of the class is a core strategy employed by the state in crisis to subvert political opposition. At present the demonisation of 'foreign' and specifically Muslim populations, serves to fragment the dominated class along lines of race and culture. New Labour's immigration and anti-terrorism policy stand as core state tools to subvert opposition to the perseverance of Western capitalism. The very populations whose exploitation is necessary to advance Western capitalism are kept divided by the state's constant reiteration of the incompatibility of English and foreign cultures.

Resistance movements must understand the centrality of racist immigration and anti-terrorism policy and address class-cohesion before New Labour's repressive polices can be effectively challenged. The response to New Labour's repressive immigration and anti-terrorism policy must begin by a deconstruction of the demonised image of Muslim culture. Only by exposing the state's role in manufacturing the distorted and racist portrayal of Muslim communities, can effective opposition to this intolerable situation be mobilised.

Bibliography

Amnesty International (2002) *Amnesty Internationals Memorandum to the UK Government on Part 4 of the Anti-Terrorism, Crime and Security Act 2001.* [internet] Available from: http://web.anmesty.org/library/print/ENGEUR450172002 [cited 11th July 2006]

Anti-Terrorism, Crime and Security Act 2001, London: HMSO

Bauman, Z (1989) *Modernity and the Holocaust*, Polity Press, Cambridge.

Bew, P and Paterson, H (1985) *The British State and The Ulster Crisis*, Verso: London.

Blair, T (2001) Hansard, 14th September 2001, Column 604-5

Bloch, A (2000) A New Era or More of the Same? Asylum Policy in the UK, Journal of Refugee Studies, Vol 13, No1, pp29-42

Blunkett, D (2001) Hansard, 10th July 2001, Column 663

Blunkett, D (2002) Foreword by the Home Secretary the Rt Hon David Blunkett MP, in *Secure Borders, Safe Havens*, London HMSO

Boyle, K, Hadden, T and Hillyard, P (1975) *Law and State: The Case of Northern Ireland*, Martin Robertson and Company Ltd: London.

Boyle, K, Hadden, T and Hillyard, P (1980) *Ten Years on in Northern Ireland: The legal control of political violence*, The Cobden Trust: London.

Bridges, L (2001) *Race Law and the State*, Race & Class, Vol. 43, No2, pp61-76.

Bunyon, T (1976) *The History and Practice of The Political Police in Britain*, Julian Friedmann Publishers: London.

Bunyon, T (1993) 'Trevi, Europol and the new European state', in Bunyon, T (ed) *Statewatching the new Europe: a handbook on the European state*, Statewatch: London.

CAMPACC (2002) *The Real State of Emergency – The UK is Now a Police State on Paper*. [internet].
Available from: www.campacc.org.uk/articles/real.html
[cited 11th July 2006]

CARF (2001) *The summer of rebellion: CARF special report*. [internet].
Available from: www.carf.demon.co.uk/feat54.html,
[cited 8th July 2006]

Carter, B (1993) *All White with Labour*, Socialist Review, No 170.

Conservative Party (1987) *Conservative Party General Election Manifesto – The Next Moves Forward,* [internet]
Available from: http://www.conservativemanifesto.com/1987/1987-conservative-manifesto.shtml
[cited 12th June 2006]

Cox, M (2000) 'Northern Ireland after the Cold War' in Cox, M, Guelke, A & Stephen, F [eds] *A farewell to arms? From 'long war' to long peace in Northern Ireland,* Manchester University Press: Manchester.

Dreyfus, H and Rabinow, P (1982) *Michel Foucault: Beyond Structuralism and Hermeneutics,* Harvester Press: Hemel Hempstead

Farren, S and Mulvihill, RF (2000) *Paths to a Settlement in Northern Ireland,* Colin Smythe Ltd: Gerrards Cross.

Fekete, L (1993) 'Inside racist Europe', in Bunyon, T (ed) *Statewatching the new Europe: a handbook on the European state*, Statewatch: London.

Fekete, L (2001) *The Emergence of Xeno-Racism*, Race & Class, Vol 43, no2, pp23-40.

Fekete, L (2001) *The Terrorism Act 2000: An interview with Gareth Pierce*, Race & Class, Vol 43, no2, pp95-103.

Fekete, L (2002) *New Law Introduced.* [internet]
Available from:
http://www.irr.org.uk/europebulletin/united_kingdom/asylum_seekers_refugees/2002/
ak000001.html
[cited 12th July 2006]

Fekete, L (2002) *Racism: The hidden cost of September 11*, Institute for Race
Relations: London.

Fekete, L (2004) *Anti-Muslim racism and the European security state*, Race & Class
Vol 46, No 1, pp3-29.

Fekete, L and Webber, F (1994) *Inside Racist Europe*, Institute of Race Relations:
London.

Foucault, M (1977) *Discipline and Punish: The Birth of the Prison*, Penguin: London.

Ghaffur, T (2006) *The Impact of Culture, Customs and Race in Contemporary
Policing*, [internet]
Available from: www.nbpa.co.uk/images/AGM2006/nbpa_ghaffur_060807.doc.doc,
[speech given 07/08/2006] [cited 25th August 2006]

Gilroy, P (1987) *There ain't no Black in the Union Jack: the cultural politics of race
and nation*, Routledge: London

Gutting, G (2005) *Cambridge Companion to Foucault – 2nd Edition*, Cambridge
University Press: Cambridge

Hall, S (1980) *Drifting into a Law and Order Society*, The Cobden Trust: London.

Hall, S (1983) 'The Great Moving Right Show', in Hall, S and Jacques, M (eds) *The
Politics of Thatcherism*, Lawrence and Wishart: London.

Hall, S (1997) 'The Local and the Global: Globalisation and Ethnicity' in
McClintock, A, Mufti, A and Shohat, E (eds) *Dangerous Liaisons: Gender, Nation
and Postcolonial Perspectives,* University of Minnesota Press: Minneapolis.

Hall, S (1998) *The Great Moving Nowhere Show*, Marxism Today, Nov-Dec 1998, pp9-14

Hall, S (2001) 'Introduction to the Verso Classics edition', in Poulantzas, N, *State Power Socialism*, Verso: London.

Hansen, R (2000) *Citizenship and Immigration in Post-War Britain: The Institutional Origins of a Multicultural Nation*, OUP: Oxford

Hillyard, P (1987) 'The Normalization of Special Powers: from Northern Ireland to Britain', in Scraton, P (ed) *Law, Order and the Authoritarian State*, Open University Press: Milton Keynes.

Hillyard, P (1993) *Suspect Community: Peoples experience of the PTA's in Britain*, Pluto: London.

Home Office (1998) *Fairer, Faster, Firmer – A Modern Approach to Immigration and Asylum*, London: HMSO

Home Office (1998) *Legislation Against Terrorism – A consultation paper*, The Stationary Office

Hope, S (1996) *The Degrading of Human Dignity – A short history of British Immigration acts 1962-1996*, National Coalition of Anti-Deportation Campaigns, [internet]
Available from:
http://www.ncadc.org.uk/archives/filed%20newszines/oldnewszines/news18/62.html, [cited 9th June 2006]

Jenkins, G, (2006) *Marxism and Terrorism*, International Socialism, Issue 110 Spring 2006

Jessop, B (1990) *State Theory: Putting Capitalist States in their Place*, Polity Press: Cambridge.

Jessop, B, Bonnett, K, Bromley, S and Ling, T (1988) *Thatcherism: A Tale of Two Nations*, Polity Press: Oxford

Kundnani, A (2001) From Oldham to Bradford: the violence of the violated, Race & Class 43(2) p105-131.

Kundnani, A (2002) *The Death of Multiculturalism*, Race & Class, Vol 43, no4, pp67-72

Kundnani, A (2004) *'Anti-terrorism' policing leads to arbitrary use of stop and search*, [internet]
Available from: http://www.irr.org.uk/2004/january/ak000006.html,
[cited 25th August 2006]

Labour Party (1997) *new Labour because Britain deserves better – 1997 Labour Party Manifesto*. [internet].
Available from: www.labour-party.org.uk/manifestos/1997/1997-labour-manifesto,
[cited 7th July 2006]

Lea, J (2004) 'From Brixton to Bradford: official discourse on race and urban violence in the United Kingdom', in Gilligan, G and Pratt, J (eds) *Crime, Truth and Justice: official inquiry, discourse, knowledge*, Willan: Collumpton.

Lester, A (2003) *East African Asians Versus the United Kingdom: the inside story*. [internet]
Available from: www.odysseustrust.org/lectures/221_east_african_asians-sharma.pdf,
[cited 5th May 2005]

Liberty (2004) Reconciling Security and Liberty in an Open Society: Liberty Response. [internet]
Available from: www.liberty-human-rights.org.uk/resources/policy-papers/2004/liberty-and-secuity.pdf
[cited 11th July 2006]

MacMaster, N (2001) *Racism in Europe*, Palgrave Macmillan: Basingstoke.

Malik, K (1996) The Meaning of Race, Palgrave Macmillan: Basingstoke.

McCulloch, J (2002) ''Either You Are With Us Or Your With the Terrorists': The War's Home Front', in Scraton (ed) *Beyond September 11*, Pluto: London.

McGovern, M and Shirlow, P (1997) 'Counter-Insurgency, Deindustrialisation and the Political Economy of Ulster Loyalism', in Shirlow, P and McGovern, M (eds) *Who Are 'The People'?: Unionism, Protestantism and Loyalism in Northern Ireland*, Pluto: London.

Miles, R (1993), *Racism After 'Race Relations'*, Routledge: London.

Morrow, D (1996) 'Northern Ireland 1972-95' in Aughey, A and Morrow, D (eds) *Northern Ireland Politics*, Longman: Harlow.

Nationality and Immigration Act 2002, London: HMSO

O'Dowd, L, Rolston, B and Tomlinson, M (1980) *Northern Ireland: Between Civil Rights and Civil War*, CSE Books: London.

Phizacklea, A and Miles, R (1980) *White man's country: Racism in British politics*, Pluto Press: London

Poulantzas, N (1980) *State, Power, Socialism*, London: Verso.

Privy Counsellor Review Committee (2003) Anti-Terrorism, Crime and Security Act 2001 Review: Report (Newton Report), London: HMSO

Refugee Council (2002) *The Nationality, Immigration and Asylum Act 2002: changes to the asylum system in the UK.* [internet]
Available from:
www.refugeecouncil.org.uk/downloads/briefings/nia_act_02/ed_1_dec02.pdf
[cited 12th July 2006]

Scorer, C, Spencer, S and Hewitt, P (1985) *The New Prevention of Terrorism Act: The Case for Repeal*, National Council for Civil Liberties: London.

Scraton (1985) *The State of the Police: Is Law and Order out of Control?*, Pluto Press: London

Scraton, P & Chadwick, K (1991) 'The theoretical and Political Priorities of Critical Criminology' in Stenson, K & Cowell, D (eds) *The Politics of Crime Control*, Sage: London.

Secure Borders, Safe Havens 2002, London: HMSO

Sim, J (1982) *Scarman: The Police Counter-Attack*, Socialist Register.

Sim, J (2000), 'Against the punitive wind: Stuart Hall, the state and the lessons of the great moving right show' in Gilroy, P et al (eds) *Without Guarantees: In Honour of Stuart Hall*, Verso: London.

Sivanandan, A (1976), *Race, class and the state: the black experience in Britain*, Race & Class, XVII, no4.

Sivanandan, A (1982), *'A Different Hunger' Writings on Black Resistance*, Pluto Press: London.

Sivanandan, A (1986) *From Resistance to Rebellion: Asian and Afro-Caribbean struggles in Britain*, Institute of Race Relations: London.

Sivanandan, A (1990) *Communities of Resistance: Writings on Black Struggles for Socialism*, Verso: London.

Snider, L (2003) *Constituting the punishable woman: atavistic man incarcerates post-modern woman*, British Journal of Criminology, vol 43, 354-78.

Solomos, J (1988) *Black Youth, Racism and the State: The Politics of Ideology and Policy*, Cambridge University Press: Cambridge.

Solomos, J (2003), *Race and Racism in Britain*, Palgrave Macmillan: Basingstoke.
Solomos, J, Findlay, B, Jones, S & Gilroy, P (1982), 'The organic crisis of British capitalism and race: the experience of the seventies', in Centre for Contemporary Cultural Studies, *The Empire Strikes Back*, Hutchinson: London.

Solomos, J and Back, L (1995), *Race, Politics and Social Change*, Routledge: London.

Solomos, J and Back, L (1996), *Racism and Society*, Palgrave Macmillan: Basingstoke.

Solomos, J and Wrench, J (1993) *Racism and Migration in Western Europe,* Berg Publishers: Oxford.

Straw, J (1998) 'Preface by The Home Secretary' in *Fairer, Faster, Firmer – A Modern Approach to Immigration and Asylum,* The Stationary Office

Thompson, K (1988), *Under Siege: Racial Violence in Britain Today,* Penguin: London.

Waddington, D (1992) *Contemporary Issues in Public Disorder,* Routledge: London.

Webber, F (1993) 'The new Europe: immigration and asylum', in Bunyon, T (ed) *Statewatching the new Europe: a handbook on the European state,* Statewatch: London.

Webber, F (2004) 'The War on Migration', in Hillyard, P and Pantazis, C (eds) *Beyond Criminology: Taking Harm Seriously,* Pluto: London.

Webber, F and Fekete, L (1996) *Europe: From Refugee to Terrorist,* Race & Class, Vol 38, No2 pp77-81.

Whitty, N (2001) 'Terrorism: Rhetoric and Reality', in Whitty, N, Murphy, T, and Livingstone, S (eds) *Civil Liberties Law: The Human Rights Act Era,* Butterworths: London.

Witte, R (1996), *Racist Violence and the State,* Longman: Harlow